

The Victims Code sets out how you can expect to be treated if you're a victim of crime.

## What is the Victims Code?

The Victims Code sets out how you can expect to be treated if you're a victim of crime. The Victims Code has three parts:

- Part 1 lists the key principles that are expected to be followed by a person, organisation or government agency that provides services to victims (a provider).
- Part 2 sets out your rights in the criminal justice system and the youth justice system.
- Part 3 explains how you can make a complaint if you believe your rights are not being met.

As far as possible, the Code governs the way providers should treat victims of crime. However, the Code isn't legally enforceable and there are no sanctions for failure to comply with it.

## Who is a victim of crime?

Under the Victims' Rights Act 2002, a victim of crime is anyone who has:

- had a crime committed against them, or
- suffered physical harm because of a crime committed by someone, or
- had property taken or damaged because of a crime committed by someone.

A victim of crime is also:

- a parent or legal guardian of a victim who is a child or young person, as long as the parent or legal guardian has not been charged with the crime, or
- the immediate family members of someone who dies, or can no longer take care of themselves, because of a crime committed by someone.

## What services are available to victims?

There's a range of services to help you at each stage in the criminal justice system and youth justice system. You can also get personal support to help you deal with the effects of the crime.

You can find out about these services by calling the Victims Information Line on 0800 650 654. Staff will tell you what

services are available and can help you get in contact with the agency or service that is right for you. Please tell them if you need an interpreter and they'll get one for you.

You can also find information at [victimsinfo.govt.nz](http://victimsinfo.govt.nz) under 'ways to get support'. The information is on the website in a range of languages.

### Where can I get more information?

For more information on how the criminal and youth justice systems work, the Victims Code (including the meaning of legal terms and related Acts) or how to make a complaint:

- visit [victimsinfo.govt.nz](http://victimsinfo.govt.nz), or
- call the Victims Information Line on 0800 650 654.

## Part 1: How providers are expected to treat victims

Eight principles guide the way providers should treat you and your whānau when you have been affected by a crime.

A provider is a person, organisation or government agency that works to promote your wellbeing and rights, helps reduce your psychological, physical or financial suffering, and/or supports you in the justice system.

The principles apply to all victims of crime, including victims who have suffered only emotional harm because of a crime committed by someone. You do not need to have reported the crime to Police.

All providers should follow these principles. They must also comply with legal, professional and ethical standards and codes of conduct, and the Human Rights Act 1993.

The principles aim to ensure better outcomes for you when you've been affected by a crime. Although they are not legal rights, the principles provide a code of conduct for providers and let victims know what they can expect.

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### **PRINCIPLE 1: Safety**

Services should be provided in a way that minimises any potential harm to you and your whānau, and puts your safety first.

### **PRINCIPLE 2: Respect**

Providers should treat you with courtesy and compassion. They should respect your cultural, religious, ethnic and social needs, values and beliefs.

### **PRINCIPLE 3: Dignity and privacy**

Providers should treat you with dignity and protect your privacy.

### **PRINCIPLE 4: Fair treatment**

Providers should respond appropriately to your needs, and should provide their services in a timely and straightforward way.

### **PRINCIPLE 5: Informed choice**

Providers should properly understand your situation and tell you the different ways you can get help. They should honestly and accurately answer your questions about their services. This includes how long you can receive them.

### **PRINCIPLE 6: Quality services**

Providers should make sure you and your whānau receive quality services. Quality services are ones that meet your particular needs and are culturally appropriate. If you are dealing with more than one provider, they should work together.

### **PRINCIPLE 7: Communication**

Providers should give you information in a way that is easy to understand. You should feel that the provider is communicating with you openly, honestly and effectively.

### **PRINCIPLE 8: Feedback**

Providers should let you know how you can give feedback or make a complaint. It should be easy for you to do this.

## **Part 2: Victims' rights in the criminal justice and youth justice systems**

While the principles apply to all victims, the following rights only apply to victims of crime that has been reported to police or is before the courts.

