

Response ID ANON-8V6Y-6N5S-9

Submitted to Victims and Witnesses of Crime Bill
Submitted on 2026-08-14 21:43:02

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:
Muireann Bohill

What is your email address?

Email:

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

Organisation:
CJINI

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::

CJI supports the establishment of the role of Commissioner for Victims and Witnesses of Crime for Northern Ireland.

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::

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

No

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

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::

However, if the Commissioner were to identify issues with legislation or policy during their review, the Commissioner's ability to effect change is limited.

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::

The Commissioner is given broad powers to research, compile information, advise and recommend, but they lack the power to compel information, investigate systemic failings, or require action in response to their recommendations.

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

Yes

If yes, what should they be?:

The Bill creates oversight and transparency, but it does not clearly create consequences where Charter commitments are not met. The Commissioner has the power to monitor, request information and make recommendations to the specific criminal justice organisations. However, the Commissioner cannot issue compliance notices, order remedial action, require implementation of recommendations or impose sanctions.

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::

The three-year review requirement is welcomed as it creates a formal mechanism for ongoing assessment. However, in the absence of a requirement for a formal response to the review or implementation of the three-year review recommendations and no timescales for action, victims and witnesses have no assurance that reports will lead to action or that improvements will be made and better outcomes secured.

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::

This is a good mechanism for influencing practice across the justice system, as the person to whom the Commissioner issues the guidance 'must have regard to it'. Unfortunately, a body can depart from the guidance provided it has considered it and the Commissioner cannot direct compliance.

Clause 7 grants the Commissioner the power to establish advisory groups to provide support and information to the Commissioner on matters related to the Commissioners 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::

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::

In the interests of transparency perhaps include a requirement to publish:

- the appointment process;
- group membership; and
- minutes of the meetings.

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?

Yes

Please provide information to support your answer here::

There is however the potential for victims and witnesses to misunderstand the role of the Commissioner. Clause 8 prevents the Commissioner from intervening in individual cases, yet Clause 3 requires the Commissioner to:

- encourage victims and witnesses to communicate with the office;
- raise awareness of the Commissioner's role;
- seek victims' views.

Perhaps clarity is required within the Bill to manage victim and witness expectations.

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

No

Please provide information to support your answer here::

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::

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::

The Office of the Police Ombudsman for Northern Ireland should be added to the Victims Charters to ensure victims who report crimes to the Office are supported to access their Charter entitlements in accordance with the European Union Directives it was designed to implement. This was raised in CJI's 2025 Inspection of the Office of the Police Ombudsman for Northern Ireland's Investigation of Abuse of Position Concerns and Complaints.

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

No

Please provide information to support your answer here::

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::

Of note, again, the Commissioner's powers are limited. If an agency refuses to comply with an information request, the Bill contains no express consequence.

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?

Yes

Please provide information to support your answer here::

There is a lack of clarity around the statistics to be provided by criminal justice organisations regarding compliance with the Victims Charter. The actual measures will be set later through regulations, but in the interim, with agencies most likely recording performance differently, this could lead to inconsistent reporting and difficulty comparing organisations.

The Bill does not require the publication of compliance data. CJI Inspection fieldwork has consistently highlighted a lack of meaningful published data on the treatment of victims and witnesses across criminal justice organisations, including The Care and Treatment of Victims and Witnesses by the Criminal Justice System in Northern Ireland (2020) and Follow-Up Review (2023) and Transforming the Criminal Justice System in Northern Ireland (2024). If the Commissioner had the power to publish the data provided by criminal justice organisations, this would strengthen the accountability mechanism and

increase transparency.

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?

No

Please provide information to support your answer here::

Under section 10, the Commissioner must monitor compliance with the Victim Charter but there is no automatic monitoring of compliance with the Witness Charter. The Department of Justice (DoJ) merely has a discretionary power to extend those provisions later by regulations. This creates a two-tier system where victims receive stronger statutory oversight than witnesses.

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::

A charter service provider can refuse a request provided it gives a reason, and the Bill contains no mechanism for the Commissioner to challenge that refusal or compel compliance.

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::

The annual report requires only a summary of the organisations complaints and outcomes. It would be beneficial if organisations were required to explain the lessons learned and service improvements made as a result of the complaints.

There is also no requirement to report complaint volumes against caseload. Providing this contextual information would result in more meaningful performance assessment.

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::

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

Yes

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::

Legally privileged material and information whose disclosure could prejudice an ongoing criminal investigation or prosecution.

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

No

Please provide information to support your answer here::

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::

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::

Clause 18 could be strengthened with a requirement for standardised performance measures or key performance indicators against which the Commissioner must assess achievement of objectives. This would support the making of yearly comparisons.

Clause 19 places a duty 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::

However, Clause 19 requires a provider to explain the action they have taken, or proposes to take or why the provider has not taken, or does not propose to take, any action. A provider could therefore reject all recommendations provided it explains why. Further, there is no consequence if a provider repeatedly ignores recommendations or provides an inadequate response.

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

No

Please provide information to support your answer here::

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?

No

Please provide information to support your answer here::

Absolute privilege applies regardless of accuracy. There are reputational implications for organisations or individuals criticised in a report and they will have limited avenues of address. Perhaps consideration should be given to qualified privilege.

Clause 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::

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?

Yes

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::

CJI welcomes the expansion of automatic eligibility for offences involving aggravation by hostility but are mindful that this likely to increase demand for REC's, intermediary services and other special measures, as well as administrative and judicial resources. Taking the learning from previous pilots, the Department should ensure that Courts and service providers can absorb the increased demand.

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::

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::

CJI welcomes the strengthening of the participation and privacy rights of complainants, having raised these concerns in its 2018 Report Without Witness: A Thematic Inspection of the Handling of Sexual Violence and Abuse Cases by the Criminal Justice System in Northern Ireland. There are however legal aid and funding implications regarding the complainants right to legal representation at hearings concerning witness summons applications involving private information and sexual history applications. It is important that there is clarity around how representation will be funded, whether legal aid will be automatically available and who will meet the associated costs.

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?

No

Please provide information to support your answer here::

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?

No

Please provide information to support your answer here::

Any Other Comments on the Bill

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

No

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