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Submitted to Criminal Justice (Sentencing etc) Bill
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Introduction

What is your name?

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

Organisation:
Nexus NI

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?

Yes

Please provide information to support your answer here::

Nexus broadly agrees with the purposes of sentencing outlined in Clause 1. However, greater recognition could be given to the protection of victims of crime. (2)(b) refers to "the protection of the public (including victims of crime)". Although the explicit reference to victims of crime is welcomed, the protection of victim-survivors, and those closely affected within their family or support network, could be recognised as a distinct consideration within the purposes of sentencing, rather than being subsumed within the broader concept of "the public".

Nexus also notes the inclusion of "the making of reparation by offenders to persons affected by their offences" at (2)(e). In cases involving domestic and sexual abuse, harm is often ongoing and can continue long after an offence has occurred. Many of the harms caused by domestic and sexual abuse cannot realistically be repaired or remedied. Care should be taken to ensure that "reparation" is not interpreted in a way that diminishes the seriousness, longevity, trauma and lasting impact of abuse-related harm.

Overall, we urge caution regarding the use of restorative justice approaches in cases involving domestic and sexual abuse. Victim-survivors can continue to experience fear, coercive control, trauma or emotional manipulation from perpetrators, which can undermine their ability to exercise full autonomy and provide free and informed consent. In some cases, restorative processes themselves may be used to continue patterns of abuse or exert pressure on victim-survivors, particularly where family or parenting relationships exist. In this context, restorative approaches risk re-traumatisation or further abuse if not subject to robust safeguards centred on victim-survivor safety.

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?

Yes

Please provide information to support your answer here::

Nexus agrees with the principles of sentencing set out in Clause 1, which outline that sentencing should be proportionate, fair and transparent.

Transparency in sentencing is particularly important for victim-survivors of domestic and sexual abuse, who may otherwise experience sentencing outcomes as unclear, inaccessible or difficult to understand. Clear communication about how sentencing decisions have been reached, including the weight given to aggravating and mitigating factors, would help to strengthen confidence in the justice process.

Fairness in sentencing should reflect the lived realities and ongoing impacts of domestic abuse, sexual violence and coercive control, including the long-term psychological harm and ongoing safety concerns experienced by victim-survivors. Nexus urges extreme caution regarding how mitigating

factors, such as 'good character' references and community standing, are applied in cases involving domestic and sexual abuse. Nexus' long-standing and publicly stated position is that 'good character' references should be inadmissible in sexual offence cases. The outward presentation of a perpetrator as respected, credible or of previous 'good character' is irrelevant to the harm caused and is deeply damaging to victim-survivors and their wider support network. The use of such references minimises the seriousness of abuse, reinforces harmful myths and stereotypes and undermines victim-survivors' confidence and trust in the criminal justice system.

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

No

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?

Yes

Please provide information to support your answer here::

Nexus supports the objectives of Clause 2, particularly the promotion of consistency, transparency and accountability in sentencing decisions. We welcome the requirement for courts to provide reasons for sentencing decisions, including where they depart from relevant sentencing guidance.

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

No

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?

No

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?

Yes

Please provide information to support your answer here::

Nexus recognises that suspended sentence orders may provide courts with flexibility and may support rehabilitation in appropriate cases. However, Nexus has significant concerns about their potential application in cases involving domestic and sexual abuse.

In relation to (3), Nexus notes the proposed availability of suspended sentence orders for serious offences carrying sentences of up to 7 years. Given the serious and often ongoing nature of domestic and sexual abuse, careful consideration must be given to whether offences involving coercive control, repeat offending, sexual offending, violence against women and girls, offences against children or offences involving significant risk to victim-survivors and the wider public are appropriate for a suspended sentence.

Victim-survivors can experience suspended sentences as minimising the seriousness of abuse, which undermines confidence and trust in the criminal justice system, particularly where offending behaviour has been prolonged, repetitive, coercive or escalating in nature.

Nexus emphasises the importance of robust consideration of victim-survivor and public safety, risk of reoffending, patterns of coercive behaviour, safeguarding concerns and the wider impact on children, families and communities when determining whether a suspended sentence order is appropriate.

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?

Yes

Please provide information to support your answer here::

Nexus supports the framework set out in Clause 5 in relation to operational and supervision periods for suspended sentence orders. The effectiveness of these provisions will depend on strong reinforcement and appropriately resourced supervision arrangements. This is particularly important in domestic and sexual abuse cases, where the risk of reoffending, escalation and ongoing harm to victim-survivors can persist over time. Supervision requirements should therefore be actively monitored and responsive to patterns of abusive behaviour, with robust consideration given to the safety of victim-survivors, children and the wider public.

