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Cara Hunter MLA

Via email

RE: Victims of Sexual Crimes Trauma Mitigation Bill

Dear Cara,

I welcome the opportunity to respond to the consultation on your Private Member's Bill (PMB).

I will respond to the online survey; however I thought it would also be helpful to write to you to set out my views in some more detail.

I appreciate the laudable intentions of this Bill and believe the proposed measures in this Bill could help to reduce the trauma experienced by victims of sexual offences in our criminal justice system.

I believe it's appropriate to note that the issues facing victims of all crime, including victims of sexual offences, will require much wider changes to how our criminal justice system treats those victims if we are to achieve a truly trauma responsive justice system.

Victims access to information and support are key steps in our efforts to achieve that and the introduction of a government funded, free, independent legal service for victims sees Northern Ireland leading the way on this issue. Such support is only beneficial however if victims are aware of it at the time of need and it is concerning that levels of referrals to the SOLA service has not been as high as expected.

I am therefore supportive of any move that will increase the number of victims of sexual offences being referred to SOLAs and I believe that referral to SOLAs should be an opt-out process rather than an opt-in by which I mean that the police should advise victims that they will pass their information to the SOLA service unless they choose to 'opt out'.

Placing a legal duty on police to make sure that officers are informed of and offered access to SOLAs could help to make sure those victims receive information on those services.

However, officers should already be signposting victims to support services as per their entitlement under the victim charter which is already enshrined in legislation. It would be crucial, therefore, to make sure that any strengthening of this obligation truly achieves its intention through rigorous implementation of such a measure and data collected to make sure it is being effective.

Any legislation should therefore also include measures to ensure monitoring of this data and accountability.

I recognise the vital role that support services play in supporting all victims and the important role they can play in supporting victims of sexual offences.

It is absolutely crucial that any support service that victims are referred to by a statutory body including the police is working to a recognised standard of best practice with appropriate governance procedures in place. I have unfortunately heard examples from victims and survivors of practices from some groups which on the face of it appear to lack understanding of the justice process and the impact of trauma.

I therefore have some concerns about any requirement on police to signpost victims and survivors to local groups without any checks having been made regarding the quality of practice, accountability and governance arrangements. It will also be necessary to ensure that police are kept up to date with the latest status of such groups and unfortunately what I am hearing too often is the closure of services due to the increasingly precarious funding environment that the community and voluntary sector are now operating within.

On the issue of Victims Personal Statements (VPS), it may be useful to consider my office's [report on this published last year](#). This piece of research identified some key changes to be made to make VPSs effective as a means to empower victims. One of the key issues in the Magistrates' Court is the lack of time and opportunity for victims to provide a VPS, never mind read it out loud.

When this research was carried out there was uncertainty over whether legislative or policy changes were needed to allow victims to read their statements in court. However, there has now been at least one example of a victim being allowed to do so and the Lady Chief Justice has confirmed that it is at the discretion of the judge whether a VPS can be read out loud.

A legislative provision that means that victims are given the opportunity to read their VPS out in court themselves as the default would be welcome, with the obvious caveat that it should always be the choice of the victim to do so or not. There should be no requirement or indeed pressure put on victims to provide a VPS or read it out loud.

I understand the Department of Justice has created a working group which is currently looking at the issue of providing victims access to court transcripts and the first issue they are considering is providing victims access to sentencing remarks.

I have campaigned for victims of crime to have greater access to recordings or transcripts of court proceedings.

Ideally all victims would be able to access full recordings and transcripts of their court proceedings free of charge, however I am aware of the potential cost and current operational barriers such a move would present.

A barrier exists given the nature of our court system in the fact that the Magistrates' Court is not a court of record, so there is no transcript readily available. This should be less of a barrier in the Crown Court, which is a court of record and in which the more "serious" crimes are heard.

Given this, I would call for victims to be able to access recordings and transcripts of judges' sentencing remarks free of charge as a first step.

Fundamentally the costs barrier of providing these recordings or transcripts should not be insurmountable and the use of technology to provide these should be explored.

I understand that in London victims are able to access sentencing remarks and that this project has been expanded since it was implemented due to the fact that the costs incurred have been lower than previously anticipated.

The steps outlined in this draft legislation are positive, and while there is much more that needs to be done to address the myriad issues facing victims of sexual offences, I wish you the best of luck in progressing your legislation and making positive changes. I am happy to lend any support as appropriate to this effort.

Yours sincerely,

A handwritten signature in purple ink, appearing to read "G. Hanna", with a long horizontal line extending from the end.

Geraldine Hanna
Commissioner Designate for Victims of Crime