



Northern Ireland
Assembly

COMMITTEE FOR JUSTICE

OFFICIAL REPORT (Hansard)

Inquiry into Criminal Justice Services available to Victims and Witnesses of Crime in Northern Ireland

15 December 2011

NORTHERN IRELAND ASSEMBLY

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Witnesses of Crime in Northern Ireland**

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Stewart Dickson
Mr Colum Eastwood
Mr Seán Lynch
Mr Alban Maginness
Mr Peter Weir
Mr Jim Wells

Witnesses:

Dr Lisa Bunting)	
Ms Janique Burden)	National Society for the Prevention of Cruelty to Children
Mr Colin Reid)	
Ms Jolena Flett)	
Mr Patrick Yu)	Northern Ireland Council for Ethnic Minorities
Ms Marie Brown)	
Ms Orla Conway)	Northern Ireland Women's Aid Federation
Ms Emma McFee)	
Mrs Pam Surphlis)	Support after Murder and Manslaughter Northern Ireland
Mr Willie Surphlis)	
Mr Hugh Campbell)	University of Ulster
Ms Gerri Hanna)	
Ms Susan Reid)	Victim Support Northern Ireland

The Chairperson:

I welcome everyone today. You will be aware that the Committee is conducting an inquiry into the criminal justice services that are available to victims and witnesses of crime in Northern Ireland. Today is a very important day for this Committee, and, from the outset, I thank you all for coming. Although this is a formal meeting, I want to keep it as informal as possible so that you feel relaxed and able to tell us about the experiences that your organisations are aware of. We will try to conduct the meeting in that spirit, but we will also try to do things in a way that gathers evidence that the Committee can use.

I thank you all for your attendance and for providing written submissions to the inquiry. This event will be covered by Hansard staff who travelled with us from Stormont. Today's evidence will be used to form part of the Committee's report on the inquiry. Members, the relevant information is in your papers.

The Committee has received a substantial number of written submissions from organisations that represent or advocate on behalf of victims and witnesses, including the organisations that are represented here today. We have also received submissions from the key criminal justice organisations that deliver services to victims and witnesses, and we have been contacted by a number of individuals who are willing to share their direct experiences of the criminal justice system. We are very grateful to them for doing so.

To make the best use of the time this afternoon, the evidence session will be in two parts. During the first, which will last approximately an hour, each organisation will have the opportunity to briefly outline the key issues that impact on the experiences of victims and witnesses, as well as the gaps in current services.

I will call each organisation in the order that is listed on the programme provided, and members of staff have microphones that witnesses should use when they are speaking. So, you can all assist us in making sure that we gather the information by speaking only when you have the microphone and by stating your name and the organisation that you represent. If other people from your organisation are with you, put their names on the record as well, even if they do not intend to speak. There will then be an opportunity for Committee members to ask questions at the end of each presentation.

On completion of the first part, we will move to the second, which will focus on the identification of the priorities and actions that need to be taken to improve the services that are provided to victims and witnesses. That will be structured around a number of key themes that have come out of the evidence that we have received to date, including the provision and communication of timely and appropriate information, the provision of additional support and assistance, the treatment of victims and witnesses, the need for behavioural change, participation in the process, and a number of other aspects.

So, I will call each organisation that is listed to speak under each key theme in the order that has been outlined. There will then be an opportunity for other organisations to make further points or comments and for Committee members to ask questions or seek clarification. Once the discussion on a particular theme is completed, I will move on to the next one.

That is, I am sure, very clear. You will have to trust me to manage it all and bear with me. I do not want to cut people off, but I want to make sure that we cover as broad an area as possible. So, I will try to diplomatically cajole people into moving on, and we will try to get all the areas covered.

I invite the representatives of Victim Support Northern Ireland to introduce themselves and to briefly outline the key issues that impact on the experiences of victims and witnesses.

Ms Susan Reid (Victim Support Northern Ireland):

Thank you very much for the opportunity to give evidence this afternoon. My name is Susan Reid, and I am the chief executive of Victim Support. I am accompanied today by my colleague Geraldine Hanna.

With 30 years' experience of supporting people affected across all categories of crime, our overall vision is for the appropriate support and information to be available for everyone affected by crime. We operate in the context of an overall reduction in reported crime and patterns of unreported crime, especially homophobic, transphobic, disability and racially motivated crime.

Fear of crime is high in Northern Ireland. The public perception is that crime is on the increase, which, as has been mentioned, is contrary to what the statistics show. That supports the research that indicates that the public generally do not believe crime statistics.

Let us refresh our understanding of the demography of crime for a second. Rungay says that people who engage in crime are more likely to have been victims of crime themselves. Recorded crime rates are highest in urban areas. Those who are most likely to be victims of violent crime are young men aged 16 to 24 years. People who socialise regularly, individuals who live in social housing and rented accommodation, lone parents, people who live in areas where there are high antisocial behaviour rates and those who reside in the 20% most deprived areas of Northern Ireland are all most likely to be victims of crime. So, it is fair to say that those who are already at risk of being socially excluded are also at risk of experiencing crime.

That happens in the overall context of Northern Ireland, which tends to be ignored when considering the needs of victims and witnesses. One in five people here has had multiple experiences of the Troubles, with one in 10 having experienced Troubles-related bereavement. Twelve per cent of people in this community, which is more than one in 10, experience the symptoms of post-traumatic stress. Overall, the context is one of high rates of mental illness, physical and sensory impairment, and learning disability. From that overall population come the people who report the crime and enter the criminal justice system. That is what we see as we meet face-to-face with some 13,000 people a year.

Through our 213 volunteers and 60 staff, we provided 25,000 hours of direct service in the past year. That is equivalent to over 15 full-time staff. It is through contact with those people that we gathered the issues that we want to represent to the Committee. You heard about some of those issues at first hand on 1 December. We have worked hard on and will continue to improve how we gather the actual experiences of victims and witnesses so as to evidence the need for change. Indeed, we contend that the motivation and acceptance of the need to change is probably the major change that is required in the justice system.

Somehow, the technical role of the victim in an adversarial common law system can obscure the needs of people who have been harmed by crime. Those needs are seen as additional wants or luxuries that cannot easily be afforded by the criminal justice system. We argue that the need for information and support to be recognised and acted on by all agencies and organisations is a fundamental and essential building block in not only maintaining but increasing the confidence of all citizens in the criminal justice system in Northern Ireland. To that end, we encourage the system to see itself as a service and to regard the experience of victims and witnesses and the

systematically captured and collated feedback from victims as a key quality measure of the criminal justice system. That is a fundamental part of the governance of the system. The service should base the remedies and type of support not on assumption but on firm evidence of actual need.

In 1985, which is 26 years ago, Shapland, Willmore and Duff stated:

“If provisions set up nominally in the name of victim support prove neither to aid victims nor to produce the services victims actually want, they run the risk of alienating both victims and also the general public.”

That concluded that such a process was not just premature but potentially dangerous. It is why we have called for a Northern Ireland evidence-based approach.

In summary, we have three main asks that are based on what we hear from people who have experienced crime here. Each criminal justice agency or organisation should be held to account for delivering continuing improvement in the treatment of victims and witnesses, as evidenced from their actual experience. That should be part of each organisation’s annual planning, and it should be integrated in to their individual target setting and business planning. Awareness of the impact of crime and the needs of victims and witnesses should be a requirement in the continued professional development of all professionals who work in the criminal justice system. The actual experience of victims and witnesses should be continuously monitored and collated for integration in to key performance measures for each organisation. That should be recognised as a cornerstone of quality so that change can be based on evidence.

The issues are not new, and were validated again recently in the Criminal Justice Inspection (CJI) report. That report was based on the actual experience of victims, and it echoed the themes that we submitted to the Committee as evidence. Those themes include how long the process takes, the difficulties that people have in finding out what is happening, and the emotional impact that the system has had on those who have already been hurt directly or indirectly by crime. Emotional intelligence can make a difference or, to put it another way, a person can be treated with dignity and respect. However, we recognise the strains that the current system creates for those who work in the criminal justice system. That is why, in addition to making provision of information and support, the responsibility is for everyone.

We would welcome the introduction of intermediaries, independent domestic violence advisers (IDVA), independent sexual violence advisers (ISVA), the whole team in the proposed sexual assault referral centre (SARC) and the related services that are based in the community. We would also welcome the full bedding in of the R4 initiative in the PSNI, the development and set-up of the witness care unit, with an individual needs assessment being carried out at the start and end of the criminal justice process. All those things, apart from R4, have been operating for some time elsewhere. All have the potential to make a real difference, but none of them, not even the combination of all of them, will be the magic bullet without the fundamental shift in culture and attitude that I alluded to.

Those initiatives will realise the potential benefit only if there is a collective recognition that the needs of victims and witnesses matter and that they matter to the criminal justice system. In 1991, which was 20 years ago, an extensive research project resulted in a book called 'Called to Court' by John Jackson, Rosemary Kilpatrick and Clare Harvey. I invite members to review the conclusions and recommendations resulting from that extensive piece of research, which covered not just victims and witnesses but defendants and jurors. I also ask members to compare it with the recent CJI report, which, similarly, was based on the actual experience of victims and witnesses. It might be rather depressing reading, but it also might be our manifesto for the future.

The Chairperson:

Thank you very much, Susan. I am conscious that members are probably wondering when they will get a chance to ask questions. The session will be split into a discussion of themes, so members will probably have a better opportunity to go into specific details during each. However, if there are areas outside those themes that have not been covered and about which you want to ask Susan a question now, you can. Otherwise I will move on to the next group. I think that we can get into a question-and-answer session when we get to each theme so that we do not repeat ourselves.

Susan, thank you very much for that. We will come back to you later. At this point, I will introduce Pam from Support after Murder and Manslaughter Northern Ireland (SAMM NI). Thank you very much for coming today; we appreciate it.

Mrs Pam Surphlis (Support after Murder and Manslaughter Northern Ireland):

Thank you very much. I am Pam Surphlis from SAMM Northern Ireland, which stands for

Support after Murder and Manslaughter. I have my daughter and my husband with me. Other members were unwilling to come, because they wanted to keep their anonymity. For their own safety and well-being, they find it really difficult to attend public events.

I set up SAMM NI five years ago after I had a traumatic experience with the criminal justice system. We support 90 families across the Province, both in and out of the conflict. A particular reason the organisation was set up was because people outside the conflict did not have an advocate to speak on their behalf or give them the peer support that they needed.

One flaw in the system that we want to draw your attention to is that we are talking about victims and witnesses; families do not come into this. Traumatically bereaved families are not included unless they are giving evidence in court. That is when they are directly spoken to as being important in the system. We suffer the indignity of having our loved one taken from us by the state and of then being told when we can bury them and when we will go to court and of dealing with the delays in that system. By the end of that process, we feel bullied, abused and badly bruised.

Things have changed since my experience, when, 19 years ago today, I was catapulted into the middle of this nightmare of a system when my father and sister were murdered. So, I am using my personal experience and that of my members who have had a really traumatic experience in the criminal justice system. We need an advocate who will speak for us. We need somebody who will take away the responsibility of looking at the problems that arise. I found myself in the middle of a three-tier situation. I had the criminal justice aspect, I had the settling of my father's affairs, and I had the custody of my niece. None of those situations turned out well. Therefore, we ask that an advocate scheme be considered to work on behalf of families.

Specific case workers in England look at all the problems that families come up against, which are mighty. If a house is a crime scene, people have housing problems. Most of our members are on benefits, and many never work again, so, financially, these issues have a devastating effect on families. We want you to take note of this on our behalf and to look especially at Louise Casey's recent report in England and Wales, which is the largest investigation into how bereaved families have been treated. Thank you.

The Chairperson:

Thank you very much, Pam. I appreciate that it is difficult to go through this, particularly today. Your submission states that there is no reference to the needs of families who have been bereaved. There is reference to victims and witnesses but not to families. Can you elaborate on that?

Mrs Surphlis:

Every agency has its strategy for dealing with victims and witnesses, but when bereaved families are going through the system and go to court, it is only through the good work of Victims Support's court witness service that they are looked after properly throughout the court system. However, outside of that, their needs are forgotten by the various agencies that they come across. During the investigation, they deal first with the PSNI's family liaison officers. Families wrongly believe that that is their support mechanism. It is a matter of trying to explain things to them in language and ways that they can take in and accept at that time. They are in shock. They are not listening; they cannot listen. Recently, someone told me that victims and families do not listen. It is not that they do not listen; it is that they cannot take in the amount of information that comes at them. The recent guide that was produced has been a massive improvement, because people can read it when they are ready. However, often, many people cannot be bothered or cannot sit and concentrate in order to take it in. It is a case of looking at the various agencies and their strategies, raising awareness among all criminal justice agencies of the devastation and trauma that families go through and looking at the possibility of aftercare, because when the system abuses us and the court case and the trial process are over, agencies wash their hands of us and we are left high and dry with no support.

The Chairperson:

In your submission, you said that you were told that you are not a victim because the victim is dead.

Mrs P Surphlis:

Yes. My colleague who helps me in the organisation was told quite emphatically that the court case was nothing to do with her even though her son was murdered. She was told directly that it was nothing to do with her.

The Chairperson:

Thank you. We will pick up a little more from you during the themes section. Thank you very much for your comments. I will now move to the National Society for the Prevention of Cruelty

to Children (NSPCC).

Mr Colin Reid (National Society for the Prevention of Cruelty to Children):

On behalf of the NSPCC, I thank the Chairperson and the Committee for Justice for the opportunity to give evidence to its inquiry on victims and witnesses. I am the NSPCC's policy and public affairs manager. I am joined by the two real experts on the subject from our perspective, Dr Lisa Bunting, our senior researcher, and Janique Burden, who heads up our regional young witness service and live link.

We have provided the Committee with written evidence in some detail. I thank the Committee Clerk, Ms Darrah, for facilitating that and the recent research publication launch, and I thank the Committee for its interest in the issue. I thought that it would be useful to briefly highlight for the Committee some general themes in our response.

Some time ago, the NSPCC in Northern Ireland identified the importance of the criminal justice system in that it plays a significant role in the protection of children. All the children who interface with it are already victims or witnesses. The system, if it operates sensitively, can ensure that children are not traumatised again and that they can give evidence in such a way that benefits good justice, and, through that, deter those who might seek to harm children. That will eventually lead to better management of information and policy development.

Much of our understanding of the experience of victims and witnesses comes from our practice in the young witness service and a series of recent Northern Ireland research publications, which have included analysis of police-recorded crime in respect of children and young people; a study undertaken with Queen's University and funded by the Department of Justice (DOJ) on the experience of young witnesses; an independent evaluation of NSPCC's live link service; and a publication on children's experiences of the criminal justice system. In essence, our practice experience and Northern Ireland research points us in the direction of service and policy development around five key interrelated themes: attrition and delay; collation of adequate information; support for victims and witnesses; provision of therapeutic support; and primary prevention.

Research and recent analysis of the police-recorded crime statistics — at this point, I want to acknowledge and congratulate the police on giving us access to that database, on which Dr

Bunting did analysis — shows that the majority of sexual violence, 56%, is against children and young people, with one in five sexual offences involving children aged between nought and nine years. That fact alone suggests that there is a need for children’s measures in the Executive’s sexual violence strategy, which has tended to be quite adult-focused. Girls are the predominant victims of sexual crime: 85% versus 15%. The majority of, but not all, perpetrators are male. In the majority of crimes, the offender is known to the victim and in a position of trust. The minority of reported sexual crime against children and young people is detected; 19% versus 25% for offences against the person. In our analysis of police statistics, it is clear that there is a relationship between early reporting and successful case outcome, which suggests the need for measures that facilitate children and young people to seek help earlier. We also make suggestions to the Committee in our written evidence about the police recording the relationship between victims in cases that are not progressed. There is a significant gap in our knowledge of victim withdrawal.

Attrition — the point at which cases fall out of the criminal justice system — happens largely at three points: the point of reporting; when prosecution decisions are made by the Public Protection Service (PPS); and in court. It is a complex issue that we have studied at length. It is a complicated area with a complex interplay of issues. The research strongly suggests one thing; the benefit of supporters or advocates for young people, similar to ISVAs in England, as a key way to minimise avoidable attrition. When cases get to court, they can benefit from a young witness service, but there is a major gap in support up to this point.

Huge improvements to the experiences of child witnesses and victims have been brought about through the use of special measures contained in the legislation. We will soon report on an evaluation of our live link service in Foyle, which members saw this morning. It was assessed overwhelmingly positively by users, professionals, court staff and the legal profession. We make recommendations in the report about the roll-out of the model across Northern Ireland. However, victims whose cases do not go to court — the majority of child victims — have limited support available to them. They have often limited contact with the criminal justice system as to how their cases are progressing, and there is an urgent need to ensure that the support needs of that group of children and their families are met.

Although much has improved for those victims whose cases go to court, there are still a number of areas for improvement. The Queen’s University, Belfast (QUB) and NSPCC young

witness study highlighted that many young people find court perplexing and often traumatising. There are a number of issues for improvement. The delay between reporting and trial is very long; pre-trial support is often lacking; and information on case progression for young people is inadequate. Physically meeting the defendant is a fear that many have. That happens frequently, largely due to the structure of our courts. Aggressive questioning from defence lawyers and a lack of post-trial follow-up are also issues of concern. We make a series of recommendations in our study about core prioritisation of cases involving young people and guidance and training for judicial and legal professionals.

The victim and young witness service highlighted repeatedly the need for therapeutic support, which is often insufficient and not available post-trial. We make recommendations on the need to commission regional support services with that specific cohort of children and young people in mind. That is something that the Department of Justice (DOJ) will wish to discuss further with the Department of Health, Social Services and Public Safety (DHSSPS).

Finally, on the issue of prevention, our analysis of the police crime statistics illustrates the extent of crime in Northern Ireland. We need to raise awareness of the issues among school-age children, and as a means of preventing victimisation and encouraging those who have been victims to come forward. It underscores the work that is under way in the Department of Education (DE), for example, on “keeping safe” work in the curriculum.

We firmly believe that the Committee’s inquiry and findings can dovetail with the Department of Justice’s forthcoming consultation on victims and witnesses to bring about improved experiences and outcomes for children who are victims and witnesses. Those do not necessarily need resources as such but a willingness from government to seek evidence-led improvements to the system.

The Chairperson:

Thank you for the work that you have done. The report is an excellent piece of work that we will be able to use. I was struck while reading it that, as you mentioned, 56% of all sexual crimes are against children, of which 85% are girls. When you see the statistics in front of you, they are shocking. Thank you for that work. Lisa, I know that you did a lot of work on that, and we will come back to you later in the event.

Mr Patrick Yu (Northern Ireland Council for Ethnic Minorities):

Thank you for the opportunity to present our evidence this afternoon. I am the executive director of the Northern Ireland Council for Ethnic Minorities (NICEM). I am joined by my colleague Jolena Flett, NICEM's senior manager, who oversees our casework and our advocacy and support services.

Today, we want to focus specifically on racial hate crime. Before that, I wish to endorse the work of Victim Support and SAMM. The experiences of victims of racial hate crime are generally the same as those of other victims. Today, I want to focus on why hate crime deserves special attention.

Hate crimes have received much attention recently. Academics, statutory, voluntary and community sector organisations and the media have attempted to look at the causes and impact of hate crime, but most have failed to look at the experiences of victims of hate crime, and, in particular, at specialised advocacy and support services to cater for the needs of those victims. In most cases, the victim of racial hate crime is also the key witness to the crime. In fact, they are usually the only witness, because even though other people may have witnessed the crime, they may not be willing to give evidence. They also become a victim of the criminal justice system as a result of delays, the agencies involved not responding and other related issues. That is why most victims of racial hate crime are desperate to see a result.

Hate crime is often a process rather than an event, and it can escalate in frequency and seriousness. It can have a devastating effect on a victim's quality of life. There can be the added trauma of knowing that the perpetrator's motivation is an impersonal group hatred, relating to some feature that the victim shares with others. By its nature, hate crime is committed not merely against the immediate victim or his or her property but against the entire community or group to which he or she belongs, and it eventually raises the feeling of insecurity against the other community or group. As a consequence, hate crime revives old biases or serves to create a new bias, prejudice and negative stereotyping of others. It also creates cycles of mistrust and tension in society.

There appears to be general agreement that hate crime in Northern Ireland is on the increase and is subject to significant under-reporting. The PSNI and community groups agree that current statistics on racial hate crime and incidents are only the tip of the iceberg. There are a variety of

reasons why ethnic minority people do not go to the police in such circumstances. They include no confidence in police officers, poor experiences with police in the past when reporting racial incidents and crimes, the perception that the police could not help or that the matter would not be treated seriously, fear of revenge and reprisal, and alienation from community groupings due to negative perceptions of the police among minority ethnic communities, in particular Irish Travellers.

Our research report, published in 2006, confirmed that many minority ethnic people have experienced profound and repeated racist violence. They have, for example, been terrorised, spat on, burnt out of their home and assaulted. The ongoing racist violence towards and harassment of minority ethnic children, particularly at school, is horrifying. As a consequence, many minority ethnic people are living in fear, and some people are in fear of their life. Many are being forced out of particular communities, and some are being forced out of Northern Ireland completely.

We are also concerned at a synergy that appears to exist in Northern Ireland between loyalism and racism. The Independent Monitoring Commission (IMC) acknowledged in numerous reports that the UDA and UVF were targeting ethnic minorities and foreigners. The PSNI and the Northern Ireland Affairs Committee have also acknowledged significant loyalist paramilitary involvement in racist violence. Such links need to be tackled much more proactively by all agencies concerned.

Due to the nature of racial hate crime and the experience of victims, we examined the Women's Aid model that is used to support women victims of domestic violence and found that our situation, in respect of vulnerability, is identical to those who suffer domestic violence. There are specialised support services for women victims of domestic violence. However, there is a lack of statutory specialised support services for victims of racial and religious hate crime. For that reason, NICEM has been playing a pioneering role in bringing victims of hate crime into the criminal justice process as well as supporting the many and varied needs that arise as a result of an initial attack. Racial hate crime support is an important part of the process of tackling the increase in racial and religious prejudice, particularly when that process includes local community support networks.

The support provided by Victim Support Northern Ireland cannot deal with immediate risk assessment for the victim; complaints against a public authority, particularly the PSNI; housing

and accommodation issues, which are a vital part of the initial assessment of whether a person is safe to stay in an area; applications to the criminal justice compensation scheme; preparation of a statement with the victim; and accompanying the victim to the police station for interview. Those are the immediate needs of any victim of hate crime. The Justice Committee should ensure that there are sufficient resources from the Department of Justice to address those needs and barriers and to build the confidence of the victim of racial or religious hate crime through specialised advocacy, advice and support services.

I would like to inform the Committee that, in November, we got confirmation from the Minister of Justice, through an Assembly question for written answer, of his intention to opt in to the EU package of directives and regulations in relation to the rights of victims. There is now a new package of law that has been developed at EU level across all the member states. I see that as good news and a good opportunity for us, and, in particular, for the Committee, to look at victims' rights as a whole. We would like to help the Committee with any further information it may need or require.

The Chairperson:

Thank you very much, Patrick. You mentioned in your submission that the Irish Traveller community in particular does not have confidence in the police. Can you elaborate on why you think that is? The other point you raised is that only half of those involved in a hate crime would report it. Can you maybe provide an explanation as to why that may be? For all crimes, we know that only around half of people report. It is about whether there is a difference that we need to look at between normal crime — although I do not like to call it that — and hate crime.

Mr Yu:

On the first question, the main issue is the police's treatment of Irish Travellers. The police's perception of Irish Travellers is that they are a criminal gang. It is not just me making that statement. Nearly 20 years ago, I did anti-racism training for senior officers; I am talking about superintendent level and above. Before I had even started the training, I introduced our member groups within NICEM, including an Irish Traveller organisation. One of the senior officers said, "Wow, you have criminals in your membership." If a senior officer can say that very publicly, what do you expect those people to do in their treatment of Irish Travellers? A number of research reports by Irish Travellers confirm the same thing. That said, over the past five years, the PSNI community safety unit has been working very closely with the Irish Traveller

community. They have a specific officer to work with Irish Travellers to try to break down that kind of barrier. I can see that things are improving, but, at the same time, there is still a perception on both sides. It takes time to build trust in a relationship and to build confidence.

The information that only half of people report racial hate crime to the PSNI is from our monitoring data. I mentioned that we provide a case worker to support all victims of racial hate crime. We have very robust monitoring data that can identify all those people, what background they come from, where the crime happened and what the consequences are. We prepare them to go to the police station with their statement. After we get all the information, we ask them to come to the police station with us to make a statement. It is a very important process. In our experience of dealing with the victims of racial hate crime, there is no prosecution because of lack of evidence. It is a chicken-and-egg situation. If you look at the number of prosecutions over the past 20-odd years, you will find that it is very rare to have any prosecutions for racial hate crime. One other fundamental issue is that you need to get sufficient evidence at as early a stage as possible, and it is our job to prepare everything and ask victims to come with us. Our monitoring data shows that only above half are willing to go.

With all the support that I mentioned, we do the risk assessment at the very beginning to make sure that victims are safe. If they have children in school, we want to make sure that they are safe on the way back home. So, we have provided very important support. That said, only half are willing to go to the police station. I mentioned earlier the main reason why they do not want to go to the police station. There are different circumstances. In most cases, fear of revenge is the main reason. The perpetrator often lives nearby and, if the victim goes to the police station, the police will go to their house and there will be more attacks as a result. That is the situation.

I mentioned a statistic from 2006. Recently, we did a second batch of research based on our monitoring data from the new cases and from the previous ones. The figure did not change much; it is almost identical. So, even though we and the PSNI have been working very closely and very hard over the five-year period to break down that barrier, we have not had much of a breakthrough in one sense. In a general sense, that is based only on the cases; some other people do not report. We manage only a certain number of cases on our side, and we cannot represent the whole of Northern Ireland.

Mr Hugh Campbell (University of Ulster):

I am from the Jordanstown campus of the University of Ulster. In 2003, we wrote the practice manual for the youth justice conference, the newly formed wing of the Youth Justice Agency. We then went on to work on accredited training and restorative practices from undergraduate level through to postgraduate masters, and those were the first academic programmes of their kind in the world. Our training experience has taken us deep into the Youth Justice Agency, the Police Service, the Prison Service, education settings and social services and into collaboration with community-based provision through Northern Ireland Alternatives and Community Restorative Justice (CRJ) Ireland. We have mainly had a training resource role with those organisations.

Our premise this afternoon is that restorative justice for victims of crime who agree to participate in the process produces consistent results that indicate high satisfaction rates. We want to emphasise that we see restorative justice as an addition to the established judicial system, not an alternative to it, and we are also clear that restorative justice is not a remedy for every victim. Nonetheless, the research into the value of restorative justice for victims across jurisdictions and international boundaries is compelling, and we will be happy to provide you with the evidence of that research on a subsequent date. I have looked at research from Australia, America and continental Europe and at pilots in England and, of course, Northern Ireland.

You often get figures of around 90% or higher from victims who say that they are satisfied with the restorative process and its outcomes. That leads you to ask what victims are satisfied with in those encounters, and the pattern that emerges is that victims say that they like the way in which the offender is held accountable; they appreciate that their own story and views are fully considered; they appreciate that the way in which the process is facilitated deeply respects them as people; and they appreciate the recognition that injury or assault on one person is injury or assault on many people, including family, friends and neighbours. Pam made that point earlier.

Victims also talked about the importance of a direct apology as a way to create some sort of emotional restoration. The focus for a victim in a restorative process is on the harm that occurred and a fuller version of the truth emerging. The traditional prosecution process tends to have a narrow focus on forensic truth whereas a restorative process allows space for a wider narrative truth to emerge, and, in some cases, perhaps controversially, a truth that may lead to some healing for some victims.

In addition to the macro-level issues, some research suggests that victim satisfaction has psychological benefits. The research, which is limited, indicates that victims of burglary and robbery who were involved in a restorative process returned to work and normal activity sooner than those who went through a normal court process. I can provide the Committee with those research papers.

All of that is predicated on good practice. There is a template in Northern Ireland that works and is widely recognised. That template has been hammered out through the work of the Youth Justice Agency and the youth conference service over the past eight years. I think that there have been 30,000 restorative conferences in Northern Ireland through the agency, which is a huge figure.

Community-based organisations paved the way. The challenge now, and what we ask the Committee to consider, is how to scale up provision and work towards a restorative justice system in a fuller sense. In particular, we feel that that means extending the youth conference service to create an adult-based service so that crimes committed by adults are also looked at in the context of restorative processes. We think that, if Northern Ireland were a restorative community, it would employ a graduated sanctioning of offenders using restorative solutions first and an increasing course of solutions for those who persist in harming others.

Community schemes are proving their value in addressing harm, particularly harm that emerges in neighbourhood disputes, which are very hard to get to the bottom of and to police. They are often the types of disputes where all the parties see themselves as victims. Northern Ireland Alternatives and CRJ Ireland have an established and recognised track record in dealing with alternative dispute resolutions. The access to justice review talked about extending such provision in the report that came out last year or earlier this year — I am not quite sure of the date. However, the provision of community-based work is piecemeal. There is a very fine community restorative justice project in this city that deals with complex and difficult cases. That provision extends to north and west Belfast, part of Bangor and south Armagh. However, that is very piecemeal. The work of those organisations is extensively supported by communities and the Police Service.

I have other comments that I want to raise in the second half of the meeting, but my final point

is about what happens to people when they are sentenced for a crime. Almost every person who goes to prison goes back to their own community, where their victim lives. We feel that they should be obliged in the sentence plan to address the harm that they have caused their victim, their own family and their community. That plan should also prepare prisoners to return to live socially constructive lives.

I was in Maghaberry prison on Tuesday. I go in every week for a programme. I was doing work with a man who is seven years into a sentence for violent crime. It is not his first time in prison. He said, “For the first time, I am beginning to think that I actually had victims.” It is appalling that any prisoner should be allowed to languish in jail without being asked to face the consequences of what they have done, who they have harmed and how they have harmed them. If that work were developed, it could even lead to direct encounters between people who have served a sentence and their victims. The Prison Service here has done a small but significant amount of work in that area.

We will reserve the rest of our comments for the second part of the meeting.

The Chairperson:

Thank you very much, Hugh. We turn now to our last — but by no means least — group: Women’s Aid.

Ms Orla Conway (Northern Ireland Women’s Aid Federation):

I am Orla Conway, and I am joined by my colleague Marie Brown. I am based with Women’s Aid in Omagh, and Marie is with Women’s Aid here in Derry. Thank you very much, Mr Chairman and Committee members, for giving us the opportunity to give evidence. We are very pleased that this inquiry is taking place.

Domestic violence is a crime. PSNI statistics show that there are huge amounts of domestic violence. Last year’s statistics show that there were more recorded crimes with a domestic motivation than the combined total for sexual offences, robbery, armed robbery, hijacking, theft and taking away of cars, arson, dangerous driving, handling of stolen goods and offences under anti-terrorism legislation. Domestic violence outweighed all those together. There were 20 murders in Northern Ireland last year, seven of which had a domestic motivation. Therefore, just over one third of all murders in Northern Ireland relate to a domestic situation.

Our organisation has been providing services to women and children who are victims of those crimes for more than 30 years. Last year, we provided support, in our refuges and community-based projects, to 5,500 women and 4,500 children across Northern Ireland. Given our experience of listening to them, we have developed a number of services for women and children who are witnesses and victims. Those services were lacking elsewhere, and we had to come up with them ourselves. We have court support workers, who are largely volunteers, throughout Northern Ireland. We have developed and accredited a training programme for volunteers to support women who are going through the court systems. As we state in our written submission, they pick up for victims, time and again, the lack of provision of information, support and information on the jargon used. Those are all challenges that victims have to contend with on top of the crime that they experienced.

A recent innovation in some areas of Northern Ireland has been the development of criminal justice workers. They are Women's Aid workers who sit in police stations alongside public protection officers. Public protection officers are there to investigate the crime, but the criminal justice workers that Women's Aid employs sit in police stations to provide support for women and, hopefully, increase the chances of successful prosecutions. There is evidence that they are having an impact in that regard.

There are still a lot of gaps in services for victims. There are things that we would like to happen that would improve the experience of women and children who are victims of domestic crimes. We would like to see the development of specialist domestic violence courts. That model operates in Glasgow, and members of Northern Ireland's regional steering group on domestic violence recently travelled to Glasgow to see how it works. A pilot of a domestic violence court is operating in Derry; my colleague Marie pushed very hard for it. That court is now up and running with — it has to be said — very little input from the lead agency that provides services to women and children in this area. We would like to see a roll-out of domestic violence courts, perhaps similar to the Glasgow model.

We would also like to see an extension of the special measures that are available to vulnerable witnesses who give evidence. We are told by the Public Prosecution Service that special measures are a difficult application for them to make and are not usually granted. We believe that an extension of the provision of special measures would enable vulnerable victims to give better

quality evidence and increase the rates of successful prosecutions. We would also like to see victims having a status, or being acknowledged as victims. As the lady from SAMM NI said; you are told that you are not a victim, that you are a witness, and that you are there just to help the prosecution. At best, you are tolerated. We have examples of women who were treated discourteously or rudely by members of the judiciary or by prosecution staff. Victims are not given the respect that is due to them. As a minimum, we believe that going through the criminal justice system should not leave you feeling any worse than having been a victim of crime in the first instance. Unfortunately, far too many women tell us that they wish that they had never reported the crime to the police or allowed the prosecution to go ahead, because of the violation that they felt again in going through the court process.

We are happy to take questions, either now or on the individual themes.

The Chairperson:

Thank you very much. We will come to you again in the next theme section, which we are moving on to now. I will call out the theme; and we have identified specific groups to call first. Then, those groups that have not been named as one of those in this particular theme may also comment. Once the four groups have had the opportunity to speak, I will allow members to explore the theme.

The next theme is “the provision and communication of timely and appropriate information”. We should try to keep specifically to that theme. When we have an opportunity to speak, we are in danger of trying to cover everything. If areas have been left out at the end, I will come back to them.

Ms S Reid:

First, I would like to briefly outline a piece of work that we are doing to capture exactly what victims and witnesses are asking for when they come to us. I want to link that to my opening remarks about an evidence-based system. There is now scope to be very accurate about what people want to know, rather than resort to generalities or even to try to presume what information people want. Just to give you a tiny flavour of that: people who contact our witness service want to know things such as how long they will be there; when the case will start; whether they have to remember the oath, and how they will know when they have to come back. They are also concerned that they may not understand why the case is being dropped, and they may not have

their statements. So, there is the possibility of not only capturing the actual concerns, the patterns of concerns and the queries that people have, but also to use that as a test or benchmark for where other initiatives on information and support are operating. We might be able to indicate where those may not be achieving their intent.

From the journey-mapping that has been done, it is interesting to note that satisfaction tends to decline as the journey through the criminal justice system proceeds. Information — as in answering concerns, not assuming that you know what people want, and providing them with the information that meets their needs — very much seems to make the difference to people's experience.

We want to highlight some key points in talking about accessible information. The first is in relation to the use of legalese; the language that is familiar and common in the criminal justice system, but which is completely alien to most members of the public. It should be avoided. Language is obviously an issue, and Patrick has already touched on its accessibility. We are very pleased to say that we work with NICEM to make sure that we get translation services, when they are needed, for the people that we are trying to support through the witness service, the criminal injury compensation scheme and the community service.

Other considerations include visual impairments and learning difficulties. I go back to the point that I made in my opening remarks, about the population of Northern Ireland and its needs as a whole. The communication that we provide needs to be targeted, with consideration given to the average reading age of the population and its diversity. Perhaps the most overriding need with regard to communication and appropriate information has already been presented to the Committee several times this afternoon, and it is about having an appropriate attitude. It would be an important and significant shift in attitude if we were to move to informing people with a will and with good intent rather than, at worst, making the point that it is not their case and, at best, giving the information, but in a coded way, which suggests, "I am giving you this, but I don't really have to do so".

Mrs P Surphlis:

The information that bereaved families get is very patchy. That is particularly so during the period when the case goes to the Public Prosecution Service, which can be a long and drawn-out process for families. However, for most families, the launch of an appeal is the worst part. Most

of them read about that in the newspapers. There is no mechanism for informing them directly that an appeal has been lodged. I and a lot of people have experienced that, and it is very distressing.

I agree with Susan with respect to the use of legalese. The jargon used in court is beyond the families, particularly when they are deeply distressed. Letters from various organisations, particularly those from the Criminal Injuries Compensation Agency, are very damaging with respect to some of the explanations they contain. They are bland, almost one-size-fits-all letters, and are completely damaging to families. One lady recently got a letter that said that her award was being considered. When she got her award, she realised that she had lost 80% of it. She considered that to be comparable with what a criminal would have secured. So, it is a matter of looking at the communications that come from various agencies. I know that many of them are making great progress in what they do, but there is still a lot of work to be done.

Mr H Campbell:

First, we endorse what articles 3, 4, 5 and 6 of the European Parliament draft directive of May this year states about establishing:

“minimum standards on the rights, support and protection of victims of crime”.

Draft articles 3, 4, 5 and 6 refer to information rights and the:

“Right to understand and to be understood”.

I will not repeat what is in the directive, but I will signpost its significance.

In addition, we request mandatory training for police officers, Public Prosecution Service staff and the judiciary in how to communicate with victims in a respectful and supportive way. That training should also examine the needs of victims, the impact of harm and behaviours and language that help to restore some sense of safety and control to victims. The focus should not be narrowed to only what they consider to be just. We would also like a revision of, and an improvement to, materials that explain investigative processes, the roles and responsibilities of various agents in the justice system and timelines, including how they unfold.

Ms Conway:

I echo the general comments made already and add a few specific examples. One that comes to mind is on the variation of bail conditions. Often, a victim is not made aware when bail conditions have been varied in a way that may allow the perpetrator to return to an area in which the victim and her children live. There also seems to be confusion about whether it is the responsibility of the police or the Public Prosecution Service to inform the victim. So, the issues are things such as the lack of clarity about whose job it is to inform victims and the fact that important information is not always communicated.

Ms Marie Brown (Northern Ireland Women's Aid Federation):

I would add the issue of the service of non-molestation orders. Again, we have had several victims tell us that they have not been informed when orders are served. Some families have been removed from their homes and cannot get back to them until such orders have been served. In other cases, some orders have not been served, so victims have to go back into the court system and have the orders renewed, which can sometimes take a month. So, there are issues around that. When victims do not receive feedback from a range of people in the criminal justice system, it causes a high risk of anxiety among them. That includes the police not providing feedback on how the case is progressing, the victim's own solicitor not providing information and victims not receiving information from the PPS. There is also a risk of anxiety when victims do not know who will deal with them the next time they go to court. They worry that that person will not be au fait with the case. Lack of knowledge causes anxiety and is one of the reasons why we looked for a specialised court to deal with all of this. The attrition rates for domestic violence across Northern Ireland are very high, and those are the reasons.

The Chairperson:

Thank you very much. I will allow members to explore some of this in a moment. I have picked up on what you said about how you are communicated to and the disrespectful comments that are made. Victim Support talked about a lack of emotional intelligence in how agencies handle victims. It and the NSPCC recommended training for the judiciary and legal profession on the questioning and cross-examination of victims and witnesses. Perhaps I can draw in the NSPCC on the issue of how people are treated and the proposed training that you talked about. I will then bring some members in.

Dr Lisa Bunting (National Society for the Prevention of Cruelty to Children):

That is very much an issue for us. Quite often, when cases come to court, there is very aggressive questioning. In many cases, some parents consider that to have crossed the line towards abuse. One case particularly comes to mind from when we were doing the young witness research with Queen's University. A father talked about standing outside the live link room for two days with his hand on the handle ready to go in while he was listening to his daughter cry through two days of testimony. That was very difficult for him. With the help of the young witness service, he continued with that, but, to this day, he questions whether he was right to do so.

There is a huge issue with training for legal professionals, and we would like a system that is similar to that which has developed in England and Wales, where there is now recognition that questioning children is a specific skill that needs to be trained for. Guidance has also been issued by the judicial studies board, which recommends that there should be a process of training and accreditation. If that exists in other jurisdictions, it is definitely worth considering for Northern Ireland.

Mr Eastwood:

We have probably moved a bit, and the themes will probably be interrelated. Patrick, you talked about the attitude of the police and the lack of understanding on certain cases. Marie and Orla, I know that you have done a lot of work with the police in Derry — and it is a pity that the Rainbow Project is not here, because it has also done a fair bit of work. Marie and Orla, can you talk a bit about whether your experience of working with the police has helped and, if so, how? Can any lessons be learned from that?

Ms Conway:

There are now specialist, trained domestic-violence officers, which has been a huge improvement. There are now dedicated public protection units that deal with domestic violence in each of the policing districts; so, there have been police initiatives that have helped victims. There is still a bit of work to be done with the response officers, but there have been great improvements with the presence of the domestic violence team.

Ms S Reid:

One theme that I should have picked up on and which cuts across all of the comments made is that, potentially, barriers can be created through the interpretation of data protection. Having

known colleagues who work across the sector, I know that there is a common issue of trying to reach out to people to help them to access the support and information that is actually available. On the one hand, there are, quite obviously, appropriate systems and interpretations of systems around protecting the individual's privacy. On the other hand, unfortunately, that can also end up being a barrier in being able to have the contact information to reach out to people in a timely fashion to inform them of what is there.

The other point that I want to build on is that, because of the myriad of issues and the complexities of law and the number of variables that there are on how things can progress, one thing that we are very clear on in our attempt to support and inform people is that, often, a written narrative just does not work. What is required is face-to-face or telephone contact with people so that there can be a conversation that explores the concerns and issues and that, hopefully, can provide the answers.

Mr Wells:

Do the witnesses accept that although things are not perfect by any means, huge strides have been made? For various reasons, I have been around courts for 30 years and, in my opinion, things have moved in the right direction. Secondly, given the fact that witnesses are often there in an extremely traumatic situation, is there not an argument that no matter how well handled something is, witnesses will be left stressed, concerned and worried about it no matter what is done due to the nature of the situation that they find themselves in? Therefore, we are never going to reach a situation where witnesses will come out and say that it was not too bad and that it was quite a pleasant experience. Given what has been related today, that will probably be impossible. Even if the police, the Court Service and the Department of Justice do everything right, people will still come away feeling that they have been through several rounds as it were when they come out of the system.

Ms S Reid:

The evidence is clear. I am not exactly sure from memory, but I think that we are on to our third suite of information. The Northern Ireland victim witness survey validates that, overall, there has been an improvement in the system. I would not want to say that there has been no progress. We also have to recognise, hopefully, that some people will not experience the system over and over again. Therefore, their experience is personal and individual, and they do not necessarily have a mental benchmark of how it was 10 or 20 years ago to note the difference.

Looking at the survey, which is based on interviews with about 1,000 people who had experienced the criminal justice system, there is a difference in experience between what are called the injured parties — what you might call the direct victim — and witnesses, and that is something that we might need to explore a bit more. I am sure that other colleagues will want to pick up on that as well.

Overall, we want to challenge that it is inevitable. It is a serious and challenging process, but there is clear evidence that where people are informed about it and reasonably supported, and their queries are answered as they go through it, it is not that bad or harmful. I also suggest that if we are going to persist with our adversarial common-law system, at the very least we have to ameliorate the effect of the crime and the effect of the criminal justice system. If we are saying that we are putting people through a process that stresses them further, adds to their symptoms, and possibly even leads to incidents of post traumatic stress, then the very least that we can do it is to ensure that they receive the therapeutic help to ameliorate those effects outside the criminal justice system.

The Chairperson:

I want to move on, because we are in danger of talking about the whole theme in the round. I want to stick to the specific issue of communication in terms of timely and appropriate information. I note that my colleague took me on a tangent there. However, I want to get back to this particular theme. Raymond, you wanted to comment on this.

Mr McCartney:

I can make my point at a later stage.

The Chairperson:

OK, then I will move on. The next theme that we are going to deal with is provision of additional support and assistance. The first group that we come to is the NSPCC.

Dr Bunting:

I want to reiterate my colleague Colin's point. If there was just one thing that we could do to really improve the experience for children and young people who are victims of crime, it would be the provision of support from the point of report onwards, which is incredibly important. At

the minute, we have the young witness service, which has made massive changes. Picking up on Jim's point, there have been huge improvements. The context in which children give evidence at the moment is vastly different from where it was 10 or 15 years ago.

Unfortunately, support for the group of young people who do not go to court is much more ad hoc and limited. From our study of attrition and looking at recorded crime and our other research in the UK, we know that in the vast majority of cases only one in five sexual crimes against children is detected and only one quarter of offences against the person —

The Chairperson:

Will you elaborate on what you mean by “detected”?

Dr Bunting:

I mean detected in the police sense, under Home Office counting rules, that they are considered to have enough evidence to proceed within the system. Already we have seen that only a tiny proportion of the crimes that have been recorded are considered to have enough evidence to go forward within the system. Of that 20% or 25%, not all will proceed, for a variety of reasons, so the cases that end up in court will be a subset of those smaller groups, perhaps half of them. The Criminal Justice Inspection report tells us that, overall, for sexual crime, only 6% of reported crimes will result in conviction. That is a massive area. Part of that drop-out rate is about people disengaging from the system and withdrawing their prosecutions and involvement with cases. We think that it is incredibly important to develop support for them from that point on, and that somebody should provide a link between the criminal justice system and the victims and their families. Those are points that Pam and Susan have also raised.

Abuse and crime are not things that just happen to children. They happen to their families, and their families have to deal with it. Providing support to parents is incredibly important as well, and helping them and guiding them towards the best way to support their children through the process should be part of that. We strongly recommend that we develop some kind of support system, like independent sexual violence or domestic violence advisers, to provide that kind of practical and emotional support from when a victim reports a crime. They can also act as a signpost to more specialist therapeutic services where necessary.

The Chairperson:

Thank you. Patrick, from NICEM —

Ms Jolena Flett (Northern Ireland Council for Ethnic Minorities):

I am not Patrick. *[Laughter.]*

The Chairperson:

I can see that. Apologies.

Ms Flett:

My name is Jolena. As Patrick was saying, I have been working with NICEM since 2003 on advice and advocacy support for victims of race hate crime. For us, a lot of this will be a reflection of comments already made about the advice and assistance that people need when going to the criminal justice system. In particular, a premise that we work on is that when people are victims of hate crime, the impact of the vulnerability that they experience is often the same as that of someone who has experienced a much more serious crime, even though they might only experience things such as verbal abuse.

There has been extensive research on that, particularly by Paul Iganski, who has done quite a bit of research showing that, even when someone experiences what we would call low-level incidents, they experience the same type of post-traumatic stress disorder that someone would have experienced had they been assaulted. A lot of this is based on people who we have supported with our service. There have been over 500 people coming through. A lot of them are dealing with things such as family breakdown, not being sure whether they are able to stay in Northern Ireland, and not understanding the system. We are helping people to access the criminal justice system, because often there is no liaison that they can go to. The PSNI did have incident minority liaison officers, but that position was changed recently in the restructuring, and the service was basically subsumed into the wider structure of the police service. The liaison officers that we did have, though it was not a perfect system, are now no longer there, so there is no one point of contact for people, which makes it very difficult to navigate the criminal justice system.

As reflected in the comments made by the NSPCC, when a hate crime is perpetrated it often does not even get to the court system, because, although it might be reported, there is often not enough evidence or witnesses to ensure that a perpetrator is made amenable for it. Often it stops

at that level, which then makes it very difficult for people to continue with the system and have any confidence in it. The advice and assistance that we provide helps to bridge that gap, and hopefully helps to take them a little bit further in the system than they would have got without it.

Mr Patrick Yu (Northern Ireland Council for Ethnic Minorities):

I have one additional point. It also links up with the previous theme about the communication and time. I also had a chat with another sector. It is about the issue of how to challenge if the sentencing is too lenient.

Perpetrators of crime will be informed about their rights by their lawyers. However, no one tells victims about their rights or that they have only 30 days, including Saturdays, Sundays and public holidays to challenge a sentence. We had one case of racial murder in Northern Ireland, and the sentencing for that took place just before Christmas. No one told the family who had responsibility. At the end, we had only four days after the Christmas and new year period to challenge that sentence.

There is a grey area around who has responsibility. Is it the court? Is it the Public Prosecution Service? It is very important to ascertain that. I would like the Committee to make certain recommendations about the mandatory need to inform victims about their rights if they feel that sentencing is too lenient.

The Chairperson:

Susan from Victim Support NI, would you like to comment on the provision of additional support and assistance?

Ms S Reid:

The points that we want to make under this theme may overlap slightly with the previous theme, so bear with us. The overall point to make is that individual need should drive the definition and provision of additional support and assistance, rather than trying to assume what the need is as defined by the category of crime. We have already touched on some of the points that we would urge all due speed to be taken with, including the progressing of intermediaries and the development of the witness care unit, IDVAs, ISVAs and civil advocacy services in the system.

Our vision is to develop our organisation further and become the Citizens Advice of the criminal justice system. We could provide those who have been harmed by crime with what we

know and information on where to go to get answers. We could also get support from other agencies to assist in getting answers for victims and witnesses.

This theme links to this afternoon's constant theme: the attitude that is demonstrated by practitioners and professionals in the criminal justice system. We feel that the overriding principle is that intervention and the assessment of need should occur at the earliest point in the interaction with the person who reports the crime. That will mean that, at the outset, due consideration is given to the quality of the statement.

We have heard evidence today from colleagues who work in the specialist area of childcare. I want to link that evidence with the knowledge that there is about sexual violence and domestic violence, and the absolutely key point of phrasing questions in the right way. That will mean that a person, who may not even understand why he or she has responded in a certain way, is given the best opportunity to report their experiences in a way that will be appropriately evidenced through the criminal justice system. That would apply whether it is a child who is a victim of a sexual abuse or an adult who has been sexually assaulted.

Ms Brown:

We want fully integrated domestic violence courts. We would also like to bring in some of the victims agencies. Susan, I do not know whether we have contacted you about the local court, but I have met with Victim Support. We have campaigned for those courts and have heard that there have been listings for that court, but no one has ever come back to us from the victims agencies to bring the victims into the court.

There also needs to be other provisions and support such as childcare, and witnesses must be prepared for the ordeal of going to court. To pick up on a comment that was made, we know that court will never be easy for victims, but a lack of communication and a lack of knowledge about what is going on and what the outcomes may be really stresses witnesses out. Many victims are left standing in court for an hour after their case has been heard, with no one telling them anything. Dealing with those things could really reduce stress levels for victims. Those are create stress for the women that we have, as is knowing whether you have adequate childcare provision if you have to be in court all day and will not be about to look after your child. Therefore, we want to see a willingness to establish the domestic violence-specific court.

Training is another thing that I feel is needed for solicitors right through to judges. Although we recognise that many of them have improved, no victim should ever go in and be insulted in court by a magistrate or anybody else, yet that is happening. We can bring witness testimony to the Committee to describe how some people have been treated. That is beyond contempt, and there is no redress for it, because I have two victims who want to make complaints about how they were treated. However, as yet, I have had no reply from anybody to tell me how I can support them to do that. That is a real difficulty. It is, again, why many victims say that they do not want to go through the court — because of how they have been treated. Some say that it was more traumatic than the actual beatings that they got from the perpetrator. That attitude really needs to change. If we had more training and a domestic violence-specific court, that would be a great model for the other things and the other agencies. We could use that as a model of practice for the different issues that we are all bringing up here.

Mr H Campbell:

I am slightly uneasy about the comments that we are making progress. Page 1 of Michael Maguire’s report, published this month, on the care of victims talks about a pattern:

“many of the problems identified in previous inspections are still raised by victims and their representatives. A sizeable proportion of victims remain dissatisfied regarding their ... contact with the criminal justice system”.

If the system remains rooted only in adversarial responses, victims will stay on the periphery. We may improve some of the conditions around that experience, but victims will remain peripheral. Their experience cannot be fully appreciated and supported by staying only in an adversarial system.

Specifically, we are curious and unsure about how officers or other justice officials who first encounter a crime victim are trained to gauge the vulnerability of that victim. We have questions about an assessment tool, training and protocols to help officers and other justice officials who are first on the scene to understand how vulnerable someone is. It is a complex area.

