



COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 20 MARCH 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 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)
Mrs Marie Austin (Assistant Assembly Clerk)
Miss Leanne Johnston (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr Tom Elliott MLA

The meeting commenced at 2.03 p.m. in public session.

1. Apologies

Apologies are detailed above.

2. Draft minutes of the meeting held on 13 March 2014

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

3. Matters Arising

- i. The Committee noted correspondence from the Northern Ireland Human Rights Commission providing additional information in relation to an issue raised during the oral evidence session on 16 January 2014 on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

- ii. The Committee noted correspondence from the Director of Public Prosecutions in relation to his attendance at a Committee meeting to discuss the On the Runs Administrative Scheme and letters.
4. **Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral Evidence from the Bill Sponsor, Lord Morrow MLA**

Lord Morrow MLA, Bill Sponsor, and Dan Boucher, Advisor to Lord Morrow joined the meeting at 2.07 p.m.

Ms Rosaleen McCorley joined the meeting at 2.09 p.m.

Lord Morrow updated the Committee on his current position in relation to each of the clauses in the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill, including his proposed amendments, and the outcome of his discussions with the Department of Justice.

A question and answer session followed covering issues including: the amendments proposed by the Department of Justice and Lord Morrow's position on them; the principle and use of minimum sentences and the possibility of appeals; whether there was any intention of proposing a maximum sentence for human trafficking in the Bill; the estimated costs associated with the implementation of an exit strategy for those who wish to leave prostitution and the assumptions they are based on; the range of organisations involved in the implementation of an exit strategy; who would be entitled to assistance under the exit strategy; the Department of Health, Social Services and Public Safety's (DHSSPS) role in relation to the delivery of the exit strategy; whether the proposed extension of the reflection period from six months to three years by the Department could negate the need for Clause 6; the level of consultation on the proposals for an exit strategy including with those involved in sex work and the transgender community; Lord Morrow's visit to Sweden; whether an EQIA had been carried out on the Bill; the evidence base used to determine the levels of prostitution in Northern Ireland; the time frame associated with the Department's research on prostitution; the recent EU report on prostitution and its recommendations; the percentage of victims who have been trafficked for sexual purposes; the position in the Republic of Ireland in relation to prostitution legislation; 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 consideration had been given to providing support to the buyer of sexual services to address that behaviour; whether existing prosecutorial guidance negates the need for Clause 8; whether the decriminalisation of prostitution has been considered;

3.29 p.m. Mr Paul Given left the meeting.

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

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

the criteria for the appointment of a child trafficking guardian; the costings associated with a National Rapporteur; and, the introduction of the new offence of forced marriage.

The briefing was recorded by Hansard.

The Chairman thanked Lord Morrow MLA and his advisor and they left the meeting.

5. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Clause-by-Clause Consideration

The Committee noted a written update from the Department of Justice outlining its position in relation to the Bill and the wording of its initial set of amendments.

The Committee commenced consideration of the evidence received in relation to the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill and agreed to seek clarification/further information on a range of issues. A number of clauses were identified as requiring further discussion.

Agreed: The Committee agreed to give further consideration to the amendments proposed to Clause 4 by both Lord Morrow MLA and the Attorney General for Northern Ireland and to seek guidance on the effect of the amendments.

Agreed: The Committee agreed to give further consideration to the proposed amendment to Clause 6 by Lord Morrow MLA which would replace any reference to ‘person’ with ‘prostitute’ and to seek further clarification of the likely effect of the change in terms of prosecutorial requirements.

Agreed: The Committee agreed to give further consideration to Clause 8 as it may not be necessary if Lord Morrow is content with the assurances given by the Public Prosecution Service in relation to its prosecutorial guidance which deals with human trafficking cases.

Agreed: The Committee agreed to give further consideration to a proposed amendment to Clause 9 when the Department provided the wording of the amendment.

Agreed: The Committee agreed to write to the Departments of Justice, Education, and Health, Social Services and Public Safety and the Department for Social Development to request their views on the new Clause 10A proposed by Lord Morrow which makes provision for an exit strategy for those who wish to leave prostitution.

Agreed: The Committee agreed to give further consideration to Clause 11 and seek guidance on options to amend which would give the Assembly control in relation to the content of the guidance.

Agreed: The Committee agreed to request clarification from the Department of Health, Social Services and Public Safety on whether it intends to bring forward any amendments to Clause 12.

Agreed: The Committee agreed to give further consideration to a proposed amendment to Clause 15 when the Department provided the wording of the amendment.

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

Agreed: The Committee agreed to give further consideration to Clause 16.

Agreed: The Committee agreed to request that a draft amendment to Clause 19 is prepared to make provision for the Bill to commence on Royal Assent and to give further consideration to the matter when the wording is available.