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?

Yes

Please provide information to support your answer here::

Nexus supports the provisions in Clause 6 requiring courts to explain suspended sentence orders in ordinary language and to provide copies of orders to relevant parties. This enhances transparency and ensures that offenders clearly understand the consequences of non-compliance, including the activation of custodial sentences where appropriate. We welcome the requirement for courts to explain the effect of community requirements and the reasons for their imposition.

It is also important that victim-survivors are provided with clear and accessible information about the outcome and practical implications of suspended sentence orders through appropriate channels. In cases involving domestic and sexual abuse, victim-survivors often have a particular need to understand what an order means in practice, both to support safety planning and to maintain confidence in the criminal justice system.

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

Yes

Please provide information to support your answer here::

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

No

Please provide information to support your answer here::

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?

Yes

Please provide information to support your answer here::

Nexus supports the intention behind Clauses 8 to 10 to allow appropriate community-based requirements to be attached to suspended sentence orders where this is considered suitable in individual cases. However, this must be balanced against the nature and seriousness of the offending, the offender's history of behaviour and the specific risks posed to victim-survivors and the wider public. In cases involving domestic and sexual abuse, careful consideration should be given to patterns of coercive, repetitive or escalating behaviour to ensure that community-based requirements are appropriate and do not expose victim-survivors or the public to further risk.

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

No

Please provide information to support your answer here::

Responsible Officer

Do you have any comments on Clauses 11 to 13 of the Bill?

No

Please provide information to support your answer here::

Activation of sentence and amendment of order etc.

Do you have any comments on Clause 14 of the Bill?

No

Please provide information to support your answer here::

Supplementary (Suspended sentences)

Do you have any comments on Clauses 15 to 17 of the Bill?

No

Please provide information to support your answer here::

Part 2 - Suspended Sentences. Do you have anything further to add on Part 2 of the Bill?

No

Please provide information to support your answer here::

Life sentences

Clause 18 makes provision so that, where a court makes an order under paragraph (1) or (3) of the Life Sentences (Northern Ireland) Order 2001 (the 2001 Order), the court must state in ordinary language the reason for imposing a life sentence and explain in ordinary language to the offender the effect of such a decision. Do you agree with the intention behind this clause?

Yes

Please provide information to support your answer here::

Nexus supports the provisions in Clause 18 requiring courts to explain life sentence orders in ordinary language and to state their reasons in open court.

Transparency and clear communication in sentencing decisions are important principles that can help strengthen understanding and confidence in the criminal justice system. This is particularly important in cases involving serious offences, where confidence in sentencing outcomes among the public and victim-survivors is critical.

As with suspended sentence orders, it should also be ensured that victim-survivors are provided with clear and accessible information about the outcome and practical implications of life sentence orders through appropriate channels.

Clause 19 inserts new Article 5B and Schedule A1 into the 2001 Order on the determination of tariffs in cases of mandatory life sentences for adult offenders. This includes the starting point of 15 years where there are no aggravating factors and 20 years as the starting point where the seriousness of the offence is exceptionally high. Do you agree with the provisions of this clause?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 18 or 19 of the Bill?

No

Please provide information to support your answer here::

Part 3 - Life sentences. Do you have anything further to add on Part 3 of the Bill?

No

Please provide information to support your answer here::

Unduly lenient sentences

Three options were consulted on for the reform of unduly lenient sentence review: • Option A – All Crown Court and Magistrates' Courts sentences are made referrable• Option B – All Crown Court sentences are made referrable• Option C – All Crown Court sentences and sentences for offences with a maximum penalty of 12 months or more when tried in a Magistrates' Court are made referrable. No clear preference for any option emerged as a result of the consultation. The review team concluded that to extend the arrangements to some Magistrates' Courts sentences would risk diminishing their purpose and would add to confusion over which offences were included, so it was decided to only make the referrals applicable to Crown Court sentences. Do you agree with the approach as provided for in Clause 20?

No

Please provide information to support your answer here::

Nexus does not agree with the approach set out in Clause 20 to limit the unduly lenient sentence review mechanism to Crown Court sentences. This approach risks excluding a range of domestic and sexual abuse-related offending that is dealt with in the Magistrates' Courts.

A number of offences related to domestic abuse, sexual violence and technology-facilitated abuse may be heard and sentenced in the Magistrates' Court, including emerging online harm offences such as cyberflashing, upskirting and downblousing. These behaviours can cause significant and long-lasting harm to victim-survivors, including children and young people, and may form part of wider patterns of coercive and controlling behaviour. Their impact should not be diminished or viewed as less harmful than physical forms of abuse.

Restricting ULS referral powers to Crown Court sentences may result in perceptions of disparity in how domestic and sexual offending is treated across different court levels. All such cases should be treated consistently, regardless of where they are sentenced.

Clause 21 allows for the Director of Public Prosecutions for Northern Ireland to refer a case to the Court of Appeal where it appears to them that the sentencing has been unduly lenient and the case is one which is applicable under Clause 20. Do you agree with the intent behind this Clause?

Yes

Please provide information to support your answer here::

Nexus supports the intention behind Clause 21, which enables the Director of Public Prosecutions for Northern Ireland to refer potentially unduly lenient sentences to the Court of Appeal in appropriate cases.

Do you have any comments on Clauses 20 to 23 of the Bill?

No

Please provide information to support your answer here::

Part 4 - Unduly lenient sentences. Do you have anything further to add on Part 4 of the Bill?

No

Please provide information to support your answer here::

Failure to disclose information about victim's remains: Increase to sentence following failure to disclose

Part 5 of the Criminal Justice (Sentencing etc) Bill, covering Clauses 24 to 27, proposes to introduce a statutory aggravating factor, adding a minimum of 30% to the notional custodial period, for failure to disclose the location of a victim's remains or how a victim was disposed of. Do you agree with the introduction of this aggravating factor as an additional tariff to sentencing in "no body" cases?

Yes

Please provide information to support your answer here::

Nexus supports the principle underpinning Clauses 24 to 27, which introduce an additional custodial period where an offender convicted of murder or manslaughter fails to disclose information about the location of a victim's remains.

We recognise the profound and ongoing harm experienced by families when the location of a loved one's remains is not disclosed, and the importance of ensuring that sentencing frameworks reflect the seriousness of that continuing harm. The proposed change may help to strengthen accountability and acknowledge the additional distress caused to bereaved families.

Do you have any other comments on Clauses 24 to 27 of the Bill?

No

Please provide information to support your answer here::

Reduction to sentence following disclosure

Clauses 28 to 30 of the Bill deal with applying a reduction to the additional aggravating tariff where disclosure of the location or detailing what happened to a victim's remains is made post conviction. The principle is that the amount of any reduction will never exceed the aggravation applied at the point of sentencing but provides an incentive for the offender to disclose information about the victim's remains or how they were disposed of. Do you agree with the principles behind Clauses 28 to 30 of the Bill?

Yes

Please provide information to support your answer here::

Nexus supports the principles underpinning Clauses 28 to 30, which provide a structured mechanism for reducing the additional custodial period imposed in cases where an offender subsequently discloses information about the location or disposal of a victim's remains. We recognise the importance of encouraging disclosure where possible, to provide answers to bereaved families and potentially enable the recovery of remains, which is highly significant to those affected.

Do you have any other comments on Clauses 28 to 30 of the Bill?

No

Please provide information to support your answer here::

Parole Commissioners

Clause 31 places a duty on Parole Commissioners to consider a failure by a prisoner to disclose the location of victim's remains or how a victim's remains have been disposed of, when considering their release as part of the public interest decision making. Do you agree that this should form part of the consideration for the Parole Commissioners when making a determination?

Yes

Please provide information to support your answer here::

Nexus supports the inclusion of a duty on the Parole Commissioners for Northern Ireland to take account of a prisoner's non-disclosure of the location or disposal of a victim's remains when making public protection decisions in cases involving murder or manslaughter. Failure to disclose the location of a victim's remains can constitute an ongoing and significant harm for bereaved families, particularly where closure has not been achieved or recovery of remains is still outstanding. Non-disclosure should be considered as a relevant factor when assessing risk and suitability for release.

Do you have any other comments on Clause 31 of the Bill?

No

Please provide information to support your answer here::

Supplementary (Failure to disclose)

Do you have any comments on Clause 32 of the Bill?

No

Please provide information to support your answer here::

Part 5 - Failure to disclose about a victim's remains. Do you have any further comments on Part 4 of the Bill?

No

Please provide information to support your answer here::

Particular persons or groups: Aggravation by hostility

Clause 33 introduces an aggravator to an offence if the offence is aggravated by the person's race, religion, sexual orientation or as a result of disability. Do you agree with this being an appropriate list of groups for the aggravators included in this Clause?

Yes

Please provide information to support your answer here::

Clause 34 sets out the consequences of aggravation by hostility. Do you agree with the consequences outlined in the Clause?

