



**Northern Ireland
Assembly**

COMMITTEE FOR JUSTICE

MINUTES OF PROCEEDINGS

WEDNESDAY 3 DECEMBER 2014
Room 21, Parliament Buildings

Present: Mr Paul Givan MLA (Chairman)
Mr Raymond McCartney MLA (Deputy Chairman)
Mr Stewart Dickson MLA
Mr Sammy Douglas MLA
Mr Paul Frew MLA
Mr Chris Hazzard MLA
Mr Seán Lynch MLA
Mr Alban Maginness MLA
Mr Patsy McGlone MLA
Mr Edwin Poots MLA

In Attendance: Mrs Christine Darragh (Assembly Clerk)
Mr Keith McBride (Senior Assistant Assembly Clerk)
Mrs Roisin Donnelly (Assistant Assembly Clerk)
Ms Alison Ferguson (Clerical Supervisor)
Ms Marianne Doherty (Clerical Officer)

Apologies: Mr Tom Elliott MLA

The meeting commenced at 2.04 p.m. in public session.

1. Apologies

As above.

2. Draft minutes of the meeting held on 26 November 2014

The Committee approved the draft minutes of the meeting held on 26 November 2014.

3. Matters Arising

Mr Stewart Dickson MLA provided clarification of comments that he had made during an evidence session on the Justice Bill with CARE NI, Evangelical Alliance Northern Ireland and the Christian Medical Fellowship on 26 November 2014 and placed on record

his concern that his comments had been misrepresented by Mr Edwin Poots MLA later in the same evidence session.

2.07 p.m. Mr Alban Maginness joined the meeting.

4. The Justice Bill – Oral Evidence on the Jim Wells MLA amendment from the Northern Ireland Human Rights Commission

Mr Les Allamby, Chief Commissioner, Dr David Russell, Deputy Director and Ms Kyra Hild, Researcher, Northern Ireland Human Rights Commission (NIHRC) joined the meeting at 2.07 p.m.

Mr Allamby outlined the key issues in the Northern Ireland Human Rights Commission's written evidence on the proposed amendment by Mr Jim Wells MLA to the Justice Bill.

A detailed question and answer session followed covering issues including: the rights conferred by Article 8 of the European Convention on Human Rights (ECHR) in relation to access to abortion; whether the European Court of Human Rights (ECtHR) has confirmed the rights of a woman to have access to abortion services; the implications of the ECtHR case *P. and S. v Poland*; whether the *P. and S. v Poland* case highlighted in the NIHRC's written submission was a suitable comparator to Northern Ireland in respect of access to abortion services; whether Mr Well's amendment changed existing legislation in relation to access to abortion in Northern Ireland; views on the 10-year imprisonment option provided by the amendment; an explanation of the 'chilling effect' of criminal provisions regarding abortion on the medical consultation process; the appropriateness of criminal provisions; the NIHRC's views on whether the circumstances in which abortions can be performed should be extended; when the right to life begins; what European and International Human Rights Standards and Conventions state in respect to the right to life and when this begins; the scope of discretion for each European region to determine its domestic law in relation to the provision of abortion services;

2.44 p.m. Mr Edwin Poots joined the meeting.

the limitations on the 'margin of appreciation' exercised by individual states in relation to domestic policy; the outcome of the ECtHR case *A, B, and C v Ireland*; the NIHRC's position regarding the 1967 Abortion Act; why the NIHRC's draft Bill of Rights did not address the issue of abortion and whether there was a failure to reach consensus on this issue; whether there are examples of limitations on provision of private medical services in other European Member States; the areas of the amendment which the NIHRC believes requires greater clarity; whether the NIHRC believes the existing legislation has a 'chilling effect' on the clinical decision of medical practitioners;

3.12 p.m. Mr Seán Lynch joined the meeting.

whether the NIHRC is usurping the role of the Assembly and the Executive by initiating legal action against the Department of Justice; the role of the NIHRC; the legally available forms of contraceptive the NIHRC believe may be restricted by the amendment; whether the rights of the unborn child can be separated from the rights of the mother; the rights of the deceased; whether human rights extend prenatally; whether a women's reproductive rights should override the rights of the unborn child; at what point a child is considered to be conceived; the distinct and separate roles of the Legislature and the Judiciary; and the need for a Regulatory Framework in respect of the provision of abortion services.

4.16 p.m. Mr Sammy Douglas left the meeting.

Mr Allamby outlined the Northern Ireland Human Rights Commission's further assessment of clauses 50 - 71 of the Bill which make provision for Violent Offences Prevention Orders (VOPOs) and in particular, the application of the proposed VOPOs in relation to children.

A question and answer session followed covering issues including clarification of the age at which the proposed VOPO could apply to a child; whether the NIHRC should have advised the Department of Justice of its concerns in relation to the application of VOPOs to children before the introduction of the Bill; and the age at which the NIHRC believe criminal responsibility should be set.

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

4.22 p.m. Mr Chris Hazzard left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from the Northern Ireland Human Rights Commission for their attendance and they left the meeting.