The rights are part of the Victims' Rights Act 2002. Victims also have rights under other laws, such as the Privacy Act 2020, the Bill of Rights Act 1990, the Sentencing Act 2002, the Bail Act 2002, and the Children, Young Persons, and Their Families (Oranga Tamariki) Act 2017.

### **Who do the rights apply to?**

Rights 1–6 apply to victims of any crime that has been reported to police or is before the courts. Rights 7–10 apply only to victims of certain serious crimes. Police will tell you if you have these rights. Right 11 applies only to victims of crime committed by a child or young person.

### **Who is responsible for meeting the rights?**

Depending on the right, different government agencies, investigators, prosecutors and other public bodies are responsible for making sure that your rights as a victim are being met.

Not all agencies are responsible for each of the rights in the Code.

To find out which agencies have responsibilities for each of the rights, visit [victimsinfo.govt.nz](http://victimsinfo.govt.nz) or call the Victims Information Line on 0800 650 654.

### **RIGHT 1: To be given information about programmes, remedies and services**

You have the right to be told about programmes, remedies or services for victims. This might include services where you can meet with the offender (like a restorative justice or family group conference).

### **RIGHT 2: To be given information about investigation and criminal proceedings**

You have the right to be told within a reasonable time what is happening with your case, unless this could harm the investigation or the criminal proceedings. An update might include information from investigating authorities, court staff or the prosecutor that covers:

- charges filed against the defendant or young person
  - reasons for not laying charges
  - your role as a witness
  - when and where the hearings will take place
  - the outcome of any criminal proceedings, including any proceedings on appeal
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- a young person's progress on a plan agreed at a family group conference.

You can also ask for this information to be given to someone else who will then explain it to you.

### **RIGHT 3: To make a victim impact statement**

You have the right to make a victim impact statement that tells the court how the crime has affected you. You can get help to write your victim impact statement.

The judge will consider your victim impact statement when sentencing the offender.

In the Youth Court, the family group conference is the main way that victims take part in the youth justice system (see Right 11). The main way that your views are considered by a judge is through a family group conference plan. Some victims of offending by a child or young person may also have the right to read a victim impact statement in court. A court victim advisor can give you more information.

### **RIGHT 4: To express your views on name suppression**

If the offender applies to the court for permanent name suppression, you have the right to say what you think about this.

In the Youth Court, children and young people who offend, as well as victims, automatically get name suppression. Other information that could identify offenders or victims is also suppressed. For example, information about your whānau or the school an offender goes to.

### **RIGHT 5: To speak official languages in court**

If you're a witness in court, you have the right to speak Te Reo Māori or use New Zealand Sign Language in legal proceedings. An interpreter will be provided.

If you're not a witness, you may speak Te Reo Māori or use New Zealand Sign Language if the judge says you can.

### **RIGHT 6: To get back property held by the state**

If a law enforcement agency (like the police) took any of your property as evidence, you have the right to have it returned to you as soon as possible.

### **Victims of serious crimes**

In addition to rights 1–6, victims of certain serious crimes also have the following rights (rights 7–10).

Serious crimes include crimes of a sexual nature or serious assault, including where a person is killed or becomes unable to look after themselves. The police will tell you if you have these rights.

### **RIGHT 7: To be informed about bail and express your views**

You have the right to tell the prosecutor your views if the offender is being released on bail. The prosecutor must give your views to the court.

If you ask for information about an offender's bail, the police or the Ministry of Justice must give it to you if this would have an impact on you or your whānau. They must also tell you if/when the offender is released on bail and about any conditions relating to your safety.

### **RIGHT 8: To receive information and notifications after sentencing**

You have the right to receive information about the sentenced offender. To get this information, you must register to receive victim notifications. Several agencies can give you a copy of the application form for the Victim Notification Register and help you fill it in, including the police, Victim Support, the Department of Corrections and court victim advisors.

Victims of youth or child offending can sometimes apply to police to receive certain notifications. Police, court victim advisors or Oranga Tamariki staff can tell you if you are eligible and give you an application form.

If you register, you will be notified when significant events happen, like parole board hearings or if the offender reoffends during their sentence, are released from prison or home detention, leave hospital, are granted temporary unescorted releases from prison, escape from prison or die.

