Enhancing Victims’ Rights Review

In 2009 the Ministry of Justice began a review of victims’ rights and access to support services. It consulted with government and non-government agencies and gathered information from a range of sources, including the 2007 Inquiry into Victims’ Rights conducted by the Justice and Electoral Committee. In December 2009, the Ministry released a discussion document A Focus on Victims of Crime: A Review of Victims’ Rights that sought feedback on a number of proposals aimed at enhancing “victims’ rights and role in criminal justice processes” and improving “the responses of government agencies to victims of crime”.

The Ministry had identified three broad issues for victims:

- Victims were frustrated at having to deal with multiple government agencies to get information about the criminal justice system, their rights and how to access services.
- The mechanisms to make criminal justice agencies accountable for victims’ services were weak.
- Many victims were bewildered by criminal justice processes. Often victims felt they did not have a role in the case that involved them.

In response to the Enhancing Victims’ Rights Review, the government approved a package of reforms, some of which required legislation. Other reforms involved operational changes.

Victims of Crime Reform Bill

The Victims of Crime Reform Bill was introduced on 16 August 2011 to implement reforms requiring amendments to the Victims’ Rights Act 2002, the Children, Young Persons and Their Families Act 1989, the Parole Act 2002, and the Sentencing Act 2002. The Bill received its first reading on 4 October 2011 and was referred to the Justice and Electoral Committee.

The Bill’s policy objectives are set out in the Bill’s explanatory note. They are to:

- strengthen the existing general provisions in legislation for victims of crime
- expand the rights of victims of serious offences
- give victims more opportunity to be involved in criminal justice processes
- ensure victims are better informed about their rights
- increase the accountability and responsiveness of government agencies providing services to victims
- ensure victims’ rights in the adult criminal jurisdiction are applied in the youth justice jurisdiction.

To meet these objectives, the Victims of Crime Reform Bill proposes a series of measures. Among these, the Bill:

- requires the Secretary of Justice to prepare a code for victims outlining victims’ rights, the services available to victims and the duties of government agencies
• requires certain state agencies to include in their annual reports a summary of services provided by the agency to victims and statistical information about complaints received and how they were resolved
• requires victims to be given more information about the progress of the case
• widens the scope of what may be included in a victim impact statement
• gives victims of specified offences the right to read their victim impact statement to the court
• provides that victim impact statements may be submitted to the Youth Court
• expands the scope of victim notifications. For example, victims of specified offences will be able to be notified when offenders are convicted for breaching any conditions of a sentence of home detention or for breaching any conditions imposed on release from a term of imprisonment of 24 months or less
• establishes a formal process for court-referred restorative justice before sentencing takes place, in certain cases.

**Bills Digest No. 1928**, prepared by the Parliamentary Library’s Legislative Analyst, provides a detailed analysis of the Victims of Crime Reform Bill.

**Victims Centre**

*A Focus on Victims of Crime* proposed the establishment of a Victims’ Services Centre. On 1 July 2011, a Victims Centre was launched within the Ministry of Justice for a period of 18 months “to oversee victims’ rights and services, provide information to people who work with victims and improve the coordination of services to victims”. The Centre is responsible for developing a Victims Code. A draft Code is due to Cabinet by June 2012, to be followed by public consultation.

**New Zealanders’ experiences as victims of crime**

*The 2009 New Zealand Crime and Safety Survey (NZCASS)* measured the nature and extent of crime in 2008 experienced by New Zealand residents aged 15 years or more, based on interviews with over 6,000 people. *The New Zealand Crime and Safety Survey (NZCASS):2009 Main Findings Report*, published in December 2010, includes the following findings:

• an estimated 449,000 households were victimised in 2008, equating to 28% of all households in New Zealand experiencing at least one form of victimisation;
• an estimated 537,000 adults were victimised in 2008, with 16% of adults experiencing at least one offence;
• most people (64%) experienced no crime in 2008 but 6% of the population experienced 54% of all the crime reported in the NZCASS;
• victims indicated they reported one-third of the crime they experienced to the police.


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