



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 9 JANUARY 2014
Room 30, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Sydney Anderson MLA
Mr Stewart Dickson MLA
Mr Tom Elliott MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Ms Rosaleen McCorley MLA
Mr Patsy McGlone MLA
Mr Jim Wells MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Ms Marie Austin (Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Mr Jonathan Lamont (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr William Humphrey MLA

The Committee agreed to meet in closed session to consider agenda item 1.

The meeting commenced at 2.04 p.m. in closed session.

1. Legal Advice on issues relating to the Judicial Appointments Process

Mr Hugh Widdis, Director of Legal Services, attended the meeting to provide legal advice on issues relating to the Judicial Appointments Process and answered Members' questions on a range of issues.

2.05 p.m. Mr Seán Lynch joined the meeting.

2.05 p.m. Mr Patsy McGlone joined the meeting.

2.08 p.m. Ms Rosaleen McCorley joined the meeting.

2.10 p.m. Mr Stewart Dickson joined the meeting.

2.16 p.m. Mr Tom Elliott joined the meeting.

The Chairman thanked Mr Widdis and he left the meeting.

Agreed: The Committee agreed to write to the Lord Chief Justice outlining the context of its inquiries in relation to the Judicial Appointments Process and a High Court Judge competition and advising that it would not share any legal advice received on the matter.

Agreed: The Committee agreed to reissue its invitation to Lord Justice Coghlin to attend a meeting to discuss a High Court Judge competition.

Agreed: The Committee agreed to write to the NI Judicial Appointments Commission regarding the information it had requested.

Agreed: The Committee agreed that it would carry out a further Review of the Judicial Appointments Process.

The meeting moved into public session at 2.38 p.m.

2. Apologies

Apologies are listed above.

3. Draft minutes of the meeting held on 10 December 2013

The Committee approved the draft minutes of the meeting held on 10 December 2013.

4. Matters Arising

- i. The Committee considered correspondence from Amnesty International regarding its attendance to give oral evidence to the Committee on the Human Trafficking and Exploitation (Further Provision and Support for Victims) Bill and noted that the evidence session would take place at the meeting on 30 January 2014.
- ii. The Committee noted correspondence from the Director of BBC Northern Ireland indicating that he would attend a Committee meeting in closed session, as requested, to discuss the content and application of the BBC's Editorial Guidelines in relation to a specific programme.
- iii. The Committee noted the Forward Work Programme for January and February 2014.
- iv. The Committee noted correspondence from the Northern Ireland Judicial Appointments Ombudsman regarding his attendance to give oral evidence on the Judicial Appointments Process and a High Court Judge competition.

Agreed: The Committee agreed that the oral evidence session with the Northern Ireland Judicial Appointments Ombudsman should take place on 16 January 2014.

Agreed: The Committee agreed that the reports of the investigations by the NI Judicial Appointments Ombudsman and related papers which were not in the public domain should not be published at this stage.

- v. The Committee noted further correspondence from Judge Marrinan regarding the Judicial Appointments process and a High Court Judge competition.

5. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from Ruhama

Ms Sarah Benson, Chief Executive Officer and Ms Gerardine Rowley, Policy and Communications Manager, Ruhama joined the meeting at 2.40 p.m.

Ms Benson outlined the key issues in Ruhama's submission on the clauses and schedule of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

A detailed question and answer session followed covering issues including: the work carried out by Ruhama in the past 25 years; the percentage of prostitutes who have been trafficked or have pimps; who benefits from the earnings and the role of organised crime gangs; the frequency with which prostitutes are moved between Northern Ireland and the Republic of Ireland; the impact Clause 6 would have on people in prostitution; the effectiveness of the current laws; the support services required by sex workers; the research findings in relation to the Swedish model; whether human trafficking and prostitution should be treated as two separate issues; whether Clause 6 would drive prostitution underground; the use of prostitutes by people with disabilities; the likely implications if similar laws to criminalise the buying of sex were not introduced by both Northern Ireland and the Republic of Ireland; how the introduction of Clause 6 could deter criminal gangs from operating; whether there would be any adverse effects if Clause 6 was adopted; how Clause 6 could facilitate prostitutes to give evidence; the views of An Garda Síochána on the possible introduction of laws similar to Clause 6; and the breakdown of those involved in the sex trade in Northern Ireland and the Republic of Ireland.

The briefing was recorded by Hansard.

The Chairman thanked Ms Benson and Ms Rowley and they left the meeting.

3.51 p.m. Mr Patsy McGlone left the meeting.

6. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from Turn Off the Red Light Campaign

Ms Claire Mahon, President of Irish Nurses and Midwives Organisation, Ms Monica O'Connor, Researcher and Activist on Trafficking and Sexual Exploitation, Mr John Cunningham, Chair of the Board of the Immigrant Council of Ireland, and Mr Jerry O'Connor, Communications Manager at the Immigrant Council of Ireland, Turn Off the Red Light Campaign joined the meeting at 3.52 p.m.

The representatives of Turn Off the Red Light Campaign outlined the key issues in its submission on the clauses and schedule of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

A detailed question and answer session followed covering issues including: the attitudes to the selling of sex in Sweden compared to Northern Ireland and the purpose of the Swedish law; the organisations and political parties that support the Turn Off the Red Light campaign; the background and circumstances of women from other countries who end up in prostitution in Northern Ireland or the Republic of Ireland; whether the proposal to criminalise buyers of sexual services would be supported by Dáil Eireann; the findings of the Houses of the Oireachtas Joint Committee on Justice, Defence and Equality Report on a Review of Legislation on Prostitution including the provision of support services; the likely impact Clause 6 would have on those sex workers who work independently;

4.27 p.m. Mr Paul Givan left the meeting.

4.27 p.m. Mr Raymond McCartney took the Chair.

4.30 p.m. Mr Paul Givan joined the meeting and resumed the Chair.

the availability of research and evidence on the effectiveness of the Swedish model and approaches in other countries to the criminalisation or decriminalisation of the buying of sex; why the Swedish legislation protects only Swedish Nationals; the likely implications if similar laws to criminalise the buying of sex were not introduced by both Northern Ireland and the Republic of Ireland; whether the Human Trafficking Bill contains sufficient provision for support services; the views of An Garda Síochána on the possible introduction of laws similar to Clause 6 in the Republic of Ireland; the need to extend the timeframe for proving coercion; and the Turn Off the Blue Light campaign and the people associated with it.

4.54 p.m. Mr Raymond McCartney left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from Turn Off the Red Light Campaign and they left the meeting.

7. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from the International Union of Sex Workers

Ms Laura Lee, Sex Worker, International Union of Sex Workers, joined the meeting at 4.56 p.m.

Ms Lee outlined the key issues in the International Union of Sex Workers submission on the clauses and schedule of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

A detailed question and answer session followed covering issues including: the membership of the International Union of Sex Workers including its Northern Ireland membership; the main supporters and funders of the Union; the extent of coercion in the sex industry; the number of deaths of sex workers in Amsterdam and Sweden; whether the sex trade would be driven underground as a result of the proposed new law; the possible implications if Clause 6 was introduced; how the reported £30 million profit from the sex trade in Northern Ireland is distributed; the extent of violence in the sex industry; the stigma associated with sex work and the reasons why it could increase under the proposed new legislation; the legal definition of trafficking and what it meant in practice; the Swedish model and its effect; the trade union organisations to which the

International Union of Sex Workers is affiliated and their differing views on the proposed new law; the extent to which people with disabilities use prostitutes; and whether sex workers rights should be protected.

The briefing was recorded by Hansard.

The Chairman thanked Ms Lee and she left the meeting.

5.44 p.m. The Chairman, Mr Paul Givan left the meeting.

The Committee agreed that Mr Jim Wells take the Chair.

8. The Offender Rehabilitation Bill

The Committee noted correspondence from the Department of Justice regarding amendments being made to the prison transfer law by way of the Offender Rehabilitation Bill at Westminster and the Minister of Justice's view that existing provisions to allow prisoners from one jurisdiction to transfer to another should continue to be available. The correspondence indicated that the Minister had therefore agreed for consequential amendments to be made to allow this.

9. Draft Modern Slavery Bill

The Committee noted information provided by the Department of Justice on the Home Secretary's draft Modern Slavery Bill and accompanying White Paper which were published on 16 December 2013 and the Minister of Justice's intention to undertake a consultation on the provisions contained in the Bill. Departmental officials would attend the next meeting of the Committee to provide further information on the Bill and proposed consultation.

10. Legal Aid and Coroners' Court Bill

The Committee noted information provided by the Department of Justice indicating that the Minister of Justice no longer intended to include additional clauses within the Legal Aid and Coroners' Court Bill that would replicate provisions in the Access to Justice Order 2003 relating to legal aid reform but instead would retain the 2003 Order and commence the civil legal services provisions in Articles 10 to 20 without the Funding Code provisions contained in Articles 15 and 16.

11. SR 2013/293 The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2013

The Committee considered Statutory Rule 2013 No. 293 The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2013 which will introduce new fixed fees for preparation work where, following the conviction of an assisted person, there is a change of representation and the court grants a fresh criminal legal aid certificate for the purposes of the sentence hearing before the Crown Court.

Agreed: The Committee for Justice considered Statutory Rule 2013 No. 293 The Legal Aid for Crown Court Proceedings (Costs) (Amendment) Rules (Northern Ireland) 2013 and agreed that it was content with the Rule.

12. SR 2013/278 The Insolvency (Amendment) Rules (Northern Ireland) 2013

The Committee considered Statutory Rule 2013 No.278 The Insolvency (Amendment) Rules (Northern Ireland) 2013 which will amend the Insolvency Rules (Northern Ireland) 1991 which lay down detailed procedural rules governing the administration of company and individual insolvencies in Northern Ireland to protect the Social Fund from the impact of Debt Relief Orders and bankruptcy proceedings.

Agreed: The Committee for Justice considered Statutory Rule 2013 No.278 The Insolvency (Amendment) Rules (Northern Ireland) 2013 and agreed that it was content with the Rule.

13. SL1: Proposals for Secondary Legislation to Facilitate the Introduction of a Filtering Scheme for AccessNI Checks

The Committee considered a proposal by the Department of Justice for three Statutory Rules to introduce a statutory based filtering scheme for AccessNI checks to filter convictions that are both old and minor, and disposals such as cautions.

Agreed: The Committee agreed that it was content with the proposed Statutory Rules.

14. Attorney General for Northern Ireland's Draft Guidance for the Public Prosecution Service and the Northern Ireland Prison Service on the Exercise of their Functions in a Manner Consistent with Human Rights Standards

The Committee considered draft guidance for the Public Prosecution Service and the Northern Ireland Prison Service on the exercise of their functions in a manner consistent with international human rights standards provided by the Attorney General for Northern Ireland in accordance with Section 8 of the Justice (Northern Ireland) Act 2008.

Agreed: The Committee agreed to request the views of the Public Prosecution Service and the Northern Ireland Prison Service on the draft guidance to assist consideration of it.

6.00 p.m. The Chairman, Mr Paul Givan joined the meeting and resumed the Chair.

15. Proposal to amend the Regulation of the Salary of the Lands Tribunal Members under the Lands Tribunal and Compensation Act (Northern Ireland) 1964

The Committee considered a proposal by the Department of Justice to amend the Lands Tribunal and Compensation Act (Northern Ireland) 1964 to remove the use of an affirmative resolution statutory rule to determine the salary of Members of the Lands Tribunal thus aligning the procedure for determining this salary with the procedure used to determine other judicial salaries.

Agreed: The Committee agreed that the Department of Justice should progress this proposal by way of an amendment to the Public Service Pensions Bill if it fell within the scope of the Bill.

16. Consultation on the Domestic and Sexual Violence and Abuse Strategy 2013 - 2020

The Committee considered the consultation document on the Domestic and Sexual Violence and Abuse Strategy 2013 – 2020 which would be published in the near future by the Minister of Justice and the Minister of Health, Social Services and Public Safety.

Agreed: The Committee agreed that a briefing by departmental officials on the results of the consultation and the final version of the draft strategy should be scheduled into the work programme.

17. Supervised Activity Order Pilot Schemes – Evaluation Report

The Committee noted the Evaluation Report on the Supervised Activity Order Pilot Schemes and the Minister of Justice's intention to roll out Supervised Activity Orders as part of a wider range of fine collection options when a new fine collection and enforcement service is established.

18. Correspondence

- i. The Committee considered a response from the Department of Justice on how the issue of the lack of accreditation and certificates for courses delivered to prisoners by Action Mental Health in HM Prison Maghaberry could be resolved.

Agreed: The Committee agreed to send a copy of the Department's correspondence to Action Mental Health for information.

- ii. The Committee noted correspondence from the Department of Justice providing information following the oral evidence session on 17 October 2013 on the delivery of the NI Prison Service Reform Programme in relation to the scale of the drugs problem and detection rates in the prisons.

Agreed: The Committee agreed that the next oral briefing with Prison Service officials on the Prison Reform Programme would provide an opportunity to discuss this issue further.

- iii. The Committee noted a response from the Department of Justice regarding correspondence from F Boyd.
- iv. The Committee noted the Sixth Report of the Independent Reviewer of the Justice and Security (Northern Ireland) Act 2007, which had been laid before Parliament.
- v. The Committee considered correspondence from the Department of Justice advising that the Prison Service Pay Review Body had recommended payment of a supplementary risk allowance to post 2002 operational prison grade staff until such times as the security situation improves to the extent that an allowance is no longer justified.

Agreed: The Committee agreed to request further information on how the allowance would be financed and the timescale within which payments would be made.

- vi. The Committee noted correspondence from the Committee for Agriculture and Rural Development to the Department of Justice requesting that it be kept informed and included, as appropriate, in any future initiatives or funding packages being launched to help tackle Agri-Crime.

- vii. The Committee considered correspondence from the Committee for Finance and Personnel providing a copy of the quarterly update on Post Project Evaluations to September 2013 from the Department of Finance and Personnel.

Agreed: The Committee agreed to request information from the Department of Justice on the reasons for the late submission of a Post Project Evaluation in relation to a capital project.

- viii. The Committee considered correspondence from the Committee for the Environment providing a copy of the terms of reference for its Inquiry into Wind Energy.

Agreed: The Committee agreed that a response was not required as the Inquiry did not cover justice issues.

- ix. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of an Assembly Research and Information Services paper on European Union Competitive Funding in Northern Ireland.

- x. The Committee noted correspondence from the Committee for Education to AccessNI regarding disclosure checks for music tutors and the costs and timescales associated with obtaining an Enhanced Disclosure Certificate.

- xi. The Committee noted the Criminal Justice Inspection Report – *‘Monitoring of Progress on Implementation of the Youth Justice Review Recommendations’*.

- xii. The Committee noted correspondence from the Public Prosecution Service providing a copy of its response to Ms Jackson regarding the deferral of the sentencing hearing in relation to the prosecution of an individual for criminal damage to her car.

- xiii. The Committee noted a copy of the response from the PSNI in relation to the prosecution of anti-racism campaigner Barbara Muldoon.

- xiv. The Committee noted correspondence from the Public Prosecution Service providing a copy of its response in relation to the prosecution of anti-racism campaigner Barbara Muldoon.

- xv. The Committee considered correspondence from a Mr Boland regarding the alleged serious abuse of powers in relation to speed cameras.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice and the PSNI and request that they respond directly to Mr Boland on the issues raised and provide the Committee with a copy of the responses.

- xvi. The Committee considered correspondence from a Ms C Quinn in relation to unfairness by Judges and Tribunal Chairmen in litigation and the need for training.

Agreed: The Committee agreed to forward the correspondence to the Office of the Lord Chief Justice who has responsibility for judicial training and ask that it responds directly to Ms Quinn on the issues raised.

- xvii. The Committee noted a briefing paper from Save the Children entitled ‘*Too young to fail*’ on closing the education achievement gap.
- xviii. The Committee noted further correspondence from F Boyd regarding the alleged failure of the Department of Justice and the PSNI to respond to his complaints.
- xix. The Committee noted the Criminal Justice Inspection newsletter “The Spec”.
- xx. The Committee noted a summary of progress on the delivery of Department of Justice capital projects detailed in the ISNI Delivery Tracking System.
- xxi. The Committee noted correspondence from the Department of Justice advising that an Accelerated Passage Bill to deal with the issue of the enforcement of fines was no longer required as lawful enforcement procedures could be implemented through Court Rules.

19. Chairman’s Business

None.

20. Any Other Business

None.

21. Date, Time and Place of next meeting

The next meeting will take place on Thursday 16 January 2014 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 6.08 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice