

Department of Justice

Consultation on proposals to allow the recording and broadcasting of certain court proceedings

Response from the Commissioner Designate for Victims of Crime for Northern Ireland

July 2025

1. General Comments

- 1.1 The Commissioner Designate welcomes the opportunity to provide input into the consultation on proposals to allow broadcasting of certain court proceedings. Openness and transparency are key to public confidence in justice, and it is timely that the Department is carrying out work to review whether amending the law on broadcasting of some court proceedings might enhance the transparency of the justice system.
- 1.2 The Commissioner Designate is cognisant that a delicate balance must be struck between open justice and the right to privacy and safety of all parties to cases, including victims. Other considerations must also be factored in such as whether measures might compromise the efficiency of proceedings or negatively impact on the solemnity of justice processes.
- 1.3 Ultimately, the Commissioner Designate is of the view that there is much value in broadcasting certain aspects of criminal trials, not only for victims to see that their experiences and the harm done to them is regarded as a serious matter, but also as a matter of public education and public ownership of a system that can often feel distant and oblique to those who have never engaged directly with it.
- 1.4 To maintain public confidence in the administration of justice, justice being seen to be done is often as important as justice being done. The broadcasting of some court proceedings will go some way to provide that transparency in a format that is more accessible and digestible to the public in this digital age.
- 1.5 The Commissioner is also aware that there can be a gap between the development of the law and the public's understanding of it. This can be exacerbated by the fact that judicially set precedents form a vital part of the law, yet the details of such judgments are rarely publicly accessible. It is arguable that in our common law system, accessing an accurate record of what was said in court is therefore key to ensuring open justice.
- 1.6 Broadcasting of court proceedings can also serve a broader public education function. Public understanding of how the court system works can often be inconsistent. Ordinary people's understanding of what judicial independence means and how it functions, how decisions are reached and in particular how

sentences are arrived at, is often at odds with the reality of the Northern Irish court. This is understandable given that most people will not engage with the justice system unless they have to, and most depictions of courts and justice in popular culture tend to be sensationalist, fictionalised, and based on an American system which is in many ways different to our own.

- 1.7 Better understanding of court and justice functions is also central to the public's role in scrutiny and accountability. For that accountability mechanism to function, the public must be adequately informed of the nuances of the justice system, including how decisions are made. As noted in the report of the UK Justice Select Committee inquiry, the purpose of open justice is to ensure that the public can reach its own judgment on whether the courts are delivering justice. And, as pointed out by PA media in its submission to that inquiry:

*"The fewer cases that are reported, the less aware the public is of the rule of law and the less informed they are as to whether the administration of justice is functioning as it should."*¹

- 1.8 More transparency on what happens in our courtrooms through broadcasting can also aid in countering the spread of misinformation. An audiovisual record of certain proceedings can dispel myths around what happens in court, as well as helping ensure nuanced and accurate reporting of case outcomes for the most legally impactful hearings.
- 1.9 In terms of how such changes are made, there is much that can be learned from the operation of court broadcasting and consultation on the broader question of open justice in England & Wales.²
- 1.10 One issue that has been flagged through the outworkings of broadcasting courts in England & Wales is the need for full broadcast options and availability. Although the proposed legal change would reasonably require media outlets to present a fair and accurate portrayal of proceedings when broadcasting, there nonetheless remains a risk that only broadcasting or reporting on a brief snippet of a hearing or a decision may create a distorted or incomplete version of events. In discussion about the uptake of the right to broadcast court hearings in England and Wales it has been conceded that since the initial roll-

¹ committees.parliament.uk/writtenevidence/41211/html/

² Open Justice Call for Views: [Call for Evidence: Open Justice, the way forward - Summary of Responses](#)

out of broadcasting sentencing remarks for example, there has not been a large uptake by media of the scheme, and that portions of hearings that were broadcast tended to be those that were more emotive or dramatic. To that end, the proposal within the consultation document that all accredited media outlets would be required to provide access to broadcast material on a hosting platform is welcome. The Commissioner is of the view that recordings of the full portions of proceedings ruled eligible for broadcast should be publicly available and easily accessible, to negate the risk of misinterpretation or unintentional editorialization. This would not only ensure the nuance and complexity of the law was accessible to the public but would also help avoid sensationalism and potential trivialisation of proceedings.

- 1.11 It is important that recordings of parts of proceedings ruled eligible for broadcast are freely available (not behind a paywall), and in an easily accessible place for the public to access. In that regard, the UK Supreme Court's YouTube channel is a model of good practice, both in terms of providing a centralised repository of recordings and offering high quality recordings that are visually and audibly clear and well shot. Notably the UK Supreme Court also provides a link to all judgments on their website for easy access.
- 1.12 Needless to say, any system introduced to broadcast certain hearings in NI courts should ensure there is no disruption or delay to either hearings being recorded or any other proceedings. Clear logistical guidelines through the proposed protocol will no doubt assist in guaranteeing this.
2. **Do you agree with the proposal to provide a general power in primary legislation for the Department, with the agreement of the Lady Chief Justice, to make a broadcasting order to allow the recording and broadcasting of certain court and tribunal proceedings? Please explain the reason for your answer.**
 - 2.1 The Commissioner Designate agrees with the proposals outlined. Providing a general power within primary legislation, and reserving the detail of what can be broadcast to secondary legislation, ensures flexibility and future proofing if need be.

3. **Do you have any other comments to make on the proposed provisions to be included in primary legislation (see section Power to disapply the current legislation)?**

3.1 The exercise of judicial discretion, underpinned by the right to refuse broadcast in the interests of justice or to ensure that a person was not unduly prejudiced and the requirement to give reasons for refusal, is a sensible way to frame the legislation.

3.2 The Commissioner Designate appreciates the motivation for not allowing appeals of decisions not to allow broadcast, and recognises the merit in avoiding further delay in the justice system by adding an additional appeal function. It may, however, be helpful to build in a review mechanism to the legislation, whereby decisions not to broadcast are reviewed every two years. This would help identify any practice issues outside of an onerous appeal process, striking a balance between accountability and court efficiency.

4. **Do you consider that the list of conditions in the section Circumstances in which recording and broadcasting may be allowed provides sufficient safeguards in relation to the recording and broadcasting of court proceedings? Please explain the reason for your answer.**

4.1 It is clear that the approach proposed has taken care to safeguard privacy of parties and avoid broadcasting acting as a deterrent to victims engaging with the justice system by excluding their giving of evidence from the scheme. The Commissioner Designate agrees that this is currently the right approach.

4.2 The Commissioner Designate welcomes exemption from broadcasting for members of the public and NICTS staff. For the sake of clarity, it would be helpful if this list of exempted persons explicitly included non-NICTS staff and volunteers working in the court setting such as Victim Support NI and NSPCC Witness Service staff and volunteers working in the court buildings.

4.3 The consultation document refers to broadcasters having to apply to both a judge and the Department in writing to apply to broadcast a hearing. There is a risk that if this process is too onerous it may pose a barrier to outlets applying to broadcast. Any ways such barriers can be removed whilst still maintaining the relevant safeguards regarding confidentiality and privacy should be explored.

- 4.4 Similarly, this consultation process may provide a timely opportunity to review processes and practices around court listings, to ensure that late or scant information within listings is not a barrier to open justice. Broadcasters will need time and detail to be able to consider whether they wish to broadcast part of a hearing, and every effort should be made to ensure the system does not create a barrier through inadequate quality or accessibility of court information.
- 4.5 The proposed protocol and practical arrangements are helpful and will give clarity to the process and to broadcasters seeking to record hearings.
5. **Do you agree with the proposals for the making of a broadcasting order to allow certain aspects of cases being heard in the Court of Appeal to be recorded and broadcast (see section Recording and broadcasting of the delivery of judgments in the Court of Appeal)? Please explain your answer.**
- 5.1 Yes, with the relevant safeguards in place, particularly with family appeals, that identities are protected, especially those of children.
- 5.2 As Court of Appeal judgments deal with matters of law, these would be important learning opportunities for the public and matters of public interest more generally. It is logical that legal arguments would also be broadcast where possible alongside judgements to aid public understanding of appeal cases.
- 5.3 The proposal to only broadcast cases where parties are represented by legal counsel, and exclude cases where one or both parties are litigants in person, is a welcome safeguard. This should not in itself preclude the broadcast of judicial decisions in cases where broadcasting of case outcomes would have merit and be in public interest.
6. **Do you agree with the proposals for the making of a broadcasting order to allow sentencing remarks in the Crown Court to be recorded and broadcast (see section Recording and broadcasting of sentencing remarks in the Crown Court)? Please explain your answer**
- 6.1 The Commissioner Designate strongly supports the proposal to broadcast sentencing remarks in Crown Court cases. This step would signal to victims that Northern Ireland takes what happened to them seriously, while also serving

a crucial educational function in informing and explaining the intricacies of sentencing to the public. Being able to see sentencing in action would go some way to demystify what is understandably considered to be an extremely opaque process.

- 6.2 As with broadcasting of Court of Appeal hearings, it is vital that full sentencing remarks are easily accessible to the public beyond whatever clips an accredited media agency chooses to show in news bulletins. This is particularly important to fully capture the nuance and complexities involved in such deliberations and guard against sensationalist or misguided commentary on any given sentencing decision.
- 6.3 Availability of full sentencing remarks is also important for victims, who often tell us that even in cases where they are present for sentencing they are so anxious that they barely remember the detail of what was said. An accessible recording of sentencing remarks would allow victims to revisit the hearing at a time when they are ready so they can digest and work through the verdict and what it means to them.
- 6.4 Whilst we support the safeguard that broadcasting would not include any parts of proceedings involving victims, given parallel efforts around enabling victims to read out their Victim Personal Statements (VPS) in court, consideration should be given to providing the opportunity to broadcast the reading of VPS by victims. This should be subject to a two-tier approval process – firstly the judge granting leave for the VPS to be broadcast, and secondly for the victim to consent to the broadcast. Evaluation of how such a system was working should be built into any review process around the new law, with particular focus on its impact on victims.

7. *Further options* - which other type of proceedings, including which aspects of those proceedings, should be broadcast

- 7.1 The Commissioner Designate recommends that serious consideration is given to broadcasting sentencing remarks in Magistrates Court. As it is not a court of record, there are already significant barriers to victims obtaining information about a hearing after the fact, and this also poses a significant barrier to transparency and open justice.

- 7.2 Broadcasting of judicial review decisions would also be invaluable to greater public understanding of the administration of justice and how public bodies are held to account.
- 7.3 Consideration could also be given to broadcast of coroner rulings. Careful weighing up would be required of the sensitivities around the vulnerability of grieving families, the privacy and dignity of the deceased, and any considerations if abuse may have contributed in any way to a death. Nonetheless recommendations made by the coroner would be of public interest.

8. Further comments

Transcripts of sentencing remarks

- 8.1 Broadcasting is not the only means of improving transparency and moving towards open justice in sentencing hearings. Victims also report barriers in getting access to transcripts of sentencing remarks, citing both cost and bureaucratic complexity as significant roadblocks. The Commissioner Designate has highlighted this issue and is currently working with justice and NICTS officials and the LCJO to seek a solution to this problem. And although the proposals to broadcast some sentencing remarks may go some way to mitigate this issue, such recordings will presumably not be available in all cases. Different people process information in different ways, and so providing both written and audio transcripts to victims free of charge would be an important step towards making this part of the process trauma-informed and recognising victims as the injured party and therefore deserving of being given a record of what has been delivered in court in relation to their case.
- 8.2 In England and Wales, free transcripts of sentencing remarks for victims of rape and serious sexual offences (RASSO) have been available since 2024. A recent evaluation of the pilot revealed that the cost to provide transcripts upon request was much lower than initially anticipated due to lower than expected uptake.
- 8.3 The Commissioner Designate is supportive of calls for readily available sentencing remarks for all to access, but does recognise the cost commitment that this may require. The most urgent piece to progress is accessibility to victims of the crime for which sentencing is taking place. Providing written and / or audio transcripts of sentencing remarks for these victims, especially in cases

of serious crimes of abuse such as domestic violence or sexual offences and cases involving a fatality, is in the Commissioner's view a practical and measured reform that would be of immense benefit to victims and improve confidence in justice.

- 8.4 To mitigate cost, consideration could be given to the use of AI transcription technology to enable more sentencing remarks to be captured and made publicly accessible. This approach is already in use in jurisdictions such as Australia.

Dedicated hosting platform for broadcasts

- 8.5 As part of the move towards greater transparency, consideration should be given to establishing a centralised repository of broadcast hearings, judgments, and written remarks in one unified online platform. Judiciary NI already has the beginnings of this information online; however, availability of such materials remains extremely limited in comparison to the bulk of court business and decision making which happens daily in our courts. Providing a central online location for broadcast hearings, such as a dedicated YouTube channel, alongside an increased body of written decisions and sentencing remarks would vastly improve public understanding, trust and confidence in judicial decision-making.

Monitoring

- 8.6 The Commissioner Designate recommends that monitoring mechanisms are put in place to help evidence the impact of broadcasting on victim confidence and public understanding of justice at the point that any new process is rolled out. This would enable the Department to assess the success of current broadcasting, learn from such experiences and if appropriate expand broadcasting in stages depending on which proceedings are of most relevance to the public.

Information provision

- 8.7 The roll-out of broadcasting of court proceedings should be accompanied by clear information for victims and jurors in particular to reassure them that they will not be included in broadcasts and their identities will not be made public.

8.8 Similarly, clear information should be publicised that the amendments to the law will not change restrictions on members of the public from recording or broadcasting in court rooms and that this remains a criminal offence.

Limitations

8.9 Finally, while the Commissioner Designate welcomes the move towards broadcasting certain parts of proceedings in the interest of open justice, it should be highlighted that this change is unlikely in and of itself to significantly expand people's understanding of the system. Nor is the ban on broadcasting of proceedings something that victims have raised to the Commissioner Designate as a concern. First and foremost, victims need access to, and understanding of, the process so efforts to increase levels of victim participation in court processes and information made available to them such as free transcriptions of sentencing remarks, should be prioritised.

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