

Milestones and Gaps Associated with Policy and Legislative Framework in Upholding the Rights of Victims of Crime in South African Context

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ABSTRACT Apparently, there are doubts whether the policy and legislative environment of South Africa aptly upholds the rights of the victims of crime. This prompts the need to evaluate the possible milestones and gaps associated with the environment. This paper has evaluated the effectiveness of the policy and legislative framework in safeguarding the rights of the victims of crime. The paper has used a literature review methodology. The paper has discussed South African bill of human rights, Victims Charter and Domestic Violence Act; restitution and the promulgation of a robust policy and legislative framework. It has also noted that policies and legislative frames are not adequately operationalized and implemented; legal processes display many execution gaps; and South Africans live under fear of being potential candidates of victimisation; and has elucidated the role of social workers in victim empowerment process. The paper has made the following recommendations: Societies need to be educated on the existence of the policy and legislative policies, and their content thereof; societies should also be advised to take precaution to avoid being victims of crime; the government to partner with NGOs and other private groups to mobilize, sensitize and educate the communities on the need to avoid being victims of crime; the offenders' penalty should be commensurate with the gravity and seriousness of the crime. For example, murders should be hanged. This should bring the country to reinstate capital punishment. This is because apparently the state of punishment in the country does not appear to deter the same people reoffending and therefore largely victimising a larger population.

INTRODUCTION

Incontrovertibly, the South Africa state of crime is perturbing, not only to the regional and international community, but also to the South Africans themselves (Maistry 2004). This is because South Africans themselves largely live in fear as they feel they could be the next victims of crime. This, however, largely dissuades the people who may wish to come and invest in the country. This implies that the dynamics of crime negatively affects the country's direct foreign investment. Since crime victimises those who fall victim of the phenomenon, this glaringly prompts the need to interrogate the country's policy and legislative environment for possible gaps, and also assess how the victims of crime are treated (De Villiers 2006). This is because all human beings have inalienable rights to be protected. In South Africa in particular, the rights of all are boldly embedded in the country's supreme constitution and the bill of rights (Republic of South Africa 1996; Barret-Grant et al. 2001 quoted by Kang'ethe 2010).

This researcher believes that an interrogation of the milestones and gaps in policy environment meant to uphold the rights of the victims is central because situations on the ground are glaringly suggesting possible gaps with the policies themselves, but importantly with the policy application and implementation (De Villiers 2006; Frank 2006). Also, some subjective observation on the ground suggests that the South African judicial system is failing as those who commit crime are caught and are easily released to commit further crime the next day. This makes the crime victims very bitter, sorrowful and to question the capacities of the government to deal with the problem. The process usually sets in a wave of further victimisation (Frank 2006, 2007). Apparently, either the system is too lenient to the offenders, careless to follow all the professionally and legally due process to ensure fairness to the crime victims, and do justice to the perpetrators of the crime, or is disregarding the rights of the offenders and therefore their rights (De Villiers 2006).

Just like any other segment of the society that is vulnerable and the constitution has the

right to ensure its rights are upheld, the victims of various criminal acts need to have their rights upheld. This is because they are human rights whose health, social, cultural, ethical and moral rights need to be safeguarded as enshrined in the South African constitutions and the bill of rights (Republic of South Africa 1996; Barret-Grant et al. 2001 quoted by Kang'ethe 2010). This leaves the victims of crimes very vulnerable and their rights contestable. It should be noted that many victims of crime or survivors may be left with feelings of powerlessness, confusion, guilt, self-blame, shame and grief (Frank 2006, 2007). Therefore, the way the judicial system handles their challenge is key to their possible search for justice and recovery (Laxminarayan 2012). However, the way the policy and legal machinery handle the predicament of crimes of victims needs to be debated and discourses formed by scholars and students so that they can engage policy makers in an endeavour to ensure that the rights of the victims of crime are adequately bolstered. For example, there are some general community observation that some victims of crime may be languishing for lack of various aspects of psychosocial support, whether physical, social or even emotional support, which are paramount features of recovery and enrichment of holistic wellbeing (Uys and Cameron 2003; Nurses Association of Botswana (NAB) 2004; Laxminarayan 2012), while those who may have perpetrated the crime rendering the victims vulnerable may be feeding very well either in remands or in prisons. Interestingly, the country is in record of spending many millions of the taxpayers' money in order to maintain the offenders in jail. This is perhaps because the country does not execute capital punishment and therefore the offenders do not feel adequate pain upon incarceration to warrant a serious positive change process.

