

Submitted to Victims and Witnesses of Crime Bill
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Introduction

Confirmation of having read the Northern Ireland Assembly Committee's Privacy Notice.

I confirm that I have read the privacy notice.:

Yes

What is your name?

Name:

Anna Kahill

What is your email address?

Email:

If you are providing a submission on behalf of an organisation or business, please state its name.

Organisation:

The Committee for Justice has agreed to publish all responses as part of the survey results. If you would like to have your survey results anonymised and for us not to publish your name or organisation, please indicate so here.

I am content for my information, including details of my name and organisation, to be published in the survey results.

Clauses 1 and 2 - The Commissioner

Clause 1 establishes the Commissioner for Victims and Witnesses of Crime for Northern Ireland, who will be appointed by the Department of Justice. It introduces Schedule 1 which relates to the constitution and operation of the Commissioner and the office. Do you agree with Clause 1 and Schedule 1 of the Bill?

Yes

Please provide information to support your answer here::

I broadly agree with the establishment of a Commissioner for Victims and Witnesses of Crime. Northern Ireland has long needed an independent voice to champion the rights and experiences of victims and witnesses, particularly those whose cases never reach court.

However, I have concerns regarding the Commissioner's independence. The Commissioner is appointed, funded and, in certain circumstances, removable by the Department of Justice. While accountability is important, the legislation should ensure that the Commissioner is sufficiently independent to scrutinise and challenge the justice system without any perception of influence from the Department they oversee. Public confidence in the role will depend not only on actual independence but on perceived independence.

As someone who has experienced the criminal justice process as a victim, I believe this role has the potential to improve victims' experiences, provided it has genuine authority, adequate resources and operational independence.

Clause 2 provides that the principal aim of the Commissioner is to promote the interests of victims and witnesses. Do you agree with Clause 2 of the Bill?

Yes

Please provide information to support your answer here::

Yes. I agree that the principal aim of the Commissioner should be to promote the interests of victims and witnesses. However, I believe this should explicitly include representing the interests of victims whose cases do not proceed to court or prosecution. Too often, these victims disappear from the conversation despite experiencing many of the same harms and systemic challenges.

The Commissioner should also promote equitable treatment of all victims, including those who are neurodivergent or otherwise vulnerable, ensuring that their needs and communication differences are properly understood throughout the justice process. Promoting victims' interests should include identifying systemic barriers, challenging harmful assumptions, and advocating for improvements across the criminal justice system, not simply supporting victims once they have entered it.

Do you have anything further to add on Clause 1 or 2 or Schedule 1 of the Bill?

Yes

Please provide any further information relating to Clause 1 here::

I welcome the creation of a Commissioner for Victims and Witnesses of Crime and believe the role has the potential to improve confidence in the justice system. However, its success will depend on its independence, visibility and willingness to challenge systemic failings where they exist.

I would like to see the Commissioner explicitly recognise that many victims never reach the courtroom. In Northern Ireland, the majority of reported sexual offences do not result in prosecution. Those victims still have experiences that matter and deserve to be represented just as strongly as those involved in criminal trials.

I also believe the Commissioner should have a strong focus on vulnerable victims, including autistic and other neurodivergent people. Communication differences, trauma responses and delayed reporting are still too often misunderstood, resulting in assumptions that can affect how credibility is assessed and how victims experience the justice system.

Finally, I would encourage the Commissioner to use lived experience to inform their work. Regular engagement with victims from a wide range of backgrounds—not only those whose cases resulted in prosecution or conviction—will help ensure the office reflects the realities of the justice system and drives meaningful reform.

Clauses 3 to 8 - Functions of the Commissioner

Clause 3 provides that the Commissioner must: promote an understanding of the rights of victims and witnesses and an awareness of matters relating to their interest; keep the law and practice relating to victims and witnesses under review to ensure adequacy and effectiveness; advise the Northern Ireland Executive or Departments on issues concerning victims and witnesses; and must take steps to raise awareness of the role and functions of the Commissioner, encourage victims and witnesses to engage with their office and seek the views of victims and witnesses regarding the exercise of the Commissioner's functions. Do you agree with these as suitable for the general duties for the role of Commissioner?

Yes

Please provide information to support your answer here::

Yes. I agree these are appropriate core duties for the Commissioner. However, I believe there are several areas that should be strengthened.

The duty to review the adequacy and effectiveness of law and practice should explicitly include examining the experiences of victims whose cases do not result in prosecution or do not reach court. These victims make up a substantial proportion of those engaging with the criminal justice system, yet their experiences can be overlooked because they are not visible within court processes.

The Commissioner should also have a clear responsibility to identify and report on systemic barriers affecting vulnerable victims, including autistic and other neurodivergent people, whose communication styles and trauma responses may be misunderstood. This should include promoting trauma-informed and neurodiversity-informed practice across all criminal justice agencies.

I also believe the Commissioner should have a role in reviewing systemic issues within criminal injuries compensation schemes. Compensation decisions can require officials to make judgments about victims' credibility and behaviour. It is essential that these decisions are informed by current psychological evidence on trauma and neurodivergence, rather than assumptions about how a "genuine" victim would be expected to think, feel or behave. This forms an important part of many victims' overall experience of the justice system.

Finally, while encouraging victims to engage with the Commissioner is welcome, meaningful engagement should include regular consultation with victims from diverse backgrounds and with different justice outcomes, ensuring that policy recommendations are informed by lived experience rather than only by those whose cases progress through the courts.

Clause 4 provides the general powers of the Commissioner including the power to conduct, fund or support research or education activities; to compile information; provide advice and information; publish any matter concerning the interests of victims or witnesses of crime; and to make representations and recommendations to any body or person concerning the interest of victims or witnesses. Do you agree with the general powers as outlined in Clause 4?

Yes

Please provide information to support your answer here::

Yes. I agree with the general powers set out in Clause 4. However, I believe the Commissioner should make full use of these powers to identify and publish evidence of systemic issues affecting victims and witnesses across the criminal justice system.

Research should include the experiences of victims whose cases do not proceed to prosecution, as well as those involved in court proceedings, to ensure that policy is informed by the experiences of all victims rather than only a minority.

I also believe the Commissioner should be able to examine issues arising within criminal injuries compensation processes where these form part of victims' wider criminal justice experience. Research and recommendations should consider whether decision-making is trauma-informed, evidence-based and free from assumptions or misconceptions about victim behaviour, particularly for autistic and other neurodivergent victims.

Finally, I encourage the Commissioner to publish regular thematic reports identifying recurring issues and recommending practical reforms. This would improve transparency, accountability and public confidence in the justice system.

Are there any other powers that you believe the Commissioner should have?

Yes

If yes, what should they be?:

Yes. I believe the Commissioner should have the power to require public bodies to formally respond to recommendations within a specified timeframe, explaining whether they accept them and, if not, why not. This would strengthen accountability and help ensure that recommendations lead to meaningful change rather than being noted and disregarded.

I also believe the Commissioner should have the power to undertake thematic reviews of any part of the criminal justice system that significantly affects victims, including administrative processes such as criminal injuries compensation. While the Commissioner should not intervene in individual cases, they should be able to investigate patterns of decision-making where evidence suggests recurring problems, such as the use of trauma misconceptions or unsupported assumptions when assessing credibility.

Finally, I believe the Commissioner should have the power to request anonymised data from criminal justice agencies to monitor outcomes for different groups of victims, including autistic and other neurodivergent people. Without good quality data, it is difficult to identify inequalities, measure progress or recommend evidence-based reforms.

Clause 5 stipulates that the Commissioner must review the operation and the effectiveness of the Victim and the Witness Charters at least every 3 years or as directed by the Department; prepare a report and, in doing so, consulting the Department and any other person the Commissioner considers appropriate; and publish a report. . Do you agree with the provisions at Clause 5?

Yes

Please provide information to support your answer here::

Yes. I agree that the Commissioner should regularly review the operation and effectiveness of the Victim and Witness Charters. However, I believe the review process could be strengthened.

Three years may be too long between routine reviews, particularly if evidence emerges of recurring problems affecting victims. The Commissioner should be able to undertake additional reviews where significant systemic concerns arise.

The reviews should actively seek the views of victims with a wide range of experiences, including those whose cases did not proceed to prosecution or court. The effectiveness of the Charters should not be measured solely by those who complete the criminal trial process.

I also believe the reviews should assess whether the Charters are being implemented in a trauma-informed and neurodiversity-informed way across all criminal justice agencies. Particular attention should be given to whether victims are treated fairly regardless of reporting delays, trauma responses or communication differences.

Finally, where reviews identify significant shortcomings, public bodies should be required to publish a formal response explaining what action they will take. This would improve accountability and help ensure that reviews lead to meaningful improvements for victims and witnesses.

Clause 6 provides that the Commissioner may issue guidance on best practice in relation to any matter concerning the interests of victims and witnesses and that this must be taken into regard by persons exercising public functions; and makes provision in respect of revision, consultation and publication of the guidance. It also prohibits the Commissioner from issuing guidance to a court or tribunal. Do you agree with Clause 6 of the Bill?

Yes

Please provide information to support your answer here::

Yes. I agree that the Commissioner should be able to issue guidance on best practice for organisations working with victims and witnesses.

The guidance should be firmly grounded in current research, psychological evidence and the lived experiences of victims. It should promote trauma-informed and neurodiversity-informed practice across all criminal justice agencies, including a better understanding of delayed reporting, trauma responses, communication differences and the barriers faced by autistic and other vulnerable victims.

I also believe the Commissioner should issue guidance where recurring systemic issues are identified, particularly where assumptions or misconceptions about victim behaviour may influence decision-making. Guidance should help ensure that professionals understand that there is no single "correct" way for a victim to think, behave or disclose after trauma.

While I support the prohibition on issuing guidance directly to courts or tribunals in order to protect judicial independence, I would encourage consideration of how the Commissioner could contribute to judicial education and professional training on trauma, neurodiversity and victim behaviour, while fully respecting the independence of the judiciary.

Finally, I believe public bodies should not only be required to have regard to the Commissioner's guidance, but should also be expected to explain publicly where they choose not to follow it. This would strengthen accountability while still allowing organisations to depart from the guidance where there are legitimate reasons for doing so.

Clause 7 grants the Commissioner the power to establish advisory groups to provide support and information to the Commissioner on matters related to the Commissioner's functions. The Commissioner will determine membership of the group(s) and how expenses will be reimbursed. The Commissioner may also determine the procedure of any advisory group. Do you agree that the Commissioner should have the power to establish advisory groups?

Yes

Please provide information to support your answer here::

Yes. I agree that the Commissioner should have the power to establish advisory groups.

Advisory groups should reflect the diversity of victims' experiences and should not be limited to representatives of organisations alone. They should include people with lived experience from a broad range of backgrounds, including victims whose cases did not proceed to prosecution or court, as well as victims from underrepresented groups such as autistic and other neurodivergent people.

