

COMMISSION FOR VICTIMS AND SURVIVORS RESPONSE TO DEPARTMENT OF JUSTICE DRAFT VICTIM CHARTER

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 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 identified a new infrastructure for dealing with victim and survivor issues that included the Commission for Victims and Survivors, the Victims and Survivors Forum and the Victims and Survivors Service. These three bodies are now operational and work closely with OFMDFM 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 the Department of Justice's draft Victim Charter.

This response has been informed by the Commission's experience of working with victims and survivors and commentary from the Victims and Survivors Forum.²

Q1. Do you think that the 'victim journey' approach used in the Victim Charter is the right one?

Yes. The Commission welcomes the intention to provide victims with relevant information by clearly setting out what they can expect as they move through the criminal justice system.

Q2. Do you have any comments on who the Victim Charter is for?

The Commission acknowledges that the Charter is intended for direct victims of crime; child victims and/or parents; bereaved family members; family members of a victim who is unable to act on their own behalf; and representatives, usually where there is no family member or the family member cannot be agreed upon. The Commission is content that DoJ has covered all those who should be made aware of service provision and victims' entitlements.

The comprehensive and detailed information contained in the draft Charter provides clear guidance on service provision and entitlements for users. The Commission believes that the information contained in the draft Charter provides clear and informative detail on what victims can expect when reporting a crime; information that will be provided on a decision to prosecute; what services are available when attending court or giving evidence; and how to receive information when an offender is released.

The Commission would be concerned that the draft Charter makes no reference to Northern Ireland's unique circumstances. The legacy of the Troubles/Conflict is evident with continuing paramilitary activity and many victims are impacted by conflict-related violence, threats and intimidation. The Commission would therefore recommend that DoJ considers a dedicated section referring to help, support and guidance for victims of conflict-related incidents.

² The Commission facilitated an information session between the DoJ and the Victims and Survivors Forum on 4th July 2014.

Q3. Does the Victim Charter contain the key services and entitlements that you would expect to see in it?

The Commission welcomes DoJ's intention to set out the entitlements and services that victims of crime in Northern Ireland can expect to receive from a range of service providers. The Commission is content that major areas relating to the criminal justice process are covered in the draft Charter.

However, in line with the Charter's endeavour to ensure victims and witnesses are aware of all their entitlements, the Commission recommends that the Charter acknowledges that practical, financial and emotional support is available for victims and survivors of the Troubles/Conflict. This information should be in addition to the contact details for the Commission and the Victims and Survivors Service detailed in Annex C. If this were to be considered by DoJ the Commission would be available to provide assistance or guidance.

Q4. Is there anything that you think should be added to or omitted from the Victim Charter?

The Commission also recommends that DoJ considers including information relating to Coroners Inquests and the Historical Enquiry Team. This would ensure that families or representatives of the bereaved are informed and made aware of what to expect if engaging in either process.

Q5. Do you have any other comments on the content of the Victim Charter?

The Commission welcomes DoJ's commitment to ensuring that victims of crime are supported and have access to comprehensive information relating to the criminal justice journey.

The Commission sees the Victim Charter as a positive mechanism for ensuring that victims have a more positive experience when engaging with the criminal justice process. Clearly setting out minimum standards, rights, support and protection should empower victims and witnesses and provide assurances at a time when they may feel vulnerable.

Q6. Do you consider that the overview of duties on service providers in Section 11 is helpful? Do you have any comments on the approach adopted?

The Commission welcomes the inclusion of an overview of duties and contact details for support organisations (Annex C).

Following from the pre-consultation event on 27 February 2014, the Commission provided DoJ with suggested wording for the inclusion of a Troubles/Conflict-related paragraph. The Commission would like to thank DoJ for including an overview and the contact details for the Commission and the Victims and Survivors Service in the draft Charter (page 67). However, the Commission would request that the title of this section is amended to 'Victims and survivors of the Troubles/Conflict' to ensure ease of reference.

The Commission would also suggest that groups listed under 'Other Support Organisations' on page 66 are categorised appropriately (older people; disability; minority ethnic etc).

Q7. The Victim Charter is a lengthy document. In light of this it contains a two page overview and flowchart. A summary document is also available (an easy read version of the final summary document will be prepared once the Victim Charter has been finalised).

(i) Are these documents useful?

(ii) Do they contain the right level of information?

(iii) Is there anything that you think should be added to or omitted from them?

(iv) Have you any suggestions about improving them or making them more accessible?

The Commission is conscious that the draft Charter is a lengthy document and welcomes the summary, overview and chart. The Commission would imagine that these documents would primarily be used by service deliverers and groups when providing support and assistance.

The Commission would suggest that DoJ considers producing larger versions of the flowchart, perhaps in the form of a poster, for use by service deliverers. The Commission would also suggest that DoJ considers producing a leaflet version of the flowchart with key points/entitlements and contact information. These would provide user-friendly and accessible reference points.

Q8. We are keen to ensure that as many people as possible are aware of the Victim Charter and the supporting documents.

(i) Do you have any suggestions on how we can best promote awareness of the Victim Charter?

(ii) Do you have any suggestions about what activities could be undertaken to increase awareness and understanding of the Victim Charter – either by the Department or others?

A range of general promotional activity could be undertaken by DoJ such as a Ministerial launch; press releases; advertising in print based media; online promotion; and awareness campaigns through social media.

Once launched, the Commission would recommend that a link to the Charter features prominently on DoJ's website and contact should be made with other stakeholders including the Police Service of Northern Ireland, Victim Support, the Public Prosecution Service and NI Direct to establish how best it could be promoted on their platforms.

The Commission envisages that the Charter would be widely used by service deliverers, legal practices, victim support groups and the voluntary sector and recommends that DoJ seeks their views on how best to promote the Charter.

The Commission would also recommend that DoJ bears in mind that there may be requests for alternative formats such as large print; Braille; audio; DAISY; or languages other than English. The Commission would therefore suggest that the Charter and supporting documents carry a tagline informing readers of how they can request another format.

Q9. Do you have any comments on how best to take account of the views of victims on the operation of the Victim Charter?

The Commission agrees with DoJ's intention to publish the Charter on an administrative basis by the end of 2014, prior to issuing it on a statutory basis towards the end of 2015. This would enable account to be taken for how well the Charter has operated during the first half of 2015. The Commission would suggest that DoJ seeks the views of stakeholders to obtain constructive feedback prior to Assembly approval through the Justice Bill (2014).

The Commission would specifically recommend that views on the Charter are sought from victim and witness service providers, both statutory and non statutory.

Once fully operational, the Commission would suggest that the Charter should be monitored, and amended, to reflect policy developments and emerging good practice.

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