

Discuss the plight of offenders in the prison system as victims within a correctional context (25 marks)

1. Introduction

The most vulnerable individuals whom are most vulnerable and experience unique problems in the correctional setting are female prisoners, male inmates, older inmates and juvenile prisoners. It has proven quite problematic ensuring that the latter mentioned detained prisoners are neither victimised nor exploited.

2. Definition of Key Concepts

Prisoner - a person who is deprived of liberty against his or her will. This can be by confinement, captivity, or by forcible restraint. The term applies particularly to those on trial or serving a prison sentence in a prison.

3. Female Prisoners

Sexual abuse of female prisoners can be operated by factors such as allowing unsupervised access of male staff to female facilities, insufficient disciplinary action against guards who engage in sexual misconducted, and allowing practices that are inherently cruel and degrading and are open to abuse, for example, allowing male staff to conduct carnal “searches” of clothed female prisoners. Such issues can be alleviated by ensuring that female prisoners are supervised only by female staff

Mothers in prisons also pose issues as their incarceration is more likely to result in a serious family disruption to the family. In addition, the constant conflict, guilt and frustration due to the separation from their family and being unable to care for their children adds to the strain of their imprisonment

Due to female prisons being smaller, there is less economic justification for a wide variety of programmes found in male prisons. Access to services such as treatment, training, recreation, vocational and educational programmes, is more limited to female prisons; this is due to the fact that these prisons have limited space and the number of female prisoners is felt to be too small to warrant the additional cost programmes and facilities

4. Male inmates

Certain prisoners are targeted for sexual assault the moment they enter prison; their age appearance, sexual orientation, and other characteristics such as small size physical weakness, shyness and uncertainty mark them as candidates for sexual abuse by inmates.

4.1. Prison male rape

For a heterosexual, male rape is the most fearful event, in relation the witnessing or experience thereof, especially if it is their first confrontation with same sex contact. As a heterosexual male victim can respond physically to stimulation, such as getting an erection and/or ejaculate during the sexual act, this will result in the male victim perceiving himself as homosexual or bisexual due to his physiological sexual response; in essence, he will question his own sexual identity and manhood

Objects can be used and forced oral sex is also prevalent. Victims are often manipulated into exchanging their bodies for favours and privileges. Some prisoners will form “protective” sexual partnerships to avoid continual victimisation. To escape being abused by many, they choose one partner who might protect them from abuse by others. The motivation to exchange sex for protection often includes fear and stems from coercion.

4.2. The creation of “women (wyfies)”

“Women” or “wyfies” are created by destroying men’s claim to “manhood”. “Women” are primarily seen as the sexual property and servants of “men” and are often forcibly taken as wyfies by other inmates in relationships known as “marriages”. Wyfies are not worth very much as they are regarded and treated as sex objects and domestic workers. Prison “marriages” between “men” (husbands) and “women” (wyfies) are usually brought about by an initial forced sexual act.

In prison marriage relationships “men” are active; they do “business” in prison and provide for their wyfies materially. They are responsible for the penetration while having sex, while the “women” have to be passive. Wyfies are required to take care of the “home” space (prison cell) and to be sexually available to their partners. Some prisoners consider rape as a form of fun, while in other cases initiation rape also serves a social purpose to create classes of men, such as, a class of subordinate men (wyfies). Once a prisoner is raped, his reputation as a man who has been penetrated is likely to precede him, making him more vulnerable to further assault; male rape survivors in prison question their masculinity

5. The Older Inmate

As the general prison population continues to increase, the percentage of elderly inmates will rise at a considerably higher level. The increase may change society’s perception of the prison population and will necessitate a radical overhaul in prison administration. Older inmates pose unique and costly problems for prisons already struggling to manage outdated, overcrowded and under-funded prisons. Correctional systems are already forced to consider issues for the first time relating to

geriatric care, such as providing special diets. Round-the-clock nursing care, altering facilities and restructuring institutional activities

