

## DESKTOP ANALYSIS OF THE EXISTING SERVICE PROVIDERS NATIONALLY, SPECIALIZING IN PROVIDING SERVICES FOR VICTIMS OF DISCRIMINATION

Service providers for victims<sup>1</sup> of discrimination on the internet

1. The Department of Justice and Constitutional Development as the lead and coordinating Department has in its pursuit to implement the National Action Plan (NAP) to combat racism, racial discrimination, xenophobia, and related intolerance, conducted a desktop analysis of the existing service providers nationally specializing in providing services for victims of discrimination.
2. The analysis was done to establish whether the available service providers on the internet are accessible. The question of accessibility is premised on a more practical perspective and general circumstances of a victim. The internet was chosen as it is the most vehicle the country and the world are moving towards its general usage with the ever advancing 4<sup>th</sup> Industrial Revolution (4IR). It is acknowledged that the availability and usage of internet is still far from being accessible to most of the people, that alone presents some considerable shortcomings. However, for the purposes of this exercise it is the chosen mode.
3. The most method the researchers used to surf and navigate the internet in search for service providers for victims of discrimination are various key search words and phrases presumably a victim is more likely to use to search for a suitable service provider, amongst others are: service providers to victims, support for victims, what to do if you are a victim of discrimination, advice and assistance to victim of discrimination, where to report discrimination, remedies for discrimination based the various grounds like racism, gender, sexual orientation, and xenophobia etc.
4. Researchers have found that there are service providers for victims of discrimination on the internet. There are also some directories on service providers for victims of discrimination or operating in the field of victim empowerment. The Department has identified several service providers on the internet some are individual organisations, whilst others are in the form of coalitions or consortiums of service providers. The main sources of contact details of service providers appear more to be under various coalitions or consortiums of service providers found on the internet. The service providers for victims of discrimination found on internet were a combination of government departments on the one hand and civil

---

<sup>1</sup> The United Nations Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power, the Victims' Charter and the Minimum Standards provide the following definition of 'victim': *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' also includes, where appropriate, the immediate family or dependant of the 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 victim. 'Victim' is inclusive of all, without prejudice of any kind 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.*

society organisations (CSOs), non-governmental organizations (NGOs), community-based organisations (CBOs), research institutions, and legal services on the other hand.

5. The identified service providers for victims of discrimination provide various services ranging from but not limited to counselling and shelter, to legal assistance, awareness, training and research, and services relevant to victims of discrimination such as foreign nationals, Lesbian, gay, bisexual, transgender and intersex persons (LGBTI rights), women, people with disabilities and children.

## Accessibility

6. To establish accessibility or otherwise of the existing service providers the following factors were considered:
  - (1) Are they found on internet, and as well as on other means: e.g. hard copies, and social media platforms;
  - (2) Are there clear descriptions of their main service(s), as well as indication if the service (s) is free or at a cost, etc., And indications of their target beneficiaries.
  - (3) Are there contact details e.g. physical address, telephone, email, website; accessible?
  - (4) Are there working/ operation times, indicated;
  - (5) Are there electronic interactive means of communication, including live interactive communication; and
  - (6) Language medium of communication - Are there options of communication in other languages (mainly any of the 11 official languages), etc.?

## Credibility

7. The research team added to its work an element of establishing whether such service providers could be considered credible. There is overall no readily available information from which one may establish a service provider's credibility, especially in a case of a victim of discrimination looking through the internet for a more suitable service provider. It was not easy to establish if a service provider is registered as NPO<sup>2</sup> since mostly do not display the provider's registration number and the date of issue of the certificate of registration next to their names. In the event there is such a display it would give a sense of comfort knowing that a service provider is a registered entity. In that case it would reasonably be considered credible<sup>3</sup>.

---

<sup>2</sup> Section 13(2)(b) of the Nonprofit Organisations Act, 1977 provides that that the director "if satisfied that the applicant complies with the requirements for registration, must register the applicant by entering the applicant's name in the register."

<sup>3</sup> Section 16 of the Nonprofit Organisations Act, 1977 providing for the effect of the registration certificate provides that:

8. Some level of comfort could also be found where a service provider was a member or affiliate to a well-known consortium of service providers, or coalition of service providers. Although it is not clear whether such would be enough from the government's perspective to refer or even to recommend such a service provider to victims of discrimination.
9. It needs to be remembered that with credibility issue there comes some considerations such as whether a service provider subscribe to some code of conduct, is it held accountable, how does it deal with client's information. Whether it has measures in place to comply with the protection of personal information.

## Findings

10. Our assessment has been that despite there is indeed existing service providers for victims of discrimination on the internet who are relevant, generally are not easily accessible. They are mostly obscured or hidden in sophisticated websites. In some there are no descriptions of their main services, and at times one must contact other sources or organisations to get a service provider's contact details. In others to obtain basic information like the nature of an organization's services requires skills and familiarity with digital services to navigate through such platforms. Invariably, for a victim, it would not always be possible to immediately find a relevant service provider.
11. To access some service providers, one would have to access first a consortium of service providers, or coalition of service providers. Information about coalitions or consortiums of service providers would first have to be known to the victim for him or her to look underneath for a suitable service provider. One could say such service providers are almost hidden, under the broad name of a coalition or consortium of service providers, from the victim's eye.
12. Generally, there seems to be no dedicated directories of service providers for victims of discrimination on the internet, and even in instances where there are directories, they do not cover a substantial number of service providers. This places some limits to a victim from finding a suitable provider or even a provider closest to the victim.
13. In some cases, even those that were found did not provide one or more of the following: a description of their services, physical address of where they operate, and the contact details such as telephone, cellphone, and /or email address.

---

“(1) The certificate of registration of a nonprofit organisation, or a duly certified copy of the certificate, is sufficient proof that the organisation—

(a) has met all the requirements for registration;

(b) has been registered in terms of this Act; and

(c) is a body corporate. “A registered nonprofit organisation must reflect its registered status and registration number on all of its documents.”

(2) For the purposes of this Act, service of any document directed to a registered nonprofit organisation at the physical address most recently provided to the director must be regarded as service of that document on that organisation.

(3) A registered nonprofit organisation must reflect its registered status and registration number on all of its documents.”

## Recommendations

14. Consistent with section 3 of the Nonprofit Organisations Act, 1977<sup>4</sup> it is recommended, amongst others, that the Department of Justice and Constitutional Development, in its capacity as the lead and coordinator for the implementation of the NAP, to:
- (1) initiating measures for the establishment, management, and maintenance of a central data base and directory of service providers for victims of discrimination there by which public may have access to relevant services/service providers/organisations in the area of victims of discrimination and victim empowerment;
  - (2) ensure the central data base and directory of service providers be designed to be used by, amongst others, the following:
    - (a) Victims of discrimination and other people who support victims of discriminations, e.g. general community members, churches, social workers, etc.;
    - (b) Government Departments, SAPS, e.g. for referrals of victims in their line of duty; and
    - (c) Other service providers for victims of discrimination, support, care, counselling & referrals, to promote data/ information sharing, collaboration and partnerships, etc.;
  - (3) consider the circumstances of a victim in a real life situation, that is a lived experience of a victim of discrimination by ensuring that the directory is easily accessible and that it provides for, amongst others, the name of a service provider, a description of services, physical address, contact details .e.g. telephone, cellphone, email address, website, and, and any other information that may alleviate the circumstances of a victim;
  - (4) consider dividing the directory into several chapters, which are intended roughly to cover broadly what one may call pillars of the NAP. Each chapter, to have subheadings and distinct colour coding for ease of reference.
  - (7) develop and provide a criterion for entry into the directory and for removal from the directory;
  - (8) provide measures for the updating of the directory of service providers; and
  - (9) encourage service providers to issue declaration to the effect that they subscribe and adhere to codes of good practice, where applicable, for to benefit and comfort of the potential service recipient(s), especially being already victims of discrimination.

---

<sup>4</sup> Section 3 of the Nonprofit Organisations Act, 1977 (Act No. 71 of 1997) providing for the state's responsibility to nonprofit organisations in the following terms: "*Within the limits prescribed by law, every organ of state must determine and co-ordinate the implementation of its policies and measures in a manner designed to promote, support and enhance the capacity of nonprofit organisations to perform their functions.*"

- (10) Issues of confidentiality of information
- (11) Protection of Personal Information
- 15. The Department to encourage service providers to:
  - (1) consider publishing their services via internet, and as well as on other means: e.g. hard copies, and social media platforms, etc.;
  - 16. consider the issue of usage of other Languages in the provision of the services;
  - 17. indicate whether their service is at a cost to the victim/ recipient;
  - 18. indicate where its focus is for a limited target group(s), e.g. child headed homes.