



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Human Trafficking and Exploitation (Further
Provisions and Support for Victims) Bill: DOJ
Briefing

12 September 2013

NORTHERN IRELAND ASSEMBLY

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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:

Mr Gareth Johnston	Department of Justice
Ms Amanda Patterson	Department of Justice
Ms Julie Wilson	Department of Justice

The Chairperson: I welcome formally to the meeting Mr Gareth Johnston, who is the head of the criminal justice policy and legislation division in the Department of Justice (DOJ); Ms Amanda Patterson, who is the head of the criminal policy branch; and Ms Julie Wilson, who is the head of the human trafficking team. Gareth, I will hand over to you.

Mr Gareth Johnston (Department of Justice): Thank you, Chairman. Committee members will have received a written briefing setting out the Department's position in detail, so I propose to concentrate on the key points. We can certainly respond to members' specific questions. I should say that in considering the Bill, our focus has been on the elements that affect the Department of Justice. As was noted, there are elements that also affect the Department of Health, Social Services and Public Safety (DHSSPS).

The written briefing states that the Minister has taken the opportunity during recess to hear the opinions of a range of interested stakeholders. A wide range of views was expressed. Although there was some support for the Bill in its entirety, a significant number of those whom the Minister met had concerns or questioned aspects of the Bill. The process has been helpful and assisted the Minister's consideration of the Bill. The Minister has listened to stakeholders and considered the Bill in detail, and his position on the latest version of the Bill as introduced remains fundamentally unchanged.

The Minister wholly supports the motivation and sentiment behind the Bill. He very much welcomes Lord Morrow's commitment to tackling human trafficking. Nevertheless, our assessment of the detail of the Bill's provisions is that they fall into three categories.

The first category concerns provisions that, in many cases, we believe are not needed: that is to say that they are covered under existing legislative or administrative provision, or they would add no practical value in protecting or supporting victims.

The second category concerns a small number of provisions in clauses 12, 13 and 14 for which the Minister himself had intended to legislate. Officials had commenced work on draft subordinate legislation in those areas. However, that work has paused pending the outcome of the Bill. Should those clauses drop from the Bill, we would still intend to proceed with secondary legislation. We anticipate that we would be in a position to bring draft legislation before the Committee within two months of recommencing work.

The third and, perhaps, most significant category are those areas about which we are concerned that provisions in the Bill could have a detrimental effect. Should the Bill progress beyond Second Stage, the Minister's strong view is that not only that clause 6 should be removed but that significant amendments would be needed to mitigate any negative impact of other clauses. On clause 6, we recognise that some prostitution is certainly one aspect of the various outcomes of human trafficking. However, the debate surrounding the introduction of the Bill has focused only on that one aspect and has not recognised the wider issues involved, both on trafficking and public policy on prostitution. As the Minister emphasised, it does not help our consideration of, or response to, either of those issues to conflate them in the manner in which debate on the Bill has been doing.

As regards prostitution, clause 6 would, of course, make it a criminal offence for an individual to purchase sexual services. The Minister has made clear his concerns about that clause and is minded to stand against its inclusion in the Bill. As we have argued, the intent behind clause 6 is focused entirely on reducing the incidence of trafficking into the sex industry, with no consideration of the wider issues surrounding prostitution or the implications for women involved in it. We are also unaware of any direct engagement with women working as prostitutes about how this provision would impact on them. Police are concerned about the potential impact on reporting, and we have heard concerns that clause 6 could drive prostitution underground, making trafficking more difficult to detect and, indeed, bringing the possibility of negative consequences for the safety and well-being of vulnerable women.

We know that a number of agencies have concerns about such a fundamental change to the law, and, as we noticed in the Minister's meetings with stakeholders, that although there was broad support for the principle of tackling demand for trafficking, there was no consensus on the actual provision in the Bill, with a number of the stakeholders echoing the same concerns that the Department has articulated. Particularly in light of those concerns, the Minister believes that it is inappropriate to make any change to the criminal law on prostitution without full and wider-ranging consultation across the policy spectrum.

There has been much attention on Sweden, whose model deserves careful study. Indeed, the Minister and I had a very helpful meeting with Ms Ekberg this morning. However, devolution is about finding local solutions to local problems. Our strong view is that there is not enough reliable data within the local setting to make informed policy decisions on the issue. Consequently, as members will note, the Minister has now announced his intention to address that gap by commissioning research on the extent and nature of prostitution in Northern Ireland. Initial work to scope the extent of that research has commenced, which will ensure that any subsequent policy review is based on the identification of local needs and issues. Members will also be aware that the Department has reviewed the legislation governing the offence of paying for the sexual services of a prostitute subjected to force. That is article 64A of the Sexual Offences (Northern Ireland) Order 2008. We acknowledge the concerns that have been raised, and, in response, the Minister has announced that he will bring forward proposals to extend the time limit within which offenders can be prosecuted. That is clause 6, but it would be fair to say that the Department also has some significant concerns about other elements of the Bill that relate to human trafficking. We set those out in detail in the written briefing to the Committee, but I want to highlight three of them briefly.

Clause 8, which deals with an immunity from prosecution for victims of trafficking, is a concern. We do not believe that the blanket immunity from prosecutions for victims that this clause would provide is appropriate. It runs counter to the obligations of the Director of Public Prosecutions and goes beyond the requirements of the EU directive. We are satisfied that under the current arrangements, whereby prosecutors have the discretion not to prosecute when it is considered to be in the public interest,

those arrangements comply fully with our obligations under the directive. We believe that to go beyond that in the way that clause 8 proposes would be disproportionate and could also disadvantage other victims of crime. In one potential scenario, for instance, a trafficked victim may have risen to a position of trust and power in an organised crime group and, in turn, become involved in the act of trafficking other victims. Clearly, such cases would need to be very carefully considered in light of their specific circumstances. Prosecutors can do that at present. Under existing arrangements, they are obliged to apply the test for prosecution, including whether the prosecution would be in the public interest. In doing so, they are able to consider the specific circumstances in each case, including whether mitigating factors exist. We believe that clause 8 goes too far in offering blanket immunity from prosecution and, therefore, removes any scope for prosecutors to exercise appropriate discretion in the public interest in that small number of difficult, tricky and complex cases.

The Department has also raised concerns about the impact of clause 4, which would introduce compulsory minimum sentences. In particular, I have to say that we consider it unacceptable that that clause would apply to children equally as it does to adults. We believe, indeed, that that runs counter to the best interests of the child principle, which is set out in article 3 of the UN Convention on the Rights of the Child. Our view is consistently that children should not be subject to the same sentencing regime as adults and that our sentencing framework for children offers sufficient options to the judiciary.

