

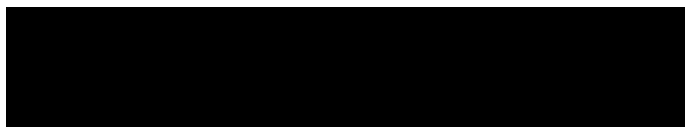


The Victims and Witnesses of Crime Bill

Read Through the Kitchen Table Test

Written evidence to the Committee for Justice
on the Victims and Witnesses of Crime Bill (as introduced, 22 June 2026)

Submitted by the Voice & Justice Alliance



September 2026

Publication: We consent to publication of this submission. It includes one pseudonymised lived-experience account, shared with the individual's consent; we ask that this account and any individual experiences described are treated sensitively and not quoted in isolation or in any way that could tend to identify the people concerned. We would welcome the opportunity to give oral evidence.

Executive summary

The Voice & Justice Alliance (VJA) welcomes the Victims and Witnesses of Crime Bill. The establishment of a statutory Commissioner, mandatory publication of victim-related statistics, enhanced protection of complainants' private information and pre-trial legal representation in serious sexual offence cases, and improved court protections for victims of hate crime, are all steps forward that we support.

But legislation is judged by what changes for the person, not by what it adds to the statute book. Our casework — supporting victims, survivors and bereaved families, including rape and sexual assault complainants through the court Witness Service — leads us to one central concern. As drafted, the Bill measures the system's compliance rather than the person's experience; it improves the organisation chart more than the journey through it; and it engages only part of the victim's world. The part of the Bill that oversees the system (the Commissioner) is expressly barred from helping any individual. The part that does help individuals (legal representation in serious sexual offence cases) is confined to one offence type, and provided through a scheme that many victims are never told exists. And the Bill is silent on the one role our casework says changes a journey most — independent advocacy.

This submission sets the Bill fairly, then tests it against a single question we apply to everything we do: would the person recognise this? Where the answer is no, we say so, and show how the Bill can be strengthened. Our recommendations, in summary, are to make the Commissioner genuinely and expressly independent of the Department it monitors, and to strengthen the office's founding aim to safeguard and promote victims' rights; to close the 'comply-or-explain' exit doors; to measure victims' experience alongside the system's statistics; to make the failures that occur between agencies recordable and to extend the monitoring regime to the services victims actually rely on; to place a Lived Experience Advisory Panel and a statutory Duty of Candour on the face of the Bill; to give the Commissioner an own-initiative power of thematic review; to recognise bereaved families in law and to define 'victim' by the harm suffered rather than by whether a charge follows; to ensure the serious sexual offence legal entitlement is actively offered at first contact and drawn broadly enough to reach victims of domestic abuse and coercive control; to give victims of serious sexual offences their own funded solicitor from the point of report, on the same equality-of-arms footing the accused already enjoys; and to recognise independent domestic and sexual violence advocacy (IDVAs and ISVAs) on a statutory footing, as England and Wales have already done; and to give every victim a single named point of contact, so that keeping them informed is somebody's job; and to extend the Commissioner's remit beyond the end of the case, so a victim's journey is not treated as over the moment the court's is. We also ask that where a sexual offence is disclosed within a domestic abuse investigation, it is recognised and pursued as such, and the victim routed to independent legal advice.

Who we are, and where we stand

The Voice & Justice Alliance is a Northern Ireland systems-reform organisation working on domestic abuse and criminal justice. We work directly with victims, survivors and bereaved

families, and several of us support victims through the system in practice, including through the court Witness Service. Our evidence to this Committee is drawn from casework, not from theory.

That standpoint shapes how we read a Bill. We are less interested in whether the machinery is well drafted than in whether the next family would recognise, from their own experience, that anything had changed. That is the test we apply throughout this submission, and it is the test we invite the Committee to apply to it.

A note on our evidence. The accounts and patterns in this submission are drawn from our own casework — direct support to victims and witnesses, including at court, together with accounts reported to us — over recent years. Where we describe a pattern, we mean one we have seen repeatedly across that casework, not a measured sample of the whole system; where an example is a single case, we say so, and it is used with consent and de-identified. We set this out plainly so the Committee can weigh our evidence for what it is: the view from alongside the people the Bill is meant to serve.

How we read a Bill

Following our method, this submission is built in five moves: the problem as the Bill frames it, stated fairly; the problem as the person lives it, carried from casework; the structural crack that the Bill's design makes possible; what must be true afterwards, described from the person's chair; and recommendations that survive that test, each anchored to the clause it must change. We begin from a single sentence a family would recognise, against which every clause and every recommendation is held:

When something terrible happens to you, someone makes sure you are told the truth, kept informed, and treated like a person — and something happens when you are not.

