

Response ID ANON-QBWU-MZ9U-M

Submitted to Criminal Justice (Sentencing etc) Bill
Submitted on 2026-05-11 14:29:16

Introduction

What is your name?

Name:
Laura Orlinda Hein

What is your email address?

Email:
[REDACTED]

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:
European Forum for Restorative Justice - EFRJ

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results.

Exercise of court's discretion when sentencing

Clause 1 outlines the purposes and principles of sentencing. It sets out the factors that the court must have regard to for the purposes of sentencing, which are: the punishment of offenders; for the protection of the public; the reduction of crime by deterrence; the rehabilitation of offenders; and, the making of reparations by offenders to persons affected by their offences. Do you agree with the purposes of sentencing as outlined above?

Not Answered

Please provide information to support your answer here::

Clause 1 also defines the principles of sentencing as proportionate, fair and transparent. Do you agree with these being set as the principles of sentencing?

Not Answered

Please provide information to support your answer here::

Do you have anything further to add on Clause 1 of the Bill?

Not Answered

Please provide any further information relating to Clause 1 here::

Clause 2 imposes a duty to follow guidance relevant to the case when sentencing an offender, unless it would be contrary to the interests of justice to do so and to give reasons in relation to sentencing. Do you support the objectives of this clause?

Not Answered

Please provide information to support your answer here::

Do you have anything further to add on Clause 2 of the Bill?

Not Answered

Please provide information to support your answer here::

Part 1 - Exercise of court's discretion when sentencing - Do you have anything further to add on Part 1 of the Bill?

Not Answered

Please provide information to support your answer here::

Availability and effect of suspended sentence orders

Clause 3 sets out when suspended sentence orders may be made and Clause 4 sets out what a suspended sentence order is and how it will be activated. Do you support the provisions around when suspended sentences can be used and what a suspended sentence order is in Clauses 3 and 4 of the Bill?

Not Answered

Please provide information to support your answer here::

Clause 5 sets out the operational period and supervision period which apply to a suspended sentence. Do you agree with the periods and requirements outlined in the clause?

Not Answered

Please provide information to support your answer here::

Clause 6 sets out that a court must explain to an offender, in language the offender can understand, the reason why it is imposing requirements and the effect of them. Do you agree with the provision of copies of orders and explanation of effect as laid out in Clause 6?

Not Answered

Please provide information to support your answer here::

Clause 7 sets out how a suspended sentence is to be treated. Do you agree with the intent of Clause 7?

Not Answered

Please provide information to support your answer here::

Do you have any other comments on Clauses 3 to 7 of the Bill?

Yes

Please provide information to support your answer here::

Restorative justice refers to any process which enables those harmed by crime, and those responsible for that harm, if they freely consent, to participate actively in the resolution of matters arising from the offence, through the help of a trained and impartial third party (hereinafter the "facilitator"). (CoE Rec on RJ)

Restorative Justice

Empowers victims and amplifies their voices, particularly in cases that do not reach Court, by providing a meaningful space for their experiences to be acknowledged;

- Reduces emotional trauma, as victims feel acknowledged and their identity differences are humanized through dialogue and repair;
- Addresses underlying causes in greater depth than is often possible in formal criminal proceedings, allowing a more holistic understanding of the causes and effects of the incident; thereby reducing the risk of repeat victimization;
- Repairs the harm by encouraging offenders to take direct responsibility, face the impact of their actions on victims, and actively make amends. It shifts from pure punishment to rehabilitation, often involving mediated dialogues that can lead to lower recidivism rates, improved victim satisfaction, and a clearer path to offender reintegration.
- Engages the wider community in the restorative process, which can provide essential social support and help mitigate future potential security concerns.

Part 2 Suspended Sentences

Suspended Sentence Order

We believe there should be a rehabilitative element to these orders. We have issues with any 'treatment' being imposed, especially as a key Restorative Justice principle is that participation is voluntary. However the Court can make a referral to an RJ service, in which practitioners will decide on suitability about whether to proceed by talking to the individual referee; contact the victim(s) and assess risk, safety and suitability at each stage of the process. So the appropriate condition to include in the statutory framework would be a referral for suitability assessment to a Restorative Justice service.

We propose that Courts be legally compelled to consider Restorative Justice before they impose a Suspended Sentence Order. We suggest that there is an adjournment or deferral for Restorative Justice to take place, and based on the outcome (of the Restorative Justice process), any reparation, restitution or rehabilitation form part of the community rehabilitative aspect of the Suspended Sentence Order.

Finally, if the Sentence is imposed due to conditions not being met, then we suggest the inclusion of a reminder that Restorative Justice should be available for victims and offenders either within or without the criminal justice process. This is important as we know from experience that victims can sometimes seek to have answers to their questions following the finalisation of court processes and offenders may seek to repair the harm after the court process has finished. (See Why me? Out of Court Resolution accessed 6th May 2026).

Community requirements

The Minister of Justice has stated that the intention behind adding community-based requirements to suspended sentences is to allow rehabilitative work to be carried out where it might be helpful to do so and to add a visible element to making reparations that could be

realised via a community based sentence. Do you agree with the intent behind enacting Clauses 8-10?

Not Answered

Please provide information to support your answer here::

Do you have any other comments on Clauses 8 to 10 of the Bill?

Yes

Please provide information to support your answer here::

In our view, there is an existing and relevant track record and process laid out for the use of Restorative Justice in Youth Conferencing – as laid out in Justice (Northern Ireland) Act 2002 2002 CHAPTER 26 PART 4 YOUTH JUSTICE.

a) Section 58 is relevant to the new Bill for Adults and in our view, could be applied within the Bill, to give adults the same opportunities as children. We believe, and there is evidence to show from the track record of (diversionary) youth conferencing, that this measure, if included in legislation, will increase victim satisfaction, reduce use of court time, and reduce recidivism levels. We strongly advocate for these measures to be included in Part 2 of the Bill, particularly in relation to Suspended Sentences where they make provision for Community requirements; and the Community Sentencing provisions of the Bill.

b) Here are explanatory notes in relation to Justice (NI) Act Section 58 about how the Bill works in practice and which we believe could be applied equally well to adults in the proposed Bill:

i. Diversionary Youth Conferences (DYCs) are used when other out-of-court disposals (OOC) have been used (e.g. informed warning/caution/CRN) and the child has re-offended. They are triggered initially by a Youth Diversion Officer who recommends the disposal to the PPS. Unless the new offence is very serious, it is referred for a DYC as a last chance to keep the child out of the formal CJS. Has worked extremely well in NI.

ii. When a child has exhausted OOC disposals, is prosecuted and admits guilt or is found guilty after contest, the Court must consider referral for a youth conference unless there are exclusions (para (2)). The child must be asked for consent in open Court. In cases of a child involved in prolific offending the Court might suggest to their legal representative that previous conferences have had little impact and to consider value in a further intervention. If the case is still referred for a Youth Conference, the facilitator has the right to assess suitability.

iii. It is important, in our view that the process is continued (to consider a conference in each instance) as each case has a different victim and therefore to decide a case was unsuitable would be to deny a victim the opportunity to participate. The victim would be made aware in preparation that the young person was known to the system.

General

Do you have comments on Clauses 46 to 49 of the Bill?

Not Answered

Please provide information to support your answer here::

Any Other Comments on the Bill

Do you have any other comments or views on the Criminal Justice (Sentencing etc) Bill?

Yes

Please provide any other comments or views you have on the Criminal Justice (Sentencing etc) Bill here::

In relation to suspended sentences and community requirements, please find these further recommendations:

Northern Ireland Restorative Justice protocol (2022-2027)

Our view in relation to the protocol is that it could be included in the Bill as secondary legislation. This will ensure sufficient capacity of Restorative Justice services, which will increase if the provisions for which we argue under Suspended Sentences are put in place.

Key features of protocol

- Emphasizes offender accountability, victim involvement, and community dialogue.
- Offers a positive alternative to traditional justice responses when offending occurs.
- The formal accreditation process for community organizations to deliver restorative justice interventions is being launched.
- Involves a peaceful, voluntary process for all parties.
- Restorative justice protocols may require accredited organizations to re-accredit every three years and undergo regular Enhanced Access NI check

Implementing the protocol in law

We believe that the protocol now in force in NI, as a result of years of work by Legal and Restorative Justice experts, provides first-class principles and processes on which to base restorative justice provision within this Bill. It sets up the formal framework for the use of community organisations to provide restorative justice. We believe that including key elements in the Bill will strengthen community sentencing and benefit, victims, offenders and the

communities they live in.

Also relevant

- Northern Ireland Victim Charter

<https://www.nidirect.gov.uk/articles/victim-charter>

- United Nations Office on Drugs and Crime Handbook on Restorative Justice Programmes: Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters, United Nations ECOSOC Resolution 2002/12, 24 July 2002.

https://www.unodc.org/pdf/criminal_justice/Basic_Principles_on_the_use_of_Restorative_Justice_Programs_in_Criminal_Matters.pdf

- United Nations Handbook on Restorative Justice Programmes 2nd Edition 2020

Council of Europe Recommendation CM/Rec(2018)8 of the Committee of Ministers to member States concerning restorative justice in criminal matters defines Restorative Justice:

[https://search.coe.int/cm/#{%22CoEIdentifier%22:\[%2209000016808e35f3%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:[%2209000016808e35f3%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})

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- Organisation for Security and Co-operation in Europe ODIHR - IMPLEMENTING RESTORATIVE JUSTICE FOR HATE INCIDENTS AND HATE CRIMES

https://odhr.osce.org/sites/default/files/f/documents/4/5/601122_1.pdf

- EFRJ paper on strengthening of provision of Restorative Justice (2022)

https://www.euforumrj.org/sites/default/files/2021-10/European_Forum_for_Restorative_Justice-evaluation_of_RJ_in-the_VRD.pdf

These recommendations are submitted by the The European Forum for Restorative Justice (EFRJ), an international network organisation connecting over 400 members active in the field of restorative justice as practitioners, academics and policy makers throughout Europe and beyond. We promote research, policy and practice development so that every person may have access to high quality restorative justice services, at any time and in any case. Our main focus is on the application of restorative justice to criminal matters but other areas, such as family, school and community mediation, are not excluded.

Lots more information on the European Forum for Restorative Justice website:

<https://www.euforumrj.org/>