More generally, we do not support the principle of legislating for a statutory minimum sentence. We believe that clause 4, as well as clause 3 on statutory aggravating factors, would have an adverse impact on judicial discretion. Judicial discretion, like prosecutorial discretion, is particularly important when a difficult or unprecedented case comes along that you perhaps have not thought of when you have been phrasing the terms of the Bill.

I want to touch on the proposal for a Northern Ireland rapporteur under clause 16. Although we recognise fully the need for accountability, we do not believe that the measure would enhance the existing structures. We are also concerned that the Northern Ireland rapporteur under that clause is not aligned to the national rapporteur structure. Members will be aware that the Home Secretary recently announced her intention to bring forward a modern slavery Bill, which would, among other things, establish a UK-wide anti-slavery commissioner. That may have advantages. We believe that the arguments for a commissioner or rapporteur should be considered when the Home Secretary's plan is clearer. A national rapporteur would be able to look across the entire range of relevant agencies and not just the devolved ones.

In conclusion, I know that I have said much that sounds negative —

Mr Wells: Yes — absolutely.

Mr Johnston: It is certainly the case that the Department has significant concerns about the provisions that are set out here. However, I want to be clear that the Department fully supports Lord Morrow's assessment that, together, we need to provide a robust and effective response to these appalling crimes. The young woman who told her story on 'Good Morning Ulster' this morning shows us why it is right that the criminal justice agencies invest considerable effort and expertise in tracking down traffickers and freeing their victims. Members will know that the Department is working in partnership with others across the statutory and non-statutory sectors to provide a robust response. We set out a *[Inaudible.]* programme of work in the annual action plan, which members will have seen. Work is progressing against that plan. In particular, new human trafficking offences were provided in the Criminal Justice Act (Northern Ireland) 2013. Those have toughened the law in the area and complement ongoing work to ensure effective training, to support victims, to raise awareness, to change attitudes, to reduce demand and to equip people to identify and respond to potential victims. That is very far from a minimalist approach. I hope that there might be some opportunity in the questions to explore that further. The Minister has been clear that he wants to ensure that we have the best possible system in Northern Ireland to tackle human trafficking, and he will consider legislative or administrative responses that will enhance our response. However, our assessment is that elements of the Bill will not enhance but could actually have a detrimental impact on how we are able to respond to human trafficking. As I said, there is support for that from some of the representative organisations that we have spoken to recently.

Lord Morrow has estimated that the financial effects of the Bill would result in approximately £1.3 million to £1.5 million of new costs. As was highlighted, it is unclear how much of that would be one-off and how much would be recurring costs, but Lord Morrow has helpfully agreed to give us more information. I need to flag up that the Bill would result in an unfunded pressure for the Department,

and, if implemented, could be delivered only by identifying and stopping other work that the Department is carrying out.

We recognise that the Bill has shone a spotlight on and increased the prominence of public awareness of human trafficking. However, at the very least, we feel that significant amendments are needed to address the points that I have set out.

The Chairperson: I would like to say thank-you, Mr Johnston, but I will not.

Mr Wells: Don't bother.

The Chairperson: It is depressing. The Department's position is more than lamentable. I find it disgraceful. We will spend the next period of time interrogating the Department's position.

What is the Department's overall budget?

Mr Johnston: About £1.4 billion, if you take account of the policing budget, which is the biggest proportion of that.

The Chairperson: So, you can sit here at this Committee and put forward an argument with a straight face, mentioning £1.35 million as an unfunded pressure that gives the Department a concern out of a budget of £1.4 billion?

Mr Johnston: As the Committee will be aware, the Department is already facing a range of unfunded pressures, particularly on legal aid. Like all Departments, our budgets are under pressure and are reducing. I am quite sure that there would be no issue about committing expenditure to something that we believed was going to advance the cause against human trafficking. In fact, the level of resource and effort going into tackling human trafficking at the minute is considerable. I sat yesterday —

The Chairperson: I am going to stop here. That was a very short question, and I am not going to allow you to start trying to justify and explain things away. We can all have crocodile tears about the issue, or you can get on and step up to the mark. I have heard the lame rationale that was put forward for the inclusion of £1.35 million as a reason to bring to this Committee as something that we should be concerned about for a Department that has a budget of £1.4 billion. I am really not going to let you pursue some kind of waffle to try to explain that conclusion.

Mr Johnston: Chairman, I am concerned that —

The Chairperson: I am going to move on, Mr Johnston. I am chairing this meeting. We will ask the questions, and you will answer them. If I feel that you are not answering them appropriately, we will move on. The Committee members run this Committee, and I will be chairing this meeting.

As for the connection between human trafficking and prostitution, what is the primary reason for people being trafficked into Northern Ireland and internally in Northern Ireland?

Mr Johnston: It is perfectly true that the majority of cases of trafficking in which victims have been identified have been sexual trafficking. It is not the whole story about human trafficking. We see a lot of trafficking that is about drugs. There is also trafficking that is about forced labour. We have seen all of that in Northern Ireland. We are not saying that there are no links between prostitution and human trafficking; we are saying that you need to look at the totality of the issues around prostitution. Our worry is that the Bill and the proposals, particularly the Swedish model, are about one set of issues around prostitution. If you do something there and go with what clause 6 proposes, what impact do you then have? What impact do you have on women who are working as prostitutes? What impact do you have on the reporting of suspicions about human trafficking, whether from clients or from prostitutes? The police receive both. What impact do you have on those information flows? What impact do you have on intelligence that is flowing to the police? What impact do you have on the ability to identify and respond to cases of human trafficking?

We are concerned that this has been a narrow debate and that there are much wider questions that need to be asked about prostitution and how clause 6 would impact on prostitution and on women who find themselves in that position.

The Chairperson: The Bill is certainly much wider than clause 6, and I accept that a lot of the debate has been around clause 6. We cannot hold the media to account for doing that. However, I want the Department at least to acknowledge that the Bill is much more than around clause 6.

Mr Johnston: Indeed, and there will certainly be plenty of issues that we will want to discuss when we come to the more detailed clause-by-clause consideration by the Committee. We will want to see what can be done in this range of areas about human trafficking.

The Chairperson: On the issue of prostitution, does the Department see prostitution as a valid form of work?

Mr Johnston: I do not think that anybody would suggest that people who come into prostitution come in by choice and that this is, somehow, another sort of employment just like any other.

The Chairperson: With respect, that was not my question. It is not under what circumstances they were brought into it. I am asking you for the Department's view of prostitution? Is it a valid form of work?

Mr Johnston: I just hesitate because I am so conscious of the pressures that have led women into prostitution, and I do not want to say anything that belittles those pressures. I am conscious that, in the previous presentation, we heard a lot about the reasons why you cannot regard prostitution as a choice, and the Department is not trying to argue that. When I sat in front of my careers adviser at school at 16 years of age and said that I wanted to be a civil servant, I cannot imagine that there were people elsewhere who were saying that they wanted to be a prostitute. We are not paying attention to those voices that are saying that this is a choice and that people should be able to have this choice. However, we are aware that there are a lot of reasons why people have ended up in prostitution, and we just need more evidence of those reasons. We need more evidence of how policies, such as clause 6 — other countries have adopted lots of other policies — would impact on the local situation before we can make decisions on the way forward.

The Chairperson: If you are not going to give me a clear answer on that — it disappoints me that you cannot — maybe you can answer me another question around the effects of prostitution. I will give an example of some evidence. In the Oireachtas Joint Committee on Justice, Defence and Women's Rights, the Irish Medical Organisation (IMO) pointed out that working in prostitution can have seriously detrimental health effects on individuals. It pointed to a Health Service Executive (HSE) women's health project in 2007 that showed that the majority of women who came to the project who were involved in prostitution recorded symptoms related to sexually transmitted infections such as reproductive tract infection or other health complications related to prostitution, such as thrush, hepatitis A and B, chlamydia, vaginal/genital warts, urinary tract infections and cervical cell abnormality. It further pointed to the fact that one study in London found that mortality rates were estimated to be 12 times higher among women involved in prostitution than the national average. What is the Department's assessment of the effect of prostitution on the health of individuals who work in this? Again, does the Department see prostitution as a valid form of work?

Mr Johnston: Nobody is arguing that prostitution is a good thing. I hear and understand all the concerns that are being expressed about the health impacts, which is why, if we are going to have a debate on prostitution and what our attitude should be to prostitution, we should have it in a context in which all those factors can be taken into account, and not in a context that is simply about human trafficking.

The Chairperson: We have the evidence from across most of Europe; that was provided by the previous expert who was before us. Given that Lord Morrow's Bill has been up for discussion for over a year and that it highlights the Swedish model, how many times has your Department been in contact with the Swedish Government?

Mr Johnston: Happily, a lot of the information is available on the internet, and we have been able to obtain a variety of reports on the Swedish model. It would be fair to say that that variety of reports expresses different points of view, and even reports from within the Swedish Government or the Swedish public sector express different points of view. Aside from Sweden, we hear different points of view locally, and I think that those are points of view that organisations will want to express to the Committee as the Bill proceeds.

The Chairperson: How many prosecutions have there been under the relatively new offence of the criminalisation of the purchase of sexual services from a prostitute who has been subjected to force? How many have been successful?

Mr Johnston: As yet, none.

The Chairperson: Is it that none has been successful?

Mr Johnston: As yet, there have been no prosecutions. One issue about that provision is that it is subject to a six-month statutory time bar. I think that the recent discussion and debate has helped to bring this problem into focus, which is welcome. If you are going to demonstrate that someone has been subjected to force, you probably need a conviction on one of the trafficking offences first. Such a prosecution would have to go through the Crown Court and would take more than six months. As the Minister announced, we propose to find an early legislative vehicle so that we could extend that time bar to three years. That will allow any prosecutions to take place and should make that legislation more effective.

I would emphasise, however, that that provision is only part of the wider legislative armoury around human trafficking. A whole gamut of offences, both ordinary offences such as assault and GBH as well as the specific offences around human trafficking, is available. At yesterday's meeting of the Organised Crime Task Force (OCTF), I heard about some recent investigations into human trafficking, including sex trafficking. It is very clear that the police are, first, devoting a great deal of resource to this and, secondly, are drawing on the best sources of international assistance. Inquiries are going on through Interpol, Europol and Eurojust, and a great deal of technology is being used to track where trafficking is coming from and where women are being trafficked from and to. The PSNI is working at a national and international level on these issues. I would not want just one offence to be seen as the totality of our response.

The Chairperson: Finally — I will bring in other members — how many times have you spoken to Detective Superintendent Philip Marshall about this Bill?

Mr Johnston: I have not spoken to him, but I know that colleagues have quite a lot of contact with him and the department he represents.

The Chairperson: How often has your team spoken with him?

Mr Johnston: With police, on issues around —

The Chairperson: Around this Bill.

Mr Johnston: — issues of human trafficking, there is a constant dialogue.

Ms Julie Wilson (Department of Justice): We have given updates on the Bill and the Department's position and analysis of the Bill at the immigration and human trafficking subgroup of the OCTF. That has happened on a number of occasions. It has been mentioned at those meetings in the course of a general update on lots of issues. Philip Marshall has been present at at least some of those meetings.

Mr Wells: Was there any collusion between your Department and Superintendent Marshall in the drafting of his recent statement? Did your Department prompt him to do that?

Mr Johnston: The first that I knew about the statement was when I read it in the 'Belfast Telegraph'.

Mr Wells: You have deniability. What about underlings in the Department? Did any of them prompt him to write that very convenient article, as far as your Department's stance on this legislation is concerned?

Mr Johnston: I am not sure that either of my colleagues would appreciate being called underlings.

Ms J Wilson: Not that I am aware of.

Mr Johnston: I am certainly not aware of contact.

Mr Wells: I did not refer to the two ladies who are here today, by the way; I was thinking about those who are much further down the line.

Mr Johnston: We have to remember that the police have rightly been set up as an independent agency that is not under the Department's control. Maybe we can think back to situations in this country when there was less confidence in the independence of the police. So, one can understand why the police —

The Chairperson: Personally, I cannot actually recall when there was not confidence in the police going back a number of years. I am not aware of that. Maybe you are.

Mr Johnston: I am sure there are plenty of people who have written about situations in the 1960s, and even before that, when there were concerns. The police are independent, and it is right that they can express their concerns about proposals.

Mr Wells: Was it just coincidence that he happened to come out very publicly for the first time and having not bothered to make a submission to Lord Morrow during the consultation period? Was it just a coincidence that his line came out at the most appropriate time to underscore your Department's view on the legislation?

Mr Johnston: I am sure that the police are aware of the public debate that has been happening and of the fact that this is now before the Assembly. However, I certainly was not prompting them to say anything. That is no doubt an issue that the Committee will want to explore with the Chief Constable next week.