Problem Statement

Indubitably, the country of South Africa is plagued by a constellation of crimes making the country one of the most dangerous countries in the world to live in. So many people are victimised and die every second, minute, hour, day, week, month due to criminal activities (Democratic Alliance (DA) 2007). On the other hand, so many are jailed every day and the statistics

of those who have committed crime continue to soar relentlessly (Democratic Alliance 20067). This has put everybody in the globe, region and the country in a state of perplexity. While the country has vivid and robust policies and framework pertaining to handle the criminals so that they may change their behaviour, this has not translated into the phenomenon of reducing crime. It is therefore pertinent to evaluate any milestones and the pitfalls associated with South Africa's policy and legislative framework. This will possible help in laying bare the possible operational or implementation gaps that will make rich ground for any policy change, policy reorientation, policy adjustments, or a total overhaul of the policy by those charged with the policy and constitutional management in the country .

METHODOLOGY

The paper has used a literature review methodology espousing all the existing policy instruments aiming to uphold the rights of the victims of crime; the needs of the victims of crime, social work response and the way forward to strengthen the environment of protecting the victims of crime.

OBSERVATIONS AND DISCUSSION

Pertinent Needs of Crime Victims

The following discussions will highlight only some of the pertinent needs of the crime victims. This is critically important if we will need to evaluate how the policies and legislative frameworks are to be applied in mitigating the phenomenon and the perfidy of victimisation of the crime victims.

(i) Access to Justice and Fair Treatment

Victims of crime are vulnerable individuals and need to be in good hands so that their physical, social, emotional and psychological challenges can be adequately addressed. The rule of justice needs to be applied to guarantee their justice. They also need to be treated with love, fairness and empathy. The Rogerian principles of love, empathy and non-judgemental attitudes needs to be applied to victims of crime (Roger 1978).

(ii) Knowledge of the Judicial Process

The victims of crime need to be active participants in the judicial process pertaining to their cases. If this is allowed or granted by the judicial system, then the victims of crime will have a psychological relief and satisfaction on the proceedings and possible judgments. But in the event that the crime victims are passive, this creates a feeling of frustrations and disempowerment (Laxminarayan 2012). They need to be in contact with all or most of the main stakeholders handling their cases.

(iii) Restitution

The victims of crime usually suffer various catastrophes that deny them opportunity to lead life the way they were leading before victimisation. Restitution is the act of compensating the victim to cover for the loss he suffered due to victimisation. It is critical that the victims of the crime are ensured that they will be restored to their former position before victimisation. This is usually through fair compensation.

(iv) Access to Requisite Services and Assistance

There should be legal provision for the victims of crime to be accessed all the requisite assistance packages such as the anti-retroviral therapies to rape victims. Timely therapeutic provision of services such as trauma counselling is key to recovery and avoid other complications. For example if those who are raped do not access anti-retroviral drugs before 72 hours, they could be prone to getting infected with HIV and AIDS (Higson-Smith 2006; Maguire 2002).

Legislative and Policy Framework Pertaining to the Protection of the Rights of Crime Victims in South Africa

Undeniably, the country of South Africa is one of the African countries credited with both a comprehensive constitution which has also allowed the development of requisite legislative and policy framework. However, the legislative and policy framework pertaining to victim of crime services is only a recent development and its implementation needs to be cross examined, debated and form academic discourses. However, even if the policy environment may be satisfac-

tory, that by itself may not guarantee a good outcome of what the policy is expected to achieve. This is because it is the implementation and application of the policy framework that is critical. This student cum the researcher hereby discuss a number of pertinent legislative and policy frames that guides or informs the protection of the rights of crime victims. Importantly, the South African crime victims are duly covered by the constitution of the country (Republic of South Africa 1996; DA 2007).

(i) The South African Bill of Human Rights

All the individuals in South Africa irrespective of colour, race, socio-economic background, sex, gender, sexual inclination, religion, culture, customs and traditions have inalienable rights to be protected by the South African Bill of Rights. All the individuals need not be discriminated. This is espoused in the Republic of South Africa Constitution (Act 108 of 1996) (Republic of South Africa 1996). By extension, because the crime victims have the rights as anybody else, the constitution guarantees them the following: Right to life, dignity, security, freedom from all forms of violence from either the public or private sphere, right to be equal before the law, right to have their case or complaints heard, right to make use of public services and right to receive requisite information.

Although a very important instrument of guaranteeing the rights of all, including the victims of crime, unfortunately the Bill of Human rights has been found to be more explicit in the rights of the offenders than the crime victims. This sends the message of the need to augment the bill so that it can balance between the rights of the offenders and the crime victims. This is especially urgent and critical in South Africa, where the offenders appear to be favoured by the judiciary system than the victims of crime (DA 2007). Perhaps this is viewed as one of the gaps that could be responsible for the ever soaring rates of crime in the country. In the circumstances, the victims of crime have been left desperate and bitter with the system (Laxminarayan 2012). Perhaps the contemporary case of Pistorious and Steen keep could provide an example. Some people view that the judicial system is skewed towards the rights of the offenders (Oscar Pistorious) than the victims of crime (late Reeva Steen Kamp).

**(ii) Service Charter for Victims of Crime
(Victims of Charter 2004)**

This was approved by the South African cabinet on 1st December 2004 and espouses the following goals:

- ♦ Elimination of secondary victimisation,
- ♦ Ensuring that the victims remain central to the criminal justice system
- ♦ Clarify, delineate and demarcate the standards expected by victims of crime
- ♦ Provide service to crime victims (Frank 2006, 2007)

Apparently, this charter is victim friendly unlike the Bill of Rights that packages the rights of the victim in a broader basket where all “Jack and Jill” belongs and therefore rendering the Bill a weaker, though an important one. The charter is also a very important one and falls under the ambit of South African Government’s Victim Empowerment Programme (VEP) (Frank 2007; DA 2007). The aim of the victim empowerment programmes is to provide services to victims that enhances their capacities to cope and adequately deal with trauma associated with their victimisation (Higson-Smith C 2006; De Villiers 2006). The Victims charter embraces or aligns with the National Crime Prevention Strategy’s vision of a victim-centred criminal justice system. The promulgation of this charter, therefore, heralds the South African government’s commitment to reform the criminal justice system to be friendly to the crime victims and therefore uphold and safeguard their interests and rights (Commission for Gender Equality 2009).

The charter expounds on the various kinds of crimes in the country especially the ones of violent nature and their capability to undermine the human rights of the victims’ Rights

According to the victim’s charter, a victim of crime holds 7 core rights discussed below:

1. The Right to be Treated with Fairness and With Respect for Dignity and Privacy

It is central that victims of crime are not further victimised (secondary victimisation) by the service providers that serve them such as the police, investigators, medical personnel, the prosecutors and court officials etc. Their rights, privileges, privacy, decisions need to be respected. For example these service providers should conduct their business with the victims in the vic-

tim’s language and in private space where the victim will be free and not under duress.

2. The Right of the Victim to be Accessed Requisite Information

This heralds the victims’ rights to access any requisite empowerment information, he/she be allowed to participate in criminal justice system and be offered all the information pertaining to their perpetrators trial and parole board hearings. Victims should, for example be allowed to change their statements, and where they deem necessary they should be given an opportunity to submit a victim impact statement to bring the impact of the crime to the court’s attention. The rights of the victims to voice their contribution to parole issues and sentencing body should be upheld and maintained. They should be active as far as their rights to have the offender incarcerated is concerned. They should not be passive.

3. The Right to Receive Information

Perhaps why people generally take long to advance in various aspects of their lives is the gap of not knowing the information in a particular domain. As far as the service charter is concerned, victims have the right to be told all the possible services available to them, for example, their place and role in court, all the court dates and the tasks thereof, status of the court and what is happening to the offender. This is a package of information that can keep the victim abreast with the court proceedings. It is an unfortunate state of affairs that in many situations on the ground, the victim does not know the different between mention dates and judgment dates. There has also not been a goodwill by the service providers to provide such information to the victim. Many victims find themselves passive instead of being active as far as their cases are concerned. Ideally, as in many court cases in the western world, the victim needs to be at the core centre of every process that happens pertaining to the judicial progression of their cases. This student cum the researcher still think that the Southern African court cases do not still respect this right of the victim to duly receive all the requisite information. This is a gap that needs the attention of the constitutional policy makers. However, more empirical research on the process needs to be pursued for more validity of the claim.

4. *The Right to Protection*

Although this quality is also covered by the Bill of Rights, the service charter emphasizes the right of the victim to be free from all kinds of intimidation, harassment, fear, tampering, bribery, corruption and abuse by the perpetrator. If any victim feels under threat especially if he/she is a witness, he can be put under witness protection programme. This is critical because in many cases from a score of African countries, many witnesses are usually killed mysteriously. Taking the case against the murder of the former Kenyan Minister of Foreign Affairs Dr Robert Ouko in 1990, all the witnesses died under mysterious circumstances. This could be explained by the higher levels of dictatorship and corruption that was existing then. Neither of the three arms of the government, whether judiciary, executive or governance was worthy of any salt of trust. Although such an environment is not at the moment prevalent in South African soil, it is pertinent that the law duly protects the rights of the victims against such possible forms of blackmail and atrocity (De Villiers 2006).

5. *The Right to Assistance*

The victim needs assistance from all the possible service providers. For example counselling services, be explained duly all the requisite police procedures, be accessed the services of an interpreter. Importantly, there should be services to accommodate victims with special needs such as those with different kinds of disabilities. The victims need to be treated with sensitivity they deserve (De Villiers 2006).

6. *The Right to Compensation*

The victims need to get all the compensation because of the suffering they had to undergo due to their crime victimisation. The section 297 and 300 of the Criminal Procedure Act (Act 51 of 1977) provides for the compensation and the victim needs to apply for this. The basis of such claim includes the emotional, psychological and physical harm that the accused was responsible. Such can be handled under a civil case. The problem of such compensation case in many African countries is that they take too long to be judged and in most cases the complainants drop or are no longer able to follow

them. In many African countries, the judicial system has lost its credibility and most members of the society fail to trust it (De Villiers 2006).

7. *The Right to Restitution*

The victims needs to be compensated what they lost when they were offended. The principle of restitution happens when the court after convicting the offender orders the accused to give back property or goods that had been misappropriated by the offender. Restitution may also take the form of the offender paying damages that will restore the victim to the position he/she was before being subjected to the attack by the offender (De Villiers 2006).

(iii) Minimum Standard on Services for Victims of Crime ACT (2005)

This is an information document that ensures that the rights of the victims are adhered to. It also ensures apt quality and effectiveness of victim services is maintained. The document explains the basic rights and principles of the Victim's Charter to service providers in the criminal justice and obliges them to provide appropriate assistance and services to crime victims. It also explores and guides on various ways that the victims of crime can be assisted by both formal and informal structures in the society. The document, therefore, also recognizes the role of societies and communities in helping the victims. It therefore recognizes the various home grown indigenous ways of rendering assistance to the crime victims. By and large, the victims of crime needs to be assisted in expediting their recovery, coping with trauma and other debilitating effects of crime meted to them (Uys and Cameron 2003; Higson-Smith 2006).

(iv) Domestic Violence Act (ACT 116 of 1998)

Definedly, the term "Domestic Violence" includes physical and sexual abuse. This is the behaviour that violates the sexuality of a person, condescends, degrades and reduces a human being to a near animal state (Gender Link 2012). Domestic violence is the behaviour unleashed usually by usually the apparent stronger gender to an apparently the weaker gender. It infringes upon the emotional as well as psychological pain to the recipient of violent behaviour (Higson-Smith 2006).

In many circumstances, especially those that are patriarchal, it is women who are the recipients of this treatment (Gender Link 2012). It is to reduce or mitigate the phenomenon of domestic violence in South Africa that the Domestic Violence Act (Act 116 of 1998) was born. The act was promulgated in order to reduce or mitigate the incidences of gender based violence in the country. Currently, cases of gender based violence such as the rape have been increasing relentlessly making the country to be referred as the rape capital of the world (Gender Link 2012; Kang'ethe 2014a, b). This Act endeavours to protect the victims of domestic violence which are usually gender based and make provision for the issuing of protection orders.

Operationally, the Act looks at the problem of domestic violence broadly and indicates that it is not a private matter as had been viewed or considered, making any attempt to isolate an uphill and an arduous task (Gender Link 2012). The act, therefore, has listed the phenomenon as a serious crime to be handled by the judicial process just like any other crime. Therefore, the Act has also widened the scope of the definition to include not only married women and children, but also unmarried women who are cohabiting, people in same-sex relationships such as the gays and lesbians, mothers who live in fear of their male children and people sharing the same living space.

However and despite the promulgation of this act in South Africa, the problem of domestic violence has not significantly reduced. Perhaps the biggest challenge making the act toothless is that cases of domestic violence are rarely reported. This is because of the way the reporters have been handled by the security agents. This is due to lack of apt education to handle them (Gender Link 2012). Perhaps the environment in which the act is to operate needs to be interrogated. This is because in many patriarchal societies such as those of South Africa, issues of domestic violence are still viewed using cultural lenses making it difficult for both the men and women to concur with the legal definition of the domestic violence. Regrettably, many members of the traditional and patriarchal societies may see acts of domestic or gender based violence as measures to punish women and therefore make them better wives. This may not always be something that can melt away as this academic may wish to see. Perhaps also the government failed to conduct significant educational awareness to the communities. If the views of the com-

munities through public consultations could be widened, perhaps the challenge of domestic violence could come down.

(v) Sexual Offences and Related Matters Amendment Act (ACT 32 of 2007)

The act was born in 2007 with the aim of protecting the communities against rape and other sexual related crimes. This law is also known as the Sexual Offences Amendment Act (SOAA) and gave hope that rape cases of women especially the girl children who apparently had been victims of rape could be brought down or annihilated altogether (Gender Link 2012; Kang'ethe 2014 b). The act came into force as the number of rape cases in the country became unfathomable. However, this student cum the researcher thinks that this act has not been strong. Perhaps societies need to be educated on the dangers of infringing others' sexual reproductive health. Also, women should also take precautions to make efforts to protect themselves from acts of rape. For example some women would walk at night knowing very well that South Africa is not safe when one is not accompanied. This has heightened chances and dangers of such kind of a women being raped.

Perhaps this act is also not bringing down the cases of rape because of underreporting, sometimes due to the fact that women fear losing any economic gain they have been receiving from men, fear being abandoned, or fear that they may be victims of further victimisation upon the offender getting out of jail. And this is an issue of concern because some of these rapists are only incarcerated for a shorter time frame and without tough conditions in the jail coupled with free meals in the prison, such offenders may not hesitate further victimising their accusers.

(vi) Child Justice Act (2008)

The act endeavours to protect the vulnerable children who because of their vulnerability such as lack of shelter, basic needs such as food are likely to be in conflict with the law. These children before they become offenders suffer various kinds of victimisation. They are therefore victimised by the judicial system. This act, therefore, richly supports the international and regional instruments that advocate for the rights of children such as the United Nations Conventions on the rights of children (UNCRC) and Organization of African Unity (OAU) (UNCRC 1989; OAU 1990).

(vii) National Crime Prevention Strategy (NCPS)

This act in South Africa espouses a comprehensive approach to crime control, crime prevention and advocates for victim support as a part of addressing the needs of victims of crime. It also advocates for a victim-centred approach to justice. If effectively applied and implemented, no doubt it can accrue huge dividends in the achievement of a fair judicial process to the victims of crime.

(viii) The Victim Empowerment Programme (VEP)

This programme was developed out of the National Crime Prevention Strategy and addresses all kind of crime particularly those that largely affect women, children and the rural folk who are usually made vulnerable by poverty and its ramifications. The programme facilitates the establishment and reintegration of as various programmes as possible geared towards the support, protection and empowerment of the victims of crime. The programme, however, has a gender bias because it channels most of its energy to women and the girl children.

(ix) Uniform Protocol for the Management of Victims, Survivors and Witnesses of Domestic Violence and Sexual Offences

This body falls under the ambit of National Prosecuting Authority. It is supposed to address the gaps left by the service charter and the Victim Empowerment Programme (VEP). It acts as a protocol that emphasizes on service provider obligations and responsibility towards the crime of victims.

Critical Analysis of the Role of Social Workers in Facilitating Victim Empowerment and Support

Social Workers to Allow the Crime Victims to Embrace and Enjoy Their Rights to Self-determination

Facilitating the clients to express and embrace the right to self-determination is one of the knowledge packages that the social work professionals are supposed to emphasize to their

clients (Rogers 1978; Trevithick 2005). This principle is upheld when the clients' wishes and aspirations are respected by the service providers. In the case of crime victims, the social workers should respect the victims' choice to report the crime or not to report at all (De Villiers 2006). The victims' decisions should be respected at all costs. Perhaps it is good to indicate that in many circumstances, victims are coerced to report the crime against their will. They are usually subjected to a lot of victim blaming which can lead to huge emotional and psychological pain (Higson-Smith 2006). Perhaps a lot of victim blaming occurs because the phenomenon is surrounded by many myths and stereotyping, with some thinking that those who do not want to report could have largely been responsible for the crime, were careless and therefore feel guilty to report.

Acting as the Intermediaries between the Victims and the Formal Justice System

The process of justice system is a difficult terrain especially because the victim may be vulnerable in terms of understanding the justice system and its terrain. For example, in developing countries such as South Africa, the system do not have a provision for the victims to access information pertaining to the court judicial process leading to the incarceration of their perpetrators. The victim may also not be competent enough to handle the questions usually used in the court process. Also, a lack of victim's participation during the bail hearing, sentencing and paroling of their perpetrators do not leave them satisfied with the process of justice system (De Villiers 2006). This could largely contribute to the process of re victimisation, with serious emotional and psychological ramifications (Higson-Smith 2006).

It is therefore critical that the social workers are allowed to act as intermediaries between the victim and the formal justice system. They may be an opportunity to ensure respect and rights of the victim are upheld and safeguarded (Rogers 1978).

Social Workers as Facilitators of Victim-offender Arbitration through Indigenization Processes

Undeniably, judicial process may not always offer a solution for both the offender and the

victim. In some cases, the judicial process and its judgments leaves the victims more depressed and disappointed making them lack confidence with the system altogether. It is also clear that in most countries of the developing part of the world, judicial system are unduly congested making it urgent that any other process of enhancing justice outside the normal formal system can be welcome. This opens an opportunity for a social worker to facilitate an agreement between an offender and a victim. This can be through the use of indigenous family and community systems. If the offender can ask for forgiveness through his/her kins and the victims accepts it, then a social worker can facilitate the process. Perhaps such a process would save the state a lot of costs and court cumbersome processes. This is also a way of fostering justice using the locally and home grown indigenous knowledge system (IKS) (Kang'ethe 2011).

Advocacy for the Rights of the Victim of Crime in Judicial Decision Processes

In agreement with the service charter that upholds the rights of the victim to voice their concerns in the judicial process and progression pertaining to the incarceration of those that offended them, a social worker, equipped with a constellation of skills of lobbying, advocacy, consultation, maintenance of the dignity of an individual, need to unleash and command all these skills so that the victim of crime is not made passive to the court and judicial processes (Trevithick 2005). This, no doubt, if presented adequately by the social worker can have a huge positive impact on the healing to the victim of crime. It is unfortunate that in many court processes of the developing world, there are very few social workers and the rights of the victims of crime as espoused in the charter are never operationalized. It is therefore important that the social workers who are working in the court report any such gaps to the policy makers. Perhaps also the researchers should extend their research arms in this domain so that such gaps of not following the service charter can be brought to the attention of the policymakers. Research by the social workers themselves in this regard can be critical because of their regard for the rights and privileges of the victims of crime.

Bolstering the Psychosocial Needs of the Victims

The crime victims needs a lot of support especially when they decide to report the crime. They need to be psychosocially supported in order to come to terms with the long term effects of the crime. They need to come to terms with their victimisation. Their fears need to be allayed as some may think that reporting an offender may mean opening another opportunity for the offender to strike again in the future. They need to be counselled, advised and be given strength to stand by the decision (De Villiers 2006). The victims should be counselled on the dangers of using drugs in order to accelerate coping or reduce stress. They need to be assured that the law was there for all, irrespective of the circumstances. The support of the significant others such as the members of one's family, friends, colleagues is key in order to bolster one's coping. For those who may need structured therapeutic interventions, social workers should be at the frontline to offer any kind of such help. Such kinds of psychosocial support is key to bolster their coping and to pursue the decision making path (Maguire 2002; Segal et al. 2007; Sheafor and Horejsi 2008).

Facilitators of Truth and Reconciliation

Perhaps the use of truth and reconciliation set pace for an alternative way of solving conflicts after Desmond Tutu- led truth and reconciliation became a workable tool between the then apartheid government and the African National Congress party, the current holder of the South African government. It is recommendable that social workers facilitate, advocate and lobby for such forums to be adopted by citizens so that cases of the crime victims and the offenders can be settled amicably and with resolute healing. When societies use and agree to forgive one another and settle their scores among the witnesses in the society, healing is eminent and the two parties are likely to commit themselves and forget any painful experience. Perhaps why this student cum the researcher think that this is good because even after the offenders are incarcerated in many court circumstances, they prove not to change at all. They reoffend once again.

Help the Crime Victim Service Providers to Be Non-judgemental

Perhaps why bad blood develops between the crime victims and some service providers is because some service providers handle the victims with scepticism and judgment. This therefore determines their attitudes towards the victims and upon the victims discovering the attitudes, they lose confidence with them. This according to the social work ethos and principles is wrong. A client needs to be trusted, need to be handled with passion and one needs to apply Carl Rogers's principles of empathy (Rogers 1977; Segal et al. 2007; Sheafor and Horejsi 2008). The service provider needs to put himself/herself in the shoes of the victim in order for the two to strike a workable rapport and a relationship. Perhaps this is why most service providers such as the police investigators need to have some social work value training. The social workers, therefore, especially those that work in correctional services need to educate other service providers to treat the clients with love, passion, humanity, dignity and with non-judgemental attitudes (Rogers 1978; Segal et al. 2007; Sheafor and Horejsi 2008). This is the basis of a workable positive relationship and rapport.

Facilitating Educational Campaigns on Crime Victimization Prevention and Mitigation

Social workers need to stage various educational campaigns on victim support and also on ways victims can mitigate victimization, or prevent it altogether (Frank 2006, 2007). Individuals need to be advised and guided towards achieving a preventative lifestyle. This is dependent on the philosophy that prevention is better than cure and that knowledge is power.

Facilitating Restorative Justice

Restorative justice is the principle of the victim getting compensated for his/her loss in order to restore his/her back to his/her former position before becoming a victim. It is a philosophy that can bring and expedite healing of the physical, social, emotional and psychological wounds that the victim may have suffered. Perhaps the strength of the restorative justice makes use of the dialogue, negotiations and problem-solving techniques to address the challenges of

the victim. At least the process gives more weight to the victim and not to the crime as has been the case in traditional offender-driven approaches. Restorative justice also endeavours to strike a balance between the needs of the offender, victim and the community (Frank 2006, 2007).

CONCLUSION

Indubitably, South Africa needs to be credited for endeavouring to mend the policy and legislative framework informing the rights and protection of the crime victims. The promulgation of the policies, whether service charter for victims of crime (Victims Charter 2004), Domestic Violence Act (Act 116 of 1998), the Minimum Standards on services for victims of Crime Act (2005) and the application of the South African Bill of Human Rights has ushered in an environment that if apt application and implementation could be ensured can bring about significant paradigm shift in the crime status of the country.

Appreciably, these policies make provision for the crime victims to be educated on their rights and participation in the judicial process, educated the crime victims on their rights, for example to restitution, and emphasizes the needs of the crime victims to psychosocial enhancement etc. However, several observation on the ground suggest that the contents of these policies are far from full or significant application and implementation. Apparently, the societies have not been educated on the contents of these policies so that they can make better use of them whenever they fall victim of the crime. Apparently also, many court processes remain ignorant of the application and implementation of these policies. This has rendered most crime victims fearful of the offenders and of reporting. This can leave such potential crime victims vulnerable to secondary victimisation.

On the other side of the coin, the policy environment has not adequately been able to arrest the prevalence of crime especially rape. Perhaps this is why the country in international circles as the rape capital of the world.

RECOMMENDATIONS

- ♦ Societies need to be educated on the existence of these policies, and their content thereof.

- ♦ Societies should also be advised to take precaution to avoid being victims of crime.
- ♦ The government should partner with NGOs and other private groups to mobilize, sensitize and educate the communities on the need to avoid being victims of crime.
- ♦ The offenders' penalty should be harsher. For example murders should also be hanged. This should bring the country to urban capital punishment. This is because apparently the state of punishment in the country does not appear to deter the same people reoffending.

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