

**CAPACITY BUILDING WORKSHOP**

**Service Charter for Victims of Crime, 2004**

**and**

**Related Legislative Frameworks**

## PARTICIPANT MANUAL

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## INTRODUCTION

On behalf of the Department of Justice and Constitutional Development, a warm welcome to the Capacity Building programme on the Service Charter for Victims of Crime, 2004 (also referred to as the Victims Charter).

The course is designed specifically for civil society organizations (NGOs and CBOs) that provide legal support to victims of crime. The Department of Justice and Constitutional Development uses an ‘integrated’ approach in delivering courses on the Victims Charter. This is informed by the Victims Charter, which places the victim at the centre of the criminal justice system. The South African Police are often the first form of contact within the criminal justice, when a victim reports crime at a police station. Following reporting, the victim comes into contact with other government departments, and therefore it is imperative for all departments to have an understanding of respective roles and responsibilities.

The course focuses on the Victims Charter (and seven rights);

- The right to be treated with fairness and with respect for your dignity and privacy
- The right to offer information
- The right to receive information
- The right to protection
- The right to assistance
- The right to compensation
- The right to restitution

It is important to note that these are ‘foundational rights’ which have been *expanded*, for example with legislation such as the Criminal Law (Sexual Offences and Related Matters) Amendment Act (2007), which allows victims the right (to receive information) to know an accused HIV status.

As we begin the programme, we are mindful of a number of limitations, importantly, we have not consulted NGOs and CBOs on “needs assessment” to define training. However, we have conducted several workshops with NGOs on the Victims Charter (June and August 2010) and we have used their recommendations to inform content. We anticipate future courses will remedy this shortcoming.

Finally, what is our understanding of training?

For purposes on this workshop, we proposed the following definition:

***Training is knowledge enhancement about the Victims Charter and Minimum Standards in order for training participants to gain an understanding of their roles and responsibilities within the criminal justice system, together with an understanding of other role-players roles and responsibilities.***

*The Inter – Departmental Committee on the Victims Charter, August 2006*

We trust that you will enjoy the course and look forward to your feedback so that we can improve the course.

## LIST OF ACRONYMS AND ABBREVIATIONS

ACHPR	African Charter on Human and Peoples' Rights
CBOs	Community Based Organizations
CJS	Criminal Justice System
CRC	Convention on the Rights of Child
DOJ & CD	Department of Justice and Constitutional Development
DCS	Department of Correctional Services
DOH	Department of Health
DSD	Department of Social Development
HIV	Human Immunodeficiency Virus
HR	Human Rights
ICCPR	International Covenant on Civil and Political Rights
JCPS	Justice Crime Prevention and Security Cluster
MS	Minimum Service Standards for Victims of Crime, 2004
NGOs	Non-Governmental Organizations
NPA	National Prosecuting Authority
NRSO	National Register for Sex Offenders
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000
SAPS	South African Police Services
RJ	Restorative Justice
VC	Victims Charter (Service Charter for Victims of Crime, 2004)
UN	United Nations
UNODC	United Nations Office on Drugs and Crime

## TRAINING PROGRAMME

### Programme: Day 1

Time	Activity	Facilitator/ Presenter
8:30 – 8:45	Registration Introductions	Director: Ms K Lekubu-Wilderson
8:45 – 9:00	Introducing Capacity Building Pilot Project: NGO Volunteers	Chief Director: Adv P Kambula
9:00 – 9:15	Welcome Note	
9:15 – 10:15	Learning Methodology	
10:15 – 10:30	<b>TEA</b>	
10:30 – 11:00	Social Context	Justice College
11:00 – 12:30	Understanding of each right within Victims Charter	
12:30 – 13:00	International Framework for Understanding Victims Rights Charters	
13:00 – 14:00	<b>LUNCH</b>	
14:00 – 15:00	JCPS Departments: Legal Framework supporting Victims Charter	PANEL Presentation: JCPS Depts.
15:00 – 16:30	Rights and Minimum Standards	
16:30 – 17:00	<b>Day Evaluation</b>	Participants

## Programme: Day 2

Time	Activity	Facilitator/ Presenter
8:30 – 9:00	Recap of Learning	
9:00 – 10:15	<b>Court Visit:</b> Presentation from Court Manager	DOJCD Court Manager
10:15 – 10:30	<b>TEA</b>	
10:30 – 11:30	Victim Impact Statement	
11:30 – 12:00	Criminal Court Procedure	
12:00 – 12:30	Human Rights Framework: Rights Based Approach to Victims Services	
12:30 – 13:00	Restorative Justice	DOJCD
13:00 – 14:00	<b>LUNCH</b>	
14:00 – 15:00	Legal Services: Referrals	Panel: Legal AIDS Board, Practicing Attorney and Law Clinic
15:00 – 16:00	Developing Referral System for our organization	
16:00 – 17:00	Equality Courts and Other Human Rights Violations	DOJCD
17:00 – 17:15	<b>Day Evaluation</b>	Participants

## Programme: Day 3

Time	Activity	Facilitator/ Presenter
8:30 – 9:00	Recapping Learning	
9:00 – 9:15	Defining 'Vulnerable Victims'	
9:15 – 10:15	Sexual Offences Amendment Act and NRSO	DOJCD, Ms S Mosupye
10:15 – 10:30	<b>TEA</b>	
10:30 – 11:30	Domestic Violence and Children's Act	DOJCD, Adv Mbamali
11:30 – 12:30	Complaints Mechanism	SA HRC and Commission on Gender Equality
12:30 – 13:00	Group Activity: Developing a Case Tracking system	
13:00 – 14:00	<b>LUNCH</b>	
14:00 – 15:00	Human Trafficking Victims	
15:00 – 16:00	Parking Lot Issues	
16:00 – 16:30	Course 'Test your learning' Exam Developing a Future Learning Plan	
16:30 – 17:00	<b>Programme Evaluation Individual and Group Closing</b>	Learning Team Leader



**DAY ONE**

**LEARNING AREAS:**

1. VICTIMS CHARTER
2. MINIMUM SERVICE STANDARDS FOR VICTIMS OF CRIME
3. LEGISLATIVE AND POLICY FRAMEWORKS SUPPORTING VICTIMS CHARTER

## LEARNING METHODOLOGY AND FRAMEWORK

### Learning Objectives:

1. Introduce participants and facilitators so as to establish a learning group
2. Establish a learning framework: Expectations, Ground Rules, etc
3. Set individual and group learning objectives for the course

**Learning Methods:** Presentation and Activities: Individual and Group

**Learning Material:**

**Duration:** 1 hour

### Introducing Participants: Individual Activity

#### Learning Steps:

1. Each person will receive an envelope and piece of paper. On the envelope, write your name and surname.
2. On the piece of paper, write down:
  - What you hope to learn from the course?
  - What you hope to change about your current work situation so as to improve situation for victims?
3. Put paper in envelope and put in box.
4. Envelopes are to be used on the last day of course during individual evaluation

### Introducing Participants: Group Activity

#### Learning Steps:

1. In pairs, preferably with someone you don't know very well; tell each other:
  - What is my name?
  - The last time I kissed someone....
  - What I hope to **gain** from the training course?
  - What I hope to **give** to the training course?
  - What rule can I set for myself to make learning conducive?
2. Pairs will report back in plenary.
3. Facilitator will write down 'Gain = Expectations' and Ground Rules
4. Facilitators and Participants will set "fine" for violation of Rules

### Introducing Course

- Facilitator will present course: Programme and Learning Methodology

## SOCIAL CONTEXT

### Learning Objectives:

1. To raise awareness about (social) context that (volunteer) services to victims are provided by organization such as NGOs and CBOs.
2. To assist participants to examine their own value system and that of the organization.

**Learning Methods:** Presentation and Activities: Group

**Learning Material:** Course File and three pieces of colour paper

**Duration:** 30 minutes

### Learning Steps:

1. Facilitator will present information on social context [10 minutes]
2. Each participant to choose a partner and debate questions (providing argument for your answer) from the Case Study on the next page [10 minutes]
3. After you have completed, the Case Study, in your partner team, each participant is to write on a separate paper:
  - **One word that describes what your organization stands for? (Its values)**
  - **One sentence that describes what you stand for? (Your mission statement)**
  - **One sentence that describes how you deal with difficult victims?**

## SOCIAL CONTEXT

### CASE STUDY

*Jackie is a gay man tested positive for HIV in 2007. He decided to infect others and has been doing so for over three years. Jackie has lost count of the number of partners (male and female) that he has had unprotected sex with. He was raped a week ago and has come to your organization for counseling. On the day he arrives, it is late in the afternoon and you are about to close the door. It has been an exhausting week and two of the volunteers are off sick. You are tired and ready to go home.*

*As he arrives, there is another knock on the door and a man walks in with a small child. She is a wealthy family because as the man takes off his sunglasses, you realize it is Mr. Moloto, who owes several businesses in the community and has been in the news lately for acquiring one of the biggest government tenders to build a Correctional facility in Mpumalanga. Mr. Moloto introduces you to Owami, the five year old girl, his daughter, who was raped a week ago by their gardener. Mr. Moloto has refused on several occasions, your organizations application for funding.*

*You are the only volunteer at the time Jackie and Owami arrive. You are also the only volunteer trained to deal with sexual offences matters.*

#### **Questions:**

- *Who will you attend to first?*
- *Who will you turn away?*

**Provide reasons for your answers.**

### Note: Social Context

Social Context refers to the social relationships that exist in a community in any given time. It relates to dynamics within society and groups and the importance of understanding underlying myths, perceptions etc among groups.

As volunteers working in NGOs and CBOs, you will INTERACT with different people (stakeholders). Each interaction will be different and it is important for volunteers to know themselves, their organizations and how they are to respond to different people.

Interaction (talking, giving advise, making referrals etc) can be with victims (both direct and indirect), government officials, members of community, other NGOs and CBOs, funders, schools, churches and offenders.

Interactions will be based on different needs (support, information, referrals) and expectations of stakeholders. Interactions are often based on assumptions, prejudice, myths and, facts. Volunteers need to be aware of all dynamics of interaction.

It is important for all volunteers to understand that victims are different and face different challenges. A victim of theft, who is an illegal immigrant may not be willing to report the crime to the SAPS and may require counselling. Volunteers must respect victims' rights as well.

A woman who is suffering domestic violence may not want to leave her husband and volunteers need to be aware of the cycle of violence.

This understanding will ensure that the organization and volunteers do not cause secondary victimization.

Secondary victimization refers to the attitudes, processes, actions and omissions that may intentionally or unintentionally contribute to the re-victimization of a person who has experienced a traumatic incident as a victim through:

- Failure to treat the victim with respect and dignity
- Disbelief of the person's account
- Unsympathetic treatment
- Blaming the victim
- Lack of (or insufficient) support services to assist the victim at
  - Interpersonal
  - Institutional, and
  - Broad social level

## SOCIAL CONTEXT VICTIMS HAVE RIGHTS.....AND SO DO VOLUNTEERS

### Note:

*Adapted from 'Volunteer Management' Youth and Sports Department of the Flemish Community, Belgium, 2005*

### VOLUNTEERS RIGHTS.....

Volunteers have the .....

- Right to support and respect from the organization and colleagues
- Right to suitable workplace; which includes the right to work in a safe environment with the right equipment
- Right to supervision and training
- Right to have a say in how the organization is managed and its policies
- Right to information and clear job description
- Right to confidentiality in the implementation of work
- Right to clear communication channel; knowing who you report to and who decides what work needs to be done
- Right to be protected from alleged perpetrators who are related or known by victims that is supported by the organization
- Right to say No if work required is not what you can provide (in terms of skills)
- Right to reasonable reimbursement for travelling

### VOLUNTEERS RESPONSIBILITIES.....

Volunteers have Responsibilities.....

- To be reliable
- To be loyal to the organization
- To treat all victims with respect and uphold their dignity at all times
- Be willing to learn from the organization and victims
- Represent organization in a professional manner
- Not to make commitments on behalf of the organization unless authorized to do so
- Participate in decision-making within the organization
- Not to take on volunteer work if it cannot be fulfilled

## UNDERSTANDING VICTIMS CHARTER RIGHTS FRAMEWORK

**Learning Objectives:** to provide participants with an understanding of each Victims Charter right and their source of origin in different legislation and Constitution.

**Learning Methods:** Group Activity

**Learning Material:**

- Chart Paper
- Scissors and print
- Magazines
- Extract of pieces of legislation

**Duration:** 1 hour 30 minutes

**Learning Steps:**

1. The Facilitator will allocate each person to a group using the numbering system (1, 2,3, etc). Each Number is a Right as reflected below:

Number	Victims Charter Right	Use the space to fill in your group's name	Group Name	Group Reporter
Group 1	Right to be treated with fairness, dignity and respect and privacy			
Group 2	Right to offer information			
Group 3	Right to receive information			
Group 4	Right to assistance			
Group 5	Right to protection			
Group 6	Right to compensation			
Group 7	Right to restitution			

2. Each person chosen as the first set of numbers (1 – 7) will be the Group Leader.
3. Each group will receive Learning material.

4. Each group is to choose a group member who will provide report-back. The group leader is to play role of facilitator and ensure that each member participates.
5. Groups are to develop a poster that shows their understanding of the right and related legislation or Constitutional right.
6. Each poster must show the following images or words/text
  - What is the crime shown in the poster?
  - Who is / are victims?
  - What does the right mean for victim when they go to court?
  - What responsibility does the court official (clerk, prosecutor, interpreter, or NGO based at the Court) have towards the victim?



### Note: Understanding the Victims Charter

- The Definition of a 'victim' as provided in the Minimum Service Standards for Victims of Crime, 2004 and the National Policy Guidelines for Victim Empowerment, is as follows;
  - A victim of crime is defined as 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 dependent 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 perpetrator and the victim.
  - Victim are 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.
- Simply, a victim of crime can be any person; irrespective of their differences in terms of, race, age, gender, nationality, etc. A victim can be doth direct and indirect.
- The Criminal Procedure Act 51 of 1977 does not define 'victim'. The term 'complainant' is used to refer to victim.
- The Domestic Violence Act 116 of 1998 defines a victim means any person who alleges to have been subjected to an act of domestic violence.
- The Criminal Law (Sexual Offences and Related Matters Amendment Act 32 of 2007) defines a victim as any person alleging that a sexual offence has been committed against him or her.
- In criminal cases where victim appears as witness for the State, s/he is referred to as 'witness'.
- A crime is a harm or offence that is recognized as such in law.
- Victims of crime who seek help from NGOs and CBOs usually include victims of domestic violence, human trafficking and sexual offences (rape).
- NGOs and CBOs need to provide support to all victims of crime; especially crimes such as house-breaking, robbery, hijacking,

## INTERNATIONAL FRAMEWORK FOR UNDERSTANDING VICTIMS CHARTER RIGHTS

**Learning Objectives:** To analyze the Victims Charter against United Nations instruments that support victims' rights

**Learning Methods:** Group Activity

**Learning Material:** Course File

**Duration:** 30 minutes

### Learning Steps:

1. Facilitator to introduce the Constitutional right that enables development of Charters and examples of International instruments that support victims' rights.[10 minutes]
2. Group will be divided into five groups. Each group will compare Victims Charter with an International instrument. [10 minutes].
3. Group will write up comparison on flip chart paper.
4. Facilitator and groups will do a gallery walk to view responses from each group.

Groups are to compare as follows:

- What victims right/s is supported within the international instrument?
- What right/s does the Victims Charter not contain?
- Name one additional right (from the International instrument) that the Victims Charter should contain. (A "new" right)
- How should government implement this "new" right?

Group 1: UN Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power, 1984

Group 2: Convention on the Rights of Child

Group 3: Guidelines on justice for child victims and witnesses of crime, 2004

Group 4: International Covenant on Civil and Political Rights

Group 5: African Charter on Human and Peoples' Rights (ACHPR) ,1981

## JCPS DEPARTMENTS: LEGAL FRAMEWORK SUPPORTING VICTIMS CHARTER

**Learning Objectives:** To introduce participants to different legislative and policy frameworks that support victims' rights within the Victims Charter.

**Learning Methods:** Panel presentation from JCPS Departments

**Learning Material:** Course File

**Duration:** One hour

### Learning Steps:

1. Facilitator will introduce each presenter from JCPS Departments and explain aim of session. [5 minutes]
2. Each presenter will be allocated 10 minutes to present as follows:
  - Correctional Services: White Paper on Corrections in SA: Parole Boards
  - SAPS: South African Police Services Amendment Act 2008: Victim Friendly Rooms
  - NPA : National Prosecuting Authority Act 1998: Court Preparation and TCCs
  - DSD: National Victim Empowerment Policy 2009: Victim empowerment
  - DOH: Health Act 2003: Health Dept: Clinical Forensic Services
  - DOJCD: Criminal Procedure Act 1977: Intermediary services and Witness Fees
3. After presentation, participants will be allowed to ask a few questions and will use Session on Minimum Standards to discuss answers within their group.

## MINIMUM SERVICE STANDARDS FOR VICTIMS OF CRIME

### Learning Objectives:

1. Understand the (current) Minimum Service Standards for Victims of Crime, 2004 as it applies to SAPS
2. Review the MS and make recommendations for improving standards

**Learning Methods:** Group Work and Group Role Play

**Learning Material:** Course File and Props for Role Play

**Duration:** 1 hour 30 minutes

### Learning Steps:

1. Each Group is given a copy of the Minimum Service Standards for Victims of Crime
2. Groups are expected to Review the Minimum Standards (MS), using the template in Course file (next page):
  - a. Consider how to improve standards
  - b. Set measurable standards: Time etc
  - c. Highlight standards that should be removed; i.e falling outside the mandate of SAPS
  - d. Identify additional standards that can be set
3. Groups are to enact a ten minute Role Play to show the 'new' MS:
4. Groups are to present Play in Plenary and provide completed templates

### **'Mrs Khumalo Goes to the Police' Group Role Play**

Mrs. Busi Khumalo is seventy nine years old. She lives with her grandson, who is constantly stealing from her. One day on her way back from collecting her pension, she is robbed near her home. All she can remember is that someone grabbed from behind and hit her on her head. She fell and woke up in the hospital. She wants her money back and is not interested in anything else. She goes to the police station to get them to write a letter to the Department of Justice and Constitutional Development (DOJCD) so that she can get her grant. She says that it was not her fault that the money was stolen.

At the DOJCD she waits for an hour at reception and no one attends to her. The next day she goes back and encounters officials who are rude and tell her to go home. She goes to the Court near her home and they tell her to go to the Police. At the Police station, she is told to lay a charge and doesn't understand why they are wasting her time. She goes back to DOJCD and they tell her to go to Social Development. She comes to your office and you go to the police station and you are informed that they refused to take her statement because she was rude to the officer.

TEMPLATE: IN YOUR GROUP, COMPLETE AND PROVIDE DURING PLENARY.  
**RIGHTS AND MINIMUM SERVICE STANDARDS for DOJ&CD**

Reference in MS	Witness in Court	
	Standard "Old"	New Standard
11.	Court Official to support, prepare and give you as much information as possible about what is likely to happen	
12.	Subpoena with leaflet provided to witness	
13.	Signs at court	
14.	Prosecutor Consultation with witness	
15.	Support from friend to accompany witness to court	

## RIGHTS AND MINIMUM STANDARDS FOR DOJ&CD

Right	Standard	Measurable Standard
Dignity, Fairness, Respect and Privacy	Trial proceeding does not violate victims right	
Offer information	-	
Receive information	View courtroom Clear signs and directions	
Protection	-	
Assistance	-	
Compensation	-	
Restitution	-	

**DAY ONE EVALUATION**

**Learning Objectives:**

1. To provide feedback from participants on learning experience of Day one
2. To reflect on how facilitators can improve for Day Two learning

**Learning Methods:** Individual

**Learning Material:** Course material

**Duration:** 30 minutes

**Learning Steps**

1. Each participant is requested to complete the Evaluation form as provided in next page.
2. Completed forms are to be handed in to Administrative Course Coordinator.



**EVALUATION**  
**Day One Evaluation**

*Dear Course Participant,  
Please complete this evaluation form and submitted it to the Course Administrator, Ms Prudence Mongwe. Kindly note that the evaluation form will be completed on each day of the course and all information is confidential and intended to be used to improve the course. Thank you.*

1. How were the introductions and workshop expectations handled?

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2. What part of the workshop did you find most useful?

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3. Why did you find this useful?

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4. What part of the workshop did you find not so useful?

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5. Why did you find this not so useful?

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6. Please comment on the style of presentation?

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7. Please comment on any logistical issues you would like addressed?

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*Thank you and Have a Safe Trip Home.*

**DAY TWO**

**LEARNING AREAS:**

1. CRIMINAL COURT
2. COURT SUPPORT SERVICES
3. HUMAN RIGHTS FRAMEWORK
4. LEGAL SERVICE REFERRALS
5. RESTORATIVE JUSTICE

### RECAP OF LEARNING

**Learning Objectives:** to demonstrate learning points achieved in Day one of course

**Learning Methods:** Individual reflection

**Learning Material:** Pieces of paper and balloons

**Duration:** 30 minutes

**Learning Steps:**

1. Each participant will receive three pieces of paper and three balloons.
2. Working individually, participants are to reflect on what they learnt during Day one. [5 minutes]
3. Each participant is to write (one learning point on one piece of paper) on paper what they learnt. [5 minutes]
4. Each piece of paper is to be placed in one balloon. Balloon is to be blown up and tied with string. [5 minutes]
5. Each participant is to share their balloons with another participant who will pop balloon and read out what is written on piece of paper. [15 minutes]

### COURT VISIT: DEVELOPING A MODEL FOR VICTIM SUPPORT

**Learning Objective:** to introduce participants to the court environment and related support required by victims of crime.

**Learning Methods:** Site Visit (Court) and Group Activity

**Learning Material:** Course file

**Duration:** Two hours

**Learning Steps:**

1. Participants are to attend a visit to court and meet a Court Manager.
2. As part of court visit, each participant is to complete the **Checklist** provided in the file (Next page).

### Notes: Court Support for Victims of Crime

Often victims attend court as witnesses, through subpoena issued by the Prosecutor, or as members of the public with a material interest in the case.

It is important for NGO or CBO volunteers to provide 'Victim Support' during the trial (court case). For many NGOs and CBOs, this service has traditionally formed part of the work that have provided over the years. However, it is important for NGO or CBO to define what 'Victim Support' means for the organization and to ensure that all staff and volunteers know the extend and limit of Victim Support.

Two key elements of Victim Support at Trial is

- Court Preparation as Witness, and
- Assistance with Victim Impact Statements

Court Preparation requires NGO volunteer to "prepare" victim who is called as a witness for trial. This preparation can be done in conjunction with State officials such as the Prosecutor or a Court Preparation Officer. Both officials are employed at the Offices of the National Prosecuting Authority.

Court Preparation may require:

- "Orientating" witness around the court building
- Informing witness about different officials who sit in the court
- Informing witness about legal terms / jargon used by court officials
- Informing witness about different steps or processes of the trial
- Assisting witness to claim witness fees

NGO and CBO Volunteers are encouraged to assist victims with writing 'Victim Impact Statements'. This information can be used in the trial by the Prosecutor, particularly during Sentencing stage. In cases where victims do not go to court, the Victim Impact Statement serves as a healing process for victims as they are able to share their experience and the NGO documents what impact crime has had on individual. This information can form part of the NGO and CBO's "research" which can in turn be used as part of fundraising; to show impact and need for victim support in communities.

## Court Environment Checklist

- Is the Court “Victim Friendly”?
- What can we do to make court “victim friendly?”

	Item	√ or X	Notes/ Observation
1.	Sign identifying the building as Court		
2.	Signs within the court building that show where different Court Rooms are		
3.	Availability of Court Roll – (information about which case is held in which court room)		
4.	Accessibility of Court Roll: where it is kept?		
5.	Court Personnel with Name tags		
6.	Court Personnel: Clerk		
7.	Court Personnel: Interpreter		
8.	Court Personnel: Court Orderly		
9.	Court Personnel: Court Manager		
10.	Court Personnel: Prosecutor		
11.	Defense Attorney		
12.	Magistrate		
13.	SAPS: Investigating Officer		
14.	Waiting area for witnesses		
15.	Other Observation: Points to inform witness about Court Environment:		

## OBSERVATION SHEET: COUT SITE VISIT

DID YOU OBSERVE?	ADDITIONAL INFORMATION FOR WITNESS/ VICTIM
Dress Code for Court Officials, especially Prosecutor, Defense Attorney and Magistrate	<p>Witnesses and Victims are encouraged to dress formally when they go to court, especially on the day witness is to provide testimony/ evidence.</p> <p>Dress code should be neat and comfortable clothing.</p>
Prosecutor and Attorney were present before time of trial.	Witnesses and Victims should arrive a few minutes before the trial so as to find court room and to familiarize themselves with court environment.
People sitting outside door of court room	Witnesses are to remain outside of the court room until they are called inside by the Court orderly.
Prosecutor and Attorney addressed the Magistrate as “Your Worship”.	Witnesses who give evidence as expected to address the court with respect; refrain from saying “you” to the Magistrate if h/she asks question.
Prosecutor and Attorney stood up when the Magistrate entered the court room.	
Prosecutor asked direct questions.	Witnesses are encouraged to practice with NGO Volunteer so that their evidence/ testimony (witness) is honest, logical, coherent and succinct presentation.
Legal terms used	<p>In criminal case, victim is called “complainant” and if called to give evidence/testimony, “a witness”.</p> <p>The person who committed the crime is called “accused” or “alleged offender”.</p>
Time spent on one part of the Trial	Witnesses are encouraged to bring reading material as they will often wait a considerable amount of time before they are called into to give testimony.

## CRIMINAL COURT PROCEDURE

**Learning Objectives:** To provide an introduction to criminal law and procedure

**Learning Methods:** Presentation and Activities: Individual and Group

**Learning Material:** Course File

**Duration:** 30 minutes

### Learning Steps:

1. Working in groups of four, choose a group leader who will facilitate this session.
2. Each group will be assigned a case study (below) and they have to use Course File (this Section and Section – Key Concepts and Terminology; located in Annexure 1 of this file) to provide information to victim. [15 minutes]
3. Each group is to write up information on flip chart paper. [5 minutes]
4. Each group is to provide information on:
  - A. Was there a crime committed? Provide explanation to your answer.
  - B. Is your client a victim?
  - C. What victim's rights (if any) are applicable in your case study?
  - D. What legal steps need to be taken?
  - E. One important lesson each member of the group has learnt about Criminal law and Procedure
5. Each group and facilitator is to review by doing Galley Walk [5 minutes]
6. Facilitator will end Session by noting some of information provided each Group.



### CASE STUDIES: CRIMINAL COURT PROCEDURE

#### Case Study 1:

Nokuthula comes to your offices because she feels she needs counseling and she wants to take her ex-boyfriend, Thula, to court. As she is crying, she starts to tell you about how Thula, the love of her life, made her pregnant and then forced her to have an abortion, six months ago. After the abortion, which she regrets with all her heart, Thula gave her money to buy a ring because he wanted to “keep me safe forever”. The ring she bought still shines on her finger. After she bought the ring, she started noticing that Thula acted different when he was around her and her ex-friend, Cindi-Lauper. One day, she confronted Thula and he confessed that he was in love with Cindi-Lauper. Thula told her that the relationship was over and that she could keep the ring. Two weeks later, she met Thula at the taxi-rank and beat him with an umbrella. She later learnt that Thula had to go to the hospital because he fell and sprained his arm. She is angry because of what Thula did to her and she wants to take legal action against him for not marrying her.

#### Case Study 2:

Cindi-Lauper used to be Nokuthula’s friend until she fell in love with Thula. Thula had told her that his relationship with Nokuthula was over, after she went and had an abortion and then started acting like they were married. Cindi decided that because her love for Thula was so strong, she would avoid Nokuthula. Cindi was also scared for her life because Nokuthula used to send her threatening cellphone messages, which she shows you. She doesn’t know what to do as she can’t sleep and Nokuthula beat up Thula with an umbrella. Nokuthula’s sister, Betty, started coming to Cindi’s house and threatening her. A month ago, Betty met Cindi at the taxi rank and stabbed her with her a knife. The day after the stabbing, Cindi, Thula, Nokuthula and Betty were at a party. Betty, who was drunk and swearing at Thula, threw beer in Cindi’s face. As Cindi and Thula were about to leave, Cindi saw Betty running after them. Cindi tried to run as fast as she could but Betty caught up with her and Cindi grabbed a broken beer bottle and stabbed Betty in her face. Three days later, Betty died in the hospital from complications. Cindi was arrested is out on bail. She fears for her life because Nokuthula’s family is out for revenge.

#### Case Study 3:

Jabu lives a beautiful house in Summerville. He is the only Black person in his street and his neighbours don’t seem to like him. One of his neighbours, Susan, is the only one who seems friendly to him. One day, they met at the local garage and they were exchanging cellphone numbers. Susan was holding bread and milk and when her baby boy, Johnny, started crying, she dropped her cellphone in Jabu’s car and they both did not see it fall (in his car). Susan asked Jabu to go into the garage and buy cereal for Johnny while she tried to change his (Johnny) diaper. When Jabu returned with cereal, she paid him money and he left. Three days later, Jabu hears a cellphone ringing in his car. He answers the cellphone and the conversation went as follows:

Jabu: "Hello,....."

Man: "Who is this and what are you doing with my wife's property?"

Jabu: "This is Jabu...."

Man: "What the hell, not that Jabu in my street...."

Jabu: "I don't know which street you live in, but I live in Summerville and I am Mr Nkosi."

Man: "I'm going straight to the police....they will sort you out." [the man hangs up the cellphone.]

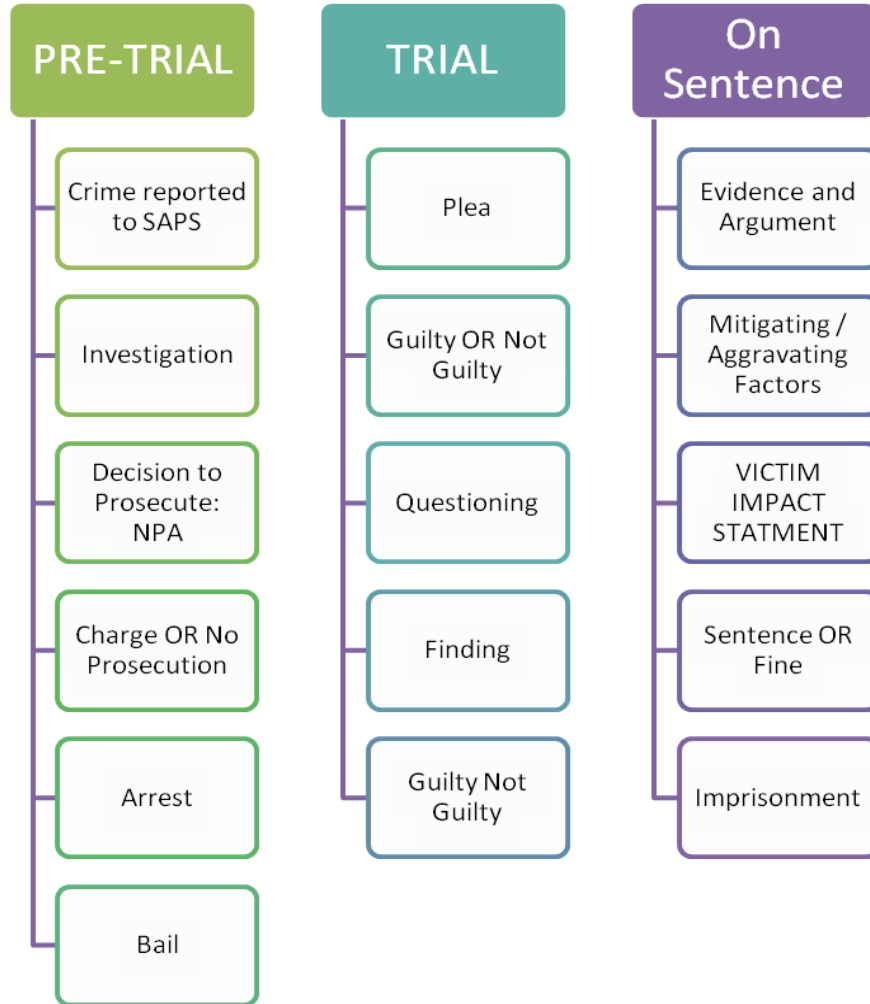
Jabu realized afterwards that it was Susan's cellphone and because he was out of town, he decided that when he returned, after three days, he would go and return the cellphone to Susan and her husband. When Jabu returned from Durban, he finds a brick was thrown into his kitchen and his microwave and tiles were damaged. As he picks up the brick, he notices a hammer that must have been used to smash his television set. Before he can go and return the cellphone, or call the police, a knock on the door is followed by a notice that reads "SUMMONS". Jabu is afraid that Susan's husband has found out about the affair and that Johnny is not his child.

### Case Study 4:

Ingrid is thirteen years old and her boyfriend, Senzo, who is also thirteen years, loves her. She doesn't know what "the fuss is all about" because even though she wanted to have sex with Senzo, she loved him so they had sex, one day after school. They would have sex every-day until the one day; her mother came home early from work. She decided to take Ingrid out of school and as punishment; she also took away her cellphone. Senzo and his friends decided to throw a party when he turned fourteen and so Ingrid went against her mother's wishes and went to the party. Ingrid and Senzo has been dating for six months and she was "crazy about him". At the party, Senzo gave her alcohol and he asked if they could have sex. Ingrid agreed and they went into his bedroom while the party was still going on. As he was kissing her and they were naked on the bed, Ingrid noticed that some of Senzo's friends had come into the room. Some of them had cellphone cameras on and they were recording Ingrid and Senzo. She told Senzo to stop but he said it was too late to stop "because he would die if he stopped." Ingrid was upset and cried. When Senzo finally stopped, he asked his friends to leave so that they could get dressed. Ingrid went home and felt sad. She wrote about the party in her diary and three days later, her mother found the diary and beat Ingrid. Ingrid gets a beating everyday from her mother (it's been two weeks) Ingrid came to your organization because she wants her mother to stop beating her.

**Note: Criminal Law and Procedure**

Selected steps within Criminal Procedure  
Diagram: 1



### Note: Criminal Law and Procedure

Criminal law is concerned with maintaining order in any society. Criminal law is therefore public law as the State is responding for maintaining order and people who act against the order (as defined by laws) must be punished by the State.

Private law involves relationships between legal subjects (people, companies etc).

A criminal trial is between the State (the party that is wronged) and an accused. The State must prove (also referred to as onus of proof) beyond a reasonable doubt that a crime (offence) was committed by the accused.

Specific crimes are found in **laws** (also referred to as Acts) such as Domestic Violence Act 118 of 1996 and the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007. In addition, common law (which is law that is not codified (an Act) which form part of our Roman-Dutch legal tradition, also includes specific crime. An example of this is murder.

- Crimes can be divided into three categories;
- Crimes against another person
- Crimes against another person's property
- Crimes against the State

Another form of crime is that against public or community morality. The Sexual Offences Amendment Act (which was introduced in 2007), deals with crimes against morality such as incest (sexual relations between persons not permitted to engage in sexual relations such as parent and child or brother and sister), and public indecency (appearing naked in public).

Crimes against another person threaten human life, such as murder, culpable murder (intention was not to kill, but as a result of negligence, the person died), assault (a person is injured) and assault with the intent to do grievous bodily harm.

Crimes against another person's property include theft. The difference between theft and robbery is that the latter (robbery) is when a person uses force or violence to take the property that does not belong to h/her. Housebreaking with the intent to steal is where a person enters with permission and removes property that does not belong to h/her. In some cases, property is also damaged and this is known as malicious injury to property.  
against the right of a person to own property.

Crimes against the State include treason (that is when a person tries to overthrow the State; or government), bribery (which is where a person pays a State official to obtain some benefit), and contempt of court (which is where a person, during a court case behaves in a way that a Magistrate or Judge does regard as proper or when a person does not comply with a court order).

In order for an act (action) to be regarded as a crime, that is punishable by law, the following elements are required;

- An **act** must take place
- The act must be **unlawful** or against the law
- An alleged **accused** must be **guilty** of the act
- A causal link is required between the wrongful act and the consequence of the act. A causal link is not always required

In order for a crime to take place, there must be action on the part of the alleged accused. In some instances, a crime can also take place if no action was taken but because of no action a harm was suffered. An example of a case where no action was taken was where a Train conductor was told to inform people working nearby that a train was coming at 15:00. The conductor failed to inform them and three men died as a result of train colliding with them. The Conductor was found to have committed culpable murder.

An act must be against the law. In some cases, the act is against the law but a person a defense for why they committed the act. An example of this is self-defense. In a case where a man shoots another person with a gun and kills that person because the man acted in self-defense because he reasonably believed his life was in danger.

The alleged accused must be guilty of the act. We determine guilt by looking into 'the state of mind of the alleged accused'. We ask what was the intention or negligence. The intention is when a person intends the act or harm to happen. Murder is intentional killing of another person.

Negligence is based on what a reasonable careful person would have done in the circumstances. Culpable murder is the negligent killing of another person.

The alleged accused must have caused the act. In cases where a causal link is required, such as death, the accused must have caused the deceased death. For example, if a man is hit with an umbrella in his leg and he goes to the hospital and while in hospital, he is made to wait for two days and he dies of an infection in his leg, a causal link must be shown as to whether the act of being hit with an umbrella caused his death. The accused would be charged with culpable murder.

All crimes, if proven beyond reasonable doubt, are punishable by law. Crimes can be punished in terms of imprisonment, a fine, or corrective supervision. Imprisonment can be for life, or suspended sentence (which is the offender does not have to be in prison provided they fulfill certain conditions such as not be convicted of a similar offence within a specified period) or periodic imprisonment (which means that the offender is in prison for certain periods such as week-ends).

A fine can also include imprisonment (R10 000 or eight months imprisonment) which means if the offender cannot pay the fine, he must go to prison for eight months).

Corrective supervision is where the offender does not go to prison but is subject to a rehabilitation programme.

## VICTIM IMPACT STATEMENT

### Learning Objectives:

1. To develop an understanding of the importance of victim impact statement for victims and organization
2. To enhance skills for writing victim impact statements

**Learning Methods:** Activities: Partner Teams and Group

**Learning Material:** Course File

**Duration:** One hour

### Learning Steps:

1. Facilitator will provide information on victim impact statement based on notes in Course File. [10 minutes]
2. Group will divide into 'Partner Team' of two participants. Using the Pages (Victim Impact Statement) provided in the file, each Partner Team will choose a case study and draft a Victim Impact Statement for victim/s. [20 minutes]
3. Each Partner Team to use the Page (Recording and Reporting on Victim Impact Statements: Organizational Protocol) provided and develop a protocol for your organization to demonstrate the importance of victim impact statement. [15 minutes]
4. Partner Teams to find another Partner Team and form a group of four. In new Group of four, each team is to share their victim impact statement and organizational protocol. [15 minutes]
5. Facilitator will close session with general assessment on how teams and groups experienced the activity.

### Case Studies: Case Study of previous Activity

You are free to also include other factors from similar cases that you have recently assisted victims of similar crime.

- A. Victim of murder / culpable murder – Nokuthula and Cindi-Lauper
- B. Victim of Housebreaking – Jabu and Susan's husband
- C. Victim of sexual offences – Ingrid and Senzo



**VICTIM IMPACT STATEMENT**

Organization's Name:

**CASE NUMBER:**

**DATE:**

**COMPILED BY:**



**VICTIM IMPACT STATEMENT**

**Organization's Name:**

**CASE NUMBER:**

**DATE:**

**COMPILED BY:**



## RECORDING AND REPORTING ON VICTIM IMPACT STATEMENTS: ORGANIZATIONAL PROTOCOL

1. All Victims Impact Statements must be Recorded
  - a. By who?
  - b. When?
  - c. Storage of Statement – where?
  - d. How will Recording dealing with issues of Confidentiality?
  - e. What action will be taken against Volunteer if Confidentiality of Statement is breached?
  - f. Will Victim receive copy?
  - g. What information must all Statements have?
  - h. What action will be taken if Statement is lost?
  - i. Other issues for consideration in Protocol
  
2. Reporting on Victim Impact Statements
  - a. When will reporting to Board be done on Victim Impact Statements (Monthly/Quarterly/ Annually)
  - b. What will be reported?
  
  - c. How will you report on “impact”?



**RECORDING AND REPORTING ON VICTIM IMPACT STATEMENTS:  
ORGANIZATIONAL PROTOCOL**

Name of Organization:  
Telephone Number:  
Fax:  
Email:  
Web-Site

### NOTE:

#### Sample of Victim Impact Statement

Dear Judge Martin

*I would like to thank you for giving me the opportunity to disclose the impact that the crime has had on me and my family. In particular the emotional stress and anxiety that Johan Johnson has caused my children.*

*I am a victim of a violent crime, but more importantly my children are also victims.*

*They have continually witnessed the constant environment of intimidation created by Johan Johnson and have witnessed his brutal attack on me on December 7, 2008. It breaks my heart that my children have been exposed to such angry and aggressive behavior by an adult, especially a family member whose hatred for me is based on the fact that his only son, my husband, Mr. Frank Johnson, married me; an African woman who has two children from two different men. I am currently pregnant with Frank's child but this has only caused further pain and suffering for our family.*

*My 8 year old daughter, Thandi appears to be suffering the most. The night the assault took place she asked me, "What will happen to Nokuthula and I, if Grand Pa Johnson kills you?"*

*These are words that literally brought tears to my eyes. Now, an innocent 8 year old little girl is afraid that her grandfather is going to kill her mommy.*

*She was so fearful that evening once we arrived home that she went around to all the doors to make sure they were locked. I assured her that everything was going to be alright, and that Johan Johnson would not be able to do anything to me.*

*Because of the emotions that Johan Johnson has created in my children they both have been seeing a counsellor to help them work through some of the anxiety and fear that they have regarding Johan Johnson.*

*After the attack on 3 Jan. 2009, I had to be in the hospital for one week and then I attended out-patient for three days. My medical costs amounted to over six thousand rand and I have not even begun to undergo counselling myself. I had to take two weeks away from work to help my children cope and this meant that I had to take two weeks unpaid leave as I had already exhausted my sick leave and annual leave. This meant that I loss over three thousand rand.*

*I also had to take time off work top obtain a protection order against Johan Johnson and this meant again having to take time off work.*

*I also want to emphasize that this is not the first time Mr Johnson Senior has attacked me for marrying his son. Mr. Johnson Senior has a history of violence and I believe the criminal justice must help him to be a better person. I also laid a charge of theft against him as he stole valuables from my car such as laptop, cell phone, my identity document and money.*

*Once again, thank you for your time and for allowing me the opportunity to present the emotional and financial impact that this crime has had on me and my family.*

*Thank you,  
Mrs Thandiwe Johnson*

## ORGANIZATIONAL PROTOCOL FOR RECORDING AND REPORTING ON VICTIM IMPACT STATEMENTS

**Preamble:** For purposes of this organization, a victim impact statement is a written statement prepared by organization volunteer and a victim presenting at the organization. The victim impact statement consists of a description of the harm, in terms of physical, psychological, financial and economical effect, suffered by a victim of crime.

The victim impact statement prepared by the organization is not used in criminal cases (of victim), though it uses the same structure. The statement is prepared for all victims, irrespective of whether their case goes to court.

Recording (writing) a Victim impact statement is voluntary and no victim will be pressured into providing information.

The victim impact statement is an important part of the organization's documentation of Impact Crime has on Community.

It will be used as part of victim's healing process and as part of reporting on the work of the organization in its assistance to victims.

### Part A: Recording Victims Impact Statement

Who prepares Statement?	Organizational Staff: Volunteer or Counsellor
When is the Statement prepared?	In pre-intake of victim, Volunteer explains that Victim Impact Statement will be considered in third session  Victim Impact Statement is prepared after victim has established "trust" with volunteer
How is the Statement prepared?	Volunteer and victim sit in a quiet area.  Volunteer to ensure victim is comfortable and that session is conducted in home language of victim.  Volunteer provides copy of Protocol to victim and explains content of Protocol  Volunteer asks Victim to sign an Informed consent form. This form ensures that victim has agreed to participate in recording Victim Impact statement.  Volunteer asks victim how the crime affected h/her? Volunteer asks victim what impact the crime had on h/her life (family relations, financial etc).
Storage of Statement	<ul style="list-style-type: none"> <li>Hard copy of Victim impact statement must be</li> </ul>

	<p>stored in Victim's File which is kept in locked cupboard.</p> <ul style="list-style-type: none"> <li>• Electronic version is to be filed on Computer File with limited access (User-password).</li> </ul>
What action will be taken against Volunteer if Confidentiality of Statement is breached?	<ul style="list-style-type: none"> <li>• Disciplinary Action against guilty party (Volunteer and Manager of Volunteer)</li> <li>• Victim informed of Breach</li> </ul>
What action will be taken if Statement is lost?	<ul style="list-style-type: none"> <li>• Disciplinary Action against guilty party (Volunteer and Manager of Volunteer)</li> <li>• Victim informed of loss</li> </ul>
What information must all Statements have?	<ul style="list-style-type: none"> <li>• Victim's Name or Organizational Case Number</li> <li>• Name of Volunteer</li> <li>• Date and Time</li> <li>• Impact on Family Relations</li> <li>• Impact in terms of Financial costs</li> <li>• Impact in terms of physical injuries</li> </ul>
Will Victim receive copy?	YES

## Part B: Reporting Victims Impact Statement

<b>Monthly Report</b>	<p>Internal to Organization Each Volunteer to report on</p> <ul style="list-style-type: none"> <li>• number of statements</li> <li>• types of crime</li> <li>• number of victims</li> </ul>
<b>Quarterly Report</b>	<p>Intra – Board Manager to report on</p> <ul style="list-style-type: none"> <li>• number of statements</li> <li>• types of crime</li> </ul>

	<ul style="list-style-type: none"> <li>• number of victims</li> <li>• number of volunteers completing statements</li> <li>• implications for work of organization</li> </ul>
	<p>External Stakeholders : DOJCD, Provincial Victim Empowerment Forum, Community Policing Forums</p> <ul style="list-style-type: none"> <li>• number of statements</li> <li>• types of crime</li> <li>• number of victims</li> <li>• number of volunteers completing statements</li> <li>• implications for DOJCD and DSD</li> </ul>
	<p>DOJCD and NPA: Can compare number of statements used in court cases against those prepared by organization.</p> <p>DSD: Can compare quality of statements prepared by Social Workers and organization.</p>
<b>Annual</b>	<p><b>All Stakeholders: At Organization's Annual General Meeting</b></p> <ul style="list-style-type: none"> <li>• number of statements</li> <li>• types of crime</li> <li>• number of victims</li> <li>• number of volunteers completing statements</li> <li>• analysis of impact of social, financial and physical</li> </ul>

## HUMAN RIGHTS FRAMEWORK: RIGHTS BASED APPROACH TO VICTIMS SERVICES

**Learning Objectives:** To assist volunteers understand rights-based approach to victim services.

**Learning Methods:** Presentation and Activities: Individual and Group

**Learning Material:** Course File

**Duration:** One hour

### Learning Steps:

1. Facilitator will provide presentation on Rights-based approach. [15 minutes]
2. Participants will form buzz groups of two and consider the Human Rights Learning Wheel. [10 minutes]
3. Participants will (working on their own) complete the Learning Wheel Assessment on the next page. [10 minutes]
4. Participants will share assessment with each other. [10 minutes]
5. Facilitator will debrief. [15 minutes.]

## HUMAN RIGHTS LEARNING WHEEL ASSESSMENT

Please complete on your own and share with your Buzz "partner"

Key Element	Assessment Guiding question	Your answers
<b>INSPIRATION</b>	Who do you think you have inspired in your family, organization or community?	
<b>KNOWLEDGE</b>	Which human right do you know and understand?	
<b>CONNECTION</b>	Which government official have you experienced a connection with in your service to victims of crime?	
<b>HEALING</b>	Which victim (you don't need to provide name) do you believe has healed through the work of your organization. (You can describe Victim as... Victim of {crime} and describe how she healed?	
<b>ACTION</b>	What human rights violation have you taken a stand or action against?	
<b>REFLECTION</b>	When was the last time you participated in an assessment of your work? What did you learn from the assessment?	
<b>CELEBRATION</b>	In the past three months, what have you achieved in your work? What has been an achievement for the organization?	



**ROLE OF NGO AND CBO VOLUNTEER IN HUMAN RIGHTS  
HUMAN RIGHTS LEARNING WHEEL**

*As a NGO Volunteer I will.....  
in the realization of Human Rights within the community and  
society*



- **INSPIRE** others to develop and grow as human rights leaders, volunteers, activists
- **KNOW** human rights and responsibilities
- **CONNECT** with myself (knowing and using my skills, talents and experience) and others
- **HEAL** through analysis, story- telling and learning new ways to address human rights violations
- **ACT** against human rights violations and to improve and realize human rights
- **REFLECT** on how I can improve service and advance human rights of each victim I serve
- **CELEBRATE** successes of others, the organization and victims who take action and support human rights.

## RESTORATIVE JUSTICE

### Learning Objectives:

- To develop an understanding of Restorative Justice
- To enhance skills of managing a victim offender mediation

**Learning Methods:** Presentation and Role Play

**Learning Material:** Video (Screening) and Course File

**Duration:** 30 minutes

### Learning Steps:

1. Facilitator will provide overview of Restorative Justice. [10 minutes]
2. Participants to view Victim Offender Mediation video. [10 minutes]
3. Participants will form groups and each to write up “script” for Victim Offender Mediation.
4. Role play will be presented based on one individual chosen from group to play characters as below.
5. Each group will be divided:
  - Victim
  - Offender
  - Volunteer
  - Victim’s support

## LEGAL SERVICES: REFERRALS

### Learning Objectives:

- To facilitate the development of Legal Service Referral for the organization
- To enhance volunteers decision-making ability to make appropriate referrals

**Learning Methods:** Presentation and Activities: Group

**Learning Material:** Course File

**Duration:** One hour

### Learning Steps:

1. Facilitator will make presentation on the South African Legal system. [15 minutes]
2. Each participant is to work individually and prepare a response to the Case Study below. [10 minutes]
3. Working in groups of five, each group is to develop a Legal Services Referral Guide for the organization. [10 minutes]
4. Each group is to write up OR draw their Guide on Flip chart paper. Each group is to present their Guide [25 minutes]

### Case Study:

Thembi has been dating Takesure for over six years. Their relationship is “passion” and Thembi doesn’t mind the beating every Friday night, what she worries about is the fact that Takesure forced her to marry him in community of property and she now wants to get a divorce because she suspects that he infected her with HIV. She recently lost her job as a Tax consultant because she was constantly sick. Her employer gave her a large sum of money and asked her not to return because “they can’t cope with my illness”. She doesn’t want to lose her house and car and she feels that Takesure will also take their daughter to Zimbabwe as he always threatens her if she divorces.

1. What legal issues does Thembi’s case present?
2. What legal services does Thembi require?
3. How will you advise her?
4. Who will you refer her to?
5. What role will the organization play in the referral?

### Note: LEGAL SERVICES: REFERRALS

1. Referrals are made for Legal Services provided by professional and legally recognized or qualified legal person.
2. Legal services are defined as seeking legal opinion, taking legal action against a party or drafting legal documentation.
3. A person who is legally qualified includes; attorney, advocate or para-legal.
4. The organization develops and maintains a 'Legal Services Referral List'. This list is updated annually and includes names of individuals or organizations who have agreed to work with the organization.
5. List should include:
  - Attorney
  - Advocate
  - Law Clinic
  - Legal AID Board
  - Law Society
  - Other Legal NGOs
  - Lawyers for Human Rights
  - Legal Resources Centre
  - Pro Bono
  - AIDS Legal Network
6. Organization should "fundraise" with law firms within location to take on pro bono cases.
7. Organization maintains a Referral Register which notes name of victim (or Code), legal issue, referral made and by whom.
8. Organization should provide a letter of introduction for Referral organization. The letter of introduction should also include; profile of organization, type of victims (clients) serviced and contact details of volunteers.
9. Victims should be provided with Fees of Referral organization (if applicable) so as to empower victims to make informed decision about whether they want to pursue legal action.
10. Volunteer to accompany (if required by victim) victim to first consultation with Referral organization.
11. Volunteer to undertake follow-up contact with Referral organization.
12. Volunteer to receive feedback from victim on service.

## DEVELOPING A REFERRAL SYSTEM FOR YOUR ORGANIZATION

**Learning Objectives:** To enhance and improve organizational referral system

**Learning Methods:** Group

**Learning Material:** Course File, Flip chart paper and crayons

**Duration:** One hour

### Learning Steps:

1. Participants are to form groups based on same organization.
2. Participants are to sub-divide into groups of four volunteers.
3. Each group is to **Draw** the current Referral system and note what changes need to be made.
4. **Current Referral: Who do you refer victims to? List them. How do you make referral? What support do you provide to victims who are referred?**
5. Each group is to draft an organizational introduction letter for referral.



***REFERRAL ORGANIZATIONAL INTRODUCTION LETTER***

Name of Organization:  
Tel:  
Fax:  
Email:

Reference:

Name of Referral Organization  
Tel:  
Fax:  
Email:

Date:

Re:

## EQUALITY COURTS AND HUMAN RIGHTS VIOLATIONS

**Learning Objectives:** to develop an understanding of how to respond to human rights violations experienced by (some) victims of crime.

**Learning Methods:** Presentation and Activities: Buzz Groups (Two) and Group

**Learning Material:** Course File and Presentation

**Duration:** 60 minutes

### Learning Steps:

1. In groups of two, consider the photograph on the next page. What would slogan would you replace the words in the poster with? *Your slogan must describe what **Equality** means to you.* [5 minutes]
2. A representative from the Department of Justice and Constitutional Development will make a presentation on the Equality Court. [15 minutes]
3. After presentation, participants will form three groups.
4. Each group will read the Case Study and note what lessons can be learnt for entrenching human right of equality for victims. [20 minutes]
5. Each group will share their lessons in plenary. [10 minutes]
6. The session will end with discussion on the Take Home Assignment that each participant will undertake. [10 minutes]

CASE STUDY

Consider the photograph below. What do you think this photograph has to say about Equality Courts and Other Human Rights Violations?



Source: Sonke Gender Justice



### CASE STUDY

#### [Sonke Gender Justice Network takes Julius Malema, President of the African National Congress Youth League to Court](#)

##### **March 2010**

Malema's lawyers have announced their intention to appeal Magistrate Collis's ruling. Meanwhile, Malema has been very quiet about the verdict, not having appeared in court and telling reporters "I am not interested. I am not going to comment on that".

##### **March 2010**

The Equality Court found Julius Malema guilty of hate speech and harassment in the case brought against him by Sonke Gender Justice regarding his comments about rape survivors. He has been ordered to make an unconditional public apology within two weeks and to pay R50 000 to a centre for abused women within one month.

##### **February 2010**

Sonke has released a video on the Equality Court case against Julius Malema.

##### **November 2009**

Closing arguments were made in the Equality Court case against Julius Malema and the Magistrate reserved judgement on the matter, with the date for the ruling to be handed down still to be confirmed.

##### **November 2009**

Malema was scheduled to present his defense in the Equality Court. However, his lawyers failed to file their heads of argument on time, and thus the case was postponed to 24 November 2009. This will be the final hearing before judgement is handed down.

##### **September 2009**

Malema took the stand in the Equality court case in defense of his comments. He told Sonke's lawyer that he had been referring to the judgement in the Zuma rape case but that because he only has a matric level education, he could not quote the judgement verbatim.

##### **August 2009**

The Equality Court reconvened to continue the Malema hearing which Malema has applied to have dismissed. Sonke staff again demonstrated outside the courts in both Johannesburg and Cape Town to demand that leaders be held accountable for their statements and to call on men to take responsibility. Malema applied to the court to dismiss the case against him, but Judge Collis found that Sonke had proved a prima facie hate speech and harassment case against him

##### **July 2009**

Sonke appeared in the Johannesburg Equality Court and held simultaneous demonstrations there and outside the Cape Town High Court. Regardless of the outcome of this case, the publicity around this case has made it clear that public officials can be held accountable for statements that demean rape survivors and pander to misogyny and toxic masculinities.

##### **June 2009**

ANC secretary-general Gwede Mantashe tried and failed to persuade Botha to drop his Equality Court complaint against Julius Malema.

### **May 2009**

Malema told the Cape Times that he was not even aware of the "hate speech" complaint laid against him. "I don't know about this. Let those people who want publicity go to court because they won't find me there. I don't have time for this," he said.

### **April 2009**

The case has been postponed while Sonke obtains legal advice. Sonke is concerned that at the first appearance of this matter before the court, Julius Malema did not appear in person. Malema's legal counsel argued that the statements made were "fair comment".

### **February 2009**

Sonke staff member Mbuyiselo Botha has taken the Malema matter to the Equality Court. He is asking the court to force Malema to apologise for the comments he made and that he be stopped from making further comments that "undermine women's dignity".

### **January 2009**

Sonke Gender Justice issued a press statement condemning Malema's remarks and called on the ANC leadership to set the record straight by sanctioning Malema and by demonstrating unequivocally their commitment to gender equality and to preventing gender based violence as spelt out in ANC and government policies.

#### Contact Details:

Sonke Gender Justice Network

Cape Town

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Johannesburg

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## TAKE HOME ASSIGNMENT

Your assignment is as follows:

You are to develop a **Case Study** that can be used by other Volunteers in your organization on how they can use PEPUDA to address human rights violation that some victims may encounter. The **Case Study** can be based on any of the following facts:

### **Case Study 1: Bertha's HIV status**

Bertha is a forty year old single lady who is desperate to get married. She met Siphon and fell in love because he was tall and handsome, just like the picture of a groom at a wedding. Siphon has three children from three different women and he wants to settle down with "any woman, as long as she has a better job than me." This is what Bertha tells you on the first day she walks into your organization with bruises all over her body. Siphon, it turns out, is a heavy drinker and he is also HIV positive. Bertha told her friend, Susan, who told another lady in the area, where they all live. Bertha doesn't know what to do as she married Siphon in community of property and she recently inherited her mother's house. She wants Siphon to stop abusing her but she doesn't want a divorce as she can't lose all the material wealth she has acquired.

### **Case Study 2: Thandi's missing eye**

Thandi is the happiest person your organization has ever encountered. She is always smiling even though she is unemployed and is in the third month of the rape trial. Thandi was raped by her uncle who was the sole breadwinner in their household. Thandi has been living at a shelter for two months but she will have to be moved to another shelter soon as they are closing due to lack of funds. Thandi is twenty seven and is physically disabled. She fell off a train when she was five years old. The shelter has referred her to your organization as Thandi is about to testify in court and they require you to provide her with Court Preparation. The shelter also informed you that on the last day Thandi went to court, she went to the bathroom and left her prosthetic (artificial) leg outside the bathroom door. When she returned, it had been stolen. She had to crawl up the stairs to get to the court room as there were no lifts and no other alternative way for her to reach the court room. Thandi laughs about this and tells everyone about her "missing eye". She laughs when they look confused and she points to the leg instead.

### **Case Study 3: I Hate it when you walk like that...**

Pamela is a gay man who was recently beaten up by a group of his friends at home. Pamela, as he prefers to be called doesn't want to go and report the matter to the police because he believes they won't do anything. To prove this to you, he shows you a newspaper clipping he has:

*Pan - Africanist Congress (PAC) president, against gays and lesbians. Pheko said the PAC did not care if it failed to get votes from gays and lesbians as they face extinction and cannot bear children.*

*Pheko launched a scathing attack on gays and lesbians in an interview with the SABC. Pheko, whose party is struggling to increase its parliamentary seats beyond three, said: "Some people have said that we are going to lose votes of the homosexuals - fine yes - indeed I think that they cannot be a population anyway as the population of homosexuals*

*will disappear in no time - they can't bear - you cant have a man and a man having children - you cant have a woman and a woman having children a man needs a woman to have children."*

*Pheko says gay and lesbian relationships are unnatural.*

*16 May 2005*

Source: African Veil

### Guide on the Take Home Assignment:

- **Develop a Case Study that can be used by other Volunteers in your organization**
- **The Case Study must show how they can use PEPUDA to address human rights violation that victims may encounter**

### Questions that each Case Study must address:

1. **What is PEPUDA? Explain in simple language. 10 marks**
2. **What is the discrimination/s faced by the victim? 5 marks**
3. **What will you tell victim about their rights and responsibility of other parties involved? 10 marks**
4. **How will you record case of discrimination in your organization victim file? 15 marks**
5. **Will you make a proposal for the organization to take action on behalf of the victim? Why? 20 marks**



**TAKE HOME ASSIGNMENT  
ANSWER SHEET**

**NAME:**

**CASE STUDY NUMBER:**

## DAY TWO EVALUATION

**Learning Objectives:** To reflect on learning for day two that can be used to inform areas of focus and improvement for Day three.

**Learning Methods:** Activities: Individual

**Learning Material:** Course File

**Duration:** 30 minutes

**Learning Steps:**

1. Facilitator will reflect on learning areas set for Day two and whether these were achieved. [10 minutes]
2. Facilitator to provide five participants to provide their reflections of learning areas. [10 minutes].
3. Each participant to work on their own and reflect on learning of Day two of the workshop.
4. Each participant to complete the Evaluation form (next page) and submit to the Course. [10 minutes].

