



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Human Trafficking and Exploitation (Further
Provisions and Support for Victims) Bill:
Oral Evidence Event

13 February 2014

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Stewart Dickson
Mr William Humphrey
Mr Alban Maginness
Ms Rosaleen McCorley
Mr Jim Wells

Witnesses:

Ms Ruth Breslin	Eaves
Ms Jacqueline Hunt	Equality Now
Ms Andrea Matolcsi	Equality Now
Mr Thomas McConaghie	Evangelical Alliance Northern Ireland
Ms Carla Prentice	Evangelical Alliance Northern Ireland
Mr David Smyth	Evangelical Alliance Northern Ireland
Ms Liz Griffith	Law Centre (NI)
Ms Ursula O'Hare	Law Centre (NI)
Ms Pam Hunter	Nexus
Ms Fiona Mullin	Nexus
Mr Gregory Carlin	
Ms Parosha Chandran BL	
Mr Lindsay Conway	Presbyterian Church in Ireland
Very Rev Dr Norman Hamilton	Presbyterian Church in Ireland
Rev Richard Kerr	Presbyterian Church in Ireland
Ms Gillian Clifford	Victim Support
Mrs Dorothy Dickson	Victim Support
Ms Geraldine Hanna	Victim Support

The Chairperson: I officially welcome the people in the Gallery. You are very welcome to the Building. We all know why we are here. Lord Morrow's private Members' Bill passed its Second Stage on 24 September. The Committee Stage began on 25 September, and we will conclude our work in the middle of April, when we will provide a report to the Assembly.

In response to the Committee's public call for evidence on the Bill, we received 139 written submissions from a wide range of organisations and individuals. We held a series of oral evidence sessions in December and January. A number of Committee members visited Sweden to hear

evidence there. Today's event provides us with another opportunity to hear from quite a wide range of organisations. I will take you through the format that we will be following in due course.

There are a few basic housekeeping rules that I need to make you aware of because this is not a normal Committee meeting and we are in the Long Gallery. Toilets are on this floor. If you go through the doors and turn left and walk along the corridor, they will be on your right-hand side. If you cannot find them, security staff will wonder why you are wandering about and will be able to direct you to the right place. If the fire alarm rings, we have to leave the building immediately, but we are not to use the lifts so you will need to make your way down the stairs and follow any instructions from the doorkeepers. If anybody feels unwell during the meeting, please advise our Committee staff immediately, and they will assist you.

As we are recording the session, please turn off your mobile phones to make sure that they do not interfere with the recording. Although we do not have cameras here to record the session, everything will be recorded word for word. A transcript will be then be published, so it is important that there is no interference with the microphones so that we can get everything that people say accurately on the record. There is a paper setting out the format for the session, and the order in which the evidence will be taken has been provided, hopefully, to everybody. Members of staff will be roving around the room and microphones will be used. So, please do not speak until you have the microphone; that will be important so that people can hear and for the recording.

I will work through the clauses of the Bill in the order that has been outlined. I will invite each speaker listed against a particular clause to briefly make their points. There will then be an opportunity for other witnesses to make further comments or observations, after which Committee members will be able to ask questions or seek clarification. If you want to speak on a clause that you have not been listed to speak on, please indicate. Before you speak, please identify yourself very clearly by stating your name and organisation so that that information can be officially recorded. Hopefully, that is all clear.

I will guide the meeting as we progress if people are not quite sure about how to proceed. It is not like the normal format where we have individual groups before the Committee, so the evidence sessions will be shorter. We need to be out of this room by 3.00 pm, so I will need to keep an eye on the time so that we can make progress through the elements of the clauses that we want the organisations to touch on. If that is clear, we will start. Anti-Slavery International representatives were not able to make their flight, so they will not be taking part in this evidence session.

The first organisation to give evidence on clause 1, entitled "Definition of human trafficking and slavery offences", will be the Law Centre NI.

Ms Ursula O'Hare (Law Centre (NI)): Thank you, Chairperson. My colleague Liz Griffith will speak directly about clause 1. However, since I have the benefit of being the first person to speak this afternoon, I want to take this opportunity to say that, as an organisation that provides advice and representation to victims of trafficking, we strongly welcome the measures in the Bill that will provide protections. We appreciate the learning that has occurred as the Committee has taken evidence over the past number of months. There is an opportunity here for Northern Ireland to make legislative history. We hope that a number of our comments can inform the Committee.

Ms Liz Griffith (Law Centre (NI)): I want to say a quick word on the definitions in part 1 of the Bill. Ideally, we would like the Bill to adopt the international definitions as specifically taken from the EU directive on human trafficking and the International Labour Organization (ILO) convention 29 on forced labour. We say this because the Bill has the potential to streamline and consolidate existing legislation. Having the definitions, which are rooted in international law, set out at the very beginning of the Bill will give it clarity and help with its symbolic status.

We would like the whole of the Bill and all of the provisions and protections it offers to apply equally to victims of human trafficking and victims of forced labour. Part 1 relates to both sets of victims, whereas Part 2 and thereon apply only to victims of human trafficking. We have been struggling with that a little at the Law Centre and have been drawing Venn diagrams. Some victims of human trafficking are victims of forced labour and vice versa. However, some victims of forced labour do not meet the legal threshold for human trafficking. As the Bill stands, these people will not benefit from the support provisions in clause 10. This is a flaw in the Bill, and we hope that it can be amended.

Mr Gregory Carlin: I was involved with Esmond Birnie and the Ulster Unionist Party and a coalition of anti-trafficking activists in Belfast from 2002 to 2010. One of the problems we encountered with the definition of human trafficking was that, particularly as it applied to lap-dancing clubs and related prostitution, which was fairly ubiquitous to the clubs, females were arriving in Ireland with a general notion of what was going to happen. However, in all the cases we encountered, they were not told the truth about how they would be paid or where they were going. For example, one female thought that Dundalk was a suburb of Dublin and others thought that Belfast was near London. The problem that that caused for the police was that they viewed all of that as voluntary when what we had was organised crime where deception and falsehood were the terms of trade for the victims involved.

Mr S Dickson: Have you provided a written submission to the Committee and the Department of Justice with your comments and concerns about the lack of clarity so that the issues that you raise can be technically assessed?

Ms Griffith: We set out our thinking on that directly with Lord Morrow when we discussed that with him. We made brief reference to it in our submission to the Committee, but we will be happy to expand on it if that would be helpful because we feel very strongly that the Bill should not create a hierarchy of victims whereby some get protection and some do not.

Mr S Dickson: Are there things in train in the Department of Justice or in the Modern Slavery Bill that has been introduced at Westminster to deal with these matters? A lot of it is being taken on board by way of discussion with Lord Morrow and the Department. We must be absolutely sure that the issue you raised is fully taken account of in amendments to the Bill.

Ms Parosha Chandran BL: I am a human rights barrister from London. Thank you for inviting me. I have two points to add, the first of which is about the drafting of clause 1. It is relevant to say that the Sexual Offences Act offence and the section 4 exploitation offence are to be categorised as being as amended by the Protection of Freedoms Act 2012, which expanded the jurisdictional scope of the Sexual Offences Act and the scope of section 4 to include internal trafficking.

The second point is about the forced labour offence being subsumed within clause 1. I agree with that. Klara Skrivankova from Anti-Slavery International, who cannot be here because her flight was cancelled last night from London, has written in her direct evidence that Anti-Slavery International supports that absolutely.

The Chairperson: No other organisation wants to speak on this clause. Clause 2 is entitled, "Consent irrelevant for victim of human trafficking or slavery offences". Mr Gregory Carlin is the only witness on this point.

Mr Carlin: It is a short point, but it is relevant to the lobbying of Amnesty International. Our group worked on police sexual violence at a variety of prisons across the United States. We were joined with Amnesty, and it basically defines consent along certain lines. It is going for sexual autonomy based on the new proposals that have come out of the research in Asia, but we are lobbying for an understanding of consent that takes into account disparities in power, indoctrination, use of drugs and things like that. It is not particularly related to your legislation, but it is a concept vis-à-vis the lobbying that is going on between various organisations that are quite concerned at Amnesty International's idea of sexual autonomy. That has progressed and moved from where we were 12 or 15 years ago when we were doing the prison work together, and we think that Amnesty's position at the moment is that the female prisoner is capable of consenting with the prison guard.

Ms Chandran: The wording here is that the consent is to be linked to the action. The pure interpretation, or the pure wording, of the Palermo protocol, in the Council of Europe convention and in the EU directive, is the linking of the consent to the exploitation. It is not incompatible to have it linked to the action, but I would perhaps suggest an action or exploitation as an adjunct.

Rev Richard Kerr (Presbyterian Church in Ireland): I want to draw the Committee's attention to not only human trafficking but to people-smuggling and to the fact that the boundaries between the two are often very unclear. In some cases, there may be some level of consent. In other cases, there may not be. It is worth considering having the legislation take into account that people who are smuggled may also give a very little level of consent.

The Chairperson: We will move to clause 4, which is on the minimum sentence for human trafficking and slavery offences.

Mr Lindsay Conway (Presbyterian Church in Ireland): On behalf of the Church, I thank the Committee for the opportunity to present this afternoon. In doing so, we want to unambiguously support the key aim of the Bill, which is to deal seriously in Northern Ireland with the evil issue of human trafficking and exploitation.

I want to bring a cautionary note about children. There is a possible risk that, under the Bill, children could be targeted. Given that the age of consent and so forth is now 16, those recruiting and grooming children and young people could have them well trained and schooled in that whole area. The sexual exploitation of children is already under investigation, and I draw your attention to the Barnardo's study of 2011. In that study, Barnardo's clearly says that the vast majority — 88% — of young people were under the age of consent when concerns about sexual exploitation were first identified. Most were between the ages of 12 and 15, with 14 years the most frequent age at which the concern was first identified.

Point 24 of the study cites sexual exploitation as a main thrust and also the issue of prostitution. Sadly, at the end of that, it concludes that 49.1% of looked-after children are at risk of sexual exploitation. So, in that sense, we are saying that, unless the fine-tuning and the corners of the legislation are explored, we think that there is still a risk. However, we commend that. In a further section, child trafficking guardian, the Bill is to be commended. It is very much child-centred and needs-led.

Mr David Smyth (Evangelical Alliance Northern Ireland): Our organisation has been involved in the issue of anti-slavery since our inception in 1846, just 10 years after slavery was abolished here. We work across the UK in England, Scotland and Wales and are involved in the Modern Slavery Bill. I should maybe add that I am a qualified solicitor. I say that very gingerly but I just want to put that on record.

We welcome the aim behind clause 4, which calls for a minimum sentence for human trafficking and slavery offences as a deterrent for traffickers. A minimum sentencing provision exists in Sweden. So, that should not be considered in isolation but as part of a suite of measures that form part of the Swedish model. However, we suggest the need for further clarity in clause 4(2), particularly on the wording "exceptional circumstances" relating to the offence or the offender. We agree with our friends in the Presbyterian Church that those exceptional circumstances should include occasions when the offender is under 18, perhaps when the offender has been coerced and also when the offender is a vulnerable adult. We acknowledge that the clause can also be viewed as an interference with the separation of powers, particularly around judicial discretion. If the words "exceptional circumstances" are sufficiently defined so as to allow judicial discretion, we are satisfied that a balance could be struck between the legislature and the judiciary with regard to these offences.

More generally, if the words "minimum sentence" are causing difficulty, perhaps the clause should be reworded with the words "mandatory sentence". This is accepted language and practice in the Northern Ireland criminal justice system, and there are a number of precedents or examples of offences where there are mandatory sentences, which, in some circumstances, are, effectively, minimum sentences in other words. For instance, if someone is convicted of a drink-driving offence or certain other driving offences, that person must be banned from driving for a certain period of time. In effect, there is a minimum sentence. There are other scheduled offences where there is a mandatory way in which that person must be dealt with. For example, some sexual offences must automatically attract a period on the sexual offenders register.

We support the overarching aim of the clause, namely that, if someone is convicted of a trafficking or a slavery offence — taking away the freedom of an individual — they should at least put their own freedom on the line. This is an important opportunity to show, through legislation, the value that our society places on freedom and human dignity. We must make this a safe place for victims and a dangerous place for traffickers.

Ms Geraldine Hanna (Victim Support): Good afternoon, Chair and members of the Committee. I am the operations manager. First, I thank the Committee on behalf of our organisation and my colleagues who are with me today for the valuable opportunity to provide evidence on this Bill. In keeping with the other organisations that are giving evidence today, Victim Support NI is deeply concerned about human trafficking in Northern Ireland, and, as an organisation that supports victims, we are fully

committed to providing appropriate help and support to victims who have been trafficked for any purpose.

We welcome Lord Morrow's commitment to the issue and the important opportunity for discussion and debate that the introduction of the Bill has afforded. We acknowledge that this is a highly emotive policy area and fully support efforts to legislate on this issue. We also respectfully acknowledge the views of our partner organisations, including Women's Aid, which has worked and campaigned extensively on human trafficking and sexual exploitation. However, we are of the view that any legislation must be based on strong evidence and should produce law that is effective and enforceable if it is to make a demonstrable difference to the individuals who have been trafficked.

In the context of clause 4 specifically, Victim Support NI is a strong advocate of judicial independence, and we value the principle that, in delivering sentence, judges must be free to take full account of the broad circumstances in each case as well as any mitigating factors. We therefore have concerns about the application of minimum sentencing. We share the concerns of the Presbyterian Church in Ireland that the term "exceptional circumstances" is not clearly defined in the Bill. We agree that the potential criminalisation of children also needs to be addressed. That is the conclusion of my remarks.

