



## **COMMITTEE FOR JUSTICE**

### **MINUTES OF PROCEEDINGS**

THURSDAY 30 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 Alban Maginness 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)
- Apologies: Mr Seán Lynch MLA  
Ms Rosaleen McCorley MLA

*The meeting commenced at 2.06 p.m. in public session.*

#### **1. Apologies**

Apologies are detailed above.

#### **2. Draft minutes of the meeting held on 16 January 2014**

The Committee approved the draft minutes of the meeting held on 16 January 2014.

#### **3. Matters Arising**

- i. The Committee noted additional information provided by the Turn off the Red Light Campaign following its oral evidence session on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

- ii. The Committee noted correspondence from Else Solicitors regarding Committee procedures in relation to the oral evidence sessions on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill and that the Clerk would respond to the issues raised.
- iii. The Committee noted a request from the Lord Chief Justice, which had been received just before the meeting, requesting clarification of the legal advice received by the Committee in relation to the Judicial Appointments Process and a High Court Judge competition. The Committee noted that the matter would be brought back for consideration at a future meeting.

#### **4. Commencement of a Mechanism to Review the Indefinite Notification Requirements of Sex Offenders – Criminal Justice Act (Northern Ireland) 2013**

The Committee considered information provided by the Department of Justice regarding the mechanism to review the indefinite notification requirements of sex offenders as set out in the Criminal Justice (Northern Ireland) Act 2013, and the guidance on the making and determination of applications by the Chief Constable that the department is required to issue. The Committee noted that the mechanism would be introduced on 1 March 2014.

#### **5. Proposals for Technical Amendments to UK-Wide Legislation Supporting EU Law on Recognition and Enforcement of Maintenance and Civil Orders**

The Committee noted that the Department of Justice intended to avail of Westminster legislation, made under the European Communities Act 1972, to make technical amendments to Northern Ireland law which would support EU law on the jurisdiction and recognition and enforcement of both maintenance orders and civil orders.

#### **6. Draft Public Guidance on the Use of Reasonable Force to Protect Against Crime**

The Committee considered a response from the Committee for Agriculture and Rural Development in relation to its request for comments on the draft Public Guidance on the Use of Reasonable Force to Protect Against Crime. The Agriculture Committee wanted further information on the consultation that had taken place with farming organisations and the timescale for the publication of the guidance and it also wished to take oral evidence from the PSNI on the recent and ongoing incidents of rural and agricultural crime.

*Agreed:* The Committee agreed that it was content for the Committee for Agriculture and Rural Development to take evidence from the PSNI on rural and agricultural crime.

*Agreed:* The Committee agreed to request the further information from the Department of Justice on the consultation that had taken place with farming organisations and the timescale for the publication of the guidance and that it would consider the matter again when the further information is available.

## **7. Tribunal Reform – The Future Administration and Structure of Tribunals in Northern Ireland**

The Committee noted correspondence from the Minister of Justice indicating that he intended to adopt a staged approach to the reform of the tribunal system which would result in legislative reforms being taken forward in the next Assembly mandate rather than the current mandate.

*Agreed:* The Committee agreed that the briefing by the Law Centre on the reform of the tribunal system should be deferred until such a time as proposals for change are available for consideration.

## **8. Legal Aid Reform – Department of Justice Second Annual Report to the Public Accounts Committee on its Report on Managing Criminal Legal Aid**

The Committee noted the Department of Justice second annual report on progress on the implementation of the recommendations in the Public Accounts Committee's Report on Managing Criminal Legal Aid.

## **9. Committee for Justice Draft Forward Work Programme – February and March 2014**

The Committee noted an up-dated Forward Work Programme for February and March 2014.

*Agreed:* The Committee agreed that the Chairman, Deputy Chairman and any other available Members should meet informally with a number of individuals who, given the nature of their evidence, had requested to meet the Committee in private on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill.

## **10. Review of the Criteria for the Appointment of the Chief Constable of the PSNI**

The Committee considered information provided by the Department of Justice regarding the decision by the Minister of Justice to change the minimum criteria for appointment to Chief Constable of the PSNI and legislative mechanism by which the change could be made.

*Agreed:* The Committee agreed to request the attendance of the Minister of Justice at a meeting on Tuesday 4 February 2014 to discuss the matter.

## **11. Correspondence**

- i. The Committee noted correspondence from the Department of Justice providing an update on the NI Prison Service Justification Application for the possible use of transmission X-ray full body scanners in prisons.
- ii. The Committee considered correspondence from the Committee for Culture, Arts and Leisure providing a copy of the terms of reference for its Inquiry into Inclusion in the Arts of Working Class Communities.

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

- iii. The Committee noted correspondence from the Committee for the Office of the First Minister and deputy First Minister providing a copy of the Barroso Task Force Desk Officers' progress reports for July to September 2013.
- iv. The Committee considered correspondence from the Committee for Employment and Learning providing a copy of the terms of reference for its Inquiry into Post Special Educational Need Provision in Education, Employment and Training for those with Learning Disabilities.

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

- v. The Committee noted correspondence from the Committee for Education regarding its intention to hold a formal evidence session with representatives from the Northern Ireland Lifeskills and Education Centre (NILSEC) Partnership on its work on the Risk Avoidance & Danger Awareness Resource (RADAR) project.
- vi. The Committee noted correspondence from the Committee for Finance and Personnel providing information from the Department of Finance and Personnel on the monitoring of Departmental Savings Delivery Plans – September 2013.
- vii. The Committee noted a paper on Physician Assisted Suicide which was prepared by the Council on Social Responsibility of the Methodist Church in Ireland and adopted by the Church Conference in June 2013.
- viii. The Committee considered correspondence from a Ms Quinn regarding the technical language and time limits in the Northern Ireland County Court Rules and the possible introduction of a public defender service.

*Agreed:* The Committee agreed to forward the correspondence to the Department of Justice and request that it responds directly to Ms Quinn on the issues raised.

- ix. The Committee noted a response from the PSNI to B Brewster in relation to concerns regarding the actions of child protection social workers and the lack of criminal prosecutions.
- x. The Committee considered correspondence from a Mr McHugh regarding alleged maladministration by the Northern Ireland Courts Service in relation to a claim brought against him in the Small Claims Court in 2008.

*Agreed:* The Committee agreed to forward the correspondence to the Northern Ireland Courts and Tribunals Service and the Department of Justice and ask that they respond directly to Mr McHugh on the issues that fall within their responsibilities.

*Agreed:* The Committee agreed to advise Mr McHugh that, given that the Committee does not have a role in relation to individual cases, his correspondence had been referred to the relevant agencies for a response.

- xi. The Committee noted the Disposal and Retention Schedule for the Office of the Police Ombudsman for Northern Ireland which had been laid in the Assembly by the Public Records Office.
- xii. The Committee noted the Department of Agriculture and Rural Development Annual Progress Report 2013 – Rural White Paper Action Plan.
- xiii. The Committee noted a summary of progress on the delivery of Department of Justice capital projects detailed in the ISNI Delivery Tracking System.
- xiv. The Committee noted correspondence from the Department of Justice advising of the retirement of Professor Jack Crane, State Pathologist for Northern Ireland.
- xv. The Committee noted a written statement laid by the Secretary of State for Northern Ireland in Westminster on 29 January 2014 on the security situation in Northern Ireland.

## **12. Chairman's Business**

The Chairman advised Members that an invitation had been received from Lisburn Policing and Community Safety Partnership to participate in a round table discussion with young people from the Colin Area of West Belfast on policing and community safety and the wider criminal justice system on Thursday 6 February in the Island Civic Centre, Lagan Valley.

*Agreed:* Members agreed to advise the Clerk if they were available to participate in the discussion event.

*The Committee agreed to move Agenda Item 18 forward.*

## **13. Any Other Business**

None.

## **14. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from SPACE International**

Rachel Moran, Founding Member and European Coordinator, SPACE International joined the meeting at 2.18 p.m.

Ms Moran outlined the key issues in the SPACE International 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 circumstances around Ms Moran's entry into prostitution; the consequences for Ms Moran of speaking publicly about her experiences; the ways in which Clause 6 would have a normative effect; the reasons why this legislation would be more effective than existing legislation; why current legislation appeared to be ineffective; the extent of drug addiction in prostitution; whether some people chose prostitution; the extent of violence in prostitution; whether criminalising the buyer would make prostitution more dangerous; the types of people who buy sex; the extent to which people with disabilities

buy sex; whether pimps are active in the Republic of Ireland; whether Ms Moran had been interviewed by any of the pro-lobby academics; whether a choice exists for those who enter into prostitution; the extent to which men and boys are involved in prostitution; the number of women in prostitution who have been trafficked; and whether both prostitutes and buyers should be criminalised.

The briefing was recorded by Hansard.

The Chairman thanked Ms Moran and she left the meeting.

#### **15. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from the Irish Congress of Trade Unions**

Peter Bunting, Assistant General Secretary, Clare Moore, Equality Officer, and Pamela Dooley, Chair of the Northern Ireland Committee, Irish Congress of Trade Unions joined the meeting at 3.20 p.m.

The representatives outlined the key issues in the Irish Congress of Trade Unions 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: whether prostitution is a valid form of work; the need to provide adequate support services and whether the Bill fully addresses this; whether prostitution and human trafficking should be dealt with in separate legislation; whether existing trafficking legislation is sufficient; the argument that Clause 6 would drive prostitution further underground; how victims of forced labour are dealt with; how existing legislation could be employed more effectively; how support and integration services should be managed; whether central government should take the lead and be more proactive in dealing with trafficked persons; the deportation of trafficked victims; whether they should be integrated into Northern Ireland society and the likely associated costs; the level of support for the Turn Off the Red Light Campaign; whether the Congress had an affiliation with the International Union of Sex Workers; and whether Clause 6 will have the intended effect.

The briefing was recorded by Hansard.

The Chairman thanked the representatives and they left the meeting

#### **16. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from Dr Graham Ellison and Dr Susann Huschke**

Dr Graham Ellison, Postgraduate Research Coordinator, and Dr Susann Huschke, Visiting Fellow, Queen's University, Belfast joined the meeting at 4.08 p.m.

Dr Graham Ellison and Dr Susann Huschke outlined the key issues in their submissions 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 basis of Dr Ellison's opposition to Clause 6; the nature of Dr Ellison's contact with a particular witness; the basis of Dr Ellison's evidence; the size of Dr Huschke's survey sample, who completed the on-line form and whether it was representative; how many face to face interviews Dr Huschke carried out as part of her research project; whether Dr Ellison had

advised Amnesty International on the Bill; whether Dr Ellison was in favour of the legalisation of prostitution; the movement of women for prostitution; the extent of human trafficking for sexual purposes; the number of sex workers in Northern Ireland and the number of those who have been trafficked; whether anyone has the right to buy sexual services; Dr Ellison's reasons for conducting his research; how to determine the authenticity of research; the reasons a range of organisations support Clause 6; whether legislation can change views and values; migration and global equality; alternative regulatory approaches to prostitution including the Manchester project; how existing legislation could be improved; whether there has been any recent evidence of paramilitary involvement in the sex trade in Northern Ireland; the differing views of the Swedish model and the results achieved; the PSNI's views on Clause 6; the legislation that is needed to deal with prostitution without driving it underground; the difficulty in obtaining reliable statistics regarding the extent of prostitution in Northern Ireland and how much the industry is worth; the importance of protecting vulnerable people in society; and whether Dr Ellison had any dealings with Escort Ireland.

The briefing was recorded by Hansard.

The Chairman thanked the representatives and they left the meeting.

## **17. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from UglyMugs.ie**

*6.14 p.m. Mr Paul Givan left the meeting.*

*6.14 p.m. Mr Raymond McCartney took the Chair.*

Lucy Smith, Manager, UglyMugs.ie joined the meeting at 6.14 p.m.

Ms Smith outlined the key issues in the UglyMugs.ie 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: where UglyMugs.ie is based; who funds UglyMugs.ie; the links between UglyMugs.ie and Escort Ireland; the movement of prostitutes between Northern Ireland and the Republic of Ireland; the practice of rating the performance of sex workers; whether anyone has the right to buy sex; the features and benefits of the Merseyside and Manchester models and how they could work in Northern Ireland; whether UglyMugs.ie deals with trafficked victims; the percentage of prostitutes who have been trafficked; whether UglyMugs.ie provides support to those who wish to exit prostitution; whether the existing legislation is sufficiently robust in relation to sex workers who have been coerced; whether support services are adequate; whether there should be a central PSNI resource to deal with prostitution and trafficking; the impact of land borders on the movement of prostitutes; the use of the word escort to describe a prostitute; the underground nature of prostitution; whether there is any evidence of paramilitary involvement in prostitution in Northern Ireland; the reasons why UglyMugs.ie is opposed to the Swedish model; whether decriminalising prostitution would help prostitutes; the differences between off street and in door sex workers; why few outdoor sex workers use UglyMugs.ie; conviction rates in relation to crimes against sex workers; the level of cooperation and liaison between UglyMugs.ie and the police; and the reasons why the criminalisation of sex buyers could drive prostitution further underground.

The briefing was recorded by Hansard.

The Chairman thanked Ms Smith and she left the meeting.

## **18. Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill – Oral evidence from Amnesty International UK**

Grainne Teggart, Northern Ireland Campaigner and Catherine Murphy, Law and Policy Team, Amnesty International UK joined the meeting at 7.10 p.m.

The representatives outlined the key issues in Amnesty International UK'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: Amnesty International's membership; the details of a motion relating to sex workers that was passed by the Newcastle-upon-Tyne branch of Amnesty International; how Amnesty International's policies are developed; Amnesty International's draft policy document 'Decriminalisation of sex work'; whether Amnesty International had consulted with former prostitutes and organisations who provided support to prostitutes; whether anyone has the right to buy sex; the number of deaths of prostitutes in the Netherlands compared to Sweden; how the buying and selling of women fits with Human Rights standards; the need for further research into prostitution/trafficking before the law is changed; whether the sex industry in Northern Ireland differs from the rest of Europe; Amnesty International's views on the Swedish model; the purpose of a needs analysis of those in the sex industry and how those needs differ for women, men and the transgender community; the possible negative consequences and benefits of Clause 6; the need for cross-departmental working between the Department of Justice and the Department of Health, Social Services and Public Safety; whether trafficked people should be integrated into society and the possible costs; whether existing legislation provides adequate protection for vulnerable people; the need to provide adequate support services; minimum sentencing and the need for clarification that Clause 4 is not applicable to children; the reasons why there should be separate legislation to deal with prostitution and human trafficking; how the likely implications of Clause 6 can be assessed; and whether existing trafficking legislation is adequate.

The briefing was recorded by Hansard.

The Chairman thanked the representatives and they left the meeting.

## **19. Date, Time and Place of next meeting**

The next meeting will take place on Tuesday 4 February 2014 at 1.00 p.m. in the Senate Chamber, Parliament Buildings.

*The meeting was adjourned at 8.01 p.m.*

Mr Paul Givan MLA  
Chairman, Committee for Justice