5. The Justice Bill – Oral Evidence on the Jim Wells MLA amendment from Precious Life, Women's Network and SPUC

Ms Bernadette Smyth, Precious Life, Ms Caitriona Forde, Women's Network and Mr Liam Gibson, Northern Ireland Development Officer, Society for the Protection of the Unborn Child, joined the meeting at 4.29 p.m.

Ms Smyth, Ms Forde and Mr Gibson outlined the key issues in their respective organisations' written evidence on the proposed amendment by Mr Jim Wells MLA to the Justice Bill.

A detailed question and answer session followed covering issues including the position of European and International Human Rights Standards and Conventions in relation to the rights of the child; the European and International Human Rights Standards and Conventions in relation to abortion; whether the rights of the unborn child can be separated from the rights of the mother; the position of the UN Committee on the Elimination of Discrimination against Women (CEDAW Committee) on the right to an abortion and the legal jurisdiction of CEDAW; whether the organisations supported the existing legislation regarding the provision of abortion services in Northern Ireland; the benefits of restricting the provision of abortion services to NHS facilities; the reasons for objections to the provision of abortion services by the Marie Stopes Clinic; concerns regarding the Marie Stopes Clinic and lack of regulation; whether a women's reproductive rights should override the rights of the unborn child; the views of the organisations on the 'morning after pill'; and whether the proposed amendment could cover the 'morning after pill'.

5.25 p.m. Mr Paul Frew left the meeting.

The briefing was recorded by Hansard.

The Chairman thanked the representatives from Precious Life, Women's Network and the Society for the Protection of the Unborn Child for their attendance and they left the meeting.

5.43 Mr Patsy McGlone left the meeting.

6. LCM Serious Crime Bill – Consideration of Draft Committee Report

The Committee considered a draft report on the Legislative Consent Memorandum on the provisions in the Serious Crime Bill that will relate to Northern Ireland and the Legislative Consent Motion to be brought forward by the Minister of Justice.

- Agreed:* The Committee agreed that it was content that the Title page and Powers at paragraph 1 stand part of the Report.
- Agreed:* The Committee agreed that it was content that the background section at paragraphs 2 and 3 stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraphs 4 and 6 which outline the purpose of the legislation stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraphs 7 and 8 which outline the Committee's consideration of the LCM stand part of the Report.
- Agreed:* The Committee agreed that it was content that paragraphs 9 and 10 which outline the Legislative Consent Motion stand part of the Report.
- Agreed:* The Committee agreed that it was content that the Appendices stand part of the Report.
- Agreed:* The Committee agreed to publish the report on the Committee webpage and issue the report to all MLAs.

7. SR 2014/274 The Attorney General's Human Rights Guidance (Northern Ireland Courts and Tribunals Service – Support for Victims and Witnesses) Order (Northern Ireland) 2014

The Committee considered Statutory Rule 2014/274 The Attorney General's Human Rights Guidance (Northern Ireland Courts and Tribunals Service – Support for Victims and Witnesses) Order (Northern Ireland) 2014 which would bring the Attorney General's guidance for the Northern Ireland Courts and Tribunals Service into operation on 15 December 2014.

- Agreed:* The Committee for Justice considered Statutory Rule 2014/274 The Attorney General's Human Rights Guidance (Northern Ireland Courts and Tribunals Service – Support for Victims and Witnesses) Order (Northern Ireland) 2014 and agreed that it was content with the Rule.

8. SL1: The Civil Legal Services (Procedure) Regulations (Northern Ireland) 2015 and the Civil Legal Services (Remuneration) Order (Northern Ireland) 2015

5.46 p.m. Mr Paul Frew joined the meeting.

The Committee considered proposals by the Department of Justice for two Statutory Rules to be made under powers conferred by the Access to Justice (Northern Ireland)

Order 2003 to set out the procedures for making decisions about the funding by the Department of civil legal services and the remuneration arrangements for the fees payable to the legal profession and other expenses associated with civil legal aid.

Agreed: The Committee agreed to consider the proposed Statutory Rules when the results of the targeted consultation to be carried out by the Department of Justice are available.

9. Proposals by the Attorney General for Legislative Provision in relation to the Rights of Audience for Lawyers working in his Office

The Committee considered information provided by the Department of Justice on the responses to its preliminary discussion paper which invited views on the wider implications of making legislative provision in relation to rights of audience for lawyers working in the Attorney General's office and noted the Minister of Justice's position that he is not persuaded that it is necessary to make the legislative provision which is being sought by the Attorney General.

Agreed: The Committee agreed to refer the Department of Justice's correspondence and summary of responses to the preliminary discussion paper to the Attorney General for his views.

Agreed: The Committee agreed to request further information from the Departmental Solicitor's Office regarding the extent to which such provision should be extended to the staff in that office if legislation is taken forward.

10. SL1: Police Pensions (Transitional and Consequential Provisions) Regulations (Northern Ireland) 2015

The Committee noted a proposal by the Department of Justice to make a Statutory Rule under powers conferred by Section 24 of the Public Services Pension Act (Northern Ireland) 2014 to make transitional and consequential provision in relation to the police pension schemes.

11. Police Pension Regulations (Northern Ireland) 2014 and proposals for a Career Average Revalued Earnings (CARE) Scheme

The Committee considered an update from the Department of Justice on the results of the targeted consultation on the draft Police Pensions Regulations (Northern Ireland) 2014 which set out the detail of the design of the Career Average Revalued Earnings scheme for the new police pensions which come into effect on 1 April 2015 and arise from the Public Service Pensions Act (Northern Ireland) 2014.

Agreed: The Committee agreed to schedule an oral briefing from departmental officials on the SL1 proposals for the Statutory Rule.

12. Department of Justice Draft Budget Proposals for 2015/16 – Consideration of Committee Response

The Committee considered a draft response on the Department of Justice Draft Budget Proposals for 2015/16.

Agreed: The Committee agreed the response which would be submitted to the Committee for Finance and Personnel for inclusion in its report on the draft Budget 2015/16 and sent to the Minister of Justice.

13. Review of the Criminal Injury and Criminal Damage Compensation Schemes – Draft Consultation

The Committee considered information provided by the Department of Justice on a proposed 14-week public consultation on the Criminal Damage and Criminal Injuries Compensation schemes.

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.

14. Committee Inquiry – Consideration of Draft Terms of Reference

The Committee considered draft Terms of Reference for its Inquiry into Issues of Public Confidence around how the Criminal Justice System has Handled Allegations of Sexual Abuse from within the Republican Community involving the Republican Movement.

Mr Raymond McCartney MLA placed on record his view that the Inquiry is too narrow.

Agreed: The Committee agreed to request legal advice on the draft Terms of Reference and noted further work on the scope of and methodology for the Inquiry would be undertaken.

15. Correspondence

- i. The Committee noted correspondence from the Department of Justice advising of the Executive's decision not to approve the package of reforms for the Office of the Police Ombudsman for Northern Ireland and the Minister of Justice's intention to defer further consideration of the matter.
- ii. The Committee noted correspondence from the Department of Justice providing details of the ongoing costs associated with the maintenance of the Northern Ireland Community Safety College site at Desertcreat.
- iii. The Committee noted correspondence from the Department of Justice providing a response to the issues raised following the Committee's consideration of the Access to Justice Reform Progress Report September 2014.
- iv. The Committee noted correspondence from the Department of Justice advising of the publication of the National Crime Agency's Annual Report 2013/14.
- v. The Committee noted correspondence from the Department of Justice advising of the publication of Official Statistics Bulletin 15/2014 The Northern Ireland Prison Population 2013.
- vi. The Committee considered a response from the Minister of Finance and Personnel to the Committee's request for an update on the PSNI civilian staff equal pay claim.

Agreed: The Committee agreed to forward a copy of the response to the individuals who had written to the Committee on this matter.

- vii. The Committee noted an invitation from the Northern Ireland Human Rights Commission to attend the launch of its 2014 Annual Statement on 10 December in Parliament Buildings.

Agreed: The Committee agreed that Members should advise the Committee Office if they wished to attend the event.

- viii. The Committee noted correspondence from the Chief Inspector of Criminal Justice Inspection Northern Ireland providing further information following his presentation to the Committee on 8 November of the first interim report commissioned by the Committee on an assessment of the impact of the Department of Justice Legal Aid Reform Package.

- ix. The Committee considered correspondence from a Mr White regarding the Department of Social Development Social Security Agency and interviews under caution using the Police and Criminal Evidence (Northern Ireland) Order 1989.

Agreed: The Committee agreed to forward Mr White's correspondence to the Department of Justice and the Department of Social Development and request that they respond directly to Mr White on the issues raised that fall within their respective responsibilities and provide the Committee with a copy of the responses.

- x. The Committee considered correspondence from a Mr Wilson regarding a complaint to the Northern Ireland Attorney General on the granting of McKenzie Friend status.

Agreed: The Committee agreed to forward Mr Wilson's correspondence to the Office of the Lord Chief Justice and ask it to respond directly to Mr Wilson on the issues raised.

- xi. The Committee noted correspondence from the Minister of Justice providing an update in relation to the payment of RUC Widows' pensions under the Public Service Pension Act (Northern Ireland) 2014.

- xii. The Committee noted an invitation to meet the Latvian Ambassador Mr Andris Teikmanis, who will be visiting the Northern Ireland Assembly on 10 December.

Agreed: The Committee agreed that Members should advise the Committee Office if they were available to meet Mr Teikmanis.

16. Chairman's Business

None.

17. Any Other Business

None.

18. Date and Time of next meeting

The next meeting will take place on Wednesday 10 December 2014 at 2.00 p.m. in Room 21, Parliament Buildings.

The meeting was adjourned at 6.06 p.m.

Mr Alastair Ross MLA
Chairman, Committee for Justice