



Northern Ireland  
Assembly

Committee for Justice

# OFFICIAL REPORT (Hansard)

Human Trafficking and Exploitation (Further  
Provisions and Support for Victims) Bill:  
Lord Morrow and Dr Dan Boucher

20 March 2014

# NORTHERN IRELAND ASSEMBLY

## Committee for Justice

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**Members present for all or part of the proceedings:**

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

**Witnesses:**

Lord Morrow	MLA - Fermanagh and South Tyrone
Dr Dan Boucher	Adviser to Lord Morrow

**The Chairperson:** I welcome Lord Morrow to the Committee to discuss his amendments. Lord Morrow, I will hand over to you to make some opening remarks. We will then go through the Bill clause by clause, and I will allow members an opportunity to ask questions. You can update us as we go through the Bill.

**Lord Morrow (Northern Ireland Assembly):** Mr Chairman, thank you for inviting me back to the Committee this afternoon. With your permission, I would like to make some brief remarks before we consider each clause.

I would like to thank three groups of people for their scrutiny of my private Member's Bill. First, I would like to thank everyone who took the time to give evidence. Some were incredibly brave, particularly those who have been victims of human trafficking or are survivors of prostitution. I have also been deeply impressed by the expert testimony given on different aspects of my Bill from a wide variety of groups. The testimony given will undoubtedly make the Bill a better one.

Secondly, I want to thank Committee members for their scrutiny work. I know that you have spent many hours considering in depth the issues raised and that some of the evidence was difficult to hear. My Bill will emerge better for the work that you have done. I look forward to carefully considering your report.

Thirdly, I would like to thank the Minister of Justice and his officials for constructively working with me. It is not a secret that the Minister and I do not see eye to eye on many issues. I know that, initially, the Minister was sceptical of much of my Bill. However, it is to his credit that, on closer consideration, he has changed his mind on many of the clauses. On reflection, I have changed my mind on aspects of

the Bill, too. As members will be aware, we do not agree on a small number of clauses. However, I am happy to acknowledge that my Bill is a better one for the constructive work of the Department of Justice.

Members will have received my letter about suggested amendments to particular clauses. You will also have received a letter from the Department of Justice outlining a set of proposed amendments. I think that many of those amendments are positive. However, some fine details are yet to be worked out. I think that it would probably be best if we considered the suggested amendments as we come to them.

Chairman, those were my introductory remarks. With your permission, I propose to go through my Bill clause by clause and discuss where it is at present.

**The Chairperson:** Certainly. Thank you for your opening remarks and the comprehensive letter that you sent, which spells out in detail the specific amendments. It is very helpful for members to be able to see the text of how you wish the Bill to be amended. If members have any questions for Lord Morrow, they should ask them on a clause-by-clause basis. As members know, when Lord Morrow leaves, we will go back through the Bill clause by clause so that members can indicate how their position is developing and what areas they may want to consider further. Lord Morrow, I will hand back to you now to take us through each clause.

**Lord Morrow:** Thank you, Chair. Clause 1 provides definitions of human trafficking and slavery offences. As my letter outlines, I am not proposing any amendments to it. I understand that, following the Department of Justice consultation, changes will be made to this clause.

**The Chairperson:** Members do not have any questions on clause 1.

**Lord Morrow:** Clause 2 makes it clear that the consent of a victim of human trafficking or slavery will be irrelevant to those offences. Some have argued that the clause should be removed, but my view is that it needs to be maintained. I continue to believe that stating the need for the consent of victims to be irrelevant is important because the question of whether the victim consented, despite being subject to deception or fraud et cetera, can lead to misunderstanding of whether a person has been trafficked or not. As my letter outlines, following discussion with the DOJ, I propose one amendment to make it clear that consent is irrelevant. There may be some consequential amendments following the Department of Justice consultation, if the proposed clause 2(2) of the draft Modern Slavery Bill is enacted in a similar way in Northern Ireland.

**The Chairperson:** Members have no questions on clause 2.

**Lord Morrow:** Clause 3 outlines a list of aggravating factors that judges would be required to take into account when sentencing for trafficking and slavery offences. As my letter outlines, I propose one amendment, which replaces the definition of a vulnerable adult with that used in the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2012.

**The Chairperson:** Members, are there any questions on clause 3?

**Ms McCorley:** Yes. The Department's paper suggested a number of amendments to clause 3. Have you considered them?

**Lord Morrow:** I assure the Committee that we have considered everything that came to the table throughout the consultation. I ask the Committee to reflect on the fact that when my Bill was first published, I made it quite clear that I was never, ever of the opinion that it was the finished version. I listened to what the Committee and everyone else said, and that has helped to shape my Bill.

**Dr Dan Boucher (Adviser to Lord Morrow):** One thing to add is that the idea of using the same definition as in the Rehabilitation of Offenders (Exceptions) (Amendment) Order (Northern Ireland) 2012 came from the Health Department.

