



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

THURSDAY 28 NOVEMBER 2013
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 Alban Maginness MLA
Ms Rosaleen McCorley MLA
Mr Patsy McGlone MLA
Mr Jim Wells MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Mrs Julie Devlin (Clerical Supervisor)
Miss Marianne Doherty (Clerical Officer)

Apologies: Mr Seán Lynch MLA

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

1. Apologies

Apologies are listed above.

2. Draft minutes of the meeting held on 21 November 2013

The Committee approved the draft minutes of the meeting held on 21 November 2013.

3. Matters Arising

- i. The Committee noted correspondence from the NI Commissioner for Children and Young People advising that she was not available to give oral evidence on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill on the dates proposed and was content to rely on the written evidence she had submitted.

- ii. The Committee considered a final draft programme for the visit to Sweden as part of the Committee's consideration of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

Agreed: The Committee agreed the programme for the visit to Sweden.

4. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from Women's Aid Federation Northern Ireland

Ms Annie Campbell, Director and Ms Noelle Collins, Team Leader, Belfast and Lisburn Women's Aid, Women's Aid Federation Northern Ireland joined the meeting at 2.11 p.m.

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

2.24 p.m. Mr Jim Wells joined the meeting.

A detailed question and answer session followed covering issues including: whether the minimum sentencing set out in clause 4 is sufficient; details of an additional clause proposed by Women's Aid to provide support pathways for those who wished to exit prostitution; levels of trafficking in Northern Ireland; whether criminalising the purchase of sexual services is an appropriate model for Northern Ireland; the assessment of how the model in Sweden worked; how the Bill would strengthen human trafficking legislation in Northern Ireland;

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

Whether a clause to change the criminal position regarding prostitution should be dealt with in this Bill; whether there is evidence that some people enter prostitution by choice; whether there was a need for further research; the current legislative provision dealing with exploitation and coercion; the experiences of women supported by Women's Aid; whether clause 6 will worsen the situation of vulnerable women; issues with the national referral mechanism and changes needed; the possible impact of reduced National Crime Agency operations in Northern Ireland; the number of trafficked women Women's Aid have supported; the percentage of those trafficked for sexual exploitation; issues regarding repatriation of victims of human trafficking including those without official papers and debt bondage; how the ICTU represents the views of sex workers organisations in relation to clause 6; and the possible unintended consequences of clause 6.

The briefing was recorded by Hansard.

The Chairman thanked Ms Campbell and Ms Collins and they left the meeting.

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

Ms Marianne O'Kane, Assistant Director and Ms Mairead Lavery, Policy and Information Section, Public Prosecution Service for Northern Ireland joined the meeting at 3.41 p.m.

The officials outlined the key issues in the submission from the Public Prosecution Service 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: unintended consequences of clause 6; requirement for definition in law of the term ‘*sexual services*’; the suggested replacement of ‘*person*’ with ‘*prostitute*’ in clause 6; a requirement for clarity within the provisions of the Bill;

4.04 p.m. Mr Tom Elliot left the meeting.

The type of evidence needed to ensure successful prosecutions; ensuring that the intention of the Bill is realised; existing legislative provision; which Department has responsibility for the duty in clause 7 relating to the training of prosecutors and what it meant in practice; whether the provisions in clause 8 provide blanket immunity and how it would change the current position; whether PPS has considered the operation of the Swedish model; the effectiveness of the existing offence around coercion; the use of victim’s evidence; prosecutorial decisions; whether the safeguards in clause 8 already exist; the independence of the Public Prosecution Service; representation of the PPS on the Organised Crime Task Force; and whether the PPS consulted with the Attorney General for Northern Ireland on the human rights comments made in its submission.

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

The briefing was recorded by Hansard.

The Chairman thanked Ms O’Kane and Ms Lavery and they left the meeting.

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

6. Mental Capacity Bill – Update on the Policy Position and Timetable

The Committee noted information provided by the Department of Justice on the policy approach that had been developed with the Department of Health, Social Services and Public Safety to apply the mental capacity approach to criminal justice, the position of the Department of Justice in relation to the NI Law Commission Report on Unfitness to Plead and a further revised timescale for the introduction of the Mental Capacity Bill.