6. SR 2014/64 The Legal Aid (General) (Amendment) Regulations (Northern Ireland) 2014

The Committee considered Statutory Rule 2014/64 The Legal Aid (General) (Amendment) Regulations (Northern Ireland) 2014 which provides that authorisation must be obtained from the Northern Ireland Legal Services Commission prior to instructing counsel (junior and/or senior) in proceedings funded by way of civil legal aid.

A Committee Member expressed reservations about the Rule given the possible impact in relation to funding for representation by senior counsel in complex cases in the High Court.

Agreed: The Committee agreed to request that the Department of Justice reviews the impact of the changes after one year rather than the four year period allowed for.

Agreed: The Committee for Justice considered Statutory Rule 2014/64 The Legal Aid (General) (Amendment) Regulations (Northern Ireland) 2014 and had no objection to the Rule.

7. Policing and Community Safety Partnerships – Review of Expense Payments to Members

The Committee noted the results of the Review of Expense Payments to Members of Policing and Community Safety Partnerships and the position in relation to payment of Members' expenses for the remainder of the current term.

8. Up-date on Department of Justice Programme for Government Commitments

The Committee considered a progress report from the Department of Justice on the delivery of the seven commitments in the Programme for Government for which it has responsibility.

Agreed: The Committee agreed that the next progress report from the Department of Justice on the delivery of its Programme for Government commitments should be by way of an oral briefing.

9. UK Response to European Court of Human Rights Judgements on Inquest Delay

The Committee considered information provided by the Department of Justice in relation to its contribution to the response by the UK Government to the Council of Europe Committee of Ministers on the individual and general measures being taken to respond to the European Court of Human Rights Judgements on Inquest Delay.

Agreed: The Committee agreed to request further information from the Department of Justice on the proposals for the creation of a Legacy Inquest Unit and the statutory powers for the Lord Chief Justice to appoint a Presiding Coroner which are included in the Legal Aid and Coroners' Courts Bill.

10. Judicial Pensions

The Committee noted an update from the Department of Justice on recent developments in relation to judicial pensions and the Public Service Pensions Bill (NI).

11. Correspondence

- i. The Committee noted responses from the Minister of Justice and the Office of the Lord Chief Justice to an individual regarding a family's experience of a recent court case and the management of that case by the Judge.

Agreed: The Committee agreed to write to the individual outlining the work it had undertaken in relation to the treatment of victims and witnesses and encouraging the individual to participate in relevant consultations to enable issues to be identified and properly addressed.

- ii. The Committee noted correspondence from the Department of Justice advising that the Committee for the Office of the First Minister and deputy First Minister had agreed to its request to carry provisions to retain the current duties and powers of the Northern Ireland Judicial Appointments Ombudsman and combine the role with that of the proposed Northern Ireland Public Services Ombudsman in the Northern Ireland Public Services Ombudsman Bill.
- iii. The Committee noted a correction slip relating to SR 2014 No. 12 The Magistrates' Courts (Amendment) Rules (Northern Ireland) 2014 to amend two minor typing errors.
- iv. The Committee noted a response from the PSNI to the Committee's request for the costs associated with policing the Twaddell protests during November 2013 and the increased security measures put in place following the Belfast City Centre bomb on 24 November 2013.
- v. The Committee considered correspondence from the Committee for Finance and Personnel highlighting a range of public procurement issues affecting the construction industry and local economy and difficulties with the information on the Investment Strategy project delivery portal.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice and ask that it responds to the issues raised regarding the Investment Strategy project delivery portal.
- vi. The Committee noted correspondence from the Committee for Culture, Arts and Leisure to the Department of Justice requesting its comments on its Inquiry into Inclusion in the Arts of Working Class Communities.
- vii. The Committee noted the Barnardo's 'Believe in Childcare' report on the childcare needs of ethnic minority communities in the Southern Health and Social Care Trust area.
- viii. The Committee noted the Criminal Justice Inspection Report on the Management of Jurors, a Follow-Up Review of Inspection Recommendations.

12. Chairperson's Business

None.

13. Any Other Business

A number of Members referred to a recent court case regarding animal cruelty and expressed concern about the leniency of the sentence imposed.

Agreed: The Committee agreed to write to the Public Prosecution Service to request clarification of why the case could not be referred on the grounds that it is unduly lenient.

Agreed: The Committee agreed to raise the issue with the Lord Chief Justice when he next meets with the Committee.

Agreed: The Committee agreed that consideration should be given to whether research could be prepared regarding the type of sentences that can and cannot be referred on the grounds that they are unduly lenient.

14. Date, Time and Place of next meeting

The next meeting will take place on Tuesday 25 March 2014 at 12.45 p.m. in the Senate Chamber, Parliament Buildings.

The meeting was adjourned at 4.40 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice