



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Human Trafficking and Slavery Consultation:  
DOJ Officials

16 January 2014

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

### Human Trafficking and Slavery Consultation: DOJ Officials

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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 William Humphrey  
Mr Alban Maginness  
Ms Rosaleen McCorley  
Mr Patsy McGlone  
Mr Jim Wells

**Witnesses:**

Ms Alison Redmond	Department of Justice
Mr Simon Rogers	Department of Justice
Ms Julie Wilson	Department of Justice

**The Chairperson:** The document is on measures to further strengthen our response to human trafficking and slavery. It has been informed by measures in the Draft Modern Slavery Bill published by the Home Secretary on 16 December last year. Some of the proposals in the consultation will have implications for clauses in the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill. The Minister has agreed in principle with Lord Morrow that there may be scope for certain provisions to be incorporated into his Bill.

I welcome Simon Rogers, the deputy director of the protection and organised crime unit; Julie Wilson, the head of the human trafficking team; and Alison Redmond, who is from that team as well in the Department of Justice. You are very welcome to the Committee. The meeting will be recorded and published. I will hand over to you, Simon, and then members will ask questions.

**Mr Simon Rogers (Department of Justice):** Thank you very much. Mr Chairman, the Department is grateful for the opportunity to brief the Committee on the Minister's plans to consult on proposals to further strengthen the response to human trafficking and slavery in Northern Ireland. The document before you builds on the Criminal Justice Act (Northern Ireland) 2013 and takes account of Lord Morrow's Bill.

The consultation outlines additional proposals that will help to reinforce and strengthen our stance against trafficking. In summary, the measures that we are proposing will simplify the existing legislative framework, strengthen the sentencing framework — I will come back to a point about that in a moment, because there is a revision to the paper that you have — enable court-ordered restrictions

to be placed on actions of those deemed to pose a risk, enhance data collection, and deliver, with agreement, a new UK-wide commissioner to provide oversight focused on improving our effectiveness and sharing best practice.

It is important to draw out a few points. Officials briefed the Committee in September 2013 on the Department's response to Lord Morrow's Bill. They signalled at that point that we were working with Home Office colleagues on a Modern Slavery Bill and that we would keep the Committee informed of developments. Today is the culmination of that work. The final draft of the Bill was confirmed in early December, so this is our first opportunity to share the proposals. As we will probably discuss, time is of the essence; therefore we are grateful to the Committee for accommodating us today. Timing is so important because we want to try to keep pace, if at all possible, with the Modern Slavery Bill at Westminster and Lord Morrow's Human Trafficking and Exploitation Bill. That is because the proposal for a UK-wide commissioner, if accepted, would best be included in the Westminster Bill, with legislative consent here. Moreover, any additional provisions in the consultation specific to our jurisdiction ideally might be included in Lord Morrow's Bill to minimise, as far as possible, the number of Bills on human trafficking. As you mentioned, the Minister has been talking to Lord Morrow about that approach, which has been agreed in principle.

*(The Deputy Chairperson [Mr McCartney] in the Chair)*

The Home Secretary's Bill was published on 16 December. The proposals that we want to consult on take account of and reflect for the most part those measures, but we have worked with Home Office officials on developing its draft but then have, in a number of respects, turned it into provisions that are specifically tailored to fit our existing and distinct criminal justice framework. With your permission, I will run through quickly what the legislation would do. Consolidation of offences was one of the things that were discussed earlier. We are seeking to simplify the existing legislation. At present, Lord Morrow's Bill seeks to consolidate legislation into a single piece of legislation. Our proposals would go further by repealing existing offences of human trafficking, which are currently defined by the type of exploitation, and instead would create a single consolidated offence of human trafficking to cover any type. Given the links between trafficking and slavery-type offences, we also propose to repeal the existing offence of slavery, servitude and forced or compulsory labour and create a new offence mirroring the existing one. That would mean that all offences would be in one place under one piece of legislation.

The Committee agreed with the Minister's view, which is now reflected in the 2013 Act, that human trafficking should be triable on indictment only. We now propose to make the offence of servitude and forced or compulsory labour triable under indictment only as well. That differs from the approach in Scotland, England and Wales. It has the added benefit here that it would enable the Director of Public Prosecutions (DPP) to refer any cases to the Court of Appeal if he thought that the sentence was unduly lenient.

We also propose a new preparatory offence in respect of slavery and trafficking, for example, aiding, abetting and counselling etc. Such offences already exist in Northern Ireland in respect of trafficking for sexual exploitation, but not more generally, or for slavery offences. Our approach goes further than the proposals in the Modern Slavery Bill, which only introduces preparatory offences in relation to trafficking.

The paper covers sentencing in a number of respects, and, regrettably, in one of those, I am afraid that we have spotted an error, which we will correct before the document issues and which I will quickly explain. At present, the maximum sentence for human trafficking is 14 years. As was mentioned earlier, the draft Modern Slavery Bill introduces an increase to that to life from 14 years. Our document as it stands does not extend the sentence in that way. When drafting the consultation, we believed that, by applying the provisions from the Criminal Justice (Northern Ireland) Order 2008, we would be enabling discretionary life sentences to apply. We have since found that that is not the case. Therefore, as our intention was to have life as an option, the Minister has now concluded that life as the maximum sentence should also apply in Northern Ireland. To put that in context, a life sentence is available here as a discretionary sentence for manslaughter, rioting, affray, kidnapping and false imprisonment, for example. We plan to amend the text of the consultation accordingly. To summarise on that point, the sentencing section would be altered so that the maximum sentence here is life, which is the same proposed for Great Britain and is already the case in the Republic of Ireland. Finally on sentencing, offences of human trafficking for sexual exploitation are listed in schedule 1 to the 2008 Order, which I mentioned. That means that the public protection regime can apply to those sentences, and we propose to add all forms of human trafficking and, indeed, the slavery offences, to that schedule so that the public protection sentences will be available across the whole array.

The proposals also highlight two new civil orders aimed at protecting the public from harm by enhancing the powers of the court to restrict and regulate the activities of convicted perpetrators. One order is a slavery and trafficking prevention order, which would be aimed at those believed to pose a risk because of their involvement in trafficking or slavery.

*(The Chairperson [Mr Givan] in the Chair)*

There is also the slavery and trafficking risk order. The orders would restrict the activities of those whom the courts considered to pose a risk. They are designed to protect against those who might commit human-trafficking and slavery offences. There is a range of civil prevention orders in statute in Northern Ireland; however, none is targeted at human trafficking or slavery, and the new orders would cover those areas. It would fall to the court to determine whether any restriction was necessary to protect the public and, if so, what the restriction would be. The things that we envisage this applying to would be operating a certain type of business, working with children, operating as a gang master, as we have heard, or travelling to specific countries.

The anti-slavery commissioner is the other significant factor in the consultation. We want to seek views on a proposal to extend the anti-slavery commissioner envisaged in the draft Modern Slavery Bill to Northern Ireland. You have had some discussion on that matter in the context of Lord Morrow's Bill. The Minister's view is that Northern Ireland could benefit more from the insight and expertise of a UK-wide anti-slavery commissioner, who would scrutinise governmental and law enforcement responses across jurisdictions and, importantly in a Northern Ireland context, would have oversight of all agencies whether devolved or not. That, of course, is in the context of a crime that does not recognise boundaries. The Northern Ireland rapporteur proposed by Lord Morrow would, in our view, provide for a more limited arrangement and would have oversight of devolved bodies only. Although others may wish to co-operate with such a body, there would not be a statutory obligation for them to do so.

Although arguments could be made either way, the Minister believes that a UK-wide commissioner would be more effective, would enhance the capacity to learn from other jurisdictions and would provide greater value for money. As mentioned, the Minister has discussed that approach with Lord Morrow, who is open to it. Indeed, he told the Assembly that a UK-wide commissioner may bring a distinct advantage but wanted to see the colour of the Minister's money, so to speak. This consultation does that. The Minister would like to avoid having two commissioners, as that would avoid duplication and added cost.

