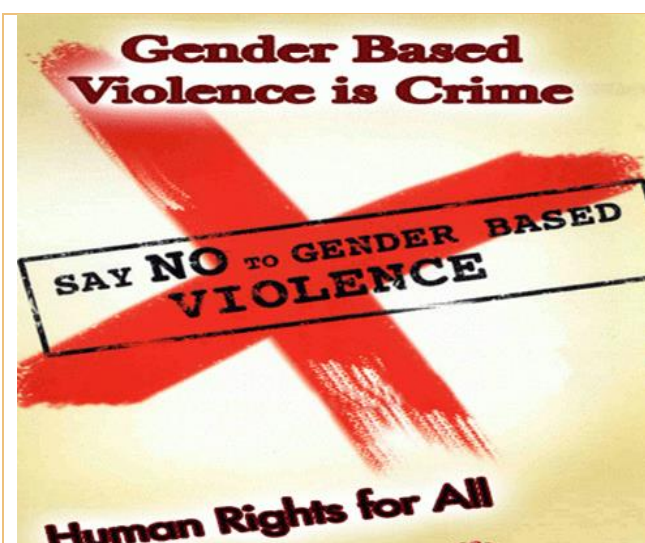


# CCDU GENDER-BASED VIOLENCE SERIES 2020



**PROTECTING VICTIMS OF GBV IS EVERYONE'S RESPONSIBILITY!**

## THE VICTIMS CHARTER

**Week 3: Article 3 of 6**

**A PSYCHOEDUCATIONAL AND EMPOWERMENT INITIATIVE**

Our Constitution condemns any form of violence.

We must work together with the police, prosecutors and courts to ensure that those who hurt and abuse others are duly arrested and convicted. GBV does not discriminate; any person of any race, age, sexual orientation, religion or gender identity can be a victim or perpetrator of GBV.

### **WHAT IS THE VICTIMS CHARTER**

The Victims Charter is viewed as a significant instrument for promoting justice. It is a vital document that protects the rights of victims of crime. For victims of crime in South Africa the following applies \* **South African Constitution Act no. 108/1996** and \* **The United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985 (GA/RES/40/34)**.

### **WHAT IS THE PURPOSE OF THE VICTIM'S CHARTER**

**The purpose of the charter is to:**

- Do away with secondary victimization of victims in the Criminal Justice process (CJP).
- Ensure that victims remain in the centre of the Criminal Justice process.
- Simplify service standards that can be expected by the victims entering the criminal justice system.
- Provide a legal framework that describes the rights of a victim.

**RESOURCES AT WITS:** [www.wits.ac.za](http://www.wits.ac.za)

**Transformation Office:** email: [Cecilia.smith@wits.ac.za](mailto:Cecilia.smith@wits.ac.za)  
**Gender Equity Office:** email: [info.geo@wits.ac.za](mailto:info.geo@wits.ac.za) or 011 717 9790  
**CCDU :** email: [info.ccd�@wits.ac.za](mailto:info.ccd�@wits.ac.za)

**#WitsAgainstGBV**

UNIVERSITY OF THE  
WITWATERSRAND,  
JOHANNESBURG



**CCDU**  
COUNSELLING AND CAREERS  
DEVELOPMENT UNIT  
Division of Student Affairs

**iThemba**  
RAPE & TRAUMA SUPPORT CENTRE

## WHAT ARE THE VICTIMS RIGHTS?

- Victim's rights refer to the legal rights given or afforded to the victims of crime.
- Below, we describe 7 rights of the victim as contained within the Constitution of the Republic of South Africa Act 108/1996, The Victim's Charter as well as other relevant legislations.

### 1 THE RIGHT TO BE TREATED WITH FAIRNESS AND WITH RESPECT FOR DIGNITY & PRIVACY.

The following rights are included to prevent secondary victimisation.

- To be attended to immediately and in a good manner.
- To be treated with respect for one's dignity and privacy by all members involved in the CJP.
- To be interviewed in one's language of preference and in private.

### 2 THE RIGHT TO OFFER INFORMATION

The victim has the right to

- Give information during the criminal investigation and trial.
- Participate in the criminal justice proceedings through attendance of bail hearing, trial, sentencing proceedings and parole board hearings.

### 3 THE RIGHT TO RECEIVE INFORMATION

The victim has a right to be told of

- ✓ one's rights.
- ✓ how to use or exercise his or her rights.
- The victim can ask
  - ✓ for clarity in one's language of choice.
  - ✓ to be informed about court proceedings that they may want to attend.

### 4 THE RIGHT TO PROTECTION

- Victims have a right to be free from intimidation, fear, harassment, corruption, bribery & abuse.
- If the right to protection as a witness is violated, it should be report to the Police or the Senior State Prosecutor.
- Publication of the victim's identity may be prevented or restricted by the court.
- The court may order or may instruct the trial to take place behind closed doors.

### 5 THE RIGHT TO ASSISTANCE

- The victim has a right to formally ask assistance with regards to health, social, counselling and legal services.
- The police will explain criminal procedures also telling the victim about their rights.
- The office manager at the court will offer the victim the services of an interpreter.
- The prosecutor will make sure that special measures are taken in cases of domestic violence, sexual offences and child support or Maintenance matters.

### 6 THE RIGHT TO COMPENSATION.

- The victim has the right to be awarded money for loss of or damage to property and or injury suffered due to a crime being committed against them.
- The victim has the right to be present in court on the date the accused is sentenced and may ask the prosecutor to apply for a compensation order in terms of section 300 of the Criminal Procedure Act 51/1977.
- The Prosecutor will inform the victim if the compensation order is granted or given.
- The clerk of the court will assist the victim to enforce the compensation order granted by court.

### 7 THE RIGHT TO RESTITUTION.

- Victims have the right to restitution in cases where they have been unlawfully dispossessed of or suffered damage to goods or property.
- "Restitution" refers to an order by the court, for the accused, after conviction, to return or repair property or goods in order to restore the position of a victim, prior to the offence.
- The prosecutor will inform the victim what restitution involves and the clerk of the court will assist in enforcing this right.

### THE STAKEHOLDERS INVOLVED IN THE CRIMINAL JUSTICE PROCESS

South African Police Services (SAPS)	Department of Health (DoH)
National Prosecuting Authority (NPA)	Department of Correctional Services (DCS)
Department of Justice and Constitutional Development (DJCD)	

For more information contact: Victim Support and Specialised Court Services

Tel. No.: 012 315 1830 OR Email: [victimcharter@justice.gov.za](mailto:victimcharter@justice.gov.za); Website: [www.justice.gov.za](http://www.justice.gov.za)