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## **Comments on the Criminal Justice Bill introduced in the Northern Ireland Assembly on 25<sup>th</sup> June 2012.(Bill 10/11-15)**

To Christine Darrah  
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Closing date for written submissions 31<sup>st</sup> August 2012

### A response by MindWise to the Bill

#### MindWise

MindWise is a leading membership charity which supports those affected by severe mental illness and other mental health difficulties and promotes early intervention. Our mission is to transform lives and develop new visions for mental health by challenging stigma and discrimination, and by providing quality services and support. We believe in dignity and respect for each individual, fair treatment, partnership working and most importantly in recovery to achieve a quality of life for those affected by mental illness.

#### Sections 1-4, The review of sex offender notification procedures.

We fully appreciate the necessary safety measure incorporated in this legislation to protect potential victims, and we support this .

As a mental health charity devoted to the ethos of 'recovery' we believe people can turn their lives around with the right support.

So we are pleased to see in Schedule 1 to the bill the ability for the Chief Constable to review the notification period particularly for the young offender under 18 years who may have offended many years before as a teenager.

The Chief Constable may consider the seriousness of the offence and age of the offender and after 8 years notification, find that reporting to police is no longer necessary. We support this development.

#### Section 5-6 Trafficking people for sexual or other exploitation.

We fully support legislators in their effort to prevent this degrading and vile offence, and therefore fully endorse all measures in this bill.

We would welcome accompanying legislation for enhanced sentencing where the victim is a mentally vulnerable person. The exportation of any person is to be abhorred, but should the victim be exploited because they are young or mentally vulnerable, then this should attract a greater sanction, thus sending out a message of support in the justice system for those weaker members of society.

The current sentence is ;- on summary conviction, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum or both; on conviction on indictment, to imprisonment for a term not exceeding 14 years.

However the 2011 trafficking in Persons Report - United Kingdom published 27 June 2011 tells a different story.

Authorities have not convicted an offender for human trafficking in Northern Ireland, Wales, or Scotland. Since the 2003 Sexual Offences Act, and its 2004 Asylum and Immigration Act, came in to play, which prescribe penalties of a maximum of 14 years and 10 years' imprisonment, respectively.

Traffickers convicted under its Sexual Offences Act resulted in an average sentence of three years' and eight months imprisonment; sex traffickers convicted under other laws received average sentences of two years and six months'.

In January 2011 there were conviction with sentences of British nationals totaling 19 years imprisonment for reportedly forcing approximately 100 children, some as young as 12, into prostitution.

In 2011, a retired doctor was convicted under the Asylum and Immigration Act for subjecting her Tanzanian domestic worker to conditions of slavery. She received a two year suspended sentence.

2011 *Trafficking in Persons Report - United Kingdom*, 27 June 2011, available at:  
<http://www.unhcr.org/refworld/docid/4e12ee3ac.html>

Section 7 and Schedule 2 retention of fingerprints, DNA profiles etc.

We take a neutral stance on this subject.

As a mental health charity we support the human rights of individuals and oppose discrimination. We see nothing in the provisions of Schedule 2 to alarm us on that issue.

The legislator has in our view endeavored to draw a balance between investigate necessity and the rights of the un-convicted person.

In conclusion we see the bill as a positive step to enhance existing legislation.

On behalf of MindWise;-

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