Finally, there is a proposal to improve the capture of data, and the earlier presentation demonstrated the value of that. A new statutory duty is proposed for public sector first responders in Northern Ireland, including, for example, the police and health, to report all suspected cases of human trafficking to the UK Human Trafficking Centre. At present, although children suspected to be victims of trafficking are automatically referred, potential adult victims must first consent and some adults may decline to be referred for a range of reasons. When someone declines a referral, it impedes our ability to gather information about trafficking and makes it more difficult to gauge the true extent of the human trafficking problem. The proposal would ensure that anonymised data on suspected cases of trafficking can be captured, which would help us to build up a picture of the extent and scale.

As we have previously set out to the Committee, and subject to the outcome of the consultation, the Minister's preference is to legislate for the provision locally. That said, the proposals for a UK-wide anti-slavery commissioner, if agreed, would cover devolved and non-devolved jurisdictions. In such circumstances, legislating through Westminster following a legislative consent motion here would be necessary. That is why we are keen to keep in step with Westminster's timetable. A few of the proposals, including those to simplify and consolidate offences, would have a direct impact on Lord Morrow's Bill. The other provisions would complement and reinforce it.

Subject to the Committee's views, we propose to consult for a period of 12 weeks. As a result, we would, regrettably, not be in a position to bring any proposed additions or amendments to the Committee during Committee Stage. We would, of course, come back to the Committee at the end of the consultation. In the timetable we are working to, I plan to bring provisions for the Committee's consideration in early September, with a view to tabling amendments at Consideration Stage. Separately, as you will have seen from the letter received today jointly from the Minister and Lord Morrow, engagement is continuing between the Minister and Lord Morrow on those matters. Again, we will advise the Committee on any developments. We welcome the Committee's views on the document, which we will take back to the Minister.

**Mr Humphrey:** Thank you very much for your presentation. Page 8 of your consultation document states:

*"From the evidence available to us, it appears that the levels of human trafficking and slavery in Northern Ireland are lower than in neighbouring jurisdictions."*

I am a bit confused by that because paragraph 2.7 states:

*"It is widely accepted that the actual number of victims of trafficking will be higher."*

You heard what Neil Jarman said to the Committee some moments ago. The problem is larger than the authorities are aware. How can you arrive at that statement?

**Mr Simon Rogers:** Data are one of the critical factors that we look at when we examine human trafficking, whether that is in the Organised Crime Task Force (OCTF) subgroup or when we meet our colleagues in the Republic or in the UK context. We are aware of their figures. We are also aware that the UK Human Trafficking Centre runs other statistical analysis where it writes to all police services, all NGOs and others saying, "We know that these figures are not accurate; can you tell us of any cases that you think we should be counting that we are not?", and there are published figures on the numbers that they do not think they are capturing that should be in the system. I do not think that anyone involved in this work would argue that that is the true picture either. However, we are conscious of the importance of data, and we are trying to improve it. Indeed, one of the provisions in this is about data. Another angle of work that we have undertaken is to task a PSNI researcher to look at every case that the national referral mechanism holds on Northern Ireland to analyse all the information on them to see whether we can bring that back to the subgroup and the engagement group, which involves NGOs, to see whether we can use any of that material.

That is a long-winded answer to your question. However, from what we know, this is accurate, but we are not claiming to know all —

**Mr Humphrey:** Given the nature of this business, which is becoming an industry across various sectors — I am pleased that you have accepted that, potentially, the figures are higher than you know, because the data are not there to substantiate what you said — and given the way that you have looked at it in Northern Ireland and the other jurisdictions, could police forces on the mainland, for example, have more statistics because they are putting more resources into this and perhaps dealing with it more robustly than the Police Service is here?

**Mr Simon Rogers:** I do not think that that is the case, but it is a potential problem. We are taking forward a huge amount of work on awareness and other things. However, there is no doubt that the very high-profile cases in England and Wales accelerate public awareness and that you have a greater opportunity or likelihood of reporting in those areas. We can go only with the figures that we have, and they give the picture that we are putting there now. I would not want them to show — I hope that they have not shown — that we look complacent in any way. That is far from the case; hence our presence here today. It would have been easier for us to wait and see how the Bill went in London, but that is not how we are operating.