What the Bill actually proposes

We take the Bill's scope in full, because we earn the right to challenge its framing by showing we have understood it. The Bill does four distinct things:

- **Oversight.** It establishes a statutory Commissioner for Victims and Witnesses of Crime and requires Victim Charter service providers to record and publish victim-related information and complaints (Part 1).
- **Serious sexual offences.** It enhances protection of complainants' private information in disclosure applications, and, for the first time, entitles complainants in serious sexual offence cases to free independent legal representation at specified pre-trial application hearings — measures flowing from the Gillen Review.
- **Hate crime.** It makes victims of hate-crime-aggravated offences automatically eligible for consideration of special measures, and prohibits those charged with such offences from cross-examining witnesses in person.
- **A technical fix.** It corrects an issue that will arise on implementation of committal reform.

We support all four. What follows is not opposition to the Bill but an argument about the distance between the machinery it builds and the experience it is meant to improve — and about the parts of the victim's world it does not yet reach.

The journey, as the person lives it

To understand what this Bill must answer to, it helps to follow a victim through the system as it works today. The account below is a composite drawn from our casework, including years of supporting victims at court through the Witness Service. No individual is identifiable in it; the pattern, unfortunately, is familiar to anyone who does this work.

A person reports a crime to the police. From that point, the case belongs to the Public Prosecution Service, not to them. The police have duties to investigate and to keep victims informed, and the prosecution and the Victim and Witness Care Unit have responsibilities of their own at the relevant stages; the difficulty is not that no duties exist, but that they are not consistently fulfilled, and that the victim rarely experiences a reliable transfer of support between them. How much a victim actually hears can depend heavily on the individual officer. From the prosecution itself, the victim rarely hears anything directly. The Victim and Witness Care Unit may telephone occasionally, usually about logistics rather than the substance of the case, and in time a letter arrives telling the victim which date to attend court.

For many victims, that letter is the most concrete communication they receive about their own case. They arrive at court on the morning stated, often having had no substantive contact with anyone about what is about to happen. There they are met by a Witness Service volunteer, who explains how the courtroom works — who sits where, who speaks first, what to expect — and lets the prosecuting barrister know the victim has arrived. If there is time, the barrister will come and speak with them. Some victims receive a call from the barrister in the days before, where the barrister has questions; but many will not have spoken to the prosecutor at all until that first morning, shortly before they give evidence about the worst thing that has happened to them.

This is not a failure of the people in the system. The Witness Service is stretched and its volunteers do extraordinary work; the difficulty is structural. No one owns the task of keeping the victim informed across the whole journey. The police hold the contact but not the case; the prosecution holds the case but not, in practice, the relationship; the care unit holds the logistics. Between them sits a person who, for months, hears almost nothing about their own case.

For months, no one whose job it was to hold the case ever told them what was happening in it. The first person to explain their own trial to them was a volunteer, on the morning it began.

That silence is the experience the Bill must be measured against. It is the 'no owner, no clock, no visibility' problem in its most basic form — not a single dramatic failure, but a sustained absence of communication that belongs to nobody. Findings 3 and 4, and Recommendations 3, 4, 6, 17 and 18 below, are between them the answer to it.

Part One — the Commissioner and the oversight machinery

Fairly stated, Part 1 answers the question: how do we establish a Commissioner and require the production of statistics? That is necessary institutional architecture. It is not the same question as: how do we make the system tell the truth to the people it failed? Four features of the design create structural risks, each of which our recommendations are built to address.

Finding 1 — The watchdog's leash is held by one of the watched

The Commissioner is appointed by the Department (Clause 1(2)), funded through the Department's budget (Schedule 1, para 10), staffed subject to departmental and Department of Finance approval (Schedule 1, para 4), and removable by the Department on grounds as broad as

being 'unable, unfit or unwilling' (Schedule 1, para 2(6)). Clause 16(5) requires the Commissioner to seek the Department's views on which groups of victims to prioritise and to justify any departure. Yet the Department is itself a Charter service provider (Clause 9(1)(a)) in respect of the Prison Service, Youth Justice Agency, Courts and Tribunals Service and criminal injuries compensation. The office must therefore monitor the body that appoints, funds and can remove it. This is not an accusation of bad faith; it is a description of architecture, and architecture outlasts good faith. What the design quietly rewards is caution.

Recommendation 1. Secure both the office's founding aim and its independence. On the aim (Clause 2): the principal aim should be to safeguard and promote the rights and interests of victims and witnesses, not merely to promote their interests, tied expressly to their entitlements under the Victim Charter, with functions extending to encouraging good practice across criminal justice agencies and keeping the Charter under review. On independence (Clause 1 and Schedule 1): appointment and accountability arrangements that run to the Assembly rather than resting solely with the Department; narrower, objective removal grounds decided through an independent process with a right of appeal, rather than removal by the Department on grounds as broad as being 'unwilling'; reappointment not left in the Department's gift; multi-year funding fixed independently of the annual departmental settlement; consideration of whether the single-post 'corporation sole' model should be supported by a board; reconsideration of Clause 16(5); and, above all, an express statutory guarantee that the Commissioner is independent of, and not subject to direction or control by, the Department in exercising their functions. Presented as questions of design, not of anyone's good faith.

