

Northern Ireland Executive

Draft Equality Impact Assessment

**Our Plan: Doing
What Matters Most**

**Draft Programme
for Government 2024 -
2027**

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

December 2024

1. About the Office of the Commissioner Designate for Victims of Crime

- 1.1 The Commissioner for Victims of Crime's Office (CVOCO) is an independent body which represents 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 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.
- 1.2 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, with criminal justice organisations and organisations that support and represent victims, in order to bring forward effective change.

2. General Comments

- 2.1 The Commissioner Designate for Victims of Crime welcomes the opportunity to provide comment on the impact assessments conducted in relation to the draft Programme for Government (PfG). As with the Commissioner Designate's response to the PfG itself, these comments are focused on any specific impacts relating to victims of crime. This response is complementary to the PfG response and should be read in conjunction with comments made within that response.
- 2.2 As noted in the Commissioner's PfG response, victims of crime are not a homogenous group – they are as diverse as society itself and the only certain commonality among this group is being affected by crime. Victims of crime may therefore fall under any one or several of the equality characteristics outlined under section 75, and any individual victim might have multiple or intersecting identities. Both adults and children, and people in urban and rural areas, can become victims of crime. The impact of crime on victims, and the impact of the proposals outlined in the draft PfG to make people safer and help victims recover from the impact of crime, may differ depending on an individual's identity, characteristics, and unique personal circumstances.
- 2.3 In assessing the equality impact of the PfG proposals, it is vital that the initiatives contained therein take into account the potential identities and circumstances of all victims of crime in their inherent diversity when formulating strategy, policy, and operational practice. This is not exclusively the case regarding crimes which have a specific motivation grounded in a victim's identity, such as hate crime or violence against women and girls,

although any initiative to effectively tackle the cause and effect of such crimes will undoubtedly have a positive equality impact. The negative impact of crime in general can also be exacerbated by someone's rurality, age, or other characteristic.

- 2.4 It is also important to note for the purpose of this analysis that victims are not affected only by justice-focused initiatives. A victim may be physically or psychologically affected by the impact of crime requiring health interventions; they may be placed under financial stress by destruction of property or inability to work due to injury; they may be in need of safe and suitable housing for themselves and their families if their homes are attacked. Victims, therefore, stand to benefit from numerous proposals outlined in the PfG, yet may be a hidden cohort whose needs are not immediately evident when discussing housing, health, care or infrastructure.
- 2.5 Although victims are not a designated characteristic under equality legislation, it could be said that as a class of people they are disadvantaged by their experience of crime. They are united by their unique and unenviable position within the justice process, which regards them as merely a witness in spite of the fact that it is their very victimisation which necessitates the justice processes and structures in which they are sidelined. The Commissioner Designate therefore recommends that victims of crime should be considered as a distinct class of citizens for the purpose of PfG analysis in a similar fashion to those affected by poverty.
- 2.6 In terms of the equality impacts of the draft PfG, it is difficult to assess this effectively given that the PfG and many initiatives therein are very high level or at an early stage of development. For this reason, the Commissioner has declined to give definitive tick box responses on the PfG's equality impact in favour of providing a more holistic submission centred on the potential impacts on victims of crime.
- 2.7 The Commissioner Designate notes that the EQIA references "introducing better access and support in the criminal justice system" and that this has been considered as part of the PfG exercise. As stated in her PfG response, the Commissioner remains unconvinced that this PfG can deliver for victims of crime without an explicit commitment to justice transformation.
- 2.8 One of the Commissioner Designate's key strategic areas of focus is on better data to support evidence-based policy making. It is therefore disappointing that there appear to be gaps in the data presented – for instance, crime prevalence indicators do not appear to include data on ethnic group or sexual orientation, and there is no race/ethnicity or sexual orientation data on victims of crime from the NI Safe Community Survey. The gender data does not appear to

include gender identity. The data matrix relating to Safer Communities only identifies age and gender as relevant, when in fact all characteristics are relevant to this aim. It would be useful if these data gaps were addressed to ensure that a full picture can be attained relating to victims of crime for the purposes of policy making across the PfG.

3. Equality of Opportunity & Good Relations

3.1 The Commissioner Designate recognises that there are aspects of the PfG that may positively impact equality of opportunity for victims of crime. For example, tackling delay will enable victims to get on with their lives more quickly and place them on a more equal footing with the rest of society the sooner they can put the justice process behind them and focus on rebuilding their lives.

3.2 It should also be recognised that equality considerations need to be imbued within all initiatives and considerations with regard to safer communities and ensuring better life outcomes for victims of crime.

3.3 An example of how equality considerations can go to the heart of the victim of experience is captured by the following from a victim of crime who completed the Commissioner Designate's Victim Survey:

"The biggest problem is that nobody seems to be expecting disabled people, let alone people like me with multiple complex disabilities across multiple domains (physical health, mental health, neurodevelopmental disability) to need their services. Yet the statistics show that it's very common for disabled people to be targeted for domestic abuse, hate crimes, and mate crime (a form of exploitation that commonly targets autistic people and people with intellectual disabilities). Not understanding autistic communication needs is a big one. But so is the fact that there's so little physical infrastructure, e.g. if you've got physical disabilities and need to go to a domestic abuse shelter. I wonder how many of us never even show up in the victim statistics because the first thing we do isn't report to police: it's check if there is even accessible support for us. Often, there isn't. Bottom line: the problem is a multi-agency one, so solutions need to be multi-agency too."

3.4 Proposals to make systems trauma-informed and responsive might potentially result in the circumstances described above being prevented. However this is not a certainty in the absence of detail as to how trauma informed and responsive systems might be achieved. As indicated within the EQIA, the NI justice system needs to become more accessible and welcoming in general, including to those from marginalised communities. Embedding truly victim-centred processes that are alive to the wide-ranging equality impacts of how different policies and operational practices affect different section 75 cohorts

requires cultural transformation of the system and full and active compliance with all components of the Victim Charter. Indeed, trauma-informed process and practice and full Victim Charter compliance have the potential to transform the justice system from one that exacerbates trauma to one that mitigates it, if those systems are designed to give victims a place within the system and are agile to addressing their needs.

- 3.5 The Commissioner Designate would reiterate that it is not only justice processes that need to consider impact on victims in all their diversity. Analysis from the Equality Commission NI (ECNI) highlights several areas within the EQIA that have relevance to victims of crime. For instance the recommendation to ensure investment in health care for all equality groups would incorporate many victims of crime whose mental and physical health has suffered due to the trauma they have experienced, including in cases where they are targeted on the basis of their age, gender or gender identity, sexual orientation, race, religious or political designation, or disability. The recommendation to ensure accessible and inclusive provision for all to get into or stay in work is also relevant to victims of crime, some of whom may be unable to work due to the impact of their experience, with knock-on effects on their financial stability, family lives, and the ability to access specialist treatment for their trauma that is not available on the NHS.
- 3.6 Similarly, the EQIA relating to housing has relevance for victims of crime. Some issues have already been outlined, such as homelessness due to domestic abuse disproportionately affecting women and racially motivated incidents and crimes impacting the safety minority ethnic and migrant communities. The Commissioner Designate would also draw attention to the housing impact on victims whose homes are targeted on account of their identity, whether that be because of their religion, sexual orientation, gender identity, disability or ethnicity.
- 3.7 EVAWG: As outlined in the EQIA, women and girls are overrepresented as victims of harassment, sexual offences and other crimes against society, while there is an over-representation of male suspects. The Commissioner Designate endorses the Ending Violence Against Women and Girls Strategic Framework and agrees that its full implementation is likely to have a major positive impact on women and girls in general by enabling them to live free from violence and fear of violence. This strategic framework is necessary to redress societal inequalities that result in women and girls being disproportionately targeted as victims of domestic and sexual abuse and other forms of gender-based violence. Resourcing will be key to ensuring that the aims within the strategic framework can be effectively delivered.

3.8 Hate crime: The ECNI recommendation to “challenge prejudicial attitudes, behaviour and hate crime” as part of the programme for government and budget is key to the Safer Communities strand. Specific actions should be included within the PfG to implement this recommendation.

3.9 Sectarian hate: The plans outlined within the PfG under the Safer Communities and Peace sections stand to benefit victims of hate crime with sectarian motivation. However it would be useful to include a commitment within PfG to implement the portions of the Marrinan Review relating to sectarianism, including by formulating a legal definition. It would also benefit both those of a CNR/PUL persuasion and ethnic minority communities to include specific reference to work around removal of hate expressions including flags in cases where these emblems and expressions are being used in a manner to intimidate and incite hatred on the basis of sectarian, religious or racial grounds. Finally, the PfG should be more explicit in its recognition of paramilitary coercive control in a domestic as well as community context. As noted in the report by the Foyle Justice Centre on paramilitary-related gendered coercive control, ¹a joined-up multi-agency response to paramilitary-related coercive control, including a gendered analysis and approach to peacebuilding, is needed to recognise and disrupt the multi-layered control of women within abusive relationships where their abuser has paramilitary connections.

3.10 Race & ethnicity: The Commissioner Designate notes that the Department for Communities (DfC) Audit of Inequalities shows inequalities with regards to ethnic minorities and newcomers, particularly greater impacts associated with poverty. Such impacts have a direct influence on this cohort’s ability to stay safe and recover from crime in the event that they are targeted. For instance, those who have been targeted in hate incidents may be less likely to replace destroyed property, take time off work to recover without financial consequences, or seek private medical treatment including dentistry and specialist trauma recovery support that is not available on the NHS. Some of these victims may already have suffered significant trauma, for example asylum seekers who have fled war and persecution in their country of origin. More should be done to marry up the proposed actions in the PfG with this equality analysis to ensure that sufficient efforts are being made to combat prejudice against minority ethnic people and refugee and asylum seeking people. This should include mainstreaming work under the Peace mission to include these communities alongside traditional green and orange communities instead of only addressing them separately from the significant and well-resourced good relations and peacebuilding efforts that are ongoing across NI. Peace is not just a green and orange matter, and the unrest during the summer months have shown that seeking peace and safety for our

¹ Swaine, Aisling. ‘When you know what they are capable of’: Paramilitary-related Gendered Coercive Control (Foyle Family Justice Centre, University College Dublin, 2024).

minority ethnic communities should be a high priority. All tackling paramilitarism work should be reassessed to include by default the impact on all relevant communities, including minority ethnic communities targeted by those with paramilitary connections. This should include, for example, adding anti-racism work under the Executive's Tackling Paramilitarism workstream. The Living Peacefully indicators should also be expanded out to include minority ethnic communities.

3.11 LGBTQ+: The EQIA notes that people who identified as gay, lesbian, bisexual, or other sexual orientation are more likely to be victims of homophobic hate crimes, whether reported or not, and points to an ECNI analysis which states that homophobic and transphobic prejudice still prevails, contributing to the incidence of homophobic crimes and putting gender and sexual minorities at heightened risk of physical and psychological harm. This is borne out in the Commissioner Designate's engagement with victims of homophobic and transphobic hate crime. Whilst the EQIA is accurate in this regard, it is unclear what specific measures within the PfG are intended to effectively address this issue, particularly by way of societal education and cultural change to shift attitudes and eradicate prejudice with the intent to make LGBTQ+ members of our community safer.

3.12 Disability: The Commissioner Designate endorses the call from the ECNI to implement a wide range of actions to address inequalities faced by people with disabilities, including to tackle the prevalence of hate crime against those with a disability and improve the provision of disability related accommodation. In terms of the measures within the PfG that may positively impact on victims of crime who have a disability, while many of the initiatives within the Safer Communities strand may contribute to greater safety of those with disabilities in general, more specific actions are needed to tackle anti-disability prejudice that underpins much hate-based targeting of those with disabilities. Initiatives to provide more social and affordable housing may have a positive impact as this group is more likely to rely on social housing. Whilst it is not in any way an excuse for targeting of any person, it is possible that housing shortages contribute to combative societal attitudes around the allocation of social housing, which may in turn lead to targeting of people who have been perceived to be given priority allocation. Transparency in relation to housing allocation, coupled with reform of the points system for our most vulnerable in society and underpinned by united messaging that there unequivocally no place for hate and prejudice in our society, would be a positive step towards easing tensions in this regard. That said, provision of more social housing alone is unlikely to address the underlying prejudicial attitudes that result in people with disabilities being targeted in their homes and victimised on the basis of who they are. More should be done to

proactively address prejudice against those with disabilities, and all characteristics, under the Safer Communities and Peace sections of the PfG.

- 3.13 The Commissioner Designate notes that the Adult Restorative Justice strategy for Northern Ireland is referenced within with EQIA. Whilst this is positive, the analysis and benefit appears to be focused only on offenders, and lacks analysis or recognition of the benefit that this strategy should be delivering for victims of crime.

4. Rural impact / reduce negative / promote positive

- 4.1 The Commissioner Designate notes a number of areas that have been identified as having differential impacts for rural-dwelling victims of crime:
- The Ending Violence Against Women and Girls strategic framework identified a higher risk of violence against women and girls for women living in rural areas, and the RNIA noted the lack of services and issues with isolation and accessibility of services led to increased vulnerability.
 - DfI noted that LGBTQI+ people living in a rural area were three times as likely not to access services and that women and those with disabilities are less likely to have their own form of transport. This has direct relevance to these cohorts ability to flee abusive relationships, seek safety in the wake of crime, and access the right support services when affected by crime.
- 4.2 This reinforces the cross-cutting nature of supporting victims of crime and working to keep the public safe, requiring all agencies and Departments to be alive to the impact of their planning, infrastructure and accessibility of services

5. CYP impact / reduce negative / promote positive

- 5.1 Children as well as adults can become victims of crime, and they are by definition a vulnerable group on account of their age, maturity, how they are impacted by trauma and how they can communicate what has happened to them. The Speeding up Justice initiative is to be welcomed, particularly the commitment to place fast-tracking of criminal cases involving victims under the age of 13 on a permanent footing.
- 5.2 As noted in our PfG response, mental health provision should be added as a priority within the PfG, including a specific focus on children and young people in line with the ECNI recommendations to take action for children requiring mental health support services.

5.3 As noted previously, an invaluable addition to the PfG would be an explicit commitment to justice transformation. The Commissioner Designate is cognisant that some of this work is already in train, and looks forward to the introduction of Barnahus-style provisions here, provided that adequate resourcing is ring-fenced to ensure it is fully and properly implemented. A commitment to further reforms that have been discussed to date, such as pre-recorded cross-examination for child victims, and broader reform of justice culture to mitigate the trauma inflicted on child victims by the justice system, would be a welcome addition to the PfG.

If you would like to discuss any of these points in further detail, please contact the office via:

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