



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Human Trafficking and Exploitation (Further
Provisions and Support for Victims) Bill:
Turn Off The Red Light

9 January 2014

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 Sydney Anderson
Mr Stewart Dickson
Mr Tom Elliott
Mr Seán Lynch
Mr Alban Maginness
Ms Rosaleen McCorley
Mr Jim Wells

Witnesses:

Mr John Cunningham	Turn Off The Red Light
Ms Claire Mahon	Turn Off The Red Light
Ms Monica O'Connor	Turn Off The Red Light
Mr Jerry O'Connor	Turn Off The Red Light

The Chairperson: I formally welcome the team from Turn Off The Red Light: Claire Mahon, president of the Irish Nurses and Midwives Organisation; Monica O'Connor, researcher and activist on trafficking and sexual exploitation; John Cunningham, chair of the board of the Immigrant Council of Ireland; and Jerry O'Connor, communications manager of the Immigrant Council of Ireland. You are all very welcome. We appreciate you taking the time to help us in our deliberations on this issue. I will hand over to you, and then, I am sure, members will have questions.

Mr John Cunningham (Turn Off The Red Light): Thank you, Chair. On behalf of the Turn Off The Red Light campaign, I thank you and members of the Committee for having us here today.

As I was sitting at the back, what struck me immediately was that it is a great point of progress, as far as I am concerned, that this conversation is taking place at all. I looked back at when we started our involvement in the process. Let me tell you that we had more questions than we had answers. It has taken us quite a journey to get the point where there is, I suppose, a coordinated sense of what we are doing right now.

I am chair of the Immigrant Council of Ireland. We are an NGO that defends the rights and entitlements of immigrants living in Ireland. As part of our ongoing service delivery, we were identifying, over time, women and girls as young as 14 who had been trafficked into Ireland for the sex trade. At the time, when we looked to see what we could do about that, we lived in an environment where there was an absolute denial that trafficking was taking place and where it was seen as

something of a myth. We carried out a very important piece of independent research that definitively proved that trafficking did take place and that it was linked directly to the sex trade and criminality. As a result of that, an awful lot of developments have taken place since.

The Turn Off The Red Light campaign is a coalition of over 68 organisations. I suppose that what is really quite extraordinary in that context is that the 68 organisations represent over 1.6 million people living in the South. They are from the unions, farming organisations, youth organisations, other NGOs, business representatives, the trade union movement, academics and human rights. It is a very broad church. The figure of 1.6 million gives us great encouragement with regard to the work that we do. Certainly, from a political point of view, in the South, having an organisation that represents 1.6 million people gets attention.

To create the context, it is really important to mention that the Turn Off The Red Light campaign put forward the recommendation to criminalise men who buy sex, because the belief was that the demand was the way in which to deal with it. Again, we have had so many detailed debates in trying to get our heads around whether this is the right thing to do and whether any other options are available to us. We believe that, fundamentally, it is the right thing to do.

We have secured unanimous backing from the cross-party Oireachtas Committee on Justice, Defence and Equality. We have recommended to the Minister for Justice and Equality that this law be enacted. That recommendation has been passed to the Dáil, and Minister Shatter is currently reviewing that piece of legislation.

We have the four parties — Sinn Féin, Labour, Fianna Fáil and Fine Gael — in direct support of what we are doing. Three of those parties — Sinn Féin, Labour and Fianna Fáil — have signed up to the constitutional support of their own parliamentary parties at their own party conferences. We have the support of 22 local councils across Ireland. That gives us a sense that we have a very broad level of support for what we are trying to do.

It is really important today that the Committee gets to ask as many questions as possible. Our colleagues from Ruhama have given a very clear view of a lot of the issues. I would like to spark that conversation by inviting Monica O'Connor to give an insight into her experience and her work to date. That will inform the discussion so that we get the best out of it.

Ms Monica O'Connor (Turn Off The Red Light): Sarah and Gerardine have covered a lot of the broader issues, but I was struck by the discussion about research and evidence. My background is that I have spent the past seven years researching and looking at the evidence, and I took your point about what constitutes the research base and the evidence out there. Briefly, I wanted to go back to the core issue in relation to evidence of the different policy and legislative approaches to prostitution and trafficking for sexual exploitation.

At this stage, we are 10 years on. We have overwhelming evidence and research that indicates two very different approaches and the failure and effectiveness of both of them. This is a unique opportunity. We have a unique opportunity in Ireland now, in these two jurisdictions, to learn from that evidence.

The first approach is to see a rigid demarcation between trafficking for sexual exploitation and prostitution and arguing that they are two separate issues and that we should not have an integrated Bill, as you are suggesting here with clause 6. It is based on the assumption that the state differentiates between a legitimate demand to have women and girls available for sex and for sale, on the one hand, as opposed to those who are trafficked into the country.

Very clearly, that approach has been implemented most in the Netherlands. That was the approach that they took 10 years ago. They took the idea of desirable prostitution; their law states that there is a need to differentiate between desirable and undesirable prostitution. By undesirable, they believed — these are a lot of the arguments that come up from a sex worker's perspective — that you can create a rigid demarcation between coercion and force, pimping, children, underage, organised crime and, in particular, trafficking, and that you can, in some way, police and regulate a sector such as the sex sector in such a way that that approach, from a policy and legislative perspective, works and is effective. On the one hand, for example, in the Netherlands, there is very strong anti-trafficking legislation and massive infrastructure to tackle trafficking, coercion and pimping. On the other hand, therefore, there is a very clear legal regime.

I will give some of the figures that have resulted, based on the evaluation commissioned by the Dutch Government and carried out by A L Daalder in 2007. That is the evidence that we need to be looking at, not just the Swedish approach. This is where we are headed in the South. There is a regime of tolerance for prostitution on the one hand and, on the other hand, very strong anti-trafficking measures which, in fact, are totally ineffective, as we have seen, and as Sarah has said.

Where are they now in Holland, 10 years on? I will just give you an indication of what is happening in some sectors. In the legal sector, there are now 25,000 people in prostitution in Holland, primarily women and very young women. The national rapporteur on trafficking and the evaluators have both said that they have no estimates of the numbers in the illegal sector, and the police would agree with that. In the illegal sector, there are non-location-bound premises, escort agencies and internet prostitution, none of which is being policed. In fact, the Dutch police would say that it is not policeable. What about trafficking? For those 10 years, the Dutch figures are overwhelming. They are identifying between 900 and 1,000 victims of trafficking a year. That is the case, given that they have no policing of the illegal sector. Pimping is widespread. Remember that there is always a relationship between the legal sector and the illegal sector. One of the worrying things that the research shows is that you have 18-year-old girls, for example, going to the legal brothels with their birth certificates on their eighteenth birthday to enter the brothel. Obviously, the evaluators and researchers know that those girls did not suddenly appear and that they have been in prostitution for many years in the illegal sector.

A lot of the concerns in Holland about that, which I accept, are about women's health and well-being. That was part of the rationale, where people said, "Well, we can police the sector". I think that academics and researchers in Holland are very clear that it is not a sector that is amenable or open to regulation. It is not a sector that is going to allow inspection. Actually, the mental health indicators in Holland are now far lower for women in prostitution than they were prior to the legislation. As Sarah said, only 6% of the municipalities in the Netherlands have actually implemented the exit routes.

It is always worth looking at where we would be heading without this law. I was part of the research in the South, and, as Sarah said, at this stage, we are talking of at least 1,000 women in prostitution. We have very robust legislation on trafficking, and we have not a single effective prosecution for many areas of that prostitution law. So far, we have had 16. Having spoken to the Department of Justice even a couple of months ago, I would say that the vast majority of those cases under the trafficking law could have been prosecuted under the child sexual exploitation Act of 2000 and other sexual offences Acts. He would say that we probably have between one and three cases on that, and that is with a massive infrastructure of trafficking legislation with all the intentions, as you said, of putting in a very strong, robust piece of legislation. It is ineffective in tackling the demand, as we talked about.

So, what is another approach? I will mention some figures for Sweden, because people have been asking whether the evidence is there. The evidence, as you said, Chair, is that, of a population of nine million, 600 women in Sweden are in prostitution. That is the evidence from academics, researchers and the figures from Eurostat. It is not an opinion. I think there are a lot of opinions on the issue, but I strongly urge people to look at the evidence. Compare those figures with Denmark, which has a population of 5-6 million. You will see that 5,500 women are visible in prostitution. In Norway there are over 3,000 people in prostitution. So, if you do comparative figures across the Scandinavian and Nordic countries, you very clearly see further evidence of the effectiveness of the Swedish approach.

I will draw your attention to two other papers that I think would be helpful to the Committee. The International Labour Organization has just published two papers by economists that clearly demonstrate one very simple fact. There is a direct correlation between scale and percentage. In other words, the more you allow the sex industry to grow, the bigger the scale of trafficking. It is very simple. The paper is not simple; it is an economic paper that worked out all the correlations and figures. However, the International Labour Organization does not take a position on prostitution. Those are two independent papers, both of which say that, if you allow the sex industry to grow, you allow trafficking for sexual exploitation to grow. It is very simple in that sense.

Finally, where the role of the state is concerned, I think that one of the difficulties in trying to separate prostitution and trafficking is that you are focusing the responsibility of the state to protect the human rights of a certain group of women and girls. You are saying, in effect, with the legislation on trafficking in the South, that it is illegal and unacceptable to buy those girls and women, but, by introducing legislation that leaves out a clause 6 and does not introduce a specific clause that addresses prostitution, you imply — for the first time in the South we now have it enshrined in law — that it is all right and legal to buy sex from all those girls and women. I have interviewed Irish women, migrant women and trafficked women in prostitution. I have interviewed more than 30 women over the

past few years, and I have to say that differentiating the level of violation of bodily and sexual integrity in terms of state responsibility across those girls and those women is really unacceptable. I interviewed young Irish homeless girls and women who had been in it since they were 15 and young women from Moldova and Nigeria. From my perspective as a researcher who has examined a lot of the different state structures, I think that the responsibility of the state is to address all that and not just to differentiate between voluntariness and consent. I have ample reports in evidence from research, but I would stress that we are 10 years on from 2000, as we have evaluations, research and a body of evidence that indicates all those things to us.

The Chairperson: I will pick that point up. Are men here not different from those in Sweden?

Ms M O'Connor: Are men different in the South or the North?

The Chairperson: In both jurisdictions. We are probably not too dissimilar to people in the Irish Republic here in Northern Ireland.

Ms M O'Connor: I am not sure how to answer that question. I have a 34-year-old son who has a couple of very good Swedish friends, and he says that, over the past 10 years, there has been a shift. I will come to men from the North and South. We have to remember that the primary role of the Swedish law was declarative and normative; its primary role was not punitive. It was saying to young men that it is not acceptable to buy a girl or woman but that it is acceptable to negotiate adult consensual sex. So, in a sense, that has permeated society much more than the punitive aspect, although that is absolutely essential because it is a deterrent. However, we can change minds through the law. Men in the North and South are not different. The figures internationally demonstrate that the more the industry grows and becomes normative, the more men and young men will see it as more acceptable to buy. So if you allow the industry to grow in the North and the South as it has, it becomes more normative and more acceptable, yes.

Mr Wells: I am intrigued about how all-embracing your organisation is in the Republic. You say that you have the full support of all the mainstream political parties. When you say that, do you mean that they have membership of Turn Off The Red Light?

Mr Jerry O'Connor (Turn Off The Red Light): In three of the political parties — Fianna Fáil, Labour and Sinn Féin — delegates have passed motions at their conferences, and Fine Gael members of the Justice Committee have unanimously backed the recommendation for the law. The only reason that there has not been a vote in Fine Gael is that an opportunity has not arisen. There is an ard-fheis planned ahead of the local and European elections, and it is our intention to have a motion then.

Mr Wells: Were all the main parties represented on the Oireachtas Committee —

Mr J O'Connor: Yes, and independents.

Mr Wells: There were no abstentions.

Mr J O'Connor: No, it was unanimously agreed by independents and members of parties.

Mr Wells: I suspect that we will not have the same consensus up here, but it is intriguing that parties on both sides of the border may have a different view depending on what side of the border they are on.

Mr J O'Connor: I am sure that the members of the Committee in the South will sympathise with the body of work that you have to do. It reached its decision on the back of 800 written submissions and six months of hearings.

Mr Wells: One of the arguments put forward is that a classic way of getting rid of something is through more research. We need a Committee to collect the stats. We cannot introduce such a sweeping change in legislation without hard facts, studies and long-term investigations. Was that the view of any of the mainstream parties in the Republic before they backed the Turn Off The Red Light campaign?

Mr J O'Connor: The Turn Off The Red Light campaign did not go per se to the oral hearings in the South; members were invited individually. I can only speak for the Immigrant Council, which made its submission, and that issue did not arise.

Ms M O'Connor: As far as research is concerned, I would worry that this is a way to kick to touch. I am a real believer in research and I am committed to it, but I think that it can be a failure to act and a failure of courage. There is ample evidence, and I think that it comes back to the question of whether we are saying that we need 10 more years of research or whether we are willing to look at the evidence that is there. I agree, I think that it is really helpful to get a good presentation of the evidence that is there.

I think that the effectiveness of different legislative frameworks is critical for the deliberations in the South. I addressed the Oireachtas joint Committee and the Senate in the South and, in both cases, it was critical that all members had access to the body of evidence that exists. It gave them the confidence that this law is implementable, effective and workable. I think that without that evidence, people can feel unsure. One of the things they say is that they need more research, whereas I think that we should gather that evidence first.

Mr Wells: Did any of the main political parties raise as an issue, when they were supporting you at any stage, that more research was needed?

Ms M O'Connor: No.

Mr J O'Connor: Certainly, not in any forum in which I was involved, no.

Mr Wells: To lead on from the Chair's point, could it be that Northern Ireland is such a radically different part of Ireland, in the behaviour of those who purchase sex, pimps, and those in the sex trade, that you would require that research before you could implement something that is acceptable in the Republic but may not be seen as being so in the North?

Ms M O'Connor: It is the same question that you asked at the beginning about whether there is a difference. The sad thing is that the research is almost universally consistent in relation to buying. It is indiscriminate. For example, I did research on times; and it is lunchtime and after work, primarily in the financial sectors in the South. Those are the figures. It is mostly, as Sarah said, middle-class professionals. We have 10 studies of demands and buyers in Europe and I can cite all of them. They are very consistent. There are global studies and I have read them all. They are absolutely consistent. I doubt that they are going to be very different in the North; they are saying that it is the professional class. The more the industry grows, the more normative it is, the more younger men will buy. They are indiscriminate in relation to whether women are trafficked, coerced, pimped or independent. There is a huge level of dangerous unprotected sexual activity that is very dangerous for young women's health.

The other thing is that I have studied 1,000 reviewers' posts on the internet, which are universal. In other words, they are about sexual gratification and show very little concern. They are very dehumanising and objectifying in relation to young women. I have drawn together some of this research that shows all the common factors across the countries and I do not believe that the North would be that different.

Mr Wells: I will ask a question that troubles me, and the point has been raised. I suppose I am playing devil's advocate to some extent, but some of these women are from terribly poor parts of the world — Moldova, Nigeria, Cambodia or Vietnam — and the choice for them is not between a perfect life and a poor life. The choice is between a pretty wretched life and an absolutely awful life. So, for these women, prostitution in Ireland, North and South, is a way out of abject poverty. We are not saying that the next step up is anything but pretty awful as well, but it is better in the sense that they have more money and they have got accommodation and whatever. Is there an argument that at least that form of prostitution offers a way out of a completely wretched life back at home?

Ms M O'Connor: First, I do not believe, and we do not believe, that prostitution is a solution to women's poverty. It is not a solution to migrant women or Irish women's poverty. There are very few longitudinal studies, but there is one major study that clearly demonstrates — I have interviewed over 30 women, and this is also my experience — that women are impoverished after prostitution. Prostitution does not solve impoverishment.

Secondly, on top of that, they have lost probably 10 years. This study, the De Riviere study, is over a period of five years subsequent to women leaving prostitution. It is a very interesting study because it tracks all the years that normally young women would be in school, in education and achieving skills and training for the education, training and work market. They lose all those years in prostitution. Remember that it is a young woman's market, with very few women remaining in prostitution over the age of 35 or 40. They have therefore lost those years.

The third issue is mental health, the fourth is sexual and physical violence, and the fifth is complex trauma. The reviewer looked at those five key indicators. In her study, she clearly indicates that it is not only not a route out of poverty but a route into more impoverishment. When you, like Ruhama said, meet women who have been in prostitution for 10 or 15 years, it is clear that the notion that it is a lucrative job that, in one way, provides an exit from poverty is a dangerous myth. Furthermore, I have identified women from Benin, Moldova and other places that are highly impoverished. Of course we need to address women's poverty, the feminisation of poverty and gender inequality in those countries. However, what has happened in, say, Holland or other countries, or along the borders of Germany with Czechoslovakia and non-accession countries, is a critical issue that needs to be addressed. The industry is drawing in impoverished women. I spoke to the Lithuanian Minister of the Interior, who told me, "You don't need to coerce our young women into the sex industries of the western countries". The glamorous image that prostitution will give them a route out of poverty has been created.

It is a very good question that you ask. Again, the evidence needs to be clear on the long-term outcomes for women.

Mr Wells: Clause 6 is intended to reduce the amount of trade for those types of women. However, there is also an argument that it will reduce the trade for those who have made an independent, free-willed decision to become prostitutes, particularly at the upper end of the market. They would argue that they enjoy their lifestyle and that they become wealthy. There are stories of women charging £1,000 a night around top-class hotels in London. On the web, they indicate that they are perfectly happy. Why therefore should you use the clause 6 hammer to crack a nut when there are a lot of women who are not trafficked and are not looking out of the industry? Why should their career, if you call it that, be taken away from them simply to tackle the lower end of the market?

Ms M O'Connor: I seriously dispute, from my interviews and research, the notion of a high end and a low end. I will give you an example of a young woman from Brazil whom we interviewed during the research. She was in the top end of the market. What happened to her is very typical. At that end of the market, as opposed to buying her for an hour, men paid €400 to have her for a night, and there were no boundaries whatsoever. She had been in the South for six weeks. She had been a university student in Brazil. She was offered a year to work as an entertainer in Ireland because it would fund her entirely for university/college. We met her after six weeks. She had not been in the one apartment any longer than three days. She was seriously distraught and distressed. She had no memory of the number of men who had bought her.

That is the top end of the market that we are talking about, so let us be clear first that there are different markets. For example, I went to some of the apartments in the financial sector. They might be considered to be somewhere at the top end of the market because the money is higher. However, some of the women whom I interviewed said that they would rather be on the street, because there you are bought for one thing and then it is over. In the former case, you are in an apartment, you are naked, they walk in, they decide, and they have you for that length of time. As one woman said to me, the level of power for the man and the level of isolation for her in that situation were greater at that top end of the market than at the lower end. The assumptions in the research that street prostitution is more violent than indoor prostitution are not borne out any more. Some studies show that sexual violence and the number of unwanted sexual acts increases. We should be careful around the language used.

Are there women who claim that prostitution is fine? Of course there are. It is not the role of the state to protect men's right to buy that particular group of women. They are a tiny minority. The second thing about them is that what they say is a snapshot in time. Two of the women whom I interviewed said that, at one stage, that is what they would have said if anyone had asked them. Five years on, after serious drug addiction problems and being absolutely violated and gang raped in one of the apartment blocks, suddenly and very rapidly, all the gloss and glamour that there appears to be within the sex industry has disappeared.

So, yes, I have interviewed women who, at a different time in their life, may have fitted that profile. However, as Sarah said, survivors have a very particular level of knowledge. Between them, the seven women who I interviewed last year have been in the sex industry in the South for 50 years. That gives you some idea of the level of knowledge and incredible contribution that those women have to make to our knowledge. I am hugely respectful of any woman's choice, and I argue very strongly about choice. However, I think that constrained and circumscribed choice is what we should be looking at.

The Chairperson: I just want to get a little bit more clarity in my mind about the campaign in the South. There are recommendations for the criminalisation of the purchase of sexual services. If the proposal here was to be brought forward in the Dáil, would you expect the parties there to support it? If the same Bill were to come forward in the Dáil —

Mr J O'Connor: That has happened in microcosm at the Oireachtas Justice Committee, at which all parties and people of no parties are represented. The decision there was unanimous, so we work on that assumption. We have also had 22 debates at local council level including in most of the major cities — certainly in Waterford, Cork, Galway and Limerick — where votes have been passed with the support of the major parties.

The Chairperson: The argument that I have heard is that one of the reasons to oppose this is that we are conflating prostitution and human trafficking and we should have two separate Bills. I do not know if, even then, we would get the support. However, the argument is being made that we should have two separate Bills, that this Bill is confusing two separate issues and that we should not be doing that. Do you believe that the argument that this Bill is confusing two issues would be sustained among the political parties in the Dáil?

Mr J O'Connor: That is not the recommendation of the Justice Committee. We can speak only to that.

Ms M O'Connor: The Joint Oireachtas Justice Committee went to Sweden for three days. One of the reasons for that was to answer all those questions. There is no doubt that, within the report, the Committee has accepted unequivocally that it is not effective to separate trafficking and prostitution. Fundamentally, I think that you are right. That is a core issue that had to be addressed by the Committee. As Jerry said, there were endless consultations with the Committee. It looked at all the evidence, and, basically, the decision was that you cannot address trafficking effectively without addressing prostitution.

The Chairperson: We are meeting with the Joint Oireachtas Committee in the next couple of weeks, so we will be able to continue that conversation with it.

Ms McCorley: Go raibh maith agat, a Chathaoirleach. Thanks for the presentation. Much is being made of the Oireachtas Committee's decision. However, that decision was made after 800 submissions. It was a very extensive piece of work. The Oireachtas Committee did go to Sweden, but it did not speak to anyone who works in the sex business or anybody who is not part of the government side of things. That was a flaw in its research. We went to Sweden recently and spoke to both sides of the argument. That was invaluable because it presented us with a much fuller picture.

I am not opposed to legislation. I am opposed to bad legislation. We are in this role here in the North to make legislation. We have to make the best and most informed legislation that we can. I do not think that part of that is to just lift pieces of work and evidence from other places. Where would that end? How would you ever arrive at a solution, decision or agreement? You would always find somewhere else to lift evidence from. We know about research and all of that. We, in the North, need to satisfy ourselves that what we are going to enact is something that applies to the North. That is my reason for saying that we need a very clear evidence-based position before we can move on making legislation. With respect to clause 6, what impact will it have on those who are independent of gangsters, criminals gangs and human traffickers, the people who work independently and who do not have any desire to exit or who feel that they want to stay in the sex industry? How will it impact on them?

Ms M O'Connor: The Department of Justice had a conference in which sex workers from Sweden were, specifically, represented. Pye Jakobsson was in Dublin. It was not that they did not consult people in Sweden who had a different position. Just to clarify that: it was not that they ignored those

positions; they heard those positions. David Stanton was at that conference; he is the Chair of the Committee. I just wanted to correct that.

In relation to clause 6, it is a fundamental flaw to think that you can separate coercion, children, pimping and trafficking in the prostitution sector, and that, somewhere within that, you will find this group of women who are independent. What I said about the women who I think might have fitted that profile at a certain time in their lives was, maybe, not very clear. Some of them — all of them in fact — were in prostitution from when they were teenagers.

The entry route is not that someone suddenly wakes up one morning on their 18th birthday and, instead of going into college or a lovely job, becomes an independent sex worker. That is a rare occasion, and I think that most people accept that. The coercive circumstances in which entry into prostitution occurs is actually very similar, regardless of the point at which you are actually looking at women in the industry. So, the supply and the coercive circumstances apply across the board and are, really, a combination of poverty, socio-economic issues and personal factors, particularly child sexual abuse in childhood. Those core issues go across all the research on entry.

Once women are in there, as Sarah said, some, of course, will try to remain independent and can do so, sometimes, for a period of time. However, having interviewed survivors who fitted that profile at a certain time, I know that it was a very brief time, in their time as a prostitute, before something happened to them. It is a very dangerous occupation.

I was just talking about women in general, creating safety in relation to unknown locations. I will give you an example of one woman who fitted that profile. She decided to do a party in one of the new apartment blocks in Dublin. In those two hours, her life was changed by what happened to her at that party. Another woman went to Connemara in the west of Ireland and was sitting in a house there, and two men arrived. One has to remember, when one is talking about this tiny group of independent women, that we are also talking about women who are still operating within that environment, which creates huge risk. I urge people to look at the risk environment and not just at a tiny group of women.

What does clause 6 do? Very clearly, it addresses demand, and that is what you are talking about. We are trying to address demand to reduce the number of women who are drawn into the industry. It is a preventative measure, a deterrent and a declarative measure. That is what it is. In relation to women, I could not agree more about the need for services. One thing that is presented a little bit in opposition is the opposition between exit routes and, for example, sexual health clinics. We have not found that in the South. There is actually great cooperation between the sexual health clinic, where women who are in prostitution remain in prostitution, and with exit routes that Ruhama provides. Similarly in Sweden, it is not that they have stopped working with women who are still in prostitution and say that they are choosing to do so; but there will come a time, very quickly, when they will want to exit. I say to you that it is not an either/or situation. I totally support harm reduction, health clinics and sexual health clinics, running parallel, clearly, with opportunities to exit.

(The Chairperson [Mr Givan] in the Chair)

The Chairperson: Thank you.

Mr Dickson: Thank you for your presentation on what is a very difficult subject area. The Swedish National Rapporteur said in 2010 that, according to the Swedish police:

"it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers considering establishing themselves in Sweden."

It is clearly seen as a barrier. Yet, a month later, the National Police Board in Sweden said:

"Serious organized crime, including prostitution and trafficking, has increased in strength, power and complexity during the past decade. It constitutes a serious social problem in Sweden and organized crime makes large amounts of money from the exploitation and trafficking of people under slave-like conditions."

That is two completely different perspectives from the same people.

Ms M O'Connor: I do not see that those are two completely different perspectives. I think that the Swedish approach is put up there as if it is perfect, as Sarah said. Of course there is prostitution in

Sweden. There is also trafficking in Sweden. I think that where Sweden comes out of this differently

Mr Dickson: Is that not where we are in danger of confusing the two?

Ms M O'Connor: No. I think, very clearly, you need the comparative figures. The comparative figures are tiny in comparison with, first, the very big sex-industry countries such as the Netherlands and Germany. Even if you compare them with their Nordic neighbours, you see that the Swedes are saying that it is a reduction issue. Of course the police there are still fighting organised crime. They are definitely doing that.

Mr Dickson: How do we know that it has reduced? They have not produced any figures since 2007.

Ms M O'Connor: I have a whole list of figures here from International Labour Organization researchers.

Mr Dickson: The Swedish National Police Board has not produced any figures since 2007.

Ms M O'Connor: On what?

Mr Dickson: On prostitution. There are no published figures. It ceased giving statistics in 2007.

Ms M O'Connor: I have just read the two police reports of 2010 and 2011, and I think that there is a bit of confusion about the reports.

Mr Dickson: The figures are zero, zero and a question mark against 2010.

Ms M O'Connor: I will send you the two reports if you like. Kajsa Wahlberg, the National Rapporteur, says that you need to look at all of the figures on buying, procuring, pimping, aggravated pimping, trafficking, coercion and rape. I am not sure why someone would say that there are no figures, because I have just looked at them. They are small compared with other countries such as the Netherlands, where there are 900 or 1,000 victims of trafficking. You are talking about maybe four cases.

Mr Dickson: It peaked at 11 in 2006 and dropped to two in 2007.

Ms M O'Connor: The numbers are tiny on trafficking, but, if you look at the figures on pimping, aggravated pimping, coercion and procuring and at the figures that have been published on buying and the purchase of sex, you get a much broader picture of the industry and the prosecution mechanisms. So, yes, the figures are very tiny compared with other countries.

Mr Dickson: On the matter of migrant workers who are trafficked in, part of the whole process in Sweden has been to tell us that this has been a very strongly feminist agenda to protect women who have been violated as a result of this. Why then has Sweden, under its Aliens Act, not decriminalised prostitution for every woman who comes into Sweden? Only Swedish nationals are entitled to protection under the Swedish model, so, for all migrants and people coming in, it is illegal to provide sexual services. It is unlawful for any alien to provide sexual services in Sweden. So, it is not as universal as people may think it is or as it is presented. In fact, it is arguably anti-immigrant in the sense that immigrants who are coming in are effectively deported. So, they are getting rid of the problem but not resolving the problem with the human being who actually has the problem.

Ms M O'Connor: Now you are bringing up the whole issue of immigration, and, obviously, it intersects. The issue of immigration and legal status is a huge issue.

Mr Dickson: If you are going to decriminalise it, surely you should decriminalise it for everyone.

Ms M O'Connor: I am coming to that. It is exactly the same in Holland: it relates to legal status and entry into the country. We must be careful not to collate the two issues. In the South, the Immigrant Council has been a prime advocate of migrants' rights, and that is critical. I agree with you in relation to Sweden and every other European country. We need to look at migrants' rights. However, the Immigrant Council has been absolutely clear: we do not want legal permits for migrant women to

enter the sex industry, which is what the Netherlands is advocating. It advocates that we give migrant women legal status and permission to enter the state; however, it is not giving migrant women permission to enter the state for any other areas. The Immigrant Council is clear that we need to monitor the effectiveness and in relation to deportations.

Mr Dickson: Any bill has to tackle that issue. Otherwise, it has no benefit for the immigrant because they are treated completely differently from the indigenous sex worker or prostitute in those circumstances. That would be an inherent failure in the Bill if it were to progress; it is, perhaps, a radical argument. I am not suggesting that you give, in effect, a licence to people to come into the country, but we have to have some mechanism. If we are to say to the provider of the service that they will not be criminalised as a result of this, we have to tackle that issue as equally and fairly for the immigrant as for everyone else.

Ms M O'Connor: Yes. A huge part of the recommendations that we made in the research was that the undocumented status be regularised for all migrant women who have been sexually exploited in the destination country and that they be afforded the same protection as trafficked victims. We give a very limited number of women recovery and reflection periods, even where there are cases of trafficking. I completely agree with you about "fortress Europe" in relation to those migrant women's rights. It is important to separate the issue of women entering the country to be in prostitution and being careful about that and the protection of migrants' rights and their undocumented status. I could not agree more, and I believe that when a brothel is raided, for example, we should look at those women as sexually exploited in Ireland and at their undocumented status, which, for the most part, they are. Eighty-seven per cent of the women that we looked at were migrants.

Mr Dickson: It is a question of how we treat the modern slave. The best way of treating the modern slave is not necessarily to deport them.

Ms M O'Connor: Absolutely, I am 100% with you on that.

Mr McCartney: Thank you very much for your presentation. I was struck by what John said, which was that when you started the process you had more questions than answers. That is how all of us come at it. Our party colleagues are comfortable with our interrogating the legislation to get the best law, just as the Oireachtas Justice Committee received 800 submissions before it formed its view. That is how we should all approach it, rather than having the blind approach that you think that it is right and forget about what other people have to say. It is with that in mind that I will ask a couple of questions.

Was the Oireachtas Committee report based on a single-issue agenda or did it recommend that there should be services to back up and support tackling this issue?

Ms M O'Connor: Absolutely, yes. It fully supports what you said earlier that the Swedish law was, as I said, declarative and normative and came with a package of services. It is not in the law as such, but certainly the joint Oireachtas Committee includes that, yes.

Mr McCartney: Do you feel that the Bill, as presented to us, provides enough service and back-up to achieve its intended consequences?

Ms M O'Connor: Yes. You should demand that infrastructure. Services demand resourcing, and any legislation should come with that. I do not necessarily think that it will be in the Bill any more than it is in the Bill as presented. In fact, the wording of an Act on the purchase of sex is tiny; it is a simple piece of legislation. In Swedish law, the package of services comes with that, but I do not think that the wording will be in your Act.

Mr McCartney: No, but there can be a tendency, perhaps, to think that you will end your problems merely by outlawing or banning the purchase of sex. It can be reduced to a belief that we can sit back in our comfortable chairs and bring in legislation that will end prostitution and trafficking all over the world. Sometimes, that is how this presented.

It is very interesting that in Sweden — this is in the report that you supplied to the Committee — most of those who are arrested and convicted do not see a court. It is dealt with behind closed doors, and a fine is imposed. The police have said that they could arrest more and that the deterrent is not enough.

That makes me wonder. You may have this sort of thing and feel that it is enough, but if other things are not running alongside it, you are deluding yourself that you will achieve the intended consequence.

Ms M O'Connor: I agree with all of that. On your comment about the importance of a law being only one mechanism, I know that Sarah mentioned the drink-driving law. What I will say about law as a deterrent is that we had education campaigns and so many resources in the South for drink-driving, yet not one thing changed. The first thing that led to change was the introduction of a law on penalty points.

The Swedish law was originally a declarative and normative law, yes. On arrests there, there have not been prison sentences. It is mostly summary fines, and most people admit to it. From the Swedish perspective, that is a success. The country has a rehabilitative justice system and is not into trying to put people in prison for this. Therefore, from Sweden's perspective, someone getting a summary fine is a deterrent. That is it.

Legislation absolutely should be introduced with a package, and I completely agree that its implementation should be reviewed and researched. All those things are for you to ensure. Having spent a good bit of time with the police in Sweden, I know that the law gives a clear mandate to the police that those women are not criminals. They are victims of sexual exploitation and deserve respectful treatment. It changes the mind of police on their role and on women in prostitution. I certainly felt that working with them and with the services there. Their mindset as police officers is to protect the person who is in prostitution and to prosecute everything that surrounds it that creates that exploitation.

I was not naive. I asked a million questions, often hard questions.

Mr McCartney: Of course.

Ms M O'Connor: I have a background working in a refuge and in services, so I completely agree with you about that.

Mr McCartney: One of the things that came up — I think that it was mentioned today — is that an Garda Síochána has not supported this.

Mr J O'Connor: The gardaí are not allowed to give a view on policy. However, gardaí representatives testified before the Oireachtas Committee. It is not for me to speak for them, but, in summary, when they talked about the levels of prostitution, they spoke about 800 women in the South being involved every day. They also said that, quite clearly, prostitution in the South is run by organised crime and by domestic and foreign gangs. However, they did not give a view and, indeed, are restricted from giving a view on policy.

Mr McCartney: One of the things in the report by the Swedish Government is that, in Sweden, there was a tendency to allow the law to be broken before intervening. I think that Monica referred to the number of underage girls who are involved, yet we do not see convictions, perhaps not for people paying for sexual services but certainly for people who are guilty of an offence.

The Department has told us that there are enough laws in and around the issue to tackle it. People contend, quite rightly from their point of view, that another law will give us something else on the menu to ensure that we get the intended result. However, if there is not the intent from the people who should be doing this, we could introduce a piece of legislation and sit back and be content, yet there would be no guarantee.

I am not sure what the figure of 600 prostitutes means. Is that the number of prostitutes in Sweden who are Swedish nationals or is it the total number of prostitutes in Sweden?

Ms M O'Connor: It is the total.

Mr McCartney: OK.

Mr Cunningham: I often get distracted by the Swedish model or the Dutch model. At this stage, we have gone through a process and, as part of our learning, have said that we should perhaps stop trying to replicate what has been done there. If we get to a fundamental point of belief that we want to

change the system and we know why, between us we know what the implications are. If it is talked through and thrashed out, we will understand what is required from the point of view of services, law and rehabilitation.

The Swedish model, in one respect, has been a great advantage and a great burden to the whole debate. As we have seen today, there is much information coming from all sides. Some is validated and some is not. I suggest that, at the end of the process that you are going through now as you learn, gather the information and understand it, you should draw breath, step back a bit and say, "Look, we know what we want to do, and we understand how the system works in government. What do we need to do to ensure that a holistic, complete approach is in place?" Do not get distracted with what has gone wrong elsewhere. All I know is that I have got to a point now in my education in this process where I do not want to live in a country where it is regarded as OK to buy a woman or a girl. In that process, I have formed a view about, at a very basic level, what I think and what I believe in.

Through my education, again, to the work that Monica has done — when we started the process, we got involved as an organisation with the Immigrant Council because of trafficking. Nobody around the table is going to say that trafficking is good or right. Everybody is in agreement about that. When the debate opened into prostitution, it went in so many different directions. I certainly had no experience or exposure to prostitution previously. I would have had very antiquated views about consenting adults and everything else. As I am now educated and have understood the process, I am very clear in my mind as to why we, as an organisation, are involved and committed to this, why we have gone to the bother of creating a coalition of 68 organisations, and why we have tormented ourselves dealing with every political party in the country. It has been an uphill battle. It is a great achievement for the campaign and all the members that we have such unanimous support. I am not suggesting that it was easy or that you will necessarily get there yourselves, but the point is that we have to strip back to the facts and the basics and ask ourselves those fundamental questions. Do not get distracted.

The power of the information that Monica shared today being put into a four-page document highlighting the key outputs or research will be very helpful for everybody. We have all gone through the process. Even if there is a particular issue, you go on the internet and you start going through sites such as the United Nations. At the end of the evening, you are demented; you do not know what is right or wrong. That is the purpose of the discussion and debate. I suspect that it will be very interesting when you meet the Oireachtas joint Committee from the South. It has had 800 written and verbal submissions. There will be great learning from that. You should not get distracted or too caught up in even the minutiae. What, fundamentally, do you want to do?

I have one other comment that is very interesting for us. You think about the work that has been done North and South with regard to our economy, the culture, and developing and presenting ourselves for foreign direct investment. What struck me in one of the early stages of the discussion in Europe was that Ireland — the South — was being seen as becoming potentially the red light centre of Europe. It was a comment that was passed. You think that, if that is because our legislation makes it easy for traffickers to get people in and Ireland is being used as a place for trafficking women into the North and the rest of Europe and everything else, that was certainly, from a political and economic point of view, a brand that you did not want to have yourself associated with. Much more importantly, it would be fantastic, in one respect, if we, North and South, could find a form of words or a presentation of some sense of an all-island view of this. That would send out an extraordinarily powerful message to the rest of the world. I was recently at a foreign direct investment conference with the IDA and Enterprise Ireland in Dublin. It is extraordinary how important these social issues are for international organisations when they look into a country. Both the North and the South have the ability and capacity to make a very clear, strong and progressive statement that might mean that we are at the cutting edge in a European and possibly global context with regard to this issue. It is an opportunity that we cannot miss.

Coming back to your point, we do not want to get it wrong. We might not get it 100% right. When we started the debate back in 2009, I had people approaching me saying, "John, don't go there. This is an issue that we don't want discussed. Leave it as it is, OK?". We had to fight very hard to get that debate going. We have now got to the point where we have made, I suppose, extraordinary progress in one context. It is an opportunity that we cannot miss.

Ms Mahon: On behalf of the trade unions that are involved in the South — and, indeed, the North, because our position has been endorsed at the biennial conference of the Irish Congress of Trade Unions, which was held here in the North, and at the National Women's Council, which is also a North/South initiative. On behalf of the INMO, I want to say that, again, it is easy to look at women in the sex trade as workers. As a trade unionist, the day that someone tells me that sex workers will be

unionised and given legislative entitlements as workers, perhaps I might change my opinion. I certainly do not ever see that as being a prospect for the majority of women. We can all focus on the very minority who might be there by choice. I would say, however, that the majority of those women cannot be classed as workers, either immigrant or Irish. They cannot be classed as workers. They are not given rights and entitlements. They are not given rights to any sort of annual leave, sick pay or sick leave, so we cannot class them as workers. I think that every trade unionist would agree with that. I know that that was spoken about very strongly at both the North and South conferences and the National Women's Council. As you know, those movements are an Ireland group that we are talking about. From the healthcare point of view and the social point of view, we have to be very cognisant of the impact on healthcare for those women that is created in our society and the knock-on effect of that. Some people will try to say that it is about their rights and trying to improve their health and safety. That is not true. It is not about their rights or health and safety: it is purely a means to make money. Most of that money is controlled by pimps and the men who control the industry.

Mr Elliott: Thanks very much for that. I have one, slightly different question. I noticed in your presentation that you talked about the limited time frame for the requirement for proof of coercion. What would you like to see it extended to? You were obviously indicating that the time frame was insufficient.

Ms M O'Connor: I am not sure that I understand the question. The limited time frame in relation to —

Mr Elliott: You say here that:

"While the Policing and Crime Act of 2009 was a welcome advance in Northern Ireland's anti-trafficking legislation its impact has been limited by the requirement of proof of coercion within a very limited timeframe."

Obviously you are saying that the time frame is insufficient. It is on page 2 of your submission.

Ms M O'Connor: OK. Sorry; I thought that you meant that I had spoken of it today. Proof of coercion within a very limited timeframe — well, I think that it is actually exactly the same as in the South. What we have in the South is a huge infrastructure with regard to trafficking and crimes that are related to it. I am not sure that I am an expert in relation to this. That is a completely different debate. I am not a solicitor, and I am not actually fully aware of the implications of that, so I would prefer not to answer it, actually.

Mr Cunningham: We will come back to you on that.

Ms M O'Connor: I will come back to you, yes. It is just that we have nobody from the legal —

Mr J O'Connor: The person on that side is not with us today. With the Chair's permission, we are happy to follow that up either by email or by making that person available.

Mr Wells: I have one final question. Are you aware of an alternative campaign called the Turn Off The Blue Light campaign? If so, have you any idea of who is actually behind it?

Mr J O'Connor: We are aware of the existence of its website. Apart from that, we are not aware of an awful lot else.

Mr Wells: You have no evidence, for instance, that that campaign is linked to or controlled by those who are involved in the sex trade?

Ms M O'Connor: The very simple answer is yes, without libelling oneself. I think that there are very clear links with the sex trade and with a very well known pimp and organiser. So, yes is the simple answer. Are there genuine concerns from other organisations? Yes. Does the Turn Off The Blue Light campaign represent them? No.

Mr Wells: We have privileges in this Committee, and I believe that Mr Peter McCormick is the person in charge of Turn Off The Blue Light campaign. Are you in a position to confirm that?

Ms M O'Connor: Yes.

The Chairperson: Thank you very much for coming to the Committee. I was struck, John, by your comments about an all-Ireland message. As a unionist, I would love to have an all-Ireland message on this. I have the advantage of only six counties to consult colleagues. Others have 32 counties, and one would have hoped that they could be better informed on the issue. Certainly, I would like there to be a united approach in how we deal with the matter, because, whatever jurisdiction decides to go first on it, there will have implications for the other. I do not want us to be left behind here in Northern Ireland. Thank you very much for coming to the Committee.

Mr Cunningham: It is great to have the dialogue and the engagement. It is often very difficult to get the balance of information right, so whatever can be done with that continued engagement going forward would be very helpful. We are certainly happy to share with you our knowledge, research and insight, limited though they might be, to help with the process that you are going through. As I said, we have been here, so we know that it is difficult and challenging, and we may have something to bring to the parties. So, we are happy to participate. Thank you.