



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 20 FEBRUARY 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 Darragh (Assembly Clerk)
Ms Marie Austin (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

Apologies: None

The meeting commenced at 2.11 p.m. in closed session.

1. Briefing by BBC Northern Ireland on the content and application of its Editorial Guidelines

Mr Peter Johnston, Director, BBC Northern Ireland and Mr David Jordan, Director of Editorial Policy and Standards, BBC joined the meeting at 2.15 p.m.

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

The representatives outlined the content and general application of the BBC's Editorial Guidelines and Child Protection Policy.

A detailed question and answer session followed covering issues including how the policies applied to research and investigations carried out by BBC staff, what considerations applied when dealing with issues which may have implications in terms of the criminal law and how the procedures are monitored to ensure compliance.

The Chairman thanked Mr Johnston and Mr Jordan and they left the meeting.

Agreed: The Committee agreed to consider what follow up action, if any, was required in relation to the matter at a later date.

The meeting moved into public session at 2.59 p.m.

2. Apologies

None.

3. Draft minutes of the meeting held on 13 February 2014

The Committee approved the draft minutes of the meeting held on 13 February 2014.

4. Matters Arising

- i. The Committee noted an updated Forward Work Programme for February and March 2014.
- ii. The Committee noted correspondence from UglyMugs.ie to the PSNI regarding the policing of indoor adult sex workers in Northern Ireland.
- iii. The Committee considered responses from the Office of the Lord Chief Justice to the Committee's request for the attendance of the Lord Chief Justice and Lord Justice Coghlin on the Judicial Appointments Process and the High Court Judge competition and from the Interim Chief Executive of NIJAC regarding its request for additional papers.

Agreed: The Committee agreed to request further legal advice on the issues raised.

5. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral Evidence from the Police Service of Northern Ireland

Assistant Chief Constable Drew Harris and Detective Chief Superintendent Roy McComb, PSNI, joined the meeting at 3.13 p.m.

Assistant Chief Constable Drew Harris outlined a number of points relating to the clauses and schedule of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill and in particular Clause 6 where the PSNI position had moved on in light of the debate and discussion since it had provided its written submission.

A detailed question and answer session followed covering issues including: the ways in which the offence under Clause 6 would complement existing offences; the nature of serious crime gangs in Northern Ireland and the crimes they engage in; the PSNI's view on Clause 6 of the Bill and the nature of its qualified support for it;

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

how the PSNI supports/cares for victims of human trafficking and how this is balanced against getting a prosecution; the ways in which the consistency of approach by police officers is ensured; the level of sex trafficking in Northern Ireland and whether there has been any increase; the practice by traffickers of regularly moving victims to different locations and the difficulty this poses for police; the extent of trafficking for labour/servitude; the need to increase awareness of sex trafficking/prostitution and how

this sits with the criminalisation of buyers; the potential impact and possible unintended consequences of Clause 6; the resource implications of Clause 6; how the police prioritises its resources; whether the criminalisation of buyers would result in prostitution going further underground and the impact this could have on information provided to the police; the effect Clause 6 could have in reducing demand and therefore supply; the message Clause 6 would send out regarding what is considered acceptable in Northern Ireland;

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

the importance of identifying when coercion has been used; whether there is any evidence of paramilitary involvement in human trafficking in Northern Ireland including sex trafficking; 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 there will be more prosecutions as a result of Clause 6; whether the legislation is likely to deter those who already coerce victims; the impact Clause 6 would have on the PSNI's methods of working; the investigative tools that would be available to the PSNI to enforce Clause 6; the threshold for intrusive covert surveillance and the resources required to carry it out; the deterrent value of Clause 6 to the ordinary buyer; the internet as a source of information for the PSNI and the likely impact of Clause 6 on escort websites; the definition of a consenting prostitute; whether the rights of a minority should be protected at the expense of the majority; whether police officers are trained to provide adequate care and support to possible and identified victims of human trafficking; the use of translator services etc. by the police; the impact of the reduced role of the National Crime Agency on tackling serious organised crime; whether Clause 6 is too broad in its concept and could be focused better to tackle organised crime; the percentage of women in prostitution and the current percentage who have been trafficked; whether Clause 6 would stop prostitutes reporting abuse;

5.08 p.m. Mr Tom Elliott left the meeting.

Clause 8 and whether existing legislation is sufficient; the number of convictions for paying for coerced sex in the past year; how the police would use Clause 6 if brought in; the implementation of the Swedish model, its effectiveness and whether a heavy reliance on wiretapping has an impact on the number of convictions in Sweden; the lessons learned from recent operations with Swedish police; and the number of victims rescued from human trafficking in recent years.

The briefing was recorded by Hansard.

The Chairman thanked Assistant Chief Constable Drew Harris and Detective Chief Superintendent Roy McComb and they left the meeting.

6. Proposed Consultation on Extending the Draft Mental Capacity Bill to the Criminal Justice System in Northern Ireland

Mr Gareth Johnston, Deputy Director, Criminal Justice Policy and Legislation Division, Mr Tom Haire, Head of Criminal Law Branch and Mr Michael Kelly, Criminal Justice Policy and Legislation Division, Department of Justice joined the meeting at 5.21 p.m.

Mr Johnston outlined the criminal justice related policy proposals for the Mental Capacity Bill and the planned joint consultation with the Department of Health, Social Services and Public Safety.

5.39 p.m. Mr Alban Maginness left the meeting.

A question and answer session followed covering issues including: the nature of the consultation and how issues raised that impact across both Departments will be handled; whether a joint Department of Justice and Department of Health, Social Services and Public Safety approach will be taken to facilitating public meetings to discuss the consultation; which Department will take the lead in developing proposals to legislate for those under 16 years of age and the likely impact on the Children's Order; the timeline for developing the legislative proposals for dealing with those under 16 years of age; whether an equality impact assessment will be built into all aspects of proposals to legislate for those under 16 years of age; the timeline for the Mental Capacity Bill and whether the Departments will be able to meet the January 2015 date for the introduction of the Bill into the Assembly.

The briefing was recorded by Hansard.

The Chairman thanked the officials and they left the meeting.

Agreed: The Committee agreed that it was content for the planned joint consultation on the Mental Capacity Bill, which would include the criminal justice related policy proposals, to take place.

7. Community Safety Strategy – Up-date on Delivery of the Action Plans

The Committee noted a Department of Justice progress report on the delivery of the eight action plans developed to implement the Community Safety Strategy.

8. Review of the Code of Practice for the Appointment of Independent Members of the Policing and Community Safety Partnerships – Draft Consultation

The Committee noted a letter from the Department of Justice indicating that it was not in a position to provide the written briefing paper on a draft consultation on the Review of the Code of Practice for the Appointment of Independent Members of the Policing and Community Safety Partnerships as further work on the issues was required. The briefing would be re-scheduled as soon as possible.

9. Committee for Justice EU Priorities and Report on EU Work Undertaken

The Committee considered a draft response to the Committee for the Office of the First Minister and deputy First Minister setting out its EU justice related priorities and proposed actions for 2014.

Agreed: The Committee agreed the response on its EU priorities and actions for 2014 to go to the Committee for the Office of the First Minister and deputy First Minister and that a copy should also be provided to the Department of Justice.

10. Correspondence

- i. The Committee noted correspondence from the Department of Justice advising of minor corrections to the Rules of the Court of Judicature (Northern Ireland) (Amendment) 2013.

- ii. The Committee noted correspondence from the Department of Justice advising of minor corrections to the Family Proceedings (Amendment) Rules (Northern Ireland) 2011.
- iii. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing copies of four Progress Reports from the Barroso Task Force Desk Officers for the period October to December 2013 and briefings papers on ‘NI – Engaging with Europe’ and ‘Sport Funding in the EU’.
- iv. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing information from the Office of the First Minister and deputy First Minister regarding the performance of each Department in the drawdown of competitive European funds.
- v. The Committee noted a response from the GMB Union London Region to the Committee’s request for clarification of the nature of its association/connection with the International Union of Sex Workers following an oral evidence session with Laura Lee on 9 January 2014.
- vi. The Committee noted correspondence from the Department of Justice providing a copy of the United Kingdom Human Trafficking Centre report on National Referral Mechanism (NRM) statistics for 2013 which outlines the number of potential victims of human trafficking referred to the NRM during 2013.

11. Chairman’s Business

- i. The Chairman advised Members that both he and the Deputy Chairman had received an invitation from the NI Policing Board to attend a ‘Confidence in Policing’ conference on 25 and 26 March at Titanic Belfast and he would attend if available.
- ii. The Chairman advised Members that he had received an invitation from Community Restorative Justice Ireland to its Annual General Meeting on 14 March 2014 but unfortunately would be unable to attend.
- iii. The Chairman advised Members that training for MLAs and Party Staff on the use of Microsoft ‘OneNote’ would take place every half hour between 12 noon and 2 p.m. on Wednesday 26 February in the Visitors Restaurant and Thursday 13 March in Room 115, Parliament Buildings.

12. Any Other Business

A Member referred back to the response from the Office of the Lord Chief Justice and requested that clarification was sought on who had responsibility for advising the Committee if it had strayed outside its powers.

5.50 p.m. Mr Tom Elliott rejoined the meeting.

Agreed: The Committee agreed that advice on this would also be requested.

13. Date, Time and Place of next meeting

The next meeting will take place on Thursday 27 February 2014 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 5.51 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice