



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 16 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 William Humphrey 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 Darrah (Assembly Clerk)
Ms Marie Austin (Assistant Assembly Clerk)
Mrs Julie Devlin (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

The meeting commenced at 2.09 p.m. in public session.

1. Apologies

None.

2. Draft minutes of the meeting held on 9 January 2014

The Committee approved the draft minutes of the meeting held on 9 January 2014.

3. Matters Arising

- i. The Committee noted information provided by Laura Lee, International Union of Sex Workers, on the membership of the International Union of Sex Workers.

Agreed: The Committee agreed to request clarification from the GMB Union regarding the nature of its association/connection with the International Union of Sex Workers.

- ii. The Committee noted a joint letter from the Minister of Justice and Lord Morrow MLA outlining the outcome of their engagement and discussion in relation to the clauses in the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.
- iii. The Committee noted information provided by the Department of Justice on the research being commissioned by the Minister of Justice on prostitution in Northern Ireland.
- iv. The Committee noted a letter from an individual raising issues regarding the oral evidence session with Laura Lee, International Union of Sex Workers, on 9 January 2014.
- v. The Committee noted information provided by the Minister of Justice on the Magistrates' Court (Amendment) Rules (Northern Ireland 2014 which would set out the procedure to be followed regarding fine default hearings.

4. Northern Ireland Judicial Appointments Process and High Court Judge Competition – Oral evidence from the Northern Ireland Judicial Appointments Ombudsman

Mr Karamjit Singh CBE, NI Judicial Appointments Ombudsman, joined the meeting at 2.15 p.m.

Mr Karamjit Singh outlined a number of issues regarding the Judicial Appointments Process and the complaints he had dealt with.

A detailed question and answer session followed covering issues including: the reasons why the moderation process following the first interview in a High Court Judge competition had not been completed; the rationale for the Ombudsman's decision that the complainant was not disadvantaged and maladministration had not occurred even though the selection panel had failed to discharge its duty and complete the moderation process; whether the competition was flawed because the selection process had not been carried out properly; the difference between the terms 'Appearance of Bias' and 'Perception of Unfairness' and in what circumstances each would be used; at which point the decision to introduce a new stage to the competition was taken; whether the candidate not accepting feedback had any impact; whether the Ombudsman had the power to advise the Northern Ireland Judicial Appointments Commission (NIJAC) that a competition should be rerun; whether a person appointed would have to step down if a competition was rerun; the process that allows the Ombudsman to change his draft findings;

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

the guidelines used by NIJAC when conducting interviews;

2.55 p.m. Mr Seán Lynch left the meeting.

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

the circumstances that would justify a finding of maladministration; the size of the pool of candidates for the competition; whether recommendations made to NIJAC are binding or whether it has an option to reject them; the decision by NIJAC to make a recommendation for appointment while a complaint regarding the competition was still on-going; whether there was inappropriate contact with Department of Enterprise, Trade and Investment officials; whether there is any conflict between the role of the Lord Chief Justice as Head of the Judiciary and as Chair of NIJAC; the capacity in which the Lord Chief Justice met and interviewed the other candidate; whether it was unusual for NIJAC to withdraw a recommendation to the Lord Chancellor; whether it was unusual for NIJAC to recommence a competition in such circumstances; the reasons for the delay in the competition and whether this was unfair and unreasonable; whether, in light of the issues raised, the public can have confidence in the judicial appointments process; and what structure will best enhance public confidence in the judicial appointments process.

The briefing was recorded by Hansard.

The Chairman thanked Mr Singh and he left the meeting.

5. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from the Northern Ireland Human Rights Commission

Dr David Russell, Deputy Director and Ms Leanne Cochrane, Researcher, Northern Ireland Human Rights Commission joined the meeting at 3.53 p.m.