**Ms McCorley:** Are the points listed in today's tabled paper included, or are you choosing not to include them? Do you want me to read some of them out?

**Lord Morrow:** Yes. Go ahead.

**Ms McCorley:** I am not clear whether you have already done that. The first is:

*"insert a definition of 'public official'".*

The next one is:

*"standardise the various references to the family of the victim".*

The third is:

*"define the family of the victim by reference to Article 34 of the Sexual Offences Order".*

They are mainly technical points. Are you aware of them?

**Lord Morrow:** What date is on the letter?

**Ms McCorley:** This is from today's tabled papers and is dated 20 March 2014. We can come back to it. I do not need to —

**The Chairperson:** The Department indicated to us in writing that you were content, Lord Morrow.

**Lord Morrow:** Yes, those are all technical issues. Therefore, we are content. You are correct, Chair. There are no issues as far as we are concerned.

**The Committee Clerk:** The Department will table the amendments.

**Ms McCorley:** At the appropriate time: is that what it means?

**The Committee Clerk:** Yes. The Department has given us the wording of the amendments and will table them at the appropriate time.

**Ms McCorley:** No bother.

**The Chairperson:** Thank you.

**Lord Morrow:** Clause 4 outlines that there should be a minimum two-year sentence for those convicted of human trafficking and slavery offences. As you will be aware, the Department opposes the clause. However, I am minded to continue with it and test the opinion of the House. As my letter makes clear, I intend to table five amendments to this clause. First, I propose adding a new clause to make slavery offences triable only on indictment so that a two-year minimum sentence could be imposed.

Secondly, I propose that clause 4 be amended directly so that the minimum sentence framework should not apply to children. It was an oversight in the initial draft that the sentence would apply to children.

Thirdly, I propose that clause 4 be amended to ensure that the court cannot impose a suspended sentence. I am of the view that a two-year custodial sentence is appropriate for these offences.

Fourthly, I propose that, if judges derogate from setting down a two-year sentence, they must state the reasons why they consider a case exceptional and have decided not to impose the minimum sentence. Since I sent my list of amendments to the Committee, the Attorney General has advised me of how I can make that amendment more effective. I will give a copy of the amendment to the Committee Clerk to aid the Committee today. I will read to you the change that I propose to make on the advice of the Attorney General:

*"If a court considers that there are exceptional circumstances which justify the imposition of a lesser sentence than that provided for under subsection (2), the court must give its reasons for considering exceptional circumstances to exist and record those reasons in the order book."*

**The Chairperson:** Members do not have any questions on clause 4.

**Lord Morrow:** Finally, following discussions with the Department, I intend to add a new clause to Part 5 of the Bill, with consequential amendments that will impact on other sentencing legislation. As a result of other changes that have been made, we would have to make these consequential amendments.

**Mr Wells:** This is all very sensible, Lord Morrow, but do we know the timeline by which the Committee will have a full list of all these technical changes? Although many look routine, we will have to read the Bill as a whole to make certain that it all knits together.

**The Chairperson:** The only one that we do not have the wording for is the Attorney General's amendment, which Lord Morrow read into the record. The Department sent in some of them very recently, so there is a tabled pack that will be for reference in our next session.

**Mr Wells:** Does that include all the amendments suggested by the Department and Lord Morrow together under one cover?

**The Committee Clerk:** Yes, it does.

**Mr McCartney:** I have a broad point: in taking forward the Bill, Lord Morrow says that he is not changing the minimum sentence. We have reservations, although that is not for discussion today. I just wanted to put that on record.

**The Chairperson:** Do members have any questions on the detail?

**Mr A Maginness:** May I make a comment, Chair? I know what Lord Morrow is trying to achieve on minimum sentencing. I do not like minimum sentences because I think that they tie the hands of judges, but the way in which the clause is phrased suggests to me that it is not absolute; it is a qualified minimum sentence. At least, that is the way that I interpret it. I think that the way in which the Attorney General has drafted the amendment seems to be along those lines, in that a judge will have to give reasons for deviating from the statute. That, to my mind, is not, strictly speaking, a minimum sentence. What the statute is trying to get at is that, in most circumstances, there would be a two-year minimum, and that is, I think, fair enough.

**Lord Morrow:** Yes, if a judge felt that the minimum sentence should not be imposed, he would have to outline, in some detail, the extenuating circumstances that prevailed.

**Mr A Maginness:** Yes.

**Mr McCartney:** Is there a proposal for a maximum sentence?

**Lord Morrow:** No.

**Mr McCartney:** Could a judge give a life sentence?

**Lord Morrow:** That would be at his or her discretion.

**The Chairperson:** We will move on to the next clause.

**Lord Morrow:** For clarification on the point that Alban raised, I think that it would be helpful for the Committee to know that a number of countries, including Canada, Luxembourg and India, have introduced minimum sentences for human trafficking offences. In the end, it comes down to the fact that the Minister of Justice and I disagree on the principle of minimum sentences. I will leave it to the House to make up its mind. That is the best way to deal with it.

