



Response to the Committee for Justice's Call for Evidence: Victims and Witnesses of Crime Bill

1. About Us

1.1 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.

1.2 The organisation is a named service provider and prescribed agency within the Victim and Witness Charters as 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.

2. General Comments

2.1 Victim Support NI welcomes the opportunity to respond to the Committee for Justice (CFJ)'s call for evidence on the Victims and Witnesses of Crime 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 welcome the fact that this Bill will place the office of the Commissioner Designate for Victims of Crime on a statutory footing with their duties and powers enshrined in legislation. The appointment of a Commissioner Designate for Victims of Crime in June 2022 to represent and provide an independent voice for all victims of crime was an important and necessary step for victims. Since its inception, we have been working closely with the Commissioner Designate’s Office to further the needs of victims and witnesses.

2.4 In relation to Part 2 – Criminal Evidence and Procedure, we welcome the alignment with section 33 (1) of the Criminal Justice (Sentencing etc) Act 2027, which extends special measures to include offences aggravated by hostility. Since its inception in April 2022, the Hate Crime Advocacy Service (HCAS) has received 5,998 referrals and has an impressive engagement rate of 80%. However, we are disappointed that it is still not on a statutory footing. Regrettably, the HCAS service is now in its final year with no decision as yet as to the future of the service. This is concerning given that demands on the service continue to grow year on year, in particular with regard to race, religion and transgender hate crimes. While the special measures extensions and enhanced protection from cross-examination are welcome, they must be matched with the necessary resources to deliver effectively for victims of hate crime. In addition, while aspects pertinent to hate crime are being taken forward in this Bill and the Sentencing Bill, we must express our disappointment that the standalone hate crime legislation as envisioned in Judge Marrinan’s 2020 Review has still not been taken forward and is unlikely to be in this mandate. We believe this is a missed opportunity and should be reconsidered.

2.5 We welcome the inclusion of Section 27G in this Bill concerning the use of witness summons in sexual offence cases, which will give victims the opportunity to object to the disclosure of their private and personal material through independent legal representation. Both the Victims' Commissioner Designate and the Mental Health Champion have outlined the need for enhanced protections for complainants in serious sexual offences cases, and we are pleased to see that it is finally being addressed in this Bill. We believe it is crucial that victims' Article 8 rights are protected and respected throughout the criminal justice process and that their voices are heard.

2.6 The provision of Sexual Offences Legal Advisers (SOLAs) within Victim Support NI has been a significant and positive change for adult victims of sexual violence. SOLAs are qualified solicitors who provide free, independent legal advice and support to victims of sexual violence up to the start of the trial. They are particularly focused on protecting the privacy rights of complainants with respect to disclosure of medical records or previous sexual history. Since the launch of the service in April 2021, the SOLA service has received just under 3,000 referrals (2952) and has an engagement rate of almost 80%.

2.7 Building on the success of the adult service, a new service for young victims of serious sexual crime aged under 18 was officially launched in February 2025. The Children's Sexual Offences Legal Advisers (CSOLAs) are qualified solicitors who provide legal advice for children and young people up to the start of the trial. They are also focused on protecting the privacy rights of victims with respect to disclosure of medical records or previous sexual history. In just over 15 months (up to the end of June 2026), the CSOLA service received 1,145 referrals, demonstrating the need for the service across Northern Ireland.

2.8 We welcome the proposal to include limiting the power to dismiss charges involving death or serious physical harm of a vulnerable person in the Victims and Witnesses of Crime Bill. We commend the DOJ for recognising the serious nature of offences committed against vulnerable victims, including children and adults with an impaired ability to protect themselves. Particularly in cases involving domestic abuse of a child, we believe it is essential that all perpetrators are brought to justice and held accountable for their actions.

3. Response to Questions

Part I- Commissioner for Victims and Witnesses of Crime

As previously stated, we welcome the fact that this Bill will place the Victims' Commissioner Designate on a statutory footing with their principal aim, duties and powers enshrined in law. However, we have a few suggestions that we believe should be added to the Bill.

Establishment

We would like to see the word “independent” included in Section 1 (2) to emphasise that while the Commissioner is appointed by the DOJ, they are an independent body. Enshrining this terminology in legislation would help to reassure victims and witnesses that the Commissioner, in being independent, is free from any perception of departmental or political control and can provide impartial, objective and trusted commentary on the criminal justice system.

Principal Aim

While we broadly agree with the principal aim of the office in Section 2, we would suggest that in addition to promoting the interests of victims and witnesses, they should aim to advance those interests. Therefore, the full sentence would read: “to promote **and advance** the interests of victims and witnesses.” This is important as a key aspect of the Commissioner's role should be to improve victims' experience of the criminal justice system.

Review of Victim Charter and Witness Charter

As regards Section 5 (1), which relates to reviewing the operation and effectiveness of the Victim and Witness Charters, we would suggest adding an extra point under 1 (b) of “at the Commissioner's own discretion” to account for unplanned or unexpected reasons.

Guidance

As regards Section 6 (2), we believe that there needs to be a clearer definition or examples provided for a “person exercising public functions.” It is also unclear as to what is meant by “must have regard to it.” We would like to know if this means that they (persons exercising public functions) would be compelled to act in relation to the guidance. If action is not taken, it is unclear if there would be any consequences or deficiencies which may arise as a result.

Restriction on Exercise of Function

Clause 8 (1) of the Bill states that the Commissioner may not exercise any function in relation to an individual case. However, Clause 8 (2) indicates that this does not prevent the Commissioner considering individual cases and drawing conclusions about them. It is not entirely clear how the “conclusions drawn” are then to be subsequently used, especially given that under Section 6 (6), the Commissioner is not permitted to issue guidance to a court or tribunal. We believe that it would be helpful to have more clarity on this particular aspect of their role.

Meaning of “Charter Service Provider”

In Section 9 (1) on charter service providers, we would suggest adding the Victim and Witness Care Unit (VWCU) to the list of agencies as they are currently named in the Victim Charter.

Compliance with the Victim Charter

In Section 10 (3), we believe the Commissioner should have the ability to address non-compliance with the Victim Charter by agencies working within the criminal justice sector.

Duty to Respond to Annual Reports

We are pleased to see that Section 19 (1-7) places a mandatory duty on charter service providers to respond to recommendations made in the annual report, including outlining what action the charter service provider will take, or will not take, to address the recommendation. What is less clear from this section of the Bill is what action the Commissioner can take if the

charter service provider either does not respond or does not implement the recommendations that have been agreed. We believe this should be clarified.

Part 2 – Criminal Evidence and Procedure

Special measures in cases involving aggravation by hostility

We are pleased to see that Section 24 of this Bill will enable the extension of special measures in cases involving aggravation by hostility. Since its inception, referrals to the Hate Crime Advocacy Service (HCAS) have grown year on year. Our average referrals per month from the inception of the HCAS service have increased from 81 per month in 2022 to 180 per month year to date (899). Unfortunately, statistics from the PPS in 2024/25 show that fewer than 3% of hate crime cases proceeded to trial, and fewer than 1% resulted in convictions with enhanced sentencing for hate aggravation.

Since 2022, we have witnessed a sharp increase in race, religion and transgender crimes. We have seen 179% growth in race hate crimes (450 referrals in 22/23 to 1,254 referrals in 25/26), 154% growth in transgender hate crimes (13 referrals in 22/23 and 33 referrals in 25/26) and 75% growth in religious hate crime (24 referrals in 22/23 and 42 referrals in 25/26). In recent years, race hate crimes have sharply overtaken sectarian hate crimes and now account for the highest number of referrals to HCAS. In fact, the Chief Constable, Jon Boutcher highlighted the gravity of the situation at the most recent Policing Board meeting, claiming that race hate crime figures in Northern Ireland were "escalating out of all proportion" and expressing his view that "the criminal justice route with aggravated elements around offending and deterrence of the courts is the best way of dealing with this."¹

Undoubtedly, building victim confidence in the criminal justice system requires, among other considerations, effective support for victims and we believe the extension of special measures will contribute to these confidence building measures. In addition, the commitment to extend that protection to victims from being cross-examined by their perpetrator will result in more cases going to court and victims feeling safe and supported so they can give their best

¹ [Race crime in Northern Ireland 'escalating out of all proportion' | ITV News](#)

evidence. However, there are funding and resource considerations to this support which must also be considered.

As part of Victim Support NI's Witness Service, we manage the RECs, live link facilities and provide adult victims with the opportunity 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.

While extending special measures to hate crime victims is a positive step forward in terms of recognising the insidious nature of the crime, there should be greater cognisance of the varying needs of these vulnerable victims as they navigate the criminal justice process. This should also include the fact that they are often subjected to housing intimidation and repeat victimisation. We know from our work with victims of hate and other intimidatory crimes that they often need help from the Housing Executive and other bodies. The Criminal Justice Inspectorate Report (2020) 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.² Sadly, while some work is being done, some four years on, this recommendation has still not been achieved. We would strongly urge the DOJ to give full consideration to addressing this in the Victims and Witnesses of Crime Bill as it would enable a joined-up approach to be implemented that would identify and address specific victim needs so they are supported to stay engaged in the criminal justice process.

² [Victims and Witnesses – The care and treatment of victims and witnesses by the criminal justice system in Northern Ireland](#)

Sexual Offences: Witness Summons

Complainant participation on application for witness summons

We strongly welcome the inclusion in 27G Section 2 (a) that the complainant must be given the opportunity to make oral or written representations to the court about the application and under 2 (b) is entitled to be present and 2 (c) entitled to be legally represented. We support these proposals as they are essential for protecting victims' Article 8 ECHR right to privacy. However, what is less clear is "how" victims will be able to exercise these rights. As we have previously mentioned, the SOLA/CSOLA service within Victim Support NI currently provides this function at the pre-trial hearing stage, but there is no mention within the Bill of this service. It is not clear from the Bill if a complainant is expected to engage a private solicitor to exercise these rights or if the service will be provided free of charge by the DOJ. It seems incongruous given that the DOJ's Consultation on Proposals for Inclusion in a Victims and Witnesses of Crime Bill explicitly stated that the SOLA scheme would provide this service.³

We know from the feedback we receive from clients of the SOLA/CSOLA services that they are vital in keeping victims engaged in the process and advising them of their rights, especially around third-party disclosure. Unfortunately, our recent focus groups and SOLA/CSOLA feedback surveys revealed that a number of clients are not being referred to the SOLA/CSOLA service by statutory authorities. Instead, they are finding out about the service through their own internet searches or being told about it from someone they know. This means that instead of being contacted by a SOLA/CSOLA immediately after reporting a crime, they find out about them much later in the justice process when they have already signed the disclosure forms giving the accused's defence team access to their personal records. Therefore, we contend that more education is needed on the role of SOLAs/CSOLAs not just within the criminal justice system but also the wider public.

As previously mentioned, we welcome the DOJ's commitment to addressing the issues with the current disclosure process in this Bill. The Victim Commissioner Designate's 2023 report highlighted the criminal justice system's failure to adhere to practice guidance and case law, which exists to help protect the European Convention on Human Rights (ECHR) Article 8

³ [Consultation on Proposals for Inclusion in a Victims and Witnesses of Crime Bill.pdf](#)

rights of the victim in the disclosure process. The Commissioner highlighted the serious issue of under-reporting and attrition explaining that “the fear induced in the victim by the potential disclosure of notes taken during counselling sessions is having a chilling effect on their willingness to report sexual violence or engage in the system.”⁴

We would urge the DOJ to follow the Victim Commissioner’s recommendations when it comes to protecting the right of victims to access mental health services before a court case begins. This was reiterated by the Mental Health Champion who recently called on the Committee to consider the legislative frameworks adopted in Canada and Australia, both of which provide significantly stronger protections for records attracting a reasonable expectation of privacy.⁵ They should not be made to choose between healthcare and justice by delaying accessing counselling until after the court case has concluded, which could be several years. Unfortunately, we have seen evidence of victims’ counselling notes and medical records being used against them in our focus groups and interviews and they have spoken about the traumatic effect this had on them.

Furthermore, a recent investigation by the Information Commissioner revealed the police and the wider criminal justice system’s reliance on statements for victims’ consent and that there was an excessive collection of victims’ personal information. They emphasised the need to use victims’ personal information respectfully and in compliance with data protection laws. We have heard from several victims in our focus groups who were asked for personal information which they felt was intrusive and not relevant to the case. We would urge the DOJ to consider the psychological impact on victims when they are asked to provide deeply sensitive information to the defence teams and to ensure it is requested only when necessary and following a trauma-informed approach.⁶

Limitation of power to dismiss charges involving death or serious physical harm of a vulnerable person

⁴ [CVOONI - A ‘Second Assault’ Report V6.pdf](#)

⁵ [20260819-mental-health-champion---vw-crime-bill-written-submission_redacted.pdf](#)

⁶ [Independent Legal Representation and the Victims, Witnesses, and Justice Reform \(Scotland\) Bill: A Review of Potential Models of Delivery](#)

We welcome the inclusion of Section 27 in the Victims and Witnesses of Crime Bill and agree with the proposed amendment to the Domestic Violence, Crime and Victims Act 2004.⁷ We commend the DOJ for recognising the serious nature of offences committed against vulnerable victims, including children and adults with an impaired ability to protect themselves. Particularly in cases involving domestic abuse of a child, it is essential that all perpetrators are brought to justice. We would urge that consideration be given to funding a high-profile awareness-raising campaign, so the public is aware of the reasoning behind this change from a legal perspective.

Suggested Additions

We would urge the DOJ to consider including the following items as separate sections in the Victims and Witnesses of Crime Bill if they do not end up being included in the final draft of the Sentencing Bill.

Good Character References

Victim Support NI recognises that character references are an established part of the criminal justice process. However, we are mindful that their use at sentencing, particularly in serious cases such as domestic and sexual offences, can be very difficult for victims and may feed into the pervasive rape myth of what constitutes a ‘good defendant’ and a ‘bad victim.’⁸ The Justice Minister has publicly stated her preference for removing their use stating that hearing positive accounts of the person who harmed them can feel particularly distressing for victims for victims of domestic and sexual crimes.⁹ Professor Kevin J. Brown has also argued that someone’s character is not relevant to determining their culpability of a particular offence.¹⁰ Based on our work, we would urge that the potential impact on victims of having character references is carefully considered, and that a trauma-informed approach is maintained, ensuring victims feel heard, respected, and supported throughout the process.

⁷ [Domestic Violence, Crime and Victims Act 2004](#)

⁸ [VSNI-Report_BearingWitness_Final.pdf](#)

⁹ [Good character references for some criminals could be ended, Justice Minister says – The Irish News](#)

¹⁰ [Professor Kevin J. Brown: A flawed proportionality test at the heart of NI’s Sentencing Bill | Irish Legal News](#)

Victim Personal Statements

We believe that the victim's voice must be clearly heard within the justice process in line with their rights under the Victim Charter. One way of doing this is through Victim Personal Statements which give victims an opportunity to explain how the crime has affected them or continues to affect them. The Victim Commissioner's recent report into Victim Personal Statements (VPS) revealed some stark findings.¹¹ While many victims availed of the opportunity to have their say, others were unaware or unclear about the purpose and impact of the statement. Some victims were denied the opportunity to make a statement and others shared concerns about how their statement was used or referred to in court. In our experience supporting victims to prepare their victim personal statements, some have expressed to us that they felt disempowered at not having their statement referred to in court, having the time to make a statement (this is a particular issue in the Magistrates Court) and their fear of having their statement disclosed to the Defence if they make it too early in the process. We would urge the DOJ to consider these concerns when considering what to include in the Victims and Witnesses of Crime Bill.

Conclusion

In conclusion, we commend the Committee of Justice for its efforts to gather a wide variety of stakeholder views on the Victims and Witnesses of Crime 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 insights that would help inform the Executive's next steps regarding various aspects of the Victims and Witnesses of Crime Bill. 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.

¹¹ [Victim Personal Statement NI Policy v Practice October 2024.pdf](#)



Appendices

About Victim Support NI

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.

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.
- (iv) **Phoenix Youth Service** – 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.

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