The representatives outlined the key issues in the Northern Ireland Human Rights Commission's submission on the clauses and schedule of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

A question and answer session followed covering issues including: whether the Northern Ireland Human Rights Commission supported Clause 6; whether the definition in Clause 1 reflected the definition in the draft Modern Slavery Bill; the reasons why the introduction of a minimum sentence would allow for judicial discretion; whether Clause 6 contravened any international Human Rights convention/standard; what further measures are needed to safeguard the rights of children; and concerns regarding the requirement in Clause 8 for no prosecution or imposition of penalties on victims and the potential for the abuse of this requirement.

The briefing was recorded by Hansard.

The Chairman thanked the representatives and they left the meeting.

6. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from the Joseph Rowntree Foundation

Frank Soodeen, Senior Public Affairs Manager, Joseph Rowntree Foundation and Neil Jarman, Director, Institute for Conflict Research joined the meeting at 4.17 p.m.

The representatives outlined the key issues in the Joseph Rowntree Foundation's submission on the clauses and schedule of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

A question and answer session followed covering issues including: the size of the problem of forced labour in Northern Ireland and the proportion of victims of forced labour who had not been trafficked; the number of victims of forced labour who would be eligible for support/assistance per year; the role of businesses and employers in addressing forced labour and whether this should be reflected in the Bill; how clause 7 could be enhanced to make clear that a wider response than from Criminal Justice Agencies is required; the differences between slavery and forced labour; the lack of robust figures on the scale of forced labour in NI; what additional measures could be introduced to the Bill to address forced labour; the need to avoid discrepancies in the legislation between Northern Ireland and the rest of the United Kingdom in relation to forced labour; the extent of forced labour in the Republic of Ireland compared to Northern Ireland and whether the border had any impact; whether prostitution could be considered as forced labour; the background and circumstances of people from other countries who end up as victims of forced labour in Northern Ireland; whether the Joseph Rowntree Foundation's (JRF) written evidence on the Bill would have been different if it had had sight of the Draft Modern Slavery Bill at the time of writing; whether Northern Ireland required additional separate powers compared to the rest of the United Kingdom in relation to the Gangmasters Licensing Authority; and the importance of sharing research with the Republic of Ireland.

The briefing was recorded by Hansard.

The Chairman thanked the representatives and they left the meeting.

7. Draft Consultation on Proposals to Strengthen the Response to Human Trafficking and Slavery in Northern Ireland

Simon Rogers, Deputy Director, Protection and Organised Crime Division, Julie Wilson, Head of Human Trafficking Team, and Alison Redmond, Human Trafficking Team, Department of Justice joined the meeting at 5.02 p.m.

Mr Rodgers outlined the proposed consultation on Proposals to Strengthen the Response to Human Trafficking and Slavery in Northern Ireland which had been informed by the measures contained in the draft Modern Slavery Bill published by the Home Secretary on 16 December 2013.

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

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

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

A question and answer session followed covering issues including: the reasons for the Department of Justice statement that the levels of human trafficking and slavery in Northern Ireland were lower than in neighbouring jurisdictions; whether more resources are attached to uncovering human trafficking and slavery in other jurisdictions; whether the Anti-Slavery Commissioner as currently proposed would be fully independent of Government; maximum life sentences and mandatory life sentences for repeat offenders; the impact of the land border with the Republic of Ireland and whether this necessitated further measures; the remit of the Gangmasters Licensing Authority; the percentage of victims of forced labour who have not been trafficked; how the PSNI deals with slavery/forced labour and whether action is preemptive or reactive; whether suspected victims are questioned at points of entry to Northern Ireland; and issues relating to

Clause 6 of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

8. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Evidence Event and programme for visit to Dublin

The Committee discussed arrangements for an oral evidence event on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill and the programme for the Committee visit to Dublin on Thursday 23 January 2014, to meet with the Houses of the Oireachtas Joint Committee on Justice, Defence and Equality to discuss its Report on a Review of Legislation on Prostitution.

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

Agreed: The Committee agreed a range of organisations and individuals to be invited to the oral evidence event which would take place on Thursday 13 February 2014 in the Long Gallery from 12.00 noon to 3.00 p.m.

Agreed: Members agreed to advise the Clerk if they would be participating in the visit to Dublin.

9. Sexual Offences – Changes to Civil Prevention Orders in the Anti-social, Crime and Policing Bill

The Committee noted correspondence from the Minister of Justice indicating that he had agreed clauses in the Anti-Social Behaviour, Crime and Policing Bill to ensure that the proposed new civil preventative orders, the Sexual Harm Prevention Order and the Sexual Risk Order, being introduced in England and Wales to manage the risk from sex offenders, could also be enforced by the Courts in Northern Ireland in any case where an individual who was subject to either of these orders came to stay or reside in Northern Ireland.

10. SL1: Proposals for the Reform of Financial Eligibility for Civil and Criminal Legal Aid

The Committee considered proposals from the Department of Justice for Statutory Rules to harmonise the financial eligibility test for applicants seeking civil legal aid and introduce a new range of income and capital limits to be applied and a full range of allowances and disregards and discussed how to take forward the proposal that the impact of the changes to family and civil legal aid should be assessed.

Agreed: The Committee agreed that the Chairman and Deputy Chairman should meet with the Chief Inspector of Criminal Justice Inspection Northern Ireland to discuss possible options for assessing the impact of legal aid reforms.

Agreed: The Committee agreed to defer consideration of the SL1 proposals to harmonise the financial eligibility test for applicants seeking civil legal aid until after the meeting with the Chief Inspector had taken place.

11. Court Rules Forward Work Programme - January to April 2014

The Committee considered the Court Rules Forward Work Programme for the period January to April 2014 and noted that further information on the Rules would be provided either by way of an SL1 or when they had been presented to the Minister of Justice to be allowed.

12. Section 8 Guidance for Criminal Justice Organisations on Human Rights Standards - Addition of the PSNI

The Committee considered a response from the Attorney General for Northern Ireland setting out his position in relation to the views expressed by the PSNI and the Northern Ireland Policing Board to his proposal to add the PSNI to the list of organisations to which he issues guidance on human rights standards under Section 8 of the Justice (NI) Act 2004.

Agreed: The Committee agreed to invite the Attorney General for Northern Ireland to attend a meeting to discuss the proposal.

13. Update on the Replacement of the Police Negotiating Board

The Committee noted information provided by the Department of Justice on the proposed new arrangements for handling police officers' terms and conditions including the intention that PSNI police officers' pay and pay related matters would now be handled by the new Police Remuneration Review Body.

14. Proposals to Legislate for an Amendment to the Offence of Possession of Extreme Pornography

The Committee considered further information provided by the Department of Justice on the options to legislate for an amended offence of possession of extreme pornography and the timescales.

Agreed: The Committee agreed that the proposed new offence of possessing extreme pornography should be taken forward in the forthcoming Fines and Enforcement Bill which is due to be introduced to the Assembly in October 2014

15. Correspondence

- i. The Committee noted a response from the Department of Justice to the Committee's request for information on a number of EU measures previously omitted from the Up-date Report on EU Justice and Home Affairs Legislative Proposals and the European Commission's Work Programme 2014.
- ii. The Committee considered a response from the Department of Justice to its request for an update on the PSNI Support Staff Equal Pay issues and the level of

co-operation between the Minister of Justice and the Minister of Finance and Personnel on the matter.

Agreed: The Committee agreed to request regular updates on progress on this.

- iii. The Committee noted a response from the Department of Justice to the Committee for Education in relation to AccessNI checks for music tutors in schools.
- iv. The Committee noted correspondence from the PSNI providing a copy of the Memorandum of Understanding between it and the Office of the Police Ombudsman.
- v. The Committee noted an invitation from Roy Beggs MLA to a consultation briefing on his Scrap Metal Dealers (NI), Private Members Bill on Monday 20 January 2014 in Parliament Buildings.

Agreed: Members agreed to advise the Clerk if they wished to attend the briefing.

16. Chairman's Business

None.

17. Any Other Business

None.

18. Date, Time and Place of next meeting

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

The meeting was adjourned at 6.20 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice