

CVSNI RESPONSE TO THE DEPARTMENT OF JUSTICE (DOJ) EQUALITY CONSULTATION FOR A PROPOSED JUSTICE BILL (NI) 2013

The Commission for Victims and Survivors for Northern Ireland (the Commission) was established in June 2008 under the *Victims and Survivors (Northern Ireland) Order 2006*, as amended by the *Commissioner for Victims and Survivors Act (2008)*.

The Commission is a Non-Departmental Public Body (NDPB) of the Office of the First Minister and deputy First Minister (OFMDFM). The principal aim of the Commission is to promote awareness of the interests of victims and survivors of the conflict. It has a number of statutory duties that include:

- Promoting an awareness of matters relating to the interests of victims and survivors and of the need to safeguard those interests;
- Keeping under review the adequacy and effectiveness of law and practice affecting the interests of victims and survivors;
- Keeping under review the adequacy and effectiveness of services provided for the victims and survivors by bodies or persons;
- Advising the Secretary of State, the Executive Committee of the Assembly and any Body or person providing services for victims and survivors on matters concerning the interests of victims and survivors;
- Ensuring that the views of victims and survivors are sought concerning the exercise of the Commission's functions; and
- Making arrangements for a forum for consultation and discussion with victims and survivors.¹

In November 2009, OFMDFM introduced a ten-year strategy for victims and survivors. This strategy identifies a new infrastructure for dealing with victim and survivor issues that includes the Commission, the Forum and the Service. These three bodies are now operational and work closely with the Department in meeting the needs of victims and survivors.

¹ The functions of the Commission relate to those set out in the *Victims and Survivors (Northern Ireland) Order 2006* as amended by the *Commission for Victims and Survivors Act (Northern Ireland) 2008*.

The Commission is pleased to have the opportunity to provide a response to DoJ's Equality Consultation for a Proposed Justice Bill (NI) 2013. The Commission's response will focus on two principal themes: jurisdictional and procedural reform, and enhanced services for victims and witnesses.

Many of the victims and survivors whom we support perceive themselves to have been denied access to justice. Those measures which are in place to give answers and information are piecemeal and can take decades to deliver. With regard to the criminal justice system, victims need reassurance. They need to know whether there was a proper investigation of the crime committed against them or their loved one. If there was no proper investigation at the time they need to know whether it is possible for one to be undertaken now. If it is, they need to know that such an investigation is rigorous and competently undertaken. If investigation is not feasible, victims need to trust the word of the person or authority who tells them so.

For most victims and survivors of the Troubles, however, there is little chance of anyone being brought before a court and convicted at this stage. As they move on, victims need to see the justice system doing what it can to right historical failings regarding the investigation or non-investigation of serious crime. They need to see the justice system using this learning to inform current jurisdictional and procedural reform.

The Commission welcomes the 'Faster, Fairer' Justice Bill's aspirations to improve access to justice, to speed up the justice system and to improve services to the public, particularly to victims and witnesses of crime. Given the often negative experiences of victims and survivors in accessing justice, the Commission commends attempts to enhance confidence in the justice system through the constituent parts of the Justice Bill. Likewise any proposed improvements in services for this group are to be applauded and something which the Commission actively pursues in its own work programme. To this end, the Commission welcomes the proposed provision of statutory entitlements for victims in the form of a new *Victims' Charter* incorporating an updated *Code of Practice* which will assist with:

- Setting standards of service to be provided by key bodies within the criminal justice system;
- Addressing more clearly the needs of bereaved families and ensuring their entitlements reflect those of other victims, and

- Setting out clearly the key milestones at which information will be provided, the timescales for the provision of this information, how it will be provided and who has responsibility for its provision.

The Commission recommends any measures which reduce the burden on victims, particularly where these individuals are involved as witnesses. The re-telling of traumatic stories coupled with public cross-examination can be detrimental to their mental well-being and can delay the healing process. The submission of written statements may help alleviate this burden. We agree that poorly managed cases with unnecessary hearings and adjournments often prolong the ordeal for victims and survivors, witnesses and their families. This situation may be exacerbated by the ageing profile of the victims and survivors of conflict-related incidents, thus adding to the increased sense of urgency in accessing justice.

We acknowledge that the proposed Bill will have implications for victim support organisations. The Commission has recently completed a Comprehensive Needs Assessment (CNA) of victims and survivors in Northern Ireland. The evidence presented in our CNA recommends that victims and survivors who are engaging with statutory agencies, including the justice system, should be offered access to independent support services in terms of the provisions in the *Victims' Charter* and the proposed statutory provision for Victim Personal Statements (which will give victims the chance to describe the impact the crime has had on their lives).

In conclusion, the Commission welcomes the opportunity to submit this response on the equality aspects on the measures to be carried in the proposed Justice Bill (NI) 2013. The Commission believes that the proposed Justice Bill (NI) 2013 has a very important role to play in assisting victims and survivors to access faster, fairer justice. This is particularly important given the fact that the pursuit of justice for conflict-related cases, where indeed it happens at all, is extremely slow. Moreover, the Commission questions whether it would be useful for the proposed Justice Bill to make specific reference to the needs of victims and survivors of the conflict as a discrete grouping for consideration and in assisting the constituent parts of the Bill better meet their needs and priorities in accessing justice.

MAY 2013