Criminal Justice (Sentencing etc) Bill 2026

Written Evidence to the Justice Committee

22 May 2026

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PART 1: EXERCISE OF COURT'S DISCRETION WHEN SENTENCING

CLAUSE 1 – Purposes and Principles of Sentencing

"Clause 1 outlines the purposes and principles of sentencing. It sets out the factors that the court must have regard to for the purposes of sentencing, which are: the punishment of offenders; for the protection of the public; the reduction of crime by deterrence; the rehabilitation of offenders; and, the making of reparations by offenders to persons affected by their offences. Do you agree with the purposes of sentencing as outlined in Clause 1?"

☐ Yes

CVOCNI agrees with the purposes of sentencing set out in Clause 1 but would also wish to see 'denunciation' added to this list. Our sentencing framework is one of the clearest ways in which our government communicates its intent on priority issues and can be seen in recent legislation such as the Domestic Abuse and Civil Proceedings Act as well as in proposed inclusions in this bill on issues such as assault on public workers, hate crime, Charlotte's law and death by dangerous driving. Including denunciation as a purpose helps ensure greater coherence between legislative intent and judicial outcomes, providing courts with a clear mandate to reflect societal condemnation in sentencing decisions. For victims, this can be a critical element of the justice system, seeing the harm they have experienced being publicly acknowledged and condemned.

Prompt 2

"Clause 1 also defines the principles of sentencing as proportionate, fair and transparent. Do you agree with these being set as the principles of sentencing?"

☐ Yes

CVOCNI agrees that proportionality, fairness and transparency should be established as the core principles of sentencing. These principles are essential to maintaining public confidence and ensuring victims understand sentencing outcomes.

Prompt 3

"Do you have anything further to add on Clause 1 of the Bill?"

☐ Yes

CVOCNI has concerns regarding Clause 1(4)(b), which requires courts to consider "the character and circumstances of the offender" when determining sentence proportionality.

In domestic abuse, sexual offence, and exploitation related cases, the unqualified consideration of prior good character, reputation or community standing can undermine fairness and transparency. Such material may reinforce harmful myths about abuse and exploitation, replicate coercive control dynamics, and disadvantage victims abused by socially respected offenders.

In such cases it is highly inappropriate to regard such characteristics as a mitigating factor in a crime of this kind. Perpetrators of abuse, grooming and exploitation often leverage their community standing and façade of 'good character' to enable offending to go unreported, undetected and unchallenged. When these attributes are invoked by the defence or court, victims can feel their experiences are being downplayed or that offenders are afforded an unfair advantage, which can exacerbate feelings of helplessness and re-victimisation. This dynamic has been extensively discussed by Dr Eithne Dowds of Queen's University Belfast, exhibited in her paper "Rethinking the Role of Good Character Evidence in Rape and Sexual Offence Trials".

CVOCNI urges the Committee to remove the use of good character evidence as a mitigating factor in domestic abuse, sexual offence and exploitation related cases. In such cases, reliance on prior good character can minimise the seriousness of the offending and perpetuate harmful myths about abuse and exploitation, with damaging consequences for victim confidence in sentencing outcomes. Excluding its use as mitigation in such cases would provide greater clarity and transparency, and better reflect the realities of how abuse and exploitation are perpetrated and experienced.

CLAUSE 2 – Clause 2 imposes a duty to follow guidance relevant to the case when sentencing an offender, unless it would be contrary to the interests of justice to do so and to give reasons in relation to sentencing.

Prompt 4

"Do you support the objectives of Clause 2?"

Yes ☐

CVOCNI supports the objectives of Clause 2 in promoting consistency and transparency in sentencing through adherence to relevant guidance, while preserving judicial discretion where departure is required in the interests of justice.

From a victim's perspective, sentencing guidance can play an important role in reducing perceptions of inconsistency or arbitrariness. However, the extent to which guidance strengthens victim and public confidence depends on how clearly its application is explained in practice, and whether sentencing decisions are seen to meaningfully acknowledge the impact of offending on victims.

In cases involving serious harm, including domestic abuse and sexual offences, victims frequently report confusion or distress where sentencing outcomes appear disconnected from lived experience. Clause 2's emphasis on explanation is therefore crucial if guidance-based sentencing is to be understood, trusted, and perceived as fair by victims. A more transparent system where reasons are given for sentencing decisions will also help the general public in its understanding of how sentencing works, which may positively contribute to increased public confidence in justice.

Prompt 5

"Do you have anything further to add on Clause 2 of the Bill?"

☐ Yes

CVOCNI emphasises that the effectiveness of Clause 2 will depend not just on the existence of a duty to give reasons, but on the quality and accessibility of those reasons from the perspective of non-lawyers, including victims and bereaved families.

Victims consistently report that sentencing explanations which are highly technical, brief, or focused on offender mitigation can leave them feeling marginalised at a critical stage of the justice process. Where courts depart from sentencing guidance, the absence of clear explanation can reinforce perceptions that sentencing is inconsistent or arbitrary.

Conversely, where judges clearly explain how guidance has been applied, how victim impact has been weighed, and why a particular sentence is considered proportionate, victims are more likely to perceive the process as fair, even where the sentence imposed is not the one they hoped for. Clear explanation in open court is therefore central to procedural justice and victim confidence, rather than an ancillary consideration.

In this context, CVOCNI proposes that victims of the most serious offences, including murder and domestic and sexual violence, should have free and easily accessible access to written sentencing remarks at Crown Court level. Sentencing remarks are a primary means by which courts explain how sentencing guidance has been applied, how victim impact has been assessed, and why a particular sentence has been imposed. Access to written remarks is particularly important where victims are unable or unwilling to attend court, and reflects developments in England and Wales aimed at improving transparency and victim understanding at sentencing stage.

CVOCNI recognises that providing free access to sentencing remarks may have initial logistical and cost implications. A phased approach, prioritising the most serious offences heard in the Crown Court, would allow this reform to be implemented proportionately while supporting the development of technological solutions over time. In considering future accessibility, CVOCNI also notes that the Magistrates' Court is not currently a court of record, which can act as a barrier to

consistent access to sentencing explanations. In light of ongoing reforms and the proposed expansion of the remit of the Magistrates' Court to include more serious cases, it is important that sentencing legislation and associated systems are future-proofed to support transparency and victim access across all court tiers.

PART-LEVEL QUESTION

Prompt 6

"Do you have anything further to add on Part 1 of the Bill?"
☐ Yes

CVOCNI emphasises that the effectiveness of Part 1 will depend on how judicial discretion is exercised and explained in practice, particularly in cases involving domestic and sexual abuse.