Finding 2 — Every duty in Part 1 has an exit door

Providers must comply with information requests only 'so far as is appropriate and reasonably practicable', with the provider judging what is appropriate (Clause 10(3)); a provider asked to co-operate may simply decline and give a reason (Clause 13(2)(b)); and a provider may respond to a recommendation, within 56 days, by explaining why it does not propose to act (Clause 19). We welcome the publication requirement in Clause 19 — making a response visible is a real step. But publication is not delivery. A provider may promise action without identifying who will deliver it, by when, or how anyone will establish whether it was done; and nothing in the Bill says what follows when the explanation is inadequate, the same failure recurs, or an undertaking to improve goes unmet. Every duty still has an exit door; the question is what lies beyond it.

Recommendation 2. Publication should be the beginning of scrutiny, not the end of it. Require a public record of recommendations and responses that identifies the responsible senior officer, the action proposed, the completion date, and the evidence against which delivery will be assessed. Where a provider refuses to act, misses its deadline, or repeatedly fails to address the same issue, the Commissioner should be able to report that failure specifically to the Assembly. Refusals to co-operate under Clause 13 should likewise be recorded and published, subject to necessary and clearly defined safeguards.

Finding 3 — The Bill measures the DO, not the FOR

Clause 11 requires statistics on the provision of Charter services; Clause 14 requires counts of complaints and outcomes; Clause 18 requires an annual report reviewing those figures. At no point does the Bill require anyone to measure whether victims understood the process, were told the truth when something went wrong, knew what would happen next, or were treated with dignity. An agency could achieve perfect statistical compliance while the people it serves recognise nothing of the experience as justice.

Recommendation 3. Require victim-reported experience measures. The regulations made under Clause 11(3) should require measures of whether people felt informed, understood the process, received timely communication and were treated with dignity, alongside administrative statistics; and the annual report (Clause 18(2)) should report against them.

Six months later, the family notices: *the system is finally being marked on the thing they actually experienced.*

Finding 4 — The complaints architecture cannot see the gaps

The concern with Clause 14 is not that a person cannot complain about more than one provider; it is that the Bill does not require those complaints to be connected, examined together, or understood as parts of the same experience. The most damaging failures in our casework happen between agencies: the case that stalls in the handover from police to prosecution; the family nobody updates because each assumed the other had. Each organisation can answer accurately for its own actions while none answers the question the family actually asked — who was responsible for telling us what was happening? The failure of coordination disappears into the space between separate organisational returns. It is ‘nobody owns the journey’ left on a statutory footing.

Recommendation 4. Make the failure between agencies visible. Require providers to identify complaints involving more than one agency, to record the points at which responsibility passed between them, and to co-operate in establishing where the failure occurred; and require the Commissioner to bring those findings together — including jointly with other oversight bodies where the journey crosses into health, housing or social care — so that a failure of coordination cannot vanish into separate organisational returns. The monitoring regime should also reach the services victims actually rely on: the definition of charter service provider (Clause 9) should be used, or extended, so that the voluntary-sector organisations commissioned to deliver victim and witness services (including the court Witness Service and the SOLA scheme) and the health interfaces through which many victims of domestic and sexual abuse first engage are not invisible to it; and the monitoring and statistics duties should apply to the Witness Charter, not only the Victim Charter, rather than being left to a discretionary future power (Clause 12).

Six months later, the family notices: *the six months of silence that belonged to nobody now belongs to someone.*

Recommendations that strengthen Part 1

The following recommendations survive our test and are anchored to the clauses they must change.

Recommendation 5 — A mandatory Lived Experience Advisory Panel.

Anchor. Clause 7. The Bill makes advisory groups entirely discretionary — a future Commissioner could lawfully never convene one. The panel should be mandatory on the face of the Bill, with the membership breadth already identified (different crime types, bereaved families, witnesses, children and young people, rural and minority communities), and a duty on the Commissioner to publish a response to the panel's advice, stating what was done or why not. An advisory panel that can be politely heard and then set aside papers over the crack without mending it — the appearance of consultation, not its substance. This recommendation also carries the purpose of a formal evidence partnership, which need not be listed separately.

Six months later, the family notices: *people who have lived their journey are in the room where priorities are set, and the Commissioner must answer them in public.*

Recommendation 6 — A statutory Duty of Candour.

Anchor. A new duty on Charter service providers within Part 1, sitting alongside Clauses 10–14. This is the direct answer to Finding 2: where every existing duty has an exit door, candour closes the one that matters most. The duty should specify what must happen when a provider identifies a significant failure affecting a victim or witness — a timely factual explanation, preservation of relevant records, correction of inaccurate information, and an account of the steps being taken to prevent recurrence. Any lawful restriction on what can be disclosed should be narrowly defined: where information must be withheld temporarily to protect proceedings or another person's rights, the reason should be recorded and the restriction reviewed, so that a necessary delay does not become indefinite silence.

Six months later, the family notices: *when a mistake is made, they are told — without having to fight, FOI, or find out years later at an inquest.*

Recommendation 7 — From complaint-counting to organisational learning.

Anchor. Clauses 14 and 18(2). As drafted, each provider records its own complaints and sends the Commissioner a summary it writes about itself. Providers should be required to report what changed — recurring themes, systemic weaknesses, actions taken and evidence of measurable improvement — and the Commissioner should be empowered to verify against underlying records rather than receive self-authored summaries. Amend Clause 18(2) so the annual report assesses whether change followed, not merely restates counts.

Six months later, the family notices: *the thing that went wrong for them is less likely to happen to the next family — and they can see, in public, that it was fixed.*

Recommendation 8 — An own-initiative power of thematic review.

Anchor. Clause 8(2). The Bill already permits the Commissioner to consider individual cases when examining a general issue. That permission should become an explicit own-initiative power to conduct and publish thematic reviews where a pattern emerges — repeated disclosure failures, investigative delay, communication breakdown, inconsistent support for bereaved families — with a duty on providers to respond, mirroring Clause 19. When the same failure appears across different people, years and leadership teams, it is not behaviour — it is design; thematic review is how a Commissioner names the design.

Six months later, the family notices: *the pattern that fifty families each experienced alone is finally investigated as one thing.*

Recommendation 9 — Recognise bereaved families in law.

Anchor. Clause 21 and Clause 16(4). Clause 21 imports the meaning of 'victim' from section 29 of the Justice Act (Northern Ireland) 2015; the Committee should test whether bereaved families are fully and unambiguously within it across lengthy coronial, investigative and judicial processes, and, if not, name them on the face of the Bill. Bereaved families navigating protracted proceedings should be an expressly contemplated priority group under Clause 16(4), not a discretionary afterthought. More broadly, the imported definition should be victim-centred: it should turn on the harm a person has suffered, not on whether anyone is charged or convicted, so that victims of domestic abuse, coercive control and unprosecuted sexual offences are not defined out of the Charter and the Commissioner's remit (see Recommendation 19).

Six months later, the family notices: *they are recognised in the law itself — not by an office-holder's concession.*

Recommendation 10 — A published Victim Impact Assessment duty for future justice policy.

Anchor. Clause 3(3). To avoid a free-floating process obligation the family will never see, this should be tied to the Bill: a duty on the Department to seek, and publish, the Commissioner's advice on the impact on victims and witnesses of proposed justice legislation and major policy change.

We note that a broad whistleblower-protection provision, while important, has no employment-protection machinery in this Bill to amend and risks diluting a tight submission; the Duty of Candour carries much of the institutional-openness weight, and candour duties and staff protections are two halves of the same culture.

Part Two — serious sexual offences: a right that must reach the person

We welcome the enhanced protection of complainants' private information in disclosure applications, and the entitlement — for the first time — to free independent legal representation at specified pre-trial application hearings. This is the Bill's strongest individual-level provision and we support it without reservation. It also matters constitutionally: the Bill thereby accepts the principle that a victim can have individual, statutory, enforceable support in their own case. Our recommendations ask only that the principle be delivered so that it reaches the people who need it, and drawn widely enough to include those the current threshold excludes.

These provisions flow from the Gillen Review, and that origin carries a caution. Sir John Gillen's 2019 report made 253 recommendations for transforming how the justice system handles serious sexual offences. More than six years on, the Department's own September 2025 update records that just under 80% are fully or partially implemented — meaning around a fifth are not yet implemented — and the Department itself acknowledges it will not be able to introduce all of the Gillen-recommended legislation within this mandate. Among the reforms still outstanding are some of the most victim-facing: reform of the 'reasonable belief' defence in consent, and pre-trial jury education to counter rape myths. We welcome what this Bill delivers; we ask the Committee to treat it as a stage in completing Gillen, not the point at which reform is considered done. The Commissioner's thematic remit (Recommendation 8) should expressly extend to monitoring the implementation of accepted but outstanding reform commitments, so that the pace of change is itself visible and accountable.

The reach problem

This legal support is provided through the Sexual Offences Legal Advisers (SOLA) scheme — funded by the Department but operated independently by Victim Support NI. That independence is right and necessary: a legal adviser acting for the complainant cannot sit inside the body that prosecutes the case. The difficulty is not where the scheme sits; it is that victims do not know it exists, and that the point in the journey where they most expect legal support is the very point where the system currently tells them they have none.

When a victim thinks of legal advice, they expect it from the prosecution. The reality — that the Public Prosecution Service acts for the Crown rather than for the victim, and that the victim is, in law, a witness to the Crown's case rather than a party to their own — is a distinction victims neither anticipate nor readily accept. What the victim experiences is simpler and starker: the prosecution is not their lawyer, they cannot afford a solicitor, and no one has told them there is a free, independent alternative. SOLA is the answer to precisely that gap — but only if the victim is told it exists at the moment the gap opens. In our casework, including supporting rape and sexual assault

complainants through the court Witness Service, we meet victims who never learned the scheme existed until it was too late in their case to be of use.

