Racial Equality Subgroup Response to the Victims and Witnesses Bill Call for Evidence

We welcome the opportunity to respond to the provisions relating to victims and witnesses, particularly Clauses 6, 7, 11, 12, 24, 25 and 26. Our comments are informed by ongoing concerns regarding the sustained increase in hate crime, the significant levels of underreporting that continue to exist, and the additional vulnerabilities experienced by individuals from minority ethnic (ME) communities and other Section 75 groups. Fear of reprisal, lack of confidence in the criminal justice system, barriers to being a witness and providing evidence, and previous experiences of discrimination can all act as barriers to reporting and engagement with the justice process. It is therefore essential that the needs, experiences and voices of victims and witnesses are placed at the centre of these reforms.

Clauses 6, 7, 11 and 12

We support the proposals relating to the Victim Charter and the establishment of a dedicated Victims and Witnesses Commissioner. A separate statutory commissioner has the potential to provide a stronger and more focused voice for victims and witnesses, including those affected by racially motivated hate crime. This is particularly important given the unique harms associated with hate crime and the disproportionate impact that such offending can have on individuals with protected characteristics and those with intersecting identities.

We welcome the proposed powers to gather information and data from agencies involved in victim support and criminal justice processes. Robust data collection is essential for identifying gaps in service provision, monitoring outcomes, and understanding the experiences of different groups. In this regard, we strongly support the collection and publication of disaggregated data across Section 75 categories, including people of different racial groups. Such an approach would provide a clearer understanding of how victims and witnesses from different backgrounds experience the justice system and would help ensure that policy and service responses are evidence-based and responsive to need.

We also note the importance of monitoring satisfaction levels among victims of hate crime, as recommended by the Equality Commission[1] and the Northern Ireland Policing Board.[2] This aligns with the broader objectives of a Victims and Witnesses Strategy and would contribute to improving accountability and service delivery across the criminal justice system.

The Hate Crime Advocacy Service has become an important source of support for victims, particularly through its racial equality component. While we welcome the current funding arrangements, sustainability remains a key concern. The CJINI in its report on hate crime (2017), whilst recognising the valuable support provided to victims by the HCAS, recommended that consideration should be given to the source of funding for advocates, and

[1] ECNI (2020): Hate Crime in Northern Ireland: Policy Recommendations and Supporting Rationales, Full Report, paras 3.92-3.102; ECNI (2017): Policy Briefing - CJINI report, An inspection of the criminal justice system's response to hate crime in Northern Ireland.
[2] Northern Ireland Policing Board (2017) Thematic Review of Policing Race Hate Crime, p. 29.

highlighted that there was ‘a risk that in the climate of diminishing budgets competing police priorities may result in loss or reduction of the advocacy service’[3]

Judge Marrinan’s Review of Hate Crime Legislation found that ‘the HCAS provides a vital service for victims and their future well-being and also as a means of ameliorating some of the harmful effects of hate crime’. He recommended that HCAS be sustained on a permanent basis with appropriate levels of financial support.[4]

Long-term and secure funding is essential to ensure continuity of support, maintain expertise and build confidence amongst communities that may already be reluctant to engage with statutory services.

We further believe that the Commissioner should have a role in researching and identifying the causes of underreporting, particularly among minority ethnic communities and other groups who may face additional barriers. Working collaboratively with criminal justice agencies, community organisations and representative bodies, the Commissioner could help develop a stronger evidence base regarding the reasons victims and witnesses choose not to report incidents or engage with the justice system.

We welcome the power to develop guidance and promote best practice in relation to victims and witnesses. However, it is essential that such guidance is informed by meaningful co-production with representatives of Black and Minority Ethnic (BME) communities and other Section 75 groups. Policies and guidance are most effective when they are informed by the lived experiences of those directly affected.

Similarly, where advisory groups are established, consideration should be given to ensuring representation from the community and voluntary sector, including organisations that work directly with victims of racial hostility and hate crime.

Consideration should be given for the Commissioner to be able to undertake research, in partnership with other pubic authorities in the criminal justice system and community and voluntary sector organisations, into barriers for victims and witnesses to engaging with the justice system and make recommendations to address these.

Clauses 24 and 25

We generally welcome the provisions relating to special measures and support for victims and witnesses when giving evidence. Measures that reduce fear, intimidation and distress are critical to ensuring that victims and witnesses can engage effectively with the justice process.

In particular, we strongly support protections that prevent victims from being cross-examined directly by alleged perpetrators. Such safeguards are vital in reducing re-traumatisation and ensuring that individuals can provide evidence safely and with dignity.

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[3] Criminal Justice Inspection Northern Ireland (2017), Hate Crime an Inspection of the Criminal Justice System's response to Hate Crime in N.I., at p.39.
[4] J Marrinan (2020): Hate Crime Legislation in Northern Ireland: Independent Review, paras 12.60 12.61.

The Victim Charter should explicitly include the right to interpretation and translation services, as well as the right to be accompanied by a support person where appropriate. Equality of access is fundamental, and consideration should be given to providing choice regarding the gender of interpreters and support personnel, particularly in cases where an individual may have experienced gender-based violence or trauma. All related policies, guidance and processes should adopt a trauma-informed approach.

We also support enhanced protections for victims and witnesses participating in court proceedings, including the use of live video links, private waiting areas, privacy screens, access to appropriate technology and other practical measures designed to reduce anxiety and distress. Such supports should not merely focus on the provision of facilities but should be embedded within a person-centred and trauma-informed framework that helps individuals understand the process and participate effectively.

Consideration should also be given to strengthening anonymity protections for vulnerable witnesses using video link facilities, for example through measures such as screening from view or voice-altering technologies where appropriate. These protections may be particularly important for victims and witnesses from minority communities who may fear identification, reprisals or wider community consequences.

Clause 26 and Wider Considerations

A key consideration across all provisions is the need to recognise how cultural backgrounds can exacerbate barriers to participation in the justice system. Individuals from minority ethnic communities may face additional challenges arising from language barriers, insecure immigration status, unfamiliarity with legal processes, previous negative experiences of authorities, or concerns about community stigma.

We therefore recommend the development of enhanced support programmes specifically designed to improve engagement with minority ethnic communities. This could include accessible information materials, translated guidance, community outreach sessions and awareness programmes designed to improve understanding of victims' rights, available supports and the criminal justice process.

We also wish to highlight concerns regarding interpretation services. While interpretation is frequently identified as an essential support, there appears to have been limited work undertaken to ensure interpreters receive specialist training on hate crime and the specific experiences of victims from minority ethnic backgrounds. In its 2017 report, the CJINI highlighted that: ‘No specific work had been undertaken with interpreter services to enhance skills specific to translating for hate crime, which added to the already high number of substantial barriers facing victims’.[5] Given that interpreter contracts are often commissioned across different sectors and organisations, there would be significant value in developing a

[5] The CJINI made clear that: ‘Interpreter services were readily available and there was no suggestion that the standard of interpreters was an issue. However, investigation of hate crime required precise legal and technical language. See Criminal Justice Inspection Northern Ireland (2017): Hate Crime an Inspection of the Criminal Justice System's response to Hate Crime in N.I., page 8.

more cohesive and consistent approach. This could include common standards, mandatory training requirements and specific competencies relating to hate crime, trauma-informed practice and cultural awareness. Such measures would improve service quality, increase victim satisfaction and enhance confidence in the justice system.

A clear definition of hostility based crime is essential to ensure that this is not left open to interpretation (as CPS in England and Wales) and we recommend that the Justice Committee ensures they are satisfied with an approach of not defining hostility in statute and leaving it to courts to decide. A mechanism to take repeated racial hostility into account as an aggravating factor will enhance the proposed provisions of Changes to Criminal Evidence and Procedure.

Intersectionality of the PSNI Race Ethnicity Action Plan (REAP) across the proposed provisions https://www.psni.police.uk/about-us/our-policies-and-procedures/race-and-ethnicity-action-plan-2025-2030 is essential to ensure the proposed provisions are embedded into PSNI operations.