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**Submission to the Justice and Electoral Committee on the
Victims of Crime Reform Bill (319)**

The National Council of Women of New Zealand (**NCWNZ**) is an umbrella organisation representing 51 nationally organised societies and national members. It has 23 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. NCWNZ's function is to represent and promote the interests of New Zealand women through research, study, discussion and action.

This submission has been prepared by the NCWNZ Justice and Law Reform Standing Committee and the Parliamentary Watch committee after consultation with the membership of NCWNZ.

Introduction

NCWNZ has express formal policy favouring adequate financial support and training for victim-support groups (1991). In previous submissions on bills and discussion documents, NCWNZ has advocated: (a) public awareness programmes to assist victims (and witnesses) in dealing with the criminal justice system; (b) a system of case advocacy for victims; (c) separate accommodation in courts for victims and supporters of offenders; (d) media respect for victim privacy; (e) practical and sensitive support for victims; (f) 5% of fines to fund victim support; and (g) video evidence being admissible, especially for sexual abuse cases.

NCWNZ supports the Bill in principle.

Comments on specific clauses:

Part 1 Amendments to Victims' Rights Act 2002

Clause 4

Interpretation, "Domestic violence"

NCWNZ supports the definition of **victim** to be amended to include a person who has experienced domestic violence and a child or young person residing with such person. The child residing with a person who has experienced domestic violence has been exposed to emotional harm as much as the primary victim has and the deleterious effects to the child need to be addressed accordingly.

Clause 11

17AA (2) Victim impact statements defined

NCWNZ supports the provision that **information** may include any photographs, drawings, or other visual representations provided by the victim. These methods enable the victim to have a voice and express their perspective, and address the situation where the victim is not articulate or is uncomfortable to give verbal expression to their experience.

17AB

Purpose of Victim impact statements

NCWNZ has concerns if there is a long period between the time of making the victim impact statement and the trial. There should be an opportunity for the victim to amend the initial victim impact statement prior to the court hearing.

It is important for victims, and particularly children, to have an opportunity for healing but the court processes should be completed as quickly as possible so that the victim can move on with their life. There should not be re-victimisation by extensive delays.

Clause 12 New Section 17

17

Information to be ascertained from victim

There is a concern that where a victim has English as a second language, and the victim impact statement has been translated by an approved Court translator, that the victim should have an opportunity to have the translation reviewed to ensure that the translator has not subjectively put their slant on the victim impact statement.

Clause 15 New Sections

22

Victim impact statement may be read to court

There is concern that the whole victim impact statement by the victim has not always been fully presented to the court. The victim impact statement should not be edited, apart from where there is offensive language and should be read out in its entirety. Where it is necessary for the victim impact statement to be translated into English it is important that the translation conveys the nuances and emotions that the victim has expressed in the initial victim impact statement.

22A

Victim impact statement may be presented to court in some other manner

NCWNZ supports the ability for the victim impact statement to be presented to the court in any manner other than reading it. It is important for a victim to have options for the presentation of the victim impact statement. The options acknowledge the range of abilities and emotional responses of victims. For instance the audiotape being played enables the court to hear firsthand the direct response of the victim rather than the statement being reduced to a written report to be read out.

Clause 16 New headings

32A

Secretary to give victim information about right to appoint representative and to request notices

NCWNZ generally supports the right of the victim, or their representative, to request to be given any notice under sections 34 to 38 and 47.

Notifying the victim of the justice system processes gives empowerment to the victim and recognises their status. It is vital that the processes for giving notice are efficient and it is suggested that one government agency should have principal responsibility for carrying out this duty, so that there is a uniform process.

Clause 30 Code for Victims

51B

Secretary to prepare code

NCWNZ fully supports the availability of a code for victims and believes that it should address the following points:

The underlying principle of the code for victims should be that the interests of the victim are paramount.

There should be a clear outline of the roles of the different agencies and the personnel in the agencies.

There should be a process for evaluation and feedback about the agencies and the staff.

There should be details who to go to, what information can be expected, what may be requested, what funding would be available and guidance for preparing the victim impact statement.

There should be information about the processes and resources available and explanations of the protocols of the courts, family group conferences and restorative justice process.

There should be an expectation to be treated with respect and with support, for the victim impact statement to be represented fairly, if editing or translation is required.

There should be a Victims of Crime Complaints Officer appointed to review cases where the victim feels that the code for victims has not been followed.

Part 2 Amendments to Children, Young Persons, and Their Families Act 1989

Clause 36

Persons entitled to attend family group conference

There is a perception that the family group conference is overwhelming and the victim is treated as an afterthought.

Victims need to be informed of the protocols and processes.

Victims need to be fully supported because in many instances they feel vulnerable and unsupported.

All staff involved must have relevant training prior to their involvement, and the staff position be specialised and resourced accordingly.

The opportunity to attend the family group conference must be available to all victims, even those in rural areas and resources available for the victims to attend the conference.

Clause 42(2)

Information for victims

NCWNZ fully supports the requirement that the victim is to receive information before the parole hearing and each subsequent parole hearing.

Part 4 Amendments to Sentencing Act 2002

Clause 44

24A Adjournment for restorative justice process in certain cases

NCWNZ supports the participation of a victim in a restorative justice process provided that the victim has consented to participate after being fully informed of the process and protocols.

Conclusion

NCWNZ supports the recognition and acknowledgement of the rights and empowerment of victims. NCWNZ believes that access by women and children to justice is critically important and the recognition of the trauma experienced by victims, and empathetic participation in the justice system processes, is another facet of access to justice.

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