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S10.06

Submission to Victims Rights Review Committee on the Review of Victims Rights

The National Council of Women of New Zealand (NCWNZ) is an umbrella organisation representing 50 nationally organised societies and national members. It has 26 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

Introduction

While NCWNZ has, since its inception 114 years ago, advocated for the powerless and vulnerable in society, namely women and children, it has not had specific policy relating to the rights of victims of crime until the year 2000. Since then, the organisation has developed policy in relation to victims of domestic violence, children as victims of abuse, and victims' rights in general.

This submission draws on responses from branch members and affiliated societies. Questions were circulated based on the proposals contained in the Public Consultation Document. The responses are summarised.

General comment

NCWNZ wishes to emphasise the vulnerability of victims. We acknowledge when people are victimised they are actually in emotional turmoil and do not always think straight. It is therefore important that the right type of support is made available immediately to ensure victims feel safe and supported. NCWNZ believes this whole issue requires urgent attention.

The role of Victim Support in offering counseling and on-going support is critical. In general, members supported strengthening Victim Support services as a semi-professional community-based organisation. Victims do not necessarily need a lawyer, but still need professional advice to support them through the experience. It must be remembered, victims do not ask to be victimised, and any suggestion that they carry some fault in making themselves vulnerable (i.e. "they were asking for it") should be obliterated from our thinking.

Comments on the Proposals

The issues identified by the taskforce outlining victims frustrations in having to deal with multiple government agencies, to get information about the criminal justice system, their rights, and how to access services, were affirmed by members. Some gave specific accounts of their own experiences and frustrations with the system, or lack of it.

However, others described very positive experiences of Police referrals to Victims Support, even when the experience was not so traumatic, and support was not required. In most cases, however, this was where they had strong community support networks in place already, such as church community groups that enabled them to cope with the feelings of grief, loss and insecurity. Not all people are so connected and often do not even have families nearby or at all to support them.

Responses in relation to the specific proposals

1. *Establish a Victims' Services Centre as a central coordination and information point for the services available to support victims.*

NCWNZ supports this in general, although some members questioned the cost, and how they might be maintained in the current climate of restructuring and reducing bureaucracy.

Some branches commented on the value of "Friends of the Courts" and noted that only some regions were served by these valiant volunteers. The support offered by the Salvation Army in some regions was commended. It is suggested that this service could be strengthened with some funding through community agencies. One branch suggested mentors as a useful service. It is noted that confidentiality is also considered very important.

2. *Develop a Code of Practice against which all criminal justice agencies can be made more accountable.*

NCWNZ supports this proposal on the basis that it would help ensure consistency in practice between regions and between the various agencies, including government, lawyers, and community agencies. One member expressed concern about unnecessary bureaucracy and the development of a 'victim mentality' which she did not think would be helpful.

3. *Establish a Victims of Crime Complaints Officer to improve the complaints process and assist in enforcing the Code of Practice.*

NCWNZ supports this proposal in conjunction with the second proposal above.

4. *Require all criminal justice sector agencies to include in their Annual Report to Parliament information about the use of their services by victims and any complaints received from victims.*

NCWNZ supports this proposal.

Comments on the further 20 preliminary proposals are discussed in Chapters Four, Five, Six and Seven of the Discussion Document.

The proposals would:

5. *Improve victims' role within the criminal justice process by providing for more communication between victims and prosecutors to ensure victims have the opportunity to be more involved in the case.*

Members commented that victims' rights have been neglected, and are regarded as nuisances in the system. This needs to be ameliorated.

6. *Provide further victim information to the court by giving victims the right to say more in their Victim Impact Statement and to read their statement to the court.*

Victim Impact Statements should not be abridged by the Judge, but taken in their entirety. A case in point was Sophie Elliott's father's experience. While it is recognised that victims may overstate the case, their perspective must be taken into account. The same incident will affect different people differently. In saying this, it is not appropriate for Victim Impact Statements to contain offensive language.

Victims should not have to rely on the media for publication of Impact Statements. The Mark McCutcheon case in Hawke's Bay was cited as an example.

7. *Improve the Victim Notification System for victims of serious offences by tailoring the system so victims can choose the level of notifications they receive and control their level of involvement.*

NCWNZ strongly supports this proposal.

8. *Clarify the rights of victims of child and youth offenders by ensuring the Victims Rights Act 2002 is more explicit as to how it applies to cases in the youth jurisdiction.*

NCWNZ strongly supports this proposal. Children and youth are particularly vulnerable and do not have the capacity to access the support they require. Often their parents or caregivers do either, and in some cases may in fact be the offenders. Particular measures need to be put into place to ensure these vulnerable people are properly supported. That said, some members expressed concern that family or whanau are also consulted in treatment, as children cannot be treated in isolation of those who care for them. The same may be said for elderly or disabled victims, or people with mental health issues.

Additional comments

Many members expressed concern that victims receive the reparation owed to them, and furthermore, this money should be paid before the Government receives any money from fines imposed. Attending appeals and parole hearings can be costly in lost time from work as well as traumatic for families. One member commented on frustrations with something as basic as access to parking when attending court hearings. She felt doubly victimised when she emerged from a lengthy hearing only to find a parking ticket on her vehicle.

Conclusion

The rights of victims to proper support is widely recognised by our members. Any one of us could, at any time, be a victim of crime. Many of us, the elderly, children, disabled and some women are not in a position to speak for ourselves, and cannot access services and support that we need to restore our lives to what it was before the crime. Many never recover. It is hoped that the changes proposed in this discussion document will go some way to achieving this.

NCWNZ thanks the committee for the opportunity to make this submission.

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