Recommendation 11. Preserve the independence of the SOLA scheme, but fix the mechanism for reaching it. The onus should not rest on a traumatised, overwhelmed victim to make contact from a leaflet or a card. Where a victim reports rape, sexual assault, or coercive control involving non-consensual sexual activity, the police should make a direct referral to the SOLA scheme, and a SOLA should then make first contact with the victim — by telephone or letter — rather than the victim being left to initiate it. This should be a positive Charter duty on the police, discharged at the point the victim reports, so that the person who expected the prosecution to be their lawyer is reached by the service that can help, rather than left holding leaflets they are too overwhelmed to act on. Because trauma affects what a person can absorb at first contact, an offer overlooked or declined in the immediate aftermath should not be treated as exhausted: it should be made in an accessible form, recorded, and revisited at later stages, and monitoring should distinguish between information issued, referrals made, and support actually accessed, while respecting a victim's choice not to take it up. This referral duty works with Recommendation 19, which requires such disclosures to be recognised as potential sexual offences in the first place.

Six months later, the family notices: *someone from the service phoned her a few days after she reported — she did not have to find them; they found her.*

One victim's experience

The following account is shared with the consent of the victim, whose case has concluded; her name and the defendant's have been changed. It is not exceptional — it is what the gaps in this Part look like when they all fall on one person.

Ruth was raped. Two years after giving her statement, she received her letter to attend court just three days beforehand — with no copy of that statement, which she could no longer fully remember, and no prior contact from anyone. She had fallen into debt paying privately for legal help, because she was not entitled to legal aid and was frightened: frightened that her counselling records would be used against her, and that the download of her entire phone would expose intimate messages sent to a former partner who had nothing to do with the case. No one had told her that a Sexual Offences Legal Adviser could have helped her with exactly these fears. When it was explained to her at court, she had never heard of the scheme. It may have been among the leaflets the officer first handed her, but she had been too traumatised to read them, and her mother had thrown them out because they distressed her. Even the solicitor she had paid had not told her SOLA existed.

Ruth had stopped ringing the Victim and Witness Care Unit for updates, because her calls were met with a promise that someone would call back, and no one did. On one call she said the least they could do was tell her about her own case. She was told: 'it's not your case — you are a witness to the Crown's case against the defendant.' Ruth, who did not understand the distinction, believed her case had been dropped. The harm of that moment was severe: she came close to taking her own life, and the misunderstanding only came to light afterwards, through her mother. She made no further contact with the prosecution or the care unit, and heard nothing more until the letter arrived. What she said, learning at last that SOLAs existed, was that from the moment the defendant was arrested he had a solicitor, and then a barrister he met with regularly — and she, the victim, had a bundle of leaflets.

Every failure in Ruth's account is one this submission is designed to prevent: the late notification and the statement she was never given a copy of (Recommendations 3 and 18); the fear over counselling records and phone downloads that a SOLA exists to address (Recommendations 11 to

13); never being told the scheme existed, even by a paid solicitor (Recommendation 11); the unanswered calls and the absence of any single point of contact (Recommendation 18); and the words 'it's not your case' doing catastrophic harm to a person the system was meant to protect.

The threshold problem — consent within a relationship

The right, as designed, switches on only once a person has entered the serious-sexual-offence reporting pathway. But many victims of domestic abuse and coercive control never approach that threshold, because they do not recognise what happened to them as rape or sexual assault. Consent is absent where a person is coerced, or feels they have no meaningful choice, including within a relationship — but this is not widely understood, and often least of all by victims themselves. A legal-advice architecture that begins only after a person has already categorised their own experience as a serious sexual offence cannot reach the people who most need help naming it.

Recommendation 12. Independent legal advice — as distinct from in-court representation — should be available earlier and more broadly, including to victims of domestic abuse and coercive control, and paired with an identification and awareness function so that people can understand their rights, and the meaning of consent, before they are required to classify their own experience in order to qualify for help.

Six months later, the family notices: *she learns that what happened to her had a name, and that help did not depend on her knowing it first.*

The breadth problem

The Bill's statutory right is representation at specified pre-trial application hearings; SOLA in practice already provides broader advice and advocacy across the pre-trial period. The statutory footing should not be narrower than the support victims already rely on, nor left resting on a rolling pilot.

Recommendation 13. The statutory entitlement should be drawn to match the breadth of need — advice and advocacy across the pre-trial period, not only representation at specified hearings — and placed on a secure, funded footing rather than a rolling pilot, so that the support victims already rely on informally is guaranteed in law.

Equality of arms — the victim's own solicitor

From the moment of arrest, a person accused of a serious sexual offence is entitled to publicly funded legal representation regardless of means, and may instruct a solicitor of their choosing; later, they have a barrister they meet with regularly. The victim of that same offence has, at best, the SOLA scheme — which, as this Part has shown, many never hear of — and otherwise nothing, unless they can pay privately. In Ruth's words, from the moment the defendant was arrested he had a solicitor, and then a barrister; she had a bundle of leaflets. There is no principled reason the person harmed should be the only party without funded representation. We recognise the legal distinction — the accused's representation is for their defence as a party to the case, while the complainant is not a party — and we do not ask the Committee to erase it; we ask it to answer the injustice the victim feels, and to meet it by funding the advice and representation the victim needs on the matters where their own rights are genuinely at stake: their privacy, the disclosure of their records, and their participation. That felt unfairness is not a misunderstanding to be corrected. It is evidence this Bill exists to act on. We live in an adversarial justice system, whether or not that is acknowledged directly, and in practice it places the complainant under scrutiny too — questioned,

her credibility tested, her counselling records and phone examined and put before the jury, while the accused has had representation from the first day. In that setting, wanting the same protection as the defendant is not excessive; it is the reasonable expectation of someone who is, in all but name, on trial themselves. This is the direction of travel elsewhere: Scotland provides state-funded independent legal representation for complainers, and Ireland provides separate legal representation in respect of sexual-history questioning in rape trials.

