



Civil and Family Courts Branch,
Department of Justice,
Massey House,
Stormont Estate,
Belfast
BT4 3SX

23rd December 2022

By Email Only: DOJCivilJusticePolicy.Division@justice-ni.gov.uk

Dear Sir/Madam

Re: Department of Justice consultation on coronial investigations into deaths abroad

The Commissioner for Victims of Crime (CVOC) is an independent body which upholds the interests of victims of crime in Northern Ireland.

The Commissioner Designate was appointed by the Minister of Justice in March 2022 to be an independent voice for victims of crime. The overarching purpose of appointing the Commissioner Designate is to represent the needs and interests of all victims of crime and help drive systemic improvements across the criminal justice system. This will include helping to identify any areas where victims are not consistently being provided with their entitlements set out within the Victim Charter and ensuring that their issues and experiences are raised in the public arena, with Government, criminal justice organisations and organisations that support and represent victims in order to bring forward effective change.

The main responsibilities of the Commissioner Designate for Victims of Crime is to:

- Provide a voice for all victims of crime;
- Promote and encourage best practice;
- Review the adequacy and effectiveness of law and practice;
- Promote the Victim Charter and review its operation and delivery by service providers;
- Direct complaints and monitor outcomes.

The Commissioner Designate welcomes the opportunity to respond to this consultation as she is aware that the inability for a Coroner in Northern Ireland to

investigate a death abroad can cause additional distress and trauma for family members. This trauma can be further compounded when the death has occurred in suspicious circumstances and the family find themselves having to navigate a strange, confusing and sometimes very different criminal justice system to the one that exists in Northern Ireland.

It is important that the issue whereby a coroner has no jurisdiction to hold an inquest into a death if the body has not be 'found' in Northern Ireland, but instead repatriated following a death is brought into line with the rest of the UK and the Republic of Ireland as swiftly as possible.

Given the relative infancy of the Commissioner Designate's office, there has been no engagement with any family members with whom this issue has affected. Any remarks within this response is based on a general understanding of the issues facing families bereaved by homicides abroad. It should also be noted that any remarks are from the lens of homicides abroad and does not take into consideration broader issues involved in accidental or 'natural' cases of deaths abroad.

The Commissioner Designate recognises that the investigation of a death outside Northern Ireland can pose significant challenges for family members as well as state authorities. It is imperative however that families within Northern Ireland have an appropriate mechanism to ensure that their rights are upheld as are families experiencing the same situation in other jurisdictions.

The options proposed all provide a way to address a gap in the law, however the Commissioner Designate recognises that option 1 provides a quicker mechanism to address this gap. However, there are broader legal ramifications of each of the three options and without formal legal advice, the Commissioner Designate is unfortunately not in a position to determine the best way forward.

This consultation does raise issues which are broader than the consultation remit but we believe worthwhile for the Department of Justice to consider;

1. This consultation highlights a gap in support for families where there is a death abroad. Issues such as language, legal process, costs to fly to the country, cultural differences, lack of understanding of local criminal justice processes. We urge government to consider commissioning a Homicide Service akin to that operating in the rest of the UK which can work alongside the Foreign and Commonwealth Office in such cases and ensure that families receive support and information through the process.
2. There are significant costs that can be incurred if there is a need to return a body (as opposed to ashes) for an inquest in Northern Ireland. Consideration should be given as to who bears this costs and how any



cost recovery scheme would operate.

Given the fact that provision for inquests abroad already exists within the rest of the UK, the Commissioner Designate would encourage the Department of Justice to seek the input of organisations already supporting these cases such as Murder Abroad and England and Wales Homicide Service, when progressing the way forward.

If you would like to discuss any of these points in further detail, please do not hesitate to contact the office via:

Tel: 028 9052 6607

Email: policy@cvocni.org

Regards,

Office of the Commissioner Designate for Victims of Crime