

Declaration of Principles Governing the Treatment of Victims in the Criminal Justice System

Principle 1

A victim should be treated:

- (a) with courtesy, respect and sympathy; and
- (b) with due regard to any special need that arises
 - (i) • because of the victim's
 - age; or
 - sex; or
 - race or ethnicity; or
 - cultural or linguistic background; or
 - (ii) • for any other reason.

Principle 2

If a victim feels a need for protection from the alleged offender, a person representing the Crown in bail proceedings should ensure that the perceived need for protection is brought to the attention of the bail authority.

Principle 3

A victim should be informed, on request, about the following:

- (a) the progress of investigations into the offence;
- (b) the charge laid and details of the place and date of proceedings on the charge;
- (c) if a person has been charged with the offence - the name of the alleged offender;
- (d) if an application for bail is made by the alleged offender - the outcome of the application and, in particular, any condition imposed to protect the victim from the alleged offender;
- (e) if the prosecutor decides not to proceed with the charge, to amend the charge, or to accept a plea to a lesser charge or agrees with the defendant to make or support a recommendation for leniency - the reasons for the prosecutor's decision;
- (f) the outcome of the proceedings based on the charge and of any appeal from those proceedings;
- (g) details of any sentence imposed on the offender for the offence;
- (h) if the offender is sentenced to imprisonment and later makes an application for release on parole - the outcome of the proceedings and, in particular, any condition imposed to protect the victim from the offender.

Principle 4

A victim should be informed, on request, about the following:

- (a) if the alleged offender absconds before trial - the fact that he or she has absconded;
- (b) if the offender escapes from custody - the fact that he or she has escaped;
- (c) if the offender, having escaped from custody, is returned to custody - the fact that he or she has been returned to custody;
- (d) if the release of the offender into the community is imminent - details of when the offender is to be released.

Regarding principles 3 and 4, a victim is not entitled to information that might jeopardise the investigation of an offence.

Principle 5

A victim should be informed, on request, about procedures that may be available to deal with a grievance the victim may have for non-recognition or inadequate recognition of the victim's rights under this declaration.

Principle 6

A victim who is to be a witness for the prosecution at the trial of the offence should be informed by the prosecution about the trial process and the victim's rights and responsibilities as a witness for the prosecution.

Principle 7

A victim is entitled to have any injury, loss or damage suffered as a result of the offence considered by the sentencing court before it passes sentence.

Principle 8

A victim of an offence is entitled to make written submissions to the Parole Board on questions affecting the parole of a person imprisoned for the offence.

Principle 9

A victim should be informed about health and welfare services that may be available to alleviate the consequences of injury suffered as a result of the offence.

Principle 10

A victim should have access to information about how to obtain compensation or restitution for harm suffered as a result of the offence. Furthermore, if the prosecutor is empowered to make an application for restitution or compensation on behalf of a victim in criminal proceedings:

- (a) the prosecutor should bring that fact to the attention of the victim; and
- (b) should, if asked to do so by the victim
 - (i) make the application on the victim's behalf; and
 - (ii) bring to the attention of the court any relevant information provided by the victim in connection with the application.

Principle 11

If a victim's property is taken for investigation or for use as evidence, the property should, if practicable, be returned to the victim as soon as it appears that it is no longer required for the purposes for which it was taken.

Principle 12

There should be no unnecessary intrusion on a victim's privacy. In particular, a victim's residential address should not be disclosed unless it is material to the prosecution or defence.

Principle 13

A victim should be protected as far as practicable from unnecessary contact with the alleged offender and defence witnesses during the course of the trial and in criminal injuries compensation proceedings.

Principle 14

A victim should only be asked to attend proceedings related to the offence if the victim's attendance is genuinely necessary.