



Response to the Committee of Justice's Call for Evidence: Criminal Justice (Sentencing etc) Bill

I. About Us

I.1 Victim Support NI is Northern Ireland's only all crime victim support agency. The agency provides trauma-informed practical and emotional support to all persons affected by crime across Northern Ireland, regardless of where that crime originates or at what point in history the crime took place.

I.2 The organisation is a named service provider and prescribed agency within the Victim and Witness Charters per section 31(2) of the Justice (Northern Ireland) Act 2015 and Schedule 3 of the Justice Act (Northern Ireland) as noted in the Disclosure of Victims' and Witnesses' Information (Prescribed Bodies) Regulations (Northern Ireland) 2015.

I.3 Victim Support NI's work is delivered through three core services:

- (i) **The Community Service** provides trauma-informed emotional and practical support to those who have been the victims of a crime. Clients are assessed using the World Health Organisation's Psychological First Aid model (PFA) and supported using the Community Resilience Model (CRM), a preventative trauma-informed programme which aims to reduce trauma in the adults and children supported. Under the Victim Charter, the PSNI are obligated to refer all victims of crime to the community service as the initial point of contact within the organisation. Self-referrals and referrals from other agencies are also accepted.

- (ii) **The Witness Service** provides support to adult prosecution witnesses at court. The Witness Service has waiting rooms in all criminal courts and Remote Evidence Centres (RECS) across Northern Ireland and works with criminal justice partners, including but not limited to the PSNI, PPS and the Northern Ireland Courts and Tribunals Service, to enable witnesses to understand and proactively engage with the criminal justice system.
- (iii) **The Criminal Injuries Compensation Service** provides free, expert advice to those who wish to claim compensation for criminal injuries.

I.4 In addition to our core services, Victim Support NI provides the following specialist services:

- (i) The Hate Crime Advocacy Service – Supports victims of hate crime in partnership with our external advocacy partners: Migrant Centre NI; The Rainbow Project NI; Disability Action NI. This service aims to support victims of hate and signal crimes, encourage reporting and increase confidence in, and improve access to, the criminal justice system.
- (ii) Sexual Offences Legal Advisers (SOLAs) – Qualified lawyers who provide free and independent legal advice and support to adult victims of serious sexual offences up to the start of the trial. They are particularly focused on the privacy rights of complainants with respect to the disclosure of medical records or previous sexual history. Any advice given by the SOLAs to complainants is confidential and governed by professional privilege.
- (iii) Child Sexual Offences Legal Advisers (CSOLAs) – Qualified lawyers who offer free and independent legal advice and support to children and young people aged 17 and under, as well as their parents and carers, up to the start of a trial. Any advice given by a CSOLA to complainants is confidential and governed by professional privilege.
- (iv) Phoenix Youth Service - A therapeutic support programme for young people who have experienced physical, emotional, or sexual abuse and trauma. Funded by the National Lottery Community Fund, the project offers one-to-one creative arts therapy to children and young people aged between eight and twenty years in the Northern and Western Health and Social Care Trust areas.
- (v) The Young Victims Service – Supports young people in Northern Ireland aged 5-17 who have been affected by crime and who do not receive support from the joint

PSNI/Social Services protocol. We provide them with emotional support, practical advice, and resources to help them recover from the impact of crime.

1.5 Impact of our Services (Source: Victim Support NI's Annual Report for 2024/25):

- 46,549 victims were referred to the Victim Support NI Community Service
- 207 victims were supported to prepare their victim personal statements
- 1,281 victims were assisted to apply for criminal injuries compensation
- £3,581,425 compensation was awarded to victims injured as a result of violent crime
- 8,520 total referrals were received by the Victim Support NI Witness Service
- 3,841 victims, witnesses and family members attended a visit to the courtroom before giving evidence
- 12,140 hours of service was delivered by volunteers

2. General Comments

^{2.1} Victim Support NI welcomes the opportunity to respond to the Committee of Justice (COJ)'s call for evidence on the Criminal Justice (Sentencing etc) Bill. As we are an all-crime victims' agency, we have limited our answers below to our area of focus and expertise: the needs and experiences of victims of crime within the criminal justice system.