Membership should be transparent and include a balance of lived experience, professional expertise and academic research. Consideration should also be given to including experts in trauma psychology, neurodiversity and victim support to ensure advice is informed by current evidence.

I also believe the Commissioner should periodically review the membership of advisory groups to ensure a wide range of perspectives are represented and that no single organisation or viewpoint dominates. The criteria for selecting members should be published to promote openness and public confidence.

Finally, people with lived experience should be fairly remunerated for their time and expertise. Survivors should not be expected to contribute solely on a voluntary basis when their insight is essential to improving policy and practice. Recognising lived experience as valuable expertise would encourage broader participation and demonstrate that victims' contributions are genuinely valued.

Do you agree that the Commissioner should have the power to determine the membership of advisory groups?

Yes

Please provide information to support your answer here::

Yes. I agree that the Commissioner should determine the membership of advisory groups, as this allows flexibility to ensure the groups have the appropriate expertise and lived experience.

However, the appointment process should be transparent and based on published criteria. Advisory groups should reflect the diversity of victims' experiences, including those whose cases did not proceed to prosecution or court, victims from underrepresented communities, and autistic and other neurodivergent victims. Membership should include a balance of people with lived experience, practitioners and researchers, and appointments should be reviewed periodically to ensure a broad range of perspectives is maintained.

Clause 8 provides that the Commissioner cannot become involved in an individual case or intervene in criminal or related proceedings. Do you support the restriction proposed in Clause 8?

No

Please provide information to support your answer here::

No. While I agree that the Commissioner should not interfere with criminal trials or judicial decision-making, I believe the restriction is too broad. Victims should be able to ask the Commissioner to review individual cases where there is evidence that a public body involved in the criminal justice system may have failed to apply victims' rights, trauma-informed practice or evidence-based decision-making. This is particularly relevant to administrative processes such as criminal injuries compensation, where officials make important judgments about credibility and entitlement. The Commissioner should not replace existing appeal mechanisms, but should have the discretion to intervene where an individual case raises serious concerns about fairness or reveals potential systemic failings. Such intervention could lead to recommendations or referrals, helping to prevent similar problems affecting other victims in the future.

Do you have anything further to add in relation to Clauses 3 to 8 of the Bill?

Yes

Please provide information to support your answer here::

Overall, I welcome the proposed powers and duties of the Commissioner and believe the role has the potential to make a significant difference to victims and witnesses in Northern Ireland.

Throughout these provisions, I encourage a strong emphasis on systemic learning. Too often, individual experiences reveal recurring problems that are never identified because they are viewed in isolation. The Commissioner should have the resources and authority to identify patterns across agencies, publish findings and drive meaningful reform.

I also believe it is essential that the Commissioner considers the experiences of victims whose cases do not proceed to prosecution or court. These victims represent a substantial proportion of those engaging with the criminal justice system, yet they can become largely invisible within policy discussions despite facing many of the same challenges and harms.

Particular attention should also be given to ensuring that criminal justice policies and practices are informed by current psychological evidence on trauma and neurodiversity. Assumptions about how victims are expected to behave can influence decision-making at multiple stages of the justice process, including within administrative processes such as criminal injuries compensation. The Commissioner's work should help ensure that decision-making across the justice system is evidence-based, trauma-informed and fair.

Finally, I believe the Commissioner should be highly visible, accessible and proactive, engaging regularly with victims, victim organisations, researchers and professionals. The role should not simply respond to concerns as they arise but should actively identify emerging issues, promote best practice and act as a catalyst for continuous improvement across the criminal justice system.

Clauses 9 to 15 - Charter service providers

Clause 9 lists the criminal justice agencies which are specified as "charter service providers". Do you agree with the list of bodies specified in Clause 9?

Yes

Please provide information to support your answer here::

Yes. I agree with the list of charter service providers set out in Clause 9, particularly the inclusion of services operating under the Criminal Injuries Compensation (Northern Ireland) Order 2002. Victims' experiences of the criminal justice system extend beyond police investigations and court proceedings, and compensation processes can have a significant impact on confidence in the justice system.

I would encourage the Commissioner to ensure that all charter service providers, including those responsible for criminal injuries compensation, apply the Victim Charter in a trauma-informed, evidence-based and neurodiversity-informed way. This includes ensuring that decision-making is fair, transparent and free from unsupported assumptions about how victims are expected to think, behave or disclose after traumatic events.

I also welcome the power to add further criminal justice agencies in the future if gaps in victim support or accountability are identified.

Do you believe that there are any other criminal justice agencies that should be added to the list?

Yes

Please provide information to support your answer here::

I believe consideration should be given to including any organisations or providers that undertake forensic medical examinations or other specialist functions that form part of the criminal justice process for victims of crime, where they are not already covered through existing arrangements.

The list should also remain flexible so that any organisation which takes on significant responsibilities affecting victims' rights or experiences within the criminal justice system can be brought within the Commissioner's oversight. Victims often experience the justice system as a whole rather than as separate organisations, so accountability should reflect the entire journey rather than only its individual parts.

Do you believe that any of the agencies listed should be removed from the list?

No

Please provide information to support your answer here::

No. I believe all of the agencies listed can have a significant impact on victims' experiences of the criminal justice system and should therefore remain within the Commissioner's oversight. Effective oversight should extend across the victim's entire journey, including policing, prosecution, courts, prisons, probation and criminal injuries compensation. Rather than reducing the number of agencies covered, the focus should be on ensuring that all agencies consistently uphold the Victim Charter and are held accountable where standards are not met.