Older prisoners not only have different medical needs from their younger counterparts, but also different social needs. Older inmates have a greater need for privacy and have expressed a greater need for access to preventative health care and legal assistance. Older prisoners are often unable to cope with the brisk pace and noise of the typical prison environment. Studies have shown that older prisoners feel unsafe and vulnerable to attack by younger inmates and they express a preference for sharing a cell with people of their own age

6. Juvenile Prisoners

The establishment of separate facilities is of prime importance and steps are being taken for the centralised detention of young offenders in separate Youth Correctional Centres with distinctive custodial and development programmes available for the care of young offenders. The Department of Correctional Services follows the internal and national recognised standards and norms for the separation of young offenders, with the following stipulations: Young offenders must be detained separately from adults. Children (under the age of 18) must be detained separately from persons aged 18 years and older. The relevant officials should detain young persons with serious behaviour problems and those posing a risk to others separately for the purposes of behaviour management.

Juveniles with disabilities form special needs groups within the larger group of juvenile prisoners and pose a greater challenge regarding their handling. Youths who are emotionally disturbed and who have learning disabilities should have access to special education and related services; issues such as, transience of the population, conflicting organisational goals for security and rehabilitation, shortage of adequately prepared personnel and limited interagency coordination inhibits the provision of such services for these juveniles.

7. Conclusion

It is evident that the various categories of offenders face unique issues in relation to the susceptibility towards victimisation and that the correctional system experience difficulties to maintain and implement the necessary structures and programs to ensure that their rights are not infringed.

Discuss victims of farm attacks by highlighting the dilemma of the victims and how future attacks can be prevented (25 marks)

1. Introduction

In order to understand the dilemma of victims of farm attacks it is important to evaluate characteristics and modus operandi of farm attacks, the potential causes of farm attacks, the profile of the victims, the victims' perception of farm attacks, the nature of trauma on victims after the attack as well as the prevention of these attacks

2. Definition of Key Concepts

Farm attacks – may be defined as attacks on farms and smallholdings that are aimed at residents, workers and visitors, with intent to murder, rape, rob or inflict bodily harm and actions aimed at disrupting farming activities as a commercial concern, whether for motives related to ideology, labour disputes, land issues, revenge, grievances, racist concerns or intimidation

3. Characteristics and modus operandi of farm attacks

It is possible for former employees to be involved in the attack, either directly or indirectly. Perpetrators usually spend time beforehand to observe the routine of the inhabitants of the farm as it provides them with information about their movement. Some perpetrators go to the farms on the pretext of looking for work or wanting to buy livestock. There may be a degree of organisation behind the attack, but not to the extent observed with other serious violent crime such as bank robberies.

Farms are easy targets due to them being located in more remote areas, therefore, far away from police stations. These crimes that are committed on farms are 'ordinary crimes' such as murder and robbery, and not farm attacks per se.

Cases have reported attacks aimed solely at committing murder; the most prevalent form of violence used was burning, strangulation, stabbing and the shooting of the victims. These attacks are often well-planned and carried out quite efficiently and the attack is often deadly. In addition, prominent farmers seem to be victims of these attacks. These attacks have a wide-spread emotional impact on the entire farming community in South Africa

4. Potential Causes of Farm Attacks

Some of the motives of these attacks can be identified from investigations and others deduced from circumstantial evidence. Other causes have to be viewed against the background of perceptions held by various individuals and members of organisations.

4.1. Culture of violence

Violence has become an acceptable means of resolving conflict and achieving political and personal aims due to South Africa's history of confrontation, conflict, conquest and forced removals. In addition, a media fixation now seems to exist with regards to farm attacks, which may instigate attackers

4.2. Poverty and unemployment

Poverty and unemployment in South Africa are main contributing factors to the high levels of crime. Injustices of the past and the uneven disparity in wealth, development and access to resources are perceived as a justification for crime. The illegal acquisition of property is a factor that may motivate criminals to become involved in attacks on farmers

4.3. Revenge and hate

Farmers may be subjected to revenge attacks. For example after having dismissed due to bad labour relations, however allegations of bad labour relations are strongly denied by Agricultural and Farmers Unions