7. Future Regulation of Vehicle Immobilisation on Private Land in Northern Ireland – Draft Consultation Paper

The Committee considered a proposal by the Department of Justice to consult on the future regulation of vehicle immobilisation on private land in Northern Ireland.

Agreed: The Committee agreed that it was content for the consultation to take place and to consider the matter further when the results of the consultation are available.

8. Proposals to Legislate for an Offence of Possession of Extreme Pornography

The Committee considered information provided by the Department of Justice regarding an amended offence of possessing extreme pornography to ensure that Northern Ireland

has the same level of protection as England, Wales and Scotland and possible legislative approaches.

Agreed: The Committee agreed to request further information from the Department of Justice regarding whether there was a suitable legislative vehicle to bring forward the proposed changes within the current mandate to assist consideration of the matter.

9. Draft Committee for Justice End of Session Report

The Committee considered a draft End of Session Report which covered the work and activities of the Committee during the period 1 September 2012 to 31 August 2013.

Agreed: The Committee agreed the End of Session Report as drafted and that it should be published on the Assembly website.

10. Northern Ireland Courts and Tribunals Service – Framework Document

The Committee noted a revised Framework Document for the Northern Ireland Courts and Tribunals Service (NICTS) provided by the Department of Justice which had been agreed with the Department of Finance and Personnel and set out the key principles of the NICTS accountability to the Department of Justice and the Assembly.

11. Correspondence

- i. The Committee noted correspondence from the Department of Justice providing additional financial information requested at the oral evidence session on the budget on 10 October 2013.
- ii. The Committee noted a response from the Department of Justice to its request for information on the current regulations which apply to private investigation activities in Northern Ireland.
- iii. The Committee noted correspondence from the Department of Justice advising of the requisition of land at Northumberland Street, Belfast to allow the installation of a CCTV mast.
- iv. The Committee noted a copy of a response from the Minister of Justice to a Mr Zelenkevich, Sales and Marketing Director for Adani Limited, regarding transmission x-ray full body scanners and the benefits of the technology in the prison sector.
- v. The Committee noted an invitation from the Minister of Justice to the Youth Justice Agency's annual carol service and presentation of achievement awards on 19 December 2013 in Woodlands Juvenile Justice Centre, Bangor.

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

- vi. The Committee noted a response from the Northern Ireland Policing Board to the Committee's correspondence regarding a potential role for the Criminal Justice

Inspection in reviewing the PSNI processes, systems, approach and actions in relation to the handling of the sexual exploitation cases involving children in care homes.

- vii. The Committee noted an invitation from the Law Centre (NI) to the launch of its new Sexually Exploited and Trafficked Young People Project on 6 December 2013 in the Law Centre, Belfast.

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

- viii. The Committee noted an invitation from the Law Centre (NI) to its AGM and Seminar with Members of the Social Development Committee on Welfare Reform on 11 December 2013 in Groundwork, Belfast.

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

- ix. The Committee considered correspondence from Worthingtons Solicitors regarding the current civil legal aid and criminal legal aid remuneration consultations being undertaken by the Department of Justice.

Agreed: The Committee agreed that, given the consultations are currently being undertaken by the Department of Justice, Worthingtons Solicitors should be advised to submit their views on the proposals to the Department.

- x. The Committee noted a summary of progress on the delivery of Department of Justice capital projects detailed in the ISNI Delivery Tracking System.

- xi. The Committee considered correspondence from F Boyd regarding the alleged failure of the Department of Justice and the PSNI to respond to correspondence.

Agreed: The Committee agreed to forward the correspondence to the Department of Justice and PSNI and ask that they respond directly to F Boyd on the issues raised and to provide the Committee with a copy of the response.

12. Chairman's Business

None.

13. Any Other Business

None.

14. Date, Time and Place of next meeting

The next meeting will take place on Thursday 5 December 2013 at 2.00 p.m. in Room 30, Parliament Buildings.

The meeting was adjourned at 4.50 p.m.

Mr Paul Givan MLA
Chairman, Committee for Justice

5 December 2013