

Minister's Office Block B,
Castle Buildings
Stormont Estate
Ballymiscaw
Belfast
BT4 3SG

Christine Darrah
Clerk to the Committee for Justice
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT4 3XX

25 June 2021

Dear Christine

JUSTICE (SEXUAL OFFENCES AND TRAFFICKING VICTIMS) BILL

As you will be aware, the Minister intends to introduce a re-drafted Justice (Sex Offences and Trafficking Victims) Bill to the Assembly during week commencing **5 July 2021**.

Committee Members were aware of the Minister's plans for the introduction of a more substantial Justice Bill and expressed previous interest in its policy content.

The new Justice (Sex Offences and Trafficking Victims) Bill is more narrowly scoped - comprising only Parts 1 (Sexual Offences), 2 (Trafficking and Exploitation) and 5 (Prevention Orders) of the original Bill. This change was necessary to secure Executive agreement to its introduction and thus progress at least some of the important public protection provisions of the previous Bill in this mandate.

Specifically, the Bill will include:

- Provisions arising from the Gillen review that are being progressed, which include;
 - exclusion of public from all serious sexual offence hearings;
 - anonymity for defendants pre-charge;
 - anonymity of complainants to continue after death; and
 - an increase in the penalty for breach of anonymity;
- Provisions arising from the outcome of a review of the law on child sexual exploitation and sexual offences against children to;
 - replace legislative references to ‘child prostitution’ and ‘child pornography’;
 - include live streamed images in the definition of exploitation for sexual purposes; and
 - create a new offence of adults masquerading as children online.
- Provisions to create a new offence of up skirting and down blousing;
- Adjustments to include the offence of abduction of children in care to Sexual Offences Prevention Order (SOPO) arrangements;
- Adjustments to dis-apply time limits for complaints under Violent Offences Prevention Order (VOPO) arrangements; and
- Amendments to modern slavery provisions in the Northern Ireland Human Trafficking Act to extend support to victims of slavery, servitude and forced or compulsory labour; and to remove the statutory requirement to produce an annual Modern Slavery Strategy;

A significant consequence of this narrowing of the previously proposed Bill is that important legislation, which is non-controversial, including that required to comply with court rulings, assist court recovery and speed up justice, and reduce the legal aid bill, cannot now proceed in this mandate

The Minister is deeply disappointed that she was forced to take this unwelcome step. However, with progression of the previous Bill being repeatedly blocked, and in the interests of some of the most vulnerable victims in the justice system, she has reluctantly decided to proceed on this basis.

The Minister has also restated her intention to continue to develop a small number of planned amendments that fit within the public protection objectives of the Bill.

Specifically, these include:

- a) a legislative fix to re-instate four incorrectly removed into Schedule 2 of the Magistrates Courts Order 1981 to allow for the summary prosecution of these indictable offences under Article 45 of that Order;
- b) abolition of the rough sex defence;
- c) an extension to existing revenge porn provisions to include a threat of publication; and
- d) provisions to widen the scope and strengthen the current law on abuse of trust.

The preparation of draft instructions for these provisions is underway for intended issue to the Office of Legislative Counsel for drafting over the summer. The Bill Team will, of course, share copies of the draft text of the amendments with the Committee at the earliest opportunity.

I would be grateful if you would bring this to Members' attention at the earliest opportunity.

Yours sincerely

[signed]

CLAIRE McCORMICK DALO