The Chairperson:

Susan, will you elaborate on exactly how you envisage a witness care unit to provide additional support would operate?

Ms S Reid:

The simplest way in which to explain it is that the witness care unit would be a focal point. First, it would be a group of staff who are trained to understand the systems that operate in the core process, end to end. The group would be organised and have the information, hopefully, from the Causeway initiative, which is unique to Northern Ireland and is an incredible potential resource. It may actually take us forward with the data protection issues that I spoke about. It would, I hope, have the facility to make contact, perhaps by telephone, with people who are to come to court as witnesses and to undertake the needs assessment that Hugh talked about — have that particular conversation to ascertain what concerns people have and their potential vulnerabilities or issues. That might be to ascertain whether the potential court date is on the anniversary of a loved one. It might be to do with facilitating childcare issues and understanding the implications of the court date or their availability as a witness. It could also pick up cognitive issues that had not been picked up on earlier, such as the need for intermediaries.

The witness care unit would then, hopefully, make contact with us and with the NSPCC concerning the young witness service and the adult witness service in the criminal courts. I should make that distinction: we are talking about criminal courts as opposed to family courts. We could cut down on some of that delay and some of the problems that are caused by people coming too late to the physical court building and, therefore, being too late for the opportunity to understand the process and have their queries answered.

The Causeway initiative has the potential to be a vehicle to assess that need. That will be tested by the quality of the needs-assessment process and the facility itself when it comes into being. Equally importantly, it has the potential to assess need at the other end of the process. It could pick up on issues, such as those that Jim mentioned, when there is a further need that the criminal justice system cannot meet. It can try to make the connections with other service providers and organisations that are represented here today to ensure that people have access to care after the court process.

The Chairperson:

Thank you. The next theme that we will touch on is treatment of victims and witnesses and what behavioural and attitudinal change is required. Hugh, I invite you to talk first about behavioural and attitudinal changes.

Mr H Campbell:

To be honest, I do not have anything specific to add to the comments that were made on this previously, Paul. I have said everything that I want to say on it.

The Chairperson:

I like that. It was probably covered in the discussion on communication and information. I invite Pam from SAMM to speak.

Mrs P Surphlis:

I will have to change my name so that I am not “Pam from SAMM”. My colleague is Ann, so we are Ann and Pam from SAMM.

Most of the attitudes that we come up against concern how traumatically bereaved families are told to behave in the court process. You cannot cry, because you might distract the jury. You cannot go out if you are upset or do not want to hear it. It is all about families being told what not to do rather than being told what is appropriate for them to do.

Recently, in court, a family were told to move three times because they were in tears. A lady who has been with our organisation for quite some time was told at the preliminary inquiry for the case that she could not go into the cafe because the two defendants were in there. Who is the criminal and who is the bereaved family?

Mr McCartney:

Who told you that?

Mrs P Surphlis:

It came from the court staff, and I was present at the time.

Mr McCartney:

It was just someone in court?

Mrs P Surphlis:

Yes. We are shepherded about. We are escorted out when leaving court. We are told that we should not make any comment or draw any inference at all. You have to sit there being

completely silent, which is extremely hard to do when you are very distressed. That is all that I can say.

The Chairperson:

We heard these types of examples in evidence last week. Did anyone ever explain why you should not show that type of emotion?

Mrs P Surphlis:

No. Victim Support's witness service has done massive work on that. I am one of the organisation's original volunteers, and I joined because of the experience that I had. When I arrived at court on the first day of the trial in Enniskillen in 1994, the court door was locked, a policeman was standing up against it, and the press were hounding me. When the witness service started, I joined it to help address that sort of thing.

I am full of admiration for the work done by Victim Support's witness service. It makes the experience for bereaved families so much better. All the other agencies could work in conjunction to make the experience more positive. For bereaved families, it is not only about getting the sentence. That is part of it, but it is also about the treatment that they receive.

It is not widespread, but, in some cases and some areas, senior prosecutors refuse to talk to families. They leave that to their junior. Some families have been told that you do not have to be there for the mentions. That is a family's right. Families need the information and to know what is happening, because, quite often, they are not aware of all the details.

The Chairperson:

Women's Aid, in your submission you talked about harsh and insensitive treatment, and you elaborated on that when talking about some of the insults. Can you be a bit more specific about the behaviour and attitude that needs to be changed of the police, the Public Prosecution Service, the courts and the judiciary?

Ms Brown:

My experience is that insensitive treatment is unlikely to come from the police, in fairness. It is more likely to come from within the court process, and several victims have had personal comments made to them by magistrates. They have been told that they are wasting time and been

asked whether the crime really happened to them. They have given their evidence and then been insulted.

Recently, I was in court with a male victim whom I had supported, and Victim Support was also there. We were both in the room when he was called a layabout and a waste of time. He was a victim who had brought a harassment case, and that happened at the appeal. That man had previously been suicidal, and there had been a range of other issues. He was totally devastated when he came out of the court, and he wanted to take forward a complaint about his treatment. His representative from the PPS arrived. He had never met her before. She had not read the case, and he felt that she was not prepared to go into court. When he went in to appeal the case, he was in the box for an hour and a half. He was not prepared to go in and had not been told that that was going to happen to him. He was totally insulted. When he was coming out of court, someone said that that was par for the course for that particular magistrate. There is a big glass box in the middle of that court — court 4 — and the acoustics make it difficult to hear for victims, for witnesses and for me, who was sitting there to support him. He could not make eye contact with me either. He said that the layout blocked his view and that he felt really isolated.

That is only one example of many, and we almost know which magistrates will do that before we go into court. It happens throughout Northern Ireland. That is totally inappropriate, and, when we use the mechanism to make a complaint about any such issues, we hit brick walls. Some of the complaints are about the lack of information with which the victim's own solicitor provides them.

We have had a lot of women who were really traumatised by the recent events involving a certain local solicitor. You may have heard about it in the media. I have been raising the issue when victims' own defence is not good and when they have not been getting information. For around 10 years, I had been raising issues about that solicitor, and we sent droves of victims forward. The Law Society has now moved in, but it has taken a long time. When I raised the issues, I was told that surely those people could get another lawyer and could sue the solicitor if they were not happy. That incident and the lack of intervention has traumatised quite a lot of victims. We should look at what happened there and at how many victims have raised complaints in the past so that we can consider how we might provide remedies. We should also look at regulation of solicitors.

Ms S Reid:

I go back to the point that I made in my opening comments about the need for this to be a core part of continuous professional development for all the professions. I wonder whether it is a by-product of a system that is, by design, objective and very logical. The call that we are all making is for a recognition of the emotional impact. Although, technically, it is not the victim's case, the experience is the victim's, and the system needs to respect that. That is why we are calling for a change and a shift in behaviour and attitude that starts to treat victims' understanding as being important and not just as a way to avoid a complaint or, indeed, to do them a favour. Such a change must recognise that each victim who understands and values the process is another citizen who has confidence in the criminal justice system.

Just to echo everything that has been said already, one lady whom we recently supported in raising her issues with the Public Prosecution Service had a meeting with the senior prosecutor. After the meeting, the prosecutor said, "When I reviewed the case, it was technically perfect, but I did not realise the effect that it had had on the person until I met her face to face." That is the key difference. The process may be technically proficient, but the impact, and the emotional impact, that it has on people needs more attention.

Ms Janique Burden (National Society for the Prevention of Cruelty to Children):

I would like to back up what Susan said. I also want to make the case for children. You are talking about children in an adult world who are giving evidence in an actual situation and the training that is required for that.

I will use an example, as colleagues have done. I had a child who went in with her teddy bear. The teddy bear was under the table. She was giving evidence across the live link and was asked to remove the teddy bear in case it influenced the jury. Therefore, we are talking about a child under the age of 10 whose teddy bear was removed. She was not able to have it with for comfort. Examples such as that show that we do not understand how children are dealing with this.

Another aspect is that training is required. The attitude to children is significant. A lot of the time people say, "Children lie." That has been said to me by a judge. What chance does a child have if the feeling is that children lie? The process that children, and all victims, go through to get to court is quite significant. They have to tell that story several times before they get there. They probably have to tell it around six times, yet people still go into court believing that children

will tell lies.

Child development is important. There should be an understanding of what children understand. A lot of children come away very distressed because they have been called a liar. Children do not understand the nuances or the adult language. They come away highly distressed if they are told that they are a liar and that they are not believed.. That needs to be addressed through training and understanding of child development.

The Chairperson:

Just for the record, you are the manager of young witness service?

Ms Burden:

That is right.

The Chairperson:

Do members want to pick up on any of that? If not, we shall move on.

We move on to our next theme: participation in the process, including victim impact statements and reports. I will turn to Women's Aid first in this area.

Ms Conway:

The opportunity to make a victim impact statement is rarely offered. When it is offered, or if our agency is supporting a woman through the criminal justice system and we ask the prosecutor whether it is permissible to have a victim impact statement, it has always been accepted by the court, both at lower court and Crown Court levels.

It is empowering for the victim. The victim sees it as her way of getting her voice out there. In one case, a couple of years back, the media also picked up on the victim impact statement, which had not been instigated by the PPS. The victim had asked for it to be included. The media picked up on the comments, and it was reported in the press. It helps to let the rest of the world know about the impact of crime on victims.

Other examples of participation that are perhaps currently lacking include consultation. As other people have said, when charges are dropped, victims are not consulted, or when lesser

charges are accepted, the victim is very often the last person to know that the prosecution is proceeding just with your rape, rather than with your rape and buggery. There is no explanation offered or consultation undertaken with the victim. There is a lack of participation for the victim.

Ms S Reid:

The first thing to say is that we really welcome the fact that work is ongoing to establish principles and context for how victim impact statements and victim impact reports can be developed. There is a little bit of confusion in the system as to how they are initiated. There is currently no format for how they should be constructed.

As to the efficacy, there is evidence to be learned from other jurisdictions, such as England and Wales. Some of the Committee members last week heard directly from people who had experienced a type of process of developing a victim impact statement.

I want to make only one point to build on that, because I am conscious of time. Although there is almost an intuitive sense that it is of benefit to the victim, there also needs to be equal weighting applied and consideration given to how the process of creating a victim impact statement for individuals can make them get in touch with very powerful emotions that may have been on some form of hold during quite a long process while they have waited for the case to get to court.

Therefore, support and appropriate consideration needs to follow after the victim impact statement has been taken, and due consideration must be given to the individual's or the individual's family's understanding of how that statement will be used and what exact effect it will have on decision-making in the court so that, where possible, any possible feeling that they have not done a good enough job on behalf of their loved one through the statement — they have been bereaved — is mitigated if the sentence is not what they had anticipated. Indeed, the process should deal with the fact that different individuals have different abilities when it comes to articulating emotions. The system should not inadvertently be more empathetic or responsive to individuals who are better at articulating and individuals who, on their own journey of healing, are at a point at which they can articulate the emotional impact of the crime against them.

We urge the system to ensure that the reports and the professional assessment of the impact of crime are not just used in the court system but are used to pick up needs that might be met outside

the criminal justice system where there is need for further therapeutic intervention or support for a child or an adult. That should be picked up and acted on.

Mr H Campbell:

I will make up for the last time, Paul, with miscellaneous points. One theme is the concern that victims' needs are not dealt with adequately because criminal justice agencies have a narrow view that a law has been broken rather than a perspective that human beings have been harmed. As I said earlier, we should upscale the use of alternative dispute resolution processes, particularly for disputes in neighbourhoods, which are often nasty, almost impossible to police and harm loads of people, not just the direct participants. There is a cycle where the victim from one week becomes the perpetrator the following week. You have very good evidence of effective practice in that area through Alternatives and CRJ to draw on. That should be upscaled to provide an alternative way of participating in dispute resolution.

There is the issue of training police officers, who are often first on the crime scene, in how they listen to and record the victim's experience. They should realise that it is not just a moment for collecting evidence but the first opportunity to offer or deny empathy to the harmed person. The law agencies also need to understand that there is a circle of people around the direct victim that has also been affected and can be engaged with to develop support for the person who is most harmed.

We have a different take on victim impact statements. Let us go back to this idea of sentenced prisoners. We believe that all sentenced prisoners should be in a process in which they are required to develop their sensitivity towards the impact that their behaviour had on the people most affected. They will all come back out into society, and the idea that they should spend endless amounts of time in prison lagging around and not thinking about those whom they harmed belongs in another era. It is not for the modern service, and it does not meet victims' needs.

Mr A Maginness:

Thanks to everybody for their contributions. What do the various organisations feel about the level to which a victim impact statement should be permitted in a court? Should it be in all courts at all levels? Who should edit the impact statement?

Ms S Reid:

Can you say a bit more about what you mean by “all levels”? Do you mean different types of court or categories of crime?

Mr A Maginness:

Do you believe, for example, that victim impact statements should be confined to the Crown Court or to the Magistrates’ Court as well as the Crown Court? What is your view on that?

Ms S Reid:

We would not have a view that would be as generous with regard to court. We would want to go back to the needs of the victims and their need to have the impact expressed into the system. The balance would then be to try to make sure that doing that did not delay the process further. Sorry, will you repeat the second part of your question?

Mr A Maginness:

Who should edit the impact statement?

Ms S Reid:

It should not be edited, but the format should be clear. That should be a clear part of the communication and guidance. There should be guidance on the format — a pro forma, if you like — for what the impact statement should cover. The person making the statement should be supported in laying that out. That would be the issue rather than it being edited.

I suspect that part of your question links to the other side and the human rights issue of that information being made available. Any issues about inappropriate disclosure of information or any statement that the victim would want to make that may be inappropriate in a court case should be dealt with in the guidance and the format of the impact statement itself.

Mr A Maginness:

Yes, but somebody has to do that, before it gets to a judge.

Ms S Reid:

Yes.

Mr A Maginness:

Well, who does that?

Ms S Reid:

Oh, I see. I beg your pardon; I did not understand that that was the question. That is a role that could be undertaken by an organisation such as ours, and we would be interested in developing that.

Mr A Maginness:

Thank you very much.

Mr McCartney:

I thank people for their contributions to date. We have now covered four themes. Our next three are compensation, barriers and delay, which are a bit different from what we have covered up to now. If someone was asking a question in the abstract and you were asked who in the system is responsible for outlining to victims the roles and responsibilities of the various aspects of the criminal justice system, what would the answer be?

Ms S Reid:

That is a really hard question. The answer would be that each organisation and agency takes responsibility for its bit and that is the problem in itself. No organisation is resourced to travel the journey with the victim from end to end, and that is a key point.

Mr McCartney:

Pam summed up the picture that has been painted. Nobody in the system would have wanted Pam to feel that she was bullied and abused, but that is how she felt at the end of the trial process. If the process to explain the system is disjointed, the outcome will be disjointed.

Ms S Reid:

Absolutely. That is part of the thinking behind the ISVA role, the IDVA role and the advocacy proposal. The intent behind that is that there would be someone to travel with from end to end, so that it is not left to the people themselves to become some sort of expert in the criminal justice system. Rather, somebody else is travelling with them, helping them to understand, when they are ready, in a language and communication style that suits their needs.

Mr McCartney:

Pam talked about the need for an advocate. Patrick said that, at a particular time, there was a focus on hate crime and the PSNI introduced a liaison officer. There were then other demands and competing demands. Marie talked about the domestic violence liaison officer in Foyle, which is good and positive. However, if a different demand is made on the PSNI in one year or two years' time, that is not a statutory position, and it can be changed by the priorities. Whatever the local commander has as his priorities may reduce that to a secondary role. It is a question of how we pull that together and put it on a statutory footing.

Ms S Reid:

The key theme is consistency across agencies. In addition, despite the best efforts of the organisations and agencies, those efforts end at the boundary of an organisation or agency. That is where things have the potential to fall down.

Mr McCartney:

OK, thank you.

The Chairperson:

Will you expand on the point about consistency, Susan? A number of submissions picked up on the fact that the standard of service varies across agencies. Are there areas that you would like to highlight as an example of where that standard varies?

Ms S Reid:

The point that Victim Support was trying to make — I will leave other organisations to speak for themselves — is that the way in which different organisations and agencies are structured across Northern Ireland can lead to initiatives that have the same title being delivered operationally in significantly different — subtle but different — ways. Furthermore, Raymond has just made the point that there is a difference geographically. There is, to use the cliché, a postcode lottery whereby some geographical areas, because of initiatives through pilot projects, will have additional services that are not available in others. That is how I would broadly summarise it.

Mr Yu:

I would argue for consistency between the different agencies. I think that the Criminal Justice

Inspection does a very important job in that it makes sure that there is consistency. It publishes different thematic reports on different types of crime along the same system, starting with the police and going to the endgame of policing and probation. So, each of those agencies has its responsibility at each point in time. I would like them to keep going through that process and to make more use of the CJINI's thematic report as a benchmark for different types of crime.

Mr Dickson:

To assure that consistency, do we need a statutory victims and witnesses charter that all the disparate bits of the justice system have to sign up to and is a standard that they must meet?

Ms S Reid:

I think that a charter alone will not produce that —

Mr Dickson:

As a starting point?

Ms S Reid:

I would argue that it needs to be supported by a system that consistently collates the actual experience of victims and witnesses. I suspect, and I hope, that what the Committee is hearing this afternoon is how different the system looks through the eyes of the victim and the witness. That is what we need to embed. What we were trying to call for in our request is that, as a matter of core business, each organisation and agency has a requirement to monitor the experience of victims and witnesses, and that becomes part of each organisation or agency's key business in terms of their own sense of quality. Yes, we have a code of practice. However, to take that to the next level, it needs to be monitored in respect of its impact on the actual experience of victims and witnesses.

Mr Dickson:

Should that not be converted into a charter of rights for victims and witnesses?

Ms S Reid:

I would like to sit here and say yes, but, although my understanding of criminal process and criminal law is limited to say the least, I appreciate the complexity and the number of variables in any case. I do not want to sit here and say that I understand that it would be easy to come up with

particular standards that could be applied in every set of circumstances. I would rather that we put our collective energies into trying to make some of the attitudinal and behavioural change and to provide the information and support that, I think, we are all calling for this afternoon.

Mr Dickson:

Those changes will not come about unless they are underpinned by some statutory regulation.

Ms S Reid:

I would like to hope that the system would change without a statutory requirement to do so. If we find, however, that we cannot motivate the system to change without that, the answer is yes.

The Chairperson:

I wanted to touch on that point later, but I will pick up on it now that we have come to it. We may come from a perspective that, in this legal world, having legal requirements may be the only thing that changes it. The representatives from Women's Aid said that they were disappointed that the code of practice was not on a statutory footing in your submission. Hugh referred earlier to the European directives on this issue. Hugh, do you want to comment on this issue? I will ask Women's Aid to comment as well.

Mr H Campbell:

I suppose that from our end, because we are not part of all your deliberations, we are not sure to what extent you have reflected on the efficacy of the code of practice that we have in Northern Ireland or where you are going with the European directive. As a slightly different take on this, from where I sit in a university, it seems pretty clear that, if you did not have the participants in the voluntary sector working directly with the victims, you would have a much harsher experience. So, there is also something about maintaining government support for those organisations or, if you want to improve services for victims, looking at how you upscale the work that those agencies have done. I am guessing that documenting that work would be part of those agencies' submissions to your Committee.

The Chairperson:

Thank you, Hugh. Turning to the Women's Aid representatives, I picked up in your submission that you were supporting formal and legal recognition of the victim in criminal proceedings.

Ms Conway:

Yes, everyone knows the roles of the defendant, the judge and the prosecutor. If there was a definition of a victim and rights attached to that, it would greatly improve the lot of the victim going through the system. I hear what Sue is saying about trying to change the situation through persuasion. Maybe there could be a two-pronged approach; backing up her approach with the force of statute might bring about change a lot quicker.

Dr Bunting:

I want to pick up on the idea of a statutory victims charter from an NSPCC perspective. As far as I understand it, there is one in England and Wales. Various pieces of guidance and legislation have developed, and we have followed suit in many ways. Research carried out by the Nuffield Foundation and NSPCC looked specifically at the requirements in the legislation, the victims charter and the things that were set out as the basic standard of treatment for victims. Their research looked at the experiences of young witnesses across the UK. They found that, despite having those things in place, the experience on the ground was still a far cry from what had been set out.

I want to reiterate Susan's point. There is always a tendency to look for legal solutions, but, at the end of the day, what victims really need is support on the ground and people who will work with them on a one-to-one basis. I am concerned that we would put something on a statutory footing and think that we had resolved the problem. We need to have both those things. If there is not willingness in the criminal justice system to do that, perhaps we would move towards a charter. However, information and support on the ground are probably greater priorities that we need to focus on right now.

Ms Burden:

I will pick up on that and on Susan's point about monitoring. Again, the issue is the persuasion element of each organisation. Should there be monitoring? Yes. Let us take it a step further: when you monitor, review and see that there are gaps, the training that we talk about constantly should be in place. There should also be some kind of obligation within the aims and objectives and action plans of a service, whether it is statutory or voluntary. We should then address the gaps and somehow build in a module that ensures that the training is there and that it keeps being reviewed.

The Chairperson:

Thank you; that was useful.

I am going to move to the next theme, which is compensation. I come to Pam in the first instance.

Mrs P Surphlis:

Compensation and the submission of an application is one of the most soul-destroying episodes in the journey of a family. The consideration of such claims has a judgemental aspect attached to it. If a victim has a criminal record, it affects the amount of the award. In the case of one family I know, the mother lost a third of her claim and the father also lost a third because it was claimed that the young man had picked up a knife to defend himself. With Victim Support's help, the father challenged that, but the mother did not have the strength to do so. The father was given the full award and the mother was not; her solicitor was not versed in the compensation scheme.

We are also terribly concerned that, when the scheme was put together in 2002, the award for a fatal injury was £12,000 a claimant. Two years ago, that was slashed. If there is one claimant, the award is now £11,000, but, if there is more than one, it is £5,500. That is very unfair for families that are in dire straits. There was a recent case with the compensation agency. A trial had not begun in that case, but the inquest had taken place. Two days after the result of that inquest came out, the mother of the young man who was killed received a letter from the compensation agency, which stated that she had been denied compensation because it was not a crime of violence, even though the police were still treating it as murder. She was totally distraught. Her son was murdered, but the compensation agency told her that he did not die from a crime of violence.

The legislation has changed. I have taken any of the complaints that we have received to the Victim Support advice workers in the compensation scheme. Every time that they come back, it is due to the legislation. It is for you to look at, but the legislation should be looked at and reviewed in a more caring way and in a way that is more compassionate to the needs of bereaved families. One family that I dealt with was not informed about the scheme until after the trial had taken place. The mother had gone in to serious debt by taking a loan to pay for her son's funeral. She was not able to work after the event, and she got in to debt problems. We ask for the compensation to be looked at from a more compassionate point of view.

The Chairperson:

Thank you very much.

Ms S Reid:

One of the more positive aspects of the compensation scheme for victims is that of the burden of proof. The burden of proof in a criminal injury claim is the civil burden of proof, which is lower than the criminal burden of proof. For that reason, many victims gain closure and a sense of justice through the compensation process that they may not have received through the court process. However, we want to flag up a few points. Some of them echo the points that Pam has just made.

We find it strange that Northern Ireland does not include the tariff for nervous shock, which the Criminal Injuries Compensation Authority (CICA) scheme in England and Wales does. We draw your attention to the two-year time limit for compensation and how that potentially sits at odds with the current timescales in the overall system. Another pattern that we have noticed is that, although we have a 30% success rate in the initial applications that we make on behalf of victims of crime, we then have a 30% achievement at the review, which is at the written challenge stage, and a 50% success at appeal. We wonder whether that indicates a chance to streamline the system. If there were a slightly different attitude at the initial application stage, there may be savings to be made throughout the process.

We also want to highlight the fact that there is currently no limit to the percentage of an award that a solicitor can request for representing a victim during the compensation process. In some instances, we have observed a charge of as much as 20% of the total award. That is in sharp contrast to our service; we take no charge for what we do in that regard.

There are a number of other points, but I am conscious of time. Rather than making this a case study of compensation, I will stop there.

Mr A Maginness:

I thank Pam for her very eloquent analysis of the situation. Clearly, the present system does not assist victims as best as we could in this society. Of course, the system was changed in 2002 by a direct rule Minister as a cost-saving exercise. It was not changed to improve the service for

victims. It was taken out of the courts because it was thought that the courts were too expensive, and it became a tribunal system. We now have a situation in which people are very largely unrepresented. If they are represented, there can be abuses in overcharging and so forth. We have a system that, I believe, is weighted against, not for, the victim. If we are, allegedly, putting victims at the very centre of the justice system, why do we not compensate our victims properly? We are not doing that.

You mentioned people who have been murdered, but it is worse for people who have been violently injured and, as a result, have lost their work and livelihood and all the rest. They do not get as much compensation as they should. The first six months are written off completely. If you do not report the crime in time, you get nothing. There is then a two-year bar on a claim after that. So, everything is weighted against the victim. It would be an inquiry all on its own, Chairman, to examine the compensation system.

Whereas there were difficulties and imperfections in the court system, we now have a barcode system for victims' compensation. If you have an injury to your arm, you get so much. If you have an injury to your head, you get so much. But if you have a multiplicity of injuries, they deduct and deduct and deduct so that you do not get full compensation for that.

I want to thank you for raising the issue and doing so very powerfully. Really, if we are going to get to grips with that aspect of things, we would have to go into the present system in tremendous detail, which would require almost a separate inquiry.

The Chairperson:

I will move to the next theme. I know that earlier comments have touched on barriers to reporting crime, attrition rates and the collation of information on the experiences of victims and witnesses of crime. In addressing this theme, a number of submissions referred to the flawed nature of the Northern Ireland victims and witnesses survey and the fact that its budget for this year has been withdrawn. I will come to you on this first, Lisa. Will you touch on why you think that the survey is flawed?

Dr Bunting:

I will try to be brief because we are getting a bit pushed for time. First, barriers to reporting: as we all know and as has been discussed earlier in the meeting, what we know from police statistics

and the cases that come to the attention of the criminal justice system is the mere tip of the iceberg. There are particular issues around children and young people coming forward to report crime and abuse. We know from maltreatment research that, across the UK in 2000, only a quarter of all those who had experienced abuse told anybody about it when they were a child, and very rarely would they have been in contact with the police or social services. The extension of the British Crime Survey to include 10- to 15-year-olds also highlights the fact that, in the vast majority of cases, they do not bring any criminal activity against them to the attention of police.

