

Compensation for victims of sexual offences through criminal justice in Tanzania: A case for a human rights-based approach

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Abstract

Victims of sexual offences may be compensated either through criminal or civil justice. The focus of this article is compensation through criminal justice. The courts in Tanzania are empowered by the law to award compensation to the victims in addition to a sentence imposed on the accused. The amount paid is entirely based on the discretion of the court. In the absence of guidelines on factors to be considered in awarding compensation there have been variations in the amount awarded and in most cases the same is meager. This article examines compensation through criminal justice, focusing on how the courts assess such compensation in the absence of established guidelines, such as factors to be considered. Seemingly, the assessment is primarily influenced by the principles of criminal justice, especially those relating to sentencing. Therefore compensation is regarded as part of punishment on the accused (punishment centered) and not reparation on the part of the victim. The article employs the documentary review method to examine different court decisions on how courts exercise discretion to award compensation for victims of sexual abuse. It is argued that to ensure justice is done to the victims, particularly in terms of the amount of compensation awarded, courts should adopt a human

Keywords : Compensation, Victims, sexual abuse, criminal justice

A research paper submitted to the African Journal of Law and Justice System Vol. 1, No. 2 (2022)

https://hdl.handle.net/10520/ejc-aa_ajls_v1_n2_a4