

**BY EMAIL**

**[victimsandwitnessesofcrimebill@niassembly.gov.uk](mailto:victimsandwitnessesofcrimebill@niassembly.gov.uk)**

Kathy O'Hanlon  
Clerk, Committee of Justice  
Room 345, Parliament Buildings  
Ballymiscaw  
Stormont  
Belfast  
BT4 3XX

03 September 2026

Dear Kathy,

**Re: Victims and Witnesses of Crime Bill**

Thank you for your email dated 3<sup>rd</sup> July 2026, requesting my views and comments on the content of the Victims and Witnesses of Crime Bill (the Bill). I understand that the Bill has a number of purposes and aims, notably to put on statute the Commissioner for Victims and Witnesses of Crime for Northern Ireland and associated powers; strengthen protections for those affected by hate crime through specific measures; improving the provisions for complainants in serious sexual offence cases; and introducing amended provisions that apply to defendants in cases involving the death or serious physical harm of a vulnerable person. NICCY thanks the Department for their engagement with the office on the development of this Bill in 2025.

Regrettably, due to sustained and chronic underfunding, I am not currently in a position to discharge my statutory duties in full and provide a detailed response in this case. This position has been consistently communicated to our sponsor Department, which determines my budgetary allocation, and is formally reflected within my organisational risk register.

I do however encourage the Committee to consider the clauses of the Bill from a children's rights perspective. The United Nations Convention on the Rights of the Child (UNCRC) sets out minimum standards for children's rights across all areas of their lives. The four guiding principles which flow through the UNCRC are the rights:

- To non-discrimination;
- To survival and development to the highest level;
- To their best interests being a primary consideration; and

This document and any attachments are intended for the addressee only.

- To their voice being heard in all matters affecting them.

There are a number of UNCRC articles that cover children and young people's rights relating to youth justice as well as those relating to children and young people as victims and witnesses, alongside the general principles of the child's best interests, non-discrimination, the right to life, survival and development and the right to be heard.

Articles 37 and 40 relate to the minimum standards by which States should adhere to with regard to the exercise of juvenile justice systems. Article 12 covers respect for views of the child - every child has the right to express their views, feelings and wishes in all matters affecting them, and to have their views considered and taken seriously. Article 34 states that children must be protected from all forms of sexual abuse and exploitation, with 36 holding that Governments must protect children from all other forms of exploitation.

Article 39 holds that States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child, which is fundamental when considering the support needs of victims and witnesses of crime.

The 2023 Concluding Observations made by the UNCRC to the UK Party including NI, contained a number of recommendations for the Government in relation to youth justice, and violence against the child and the administration of child justice.<sup>1</sup> Some of the most relevant are summarised below:

- Implement the Gillen Review recommendations and allocation of resources to implement the Barnahus model;
- The Committee recommends that the State party ensure that all children have access to:  
(a) Confidential, child-friendly and independent complaint mechanisms in schools, alternative care settings, foster care systems, mental health settings and detention for reporting all forms of violence, abuse, discrimination and other violations of their rights and that it raise awareness among children of their right to file a complaint under existing mechanisms; (b) Legal support and representation in addition to remedies, including by removing barriers faced by children in disadvantaged situations and expanding the types of support provided under the legal aid budget; (c) Officials working with children in the

---

<sup>1</sup> UNCRC, 'Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland' (2023) (Available at: [Concluding observations on the combined 6th and 7th periodic reports of the United Kingdom of Great Britain and Northern Ireland](#) ;, accessed on 9.7.26)

justice system who have been adequately trained on children's rights and child-friendly proceedings;

- To ensure that all child victims of violence, including sexual abuse, are allowed, as child witnesses, to provide video-recorded evidence for testimony and cross-examination during the pretrial stage in judicial procedures as a default process, and that they have access to appropriate therapy without delay;
- To review and strengthen the asylum process to ensure that children receive age-appropriate information and legal advice about their rights, asylum procedures and requirements for documentation, that their best interests are given primary consideration in all asylum processes, that their views are heard, taken into account and given due weight and that they have access to child-friendly justice mechanisms and remedies;
- Ensure the right of all children, including younger children, children with disabilities and children in care, to express their views and to have them taken into account in all decisions affecting them, including in courts and relevant judicial proceedings and regarding domestic violence, custody, placement in alternative care, health care, including mental health treatment, education, justice, migration and asylum;
- To ensure capacity-building for judges, prosecutors, police officers and other professionals, including in the overseas territories, on child-friendly justice procedures, children's rights and the Convention;
- Prevent and combat gang-related violence and knife crime and protect children from such violence, including by: (i) addressing the social factors and root causes of gang-related violence and knife crime among adolescents; (ii) establishing child-sensitive early warning mechanisms for children who seek protection from gang related violence; (iii) adopting programmes that provide children in gangs with assistance and protection to enable them to leave gangs and be reintegrated into society; and (iv) putting an end to the recruitment of children as informants for law enforcement and intelligence bodies.