**Mr Humphrey:** To be fair, you have been honest and said that the data are not there, and we accept that.

With regard to the anti-slavery commissioner, you make a strong case in favour of a rapporteur across the UK rather than on a regional level. Mr Wells referred to the fact that Lord Morrow and the Minister had reached some agreements. I know that Lord Morrow is not opposed to the UK rapporteur role covering the appropriate areas, but it has been drawn to my attention that there are significant problems with the framework outlined for the national rapporteur in the draft Modern Slavery Bill. Do you believe that the anti-slavery commissioner, as proposed, will be independent of government?

**Mr Simon Rogers:** We are confident that the person will be independent. We acknowledge your point about the Bill's being deficient at present. The problem is that it is a sort of chicken-and-egg situation for us because we cannot ask them to put into the Bill the things that we want before we confirm that that is what our consultation and the Committee want. In other words, we would want a role in the appointment. I hope that that helps to answer your question. Secondly, they would need to report to the Assembly as well as to Westminster, although not exclusively to Westminster. Naturally, all the bodies that should be accountable for providing information to the commissioner would need to

include our structures here as well as those in England and Wales. However, at present, the Bill is deficient for Northern Ireland and Scotland because both jurisdictions are taking soundings internally before committing.

**Mr Humphrey:** I ask that because, under clause 30, the staffing of the anti-slavery commissioner is very reliant on the decision of the Home Secretary, and, for example, the commissioner can only make reports through the Home Secretary on any committed matter. What is your view on that? Could it be a criticism that, perhaps, it will be only as strong as the Home Secretary on a given day is prepared to let it be from the point of view of resource and how seriously they take the reports or recommendations?

**Mr Simon Rogers:** First, the Prime Minister, as well as the Home Secretary, is behind the Bill; therefore it appears to me that they are keen to make it work effectively. Secondly, I do not think that the model in the Bill is so different from models for other independent functioning bodies. However, to go back to my point, we will make sure that, if we commit to this, the arrangements are such that any concerns that we have are reflected in the legislation, including, for example, a role in the appointment and consultation on significant matters such as resources, because we would have to pay our share towards any commissioner, whether a local one, which we would have to fund wholly, or a UK one, which we would have to fund partly with Scotland if it ultimately signs up, which we suspect it will.

**Mr Humphrey:** I will be honest: when you look at how successful Mrs May's plans were to secure the borders, the airports and the ports, I would be very concerned if her Department, and she in particular, had a role. I do not want to personalise it because it refers to the Home Secretary, but she is the current Home Secretary and her record is not good on such issues.

On page 35 of the briefing paper, the Department outlines why it has projected the idea of a maximum life sentence. You clarified that you have accepted that in line with the rest of the UK.

**Mr Simon Rogers:** Yes.

**Mr Humphrey:** Having seen the changes to the Modern Slavery Bill during its passage through Westminster, is there anything else that you believe would be beneficial to the legislation in Northern Ireland? I am thinking specifically about the fact that we have a land border with the Republic of Ireland.

**Mr Simon Rogers:** We are in touch with our colleagues in the Department of Justice and Equality; moreover, An Garda Síochána is a member of our Organised Crime Task Force (OCTF) subgroup. So we have good connections there. We are not aware of any legislation in the Republic of Ireland that we should be looking at. That is not to say that, next month, say, it will not produce provisions. At present, however, we scan all jurisdictions to see what they are doing, and, if there is something, we will put it in.

We have not slavishly lifted a Bill that the Home Secretary has produced; we have taken it and asked what additions or alterations we need for here. I do not know whether Julie has anything to add.

**Ms Julie Wilson (Department of Justice):** I do not know whether we are talking in particular about measures to address trafficking on a cross-border basis rather than looking at what is happening in the Irish jurisdiction and seeing whether we can replicate it here. However, what we are doing to address —

**Mr Humphrey:** I think that it is both those things.

**Ms J Wilson:** We are in close contact with our colleagues in the Department, and we have collaborated with them on various projects and awareness-raising campaigns. We also had a cross-border forum in October, which looked, on an all-Ireland basis, at improving how we locate and identify victims and identify the problems that both jurisdictions face and the opportunities that they have to work together in addressing them. It looked at locating and identifying victims. It also looked at how, on an all-Ireland basis, we look at demand and at how we begin to tackle those things. We have that engagement in place. Simon mentioned An Garda Síochána, so we have communication and information sharing in place operationally through the Organised Crime Task Force subgroup. We are doing things.

We are also partnering with DOJ, which has received EU funding to look at an awareness campaign to tackle human trafficking for sexual exploitation, specifically focusing on female victims. We are working with the Department on that as well, although it is in its very early stages. We are doing a number of things to tackle the cross-border element.

**Mr Humphrey:** OK. Just to follow on from that, you heard what Frank said during the Joseph Rowntree evidence session when he was questioned about the Gangmasters (Licensing) Act 2004. There is no reference to the Modern Slavery Bill or its equivalent in Northern Ireland to cover the offences that we were talking about when that issue was discussed. Will you set out the Department's position on GLA offences as they relate to your plans to consolidate slavery offences?

**Mr Simon Rogers:** The GLA falls under the Westminster Government rather than us, but it has jurisdiction here and has close links to the OCTF. I have been at presentations that it has made —

**Mr Humphrey:** Nevertheless, it is important that there be no loopholes in legislation between the jurisdictions that allow wrongdoing to continue.

**Mr Simon Rogers:** I would say that there are no loopholes between the jurisdictions, although some people suggest that the Gangmasters Licensing Authority's reach could extend further. We did research into the areas where this may be relevant. Neil Jarman mentioned some of them around fast food outlets; I do not think that he mentioned car washes, but that is another one that we looked at. At present, however, the GLA's jurisdiction does not extend to there, and we have asked whether that would be possible. I am not sure that the resources would be there to extend it, but, from our perspective, if you are asking whether there are gaps, we would certainly welcome an extension. Whether that it is realistic in the current climate is another matter.

**Mr Humphrey:** Do you believe that there are gaps?

**Mr Simon Rogers:** There are areas that it does not cover that we would like it to cover, yes.

**Mr Humphrey:** Are you confident that, at the end of your 12-week consultation when this is eventually voted on in the Chamber, you will have narrowed those gaps to the point that they do not exist?

**Mr Simon Rogers:** No, because we do not have coverage on the GLA. What happens is that the police, as a result, compensate for that in their own work against trafficking.

**Mr Humphrey:** That goes back to my earlier point when the Joseph Rowntree Foundation witnesses were here. What happens if the resources are not deployed because of pressures on the PSNI, given, for example, the terrorist threat here that other UK forces do not have to deal with to the same extent? The vast bulk of these people come from other European states. We are talking about people who have rights and protections. Effectively, Turkey, for example, is not allowed to become a member of the European Union because of issues of human rights, particularly in relation to minorities in that nation, such as the Kurds, yet here we have other European nationals travelling to other European countries within the European Union and those protections are not there. There is a bit of an inconsistency there. That is my concern. I would rather have legislation, quite frankly, than police resource — lack of police resource — being used on those issues.

**Ms McCorley:** Go raibh maith agat. Thank you for the presentation. I know that it is difficult for you to give figures and to quantify the extent of trafficking and slavery, but can you give us some sense of what proportion of slavery or forced labour, you think, does not involve trafficked victims?

**Ms J Wilson:** The only official figures that we have are captured through the national referral mechanism (NRM) or the UK Human Trafficking Centre's strategic baseline assessment, and they are specifically linked to trafficking or potential victims of trafficking. So, the official figures that we have at this point all have a trafficking element to them. For example, since the start of this business year, 36 potential victims have been recovered in Northern Ireland and referred to the NRM. Of those, nine were in relation to forced labour; one was in relation to domestic servitude, which is obviously a subsection of forced labour; 17 were in relation to sexual exploitation; and the exploitation type in the other nine cases was not known. That may be partly because of the information that the victim felt they could or could not give. We just do not know why the exploitation type is not known in those cases. So, a significant number — 10 out of 36 — are known to have links with labour exploitation. However, beyond the trafficking scene, we simply do not have those figures at this stage. There is no

mechanism at a national level that calculates that. It is really just any incidences that different agencies might be aware of, but we do not have those centrally anywhere.

**Ms McCorley:** Do any of the law enforcement agencies take any pre-emptive action to investigate the possibility of labour exploitation going on? Do they look at it in a proactive way?

**Ms J Wilson:** We have had instances where concerns about specific cases or settings have been raised by members of the engagement group in that forum and police have then followed up. I am not aware of what has happened beyond that, but I know that concerns have been raised and have then been followed up and looked into, but it has been handed over and the police have dealt with it. Beyond that, there are areas that they would watch because they may have concerns about them, so they are aware of the possibility of links to trafficking or exploitation. Simon has mentioned some of the areas where we have some concerns around car washes and things like that. Definitely, within the context of the engagement group, concerns have been raised and then followed up, but they have been about specific cases.

**Ms McCorley:** There are concerns that the PSNI often does not diligently follow up on possible sources of evidence of different types of crime, so the fear is that there will be no proactivity going on and that, even where there are crimes, they are not diligently following up. The concern is that it is only going to be stumbled upon when serious cases come to light just by their nature. Those are concerns. I feel that there should be a more proactive approach in seeking out and following up on possible leads.

**Mr Simon Rogers:** We are not getting an avalanche of people saying to us that the police are not doing anything about human trafficking. We make reports frequently; people do not say that nothing is ever done. We are looking at the problem in a bigger sense of trying to take some of it out of the hands of the police. For example, the action plan has a section on awareness, and we have done work around awareness training. Belfast City Council, the community police liaison committee (CPLC) and DOJ ran a major event on Monday with hoteliers, taxi drivers and people who might come into contact. This is a multidimensional thing for us. It is not just in the hands of the police; we have responsibilities, and social workers may see something. There is training for people who work in ports and for prison staff. We are picking off areas, trying to prioritise them and putting training in to raise awareness. Part of it is about demand. The research that we are running, which is coming to a conclusion, is looking at all these cases. It will say to us, "We are finding that these people are coming in because they are seeing adverts on a website", for sake of argument. That will give us a valuable tool to know that that is something that we need to be more concerned about than we were previously, and that we need to be targeting a particular website or websites. That can modify our response. Organised crime gangs will keep moving, so we cannot stand still. There are a number of factors.

**Ms J Wilson:** The Department for Employment and Learning has a role. Its enforcement team is represented on the OCTF subgroup. It has changed the way in which it operates. It has a role in the regulation of recruitment agencies. It was one of the things that Neil Jarman mentioned. It touches on the grey area of what is labour exploitation, what is forced labour and where you draw the line between them. It definitely has a role. It has become much more proactive in going to towns, for example, across Northern Ireland. Rather than carrying out formal tell-you-in-advance inspections, it does more hit-and-runs to see what information it can pick up. It has links with the police to feed back any information or concerns. In that sense, it is multi-agency. It is proactively looking for any issues of concern and feeding those back. I am not saying that the structures are perfect, but there are structures, and people are taking the issue seriously. They are looking to identify where there are issues of concern.

**Ms Alison Redmond (Department of Justice):** The police have developed and rolled out a training package for around 4,000 of their officers. They have developed an operational field guide so that officers on the ground are more aware of the indicators of human trafficking. Aside from that, as Julie and Simon said, they have good partnerships with an Garda Síochána. There has been joint training between the two.

**Ms McCorley:** You mentioned ports. Obviously, trafficked victims have to come through some port or other. Are they asked for information about what they are going to be doing and whether they are going to be employed? Is that sort of thing followed up on? Of course, people being trafficked will not have that information because they are trying to come in or are being brought in under the radar. If they are trafficked, they probably do not have any control over it. Would there be those kinds of checks?



**Ms J Wilson:** Those kinds of checks sit with immigration.

**Mr Simon Rogers:** It is part of their training. They are trained to look for signs, such as the same story from 10 different people coming through, or whatever it is. Do people still get through? There must be. There are many ways of bringing people in. Some of the victims whom we are talking about are internally trafficked victims maybe from within Northern Ireland, the United Kingdom or the Republic. They are much easier to move.

**Ms J Wilson:** Aside from people coming in from other countries and the immigration checks they go through, there is a role for us and our partners on the OCTF subgroup and the engagement group to try to increase awareness of general staff working in ports. We have put our victims' leaflets in those kinds of areas and points of transit, such as railway stations etc, to make sure that there is a much wider network of people who are informed. We identified with the engagement group key sectors that we wanted to engage with to try to heighten awareness, so that there would be more people equipped to spot suspicious signs and to know what to do whenever they see them. So, that work has started, and we are making good progress. We have done it on a priority basis and are working our way through it to see how we can build on it.

**Mr Simon Rogers:** There is one other important point. The victims may be coming here in the belief that they have a job, so there is nothing suspicious until they get here. It is at that point that someone intervenes and sexually exploits them or exploits their labour. When they come through, there are no signs. They are happy to come, and there is no threatening person behind them holding a knife at their back.

**Ms McCorley:** Yes. However, it is maybe that type of case that I am thinking about: people who are fooled into thinking that they are coming here for a proper job and are then coerced into exploitation of whatever sort. Do you keep a record of people who come into the country and where they say they will be working or their contact details? I am not sure whether that happens.

**Mr Simon Rogers:** I do not know whether the border force would be able to keep that level of detail. The research we are doing looks at it from the other end and why they came here and what they were told. That might give us some lessons about the pattern.

**Ms McCorley:** Thank you.

**Mr Wells:** We have to be out for 7.00 pm, so we have a bit of time yet.

I have watched the choreography of the Department on this over the past few months. Initially, the Minister issued a scathing letter that basically binned the entire private Member's Bill. I note now, as a result of the letter that was sent to us signed jointly by the Minister and Lord Morrow, that there has been a bit of a road to Damascus experience and a recanting and a pleading for forgiveness on the part of the Department. Basically, you now accept large parts of the Bill. I think that we all welcome a repentant sinner and that is a good move, but— it is a big but — in the letter, you said that you still cannot find agreement on clause 6.

Since you were last before us, the Committee has gone to Sweden and has spent a lot of time talking to the Swedish authorities. I have to say that, in my opinion, the evidence was compelling and overwhelming. I am a bit surprised that there is nothing in the letter that indicates that the Department or the Minister has done likewise and has been to Sweden or discussed it with the authorities there. Given that that is such an obvious thing to do, what progress, if any, has been made on that since the last time you were before us?

**Mr Simon Rogers:** There are probably two or three things to mention. First, I think that there have been a couple of Assembly questions on that very point. It is not my particular bit of the Department; I am not trying to duck the question, but I want to give myself some cover in case I do not get this 100% right. I think that the Department's response was to the effect that a lot of that material is available and that you do not necessarily have to go to Sweden to pick up the research or the reports etc. However, I know that, even this week, the Minister has talked about the need to go to Sweden. Coupled with that, progress is being made on the research project. The niceties of these things mean that we rightly have to go through a procurement process, and that has taken some time. However, I think that, by the end of the month, that will be launched. The Minister undertook to conduct research into this, and that is hopefully now at the point of being launched.

**Ms J Wilson:** I understand that the Minister is about to write to the Committee about the launch of the tendering exercise for the research. As with Simon, that is not my part of the Department, but that is my understanding of where it is at.

**Mr Wells:** On the question of clause 6, there are very entrenched views among academics on prostitution. Therefore, if you put it out to tender, one academic will have a totally different view from another. It is not like doing statistical research; at the end of it all, you have to make a moral judgement. It may be that, whoever is selected, we will find — or maybe folk on the other side will find — that their views are so well known that we cannot put a great deal of reliability on the outcome of the research. I just want to put that concern in as a caveat.

I have been in this business for 32 years, and I have used this technique, as many others have. One of the longest traditions in politics is that if you do not like something, you put it off into the bushes by demanding more research. That is a classic way of getting rid of something. They are hoping that Lord Morrow will go away, we will lose enthusiasm, there will be a new mandate or whatever. So, I remain extremely suspicious about, "We must have more research". That then leads to the question of why so little progress is seen to have been made, given the fact that you have been flagging up the need for more research for the best part of eight months.

**Mr Simon Rogers:** We are now at the tipping point on it. I think that Neil Jarman also said that he was not going to comment on prostitution in the absence of research. That is what the Minister is basically saying: "I want to see what I can produce from the research" —

**Mr Wells:** No. "I do not like the Bill; therefore, I am going to have research". That is what, I believe, is happening. The research is a tool to try to block it. Let us be honest about it.

