



## Response to Justice Bill Call for Views

### I. About Us

I.1 Victim Support NI provides 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, for example, victims of the troubles/conflict have been supported by Victim Support NI as have victims of historical sexual and/or institutional abuse.

I.2 The organisation is a named service provider under the Victim's Charter under section 31(2) of the Justice (Northern Ireland) Act 2015.

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

- (i) **The Community Service** that provides emotional and practical support to those who have been victims of crime. Clients are assessed using the World Health Organisation's Psychological First Aid model. Following the Public Health Authority Model those with greater needs are signposted to relevant organisations. Under the establishment of the Victim Charter, the PSNI will refer all victims of crime to the community service as the initial point of contact within the organisation. Victims can also self-refer.
- (ii) **The Witness Service** that provides support to adult prosecution witnesses in court, some of whom are also victims. The Witness Service has waiting rooms in all criminal courts across NI and works with partners to enable witnesses to understand and engage with the criminal justice system and play their part in delivering justice.
- (iii) **The Criminal Injuries Compensation Service** that provides free, expert advice to those who wish to claim compensation.

Victim Support NI's Annual Report for 2023/24 states that:

41,495 victims were referred to Victim Support NI

1,245 victims assisted to apply for criminal injuries compensation

4,091 victims, witnesses and family members attended a visit to the courtroom before giving evidence

10,290 hours of service delivered

8,910 total referrals to the Victim Support NI Witness Service

99.8% of witnesses referred to us before their trial were supported

501 vulnerable witnesses were supported with special measures by Witness Service volunteers

345 victims helped to prepare their victim personal statements

26,181 victims and witnesses were offered support services

£4,337,888.94 compensation was awarded to victims injured as a result of violent crime

1.4 In addition to our core services, Victim Support NI operates these specialist services:

- (i) The Hate Crime Advocacy Scheme supports victims of hate crime in partnership with our external advocacy partners: Migrant Centre NI; The Rainbow Project NI; Disability Action NI. This scheme aims to improve support to victims of hate crime, encourage reporting and increase confidence in, and improve access to, the criminal justice system.
- (ii) Restorative Justice - In 2022 Victim Support NI became the first provider in Northern Ireland to be awarded Restorative Organisation Status by the Restorative Justice Council. We have supported almost 20 restorative conversations, which included journeying with victims to facilitate a full conference with the person causing the harm, as well as other restorative options. We are now established as a registered service provider with the Restorative Justice Council.
- (iii) Phoenix Youth, formerly the Aggression Related Trauma Project, is 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 and talking therapy to children and young

people aged between eight and twenty years in the Northern Health and Social Care Trust area.

- (iv) The Young Victims Service supports young people in Northern Ireland aged 5-17 who have been affected by crime. From 1 August 2024 to 31 January 2025 (six months) there were a total of 81 Under 18 appointments, of which 18 (22%) were face to face and 63 (78%) were telephone appointments.
- (v) Sexual Offences Legal Advisers (SOLAs) – The DOJ currently funds Victim Support NI in a pilot project which provides qualified lawyers who can offer free legal advice and support to adult victims of serious sexual offences. Since its inception in April 2021, the SOLA service has supported 2,435 victims and has an engagement rate of over 80%.
- (vi) Child Sexual Offences Legal Advisers (CSOLAs) - The DOJ recently started funding Victim Support NI in a pilot project which provides qualified lawyers who offer free and independent legal advice to children and young people aged 17 and under, as well as their parents and carers, until the start of a trial.

## **2. General Comments**

2.1 Victim Support NI welcomes the opportunity to respond to the Department of Justice's (DOJ) call for views on the objectives, proposals and potential consequences of the Justice Bill. This legislation is crucial to ensure that the needs of victims and witnesses are met as they navigate the criminal justice system. We also welcome the opportunity to respond to the amendments proposed to the Bill by the Minister of Justice.

2.2 Throughout this consultation 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. The use of the term is intended as shorthand for a diverse population of people who have the shared experience of crime but who also have individualised responses to it and their own self-definition. The use of the term 'victim' is not intended to disempower any individual.

2.3 While we welcome the fact that one of the four core aims of the Justice Bill is to “improve services for victims and witnesses,” we are concerned that they are not explicitly mentioned in the text of the bill. To achieve a truly victim centred justice system, the Justice Bill should be explicit about its aim to address the harm to victims and witnesses and meet their needs while also balancing the other principles of justice such as fair trial rights, impartiality and non-discrimination.

### **3. Response to Questions**

As with our General Comments, 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.

#### **Part I - Provisions relating to Biometric Data**

We acknowledge that biometric data is an invaluable resource in the detection of crime, tracking down perpetrators and obtaining justice for victims. However, retention must be managed in a way that is compliant with legislation, lawfully, ethically and proportionately. Clear parameters must also exist to ensure there is no function creep whereby information is used for a different purpose to the reason it was originally collected.

For part one of the Justice Bill, we believe it clearly defines what [biometric data](#) is and do not believe any further explanation is necessary. We broadly support changing the retention period of DNA and other biometric data to a ‘75/50/25 – year model’ based on the nature/seriousness of the offence, the age of the person concerned, criminal history, and whether the person is convicted or not convicted.

However, we are concerned that the proposal does not contain specific enough information about the age range. We believe that the proposal should distinguish between the retention periods for adults and children and young people. We would contend that children and young people should be considered separately within the proposal and that retention periods should be reviewed with greater regularity and should take account of a child’s specific circumstances at the time of the offence.

In the recent publication ‘The Prevalence and Impact of Adverse Childhood Experiences in Northern Ireland’ (February 2025)<sup>1</sup>, Queen’s University, Ulster University, the Impact Resource Centre and the Regional Trauma Network explained that elevated exposure to adverse childhood experiences (ACES) was associated with health harming behaviours, including the consumption of excessive alcohol and illicit drug use. In this study, Dr Colin Walsh states that compared to those who report no ACES, those who reported 4 or more were, amongst other factors, 8 times more likely to have been arrested. Therefore, we would recommend introducing [modified retention rules](#) for children and young people who have a single minor conviction or caution as is the case in England and Wales that consider their specific circumstances and vulnerabilities.

We acknowledge the proposal to establish a Northern Ireland Commissioner for the Retention of Biometric Material and the proposed duties of that office. However, we are concerned that given the existing pressures on the public purse - and in Justice in particular - if this should be considered a priority at this time. This could be an extra function added for one of the existing Commissioners, at least for a period, rather than a standalone office. For comparison, the UK Biometrics and Surveillance Camera Commissioner is a combined role to oversee compliance with the nation’s Surveillance Camera Code and police rules for DNA and fingerprint biometrics use, which is more cost-effective than having two separate commissioners. As a smaller jurisdiction than England and Wales, it is our contention that a proportionate response should be adopted.

## **Part 2 - Provisions relating to bail, remand and custody for children**

Part two of the Justice Bill relates to the treatment of children in the criminal justice system. We agree with all the proposed amendments that aim to strengthen the ‘existing presumption’ of bail for children. We support the provisions that emphasise that conditions of bail, remand, and custody must be proportionate and necessary. In our view, children under 18 should only be placed in custody as a last resort to avoid causing them any unnecessary trauma.

However, we are disappointed that the Justice Bill contains no provision to increase the Minimum Age of Criminal Responsibility (MACR) from 10 to 14 and we believe this is a missed opportunity for the Assembly to take the next step following the [2022 consultation](#). As a

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<sup>1</sup> [The Prevalence and Impact of Adverse Childhood Experiences in NI.pdf](#)

victims' organisation with a history of over 40 years of supporting victims of all forms of crime in Northern Ireland, victims tell us all the time that they do not want anyone else to go through the harm they have experienced. Victim Support NI therefore campaigns for a world, and a system, where the commission of crime is significantly reduced and fewer citizens become victims of crime.

For this reason, we support the DOJ's proposal to raise the MACR from 10 to 14. This proposal is in line with Northern Ireland's human rights requirements under the UN Convention on the Rights of the Child and is in keeping with evidence about children's cognitive development. It has also been evidenced that a welfare-based alternative approach to children who commit criminal acts can reduce the risk of that child re-offending much more effectively than forcing them through the criminal justice system.<sup>2</sup>

It should also be pointed out that many children who do offend have been victims themselves of neglect, abuse or other Adverse Childhood Experiences (ACEs).<sup>3</sup> In many cases, a child's criminal behaviour is the consequence of earlier failings to safeguard them and give them the best start in life. In supporting this proposal, we wish to be clear that criminal justice sanctions must be replaced by trauma-informed, rehabilitative, welfare-based structures that effectively interrogate why a child has acted in the way they have and seeks to disrupt the path to reoffending. While diversionary disposals such as restorative cautions, informed warnings and youth conferences are an alternative to prosecution, they still appear on a young person's criminal record for a period of two years and therefore, criminalises them to an extent.<sup>4</sup>

Finally, we strongly recommend that any change to the minimum age of criminal responsibility is accompanied by effective messaging to explain to the public why this change is better for victims, for children and for society at large. With regards to victims of crime, their voice must be included and recognised in any new framework – victim-led restorative practice is key to helping victims recover from the impact of crime and should also ensure that those who offend accept responsibility for their actions.

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<sup>2</sup> Lloyd, J., Manister, M., Wroe, L., 'Social Care Responses to Children who Experience Criminal Exploitation and Violence: The Conditions for a Welfare Response,' *The British Journal of Social Work*, Volume 53, Issue 8, 2023, 3725–3743.

<sup>3</sup> Faure-Walker, D., Hunt, N. 'The Prevalence of Adverse Childhood Experiences Among Children and Adolescents Who Display Harmful Sexual Behaviour: A Review of the Existing Research.' *Journal of Child Adolescent Trauma*, Volume 15, 2022, 1051–1061.

<sup>4</sup> [Alternatives to prosecution | Public Prosecution Service for Northern Ireland](#)

### **Part 3 - Use of live links in police custody**

Part 3 of the bill relates to amending Article 40 of PACE NI to enable remote interviewing of police detainees using live links, which is currently [standard practice](#) in the UK. This would mean that a police officer could interview a suspect remotely from a different location. The clause imposes the same responsibilities regarding the treatment of the detainee on the interviewing officer at the other end of the live link. The clause also allows a custody officer to transfer physical custody of a detainee to an officer who is not involved in the investigation who would be responsible for facilitating the live link interview with the investigating officer.

We acknowledge that the main aim of the Department's proposals is to introduce live links into other areas of the justice system to provide more efficient services with less delay. We believe this is a positive step as it would speed up justice for victims. Tackling delays in the criminal justice system is one of the three strategic priorities for the Commissioner for Victims of Crime Northern Ireland. Even before the recent two-month action by the Criminal Bar Association (CBA), Northern Ireland's Director of Public Prosecutions had expressed his concern about the long backlog of cases stating that the PPS needed an extra £7m a year to address the "unacceptable" delays (BBC News, 22 April 2024). The Commissioner Designate has recently called for the Criminal Justice Board to share details of their delay reform plan to reassure the public that work is being done to reduce the court backlogs.<sup>5</sup>

Unfortunately, this is a UK-wide problem as a recent report<sup>6</sup> from the Victims Commissioner for England and Wales, Baroness Newlove, has outlined the devastating impact that court backlogs have on victims, victim services, and the wider criminal justice system. We know from our own surveys and focus groups with victims of the most serious offences that they are facing years-long waits for justice in the Northern Irish courts. This has left victims struggling to cope with their mental health due to the ongoing uncertainty and trauma.

*"My case took five years to get to court because of all the adjournments and I was lucky to have the same IO throughout. I know that is rare and I was extremely grateful to have their ongoing help and support. Fortunately, the long wait was worth it in the end as he was found guilty."* Victim of historical child sexual abuse

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<sup>5</sup> [Justice Committee Briefing Paper from Commissioner for Victims of Crime.pdf](#)

<sup>6</sup> [OVC-Crown-Court-backlog-report-10.03.25.pdf](#)

*“My case was delayed many times. If I was self-employed, I would never have reported the crime.”*

*Survey Respondent*

*“I was fixated on the long delay because I was afraid that the perpetrator would be deemed too old or too unhealthy to stand trial. I was afraid he would die before the case reached court.”* Victim of historical child sexual abuse

## **Part 4 - Administration of Justice**

### Criminal proceedings

We support the provisions to close a gap in the law by amending section 7 of the Domestic Violence, Crime and Victims Act 2004 to prevent a charge of murder or manslaughter being “no billed” where a defendant is charged, within the same proceedings, with the section 5 offence (the offence of causing or allowing a child or vulnerable adult to die). While the amendment aims to ensure more comprehensive legal outcomes for perpetrators of domestic violence and abuse, it also has the potential to increase justice for victims and their families. It reflects a commitment to holding offenders accountable for the full extent of their actions and protecting vulnerable individuals from harm.

### Criminal records certificates

We broadly agree with the provisions to amend Schedule 8A of Part V of the Police Act to comply with a 2019 Supreme Court judgment on disclosure of non-court disposals for under 18s. The changes to the Police Act provisions aim to improve transparency in dealing with young offenders, but the impact on victims will depend on how these disclosures are used and how victims’ views are gathered during this process. It is our contention that a genuine effort needs to be made to seek their views. Used in this manner, we believe they have the potential to increase victim safety and confidence in the justice system. The challenge will be ensuring that these disclosures are used in a balanced way that maximises victim protection while also allowing for fair treatment of offenders, particularly those who are under 18.

## Proposed Department of Justice Amendments

### I. Restorative Justice

We broadly agree with the proposed [amendment](#) to transfer functions related to restorative justice schemes from the Secretary of State for Northern Ireland to the Department of Justice. We support the new provisions in respect of the accreditation process and the role of Criminal Justice Inspection Northern Ireland. However, it is imperative that funding is allocated to the Adult Restorative Justice Strategy to enable accredited organisations to carry out this vital work. Through our engagement with victims on restorative justice, we encounter many victims who feel that they are unable to move past the crime even after the court case has concluded. They often present with questions about why the crime happened and with questions for the offender that are key to them being able to move on. The ability for victims to engage in a victim initiated restorative process helps to give them not only a voice in the criminal justice process but assists in their journey of recovery.

Victim Support NI is accredited with the Restorative Justice Council and our advanced Restorative Justice practitioners have worked with victims of complex crimes who have sought out a restorative justice intervention as a method of contributing to their recovery journey. Victims ask for this support to enable them to safely find the answers to their questions. We strongly urge the DOJ to commit to providing sustained funding for the Adult Restorative Justice Strategy which would provide a clear and easily accessible gateway for victims of crime to explore this service and take it up. This would ensure that victims' needs are at 'the heart and centre' of the DOJ's plans in this area.

*"I did a lot of healing in myself. I feel inspired to move forward, to explore ways that could make a difference for others. I feel sharing my story gives others the strength to share theirs."*

*"I learned so much about myself on the journey. I feel stronger after doing this."*

### 2. Reform of rehabilitation periods

Victim Support NI works in partnership with the Probation Board in the interests of delivering justice in Northern Ireland. We support the proposal to reform rehabilitation periods as it encourages the rehabilitation of offenders into society, potentially reducing the likelihood of reoffending. However, any reforms made to rehabilitation periods need to allow for a balance

between rehabilitation and victim protection as victims may feel that the process undermines the gravity of the offence and their own emotional recovery, particularly if it allows offenders to move on too quickly. A careful evaluation of which offences should qualify for shorter periods and ensuring that the victims' rights are adequately considered in this process is key to minimising harm and promoting fairness.

### 3. AccessNI filtering of criminal record certificates

We broadly agree with the [amendment](#) to streamline the filtering of criminal record certificates on AccessNI to improve the effectiveness and efficiency of the process. AccessNI filtering is necessary to give individuals who have committed less severe offences a chance to move forward. However, the impact on victims must be considered, particularly regarding the potential for repeat offences, a lack of transparency, and a diminished sense of justice. It is crucial for victims to be fully aware of how this system works and the potential risks involved in the filtering process. Ideally, reforms to the filtering process should balance the needs of victims and individuals seeking rehabilitation.

### 4. Organised crime

This [amendment](#) seeks to define “organised crime groups” (OCGs) and introduce new offences of participating in and directing organised crime. We particularly agree with section [19\(C\)](#) of the Justice Bill which states that a person who directs the criminal activities of an organised crime group commits an offence.

While we support the aim of prosecuting those involved in organised crime and giving justice agencies sufficient tools to do so, consideration must be given to ensuring that appropriate safeguards are in place to identify and prevent criminalisation of those who have been coerced or manipulated into the commission of crime by OCGs. In our view, steps should be taken to ensure that any new offence does not criminalise those who have either acted or omitted to act under duress or coercion, in a manner that may facilitate the commission of serious organised crime.

In particular, we would like to highlight cases in which children under the age of 18 are exploited, groomed and coerced into committing criminal acts by gangs. One prominent

example of this form of Child Sexual Exploitation (CSE) is the case of Samantha Woodhouse, who was one of the victims of the Rotherham paedophile ring and has a criminal record as a result of crimes committed when she was under the control of the ring.<sup>7</sup> Ms Woodhouse has since campaigned for the introduction of Sammy's Law, to prevent criminalisation of children who commit crimes as a consequence of CSE and coercive control, and to have existing criminal records of such victims expunged.

In Northern Ireland, it is well documented that paramilitary gangs are forcing children as young as eight to commit violence and sell drugs.<sup>8</sup> However, there is a growing body of research exposing how they are also using fear to exploit vulnerable young people for sex.<sup>9</sup> Women are also targeted through paramilitary-related gendered coercive control.<sup>10</sup> While we appreciate the commendable work of the DOJ to tackle this issue through its Ending the Harm campaign, we believe that it needs to go further to bring paramilitary gangs to justice. We urge the DOJ to follow the example of the UK government by making Child Criminal Exploitation (CCE) a standalone offence to prosecute adults committing child criminal exploitation and prevent exploitative conduct committed by adults against children from occurring or re-occurring.<sup>11</sup> We would also call on the DOJ to make Child Sexual Exploitation (CSE) a standalone offence with particular consideration given in the legislation to the CSE perpetrated by paramilitary gangs against young people in Northern Ireland.<sup>12</sup>

#### 5. Use of live links in courts and tribunals

This [amendment](#) seeks to allow for proceedings in courts and tribunals to be conducted remotely via the use of live links. We are supportive of efforts to modernise how courts in Northern Ireland operate and we welcome the fact that the use of live links will be enshrined in law. More flexibility in the day-to-day administration of justice has the potential to improve victim experience, assist victims to give their best evidence and make for a more efficient justice system.

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<sup>7</sup> [Rotherham grooming: Woman abused as a child goes public - BBC News](#)

<sup>8</sup> [New stats show public believe paramilitary gangs are 'forcing children into violence' - Belfast Live](#)

<sup>9</sup> [Briefing paper No.2.pdf](#)

<sup>10</sup> [Full-Report\\_Para-Coer-Control\\_Swaine-FWA.pdf](#)

<sup>11</sup> [Crime and Policing Bill: Child criminal exploitation and 'cuckooing' factsheet - GOV.UK](#)

<sup>12</sup> [Child sexual exploitation and the law.pdf](#)

The introduction of live links as part of the 2020 Coronavirus Act in March 2020 was an important step forward for the criminal justice system. During the Covid-19 pandemic, the courts rolled out the use of Sightlink (the video conferencing system utilised within the courts) which was a highly effective tool for victims. It meant that they did not have to travel to give their evidence which reduced their expenses as well as time away from their home/work responsibilities. One of the outcomes of the Gillen review was the granting of special measures to vulnerable victims. These include Remote Evidence Centres (RECs), live link facilities and the option to give video recorded evidence.

Client feedback collected by Victim Support NI from the centres' users shows that the option to use the REC, combined with the support they received at the centres, made their overall experience of the criminal justice system more positive, regardless of the case outcome. In addition, our clients overall stated that they felt safe, were able to give their best evidence, were more confident, would recommend them to a friend and were very satisfied with their REC experience. Our data shows that where a victim is granted the use of the REC, there is not only a high rate of victim engagement, but also of defendants entering guilty pleas on the day. This means that victims are spared the trauma of a trial.

While we support the introduction of RECs and the use of live links and video recorded evidence for victims to give their evidence, we are concerned that special measures still have to be "granted" in cases of domestic abuse and an abuse victim's eligibility is assessed to ascertain if they "qualify". Given the pervasive nature of this type of crime, we believe that all victims of domestic abuse should be afforded automatic eligibility for special measures unless they expressly refuse. This would give victims enhanced confidence in the criminal justice process, therefore making it more victim centred. In addition, it is our view that special measures are not being applied for early enough which increases victims' anxiety as their trial date approaches. By prioritising special measures applications, victims can be assured early in the justice process that they will be protected from their alleged perpetrator, thereby enabling them to give their best evidence.

#### **4. Conclusion**

In conclusion, we commend the DOJ for its efforts to consult a wide variety of stakeholders for its call for views for the Justice Bill. We hope that the insights that we have shared will

inform the proposals for this bill. While we have highlighted some key issues that victims and witnesses face when navigating the criminal justice system, we look forward to seeing the draft wording of the legislation when it is published and providing further suggestions.

Analogous to the Justice Bill is the other existing legislation concerning victims such as the Sexual Offences (Northern Ireland) Order 2008 and the Domestic Abuse and Civil Proceedings Act (Northern Ireland) 2021. We also welcome the upcoming introduction of the Victims Bill and the Sentencing Bill. However, we would stress the need for all these pieces of legislation to complement and not duplicate each other.

We are grateful to have been able to work closely with the DOJ over the last three years to support all victims and witnesses and improve their experience of the criminal justice system. With a bespoke Justice Bill tailored to the needs of victims and witnesses combined with the allocation of adequate resources, we believe that further transformation of the justice system is achievable. We would encourage the DOJ to carefully consider our recommendations when drafting the wording of the new legislation and ensure victims' voices are at the forefront to create a fairer and better criminal justice system for everyone living in Northern Ireland.

## **5. Contact Details**

For further information, please contact:

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