Mr Wells: We will.

Mr Johnston: I know that the maintenance of good relationships with the Committee and with Members of the Assembly is a very high priority for the police. I am quite sure that there was no offence meant or intended in anything that was done or said.

Mr Wells: I reassure you that neither Ms Patterson nor Ms Wilson could possibly be deemed underlings. They are very senior members of your support staff and would never come into that category.

There is a clear distinction between those who believe that prostitution is a perfectly legitimate, free-will service that is provided by women, some of whom want to be in it and some of whom enjoy it, and those of us who believe that prostitution involves trafficked women who are vulnerable and abused. That is the huge chasm between the two different views of prostitution.

Were you not impressed by the evidence given by Ms Ekberg, who clearly stated that it is almost impossible to find a woman who is in prostitution by choice? Indeed, that point was underlined by the recent radio interview. Women are either forced into it, trafficked into it or driven into it by circumstances. Does your Department subscribe to the view that there are women who actually want to be prostitutes and who enjoy it?

Mr Johnston: You put two points of view that are expressed at either end of the spectrum. My concern is about the Department being associated with the point of view that this is all about choice and the empowerment of women, because that is certainly not the case. There may be a very small number who have come into prostitution totally by choice. However, I am quite sure that, for the vast majority of women and men who find themselves in prostitution, there are aspects of financial coercion, family coercion or past abuse. Indeed, the Minister expressed that view to Ms Ekberg just this morning. There are many different reasons that can lead someone to be influenced to go into prostitution. So, I am not going to argue that this is somehow an informed choice that people make or that it is an issue of informed consent.

Mr Wells: Sadly, the vast majority of those who buy sexual services are men, and it is much to the disgrace of our own gender that that happens, I have to say. Do you accept that, if you make it difficult or impossible for a man to acquire or to buy a woman's services, the whole rationale for prostitution just disappears?

Mr Johnston: I wish that it were all as straightforward as that. However, I think that we need to get under the skin of the extent to which that happens. To what extent in Northern Ireland is there prostitution that is driven underground? To what extent would that deter people who prostitutes might regard as better clients and force them, if there were no alternatives for them, into working with people who perhaps put them at risk? The danger here is that you push down in one area and suddenly, something else pops up. What would this mean for women and the few men who are working as prostitutes? What other sources of income do they have, to what extent do they depend on prostitution income and what other career choices are open to them? Those are all questions that I want to get under the skin of —

The Chairperson: So, you answered my earlier question, then; the Department does view it as a valid form of work. If you are concerned about what other forms of employment there may be for people in this industry, you have answered the question: you regard it as a valid form of work.

Mr Johnston: Chairman, with respect, you are putting words into my mouth. I am sure that, if no one were involved in prostitution, that would be a good thing. However, I am also very conscious that, for all sorts of reasons, people have found themselves in prostitution. I feel that I need to respect that, and I feel that I need to respect the very difficult situations in which those people find themselves.

Mr Wells: It is a classic "knock it into the long grass" argument that Northern Ireland is very different from the rest of the world. The fact is that a lot of these traffickers are coming from other parts of Europe. A lot of these women are coming from places such as Romania, Bulgaria or Latvia, but we are different, so the classic way to get rid of Lord Morrow's Bill would be to kick it into the bushes by saying that we need more research. What is radically different about Northern Ireland that is not already known through the thousands of studies that have been carried out on prostitution in the rest of Europe? What is so different about us that requires these studies?

Mr Johnston: We do not have information on how policies on prostitution would impact locally, such as the pattern, nature and extent of prostitution locally, to give us a map on to which you can set your policies and see how they would impact. There is a big difference between how prostitution is expressed internationally.

Queen's is doing a piece of work at the moment that is looking at a number of cities, Manchester among them. Greater Manchester has a population of 2.7 million, so compared with greater Belfast, it is maybe four or five times bigger. They have 400 street prostitutes working there. We may have a number that is more like 15 or 20; we will find out more when we do the research. So, between two cities that are a couple of hundred miles apart, you have two different situations of how prostitution is being expressed.

We heard the example of Copenhagen and of what can happen when you come out of the station. Indeed, our own Minister was accosted by a prostitute and offered some services in Danish when he came out of the station at 7.00 am in Copenhagen. He does not speak Danish, but he said that it was not very difficult to work out what was being offered. For the record, I should say that he declined — *[Laughter.]* As we heard, there is a whole street there with strip clubs and saunas and so on. So, the situation in another European city is very different.

I think that we are legitimate in saying that there are different situations. Yes, there may be patterns, and yes, it is perfectly legitimate to look at international research, but I think that you need the local information.

Mr Wells: So, our prostitutes are less abused, less trafficked and less manipulated than prostitutes elsewhere in Europe, yet many of those —

Mr Johnston: We do not know.

Mr Wells: — women have come from other parts of Europe where they have been treated exactly that way. It is a strange argument, but I know that that is the classic way of trying to shelve a piece of legislation, because it is saying, "Let us go off and do more studies" or, "Let us set up a working party". That is the normal procedure.

Let us move to the situation in the Irish Republic. As you know, the Oireachtas Justice Committee at Leinster House has unanimously supported moves towards legislation that would very much be in line with Lord Morrow's Bill. You have heard my arguments about the fact that prostitution moves across

borders overnight; there is no recognition of borders at all. If the Irish go down the route of putting in strong controls over prostitution, are we in danger of having it simply move en masse up to Northern Ireland? Have you had any thought about the implications of a change in the legislation in the Republic on this issue?

Mr Johnston: That is really taking two steps ahead, because, at this stage, we do not know what the Government in the Republic are going to do. The Oireachtas Committee has expressed a point of view and made a recommendation, just as the Assembly here makes recommendations about various things. However, the decision is now down to the Department, the Minister and the Government. We will wait to see what conclusion is reached. I would not regard it as a foregone conclusion, because I know that different views are being expressed in the South. So, we will have to keep a close eye on that, just as we will have to keep a close eye on what is happening across the water and what comes out of this modern slavery Bill.

Mr Wells: Hopefully, you or the Minister will look at the transcript of the additional evidence that was given about Sweden today and perhaps consider examining the Swedish and Norwegian models very carefully. All the arguments that you put forward were put up in 1998 when this legislation was going through in Stockholm. However, the police have now turned round and said, "It is good legislation and has worked well". You told us that, under article 64A, you have had no prosecutions, never mind a conviction, whereas they told us that the number of men convicted in Sweden is running into 500, 600 and 700 a year. Is that not an indication that you have a lot to learn from the Swedish model?