**EVALUATION FORM  
Day Two Evaluation**

*Dear Course Participant,  
Please complete this evaluation form and submitted it to the Course Administrator, Ms Prudence Mongwe. Kindly note that the evaluation form will be completed on each day of the course and all information is confidential and intended to be used to improve the course. Thank you.*

1. List the Sessions that were **adequately** covered?

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2. Why do you think they were **adequately** covered?

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3. List sessions that were **inadequately** covered?

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4. Why do you think they were inadequately covered?

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5. What improvement would you suggest for future workshops?

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6. Please comment on course material?

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*Thank you and Have a Safe Trip Home.*



**DAY THREE**

**LEARNING AREAS:**

1. LEGISLATIVE FRAMEWORK SUPPORTING VULNERABLE VICTIMS:

- DOMESTIC VIOLENCE
- SEXUAL OFFENCES
- HUMAN TRAFFICKING
- CHILDREN'S ACT

2. COMPLAINTS, REFERRAL AND CASE MANAGEMENT

3. COURT SUPPORT SERVICES

4. HUMAN RIGHTS FRAMEWORK

## RECAPPING LEARNING: DAY THREE

**Learning Objectives:** to share learning experience of Day two.

**Learning Methods:** Individual

**Learning Material:**

- Course File
- Crayons and Pencils

**Duration:** 30 minutes

**Learning Steps:**

1. Each participant is to DRAW a picture to show what they learnt on Day Two. [15 minutes]
2. Participants will place drawing on wall and will do a “gallery” view of all pictures. [10 minutes]
3. Facilitator and Participants will choose first, second and third best picture.

**4. Note on Pictures:**

- a. Drawing must include a Victim*
- b. Drawing must show two or more Victims rights*
- c. Drawing can include images or words or both*

## DEFINING 'VULNERABLE VICTIMS'

**Learning Objectives:** to develop a working definition of 'vulnerable victims' for your organization.

**Learning Methods:** Group Activity

**Learning Material:** Course File

**Duration:** 15 minutes

### Learning Steps:

1. Working in groups of four, choose a group leader.
2. Each group is to discuss type of victims that seek assistance from the organization. [5 minutes]
3. Each group is to reflect on the definition below. [5 minutes]
4. Each group is to define, using the definition below and their own organizational profile; what 'vulnerable victims' should mean for the organization. [5 minutes]
5. Group leader to write down definition or kinds of vulnerable victims and place on wall.

#### Definition of Vulnerable Groups

- **Vulnerability is determined by factors such as underdevelopment, economic insecurity, poverty, lack of empowerment of women, lack of education, social exclusion and sexual exploitation.**
- **Legal protection does not diminish a person's vulnerability**  
*Reference: Discussion Paper, HIV and AIDS, Human Rights and Access to Justice, 2009*

#### Organizational Profile: Working with Victims

- **Does the organization work with**
  - **Women**
  - **Children**
  - **Refugees**
  - **Lesbian, Gay, Bisexual, Transgendered and Intersex persons**
  - **Sex workers**

○ **Poor**

## **SEXUAL OFFENCES AMENDMENT ACT AND THE NRSO**

### **Learning Objectives:**

To introduce participants to victims rights as defined in the Sexual Offences Amendment Act and the NRSO

**Learning Methods:** Presentation

**Learning Material:** Course File

**Duration:** 1 hour

### **Learning Steps:**

1. Participants will receive a presentation from the DOJ&CD.

## NOTE:

### **SUMMARY: THE CRIMINAL LAW (SEXUAL OFFENCES AND RELATED MATTERS) AMENDMENT ACT 32 OF 2007**

The summary is presented for use during the workshop. It is not intended to be a definite guide in understanding the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (hereafter referred to as the SOAA), but merely to summarize key aspects of the legislation.

The summary is presented in a simplistic Format of 'Questions and Answers'.

#### **1. WHAT DOES THE SOAA AIM TO ACHIEVE?**

The SOAA has the following broad aims and objectives:

1. Provide content to Act – Defines why it was created and what it intends to achieve
2. Provides an understanding of the Act terminology and concepts used and how it should be interpreted
3. Defines and creates crimes of sexual offences (both existing and new crimes) and focuses on crimes against children and persons who are mentally disabled. In addition, it introduces a new preventative and protective mechanism for children and persons who are mentally disabled, in the form of a National Register for Sex Offenders.
4. Introduces a new service for victims in the form of access to medical treatment due to possible exposure to HIV (post exposure prophylaxis) and court application for compulsory testing of alleged offenders
5. Provides guidance on defences, sentencing and evidentiary nature of criminal trial
6. Deals with extra-territorial, jurisdiction of sexual offences committed outside of South Africa by citizens and committed by foreign nationals in SA
7. Addresses coordination, administration, implementation and (monitoring and evaluation) implementation of the Act through establishment of Inter-Sectoral (government) Committee, development of National Policy Framework and issue of National Instruction, directives and Regulations to inform how the Act must be implemented.

#### **2. WHO IS RESPONSIBLE FOR (ADMINISTRATION OF) THE SOAA?**

The Department of Justice and Constitutional Development is responsible for administration of the SOAA. The SOAA places an obligation on the Minister of Justice and Constitutional Development to:

- Develop a National Policy Framework (Section 62)
- Manage the Inter-Sectoral Committee through the Director-General
- Report to Parliament every year
- Form part of consultations with departments in finalization of their National Instructions or Directives and designation of (health) facilities
- Develop regulations

#### **3. WHEN DID THE SOAA COME INTO OPERATION?**

Government adopted an incremental approach to operation of Act. This was done to assist departments, particularly the consultation processes required for finalization of Regulations and Instructions and reaction of new system.

- **Chapter 5:** Which deals with services for Victims and compulsory testing came into effect 21 March 2008
- **Chapter 6:** Which deals with National Register for Sex Offenders came into effect on 16 June 2008

#### 4. WHAT IS A SEXUAL OFFENCE?

**The Act creates three categories of offences (or crimes)**

1. "General" crimes: Rape, Sexual assault, compelled self-sexual assault, incest, bestiality, Sexual act with copse and trafficking for Sexual purposes.
2. Crimes against adults: compelled sexual act or masturbation, flashing (exposure of sexual parts and child pornography), adult prostitution (where only the client (customer) is prosecuted)
3. Crimes against Children and persons with mental disability: Statutory rape (sex with children younger than 16). Child prostitution (sexual exploitation), sexual grooming of children (acts that are intended to facilitate sex), compelling children to witness sexual offences, sexual acts or self-masturbation, exposure or display of child pornography or using child for child pornography. (The offences are similar for persons with mental disabilities)

#### 5. WHO IS A VICTIM AND OFFENDER?

The Act uses terms complainant and Victim. Both are defined in the Act and have similar meaning;

- A complainant is the alleged victim of a Sexual offence.
- A victim is any person alleging that a Sexual Offence has been perpetrated against him or her.
- A victim of Sexual Offences can be any person both male and female.
- An offender is any person (male or female) who internationally and knowingly commits a Sexual Offence.

#### 6. WHAT IS THE NATIONAL REGISTER FOR SEX OFFENDERS?

In terms of section 42 of the SOAA, the aim of the National Register for Sex Offenders is to protect children and persons who are mentally disabled against sexual offenders.

The National Register for Sex Offenders will record the names and details of all the people who committed sexual offences against a child or a person who is mentally disabled before or after the commencement of this chapter. These will include offences committed in or outside the Republic.

#### 7. WHO IS THE NATIONAL REGISTRAR?

The NRSO IS not a public register but managed by a Registrar designated by the Minister of Justice & Constitutional Development. All queries, convictions and details may be obtained through this office. Mrs N Chiloane has been appointed as an Interim National Registrar as of September 2009.

### **8. WHAT INTERNATIONAL INSTRUMENTS AND RELATED OBLIGATIONS DOES THE ACT AIM TO FULFIL?**

The SOAA responds to South African's obligation to combat and eradicate abuse and violence against women and children, especially Sexual violence and Trafficking for Sexual purposes.

Particular instruments included (and or applicable) in the SOAA:

- a) United National Convention on the Elimination of all forms of Discrimination Against Women, 1979
- b) United Nations Convention on the Rights of the Child, 1989
- c) United Nations Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1988
- d) African Charter on Human and Peoples Rights
- e) United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, (also known as the Palermo Protocol) Supplementing the United Nations Convention against Trans-National Organized Crime, 2000.  
2009.

### **9. WHO ARE ROLE PLAYERS RESPONSIBLE FOR IMPLEMENTING THE ACT?**

All government departments with the Criminal Justice System, SAPS (Police), NPA (Prosecutors), Department of Social Development (Social Workers), Correctional Services, Department of Justice and Judiciary (Magistrates and Judges)

### **10. HOW WILL THE ACT BE IMPLEMENTED AND MONITORED?**

The Act requires the Department of Justice to develop a National Policy Framework to inform how the Act should be implemented.

Monitoring will be done through reports to Parliament on annual basis and through five year review.

**DOMESTIC VIOLENCE AND CHILDREN'S ACT**

**Learning Objectives:**

To introduce participants to the Domestic Violence Act 1998 and the Children's Act 2008

**Learning Methods:** Presentation

**Learning Material:** Course File

**Duration:** 1 hour

**Learning Steps:**

1. Participants will receive a presentation from the DOJ&CD.



## COMPLAINTS MECHANISM

### Learning Objectives:

- To develop complaints mechanism for organization
- To enhance skills for managing service delivery complaints on behalf of victims

**Learning Methods:** Individual and Group Activity

**Learning Material:** Course File

**Duration:** 1 hour

### Learning Steps:

1. Facilitator will present complaints procedure as contained in the Minimum Service Standards [10 minutes]
2. Working in groups of four, each group is to develop a Complaints management System for organization. [10 minutes]
3. Develop a Flow Chart using the following guiding questions:
  - How will you manage complaints about service rendered in your organization?
  - How will you assist victims complain about services within the criminal justice system?
  - How will you manage complaints as an organization about services within the criminal justice system?
4. Each group will present their Complaints Management System [ 10 minutes]
5. Working individually, each participant is to write a letter of complaint based on Mrs Khumalo's case study. [20]

### Notes: Complaints Management

1. What complaints do you receive? Determine what Victims Right has been violated?
2. What steps were taken to resolve complaint?
3. What documentation is available?

