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Judicial Reform and Institutional Strengthening (JURIST) Project

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JUDICIAL REFORM AND
INSTITUTIONAL STRENGTHENING
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Survivor's Rights Charter

for Sexual Assaults

This Charter sets out your basic rights and entitlements, as a survivor of sexual assaults, to adequate and appropriate services from all agencies responsible for addressing crime such as the Police, the Director of Public Prosecutions (D.P.P.), the medical sector, the Court, the child protection agencies, the department responsible for women/gender affairs and all other referral agencies.

- **Respect** You must be treated with courtesy, compassion, cultural sensitivity and respect for your rights and dignity. To facilitate service delivery, the agencies will need details about all aspect of the sexual assault but you are entitled to have a support person present if needed.

- **Information about services and remedies** The different services that can help you such as medical services, counselling and legal services must be explained to you. If a video recording will be made of your statement, the Police must explain the process to you. If you are under the age of 18, the child protection services must be involved with all aspects of your case.

- **Access to services** All agencies must ensure that you are able to access the services that they provide without discrimination or delay. If at any time during any service delivery, you feel distressed or overwhelmed you can ask for a break or for help.

- **Information about investigation of the crime** You must be told who will be handling our case, what procedures are involved and be given basic details about the progress of investigations.

- **Information about prosecution of accused** You are entitled to be told what charges will be brought or why no charges will be brought and if charges are made and then changed or dropped, you must be told by the Police or the D.P.P.

- **Information about trial process and role as witness** You must be told by the Police and the Prosecutor how the Court works and what is involved with you giving evidence in Court. Information about support persons and any special measures that can be used to help you to explain what has happened in Court must be given to you.

- **Protection from contact with accused** The Police must explain what protection services can be provided to you and how to access services if you feel threatened or are harassed by the accused and you should feel free to ask for protection services.

- **Protection of identity of victim** You can ask the Police and Prosecution to keep your name, address and phone numbers private unless the court says different. If you are under the age of 18, no person can give public details of your identity.

- **Attendance at preliminary hearings** You do not have to go to a preliminary hearing or sufficiency proceedings or committal hearing or any hearing before the trial unless the Court requires you to attend.

- **Return of property held by State** The Police may take the clothes etc. that you are wearing in order to collect

evidence and may ask for birth certificates or other documents. You entitled to be provided with a change of clothes and all property taken from you must be returned when the Court case is over.

- **Information about bail proceedings** The accused person may be entitled to bail, this does not mean that you case is dismissed. If for any reason, you are concerned for your safety, you must tell the Police as soon as possible. The Police and the D.P.P. can explain that to the Court and the Court may attach conditions to the bail to ensure your safety.

- **Information about Court proceedings** You must be told the date and place of the trial, whether you will need to be there and the time you should be there. In addition, the D.P.P. and other agencies must prepare you for the trial by allowing you to read your statements already given to the Police or to watch the video recording made of your statement. You are entitled to have a support person present in the trial if you need one and the D.P.P. must also make arrangements for that and any other measure you will need to give evidence. You can ask for information on how you will give evidence in court and what measures will be provided.

- **Information on the outcome of the trial** You must be told by the Police or the D.P.P. what was the outcome of the trial and what will be the next steps for you. Even if there was no conviction, you are still entitled to continue to receive counseling, medical care and the Police or D.P.P. must provide information about options for other legal proceedings for financial compensation or other remedies.

- **Victim impact statement** If the Court will ask you to attend the sentencing hearing to explain how the crime has affected you. You will be assisted in preparing this statement.
- **Information about impending release, escape or eligibility for absence from custody** You must be told by the Police if the accused person will be released or has escaped jail and what arrangements can be made for your protection.
- **Submissions on parole and eligibility for absence from custody of serious offenders** You can have a say if the offender applies for parole.
- **Complaint procedure where this Charter is breached** You can make a complaint if you think your rights under the Charter have not been met. You can ask for information about how to do this.

This Charter is a guide of the rights you have as a survivor of a sexual assault, but it is not a legal document.