

Criminal Procedures Act revamped to make it victim-centred

Justice and Constitutional Development Minister Ronald Lamola says the department is in the process of reviewing and modernising the Criminal Procedures Act to ensure that it is centred on protecting victims of abuse.



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The Minister said this when he took his place behind the microphone and wore the hat of a radio presenter for a show called Let's Talk Justice. Lamola hosted renowned social activist Criselda Kananda-Dudumashe as his studio guest in Cape Town on Thursday evening.

During a radio broadcast from the GCIS radio studios - which transmits to over three million listeners tuned in via 65 community radio stations - a listener had called in to ask what systems are in place to ensure that women who report abuse don't feel like they are being violated all over again and in the process.

"We are in the process of looking at our systems to modernise them in terms of the Criminal Procedure Act, to make it victim-centred because... the Criminal Procedures Act is a 1977 law, which did not have a focus on the victims.

"The victims of the offence were not that central. The only role they played is to become a witness," Lamola said.

Currently in its fifth season, the Let's Talk Justice Show is used by the Department of Justice and Constitutional Development to educate communities about their rights that are enshrined in the Constitution. It broadcasts from the GCIS studios every Thursday as well as on several community radio platforms across the country from 6-7pm.

As part of commemorating Women's Month, on Thursday evening Lamola hosted the show and was in conversation with Kananda-Dudumashe to discuss issues of domestic and gender-based violence, rape and access to justice for victims.

Earlier in the show, Kananda-Dudumashe shared her personal account of how she was abused by her husband – a person she had entrusted with her emotions and safety.

She said when she laid a charge in an attempt to get restorative justice, a police officer asked her in a corridor – in front of everyone at the police station – to explain what had happened.

“...That is one of the ways in which we fail the victims of physical abuse because it is embarrassing and it is shaming the victim because one of the questions I was asked were unfortunate,” she said.

She said the officer went as far as asking her if she was sure that she wanted to open the case.

The system is very embarrassing to victims of abuse. “When you need to have a protection order because you feel like your rights have been violated and you are scared, you moved from SA Police Service to a different department.

“There is no coordination. And that too is such a tedious exercise because I ended up coming back and asking that can we just withdraw the case because I just simply don't have the time to be moving from pillar to post just to get justice,” she said, an assertion that left the Minister feeling “emotional”.

Kananda-Dudumashe said there was a need for one-stop shops that would assist women to not only open a case, but to also apply for a protection order, access socio-psycho services, medical services, among others.

The Thuthuzela Care Centres are one-stop facilities mainly based within health facilities. They have been introduced as a critical part of South Africa's anti-rape strategy, aiming to reduce secondary victimization and improve conviction rates.

Said Lamola: “That is the reason we are looking into modernising the Criminal Procedure Act to be in line with the Constitution of our democracy for it to reflect the Constitutional ethos – the victim-centric aspect – so that victims don't feel like their role is to just give evidence, but that they are playing a role in the administration of justice as a whole and also feeling that justice was served.”

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