4.4. Illegal immigrants

Dishonest employers may exploit many illegal immigrants, which might lead to revenge attacks

4.5. Easy availability of weapons

The easy access of firearms in South Africa contributes to the high level of attacks on farmers. Farmers are usually in possession of firearms and obtaining them serves as an additional incentive for attacks

4.6. Inflammatory statements

The farming community has been the subject of inflammatory statements by certain groups and political leaders, which is believed to create a climate conducive to violent attacks on farms

5. Victim Profile of Farm Attacks

Victims farm attacks, black and white, as well as farm workers and domestic workers. The farmers, who have been attacked, according to reports, are mainly elderly people living alone and are regarded as soft targets. Some farm workers are injured or killed because they are an obstacle in the way of the perpetrators. By investigating the incidents of farm attacks in Limpopo, it is evident that majority of victims are farmers and/or their families followed by the domestic workers.

6. Victim's Perception of Farm Attacks

Victims of farm attacks react differently; most victims are shocked, angry and in a state of disbelief and some may believe that the attacks were politically motivated. Some victims acknowledge that they are soft targets while others believe that they were victims of broader socio-political circumstances. A few victims perceive the attack as a racist incident.

7. Nature of Trauma on Victims after a Farm Attack

7.1. Uncertainty of the future

Many farmers and farm workers, who face unemployment, have invested much of their time and effort in their farms; therefore, there is no future for them without the farm

7.2. A feeling of loss of control

Due to intruders being able to come from the outside and violate the farmer's physical integrity and property, they may feel that they have lost all control over their environment and themselves

7.3. Loss of security

Survivors of farm attacks experience feeling of vulnerability after the traumatic incident, especially if they perceive themselves not being able to cope with the event. They may even fear that the traumatic event or similar event may happen again

7.4. Loss of meaning in life

This feeling arises after the traumatic event, especially when the survivor's partner and/or family have been killed or when the farm or home has been lost.

7.5. Lack of motivation in terms of the future

After a farm attack, there is a common phenomenon of children losing their interest in their schooling careers

7.6. Fear that the attackers may return

This anxiety relates to the disorientation and confusion of the victims as they feel that they have so little control over their environment that they are unable to prevent another traumatic event from occurring

7.7. Feeling insulted and degraded after a sexual assault

Victims may feel that they have lost their dignity. In case of rape there may also be the fear of contracting a disease such as HIV/AIDS

7.8. Loss of a loved one

Very common is loneliness as a result of the death of a spouse. Often one of an elderly couple is murdered, and the survivor has to face old age alone

7.9. Bitterness and desire for revenge

The attack results in bitterness and anger which leads the victim having the need to exact revenge upon those who inflicted the trauma

7.10. Immediate financial fears

The farm may no longer be profitable; therefore, there may be fears that there will be no buyers for the farm after an attack due to the possibility of future attacks scares away possible buyers

7.11. Physical trauma

This may be, for example, because of a loss of a limb; or having to use a wheelchair

7.12. Loss of freedom

Victims may live behind a security fence and are afraid to go out at night. There may be a lack of trust in fellow human beings, and there is a fear of participating in life again

8. Prevention of Farm Attacks

Farmers should get full particulars of their workers, carry out background checks on their staff and take fingerprints and photographs. If the farm is old and the workers remain on the farm, the new owner should be given the aforementioned information. Workers, especially foreign workers without documentation, should not be employed. Communication between farmers and their

workers should be improved and farmers should strive for better relations. In addition, workers should be regarded as informers and should be made part of the security system on the farms. Moreover, security needs to be improved on farms as much as possible, Finally, farmers need to be more vigilant and vary their daily routine and sector police needs to be introduced in the rural areas

9. Conclusion

Throughout this discussion it is evident how the nature and causes of farm attacks have a traumatic impact on the victims due to the violence and potential deadly consequences. The emphasis is therefore on the dire need for the implementation of preventative measures in order to prevent such attacks.

Discuss victim empowerment and support in terms of the models in the Criminal Justice System and the importance thereof within the South African context (25 marks)

1. Introduction

Victim empowerment and support is vital for victims of crime as to ensure that their rights as victims are upheld, to provide victims with the means of regaining control over their lives, to support victims during the various court proceedings as well as to assist victims in ensuring that they are educated in relation to preventative measures.

2. Definition of Key Concepts

Victim empowerment and support – process through which individuals who have suffered conflict and violence are helped to overcome their grief and resentment, thus enabling them to become more positive, proactive and self-motivated members of society. In addition, it can also be defined as strategies and public policies which provide communities with the skills and self-confidence, support and tools necessary to become more effective advocates of the rights and needs of victims in the light of institutionalised and historic discrimination

Victim support models - consist of the care model, the criminal justice model and the prevention model. These three models function, respectively, interdependently as they serve the collective purpose of supporting victims of crime

3. Victim Support Models

There are two basic models and a third which is a blend of the previous two is. The first model suggests that models can be delivered as a specific form of welfare. This model is governed by the ideology of care. The second states that victim services can be part of the administration of criminal justice; this model is governed by the ideology of human rights or a just society. The ideal victim policy is a mixture of both models.

3.1. The care model

Prime examples of the care model are those which involve or include state compensation schemes – especially those which apply generous standards in determining awards for victims of crime. In most cases, existing schemes fall short of being a fully satisfactory welfare provision for crime victims as only some victims are eligible, and the actual delivery tends to be time-consuming and burdensome for the claimants. Victims who are poor will welcome any money. In developing nations, where few people are fully covered by insurance for medical bills, state compensation is an important provision

An important second category of care-oriented services are rape crises centres, shelter homes for victims of spouse abuse, and general victims support schemes. An approach which seems to work, which is implemented in the Netherlands and United Kingdom, well is that all victims of either serious or less serious crimes are routinely contacted by trained volunteers, and offered immediate practical and moral support, and police are instructed to ask all relevant victims permission to give their names and addresses to local support schemes.

3.2. The criminal justice model

This model incorporates victims of crime and they are provided for and included within the criminal justice process. They are taken into consideration by the police, are referred to support agencies, are given advice on preventative measures, and have the right to inform the court of the impact of the victimisation in the form of a Victim Impact Statement, and are afforded the right to receive restitution from the offender

3.3. The prevention model

The implementation of justice-orientated provisions for crime victims is sometimes hampered by a lack of motivation on the part of the relevant professions. Helping victims is often not seen as part of the core business of the police or the prosecutor. Although the provision of these services is highly desirable as an end in itself, it is important to emphasise their importance in the prevention and control of crime. Given this, therefore, a third model of victim services is proposed namely; victim services as a part of crime prevention

There are at least four reasons why a better deal for crime victims is important in the fight against crime. Firstly, most crimes are brought to the attention of police by victims or their relatives; also the chance to arrest the offender and obtain a conviction largely depends on the information supplied by the victim. If many victims are doubtful whether reporting the case to the police will do them any good, this obviously seriously undermines police effectiveness. For criminal investigations to be functional, the victim's cooperation is obviously essential. This is why the number of satisfied victims ought to be used as a performance measure in criminal investigation departments

Even more important for the reduction of crime is the role of potential and actual victims in crime prevention. Criminality can be prevented by doing something about the economic hardship of groups at risk and limiting their chance of becoming offenders. Actual offenders should also be empowered to stay crime free after their release from prison; therefore, offender-orientated prevention remains a must. Since crime levels partly determine the availability of suitable targets, potential and actual victims can also make an important contribution to the prevention of crime by

improving their own self-protection measures as victim-oriented prevention has proven to be effective.

4. Importance of Models of Care in South Africa

The high crime victimisation rate in South Africa can be ascribed to the presence of economically deprived youngsters, and at the same time by the availability of suitable targets. The high level of crime also seems to have structural causes that need to be addressed by a comprehensive crime policy. In South Africa, many crime victims who report their victimisation to the police are dissatisfied with their treatment. Many would like to receive some sort of specialised help.