#### Complain – Organization (service)

- Who manage complaints – where is it captured?
- Line of reporting
- How long does it take to resolve complaints?
- What redress

#### Complain – Organization (Government)

- Complain as a Collective (Coalition of organizations)
- Local – Provincial – National
- Parliament

## DEVELOPING A CASE TRACKING SYSTEM

### Learning Objectives:

To enable volunteers to keep track of cases on behalf of victims

**Learning Methods:** Presentation

**Learning Material:** Course File

**Duration:** 1 hour

### Learning Steps:

1. Participants will be divided into groups of five and each group is to DRAW how victims are processed [15 minutes]:
  - When they come to the organization
  - When they go to the criminal justice system
  - How victims files should be recorded and stored within the organization
2. Facilitator will provide presentation on Case Tracking within the Criminal Justice system [10 minutes].

**HUMAN TRAFFICKING**

**Learning Objectives:**

To introduce participants to human trafficking and provisions of the Trafficking in Persons Bill.

**Learning Methods:** Presentation

**Learning Material:** Course File

**Duration:** 1 hour

**Learning Steps:**

1. Participants will receive a presentation from the DOJ&CD.

**PARKING LOT ISSUES**

**Learning Objectives:**

- To allow participants to complete any learning Steps that they did not complete.
- To address any issues that participants require additional learning.

**Learning Methods:** Presentation

**Learning Material:** Course File

**Duration:** 1 hour

**Learning Steps:**

1. *Participants will work individually or in group to complete or discuss any issues in the "PARKING LOT".*

## *DEVELOPING A FUTURE LEARNING PLAN*

### **Learning Objectives:**

To assist participants develop a future plan for implementation of learning

**Learning Methods:** Presentation

**Learning Material:** Course File

**Duration:** 1 hour

### **Learning Steps:**

1. Participants will develop their OWN implementation and learning plan based on following:
  - Identify another participant within this group who will be your Mentor.
  - You and your Mentor are to meet (one meeting) and share what your experience has been since workshop. Set a date.
  - What improvements will you make in the next month? (Measurable and Evidence based)?
  - What support do you require from the organization to assist you in implementation of learning?
  - What will you share with other volunteers?
  - How will you share information or learning?



**PERSONAL LEARNING IMPLEMENTATION PLAN**

**Name:**

**Mentor:**

I HAVE LEARNT	I WILL IMPLEMENT	I WILL REPORT BACK ON











## DAY THREE: EVALUATION FORM

Dear Participant:

In order to improve our WORKSHOP, we request that you complete the Evaluation form and participate in Group Plenary Evaluation. Your opinions are important and we will ensure that we take every opinion into consideration in reviewing all Training programmes. Please note that in order to eliminate any fears you may have about how the evaluation form will be used (information), we request that you not include your name. Please return the form to the Course Coordinator when you have completed.

Thank you for making time to attend the course. Safe journey back home.

PLEASE USE THE SCORE:

-	1	2	3	4
<b>NOT APPLICABLE N/A</b>	<b>POOR</b>	<b>NEEDS IMPROVEMENT</b>	<b>AVERAGE</b>	<b>GOOD</b>

PRE- COURSE EVALUATION		
	YOUR SCORE	COMMENT
1. Timeous Information about the course		
2. Pre- Course Assessment: Participant Profile and Needs Analysis		
3. Residential Course: Logistical arrangements (for travel - accommodation provided on time)		
<b>COURSE: INPUT</b>		
1. Facilitators		
<ul style="list-style-type: none"> <li>• Jeanette Mokoena</li> <li>• JR Mokonto</li> <li>• Gladys Mangwani</li> <li>• Naomi Webster</li> </ul>		
2. Participants: Level of participation and contribution to course		
3. Training Venue: Room		
4. Catering: Tea and Lunch		



5. Training material		
<b>PROCESS</b>		
1. Training Method		
a) Presentations		
b) Group work/ activities		
c) Individual work/ activities		
<b>OUTPUT</b>		
1. Participants Objectives Achieved		
2. Workshop Products		
• Visual aids		
<b>IMPACT</b>		
1. Lessons: Future project evaluation		
<b>OTHER COMMENTS:</b>		
<b>FUTURE COURSE TO ALSO INCLUDE: LEARNING CONTENT</b>		



## **ICE BREAKERS AND ENERGIZERS**

## SIMON SAYS.....

### Learning Objectives:

1. Develop an understanding of what it can mean to be a 'victim'.
2. Understand what is 'secondary victimization' and how the Victims Charter aims to reduce 'secondary victimization'

**Learning method:** *Group Activity*

**Duration:** 15 minutes

### 'Simon Says' Activity

#### Preparation:

- Group to agree to undertake the activity without question.
- Facilitator will say what action 'Simon' wants. All to follow:
- **Simon says...** Take off shoes and put in front of room.
- **Simon says...** Each person will be given a pair of shoes to wear.
- In your new shoes, **Simon says...** walk around the room.
- **Simon says...** find someone who shoes you think you are wearing and tell them how you felt wearing their shoes.
- **Simon says...** the person who is hearing must decide at what point of the story to SHOUT: 'BE QUIET', / 'STOP TALKING' / 'SHUT UP'
- Facilitator will switch off lights for a few minutes.

#### De-Briefing Session:

- Facilitator and Group to reflect on how they felt doing the activity.

## HOW TO FORM BUZZ GROUPS

**Learning Objective:** To demonstrate the difficulty that victims face when seeking assistance from NGOs and CBOs

**Learning Method:** Group Activity and Buzz “partner” activity

**Duration:** 10 minutes

**Learning Material:** Course File

**Learning Steps:**

1. Participants to form a Circle in the Room.
2. Participants to close eyes and hold hands in the Circle.
3. Participants to go around (walk to the left) and when Facilitator says “Turn to the Right”, each person to grab a “partner”.
4. Once participants have formed “partners”, they are to tell each other “My most embarrassing moment”.



## KEY TERMS AND CONCEPTS

Absolute right	A synonym for “inalienable rights”, or full right
Abuse	When a person is mistreated by another person
Adversarial	Putting two sides against each other
Aggravating factors	For example where the offender has a previous conviction
Alleged crime	A claim that a crime has been committed but has not been proven in a court of law
Appeal	A request, to ask for. In the case of law – appeal against a decision
Arbitration	A procedure where people asks a third party to settle their dispute
Assault	Unlawful use of violence against another person
Best interest of the child	What is to the child’s advantage
Bill of Rights	A statement of human rights in the Constitution; these rights are protected against infringement by government
Child	(in the case of sexual offences) a person under the age of 18
Child pornography	Any image, however created, or any description or presentation of a person, real or simulated, who is depicted or described or presented as being, under the age of 18 years, of an explicit or sexual nature, whether such image or description or presentation in intended to stimulate erotic feelings. This includes any images or description of such person engaged in an act that constitutes a sexual offence, engaged in an act of sexual penetration, sexual violation, or self- masturbation.
Collaborative evidence	Evidence which supports another person’s evidence
Compensation	Payment of damages or loss of property to victim by

	offender
Conciliatory approach	A friendly attitude
Constitution	A set of legal and legitimate rules and laws used to govern a country
Constitutional principles	The standard rules of conductor set of values in the Constitution
Conviction	When the accused is found guilty by the court
Crime	Action or behavior which is against the law
Docket	File where SAPS keep all information, documentation and evidence relating to a specific case
Domestic Violence	Physical abuse, sexual abuse, emotional, verbal & psychological abuse, economic abuse, intimidation, harassment, stalking, damage to property, entry into the complainant's residence without consent, where they do not share the same residence or any other controlling or abusive behaviour towards a complainant where such conduct harms or may cause imminent harm to the safety, health or well being of the complainant.
Expungement	Removal of criminal records from the criminal record system
Facilitator	A person who leads a discussion, a guide
Family Advocate	A State official who looks after the interest of children of divorcing parents
Granted bail	When a person is accused of a crime, h/she can pay a sum of money as a deposit so h/she does not stay in prison while waiting for trial
Grievous Bodily harm	Serious injury to a person's body
Human rights	The rights that universally belong to people, irrespective of age, race, gender, sex, class, religion, sexual orientation
In camera	When a trial is held in private, not in open court
Interdict	Civil remedy that stops a person from acting in a certain way
Judiciary	The branch of government made up of the courts system

Jurisdiction	The right or power to administer justice and apply law
Mediation	A procedure where two people try and solve their problems with a third person's help
Mitigating factor	For example the offender shows remorse or is a first offender
Notice of motion	Formal legal document to bring civil proceedings which cannot be started by summons
Parliament	The organization which makes laws
Public Prosecutor	The lawyer who represents the State in a trial and who is on the side of the victim
Restorative Justice	Is an approach to justice that involves parties to a dispute and others affected by the harm (victim, offenders, families concerned and community members) in collectively identifying harms, needs and obligations through accepting responsibilities, making restitution and taking measures to prevent a recurrence of the incident and promoting reconciliation.
Restitution	The act of giving back something that has been lost or stolen, making up to someone for loss and putting them back to the original position
Sexual Violation	Any act, except sexual penetration, that is caused by direct or indirect contact between genital organs, anus, breasts, mouth, insertion of an object or masturbation
Statutory Rape	Sexual penetration with a child (between 12 and 16 years) despite the child's consent
Statutory Sexual Assault	Sexual violation with a child (between 12 and 16 years) despite the child's consent
Subpoena	Formal legal document given to a person to appear in court
Summons	Formal legal document used to institute civil proceedings to bring the person to court

Testimony	Giving evidence, telling your story in public
To litigate	To bring civil proceedings against another person
To lodge a complaint	To bring an accusation against someone about an action they did
To plead	To declare if you are guilty or not guilty to a court
To take the oath	To swear to tell the truth
Trafficking	In relation to a child- means the recruitment, sale, supply, transportation, transfer, harbouring or receipt of children, within or across the borders of the Republic by any means, including the use of threat, force or other forms of coercion, abduction, fraud, deception, abuse of power or the giving or receiving of payments or benefits to achieve the consent of a person having control of a child; or due to a position of vulnerability, includes the adoption of a child facilitated or secured through illegal means.
Victim	A person who has suffered harm
Victim Offender Mediation	Is a process that provides interested victims the opportunity to meet their offender in a safe and structured setting. The goal is to hold offenders directly accountable while providing support and assistance to victims.