

# VICTIMS' CHARTER OF RIGHTS



civilian secretariat  
for police service

Department:  
Civilian Secretariat for Police Service  
REPUBLIC OF SOUTH AFRICA

END  
**DOMESTIC VIOLENCE**  
RECOGNIZE IT - REPORT IT - PREVENT IT





## A VICTIM HAS THE RIGHTS TO BE TREATED WITH FAIRNESS AND RESPECT FOR THEIR DIGNITY AND PRIVACY



Victims can expect that all role players will treat them fairly, with respect for their dignity and privacy, and in a sensitive manner.

Once a victim reports a crime to the police, the police must do the following;

- Respond as quickly as they can
- Investigate the crime
- Take all measures to minimize any inconvenience to the victim
- Take the statement of the victim and fill out the forms necessary to register the crime.
- Refer the victim for medical attention and/or counselling, if required.
- Interview the victim in private.
- Interview the victim in a language he or she understands. If the victim is unable to understand the language spoken by the police official, the victim may ask for an interpreter.
- If so requested by the victim the victim should be interviewed by the member of the police who is of the same sex as the victim (if available)
- In the case of sexual offence, the South African Police Service may request the victim's clothing as evidence. If requested by the victim, the police official should assist in obtaining alternative clothing for the victim.
- Consult the victim in an environment conducive to confidentiality, privacy and dignity.
- Request the victim to consent to examination and/or treatment.



## A VICTIM HAS THE RIGHT TO OFFER INFORMATION DURING THE INVESTIGATION OF THE CASE



- A police official must interview the victim and take steps to ensure that any evidential material provided by the victim is correctly gathered and protected.
- A police official must take the necessary steps to facilitate a medical examination.
- A police official must take a statement from the victim. The victim must be asked to read and confirm its contents. If the victim cannot read, the police official must read it to the victim thereafter and require the victim to sign it. The victim is allowed to request that the statement be read to him or her by an interpreter, if one is available, in a language that they understand.
- If the victim realises that the statement is wrong or incomplete, he or she is allowed to add to or amend the initial statement or to make a further statement.
- Victims must be provided the opportunity to explain in their statement how the crime has affected them. The victim's interests must be taken into account and be written down.
- Victims may request a copy of their statement.
- The police official must ask the victim about their fears for further victimisation and about the details of their loss, damage or injury.
- Victims must be informed and be expected to keep the investigation officer informed of their address, contact details and whereabouts pending the finalisation of the investigation and of the trial.



## A VICTIM HAS THE RIGHT TO RECEIVE INFORMATION FROM THE POLICE OFFICIAL WHEN REPORTING A CRIME



- A victim may discuss the case with an attorney of their choice, if he or she wishes to do so.
- The police must explain the nature and purpose of the victims' statement.
- The police must provide the name and telephone number of the investigating officer allocated to the case; and the police case
- The police must explain to the victim that it is possible to institute private prosecution if the Public Prosecutor declines to prosecute the case.



## A VICTIM HAS THE RIGHT TO PROTECTION



If a victim reports a crime to the police the police official must do the following:

- Assist the victim if she/he has a reason to believe that their safety or the safety of a member of their family or household is being threatened. They must be allowed to report to a police station or local public prosecutor to apply for a protection order.
- The protection order can be applied for themselves, their family or any member of their household.
- In appropriate cases the victim must be protected by a member of the South African Police Service at a place of safety or at his or her home, in the manner that is deemed necessary.
- A victim must be given the opportunity to give his or her statement in private.
- If victims do not want the accused to know their address or name, they will be allowed to contact the investigating officer and/or prosecutor in order for them to try and withhold that information from the accused.
- At all times, a responsible official must ensure that any property belonging to the victim and which is being held for evidentiary purpose, is maintained in a good order and returned to the victim as soon as it is no longer needed for evidentiary purposes.
- If appropriate, the SAPS must inform the victim that any person who unlawfully publishes any information or who unlawfully reveals the identity of a witness is guilty of an offence and can be prosecuted.
- If the victim is a child, steps must be taken to ensure that other children and the victims' family members are not at risk.
- The police official should, if possible, prevent the victim from being victimised by the system.
- If the victim requests so, he or she must be informed if the offender has escaped from custody.



