



<b>Subject:</b>	<b>Notice of Motion : Arrangements to Deliver Justice in Serious Sexual Offences Cases</b>
<b>Date:</b>	14th December, 2018
<b>Reporting Officer:</b>	John Tully, Director of City and Organisational Strategy, ext. 2345
<b>Contact Officer:</b>	Geoff Dickson, Policy and Performance Analyst, ext. 6211

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report/Summary of Main Issues</b>
1.1	A Notice of Motion was brought to Council on 3rd December, entitled "Arrangements to Deliver Justice in Serious Sexual Offences Cases". This Motion was in relation to an open public consultation by the Criminal Justice Board on the findings of an independent review of the arrangements to deliver justice in serious sexual offences cases.
1.2	Following debate, the motion was put to the meeting and passed, giving authority for the Council to respond to the consultation in support of the recommendation in the Notice of Motion.
1.3	It was further proposed by Councillor Canavan (and agreed by the Council) that a report be submitted to the Strategic Policy and Resources Committee to consider the potential for submitting a wider Council response to the public consultation.

	This report asks the Committee to submit a consultation response, in line with the Notice of Motion and to highlight within the response that individual parties will respond directly to the wider recommendations contained within the preliminary report.
<b>2.0</b>	<b>Recommendations</b>
2.1	<p>The Committee is, therefore, asked to:</p> <ol style="list-style-type: none"> <li>a) submit a Council response to the consultation in line with the Notice of Motion; and</li> <li>b) submit individual Party responses to reflect the key recommendations contained within the preliminary report.</li> </ol>
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b><u>Key Issues</u></b></p> <p>At the Council meeting on 3rd December, the following motion was proposed by Councillor Lyons and seconded by Councillor Nicholl:</p> <p><i>“This Council welcomes the publication of the preliminary report by Sir John Gillen, who is leading the independent review of the arrangements to deliver justice in serious sexual offence cases. The Council notes that a public consultation is open until 15th January and encourages all, but particularly women, to have their say in this process.</i></p> <p><i>The Council also notes the eight key recommendations of the preliminary review, namely:</i></p> <ul style="list-style-type: none"> <li>• <i>public access to trials involving serious sexual offences to be confined to close family members of complainant and the defendant;</i></li> <li>• <i>cross-examination of complainants to be pre-recorded and away from court - initially for vulnerable people but eventually extended to all complainants in serious sexual offences;</i></li> <li>• <i>measures to combat rape myths and stereotypes, like suggestions that victims provoke rape by the way they dress or act;</i></li> <li>• <i>more robust attitude by judges to prevent improper cross-examination about previous sexual history;</i></li> <li>• <i>the accused will be anonymous until they are charged, but from that point they will be identified;</i></li> <li>• <i>accused will have right to apply for a judge-alone trial without a jury - this would only be granted in "rare circumstances";</i></li> </ul>

- *new legislation to manage dangers created by social media; and*
- *steps to combat excessive delay in the judicial system.*

*The Council believes that a victim led process is essential in what the report identifies as “one of the worst violations of human dignity” and recognises the immense pressure that victims of sexual crime are under. To this end, the Council cautions against the adoption of a restorative justice measure for fear it will add to intra-process pressure on the victim but agrees to respond to the public consultation outlining its support for the above recommendations.”*

3.2 After discussion, the motion was put to the meeting and passed.

3.3 The Committee is, therefore, asked to submit a Council response to the consultation, in line with the Notice of Motion and to agree that each political party will consider submitting a more detailed response on the wider recommendations of the review.

3.4 Should the Committee agree to submit a response to the consultation in line with the Notice of Motion, a response will be submitted before the consultation closure deadline of 15th January 2019. This response will also highlight that each political party will engage directly with the review in relation to its 16 key recommendations.

### **The Gillen Review**

3.5 The Criminal Justice Board has commissioned an independent review of the arrangements to deliver justice in serious sexual offence cases. A former Lord Justice of Appeal, the Right Honourable Sir John Gillen, will lead the review supported by an Advisory Panel.

3.6 The review has been established to consider law, procedure and practice covering the development and progression of cases of alleged serious sexual offences, taking account of experience from recent cases in Northern Ireland and developments in other jurisdictions. The purpose of the Review is to determine whether current arrangements deliver the best outcomes for victims, defendants and justice, and to make recommendations for improvements.

3.7 Further details on the review including the preliminary findings are available on <https://gillenreview.org>

3.8	<b><u>Financial and Resource Implications</u></b> None associated with this report.
3.9	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b> None associated with this report.
<b>4.0</b>	<b>Documents Attached</b>
	None