The Chairperson: Thank you very much. Do any members wish to ask the three witnesses any particular questions before I open it up? Do any other witnesses have any comment to make on clause 4 in respect of minimum sentencing?

There are not, so let me move on to clause 7, which is entitled, "Requirements and resources for investigation or prosecution".

Mr Carlin: I have only a short statement on clause 7. The abolitionist movement finds that, as we go from country to country, we get legislation, enforcement and police action. One of the adverse phenomena of policing is that, in many jurisdictions, there is the phenomenon of perp-walking, where the police operations are seen as reality television and you have prostituted women led out in handcuffs for the benefit of the cameras or the newspapers. The consequence is that individuals in the abolitionist movement and, indeed, the anti-trafficking sector are labelled as a rescue industry that is totally indifferent to the well-being of the people who are actually caught up in these large-scale police operations.

It is important to view a prostituted woman, or anyone who has been a victim of trafficking or sex trafficking, essentially as a victim. Therefore, how appropriate would it be to have a TV crew appear outside other scenes of crime? I actually think, should the legislation go through, that the PSNI should be discouraged from getting involved in reality-TV policing whereby they basically work with the media as if it were a public-relations opportunity for them. Prostituted women deserve better than how they are often treated by the police.

The Chairperson: Do any members or witnesses want to come in on that particular clause? Gregory, how do you balance that with what some people say, which is that it is in the public interest to highlight that and that that, in itself, it can raise awareness and also act as a deterrent to individuals who may potentially want to exploit women in that way?

Mr Carlin: There have been cases when the police have actually delayed raiding premises until such times as a TV crew was available to do it. That happens. Basically, the raid does not happen because the TV crew is not ready.

The Chairperson: What about court proceedings? Obviously if a case were to be taken forward —

Mr Carlin: At the moment, over two or three years in the UK, most of the arrests that have taken place have been of prostituted women — not sex traffickers, but prostituted women. The British Government have lauded their efforts to eliminate sex trafficking. However, essentially, they have arrested prostituted women. You see them being led out of brothels and stuff like that. It is basically no use to anybody.

The abolitionist movement asked the British authorities to arrest sex traffickers. We did not ask anybody to arrest prostituted women in droves, which is basically what they did. Then, they dressed it up as somehow a clampdown on sex trafficking, which it was not. The people who have paid for that are our movement and indeed feminists as well. We are being accused of being part of a rescue industry which is fundamentally fraudulent. It has to be stated that what the British Government have

done over several years — I am not saying at the moment, but certainly during the Labour Government — was a fraudulent exercise in arresting large numbers of people and that, sometimes, prostituted women would be moved from the victim category to the perpetrator category. It was just a huge mess. It will not earn the support of the public if they see things that are just not true. That is what I am basically saying: arresting prostituted women in droves will not help anyone, particularly if it is done very publicly for the benefit of the media or television because it alienates the victims of the sex trade. It is not good and it does not work.

Ms Andrea Matolcsi (Equality Now): We also want to thank you very much for the opportunity to comment on the Bill. With regard to the previous point, we want to emphasise and add to that that the focus has been on the women for far too long, with regard to law enforcement and research, public awareness and where the media has been looking. If there is a chance to use police operations and media attention around that to raise awareness of trafficking, coercion, exploitation or the situation of those women in the sex industry as such, that is a great opportunity to then talk about the traffickers and pimps and the people who use those women, the buyers. The information is there as well. It can be presented. It is up to the media and the police what they want to present.

The Chairperson: Are there any other comments or questions? Let us move to the next clause — clause 8 — which deals with the non-prosecution of victims of trafficking in human beings.

Ms Chandran: I have been working for victims who have been trafficked in the UK since 2004, so that is 10 years. One of the significant issues that came to me back in 2005, I think, first, was the phenomenon and, unfortunately, the reality of the phenomenon of victims of trafficking who were being prosecuted, convicted and imprisoned for criminal activities that arose through a direct consequence of their trafficking. The obvious crimes at that time, which were prevalent, were the runaway crimes, where victims of trafficking were fleeing their traffickers, had obtained false documents and were using those to flee London and the United Kingdom. In that process, they were being arrested, charged, prosecuted and imprisoned. In 2008, I brought, with the help of Peter Carter QC, the first case to signify that that was an unlawful practice that ran directly against article 6 of the European Convention on Human Rights — the right to a fair trial — and also to human rights, namely that a person who, but for their trafficking, would not have committed the criminal offence at all should not be punished.

Since that time, unfortunately, the practice of criminalising victims of trafficking has continued. Its form has changed. Victims are increasingly being subjected to criminal-activity-style exploitation by traffickers. That much is so clear that the EU directive in 2011 included in its list of prohibited exploitation aims the use of criminal activities. What we see now is that many people are being used for benefit fraud; drug-style cases, such as cannabis cultivation; and drug trafficking. Those people are being prosecuted and, again, imprisoned and punished.

The aim of the non-punishment provision is critically clear. It is to uphold the human rights of the victims. It is also to enable an effective criminal justice system to operate that will allow successful prosecutions of those who target vulnerable victims to force them or compel them to commit crimes. That relates to how the business model of traffickers is now able to flourish. Until non-prosecution becomes a substantive right, and whilst it remains in the hands of an individual prosecutor in an individual court on an individual day to make an individual decision that may not be overseen by anybody, we will continue to have a completely uneven, piecemeal and flawed system of protection for victims of trafficking. We will continue to have growth exponentially of human trafficking as a profitable business in the United Kingdom, including in Northern Ireland.

Clause 8 is very commendable because it confronts a number of things. First, it suggests that there should be no prosecution or punishment of a victim of trafficking who commits a crime as a direct consequence of their trafficking. It ties in the word "compelled" to an understanding of what that means, namely that a person is subjected to abuse of a position of vulnerability, deception, coercion or threat. If the person is under one of those conditions when they commit the crime and it arises directly through the trafficking, they should not be prosecuted.

It also confronts the difference in the human trafficking definition between children and adults, whereby the means do not have to be established for a child. So, the harbouring, recruitment, transfer or exchange of a child for the purpose of exploitation is human trafficking. If a child is used for a purpose that results in their criminalisation, that would be unlawful. The child should be protected before they are criminalised.

That is the backdrop for it. What is clear is that the EU directive has direct effect, so it has a different legal status from article 26 of the Council of Europe Convention on Action against Trafficking in Human Beings, which, as you will know, was implemented on 1 April 2009. The EU directive has direct effect. That means that there needs to be direct respect and implementation of article 8 in the EU directive, which is the non-criminalisation provision, into UK law. At the moment, there is prosecutorial discretion, and we see that it fails time and time again. My most recent case, which I took to the Court of Appeal (Criminal Division), last year, resulted in the landmark judgement of R v L and others. In that situation, which involved four trafficked victims — three Vietnamese, who were boy minors at the time of their conviction and were prosecuted and imprisoned for cannabis cultivation offences, and a woman from Uganda who had used her passport to obtain a national insurance number after she had been released from her trafficking — the facts of the cases were crystal clear at the time of the prosecution. Legal guidance existed, so why did nobody turn their attention to it? They did not care, or they did not know about it. That is notwithstanding the 2008 judgement in R v O, which established that there should be recognition of the legal guidance by the Crown Prosecution Service (CPS) and that it should be published, which is what happened the following year.

Are we going to maintain the United Kingdom as being a soft touch for traffickers who know that they do not have to use their own hands to commit crimes, because they can use the hands of those who are vulnerable and weak and who have no support to do the crimes for them? That is what article 8 of the EU directive is about. It comes through a long line of very sophisticated history, from article 26 of the Council of Europe Convention back to 2002 when the Office of the High Commissioner for Human Rights wrote her guidelines and principles on human trafficking and human rights, and, for the first time, enumerated what was then a non-binding, non-prosecution clause. So, the fact that the Council and Commission in Brussels have decided that this is absolutely important and necessary for the modern-day combating of human trafficking and slavery is something that requires very careful thought.

It is still a shock to me each time I hear about it, even having won the L judgement last summer, that, two days ago, a Vietnamese child was being prosecuted for cannabis cultivation offences. The child had a reasonable grounds decision under the national referral mechanism (NRM), but still no one paid any attention. You might ask me, "What are the safeguards? Isn't everyone going to stand forward and say that they are trafficked? We cannot have it because people will abuse it". The answer is this: we need an effective, accountable and accurate national referral mechanism that is good at the identification of victims. If we have that, it will be the NRM decision-making process that should be the trigger for consideration of non-prosecution and should enable these cases to halt quickly. If they do, the dual aims of article 8 under the EU directive and clause 8 will be enabled. It is this: we must not harm the victims of human trafficking. They are the witnesses of the crime. If you punish them, you are compounding their fear, and you will not achieve any chance at combating slavery in this modern-day era.

I support everything that the Bill is suggesting in respect of the offences, but I am also asking for recognition that one has to link non-prosecution with the prosecution of offenders to understand what the objectives are, how they can be achieved and how victims can finally be cared for, and so that the UK can stop being a soft touch for the human traffickers who are completely motivated by harming those weaker than themselves.

Mr Smyth: We recognise and welcome the intention behind the clause. A victim of human trafficking should not be unfairly penalised for criminal acts that they were forced to do. However, we have concerns about establishing a statutory basis for the non-prosecution of a group of people. Although clause 9 defines the meaning of "victim" for Parts 2 and 3, the term "victim" is not defined for Part 1, under which this clause falls. That creates an issue of defining the group of people to whom the non-prosecution is extended. Does it apply to suspected victims, to those who self-identify as victims, to those who cooperate with the criminal investigation, to those who are successful in the NRM process or to all those people? We need more clarification on that.

Crimes are often committed for a number of reasons, which can be hard to separate. Clause 8 states that the criminal act must be as a direct consequence of the trafficking in human beings. That could be difficult to prove in many instances. For example, take someone who was trafficked into Northern Ireland two years ago and has since escaped from exploitation, but struggles to rehabilitate and often commits petty crimes while intoxicated, attributing that behaviour to their trauma. Will they be prosecuted? Will there be a time bar between trafficking and offences being committed, or does the clause apply only to offences committed while they were being trafficked, bearing in mind that trafficking is not just being held and that escaping from a trafficked situation can take a long time?

We are also concerned that the immunity may create a hierarchy of victims, whereby the non-prosecution of victims of human trafficking who commit crimes could diminish the justice needs and views of their own victims. That leads me to an uncomfortable truth. There are victims who may have risen to positions of power, becoming traffickers themselves. In those cases, victims may have committed very serious offences, such as trafficking, murder or rape. The intention of the clause is certainly not to provide an excuse for serious organised criminals, despite their real or bogus claims of being trafficked themselves. It will be difficult in those very complex cases to decide which offences were committed because of coercion and the direct consequence of being trafficked and which were committed through free will and choice. The line between coercion and an individual's own responsibility is very difficult to find. Such cases should be considered on their own merits, having regard to the seriousness of the crimes committed and the conditions of their trafficking experience.

There could be conflict of legal interpretation under the Bill as it stands. If a trafficked person who has been coerced into becoming a trafficker themselves is convicted of a trafficking offence, how are they to be treated under the Bill? Under clause 4, they may be subject to a minimum sentence. However, under clause 8, they could actually argue that they should never have been prosecuted at all. We also have concerns as to how this clause will fit alongside the independent role of the Public Prosecution Service (PPS). In every case, the PPS has discretion on whether to prosecute or not built into the public-interest element of their test for prosecution. There is a real danger that the clause could, or could be seen to, interfere with the independence of the PPS.

We want to reiterate the fact that we welcome the intentions of the clause to protect vulnerable people from prosecutions for crimes that they would not have committed but for being trafficked. However, as it stands, we fear that the clause could be abused by traffickers themselves.

Mr Carlin: The abolitionist movement is opposed to prosecutions for offences that are intrinsically or directly linked to the trafficking environment for the victims, such as the cultivation of cannabis, other drugs and related crimes. We perceive that there may be a problem when a trafficked person becomes a sex trafficker themselves. We have difficulty with that because the fundamental principle of abolition is that all sex traffickers should be prosecuted, in the same way that all child sex abusers are also prosecuted.

Mr A Maginness: Thank you very much for those very interesting and stimulating contributions. There is an argument around prosecutorial discretion. I am attracted to clause 8, but I can see problems with it effecting absolute, blanket prohibition on prosecution that would, in certain circumstances, perhaps allow people who are guilty of serious offences to avoid the proper due process of law. Would it not be a better situation for the prosecutor to have a discretion? The presumption would be that normally a victim would not be prosecuted but that, in certain circumstances, a person would be prosecuted given the gravity of the offences and an element of detachment from the effects of being trafficked.

That is my worry with clause 8. I cannot resolve it in my mind, so I am looking for advice from those who are here.

Ms Chandran: I am grateful for the question. Article 8 of the EU directive and clause 8 of the Bill do not seek to protect the poacher turned gamekeeper from being prosecuted for their crimes. It intends to protect a person who is not culpable of the offence, because there is a dominant person behind the offence, from being prosecuted. That is one point.

The answer to the question of the difficult cases should be left in the hands of the judge. Clause 8 is not a blanket ban, and article 8 is not a blanket ban; it is a legal test, just like any other. Was the crime committed as a direct consequence of the trafficking? The judge, in difficult cases, would want to decide that himself. The prosecution is no safeguard for non-criminalisation cases. History, and recent history, is showing that time and time again. It is unfortunate, but it is the reality.

The UK's obligations under article 8 are not met by prosecutorial discretion. It falls on the eventual courts to be the arbiter of justice in the cases where, say, there is a question over whether the person has been culpable of the crime, and for the serious crimes as well. It will always rest in the hands of a judge. I do not think that it is an answer to say that we cannot have it, as has been suggested by a colleague, because it is too hard to decide. Our judges decide really hard questions, all the time, of law and fact. We have to have confidence in the justice system.

Clause 8 is about putting on a statutory footing a general presumption and a general prohibition on this type of criminalisation. In fact, it is going to be the obvious cases that will be the ones that are caught within its protection again and again, rather than the ones that slip out of its protection again and again. No one has ever come to me and said, "Parosha, here is a case of somebody who was a victim of trafficking and has now become the trafficker, and they want protection and are not being given it". It has not happened like that. Those cases, I guess, will be inevitable once there is a framework and a floor of protection for those who are vulnerable, but those people will be identified more quickly, because, when the police find criminal activities going on, instead of arresting the first person they see, if they identify that trafficking is going on and that exploitation is crime-led, they may be trying to investigate, from that moment, the bigger picture. That would enable better prosecutions and, critically, better asset recovery. At its core, that is what human trafficking is about: profit.

Mr A Maginness: To paraphrase, if clause 8 were agreed to, there would be a statutory presumption against prosecution, but it is not a blanket prohibition as such.

Ms Chandran: Exactly.

Mr A Maginness: OK. Thank you.

The Chairperson: In your commentary, you said that the non-punishment provision in clause 8 provides an overall framework for the Bill to be effective. Can you elaborate on what you mean by the victims are the witnesses and why that clause therefore helps them?

Ms Chandran: Thank you. Given the importance of article 8 of the EU directive, the Organization for Security and Co-operation in Europe (OSCE) recently published recommendations on the application of the non-punishment provision for the 56 Governments that are members of the OSCE regional security operation. That includes the United Kingdom, many European countries and the whole of North America. In April 2013, the Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Maria Grazia Giammarinaro, published guidance on that. I included some of her guidance, on which I was an adviser. What she said was that the practice of criminalisation of victims of trafficking:

"furthermore promotes trafficking in human beings by failing to confront the real offenders, by dissuading trafficked victims from giving evidence against their traffickers and by enabling traffickers to exert even further control over their victims by threatening exposure to punishment by the State. Traffickers will favour the punishment of victims as it simply plays into their hands: it ensures that their victims are the ones to bear the criminal penalties while the real offenders can operate with impunity."

It is interesting, because I took the first Vietnamese drugs exploitation case to the Court of Appeal (Criminal Division) back in 2012. It was the case of R v N. In N's case, he was 16 years old and in a cannabis factory in a disused warehouse. The door was bolted from the outside, and the walls were all bricked up. The only reason he was ever discovered was that burglars ram-raided the wall to knock it down and steal the loot, which was short of half a million pounds worth of cannabis. N was then arrested on the spot, along with three other minors. They were found cowering in bushes nearby and taken to the police station. N gave an interview to the police and told them what had happened to him. He was charged with cannabis cultivation and was prosecuted and convicted.

In sentencing him, the judge accepted that he had no part to play in the sophisticated set-up and that those who were more unscrupulous had used him. However, she sentenced him to an 18-month detention and training order. We took the case to appeal, but, unfortunately, the Court of Appeal was not satisfied that the conviction should be overturned, so it rejected the appeal against conviction. He had a positive NRM conclusive decision by that time. The case is now before the European Court of Human Rights, and I am still acting in it.

What that showed was that, despite all the hallmarks of organised crime, no police investigation was encouraged to find out who was responsible for that sophisticated set-up. N was and remains a chief witness, but he is now a criminal. So, even if his trafficker is found, effectively, he could not give evidence in a criminal trial, because the criminal court has not yet accepted that he was the victim, even though everything pointed to that and his NRM decision was conclusive in his favour.

That is the consequence, in real terms, of where the non-punishment principle is not statutory or enshrined in a culture. If you have it enshrined in a culture, which you will be enabled to by having it in

statute, the eye of the police will also be on investigating the bigger picture from the start if all the human trafficking indicators are there. If they are not sure, the case can be referred to the NRM and the outcome can be achieved. From that moment onwards, the proper police investigation can be started into who is behind the crime, who is profiting, who is responsible and who should be held to account.

The Chairperson: That has been very helpful. Thank you.

We will move on to clauses 9, 10 and 11, which deal with the victim of trafficking in human beings, requirements for assistance and support, and compensation for victims of trafficking.

Mrs Dorothy Dickson (Victim Support): I am a coordinator in Victim Support in Belfast. Thank you, Chair and members of the Committee.

Victim Support NI welcomes the clauses on support for provision for victims. We feel that clause 10, which outlines the requirements for assistance and support, would benefit from clarifying the proposed responsibilities of the Department of Health, Social Services and Public Safety and the Department of Justice so that it is clear in statute. Our organisation joins Amnesty International in recommending that the overarching requirement for support is placed in primary legislation, with a requirement for the relevant Departments to set out the detail of their responsibilities and requirements by order in secondary legislation.

Human trafficking is not a static issue; it will change and evolve over time, as do the needs of victims. Northern Ireland policies, processes and legislation must retain flexibility and be easily amended to ensure that they can adequately respond to upholding the protection and promotion of the rights of victims. Secondary legislation will be easier to amend at a later point. We also share the Law Centre's views on the necessity for provision for dependants of victims of human trafficking to be able to access support services. We note that, while there is mention of education in the Bill, medical services for dependants are omitted. It is particularly important that any children of trafficked persons have access and entitlement to services. Similarly, we share the concern that there are individuals who are not conclusively recognised as victims of human trafficking but who require support services. Their needs must be acknowledged and considered.

We view the compensation proposals as being very positive and much needed. Victim Support NI provides support and assistance to seek compensation to any individual who has had the misfortune to become a victim of crime. Victim Support NI currently supports seven male victims and one female victim of human trafficking. The males, in this instance, have all been rescued from the fishing industry and the female from the sex trade. While all have applied for compensation under the current scheme, a positive outcome is very unlikely due to the strict criteria set down by Compensation Services. No specific tariff for the crime of human trafficking is incorporated in the scheme. Therefore, victims of such a crime are required to apply for compensation based on their physical injuries and/or mental trauma. In all cases, such victims are not in a position to fulfil the required medical criteria, including such things as three visits to a GP and reporting to the police. Additionally, providing evidence of emotional and psychological damage can be extremely difficult for those individuals when they often must return to work to ensure their financial well-being and that of their dependants. That is usually why they find themselves there in the first place. We strongly recommend that the Committee integrates that work on compensation along with the ongoing review of compensation legislation that the DOJ compensation services are undertaking.

That is the conclusion of my remarks. Thank you.

Ms Griffith: The first point that I will make on clause 9 will really reiterate what we said about clause 1 and the scope of the Bill. You will note that the title of clause 9 is "Victim of trafficking in human beings". It does not make reference to a victim of forced labour. As we said, we think that that is a flaw in the Bill.

The second point on clause 9 is that the definition is very much rooted in the language of the national referral mechanism. Clause 9(1) states that a victim is:

"a person who shall be treated as a victim of human trafficking if there are reasonable grounds to believe that the individual is such a victim".

Those reasonable grounds come directly from the national referral mechanism framework. To get to that reasonable grounds decision, a person needs to, first, be referred to the national referral mechanism by a first responder, which can take up to 48 hours. The competent authority then has up to five days to make that reasonable grounds decision. That means that, as the legislation is drafted, a person who is suspected of being a victim will have no statutory entitlement to support for at least the first week after they come to the authorities' attention. It could well be that that victim, if they are subject to immigration control, is to all intents here unlawfully and is arguably not entitled to anything. That is why it is essential that the support provision kicks in at the first encounter with the first responder.

The Law Centre thinks that the Bill really comes into its own in clause 10 and is very innovative in what it will secure for victims. If a victim feels secure and properly supported, that will enhance the criminal proceedings that may be taking place. A victim will feel confident in their standing in society, if you like, and will be much more able to assist, give evidence or appear in a criminal case etc.

Our concern with clause 10 is that it still appears to be linked to cases where there are criminal proceedings. You will note that clause 10(1)(a) refers to there being support in place:

"until three months after criminal proceedings are completed".

So, our question is this: what if there is not a criminal process in play? The Law Centre has been involved in a number of cases where, for a variety of reasons, a case does not go to criminal trial. That may be because there is not sufficient evidence to reach a criminal conviction, although there is evidence that the person is a victim of trafficking and, in our view, is entitled to support.

My second comment really just reiterates what Victim Support said. Dependants of victims of trafficking should be equally eligible to receive support. We have acted for a number of young women who have given birth during the trafficking process as a result of the rape and sexual exploitation that they were subjected to. In law at the moment, their young babies do not have a clear entitlement to healthcare. That has to be rectified. At the moment, the Bill makes provision for access to education for dependants, but we would like to see all the provisions articulated in clause 10 applied equally to any dependant.

Obviously, we welcome that the support is being extended from a period of 45 days to three months. That is a step forward. However, we suggest that there should be some flexibility around those three months, because there will be circumstances where they are not sufficient and support will need to go beyond that. Additionally, there are cases where people do not meet the fairly high legal threshold of what constitutes a victim of trafficking but there are, nevertheless, very compelling reasons for why they are here and need support. I ask the Committee to consider what discretion can be written in to the Bill to ensure that those victims are not put out of accommodation that Women's Aid or Migrant Help provide if they get a negative decision on their trafficking claim.

Finally, I will draw to your attention to the fact that, as it stands, there is no right of appeal in the NRM process. If a person gets a negative conclusive grounds decision, they can challenge that only by way of a judicial review (JR) in the High Court, which can take months, if not years. Where is that person left legally while the case is being listed? They may well be back to the position of being, in the eyes of the law, an unlawful entrant, and they may not get any protection during that period. Again, we think that that needs to be addressed. One way of doing that would be to ensure support until either a negative conclusive grounds decision is made or all appeals and appeal rights are exhausted. However, I am mindful of the fact that an appeal right is not actually linked to the NRM, so there is definitely a difficulty there.

Mr Smyth: Some victims of trafficking and exploitation are freed in a police operation or by a sudden turn of events. However, we recognise that, for many, exiting a trafficking or exploitation situation is far from a one-off process; rather, it is typified by stops and starts. Victims of human trafficking are often enslaved by physical or psychological dependence on their traffickers or users. That will compete with the practical difficulties that can be faced when they exit, as well as the uncertain benefits of doing so without the guarantees of formal or informal support.

Consequently, we would say that there is a need for a well-funded programme to support victims who want to break away from the dreadful circumstances in which they find themselves. Cooperation is required across Departments to develop targeted exit strategies that include health support, counselling, education, income support and retraining. It sounds strange, but we need to ensure that victims have the freedom to leave exploitative situations and that the support does not kick in only

once they are identified officially as a victim. We would like that assistance and support extended to prostituted people and to those who are involved in providing sexual services. That is especially important if clause 6 comes into effect and we are to deal with the issue in a victim-centred and holistic way.

In Sweden, after the purchase of sexual services was criminalised, 60% of prostituted women took advantage of the well-funded programme and succeeded in exiting prostitution. In addition to providing the incentive for women wanting to escape prostitution to seek the assistance that they need, Swedish NGOs reported that prostituted girls and women contacted them in greater numbers to get assistance to leave prostitution. In effect, we are saying that we would like to see these excellent measures provided to victims from the point at which they become known to authorities, not just when they are identified officially as a victim. We also want the measures extended to those wishing to leave the enslavement of being a prostituted person.

Rev Kerr: We strongly endorse the Bill's emphasis on detection, protection and support for victims of human trafficking. However, we would like that to be taken further. We would welcome additional safeguards. Picking up on what the Law Centre said, one thing that we think would be particularly valuable would be to ensure that a reflective period is observed before trafficked victims are removed from a jurisdiction. That would also mean that unconfirmed or suspected victims are not removed until such time as they can be screened and a definitive judgement can be made about whether they have been trafficked. We raise that, because we see a very clear conflict of interest between this legislation and the UK Border Agency dealing with immigration and removing people from the jurisdiction, which is a reserved matter. We feel that there is an issue there that needs to be at least raised, referred to and highlighted.

We also think that there are potential additional measures that could ensure the detection and protection of trafficked victims. Those could include workplace checks not simply to remove those who are in breach of immigration law but to find evidence of trafficking and to ensure that people are protected in the first instance. There could also be safeguards for whistle-blowers so that we can get information that leads to the detection and protection of people who are trafficked.

Mr A Maginness: I will direct this question to Victim Support. Clause 11 deals with the compensation for victims of trafficking, so on that subject, is Victim Support saying that there is no compensation for a person who has not sustained a physical or psychological injury? In other words, by virtue of the fact that they have effectively been imprisoned or put into some sort of servitude, under the criminal injury compensation scheme here in Northern Ireland, there is no compensation for them.

Mrs D Dickson: Yes, that is correct. As the criteria stand, you must be seen to be cooperating with the police, first and foremost. You have to have made a statement. If you have physical injuries or are suffering from mental trauma, you have to have made three visits to a GP. Your GP would have to have referred you to a psychiatrist or clinical psychologist, citing mental trauma or psychological damage. As you rightly pointed out, if you are being held against your will, it is highly unlikely that you will access any of that, and, by virtue of that, you will not meet the criteria.

Mr A Maginness: I just want to clarify, because this is important. Under the present scheme, you would not receive compensation for the very act of being imprisoned.

Mrs D Dickson: No. You would still have to meet the criteria.

Mr A Maginness: You have to have a physical or psychological injury and to complete a number of tests before you can get to that stage of compensation. It is very unlikely that somebody in that position would be able to achieve any of those tests.

Mrs D Dickson: That is correct.

Mr A Maginness: Is the conclusion then that, if clause 11 were to pass, we would have to have a separate scheme to compensate the victims of trafficking?

Mrs D Dickson: I do not feel that there is a need for a separate scheme. Given that the scheme is tariff-based, there could be a particular tariff for human trafficking, and that might work.

Mr A Maginness: I am sorry for going on about this, but is that possible under the current scheme, which, as I understand it, compensates people only for physical or psychological injuries?

Mrs D Dickson: Under review of legislation, it could become part of the scheme.

Mr A Maginness: Yes, but you would have to change part of the scheme as it stands.

Mrs D Dickson: Yes, and given that it is such a particular crime, it would obviously merit particular criteria.

The Chairperson: That is one of the areas that Lord Morrow and the Minister corresponded with the Committee on. They indicated that they got some agreement to amend the Bill so that the Department could bring forward guidance that would set out the procedures for applying that. There seems to have been some progress, but we have not got the amendment yet. So, that is an area that I know that the proposer of the Bill and the Minister have been working on.

No other members have any questions, so do any of the witnesses wish to comment further?

Ms Griffith: I want to reiterate the comments that the representatives of Victim Support made. The Law Centre is aware of only one case of a person successfully obtaining compensation. We have acted in 22 cases, so that gives you some idea of that.

I also want to draw on a comment that Richard Kerr made about the need for legal status for victims. There is a need for some form of temporary status as a victim goes through the process. However, there is also a need for a clear, tenable and durable legal status for a victim who goes through the process and is recognised as a victim of trafficking.

The Law Centre is currently acting in the case of a woman who was subject to sexual exploitation. I think that it is fair to say that she really went through the mill during the trafficking process. She went to the police herself and was subject to hours and hours of police interviews, immigration interviews and long, protracted medical examinations in connection with her account of rape. The process has taken years to complete. Following an appeal to the High Court, she was finally recognised as a victim of trafficking. However, the Home Office has hitherto refused to provide her with a resident's permit. That begs the question of what the national referral mechanism has brought to her. She has not benefited from the process at all. She had been left with no status, and, were it not for the fact that she has an ongoing asylum claim, she would have got to the end of the process and, in the eyes of the law, would have been deemed an immigration offender and subject to deportation. So, I ask you to consider that point.

Ms Chandran: Thank you. I have some brief comments to make. I confess that I had not given these clauses too much consideration, simply because of a lack of time. Looking at clause 10 and the point about assistance and support being dependent on criminal proceedings, I think that that is just an oversight in the drafting. The EU directive, which is a criminal justice directive, requires there to be support, at a minimum, for victims who have given evidence in criminal proceedings. So, I think that it is an oversight to have it as an amalgamated whole here. I think that it is quite easy to draw a distinction between those who are involved in criminal proceedings and those who are not but who are still recognised as victims.

The other thing — I take this very seriously — is that the NRM is not statutory. So, there is no statutory right of appeal as it stands. I was one of the legal advisers to Baroness Butler-Sloss and Frank Field MP in their Modern Slavery Bill review report, which was published on 16 December 2013. In that, when we were looking at the blueprint for a Modern Slavery Bill, we recommended that there should be a statutory NRM. So, I am just wondering whether that might be of interest to the Committee.

Returning to clause 10, I wonder whether an answer to the cutting off of support might be that that support should be enabled until the final decision is made under the NRM. That would encompass a delay through no fault of the individual, as they are stuck with a JR process, which is laborious and takes time. I am sure that individuals would prefer an appeal process that gives a prompt remedy. However, that is not there.

I will briefly raise two points on compensation. The Sexual Offences Act crime of trafficking and the exploitation crime of trafficking both come under the Proceeds of Crime Act (POCA), so those are

cases in which the money can be chased straight away. However, apparently there is an absence of having made section 71 fall under POCA. There could be a potential amendment to enable the money to be chased where section 71 prosecutions are obtained. I know that that is something that has not been possible or successful here yet. If assets are to be recovered, a suggestion that we made in the Modern Slavery Bill review report was that, where the Crown requests a confiscation order following the successful prosecution of a trafficker, it is morally right to ask at that time for compensation order for the victim who was brave enough to stand and give evidence against a trafficker. My suggestion was that the victim in those circumstances should be the first creditor in the asset recovery to themselves.

Of course, we know that there are many victims who will never be able to give evidence for one reason or another, whether that is for circumstantial or personal reasons. Those victims would need to have access to an effective remedy for compensation under a statutory scheme. Article 17 of the EU directive requires that compensation is payable to victims of human trafficking and that there is access to any existing statutory schemes that give compensation to:

"victims of violent crimes of intent".

That is very interesting, because it tells us that victims of trafficking, regardless of the form of exploitation, should be seen as victims of the crime of violent intent. That means that the criminal injuries compensation scheme that the Criminal Injuries Compensation Authority (CICA) operates needs to look at that through that lens. To my understanding thus far, although claims have been successfully made to CICA on behalf of victims of trafficking who were female victims of sexual exploitation and who had given evidence against their traffickers, no child has ever received compensation from CICA, nor has any person who was a victim of domestic servitude. So, it is ripe for reform, and this is the right time to focus on it.

The Chairperson: A couple of members have some quick questions to ask.

Mr Humphrey: First of all, I apologise [*Inaudible.*] I have a question for Liz. On our visit to Stockholm and in conversations that we had with the police and other agencies there, we were made aware of made of eastern European ethnic minorities from [*Inaudible.*] who do not have the status as most of the [*Inaudible.*] as Roma.

We also heard information from various contributors to the Committee. Obviously, there is an issue of the Chinese [*Inaudible.*] a second child is not registered. In effect, that child does not have an entitlement, because it would be breaking the law to have a second child [*Inaudible.*] Of course, just a few weeks ago, we received evidence from the Irish Congress of Trade Unions (ICTU) about [*Inaudible.*] Indian subcontinent [*Inaudible.*] particular caste and, therefore, had no identity. Obviously, our legislation is about protecting the most vulnerable people in society and those are the most vulnerable people, so how do you suggest [*Inaudible.*]

Ms Griffith: That is a difficult issue for the Committee, given that the national referral mechanism has been set at Westminster. The Home Office issues residents' permits, so that is a reserved matter. Perhaps the Committee can have some influence on the Modern Slavery Bill with a view to ensuring that a trafficked victim has some form of temporary legal status during the determination process and an enduring status on completion of the process.

Mr Humphrey: However, the very nature of those people [*Inaudible.*] is that they [*Inaudible.*] any status that they have to be here [*Inaudible.*] is falsified; it is illegal. So, it is extremely difficult to ensure that those people are protected. I thank you for your answer, but I am not sure that we are dealing with people who have identity and, therefore, have some status that the state has given them to be here. According to those people, it is everyone who is trafficked, and, obviously, that is against the law, we assume. However, at least they try to identify the vast bulk of people but not those people who I outlined.

Ms Griffith: You are absolutely right to say that, when some potential victims of trafficking and asylum applicants come to our attention, they may present with no documentary evidence at all. They would have no passport, and perhaps were never issued with a passport, and no birth certificate. It can be very difficult, challenging and time-consuming for them to assert to their identity, and it requires a lot of investigation by their legal representative and other involved agencies. Given that that takes time, I will go back to the point that there has to be a mechanism so that that person is protected while those investigations take place and that would enable somebody to assert their identity.

Mr A Maginness: Ms Chandran tells us that the national referral mechanism has no statutory basis in UK law. Does it have a basis in European law, and, if not, what is its standing as far as the UK is concerned?

Ms Chandran: That is an excellent question. The NRM is a creature of policy, not statute, and that is its fundamental flaw. However, it is required, because article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings requires there to be an identification mechanism for victims of trafficking. When the UK ratified that convention in December 2008, it had until 1 April 2009 to implement it — all member states had three months — so it decided to bring in its identification obligations through this NRM scheme.

It is there because it is required to be there in line with the UK's obligations in international law and under Council of Europe law. Where its process is concerned, however, in many cases it operates unlawfully. So, for example, the Anti-Trafficking Monitoring Group (ATMG) reported in 'Wrong Kind of Victim? One Year On' that the process of identifying victims of trafficking was heavily imbalanced between the positive recognition that arose through the UK Human Trafficking Centre (UKHTC) — the police — and that which arose through the operation of the Home Office through the UK Border Agency (UKBA). The distinction was that those who created the NRM designed it for European Economic Area (EEA) nationals to be identified by the police and non-EEA nationals to be identified by the Home Office. That is a snapshot of why it exists. The reason why there is argument for reform to replace the statutory NRM system is that it has proved to be fundamentally flawed in accurate identification and, therefore, in ensuring prompt support for those who have been trafficked within and to the United Kingdom.

We know that a statutory scheme would be accountable; the decision-makers would not be individuals whose decisions can be tested only in the High Court on grounds of reasonableness, but they could be tested regularly by judges. In that process, decision-making improves.

The Chairperson: Members, please be brief because we need to make more progress: Mr Dickson is next, followed by Ms McCorley, and we will then move to the next clause.

Mr S Dickson: [*Inaudible.*] on this particular area, which has spread through much of the conversation that we have had. The identification of victims and of traffickers is, in great part, through high-quality policing and policing intelligence. Does that hamper you, given that the earliest detection leads to the earliest release? There are also all those NRM issues and how we support victims. Do any commentators view the lack of a National Crime Agency involvement in Northern Ireland as being crucial? In your opinion, would it help to have that operating here so that we have the best-quality intelligence that can deliver for everyone?

Ms Chandran: Yes. Without an effective investigation, there will be no combating of human trafficking. It does not matter how many laws you have — we have had laws since 2003 — it just will not happen. There needs to be a specialised police force. Operation Pentameter was a specialist police force that was able to see what other forces could not see. As a lawyer, I sometimes use the analogy of judicial review: you can only see a JR point if you have learned JR, otherwise you would not see it at all.

On the proliferation of human trafficking, we also know that, last year, the Home Office-published threat assessment considered labour exploitation to be the second-highest organised criminal threat to the United Kingdom, the first being cybercrime. So this is also a very significant issue. There needs to be not only overt and directional policing for sexual exploitation investigations but also labour exploitation investigations. It is critical that that kind of expertise is obtained and shared among police forces. The work of the Gangmasters Licensing Authority has been vital to enabling police forces to understand labour exploitation and forced labour indicators where they might not have done. So the groundswell of opinion is that its scope and powers need to be extended. It should certainly be able to assist police forces here to detect these crimes. Generally, specialist trafficking and exploitation squads are required to investigate effectively.

Ms McCorley: I have a question for you and Liz. You outlined the case whereby a person who was a victim went through the whole process and was successful but was then deported. Do victims who successfully go through the NRM ever gain residency, or are they always deported? In what circumstances can a trafficked victim gain residency?

Ms Griffith: Thank you for that question. The law provides for someone who is conclusively recognised as a victim of trafficking to be granted a one-year residence permit, which is known as discretionary leave. You can get that permit if you are a victim who is cooperating in a police investigation or if compassionate and compelling circumstances require it. That is not only found in domestic legislation but is required by the European directive. In practice, the Law Centre has yet to see a case of somebody being granted a residence permit unless they are cooperating with a police investigation. When somebody is cooperating and gets a one-year residence permit, that can be renewed. We have one example of somebody renewing a residence permit for a further three years. Who knows what will then happen? Perhaps such a person might ultimately apply for settlement, but it will be a very long route.

Ms Chandran: We have certainly seen cases of a residence permit also being granted on the personal circumstances limb —

Ms Griffith: Not in Northern Ireland.

Ms Chandran: I appreciate that it was not in Northern Ireland, and that is a significant deficit for both limbs of the residence permit requirement. It arises from article 14 of the Council of Europe Convention on Action against Trafficking in Human Beings, which states that a renewable residence permit should be granted either in the circumstances of a person assisting the police or because of personal circumstances. Another answer to your question is that the right to refugee status might be there when there is a serious risk of re-trafficking on return to their home country. Some asylum cases are able to succeed. I set the established precedent on that in 2008 in a case called SB (Moldova).

It is an important point. In some prosecutions, a question is raised by the defence about inducement: "So you are only giving evidence against the trafficker because you are going to get a residence permit". It needs to become non-controversial that victims of trafficking should be given residence permits. In America, a recognised victim of trafficking gets a T visa straight away, which enables a residency period to begin immediately. The idea is that, if victims feel safe, they will be more likely to give evidence against a trafficker. It is not only evidence but intelligence. The small bits of intelligence that can then be drawn together from many victims can create prosecution just as much as direct testimony.

Italy has the same kind of renewable residence permit. Indeed, in 2006, the parliamentary Joint Committee on Human Rights at Westminster looked at whether the UK should sign the Council of Europe trafficking convention. It went to Italy, and its report on human trafficking is to be commended, even though it dates from 2006, because it was actually ahead of its time. The committee visited Italy and saw that the Italian authorities would ordinarily grant residence permits to victims of trafficking. It would enable evidence and intelligence to be given. It also came from the perspective that, but for the trafficking, a victim would not be in the country so there should be something to support and enable that person to integrate into society as well. So the residence permit included training and skills, for example, to obtain an occupation.

The Chairperson: Let us move on to clause 12, which deals with a child trafficking guardian. Only the Law Centre wishes to speak on this clause.

Ms O'Hare: The Law Centre is strongly supportive of the provision to appoint a child guardian. Liz talked about the 22 cases that we have worked on to date. Five of our cases involved trafficked minors, but, over the years, we have also represented unaccompanied asylum-seeking minors. Our experience certainly is that there is a proper role for an independent and trusted person who walks through a process with a child. When a child suddenly finds himself dealing with a plethora of authorities and different people and meetings need to be held, someone walks and navigates that child through the process to facilitate him in challenging the people who are tasked with the responsibility of supporting him and who will have a role to play in long-term integration for that child.

Our experience has been grounded not only in the issue of trafficked minors but in that of unaccompanied asylum-seeking minors, so we think that the guardian role should not be confined simply to trafficked children. It may be the case that it takes some time for a child who arrives unaccompanied in Northern Ireland to disclose that they are trafficked, so we think that the remit of clause 12 could be broadened.

There are some other points about the detail of clause 12. A guardian should have responsibility for ensuring that a child's opinions and views are heard, and that reflects best practice. We want it to be

clear that a guardian does not perform the same role as a lawyer in giving advice on legal rights, which is referred to in clause 12(2)(d). Parosha made the point that no child victim has yet received compensation, and I think that that is really telling and goes to the heart of why we think that it is vital that there is an independent, trusted person with whom a child establishes a long-term relationship and who can walk the process with him. We are encouraged that, following the launch of the Northern Ireland Commissioner for Children and Young People (NICCY) research on the issue earlier this week, which my colleague Liz attended, the Department of Health, Social Services and Public Safety (DHSSPS) and the Health and Social Care Board (HSCB) are now looking at options. This Bill makes a very valuable contribution to that, and, for that reason, the Law Centre is strongly supportive of this provision.

The Chairperson: The Presbyterian Church also wishes to comment.

Mr Conway: I commend clause 12, and, given that time is short, I will also comment on clause 13. We support what the Law Centre is saying. There is a danger that children could age out on this. I come from a social work background, and I know that it is important that, if a process is embarked on when the individual is a child, that is seen through to its conclusion. There is a huge resource element that has to be met. I support the DHSSPS taking the lead, but perhaps delivery would be best done through a voluntary organisation. By way of tidying up, in clauses 12(2)(b) and 12(2)(g) we would want to include "spiritual" — surprise, surprise, coming from a faith background — in the long list of a guardian's appropriate care responsibilities.

It is important that, in clause 13, best practice is reflected. We have learned a lot through child protection and other investigations that that trauma is reduced by controlling the interviews and being sensitive to those issues so that we reduce the trauma and psychological injury that is possible in secondary abuse. All that should be spelled out very well. Clauses 12 and 13 are very much to do with the humanity of the Bill, and we commend them.

Mr Smyth: On behalf of the Evangelical Alliance, I will make a very short point. Is there an opportunity whereby the concept of guardians could be offered to all victims of trafficking? The number of victims in Northern Ireland is comparatively low, and I wonder whether offering that would result in a large additional cost. The services that are already provided by Migrant Help, Women's Aid, social services and all the other agencies are excellent, but we feel that there would be an added benefit for victims in having a guardian assigned to them. That would be one person whom they could deal with consistently to steer them through the complicated legal, healthcare and immigration procedures that they face. An adult guardian might have a different legal function in name, but, essentially, would look after a victim's pastoral care. Such a guardian would journey with a victim through this difficult and confusing process. The main roles that are described in clauses 12(2)(a) to 12(2)(k) could easily be applied to the circumstances of any victim — child or adult. Our reasoning for this suggestion is simply that the people who are identified as victims are often in an extremely vulnerable position. They are far from home and without their local language, and they are traumatised and confused. In the case of children, a guardian would be appointed automatically. We wonder whether a similar procedure could at least be offered to adults. The real value is in providing stability, helping victims to coordinate the best care and to consistently join all the very complicated dots that we have been talking about today.

The Chairperson: Let us go to clause 13, which deals with the protection of victims in criminal investigations. We will hear from the Law Centre.

Ms Griffith: We absolutely support clause 13, but the criminal investigation is just one half of the jigsaw for many victims of trafficking. The other half of the jigsaw is the Home Office. The protections that are afforded by the clause should also extend to any interview that is being conducted on a person's immigration status.

Mr Carlin: Interviews with children should be conducted in an environment that [*Inaudible.*] at all possible for an appropriate adult to be present for police interviews

The Chairperson: No members or witnesses want to come in on that clause. That was our quickest discussion on a clause. Clause 15 is on prevention. The Evangelical Alliance is first up.

Mr Smyth: Whether the strategy document is published every one, two or three years, it is important that there is flexibility to respond to changing trends in trafficking. We understand that traffickers can

change quite quickly depending on where the most profitable areas of trafficking are, so we ask that the strategy be able to respond quickly to developing intelligence and trends.

On a slightly broader issue, we suggest that a strategy to raise awareness of human trafficking and exploitation is not strictly limited to trafficking and slavery. I do not want to put too much freight on one train, but there are grave abuses of freedom, human rights and the dignity of the person. We suggest that raising awareness of those issues presents a greater opportunity when engaging with the public and front line workers. If a lot of energy is to be put into raising awareness, prevention and training, could other issues be raised at the same time? We propose that any training and awareness raising begins with the framework around the dignity of the human person and why these issues matter. A consistent context and framework could help to change our culture into one in which any exploitation of another person becomes much more difficult and unacceptable. A very brief awareness training could be given on recognising the signs of other areas of abuse — say, domestic violence, when a priest received 60 calls a day on the issue. Is there any way that prevention of trafficking could be linked in to broader prevention for other abuses that we see more frequently?

Mr Carlin: With regard to prevention, the phenomenon of trafficking for labour was able to take place, particularly in places such as Northern Ireland, on a significant scale right under the noses of the police for the simple reason that no one was there to accept responsibility for such a phenomenon taking place. That could be the sale of work permits in Sheffield to Ukrainian workers, which might happen via an agency in the Baltics, and the police could then find that people were paying £3,000 — I think that that was the average price a few years ago — for a permit from Sheffield. If we look at minimum wage occupations, that means that such people are working for nothing for a period. The point that I am making is this: in Northern Ireland, when such abuses or crimes — if that is what they are — came to light, the police did not do anything, and there was no campaign by the British Government overseas — in Ukraine or wherever — to point out that UK work permits issued in Sheffield were not for sale; you are not supposed to pay for them.

With regard to clause 15, when the strategy on trafficking is produced by the Department of Justice in consultation with other NGOs, would it be possible to liaise with the Department of State's Office to Monitor and Combat Trafficking in Persons in the United States?

The Chairperson: Are there any questions from members? Are there any questions from witnesses?

Ms Chandran: An important point has been raised about the fact that no police force has been accountable in a number of cases in which forced labour has been at the doorstep. A potential prevention strategy might be to request that there be performance targets in police stations for the investigation of forced labour and trafficking forced labour offences. There seem to be performance targets for sexual exploitation — forgive me if I am wrong. However, if they are not in place either, deliberately identifying what the performance targets should be for the crimes that the Bill is to encompass could impact on the issue.

The Chairperson: Thank you; that is helpful. Do any other witnesses have a question? Let us go to clause 16, which relates to the Northern Ireland rapporteur.

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

Ms O'Hare: We want an oversight mechanism, and, crucially, an oversight mechanism that has traction with the Home Office and the devolved Administrations. We are conscious that the Modern Slavery Bill is proposing a UK-wide commissioner, and I am conscious that that may alter the nature of the debate, which is a very welcome development. That may align with a local rapporteur who works closely with the UK-wide commissioner and who takes a lead in scrutinising how Northern Ireland authorities are addressing the issue of human trafficking. We have already heard about the lack of an appeal mechanism and the lack of oversight within the NRM, and that might be addressed by a UK-wide commissioner. The rapporteur might find himself or herself in receipt of the strategy. There is a model in the child poverty strategy that has to be presented to the Assembly, and that is about sending out the importance of a message around the objective to be pursued. We see the need for an important oversight role to be played here. Of course, the Westminster commissioner's powers will be critical going forward. We see another debate coming down the line once we know how things will develop with the Modern Slavery Bill. In principle, we support a local oversight mechanism.

Mr A Maginness: You have been marvellously oblique on the issue, in so far as you accept the need for an oversight commissioner, and so forth, but you do not really come down on whether that person

should be Northern Ireland-specific. A thought has been put out there, particularly by the Minister of Justice here, that we could link up with the UK commissioner. In your contribution, you mentioned the anti-slavery commissioner, who is yet to be appointed, and the legislation has yet to go through. Would it not be better for us to have our own specific commissioner or rapporteur who is independent and is able to deal with issues that arise in Northern Ireland? To my mind, that is the central question. I know that the Department here is opposed to that. What are your feelings on that?

Ms O'Hare: Our view is that there is real merit in having a local oversight mechanism. In the context of a UK-wide commissioner, there is a genuine risk that Northern Ireland may fall off the span of attention. We are saying that we do not necessarily see the two things being mutually exclusive, but that needs to be worked out, as does the relationship between the two. In principle, I think that there is real merit in having a local independent mechanism, which, in the context of the proposals in the Modern Slavery Bill, would need to link into the UK-wide model, in whatever format that develops.

Mr A Maginness: Chair — there has been a change in the Chair; that was very quick — by way of information, in Sweden, the rapporteur is, in fact, a senior member of the police and is a lady, whom we met. Is there any reason why we could not have somebody such as that here? As I understand it, the lady is a member of the national police service and has a senior position on the equivalent of our Policing Board.

(The Chairperson [Mr Givan] in the Chair)

Ms O'Hare: The issue is ensuring that the mechanism, whatever form that takes, is independent, holds the police to account and has traction with the Home Office. Liz talked today about the importance of the interaction between trafficking and immigration.

Mr A Maginness: Thank you.

The Chairperson: Do any of the other witnesses want to comment on the national rapporteur issue?

Can whoever has their phone near a microphone or in the audience switch it off? Thank you.

Ms Chandran: This is just a quick suggestion. The US State Department's Trafficking in Persons (TIP) Report monitors each country for compliance with trafficking standards under prosecution, prevention and protection of victims. So it might be an idea that, if there were to be a separate monitoring body such as a commissioner or other, that type of tripartite focus would be relevant and enable quite deliberate attention to the balance or imbalance between the three. What we know from the Palermo protocol is that all three elements are critical to effectively combating human trafficking. It will not be done by legislation, assistance to victims or prevention strategies alone.

The Chairperson: No other witnesses wish to speak, so we will move on to clause 6, which deals with paying for the sexual services of a person. This has been kept to the end because it may well have dominated had we discussed it first. Needless to say, I am very pleased that, for the vast majority of the session, we have been able to talk about all of the other clauses, which hopefully helps to put into perspective that it is not a single-clause Bill. Unfortunately, that has dominated a lot of discussion both in the Committee and when the Bill has been debated in the media. Thank you for your help with the other clauses. That will contribute to our scrutiny of the majority of the Bill. That said, let us move on and deal with clause 6, and the first group to speak is Nexus.

Ms Pam Hunter (Nexus): Thank you, Chair and Committee for the invitation. Nexus fully endorses the legitimate concerns that the Bill seeks to address and the need for additional support to victims of trafficking. As Northern Ireland's leading service provider to people who have experienced rape and sexual abuse, we are concerned about this one clause. Although we accept that people are trafficked to Northern Ireland for sexual exploitation, we recognise that trafficked victims and those who sell sexual services are two separate and complex groups. The Bill does not address the complexities of sex work outside those trafficked for prostitution. Nexus believes that it is unacceptable for the Bill to move forward in its present format because, from our clients' perspective, it does not introduce any supportive methods for the victims and survivors of rape and sexual violence through trafficking specifically and separately. Nexus believes that more research is required to know the nature, scale and extent of sex work specifically in Northern Ireland in order to make informed decisions on the support required for those wishing to exit prostitution and those who choose not to exit yet.

In Nexus, we aim to improve the possibility of a client's engaging with support services, and we reach out to all potential clients without judgement. The inclusion of clause 6 has the potential further to isolate those in need of support and make it more difficult for them to look for it. Nexus needs to be confident in the criminal justice system in order to effectively support clients who wish to move forward towards prosecution. Our clients can be reluctant to come forward for fear of their safety, mistrust of services, shame and guilt, fear of not being believed, and other reasons that demonstrate the complexity of sexual violence. Sexual violence against sex workers adds another level of complexity, which would need to be explored through in-depth independent research to provide an evidential base for further legislation. Nexus fears that the inclusion of clause 6 has the potential to push the purchase of sex further under the radar, increasing the risks to those involved. It believes that the isolation of prostitutes already makes them a highly vulnerable and targeted population for perpetrators of sexual violence. Clause 6 would increase that vulnerability. Nexus is concerned for the safety of those who work in the sex industry. Criminalising the purchase of sex could increase their vulnerability in the future and decrease their options to look for support, including exiting prostitution. Nexus knows that sexual abuse itself is already vastly underreported. That is evident in the 40% increase in referrals to its services experienced during the Savile investigations, an increase that has continued since.

Nexus appreciates that trafficking and prostitution overlap as they are complex social phenomena. However, Nexus is concerned that the clause would create a hierarchy of victimhood among victims of trafficking, placing an emphasis on those trafficked for sex over those trafficked for other reasons. Nexus believes that further research is required to understand the particular needs of those in the LGBT community who are engaged in sex work and being exploited. Again, that is another complexity that the Bill fails even to begin to address.

Nexus urges caution that clause 6 is being portrayed as a moral argument either for or against prostitution — this is not a moral argument.

Nexus recommends that clause 6 be removed from the Bill and the issue addressed separately. More survivor information and support should be provided for women in need of assistance through trafficking to support those who want to exit prostitution. We also recommend that more research be carried out to provide a clear picture of sex work and the sex industry in Northern Ireland. Such research should include the voice of the sex workers and the range of experiences that exists to ensure that further policy and legislation are fit for purpose. We recommend that the DOJ commit to legislation to bring about the removal of the six-month statute bar in article 64A of the Sexual Offences Order. That would allow the PSNI more time to gather evidence for better conviction rates. Nexus endorses the PPS suggestion to extend that to three years to allow for the complexity of the investigations and increase the likelihood of successful prosecutions.

The depth of the conversation that happened before clause 6 came to the table has shown that the trafficking Bill could stand on its own without its inclusion. Therefore, clause 6 could be held separately while more research and evidence are gathered to ensure that the legislation is fit for purpose. As is the case in current legislation, Nexus believes that forced sex and harm to any person is wrong, and we will continue to support those in need.

Ms Ruth Breslin (Eaves): I am the research and development manager at Eaves, and I am really pleased to be here today. Thank you very much for inviting us. We have followed proceedings quite closely from London, where my organisation is based, and we welcome the Bill as a whole. We are delighted that it contains some strong measures to protect not only victims of trafficking but those exploited in a wider sense. We absolutely commend the inclusion of clause 6 and feel that it greatly strengthens the Bill as a whole. From our perspective, measures to address demand are absolutely essential to tackling human trafficking specifically and the exploitation inherent in prostitution more broadly.

Eaves is a London-based women's organisation, although some strands of our work extend nationally through England and Wales. We have existed since the 1970s, and our mission is to tackle and prevent all forms of violence against women and girls. We provide direct support services and undertake research, policy development and advocacy. In our practice and research, our particular expertise lies in the areas of prostitution, trafficking and sexual violence. We have supported many thousands of women with such experiences since our inception.

Our Poppy project provides a range of vital services, including accommodation and advocacy support to women who have been trafficked into England and Wales and exploited there. From October 2012 to December 2013, Poppy provided direct support to 192 women and we received referrals for many

more. In the same year, we provided one-to-one support to 43 women through our London Exiting Action (LEA) project. That is for women based in London who are seeking to exit prostitution, and many referred themselves to us for the holistic range of support that we can provide to assist women in the exiting process. We have also conducted some significant research in the area, often in conjunction with academics, focusing on women who are involved in prostitution as well as the individuals who buy them. I will refer to some of those studies shortly.

Looking back at all the evidence already given, a number of arguments have been put before the Committee about conflation — the suggestion that clause 6 conflates the two different phenomena of prostitution and trafficking. In fact, it has just been mentioned that they are separate groups. We refute that assertion, and, having worked with both groups — women in prostitution who were trafficked into it and women in prostitution who were not — we will explain why. I know that you will have heard similar evidence from other contributors who came before. However, at the risk of repetition, it is important to note once again the many commonalities between the experiences of the numerous support organisations, including ours, who work directly with women who have been exploited. What you will have heard from others, which we can verify based on our research and our day-to-day practice, are the inextricable links between prostitution and trafficking. Our work in the field leaves us with no doubt about the many parallels and commonalities between the two groups.

I will briefly highlight five key areas of similarity: trafficked and non-trafficked women's routes into exploitative situations; their experiences in the exploitative situation; the context of the exploitation; their buyers; and the impact and outcomes of the exploitation on their life. In our experience, the vast majority of women in prostitution, whether trafficked or not, have been drawn into it as a result of a range of compelling factors, including but not limited to marginalisation, coercion and the exploitation of their vulnerabilities. I will cite an example: Cathy Zimmerman's study of women who had been trafficked across Europe found that 60% had experienced violence, usually in their home countries prior to ever having been trafficked. We recently conducted a study, which we are in the process of completing, that involved interviews with 114 women across England who had been involved in prostitution. Similarly, they described a background of vulnerability, and 72% had experienced violence in their childhood.

What about trafficked and non-trafficked women's experiences in the exploitative situation? The vast majority of women whom we support and the vast majority of those who participated in our research, whether trafficked or not, have experienced physical, sexual and psychological violence while in prostitution from a host of perpetrators, including punters, partners and pimps, or the "three Ps" as we call them. In Zimmerman's study of trafficked women, 95% had experienced violence. In our study of women in prostitution, 86% had experienced violence, and the most common perpetrator was the punter, the woman's buyer. In our sample, 71% of women had experienced that. Rachel Moran spoke very eloquently to the Committee on the issue, and she speaks very well about her view on the links between prostitution and trafficking. As a survivor of prostitution, she described it as a matter of two different sets of circumstances bringing women to exactly the same place. Eaves sees that in practice with both trafficked and non-trafficked women.

That brings us to the commonalities in the context of the exploitation. In very many instances, trafficked and non-trafficked women are being sold alongside one another in the same brothels and, in some cases, in the same outdoor locations, typically experiencing varying degrees of coercion and control. It is relatively rare to find "special" brothels or corners of the Internet solely reserved for women who have been trafficked across international borders. Women in prostitution, regardless of their route into it, are commodities in the very same market.

Buyers tend not to distinguish between trafficked and non-trafficked women when purchasing sex and generally show little concern in that regard. Our research of 103 men who buy sex in London found that over half — 55% — believe that the majority of women in prostitution have been lured, tricked or trafficked. A similar number believe that most women in prostitution are controlled by a pimp, and many, through their buying behaviour, have observed that form of control from pimps or pimp-like figures who surrounded the women from whom they were buying sex.

The next point is key and particularly significant. Not only is there an awareness of women being lured, trafficked or tricked and being controlled by a pimp, half the men in our sample stated that they had bought women whom they believed to be under the control of a pimp. Awareness of coercion does not seem to deter buyers, nor does appealing to their better nature, and public education is not a deterrent when it stands alone. However, criminal sanctions do. In our study of 103 men, we asked what would deter them from purchasing sex. Between 80% and 85% agreed that all the following measures would deter them: placement on a sex offender register; their picture or name on a

billboard, because of the public sanctions that that would incur; time in prison; their picture or name in the local paper or online; or a higher monetary fine. So, bluntly speaking, it is the law that deters men from purchasing sex from vulnerable women, and it also has a preventative role.

It is sometimes argued that legislating against the purchase of sex means that buyers will not report their concerns about vulnerable women. That argument does not stand up. First, there are already several mechanisms to report such concerns anonymously. Secondly, in our 11 years of running the Poppy project, less than 1% of our referrals have come from buyers who had concerns about the welfare of a woman. Even in that less than 1%, the referral came from men who had already paid for sex and then felt a bit worried afterwards so decided to get in touch; or men who claimed to have rescued from a brothel a woman who had been trafficked, exploited or was vulnerable but was keeping her under their own roof and seeking sex on demand.

The final commonality between women who have been trafficked and women who have not been trafficked but find themselves in prostitution is that our research and our practice have demonstrated that the negative consequences of time spent in prostitution tend to be very similar. They can include significant physical and mental health problems, homelessness and housing problems, debt and money problems, a criminal record and a host of difficulties and barriers in rebuilding one's life, recovering and moving on from prostitution. I have statistics for all of this, but I will give just one example: in Zimmerman's study, 56% of the women described their physical health as poor and had symptoms suggestive of post-traumatic stress disorder. Our in-depth study of 114 women in prostitution gathered their life history and life stories and conducted qualitative interviews, in some cases for three hours. The study found that 74% had physical and/or mental health problems related to their involvement in prostitution.

Often, women in prostitution, whether trafficked or not, are in circumstances far more similar than different. The places where women are exploited are still the same; the harms caused are much the same; the buyers are the same; and, typically, they operate in the same market. Given all that, it is absolutely right and, indeed, entirely sensible to tackle the demand for prostitution in a Bill that seeks realistically to address trafficking and exploitation more broadly.

Clause 6 is a pragmatic and effective way to cool the demand that fuels the growth of the sex industry and the trafficking and other harms associated with it. In doing so, it would also reduce the size of the industry, deterring men who are considering buying, buy only occasionally or have concerns about their buying behaviour. That, in turn, would make what was left easier for police to deal with and allow law enforcement to focus more effectively on tackling the organised crime networks responsible for exploiting women and children.

Eaves has conducted extensive research on the barriers that women face to exiting prostitution and the support that they need to do so. We feel that there is one key gap in the Bill and so one potentially important addition. We kindly request a reference to the crucial need for specialist support, often known as exiting support, for women leaving prostitution, particularly given the impact that clause 6 could have on their immediate circumstances. That could take the form of an explanatory note to the Bill or a link to some of the clauses discussed earlier about requirements for assistance. There would need to be a firm commitment that the provision and adequate funding of such support formed a key element of the implementation of the new law.

Furthermore, the impact that a criminal record has on women in prostitution, including after they have exited, is extremely detrimental and can have lifelong repercussions, preventing women from ever leading the life that they long hoped for.

Just to be clear, we strongly oppose the criminalisation of anyone exploited in prostitution. All women in prostitution, whether trafficked or not, should be afforded the same protection from criminalisation that the Nordic approach provides.

I suspect that I am running out of time. I was hoping to comment on the law as it operates in England and Wales. If you want to ask me about that afterwards, please do so.

With the adoption of clause, 6, Northern Ireland will be taking the lead in Great Britain in enacting a progressive approach to combating sexual exploitation while promoting gender equality, which I believe Northern Ireland has a proud tradition of doing. We are well aware of and have followed the good work of the Joint Oireachtas Committee on Justice, Defence and Equality in the Republic of Ireland. I really welcome the whole-island approach. This is a unique opportunity to make this happen on both sides of the border because similar legislation is being discussed in the South.

I thank the Committee for hearing our evidence and call on members to join the groundswell of support for tackling a demand that is spreading across this island and the whole of Europe.

The Chairperson: Thank you very much, Ruth, and I was happy to give you more time because you had not commented on any other clause. I may not be as generous to some of the other groups.

Ms Matolcsi: Equality Now is an international human rights organisation working to end violence and discrimination against women and girls worldwide. That means that we work on issues such as female genital mutilation, child marriage, discrimination in law and other issues. One of our main focus areas is sexual exploitation and sex trafficking. In that, we work with many grass roots organisations around the world, several of which are survivor-led, and many of which work directly with people in prostitution and the victims of trafficking.

Equality Now supports the Nordic model. That is why, in principle, we welcome clause 6 because it would criminalise fully the purchase of sex. At the same time, we believe that the selling of sex should not be criminalised in any way. That includes through offences related to public soliciting for the purpose of selling sex. That should be made explicit in all relevant legislation.

It is critical also that support services, including support to exit, are in place for all people in prostitution, not only those who are recognised as victims of trafficking or coercion, and that those services are guaranteed through adequate resource allocation.

We would like to emphasise that supporting the Nordic model is not about being moralistic or anti-sex. Prostitution constitutes one of the most blatant manifestations of inequality between women and men, and, at the same time, it is one of the key phenomena that helps to maintain that inequality as well as ethnic, racial, economic, class and a host of other inequalities.

Prostitution systematically violates the human rights of those in prostitution, as enshrined in international human rights law. Those rights include the right to equality, the right to be free from all forms of discrimination, the right to the highest attainable standard of physical and mental health, the right to life, the right to liberty and security of the person, the right to dignity and the right not to be subjected to violence, torture or inhuman and degrading treatment.

Meanwhile, there is no human right to sexual access to another person's body. The law should protect the most vulnerable and ensure that everyone enjoys their inherent human rights. It should not protect a minority who feel that they have the non-existent right to buy sex from others. Reducing demand for prostitution and decriminalising and supporting those in prostitution are increasingly recognised as integral components in combating sex trafficking, promoting the human rights of people in prostitution and promoting gender equality.

Reducing demand is most effectively done through the full criminalisation of the purchase of sex. Eaves has just talked about the loss of anonymity, including through criminalisation, and criminal sanctions as the most effective deterrent, according to research done with men who pay for sex. We want to add that countries that have attempted a partial ban on the purchase of sex, such as Northern Ireland, highlight the shortcomings of these halfway measures. Finland has had a similar offence in place since 2006 but without the strict liability element. The Finnish Minister of Justice is now calling for the full Nordic model because the current halfway ban is seen as inadequate.

Meanwhile, police in Sweden and Norway do not appear to be having difficulty enforcing a clear-cut full ban on the purchase of sex and are, in fact, reporting that they have an easier time monitoring the sex industry and investigating prostitution and trafficking-related crimes since the respective bans in both countries. They also report that they can easily monitor and investigate prostitution organised via the Internet and mobile phones, which is where most prostitution takes place in most Western countries at the moment. This contradicts claims that criminalising the purchase of sex would cause prostitution to go "underground", where it is suddenly inaccessible and invisible to police.

In the Committee's evidence sessions, it was mentioned that the Council of Europe and other bodies de-link prostitution and trafficking. In fact, there has been increasing and clear recognition at an international and European level of the inextricable link between sex trafficking, organised crime and gender inequality on the one hand and the commercial sex industry on the other. Such recognition can be found in statements from UN and EU officials and bodies, including the EU Commissioner for Home Affairs, Cecilia Malmström, whose remit includes tackling trafficking, and the EU Anti-Trafficking Coordinator, Myria Vassiliadou. It can also be seen in several concluding observations of the UN

Committee on the Elimination of Discrimination against Women (CEDAW), which has asked countries to tackle demand for prostitution as such, not for exploitation of prostitution, when they are trying to reduce trafficking and promote gender equality. Most recently, we have seen it in a report adopted by the European Parliament's Committee on Women's Rights and Gender Equality, which recommends the Nordic model for all EU member states.

This Committee has also heard that certain UN agencies advocate the full decriminalisation of prostitution — beyond the decriminalisation of those selling sex to other activities such as brothel-keeping and pimping. In fact, the executive director of UNAIDS has recently confirmed, in response to an Equality Now communication, that it does not support the decriminalisation of brothel-keeping or pimping. Similarly, the official UNAIDS guidelines on prostitution do not call for full decriminalisation. In fact, they instead note that reducing demand for paid sex as such is a way to reduce the number of new HIV infections.

A third assertion is that the Nordic model stigmatises and increases the stigmatisation of people in prostitution. Our partner organisations, which have been working for many years in Sweden with women, men, children and transgender people in prostitution, report that, since the change in the law, people have felt less stigmatised and more willing to come forward to them as service providers and to the police. That is because they now feel that the law is on their side and that the blame and responsibility has shifted from them to the buyers.

Meanwhile, police in Germany are reporting that legalisation there, including of the purchase of sex, has led to the buyers feeling less stigmatised, since their purchasing of sex is not only legal and accepted but encouraged; for example, through brothels offering flat-rate deals where men can go and pay a specific set fee and have sex with as many women as they would like. That is like an all-you-can-eat-buffet style of organising. Women in prostitution, however, have not benefited from a reduction in stigma through legalisation, nor has their situation improved in other respects. Although one of the main aims of German law legalising aspects of the sex industry was to reduce stigma towards women in prostitution and to give them better access to healthcare and other benefits, it has been reported that, of an estimated 300,000 people in prostitution in Germany, a mere 44 of them have registered as such. That says something about stigma, but it also says something about access to services and benefits.

The Committee has already had the opportunity to hear from some survivors of prostitution, and we would like to emphasise that it is a growing movement. Ever more women and a few men across the world who have been in prostitution are speaking out about their experiences. They are advocating against the normalisation of the sex industry, and that includes through legalisation and decriminalisation. They are unequivocally calling for the Nordic model. We sincerely hope that Northern Ireland and the Committee listen to the survivors and take the lead in the UK with this legislation fully criminalising the purchase of sex and decriminalising and ensuring support for people in prostitution, not only those recognised as victims of trafficking or coercion. That is the most effective way in which to reduce sexual exploitation and sex trafficking, protect human rights and promote gender equality.

Thank you for your attention. We are also happy to submit a copy of our contribution if possible, because we did not include it in our previous written submission.

Ms Gillian Clifford (Victim Support): Good afternoon, Chair and members of the Committee.

As was stated earlier by my colleague Geraldine Hanna, in sounding a note of caution about the inclusion of clause 6 in the Bill, Victim Support is deeply aware of the work of our partners, including Women's Aid, on human trafficking and sexual exploitation. We respect fully and acknowledge the views of those who feel that paying for sexual services of a person should indeed be criminalised, and we note the comments that have been made just before us. We also fully support the principle of making Northern Ireland a hostile place for traffickers and a place where victims are fully supported.

However, Victim Support Northern Ireland wishes to highlight that the trafficking convention and the EU trafficking directive expressly provide measures to be taken for discouraging and reducing the demand for trafficking victims and that criminalisation of the purchase of sexual services is not one of the measures that it currently recommends. Additionally, those concerns are reflected by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA) in its third general report, which states that the impact of criminalising the purchase of sexual services, seen as an anti-trafficking measure in some states, when evaluated by GRETA, must be assessed in the light of all possible consequences. That includes ensuring that measures taken do not make victims of

trafficking more vulnerable and that they do not mobilise investigation units and prosecution authorities to the detriment of investigations of traffickers.

In that regard, we flag the comprehensive submission on the Bill made by Anti-Slavery International, with which we are in broad agreement. It highlights the very limited impact on levels of prostitution and sexual exploitation in those jurisdictions that have taken the approach of criminalising the purchase of sexual services. It cites statistics from the Swedish National Council for Crime Prevention in that regard.

We are additionally concerned that clause 6 seeks to outlaw the paying for sexual services of a person as a stand-alone measure without further provision for support to be provided for those who would be directly affected as a result of this step, or crucial protection and support for those seeking to exit the selling of sexual services, as has been mentioned by others. Further provision and support should be fully informed by a strong evidential base, we feel, which would include independent research in consultation with a range of stakeholders, including sex workers. We welcome the Justice Minister's commitment to exploring that much-needed, Northern Ireland-specific research. We trust that the research will be thorough and wide-ranging in nature. We also hope that such research will explore the wider factors impacting on prostitution. In addition to criminal justice factors, there are significant health and socio-economic issues, including but not limited to poverty and substance abuse. We are also strongly of the view that taking a primary focus on human trafficking, and on prostitution in the context of human trafficking, is unhelpful. We fear that criminalising the purchase of sexual services could have an impact on detection and make it ever more difficult for individuals to seek help and support. It is also essential that, in seeking to provide appropriate support and legal provision, we do not wish to see a hierarchy of victims being created in Northern Ireland. We must not ignore individuals who have been trafficked for other purposes, including forced labour.

In conclusion, Victim Support would welcome more debate on the potential impact of clause 6. We feel that the wider issue of prostitution in Northern Ireland merits discussion and consultation in its own right when it comes to policy development and implementation. Thank you.

Very Rev Dr Norman Hamilton (Presbyterian Church in Ireland): I will do my best to be brief and be good. As we indicated in our submission, we believe prostitution to be an evil and a blight on a civilised society, but we are currently of the view that, to deal adequately with prostitution and the scope of the sex industry generally, full primary legislation is probably required. It is also worth saying that at no time have we as a Church been in contact with or been lobbied by any group or individual on the contents of the Bill. I put that on record.

We are aware that clause 6 has been, and, indeed, still is, a highly contentious clause and that the Committee has had some very powerful evidence brought to it. We agree that every effort should be made to reduce the demand for prostitution, although we note that "sexual services" and "prostitution" are not synonymous terms. I suppose, like many others, we look forward to the Committee bringing real clarity as to what is and what is not covered by the term.

That having been said, we wish to raise a number of questions arising from clause 6 and genuinely look forward to the considered views of your Committee on them in due course. The first issue is whether, as a Committee, you believe that there is the legislative framework and the capacity for law enforcement to carry through the implications of the clause adequately. For example, if and when payments are made for sexual services by credit or debit card to accounts outside the UK, or perhaps, looking down the tracks a wee bit, through the use of Bitcoins, is the Committee satisfied that there is adequate legislation in place for the investigating authorities to access the relevant bank accounts? What are the resource implications of bringing many hundreds of such cases to the courts?

Linked to that, is it likely that short-term tourists who avail themselves of sexual services will be caught and subsequently brought to trial, even though they may live in another jurisdiction? Is the Committee satisfied that any trafficked woman or any vulnerable woman involved in prostitution and the provision of sexual services will be able to be brought to court as a credible witness, given the likelihood that she will have suffered severe emotional trauma before appearing in court?

We fully accept that the naming and shaming in public of those caught paying for sexual services is very likely to act as a deterrent to their seeking those services in the first place. However, as a former mayor of New Orleans memorably said of prostitution:

"You can make it illegal, but you can't make it unpopular."

We are particularly concerned that, as the tourist trade increases in Northern Ireland, such a deterrent will cut little ice with men from overseas, and the demand may well be sustained, even if we are reasonably successful in stopping the trafficking of women for the purpose.

A couple of other questions come to our mind. Are there any lessons to be learned from our experience of facing the evil of drug dealing? Drugs are everywhere — just look at the Odyssey last week — even though there is legislation, and plenty of it, in place to deal with the scourge. What consideration has the Committee given to shifting the main emphasis to pursuing the sex barons behind the trade rather than those who use the services on the front line? Furthermore, what consideration has been given to other models of dealing with those who consume sexual services, such as compulsory counselling or therapy for those convicted? Is the Committee satisfied that a criminal conviction is the totality of what should be done for such people? The Swedish evidence is still highly contested, so we want the Committee to be fully satisfied that the evidence and results from Sweden can be readily transferred to here, given that this is a different culture with an underbelly of societal violence.

Finally, as you mentioned a few minutes ago, Chair, we are concerned that the focus on clause 6 has distracted from the wider issues of those trafficked for bonded labour and domestic servitude. We are also concerned that resources may well be allocated away from those trafficked for bonded labour and servitude and towards the implementation of clause 6.

Mr Smyth: It is unlikely that someone wakes up one day and arbitrarily decides to buy or sell sex. Human trafficking and prostitution are connected, but they do not happen in a vacuum. By way of context, on a broader level, we need to address urgently the difficult societal issues that allow such trades to flourish in Northern Ireland. We live in a media-driven, sexualised culture that has normalised promiscuity and pornography.

Our starting point is that each person is of infinite worth and value. We believe that sex is a relationship not a product or a service and that, as such, it should not be bought. However, sex is increasingly being detached from relationships and turned into something of a right or a commodity to be consumed. Buying sex goes against everything that we teach our children about relationships, violence against women, respect, well-being and freedom of self. We welcome clause 6, in broad terms, as a strong message that it is not OK to buy sex.

Having set out those principles — clearly, I hope — I want hear the intimate policy detail of clause 6, keeping in mind what I have already said about exit strategies, if the clause comes into force, to help women to move out of prostitution.

We welcome the aim of clause 6. We welcome the bold attempt to reduce the demand for paid sexual services, which, in turn, fuels sex trafficking. Like Lord Morrow, we are of the opinion that the existing offence — article 64A of the Sexual Offences (Northern Ireland) Order 2008 — is not an effective deterrent. At the moment, those found guilty of using a prostitute subjected to force can be fined a maximum of £1,000. It is a strict liability offence, and, to date, there have been no convictions. We are aware, however, that the Department of Justice is considering extending the time limit for prosecution of the offence to three years. We welcome the extension of time for operational reasons but believe that the penalty of £1,000 is still disproportionate and does not provide a sufficient deterrent to men who are willing to buy, or are negligent about buying, trafficked sex. We ask the Committee to consider several alternatives that perhaps sit between Lord Morrow's proposal and that of the Department of Justice to deal with the purchase of sexual services.

At this point, I should declare that, for the past two years, we have been running a campaign to reduce the demand for sexual services. In April 2012, the Evangelical Alliance launched a campaign calling on the Northern Ireland Assembly to change the existing law so that anyone convicted of using a trafficked person faces at least the possibility of being brought to prison or put on the sex offenders register. Our aim was to use the possibility of a serious criminal conviction as a deterrent: a serious penalty for a serious crime.

By the time that Lord Morrow's Bill was launched, we had 1,200 signatures.

Practically, what we were suggesting involves turning the existing offence — whereby, as I said, you can be given only the penalty of a £1,000 fine — into a hybrid offence that extends the time limit and penalties involved. That would give greater flexibility and discretion as to how the offence can be prosecuted. An indictable offence would also need to be added to the schedule of offences that attract a period on the sex offenders register.

Alternatively, we encourage the judiciary to consider a sexual offences prevention order (SOPO). The aim of a SOPO is to protect the public, or any particular members of the public, from serious sexual harm from the defendant. Some will argue that that would be an abuse of such an instrument. They will say that using SOPOs in cases of men who purchase sexual services from a prostitute subjected to force is using a sledgehammer to crack a nut.

Let me say that there are clearly differences between rape and the crime of paying for the sexual services of a prostitute subjected to force, such as the strict liability nature of the offence and the perceived consent that is involved at times. However, it can be argued that people convicted of using the services of someone forced to have sex with them is a danger to the public and, in particular, to members of the public who are selling sexual services and are already in very vulnerable positions of exploitation.

Those men are the willing or negligent participants in a crime involving forced sex. Crimes such as exposure and voyeurism are already scheduled offences that can attract periods on the sex offenders register. I contend that the crime of paying for forced sex is as serious, if not more so, than those offences. We do not deny that this could be a very serious conviction. We refer to the offence of sexual relationships with a minor, as found in articles 12 to 15 of the 2008 order. Whether the child consented to the act or not is irrelevant. A child under 13 does not, under any circumstances, have the legal capacity to consent to any form of sexual activity. The maximum penalty for rape or sexual penetration of a child under 13 is life imprisonment. For sexual assault, the maximum penalty is 14 years.

The key issue here is the inability to consent. Lord Morrow's Bill deals with the inability to consent in another clause. Lack of consent is the critical turning point in the case of paying for sex with a prostitute subjected to force. A trafficked woman has not willingly consented. We contend that the penalty should be more comparable to that for rape than the current legislation, where the penalty of a £1,000 fine is more comparable to riding the train without a ticket.

Our campaign occupies the same territory as Lord Morrow's Bill. Clause 6 aims to simplify the matter and criminalise payment for any sexual services. We welcome the clear, bold statement that clause 6 makes in saying to society that it is not acceptable to commoditise people by buying sex.

In the light of our campaign and Lord Morrow's proposals, we suggest four possibilities for clause 6 around payment for sexual services. The first two options involve amendments to existing article 64A of the 2008 order. The third involves amendments to clause 6. The final option proposes a third way — splitting the offence into two tiers.

First, we could simply amend article 64A to make it a hybrid offence. The hybrid nature could give greater flexibility in both timescale and penalty when prosecuting. A second option is to amend article 64A to make it a scheduled hybrid offence, with the difference there being that it becomes scheduled. We argue that one of the penalties faced under indictment should be prison and being placed on the sex offenders register. Again, we encourage consideration of a SOPO as a serious deterrent to purchasing forced sex.

We would welcome clause 6 as a hybrid offence. We encourage the timescale for prosecution to be extended to three years if tried summarily. That would avoid the current situation, in which time runs out before a prosecution can be made. We also call for the consideration of more serious penalties. There has been some criticism that clause 6 conflates the issues of prostitution and trafficking. That could be countered by differentiating between, on the one hand, the offence of paying for sexual services and, on the other hand, paying for sexual services from someone who has been subjected to force. That would essentially split clause 6 into a two-tiered offence, whereby the act of purchasing sex is illegal in both instances, but, if force is proved, the penalty becomes much more serious. The draft Modern Slavery Bill is looking at civil prevention orders; that is, a civil order that, if broken, becomes a criminal offence.

The Chairperson: Sorry to interrupt you, David. We are short of time, so if you could wrap up.

Mr Smyth: Absolutely.

Could that idea be used for those charged with purchasing sexual services where there is a suspicion of trafficking? They would be under the limits of a civil order, so they would not be immediately criminalised. However, if they were to break the order by purchasing sexual services again, they would face criminal sanctions.

I have other points to make, but I will stop there.

The Chairperson: Thank you. We are happy to take points in writing, if you want to send them through to us.

Mr Carlin: I will try to be brief. I have been involved in sexual politics all my life. I was involved in a range of initiatives associated with industrial music and manufactured gender from the age of 17. I have worked in Amsterdam — well, I have worked everywhere. If possible, I would like to clear up a misapprehension that I have heard several times during Committee meetings. The reforms in Amsterdam to close half the brothels were not done for moral reasons, to help women or anything like that. They were done because the prostitution sector had become a threat to the state, in the same way that this state may feel that it is threatened by dissident republicans or whatever. The state was becoming frightened of the sex trade. Mr Humphrey made the point that, when he was in Sweden, he talked to a police officer who said that you can phone a number and get through to Bucharest. One of the reasons that I was asked to come out of retirement, if you like, and make this point to you is because you are debating something that is important, not just for your jurisdiction or in helping to tidy up the Southern jurisdiction but for Sweden.

Chairman, you were talking to an academic gentleman from Queen's University, and at some point you said:

"you are reading out the reason why you cannot tell me."

Do you remember that?

The Chairperson: Yes.

Mr Carlin: The massive increase in prostitution that was being referred to in that phrase was an escort agency, which is operating or effecting, shall I say, out of Sweden. It is exactly the same escort agency as has been repeatedly mentioned to you, with the name that your colleague Mr Wells brought to everyone's attention. That is the downside of the Swedish law. When the Swedes passed the law, they did not get you to do it simultaneously, and that allowed an individual who is very, very talented with technology and telephone systems to expand into areas that were dictated by the domestic crime that was associated with the Swedish state or, indeed, with other areas where they are now closing prostitution down. Introducing clause 6 here would damage the sex industry and the coalition of business interests, which is the major manifestation of organised prostitution in northern Europe. It is important to realise that the most successful entrepreneur in prostitution came from your island. Criminals from as far as Siberia now copy that criminal, and he came from Ireland. He did not come from Russia, and he is not a Serb gangster: he is from here. He is used as an example by organised criminals across the globe because he developed a mechanism for selling prostitution that no one has bettered, and he comes from your island. Passing clause 6 would hurt him, as would banning the advertising of the services of a prostitute. If you can destroy that one person, that one enterprise, it will go a long way towards eliminating trafficking on this island. It would also assist our sister commonwealths, such as Sweden, which are fighting the same battle.

The Chairperson: Members, I do not want any comment on other comments and people's positions. I ask members to ask a specific questions to get a specific answer, because we are wrapping this up in 10 minutes.

Mr Wells: I ask those groups that said that it had not been successful in Sweden and that it cannot be enforced: have any of you been to Sweden? Have any of you talked to the Swedish authorities and got the evidence, as we have? If you do, you will find that, unless the Swedish attorney general, the Swedish social services and the Swedish police are telling porkies, they tell a very different story. Have any of the Presbyterian representatives or Nexus been there or made any enquiries to see whether this works elsewhere?

Very Rev Dr N Hamilton: In my remarks on behalf of the Presbyterian Church, I was careful simply to ask the Committee whether it was satisfied that the Swedish model can be brought here. We did not express a view on the quality of the Swedish evidence.

Mr Wells: Over to the other two groups.

Ms Clifford: We echo the sentiments of the Presbyterian Church in that regard. We are in no way seeking to denigrate the Swedish model, but we are concerned about the contradictory evidence that we are finding. As a voluntary sector organisation, we see statistics coming through that contradict the content —

Mr Wells: Some of which are driven by the industry. Have you had any contact with the Swedish authorities to ask them what is happening in their country?

Ms Clifford: We have not had any contact, but we have not been looking at material from the sex industry; we were looking at statistics produced by the Swedish National Council for Crime Prevention. We are simply seeking additional information and would welcome the opportunity to have it. That is our issue with it. At this point, we are not making any judgement on the merits of the Swedish.

Mr Wells: What direct knowledge has Nexus?

Ms Hunter: I do not believe that I referred to the Swedish model at all, Mr Wells. It seems that we do not have any knowledge of the sex industry in Northern Ireland, and part of our proposal was to find out what the sex industry is like in Northern Ireland before we make anything legal.

Mr Wells: Did the Oireachtas Committee, the Swedes, Norwegians, Icelanders or the French have to go down that route before they adopted the equivalent of clause 6?

Ms Hunter: You would have to ask them that. I do not know.

Mr Wells: Yes, but what I am saying to you is that they, while going through the process that we are, felt that to be sufficient, given the vast amount of consultation that we have had. They have gone through the process and were satisfied that you do not adopt the oldest tactic in the world to kill off legislation, which is to knock it into the bushes by having further research. They felt that they needed to act. The French are about to act. Prostitution is the same the world over. Indeed, prostitutes in Northern Ireland are being circulated around all those countries; they are exactly the same people. Prostitution is no different and therefore does not require further research.

The Chairperson: Mr Wells, I am keen that you ask questions rather than make statements.

Mr Wells: Is it not the case that — *[Laughter.]* You still have not answered my question.

The Chairperson: I am interested in the position of the Presbyterian Church. I have noted the positions of the Catholic Church, the Evangelical Alliance, the Reformed Presbyterian Church and the Church of Ireland. The Presbyterian Church seems to be somewhat out on a limb. My question to my Presbyterian friends — we have a Committee member who is one of your committee members in north Belfast — is this: if the capacity to enable enforcement could be met, if the issue of vulnerable women being deemed credible witnesses by the courts could be dealt with, and if there were exit strategies for women involved in such circumstances — I agree with the point about therapy for the purchasers, such as Sweden provides — would the Presbyterian Church support clause 6? I think that those were the main points that you made to us.

Very Rev Dr N Hamilton: Thank you for that, Chair. It is not an unexpected question, and I am glad to be among friends, as you put it. If the Committee is satisfied that the concerns that we and others have raised could be satisfactorily addressed, we would be prepared to support a Bill. However, I would add the caveat that we are seeking a wider and more rigorous Bill to deal with the sex industry in general.

Ms McCorley: I have a general question about the deterrent effect. I am not convinced that bringing in this clause would stop people wanting to buy sex. We have heard people ask how prostitution can go underground as it is already underground. The clause is targeted at the part of prostitution that is legal, so it would go underground with the trafficking and the coerced and abused people. That is what would happen. The clause is meant to reduce the demand for human trafficking. Does anybody believe that it will bring about that effect?

Ms Breslin: It is designed to tackle the demand for the human trafficking of the women whom I have just described. They are two groups of women who are essentially synonymous: women in

prostitution and women who have been trafficked into prostitution. There are so many similarities between them that we could almost be talking about the same group.

On the normative effect of the Bill, the research — not just our research with buyers, but research conducted in other English universities — demonstrates that there are many buyers who are ambivalent about their behaviour, have concerns or who have done it only once or twice and are afraid to do it again. On the other hand, we have also seen that a lot of young men are buying early, and some 44% of men in our study had bought before the age of 21. I think that a law like this will tackle some of those who are ambivalent, who are thinking about buying or who are just starting to buy. It will have the normative effect of making them think twice about what they are planning to do.

On the other hand, I accept that there are buyers who are entrenched and that it is something that they do as par for the course, perhaps regularly. They are the ones who need to be tackled. If the normative effect is successful, which it was in Sweden, you will have a smaller sex industry and fewer buyers. It means that, when police resources have to be put into this, they will target a smaller group.

A couple of things were said about prostitution going underground, and the Group of Experts on Action against Trafficking in Human Beings (GRETA) made similar points. That has been said so many times that I no longer know what it means. If the buyers can find the women, so can the police and the support services. It is as simple as that. I accept that there are some closed markets. For example, in London, there are closed markets in the Chinese community, in which women are trafficked in by Chinese men from China and only advertised through Mandarin. However, those markets are a very small part of a big sector. I do not know what the underground thing means any more. As a support service, we can find these women if we need to. We know that we can do that, and we have the mechanisms to do that.

On the issue of shifting the focus of police resources away from investigating traffickers, we would need to do something similar to what they have done in the Nordic countries, which is to take it as a whole operation. They say, "Let us go out there and tackle the three: the punters, the pimps and the traffickers". They tackle them all at once as part of coordinated operations. They do not just focus on the buyers and forget about everybody else. They have done it in a smart way.

We welcome tourists to our island; that is a very positive thing. Our research shows that sex tourists who tour the world to buy sex do not come to regimes like the one we would have if we brought in clause 6. Our research with men who have bought showed that they absolutely favour going to legalised regimes or to regimes where the law is not enforced. As far as I recall from our research, the top three favourite destinations are Amsterdam, Thailand — where it is not legalised, but where the regime is extremely lax — and New Zealand. This kind of law is a deterrent to sex buyers who come from abroad as well as those in the home country.

The Chairperson: Alban has one very last question, and then we will conclude.

Mr A Maginness: Actually, Chair, it is not really a question but more of a comment. We went to Dublin and had a very useful and constructive meeting with the Oireachtas Joint Committee on Justice, Defence and Equality. The point that members of the Committee emphasised was the normative effect of law: if you change the law, different attitudes arise. That has been the case in Sweden, where they changed the law 10 or 15 year ago. That is very important. In fact, your colleague Pádraig Mac Lochlainn emphasised the point about normative values.

My other point is about research, which Nexus also emphasised. There is plenty of research into prostitution to show that it does not differ from one part of Ireland to another. One of the points that the joint Oireachtas Committee made was that you do not need any further research. They told us that the research has been done and that, if we wanted the research, they would share it with us. You can go round the world and see the research and get the same sorry results. That deals with the research point.

Ms Breslin: Can I add one thing to that? Sorry, I know that I am taking liberties. A clever thing in the Bill is the monitoring of its implementation. That is where you could build in proper research to assess its impact. In Norway and Sweden they did the same, and they can now look back and observe those changes.

I agree with you that the research is there. I do not think that men in Northern Ireland who buy sex and women in Northern Ireland in prostitution are so different from those in the Republic, the UK and elsewhere in Europe.

The Chairperson: People want to continue the debate. Ms McCorley and William Humphrey want to speak again. I really will draw a line under it after we have dealt with those two points. We need to leave, as the First Minister is coming in to host an event.

Ms McCorley: I do not think that the case for the normative effect has been proven. I was in Sweden and was told by people who work in the sex industry there that they have seen no significant reduction. There is also evidence that it has increased. In fact, there is Eurostat evidence to suggest that convictions for trafficking in Sweden have quadrupled and that trafficking is increasing more there than in other countries in the area. What the women said — this is very concerning — was that life had got more dangerous and that they felt more stigmatised.

I see no evidence of a normative effect. As somebody said, it is like drugs. Do drugs laws make people stop wanting to take drugs? No. Will this law make men stop wanting to buy sex? I do not think so, and I do not think that the normative effect is proven.

The Chairperson: We are into statement territory again. I forgive Rosie as I have allowed others to do it.

Mr A Maginness: It is a self-evident proposition that the law changes attitudes, behaviours and values.

Mr Wells: As Pádraig Mac Lochlainn clearly stated.

The Chairperson: I can hear our Assembly speeches already.

Mr Humphrey: I will perhaps continue to make a statement, but only a baby one. As someone who represents north Belfast and who knows about all the illicit criminality that has gone on in this city, and in that constituency in particular, I am afraid that I not convinced that the Bill will drive things underground. They are already underground, folks. We have heard some of the testimonies of people whose lives have been destroyed by this evil, and Norman is quite right that it is evil. As legislators, we have a bounden duty to protect the most vulnerable people in society. That is simply all that we are trying to do.

These are evil people who are criminals, but they are also very astute and clever businessmen, who are making millions by driving young women, who are denied the most basic of human rights, into appalling conditions and servitude that nobody should be expected to endure in this day and age. It is modern-day slavery that needs to be addressed.

The Chairperson: On that point I will finish. I am sorry. I know that people want to speak, but we have to leave the room.

I thank everyone who came. We appreciate your evidence, particularly on all the other clauses. Thank you very much.