



For attention: Mr Nelson Matibe ; Dr Jacob Buti Skosana; Ms Aifheli Dzebu

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31 March 2026

Dear Dr Skosana and Ms Dzebu

The Helen Suzman Foundation is an NGO that advocates for constitutional democracy and human rights in South Africa. We attach our written submission in response to the invitation for comments on the [Discussion Paper 170 Protection of the Rights of Victims of Crime in Criminal Proceedings \(Reflections on previous investigations pertaining to victims of crime\)](#).

Should you have any queries, it would be appreciated if you could contact me at the following email address: [naseema@hsf.org.za](mailto:naseema@hsf.org.za)

Yours Sincerely

A handwritten signature in black ink, appearing to be 'Naseema Fakir', with a horizontal line extending to the right.

Naseema Fakir  
Executive Director  
Helen Suzman Foundation

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1. HSF welcomes the proposals made in Chapter 4 of the Discussion Paper in relation to reforms aimed at strengthening the protection of the rights of victims of crime. These proposals represent a constructive step towards improving the position of victims within the criminal justice system.
2. However, HSF reiterates the broader shortcomings of the Discussion Paper, as outlined above, particularly in relation to its treatment of victims of crimes committed by state patients. The limited engagement with this issue reflects the broader concern that the paper does not sufficiently analyse the practical challenges faced by victims in certain contexts or provide comprehensive reform proposals to address them.
3. HSF is further concerned that, although Chapter 3 outlines previous recommendations made by the SALRC in various earlier reports, the paper does not provide any discussion of the reasons why these recommendations were not adopted or pursued further at the time.
4. The chapter merely reiterates the main findings of these earlier reports without analysing whether the recommendations remain appropriate or applicable in the current context. Nor does the paper include any motivations for their adoption that might address the concerns that previously prevented their implementation. Notwithstanding this lack of analysis, the draft Bill attached to the Discussion Paper appears to incorporate many of these earlier recommendations.
5. HSF recommends that the Discussion Paper be strengthened by including a discussion of the advantages and potential drawbacks associated with adopting these earlier proposals. For example, it has been twenty-six years since the Commission first recommended that victim impact statements be formally legislated for use during sentencing proceedings.
6. Despite the longevity and significance of this proposal, the paper does not engage with the debates that have emerged both in support of and in opposition to the introduction of such statements. The paper would benefit from a concise discussion outlining these competing perspectives, particularly when advancing a proposal to endorse a recommendation that has been under consideration for a considerable period of time.