

EXPLANATORY MEMORANDUM TO

The Victim Charter (Justice Act (Northern Ireland) 2015) Order (Northern Ireland) 2015

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Justice to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under section 31(3) of the Justice Act (Northern Ireland) 2015 and is subject to the draft affirmative resolution procedure under section 102(5) of that Act.

2. Purpose

- 2.1. The purpose of the Order is to bring the Victim Charter, a Charter for victims of criminal conduct under the Justice Act (Northern Ireland) 2015, into operation. The Victim Charter sets out the services which are to be provided to victims, by specified criminal justice agencies, and the standards which are to be expected in relation to those services as well as the standards which are to be expected in relation to the treatment of victims by such agencies. The Charter implements obligations arising out of the EU Directive (2012/29/EU) establishing minimum standards on the rights, support and protection of victims of crime. The UK is required to implement the Directive, with each jurisdiction within the UK undertaking the exercise separately.

3. Background

- 3.1. As part of the five-year Victim and Witness Strategy, and the associated 2013-15 action plan, the Department gave a commitment to provide for a statutory Victim Charter which would set out how victims of crime should be treated and the standards of service to be provided by the central organisations in the criminal justice system; respond better to the needs of bereaved families and make sure that their entitlements reflect those of other victims; and set out clearly the key milestones at which information will be provided, the timescales for providing this information, how it will be provided and who has responsibility for providing it.
- 3.2. The Charter was published on 31 December 2014 on an administrative basis, in order to ensure that the entitlements set out in it, and the duties on criminal justice agencies, would apply to victims of crime as soon as possible.
- 3.3. Under section 28(1) and section 31(2) of the Justice Act (Northern Ireland) 2015 the Department must prepare and issue a Victim Charter. The Department must also lay the Charter before the Assembly under section 31(2) of that Act.

4. Consultation

- 4.1. Both the Victim and Witness Strategy, and the associated Victim Charter, were subject to public consultation taking account of the views of key stakeholders, interested parties and victims and witnesses. There was strong support for the victim and witness strategy as well as the Victim Charter. The Victim Charter also gives effect to a key recommendation in the Justice Committee's Inquiry, into the Criminal Justice Services available to victims and witnesses of crime in Northern Ireland.

5. Equality Impact

- 5.1. The Victim Charter, which this Order brings into operation, is available to all section 75 categories who are victims of crime. No category is excluded from accessing the services available, so the measure was screened out by the Department.

6. Regulatory Impact

- 6.1. A Regulatory Impact Assessment has not been prepared for this Order as it has no additional impact on business, charities or voluntary bodies.

7. Financial Implications

- 7.1. The Victim Charter is not expected to have an additional financial impact on criminal justice agencies over and above that which is already imposed by the current administrative version of the Victim Charter, which has been in place since the end of 2014. Implementation costs were met from within existing budgetary provision.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The proposed legislation is considered compatible with section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. The Victim Charter, which the Order brings into operation, along with other legislative provisions and practice, gives effect to the EU Directive (2012/29/EU) establishing minimum standards on the rights, support and protection of victims of crime. A transposition note, relating to the Directive, is attached as an Annex to this Explanatory Memorandum.

10. Parity or Replicatory Measure

- 10.1. This Order aligns with legislation in place in England and Wales - The Domestic Violence, Crime and Victims Act 2004 (Victims' Code of Practice) Order 2013 - which governs the issue and coming into operation of a Victims' Code for those regions.

11. Additional Information

- 11.1. The Victim Charter is laid at the Assembly at the same time as this Order.

ANNEX: TRANSPOSITION NOTE

Article	Objective/Detail	Northern Ireland implementation	Responsibility
1. Objectives	Article 1.1 sets out the purpose of the Directive and the manner in which victims are to be treated.	Paragraph 17 and standards I.1 and I.8 of the Victim Charter set out the purpose of the Charter, how victims are to be treated and provision for those that were not resident in Northern Ireland at the time that the crime took place.	All service providers covered at pages 4 and 5 of the Victim Charter
	Article 1.2 provides for dealing with a child victim, with their best interests as a primary consideration and having an individual assessment. The child and parent are to be informed of any child specific measures.	<p>Paragraph 21 of the Victim Charter sets out a child's entitlements, reflecting the provisions of Article 1.2 (including the need for a child sensitive approach and the child's best interest being a primary consideration). It also sets out that services may be provided to the parent of a child. The victim of crime information leaflet is made available to victims when reporting a crime. It sets out what victims can expect as they move through the criminal justice and highlights that there are services for children.</p> <p>All victims will receive a needs assessment, the extent and detail of which may vary depending on the circumstances of the case. Paragraphs 6, 10 and 40 – 51 of the Victim Charter provide further information.</p>	All service providers covered at pages 4 and 5 of the Victim Charter
2. Definitions	Article 2 sets out the definition of a victim and family members. It also defines a child and restorative justice.	Section 29 of the Justice Act (Northern Ireland) 2015 defines victim and family member, along with paragraphs 18 – 22 and Annex A of the Victim Charter. These paragraphs also cover who the Charter is for and who can get services under the Charter. These reflect the Directive provisions. Restorative justice and child are defined in Annex A of the Victim Charter.	All service providers covered at pages 4 and 5 of the Victim Charter
3. Right to understand and to be understood	Article 3.1 sets out that from the first contact with a competent authority in the context of criminal proceedings, appropriate measures must be taken to ensure that a victim can understand and be	Standard I.2 and I.3 of the Victim Charter provide that service providers must communicate with victims in simple and accessible language, taking account of personal characteristics, and take appropriate measures to assist them to understand and be understood. Provision is also made for translation and interpretation, on request, where	All service providers covered at pages 4 and 5 of the Victim Charter

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	understood.	the person does not speak or understand English. Paragraph 39 makes provision in relation to a summary Charter, including in alternative languages, an easy read version and a Young Person's Guide to the Charter.	
	Article 3.2 provides that communications with victims must be in simple and accessible language, taking account of personal characteristics that may affect this.	Standard I.2 of the Victim Charter sets out that service providers must communicate with victims in simple and accessible language, taking account of personal characteristics. Paragraph 40 provides for a timely individual needs assessment. Any needs assessment will include consideration of communication needs.	All service providers covered at pages 4 and 5 of the Victim Charter
	Article 3.3 provides for a victim to be accompanied by a person of their choice where, due to the impact of the crime, they need assistance to understand or to be understood, subject to some restrictions.	Standard I.4 and 1.6 provides for a support person of a victim's choice to accompany the, subject to some restrictions such as it not being in their best interest.	All service providers covered at pages 4 and 5 of the Victim Charter
4. Right to receive information from the first contact with a competent authority	Article 4.1 sets out the information that is to be available to a victim in order to access their rights under the Directive. The article deals with information on support provisions; protection measures; reporting a crime; advice and legal aid; compensation; interpretation and translation; residents of other EU member states; complaints; contact details; restorative justice; and expenses.	<p>The Victim Charter is intended to ensure that victims are provided with relevant information. Paragraph 31 requires service providers to provide information about the Victim Charter on their website. Paragraphs 49 and 69 as well as standards 1.3 and 1.5 highlight the provision of information, the onward referral of victims to victim support service providers, and the detail of what is to be covered in the Victim of Crime information leaflet to be received by victims. The leaflet (combining the written acknowledgement of the crime) sets out the information in this Article, including what a victim can expect from the criminal justice system.</p> <p>Paragraph 70 of the Victim Charter sets out that victims are entitled to be provided with additional information at later stages of the case, depending on their needs and the relevance of this</p>	Police

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		information at each stage of the case. The extent or detail of this may vary according to the circumstances of the case. Paragraphs 52, 55 – 65 and 111, along with standards 8.1, 8.2, 9.1 and 10.2 of the Victim Charter set out a range of information in relation to services highlighted in this Article.	
	Article 4.1(b) deals with reporting a crime	See 4.1 above.	Police
	Article 4.1(c) deals with protection measures.	See 4.1 above. Standard 1.6 of the Victim Charter includes reference to protection arrangements. Articles 11, 12, 13 and 15 of the Criminal Evidence (Northern Ireland Order 1999 provide the possibility of screening from the accused, giving evidence by live link, giving evidence in private and video recorded evidence in chief.	Police
	Article 4.1(d) deals with complaints advice and legal aid.	See 4.1 above. N/A in relation to legal advice and legal aid.	Police
	Article 4.1(e) deals with compensation.	See 4.1 above. Section 9 of the Victim Charter provides detail on compensation.	Police
	Article 4.1(f) deals with interpretation and translation.	See 4.1 above. The Victim Charter sets out detail on entitlements to interpretation and translation, including at standards I.3, 1.6, 1.8, 2.1 – 2.3, 4.1, 5.1 and 6.1	Police
	Article 4.1(g) deals with those resident in another EU Member State.	See 4.1 above. Provided for at standard I.8 of the Victim Charter.	Police
	Article 4.1(h) deals with complaints.	See 4.1 above. Standard 10.2 and Section 10 in the Victim Charter deal with complaints.	Police
	Article 4.1(i) deals with contact details for communication about their case.	See 4.1 above. Standard I.5 in the Victim Charter provides further detail on case contact details.	Police
	Article 4.1(j) deals with restorative justice	See 4.1 above. Section 8 in the Victim Charter deals with restorative justice.	Police
	Article 4.1(k) deals with expenses.	See 4.1 above. Section 6 in the Victim Charter provides further information on expenses.	Police
	Article 4.2 provides that the extent or detail of information provided may vary depending on	See 4.1 above. Paragraph 70 sets out that victims are entitled to be provided with additional information at later stages of the case, depending on their	Police

