

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

FROM: CLAIRe McCORMICK

DATE: 4 SEPTEMBER 2021

TO: CHRISTINE DARRAH

SUMMARY

Business Area: Access to Justice

Issue: Briefing on the principles of the Justice Bill.

Restrictions: Official – Policy in development.

Action Required: To note the written briefing ahead of the oral briefing on 9 September 2021.

Attendees: **Brian Grzymek – Deputy Director, Criminal Justice Policy and Legislation Division.**

Lorraine Ferguson – Head of Criminal Policy Unit

Official to be confirmed – Protection and Organised Crime Division

BACKGROUND

1. Members will be aware that the Minister introduced the Justice (Sexual Offences and Trafficking Victims) Bill to the Assembly on Monday 5 July. Subject to Assembly Business Committee consideration, we expect that Second Stage could potentially be scheduled for week commencing Monday 13 September 2021.
2. The Bill gives effect to the Minister's desire to increase public safety and help create a more effective and efficient justice system. At its core are two key aims:

- i. 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
 - ii. to improve services for victims of trafficking and exploitation.
3. This oral briefing session provides an opportunity for the Bill team to give an outline of the key content of the Bill and for the Committee to ask questions or seek clarification on any matters contained within the draft legislation.

KEY ISSUES

4. In summary, the Bill contains:
- (i) Provisions arising from the Gillen Review, 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;
 - (ii) 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.
 - (iii) Provisions to create new offences of up skirting and down blousing;
 - (iv) Adjustments to include the offence of abduction of children in care to Sexual Offences Prevention Order (SOPO) arrangements:

- (v) Adjustments to dis-apply time limits for complaints under Violent Offences Prevention Order (VOPO) arrangements; and
 - (vi) 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.
5. Committee members will also be aware of a small number of amendments that the Minister intends to bring forward that remain in scope for inclusion in the Bill.
 6. These include a technical amendment to the Gillen provisions relating to the exclusion of the public from all serious offence hearings to include the Court of Appeal; and new policy areas that include the threat of revenge porn, widening existing abuse of trust provisions, and provisions for the abolition of the rough sex defence.
 7. I trust this is helpful to Members of the Committee.

CLAIRE MCCORMICK DALO