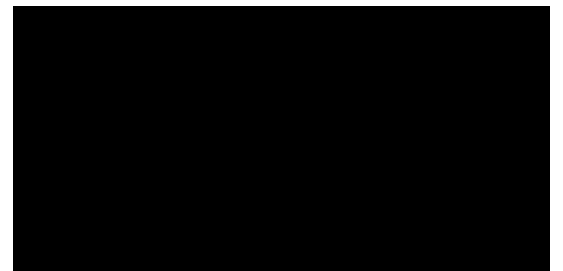


Women's **Policy Group NI**

WPG NI Response to Committee for Justice Call for Evidence on the Victims and Witnesses of Crime Bill

September 2026



1. Introduction:

The Women's Policy Group (WPG) is a group of policy experts and practitioners who advocate collectively for women and girls by promoting gender equality through an intersectional feminist lens. We challenge systemic injustice and discrimination affecting women and girls by informing society and influencing policy and law. Our work is informed by women and girls' lived experiences and rooted in international human rights law.

The WPG is made up of women from trade unions, grassroots women's organisations, women's networks, feminist campaigning organisations, LGBTQ+ organisations, migrant groups, support service providers, NGOs, human rights and equality organisations and individuals. Over the years this important network has ensured there is good communication between politicians, policy makers and women's organisations on the ground. The WPG is endorsed as a coalition of expert voices that advocates for women in Northern Ireland on a policy level.

If you have any questions or queries about this response, or would like to discuss this evidence further with the WPG, please contact Elaine Crory, Women's Sector Lobbyist at elaine.crory@wrda.net

This response was prepared by the following WPG members:

- Elaine Crory – Women's Resource and Development Agency
- Meghan Hoyt - Women's Resource and Development Agency
- Sophie Nelson - HereNI
- Karen Sweeney - Women's Support Network / Rape Crisis NI

Please note that this response also includes evidence from other WPG work, compiled by a range of WPG members, and not all member organisations have specific policy positions on all the areas covered in this response.

1.1 Endorsements

The WPG would like to endorse the response submitted to this call for evidence by Women's Aid Federation NI

2. Past Consultations Responses, Evidence Submissions and Briefings:

The WPG has published a wide range of evidence through various evidence submissions, public consultation responses and specific briefings on issues relating to the experiences of victims and witnesses of crime. Responses made by the WPG, and some of our members, in relation to these issues include:

Primary Research:

- WRDA Research (2025) on the Role of Firearms in Violence Against Women and Girls in Northern Ireland
- PG NI Primary Research (2023) into VAWG in Northern Ireland (Attitudes and Reporting VAWG)¹
- WPG NI Primary Research (2022) into VAWG in Northern Ireland (Scope, scale and prevalence of VAWG)²
- WPG NI Primary Research (2021) on the impact of the pandemic on women and girls in Northern Ireland³

Consultation Responses:

- WPG NI (2026) Response to Department of Justice call for views on a Reducing Reoffending Strategy⁴
- WPG NI (2025) WPG NI Response to Proposals to Criminalise Sexually Explicit Deepfakes Images⁵
- WPG NI (2024) Response to the Domestic Abuse (Safe Leave) Consultation⁶
- WPG NI (2024) Response to the PPS Policy on Prosecuting Stalking⁷
- WPG NI (2024) Response to the PSNI Race and Ethnicity Action Plan 2025-27 Consultation⁸
- WPG NI (2024) Response to Foundational Review of Civil Legal Services⁹

¹ WPG, After Violence: Attitudes and Reporting Violence Against Women & Girls, December 2023, Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/670e4ef2026b2340fa37ce9c/1728990964409/After-Violence-WPG-Research-Report.pdf>

² WPG, VAWG Research Report, April 2022, Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/670e4f84d42c6b61fc438595/1728991115380/WPG-VAWG-Research-Report.pdf>

³ WPG, Putting Women's Voices at the Core: Primary Research on the impact of the pandemic on women and girls in Northern Ireland, 2021, Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/670e4fa25395b9257019ffe1/1728991140105/WPG-Feminist-Recovery-Plan-Research-Report-Womens-Voices-at-the-Core.pdf>

⁴ WPG NI (2026) Response to Department of Justice call for views on a Reducing Reoffending Strategy Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6a86e61a3c41d752d90f3909/1787225626395/WPG+NI+Response+to+Department+of+Justice+call+for+views+on+a+Reducing+Reoffending+Strategy+%281%29.pdf>

⁵ WPG NI Response to Proposals to Criminalise Sexually Explicit Deepfakes Images, 2025 Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/68e4d8900b9c5f70e5a9fc08/1759828112175/Criminalisation+of+Deepfake+Images.pdf>

⁶ WPG, Response to Domestic Abuse (Safe Leave) consultation, 2024, Available at:

<https://shorturl.at/e83Pa>

⁷ WPG, Response to PPS Policy on Prosecuting Stalking, 2024, Available at:

<https://shorturl.at/G16D3>

⁸ WPG, Response to [PSNI+Race+and+Ethnicity+Action+Plan+\(1\).pdf](#)

⁹ WPG, Response to [Review+of+Civil+Legal+Services+\(1\).pdf](#)

- WPG NI (2024) Response to DoJ's Calls for Views on a Victim and Witness Strategy¹⁰
- WPG NI (2023) Response to Westminster Women & Equalities Committee Inquiry into the Escalation of VAWG¹¹
- WPG NI (2003) Response to the PPS Policy for Prosecuting Cases of Domestic Abuse¹²
- WPG NI (2021) Response to Protection from Stalking Bill¹³
- WPG NI (2023) Response to the Department of Justice (DoJ)/ Department of Health (DoH) Draft Domestic and Sexual Abuse Strategy¹⁴
- WPG NI (2021) Evidence submission on DoJ Justice (Sexual Exploitation and Trafficking Victims) Bill¹⁵
- WPG NI (2022) Response to Home Affairs Inquiry into Spiking¹⁶
- WPG NI (2022) Response to Westminster Northern Ireland Affairs Committee Call for Evidence: The Effect of Paramilitaries on Society in Northern Ireland¹⁷
- WPG NI (2021) Response to Justice Committee Call for Evidence: Justice (Sexual Exploitation and Trafficking Victims) Bill¹⁸
- WPG NI (2021) Submission on the Safe Leave Bill¹⁹
- WPG NI (2020) Evidence submission to the Justice Committee on the Domestic Abuse and Civil Proceedings Bill²⁰

¹⁰ WPG, Response to DOJ Calls for Views on a Victim and Witness Strategy, Available at: [WPG+NI+Response+to+Department+of+Justice+Call+for+Views+on+a+Victim+and+Witness+Strategy.pdf](https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e32101372f24a7e61158/1729159970336/WPG-Response-to-DSA-Strategy-.pdf)

¹¹ WPG, Response to the Inquiry on the Escalation of VAWG, 2023, Available at:

<https://shorturl.at/PNGPI>

¹² WPG, Response to PPS Policy on Prosecuting Domestic Abuse, 2023. Available at:

<https://shorturl.at/dQtz6>

¹³ WPG, Joint Evidence Submission on the Protection from Stalking Bill, 2021. Available at:

<https://shorturl.at/JFQdG>

¹⁴ WPG, Response to DoJ and DoH Draft Domestic and Sexual Abuse Strategy, 2023, Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e32101372f24a7e61158/1729159970336/WPG-Response-to-DSA-Strategy-.pdf>

¹⁵ WPG, Evidence Submission on the Justice (Sexual Exploitation and Trafficking Victims) Bill, 2021, Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e9948d3a52371156fb48/1729161620965/WPG-Written-Evidence-Submission-to-Justice-Sexual-Exploitation-and-Trafficking-Victims-Bill-24-September-2021-1.pdf>

¹⁶ WPG, Response to Home Affairs Inquiry into Spiking, 2022, Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e8e998e4ee4b86ccf6c5/1729161449695/WPG-response-to-Spiking-Inquiry.pdf>

¹⁷ WPG Response to [WPG-NI-Response-to-Westminster-Northern-Ireland-Affairs-Committee-Call-for-Evidence.pdf](https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e8e998e4ee4b86ccf6c5/1729161449695/WPG-response-to-Spiking-Inquiry.pdf)

¹⁸ WPG Response to [WPG-Written-Evidence-Submission-to-Justice-Sexual-Exploitation-and-Trafficking-Victims-Bill-24-September-2021-1.pdf](https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e8e998e4ee4b86ccf6c5/1729161449695/WPG-response-to-Spiking-Inquiry.pdf)

¹⁹ WPG, Submission on the Safe Leave Bill, 2021, Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e91cfd976a6f41cabf7b/1729161500510/WPG-Response-to-Safe-Leave-Bill-Dec-21.pdf>

²⁰ WPG, Evidence Submission on the Domestic Abuse and Civil Proceedings Bill, 2020, Available at:

<https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710edce69b64b7cbd549298/1729162703498/WPG-NI-Evidence-Submission-to-Justice-Committee-05.06.20.pdf>

- WPG NI (2020) Response to the Independent Hate Crime Legislation Review Consultation²¹
- WPG NI (2021) Response to the Department of Justice Public Consultation on Enhancing Legal Protections for Victims of Domestic Abuse²²
- WPG NI (2021) Response to Private Members' Bill Consultation on Paid Domestic Abuse Leave²³
- WPG NI (2021) Response to Department of Justice Public Consultation on Consent to Harm for Sexual Gratification: Not a Defence²⁴
- WPG NI (2023) Response to Consultation on TEO EVAWG Strategic Framework²⁵
- WPG NI (2023) Response to TEO Ending VAWG: Experiences and Attitudes of 16-year-olds in Northern Ireland report – Readership Survey²⁶
- 50:50 NI, Digital Threats to Democracy, Policy Paper²⁷

2.1. Content from previous WPG Responses

The WPG has contributed to many previous consultations related to women's experiences as victims and/or witnesses of crime. WPG is committed to centring the voices of women within these consultations as well as analysing the needs of victims and witnesses through a gendered lens.

The content of our previous responses focuses strongly on the experience of women and girls as victims and witnesses of domestic violence, sexual violence or VAWG more broadly within the criminal justice system. WPG research suggests that women are (1) reluctant to report VAWG offenses to the police and (2) that they perceive the criminal justice system as hostile and ill-equipped to deal with VAWG.

Examples of reluctant reporting can be found in our *After Violence* Report (2023).²⁸

²¹ WPG, Response to Independent Hate Crime Legislation Review, 2020, Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710ede26e933355007bda88/1729162723542/WPG-Hate-Crime-Consultation-Review-Response-30.04.20-Updated-1.pdf>

²² WPG, Response to Enhancing Legal Protections for Victims of Domestic Abuse, 2021, Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710eb59655fed282e0c65b7/1729162073654/WPG-Response-on-Enhancing-Legal-Protections-for-Victims-of-Domestic-Abuse-Public-Consultation.pdf>

²³ WPG, Response to PMB on Paid Domestic Abuse Leave, 2021, Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710ed1001372f24a7e7f322/1729162513555/WPG-Response-to-PMB-Consultation-Paid-Domestic-Abuse-Leave-Jan-21.pdf>

²⁴ WPG, Response to Consent to Harm for Sexual Gratification: Not a Defence, 2021, Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710ed2a51c40b4e736cff00/1729162538565/Consent-to-harm-for-sexual-gratification-not-a-defence-by-WPG.pdf>

²⁵ WPG, Response to TEO Consultation on the EVAWG Strategic Framework, 2023, Available at: static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/670ff87ad000a105f576ebb8/1729099898816/WPG-Response-to-TEO-EVAWG-Framework.pdf

²⁶ WPG, Response to EVAWG Readership Survey, 2023, Available at: <https://static1.squarespace.com/static/66c475c740e7194ba8ee6a81/t/6710e42a5c814b1b733d85af/1729160235263/WPG-Response-TEO-VAWG-Research-Report-1.pdf>

²⁷ <https://5050ni.com/wp-content/uploads/2025/09/digital-threats-to-democracy.pdf>

²⁸ WPG (n 1).

Police Reporting:

- Only 27% of disclosures of VAWG were to the police
- Only 22% of women feel comfortable reporting VAWG to the police
- 85% of women think there should be a specific mechanism for reporting VAWG to the police

The third section of this survey focused on respondents' experiences of reporting experiences of violence to the police. This included questions relating to how respondents felt about reporting violence to the police and beliefs they held regarding the ability of the police service to respond to VAWG. A significant number of these responses included a rationale based on a distrust of the justice system as a whole, rather than the police in particular, fearing what reporting to police may lead to and the possible repercussions; that victim-blaming would follow from either the police themselves or from the justice system more broadly, that they would be forced to disclose personal information such as their phone and their medical records, that they would not be taken seriously or even be mocked.

The *After Violence*²⁹ Report also contains myriad examples of women's lack of trust in how the criminal justice system currently deals with VAWG.

- Only 9% of women think that courts in NI take VAWG seriously
- 54.5% of women who engaged with the courts were not satisfied with the outcome

Many respondents referred to the ways that the judgment handed down can leave survivors feeling as though their efforts to secure a conviction were pointless or not worth the effort. These included concerns about perpetrators being allowed out on bail while awaiting trial for very serious offences, and in particular, the kinds of sentences handed down when a conviction takes place.

Several responses suggested that the sentence was not enough to deter the crimes, that it amounted to a cursory sentence, or that a suspended sentence or similar did not protect them from an abuser. It also included processes that increased frustration and retraumatised survivors, such as delay and poor communication.

"More frequent updates about the courts. For example, I would only find out that the court date had been postponed through looking at the listings online, rather than being informed by a person. Unfortunately, I think a lot of the issues are with the criminal justice system as a whole. It doesn't seem

²⁹ WPG (n 1).

worth putting yourself through potentially years of turmoil and re-traumatisation for the offender to potentially receive only a few months/suspended sentence.”

Further, many suggested that this kind of sentencing spoke to a culture that was not trauma-informed, did not understand the devastating impact of VAWG and, in one case, showed that violence against women was punished less than violence against animals.

“By taking the current situation more seriously. I feel it is very difficult to report a rape/sexual assault or sexist act. Women often chose to chat to family or friends rather than report as they are afraid that nothing will be done or a conviction/punishment is too difficult to get. If the courts had a clear outline on what happens in this situation and how it was support the victims it could help.”

There were several concerns raised around parts of the legal system and the court process, including the physical set up of the court buildings and courtrooms, as well as the ways that those operating the legal levers can be blind to the trauma survivors have experienced and make things worse. The need for better training was raised repeatedly, particularly around the use of language and deployment of myths during trials. A number of respondents also raised concerns about specific dynamics in family court that leaves survivors of abuse very vulnerable.

Other issues raised involved procedural restrictions on the operation of the courts; the fact that the offender’s history is often not deemed relevant, the outstanding Gillen recommendations - some of which have actually been brought in since the survey closed³⁰, such as restrictions on the public gallery in sexual offences trials. Other responses included the lack of joined up service provision, such as the need for housing support for survivors of Domestic Abuse, particularly when the court process ends and the accused is not imprisoned, in order to secure the physical safety of survivors who may be, in practice, left with no option but to return to a shared home with their abuser.

The overwhelming takeaway from the responses to this question was that there are significant problems throughout the courts, and that the legal system itself was built upon and continues to be underpinned by the misogynistic attitudes and norms that are rampant in society.

³⁰ The survey that informed this report was open in the summer-early autumn of 2023

3. General Comments on the Victims and Witnesses of Crime Bill Call for Views

The WPG welcomes this Bill and recognises that the role of the Commissioner for Victims of Crime is particularly a necessary and urgent change. Our position is informed particularly in light of the findings of our research outlined above, which reflect a reluctance on the part of many victims, particularly survivors of sexual crimes, to engage with the justice system because of systemic issues that the role of the Commissioner and the provisions of this Bill aims to address.

Many of these changes are long overdue, and many changes that are needed are not in the scope of this Bill, nonetheless this Bill will begin to provide the powers to the necessary role that can start the work to address these systemic issues.

4. Response to Consultation Questions

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

I confirm that I have read the privacy notice.

What is your name?

Elaine Crory

What is your email address?

elaine.crory@wrda.net

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

Women's Policy Group NI

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.

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:

The Commissioner's role as laid out here will help advocate for victims. As outlined above, the WPG has long-held concerns about the barriers that victims face both while involved in the criminal justice system and when deciding when to report a crime and a role championing victims helps to alleviate those concerns. The role of the Commissioner has already proven its value in the short time it has existed.

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:

In our view, this is the correct focus, and we stress the importance of the Commissioner's independence in their ability to advocate for victims and witnesses to the fullest extent.

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:

N/A

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:

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

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

Yes

If yes, what should they be?

We support our colleagues in Women's Aid Federation in their call for the Commissioner to have one additional power; the right to intervene on individual cases where rights have not been upheld. As they have argued, there is precedent for this in other Commissioner posts, and there is a strong argument to be made that systemic change can result more swiftly and more effectively from highlighting the issues in individual cases.

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:

It would be helpful to specify a duty on the Commissioner to consult with representative and grassroots organisations to take the views of victims. Throughout the time while the Commissioner designate has been in post, this has been accepted practice, but a specific duty would mean that this practice cannot be jettisoned in the future. Note that this means not only the advisory groups that are established in the legislation, but also a wider duty to consult throughout the work of the Commissioner including, for example, while carrying out research.

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:

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:

The WPG supports the idea of advisory groups and believes that these are helpful to the work of the Commissioner. However there is an opportunity to consider the breadth and depth of these groups and how they work in terms of recruiting members, ensuring ongoing active participation etc. It is absolutely important to have genuine groups involved in the Commissioner's work and for them to be connected to the sector on the front lines, but it is also important that the Commissioner is not beholden to fringe groups and those who may be opposed to some member's access or rights.

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

Yes but with caveats

Please provide information to support your answer here:

The Commissioner should also take expert advice on this issue, both for any proposed groups who want to take part and for advice on a robust Terms of Reference and Code of Conduct. It would be helpful to develop a code of conduct or Terms of Reference for advisory groups, ensuring that the values of the organisation align with the aims of the advisory group and allowing for contingencies should some members breach those agreed terms.

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:

The WPG supports the position of Women's Aid Federation that this can be an important power in cases where an individual's Charter rights have not been upheld. This can have the effect of allowing individual rights to be upheld in the immediate term but can also highlight a systemic issue that can then lead to more robust change, including highlighting the need for updated legislation.

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:

N/A

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:

We are not aware of any groups missing from this list, and are content that those on the list remain.

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

No

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

No

Please provide information to support your answer here:

All of these may be useful to the Commissioner's role, and it is particularly important that we do not exclude those that are perhaps less obvious, eg the harbour and airport police, who may especially encounter less visible crimes such as trafficking, human slavery and transporting girls for the purposes of obtaining FGM.

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:

This is very important to ensure that the role of the Commissioner has real teeth in terms of compelling the release of data that is essential to the role. Commissioner roles are meaningful only when they have meaningful powers, and while we

understand that there may be occasions when releasing information may not be practical, that should be the exception rather than the rule.

In addition, we support this because there are wider issues around the gathering and retention of robust data by many charter service providers, and a robust and disaggregated data set is essential to designing and delivering appropriate services.

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:

As we have outlined above, gathering data and making it available where possible is absolutely essential, but this data needs to be meaningful to be useful. This means the data should be disaggregated as far as possible in order to support the work of organisations providing support to victims and survivors on the ground. In particular, this detailed data provides an evidence base to those organisations working to support minoritised people who may not be well-represented in generic data.

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:

The WPG concurs with the Department that the Witness Charter should be made more robust, using the Victim Charter as a benchmark.

