



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Human Trafficking and Exploitation (Further
Provisions and Support for Victims) Bill:
Amnesty International UK

30 January 2014

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Raymond McCartney (Deputy Chairperson)
Mr Tom Elliott
Mr William Humphrey
Mr Patsy McGlone
Mr Jim Wells

Witnesses:

Ms Catherine Murphy Amnesty International UK
Ms Gráinne Teggart Amnesty International UK

Mr Wells: On a point of order, Mr Chairman. It is 7.10 pm, and we are about to set the record for the longest Committee meeting ever held at Stormont. I think that several of us have pressing engagements; mine, for instance, is near Enniskillen. Is it too much to ask that we could adjourn the meeting and come back for the last group at a later date? We may lose a quorum, and, although I continue to have the will to live, others may be flagging a bit after five hours of solid debate.

The Deputy Chairperson: I am reluctant to do that because this is the second time that Amnesty was to be here, and the witnesses have sat frustrated along with us. So, I would like to do them the service. We may lose the quorum, Jim, if you have to go to Enniskillen, but the quorum is required only to make decisions; we can still take evidence. It will be in Hansard for members to read. However, I am reluctant to say that to someone who has sat patiently for five hours.

Mr Elliott: I have another engagement and have rescheduled it.

Mr McGlone: You could have nearly done that one for Jim. *[Laughter.]*

Mr Wells: Not quite.

The Deputy Chairperson: We need four members to take evidence. I would prefer to hear the witnesses.

Mr McGlone: I have another appointment that I could be at, but I am prepared to give it another 20 minutes to get stuck in.

The Deputy Chairperson: We do not want to rush our next witnesses, but, when someone has waited five hours and 10 minutes, that is nearly degrading and inhuman treatment.

Ms Gráinne Teggart (Amnesty International UK): Thank you for that.

The Deputy Chairperson: I welcome Gráinne Teggart and Catherine Murphy from Amnesty. You have seen the format. It is up to you to make opening remarks, and then we will open it to members for questions. Whoever is leading, go ahead.

Ms Teggart: I thank the Committee for the opportunity to present our evidence paper and to address a very important issue of concern to us all, which is ensuring that Northern Ireland is a hostile place for traffickers and that we have in place robust policies, practice and legislation that protect and promote the rights of victims of trafficking. I am joined by my colleague Catherine Murphy from the law and policy team of our international secretariat. I see that, on the agenda, she is referred to as being from Amnesty International UK, but our international secretariat is our global research headquarters.

Amnesty International UK is a national section of a global movement of over three million supporters, members and activists. We represent more than a quarter of a million supporters in the UK. Collectively, Amnesty International's vision is of a world in which every person enjoys all the human rights that are enshrined in the Universal Declaration of Human Rights and other international human rights instruments. Our mission is to undertake research and action that are focused on preventing and ending grave abuses of these rights.

Amnesty International has a wealth of experience working on this issue at local, national and international level. We were one of leading non-governmental organisations that campaigned for a robust approach to the prevention and combating of human trafficking during negotiations on the text of the Council of Europe Convention on Action Against Trafficking in Human Beings. That is a mouthful, so I will say the human trafficking convention for short. Amnesty International continues to work to promote states' ratification of, and compliance with, that convention.

I will now highlight our main comments on the Bill, and we then will be happy to take any questions from members. On clause 4, although Amnesty International does not have a view on the introduction of minimum sentencing, we ask that members pay particular attention to ensuring that the clause is amended to clearly stipulate that it does not apply to children.

Much of the discussion and debate on the Bill has been focused on clause 6. It is Amnesty International's view that those who are engaged in selling sexual services and in human trafficking are involved in two very complex social phenomena that require more considered, separate policy and legislative responses. One clause to address sex work is wholly insufficient. Clause 6 fails to make any further provision for support for those who will be directly affected as a result of this step. It also does not make provision for crucial protection and support for those who are seeking to exit the selling of sexual services. Further provision and support should be fully informed by a strong evidential base that includes independent research and consultation with a wide range of stakeholders, including those who sell sexual services. I welcome the Department of Justice's commitment to conduct further research in this area.

Our analysis of clause 6 is that it makes no direct provision to lessen the existing criminal burden on people who are involved in selling sex in Northern Ireland, many of whom may be vulnerable individuals. It simply seeks to introduce further criminalisation around sex work and provides no explanation of, or guarantees against, the potential consequences of such a move. There are still other sexual offences in existence that criminalise sex workers. For example, article 59 of the Sexual Offences (Northern Ireland) Order 2008 criminalises those who solicit in a public place to offer their services as a sex worker, and article 64 of the 2008 order makes it an offence to manage or assist in the management of a brothel.

Although clause 6 would decriminalise the sex worker for the offences of aiding and abetting etc, it does not recognise that, to prove the offence of purchase, there is likely to be a requirement for evidence from the sex worker, which may still expose a sex worker, if they have not been subject to force, as having committed other offences such as those that I have just outlined. Therefore, we propose that further research be conducted to establish the degree to which legislation, together with administrative, educational, social, cultural or other measures, could serve to reduce the demand that fuels trafficking, including for the purpose of sexual exploitation.

We welcome clause 10 and support provision for victims. We feel that that is where the focus of this legislation should be and where it is strongest in improving our response to human trafficking in Northern Ireland. We feel that the clause would benefit from clarification of the responsibilities of both the Department of Health, Social Services and Public Safety and the Department of Justice so that it is

clear in statute. We recommend that the overarching requirement for support be placed in primary legislation, with a requirement for the Department of Justice and the Department of Health to set out the detail by order in secondary legislation.

Human trafficking is not a static issue and will change and evolve over time, as, too, will the needs of victims. Northern Ireland policies, processes and legislation must retain a degree of flexibility and be easily amended to ensure that they can adequately respond to upholding the protection and promotion of the rights of victims. It is our view that secondary legislation will be easier to amend at a later point. Thank you, Chair, I will leave our opening remarks at that. I am happy to take any questions.

Mr Wells: Gráinne, who is Douglas Fox?

Ms Teggart: Douglas Fox was a member of Amnesty International, along with a quarter of a million other people in the UK. I know that you have been in contact with our office to query links between Douglas Fox and Amnesty International, and I am happy to place on record as a point of clarification that, in 2008, the Newcastle upon Tyne group brought forward an AGM motion on sex workers' rights. The AGM rejected the policy proposals but supported a review of policy and research into the area. Douglas Fox is no longer a member of Amnesty International.

Mr Wells: Who else is Douglas Fox?

Ms Teggart: I will look to you for that.

Mr Wells: I think that you know who Douglas Fox is, do you not?

Ms Teggart: I think that, after your e-mail inquiry, based on what my colleague googled, he came up as an International Union of Sex Workers (IUSW) activist.

Mr Wells: Douglas Fox runs the largest prostitution ring in the north-east of England. He has been on the front page of 'The Northern Echo' and is quite proud of that fact. Douglas Fox was running the largest prostitution ring in the north-east of England, he was a member of Amnesty International, in one of your north-east branches, and he proposed the motion at your AGM in Nottingham in 2008. Is that correct?

Ms Teggart: He did not propose the motion. The motion was proposed by the Newcastle upon Tyne group.

Mr Wells: But he was instrumental in that motion, which went before your group.

Ms Teggart: He was a member of the group that brought forward that motion.

Mr Wells: You allowed a person who ran the largest prostitution ring in the north-east of England to have major input in your policy development.

Ms Teggart: I am happy to answer the question of how our policy is developed. On Douglas Fox, I think that it is important to note that he is one of a quarter of a million people in the UK and that our policy is not influenced by any one individual. I will hand over to my colleague from our global research headquarters to give a general outline of how Amnesty International policy is developed, but I point out that we are an independent organisation and our policies always come from extensive research that we conduct as an organisation. I reiterate and re-emphasise that the AGM motion that the Newcastle upon Tyne group brought forward was rejected.

Mr Wells: It was amended.

Ms Teggart: It was rejected.

Mr Wells: I have the speech here. I can show it to you.

Ms Teggart: I have the text of that here. It was rejected. What was passed committed the organisation to conduct a review into policy and to look at further research in that area. I have the text here.

Mr Wells: And I have the text as well.

Ms Catherine Murphy (Amnesty International UK): I just want to give an overview of how we develop our policies. The purpose of our policies is to move the human rights agenda forward. We look to international law and human rights standards as the basis and, beyond that, if we feel that international human rights law is not going as far in the protection of human rights as we think it should, then we look to influence that. The basis of our policy is research. We do research, we develop ideas and, beyond that, it goes through a full democratic process. We are a global democratic organisation. There are varying degrees of decision-making powers, but the policies are developed in line with the membership and our democratic processes.

Mr Wells: Yes, and you reached a conclusion that was published in the 'Daily Mail' two weeks ago. The headline reads:

"Amnesty calls for legal prostitution: Charity says laws that ban people buying or selling sex breach 'human rights'"

The article continues:

"A policy document drawn up by the charity claims that prostitutes, pimps and men who buy sex are simply 'exercising their autonomy' and should be allowed to do so 'free from government interference'. The proposal, which also bizarrely compares prostitutes to coal miners and domestic servants, was uncovered by writer Julie Bindel."

Is being a prostitute the same as being a coal miner and a domestic servant?

Ms Teggart: I would like to comment on what that article raised, but we are not going to get into responding to editorial bylines. What I can say is that Amnesty International is reviewing its policy. There is no "conclusion", as you put it. We are reviewing our policy on the buying and selling of sexual services. At present, we neither support nor endorse any specific state response such as the Swedish model.

In opposing clause 6 and highlighting contradictory evidence, we are simply urging the Committee and the Northern Ireland Assembly to undertake deeper and wider reflection on this important human rights issue than is possible in the consideration of a single clause of an anti-trafficking Bill.

Mr Wells: Who is Patrick Corrigan?

Ms Teggart: He is our head of nations and regions.

Mr Wells: He is also a leading light in Amnesty International at a UK level.

Ms Teggart: He is our head of nations and regions, which means, as part of the UK section, he is the head of Northern Ireland, Scotland and Wales.

Mr Wells: Why was Mr Corrigan not available to speak to us today?

Ms Teggart: Because I lead our work on human trafficking.

Mr Wells: Right. Why did he deny that he had ever heard of Mr Fox when I contacted him?

The Deputy Chairperson: She cannot answer for someone who is not here, Jim.

Mr Wells: You have been well briefed on this, Gráinne. You know the answer.

Ms Teggart: In the email exchange between you and my colleague Patrick Corrigan, you asked the simple question: was Douglas Fox known to him?

Mr Wells: He said no.

Ms Teggart: He said no initially. To be exact, he said that a Google search brought up that he was an IUSW activist. He then looked through his email history, because you referenced that you had an e-mail exchange between him and Esmond Birnie on this. In the email that Patrick forwarded to you, he acknowledged then that there had been an email five years ago, but, again, that was in relation to the Newcastle upon Tyne group, which I referenced.

Mr Wells: By the way, what is the status, then, of this report, which is obviously an update of your policy? You are saying that it has not been adopted by the full membership. What is the status of this document that has been revealed in the media? What is it?

Ms Teggart: It marks the beginning of a very detailed and genuine consultation with our members on a global scale. No one section of our organisation has a policy. We take our policy decisions internationally. This document, which is referred to in the 'Daily Mail' article, is a draft policy on which we are now encouraging a healthy debate amongst our membership in order to get their views on a draft sex work policy. We are at the very beginning of the process of garnering their opinions on that.

Mr Wells: It is worth saying that one of the major policies in that document is that there should be no criminalisation of voluntary sex between adults, whether it is paid for or otherwise.

Ms Teggart: I have to stress that I cannot get into a conversation or discussion on policy that does not yet exist. This is not policy.

Mr Wells: OK. I accept that, but it shows you the drift of Amnesty on this issue.

Ms Teggart: No. What it shows is that we recognise that this is an important human rights issue, and we want to consult our members to get their views on it.

Mr Wells: We heard very compelling evidence from Rachel Moran. I do not know whether you have read her book. I advise you to do so. It is a compelling and horrendous story, but I think that it gives us an insight into the sex trade in the Irish Republic. When you were compiling your evidence, why did you not consult people like Rachel, Sarah Benson and those who have direct experience of the impact that selling sexual services has on prostitutes?

Ms Teggart: Our position on the Bill comes from our policy analysis of existing legislation and legislative proposals. At the minute, because we are at the beginning of a consultation process on what could be our sex work policy, we will engage with a range of organisations.

Mr Wells: Have I a right to buy the sexual services of any woman I want?

Ms Teggart: Again, you are getting into areas on which we do not have a policy. We do not have a policy on sex work. That is what we are consulting on at the minute. I cannot —

Mr Wells: But you pride yourself on being an international human rights organisation. That is —

Ms Teggart: We do not pride ourselves on it: we are an international human rights organisation.

Mr Wells: I think that everyone would accept that. That is probably the only thing that we will agree on all afternoon — or evening, as it has become. You are an internationally recognised human rights organisation. However, funnily enough, the Irish Congress of Trade Unions, Women's Aid and, most importantly, the Northern Ireland Human Rights Commission do not agree with you.

Ms Teggart: Each organisation can analyse legislative proposals and human rights instruments and come to their own policy conclusions. I am here to speak about how Amnesty International has analysed this legislation.

Mr Wells: So, despite what those very disparate and internationally recognised bodies say, Amnesty International will go on a solo run and say that they are all wrong.

Ms Teggart: We are not saying whether other organisations are wrong; we are saying that our analysis of the Bill is as it is in front of you in our evidence paper. Our concern, as represented by other organisations, is that support for clause 6 comes from its shift of legislative and criminal-liability

focus from the seller to the buyer. As I have just said in my opening remarks, it does not actually succeed in doing that. The reason that it does not succeed is because it does not give consideration to other sexual offences that already exist.

Mr Wells: There is a view that, if you take the Dutch or Danish model, in which everything is open and there is no prosecution of the buyer, that makes life safer for sex workers. Yet, in Holland, in 30 years, 127 people have died. In Sweden, one person has died. They have two totally different models. Which do you think gives better protection to the human rights and safety of practitioners?

Ms Teggart: Again, at the risk of sounding repetitive, we do not have a policy on sex work —

Mr Wells: You have a —

Ms Teggart: — which means that we neither support nor endorse any specific state response.

Mr Wells: Gráinne, you cannot have your cake and eat it. You are a very experienced political animal, or political lady, in more ways than one. You say that you are against clause 6, but that you do not have a policy. That is fundamental. The clause 6 model applies in Sweden. It does not apply in Holland.

Ms Teggart: I think that I have pointed out that clause 6 is not the Swedish model. Clause 6 does not succeed in shifting the focus from the seller to the buyer.

Mr Wells: Are you saying that, if we were to adopt clause 6 to replicate the Swedish model, Amnesty International would support it?

Ms Teggart: I am saying that it does not replicate the Swedish model. We have stated quite clearly that, at best, there is conflicting evidence as to whether the Swedish model has succeeded.

Mr Wells: The contrast between 127 deaths in one country and one in the other is quite stark. Going back to my right as a man to purchase the services of a prostitute, were you here for the evidence of Ugly Mugs? For instance, do you think that it is a foundation of human rights that a woman can be bought for sex, shunted around from one part of Ireland to the next, and then her performance rated on a website by the men who use her? Can you see that as a fundamental defence of her human rights?

Ms Teggart: Amnesty's primary concern is for women and men who suffer human rights abuses and violations because of their status as sex workers or as victims of sexual exploitation and/or trafficking. Again, you are asking questions about areas on which we do not have policy.

Mr Wells: You do not have policy in that area, but you have policy resisting either clause 6 as drafted by Lord Morrow or as it has been introduced in Sweden. You are against both versions of clause 6.

Ms Teggart: We have not said that we are against anything in Sweden. We have said that the evidence in Sweden is, at best, conflicting. The reason why we oppose clause 6 in the Bill is because we feel that it poses some risk that has not been properly explored. That is why we recommend further research in this area.

Mr Wells: Gráinne — again, you have experience in this — that is the oldest trick in the book. If you do not like something, do not come out and say so. Boot it off into the bushes by calling for more research.

Ms Teggart: With the greatest of respect, we are not trying to boot it off into the bushes. How do you know what you are legislating for if you do not have the research and evidence base to know exactly what should be put on the statute books?

Mr Wells: In the Irish Republic, their approach on that was to carry out extensive hearings on the issue, as we are doing. We have trawled widely. We have heard from people with your views, and totally different views. We went to Sweden. We went to Dublin to meet the Oireachtas justice committee. We went through all of that. That is the research that is required. By the time that we

have finished with this, we will have gone down every byway on the issue. Is that not sufficient to meet your concerns?

Ms Teggart: On research, we should be looking at the range of experiences and needs that exist in the sex-work industry, if that is how you want to refer to it. We do not have that information at present. Although I appreciate that the Committee is taking evidence from an extensive range of witnesses, which is certainly something that we welcome, that is on a legislative proposal. It is on this piece of legislation. It is not on the detail of what the sex industry looks like in Northern Ireland.

Mr Wells: So, your point is that there is something inherently different about the sex industry in Northern Ireland from that of, say, Sweden, Norway, Iceland or any other country — or France, which is just about to introduce these measures? You are saying that we are totally different; our men are gentlemen who are there only for social interchange and a wee bit of chat, and do not treat women in the way that men do elsewhere in Europe?

Ms Teggart: We think that country context is important and that it merits further investigation in Northern Ireland before clause 6 —

Mr Wells: I suggest that you go to the Escort Ireland website tonight and look at the reviews of prostitution in Londonderry, which is a place dear to the heart of the Deputy Chair. See whether those men are any different from men in the Irish Republic, Sweden and Norway. They are exactly the same, only their phraseology is different.

Ms Teggart: Sorry. With the greatest respect, I think that you are misinterpreting or do not understand my point, which is that we need to look at and understand the sex industry in Northern Ireland. We need to consider not just those who purchase sexual services but, for example, how many women, men or transgender individuals are involved, and how and why their needs differ. In talking about sexual services, are we talking about sexual intercourse, lap dancing or sex phone lines? What exactly are we talking about when we refer to sexual services?

Mr Wells: So, Gráinne, when someone buys the services of a woman in Belfast through a leading sex website, you believe that, in Northern Ireland, they have a cup of tea and a chat in the 35 minutes and no sexual services are provided?

Ms Teggart: Sorry, you are asking the same question in a different way, and I thought —

Mr Wells: I am, because you are saying that men behave differently, and it is a fact —

Ms Teggart: No, I am not saying that men behave differently. I am saying that there is a vacuum — an absence of information — that the Northern Ireland Assembly needs to consider before it legislates.

Mr Wells: And you feel that we are radically different from the Republic, France and Sweden in our attitudes to the purchase of sexual services and that those providing that here are radically different as well?

Ms Teggart: Sorry, Mr Wells, I have answered that question.

Mr Wells: You have not.

Ms Teggart: I have, to the best of my ability.

Mr Wells: You are in a human rights organisation that is prepared to stand in the way of something that will protect many vulnerable women from dreadful sexual treatment. You are totally out of line with every other human rights organisation that works in this field.

Ms Teggart: Actually, we are concerned about vulnerable women. That is why we oppose this clause and why our evidence highlights the risks that this has the potential to create.

Mr Wells: What are the risks?

Ms Teggart: My colleague can speak more about the international examples. However, the Swedish model, as it is often referred to in the Committee, has led to a breakdown in relationships with police and had impacts on health. A number of policy areas need to be addressed in the round before we get to legislating against sexual services.

Mr Wells: I think that you need to speak to the police in Stockholm. We went there — I do not think that you have — to speak intensively to the police. I was there, as were Mr Humphrey, the Chair and, I think you —

The Deputy Chairperson: No, Ms McCorley went.

Mr Wells: We took them through that, and the police in Sweden have a totally different view on this issue. You do not seem to have carried out that research. Either the police in Sweden are lying to us, which I doubt, or they have a clear knowledge of what has gone on over the past 16 years in Stockholm and elsewhere.

Ms Teggart: I think that the Swedish police have acknowledged the difficulties that the Internet presents in monitoring the numbers of sex workers and in dealing with the wider issues of their safety etc, which also need to be considered. I will let my colleague come in on the international examples.

Ms Murphy: We are trying to make the point that there has not been research in Northern Ireland. We do not know enough about the situation, and it is not just as simple as transferring the Swedish model to Northern Ireland. That is because what you are proposing is not the Swedish model; it is an untested model.

Mr Wells: So you would accept the Swedish model being imposed in Northern Ireland?

Ms Murphy: We are saying that there is conflicting evidence about the Swedish model, but, even at best, you are not transferring a model from one place to another. You are trying to introduce an untested model when you do not have any of the evidence needed to understand the environment.

Mr Wells: Why do you not fly to Sweden — it takes only two and a half hours — and speak to the social services, the public prosecutor and police, as we have? Your evidence is not based on any first-hand experience of the Swedish situation. We got a totally different message during our visit to Sweden. You have not been; you have not gone and spoken —

Ms Murphy: I appreciate that, and I would be extremely interested in going to Sweden. I would love to do that. However, I think that it is well versed in research that the evidence on the Swedish model is conflicting, so we are concerned about that. We are not coming down on one side or the other; we are saying that the evidence is conflicting and we would like the Committee to acknowledge that, look into it and see if you can do further research that will provide more checks and balances if you are to introduce an untested model in Northern Ireland. A huge amount of vulnerable people could be affected by this.

Mr Wells: The Deputy Chair has been very patient with merit is interesting that the Norwegians, the Icelanders and the French did not require any research beyond what was done through the legislative process. They were all absolutely convinced —

Ms Murphy: The results have been conflicting.

Mr Wells: — that men — it is 99% men, unfortunately — behave exactly the same in every part of Europe in how they deal with women. If you read the reports on the sexual services provided and the way that the men react to women, it is appalling that any woman should be put through that. It is exactly the same no matter where you look at it in Europe: the women are treated like lumps of meat to be used for the gratification of men, with no thought whatsoever about their welfare or human rights.

Ms Teggart: I appreciate that you can go to Sweden, but you can also do the research. You can look for official data that shows anything convincing that suggests that there has been a marked decrease in the purchase of sexual services or in human trafficking for the purposes of sexual exploitation. That is absent. Part of that can be put down to the Internet and, obviously, the difficulties that that presents. Although it may still be true, as you claim, that demand has decreased since 1999, we

would say that, equally, it could be true that it has increased and that the available facts do not justify a conclusion one way or the other. That is why we say that the evidence is conflicting.

Mr Wells: So, Amnesty International in Northern Ireland is right, and it knows more about the Swedish model than the Swedes themselves. The Swedes tell us that their life and times survey shows that the number of men in Sweden acquiring the sexual services of women has halved since 1988, but you know better. That is what you are telling us.

Ms Murphy: Our point is that a number of different research projects in Sweden demonstrate conflicting evidence. We are not saying that we know better than anyone. We are acknowledging that it is not as clear-cut as perhaps you think it is. Our concern, as a human rights organisation, is that, in legislating, you have to take cognisance of all human rights. You cannot legislate in one area and ignore the potential consequences in other areas for other individuals.

Mr Wells: You need to get on that plane.

Ms Teggart: The Swedish National Council for Crime Prevention, which is the official body that monitors organised crime, has stated in its reports that it has found little or no evidence that the Swedish law criminalising the buying of sex had any significant impact on the decrease of trafficking for sexual exploitation. Those are its words, not Amnesty International's.

Mr McGlone: Thanks for being with us here today. It does no harm to be better informed, no matter how well informed we think we are at any given stage. An old friend of mine used to say that it is a poor day that goes by when you do not learn something. I hope that we will learn something as a result of this.

We are talking a lot about hopping on a plane to Sweden. What is the take of your Amnesty International colleagues in Sweden? If there were something from them that could help to inform me or us, I would be glad to hear it.

I move on to your recommendations on clause 6. You recommend:

"a full needs analysis of the range of people involved in the sex industry and a human rights compliant impact assessment of any further legislation."

What are you seeking to obtain by way of a needs analysis of the range of people involved in the industry and the human-rights compliant impact assessment? Are there deficiencies in that regard that require an impact assessment, or there are there other issues? Will you tease out your thinking on that?

Ms Teggart: Yes. There are a couple of points to make on that. There has not been an impact assessment to look at the potential for unintended negative consequences. When we refer to the needs analysis as being something that should come through in further research, it is because we really need to understand the nature of the problem here so that we can legislate in the most appropriate way. Our policies need to be devised in a way that is responsive to the needs of vulnerable people in Northern Ireland.

Mr McGlone: Will you give me a few examples of what you mean by that needs analysis? What needs? I am trying to get it into my head. We have been sitting all day in this room. I have been here since 10.00 am.

Ms Teggart: OK. An example is the needs of women, and how they may differ from the needs of men and from transgender individuals. What numbers are we talking about? We might rightly assume that females make up the majority of sex workers in Northern Ireland, but we need to know that. We also need to know the number of men and transgender individuals involved so that we have targeted and robust legislation and policy.

Ms Murphy: It would be useful to understand how the current legislation removes criminal provisions for victims of trafficking but does not remove criminal provisions against people who do not meet the strict definition of trafficking, which could include a huge number of very vulnerable people involved in sex work. It could include people who have been coerced but who do not meet the technical definition of trafficking. It also has an impact on people who voluntarily engage in sex work. It does not remove

the criminal sanctions on those individuals either. That is not the same as the Swedish model, which is why it would be really important for the Bill to look more closely at the make-up of people involved in the sex work industry: individuals who have been trafficked, those who have been coerced but do not meet the definition of trafficked, and those who engage in sex work voluntarily. The Bill, as it stands, has very different implications for those different groups and, from our perspective, that is potentially dangerous for very vulnerable groups.

Let me say that we do not want to be a roadblock. We want to make the point that measures that initially appear logical and valid when applied to one context or group can have unintended or counterproductive consequences for others. I will be very brief. Earlier today in Committee, we heard about how you can legislate to send a message. We talked about seat belts, and so forth, and I entirely accept those points. However, there are plenty of other examples, in legislative terms globally, and I can give you some if you care to hear them, whereby something has appeared logical and sensible and seems like a very obvious move to achieve one end. The legislation has been enforced and then, at the other end, there have been implications for other vulnerable groups, which leads to other human rights violations. We want to make that point. We would love to see the Northern Ireland Assembly take more action to ensure that that does not happen in this case.

The Deputy Chairperson: Could you briefly provide one example of that?

Ms Murphy: Yes, and I will be very brief. One global example that is currently a big issue is the proliferation of Bills on the criminalisation of HIV transmission. The aim of much of that legislation is to protect women in relationships because of their vulnerability, whereby they cannot negotiate condom use, and so forth. That was the impetus behind many such Bills, particularly in Africa. They were given huge support by a lot of women's organisations, and, on the face of it, it appears incredibly logical. It appears to be a great way to protect women from HIV transmission. However, in reality, what has come about is that, because women are diagnosed earlier and can transmit HIV through pregnancy, women are far more liable to prosecution. I know that that is not a like-for-like comparison; I am simply giving you an example of how, if there is not adequate research and the issue is not thought through to the end, legislation with a legitimate aim and obvious purpose can have serious applications for other groups.

Ms Teggart: Allow me to make a final point in answer to the question. A needs analysis would also inform us about the services that are needed, which we do not have at present. Although the Bill seeks to put on a statutory basis support for victims of trafficking, it does not do the same for those who would be directly affected as a result of clause 6 passing into law. We simply do not know. We may have some limited information about the services that would be needed, but we do not have that information at the minute, which, in itself, poses a risk. Members should also consider this question: is it right that we put on a statutory basis support for victims of trafficking — we support that aspect of the Bill — but, with clause 6, do not also consider support for potentially vulnerable groups?

Mr McGlone: I have two brief points. With clause 10, we talked about domino effects, consequential, and so on. You say that clause 10 should be amended to clarify the responsibilities of the Health Department and the Department of Justice. Can you expand on that, please?

Ms Teggart: The Department of Justice takes the lead on the anti-human-trafficking response in Northern Ireland. The Department of Health is responsible for child victims of trafficking, and the Department of Justice is responsible for adult victims of trafficking, so a cross-departmental approach would not be required.

Mr McGlone: That is grand. Finally, although it may be misguided to assume that any organisation's policy direction can be determined by an ex-member who has long gone, you are determining policy at the moment and conducting a policy review. Do you have a date by which that will be available? If it were there for the Committee to read, it could be helpful if that were done before we advance our deliberations to the next stage.

Ms Murphy: I am genuinely not being evasive. There is not a set date for a decision. We have a timeline in mind of this calendar year. It is a big organisation, and many people have to be consulted. We do not have a deadline because we feel that an internal debate is necessary. We think that it will be in the next calendar year.

Mr McGlone: That is grand.

Ms Teggart: We are a global international human rights movement and take these decisions as such, but I emphasise that we are one section that is beginning the consultation with other sections. We each work through our own processes in consulting our members and stakeholder organisations.

Mr Elliott: Thanks for the presentation, folks. I am just checking my emails in case I sent something five or six years ago to you that I need to confess to. *[Laughter.]*

Mr McGlone: Or received five or six years ago.

The Deputy Chairperson: There is something to be said about the spoken word.

Mr Elliott: I cannot find anything at this stage, but I will keep looking.

It is obvious that there is a divergence of views over parts of the Bill, particularly clause 6. We are being open about this. I listened to your issues about clause 6 and the aspects that you do not believe are workable. What do you believe that clause 6 would do if it were implemented, as opposed to what it would not do?

Ms Teggart: Essentially, clause 6 creates a mixed bag of criminalisation. Despite what has been claimed about shifting the focus from the seller to the buyer, in real terms, it does not do that. I refer to article 59 and article 64 the Sexual Offences Order, which refer to offences around brothels and soliciting in a public space. My colleague referred to this untested model and said that this is not the Swedish model. The Department of Justice, for example, has said that, on article 64A, when a woman has been subjected to force, it wants to remove the six-month statute bar to that offence in recognition that there have been no convictions, as far as I am aware. It is also in recognition that that six-month statute bar creates difficulties — for example, with the PSNI in investigating those offences. We welcome that, and, indeed, we call on the Department of Justice to commit to a legislative vehicle with which to bring about those legislative changes. There is no reason why the Bill —

Mr Elliott: Sorry, Gráinne. Surely that is what clause 6 is still not doing. My question is: what, in your opinion, does clause 6 do?

Ms Teggart: It creates a mixed bag of criminalisation, which could have unintended negative consequences.

Mr Elliott: I asked a previous set of witnesses about support services for victims. Obviously, I want to hear your opinion as well. I asked the trade unions whether their preference would be that people were integrated into this society if they were not from Northern Ireland. What is your view on that, and do you have any idea of the numbers that may be involved? The trade unions did not seem to have any indication, and perhaps you do not either. If you do not, that is OK. Do you have any idea of the numbers that may be involved and the associated costs if those people were to be integrated into Northern Ireland society?

Ms Teggart: We do not, because our work on the issue has a purely legislative and policy focus. We are not service providers.

Mr Humphrey: Thanks very much for your presentation and for your patience. Gráinne, you set out very clearly in your opening statement that Amnesty International is about protecting the human rights of all people. You may have your view on the Bill and its clauses, but that is exactly what we are trying to do here. I hope that you accept that. In your reply to Mr Elliott, you said that clause 6 would create a mixed bag. In Amnesty International's opinion, does section 64A of the Policing and Crime Act 2009 provide sufficient protections?

Ms Teggart: I made the point about there having been no convictions when a woman has been subjected to force. Some of the difficulties and reasons behind that have included the six-month statute bar, which is why we welcome the Department of Justice's commitment to remove that.

Mr Humphrey: In terms of convictions and so on, that could equally be down to policing and the fact that the whole problem in Northern Ireland is driven underground. Do you accept that?

Ms Teggart: I am not sure that I understand what you mean.

Mr Humphrey: Basically, I am saying that it is very hard to get statistics on the issue in Northern Ireland, or anywhere, but, given the mixed messages from the police, which you will have heard about earlier, that there is criminality and has been alleged paramilitary activity in the past, prostitution has been driven underground. My view is that the current law does not provide protection for the most vulnerable trafficked people. Do you agree with that?

Ms Murphy: As Gráinne said, given that we are not a service-providing organisation, it is difficult for us to gauge beyond the statistical prosecutions, figures, and so on, about the perceptions of the impact of the law. The point that we are trying to make is that there may be a perception, or there may be reason to believe, that the law as it stands is not sufficient. We do not really have a position on that, one reason being that we do not have the research. However, we are trying to communicate as clearly as we can to the Committee that legislation definitely has a role. We are not suggesting that there should be no more legislation on those issues per se but that there is a range of other options beyond a legislative course of action. We are concerned that there is a rush for a legislative course of action in this instance when there may be many other options along the way. It is an untested legislative model.

Mr Humphrey: I do not disagree with what you say. My point is about the lack of evidence and statistics, and I think that you agree with that.

Ms Murphy: We would like our proposal to the Committee about further research to be included in that.

Mr Humphrey: I hear what you say, but our view as a party is that it is evident that the current law does not provide enough protection, particularly to people who are trafficked. Examples that we saw in Sweden — or heard about in Sweden, I should say, as opposed to having seen them — were really horrific. Young ladies had been denied all their human rights. I do not think that it is an option for the Northern Ireland Assembly to do nothing. Whatever your views are on clause 6 and the Bill generally — I wrote down what you said about it creating a mixed bag or whatever — the status quo is not enough. It does not provide protections, and it is our duty to address that. Do you agree with that?

Ms Murphy: We absolutely agree that it is your duty to address trafficking in Northern Ireland.

Mr Humphrey: Do you also agree that the status quo is not enough?

Ms Teggart: Again, that is getting into different legislative models and approaches. I feel that we have answered that, but I do —

Mr Humphrey: To be fair, Gráinne, I did not name any other country. I am simply saying that our legislation, as a supposed protection, is not enough to protect people who are trafficked — the most vulnerable people.

Ms Teggart: As a general comment, I think that there is recognition from our Department of Justice, in terms of the Northern Ireland Assembly and Executive response, that perhaps there is an inadequacy around the offence concerning a woman who has been subjected to force. I assume that that is the reason why the Department has committed to removing the six-month statute bar to that offence to facilitate convictions.

The Deputy Chairperson: Thanks very much. I have a couple of questions. did you say that there are three million Amnesty members?

Ms Teggart: Globally, there are three million-plus.

The Deputy Chairperson: If you have only one dodgy member in that three million, you are doing well.

I will move on to clause 4. Amnesty has no position on minimum sentences for adults; it is only for children.

Ms Teggart: We have no position on whether minimum sentencing should be introduced. We said that clause 4 is not explicitly clear at present, and it needs to be clear that that will not apply to children — for example, in the case of a minor who could be involved in the trafficking of other individuals.

The Deputy Chairperson: I read your papers today. You have two broad headlines: first, you think that there should be separate legislation for human trafficking and for sexual exploitation. Is it right to interpret it in that way?

Ms Teggart: Yes. We think that they are two very complex social phenomena. As far as sex work goes, it is not possible to address that in one clause in an anti-trafficking Bill. We think that it merits further research and consideration.

The Deputy Chairperson: There would be a concern, as Catherine outlined, that the unintended consequence has not been thought through.

Ms Teggart: Nor has it been assessed.

The Deputy Chairperson: How would you assess that? How do you say, "Here is a law that you are trying to enact, but here is the downside". How do we come to some determination on that? I say that because that is one of the big challenges when we are bringing in legislation. I said that last week in an evidence session, or perhaps it was at the Oireachtas. We had the PSNI in front of us when we were enacting a law on crowd control, and they said that it was a law that they would never use. Someone asked them why we would bring it in if that was the case. What is the point of having legislation if the people who are going to investigate say that they will never use it and, in this instance, to protect people from something, which is well intentioned but turns out to have a negative impact? How do we process that?

Ms Murphy: I understand that the Committee has consulted extensively, and that is a great start. Through that consultation, you will undoubtedly have identified grey areas where there is no clear answer, there is conflicting evidence, and perhaps you are not getting the necessary level of testimony and evidence from affected groups. You have an opportunity in the report that you put together to identify crucial gaps in knowledge in Northern Ireland. Beyond that, moving forward, there is real scope for independent research. You would need to determine that from the findings of your report, but we would say that the discussions that you have had around this table and the gaps that have emerged are a good starting point to figure out the next steps for Northern Ireland.

Ms Teggart: I will add to that. As far as I am aware, the Department of Justice has put out a tender for research on the subject. A lot of the evidence and detail that would be needed would or should, hopefully, come from that.

The Deputy Chairperson: You say that you welcome clause 10. I want to ask you about the concept of:

"reasonable grounds to believe that an individual is a victim".

The other standard is if:

"there has not been a conclusive determination".

Is that not a minefield? Who makes that determination? It seems to put the onus for assistance onto the Department of Justice and the Health Department. The standard of "reasonable grounds" is bookended by the other standard, which is:

"there has not been a conclusive determination that the individual is not such a victim".

It leaves it open, first, for the cost of doing it and, secondly, that either Department could say that there is no conclusive evidence.

Ms Teggart: Obviously, there are processes in place whereby trafficking victims are identified: namely, the national referral mechanism. Victims of trafficking can opt to go into that mechanism or opt to be returned to their country of origin. We support the broad principle of putting support for victims on a statutory basis, which is very welcome. That adds to our legislative response to ensuring that Northern Ireland is a hostile place to traffickers.

You mentioned the onus being put on the Department of Justice and the Health Department. Again, that is why we recommend that the detail of such support be outlined in a secondary order. Presumably, that would be the platform from which to tease out any difficulties that clause 10 may present.

The Deputy Chairperson: In earlier evidence, we heard of instances in which people are trafficked, but citizens could be moved from one part of a state to another.

Ms Teggart: When internal trafficking occurs, support is given by migrant health services for forced labour or through Women's Aid for sexual exploitation. Irrespective of whether they are from here or it is a case of internal trafficking, they get those support services.

The Deputy Chairperson: Thank you, Gráinne and Catherine, for your patience and your evidence.