**Mr Simon Rogers:** I do not think that that is the case, but that is something for the Minister, rather than for me.

Secondly, with the letter, I presume that terms of reference will be put for the Committee to see. So, if you have a concern about whether one academic is more independent than another because of views that have been expressed, that can be looked at.

**Mr Wells:** I think that it is almost impossible to find an academic who does not have an entrenched view one way or the other on this subject. I have never seen something where the two sides are so diametrically opposed to each other. It is a very difficult moral issue, I accept, but you do not find too many neutral observers on this issue. I have to say that, so that is just a warning that you have.

In the letter, clearly progress has been made, and I appreciate that. There has been quite a bit of coming together between Lord Morrow and the Minister, and that is going to make our life a lot easier. Was clause 6 discussed at all at that meeting?

**Mr Simon Rogers:** It was discussed, and, I think, it would be fair to summarise it by saying that they agreed to differ on clause 6.

**Mr Wells:** So there was no attempt made to try and reach any sort of compromise between the two sides.

**Ms J Wilson:** I think that there was an acceptance that the Minister wanted to be informed by research, and, rather than use the meeting to go over positions that are understood, known and recognised, it was felt that it would be more constructive to focus on those areas where we could see room to resolve issues and concerns and to reach agreement. So, it was really about trying to press forward on those areas, and that is why there was an acceptance that the differences on clause 6 were too great to resolve.

**Mr Wells:** I was obviously very much aware of the Swedish situation before we went. However, I have to say that sitting down with the Swedish police, Director of Public Prosecutions and social work staff gives you a far deeper understanding. There will be no criticism from this Committee of the expense if you spend a day or two in Sweden. It would be money very well spent. I have to say that I learnt a lot and came back even more convinced — it is very seldom that that happens — of the vital nature of clause 6 than when I left. I heard absolutely nothing on that visit that did not make me even more convinced that we need to address this issue. I think that the Department is going to be in a weak

position when it comes to Consideration Stage, if you have not spent at least a day in Stockholm. That is my honest view. I am a bit disappointed that still you tell me that you have not been beyond Stormont on this issue and have not gone outside the jurisdiction to find out more about it.

**Mr Simon Rogers:** We will certainly feed that back to the team.

**Mr Wells:** Finally, we, as a Committee, are going down to Dublin — I presume that that has been confirmed, Chairman?

**The Chairperson:** Yes.

**Mr Wells:** I hope that I am not letting anything out of the bag, there. We are going down to Dublin to speak to our counterparts in the Republic. What will happen if the Oireachtas Joint Committee on this issue goes down the route of introducing the equivalent of clause 6 in the Republic? How on earth could we withstand the problems that would be caused if one part of the island of Ireland had strong controls and the other did not? Have you given any consideration to that situation?

**Mr Simon Rogers:** I am not trying to avoid your question, and we should have someone to answer that, but it is not our policy area. The three of us are more specifically focused on human trafficking. If we had thought that we were going to move into that area, we would have naturally brought the right people with us. That team is fully aware, however, of the Committee report and of the situation around it, in that it is a Committee report at this stage and has not progressed. At the same time, the Minister's view is that he wants the research to establish how he should view the situation. That does not mean that he would not support or would support clause 6 ultimately: it means that he wants the evidence base. That is the position that he has brought to the Assembly and we have brought to this Committee.

**Mr Wells:** It is the classic line: "I need more evidence".

**The Chairperson:** Thank you. I have probably been slightly unfair in allowing some questions that you were not necessarily here to deal with. I appreciate your answering to the best that you could on areas outside this document. Obviously, we will have departmental officials to cover all of the areas. Simon, perhaps you can take it back that, when that happens, we, as a Committee, will have had all of the written and oral evidence. It will all be recorded by Hansard. What I do not want is departmental officials saying, "We are waiting for research". I expect the evidence that the Committee has gathered to be properly addressed by departmental officials. I appreciate that, for the meeting between Lord Morrow and the Minister, they obviously decided to talk about areas on which they could get agreement. The Minister wants more research, but I will anticipate officials being able to address all of the issues that the Committee will have that relate to all of the evidence that we have gathered. It should not be the case that, because the Department has not done something, you cannot really engage on it. Thank you very much to you and your team for coming.