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:

This is an essential safeguard to ensure that charter service providers take this duty seriously. It must be as robust as possible to avoid the reality or even the appearance of hiding this information from the Commissioner and indeed the wider public. We reiterate again that this is most helpful if the reasons for non-compliance are very clearly defined and that the data is supplied not only to comply with the obligation but in a way that reflects a recognition by the charter service provider that there is a positive duty and significant and justified public interest in providing it in the fullest possible way.

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:

Again, as we support the utmost transparency possible and the inclusion of data about complaints, including their outcomes, is very valuable data and will be of significant public interest.

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:

As stated elsewhere, we believe that one of the most important aspects of this Bill is the ability it confers on the Commissioner to access information from Charter Service Providers. However, a balance must be struck here to ensure that the privacy of victims and witnesses, for example their health status, must be protected while ensuring that relevant information is shared. We believe that this Clause strikes this balance correctly.

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

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 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:

There will be a need to hold the Commissioner accountable and this is the best mechanism to do so. The WPG also suggests that, to guard against future risk, it would be best to ensure that the Department also has the powers to review that Strategic Plan, in the event of serious issues emerging that indicate a need to rethink or update it.

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:

This clause sets a reasonable and helpful expectation that the Commissioner takes account of the previous year's work, assesses how targets were met and accounts for the resources that have been allocated to them.

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:

This duty is among the most powerful tools that the Commissioner can have - and by extension that victims and survivors can have - to insist upon institutional change and systemic rethinks in institutions that hold enormous power. As such, when a recommendation is made and not subsequently accepted by the charter service provider, it is essential to that accountability mechanism that an explanation is provided in a timely fashion. This mechanism gives the Commissioner's role real teeth and is crucial to making this investment work well.

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:

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:

While the WPG is emphatic that it is important to protect the Commissioner when they may need to be critical of organisations, we recognise that it is important that individuals have a degree of protection from the institution that is the office of the Commissioner.

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:

The WPG is content with this definition.

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:

The WPG is content with these amendments.

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

No

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. Do you agree with the provisions in Clause 24?

Yes

Please provide information to support your answer here:

With the proviso that the WPG has completed a consultation response and is currently engaging with the Assembly, including the Committee for Justice, around expanding the categories of statutory aggravator to include misogyny and transgender identity, once the Bill is passed and the categories are settled, we support assistance and special measures for victims of this type of crime.

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:

Our view is that these kinds of crimes are not only particularly harmful to the survivors because they are motivated by that person's identity or perceived identity, they also have the effect of increasing fear in the individual and the community from which they come, and they create a power imbalance between victim and perpetrator based on the fact that offences aggravated by hostility are intended, and have the effect of, reinforcing harmful beliefs about minoritised people. As such, special measures are best practice.

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:

The WPG wishes to emphasise how vitally important the inclusion of this clause is to ensure complainants who report sexual offences are treated in a way that is consistent with both their right to privacy and with the interests of justice. Their right to be legally represented ensures they are informed at all stages and know what records / personal data are being sought about them. It ensures the process remains victim focussed.

We would also emphasise how harmful to individual complainants it is when sexual history is revealed in court or sought by the defence; indeed we argue that it is harmful to the ends of justice itself in more cases than not.

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, charging offences under Section 5 of the Domestic Violence, Crime and Victims Act 2004 continue to receive appropriate scrutiny following the introduction of committal reforms 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:

The WPG welcomes measures in this clause designed to ensure that offences under Section 5 of the Domestic Violence, Crime and Victims Act 2004 continue to receive appropriate scrutiny following the introduction of committal reform and that children and vulnerable adults will be protected. We have consistently supported efforts led by Women's Aid Federation NI to gather momentum behind the push to have the impact of domestic abuse on children within a household where abuse takes place, and particularly in cases such as these that involve a death or very serious harm, it is vitally important that the police and whole justice system is empowered to hold those responsible fully to account.

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

No

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 - we are content with the commencement and short title of the Bill.

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

No

5. Additional Comments

To conclude, the Women's Policy Group NI welcomes this Bill and particularly the role of the Commissioner for Victims of Crime.

ENDS