## A VICTIM HAS THE RIGHT TO ASSISTANCE



**Victims must be referred to other service providers for the necessary support and on-site crisis intervention, for example medical first aid.**

Police members must assist by-

- Explaining police procedures
- Providing information about victims' rights
- Addressing victims' safety as a priority
- Preserving all evidence
- Providing crime prevention advice
- Reducing the violence at the crime scene
- Responding to incidents of crime in order to protect the victim
- Recording all information regarding the incident
- Safeguarding the scene of the crime
- Minimizing/eliminating hazards and preventing escalation of the incident; and
- Dealing appropriately with deceased victims.



## THE RIGHT TO COMPENSATION



## THE RIGHT TO RESTITUTION



- The victim has the right to compensation for loss of or damage to property suffered as a result of a crime being committed against you.
- They can request to be present at court on the date of sentencing of the accused and request the prosecutor to apply to court for a compensation order in terms of section 297 and 300 of the Criminal Procedure Act, 1977 (Act 51 of 1977).
- “Compensation” refers to an amount of money that a criminal court awards the victim who has suffered loss or damage to property, including money, as a result of a criminal act or omission by the person convicted of committing the crime.

- The victim has the right to restitution in cases where they have been unlawfully dispossessed of goods or property, or where their goods or property have been damaged unlawfully.
- “Restitution” refers to cases where the court, after conviction, orders the accused to return your property or goods that have been taken from you unlawfully, or to repair the property or goods that have been unlawfully damaged, in order to restore the position you were in prior to the commission of the offence.
- The prosecutor will inform the victim of what restitution involves and the clerk of the court will assist them in enforcing this right.



## COMPLAINTS ON HANDLING REPORTED DOMESTIC VIOLENCE INCIDENTS BY THE POLICE



All of the agencies involved in the case of a victim must aim at providing a high standard service, but things sometimes do go wrong. If they do, the agencies will want to know what had happened. A section of the victims' Charter tells victims what they can do if they are unhappy about –

- a) The way they have been treated
- b) The information they have received
- c) Decisions that have been made

### **IF A VICTIM HAS A COMPLAINT ABOUT THE POLICE**

Victims of domestic violence also have the right to fully enjoy the above mentioned right as supported by the Domestic Violence Act, 116 of 1998 and the SAPS National Instructions, 7 of 1999.

Should a victim of Domestic Violence feel that their compliant was unfairly or poorly handled by the SAPS, they can submit their complaint in writing to the Civilian Secretariat for Police Service as follows:

**Postal Address:** P/BAG X 922, Pretoria, 0001

**Physical Address:** Fedsure Building, 2nd Floor, 268 Lilian Ngoyi Street, Pretoria, 0002

**Tel:** 012 493 1400

**Email:** DV.Complaints@csp.gov.za



### Contact Numbers

Civilian Secretariat for Police Service	012 493-1400
SAPS Family Violence, Child Protection and Sexual Offences Unit, Head Office, Pretoria	012 393-2363
Crime Stop	08600 10111
Woman Abuse Helpline	0800 150 150
Childline	0800 055 555
Aids Helpline	0800 012 322 or 011 725-6710
Gender Directorate: Department of Justice	012 315-1670
Lawyers for Human Rights	012 320-2949
South African Human Rights Commission	011 484-8300



**civilian secretariat  
for police service**

Department:  
Civilian Secretariat for Police Service  
**REPUBLIC OF SOUTH AFRICA**

[www.policesecretariat.gov.za](http://www.policesecretariat.gov.za)