While the Bill appropriately sets out purposes and principles of sentencing, victim confidence will be shaped by whether sentencing decisions visibly acknowledge harm, avoid reliance on assumptions about offender character, and are explained clearly in open court.

Greater clarity around the treatment of offender character, alongside clear and accessible sentencing explanations, would strengthen the Bill's victim centred aims and support public confidence in sentencing outcomes.

PART 2 – Suspended Sentences

CLAUSES 3 & 4 – Availability of Suspended Sentence Orders

Prompt

"Clause 3 sets out when suspended sentence orders may be made and Clause 4 sets out what a suspended sentence order is and how it will be activated. Do you support the provisions around when suspended sentences can be used and what a suspended sentence order is in Clauses 3 and 4 of the Bill?"

CVOCNI recognises the role of suspended sentence orders in allowing courts to respond proportionately in appropriate cases. However, from a victim centred perspective, as well as adding to the trauma of the crime and the criminal justice process, the use of suspended sentences can raise significant issues for victim confidence, particularly where serious harm has been caused.

Evidence from the CVOCNI Victim Survey 2025 indicates that many victims already have low confidence in the fairness and effectiveness of sentencing outcomes, and that sentencing decisions which are not clearly explained can contribute to feelings

of marginalisation and disengagement. Where custody is imposed but suspended, it is especially important that victims understand why this outcome has been reached and what it means in practice.

CVOCNI notes that suspended sentence orders can be difficult for victims and the public to understand, particularly where the consequences of compliance or breach are not clearly communicated. Where the effect of a suspended sentence is unclear, victims may perceive the sentence as lacking credibility or seriousness, regardless of its legal intent. The language of *"a slap on the wrist"* is something the Commissioner Designate hears frequently from victims.

CVOCNI would therefore highlight the importance of ensuring that the effect of suspended sentence orders is clearly explained to victims, including what behaviour is expected of the offender and what will happen in the event of breach.

Clause 5 – Operational and Supervision Periods

Prompt

"Clause 5 sets out the operational period and supervision period which apply to a suspended sentence. Do you agree with the periods and requirements outlined in the clause?"

CVOCNI supports the approach taken in Clause 5 in setting out clear operational and supervision periods for suspended sentence orders.

From a victim centred perspective, clarity around the duration and structure of a suspended sentence is important in supporting understanding of sentencing outcomes. Where the length and nature of an order are not clearly understood, this can contribute to confusion about what the sentence requires of the offender and how long it will remain in force.

Clear and transparent articulation of both the operational period and the supervision period can help ensure that victims have a better understanding of the structure of the sentence, including the timeframe within which conditions apply and compliance is expected. This is particularly important in reinforcing confidence that suspended sentence orders operate in a structured and accountable way.

Clause 6 – Explanation of Orders

Prompt

"Clause 6 sets out that a court must explain to an offender, in language the offender can understand, the reason why it is imposing requirements and the effect of them. Do you agree with the provision of copies of orders and explanation of effect as laid out in Clause 6?"

CVOCNI supports the approach taken in Clause 6 in requiring courts to explain, in clear and accessible language, the reasons for imposing requirements and the effect of those requirements.

From a victim centred perspective, the clarity and accessibility of sentencing explanations are critically important in supporting understanding and confidence in the justice process. While this provision is framed in terms of explanation to the offender, ensuring that sentencing decisions are explained in a way that can be readily understood has wider benefits for victims and the public.

Victims consistently report that sentencing explanations which are highly technical or limited in scope can leave them feeling confused or marginalised at a critical stage of the justice process. Clear explanation of what a sentence requires, why it has been imposed, and what its practical effect will be can help address this, even in cases where the sentence imposed is not the one a victim may have expected.

Provision of copies of orders and clear explanation of their effect also supports transparency and enables both victims and offenders to understand the structure and operation of the sentence in practice. This is particularly important in the context of suspended sentence orders, where the consequences of compliance and breach are not always well understood.

Ensuring that explanations are given in ordinary, accessible language should therefore be seen as integral to procedural fairness and to maintaining confidence in sentencing outcomes.

Clause 7 – Treatment of Suspended Sentence

Prompt

“Clause 7 sets out how a suspended sentence is to be treated. Do you agree with the intent of Clause 7?

CVOCNI considers that clear and credible arrangements for how suspended sentence orders operate in practice are essential from a victim centred perspective. Where the operation of a suspended sentence is not well understood or does not lead to timely and visible consequences in the event of non-compliance, confidence in sentencing outcomes can be significantly undermined.

Evidence from CVOCNI’s wider work, including victim feedback, highlights that perceived inconsistency in how sentences are applied and enforced is a key driver of disengagement from the justice system. Victims need confidence that suspended sentence orders will operate in a consistent and transparent manner, and that non-compliance will be addressed appropriately.

In this context, clarity around how suspended sentences are treated in practice, including how compliance is monitored and how breaches are dealt with, is important

in supporting understanding and confidence. For victims registered with the Victim Information Scheme, timely and clear information about any changes in the status or operation of an order is also relevant to maintaining confidence and avoiding unnecessary additional distress.

CLAUSES 3 TO 7 – Additional Comments

Prompt:

“Do you have any other comments on Clauses 3 to 7 of the Bill?”

From a victim centred perspective, the key issue across these provisions is how clearly suspended sentences are explained and how consistently they operate in practice. CVOCNI’s engagement with victims indicates that suspended sentences can be difficult to understand and, in some cases, difficult to accept, particularly where serious harm has been caused.

Where the reasons for suspending a custodial sentence or the practical effect of the order are not clearly explained, this can undermine confidence in sentencing outcomes. Clear explanation of why a suspended sentence has been imposed, what it requires of the offender, and what will happen in the event of non-compliance is therefore central to supporting victim understanding and confidence. Ensuring that Clauses 3 to 7 operate together in a coherent and transparent way will be important in maintaining confidence in the operation of suspended sentence orders.

CLAUSES 8–10 – Community Requirements

Clause 8 - Community requirements

Clause 9 - Exercise of power to impose community requirements

Clause 10 - Requirement to obtain pre-sentence report

Prompt

“The Minister of Justice has stated that the intention behind adding community-based requirements to suspended sentences is to allow rehabilitative work to be carried out where it might be helpful to do so and to add a visible element to making reparations that could be realised via a community based sentence. Do you agree with the intent behind enacting Clauses 8-10?

CVOCNI welcomes the intent behind Clauses 8 - 10 in enabling community based requirements to be attached to suspended sentence orders. From a victim and public

perspective, sentencing outcomes are often equated with imprisonment, and suspended sentences can be perceived as lacking credibility where their practical effect is unclear. The availability of community based requirements has the potential to strengthen confidence in suspended sentences by demonstrating that they involve meaningful obligations rather than simply the avoidance of custody.

The ability to require rehabilitative or reparative activity as part of a suspended sentence may be particularly valuable where such interventions are likely to reduce reoffending or contribute to addressing harm. Making the requirements of a suspended sentence more visible can help victims and the public to better understand how the sentence operates in practice.

To achieve this, clarity is needed about the nature of community requirements, the expectations placed on offenders, and how compliance will be monitored. Clear explanation of the purpose and effect of these requirements is important in supporting understanding and confidence in sentencing outcomes.

Prompt

Do you have any other comments on Clauses 8 to 10 of the Bill?

No further comments

CLAUSE 11 – 13 - Responsible Officer

Clause 11 - Responsible officer

Clause 12 - Obligations of responsible officer

Clause 13 - Duty of offender to keep in touch with responsible officer

Prompt

Do you have any comments on Clauses 11 to 13 of the Bill?

☑ Yes

CVOCNI notes the importance of effective supervision arrangements in maintaining confidence in suspended sentence orders. For victims, assurance that orders are actively monitored and enforced is central to perceptions of safety and accountability.

Where supervision arrangements are unclear or communication is limited, victims may lack confidence that suspended sentences are being taken seriously.

CVOCNI notes that the effectiveness of supervision under suspended sentence orders is closely linked to the capacity and resourcing of the Probation Board for Northern Ireland. Ensuring that responsible officers are adequately resourced to supervise, enforce and respond to non-compliance will be essential to maintaining victim confidence and ensuring that suspended sentence orders operate credibly in practice.

CLAUSE 14 - Breach or amendment of suspended sentence order, and effect of further conviction

Schedule 2

Prompt

Do you have any comments on Clause 14 of the Bill?

☑ Yes

CVOCNI considers that clear and credible arrangements for responding to breach of suspended sentence orders are essential from a victim centred perspective. Where non-compliance does not lead to timely or visible consequences, confidence in sentencing outcomes can be significantly undermined.

Evidence from CVOCNI's wider work, including victim feedback, highlights that perceived inconsistency in enforcement is a key driver of disengagement from the justice system. Victims need confidence that suspended sentence orders will be

enforced if breached, and that non-compliance will be addressed promptly and transparently.

In this context, CVOCNI highlights the importance of victims being kept informed where a suspended sentence is breached and where amendment or activation of the order is being considered. For victims registered with the Victim Information Scheme, timely and clear updates on breaches and the consequences that follow are important to maintaining confidence and avoiding unnecessary additional distress.

CLAUSES 15 – 17 - Supplementary (Suspended sentences)

Clause 15 - Regulation of suspended sentence orders

Clause 16 - Restriction on making both community order and suspended sentence order

Clause 17 – Interpretation

Prompt

Do you have any comments on Clauses 15 to 17 of the Bill?

☑ Yes

CVOCNI supports the approach taken in Clauses 15 to 17. From a victim centred perspective, it is important that sentencing legislation is clear, coherent and legally certain, as this underpins understanding and confidence in how sentences operate in practice.

Taken together, these clauses support the effective and orderly operation of the suspended sentence framework, which is important in maintaining confidence that sentencing outcomes are fair, proportionate and capable of being understood by those affected.

Part-level question – Part 2 as a Whole

Prompt

“Part 2 – Suspended Sentences: Do you have anything further to add on Part 2 of the Bill?”

CVOCNI emphasises that suspended sentence orders are an area of sentencing that can be particularly difficult for victims to understand and accept, especially in cases involving serious harm.

Evidence from the CVOCNI Victim Survey shows that many victims lack confidence in sentencing outcomes and do not feel that sentences are consistently explained or that the impact of the crime on them is fully recognised. In this context, the use of suspended sentences carries particular risks for victim confidence if not accompanied by clear explanation, credible enforcement, and transparent consequences for breach.

CVOCNI therefore highlights the importance of Part 2 operating in a way that prioritises clarity, consistency, and accountability, so that suspended sentence orders do not inadvertently undermine confidence in the justice system.

PART 3 – Life Sentences

CLAUSE 18 – Duty to give reasons when determining a tariff

Prompt
"Clause 18 introduces a duty on the court to give reasons when determining a tariff for a life sentence. Do you agree with the approach taken in this clause?"
☐ Yes

CVOCNI supports the introduction of a statutory duty requiring courts to give reasons when determining a life sentence tariff. Making this a statutory requirement will strengthen a practice that is already happening in many cases and that is beneficial within and beyond the victim sphere. This will also promote consistency of practice in this area.

From a victim perspective, life sentence cases involve the most serious harm and often require victims and bereaved families to engage with the justice system over many years. Clear explanation of how a tariff has been determined can play an important role in helping victims understand the sentence imposed and the factors that were taken into account.

The requirement to state reasons in open court strengthens transparency and supports confidence in sentencing, without constraining judicial discretion.

Clause 18 (b) will place a requirement on the court to '*explain to the offender, in ordinary language, the effect of the order*.' The Commissioner Designate believes that this provision should go further, however, and that it should also include the need to explain the order *for victims* that have been harmed by the actions of the offender as well as to the general public. This is vitally important as sentencing should not just be about the offender, it must also factor in victim and public confidence in our justice system, of which sentencing is a critical component.

This is an issue that many victims have raised with this office – the failure to communicate and explain the sentence handed down and what the implications of this are. When this is not done, it adds to the trauma and harm caused to the victim(s) and their families. This is further exacerbated by the difficulties in accessing sentencing remarks in Northern Ireland, which incur a charge for a victim who may wish to access. This has been outlined in more detail in our response to Clause 2 of this Bill.

CLAUSE 19 – Mandatory life sentences for adult offenders: further provision

Prompt
"Clause 19 makes further provision in relation to mandatory life sentences for adult offenders. Do you agree with the approach taken in this clause?"
☐ Yes

CVOCNI notes that Clause 19 introduces statutory starting points and principles to guide the determination of life sentence tariffs in murder cases, and welcomes the 20 year tariff starting point for those cases specified in 1.(2) (a) of Schedule A1 of the Bill. Application of this provision should serve to improve public confidence in sentencing, though many victims as well as the general public firmly believe that a life sentence should mean exactly that.