Mr Johnston: With respect, that is not comparing like with like. The offence in Sweden is simply using the sexual services of a prostitute. The offence under article 64A is using the sexual services of a prostitute who has been subjected to force.

Certainly, we will look at the Swedish model. We had the advantage of a briefing this morning. I know that Ms Ekberg will send further material to the Department, and that is helpful. However, I am conscious, too, that, even from looking at the research paper that was produced for the Oireachtas, the report by the National Board of Health and Welfare in Sweden stated that it was unclear about the extent to which prostitution had increased or decreased as a result of the 1999 changes, with the result that it could not give an unambiguous answer to the question. There are other Swedish reports where the conclusions have been more measured. I am not belittling any of the evidence that we heard today — it is important that it is considered very carefully — but it is not the totality of the evidence or the opinions that have been expressed about the Swedish model.

The Chairperson: Can you elaborate on who is doing the research that has been commissioned? What is the extent of that research, and what is its purpose?

Mr Johnston: We have begun to have some conversations with relevant people so that we can draw up a specification for the research. Essentially, we want to see what is already available, what are the gaps and how best to plug those gaps. I intend, Chairman, to bring a full specification for that research to the formal Committee Stage of the Bill. As I say, those conversations are just taking place at this stage. We had a helpful meeting with Queen's yesterday. So, I will bring that specification to the formal Committee Stage.

The Chairperson: What concerns me is why the Department is not already aware of what is going on in Northern Ireland in prostitution, given its inextricable link to human trafficking. I am concerned that you need to do this research in the first place.

Mr Johnston: It is really over the past while that people in the public realm have become more concerned about prostitution in Northern Ireland. There were concerns in years gone by about the extent of street prostitution. However, the police have been working with other agencies, and the number of street workers in Northern Ireland is now very small. As I said, there has been a good flow of information to and from the police about concerns of instances of human trafficking. So, it is maybe only over the past while that public representatives have really started becoming concerned again about prostitution, and, obviously, the Department has been responding to that.

Mr Humphrey: Thank you for the presentation. For close on the past three hours, we have been debating and discussing human rights and the dreadful abuse of young women throughout Europe. The problem is not just on the European mainland, if I can call it that; it is clearly a problem that is on our own doorstep.

I will start with clause 6 and with the Department's and the Minister's concern about prostitution being driven underground. I put it to you, Mr Johnston, that, in Northern Ireland, prostitution, particularly that which is organised and driven by paramilitary organisations, has been driven underground for some time. That problem is there, and nothing has been done about it.

Mr Johnston: Actually, the amount of contact with people who are involved in prostitution, even information that comes from clients, has been quite significant. There have been a number of cases in which human trafficking has been identified because somebody who is involved in one way or another has spoken to police, rung the confidential telephone or used other methods to get in touch. I cannot comment on paramilitary involvement, because I am not particularly well briefed on that. We can certainly find out more about that. However, there is a concern that, once you start to legislate in the way that clause 6 would, there could be a risk that those sources of information will dry up and the ability to spot where human trafficking is happening could be restricted.

Mr Humphrey: I find it incredible, given the number of years of the Troubles and paramilitary activity in Northern Ireland, that the Department does not seem to have grasped that there is paramilitary organisation of and involvement in the delivery of prostitution in Northern Ireland. There have been numerous TV and radio programmes, newspaper articles and journalists' exposés left, right and centre over the years about it. Effectively, the position that the Department and the Minister are adopting on clause 6 is to do nothing.

(The Acting Chairperson [Mr McCartney] in the Chair)

I listened to what Lord Morrow said about Ms Moran from Dublin, and I tend to agree with her. I have watched television programmes about this issue, read articles about it and listened to testimonies such as that which we heard today. I do not believe that one of those girls chose what is called the "oldest profession" to make a living. I was very concerned to hear the Department trot out terms such as "career choices". Surely it cannot be considered a career choice; it is an abuse of someone's basic human rights, and we need to afford those people protection when they come to Northern Ireland.

Mr Johnston: When I said "career choices", I was not using that term to describe prostitution. If someone is working in prostitution and a considerable amount of their income is coming from that, and you then come in with something like clause 6, I was asking what alternatives are available to them in moving into regular areas of work. We want to explore that through the research. This is all about the consequences that need to be thought about when you implement a policy on prostitution. What alternatives are there? How do you support women? That was the context in which I was talking about career choices. I apologise, Deputy Chairman, if I did not make that clear.

Mr Humphrey: I think that the reality is that there can be no option that basically says that the Department or the Minister can choose to do nothing on this issue. I put it to you again that a lot of prostitution in Northern Ireland has been driven underground already and is existing underground and that people are making lots of money by exploiting and abusing young people, some of them from Northern Ireland but many from across Europe.

I will turn to the Minister's view on clause 8. I understand that Sweden became a member of the European Union on 1 January 1995. In your evidence, you said that clause 8, in the Minister's and the Department's judgement, goes "too far" in providing blanket immunity and is "beyond" — I think that that is the term that you used — the EU directive. Mr Johnston, what actions has the European Union taken against Sweden? Has Sweden been sanctioned by Brussels? Is the EU proposing to expel Sweden? What sanctions has it taken? I ask that because Sweden is one of the most liberal democracies on the globe.

Mr Johnston: I do not mean "beyond" the directive in the sense of being contrary to it. The point that I am making is that, with the changes that we have made to legislation recently, we are doing in Northern Ireland all that the directive requires. I am not arguing that, as a matter of course, victims of trafficking should be prosecuted. Indeed, I would be shocked if that were to happen. However, occasional situations can arise. I tried to give one example, which is that of someone who maybe comes in through the trafficking route and then becomes a trafficker themselves. There would need to be a very careful analysis of what exactly were the rights and wrongs in that situation, of whether that person had done something that was blameworthy and of how that was explained by the duress that they had suffered. I suggest that that sort of analysis, which is difficult and complex, is best done in the context of prosecutorial discretion, which we have at the minute, rather than in the context of a provision that says that certain people must not be prosecuted. Now, maybe there is a discussion to

be had about how exactly does prosecutorial guidance — the code for prosecutors — address that and whether it does it in the best way and so on. That is a discussion that we could have when we come to the more detailed consideration of the Bill. However, clause 8 strikes us as something of a blunt instrument, and we are worried about the unintended consequences that it could have.

Mr Humphrey: I have to say that the evidence that the Department has given today on clause 8 being beyond the EU directive is a red herring. It is a smokescreen, and, quite frankly, I think that it is a scare tactic by the Department that should be ignored. I think that, to our shame, something like 86% of the legislation that passes through the House of Commons originates in Brussels. The French are happy to ignore legislation on agriculture, and the Spanish are happy to ignore it for fishing. So, when it comes to the protection of human rights and young girls from across Europe being exploited, we should ignore it. If this is something that the Department or the Minister will use to say that we should not put in place laws to protect people, it is, frankly, a nonsense.

Mr Johnston: Can I —

Mr Humphrey: No, I need to make progress. I want to talk about the potential for the law to be changed in the Republic of Ireland and the Dáil Committee report and, as we heard earlier, the law being changed in England and Wales. I am very concerned that the Department's and the Minister's position, as you outlined today, will basically mean that, as Mr Wells mentioned, the problem will be dumped over the border into Northern Ireland. I put it to you that Northern Ireland will become one of the soft underbellies of that heinous crime and abuse of human rights. We cannot allow people to be exploited and exposed in such a way and not do as much as we can to stop it happening.

The Deputy Chairperson: I do not think that you should be directed by members, but if there is something that you feel that you have to rebut, you are entitled to do it when giving evidence today.

Mr Johnston: Thank you, Deputy Chairman. As I said, a great deal is already happening with human trafficking, and the PSNI is very well tied in to that work. Bearing in mind that we are a small jurisdiction, we are as tied in to international networks and information as other, bigger jurisdictions. That has been given a real priority in catching offenders, in supporting victims and in making sure that the right arrangements are in place.

I think that two questions need to be asked about clause 8. One is that, in the law of Northern Ireland, as I understand it, duress is not a defence to murder. It does not matter how much pressure somebody puts on me to kill someone else, I must not do it. This clause is introducing a situation in which duress could be a defence to murder. There is an argument to be had about that, but it is one of the issues that will need to be considered.

Clause 8(a)(vi) is about a victim who has received payments or benefits to achieve consent. Does that mean that a victim who has been trafficked and is then offered £100,000 to do something is automatically exempt from prosecution? I think that we would want the discretion to examine the rights and wrongs. There are some concerns about what clause 8 means in practice. We want to explore those and what alternatives to clause 8 there might be that would achieve the same thing.

Mr Humphrey: That is what the police and courts are there for.

Mr Johnston: Indeed, and the prosecution.

Mr Humphrey: If you do not put the laws there to protect people who are not getting the mythical £100,000 that you are talking about but who are being abused day and daily and are afforded no human rights, I honestly believe that Northern Ireland will be one of the soft underbellies for that appalling abuse and that we will not have the armoury to deal with it in laws and legislation.

Mr Johnston: I can say with certainty that the Minister is determined that we do not become in any way soft on human trafficking. However, the question that the Committee will need to address is whether the Bill and every provision in it is the best way of achieving that.

Mr Humphrey: The evidence that we heard today does not give me confidence that the Department's or Minister's position will prevent that happening.

Mr Easton: If we go back to the meetings with DS Phillip Marshall, you said that there were some meetings to discuss human trafficking and that he was there. Have any of those meetings been solely to discuss Lord Morrow's Bill?

Ms J Wilson: No. They have been in the context of the wider OCTF immigration and human trafficking subgroup. It was mentioned in updates to that group when there was a general round-up of things that were happening. The discussion was not on the Bill; it happened in the context of other issues.

Mr Easton: So, clause 6 was never discussed at any of those meetings?

Ms J Wilson: Not to my memory. It was discussed generally as part of a wider round-up of issues that we were updating. For example, when the Bill was introduced, we would have highlighted that, or we would have said that we were expecting the Bill to be introduced shortly. We did not look substantively at the issues under the Bill.

Mr Easton: So, to the best of your knowledge, there have been no meetings with this police officer to discuss the Bill.

Ms J Wilson: It has come up in conversations. We have not had meetings to discuss the Bill.

Mr Easton: But it has come up in conversations.

Ms J Wilson: Yes.

Mr Easton: Was the Minister present when those conversations happened?

Ms J Wilson: Other than the meetings that the Minister held with stakeholders in the summer — Philip Marshall attended one of those — they were the meetings referred to in the paper that we provided.

Mr Easton: We got figures from Lord Morrow today about human trafficking and prostitution. He gave figures from 2008 and was able to show that the vast majority of prostitution cases came from human trafficking cases. How come you do not seem to have that sort of data? You indicated that there is no real data for that, yet Lord Morrow seems to have the data.

(The Chairperson [Mr Givan] in the Chair)

Mr Johnston: I think that we are talking about two different things. The figures that Lord Morrow put up on the screen were the data on potential victims of human trafficking, who are referred to in the national referral mechanism. We have those figures, and, if it would be helpful, I can give you a year-by-year breakdown of how many victims there were of sexual exploitation. There are lots of data for human trafficking, and we can analyse it in all sorts of ways. There is a dearth of information on prostitution. The police can make estimates — even they would say that they are just estimates — of the numbers that are involved in prostitution. However, we need to know more about the nature of prostitution in Northern Ireland and about some of the other issues that have been flagged up to the Committee.

Mr Easton: So, you have estimates from the police.

Mr Johnston: Philip Marshall, in his article, quoted some estimates. We have kept in touch with the police on this over the years and have had conversations from time to time about the sorts of numbers of women who are involved in street prostitution, for example.

Mr Easton: OK. You also made reference to the consultation. You indicated that you felt that the consultation was not wide enough and did not have enough scope. Lord Morrow, in his consultation, has written to councils, the Assembly, churches, charity groups and all sorts of other groups. Is that not good consultation?

Mr Johnston: That consultation has certainly covered a wide range of people. A particular set of questions was asked and set out in the consultation paper. Our hesitation is twofold. First, that consultation was very focused on human trafficking. We are just conscious of all the wider prostitution

issues that we think need to be considered before you go forward with a clause 6 proposal. Secondly, we have asked Lord Morrow for copies of the responses, as has the Committee. He has responded helpfully. He wants to check that people are happy for those responses to be shared with the Department. I am not aware that there was any particular engagement with people who are directly involved as sex workers. That is an important constituency of people whom we want to make sure is covered.

Mr Easton: I notice that he consulted Sex Work IE, whatever that is. Is that organisation not something to do with the sex industry or knowing something about it?

Mr Johnston: We will see when we get copies of the responses. However, I am not aware that individual sex workers were consulted as part of the exercise.

Mr Easton: That organisation would have a great in-depth insight into that sort of way of thinking. You might not be correct there.

Mr Johnston: I am willing to be corrected. As I say, we have asked for copies of those responses.

Mr Easton: Lord Morrow's consultation indicated that 80% seemed to be very supportive of the Bill and, certainly, of clause 6. Do you not take that into consideration?

Mr Johnston: Amanda might want to say something about the meetings that were held with a range of organisations over the summer. The feedback that we got was more mixed, not about the importance of being tough on human trafficking but about the specific proposals.

Ms Amanda Patterson (Department of Justice): People had concerns that to adopt clause 6 would perhaps not look widely enough at the issue of prostitution in Northern Ireland and about the ongoing effects that it might have on different individuals. As Gareth said, it was not supported in that respect. A lot of the non-governmental organisations felt that it was not based on sufficient local research and information as to the wider aspects of prostitution, namely the effects on people who had not been trafficked but who work in prostitution and what it might mean for the safety of those vulnerable women. Those are the concerns that are put to us, which is one of the reasons why the Department has decided that it needs to carry out some further research.

Mr Easton: Were those organisations the same ones that wrote back to Lord Morrow?

Ms Patterson: I do not know.

Mr Easton: You do not know. How come the 80% who are supportive of the Bill are not complaining about what you say your groups are?

Ms Patterson: Because it might have been a different question that we were discussing at the time, rather than the Bill as a whole and the need to address human trafficking. The question of criminalising prostitution and its effect on the wider problems has not really been addressed; they were not responding on that particular point.

Mr Easton: Why did you start consulting these groups? Was that done as part of your own Bill, or was it done just to muddy the waters for Lord Morrow's Bill?

Mr Johnston: This issue was gaining prominence, and the Bill was coming to the Assembly. It was important that we, as the Department, were informed on the current thinking out there.

Mr Easton: The Department does not seem to like clause 6.

Mr Johnston: I cannot imagine what gave you that impression. *[Laughter.]*

Mr Easton: Does that mean that the Department of Justice supports prostitution?

Mr Johnston: No.

Mr Easton: How can you justify that answer when you want to keep it legal?

Mr Johnston: It is one thing to say that there are issues and challenges in respect of prostitution that we need to address in Northern Ireland; yes, that is fine. However, when you look internationally, you see that there are lots of different examples of how this has been done. There is everything from the Swedish model to Germany, where they have liberalised everything and you can quite happily get on with selling or buying whatever services you want.

Mr Wells: You are not selling services; you are selling women. Be careful: it is not a service; you are selling women.

Mr Johnston: I am quite happy to adopt that language; absolutely.

There is a wide range of examples of how different countries have coped with this. We are not denying that there are issues about prostitution. We are simply saying, "Hang on. Why do you take the particular example that has been used in three countries — Sweden, Norway and Iceland — and apply it to Northern Ireland? Is Northern Ireland in 2013 maybe not a bit different from Sweden in 1999?" We are not saying that you do not consider it. We are simply saying that you should not take one of a whole variety of models and superimpose it onto a different situation.

Mr Easton: The reason why the Swedish model is so good is that Sweden has reduced its prostitution rate by 50%; the figures were produced earlier. I cannot understand why you are saying that the Justice Department does not support prostitution but is not willing to legislate, or allow someone else to legislate, to stop it. It seems to me that there is doublespeak going on. Does the Department support prostitution or not? You cannot say no, if you are not going to do something about it. What is the Department's position?

Ms Patterson: I think that the Department has a responsibility to look at the effects and impacts on women and vulnerable women before taking —

Mr Easton: Why are you not doing something about it?

Ms Patterson: We are going to look —

Mr Easton: But you will not support clause 6.

Ms Patterson: We think that clause 6, at the minute, could have a possible negative impact on individuals who are working as prostitutes.

Mr Easton: We want to stop that, so why does the Department not want to stop it?

Mr Johnston: The Department is taking a range of actions on prostitution. In the context of its strategies on domestic and sexual violence, the Department is making sure that there is specific mention of the issues around children leaving care, which is a particular concern for the Department regarding prostitution. The establishment of The Rowan, a sexual assault referral centre (SARC) in which the Department has been very much involved, is another example of something that is available to sex workers and allows for easy — well, nothing is easy for people who have been attacked. It allows for confidential reporting in therapeutic surroundings if there are concerns about clients who have been violent, or whatever. I could list other things.

Plenty of stuff has been happening on prostitution and human trafficking. We simply need to ask whether clause 6 is the right thing to do in Northern Ireland. Again, I quote from a research paper that went to the Oireachtas in the context of their discussions on the Swedish model. It says:

"Nevertheless, the Swedish authorities cannot estimate with any degree of certainty how many indoor prostitutes, who form the majority of prostitutes in Sweden, there are."

I am not trying to take an absolute view, but when you say that there has been a 50% reduction, I am trying to say that there have been questions asked about the statistics quoted.

The Chairperson: It gets back to the point about who submitted that research. What is the ideology that governs where they are coming from? I think that this gets to the core of the issue for Northern Ireland as a society: what is our ideology on this particular issue? Are we in favour of women being abused or are we not? Are we just going to treat the symptoms? I commend what the Department is doing. I have been to the SARC in Antrim; it is fantastic. We can treat all of the symptoms, or we can get to the core and deal with the cause and effect, and the supply and demand. That is where we need to be, and that is why clause 6 is so important, from our perspective, because it gets to the core driver of what is actually happening in Northern Ireland.

Mr Easton: To me, your Department would not have been doing anything had Lord Morrow not brought this Bill before the Assembly. To be honest with you, you are just playing catch-up. I have to say that if the Department and the Minister do not support clause 6, then I have to ask whether you are supporting prostitution. You are not doing anything to fix it. I will be very disappointed with the Department if you do not support clause 6, because you are not doing anything to do away with prostitution and help protect all those vulnerable women.

Clause 6 is vital to reducing prostitution and all of the things that go along with it — all of the sexual diseases, the murders and the beatings. Clause 6 is vital to protect these women. If you do not support it, the charge will be laid at your Department that it is supporting prostitution.

Mr Johnston: The Department wants to protect vulnerable women —

Mr Easton: Well, do something about it.

Mr Johnston: The question is whether, in the Northern Ireland situation, clause 6 would result in protections for vulnerable women or whether it would open up new difficulties that we have not had until now. We need the research so that we can assess the impact of the likes of clause 6 or other policy options. I come back again to the volume of work that has gone on in the Department, the police, the prosecution service and all the agencies on human trafficking. That includes the new offences that were introduced earlier this year in the Criminal Justice Act; the action plan, with input from the Organised Crime Task Force, that has been put in place; the training needs that have been addressed, through which 4,000 police have received online training and there has been particular training needs analysis for detectives; the development of an operational field guide for PSNI officers; the cross-border cooperation between us and the South, which I suggest is second to none compared with any European borders; the support services provided to victims; and the development of a new policy in the Public Prosecution Service for handling human traffic cases. I could go on. The issue has been very high on the Department's agenda, and I regret that our concerns about a particular clause of the Bill that does a very particular thing somehow calls into question the Department's commitment to combating human trafficking.

Mr Easton: If a Justice Department, which is here to introduce laws to protect society, cannot support a Bill to stop prostitution, there is something very wrong with that Justice Department.

Ms McCorley: Go raibh maith agat, a Cathaoirleach. I do not want to delay things. I want to express some concerns about the black-and-white approach that is being taken to clause 6, whereby if you have concerns about clause 6, it means that, somehow, you support prostitution. It flags up that we need more information to make decisions based on our informed judgement, and we have responsibility to find the research and the information that allows us to make our judgement and decisions. It is not really right that we should be asked to adopt law that operates in other jurisdictions without basing it on data and evidence from the jurisdiction in the North. We would not do that on any other issues, so why would we do it on this issue?

Mr Johnston: When you look at the example of Sweden, you see how a great deal of thought over a number of years was given to all the issues around prostitution. It came out of a very different context from the human trafficking context that we are discussing today. It came from a desire that has been very strong in Sweden for gender equality and from a view that any purchase of sex was an expression of violence against women. That is a discussion that I would welcome us having, and I am sure that it would be important and useful. However, that discussion is distinct from the aspects of human trafficking that we are talking about today, and it is a discussion that needs to happen in an engaged and comprehensive way so that everybody has an opportunity to contribute to it.

Mr A Maginness: If clause 6 was not in the Bill, would you support the Bill?

Mr Johnston: As we have said, the Department's analysis is —

Mr A Maginness: I have an open mind on clause 6, but would you, as a Department, be supportive of the Bill without clause 6?

Mr Johnston: We feel that some bits of the Bill replicate things that are already in place, and there are some that we have concerns about. Clause 6 is the major concern. As I have set out and as is set out in the papers, we have concerns about a number of other clauses. We could have a discussion about that through the Committee Stage and could certainly look at alternatives. The Department would still have concerns about the Bill as a whole, but, certainly if clause 6 and the relatively small number of areas that we have highlighted were addressed — well, I do not want to go too far ahead of myself. I would need to discuss all that with the Minister, but maybe for now I can say that it would certainly help to put the Bill in a different light.

Mr A Maginness: I heard your criticisms of the Bill in relation to clause 8. I think that that is easily amended by providing for partial immunity. I heard your criticism in relation to clause 16 on the rapporteur. I cannot see any problem with having a Northern Ireland rapporteur. I have listened to you in relation to clause 4 about mandatory sentences. I do not support mandatory sentences, but there is a let-out section in that clause in any event. It is not an absolute —

Mr Johnston: There is an exceptional circumstances provision.

Mr A Maginness: You could, in fact, amend that even further to make it more flexible. And then, I have heard you say that there are many other aspects of the Bill that have already been addressed under other legislation. However, the point that should be made is that, in effect, this Bill consolidates that legislation and that is a valuable exercise in itself. The point that Lord Morrow made — I thought very convincingly — is that it is right that we seize the initiative and take the lead in this key area. This Bill provides us with the opportunity to do that. That is a fairly noble aspiration on the part of Lord Morrow, and I think that the Department shows a lack of ambition in that area.

Mr Johnston: There were already legislative plans — they are set out in detail in the paper — where we felt that improvements could be made to legislation. That has been part of a rolling programme of work on human trafficking, both legislative and non-legislative. Today, we have spent an awful lot of time on clause 6 and the issue of prostitution, but I think that it is helpful to bear in mind that the Bill covers much more than that. We will have discussions at a later stage about the impact of individual clauses, the detail of the concerns that the Department might have, and what alternative approaches there might be. We will welcome those discussions when we come to them.

Mr McCartney: I suppose that in some respects — I made this point earlier and when I spoke to Lord Morrow this morning — we must be as well informed as we possibly can be before we make any decision. That goes for any piece of legislation. There is a tendency that, because you are for something, you want to rush it through. There is a feeling that, since this sort of thing worked in Sweden, it should work here, so let us just pass legislation. If we did that, all of the legislative process would become redundant, near enough. What need for these Committees? What need for an Assembly? Why not just have somewhere in the centre of Europe where laws are made and we can just transpose them to here? We cannot have that. It is important that we scrutinise it.

As to the research that you will be doing, the onus is on you to complete it as speedily as possible. People may feel that, because you are opposed to it, it is going to take a year. I am not saying that it will be a desktop operation. Certainly, if we get that research as quickly as possible, we will be in a better position. Have you any timescale?

Mr Johnston: When I have more detailed specifications of the research at Committee Stage, I will be able to give you a better estimate of the timescale. However, we are already exploring some mechanisms that will let us get it done more quickly.

Mr Elliott: My question, on the Bill itself, is along the same lines as Mr Maginness's. In your presentation — I do not want to go into it too much because both it and Lord Morrow's presentation were very detailed — you indicated that you could still support the Bill. You said that the Minister's view is that clause 6 should not stand part of the Bill, which sounds to me as though you are accepting the Bill but not some aspects of it.

Earlier in the briefing document, you say that the Minister has significant reservations about a number of clauses in the Bill. So, again, as Mr Maginness has outlined, that is almost saying that you support the Bill but not some aspects of it. I am looking for a bit more clarity on where the Department is going to go. Is it going to totally oppose the Bill, or will it table amendments and try to progress it?

Mr Johnston: Today has been about looking at the general principles of the Bill, and we are maybe getting to things on which I will need to have discussions with colleagues and the Minister —

Mr Elliott: Sorry to interject, but the point is that we are talking about the principles of the Bill. Is the Bill going to go forward or not? Are you going to support it going forward? That is the key issue.

Mr Johnston: We are all aware that, on the issue of whether the Bill goes forward, we will be subject to the views of the Assembly. I am not able to say what way the Minister wants to vote at Second Stage; I have not had that conversation with him. Today has set out that there are a number of significant concerns. As we go forward, we will explore how those concerns could be dealt with.

As you said, the Minister feels that clause 6 should not stand part. It is difficult to see how our concerns about clause 6 could be addressed other than by excising that clause. With regard to other parts of the Bill, there are discussions we need to have.

The Chairperson: Thank you very much.