The victim policies that are needed to remedy the abovementioned situation can be guided by either or both of the two prevailing victim ideologies: the care ideology and the criminal justice ideology. Many of the poorer victims of violence would greatly benefit from a state compensation scheme. It is also essential to develop a nationwide network of support agencies for all victims, possibly with the involvement of volunteers

A purely care-orientated approach will not suffice as the victim's demand for justice to be done needs to be met and this can only be achieved by the criminal justice system, itself. It is, therefore, advisable to draft a comprehensive bill of rights for crime victims in South Africa and includes proposed changes in law, changes in procedures, and new codes of conduct for the professions involved.

Victim policies not only contribute to the making of a more just and caring society; such policies also help to prevent and control crime; potential and actual crime victims can support the police by placing the responsibility on community members to improve their own self-protection measures. Repeat victims can also help the police by installing security systems which may make it easier for the police to arrest perpetrators.

By treating victims more fairly, the criminal justice system can maintain or restore the victim's respect for the law and thus prevent a downward spiral of violence and resentment. In this perspective, helping crime victims is a task for welfare agencies and volunteers, in close cooperation with the police, the prosecutors and the courts, in essence a victim policies requires a multi-agency approach.

In recognising the inadequate support given to crime victims, the National Crime Prevention Strategy acknowledged the need to promote and implement a victim-centred approach to crime prevention. This was done through the introduction of the Victim Empowerment Programme. Broadly speaking,

this programme aimed to make integrated criminal justice victim-friendly and to minimise the negative effects of crime and violence on crime victims. The failure of effective victim empowerment in the criminal justice system may encourage “private justice” and lead to a lack of public confidence in the system. Good management of direct and/or indirect victims and/or witnesses is essential in assisting routine police investigations,

One of the key outputs of the Victim Empowerment Programme within the NCPS was to develop a comprehensive model that incorporates integrated service delivery to victims of crime and violence that is in line with national standards. This approach was based on the premise that crime is a social issue and requires multi-agency interventions. The service delivery model was to be based on the interdepartmental and inter-sectoral collaboration. The main role players are Welfare as the lead agency, SAPS, the courts and prosecutors of the Justice Department, correctional services, and health and Education Departments. NGOs, community based organisations and other structures at a local government level provide support to these sectors in their efforts to prevent and reduce crime and violence

This model aims to move towards maximising available resources while minimising the duplication of efforts. It sustains state-managed delivery of caring supportive and accessible services. A restorative justice system seeks to encourage full participation, particularly of young offenders, where treatment is aimed at enabling minor offenders to avoid a life of crime. Crime victimisation may breed popular contempt for human rights, and the negative impact of this leads to widespread insecurity.

5. Conclusion

It is evident that the victim support models were designed to provide the necessary structure in order to provide victim empowerment and support, however, the implementation thereof has not been as successful as many victims are left unsatisfied with the quality of the services provided by these models. In conclusion, the emphasis should, therefore, be placed on the restructuring and improvement of these models to ensure that each victim’s unique needs are met.

Explain what internet exploitation and youth internet victimisation are for vulnerable children who are victimised by predators (15 marks)

Internet Exploitation

- Technological developments within society have had a great effect on the field of Victimology
- New forms of crime such as cyber-crime has made it possible for a person to become a victim of a crime in the safety of their own home
- Virtual violence refers to violence that is not physically experienced. But that can carry a lasting psycho-social effect on an individual
- This new form of victimisation is further exacerbated by:
 - Children accessing internet sites that are inappropriate/overwhelming
 - On-line info that promotes hates, violence and pornography
 - Children being misled and bombarded with intense advertising

Youth Internet Exploitation

- The internet does not only contribute to the victimisation of young children, but can also facilitate crimes and anti-social behaviour such as:
 - Sexual solicitations and being approached with requests to engage in sexual activities /sexual talk or give personal sexual information
 - Aggressive sexual solicitations – being in electronic or physical contact with perpetrator
 - Unwanted exposure to sexual reading and graphic materials
 - Being exposed to pictures of naked people/people having sex when doing online searches, surfing the web, opening e-mails or instant messages
 - Harassment, threats of offensive remarks sent to the young person online or posted online about the young person for others to read
- A common myth is that online predators are paedophiles targeting children aged between 5-10, which may lead parents to believe that teenagers between 10-17 are less at risk
- This may lull parents into a false sense of security and may allow teenagers to have personal computers in their rooms where they can spend unlimited time on the internet unsupervised

- The internet provides the predator with an almost unlimited supply of potential victims – the predator slowly “grooms” the victim by becoming his/her friend, sharing interests exchanging pictures and personal info – once the youth trusts the predator, the predator can eventually coerce the youth into meeting and ultimately engaging in sexual acts

Provide an exposition of child soldiers and the consequences of this type of exploitation of children (15 marks)

Exploitation of child soldiers

- Child soldier can be defined as any person under the age of 18 who is part of any kind of regular/irregular armed force in any capacity
- The following characteristics make children particularly vulnerable to becoming soldiers:
 - Poor/economically and socially disadvantaged
 - Live in conflict zones
 - Disruptive/absent family backgrounds
- Children are also abducted from their family homes at night or from schools during the day
- The lack of birth registrations and certification increases the risk of children under the age of 18 becoming child soldiers
- Others join for survival as they got food from the adult soldiers
- There are also who join voluntarily as they desire revenge, adventure, sense of belonging and approval from peers
- Girls are also recruited to fight, but mostly to become the wives of the soldiers
- The methods used to recruit girls include:
 - Compulsory military service
 - Gang abductions
 - Being born into/adopted by armed groups
 - Being sold by parents to armed forces

- Volunteerism because of a need to survive, be protected or for monetary gain
- Child soldiers are abused by warring factions in several ways:
 - Sexual abuse
 - Physical abuse
 - Psychological abuse

Consequences of such exploitation

Educational consequences

- Child soldiers are deprived of an education and in many cases schools and colleges destroyed. This places these children at a disadvantage if they return to the school system

Physical consequences

- The younger the child – the higher the incidence of injury or death
- Loss of hearing, loss of limbs and blindness
- STD's, respiratory tract infection, worm infections and other diseases due to poor hygiene

Psychological consequences

- Sleeplessness, nightmare and flashbacks
- Fear of the unknown
- Poor self-image and weight problems
- Depression and suicidal tendencies
- Sensitivity to loud noises
- Irritability

Briefly discuss xenophobia in SA as a hate crime and the impact it has on its victims (15 marks)

Xenophobia as a hate crime in South Africa

- Can manifest itself in several ways in a country:
 - Victimization of police
 - Brutal assaults
 - Murders
 - Ethnic cleansing
 - Mass expulsion from the country
- 2007 & 2008 outbreaks of xenophobia in SA - SA citizens are being forced to live and work with Africans and other immigrants from countries in crisis which lead to interpersonal violence
- Attitudes are currently very negative and political leadership and public education needs to confront this reality at the outset - the government /and other agencies have a major task in convincing South Africans of the value of a more and open and inclusive immigration policy that is in the interest of the country
- Surveys revealed strong support for policies that would place strict limits/prohibit immigration altogether – it reflects how South Africans as a whole are not tolerant of outsiders living in the country
- The majority of South Africans currently believe that immigration and migration impact unfavourably on the country, such as:
 - Fear of crime
 - Threat to jobs and the economy
 - Fear of diseases
- South Africans favour forceful approaches to controlling immigration – more white people are in support of the latter than blacks
- Controlling immigration would include:
 - Electric fencing on SA's border
 - More money put into border patrolling
 - Requiring immigrants to carry identification