PART-LEVEL QUESTION – Part 3
Prompt
"Do you have anything further to add on Part 3 of the Bill?"
☐ Yes

CVOCNI emphasises that life sentence cases often require victims and bereaved families to engage with the justice system over extended periods, including through parole and review processes.

Measures that improve clarity and transparency at the point of sentence are therefore particularly important in these cases, as they shape victims' understanding of sentencing outcomes and influence confidence in subsequent stages of the process. The effectiveness of Part 3 will depend on how consistently and clearly courts communicate their reasoning when determining life sentence tariffs.

Whilst it is not included in the Bill a significant issue has been raised by victims in relation to the use of pre-release testing (PRT) of prisoners, specifically with regards to the unaccompanied release of prisoners at the final stage of testing prior to the tariff expiry date (TED).

CVOCNI has been made aware of some very alarming situations that have added new layers of trauma onto already traumatised victims. This has included failures to notify victims and family members whose loved ones were savagely murdered about the release or abscondment of a dangerous offender. There have been other cases where an offender has been released under the PRT scheme back into the community where the victims and their families reside, and one case where the victim only heard about this through the media after the event. The recent review of

Victim Information Schemes and current review of the PRT process is therefore welcomed.

The Commissioner Designate firmly supports the need for testing of prisoners prior to release into the community, however, strongly believes that the final stage of PRT - ‘unaccompanied release into community’ - should not take place prior to the tariff expiry date (TED) for life sentenced prisoners.

Permitting unaccompanied testing of prisoners prior to the TED causes real problems for victims as it cuts across their understanding that the prisoner will serve a minimum amount of time in custody before any step towards release is considered. By testing in such a way before TED, it can feel as though the commitment to victims as outlined at the sentencing hearing has been diluted, causing understandable distress and undermining confidence.

For this reason, legislators need to be explicit about the legislative intent on this issue. The law should plainly say whether such testing, prior to PRT is permitted or prohibited so that the sentence communicated to victims matches the sentence that operates in practice and aligns with the stated principle in this Bill that sentencing should be transparent.

CVOCNI welcomes the departmental review of PRT, which is currently underway, and would suggest to the Committee that they may wish to consider the recommendations from that review when it reports back. There may well be an opportunity to consider amendments to this Bill arising from those recommendations if timeframes align.

PART 4 – Unduly Lenient Sentences

CLAUSE 20 – Cases to which this Part applies

Prompt

"Clause 20 sets out the cases to which the provisions on unduly lenient sentences apply. Do you agree with the approach taken in this clause?"

☐ Yes

CVOCNI supports this provision, broadening the scope and range of cases that fall within the ULS framework within the Crown Court.

However, the Commissioner Designate has concerns that there is no equivalent right to appeal or challenge an unduly lenient sentence in the Magistrates' Court. The Magistrates' Court (MC) has been taking on an increasing volume of lower tier Crown Court cases (those with maximum sentences of 3 years) in recent years in Northern Ireland so the issue of listing may require review.

Current estimates of the volume of cases in the Magistrates' Court would indicate that around 20,000 per year may be referrable. While CVOCNI understands that this may be problematic, some mechanism should be in place to enable victims or prosecutors to challenge unduly lenient sentences in the Magistrates' Court. This is particularly relevant in light of the proposed further expansion of the remit of the Magistrates Court as part of the Department's Speeding Up Justice programme.

CLAUSE 21 – Review of sentencing

Prompt

"Clause 21 makes provision for the review of sentences which may be unduly lenient. Do you agree with the approach taken in this clause?"

☐ Yes

Yes, the Commission is content with this this provision regarding ULS in the Crown Court.

CLAUSE 22 – Reference to the Supreme Court

Prompt

"Clause 22 makes provision for a reference to the Supreme Court following a review by the Court of Appeal. Do you agree with the approach taken in this clause?"

☐ Yes

Yes, the Commissioner Designate is content with this this provision.

CLAUSE 23 – Supplementary provision

Prompt

“Clause 23 introduces Schedule 4 which makes supplementary provision in relation to unduly lenient sentences. Do you agree with the approach taken in this clause?”

Schedule 4, Clauses 6-10 set out whether the person whose sentence is the subject of a reference to the Court of Appeal is entitled to be present. No reference is made as to whether the victim(s) in the case are entitled to be present. This should be clarified and person(s) most impacted by the crime where the sentence is thought to be unduly lenient should be considered under this clause.

PART-LEVEL QUESTION – Part 4

Prompt

“Do you have anything further to add on Part 4 of the Bill?”

☐ No

No

PART 5 – Failure to Disclose Information About Victim's Remains

CLAUSE 24 – Determining the length of the custodial period

Prompt
"Clause 24 makes provision for determining the length of a custodial sentence where an offender has failed to disclose information about a victim's remains. Do you agree with the approach taken in this clause?"
☐ Yes

CVOCNI supports the approach taken in Clause 24, which requires courts to take account of an offender's failure to disclose information about a victim's remains when determining sentence.

The Commissioner Designate wishes to acknowledge the relentless campaigning and advocacy of families of victims, such as those of Lisa Dorrian and Charlotte Murray, who have been instrumental in advancing this cause.

From a victim-centred perspective, the ongoing withholding of information about a loved one's remains causes profound and enduring harm to families. Formal recognition of that harm at the point of sentence is an important step in acknowledging the distinct and continuing impact of non-disclosure.

The inclusion of an interests-of-justice safeguard preserves judicial discretion while ensuring that non-disclosure is treated as a serious and relevant factor in sentencing.

CLAUSE 25 – Calculation of term of certain sentences

Prompt
"Clause 25 makes provision for the calculation of certain sentences where Clause 24 applies. Do you agree with the approach taken in this clause?"
☐ Yes

CVOCNI notes that Clause 25 provides a structured mechanism for calculating sentences where an additional custodial period is imposed due to failure to disclose information about a victim's remains.

Clear and consistent calculation of sentence length is important for transparency and for managing expectations among victims and families. This provision supports clarity in sentencing outcomes and reduces the risk of inconsistency in how non-disclosure is reflected in practice.

CLAUSE 26 – Effect of sections 24 and 25 on other sentencing provisions

Prompt

“Clause 26 makes provision about how sections 24 and 25 interact with other sentencing provisions. Do you agree with the approach taken in this clause?”
☐ Yes

CVOCNI supports the approach in Clause 26, which clarifies how the non-disclosure provisions interact with existing sentencing legislation.

Ensuring that these provisions operate coherently within the wider sentencing framework is important to avoid confusion and to support consistent application, particularly in cases involving the most serious offences and long-term engagement by victims and families with the justice system.

CLAUSE 27 – Meaning of “specified custodial sentence” and “relevant custodial period”

Prompt
“Clause 27 provides definitions for key terms used in Part 5. Do you agree with the approach taken in this clause?”
☐ Yes

CVOCNI notes that Clause 27 provides necessary definitions to support the operation of Part 5.

Clear statutory definitions are important for transparency and consistency, particularly in complex sentencing provisions that may be revisited over time through parole and review processes.

CLAUSES 28–30 – Reduction to sentence following disclosure

(Relevant disclosure; reduction to sentence; application to sentences passed before commencement)

Prompt

“Clauses 28 to 30 make provision for sentence reduction following disclosure of information about a victim’s remains. Do you agree with the approach taken in these clauses?”

☐ Yes

CVOCNI welcomes the ongoing encouragement that is being built in to make such disclosures through the sentencing period and commends the significant work that has been undertaken by officials and families to ensure the effectiveness of this complex legal provision in practice. It is therefore important that all efforts are made to ensure that the meaning and implications are clear for victims, families and offenders in this regard.

CLAUSE 31 – Duty to consider failure to disclose

Prompt

“Clause 31 places a duty on the Parole Commissioners to consider a failure to disclose information about a victim’s remains. Do you agree with the approach taken in this clause?”

☐ Yes

CVOCNI supports the approach taken in Clause 31, which requires the Parole Commissioners to take ongoing failure to disclose into account when making release decisions.

For victims and families, non-disclosure remains a source of significant distress and trauma long after sentencing. Ensuring that this behaviour is considered throughout the custodial and release process recognises the continuing nature of the harm and supports public confidence in decision making.

PART-LEVEL QUESTION – Part 5

Prompt

“Do you have anything further to add on Part 5 of the Bill?”

☐ Yes

CVOCNI emphasises that Part 5 represents an important development in recognising the distinct and ongoing harm caused to families where information about a victim’s remains is withheld.

The effectiveness of these provisions will depend on their consistent application and on clear communication with victims and families at each stage of the sentencing and parole process. Ensuring transparency around how non-disclosure is taken into account will be central to maintaining victim confidence over the long term.

PART 6 – Particular Persons or Groups (Clauses 33 – 35)

PART 6(a) – Aggravation by Hostility (Clauses 33 - 35)

"Do you have any comments on the provisions relating to aggravation by hostility?"

CVOCNI welcomes the introduction of a statutory sentencing aggravator based on hostility. Reform in this area is long overdue, and the law has an important role to play in recognising and responding to the harm caused by offences motivated by prejudice, including racism and other forms of identity-based hostility. This represents an important step in formally acknowledging the seriousness of such offending and its wider impact on victims and communities.

However, CVOCNI is concerned that the protected characteristics listed in section 33 do not include transgender identity. Excluding transgender identity risks inconsistency in the recognition of identity-based hostility.

Police recorded hate motivation data in Northern Ireland demonstrate that offences motivated by hostility, including those targeting transgender people, are a persistent and recognised issue. For example, in the most recent 12-month period reported by the PSNI (to 31 March 2026), 27 crimes and 57 incidents with a recorded transgender identity hate motivation were identified. While lower in volume than some other categories, this nonetheless reflects a continuing pattern of targeted hostility affecting a clearly identifiable group. The absence of explicit statutory recognition risks undermining confidence among a group for whom hostility motivated incidents and crimes are a documented reality.

CVOCNI therefore recommends that section 33 be amended to include transgender identity as a protected characteristic, using a clear statutory definition aligned with existing UK legislation. This would enhance clarity, consistency, and operational certainty, while strengthening victim confidence in the application of hate crime aggravators.

PART 6(b) – Aggravation by Reason of Vulnerability (Clause 36)

Prompt

"Do you have any comments on the provisions relating to aggravation by reason of vulnerability?"

CVOCNI recognises the intent of introducing aggravation by reason of vulnerability and supports the principle of ensuring that sentencing properly reflects the heightened harm experienced by some victims.

From a victim centred perspective, the effectiveness of this provision will depend on how clearly and consistently vulnerability is understood and applied in practice. Northern Ireland policy recognises that vulnerability may arise from trauma, fear, coercive control, isolation or dependency, and may be situational, cumulative and relational rather than limited to fixed personal characteristics.

CVOCNI's engagement with victims highlights that experiences across the justice system are often shaped by individual practice rather than embedded, system wide approaches. Where this is the case, there is a heightened risk that vulnerability, particularly where it is less visible or not easily categorised, may be recognised inconsistently in sentencing outcomes. This is likely to affect victims whose vulnerability arises from non-physical harm or from the context in which offending occurs, including domestic abuse.

CVOCNI therefore emphasises the importance of clarity and consistency in the application of vulnerability-based aggravation, and alignment with trauma informed, victim centred policy commitments. Careful application of this provision will be essential to ensure that sentencing outcomes appropriately reflect lived experience of harm and support victim confidence in the justice system.

PART 6(c) – Public Workers etc (Clauses 37-39)

Prompt

"Do you have any comments on the provisions relating to offences against public workers?"

CVOCNI recognises the Bill's intention to extend protection to a broad range of public facing workers through the creation of a public worker offence and aggravator. Ensuring protection for those who serve the public is an important objective.

However, CVOCNI is concerned that the Bill merges emergency workers into a single, broad "public worker" category. This risks diluting recognition of the heightened seriousness and wider public safety consequences of assaults on emergency responders.

Assaults on emergency workers can disrupt urgent medical treatment, emergency response, and public protection functions, with consequences extending beyond the individual victim to the wider community. From a sentencing perspective, this justifies a higher level of seriousness than assaults on other categories of public facing workers.

CVOCNI considers it proportionate and consistent with sentencing principles to recognise emergency workers as a distinct category deserving enhanced protection. CVOCNI therefore recommends the creation of a separate emergency worker

aggravator, sitting alongside the general public worker framework, to reflect the unique risks and responsibilities associated with emergency service roles.

PART-LEVEL QUESTION – Part 6 as a Whole

(Where the Citizen Space form provides a general "any further comments" box for Part 6)

Prompt

"Do you have anything further to add on Part 6 of the Bill?"

CVOCNI welcomes the Bill's focus on recognising the seriousness of offences committed against particular persons or groups. Part 6 has the potential to strengthen sentencing outcomes and victim confidence by ensuring that hostility, vulnerability and public service are appropriately reflected in assessments of seriousness.

To achieve this, it is important that the framework operates consistently and visibly reflects lived experience of harm. Explicit recognition of transgender identity within hostility-based aggravation, clarity and consistency in the application of vulnerability-based aggravation, and distinct protection for emergency workers would strengthen Part 6's coherence and its alignment with the Bill's broader victim centred aims.

The Commissioner Designate would wish to express her disappointment that the legislative timetable did not permit full progress of a hate crime bill to address all of Marrinan's review but hopes that this will be progressed as a matter or priority in the next mandate.

PART 7 – Road Traffic Offences

CLAUSE 40 – Causing death or grievous bodily injury by driving while disqualified

Prompt
"Clause 40 makes provision in relation to the offence of causing death or grievous bodily injury by driving while disqualified. Do you agree with the approach taken in this clause?"
☐ Yes

CVOCNI supports the approach taken in Clause 40, which strengthens the legislative response to cases where death or serious injury is caused by driving while disqualified.

From a victim centred perspective, offending of this nature represents a serious breach of public trust and exposes others to significant and foreseeable harm. Ensuring that the offence is clearly defined and subject to appropriate penalties supports recognition of the seriousness of the harm caused and reinforces public confidence in the justice system.

CLAUSE 41 – Period of imprisonment for certain offences

Prompt
"Clause 41 increases the maximum period of imprisonment for certain road traffic offences. Do you agree with the approach taken in this clause?"
☐ No

CVOCNI notes that Clause 41 increases maximum custodial penalties for road traffic offences involving death or serious injury.

For victims and bereaved families, sentencing outcomes play an important role in whether the justice system is perceived as taking the harm suffered seriously. Increasing maximum penalties provides courts with greater scope to reflect the gravity of the offence in the most serious cases, while preserving judicial discretion to impose proportionate sentences.

CVOCNI would wish to see the maximum penalty for such offences increased to become a life sentence rather than a 20-year sentence. This would bring the Northern Ireland sentencing regime in line with England and Wales. A significant

number of respondents (38) to the DoJ Sentencing consultation conducted in 2019 indicated a life sentence was the only sentence appropriate for such offences. Evidence from victims that have spoken with the Commissioner Designate indicate that this sentiment is even stronger now, seven years later. The Departmental rationale for not applying a life sentence – ie by making a determinative maximum would allow the Court of Appeal to set out a tariff and have clarity – is not a strong enough rationale.

Without a sentencing framework similar to what is in place for murder / manslaughter cases, the sentencing framework fails to adequately reflect the gravity of the harm caused and the culpability. In order to meet the threshold of 'dangerous' driving, an individual's behaviour and decision making must be significantly below what one would expect of a competent and careful driver. The vehicle is, in these situations, no less lethal than a firearm or other weapon. The sentencing framework must therefore provide sufficient discretion for courts and the judiciary to reflect the highest levels of culpability and harm. This offence is not about momentary lapses of attention but rather about drivers who make consciously risky, dangerous choices.

The Commissioner Designate would therefore seek that this clause is amended to increase the maximum sentence for serious offences of this nature to life imprisonment.

CLAUSE 42 – Period of imprisonment for certain repeat offences

Prompt
"Clause 42 makes provision for increased penalties for repeat road traffic offenders. Do you agree with the approach taken in this clause?"
☐ No

As stated previously, the Commissioner Designate would wish for a maximum life sentence for first time offending under Clause 41. If that were accepted and amended, this clause would be nugatory. If, however, this is not the case then Clause 42 should remain.

From a victim centred perspective, repeat dangerous or disqualified driving can heighten fear and undermine confidence in road safety and enforcement. Providing for higher penalties in repeat cases reflects the increased harm and risk posed by such behaviour and supports public protection.

CLAUSE 43 – Disqualification period for certain offences

Prompt
“Clause 43 increases minimum disqualification periods for certain offences. Do you agree with the approach taken in this clause?”
☐ Yes

CVOCNI notes that Clause 43 strengthens minimum disqualification periods for specified road traffic offences.

Driving disqualification is a key protective measure for the public. From a victim centred perspective, ensuring that disqualification periods are meaningful and consistently applied helps to reinforce confidence that offenders will be prevented from causing further harm during the disqualification period.

CLAUSE 44 – Disqualification period for certain repeat offences

Prompt
“Clause 44 makes further provision about disqualification periods for repeat offenders. Do you agree with the approach taken in this clause?”
☐ Yes

CVOCNI supports the approach taken in Clause 44, which further differentiates repeat offending through extended disqualification periods.

For victims and families affected by serious road traffic offences, repeat offending can intensify perceptions of injustice and system failure. Clear escalation in disqualification periods for repeat offences supports public protection and signals that persistent dangerous behaviour will be treated with increased seriousness.

CLAUSE 45 – Extension of disqualification for driving

Prompt
“Clause 45 provides for extension of disqualification periods to reflect custodial sentences. Do you agree with the approach taken in this clause?”
☐ Yes

CVOCNI supports the approach in Clause 45, which ensures that periods of disqualification properly reflect time spent in custody.

From a victim centred perspective, this provision addresses concerns that disqualification periods may otherwise be eroded by custodial sentences, reducing their protective and deterrent effect. Ensuring that driving bans operate as intended following release supports confidence in sentencing outcomes.

PART-LEVEL QUESTION – Part 7

Prompt
“Do you have anything further to add on Part 7 of the Bill?”
☐ Yes

CVOCNI emphasises that offences resulting in death or serious injury on the roads can have life-altering consequences for victims and bereaved families.

Measures that strengthen sentencing options, address repeat offending, and ensure meaningful disqualification periods can contribute to greater public confidence and a clearer recognition of harm. The effectiveness of Part 7 will depend on consistent application and clear communication of sentencing decisions to those affected.

The Commissioner Designate would like to acknowledge and pay credit to the victim families, like the Dolans and the Gallaghers, who have resiliently and tirelessly campaigned for change in a dignified manner despite the trauma and suffering they have had to endure.

“Any other comments” on the Bill

The Commissioner Designate welcomes this draft Bill and is broadly supportive of its aims. Given the length of time since such issues were publicly consulted upon and the more recent introduction of this office, there are a range of further points which have been raised by victims which the Commissioner Designate hopes it useful to flag for the Committee’s attention.

Additional Proposals

Increased Offender Levy

CVOCNI notes that the Bill does not address the offender levy, despite the Bill’s stated emphasis on reparation and victim centred sentencing.

Evidence from the CVOCNI Victim Survey 2025 highlights sustained pressure on victim support services, alongside low levels of confidence in justice outcomes and delays in access to support. These findings reinforce the importance of sustainable and predictable funding streams to support victims’ recovery, participation and confidence in the criminal justice system.

In its response to the Department of Finance’s Draft Budget Consultation, the Commissioner Designate raised concerns about the fragility and invisibility of funding for victim services within current budget structures, and highlighted that victim needs are cross cutting and risk being treated as discretionary without secure funding. In that context, the Commissioner Designate indicated that an increase in the offender levy could be explored as a modest, proportionate mechanism for generating additional, ring fenced funding for victim support.

Clause 1 of the Bill identifies reparation to persons affected by offences as a purpose of sentencing. From a victim centred perspective, a modernised offender levy aligns directly with this purpose by providing a tangible mechanism through which offenders contribute towards addressing the harm they have caused. The absence of any provision relating to the offender levy therefore represents a potential gap between the Bill’s stated principles and how reparation is realised in practice.

CVOCNI emphasises that any consideration of the offender levy should be framed around fairness and proportionality. Cost recovery mechanisms must never apply to victim facing services or place additional burdens on victims of crime. Viewed in this way, an offender levy can be clearly distinguished from court fees or charges that risk disadvantaging victims, and instead positioned as a fair contribution by offenders towards the harm they cause and the services required to address it.

CVOCNI therefore encourages the Committee and the Department to consider whether the offender levy warrants review or modernisation alongside the passage of the Bill, in order to strengthen how the sentencing framework gives effect to reparation and offender responsibility, and to support more sustainable provision for victims of crime.

Free Access to Sentencing Remarks

CVOCNI notes that the Bill does not address access to sentencing remarks for victims of crime.

Sentencing remarks are a key mechanism through which courts explain how a sentence has been determined, including how harm, mitigation and aggravating factors have been assessed. Evidence from the CVOCNI Victim Survey indicates that many victims do not feel sentencing outcomes are clearly explained to them, and that difficulty in understanding how decisions are reached can undermine confidence in the justice process.

Victims are not always able, or willing, to attend sentencing hearings in person. Trauma, safety concerns, distance and personal circumstances may limit attendance, particularly in serious cases. In such circumstances, access to sentencing remarks can play an important role in helping victims understand the outcome of their case and process it in their own time.

Northern Ireland policy places strong emphasis on transparency, effective communication and trauma informed practice. While recognising that providing free access to sentencing remarks has resource implications, CVOCNI considers that the absence of any provision in this area represents a potential missed opportunity to strengthen victim understanding and confidence at a critical stage of the justice process.

CVOCNI therefore encourages the Committee and the Department to consider whether provision for free access to sentencing remarks for victims warrants further consideration, including the potential for phased or future implementation, to support transparency and victim centred justice outcomes.

At the very least, CVOCNI proposes that victims of the most serious offences, including murder and domestic and sexual violence, should have free and easily accessible access to written sentencing remarks at Crown Court level. Sentencing remarks are a primary means by which courts explain how sentencing guidance has been applied, how victim impact has been assessed, and why a particular sentence has been imposed. Access to written remarks is particularly important where victims are unable or unwilling to attend court, and reflects developments in England and Wales aimed at improving transparency and victim understanding at sentencing stage.

CVOCNI recognises that providing free access to sentencing remarks may have initial logistical and cost implications. A phased approach, prioritising the most serious offences heard in the Crown Court, would allow this reform to be implemented proportionately while supporting the development of technological solutions over time. In considering future accessibility, CVOCNI also notes that the Magistrates' Court is not currently a court of record, which can act as a barrier to

consistent access to sentencing explanations. In light of ongoing reforms and the proposed expansion of the remit of the Magistrates' Court to include more serious cases, it is important that sentencing legislation and associated systems are future-proofed to support transparency and victim access across all court tiers.

Victim Information Scheme (VIS) Opt-out

CVOCNI notes that the Bill does not address the operation of the Victim Information Scheme (VIS), including the current requirement for victims to opt in in order to receive post-sentence information.

From a victim centred perspective, reliance on an opt-in model risks excluding victims who were not aware of the scheme, were not in a position to engage at the relevant time, or did not fully understand the long-term significance of receiving post-sentence information. Victims are often required to make decisions about information sharing during points of high stress, including around conviction and sentencing.

The overwhelming evidence that the Commissioner Designate's office has heard from victims of crime indicates that many were not aware of either the Victim Information Scheme itself, or the need to opt in to the Scheme in order to 'activate' their right to be kept informed about parole reviews or release dates of the convicted offender. There can be a variety of reasons for this lack of awareness. Some victims were simply not informed or were not given or did not receive information about the scheme and their entitlement. Others may have been in a state of trauma following the crime or during the trial and were therefore not in a place to be able to process information that was shared or mentioned.

CVOCNI considers that an opt-out approach would better support victim safety and autonomy by ensuring that victims receive relevant information by default, unless they make an informed decision not to do so. Being aware of release, parole or licence developments allows victims to prepare, take protective steps where necessary, and exercise control over how they manage future contact or risk.
In contrast, lack of awareness of post-sentence developments can expose victims to greater distress, including the risk of encountering the perpetrator unexpectedly.

CVOCNI therefore considers that the potential harms associated with not knowing outweigh concerns about victims being informed, particularly where an opt-out model preserves victim choice.

CVOCNI encourages consideration of whether reform of the current VIS opt-in model, either administratively or through legislation, would better reflect the realities of victim experience and support safety, confidence and informed choice.

Early Guilty Pleas

Victims of crime face significant challenges throughout our justice system with many never getting as far as a guilty plea or verdict. For those that do, the type and duration of sentence applied impacts on their sense of closure and opinion on whether justice was indeed served.

While the issue of sentence reduction following a guilty plea has been examined before, the timeframe for progressing this issue has been disappointingly slow. Many of the issues flagged in the Department's 2012 consultation 'Encouraging Earlier Guilty Pleas' remain unresolved, and a subsequent Criminal Justice Inspection NI report in 2013 set out similar concerns and recommendations. This is far too long for victims to wait. Whilst procedural changes may have been implemented in the last decade, the key issues identified in these earlier reports, including sentence reduction, have not been addressed.

A further public consultation was undertaken by the Department of Justice in 2025 to gather views on sentence reduction for guilty pleas.

The current model is completely failing victims and is one in which there is little or no public confidence. The level of reduction as it currently works does not incentivise early guilty pleas. It is unpalatable to many victims that such a scheme exists. Were there evidence to suggest that it works well, it may be more palatable, however this is not the case. At present the accused and their defence are able to manipulate the system, holding out to the last minute before pleading. This has the effect of causing increased trauma to victims, additional cost to the system as well a broader sense of injustice.

The Commissioner Designate believes that a sliding scale embedded in statute with clearly defined significant reductions at key stages can help provide clarity and aid understanding of this process. As with many areas of criminal justice, it is also vitally important that we capture key data metrics regarding the operation of this scheme, such as plea rates, timings of pleas, crime types and offender characteristics, to ensure that we can more fully evaluate its effectiveness in achieving policy intent in the future.

Further consideration on these matters is set out in CVOCNI's response to the above-mentioned public consultation.

This issue should not have to wait for another Assembly mandate and could be adequately addressed in this Bill with future considerations to be undertaken in a new mandate.

Presumption of victim ability to read out a Victim Personal Statement (VPS)

Northern Ireland provides no statutory entitlement for victims to read their Victim Personal Statement (VPS) aloud in open court in contrast to neighbouring jurisdictions (England & Wales and the Republic of Ireland). While victims have a statutory right to submit a written VPS, there is no presumption in favour of oral delivery, and practice remains inconsistent. CVOCNI commissioned research on VPS policy and practice in Northern Ireland in 2024. This was one of 9 key recommendations for change. Although the Department is taking forward its recommendations, no substantive changes have yet been implemented.
Link to Report

Recent developments suggest some judges now permit victims to read their VPS in court, but this remains discretionary and applied inconsistently. Many victims have previously been refused this opportunity. The result is a patchwork approach that undermines fairness and consistency across the system.

From a victim-centred perspective, the ability to read a VPS aloud can be a meaningful and powerful form of participation at sentencing. For some, speaking in court enables them to convey the impact of the offence in their own words, helping ensure their experience is heard and acknowledged. It is often the only point in the criminal justice process where victims can directly address the court. For many, this is profoundly empowering and offers a rare sense of agency.

Placing this entitlement in statute sends a clear message that this is a victim right and it would only be in the interests of justice where a judge would deny an application. A statutory provision such as this could retain an element of judicial discretion but require reasons to be given and have to fulfil an “interests of justice” threshold.

CVOCNI recognises that any approach to oral delivery of VPS must remain subject to judicial discretion and appropriate safeguards, including considerations of relevance, fairness and the orderly conduct of proceedings. However, reliance on *ad hoc* practice alone risks uneven application.

CVOCNI therefore encourages consideration of whether introducing a clearer presumption in favour of victims being permitted to read their VPS aloud, subject to the interests of justice, would better support meaningful victim participation and confidence in the sentencing process.

Offenders refusing to attend sentencing hearings

CVOCNI notes that the Bill does not address situations where offenders refuse to attend their sentencing hearings. CVOCNI has been calling for a victim right to read

their VPS aloud in court to be placed in statute. This is a linked measure that is intended to mitigate the risk to victims and ensure that the right is further utilised.

England and Wales have also introduced legislative measures giving judges the express statutory power to order offenders to attend their sentencing hearings. Those who refuse, without reasonable excuse, to comply with the order, will be liable to an additional custodial penalty of up to 24 months.

These measures were introduced against a background of the refusal of several adult murderers to attend their sentencing hearings, which in turn led to a recognition of the need to clarify courts' powers to order attendance and deter non-attendance.

There was an understanding in England and Wales that refusal to attend court, or the offender's disruptive behaviour during proceedings, can cause victims and their families significant further distress. In such circumstances, it can be seen to be denying the victim, their family and the wider public the opportunity to see the full administration of justice and allowing the offender to avoid having to listen to victims' personal statements and judge's remarks and so to confront the consequences of their crime. Introducing punishment directed at this behaviour is intended both to act as a deterrent and to uphold the authority of the court.

CVOCNI recommends that a similar approach is taken in Northern Ireland. The issue has been thoroughly considered in England & Wales and the various policy and legal arguments worked through before introducing the legislation. Most, if not all, of the groundwork has already been laid and it is the view of the Commissioner Designate that this is a ready-made improvement which would contribute to a more trauma aware criminal justice system. It is especially important to introduce such a provision given the anticipated increase in victims applying to read their VPS at sentencing stage.

While CVOCNI recognises that such measures raise complex legal, safety and practical considerations, the absence of any equivalent provision in Northern Ireland means that offender non-attendance may continue to undermine victim confidence in the sentencing process.

CVOCNI therefore encourages consideration of whether clearer statutory or procedural mechanisms are required to address refusal to attend sentencing, with appropriate safeguards, in order to support victim dignity and confidence in the administration of justice.

Sentencing Council

The Committee will be aware of previous considerations of a Sentencing Council for Northern Ireland and issues such as size of jurisdiction, potential costs and benefits which have been aired. The Commissioner Designate recognises that efforts have been made to improve how sentencing is understood in Northern Ireland; however, at present, victims and the public can be left with an impression that sentences vary too much from case to case with no clearly understood framework. A bespoke Sentencing Council tailored to meet Northern Ireland's needs would help strengthen the understanding of sentencing and promote consistency. Whilst further work is undoubtedly needed to explore how such a model could operate in practice, the Commissioner Designate respectfully invites the Committee to explore how this Bill could be used to lay the groundwork for such work by signalling that this should be taken forward in preparation for the next mandate, without tying the Assembly's hand before an agreeable solution is worked through.

Good character references

CVOCNI understands that while the Minister had included the use of character references in court for consideration as part of the Department's Review of Sentencing Policy, with a view to legislating in the next mandate, she has asked officials to give this matter urgent consideration and provide her with advice on how it could be addressed during the current mandate, potentially by way of a simple legislative change through an amendment to the Victims and Witnesses of Crime Bill.

The Commissioner Designate believes there is an opportunity to urgently address this grotesque practice, particularly in sexual violence and abuse cases, within this Bill.

As articulated previously under the response to Clause 1, CVOCNI urges the Committee to remove the use of good character evidence as a mitigating factor in domestic abuse, sexual offence and exploitation related cases. In such cases, reliance on prior good character can minimise the seriousness of the offending and perpetuate harmful myths about abuse and exploitation, with damaging consequences for victim confidence in sentencing outcomes. Excluding its use as mitigation in such cases would provide greater clarity and transparency, and better reflect the realities of how abuse and exploitation are perpetrated and experienced.