You can also ask to stop being notified at any time.

### **RIGHT 9: To have a representative receive notifications**

You have the right to name someone else to be your representative. They will receive information about the offender on your behalf so they can help you understand it.

### **RIGHT 10: To make a submission relating to parole or extended supervision orders**

This right applies only when the offender is serving more than two years in prison.

If you are registered to receive victim notifications (see Right 8), you will automatically be told when the offender is having a parole hearing or a hearing to impose special conditions on an extended supervision order. You have the right to make a written and/or verbal submission to the parole board. The board must consider your submission before making a decision; it may show your submission to the offender, but will remove your contact details and any other identifying information.

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You have the right to ask for certain information from the Department of Corrections to help you make your submission. You need to ask only once – the information will be automatically sent to you for future parole hearings.

If an offender has been convicted of a serious sexual or violent crime, Corrections may apply for an extended supervision order to monitor them after they are released from prison. In this case, you can make a submission to the court but you must be on the Victim Notification Register (see Right 8).

## VICTIMS OF YOUTH OFFENDING

The youth justice system operates differently from the criminal justice system. Rights 1–10 also apply in the youth justice system, unless specified.

Right 11 is only for the youth justice system. It gives victims of offending by a child or young person the right to attend a family group conference.

### RIGHT 11: Family group conferences

If you're the victim of offending by a child (10–13 years old) or young person (14–16 years old), and the Police charge or intend to charge the child or young person, you have the right to go to a family group conference. You can take support people with you.

Oranga Tamariki must make all reasonable efforts to give you this opportunity. They must talk to you about where and when the family group conference will be held. They must also consider the wishes of police and the whānau of the child or young person.

The family group conference is the main way that victims take part in the youth justice system. At the conference you'll meet with the child or young person, their whānau, and others such as police or a social worker. You will be able to say how the offending has affected you and your whānau and say what you would like to see happen.

The purpose of the family group conference is to set up a plan that holds the child or young person to account, and addresses the underlying causes of the offending. You have the right to disagree with this plan. If you do, the Youth Court will decide what happens next.

You don't have to take part in the conference. If you want to take part, but you don't want to be there in person, you can phone in, give a written or verbal statement, or ask someone else to stand in for you.

## Part 3: What can I do if I think my rights are not being met?

You can make a complaint if you believe a government agency hasn't carried out its legal responsibilities explained in this Code or those under any other law.

You can make a complaint by:

- contacting the agency. Issues are often resolved by speaking directly with the person or going through the agency's complaints process
- calling the Victims Information Line on 0800 650 654. Staff can tell you about your rights and how to make a complaint.

More information is on our website at [victimsinfo.govt.nz](http://victimsinfo.govt.nz)

An agency that receives a complaint must respond promptly and fairly.

If you're still not satisfied after the agency has responded to your complaint, or it's taking too long to get back to you, you can complain to the:

- Office of the Ombudsman  
0800 802 602  
[ombudsman.parliament.nz](http://ombudsman.parliament.nz)
- Independent Police Conduct Authority  
(if the complaint involves the Police)  
0800 503 728  
[ipca.govt.nz](http://ipca.govt.nz)
- Privacy Commissioner  
(if you think someone has breached your privacy)  
0800 803 909  
[privacy.org.nz/your-privacy/how-to-complain/](http://privacy.org.nz/your-privacy/how-to-complain/)

### Judiciary and the parole board

Courts, judges and the parole board must remain independent and free to operate without interference from executive government, such as the police or Ministry of Justice. These bodies have a role to play in upholding the principles and rights contained in the Code but are not subject to the Code themselves.

If you want to make a complaint about a judge's conduct, contact the Judicial Conduct Commissioner on 0800 800 323 or complete a complaint form, available at [www.jcc.govt.nz](http://www.jcc.govt.nz)

If you want to make a complaint about any service or information provided by the parole board, phone 0800 727 653 or email [info@paroleboard.govt.nz](mailto:info@paroleboard.govt.nz)