2.2 Throughout this response, we refer to 'victims' of crime. This is notwithstanding the fact that we recognise not all those who have experienced crime identify with the 'victim' label, or that all victims of crime report their crime to the police or progress through the criminal justice system. The use of the term is intended as shorthand for a diverse population of people who have the shared experience of crime but individualised responses to it and their own self-definition. The use of the term 'victim' is not intended to disempower any individual.

2.3 We would like to begin by commending the DOJ's commitment to deliver on several recommendations arising from the public consultation on sentencing policy and we agree with the Bill's aim of providing a clearer framework for sentencing while preserving judicial discretion to respond to the circumstances of individual cases. It is promising to see that the Bill will deliver more stringent sentences for a range of serious crimes, including for people who cause death or serious injury by dangerous driving and those convicted of attacks on public workers.

2.4 In particular, it is promising to see that the Bill will include measures to encourage the disclosure of the location of victims' remains, to be known as "Charlotte's law," and that it will not only build on but go further than similar legislation recently introduced in England and Wales, known as "Helen's law." We are aware of the psychological impact that not knowing the location of a victim's remains has on families, particularly in Northern Ireland due to our history. It prevents families from carrying out the rituals often associated with loss such as organising the funeral and burial. The absence of a body can deprive families of the opportunity to say a final goodbye, and this can often have severe mental health impacts on them such as anxiety, depression and PTSD. We welcome that this change acknowledges the wilful actions of an offender in deliberately withholding this information.

2.5 We welcome the fact that the Bill will set the principles of sentencing, set statutory starting points for life sentence tariffs for murder, as well as define and require the courts to give due regard to sentencing guidance. From our own work with victims and witnesses, we know that many of them who enter the criminal justice system do so with a limited understanding of how it works, what their role is within it and what to expect from the process. They tell us that the system lacks transparency, takes greater account of the needs of the perpetrators, retraumatises them and at times harms them: *"They just need to listen and be there for the person – they just need to listen properly."* In many instances these barriers (both perceived and real) can impact their journey through the criminal justice process and impede their recovery from the harm experienced through being a victim of crime. While establishing clearer sentencing guidelines is a positive step forward, we would stress the need for them to be written in a way that victims and witnesses will understand. Victims often share with us their

deep frustration with sentencing, citing issues such as perceived leniency, sentencing reductions for guilty pleas and reliance on “good character references” for offenders. They regularly cite a lack of transparency, consistency and understanding in this element of the process. Therefore, we would strongly urge that due regard is given to informing victims and witnesses about the new guidelines in a victim-focused and trauma-informed way which clearly articulates the benefits they will bring to the criminal justice process.

2.6 We commend the DOJ for recognising the serious nature of offences committed against vulnerable victims, including children and those with impaired ability to protect themselves. By establishing this as a statutory aggravator, it will send a strong message that such offences are not tolerated within our society. We welcome the fact that children have been included as it will further enshrine in law the right of all children to be protected from all forms of violence, afforded by the United Nations Convention on the Rights of the Child. We would urge that consideration be given to funding a high-profile awareness-raising campaign linking the new aggravator with international human rights law, so the public is aware of the reasoning behind the changes in sentencing from a legal perspective.

2.7 As the lead agency for hate crime advocacy, we particularly welcome the fact that the Sentencing Bill will contain a statutory aggravator model for hate crime. However, we are disappointed that there will not be standalone hate crime legislation introduced in Northern Ireland as envisioned in Judge Marrinan’s Review which was undertaken in 2020.¹ We are also concerned that the hate crime aggravators will be limited to the protected characteristics of race, religion, sexual orientation and disability. This is despite his recommendation of including gender and transgender identity as well as highlighting the need to address sectarianism. We have consistently shared our view that gender and transgender identity should be protected characteristics under hate crime legislation and that these characteristics should be specifically named in law. While reports of transphobia remain low compared to other types of hate crime, a statistical analysis does evidence an increasing trend in this type of abuse. In fact, there

¹ [hate-crime-review.pdf](#)

was a 43% increase over the 24/25 period in transgender cases referred to the Hate Crime Advocacy Service. This is also true of sectarian hate crimes referred to the Service which showed a 3% increase over the previous year. International human rights law stipulates that countries should adjust their approach to hate crime based on their individual circumstances and idiosyncrasies, and sectarianism is undoubtedly a form of hate crime that is unique to Northern Ireland. While we fully appreciate the difficulties associated with providing a specific definition of sectarianism, we believe it is a missed opportunity not to address this unique form of hate crime in this Bill. Unfortunately, based on the points outlined above, the Sentencing Bill would appear to be solely focusing on certain elements of Judge Marrinan’s review, and we would encourage the DOJ to carefully consider expanding on this section to ensure there are robust and equal protections put in place for all victims of hate crime.

3. Exercise of Court’s Discretion when Sentencing

3.1 While we agree with the purposes of sentencing as outlined in Part 1 (1.2) as well as the principles of sentencing in Part 1 (1.3) as being proportionate, fair and transparent, we are disappointed that there is no mention of the Victim Charter in this section of the Bill. Given that the justice system is mainly offender-focused, the voices and experiences of victims are often lost in the process. Victims, particularly in the case of domestic violence and sexual violence, often feel that sentences are too lenient and not reflective of the harm and enduring psychological impact they experience: *“The experience is soul destroying. You spend years keeping silent as a domestic violence victim and when you are finally free and brave enough to speak, they advise you to accept a lesser plea.”* Victims want to see perpetrators receive sentences that adequately reflect the significant harm they have experienced, and we believe this should be emphasised in the Bill with explicit reference to their rights under the Victim Charter.

3.2 We support the objectives of Clause 2 which impose 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. Victims have expressed to us how they often feel “disconnected” from this element of the process

and it is clear at times from newspaper reports and social media comments that there is a lack of clarity about the nuances of sentencing and how it works from the general public. This should not be the case as such lack of clarity can act as a barrier to reporting crimes and obtaining justice. Therefore, by making sentencing decisions clearer, more transparent and more consistent, victims will feel more connected to the case outcome. This should be written in plain English that can be easily understood and will hopefully encourage greater scrutiny of sentencing decisions. In order to achieve this aim, it may be helpful to develop awareness raising materials around sentencing that can be shared with victims and witnesses prior to sentencing hearings, so they are better prepared for what is about to happen. These materials should be available in several formats, with varying levels of language for different ages and intellectual abilities to ensure accessibility.

3.3 We welcome the fact that victims are explicitly mentioned in the Bill within the explanation of its purpose: “the protection of the public (including victims of crime).” However, we would encourage the government to consider further opportunities to reference victims’ rights under the Victim Charter when it comes to sentencing. One example could be implementing the recommendations put forward by the Commissioner Designate for Victims of Crime in Northern Ireland regarding victim personal statements which would make it possible for victims of crime to read out their victim personal statement (VPS) in court if they wish to.² Unlike in England and Wales, victims of crime in Northern Ireland are not permitted to read out their statement in open court. Only a judge can read out a VPS, but this is entirely at their own discretion, and they are not required to do so. They can choose to include none, all, or only part of a VPS in their sentencing remarks, which can be published or reported on by the media. This therefore means that a victim’s experience in court is not uniform, varying from judge to judge and their unique opinion on VPS. This creates discrepancies in the justice process, causing victims to have different experiences when it comes to sentencing. By giving victims the option of being able to read their VPS aloud in court, it would allow for their autonomy in a case to be upheld. Some victims may never want to read their VPS aloud in court, but we must not deny the option to those that wish to do so.

² [Victim Personal Statement NI Policy v Practice October 2024.pdf](#)

3.4 Having assisted many victims to prepare their statements, we know how much being able to explain the impact of the harm the perpetrator has caused means to them. Looking at victim personal statements from a trauma-informed perspective, it is evident that they can help give a victim back their agency, and allow them to be heard, just as much as the defendant. One victim we supported was recently given the opportunity to read his statement aloud in court at the sentencing hearing after writing directly to the judge. His fervent belief was that *“if the defendant has the right to remain silent, then the victim should have the right to be heard.”* We would urge the DOJ to make this option possible for every victim in Northern Ireland in the interests of fairness and equality.

“I may never be able to fully reconcile with what happened to me. I may never find peace. But six months on when I reflect on the process, the one thing that gives me any sense of resolution is having spoken directly to the person who harmed me. My voice finally heard, and the long silence finally shattered. Had I not read my statement aloud those present in court would likely have heard only a filtered version of my experience. Instead, they heard the reality. He heard the impact of his actions and others in attendance heard the impact of their inaction and their silence.

Hearing it directly from me was a vital part of my justice. And it did something essential. It placed my voice where it belonged: In the room, on the record and at the very heart of the process itself. Doing so returned the voice to the little boy who was abused and didn't have the words. That little boy was sitting very proudly beside me as I read aloud our words.”

Victim of childhood sexual abuse

4. Unduly Lenient Sentences

4.1 We welcome the fact that the Bill seeks to address the issue of some sentences being perceived to be unduly lenient by expanding the criteria so that all Crown Court sentences may potentially be referred to the Court of Appeal. We are in favour of this proactive approach as it will create more opportunities for victims to receive justice proportionate to the impact of the crime. Unfortunately, all too often victims tell us that they feel that the sentence handed down by the judge does not adequately reflect

the psychological or physical trauma of the harm they suffered and continue to suffer. They share their frustration at lenient sentences, particularly when there are mitigating circumstances, which they believe benefit the perpetrator more than the victim. We welcome the proposed change but would like to see it extended to Magistrates' Court sentences to put these victims on an equal footing. We would also recommend that (in keeping with the principle of fairness articulated above in Part I) that victims are offered an opportunity to meet directly with prosecutors directly after sentencing, or shortly thereafter, so they are able to ask any questions they may have about the sentence.

"It's not fair when the sentences are already so short and it would make them question whether or not the case was worth pursuing. We keep hearing how the prisons are overcrowded and that the justice system needs to keep costs down. It is never about the victim and their need for justice." Victim of hate crime

4.2 We believe that it is crucial for the DOJ to educate the public on how sentencing decisions are made in order to challenge the perception that sentences are too lenient. The criminal justice system is already off-putting for victims. It is long, complex, and communicated entirely in a language that many do not understand. We would echo the views of the late Victims' Commissioner for England and Wales, Baroness Newlove, that the rationale for sentencing decisions needs to be explained to victims in language that they can understand. She rightly pointed out that having only the headline details of a sentence communicated to the public would be misleading and that care needs to be taken to ensure that victims understand the various discounts that offenders are entitled to. By providing "responsible, clear and accessible communications from the judiciary," it will enable victims to fully comprehend sentencing decisions and reassure them that justice has been served.³

³ [Sentencing Bill: 'any new sentencing framework must deliver stability, transparency, and above all, public safety' - Victims Commissioner](#)

5. Failure to Disclose Information about Victims' Remains

5.1 We welcome the DOJ's commitment to introduce Charlotte's Law in Northern Ireland. Whilst we recognise the need to balance the rights of the offenders and the rights of victims and to ensure our criminal justice system is proportionate and rehabilitative, we must stress that the deliberate refusal to disclose the location of a body is extremely harmful to victims, in terms of both their psychological and physical recovery. Psychologists often refer to this type of loss as the most distressful of all losses as families are left endlessly searching for their loved one. We would emphasise that bereaved families and loved ones are also direct victims of crime as recognised in the Victim Charter. We therefore welcome the measures being taken under this Bill whereby a killer's sentence will be increased to reflect their failure to disclose information about a victim's remains, providing for a proportionate reduction in that increase if a subsequent disclosure is made.

5.2 We must stress the multi-faceted impacts of this aspect of the crime. Deliberate concealment of a body and refusal to disclose its location in a murder case demonstrates lack of remorse, contempt towards the victim and their families, and possibly manipulative and controlling behaviour on behalf of an offender. If we consider that bereaved families are legally recognised by government as victims under the Victim Charter – on account of the significant impact and trauma (both psychological and physical) caused by the violent murder of their loved one – then deliberate refusal to disclose the location of a body can be perceived to be active, continued and ongoing victimisation. The purposeful withholding of information to prevent families from recovering a body and being able to give them a proper funeral could even be construed as sadistic, controlling, and degrading to the deceased and their family. This in our view should be reason enough to categorise such a murder as a higher tariff murder.

5.3 We agree that Parole Commissioners should 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. This

should be in conjunction with the measure to review the tariff in the event of early post sentence disclosure so that disclosure is incentivised at every stage of the criminal justice process. We would also note that the Helen's Law proposals do not examine the value in looking beyond a 'risk to the public'-only model of decision making on the part of the Parole Board. We believe there should be stronger impetus for the Parole Board in Northern Ireland to take refusal to disclose the location of a body into consideration, including the impact of continued refusal to disclose on victims and how this may be instructive as to whether an offender is remorseful or rehabilitated.

5.4 In terms of parole hearings, we believe that all victims should be given the right to attend and read aloud their statements. When deciding whether or not an offender is truly rehabilitated, it is crucial for Parole Commissioners to consider the ongoing impact of their actions on victims. While we are aware of the DOJ's current consultation on victim engagement in the parole process, we feel it is important to also address it in the Sentencing Bill as the role of Parole Commissioners is explicitly mentioned in Part 5. We believe that this Bill represents the ideal opportunity for victims' voices to be taken more seriously when considering if an offender is rehabilitated and ready for release. As an agency supporting victims of all types of crime, we believe we are uniquely positioned, with the appropriate resources, to support this type of engagement with victims and enable their voices to be heard.

6. Particular Persons or Groups

(a) Existing Protected Characteristics

6.1 Victim Support NI is the lead partner of the Hate Crime Advocacy Service (HCAS), which supports all victims of hate crime in Northern Ireland, including minority ethnic communities. The new legislation comes at a critical time in Northern Ireland as new figures from the PSNI show that race hate crimes are at their highest level since records began in 2004. In the past year alone, police recorded more than 1,500 racist hate crimes and an additional 2,367 race incidents. Racist rioting in communities last summer heavily influenced the numbers with 348 incidents recorded during that spate of violence alone.⁴ However, even before those figures were released, HCAS had

⁴ [Hate crimes: Minorities in NI living in perpetual fear, says campaigner - BBC News](#)

already met with the Justice Minister in December 2025 to discuss the 35% increase in race hate crime referrals to our service.⁵ We believe that it is crucial for the government to act now to address the high levels of hate crime in Northern Ireland including through new legislation, increased funding in victims' services, the rollout of education campaigns and a public endorsement of Victim Support NI's Hate Crime Manifesto.⁶

6.2 While we welcome the fact that the Sentencing Bill will contain a statutory aggravator model for hate crime, we are disappointed that there will not be standalone hate crime legislation introduced in Northern Ireland as envisioned by Judge Marrinan.⁷ Instead, the Justice Minister has acknowledged that due to time constraints, only a few of them have been taken forward and those that have are being split into two separate bills.⁸ In order to increase public confidence in these reviews and consultations, we would encourage the DOJ to carefully consider expanding on this section of the Bill to include further aggravators.

(b) Intersectionality

6.3 We believe it is imperative for the government to consider the role of intersectionality as it relates to hate crime. In his review, Judge Marrinan underscored the importance of considering intersectionality as hate crime is often experienced on more than one characteristic. The term was originally coined by American critical legal race scholar Kimberlé Williams Crenshaw in 1989. Crenshaw provided the following definition of intersectionality: *"Intersectionality is a metaphor for understanding the ways that multiple forms of inequality or disadvantage sometimes compound themselves and create obstacles that often are not understood among conventional ways of thinking."*⁹

6.4 In the course of our work, we often support victims of hate crime who have been targeted because of more than one aspect of their identity, or because of a specific

⁵ [Long Meets Hate Crime Advocates as Referrals Soar | Department of Justice](#)

⁶ [Hate Crime Manifesto 2024 - digital copy Oct24](#)

⁷ [hate-crime-review.pdf](#)

⁸ [Written Ministerial Statement - Department of Justice - Hate Crime Legislation](#)

⁹ Crenshaw, Kimberle Williams (1989) "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics." University of Chicago Legal Forum 1989:139–67, p. 149

combined identity (e.g. being a Muslim and being disabled). We recommend that consideration be given in law for hate crimes perpetrated on multiple grounds in recognition of the intersectional nature of many people's identities and the hate crime perpetrated against them.

(c) Misogyny

6.5 We are disappointed to see that the list of aggravating factors has been limited to the current protected groups in legislation of race, religion, sexual orientation and disability. While it is encouraging to hear that the Justice Minister has expressed her intention to legislate to allow new protected groups to be added by regulation in the future if evidence shows that it is required, we believe that the absence of misogyny as well as trans and intersex identities from this bill is a significant missed opportunity. Victim Support NI supports the addition of gender and gender identity as protected characteristics under hate crime law. A cursory search on any social media platform on a given day will provide ample proof that misogyny and transphobia are increasing in our society, and that more needs to be done to protect and support victims of such hatred and hostility. Misogyny and violence against women and girls are systemic issues, with Northern Ireland sadly having some of the highest levels of femicide in Europe. A recent study undertaken by the University of Manchester revealed that 4 out of 5 women in Northern Ireland had their first experience of sexist behaviour or harassment by men when they were children with 80% experiencing this before the age of 17 and 25% before the age of 11.¹⁰ Kim McFalone from the study said *"Many interviewees noted they were harassed while they were in their school uniform, including a lot of catcalling from adult men in the street or inappropriate comments from adult men they knew. There is an obvious power imbalance at play here because their age suggests a distinct vulnerability and lack of confidence to challenge this behaviour."* Given the pervasiveness of misogyny and violence against women and girls in Northern Ireland,¹¹ we believe that it is necessary to include gender, and specifically women, in the new legislation.

6.6 We are concerned that by simply including the blanket term 'gender' without context in the legislation, it would be applicable to everyone and no longer be about specific,

¹⁰ [80% of Northern Irish women first endured sexist behaviour as children](#)

¹¹ [Millions earmarked to tackle Northern Ireland's 'epidemic' of violence against women – The Irish Times](#)

protected characteristics of marginalised or vulnerable groups. It may be prudent therefore to either replace 'gender' with the term 'misogyny' and separately specify trans and intersex identities or include a definition of gender within legal notation which specifies that gender applies to specifically marginalised groups such as women and trans/intersex people. While it is possible for someone to commit a crime against a man because they are a man, the characteristic of being male is not *per se* a marginalised, othered or vulnerable state. Traditional patriarchal power structures are such that males are generally the dominant societal group, and therefore labelling a crime against someone due exclusively to their maleness would not reflect the definition or intention of hate crime legislation or the international human rights mechanisms from where the concept derived. Specifying women and trans individuals as the beneficiaries of the law would also safeguard against the law being turned on its head and used to silence trans or women's rights campaigners.

6.7 We would therefore support the findings and recommendations from Scotland's Working Group on Misogyny and Criminal Justice's independent report which argued that a distinct and separate Statutory Misogyny Aggravation should be made available in new legislation so that a judge has to take account of the misogynistic nature of the conduct when sentencing. Their report explicitly highlights the clear link between misogyny and criminal behaviour such as domestic and sexual violence. They also rightly encourage us to question the widely held view that dealing with misogyny should be part and parcel of being a woman in today's society: "*The daily grind of sexual harassment and abuse degrades women's lives, yet it seems to be accepted as part of what it means to be a woman. The failure to understand the ramifications of what is seen as low-level harassment and abuse is just one of the ways in which the criminal justice system falls down for women.*"¹² We would call on the government to break this cycle of misogynistic abuse and protect women from all types of harm including misogyny and femicide through targeted legislation.

(d) Trans and Intersex identities

¹² [Misogyny – A Human Rights Issue - gov.scot](https://www.gov.scot/Topics/consultations/2018/misogyny)

6.8 Victim Support NI agrees that trans identity (including non-binary and gender diverse identities) should be protected characteristics under hate crime legislation. For the avoidance of doubt, these characteristics should be specifically named in the law. We believe that omitting this characteristic would be a significant oversight of the DOJ as rates of transphobia continue to rise across the UK. A new report by Trans Actual UK, an advocacy organisation focused on healthcare and legal protections for trans people, surveyed over 4,000 trans people in Britain aged 18 to 81, and found rising levels of transphobia are having a profound effect on the wellbeing and daily lives of trans people.¹³ This issue must be addressed immediately in this legislation and not delayed until the next mandate to provide the Trans community with the reassurances it needs that transphobia will not be tolerated in our society.

6.9 We also believe that intersex people should be covered separately, as this is not the same thing as trans or non-binary identity, and the law should be clear and factually accurate in this regard. While it may be rarer for such types of hate crime to exist, this is nonetheless a vulnerable group who are often marginalised within society, and therefore it would be prudent to legislate for those circumstances where hate is directed at intersex people on the grounds of their identity.

(e) Vulnerable Victim Aggravator

6.10 While introducing a vulnerable victim aggravator is a positive step forward in terms of recognising the insidious nature of the crime, we believe that there needs to be greater cognisance of the specific and wide-ranging needs of these vulnerable victims as they navigate the criminal justice process. The Victim Commissioner Designate has previously shared her belief that the “key building blocks to effective victim care are needs assessment and individual advocacy.”¹⁴ This echoes the findings from the Criminal Justice Inspectorate Report (2020) which called for a more evolved needs assessment process which, while designed to capture the needs of all victims, should pay particular attention to the needs of vulnerable groups.¹⁵ Sadly, some four years on, this recommendation has still not been achieved. We believe this

¹³ [‘Rising anti-trans hatred’ in the UK is creating a ‘hostile environment’, report suggests | The Independent](#)

¹⁴ [Justice Committee Briefing Paper from Commissioner for Victims of Crime.pdf](#)

¹⁵ [The care and treatment of victims and witnesses by the Criminal Justice System in Northern Ireland - CJI NI](#)

recommendation, if properly resourced, would have the same significant impact that the Gillen recommendations had for victims of serious sexual offences. We would strongly urge the DOJ to consider addressing this so that vulnerable victims are treated with the level of care they are entitled to while pursuing justice for the harm that was perpetrated against them.

6.11 One of the outcomes of the Gillen review was the granting of special measures to vulnerable victims. These include RECs, live link facilities and the option to give video recorded evidence. While we support their introduction, we are concerned that special measures still must be “granted” and a vulnerable victim’s eligibility is assessed to ascertain if they “qualify”. We believe that all victims with a clear vulnerability should be afforded automatic eligibility for special measures unless they expressly refuse. As evidenced by the Remote Evidence Centre exemplar, addressing the issue of special measures in an early and proactive manner would give victims enhanced confidence in the justice process, therefore making it more victim centred. In addition, it is evident that special measures are not being applied for early enough, which increases victims’ anxiety as their trial date approaches. We believe that by giving judges the resources needed to prioritise special measures applications, as well as having legal support from SOLAs and CSOLAs, victims can be assured as early as possible that they will be protected from their alleged perpetrator, thereby enabling them to give their best evidence.

7. Other Comments

7.1 When it comes to sentencing, one thing we hear from victims time and time again is the significant financial barrier of accessing court transcripts. During our annual conference in February 2025, we heard specifically from David Challen (son of Sally Challen who was released from prison in a landmark case after killing her husband following years of psychological abuse). In his speech, Mr Challen explained the trauma of his mother’s trial: *“It’s a loss of part of your life which was sadly replaced by deeply traumatic experiences. It means I cannot have closure. I cannot recollect what I said at the time. I cannot recollect what other people said. I have to go off my memory.”* This was echoed recently by a victim of childhood sexual abuse who has been trying to access

transcripts of her court case to help her come to terms with the sentencing decision. She is required to pay a fee to access an audio recording which she then has to have transcribed at her own expense, further adding to her trauma. We believe this is grossly unfair as victims have already experienced enough trauma and should not be made to pay for something that they are entitled to receive. We endorse the Victim Commissioner Designate's view that there should be free access to judges' sentencing remarks in Crown Court cases for victims who choose to receive them.¹⁶ This was recently introduced in England and Wales following a successful pilot scheme,¹⁷ and we think it should be expanded to other parts of the UK. Unfortunately, we know that the costs can mount for victims depending on the length of the sentencing remarks and not every victim can afford to pay for them. While there will inevitably be a cost for the DOJ to absorb, we believe it would be greatly reduced by investing in the right technology and particularly in AI.

7.2 We note that free access to sentencing remarks is currently only available for cases heard in the Crown Court in England and Wales. However, we do not believe that there is any justifiable reason they should not be available in Magistrates Court cases too. Sentencing is often a very emotional stage of the process for the victim, and the judge's remarks can be difficult to understand at the time. Being able to read the transcript afterwards would provide them with greater clarity as to why the judge came to their decision regarding the sentence. We believe the transcript should be free for all victims, regardless of the type of crime, to ensure fairness and equality.

8. Conclusion

8.1 In conclusion, we commend the Committee of Justice for its efforts to gather a wide variety of stakeholder views on the Criminal Justice (Sentencing etc) Bill. While the existing elements in the Bill represent a positive step forward, we would recommend that there should be greater engagement with victims ahead of its final publication. We believe a qualitative study with a larger number of victims could provide deeper

¹⁶ [Commissioner Designate's Comment | Commissioner for Victims of Crime Northern Ireland](#)

¹⁷ [Crown Court victims granted free access to sentencing remarks in 'victory' for campaigners - Victims Commissioner](#)

insights that would help inform the Executive's next steps regarding various aspects of the Sentencing Bill as well as the upcoming Sentencing Review. Even if the consultation feedback indicates that no additional amendments need to be made, it would nevertheless still benefit victims to be afforded the opportunity to share their views in a meaningful way.

8.2 We would also advise the DOJ to consider carrying out research into how sentencing decisions are discussed in the media, and particularly on social media. Based on the outcome of this, the DOJ could then invest in both an awareness-raising campaign and a public information campaign challenging misinformation and explaining the various factors that judges consider before deciding on the length and types of sentences given to offenders. By explaining the rationale in relation to sentencing not just for victims and witnesses but also wider society, we believe that it will not only increase public trust, but also victims' confidence in reporting crime and staying engaged throughout the criminal justice process.

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