



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill: Briefing from Lord Morrow MLA/CARE/Former Swedish Government Special Adviser

12 September 2013

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Briefing from Lord Morrow MLA/CARE/Former Swedish Government Special Adviser

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**Members present for all or part of the proceedings:**

Mr Paul Givan (Chairperson)  
Mr Raymond McCartney (Deputy Chairperson)  
Mr Stewart Dickson  
Mr Alex Easton  
Mr Tom Elliott  
Mr William Humphrey  
Mr Seán Lynch  
Mr Alban Maginness  
Ms Rosaleen McCorley  
Mr Jim Wells

**Witnesses:**

Lord Morrow	MLA - Fermanagh and South Tyrone
Dr Dan Boucher	Christian Action Research and Education
Mr Mark Baillie	Christian Action Research and Education in Northern Ireland
Ms Gunilla Ekberg	Former Swedish Government Special Adviser

**The Chairperson:** I welcome Lord Morrow MLA; Mr Mark Baillie, public policy officer of Christian Action Research and Education (CARE) in Northern Ireland; Dr Dan Boucher, director of parliamentary affairs for CARE; and Ms Gunilla Ekberg. That was, I hope, a reasonable stab at pronunciation.

**Ms Gunilla Ekberg (Former Swedish Government Special Adviser):** You are doing well.

**The Chairperson:** Your English will be better than my interpretation of your name. Alex, do you want to declare an interest at this stage?

**Mr Easton:** No, I will just want to ask a question.

**The Chairperson:** OK. Lord Morrow, I invite you to brief the Committee.

**Lord Morrow MLA (Northern Ireland Assembly):** Thank you, Chair. It is good to be back with the Justice Committee. As you are now one day I was, and, maybe, one day as I am you will be.

Thank you very much to you and the Committee for permitting me to come here with my team. You made a very good stab at pronouncing Gunilla Ekberg's name. She is a lawyer and academic

researcher and is assisting with the Bill, as are Dr Boucher and Mark. Without further ado, I would like to take the Committee briefly through the presentation that we have prepared. As you said, we are here today to talk about the principles of the Bill rather than the detail, which I suspect will come at a later stage. Again, I thank the Committee for having us.

The first slide in my presentation asks why the Bill is necessary. Are the present arrangements not adequate? We hope that we can convince the Committee to take a serious look at what we propose in the Bill. First, we would like to say that it is widely acknowledged by the PSNI, non-governmental organisations (NGOs) and the Department of Justice (DOJ) that human trafficking here in Northern Ireland is a real issue. There are new international obligations to be met, and, over the past five years — 2008 to 2013 — over 100 victims of human trafficking have been identified in our Province. That is a measure only of those victims who have been rescued. I want to emphasise that this is recognised as being purely the tip of the iceberg.

Why is the Bill necessary? In 2008-09, there were 11 cases of human trafficking. We know that sexual exploitation was connected with six, forced labour with three and domestic servitude with two. I ask Committee members to keep in mind what we said, which is that this is but the tip of the iceberg. In 2008-09, there were 25 victims of human trafficking: 17 of sexual exploitation; five of forced labour; one of domestic servitude; and two unknown. In 2010-11, there were 23 victims: 18 were victims of sexual exploitation and five of forced labour; and, in 2012, there were 27 victims of which it has been determined that 18 were victims of sexual exploitation. In 2012-13, there were 16 victims, of which nine were victims of sexual exploitation, two of forced labour and five unknown.

In June 2010, Theresa May announced that the UK Government would not opt in to the EU anti-trafficking directive. At that stage, our hearts sank, to put it mildly. In March 2011, a petition from and lobbying by the organisation 38 Degrees led to a Government U-turn, which was very welcome in my book, who announced that the UK would opt in. However, this was only half the battle, as they still had to implement the directive. In January 2012, amendments to the Protection of Freedoms Act 2012 were introduced in the House of Lords. These Government amendments illustrated the UK Government's minimalist approach to the implementation of the directive. These amendments did not apply — I emphasise that they did not apply — to Northern Ireland.

In February 2012, I arranged for the drafting and submission of a Northern Ireland Bill, which, rather than doing the bare minimum, would enable Northern Ireland to become fully compliant with the European directive. In April 2012, the Department of Justice launched its consultation on compliance with the EU directive. In that consultation, the Department illustrated that it was going to follow the minimalist approach of England and Wales. In June 2012, the Minister of Justice published the Criminal Justice Bill. That Bill introduced two new offences to ensure that, first, when offences are carried out abroad, individuals can be prosecuted in Northern Ireland, and, secondly, internal trafficking within the UK is a crime. I commended the Department at the time for introducing these two necessary and important changes. However, the Bill was indicative of the minimalist approach that the Department of Justice has followed in this area.

In August 2012, I launched a consultation on the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill. The consultation closed on 18 October 2012. In April 2013, the Criminal Justice Act (Northern Ireland) 2013 received Royal Assent. In June 2013, I introduced my Bill to the Northern Ireland Assembly and published the results of the consultation.

Subsequently, the UK Government made a further change to achieve compliance in England and Wales through the Trafficking People for Exploitation Regulations 2013. No comparable provisions have been introduced in Northern Ireland, and we now, sadly, lag behind. I had proposed changes along those lines in my consultation and draft Bill, and they are now covered in clauses 13 and 14.

I want to dwell for a minute or two on the consultation results. I hope that, by this point, you will have had the opportunity to consider the results of that. A total of 147 submissions were made, and the vast majority were in favour of the proposals in my Bill. In light of the consultation, I made a number of changes to it.

I introduced the Bill for two main reasons. First, I believe that the Bill is necessary to effectively tackle human trafficking and exploitation in this Province. I firmly believe that the measures in the Bill will help to protect some of the most vulnerable men, women and children who come to this Province. I want Northern Ireland to be a world-beater in its legislation in this area. Rather than simply trailing behind England and Wales, as we currently are, I want us to lead the way. I want other countries to look to Northern Ireland as a model of effective practice for tackling the scourge of human trafficking.

Secondly, I want to ensure that Northern Ireland complies with both the letter and spirit of the European directive. As the Department of Justice will point out, I am aware that what a directive mandates and what a state has to do to be technically compliant with it are not necessarily the same. However, the directive mandates a bold agenda. We have a choice here. We can follow the minimalist route and do the least that we possibly can to be compliant. To my mind, this is the approach that the Department of Justice has, sadly, taken. Alternatively, we could go further and adopt a maximalist approach in line with the spirit of the convention.

I will now give a brief overview of the Bill. Clauses 1 to 8 deal with the definition, investigation and prosecution of offences. Clause 9 to 12 contain the legal requirements for providing effective assistance and support for victims of human trafficking. Clauses 13 and 14 deal with special measures. Clause 15 and 16 deal with prevention and reporting, and clauses 17 to 19 are general clauses.

I will now deal with what the Bill seeks to do. Clause 2 sets out the conditions on which the consent of a victim to a human trafficking or slavery offence shall be seen as irrelevant. This is in line with article 2(4) of the EU directive and article 4b of the European Convention.

Clause 3 allows courts to take aggravating factors into consideration when passing sentence. This is in line with article 4 of the Europe directive and article 24 of the convention.

Clause 4 is a new clause that was introduced following the consultation. It appears when a person is convicted of a human trafficking or slavery offence. It requires that there be a minimal custodial sentence of two years unless there are exceptional circumstances that justify not having that minimum sentence.

Clause 5 extends the definition of "other exploitation" in the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 to include forced begging. This clause meets the requirements of article 2 of the European directive.

I suspect that most of you will have heard about clause 6. It seeks to reduce the demand for trafficking and reduce exploitation by making it an offence to pay for sexual services. In light of the consultation, some further changes were made to this clause. This offence will apply whether the payment is made directly or through a third party — for example, a gift. This offence is triable either at the Magistrates' Court or the Crown Court and has a maximum penalty of one year's imprisonment. This reflects the penalty in Sweden. The clause will ensure that the person who is selling sex is not guilty of aiding and abetting the offence. If the Bill is enacted, it will be reviewed within three years by the Department of Justice.

Clause 7 requires training and investigative tools to be made available to police and prosecutors. Those proposals would meet the requirements of articles 9 and 18 of the European directive and Group of Experts on Action against Trafficking in Human Beings (GRETA) recommendations 9 and 10.

Clause 8 ensures that no prosecution will be brought for a criminal offence committed by a trafficking victim as a direct consequence of being trafficked. That is in line with article 8 of the European directive.

Clause 9 defines a victim of trafficking.

Clause 10 sets out the assistance and support required for victims of trafficking. This meets the requirements of articles 11 and 12 of the European directive and article 12 of the convention.

Clause 11 requires clear compensation procedures. This would effectively fulfil the requirements of article 17 of the European directive and GRETA recommendation 29.

Clause 12 requires each child victim to have a child trafficking guardian to support them through the relevant criminal, immigration and compensation procedures. It also ensures that they receive suitable assistance. This effectively fulfils the requirements of articles 14 and 16 of the European directive and GRETA recommendation 22.

Clause 13 seeks to effectively fulfil the obligations of article 12(4) and 15(3) of the European directive by requiring the Chief Constable to ensure that there is no secondary victimisation of a victim and that special care is taken in child victim cases.

Clause 14 provides special measures for trafficking victims if they are called to be witnesses. This seeks to bring Northern Ireland into line with article 12 and 15 of the European directive.

Clause 16 requires the Department of Justice to publish a strategy every year on raising awareness and reducing trafficking and slavery, in co-operation with NGOs and in line with article 18 of the directive. Clause 16 is a new clause introduced following the consultation. It obliges the Department of Justice to appoint a Northern Ireland rapporteur, who will report to the Assembly on the performance of the Bill and other matters related to human trafficking and slavery, in line with article 19 of the EU directive.

If we introduce the Bill, we will be the first part of the UK to have a focused anti-trafficking Act. We will have the most robust anti-trafficking legalisation in any part of the United Kingdom. Northern Ireland has a proud abolitionist heritage. It is right that we seize the initiative and take the lead in this key area. The Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill provides us with the opportunity to do this. As an Assembly and a Committee, I trust that we will seize it with both hands.

I will stop there. You will see that my Bill consists of more than one clause. It is robust legislation that it is worthy of consideration by the Committee and merits the support of the Northern Ireland Assembly.

**The Chairperson:** Lord Morrow, thank you. Now is a good time to put on record our tribute to the work that you have done to get the Bill to this stage. I know that you have dealt with the Bill with great conviction and that it means a lot to you personally. You have driven this process forward, and we all commend you on the work that you have done. Obviously, there is now more to be done, and I trust that the Committee will be able to facilitate that work and get into the detailed scrutiny once it gets past Second Stage.

**Lord Morrow:** Thank you, Chair.

**The Chairperson:** I want to pick up on a couple of points. Initially, from my recollection, when the Bill was first published, the correspondence that the Minister provided in October 2012, which we were copied into, indicated that clauses 13 and 14 were neither desirable nor necessary. That was the language that the Minister used to describe them. However, now that the Westminster Government plan to introduce the Trafficking of People for Exploitation Regulations 2013, the Minister has changed his position. Do you want to comment on that development?

**Lord Morrow:** I will let Dan, who is working seriously on that issue, comment.

**Dr Dan Boucher (Christian Action Research and Education):** We are not surprised that that has happened. Lord Morrow felt that it was necessary to make these changes from his draft Bill, which he consulted on. This is now covered by clauses 13 and 14 in order to be properly compliant with the directive. The deadline for achieving compliance with the directive was April this year, and the England and Wales regulations came out in March this year. Obviously, they apply only to England and Wales, but that means that there is no parity now. The provisions in the Criminal Justice Act (Northern Ireland) 2013 were broadly the same as those in the England and Wales Protection of Freedoms Act 2012, and so there was parity of implementation. With the introduction of the new England and Wales regulations in March this year, that parity of implementation was lost, and it makes Lord Morrow's Bill much more important to help Northern Ireland to catch up with England and Wales and, if other parts of the Bill are implemented, overtake them.

**The Chairperson:** My other point is about the need to publish a strategy every year and put that in statute. Since you published the draft Bill, the Minister has done quite a lot of catching up. You have led, and he is trying to follow. One would imagine that it would be the other way round. Nevertheless, he has now published a strategy. So why would there be a need to put the requirement for an annual strategy into the statute books?

**Lord Morrow:** We welcome what the Minister has done, and we do not mind if the Department, the Minister or anyone else wants to step ahead of us in relation to what we have proposed. I feel strongly that it needs to go the second mile, and I think that it brings more robustness to the issue that we are trying to tackle. Dan, would you like to add to that?

**Dr Boucher:** If it does not have a statutory foundation, it will be a provision that exists at the pleasure of the current Minister. If he were to change his mind or, at some future time, there was another Minister, it would be very easy for it to be withdrawn, in the same way that it was very easily introduced. If there is a statutory foundation, it could not be removed without the Assembly as a whole deciding that that was appropriate.

The GRETA report on UK compliance is interesting. GRETA is the treaty body for monitoring our compliance with the Council of Europe Convention on Action against Trafficking in Human Beings, and it produced its first report on UK compliance in September last year. Some of the comments in that are generic and UK-wide, but it made a specific comment about Northern Ireland and the lack of available data. So an annually produced plan could help to put more onus on the need to generate and provide reliable data so that we have a clear understanding of where we are headed in Northern Ireland year by year in relation to trafficking challenges.

**The Chairperson:** This is my last question, and then I will bring in other members. Perhaps Ms Ekberg will comment on this. The issue of prostitution is probably where the greatest controversy and discussion will be. There seems to be a broad view in the academic world on the rights or the wrongs of criminalising prostitution. Will you explain your position? How can academics come to such differing views on criminalising prostitution, particularly in the area of payment for sex?

**Ms Ekberg:** I am happy to address that. In addition to being a lawyer and an academic, I was the adviser to the Swedish Government on prostitution and trafficking for six and a half years. I have worked on these issues since the 1990s, so I have had a long period of practical experience. I was also a social worker and worked with victims. Many academics are not in that position. They base their position on their ideology, which may not be the same as the ideology that I represent, which is the one that underlies the Swedish policies: an approach of human rights and gender equality.

I also find that, in the academic world, where I feel quite uncomfortable at times, it is sometimes interesting to put out controversial ideas and have them approached. The academic world in the UK is particularly pro-prostitution compared with other countries. It will be interesting to discuss later why that is. When we make policies on prostitution and trafficking of all forms, we need to take a practical approach. We have to use practical experience and ensure that it is not just an academic exercise about what is choice, what is work and so on. Our policies were based on 25 years of experience of working at all levels on how to deal with prostitution. Victims and victims' organisations had a big input, which is not the case in the UK academic experience.

**The Chairperson:** What do you say to people who say that it is a woman's body and it is her right to do whatever she wishes?

**Ms Ekberg:** I do not dispute the right; I dispute the conclusions that they draw from that. Of course, in my little world, I can do whatever I want to with my little body, but sexual violence, which prostitution is, is a systemic problem. We cannot deal with that problem by looking at a few individuals and saying that they make choices while ignoring 97% of the other women who are in prostitution and have a completely different experience. I can say that from research, but I can also say it from my own experience of meeting and working with victims in all of the 60-plus countries that I have been to in the time that I have worked on these issues.

There will always be a few individuals who will speak out and say that it is their choice, that they are in this and like it or whatever. The women who are not in a position to do that rarely get a place at the table. That has been changing in the past five or six years thanks to work done by support organisations, women's movements, immigrant institutions and things like that. More women with experience of prostitution have support to enable them to speak about it with courage and in the knowledge that they will not be isolated from the rest of the world, which did happen in the beginning. When you come out and say that you are a victim of prostitution, all the ideas of what it means to be a victim of prostitution or trafficking come into play.

I have no problems debating this issue, because those who put forward that view are very well aware that they speak from a particular angle and ideology. The practical implications of that ideology in countries like the Netherlands, where I am doing research and where I have been monitoring for the last 15 years at least, is that people who are in key law enforcement positions — the prosecutors, the police, some women's organisations and now the Parliament — are aware that the consequences of saying that prostitution is a choice or work are that you end up with thousands of victims. The Dutch

criminal police concluded in its evaluation of the legislative proposal that between 50% and 90% of the women in the legal brothels are there involuntarily, no matter what people say.

We have to be careful when we are given arguments. I always say this: you have to see where the person — including me — who is putting forward that particular argument comes from. There are business interests in this area. We can see that, in all the countries where there has been a proposal to criminalise the buyers and to do a comprehensive policy on human trafficking and prostitution, there is a growth in organisations that will go against that. Later on, if you want, I can tell you some of my experiences in that field where we know the prostitution industry is behind it. I cannot express myself on what is happening here, as I do not know about Northern Ireland, but I certainly know the situation in the countries where I have been involved.

**The Chairperson:** Just to follow through on that, some have argued that putting this area of prostitution into a Human Trafficking Bill is not the right way to do it.

**Ms Ekberg:** I disagree. If you look historically at how the international community has faced prostitution and human trafficking — this is what I write on — up until the mid-1980s, you see that there was never a separation between human trafficking and the exploitation that the traffickers intend to put the victims in, which is in local prostitution. There was an understanding that human trafficking was a way of recruiting and transporting victims, and then they would be exploited for different reasons when they ended up at the end destination. We know that the majority of those victims are exploited in the prostitution industry of that particular destination. There was not that division. However, there was a division that expressed itself during the negotiations of the Palermo protocol, which I was part of, I want to point out. The countries that have legalised prostitution were very keen to separate human trafficking from prostitution, and they wanted to be able to enforce the law in situations where the victims were visibly confined or forced. However, they also wanted to leave room so that women could travel with assistance from one country to the other to be in the prostitution industry legally. In fact, the European Court of Human Rights has a case where, based on the mobility directive in the EU, it allowed for the fact that women could travel to the Netherlands and work as independent contractors. That is allowed under the mobility directive.

It is a false distinction, and it is easy to understand. Trafficking has always been a part of the business of those who want to make a profit out of selling individuals. You have to move the victims around. A big reason for that is the fact that the men who buy the women do not always want to buy the same women, and we have research to support that. Pimps want to maximise their profits, which means that they move the women around, and that may be across borders or between towns. In Sweden, we have a number of domestic cases where local Swedish pimps move women from one town to another, and they have been prosecuted under the Human Trafficking Act. Sometimes we do it under the Human Trafficking Act, and sometimes it is done under the procuring provisions, depending on the evidence that is available. However, there is absolutely no distinction here. One is a consequence and one is the way to get the victims there. That is recognised. There is a human rights standard there, but there have been efforts by Governments to change that or to disconnect that. It is a trap, and you have to be careful if you were to try to separate it.

I can give you an example of a case that we had in Sweden about a year and a half ago. There was a brothel — not a legal brothel but a house that was bought by somebody who then rented it to Swedish organised crime — and in that house, which became a brothel, there were two Swedish women and three women from the Baltic countries. If you were to separate human trafficking from prostitution locally, then this is what would happen: those women were bought by men every day — Swedish men — and, if we said that human trafficking was one thing and prostitution was another thing, then the victims of the men who bought the women who came from the Baltic countries would be penalised but those who bought the Swedish women who were not trafficked over the border would not, although their experience would be absolutely similar. So, you have to be very careful, because you end up in those situations. Of course, that did not happen. The traffickers were prosecuted and successfully convicted of counts of human trafficking for all of those, because those women had been moved from one town to the other. So, you have to be very careful how you do it.

I know that there are arguments out there; I have lived with them for the last 25 years. Our major objective has to be that everything we do causes no harm, and that means taking the victims into consideration first of all. If you separate it, first of all, women have to prove themselves that they were actually trafficked and you put the burden not on the trafficker but on the victim, which is a problem. So, there should be no disconnection there.

**Mr Easton:** Thank you for your presentation. I am very much in favour of what Lord Morrow proposes. I have two questions for you. One prominent Northern Ireland policeman has said that criminalising paying for sex will not work. What has been the experience of the Swedish police force?

**Lord Morrow:** Before Gunilla answers that, it may be appropriate for me to say that I found it astounding that we had a senior police officer going on the radio two days before I came to this Committee, yet the same police force had an opportunity, through the consultation, to say what it wanted to say but decided to stay silent on the issue. I found that surprising.

**The Chairperson:** Can I just pick up on that? I think Superintendent Marshall is the guy who has been on the radio and writing articles. Has he spoken to you?

**Lord Morrow:** No. Well, to say that he never said "Hello" to me would be a lie, but he has never spoken to me about this matter.

**The Chairperson:** He has not spoken to you about this Bill at any point? I find that appalling. Here we have the police failing to speak to the sponsor of the Bill. Ultimately, it is for politicians to decide policy, not for the police to tell us what we should and should not do, just as we should not tell judges what they should do. We set the laws in this country, not the police or the judges. I am disappointed that that is the case. I will give you an assurance that I will raise it with Matt Baggott when he comes to the Committee next week, and I will want an explanation of why they have been out so publicly lobbying against it, without even giving you the courtesy of speaking to you in respect of the Bill. I certainly think it is very disappointing and lacks the professionalism that one would expect of the PSNI.

**Lord Morrow:** That is where we are, and that is the society in which we live. We have to work within that. I must say that I was disappointed and surprised; however, I have had many disappointments and a few surprises in my life, and I suspect there may be a few more ahead of me.

**Ms Ekberg:** My comment to Mr Marshall's pronouncement is that, if I was in the Government, I would make the same comment that you have made. If you look at how the Swedish police and the Swedish prosecutors reacted when the proposal came to criminalise the buyers, you can see that it was the same reaction.

When we had a consultation on the Government Bill in 1998 and 1999 — it came into force on 1 January 1999 — both the prosecution services and the police said that it would not be useful and it would be impossible to enforce. Then you would get all of the arguments that prostitution would go underground and it would be harmful to the women, etc. We had that in a document sent to us. The law passed, of course, and in the first few months the police were quite slow to enforce the legislation, but then they started to realise that the legislation was very helpful. The prosecutors realised that having the buyer in the trial was very helpful, because they could get testimony about other issues in terms of the connections with the pimps and the traffickers. So, within the year — and after having, of their own accord, published a research study on how the law does not work six months after it was implemented — they completely changed their idea about how the legislation could work.

If you talk to Swedish police, and I think that would be a good idea, they will say the opposite; they will say that the legislation is very helpful in criminalising the whole chain — all the individuals who are responsible for human trafficking procuring. It is also useful to show to the men that, if they were not there, that whole thing would not happen; there would not be any human trafficking. When I was in the Government, the Stockholm chief of police went out publicly to denounce the previous conclusions about the legislation. He underlined that they were very grateful that that offence was there, because now they can investigate the pathway of buyers, such as using the internet and following the e-mails that buyers have sent to websites where women are for sale. They can track the buyer — where it comes from — and they can also track the websites. It has gone from, "Oh my goodness; we do not want to do this" to great enthusiasm. We have specialised prosecutors in procuring and human trafficking cases. As I said, they did not know how they were going to act with the legislation, but they are also very enthusiastic about it. They use it consistently in all those cases. I have invited Mr Marshall to come to Sweden. I spoke with the police in Stockholm again this morning. They would be happy to receive him if he wanted to see how it actually works.

**The Chairperson:** That might be helpful for him.



**Mr Easton:** Thank you for that. I have heard some opponents of the Bill, in which you propose to criminalise the purchase of sexual services, saying that it will drive prostitution underground. How do you respond to that suggestion?

**Ms Ekberg:** We know that it is a myth. Think about it this way: in order to make profit out of selling women, somebody has to buy them. Of course, it is the men who do that. In order for a pimp or a trafficker to get in contact with the buyers, he has to use some method to do that. He can put business cards in hotel rooms and cafeterias. He can put posters on lamp posts. He can put websites on the internet or whatever means he thinks is useful. However, there has to be a meeting between the pimp and the buyer. The Stockholm police have said for many years now that, if buyers can find those women, so can they. It is not a matter of it being difficult. If you go to Stockholm or any other city in Sweden and talk to the police, they will say that they know exactly where prostitution takes place.

Some of the cases need lots of resources, so they cannot investigate immediately. As I said, they will follow phone calls. They can follow e-mails. Women who are in prostitution will also tell the police who has bought them. We have a very prominent case that was on the table again last week: the former Minister for labour in Sweden had to step down because a woman whom he bought went to the police. He could not be prosecuted because the statute of limitations had run out. However, we can see also from that work that we have many men in prominent positions who have been convicted under the legislation. The police no longer avoid investigating men, even those in high positions, including the police chief of Uppsala, which is the second largest police district in Sweden.

The underground argument is as if this world happened outside of everyone's knowledge. If I were a man, I could go to the centre of Belfast, sit myself in a bar and say that I was looking for a woman. I would find that out; it is not very difficult. That is the first step, or I could sit at home and go on the internet, which is what most men do now.

The Swedish national rapporteur on trafficking publishes annual reports, and in every report, there is a part that looks at websites and how they have investigated this. We also have a High Court decision that says that attempting to purchase somebody from a website that has women for sale is an attempt under the legislation, and you can be prosecuted. We have had quite a number of prosecutions against men who trawled the internet like that, and they had to pay a fine or whatever.

**Mr Easton:** So, basically, the nature of the business is that pimps have to come out in public to get their business.

**Ms Ekberg:** If I were selling cars, how would I get people to buy them? I would have to make publicity somewhere, or there has to be some way that I can tell you. Somehow, the word has to come out. You cannot live in a bubble; it is impossible. Most people think that it is easier to work where there is free prostitution, but it is just as easy elsewhere if you have the right techniques, which are not very difficult. Of course, having dedicated teams to work on this is quite useful, because you grow the experience.

When it comes to the criminalisation of the purchase of sexual services, I also want to underline that it is an offence in our country to attempt to purchase a sexual service. So the police do not have to catch them with their pants down. It is enough to go up to somebody in the street and say, "How much is it?", or to send an e-mail, make a phone call, etc.

**Mr A Maginness:** I thank Lord Morrow for his very comprehensive and lucid presentation on his Bill. It was expertly put together and presented. Lord Morrow, you were fairly critical of the British Government's approach to the issue. Why do you think they adopted a minimalist approach to it?

**Lord Morrow:** Thank you, Mr Maginness, for your comments.

Sometimes you have to stand back and take a look at these things and ask, "Why are they taking the position that they are taking?" Sometimes, it is quite difficult to answer that. Let me say this: I believe that things are changing right across the whole of Europe and that, in the years ahead, there will be considerable movement of populations and everything else. I think that the Government in London are doing the minimum simply to keep themselves within the regulations and away from infringement. When we heard what they were proposing to do, we thought, "Why are they doing the minimum here instead of going the second mile on something that is a real scourge to society?" That is why I have come forward with my private Member's Bill.

I give notice of this during the debate on the Justice Bill. I pushed the Minister to do certain things, but he was not for doing them. Mr Maginness, I feel that doing nothing is not an option here. I recognise some of the things that we have pushed for, which were referred to, have been or will be done. I believe that this is an opportunity for Northern Ireland to stride out ahead.

I have been looking, watching and listening carefully to what is going on with our nearest neighbour, the Irish Republic. I know that they are exercised about this issue. Given the porous border we have, it is vital that we have very robust legislation. I am not saying that — I want to make this very clear — once this legislation comes in, all is well; oh, that it would be. I am not saying that anymore than those who legislated for homicide or robbery said, "Fine; that is it. We have dealt with that whole issue." Oh, that we could do that.

No; my Bill, if it is implemented by the Assembly, will put in place legislation that, dare I say it, could be the envy of other regions and other countries.

**Mr A Maginness:** You make a convincing case for your proposed legislation, but some may argue, "Yes, we have a problem with trafficking here, but it is not a big problem". What would you say to people who said that the Bill was too previous in relation to the problem of human trafficking?

**Lord Morrow:** I certainly would not agree that we do not have a big problem here. We quoted figures and put a firewall around those comments by saying that they were but the tip of the iceberg. We cannot repeat that often enough. I think your question is whether we are going too far: I do not think we are.

Gunilla has already spoken about how the Swedish police responded at the start not unlike the PSNI here in Northern Ireland. I think and hope that in maybe four or five years' time — I hope that it does not take them as long as that — they may come around to saying, "That Bill was a very good idea after all". Whether it wins, loses or draws, they may come around to that position and say, "I am glad that the Assembly adopted it" or "the Assembly should have adopted it", whichever position the Assembly takes.

**Ms Ekberg:** Having worked as a legislative adviser, when you look at laws, you technically do an impact assessment, asking, "Should we do this or not?" What we often forget is to do an impact assessment on what happens if we do not do it, so you have to think of the consequences of what if things remain as they are while the world around you changes.

In Sweden, we made the prevention and combat of prostitution and human trafficking the strongest political priority starting in 1998, which meant that we had to do it on all levels. If we had not done that and our neighbouring countries, such as Norway and Iceland, had, for example, criminalised the buying of sexual services and included the whole package, as we did, and because the traffickers look for the best market, we would be the best market and those countries would not.

The UK has taken a minimalist approach and has been criticised by international treaty bodies for not doing what it should on human trafficking, including the Committee on the Elimination of Discrimination Against Women (CEDAW) in July. If you do not do anything, you will be the most attractive place in Europe. The traffickers know that. We have police phone-tap evidence of criminal elements in Sweden and Swedish organised crime groups or individuals advising traffickers and pimps from, for example, the Baltic countries not to go to Sweden because it was not profitable enough. They directed them to Denmark, for example, where there is also a minimalist approach and, in fact, a toleration and encouragement of this.

Other countries have found themselves at the butt end of this, and it is not a good idea just not to deal with the issue. Traffickers do not care about borders. They will just do a business assessment, as it were, and go where they find it possible to operate.

**Ms McCorley:** Go raibh maith agat, a Cathaoirleach. Thank you for the presentation. Nobody would disagree with the view that human trafficking is a complete obscenity. It has no right to exist in any proper society and is something that we would like to see not as part of our society but gone completely, and, to whatever extent that it exists in our society, we would want to be clear of it. Likewise, we want to be clear of anything that involves violence against women or men. Anything like that or anything associated with it should not exist, and we do not want it to be a part of us.

Clause 6 gives us some concern. It makes an assumption that human trafficking and prostitution are completely and inextricably linked. Although there are similarities and connections, I do not think that there is evidence available to prove that there is a need or requirement to include this clause. Human trafficking, I believe, has a particular role and is a particular experience, and it is an aspect of society that needs to be dealt with. We, as legislators, have responsibility to be clear that any law that we are involved in making does what it is required to do. I think that that is absolutely necessary. The issue of prostitution needs to have more evidence and to be researched further. It is clear from listening to the people who spoke today — I acknowledge your vast experience, Gunilla — that there are different views and opinions. We need to hear much more before I, personally, and Sinn Féin, can support clause 6. That is our position. We need to see more evidence that there is that connection. We need to know more about prostitution and the extent of it in the North. Nobody really knows that. We need that information.

**Ms Ekberg:** Obviously, I respect that, although what is important to think about today is that this, a country in the European Union, is no different from others. There is now 30 years of experience and research on prostitution and trafficking in some countries, and I am not just talking about Sweden; there is recognition of that in many countries.

Think practically about organised crime. In most communities where there is prostitution, some form of organised crime is involved that protects and sometimes sells women. Even if there is just a single pimp who has two women, he will negotiate with other pimps. When human traffickers come in, they have to negotiate with those people to be able to sell their women, and those women will be prostituted in the same venues.

I think that we have to disabuse ourselves of the view of an independent contractor: a woman who sits in her own apartment inviting nice men to come in and use her a couple of times. I am afraid that many try to put that view forward. There might be a few such women, but that is not the reality for the majority of women. We know that to be the case here, and we know women who have spoken out in Northern Ireland. In all the countries where I have been, there are many women who speak out about the most harmful conditions that you can think of.

Although I respect your view, reinventing the wheel every time just prolongs the process. Eventually, it leaves women stranded. That is my concern. I come from the women's movement, as you know. I have worked on violence against women since I was 18, and I have run shelters. I was one of the first to talk about prostitution in connection with what we do in battered women's shelters, because women come there. It troubles me when it becomes a debate based not on evidence but on ideas that come from people and groups that have another agenda. If you are going to do research, you need to do research into who is presenting some of the evidence, including me, if you like.

I have always fought for facts. Everything that I say to you is based on fact; it has been proven. You have to do the same thing. If you hear those who say that prostitution is a choice and work, you have to have them present facts on that. After having spent so much time in the Netherlands and talked to women there, I can tell you that 95% of the victims there are from Romania and Bulgaria, and they are Roma. They are the women who are presented as making a choice. Everyone knows it.

**Dr Boucher:** I have just one point about —

**The Chairperson:** Can I just pick up on a point? Certainly, Dan, you can follow up on it. Obviously, the Minister here has now commissioned research in Northern Ireland. How useful is that specific research in Northern Ireland? What I am trying to ask is whether it differs from nation to nation or culture to culture. Some may argue that that specific research in Northern Ireland is just a delaying tactic. Maybe you could comment on the need for nation-specific research.

**Ms Ekberg:** I absolutely think that the more evidence that we can get to take useful preventative and prosecution measures, the better. That is very important. Such research should be ongoing, which it is. I will give an example from Sweden. When we passed the law that prohibits the purchase of a sexual service, we put it into the anti-violence package with the other laws on violence, but we also put in requirements on certain monitoring mechanisms. They have to do either biennial or triennial reports on the situation of prostitution and trafficking in Sweden. As you know, we have a rapporteur on trafficking. I think that it is absolutely necessary to monitor the situation, and you also have to adapt your measures. However, if research is used only with the purpose of stalling measures that you are obliged to put in place — I do not know that it is — it is a big problem.

You also have to be careful who you employ and who the researchers are on those projects. You have to ensure that you do research that is based on an understanding of the situation of women in that context. I am not going to pronounce on that research project. As I said, I am all for knowing the facts. However, when it comes to the facts and the consequences of human trafficking and of being in prostitution, and the consequences and reasons why men buy women, young men and children for prostitution that we already know, there is tons of research that is very well carried out in Europe as well as in other places.

I am working on a research project, for example, in Lebanon, where we have interviewed 65 men who buy women for prostitution purposes. They are of many religious and ethnic backgrounds etc. We have interviewed them in depth. I can tell you that the result of that research is absolutely replicable to what we did in Sweden, what they did in Scotland on the demand research or what they did in Illinois in the United States, or whatever. The responses, reasons and results are the same. What is most important is that the response of all of those men when you ask them, "What would make you not buy somebody?" is that they could get arrested or publicly shamed. So, we have the research that proves exactly what we knew. I argue that you can use that to make a decision, but I still think that the situation should be monitored in a country. That is why we have a special rapporteur. We give money to research projects regularly in Sweden so we know what is going on. You see the difference.

**The Chairperson:** Thank you for that.

**Dr Boucher:** I will add to that. If you imagine having two different groups of researchers — one that views prostitution as the exploitation of women and another that views it as a valid job — and gave them the Northern Ireland evidence to work on, they would reach entirely different conclusions. So, the important thing for you as a Committee is to decide what you think. Do you think it is a valid form of work or do you think it is, in the main, a form of exploitation?

That leads me to the main point that I want to make, which is to pick up on a slight misunderstanding about the Bill. The Bill is not the Human Trafficking Bill; it is the Human Trafficking and Exploitation Bill. Clearly, if we look at trafficking and the principal driver in the national referral mechanism figures, we see that the single biggest reason why people are trafficked to Northern Ireland is the demand for paid sex. So, it would be very odd if any human trafficking Bill worth its salt did not, in trying to address human trafficking, address the single biggest driver for trafficking to Northern Ireland.

That is not to say that everyone involved in the sex industry in Northern Ireland has been trafficked here. That is where the "and exploitation" part becomes very relevant. Look at the data on the experience of most people in prostitution. It is very clear. Look at the proportion of people who have experienced sexual or physical abuse at home, who entered the sex trade in their early teens or who suffered psychological abuse. Look at the murder rate within prostitution etc. If you put all the figures together, it becomes very clear that, for the majority of women, it is a place of exploitation. So, it is the Human Trafficking and Exploitation Bill, and deals with both sides of that. To complete that picture, let me say that there are provisions in the Bill that deal with forced labour where there is no element of trafficking. That comes under the exploitation part of the Bill. The two things need to run together.

**Ms McCorley:** I am completely content that any change we make to the law that addresses human trafficking, exploitation and forced labour is good, if it is going to add to what we have. There is no complaint from me about that.

This morning, I listened to a woman on Radio Ulster who had had a horrifying experience. She very graphically described what had happened to her. I am not sure that the Bill that Lord Morrow is putting forward changes anything. From what I could make out, the crimes committed against that woman are covered under current legislation. It was nearly as though that case was being presented as something that would be rectified by Lord Morrow's Bill. However, my understanding is that current legislation criminalises everything that that woman was subjected to and whoever committed the crimes against her.

**Dr Boucher:** It does not work. Since 2009, it has been an offence to buy sex from someone who is subjected to force, but there has not been a single conviction. It is very similar to the experience in Finland, where they have a similarly caveated offence, which I will let Gunilla explain. It is not user-friendly. It is very difficult to prove coercion in the time frame available, whereas, in Sweden, it is easy to use and we have had intercepts between traffickers. There have been no intercepts from traffickers saying to organised crime gangs, "Do not send your women to Northern Ireland; in 2009, they criminalised paying for sex from someone who is coerced and it is too hostile a legal environment for

you to go and buy women there". Everyone knows that there has not been a single conviction. Everyone knows that it is, de facto, still legal. That is why the Bill would make a huge difference. It would make it very clear, for the first time, that it would be a real offence, not just an offence on paper but in a practical sense. It would perhaps be helpful, Gunilla, if you could talk about the number of convictions that you have had in Sweden.

**Ms Ekberg:** I would be happy to give you that information. First, I want to say that, as I told you, attempts are criminalised. So, as in other crimes, the first step in intervention for law enforcement agencies is to make sure that a crime is not committed. That means that they will intervene if they find a man in a space where there is prostitution, even if there is no evidence at all that he has attempted to buy. He will be cautioned and told not to come back. That is the majority.

Since 1 January 1999, 15 years ago, until June 2013, 4,974 men have been arrested. Last year, 549 men were arrested, and 319 of them were convicted. Most of the others pleaded guilty. In 2011, 765 men were arrested and 450 were convicted — I could go on. The problem, of course, is that the prosecution and conviction rates are delayed, because you have the arrest and then some of the prosecutions happen in the following year. So, I do not have the prosecution rates for 2013; we will not get them until 2014. If you look at the whole period, you see that about two thirds of the men who were arrested were convicted. They could be given a prison sentence, which we have yet to get, and that is because, as in so many other situations when it is about violence against women, judges have problems in seeing the seriousness of that violence. For example, as you know, in rape prosecutions, the attrition rate in the European Union is 6%. Attrition rate means that 6% have been convicted. As you know, with rape, the majority of women do not report the attack. In the cases that are reported, most of the men are not prosecuted and, of those who are prosecuted, very few are convicted. That is important to remember, and that is why we have not yet had a prison sentence given, but we have a number of summary convictions, so we are just waiting for one of them to breach and end up in prison in no time. We think that that will make a difference to how judges will see it later.

Those who are convicted or plead guilty have to pay a fine. In Scandinavia, we have what are called "day fines", which means that the convicted person has to pay a percentage of his income. So, if you make a lot of money, you pay a lot. If you do not make a lot of money, you pay a limited amount. Because we have had men in very high-income brackets convicted, a lot of money has come into the coffers. Not that that is important; I am just saying that. In Sweden, all court cases, as is the case here, are public, so many of the cases are written up in the papers.

This is not a single issue. We have had a debate on what to do with prostitution for the past 25 years. There is an agreement that it is violence against women and a human rights violation, so it is interesting news. That reinforces the norm, which was the other aspect of this legislation, and that is to shift the culture or the idea in a country that there is a subclass of women. Women who are marginalised to start out with can be socially and economically deprived. The majority of women in prostitution have been subjected to violence prior to ending up in prostitution. We know that; there is strong evidence of that in most countries. So, we needed to shift that idea to say that there is no privilege in our country that allows men to purchase and sexually use those women. That is the normative effect.

As I said, just last week in Sweden, there was discussion about a Minister of labour who had to step down. He was interviewed on TV and said that he did not do it. We know the woman he bought. She is not in prostitution any more. She is very together and clear about what she is doing, and she wrote a letter to the national Swedish TV station expressing her disappointment that it did not believe her story. So, when you adopt such legislation, there is constantly this normative reinforcement everywhere that most people do not think about. That has trickled down to young men.

Of course, we did not just change the law; we did all sorts of awareness-raising things as part of the strategy for this Bill. That is necessary. You need to raise awareness and work on the attitudes of young men. Now, we have in the high school curriculum gender equality plus: you have to look at pornography and prostitution as human rights violations and violence against women and talk about it. I could go on, but I will not.

**Mr McCartney:** Some 549 people were arrested. What was the profile of the people they were purchasing?

**Ms Ekberg:** That is an interesting question. The first study of men who buy women in prostitution was carried out in Sweden in 1996.

**Mr McCartney:** I do not mean the purchasers. If there were 549 women on the receiving end of someone purchasing sex, what was the profile of the women? Were they victims of human traffickers or were they residents of Sweden?

**Ms Ekberg:** Most of them were victims of trafficking. Most of these cases are prosecuted as a procuring offence under trafficking because they are connected to that. If you look at victim profiles, you see it is just as I said: it is women who are already marginalised. In Sweden, this has led to most women interviewed by the police about their experiences being quite open about what has happened because they are not going to be penalised and they have access to social services, so they will talk about it. The majority are quite young — between 18 and 25 — as they are across Europe. We also have a similar offence of buying somebody under the age of 18, and we record that. So, they are young — early teens up to the age of 25, but there are also older women.

Most of them have experience of having been victims of other forms of violence prior to ending up in prostitution. Some flee abusive husbands. We have had a number of women from Ukraine and Lithuania who have left their children to try to get some money so that they may be able to keep custody of them. They may be running away from husbands who are making life difficult. We have a number of young women who are survivors of sexual abuse, and it is very problematic because the pimps play on that. They pretend that they care for these women, which makes it incredibly difficult when we are trying to prosecute the pimps because the girls try to run away to get to them because that is the only stable individual in their lives. They come from countries of socio-economic deprivation where the status of women is low. Swedish girls and women are, without exception, victims of severe violence prior to that. Many of them have at one point been drug dependent, but the initial problem has not been drugs. The drugs have been provided by the pimps or the traffickers because they are clever enough to know, and I have even had a pimp say to me, "Of course we give them drugs; they last longer and we make more money off them." That is not just human traffickers but local men. So, that is the profile, and that profile is the same in most other countries; it is nothing strange.

The profile of the buyers is any man from any background, any class and any ethnic background. Men usually buy on the level they can afford. If they do not have a lot of money, they will still buy in some context. If they have a lot of money, like the police chief, they would then buy women and have them sent to the place where he and his cronies used them, usually in somebody's home.

It is interesting with the men who come from other countries. You would like to talk about that with the Stockholm police, because Stockholm is, of course, the most attractive place. Men from other countries also get arrested and are incredibly surprised that, not only can they not go home with nothing happening, but they will be prosecuted, so there is a learning experience there.

They are of all backgrounds, but, generally speaking, they are in a committed relationship with somebody — a woman. Most of them have children. They are men with a lot of experience of sexual activity. Some of them also have other women whom they use; they have a wife and they have other women. It is not the stereotypical man who is disabled and has no sexual contact. We know that from the Swedish experience but also from all the other research. It is men who go on business trips. Often, men buy outside of the context of where they live, and the reason why they do that is, of course, they do not want anyone to know about it. That means that they go to another town or, if they travel for business, they will go to other places. In Stockholm, the police have put up a hotline for the hotels. The hotels in Stockholm have made a commitment to ensure that there is no prostitution in the hotels, so as soon as they suspect a man in that hotel, they will call the hotline and the police will go there and arrest him.

**Mr McCartney:** Fourteen years after the law changed, are 549 arrests —

**Ms Ekberg:** No, that was just last year. There were 4,947, I think.

**Mr McCartney:** Last year?

**Ms Ekberg:** All in all.

**Mr McCartney:** So, that is 14 years after the law was introduced. Would you say that you have done away with the issue of prostitution?

**Ms Ekberg:** No, of course not. Any social change takes more than 15 years, but what I can say with some conviction is that Sweden is a country where prostitution is much less prevalent and is a country

that is not attractive for traffickers. I would be happy to send you the national rapporteur's statistics, because we say that we have victims of trafficking, but we never get more than 200 or 300, whereas if you look at, for example, Finland, you see that they had 15,000, and they wrote about that in a report, so that tells us —

**Mr McCartney:** Is that 15,000 arrests?

**Ms Ekberg:** No, 15,000 victims of trafficking per year, whereas we have maybe 200 or 300 at the most. Again, that is because it is not attractive. Think about it. If you were a trafficker, where would you go? Where would I go? I would not go to a place where you risk getting caught. I would go to a place where they tolerate it, and Denmark is the perfect place, because they have done nothing. They have all the laws and they do not use them.

Finally, just the other day, I spoke to the national rapporteur, who has had requests from the Danish police because they cannot handle it anymore. In Denmark, as in so many countries, local organised crime wants to get in on it, so the motorcycle gangs that have been ruling parts of the drug market in Denmark are now also very interested in prostitution, which makes it absolutely impossible to deal with. That will happen — trust me.

In Canada, where I also work a lot, I spoke to the people who deal with the organised crime in Québec, and they said that 85% of the prostitution businesses these days are run by either Bandidos or Hell's Angels. They do not want people to come from the outside; they want to make money themselves.

**Mr Wells:** I have a technical point for Lord Morrow. You wrote to the PSNI at the time of the consultation period?

**Lord Morrow:** When I first published my Bill, I had it sent to the Chief Constable. Not only that, but afterwards, I got a call from the headquarters of the police requesting more copies. My consultation then went public for everybody and sundry to make their comments known.

**Mr Wells:** So, the PSNI was aware of the Bill and the consultation and chose not to respond.

**Lord Morrow:** The first two people who got my Bill were the Minister of Justice and the Chief Constable. I thought that that was the right thing to do.

**Mr Wells:** Had you any prior notification of Superintendent Marshall's recent intervention?

**Lord Morrow:** Absolutely not. No, when I switched on the radio, I heard it.

**Mr Wells:** I read it in the local press, and I was absolutely astounded, I have to say, not only by the content but because of protocol. I hope that the Chief Constable has some pretty strong answers when we raise that with him.

With the Swedish model, it is stated that the number of men purchasing sex has declined from 13.6% to 7.8% since 1999, which would indicate a halving of demand. However, I will play the devil's advocate: that also coincides with the internet and the whole change in how many services, if you can call them that, are purchased. Therefore, could it not be the case that, instead of being on the streets and very evident, it has now gone out there on the electronic media and is being done behind the scenes?

**Ms Ekberg:** That is what I was trying to explain. Any enforcement work that you do on a crime has to follow the times, otherwise the police lose the ability to intervene. The Bill was passed on 1 January 1999 and, if you remember away back then, most of us did not have e-mail. There has been a complete electronification of communications and, of course, the prostitution industry has also moved online. That is why the Swedish police do a lot of investigations online. In 2008, the Chancellor of Justice was set to evaluate the effects of the law, and she compared Sweden — it is in my brief that some of you have — with the situation in Norway and Denmark at the time. Those countries were used as comparatives because our cultures and our way of living is similar and the development and standard is similar. She noted very clearly that if you compare Sweden with other countries that do not have that legislation and where it is not enforced, there is a much higher number of websites with women who are being distributed online.

It would be very interesting for you to meet, if you can, the ones who do the internet investigations in Sweden. We have a lovely, expensive computer programme that can search for terms and follow where many e-mails are going to the same websites, and they then follow and locate the server. In fact, it is quite well described in one of the annual reports of the rapporteur. They locate the server and then investigate. They arrest the men, who then provide them with how they got in contact with them. They may also pretend to be clients themselves, because, if it is a trafficking case, you can do provocation in the sense that you can send an e-mail to see what happens. Of course, it is easier for the police to go down to the street corner and arrest the guy who solicits a woman there. Interestingly, the police thought that this was such a boring crime and asked, "Why do we want to investigate this?" They then realised that it was much more sophisticated than they had thought. It was not about arresting somebody on the street corner but, in fact, it required thinking and required them to outwit the criminals — the traffickers, the pimps and the buyers.

**Mr Wells:** Lord Morrow, you mentioned contact that you have had with the Irish Republic and what it is planning to do. As you know, the Justice Committee in the Dáil in Leinster House has unanimously voted to go down the same route as you and to make it illegal to purchase sexual services. How will your legislation dovetail with anything that goes on in the Republic? There is an obvious issue. Pimps and prostitutes do not recognise borders, and the traffic will move freely from one side to the other. Is there a danger that, if we do not strengthen our laws, Northern Ireland will become a hub for that activity for those coming from the Republic or vice versa. How will it work in the long term?

**Lord Morrow:** Therein lies the great problem, because just imagine us having weaker legislation than the Republic of Ireland. Obviously, what will happen — it does not need much spelling out — is that the problem will move north. Now turn it round the other way and imagine that we have tougher legislation than the South. It will then have a problem. I hope that Northern Ireland and the Irish Republic will have similar legislation, because if we do not, one or other jurisdiction will have a problem. If the South moves ahead of us with its legislation, we will have a real problem here. Therefore, it is incumbent upon us to make sure that our legislation is robust and that we are not an attractive stopping point.

**Mr Wells:** Can I ask about a technical point? This maybe arises between Denmark and Sweden, where you now have the land bridge. What happens if the server and seller of the sexual services — the pimp — is based in one jurisdiction and the person in Sweden orders the service in Denmark but the prostitute is based in Sweden?

**Ms Ekberg:** The pimp is where?

**Mr Wells:** The pimp is based in Denmark, which is 20 minutes across the bridge.

**Ms Ekberg:** Are you asking what happens if the pimp is in one jurisdiction and the purchase happens in another jurisdiction?

**Mr Wells:** Yes. Where do you stand legally?

**Ms Ekberg:** Denmark is an interesting case, but let us use Norway to start out as an example. If the pimp is in Norway and the Swedish man buys a woman in Norway, he can be prosecuted not only in Norway, because it has the legislation, but in Sweden as well. Denmark does not have the legislation. The Norwegian legislation allows the Norwegian Government to prosecute a Norwegian man in Norway even if it is outside the jurisdiction. Swedish law does not do that, because the sitting Government did not want to make that addition.

At the moment, it is quite common for traffickers not to leave their home country and to instead direct the women over the phone. They make sure that they have control over the women before they send them off to, for example, Sweden or Denmark. They indicate to them that if the police find them, they have to say that they independently, without any help, travelled to our country or else they will harm their families and friends. In our country, we do not believe that women from Romania can happily find their way to Sweden while not speaking a single, solitary word of Swedish or English. So, we will initiate an investigation with the Romanian police and follow the mobile phone conversation. We have had several cases where pimps who never moved out of the jurisdiction were prosecuted in Romania for crimes that were committed in Sweden.



**Mr Wells:** Would it be a defence under Lord Morrow's Bill if you could prove that you ordered the services provided by — for want of a better word — a pimp from an individual based in another jurisdiction where there is not this legislation?

**Ms Ekberg:** It is where you commit the crime.

**Mr Wells:** Where you commit the crime is the issue, not where you ordered the service or paid for it.

**Ms Ekberg:** No; it is like any other crime. I am a common law lawyer, but I work in civil law, which is used in Scandinavia. Under civil law, you can convict a person in Sweden only if the country in which the crime was committed has similar legislation. However, you can make a decision in Parliament to say that you are going to lift that possibility, as we have done on child sexual exploitation, and I am assuming that you have done that too. So, if somebody travels to Thailand and buys a child, he can be prosecuted in Sweden; that is a choice that you made.

In 1999, the Swedish Parliament had not thought about criminalising men who had bought somebody in Finland. That did not come up until two years later when we started to really work on this; we thought, "Damn, we did not think about that". Norway looked at our experience and decided to cover that hole by making it possible to prosecute men who purchase anywhere. Its first case was, I think, two years ago. It involved a parliamentarian — a member of the Norwegian Parliament — who travelled to the Baltic countries and purchased someone. Many men use a not-to-be-named cheap airline to travel to the Baltic countries for stag nights or other celebrations and buy women there, which is what he did. He was found out, which was easy, and he was then prosecuted and convicted in Norway. He had to pay a huge fine and leave his party.

**Mr Wells:** Again, I think that this is one for Lord Morrow. At the start of your presentation, you said that many of the people you consulted supported the criminalisation of the purchase of sexual services. First of all, can you give us a bit more detail on that? On what grounds did they support what is now clause 6?

**Lord Morrow:** There is no doubt that there was overwhelming support for the criminalisation of the purchase —

**Mr Wells:** Was it 80% or 90%?

**Lord Morrow:** Eighty per cent. It was 80:20. I wanted to come in when Rosaleen McCorley was asking quite a pertinent question; I know that this might not have the same context now because we have moved on. Rachel Moran, who is based in Dublin, has written a book, and she very kindly sent me a copy of it. The one thing in the book that struck me very strongly was this: Rachel was not trafficked into the sex industry. Rachel found herself in it. She was homeless at 14 years of age and on the streets at 15 years of age. She said that, in all her time in prostitution, she did not meet one girl who was there because she wanted to be there. Some were there through exploitation and some through circumstances, but not one of them said, "This is my lifestyle. I enjoy it, and I want to be there". When I read that, it really struck me. I have not met Rachel Moran, although I hope to meet her next week here in Stormont. When you get that in front of you, my goodness, it is very hard to walk past it.

**Mr Humphrey:** Thank you all very much for your presentation. It was a very compelling case for the Bill before us. Lord Morrow, you said that the first two copies of your Bill were sent to the Minister and the Chief Constable. Have you met the Minister around the Bill?

**Lord Morrow:** Yes. Counting today's meeting, I have had three meetings with the Minister. In his defence, I say that I met him yesterday along with some others, and we met him again this morning at 9.00 am. I disrupted his whole diary. I was very appreciative of that, because he could have simply said to me that his diary was booked, which it was, but he very kindly rejigged it and met us again. I have met the Minister three times.

**Mr Humphrey:** He is to be commended for that. You talked in your presentation about the Minister taking a minimalist approach. Do you believe that, in the three meetings that you have had, his position has shifted or changed in any way that would allow the Bill, if it became law in Northern Ireland, to narrow the gap between Northern Ireland and England and Wales?

**Lord Morrow:** Body language is very hard to read sometimes. The Minister is in his position on my Bill. I do not think that I would be doing him justice if I said that there was a meeting of minds. There are aspects of my Bill that he has quite clearly said that he would not or could not support. Is that right, Dan? You were there on both occasions.

**Dr Boucher:** Yes. Between the first meeting and the last meeting, he seemed more favourably disposed. He now seems more interested in clauses 10, 13 and 14.

**Lord Morrow:** I do not want to misrepresent the Minister in any way. He is more than capable of representing himself. I do not want to speak for the Minister any more than he would want to speak for me, I suspect.

**Mr Humphrey:** I think that that might be the case. Thank you.

**Mr McCartney:** I met you this morning, so I am perhaps asking a question that we spoke about then. A big part of this is to make the best informed work at this. I look at the list of respondents. I know that there is an issue. Maybe you will share it with the Committee. Will you be able to furnish us with even a summary of their views, or are there issues?

**Mr Mark Baillie (Christian Action Research and Education in Northern Ireland):** I can give you that today.

**Lord Morrow:** We have done a fairly detailed and comprehensive report on the consultation. We sent that report to the Committee and the Minister. We are quite happy to provide a copy to anybody who wants one.

**Mr McCartney:** I know that it is a summary. In a normal process of consultation, the Department would make the responses available for us to read through. I am sure that we are all guilty sometimes of presenting what we feel is the best part of the argument for our argument and maybe leaving another part out. We have to appraise all of it. The process in the Oireachtas at Leinster House and the fact that it is examining this issue has been referred to. It had 800 submissions and hours of evidence. That is the type of task. I am not saying that it will be on the same scale, but if we had summaries of responses, we might not have to call as many witnesses. It is just to assist in that process.

**Lord Morrow:** The only issue around that, which we have to study carefully, is that respondents might feel that they are responding to us. We might have to take a look at where that sits in respect of confidentiality and stuff like that. I want to be as transparent as I possibly can, because this is a very important issue. The more knowledge and information that we bring to it, the more it will help everybody to make decisions. I can understand your question though.

**The Chairperson:** To reassure Mr McCartney and other Committee members, subject to the Assembly's letting this get to the detailed scrutiny level, we, as a Committee, will seek consultation responses. We will take what Lord Morrow has furnished us with, but we will also seek responses. I am keen to see the report from the Oireachtas's Justice Committee. Gunilla has suggested other opportunities to get more information. I want to give all members the best opportunity to get all the information that they need. To that end, let me apologise for overlooking Mr Dickson, who wants some information. Stewart will be the last member to speak.

**Mr Dickson:** I genuinely appreciate the work that Lord Morrow and others have done to bring the Bill to this stage. Have you analysed what might be described as the unintended consequences of the Bill? There may be circumstances in which people — we are talking primarily about men, but there could be women as well — are identified to the police, and, therefore, to the wider public, for whom there will be a perfectly innocent explanation for the initial contact and, indeed, for whom there will be no prosecution. However, all the same public opprobrium would follow those people. In other words, can you protect the innocent? Are there any unintended consequences of the particular nature of clause 6?

Secondly, I want to ask you about the jurisdictional issue. A lot has been said about the need to ensure that what happens in the Republic of Ireland and Northern Ireland match one another for all the obvious reasons. Likewise, given the further proximity of Northern Ireland — my home constituency, for example — to Scotland, where there does not seem to be the same intent to change the

legislation, would it have the unintended consequence of people going on the ferry from Northern Ireland to Scotland for day trips for sex?

My third question, which perhaps Lord Morrow can answer directly, relates to clause 12 and the child-trafficking guardian proposal contained in it. I sincerely welcome that; I think that it is absolutely spot on. However, will you just clarify for me whether that is a justice issue or a health issue?

**Dr Boucher:** It is a health issue.

**Mr Dickson:** What has the Health Minister said to you about that?

**Lord Morrow:** We met the Health Minister yesterday, and he is very supportive of what we are attempting to do here. We had a very positive meeting with the Minister. I did not detect that he is unduly concerned. However, there is one issue that we will consult on further.

**Mr Baillie:** Yes; as expected, there are certain drafting issues —

**Lord Morrow:** — that we have to tidy up.

**Mr Dickson:** Finally, has your Bill been costed in respect of the resource implication of its implementation for both the Public Prosecution Service and the police by comparison to where we are today?

**The Chairperson:** I think that it was £1.3 million.

**Ms Ekberg:** I can respond to the first question. Protection for innocents? Are there any? We trust that the police will weigh up the situation carefully before they arrest somebody. Out of the 4,974, we have had only a few appeals from the men, and that has usually been the men who are in very high positions, including the CEO of a big company who appealed all the way up to the Court of Appeal and was convicted. I say that with some trepidation having been very critical of the police through my life as a social worker. We train the police regularly. Everyone in the police force — everyone who goes through the police academy — gets a whole week on how to deal with prostitution and trafficking, for example, so every new recruit knows about that. They have developed a very comprehensive programme on the internal training of police officers, both at street level and higher up in the hierarchies, which everyone has to go through at least, I think, every two years — I cannot remember. So, there is a high awareness of what is expected. It is not about investigative techniques mostly; it is about attitudes and how to approach the whole situation. We have had no one who has claimed that he was innocent, except those appealing.

**Mr Dickson:** Has no one claimed that they were entrapped or falsely accused?

**Ms Ekberg:** No. They appeal and the evidence is very thoroughly evaluated by the courts. As I said, the CEO lost his job because most corporations in Sweden have a code of conduct that says that you cannot purchase sexual services while at work. That has been the result for a number of the men who have been convicted; they also lose their job. In fact, one man has gone to the European Court of Human Rights because he thought that it was against his human rights that he lost his position. The Court would not accept that because its opinion was, "What about the human rights of the woman whom he purchased?" There are guardians that look at police behaviour, and I assume that it is the same here, and, as with any investigation, training is necessary. The police are trained on working on violence against women. The Swedish police have been trained for the past 20 years on how to do that, so I hope, although I cannot guarantee, that no one will be arrested if they are innocent. It has not come to my attention. In the other cases, the men usually appeal.

**Mr Dickson:** That is helpful.

**Lord Morrow:** Stewart, we have a costing of about £1.5 million, and that is a 90%:10% break between justice and health.

**Mr Dickson:** Is that per annum?

**Lord Morrow:** Yes, it is.

**Mr Baillie:** Some of the costs are one-off, and some of them are ongoing. We are still working on the costings, and that is the provisional figure. When we get a more detailed one, Lord Morrow will provide that.

**Ms Ekberg:** I have two things to say about cost, if I may. You have to look at the cost of not doing it, which we usually do not do in Government; we just look at the costs that are easy to quantify. However, you have to look at the costs to society if you do not do something.

Your second question was on day trips to Scotland. That is an interesting argument, because that argument has happened many times, especially as there is now a bridge between Sweden and Denmark. There are ferries between Sweden and Finland, and the Baltic countries are very close. My quick comment on that is that, in studies of men who buy women or men for the purpose of prostitution, if you ask them what would make them stop, they say legislation or public shaming or both. A study that was done in Sweden — there are others, too, but this one is interesting — showed that 3% of men who have admitted to buying sex or using a woman for sexual purposes would do anything to be able to do that, but the other 97% think differently. Most men buy sexual services by traveling from their place of work, stopping somewhere and then going home, not using any more time than their wife, or whoever they are going home to, would notice; or they do it at stag parties, after they have been to a football match or when they travel for business. None of those situations impacts on their social environment. Nobody knows. If there is an arrest, everyone will know. That means that a man will not necessarily travel regularly, take the ferry to the Baltic countries or drive over the bridge as often as he would was it just down the road.

In 2003 or 2004, a Danish journalist was damned if he was going to prove that all the Swedish men were travelling to Denmark because of the prostitution industry in Copenhagen. I suggest that you go there — without using them, of course — just to see the difference. Do travel across; you will see the difference in the prevalence of nightclubs, which are all prostitution venues, and young women on street corners in the centre of Copenhagen. He followed Swedish cars and went into the nightclubs. He was doing everything he could think of to try to find proof that there was an increased number of Swedish men in the brothels, but he could not find them. Of course Swedish men travel to Copenhagen to buy women — they would — but not in the numbers that would buy had we not had this law in Sweden. That is referring to the statistics that were mentioned. We knew that 13.6% of men had the experience of having bought somebody once or more prior to the legislation coming in. That was a big, longitudinal/latitudinal study. The study was repeated in 2008. That is when the figure of 7.8% came up. There are, of course, safeguards against lying and all that. I think that we can, with some surety, say that there has been a decrease. They would not go, because it is not worth it.

**Dr Boucher:** The other point perhaps worth making is that the displacement argument is one that was used during the campaign against the slave trade, 200 years ago. It was said that if it was banned in one place, it would just go elsewhere. Obviously, the thing to do is to encourage a global movement.

**Ms Ekberg:** The traffickers, however, will go. In some ways, they have an incentive that is stronger. They need to profit if they are going to make their money in this business, so they will move away from Sweden, for example. That was very obvious when Norway criminalised the buying of sex, just 10 years after we did. In weeks, there was an increase in the number of pimps in northern Denmark, which the police recognised. That just tells us that it is efficient. We then know that it is efficient legislation and that Denmark should do the same thing.

**The Chairperson:** Thank you very much.

Lord Morrow, do you want to make a final comment, and that will wrap us up?

**Lord Morrow:** How do you follow that? I thank the Committee for having us here today. I hope that you have heard something to make you feel that my Bill does merit support. If any member of the Committee, at any time, wants to talk to us further about it, in the margins or otherwise, we are happy to do that. If, when you reflect on today's deliberations, you feel that there is any information that needs to be fine-tuned, we are happy to try to provide that.

**The Chairperson:** Thank you, Lord Morrow, and thank you to the team that came with you. We get a lot of presentations and have a lot of experts come before us, but I can say, hand on heart, that today has been one of the most impressive days for me due to the expertise that you have brought and the knowledge that you have in this area. I want to put that on record. In particular, Gunilla, thank you very much. No doubt we may well want to have you back as we go through the process. Thank you

for the time that you have taken to facilitate the Committee to try to provide us with the information that, I think, we all need to make an informed decision when this comes to the crunch vote.

**Ms Ekberg:** Thank you. If I may add, I had a chat with the police and the national rapporteur this morning before I came here. They receive lots of Committees, including the Justice Committee from the southern part of Ireland. You are very welcome to come to Sweden and meet all these people and see for yourself.

**The Chairperson:** We may decide that that is necessary. If so, I have no doubt that we will avail ourselves of your expertise again to facilitate that type of endeavour.

**Lord Morrow:** Chair, may I say one final word? I feel that I am very privileged to have such expertise around me, which has assisted me with the Bill.

**The Chairperson:** Thank you very much.