An entitlement attaching at the point a victim reports — the one moment nearly every victim reaches — would also fix the reach problem at its root. The first professional acting for the victim, rather than for the Crown or the accused, becomes the person who explains their rights, the protections around disclosure and counselling records, and the SOLA scheme, and who routes them to the specialist support they need. It turns 'did the victim happen to read the right leaflet' into 'someone whose job was the victim told them.' The entitlement should be triggered by the victim's disclosure of a sexual offence, not by how the case is eventually charged — because, as Recommendation 19 sets out, the offence is too often never charged as one.

Recommendation 14. Complainants in serious sexual offence cases should have a non-means-tested entitlement to independent legal representation — their own solicitor — on the same equality-of-arms principle that guarantees representation to the accused. It should attach at the point the victim discloses a sexual offence, not at charge; it should be deliverable through an accredited solicitor of the victim's own choosing or through the SOLA scheme; and the first-contact solicitor's role should expressly include advising the victim of, and routing them to, the specialist SOLA support and the protections around disclosure and sexual-history evidence (see Recommendations 11 and 19). No victim should be left, as some are now, paying privately or going into debt for representation the accused receives as of right.

Six months later, the family notices: *from the day she reported, she had her own solicitor — the first person in the whole process who was there for her, and not for the case against him.*

Part Three — hate crime special measures: welcome, and a question of consistency

We welcome the automatic eligibility of hate-crime victims for consideration of special measures, and the prohibition on those charged with hate-crime-aggravated offences cross-examining witnesses in person. We observe only that the Bill extends these protections offence-type by offence-type. The cumulative effect is a patchwork in which a victim's access to protection can depend on the label attached to the offence rather than on their vulnerability or the impact on the quality of their evidence.

Recommendation 15. The Committee should consider whether special-measures eligibility is better organised around the needs and vulnerability of the witness than around a lengthening list of qualifying offence types, so that equally vulnerable victims are not treated differently because of how their case happens to be charged.

The court as a place — protections on the record, not in the building

The Bill's special-measures provisions improve how a victim gives evidence — by live link, from behind a screen, and without direct cross-examination by the accused. They do not touch the experience of attending court in the first place, which for many victims remains the opposite of victim-centred. Many court buildings are old and constrained, and we do not underestimate the estate challenge. But the principle is already conceded: the Remote Evidence Centres established under Gillen (Recommendation 9 of the Review) exist precisely so that vulnerable witnesses need never encounter the defendant in or around the court building. The difficulty is that this protection

reaches only those allocated a Centre or a special measure; for everyone else, the building is as it always was.

In practice, victims and defendants frequently share a single security entrance and are screened at much the same time, and in some courts a single central waiting area serves everyone. A victim may be shown to a small witness-support room — but if they need to use the toilet, the only route runs back through the shared waiting area, and if it is occupied they must wait there, feet from the defendant and their supporters. A protection that exists on the record means little to a person who has just had to stand beside the accused to reach the only available toilet.

The Remote Evidence Centres are not a complete answer to this, for three reasons. They are generally available only for the trial itself, not for the pre-trial hearings at which a victim might wish to follow what is happening in their own case; they are not offered automatically — the victim must know to ask, and the prosecution does not request one as a matter of course; and they are least available in the magistrates' courts, through which almost every case passes on its way to the Crown Court.

Recommendation 16. Segregated entry, waiting and welfare facilities for victims and witnesses should be treated as a Charter standard the Commissioner monitors and reports on. In addition, for rape, sexual assault and domestic abuse cases proceeding to the Crown Court, use of a Remote Evidence Centre should be the presumption rather than something the victim must request — arranged unless the victim chooses to attend in person, and settled with the victim well before the trial rather than in its final days. The Committee should also consider how victims can safely follow the pre-trial hearings in their own case, for which no remote facility is currently available to them.

Six months later, the family notices: *she reaches the courtroom without once having had to stand beside the person accused of harming her.*

The gap the Bill leaves out — independent advocacy (IDVAs and ISVAs)

The Bill is silent on independent domestic and sexual violence advocacy. England and Wales placed Independent Domestic Violence Advisers (IDVAs) and Independent Sexual Violence Advisers (ISVAs) on a statutory footing through the Victims and Prisoners Act 2024, with a duty to issue guidance recognising the role. Northern Ireland has no equivalent statutory recognition and no consistently commissioned programme, despite sustained support for one across the sector and in the academic literature.

This matters because, in our casework, the single factor that most changes a victim's journey is whether one identified person stays with them across it — precisely the function an IDVA or ISVA performs. It is the answer, in a role, to the 'no owner, no clock, no visibility' problem that runs underneath the whole Bill: the Commissioner cannot act for the individual, and the SOLA right reaches only one category of victim at one stage of the process. Independent advocacy is what holds the person's whole journey together.

