



Justice Sexual Offences and Trafficking Bill response from the Safeguarding Board for Northern Ireland (SBNI)

Background to Safeguarding Board

The Safeguarding Board Act (NI) 2011 established a Safeguarding Board for Northern Ireland (SBNI) and outlined the duties placed on the SBNI.

SBNI is the key statutory mechanism for agreeing how the relevant organisations in Northern Ireland will co-operate to safeguard and promote the welfare of children and young people and for ensuring the co-ordination and effectiveness of what they do.

The SBNI is bound by obligations to safeguard the welfare of children and young people in existing and international and domestic law including: the United Nations Convention on the Rights of the Child (UNCRC); The Hague Children's Conventions; The Human Rights Act (1998) and the European Convention on Human Rights (ECHR); and the Children (Northern Ireland) Order 1995.

The Safeguarding Board for Northern Ireland has 27 members whose common purpose is to help safeguard and promote the welfare of children and young people in Northern Ireland and protect them from all forms of neglect and abuse. Each agency on the SBNI is represented by a senior member of staff on the partnership which collectively provides leadership and direction to the child protection safeguarding system across Northern Ireland.

SBNI welcomes the introduction of the Sexual Offences and Trafficking Victims Bill 2021. We are very grateful to Minister Long and to the Department of Justice for their commitment to taking this forward and are appreciative for the opportunity to comment on the proposed Bill first introduced to Northern Ireland's Assembly in July 2021. The Bill sets out needed legislation in respect of Sexual Offences and Trafficking Victims; specifically to enhance public safety by implementing certain elements of the Report of the Gillen review of serious sexual offence

cases and from a review of the law on child sexual exploitation and sexual offences against children and to improve services for victims of trafficking and exploitation.

SBNI are strongly of the view that children who experience Child Sexual Abuse including Child Sexual Exploitation may carry the experience of this Adverse Childhood Experience into adulthood, which can manifest in physical, emotional and mental health difficulties which in many cases may require treatment. The failure to recognise this adversity as early as possible in a child's life trajectory and address it, limits children's opportunity to enjoy a childhood free from harm and abuse. The impact of such an Adverse Childhood Experience, may potentially impact on their experiences of education and relationships, and also has a greater financial implication for the provision of public services in the longer term as well as a longer lasting emotional impact upon the survivor of the abuse.

- *Provisions arising from the Gillen Review of serious sexual offence cases to exclude the public from all serious sexual offence hearings and to introduce anonymity for defendants' pre-charge*

SBNI welcomes the provision of anonymity as per recommendations from Gillen Review of serious sexual offence cases. This includes, to exclude the public from all serious sexual offence hearings and to introduce anonymity for defendants' pre-charge, to extend the current lifelong anonymity of the victim of a sexual offence and to provide for their anonymity for 25 years after death. SBNI believes implementation of such legislative changes will ensure victims of rape and child abuse are supported, safeguarded and afforded as much opportunity to report and give evidence against the perpetrator, recognising the impact of trauma and resisting likelihood for re-traumatisation and potential exposure to unwarranted abuse, exploitation and bullying through identification. Thus supporting The Sexual Offences (Amendment) Act 1992 which provides that where there is an allegation that a sexual offence has been committed against a person, that a person's name or image should not be published if it is likely to identify them. As reported in the Gillen Review in a small jurisdiction such as Northern Ireland, with Crown Courts scattered across the country, complainants are regularly giving evidence about their most intimate personal details in sexual offence trials in their local courts. Guaranteeing anonymity of defendant pre charge and victim will also uphold the European Convention Human Rights (ECHR) Articles 6; Right to a fair trial.

- Provisions to give effect to the outcome of a review of the law on child sexual exploitation and sexual offences against children to include live streamed images in the definition of exploitation for sexual purposes and to create a new offence of adults masquerading as children online

SBNI is committed to work in partnership with other agencies, service users and communities to ensure children and young people are living in safety and with stability; responding in a timely manner to new and emerging concerns; driving improvements in the current child protection system, and responding to safeguarding challenges in the years ahead. The SBNI believes the new provisions to include live streamed images in the definition of exploitation for sexual purposes, and to create a new offence of adults masquerading as children online and making a communication with a view to sexually grooming a child under 16, will therefore help strengthen and build upon existing child grooming and sexual communication with a child offences. The new offence of adults masquerading as children online and making a communication with a view to sexually grooming a child under 16 includes the following:

- Communicating with an individual
- Communicating with a group
- Communicating with a view to grooming a particular child
- Communicating with a view to grooming any child under 16

The SBNI believes this legislation is effective in responding to new and emerging concerns as a result of challenges and risks associated modern technology. The SBNI also supports the inclusion of live streaming offence which widens the scope of the definition of 'images' from earlier legislation, recognising the catastrophic impact 'live streaming images' may have on children's social and emotional well-being.

- A new offence of up-skirting and down blousing alongside a number of other sex offence adjustments to ensure the law operates as intended in these areas

An additional area for consideration involved the inclusion of proposals for down-blousing, alongside the proposed up-skirting provision extending the current voyeurism offence within

the Sexual Offences Order 2008. The SBNI also supports the removal of legislative references to 'child prostitution' and 'child pornography' in the Sexual Offences (Northern Ireland) Order 2008; recognising children and young people to be potential victims of exploitation and abuse.

- *Provisions to adjust the modern slavery strategy and improve services for potential victims of slavery and exploitation*

SBNI supports the amendment of the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 which changes annual reporting to three yearly reporting in relation to the Modern Slavery Strategy; allowing a multi-agency response to safeguarding and protecting children and young people from slavery, trafficking and exploitation.

It is hoped that this new legislation will increase current efforts to help safeguard and protect children and young people from sexual offences and all forms of modern slavery and trafficking. The legislation also helps protect anonymity of victims thus encouraging more victims to come forward and receive support. SBNI would posit it is therefore essential that special consideration is given to effective multi-agency training and awareness that supports this new legislation and adequately funded to enable those agencies to provide that support.

Bernie McNally OBE Independent Chair SBNI

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