There is an array of reasons for that. I will concentrate on maltreatment, in particular. Under-reporting may be due to the age of the child, their ability to understand what is happening to them and that it is wrong and to verbalise what has gone on. Their relationship with the offender is also key, particularly in cases of intra-familial abuse where the abuser may well be someone they love deeply. It could be a relative or someone they know. They are scared of what will happen when they tell someone — that they will not be believed; that it will ruin their family — and about what will happen to the information. A lot of the time, what children want to happen is for the abuse to stop, but they are scared of what will happen when they engage with the system and their right to confidentiality is taken away as they go through the criminal justice system.

Thinking particularly about sexual violence, the degree of sexual violence against older teenage girls and the issue around the sexualisation of children and teenagers is at such a state that it is in danger of becoming a normative thing. So much so that, quite simply, young girls will not report it because it is so common in their friendship circle that it is almost a rite of passage. That is a serious issue that needs to be addressed. There is also the fact that many of the people who offend are sitting in the same classrooms as them or hanging round in the same clubs and youth clubs. That is an issue that we have yet to really address at any meaningful level.

To increase reporting, we need to provide a much safer and more encouraging environment in which young people can come forward. We need to raise awareness, particularly for younger children, about the issues, including those around sexual violence and the stereotypes that we have, to highlight very clearly that such crime is wrong and that there is something that you can do to stop it. The development of preventative education in schools is a key way of doing that, and we very much welcome the developments that the Department of Education is involved with in primary schools. However, we think that there is still a big need at post-primary level, particularly around sexual crime and violence against young men in those age groups. That is

where and when those rates really soar.

I move on to the issue of attrition. Earlier, I highlighted the fact that few cases actually reach the court stage and result in a conviction, and that is the same for sexual crimes and violent crimes. There is a huge array of reasons why that is the case. Key to that is lack of evidence. Insufficiency of evidence and issues around the quality of evidence are always going to be central to those kinds of decisions.

We also know from the research in this area that the characteristics of the case have an influence on detection rates. We see much lower detection rates for cases involving very young children. Reporting delay is a massive problem. Historical cases of adults reporting sexual violence that happened to them in childhood have the lowest rates of detection. There are various areas that we need to think about and to monitor in order to determine whether we can develop and strengthen those kinds of cases.

We have talked about a postcode lottery. The police district in which a crime is reported has an impact on detection rates. We are not particularly sure to what extent that is influenced by variations in characteristics or in practice. From English research, however, we know that there are particular issues around the quality of achieving best evidence interviews that we need to explore in Northern Ireland.

Victim withdrawal is a big issue. If we want to deal with attrition, that is the key place to do it. That is where avoidable attrition exists. We do not currently have a handle on how many victims are withdrawing from the criminal justice system. Prior to 2006, that was counted as part of recorded crime and would have shown us that in 15% of detected cases the victims withdrew their prosecutions. We need to start counting that kind of information again, monitoring what is happening, and looking at the variations in the different cases that we see to determine to what extent they are being detected and to what extent they result in convictions. That can provide us with information to develop policies to address attrition in a meaningful way.

As we have all said, a key part of that will be providing support from the point of report onwards. Many people disengage because they do not know what is happening. They are not in contact with the criminal justice system; they do not feel believed and supported; and they are not going to go ahead with the prosecution. The introduction of facilities such as the sexual assault

referral centre is really positive. There needs to be more community-based support for victims.

We can improve and make better use of monitoring. We can change the way in which we collect information on recorded crime. However, as Susan said, we also need to listen to victims. If we want to understand the reasons for victim withdrawal, we need to talk to victims and their families. We need to understand what it is that they need from us to help them to engage with the system in a way that minimises potential damage to them.

The Chairperson:

Thank you. Susan, may I come to you? You may want to comment on some of that, but you said that the current Northern Ireland victims and witnesses survey did not include sexual offences, fatalities and domestic violence, which meant that there was a question mark over the survey.

Ms S Reid:

Yes. We recognise why the current format of the survey did not cover serious crime and that it would not be appropriate to, as it were, cold-call people who had been through crimes of that nature. We would go further, however, and call for some sort of process that takes feedback from people. We have heard very eloquently from Pam this afternoon that there is a need to collate the experiences of victims of crime, across all categories, in order to be able to monitor the impact that the system has on them.

I will make two quick points in regard to the overall heading of this section. It is a challenge to our political leadership that, if the system were to overcome the barriers to reporting crime, there will be a concomitant effect of increased reported crime figures. That is a big challenge for society, with the recognition that fear of crime is high in this society. However, we have also heard compelling evidence this afternoon about why we need to encourage people to report crime.

The other point has already been eloquently covered by Lisa. I echo what she said. If we cannot continue with the Northern Ireland victims and witnesses survey (NIVAWS) next year because of budgetary reasons, we need to make the case that something has to be put in its place. I know that that will be given some consideration, and we welcome that. We need to value and afford systems that collate the experiences of victims and witnesses so that we can constantly monitor the impact. Otherwise, any investment that has been or is going to be made cannot be

truly evaluated as to its impact on victims.

The Chairperson:

Thank you, Susan. Do the Women's Aid representatives have anything further to add?

Ms Brown:

I would reiterate the two points that have been made. I also think that we have organisations that could very quickly pull together victims who could talk about the impact and feel that to be an empowering process, provided that, when they did so, they were listened to and the relevant changes were made. That is important.

We would welcome SARC in Northern Ireland, but we need to have community-based services. There are none. There are no pathways for you if you are sexually abused or raped. We have criminal justice workers within police stations in some areas, and those workers are getting the relevant information. We are getting disclosures about rape during the incidents, which had not happened before. Those workers are bringing more and more victims through the process and victims are more willing to engage with the process. Victims will do that where they feel supported. I would like to see that across Northern Ireland.

I would like to see more sexual violence services. We have very worrying stats about rapes on a weekend basis. That is happening locally and, I am sure, across Northern Ireland. Some women say that they are going nowhere because of barriers such as travel and having to sit waiting for nine to 10 hours after they have been raped. We used to have Maydown. We have lost that now and its local services. I have had two victims come through. One actually went to the local newspapers because she wanted to talk about her experience of sitting for nine hours in a police station in Belfast after she had been raped. She eventually withdrew from the process; she found the whole process and her treatment really, really poor. She found the police officers who brought her to Belfast very supportive, but said that she was put in a car with two male strangers. What was her small talk going to be for nine hours while waiting for those services? We used to have a service in Maydown. Now that that has been pulled, we are going backwards instead of forwards. That is a huge barrier.

Sexual violence and the crime of sexual violence need to be reviewed across the services. We need to make improvements across all the agencies around sexual violence and the support of

sexual violence victims, from childhood through to adult victims of crime. There is a lack of communication across the legal system with regards these victims. Most of them fall out of the system because they find the process too difficult.

The Chairperson:

I am going to go to Patrick to finish off on this section, and then I will call Colum.

Your submission touched upon how forensic nurses operate in the Republic of Ireland. Can you comment further on that?

Ms Brown:

Yes. One reason that Maydown was pulled was the lack of forensic medical officers. I went with the commander at the time to look at a practice in the South where forensic nurses had been trained up to do the necessary forensics. That seems to be working in the South. We wondered why that process was not happening in the North. Even when we did have a forensic medical officer, we had only one, who said that she was covering all the services. We pointed out that for 40% of the time she physically could not be there. So, 40% of victims did not have that service when they needed it.

Sexual violence is one of the most heinous crimes. The understanding and support needs to be there, even very basic practical support to tell people what to do, when to shower, that they can shower and to get them to a unit. It is very basic stuff. There is no pathway here. What happens if you are raped at 2.00 am on a Saturday? Who is there to tell you what to do? Recently, a lot of teenagers have been raped in this town. There have been difficulties around evidence gathering and convicting rapists. That has to be a whole inquiry in itself.

Mr Yu:

I would like to highlight a couple of situations that affect people reporting crime. As I mentioned earlier, first and foremost, it is about the fear of reprisal. That is one of the key things that deter people from reporting crime. There are also scenarios in which they report crime, but there is no follow-up from the police and no one to inform them about what happens next. It is quite a common experience for victims of racial hate crime.

There are also some scenarios in which the police officer does not see it as a crime at all, or

the victim did not detail what happened. We come across cases in which the police officer has told them that there is nothing they can do. The current hate crime policy across the PSNI is victim-centred, which means that it is the subjective test from the victim. If the victim says that it is racially motivated, the officer must record everything and then use their own objective and professional standards to determine whether it is a racial hate crime, rather than just telling the victim at the very beginning, without even starting the interview, that it is not and asking them to go. Those are quite common experiences faced by people from ethnic minorities.

Another issue is about incidents that they report at different times. A lot of low-level of intimidation — like banging a door or putting a firecracker into a letter box — does not just occur once but multiple times. There is also a lot of other harassment. In our case file, 30% of cases involve people who experience so-called multiple-incident cases, but when they go to the police station they see a different officer every time, and they are treated as separate incidents. There is no one to collate the incidents. This, of course, is very important. This time they do something that is not harmful, but maybe next month they will burn your house. This time it is a firecracker, but maybe next time they will get something more harmful. That is why people have experienced that kind of difficult situation when they go to the police station.

There is another major problem, also related to prosecution. In most racial hate crimes — 99% — there are no local witnesses who volunteer to go to the police station, even if they have witnessed something happening. As a result, when you look at the prosecution cases, you see it is very rare to have witnesses. Over the past three years to five years, there has been a little bit improvement, partly through our support, because we detail everything in the hope that they can gather more evidence before they go to the police station. However, there is still a long way to go in order to get all cases prosecuted.

The Chairperson:

Thank you very much, Patrick.

Mr Eastwood:

On Monday, the Assembly discussed the Barnardo's report on the sexual exploitation of young people in care in particular. To be honest, the figures were shocking, not just those on young people in care but people not in care as well. One of the things that the report pointed out was that there were huge numbers of young people who did not see themselves as victims, and

therefore they were not reporting the crime, because of their relationship with the perpetrator. Do you want to comment a bit on that, and how we can get around that fairly big barrier to people coming forward?

Dr Bunting:

That is an increasing problem. A large part of it is around the increased sexualisation of older children and younger teenagers. There is a perception out there that it is almost becoming the norm, and there is little point in reporting it because it is just one of those things that happens. The major way that we need to address that is through education in schools. There are also broader societal things. We need to be sending very clear messages, whether that is done through the development of campaigns or through media and responsible reporting, that those things are wrong and that young women have the right to decide what happens to them and to their own bodies.

The difficulty is that that exploitative relationship has become so pervasive and so bedded down that it is very difficult to change that. The only way in which we are going to do it is to adopt a whole-society approach. We need to be getting into schools and we also need to be educating parents. I am sure that people have heard that, bizarrely, there are pole-dancing kits for six-year-olds and “Porn star in the making” T-shirts for four-year-olds. Those are real things that are happening in our society. If we continue to tolerate this — I know that I am starting to sound like a zealot — and allow such inappropriate sexualisation of children, that is where we will end up.

Ms Burden:

I want to give you an example. A few years ago, a young girl came to court in order to bring a case of buggery against her cousin. Up to that point, she and her cousin had been kissing cousins and were, quite happily, meeting up on Sunday afternoons and fooling around. However, she was quite clear that she had said no to that aspect of their relationship. One of the difficulties with the case relates to the fact that it is a standard norm nowadays for teenagers to send quite explicit, hardcore porn on their mobile phones, which they have access to through the internet. The girl involved had quite a lot of hardcore porn on her phone, which he said she had sent to her friends a lot. The case did not proceed because her prosecution felt very strongly that her phone would be used as evidence of her consent on some level. I think that that is an absolute classic example of what Lisa is talking about: it was normal among young teenagers to send round such material,

and that kind of behaviour is acceptable.

Ms S Reid:

I want to build on that point by looking at a slightly different aspect. Women's Aid, Victim Support and other organisations have looked at the most recent thinking around the psychological impact of sexual violence. One of the things that we have been made aware of through that work is how we are all attuned to think that the common response is fight or flight. However, the most common response is actually to flop or freeze. If you do not understand that — I am not going to give you a lecture on brain chemistry now — and you have been sexually violated yourself, then you, like everybody else, will wonder why you did not fight back and why you, in a way, went along with it. When it is explained to you, you understand that you were surviving and that that was the mode you were in.

One of the patterns we see when people give their evidence — Lisa alluded to this — is that they withdraw and start to doubt their experience. They start to wonder, “Was I actually raped? Maybe I colluded with it in some way.” A whole layer of awareness raising and understanding is, therefore, needed right the way through organisations and agencies and among citizens in our community.

The Chairperson:

OK, thank you.

We will move on to the next and last theme, which is delay in the criminal justice system. Susan, will you kick-off again?

Ms S Reid:

First of all, we absolutely commend the work that is in progress to try to address such delay. However, that effort will be measured only by the change that it effects in the system. We want to make a point about the cost of delay to not just the criminal justice system but other systems. As far back as the 1980s, I can remember a study done by John Yates, in which he made the connection between waiting lists for ophthalmology and orthopaedic appointments in the health service and the fact that expert witnesses had to sit around in courtrooms for such extensive periods of time. I also want to make the connection between the delay in the court process and the conflict with the compensation deadline. The pattern we have observed is that the defence

uses the fact that a victim has applied for compensation to infer that they are in it for the money, and that is almost like a slur on the victim.

Pam mentioned the study done by Louise Casey's team. I think that it is quite shocking that a family bereaved by murder or manslaughter might have to bear the personal cost of, on average, £37,000 in order to follow the case through. That is just appalling.

Furthermore, a lot of the conversation around delay does not really adequately address the emotional impact. Time and time again, we hear from people who say they feel frozen in time. They are waiting for the process to finish so that they can even begin to grieve and to process the emotional impact of what has happened.

Last, but by no means least, I think that we would like to understand more about the possible implications of the suggestion made in the recent CJI report about statutory time limits. If that course of action is implemented, we would like to set down a marker to say that there needs to be due caution and an assurance given that a failure to meet a time limit will not then result in a victim being penalised because the case cannot proceed.

Dr Bunting:

Delay is a huge issue. It is ongoing and several inspections have highlighted that. It seems to be less amenable to change than any of the issues that we talked about today. It is also strongly associated with victim withdrawal and attrition rates.

For both child and adult victims, delay impacts on their ability to access therapeutic support. They can access such support while they are waiting for a case to come to trial, but they cannot talk directly about their own victim experiences. Delays are often long, and we know from our own therapeutic staff that there can be delays of up to three or four years, sometimes five or six years, in the most protracted cases. That is a long time in which young people are unable to talk directly about what has happened to them, and that has a hugely negative impact on them.

We want to see processes being put in place between the police and the PPS to expedite child cases. There are issues that are particular to children about the length of time that it takes from when they report a crime to when they go to court. They may have changed and aged significantly in that period, and that has huge implications. The child who reports a crime at age

nine is a very different witness when they take the stand aged 12 or 13, and, because they are a little older, jurors are influenced to treat them slightly differently and to look on them with a more sceptical eye. That is peculiar to children's cases.

At court, children often have to wait several days before their evidence is heard, which increases their stress and anxiety. We want to see greater consideration being given to children spending as little time in a courtroom setting as possible. One way that that could be done is through the development of special children's hearings days. Those would allow all the cases to be heard together. They would also be able to prepare all the evidence that is required and the TV live link, and that would be a big improvement.

The Chairperson:

Thank you. Finally, we have Women's Aid.

Ms Burden:

Can I just say something first? A few years ago, we visited a court in Liverpool where the judge listed children to give evidence on a set day and at a set time. That may have been the court that you worked in. The rest of the case was managed around that, and it seemed to work very well.

The Lord Chief Justice previously directed that children should not appear on Mondays, when juries are sworn in and legal arguments are made, and that they should give their evidence the next day. I would really like to see that being taken forward and supported, not just for children but for vulnerable adults. The longer you wait, the more tired you get and the less able you are to give evidence. You are still sitting here listening to us at 4.30 pm and you are doing well. However, if you think about it, that is much more difficult for children. That would be a really simple directive: if there is a child in a case, they should give evidence only at a set time on a set day. The rest of the trial could work around that.

Ms Conway:

I do not have too much further to add. I want to highlight that delay is a factor in attrition rates, particularly in cases of domestic violence. You should strike while the iron is hot, but if the police only send files to the PPS three or four months after the event, the opportunity is lost in getting the victim to proceed.

Mr A Maginness:

I have a simple question: do you agree with statutory time limits? Susan skirted around that issue and has adopted a position of neutrality at this moment in time. Given the recommendations of Criminal Justice Inspection and those that are contained in the youth justice report and, to some extent, the Anne Owers report, it seems that those who seem to be expert in the area are looking towards statutory time limits because the voluntary time limits that we work under do not seem to work. I want to know the attitude of your organisations.

Dr Bunting:

We at the NSPCC share Susan's neutrality at this point in time. We have adopted the attitude of wait and see. We would definitely not want victims to be burdened with any difficulties.

Mr A Maginness:

I agree with you.

Dr Bunting:

I am not 100% sure how that process would be taken forward without some kind of punitive measure or stance. We need to think about it a little more.

Are you aware of how it works in other areas where it has been introduced?

Mr A Maginness:

No, but the basic premise is that it should not prejudice victims. Persons detained in custody could be released, and that might have consequences for victims and witnesses. However, it may have to happen.

Mr Weir:

If I am picking you up right, I can see the neutrality in what you said. I am sure that any victims or groups that deal with them want as much pressure as possible in the system to ensure that matters are brought to court in timely way. One of the criticisms that we have heard is about the length of time that it takes to get a conviction. We saw that very clearly a couple of weeks ago, when a particular murder case in Northern Ireland came to a verdict on the same day as a case in England where the crime had taken place two years later. It took those two extra years to reach the point of conviction. On the other hand, there is the issue that, through a statutory 10-year rule, a case could fall. Obviously, we want safeguards to ensure that that does not happen. There

could, essentially, be a form of automatic bail and you could have some very serious offenders released. I can understand from everyone's perspective that there is some nervousness around that. We need to approach that matter cautiously. I can see the desire to ensure access to justice as quickly as possible, that there is not undue delay, and that people are able to move on.

Ms S Reid:

I did not intend to skirt the issue at all. Our experience is probably coloured by a recent case to do with statutory Bar time limits, rather than statutory limits on the courts. We were working with a young gentleman who has autism. We explained what would happen if he explained to the police officer that he had been assaulted on a night out with his friends. There was an error made. I do not think that it serves anyone to point fingers, but errors were made in the classification of the crime and in its treatment. The effect of those was that the case could not progress because it was time barred. Knowing that that individual is literally hitting his head off a wall with distress, because he cannot comprehend why what he was told was going to happen did not happen, colours my view and heightens my awareness of the consequences.

However, I offer a suggestion. It should not be beyond the ken of criminal justice system to deal with the possible consequences. Surely, there are ways to ameliorate the needs of victims in cases that have not proceeded and have been time barred. If we can think through the process to the end, time limits would surely focus the attention of the entire system and provide a rather strong incentive to make changes.

The Chairperson:

Thank you. The last theme concerns other priorities. I know that time is pushing on, but there are a couple of points that I want to pick up on, which have not been covered to my own satisfaction. I will very briefly run through them. Lisa, the submission from the National Society for the Prevention of Cruelty to Children commented that there was:

“little intervention from the Public Prosecutor.”

Can you briefly elaborate on that point?

Dr Bunting:

That was a finding that came from a study on young witnesses that we were involved in with Queen's University. We interviewed 37 young witnesses who had given evidence in sexual violence, physical assault, and domestic violence cases. To be fair, many young people felt that

they had been treated fairly at court. Most could list some negative experiences, but around 60% felt that they had been treated fairly enough, and around 60% said that they would give evidence again. So there was strong support demonstrated for the criminal justice system in that study.

However, there was a clear a minority of victims who felt that they had been quite damaged by the process. One young woman talked about being “destroyed”. She felt that she had had very little help or assistance from her own barrister. Often, the judge might intervene, but there were quite a few cases in which parents and young people felt that little had been done by their own barrister to help them out. Often, the barrister had met the person only that day, and very little explanation had been given to them about what was going to happen with the case.

One point that stood out from the research is where young people reported that a barrister had made a big effort with them. The general point is the power of people: police officers, PPS prosecutors, and judges who go over and above what is normally required of them made a huge difference. A handful of people who had such experiences talked about having a police officer who was “one in a million”, who would still call on them, even after their case was over, to see if they were OK. They are key people. Everyone has raised the human aspect today: people who make the effort to be friendly and to tell them what is going on. That makes a huge difference.

The Chairperson:

Another comment was that therapeutic work was being delayed because of the delays in the courts.

Dr Bunting:

Therapeutic work can be engaged in prior to a trial, but it cannot be done directly. They can talk about feelings and issues, but they cannot talk about the nature of the crime. If your case has been waiting several years, you are almost in a holding pattern with a therapist. You can talk about your anxieties and fears, but you cannot get into the nuts and bolts of what happened and how it is making you feel. Young people who are being subjected to very serious and ongoing intra-familial abuse might have massive issues to discuss and deal with. Unfortunately, however, the longer a case goes on, the longer they have to wait to access specialist support.

The Chairperson:

Pam, your paper talks about understanding the sentences that are administered. Can you

comment further on that?

Mrs P Surphlis:

When the accused or the guilty party has served their sentence, in some cases there is a probation order. However, families are very confused about whether the person is on licence, on probation or what the terms are. The Probation Board's victim information scheme is very good in some areas; however, in others it is not so forthcoming. The victim or bereaved families are told that such knowledge is against the defendant's human rights, but they are concerned about their right to know that they will not walk into that person at some time — that they will not turn a corner and see them.

In one case, a defendant was released in a certain town after he had served his time. He followed the young brothers and sister of his victim round a shop, taunting them to try to get a reaction. They were very confused about whether he was on licence or on probation. The families would like that to be explained in a more timely and friendly way so that they can understand the implications and whether they have any input into the process. They make a victim impact statement about what they would like to see happen, but it is ignored.

The Chairperson:

The Prison Service will inform a victim when someone is to be released or let out on parole in preparation for release. Is that helpful?

Mrs P Surphlis:

Yes, except that they do not know where the person will be, although they know that they will not be allowed into a particular area in some cases. A couple of our cases that have been through that experience found it very positive. Information is everything to them.

The Chairperson:

Susan, you have probably talked around my next point without mentioning the heading, which is "Care pathway". Can you expand on the care pathway for individuals in the criminal justice system?

Ms S Reid:

It is another way of dealing with the issue of what people should expect at each stage of the

process. Rather than thinking of the PPS as one part of the system, the Court Service as another, and the PSNI as yet another, it is about thinking of the process as a journey. Care pathway is a term used widely in health and social care services in thinking about things from one end of a process to the other. You try to decide where information can be shared across all organisations so that, for example, someone does not have to retell their story every time they move on to the next stage. It was used in health and social care, particularly in the development of cancer services, and the finding was that each bit of the system stood alone, rather than being joined up. The learning came from looking at it from the patient's point of view. We need to draw that analogy into the criminal justice system and look at it from the point of view of what it feels like to move through the different organisations and agencies, rather than just looking from the perspective of each organisation or agency.

The Chairperson:

You mentioned input from other services on health and housing. We have touched on the provision of childcare. When you talk about health and housing, is that part of the witness care unit idea?

Ms S Reid:

A number of us have touched on that today. Patrick made the point that, when somebody has experienced a crime, you can almost categorise their needs as financial, emotional, physical, psychological, etc. They may not want to live where they have been living, and they may have financial issues because they can no longer work. We need to try to look at the needs of the person in a holistic way, rather than just through the lens of the criminal justice system.

The Chairperson:

The submission states that you want an end to oral evidence in committal hearings.

Ms S Reid:

Yes. I would paraphrase that as our wanting to end the trial within the trial. Why should a victim have to go through the process of being questioned to reach a decision on whether the trial will proceed? Our understanding is that that has been done away with in England and Wales, so why does it persist here?

The Chairperson:

Does anyone want to raise anything that you feel has not been covered?

Ms Brown:

Judges need to be aware of the integrated domestic abuse programme (IDAP), which is run for men who wish to take programmes to change their behaviour. In some areas, men are not being recommended to it because the judges are not aware of it. Also, the bail conditions need to be long enough so that men can complete the programme. That is really important.

Homicide reviews have been sitting in the domestic violence strategy for five years now. I want to see that speeded up because a homicide review could possibly help with all homicides in Northern Ireland. We are looking at practice improvements. I worked with a family locally 11 years ago, and they still ring me to find out where the homicide review is, even though the perpetrator is getting out of prison. They were waiting to see what would happen and change in their case, and, as family victims, they would have loved to have given some guidance and feedback on what would have made their case different.

The Chairperson:

Orla, you talked about a lack of awareness of special measures. Do you mean that people in the criminal justice system are not aware of special measures that can be made available to victims and witnesses and, therefore, do not tell them about them?

Ms Conway:

Victims are not always aware that they are available. First, they are not always available for the asking, but victims are not always even made aware that it is a possibility. We hear from women that the PPS is sometimes reluctant to apply for them in domestic violence or sexual violence cases because they believe that it is a hard application to make. They are available as of right for child witnesses but, for adult victims, you have to make your case.

Ms Brown:

They are not always there for child witnesses. The Causeway manager asked me to bring up the case of a 14-year-old who, for the sake of expediency in the case, was brought in to testify. That did a lot of damage to her. She was self-harming and has not really been right since. It was very traumatic for her, and special measures that should have been used were missed. It was a case of,

“If you do not get in now, you may lose your opportunity and the case could be lost.” That pressure should never be put on anybody. That should be managed in the criminal justice system.

Ms Burden:

I have to support that.

The Chairperson:

No one else has indicated that they want to comment further, so I will wrap up the meeting. I thank everyone who has come along today. I am sure that I speak on behalf of the Committee when I say that I have found the session extremely beneficial in getting a better understanding of the issues that face your organisations. I hope that you have also found informing us of all of that to be a helpful experience. Thank you very much.