Recommendation 17. The Bill should recognise independent advocacy — IDVAs and ISVAs — on a statutory footing: whether through a duty on the Department to issue guidance mirroring the 2024 Act, through the Commissioner's remit, or through the Charter; and Northern Ireland should move toward a consistently commissioned advocacy offer rather than a patchwork of short-term funding. Of everything in this submission, this is the reform most likely to be recognised at the kitchen table.

Six months later, the family notices: *one person stayed with them the whole way through — and knew the system well enough that they did not have to.*

Independent advocacy is the fullest form of this, but there is a floor beneath it that no victim should fall below. A victim can be in contact at once with the police, the prosecution, the Victim and Witness Care Unit, a victim support service, a specialist domestic abuse service and their own GP — each with a different role and remit, and none owning the whole. The victim is left to work out for themselves who to call at each point, is passed from one to another, and often simply gives up and waits to be contacted. The silence has no owner.

The same absence of ownership means victims are not reliably told when key hearings take place — including, in some cases, the sentencing of a person who has pleaded guilty — and so lose the chance to give their victim personal statement, to hear the court's decision, and to reach any sense of resolution. An entitlement to be heard is worthless if no one tells the victim the hearing is happening.

Recommendation 18. Every victim should have an identified point of contact and an accountable service at each stage of the process — a floor beneath the fuller independent-advocacy offer of Recommendation 17 — with a backup when that contact is unavailable. A name on an initial letter is not enough: cases can last years, staff change and responsibilities move, and the protection must survive those changes. When responsibility transfers, the outgoing service should retain it until the receiving service confirms the handover, and the victim should be told who their new contact is, what that person is responsible for, when they will next hear from them, and how to raise a missed update. That responsibility should expressly include timely notification of all key hearings, including sentencing and hearings following a guilty plea, and ensuring the opportunity to make a victim personal statement is explained and facilitated in practice, not merely available on paper.

Six months later, the family notices: *there was one number to call, one person who knew the case — and no hearing, not even the sentencing, happened without her being told.*

A further gap — sexual offences unrecognised within domestic abuse

Across our casework we see a consistent and serious pattern. Victims of domestic abuse and coercive control disclose to police, in the course of those investigations, that they did not consent to sexual activity — that they were raped or sexually assaulted within the relationship. Repeatedly, this is not taken forward as a sexual offence. The perpetrator is charged with coercive control, or assault; the sexual offence is never named, never investigated as such, and the victim is never told that a Sexual Offences Legal Adviser exists to support them. Among many such cases, not one of our clients who disclosed non-consensual sex within an abusive relationship was ever advised of the SOLA service. We are also aware of cases in which a victim gave a full ABE interview about rape and sexual assault and, years later, has never received any response at all on those allegations.

This is the enforcement side of the threshold problem described in Part Two. The consent-within-a-relationship gap is not only that victims do not recognise these offences in themselves; it is that the system does not recognise them either. A legal-advice architecture built around serious sexual offences cannot reach these victims if the offence is never recorded as one.

Recommendation 19. Where a victim discloses non-consensual sexual activity in the course of a domestic abuse or coercive control investigation, that disclosure should be recorded and assessed as a potential sexual offence in its own right, and the victim advised of, and routed to, independent legal advice through the SOLA scheme. The victim should be informed of the assessment and of any decision, with reasons so far as lawfully possible. This does not require a predetermined

charging outcome; it requires an identifiable decision-making process, so that the allegation is not lost within the wider account of abuse.

Six months later, the family notices: *the rape she reported inside an abusive relationship was finally recognised as a rape — and she was told there was someone who could help.*

After the verdict — where the journey does not end

The Bill, like the system it oversees, treats the victim's journey as ending when the case does. When the verdict is delivered, the criminal justice system records that justice has been done and moves on. For the victim, the harm does not end at the court door — but the support, such as it was, very often does. There is rarely any aftercare, any handover, or anyone whose role is to see what happens to the person next. Having followed the victim from report to trial, a victim-centred Bill cannot fall silent at exactly the point the system does.

This is the closing instance of the pattern named in Recommendation 4: aftercare falls into the space between criminal justice and health, community and voluntary services, and because no one's remit follows the victim past verdict, it belongs to nobody. That the Commissioner oversees criminal justice, while aftercare reaches into other systems, is not a reason to ignore the cliff-edge — it is the reason the cliff-edge exists.

The one clear point at which a victim retains a continuing, statutory interest after sentencing is the parole process — which is itself proof that post-case engagement is not purely someone else's job. In our response to the consultation on improving victim engagement in the parole process, we argued that participation must translate into protection, and that information must enable safety rather than simply awareness: a victim cannot take reasonable steps to protect themselves if they are denied the information needed to assess the risk. The same principle should run through the whole of the post-verdict period, not only parole.

Recommendation 20. The Commissioner's remit and the Victim Charter should expressly extend beyond the conclusion of the case — to recognise and report on post-case support, the handover to services beyond criminal justice, and the victim's continuing interests after verdict and sentence, including at parole. At minimum, the Commissioner should be able to see, and report on, what happens to victims after the system has recorded that its work is done.

Six months later, the family notices: *when the case ended, someone was still there — the door did not simply close behind her.*

Commencement and delivery — a right not yet in force

A protection that has been legislated but not commenced has not yet reached anyone. Clause 29 leaves commencement of the substantive provisions to dates the Department will appoint, and the financial memorandum anticipates delivery largely within existing resources, with some business cases and approvals to follow. The Committee should therefore press not only for the right provisions, but for a clear account of when each will come into force and what must be in place — staffing, training, funding — for it to work. Where a new duty is to be absorbed by an existing service, the Committee should know how that service will carry it alongside its current load. This is the same concern that leaves so many Gillen recommendations legislated in principle but unfelt in practice.

Recommendation 21. The Department should be required to publish an implementation plan within six months of Royal Assent — setting out commencement dates for each provision, the regulations required, staffing and training needs, costs and funding arrangements, and the official responsible for each action — and to report progress to the Committee, explaining any missed milestone and giving a revised date. The Bill should also set a backstop date by which the substantive provisions must be commenced, or by which the Department must report to the Assembly explaining why not; and commencement of the criminal-evidence provisions should be sequenced with the legislation they depend on — the Criminal Justice (Sentencing etc) legislation for the hate-crime provisions, and committal reform for the section 5 amendment. A right the family cannot yet use is not yet a right they have.

Six months later, the family notices: *she could find out when the protection she was promised would actually arrive — and who must answer if it did not.*

The Kitchen Table Test — the Bill as drafted

Imagine the Bill commenced and implemented perfectly. Six months later, sit at the family's kitchen table. What does the next family notice?

They still tell their story separately to every agency. They are still not told when things go wrong. The silence between agencies still belongs to nobody. The difference is that somewhere in Belfast, a Commissioner is compiling statistics about it — and each agency will respond to the annual report, explaining why.

That is the honest reading, and it is offered in good faith. The Bill is not wrong; as drafted, it improves the organisation chart more than the experience. Our recommendations exist to close that distance.

Summary of recommendations

#	Recommendation	Anchor
1	Secure the office's founding aim (Clause 2) and its express independence from the Department	Cl. 1(2), 2, 16(5); Sch 1
2	Close the 'comply-or-explain' exit doors; publish refusals and lay before the Assembly	Cl. 13(2)(b), 19
3	Measure victims' experience, not only the system's compliance	Cl. 11(3), 18(2)
4	Make failures between agencies visible, and extend the regime to the services victims rely on	Cl. 9, 12, 14(2)(b)
5	A mandatory Lived Experience Advisory Panel with a duty to respond	Cl. 7
6	A statutory Duty of Candour on Charter service providers	New Part 1 duty
7	From complaint-counting to verifiable organisational learning	Cl. 14, 18(2)
8	An own-initiative power of thematic review	Cl. 8(2)
9	Recognise bereaved families, and define 'victim' by harm not by charge	Cl. 21, 16(4)

#	Recommendation	Anchor
10	A published Victim Impact Assessment duty for future justice policy	Cl. 3(3)
11	Actively offer the SSO legal entitlement at first contact, not by referral	SSO provisions
12	Extend independent legal advice earlier and more broadly, incl. DA/coercive control, with awareness function	SSO provisions
13	Draw the statutory entitlement to match the breadth of need, on a funded footing	SSO provisions
14	The victim's own solicitor on an equality-of-arms basis — non-means-tested, from the point of report, routing to SOLA	SSO / legal aid
15	Organise special measures around witness need, not offence label	Hate crime provisions
16	Segregated entry, waiting and welfare facilities as a monitored Charter standard	Charter / court estate
17	Recognise IDVAs and ISVAs on a statutory footing	New / Charter / remit
18	A single named point of contact who keeps the victim informed of every hearing, and upholds their victim personal statement	Charter / remit
19	Recognise and assess sexual offences disclosed within domestic abuse cases, and route victims to legal advice	SSO / policing
20	Extend the Commissioner's remit and the Charter beyond the end of the case — aftercare, handover and parole	Charter / remit
21	Require a costed implementation plan and a commencement backstop, sequenced with related legislation	Cl. 29 / delivery

Conclusion

This Bill is a real opportunity to reshape how Northern Ireland supports victims and witnesses. Its greatest potential lies not in creating a new office or adding reporting requirements, but in driving a shift towards transparency, organisational learning, trauma-informed practice, and genuine partnership with those who have lived experience of the justice system — and in ensuring the individual support the Bill already recognises for one group of victims reaches everyone who needs it.

We ask the Committee to strengthen the Bill by embedding lived experience in decision-making, closing the accountability exit doors, measuring what victims actually experience, making the failures between agencies visible, ensuring the legal entitlement reaches the isolated as well as the informed, and recognising independent advocacy in law. Justice should not be judged solely by the outcome of a case, but by how every person is treated throughout their journey. Before anything in this Bill is settled, we invite the Committee to read each provision against one question: would the person recognise this? Where they would not, it can still be changed.