Clause 10 requires the Commissioner to monitor compliance with the Victim Charter and enables the Commissioner to request information from a charter service provider. It requires charter service providers to comply with such a request as far as is practical. Do you agree with the purpose stated for Clause 10?

Yes

Please provide information to support your answer here::

Yes. I agree that the Commissioner should monitor compliance with the Victim Charter and have the power to request information from charter service providers. Effective oversight depends on access to accurate and timely information.

However, I believe this provision could be strengthened. Charter service providers should not only provide information where reasonably practicable but should also explain publicly where they are unable or unwilling to do so. This would improve transparency and accountability.

I also believe compliance monitoring should assess not only whether services have technically met the requirements of the Victim Charter, but whether victims have genuinely experienced those rights in practice. The quality of victims' experiences should be considered alongside procedural compliance.

Finally, the Commissioner should be able to identify recurring patterns of non-compliance and publish thematic reports highlighting areas for improvement. This would help drive systemic change across the criminal justice system, including administrative services such as criminal injuries compensation, where compliance with the Victim Charter is equally important to victims' confidence in the justice system.

Clause 11 provides that charter service providers must collect and retain data in relation to the provision of services set out in the Victims Charter and to provide statistical information to the Commissioner. The Department must make regulations setting out how the particular statistics, or category of statistics to be provided to the Commissioner are to be determined. The Department must consult with the Commissioner and charter services providers it considers appropriate before making regulations, which will be subject to the draft affirmative procedure. Do you agree with the intent behind Clause 11?

Not Answered

Please provide information to support your answer here::

Yes. I strongly support the collection and publication of data relating to compliance with the Victim Charter. Good policy depends on good evidence, and meaningful oversight requires robust, accurate and transparent data.

However, it is important that the data collected goes beyond simple activity measures. It should help identify whether different groups of victims experience the justice system differently and whether there are inequalities in outcomes or access to services.

I encourage the Department and the Commissioner to collect and publish anonymised data, where appropriate, on characteristics such as disability and neurodivergence, alongside information on victims' progression through the criminal justice system. This would help identify whether autistic and other vulnerable victims experience different outcomes or barriers and support evidence-based improvements.

The Commissioner should also receive data relating to victims whose cases do not proceed to prosecution or court, as well as data from criminal injuries compensation services. These stages form an important part of many victims' justice journeys but are often overlooked when evaluating how effectively the system supports victims.

Finally, the statistics should be published regularly in an accessible format to promote transparency, allow public scrutiny and enable progress to be measured over time.

Clause 12 allows the Department to extend the provisions regarding the Victim Charter at Clauses 10 and 11 to the Witness Charter. Are you content with Clause 12?

Yes

Please provide information to support your answer here::

Yes. I support the provision allowing the protections relating to the Victim Charter to be extended to the Witness Charter. Witnesses play a vital role in the criminal justice system and should also benefit from effective oversight, accountability and transparency.

However, I note that Clause 12 provides that the Department may extend these provisions, rather than requiring it to do so. I would encourage the Department to implement these provisions within a clear timeframe, unless there are compelling reasons not to. Consistent monitoring of compliance and the collection of meaningful data should apply equally to both the Victim Charter and the Witness Charter wherever appropriate.

Any extension should also ensure that the needs of vulnerable witnesses, including autistic and other neurodivergent people, are properly recognised. Guidance, monitoring and data collection should take account of how trauma, communication differences and additional support needs may affect witnesses' experiences of the justice system.

Extending these provisions would help promote a more consistent, transparent and evidence-based approach across the criminal justice system and strengthen public confidence in how victims and witnesses are treated

Clause 13 relates to co-operation with the Commissioner and states a charter service provider must comply or provide the reasons for non-compliance. Do you have any comments on Clause 13?

Yes

Please provide information to support your answer here::

Yes. I welcome the requirement for charter service providers either to co-operate with the Commissioner or to explain why they cannot do so. This is an important accountability mechanism.

However, I believe the reasons for non-compliance should be recorded and, wherever appropriate, published. Transparency is essential if the Commissioner is to identify recurring barriers to co-operation and hold public bodies accountable.

Where a charter service provider repeatedly fails to co-operate without good reason, I believe the Commissioner should have the power to report this

publicly and make recommendations for improvement. This would encourage meaningful engagement with the Commissioner's work and strengthen public confidence in the oversight process.

Effective oversight depends not only on the Commissioner's ability to request information, but also on the willingness of public bodies to engage openly and constructively. The expectation should therefore be one of full co-operation unless there is a clear and legitimate reason why this is not possible.

Clause 14 relates to the duty to record and report on complaints received in each financial year that relate to alleged breaches of Victim or Witness Charter entitlements and the outcome of each complaint. Do you agree with Clause 14 of the Bill?

Yes

Please provide information to support your answer here::

Yes. I agree that charter service providers should be required to record and report complaints relating to alleged breaches of the Victim and Witness Charters. Complaints provide valuable information about how victims and witnesses experience the criminal justice system and can help identify areas where improvements are needed.

However, the purpose should extend beyond simply counting complaints. The Commissioner should be able to analyse complaint trends across all charter service providers to identify recurring systemic issues and publish thematic reports with recommendations for improvement.

I also believe reports should include information about the nature of complaints, how they were resolved, the time taken to resolve them and any actions taken to prevent similar issues occurring again. This would provide a more meaningful picture of how effectively organisations are responding to concerns.

Where complaints concerning alleged breaches of the Victim or Witness Charters are upheld by the Northern Ireland Public Services Ombudsman, these findings should be shared with the Commissioner to inform monitoring, thematic reviews and recommendations for systemic improvement.

Where appropriate, anonymised information should also be collected on protected characteristics, including disability and neurodivergence, to help identify whether particular groups of victims experience disproportionate barriers or recurring problems. This would support evidence-based improvements and promote more equitable outcomes across the criminal justice system.

Clause 15 relates to the disclosure of information between charter service providers and the Commissioner if the information would assist or enable the Commissioner to carry out their functions. These disclosure powers are subject to restrictions set out in subsections (3) to (5) – namely, they do not override patient confidentiality, data protection legislation or prohibitions on disclosure in the Investigatory Powers Act 2016. The sharing of information does not affect any other power that exists to disclose information. Do you support the intention behind Clause 15?

Yes

Please provide information to support your answer here::

Yes. I support the intention behind Clause 15. Effective oversight depends on the Commissioner having access to the information necessary to identify systemic issues, monitor compliance with the Victim Charter and make evidence-based recommendations.

I also support the safeguards protecting patient confidentiality, data protection and other legal restrictions on disclosure. Maintaining public trust requires that personal information is handled lawfully, proportionately and securely.

However, these safeguards should not become an unnecessary barrier to identifying systemic problems. Wherever possible, anonymised or aggregated information should be shared with the Commissioner to enable effective oversight while protecting individuals' privacy.

I also encourage greater information sharing where it helps identify recurring issues affecting victims across multiple agencies. Effective collaboration and the sharing of anonymised data can improve accountability, reduce duplication and support more consistent, trauma-informed and evidence-based services throughout the criminal justice system.

Do you believe that there should be other restrictions to the disclosure of information other than those set out in subsections (3) to (5)?

No

If yes, what other restrictions should be placed on the disclosure of information between charter service providers and the Commissioner?

Please provide information to support your answer here::

Do you have anything further to add in relation to Clauses 9 to 15 of the Bill?

Not Answered

Please provide information to support your answer here::

Overall, I welcome the measures in Clauses 9 to 15, particularly the emphasis on accountability, transparency and monitoring compliance with the Victim Charter. These provisions have the potential to improve public confidence and ensure that victims' rights are not only recognised in principle but

monitored in practice.

I encourage the Commissioner to take a whole-system approach to oversight. Victims experience the criminal justice system as a continuous journey rather than as separate organisations, and the Commissioner should be able to identify recurring issues across agencies rather than considering each organisation in isolation.

I particularly welcome the inclusion of criminal injuries compensation within the definition of charter service providers. For many victims, compensation forms an important part of their justice journey, and it is essential that these processes are also monitored to ensure they are trauma-informed, evidence-based and consistent with the Victim Charter.

The success of these provisions will depend on the quality of the data collected and how it is used. Data should not simply demonstrate compliance but should be analysed to identify patterns, inequalities and opportunities for improvement. Wherever possible, anonymised information should be used to monitor outcomes for different groups of victims, including autistic and other neurodivergent people, and for victims whose cases do not proceed to prosecution or court.

Finally, I encourage close collaboration between the Commissioner and other oversight bodies, including the Northern Ireland Public Services Ombudsman, where this can help identify recurring systemic issues affecting victims while respecting the independence and statutory roles of each organisation.

Clauses 16 to 19 - Strategic plan, business plans and annual reports

Clauses 16 requires the Commissioner to prepare a strategic plan setting out objectives and priorities, how they will be achieved and how the outcomes will be monitored. The Commissioner must specify groups of victims and witnesses to whom they will have particular regard and why. The Commissioner may review the strategic plan at any time during their tenure. Clause 17 requires the Commissioner to send an annual business plan to the Department of Justice setting out how they propose to carry out the Commissioner's functions. Do you agree with the provisions at Clauses 16 and 17?

Yes

Please provide information to support your answer here::

Yes. I agree that the Commissioner should prepare both a strategic plan and annual business plans. Clear objectives, measurable outcomes and public reporting are essential for transparency, accountability and effective oversight.

I particularly welcome the requirement for the Commissioner to identify groups of victims or witnesses who will receive particular attention during their term of office. However, I believe this should be informed not only by consultation with the Department, but also by meaningful engagement with victims, victim organisations, researchers and other stakeholders. The Commissioner's strategic priorities should be shaped by evidence and lived experience as well as government priorities, helping to ensure the office remains responsive to the needs of victims while maintaining its independence.

I encourage the Commissioner to give particular consideration to groups who may experience additional barriers within the criminal justice system, including victims whose cases do not proceed to prosecution or court, autistic and other neurodivergent victims, children and young people, victims of sexual violence. The reasons for prioritising particular groups should be clearly explained and based on evidence of need. Given the significant levels of violence against women and girls in Northern Ireland, I believe women and girls should be identified as one of the Commissioner's priority groups.

The strategic plan should also include measurable outcomes relating to victims' experiences, confidence in the justice system, and improvements in compliance with the Victim Charter, rather than focusing solely on organisational activity or outputs.

Finally, I welcome the ability to revise the strategic plan during the Commissioner's term. This will allow emerging issues, changes in evidence and the evolving needs of victims and witnesses to be reflected without waiting for a new Commissioner to be appointed.

Clause 18 requires the Commissioner to produce an annual report and sets out what it must include. Do you agree with Clause 18?

Yes

Please provide information to support your answer here::

Yes. I agree that the Commissioner should produce an annual report and that it should include an assessment of progress against objectives, identified issues, statistics, complaints and recommendations. Annual reporting is essential for transparency, accountability and public confidence.

However, I believe the report should focus not only on what the Commissioner has done, but also on what has changed for victims and witnesses as a result. It should clearly identify recurring systemic issues, highlight areas where progress has been made, and explain where significant concerns remain.

I also encourage the Commissioner to include analysis of trends across different groups of victims, including women and girls, victims of sexual violence, victims whose cases do not proceed to prosecution or court, autistic and other neurodivergent victims, children and young people, male victims, older victims and victims from minority communities. This would help identify inequalities and ensure that improvements are evidence-based.

Where recommendations from previous annual reports have not been implemented, the report should explain what progress has been made, what barriers remain and what further action is required. This would strengthen accountability and help ensure that recommendations lead to meaningful change rather than simply being recorded.

Finally, the annual report should be written in plain language, be fully accessible and be actively promoted so that victims, practitioners, policymakers and the wider public can understand the Commissioner's findings and hold the justice system accountable for improving outcomes.

Clause 19 places a duty on on charter service providers to respond to recommendations made in the Commissioner's annual report and state how they will be addressed, or provide reasons why a charter service provider does not propose to act on a recommendation. The response must be published within 56 days of the publication of the Commissioner's report. Do you agree with the intent and purposes of Clause 19 of the Bill?

Yes

Please provide information to support your answer here::

Yes. I strongly support the requirement for charter service providers to respond publicly to the Commissioner's recommendations. This is an important accountability mechanism that helps ensure recommendations receive proper consideration rather than being acknowledged without action.

I particularly welcome the requirement for organisations to explain why they do not intend to implement a recommendation. Publicly setting out the reasons for accepting or rejecting recommendations promotes transparency and enables victims, policymakers and the wider public to scrutinise decision-making.

However, I believe this process could be strengthened further. Charter service providers should also be required to report on the progress and outcomes of any actions they commit to taking, rather than simply stating their intentions. This would make it possible to assess whether recommendations have led to meaningful improvements in practice.

Where a charter service provider repeatedly fails to implement recommendations or demonstrates recurring non-compliance with the Victim or Witness Charter, the Commissioner should be able to highlight this publicly and, where appropriate, report persistent concerns to the Northern Ireland Assembly. This would strengthen accountability and encourage continuous improvement across the criminal justice system.

Finally, all responses should be published in an accessible and easy-to-find format so that victims and witnesses can clearly understand how organisations are responding to concerns and what improvements are being made.

Do you have anything further to add on Clauses 16 to 19 of the Bill regarding strategic plans, business plans and annual reports?

Yes

Please provide information to support your answer here::

Overall, I welcome the emphasis on strategic planning, business planning and annual reporting. These provisions provide an important framework for transparency, accountability and continuous improvement.

I encourage the Commissioner to ensure that strategic priorities are informed not only by the Department, but also by robust evidence, current research and the lived experiences of victims and witnesses. This will help maintain the Commissioner's independence while ensuring that priorities reflect the realities of the criminal justice system.

Success should be measured not simply by the completion of activities or the publication of reports, but by whether victims experience meaningful improvements in how they are treated. Performance measures should include outcomes such as increased confidence in the justice system, improved compliance with the Victim Charter, reductions in recurring complaints, and demonstrable improvements for groups that face additional barriers, including women and girls, victims of sexual violence, victims whose cases do not proceed to prosecution or court, autistic and other neurodivergent victims, children and young people, male victims, older victims and victims from minority communities.

I also encourage the Commissioner to publish progress against recommendations over time, enabling victims, policymakers and the public to see not only what has been recommended but what has actually changed. Long-term accountability is essential if this role is to drive lasting improvements across the criminal justice system.

Finally, I encourage the Commissioner to remain visible and accessible throughout their term of office. Regular engagement with victims, victim organisations, researchers and practitioners will help ensure that emerging issues are identified early and that the Commissioner's work remains responsive, evidence-based and focused on improving the experiences of all victims and witnesses.

Clauses 20 to 23 - Supplementary

Clause 20 provides that publications made by the Commissioner under the Act are privileged and exempt from challenge under the law of defamation. Do you support Clause 20 of the Act?

Yes

Please provide information to support your answer here::

Yes. I support Clause 20. The Commissioner should be able to publish findings, reports and recommendations without fear of defamation proceedings. This protection is important if the Commissioner is to carry out robust and independent scrutiny of the criminal justice system and speak openly about issues affecting victims and witnesses.

However, this privilege also brings significant responsibility. The Commissioner should ensure that all published findings are evidence-based, fair, accurate and proportionate. Reports should distinguish clearly between factual findings, analysis and recommendations, and those affected should have an appropriate opportunity to comment on factual accuracy before publication where appropriate.

The purpose of this protection should be to promote transparency, accountability and public confidence, not to reduce standards of fairness or accuracy. Maintaining rigorous evidence-based reporting will help ensure that the Commissioner's work commands the confidence of victims, public bodies and the wider public.

Clauses 21 sets out the meaning of "victim" for the purposes of Part 1 of the Bill. Do you agree with Clause 21?

Yes

Please provide information to support your answer here::

Yes. I agree that there should be a clear and consistent definition of "victim" across the legislation. A shared definition promotes clarity and consistency for victims and the agencies responsible for supporting them.

However, it is important that the definition is interpreted inclusively so that all those affected by crime can access appropriate support and representation. Particular consideration should be given to victims who face additional barriers within the criminal justice system, including autistic and other neurodivergent people, children and young people, victims of sexual violence, victims whose cases do not proceed to prosecution or court, and bereaved family members where provided for under the Victim Charter.

The definition of "victim" should not depend on whether a case results in prosecution or conviction. People who have experienced crime but whose cases do not progress through the criminal justice process should continue to be recognised as victims and remain entitled to appropriate rights, support and representation throughout their justice journey.

Clause 22 defines the terms used in Part 1; and Clause 23 introduces Schedule 2 which makes minor and consequential amendments in connection with Part 1 of the Bill. Do you have any comments to make on Clauses 22 or 23?

No

Please provide information to support your answer here::

Do you have anything further to add in relation to the supplementary provisions at Clauses 20 to 23 of the Bill?

No

Please provide information to support your answer here::

Clauses 24 to 27 - Criminal evidence and procedure

Clause 24 of the Bill provides that witnesses are eligible for assistance with giving evidence in cases dealing with an offence involving aggravation by hostility. It inserts into the Criminal Evidence (Northern Ireland) Order 1999 Order that the definition of "an offence involving aggravation by hostility" means an offence of any kind in respect of which an allegation that the offence is aggravated by hostility is specified alongside the offence in accordance with section 33(1) of the Criminal Justice (Sentencing etc) Act 2027 [see more information]. Do you agree with the provisions in Clause 24?

Yes

Please provide information to support your answer here::

Yes. I support the extension of eligibility for special measures to witnesses in cases involving offences aggravated by hostility. Special measures can play an important role in helping victims and witnesses give their best evidence while reducing unnecessary distress.

I also believe that victims who have developed PTSD or other significant psychological injuries as a result of the crime should be specifically considered for special measures where those conditions affect their ability to communicate, participate effectively or give their best evidence. PTSD can have a profound impact on memory, concentration, emotional regulation and communication, and in many cases may amount to a disability. Eligibility for special measures should therefore be based not only on the type of offence but also on the individual impact of the crime on the victim.

I also encourage continued consideration of the needs of autistic and other neurodivergent victims and witnesses, particularly those who receive a diagnosis after reporting the offence. A late diagnosis may provide important context for behaviours, communication styles and trauma responses that were previously misunderstood and may not have been fully appreciated when the victim's evidence was first obtained.

Where appropriate, this should be taken into account when considering eligibility for special measures, the support required to enable victims to participate effectively in the justice process, and whether further Achieving Best Evidence (ABE) interviews or supplementary evidence should be considered where the diagnosis materially changes the understanding of the victim's communication, presentation or responses during the original interview, including when the victim changes their own understanding of context. This would help ensure that the recorded evidence accurately reflects the victim's communication needs and is interpreted in its proper clinical and psychological context.

The effectiveness of these provisions should be monitored to ensure that special measures are being applied consistently and that eligible victims and witnesses can access them without unnecessary barriers.

Clause 25 provides that no person charged with an offence involving aggravation by hostility may cross examine in person a witness, including a child, who is the complainant in connection with the offence or any other offence with which that person is charged in the proceedings. Do you support the inclusion of Clause 25 in the Bill?

Yes

Please provide information to support your answer here::

Yes. I support the inclusion of Clause 25. No complainant should be required to be personally cross-examined by the person accused of committing an offence against them. This is an important safeguard that helps protect victims from intimidation, retraumatisation and unnecessary distress while still preserving the accused's right to a fair trial through legal representation.

I also encourage consideration of whether the availability of these protections should be determined not only by the category of offence, but also by the vulnerability and individual needs of the complainant. Victims living with PTSD, autism or other conditions that affect communication, memory, emotional regulation or participation should receive equivalent protections where necessary to enable them to give their best evidence. The impact of the crime on the individual should be a key consideration when deciding what safeguards are required.

The effectiveness of this provision should be monitored to ensure that it improves victims' experiences without compromising the fairness of proceedings and that appropriate legal representation is available whenever these restrictions apply.

Clause 26 introduces provisions for complainants in sexual offence cases in the Crown Court, to make oral or written representations to the court, be legally represented and entitled to be present at any hearing of an application for documents or records which relate to the complainant and which they could have a reasonable expectation of privacy in relation to. It makes similar provisions in relation to applications made to the court relating to the complainant's sexual history. Do you agree with the inclusion of Clause 26 in the Bill?

Yes

Please provide information to support your answer here::

Yes. I strongly support the inclusion of Clause 26. Giving complainants the opportunity to make representations, be legally represented and attend hearings relating to applications for private records or sexual history is an important step towards a fairer and more trauma-informed justice process.

Requests for highly personal information can have a profound impact on victims and may deter some from reporting or continuing with criminal proceedings. Giving complainants a meaningful voice in decisions that affect their privacy helps promote fairness, transparency and confidence in the justice system while preserving the court's ability to make the final decision.

I also encourage the courts to ensure that applications for personal records are considered only where they are genuinely necessary and proportionate. Requests should not become routine or speculative and should be supported by clear reasons demonstrating their relevance to the issues in the case.

Particular caution should be exercised when considering applications for therapeutic, psychological or counselling records. These records are created to support treatment and recovery, not for evidential purposes. They may contain exploratory discussions, evolving memories, hypotheses or clinical observations that could be misunderstood or taken out of context if viewed through a purely evidential lens. Their disclosure should therefore be limited to circumstances where it is clearly necessary and proportionate to ensure a fair trial.

Particular consideration should also be given to victims with communication differences or additional vulnerabilities, including autistic and other neurodivergent people and those living with PTSD or other psychological injuries. Where appropriate, these victims should have access to appropriate support and legal advice to enable them to participate effectively in these hearings.

More broadly, I believe consideration should be given to expanding access to independent legal representation for victims where decisions directly affect their rights, privacy, dignity or ability to participate in the criminal justice process. The prosecution represents the public interest, not the individual victim. There may therefore be circumstances where the interests of the prosecution and the rights of the victim are not identical. Independent legal representation would help ensure that victims' rights are properly considered while preserving the fairness of the trial and the prosecution's independent role.

Finally, I believe this provision should be monitored to ensure that it reduces unnecessary intrusions into victims' private lives while maintaining the right to a fair trial. The Commissioner should review how these applications operate in practice and whether they improve victims' confidence and participation in the criminal justice process.

Clause 27 is a technical fix required for the forthcoming introduction of committal reform provisions. It provides that, in cases involving death or serious harm of a child or vulnerable person, charges cannot be dismissed unless the charge of an offence under section 5 of the Domestic Violence, Crime and Victims Act 2004 is also dismissed. Do you agree with Clause 27 being included in the Bill?

Yes

Please provide information to support your answer here::

Do you have anything further to add on Clauses 24 to 27 of the Bill relating to Criminal Evidence and Procedure?

Yes

Please provide information to support your answer here::

Overall, I welcome the provisions in Clauses 24 to 27 as positive steps towards a more trauma-informed and victim-centred criminal justice system. They recognise the importance of protecting vulnerable complainants while maintaining the fairness of criminal proceedings.

I encourage continued consideration of whether eligibility for special measures and other procedural safeguards should be based not only on the type of offence but also on the individual needs of the victim or witness. Trauma, PTSD, autism and other neurodevelopmental or psychological conditions can significantly affect communication, memory, emotional regulation and participation in the justice process. The justice system should recognise these needs wherever they arise.

I also believe that where an autism or other neurodevelopmental diagnosis is made after an offence has been reported, there should be a mechanism to consider whether the diagnosis materially changes the understanding of the victim's communication, presentation or evidence. Where appropriate, this should include consideration of whether further Achieving Best Evidence (ABE) interviews or supplementary evidence are required to ensure that the recorded evidence accurately reflects the victim's communication needs and is interpreted in its proper clinical and psychological context.

Finally, I welcome the increased recognition of victims' procedural rights, including legal representation in relation to applications for private records and sexual history evidence. I encourage continued consideration of whether victims should have broader access to independent legal representation where decisions directly affect their rights, privacy, dignity or ability to participate effectively in the criminal justice process. The prosecution represents the public interest, not the individual victim, and there may be circumstances where independent legal representation would better protect victims' rights while preserving the fairness of proceedings.

Clauses 28 to 30 - General

Clauses 28 to 30 provide for regulation making powers, the commencement of the parts of the Bill and the short title. Do you have any comments on Clauses 28 to 30 of the Bill?

Yes

Please provide information to support your answer here::

I have no concerns with the regulation-making powers, commencement provisions or the short title. However, I encourage the Department to implement the substantive provisions of the Act as quickly as practicable once enacted, particularly those relating to the Commissioner, victims' rights and accountability.

I also encourage the Department to commit to reviewing the operation of the Act within a defined period after implementation, in consultation with victims, victim organisations, practitioners and researchers. This would help identify any unintended consequences, assess whether the reforms are achieving their intended outcomes and ensure that further improvements can be made where necessary.

Any Other Comments on the Bill

Do you have any other comments or views on the Victims and Witnesses of Crime Bill?

Yes

Please provide any other comments or views you have on the Victims and Witnesses of Crime Bill here::

I welcome this Bill and the commitment to strengthening the rights of victims and witnesses in Northern Ireland. The creation of an independent Commissioner, greater accountability, improved oversight and enhanced procedural rights are all important and positive developments.

However, legislation alone will not transform victims' experiences. Meaningful change will depend on how these provisions are implemented in practice and whether they lead to genuine cultural change across the criminal justice system.

Throughout my own journey, I have come to believe that many of the greatest barriers faced by victims do not arise from a lack of legislation, but from misunderstanding, assumptions and inconsistency in decision-making. Trauma, delayed reporting, autism, ADHD, PTSD and other forms of vulnerability can profoundly influence how victims communicate, remember events and engage with the justice process. These factors should be understood through the lens of current psychological evidence rather than outdated expectations of how a "credible" victim is expected to behave.

I also believe there is a need to reconsider the role of psychology within the criminal justice system. Psychological expertise should be more consistently integrated into investigations, evidence gathering including that of the victims ABE, prosecutorial decision-making, compensation decision-making and other stages of the justice process where trauma, memory, communication or neurodevelopmental conditions may influence how evidence is understood. Better use of psychological expertise would help reduce reliance on assumptions and support more informed, evidence-based decision-making.

I would encourage the Department to ensure that everyone involved in the criminal justice process—including police, prosecutors, investigators, compensation decision-makers and others exercising public functions—receives ongoing trauma-informed and neurodiversity-informed training based on current scientific evidence.

I also believe there should be greater recognition that the justice journey extends beyond the courtroom. The majority of victims will never see their case

proceed to trial, yet they still deserve to be treated with dignity, fairness and compassion. Their experiences should be reflected in policy development, research, data collection and future reforms.

Finally, I encourage the Department to view this legislation not as the end of reform but as the beginning of an ongoing process. The effectiveness of the Act should be reviewed regularly, informed by evidence, research and the lived experiences of victims and witnesses. A justice system that listens, learns and adapts will inspire greater confidence than one that simply complies with minimum legal requirements.

Thank you for the opportunity to contribute to this consultation. I hope these comments assist in developing legislation that strengthens fairness, public confidence and the experiences of all victims and witnesses in Northern Ireland.