- Other would be prepared to personally try to prevent migrants from:
 - moving into their neighbourhood
 - Operating a business
 - Becoming a fellow worker
 - Having their children in the same classroom
- There is a consistent pattern of conditional support for basic rights for temporary migrant workers – quarter of the population think basic rights should always be accorded to legal migrants – half are prepared to see these rights extended in certain circumstances
- The SAMP surveys show:
 - the South Africans accept that many newcomers are indeed genuine refugees
 - They also agree with the general disposition that refugees warrant protection
 - Only 47% feel that the South African government should give asylum and protection to refugees
 - Only 17% are in favour of the South African government paying for the cost of sheltering refugees
 - 70% feel that refugees in SA should never have the rights of freedom of speech and movement
 - Less than 20% of respondents are of the opinion that refugees should always enjoy legal and protection in SA, or access to basic services
- One hypothesis in the literature is that proximity to and direct social interaction with non-citizens will impact citizen attitudes
- Many South Africans have no direct interaction and experience of foreigners, even from neighbouring states
- Those who have no contact are statistically most likely to have negative opinions of foreigners – the more contact they have, the more tolerant their views
- South Africans who are friends with foreign citizens are more likely to have positive views than those who live next to, work with, or buy things from them

- The majority of South Africans are attitudinally hostile to outsiders, but they are not yet prepared to translate those attitudes into actions
- As South Africans become more socially familiar with non-South Africans, their attitudes begin to change positively
- South Africans clearly continue to have difficulty distinguishing in their own minds between refugees and migrants

Impact of Xenophobia on Victims

- Apparent that foreigners to SA are prone to becoming victims of human rights infringements
- A significant minority of people interviewed feel that South Africans have positive views of people from their home country - this suggests that not all migrants have personally experienced hostility and intolerance
- Those who have had direct personal experience of hostility, abuse or prejudice are prepared to translate that general awareness into a firm belief that South Africans are intolerant and hostile

Discuss in detail street children in Africa and survival sex by focussing on how they are victimised as a result of their vulnerability (15 marks)

I am not sure on what information to include in order to achieve 15 marks, therefore, I will skip this question as I do not wish to confuse you by stating incoherent facts.

What is the purpose of the VIS and how is it used in the South African Legal System (10 marks)

Purpose of the VIS

- Assists in allowing victims to participate in the Criminal Justice System by giving them a voice
- Allow victims of crime to tell the court and the offenders how the crime has affected their lives
- Offers victims the opportunity to express their concerns with the expectation that the info would be considered in sentencing decision
- The VIS can also focus on the indirect victims and how the criminal act affects them

Use of VIS in the South African Legal System

- The South African Law Commission recommends the inclusion of a clause on VIS in either oral/written form in the Sentence Framework Bill, with the following reservations:
 - Evidence from victims should be used to assist both the Correctional Supervision and Parole Boards in determining the conditions of parole, rather than determining parole itself
 - Evidence from significant other persons working/interacting with the victim and his/her family must be available to the Correctional Supervision and Parole Board where it is available and appropriate
 - The victim, or next of kin of a deceased victim, should be given info about where and how to inform a parole officer should the offender violate parole conditions – local police station should serve as the reporting body when reporting is a condition of parole and the place of reporting if a released offender violates his/her parole conditions
 - The Commission recommends that judicial officers should assess, and consider, the offender's knowledge, use and manipulation of the victim's vulnerability for sentencing – uncontested VIS should be admissible evidence on production thereof – if the VIS is disputed, the author/victim will be called as a witness
 - The Department of Correctional Services should keep the victim, or the next of kin of a deceased victim, informed of decisions made on relation to both parole as such and the conditions of parole – the commission recommends the intro of a legislative provision that directs the consideration of such info by the court for sentencing purposes

Provide a critical definition of the term “victim” (10 marks)

Crime victim - Refers to any person, group or entity that has suffered injury or loss due to illegal activity. The harm can be physical, psychological or economic

Legal definition of victim - A person who has suffered direct, threatened, physical, emotional or financial harm as a result of the commission of a crime

Victim as an institutional entity - Any of the same harm by an individual or authorised representative of another entity

Secondary crime victims - These individuals experience the harm second hand and include intimate partners or significant others of victims

Tertiary crime victims -These individuals experience the harm indirectly, such as through media account or from watching television