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	the specific needs and personal circumstances of the victim, as well as the nature of the crime.	needs and the relevance of this information at each stage of the case. The extent or detail of this may vary according to the circumstances of the case.	
5. Right of victims when making a complaint	Article 5.1 sets out that a written acknowledgement of the formal complaint (crime) is to be provided to victims, stating its basic elements.	Standard 1.4 of the Victim Charter provides that victims receive a written acknowledgement of having reported the crime. This is incorporated within the victim of crime information leaflet, provides contact details and is available in other languages.	Police
	Article 5.2 provides that victims be enabled to report a crime in a language that they understand or receive linguistic assistance to do so.	Standard 1.1 of the Victim Charter provides for assistance, which could include interpretation or translation, where a victim does not understand or speak English,	Police
	Article 5.3 provides that victims receive translation of the written acknowledgement, where requested, if they do not understand or speak English.	Standard 1.4 of the Victim Charter provides that the acknowledgement of the crime may be provided electronically and in alternative languages.	Police
6. Right to receive information about their case	Article 6 sets out specific information that is to be offered to victims in relation to the progression of their case. Article 6.1 relates to information about the police investigation, decisions to prosecute, the time and place of the trial and the nature of charges.	The Overview of Entitlements in the Charter sets out key pieces of information that a victim is entitled to receive. Standards 1.8, 2.1 and 2.2, as well as paragraphs 83 and 84, of the Victim Charter deal with update information from the police, the Public Prosecution Service and Victim and witness Care Unit on decisions not to proceed with or end an investigation, not to prosecute an offender and changes to charges. Standard 2.3 of the Victim Charter provides for the victim to be informed about the date time and location of the trial. Paragraph 107 deals with appeals.	The police, the Public Prosecution Service and the Victim and Witness Care Unit
	Article 6.2 sets out that victims be offered information on the progress of criminal proceedings, and final	Standard 1.6, 2.3 and 6.1 of the Victim Charter provide for a victim to be informed about the progress of the case, the outcome of hearings, the entering of a guilty or not guilty plea,	The police, the Public Prosecution Service and the Victim

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	judgment at trial.	the discontinuance of proceedings and the final outcome. This includes a short explanation about the meaning and effect of any sentence.	and Witness Care Unit
	Article 6.3 provides for the giving of reasons under Article 6.1(a) and 6.2(a).	Standard 2.2 and 6.1 of the Victim Charter deal with the giving of reasons at various stages of the process.	The police, the Public Prosecution Service and the Victim and Witness Care Unit
	Article 6.4 deals with the provision of information to victims and modifying their wish to receive information.	<p>Section 36 of the Justice Act (Northern Ireland) 2015 provides for information sharing in relation to victims being advised about, offered and provided support services and information on the release of offenders.</p> <p>Standard I.6 and paragraph 78 of the Victim Charter deal with the provision of information, including where the victim doesn't wish to receive information.</p>	All service providers covered at pages 4 and 5 of the Victim Charter
	Article 6.5 refers to being offered information regarding the release or escape of individuals and protection measures.	<p>Standard 1.9 of the Victim Charter deals with release from police detention and any relevant protection measures. Standard 7.2 and paragraphs 116 - 118 deal with the victim information schemes advising about the escape of an offender.</p> <p>Sections 68 – 70 of the Justice (Northern Ireland) Act 2002 and Article 25 of the Criminal Justice (Northern Ireland) Order 2005 provide for victim information schemes (the Prisoner Release Victim Information (Northern Ireland) Scheme 2003; The Probation Board for Northern Ireland Victim Information Scheme 2005; and Victims of Mentally Disordered Offenders Information (Northern Ireland) Scheme 2008).</p> <p>Also applicable are:</p> <ul style="list-style-type: none"> • Notification Requirements under the Sexual Offences Act 2003. • Article 50 of the Criminal Justice 	The police, the Northern Ireland Prison Service and the Probation Board for Northern Ireland

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		<p>(Northern Ireland) Order 2008, related to assessment and management of the risks posed by certain sexual and violent offenders when released from prison.</p> <ul style="list-style-type: none"> • Public Protection Arrangements under Part 3 of the Criminal Justice (Northern Ireland) Order 2008. • European Protection Orders under the Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014. • Bail conditions imposed by the court. 	
	<p>Article 6.6 refers to information regarding the release or escape of individual prisoners, where they may pose a danger to the victim.</p>	<p>See 6.5 above</p>	<p>The police, the Probation Board for Northern Ireland and the Northern Ireland Prison Service</p>
<p>7. Right to interpretation and translation</p>	<p>Article 7 sets out the circumstances in which victims who do not speak or understand the language used in the criminal proceedings are provided with interpretation or translation, on request, in accordance with their role in the criminal justice system. Article 7.1 deals with interviews, questioning and active participation in court hearings.</p>	<p>The ‘Overview of key entitlements’ in the Victim Charter sets out that a victim is entitled to access free translation or interpretation, upon request, where they do not speak or understand English. This would apply when reporting a crime (including being interviewed); being given an acknowledgement of the crime; receiving information about the date, time and location of key court hearings; giving evidence; and receiving information about the outcome of the trial.</p> <p>Standards I.3, 1.6 and 5.1 of the Victim Charter deal with the assessment of language difficulties as well as the provision of translation and interpretation (including during any interviews or questioning by the police or at court).</p>	<p>The Northern Ireland Courts and Tribunals Service, the police, the Public Prosecution Service and the Victim and Witness Care Unit</p>
	<p>Article 7.2 provides for the use of communication technology at court.</p>	<p>As this is a permissive power transposition is not necessary. The Court may consider an application to use certain types of communication technology for interpretation purposes.</p>	<p>The Northern Ireland Courts and Tribunals Service, the</p>

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			police and the Public Prosecution Service
	Article 7.3 provides for the translation of certain information needed to exercise victim's rights in criminal proceedings, in accordance with the role of the victim in criminal proceedings.	Standards I.3, 1.8, 2.1, 2.2, 2.3 and paragraph 79 of the Victim Charter set out entitlements related to translation and interpretation, where requested and the person does not understand English. These deal with a range of police decisions, decisions to prosecute, giving an alternative to prosecution, the outcome of criminal proceedings and information related to this.	The Northern Ireland Courts and Tribunals Service, the police, the Public Prosecution Service and the Victim and Witness Care Unit
	Article 7.4 provides for the translation of information related to the time and place of the trial under Article 6.1(b)	Provided for in Standard 2.3 of the Victim Charter.	Victim and Witness Care Unit
	Article 7.5 sets out limitations to requests for translation, where not relevant for the purpose of actively participating in criminal proceedings.	Provided for in Standard I.3 of the Victim Charter.	The Northern Ireland Courts and Tribunals Service, the police, the Public Prosecution Service and the Victim and Witness Care Unit
	Article 7.6 sets out that an oral translation or summary may be provided, subject to not prejudicing the proceedings.	Standard I.3 of the Victim Charter deals with the provision of an oral translation or summary.	The Northern Ireland Courts and Tribunals Service, the police, the Public Prosecution Service and the Victim and Witness Care Unit
	Article 7.7 provides for assessing victims' interpretation or translation needs and	Standards I.3, 1.6 and 4.1 of the Victim Charter deal with the assessment of language difficulties and complaints in relation to the provision of translation	Police, the Public Prosecution Service and

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	the rule for a challenge.	or interpretation.	the Victim and Witness Care Unit
	Article 7.8 provides that the challenge of a decision not to provide interpretation of translation shall not prolong proceedings.	Provided for at standard I.3 of the Victim Charter.	The Northern Ireland Courts and Tribunals Service, the police, the Public Prosecution Service and the Victim and Witness Care Unit
8. Right to access victim support services	Article 8.1 provides that victims are to have access, in accordance with their needs, to victim support services, that are confidential and free of charge. Family members are to have access in accordance with their needs and the harm suffered by the victim. Services may be organised on a voluntary basis and access is not dependent on having reported the crime to a competent authority.	Paragraphs 29 and 40, as well as standards I.1, 1.5 and 1.11 of the Victim Charter deal with access to victim support services and an assessment to identify needs. They highlight the limitations of that support, where the person normally lives in another region or EU Member State. The Article is also provided for in the conditions of grant for victim support service providers under the Charter. Paragraphs 55 to 65 of the Victim Charter deal with key support services, including specialist services.	Department of Justice and victim support service providers under the Charter
	Article 8.2 provides for facilitating the referral of victims to support services.	Section 36 and Schedule 3 of the Justice Act (Northern Ireland) 2015 enable the sharing of information from the police and Public Prosecution Service to victim support service providers under the Charter, for the purpose of victims being advised about, offered or provided services. A Victim Charter card will also be used to raise awareness of entitlements under the Charter and referral to Victim Support NI's services.	The police, the Public Prosecution Service and the Victim and Witness Care Unit
	Article 8.3 provides for establishing free of charge and confidential specialist support	Paragraphs 18, 19, 28, and 29 and standard 1.11 of the Victim Charter provide for access to services under it, including available support services.	Department of Justice and victim support

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	services for victims and family members.	This is also provided for in conditions of grant for victim support service providers under the Charter. Paragraphs 55 to 65 of the Victim Charter deal with various key support services, including specialist services.	service providers under the Charter
	Article 8.4 provides that services should be free of charge and confidential.	As this is a permissive power transposition is not required. A range of victim support services receive Government funding. The service providers in the Charter are organised on a voluntary basis.	Department of Justice and victim support service providers under the Charter
	Article 8.5 sets out that access to victim support services is not dependent on reporting the crime.	Provided for in paragraphs 28, 29 and standard 1.11 of the Victim Charter. Also provided for in the conditions of grant for victim support service providers under the Charter.	Victim support service providers under the Charter
9. Support from victim support services	Article 9.1 sets out the minimum standards that victim support services should provide, in terms of information, support and advice.	Set out in paragraphs 29 and paragraph 77 of the Victim Charter.	Department of Justice and victim support service providers under the Charter
	Article 9.2 encourages particular attention to be paid to those who have suffered considerable harm due to the severity of the crime.	Provided for in the conditions of grant for victim support service providers, as well as in paragraph 77 of the Victim Charter.	Department of Justice and victim support service providers under the Charter
	Article 9.3 deals with specialist support services that should be developed.	Paragraphs 55 to 65 of the Victim Charter highlight key support services, including specialist services for those victims with particular needs or the subject of certain crime types.	Government and victim support service providers under the Charter
10. Right to be heard	Article 10.1 provides that a victim may be heard during criminal proceedings and may give evidence.	Section 33 – 35 of the Justice Act (Northern Ireland) 2015 makes provision for victim personal statements, which provides a victim with the opportunity to set out the	The police, the Public Prosecution Service and the Victim

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		<p>impact of a crime on them. The provisions require a court to have regard to relevant parts of that statement in determining the sentence. Also relevant is Section 3, as well as paragraphs 88 and 89, of the Victim Charter. Paragraphs 49 and 50 deal with written statements, video recorded statements, needs assessment and the use of special measures when giving evidence at court.</p>	<p>and Witness Care Unit</p>
	<p>Article 10.2 sets out that the procedural rules are determined by national law.</p>	<p>See above.</p>	<p>The police, the Public Prosecution Service and the Victim and Witness Care Unit</p>
<p>11. Rights in the event of a decision not to prosecute</p>	<p>Article 11.1 provides that a victim, in accordance with their role in the criminal justice system, has the right to review a decision not to prosecute and the processes associated with this.</p>	<p>Paragraph 79 and standard 2.2 of the Victim Charter provide for the review of a decision not to prosecute and receiving information about this.</p>	<p>The police, the Public Prosecution Service and the Victim and Witness Care Unit</p>
	<p>Article 11.2 provides that at least victims of serious crime have this right to review and the provision of sufficient information.</p>	<p>Paragraph 79 and standard 2.2 of the Victim Charter provide for the review of a decision not to prosecute and receiving information about this. This applies to all victims regardless of the seriousness of the crime.</p>	<p>The police, the Public Prosecution Service and the Victim and Witness Care Unit</p>
	<p>Article 11.3 deals with notification of this right to review and sufficient information.</p>	<p>Paragraph 79 and standard 2.2 of the Victim Charter provide for the right to review a decision not to prosecute, to be given reasons for the decision, to be given detailed reasons in more serious cases, to ask for detailed reasons in other cases and to ask to meet the decision maker.</p>	<p>The police, the Public Prosecution Service and the Victim and Witness Care Unit</p>
	<p>Article 11.4 provides for circumstances in which the review may be carried out by the same authority.</p>	<p>Provided for at standard 2.2 of the Victim Charter.</p>	<p>The police and Public Prosecution Service</p>
	<p>Article 11.5 provides</p>	<p>Provided for at paragraph 74 of the</p>	<p>The police</p>

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	that Article 11.1, 11.3 and 11.4 won't apply to an out-of-court settlement.	Victim Charter.	and Public Prosecution Service
12. Right to safeguards in the context of restorative justice services	Article 12.1 sets out the safeguards that are to be provided if a victim agrees to engage in restorative justice activities and the conditions that shall apply.	Standard 8.2 of the Victim Charter reflects these safeguards.	Northern Ireland Prison Service, Probation Board for Northern Ireland and Youth Justice Agency
	Article 12.2 provides for the referral of victims, as appropriate, to restorative justice services.	Standard 8.2 of the Victim Charter provides that where restorative justice services are provided by service providers that there are procedures or guidelines to facilitate the referral of cases where appropriate.	Northern Ireland Prison Service , Probation Board for Northern Ireland, Public Prosecution Service and Youth Justice Agency
13. Right to legal aid	Article 13 deals with access to legal aid, where a victim has the status of a party to proceedings.	Not applicable. Legal aid is generally restricted to individuals brought before the courts to face criminal charges.	N/A
14. Right to reimbursement of expenses	Article 14 provides for the possibility of victims to be reimbursed for their active participation in criminal proceedings in accordance with their role in the criminal justice system.	Paragraphs 110 - 113 of the Victim Charter (as well as standard 6.3) deal with expenses, where a victim is required to attend court. The information to be provided includes rates and allowances	Public Prosecution Service
15. Right to return of property	Article 15 provides for the return of recoverable property without delay, unless it is required for the purpose of criminal proceedings.	Section 7 of Code B, under the Police and Criminal Evidence (Northern Ireland) Order 1989 deals with the seizure and retention of property. The return of property is also dealt with in Standard 1.10 of the Victim Charter.	Police
16. Right to decision on	Articles 16.1 and 16.2 provides for obtaining a	Compensation Orders are covered under Article 14 of the Criminal Justice	Department of Justice

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compensation from the offender in the course of criminal proceedings	decision on compensation by the offender within a reasonable time and encouraging the provision of compensation.	(Northern Ireland) Order 1994. An offender levy was introduced in 2012, under the Justice Act (Northern Ireland) 2011, to make offenders more accountable for the harm their actions have caused. Compensation must be within a reasonable time to meet Article 6 ECHR obligations.	
17. Rights of victims resident in another member state	Article 17.1 provides that appropriate measures be taken to minimise the difficulties faced by those resident in other Members States, in terms of how proceedings are organised.	Standard I.8 of the Victim Charter sets out the entitlement to have a statement taken immediately after reporting the crime and access to video and telephone conference calls for the purpose of giving evidence to the police or at court. Section 30 of the Crime (International Co-operation) Act 2003 makes provision in relation to video conferencing in criminal matters. Sections 13 - 15 allow for a UK court to deal with a request for giving evidence by live video-link from a court in another EU state. Section 53 of the Justice Act (Northern Ireland) 2015 amends the Criminal Justice (Northern Ireland) Order 2005 to make provision for the use of live links outside the UK.	Northern Ireland Courts and Tribunals Service, the police and Public Prosecution Service
	Article 17.2 sets out the circumstances where a crime may be reported in the victim's country of residency.	Provided for at paragraphs 34 and 35 of the Victim Charter.	Police
	Article 17.3 provides for the transmission of a reported crime to other Member States.	Provided for at paragraph 34 of the Victim Charter.	Police
18. Right to protection	Article 18 provides for protection measures for victims.	Standards 1.6, 4.1 and 5.3, as well as paragraphs 102 and 103, of the Victim Charter deal with protection measures, including the role of the police and the Northern Ireland Courts and Tribunals Service. Paragraphs 6, 10 and 40 – 51 of the Victim Charter deal with needs assessments. Also relevant are: <ul style="list-style-type: none"> • Child Care Order under the Children (Northern Ireland) Order 1995. • Protection from Harassment Orders 	Northern Ireland Courts and Tribunals Service, the police, Public Prosecution Service and Victim and Witness Care Unit

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		<p>and Restraining Orders under the Protection from Harassment (Northern Ireland) Order 1997.</p> <ul style="list-style-type: none"> • Non-molestation Orders under the Family Homes and Domestic Violence (Northern Ireland) Order 1998. • Sexual Offences Prevention Order under Part 2 of the Sexual Offences Act 2003. • Risk of Sexual Harm Order and Foreign Travel Orders under the Sexual Offences Act 2003. • Disqualification Order under the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 • Notification Requirements under the Sexual Offences Act 2003. • Section 82 of the Serious Organised Crime and Police Act 2005, which can provide protection for those involved in investigations or proceedings. • Forced Marriage Protection Orders under the Forced Marriage Act 2007 • Article 50 of the Criminal Justice (Northern Ireland) Order 2008 places a duty on criminal justice agencies and others to co-operate to ensure effective assessment and management of the risks posed by certain sexual and violent offenders when they are released from prison. • Public Protection Arrangements under Part 3 of the Criminal Justice (Northern Ireland) Order 2008. • European Protection Orders under the Criminal Justice (European Protection Order) (Northern Ireland) Regulations 2014. • Female Genital Mutilation Protection Orders under section 73 of the Serious Crime Act 2015. • Sections 55 – 76 of the Justice Act (Northern Ireland 2015) make provision for Violent Offences Prevention Orders (to be commenced). 	

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		<ul style="list-style-type: none"> • Child Protection Disclosures. <p>Other protection aspects include special measures, victim support services, police practice and powers of the court.</p>	
19. Right to avoidance of contact between victim and offender	<p>Article 19.1 provides for necessary conditions which enable the avoidance of contact between a victim or their family members and the suspect in premises used for criminal proceedings. Article 19.2 deals with the provision of separate waiting areas in new court premises.</p>	<p>Standard 5.1, 5.3 and paragraph 103 of the Victim Charter deal with the provision of separate waiting areas and the avoidance of contact between a victim and offender. These provide that victims are entitled to be provided with a place to wait, where possible, which is away from the defendant, their family and supporters. For any new court buildings there will be separate waiting areas for victims and separate entrances available on request.</p>	<p>Northern Ireland Courts and Tribunals Service, the police, the Probation Board for Northern Ireland and the Youth Justice Agency</p>
20. Right to protection of victims during criminal investigations	<p>Article 20 makes provision relating to criminal investigations, in particular that interviews should be held without unjustified delay and the number of interviews and medical examinations be limited in number and only carried out where strictly necessary. Victims may be accompanied by their legal representative and any person of their choice (unless there is a reasoned decision to the contrary).</p>	<p>The protection of victims as set out in Article 20 is provided for in Standard 1.6 of the Victim Charter. This provides that victims are entitled to:</p> <ul style="list-style-type: none"> (i) have interviews or any questioning take place as soon as possible after reporting the crime; (ii) have the number of interviews or questioning kept to a minimum; (iii) be accompanied by a person of their choice, unless there is good reason that this should not take place; and (iv) have any medical examinations kept to a minimum. 	<p>Police</p>
21. Right to protection of privacy	<p>Articles 21.1 sets out the appropriate measures to be taken to protect the privacy of a victim during criminal proceedings, including preventing the identification of a child victim.</p>	<p>Paragraphs 46, 100 and 144 of the Victim Charter deal with the privacy of victims. Relevant legislative provisions include:</p> <ul style="list-style-type: none"> • Article 170 of the Children (Northern Ireland) Order 1995 makes provisions for privacy for children involved in certain proceedings. • Article 22 of the Criminal Justice (Children) (Northern Ireland) Order 1998 places restrictions on the 	<p>Northern Ireland Courts and Tribunals Service, the police, Public Prosecution Service and Victim and Witness Care Unit</p>

Article	Objective/Detail	Northern Ireland implementation	Responsibility
		<p>reporting around children.</p> <ul style="list-style-type: none"> • Section 28 of the Criminal Evidence (Northern Ireland) Order 1999 restricts evidence or questions about a complainants sexual history. • Section 13 allows the court to permit evidence to be given in private. • Section 46 of the Youth Justice & Criminal Evidence Act 1999 deals with Orders preventing the reporting of certain details of witnesses in the media that may lead to their identification. • Criminal Evidence (Witness Anonymity) Act 2008. • Witness Anonymity Orders under the Coroners and Justice Act 2009. No Publicity Orders are available. PPS will make an application for these in appropriate cases, where the criteria are met. <p>These enable the court to place temporary or permanent restrictions on how the media reports on court proceedings, as well as reporting restrictions for children and young people.</p>	
	Article 21.2 provides for encouraging the media to take self-regulatory measures.	The Department has engaged with the media in relation to the relevant provisions of the Directive. Also relevant is the Royal Charter on Press Regulation.	Department of Justice
22. Individual assessment of victims to identify specific protection needs	Article 22.1 provides for an individual assessment, taking into account the nature and circumstance of the crime and the personal characteristics of the victim to determine whether, and the extent to which protection measures in Articles 23 and 24 should be provided.	Paragraphs 40 and 46 and standards 1.6 and 1.7 of the Victim Charter deal with a timely individual assessment by the police and the Victim and Witness Care Unit to identify needs, and the necessary support or special measures related to this. This will determine whether and to what extent a victim would benefit from special measures. These paragraphs also deal with an application for, and granting of, special measures to help a victim give their best evidence. They provide that a victim's views be considered on whether or not they want to benefit from any support or special measures.	The police and the Victim and Witness Care Unit

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		Special measures are provided for under the Criminal Evidence (Northern Ireland) Order 1999.	
	Article 22.2 sets out what the individual assessment is to take into account.	Provided for at paragraph 41 of the Victim Charter.	The police and the Victim and Witness Care Unit
	Article 22.3 provides that particular attention be paid to those victims that have suffered considerable harm.	Paragraphs 43, 46 and standard 1.7 of the Victim Charter reflect these Directive provisions. All victims, regardless of crime type, will have a needs assessment undertaken. The Public Prosecution Service and the police have existing policy, training and specialists in place to ensure due consideration is given to victims of organised crime, trafficking, sexual crime, domestic violence, etc.	The police and the Victim and Witness Care Unit
	Article 22.4 provides for the needs of a child as well as determining whether and to what extent they would benefit from special measures under Articles 23 and 24.	Paragraphs 40, 43, 46 and standards 1.6 and 1.7 of the Victim Charter deal with a timely individual assessment by the police and the Victim and Witness Care Unit to identify needs, necessary support or special measures, in order to determine whether and to what extent a victim would benefit from special measures.	The police and the Victim and Witness Care Unit
	Article 22.5 provides that the extent of the individual assessment may be adapted depending on the seriousness of the crime and the harm suffered.	Provided for at paragraph 40 of the Victim Charter.	The police and the Victim and Witness Care Unit
	Article 22.6 sets out that the needs assessment takes into account the wishes of the victim.	Paragraph 41 and standard 1.6 of the Victim Charter make provision in relation to taking account of the views of the victim, including whether or not they want additional support or wish to benefit from special measures.	The police and the Victim and Witness Care Unit
	Article 22.7 provides for updating the individual assessment.	Provided for at paragraph 44 of the Victim Charter.	The police and the Victim and Witness Care Unit
23. Right to protection of victims with	Article 23.1 provides that victims who have been found to have	Standard 1.7 and paragraph 97 of the Victim Charter, as well as the Criminal Evidence (Northern Ireland) Order	Northern Ireland Courts and

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specific protection needs during criminal proceedings	specific protection needs following an individual assessment under Article 22 should, subject to practical constraints, be able to obtain the protections set out in paragraphs 2 and 3 of Article 23.	1999 deal with the measures available to assist victims give their evidence. Paragraph 64 of the Victim Charter provides an overview of the available special measures. The constraints set out in Article 23.1 are provided for at paragraph 73 of the Victim Charter.	Tribunals Service, the police, the Public Prosecution Service and the Victim and Witness Care Unit
	Article 23.2 provides for how interviews are to be conducted in terms of premises, training and the same interviewer and with victims of specific crime types.	Provided for by standard 1.7 of the Victim Charter. A state-of-the-art sexual assault referral centre also provides a comprehensive and co-ordinated package of care for victims of sexual assault.	The police and the Victim and Witness Care Unit
	Article 23.3 sets out measures for victims with needs identified under Article 22, during court proceedings, including to avoid visual contact with the offender when giving evidence; to be heard in the courtroom within being present; to avoid unnecessary questioning about their private life not related to the crime; and measures to allow a hearing to take place without the public.	Provided for in Articles 11, 12, 13 and 15 of the Criminal Evidence (Northern Ireland) Order 1999. Part IV of the Criminal Evidence (Northern Ireland) Order 1999 provides for protection of complainants in proceedings for sexual offences. While ultimately a matter for the Judge a Prosecutor can intervene if there is inappropriate questioning.	The police, the Public Prosecution Service and the Victim and Witness Care Unit
24. Right to protection of child victims during criminal proceedings	Article 24.1 provides that where a victim is a child interviews may be audio-visually recorded and used as evidence. It also provides for a special representative, in accordance with the role of the victim, and makes provision where a victim has a right to a lawyer.	Paragraphs 49 and 50 of the Victim Charter deal with video recording of interviews, as well as Articles 4, 9 and 15 of the Criminal Evidence (Northern Ireland) Order 1999. Articles 18, 21, 22, 25, 26 and 66 of the Children (Northern Ireland) Order 1995 provide for support for children and their families as well as those looked after by authorities. In Northern Ireland a victim does not have a right to a lawyer.	The police and the Victim and Witness Care Unit
	Article 24.2 provides that, where the age of a victim is uncertain and	Paragraph 51 of the Victim Charter makes provision in relation to the presumption that a person is a child.	All service providers covered at

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	<p>there are reasons to believe that the victim is a child, the victim shall be presumed to be a child.</p>		<p>pages 4 and 5 of the Victim Charter</p>
<p>25. Training of practitioners</p>	<p>Article 25.1 provides for the training of practitioners.</p> <p>Article 25.2 provides for requesting those training judges and prosecutors to make available training to increase awareness of victims' needs.</p> <p>Article 25.3 provides for recommending that those training lawyers make available training to increase lawyers' awareness of the needs of victims.</p> <p>Article 25.4 provides for encouraging initiatives for victim support and restorative justice service providers to receive adequate training to ensure services are provided in a certain manner.</p> <p>Article 25.5 sets out the aim of training in relation to the recognition and treatment of victims.</p>	<p>Articles 25.1, 25.4 and 25.7 are provided for in Standard 1.7 of the Victim Charter. The Department has engaged with relevant bodies on the other provisions of Article 25.</p>	<p>Department of Justice and service providers covered by the Victim Charter</p>
<p>26. Cooperation and coordination of services</p>	<p>Article 26 provides for co-operation between Member States to improve the rights set out in the Directive (including the exchange of best practice, consultation on cases and assistance to</p>	<p>The Department works to co-operate with other Member States and raise awareness of the rights in the Directive</p>	<p>Department of Justice</p>

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	European networks) and raising awareness of the rights in the Directive.		