Yes

Please provide information to support your answer here::

Clause 35 provides the Department of Justice with the power to add, amend or revoke the kinds of hostility by which an offence may be aggravated if the hostility relates to a group or characteristic. Do you agree that the Department should be able to amend the groups for whom an aggravator applies?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 33 to 35 of the Bill?

No

Please provide information to support your answer here::

Aggravation by reason of vulnerability

Clause 36 introduces a new aggravator by reason of the victim being vulnerable, following a consultation which originally included older age and vulnerability as potential aggravators. Do you agree with including vulnerability as an aggravator in this Clause?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clause 36 of the Bill?

No

Please provide information to support your answer here::

Public Workers etc

Clause 37 introduces a new offence of assault on a public worker and defines a public worker as being a person employed or engaged to provide a service to the public, performing a public duty or delivering a public service. Do you agree with the new offence of assault on a public worker?

Yes

Please provide information to support your answer here::

Do you agree with the definition of a public worker as defined in Clause 37?

Yes

Please provide information to support your answer here::

Clause 37 proposes that a person found guilty of assaulting a public worker could receive a fine and/or be sentenced to up to 2 years imprisonment. Do you believe the penalties for this offence are appropriate?

Yes

Please provide information to support your answer here::

Clause 38 proposes introducing a new aggravator if an offence is committed against a public worker who is acting in the exercise of functions as a public worker. Do you agree with the inclusion of an offence of aggravation by assault on a public worker?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 37 to 39 of the Bill?

No

Please provide information to support your answer here::

Part 6 - Particular persons or groups. Do you have any further comments on Part 6 of the Bill?

No

Please provide information to support your answer here::

Road Traffic Offences

Clause 40 increases the maximum penalty for causing death or grievous bodily injury by driving while disqualified to 12 months or the statutory maximum fine or both when tried summarily, and 4 years or a fine or both when tried on indictment. Do you agree with the proposed increased sentences?

Yes

Please provide information to support your answer here::

Clause 41 of the Bill proposes to increase the maximum sentences for driving offences that cause death or grievous bodily injury, through dangerous driving or while under the influence of drink or drugs, from 14 years to 20 years. Do you agree with the increase in maximum sentencing for these offences?

Yes

Please provide information to support your answer here::

Clause 42 of the Bill proposes to increase the maximum sentences available for certain repeat offences which occur within 10 years of the person serving the required custodial period for the earlier offence. Do you agree with the increase to the maximum sentence periods for

certain repeat offenders?

Yes

Please provide information to support your answer here::

Clauses 43 to 45 provide for disqualification periods for certain offences and for certain repeat offences and increase the mandatory minimum disqualification period. Do you agree with the introduction of new mandatory minimum disqualification periods included in these clauses of the Bill?

Yes

Please provide information to support your answer here::

Do you have any other comments on Clauses 40 to 45 of the Bill?

No

Please provide information to support your answer here::

Part 7 - Road Traffic Offences. Do you have anything further to add on Part 7 of the Bill?

No

Please provide information to support your answer here::

General

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

No

Please provide information to support your answer here::

Commencement

Do you agree that the sections of the Bill should be commenced as outlined in Clause 50 of the Bill?

Yes

Please provide any other comments or views you have here::

Short Title

Do you have any comments on Clause 51 of the Bill?

Yes

Please provide any other comments or views you have 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::

Nexus wishes to highlight serious and ongoing concerns regarding the use of 'good character' references in sentencing practice, particularly in cases involving sexual offences. Through our work, we see firsthand the harm caused when perceptions of an offender's character, social status or professional standing are afforded significant weight in the criminal justice process.

Our long-standing and publicly stated position is that character references should not be admissible in sexual offence cases at any stage. Such references are not relevant to the culpability, seriousness or impact of sexual offending, and risk obscuring the lived reality of abuse experienced by victim-survivors. The continued reliance on 'good character' evidence reinforces harmful myths, including assumptions that offenders are otherwise law-abiding, credible individuals whose actions are out of character, and contributes to victim blaming narratives.

Recent public discussion arising from the high-profile sentencing of William Lloyd-Lavery has again highlighted the profound distress such practices cause to victim-survivors, and to their families and support networks.

Nexus believes that legislative change is now required to address the role of character references in sexual offence cases. The assumption that 'good character' reduces the likelihood of offending or mitigates culpability fundamentally misunderstands the nature of sexual offending.

Nexus would strongly encourage consideration of legislative provision to make character references inadmissible in sexual offence cases. Sentencing decisions should be based on the seriousness of the offence and the evidence before the court, rather than perceptions of an offender's character, reputation or social standing.