Also outlined in the Concluding Observations to the UK State Party, children's views are not systematically taken into account in decisions affecting them and in national and local decision-making, and underscoring the importance of the availability of age-appropriate information to facilitate child participation, and ensure the right of all children, including younger children, children with disabilities and children in care, to express their views and to have them taken into account in all decisions affecting them, including in courts and relevant judicial proceedings and regarding domestic violence, custody, placement in alternative care, health care, including mental health treatment, education and in justice.

The Committee of Justice will also be aware of the UNCRC's development of General Comment No. 27 which is currently in draft form, on children's right to access justice and to an effective

This document and any attachments are intended for the addressee only.

remedy.<sup>2</sup> NICCY encourages the Committee to consider the draft Comment in this Bill, and the others they are considering within this mandate, in the context of children's rights and access to justice.

## Part 1

On Part 1 of the Bill, relating to the Victim Charter, I draw the Committee's attention to the importance of awareness and engagement with the it. According to the NIVAWS, in 2022/23, one fifth of victims (21%) reported being aware of the Victim Charter and of those victims aware of the Charter, just 11% reported having referred to it. Of those who referred to it, 78% reported having found it helpful. Fewer than 3 in 10 witnesses (27%) reported being aware of the Witness Charter, and of those witnesses aware of the Charter, just 9% reported having referred to it. However, like the Victim Charter results, the majority of those who referred to it reported having found it helpful. Children and young people are only mentioned through the 'Youth Conference' section in terms of cases resulting in a youth conference and their types, knowledge of the types and the satisfaction levels.<sup>3</sup> It is again unclear if the respondents were the young people who had been involved in a diversionary or court-ordered youth conference. There is no disaggregated data on police warnings or cautions by age.

It is not clear whether any information from children and young people was collected as part of these findings and would encourage the Department, particularly through the recent public awareness campaign to promote the rights of victims and witnesses, to ascertain the levels of awareness and understanding of children and young people of both Charters, and establish a baseline. NICCY does welcome that there are young people's guides to the Victim and the Witness Charter, including a video accessible to those who wish to find out more about their rights as a victim and witness of crime. NICCY encourages the Committee to consider whether, in relation to Clause 11, further disaggregation of statistical data on the Victim Charter is required, or indeed, under the General Powers in Clause 4.

Clause 8 of the Bill forbids the Commissioner from acting in an individual case but does allow consideration of 'individual cases and drawing conclusions about them for the purpose of, or in the context of, considering a general issue.' NICCY reads this as meaning there will be no investigatory authority for specific cases, and that the Commissioner will not have authority to intervene in matters before the court. It would be helpful to have clarification of the basis for such a restriction and/or limitation upon scope of operation.

---

<sup>2</sup> For more information on the development of General Comment No. 27, please see: [General Comments – Child Rights Connect](#)

<sup>3</sup> Department of Justice, 'Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings - 2022/23' (2023) (Available at: [Victim and Witness Experience of the Northern Ireland Criminal Justice System: Key Findings 2022/23](#), accessed on 9.7.26)

## **Part 2**

NICCY welcomes the introduction of many of the clauses in Part 2 specifically, on the special measures and protection of complainants. NICCY appreciates that much of this may be beyond the specifics of the current Bill, however, we wish to make the Committee aware of these areas which could also be considered. In responding to the Gillen Review, NICCY made recommendations on improvements to court processes, where we highlighted the following:

### **Training and expert input**

It is NICCY's view that all legal and judicial staff should receive regular expert training on children's rights as well as sexual offences, including child sexual abuse and Child Sexual Exploitation (CSE). In addition to this, expert input for all legal personnel and jury members should be provided at the beginning of each trial to address key issues such as the power dynamics of sexual abuse and grooming and to include 'myth busting'.

### **Support for victims and complainants**

Child victims and complainants should have access to a legal representative or advocate whose role is to protect the rights and best interests of the child and who has an authoritative position in proceedings. Trauma-informed and trauma-led practice should be at the centre of this support. Children and young people should be provided with effective support both pre and post-trial. In addition to this, we noted that consideration should be given to the information and support provided to dependent children of complainants and witnesses and that judicial arrangements should be sensitive to the caring responsibilities victims and witnesses may have. NICCY welcomes the introduction of the Child Sexual Offences Liaison Officer (CSOLA) and the continued provision of the under 13 (soon to be 16) protocol between the PSNI, PPS and NICTS for children and hopes that this can be extended.

### **Case management**

Statutory case management and statutory time limits should be in operation for all cases concerning sexual offences against children. NICCY is aware that the previous Committee for Justice considered statutory time limits during the Justice (Sexual Offences and Trafficking Victims (NI) Act 2021) and would encourage the Committee to consider this in the context of the Victims and Witnesses of Crime Bill.

### **Other areas**

NICCY also made recommendations on court attendance of the public, and media restrictions on reporting in particular cases to the Gillen Review, and are aware that legislative developments

This document and any attachments are intended for the addressee only.

have occurred in this area. We do wish to highlight to the Committee at this stage however, the increased role of social media in the daily life of children, young people and society, and the risk and impact of breaching anonymity that has on cases. Protecting the anonymity of victims and preventing jigsaw identification is vital and NICCY highlights that measures to further ensure anonymity should be considered. Any final assessment should balance such considerations with protecting the rights and best interests of all children involved in proceedings (whether as victims, witnesses or defendants) in having their anonymity protected.

NICCY also made recommendations to the Gillen Review on legislative reform required on CSE, improved outcomes for children and young people within this system across all agencies and the need for a child-centred, resourced and accessible Barnahus for NI. Delay remains a serious concern for NICCY particularly for those children and young people as victims of sexual offences, but also as a systematic issue across the criminal justice system.

## **Barnahus**

The Barnahus model, which was first established in Iceland and now operates in many European countries, seeks to ensure a child-centred response to victims of child sexual abuse by providing child protection and medical, therapeutic and criminal justice processes within a single child-friendly location at which support to children is provided both at the immediate point of disclosure or reporting and over the long term. The Gillen Review recommended that urgent consideration should be given to the advantages of Barnahus and that the viability of the model be assessed.

Our 2022 commissioned research ‘Putting the Child at the Centre’, which engaged directly with a wide range of stakeholders from across justice, health and social care, and survivors of sexual abuse, documents the strong evidence regarding the benefits of the model to support children to give their best evidence, minimise re-traumatisation and promote recovery while meeting justice standards.<sup>4</sup> The research also illustrates broad support for progressing the approach in NI and sets out a clear pathway for making Barnahus a reality for child victims. The model fully conforms to international children’s rights standards, including the UNCRC and the Lanzarote Convention, and is championed by the Council of Europe. Central features of the model are a child-friendly environment, access to information and services that are offered as part of the criminal justice and child welfare investigation, as well as therapeutic services.

It is of deep disappointment that a Barnahus in NI, which has broad support, has not been yet fully realised. Scoping work is still ongoing between the Departments of Justice and Health, to

---

<sup>4</sup> NICCY, ‘Putting the Child at the Centre: Barnahus (Children’s House) - a one door approach to supporting children who have been sexually abused in Northern Ireland’ (2022) (Available at: [niccy-report-putting-the-child-at-the-centre-final-feb-2022.pdf](#), accessed on 20.7.26)

which NICCY has recently submitted advice to, and we recommend that this is taken forward by the Executive as a matter of urgency for child victims.

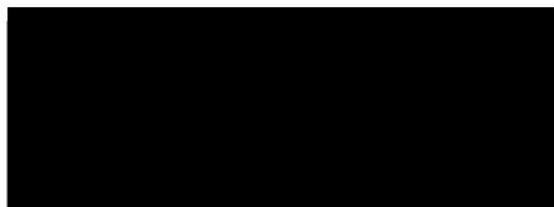
### **Children's Rights Impact Assessments**

The Child's Rights Impact Assessment (CRIA) is an approach which embeds children's rights considerations at the outset of developing legislation, strategies and policies. A CRIA examines the potential impacts on children and young people of laws, policies, budget decisions, programmes and services as they are being developed. This is done prior to the decision or action being set in place. They focus on how children's rights may be affected by the decisions and actions of governments, institutions and others in the areas of law, policy and practice.

Applying the CRIA Framework and Tool will help avoid/mitigate any negative impacts at the earliest possible stage and has previously issued advice to the Department of Justice on this. NICCY are keen to see this incorporated into practice and are content to support/advise on this. NICCY supports a CRIA being undertaken as part of the Bill's scrutiny process to ensure that children and young people's rights are fully being taken into consideration, as per our previous recommendation in 2025.<sup>5</sup>

Should the Committee require any further information, I would be happy to facilitate this.

Yours sincerely,



---

**Chris Quinn**  
**Commissioner**

---

<sup>5</sup> More information, including access to NICCY's training modules on conducting a CRIA, and the template, is available here: [Child Rights Impact Assessment \(CRIA\) - Niccy](#)