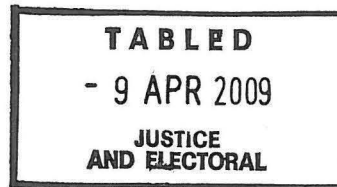
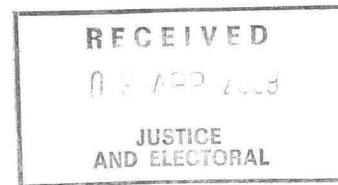


Human Rights  
Commission  
Te Kāhui Tika Tangata



6 April 2009

The Committee Secretariat  
Justice and Electoral Committee  
Parliament Buildings  
WELLINGTON



Dear Chairperson

### SENTENCING (OFFENDER LEVY) AMENDMENT BILL

I am writing to support the Sentencing (Offender Levy) Amendment Bill (the Bill). The Human Rights Commission (the Commission) regards security of the person as a basic human right and sees the rights of victims as an integral part of this. It agrees with the policy statement in the introduction to the Bill that failing to recognise and acknowledge the interests of victims in the justice process risks eroding victims' confidence in the justice sector's ability to deal effectively with crime. The Commission sees the Bill as going some way towards redressing the current situation but as not the entire answer.

The United Nation's *Guide for Practitioners Regarding the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power* notes that restitution can be important for victims as it serves as an indication that an offender recognises the harm they have caused<sup>1</sup>. A court order that a victim is paid compensation can be an important "symbol of the State's concern for the victim" that will increase victims' confidence in the criminal justice system<sup>2</sup>. The UN Declaration itself states that offenders should, where appropriate, "make fair restitution to victims, their families or dependents. Such restitution should include ... payment for the harm or loss suffered."<sup>3</sup>

The Commission considers requiring offenders to pay reparation to their victims not only imposes more meaningful responsibility on offenders but raises the profile of victims in the criminal justice process. The Commission's principle concern, however, is that while the Bill is an important symbolic gesture and a start to addressing some of the issues relating to compensating victims of crime, it only appears to deal with access to services whereas direct financial support and compensation (particularly

<sup>1</sup> U.N. DOC A/CONF.144/20, Annex, Guide for Practitioners Regarding the Implementation of the Declaration of Basic Principles of Justice for Victims of Crime and the Abuse of Power, p.21, para 83  
<sup>2</sup> Ibid. quoted in OHCHR, HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: A MANUAL ON HUMAN RIGHTS FOR JUDGES, PROSECUTORS AND LAWYERS, 766 (2003)

<sup>3</sup> Declaration of the Basic Principles of Justice for Victims of Crime and Abuse of Power: Art.8. G.A. RES 40/34, U.N.DOC A/RES/40/34 (Nov.29, 1985)

where victims have not been in fulltime employment for the necessary period so they cannot claim what they would have been entitled to under ACC, or they are permanently impaired as a result of the offence) is often necessary to address their immediate financial situation.

While the Commission considers that the Bill is a good start to addressing victims' concerns, it is important that work is done on a more comprehensive scheme for compensating victims of serious crime.

Should you wish to discuss this further please do not hesitate to contact Sylvia Bell, Principal Legal & Policy Analyst at the Commission (DDI 09 306 2650).

Yours sincerely

A handwritten signature in cursive script, appearing to read "Rosslyn Noonan".

**Rosslyn Noonan**  
CHIEF COMMISSIONER  
Te Amokapua