Clause 5 outlines some technical changes to the Asylum and Immigration (Treatment of Claimants etc.) Act 2004. I am content with the Department of Justice's proposals for an amendment on the position of trust in clause 5. However, the clause may become redundant if it is decided to repeal section 4 of the 2004 Act following the Department of Justice consultation.

**The Chairperson:** We will move on to clause 6.

**Lord Morrow:** I suspect that you have all heard of this one. Clause 6 deals with paying for sexual services of a person. As members will be aware, considering the fact that the lion's share of the debate on my Bill has focused on it, clause 6 seeks to criminalise the purchase of sexual services. In spite of the Department's opposition, I plan to retain this clause. I strongly believe that it is a necessary measure for the Province, a belief only strengthened by the evidence that the Committee has heard over the past few months.

After considering the evidence that the Committee has received, I propose eight amendments. The first three clarify that the clause refers to a prostitute instead of a person. Having considered the evidence of the Public Prosecution Service (PPS), I came to the view that these amendments were necessary. Amendments, therefore, need to be made to the clause title and in articles 64A(1) and 64A(4) of the Sexual Offences (Northern Ireland) Order 2008.

The fourth amendment is consequential to changing the clause to refer to a prostitute, removing the new article 64A(3), as the definition of payment is already covered under the interpretation set out in article 58(3).

The fifth amendment would clarify the sentencing provisions in article 64A(2). The PPS said:

*"it is not clear in respect of which court tier the potential to imprison for a term not exceeding one year applies. It does not refer to prosecution on indictment in the clause."*

I propose that there be reference to prosecution on indictment.

My sixth suggested amendment is to article 37 of the Sexual Offences (Northern Ireland) Order 2008. The Northern Ireland Human Rights Commission, in its written and oral evidence, raised a concern that my clause would create a discrepancy with the current article 37 offence of paying for sex with a child. This was clearly not my intention. At the moment, under article 37, the purchase of sex from a child under 13 is a strict liability offence, irrespective of what the defendant knew or believed about the age of the child. However, if the child is 14 to 17 years old, the purchaser can use the defence of reasonable belief; that is, that the defendant reasonably believed that the child was aged 18 or over. Once clause 6 comes into force, if a child is over 13 but under 18, even if the purchase is proven, a defendant with a reasonable belief that the child was 18 or over could be found not guilty, whereas a defendant charged under clause 6 with purchasing sex from someone 18 years or over has no such defence available. So, if the offence were proven, they would be found guilty.

The Northern Ireland Human Rights Commission said:

*"it will be easier to penalise persons who pay for sex with adults than those who pay for sex with children."*

In keeping with the proposal to make it an offence to pay for sex with an adult, I propose a new subsection to amend article 37(c)(1), making that offence of purchasing the sexual services of a child under the age of 18 a strict liability offence, no matter what the age of the child. The different sentencing regimes relating to the age of the child would, of course, remain.

My seventh amendment would make it clear that new clause 64A(1) refers to a prostitute who is 18 or over so that this distinguishes it from the article 37 offence. My Bill originally had the text "over the age of 18", which lacked clarity on 18-year-olds.

The eighth and final amendment would introduce a new article 64A(5) and require an advertising campaign to ensure public awareness of the change effected by clause 6. I have also responded to the evidence given to the Committee by numerous parties, including Women's Aid and Ruhama, about the need to provide services to help people in prostitution to exit by proposing a new clause, 10A, which rises to this very important challenge. I have with me and will leave with the Clerk copies of suggestions and proposals by Women's Aid on the best method to do that. Mr Chairman, I will leave those with the Committee before I leave today.

**Mr Dickson:** Lord Morrow, thank you for taking us through all of this today. Have you costed the proposed new clause 10A, which is to support those wishing to exit prostitution? Who would provide and deliver a quality and genuine service, and how?

**Dr Boucher:** That is in the Women's Aid paper. The costing is £200,000 per annum.

**Mr Dickson:** Where would that funding come from?

**Dr Boucher:** It would come from the DOJ budget.

**Mr Dickson:** Not the Health Department?

**Dr Boucher:** Sorry, it would come from the Health Department.

**Mr Dickson:** So the proposal is that a minimum of £200,000 would come from the budget of the Department of Health.

**Lord Morrow:** Stewart, it is very difficult to tie the cost down to the last pound note.

**Mr Dickson:** I understand that.

**Lord Morrow:** The figure is in the region of £200,000.

**Mr Dickson:** I just wanted to get a feel for how many people you envisage that delivering for.

**Lord Morrow:** This is the work of Women's Aid, which presented this paper to us. We are drawing on its experience.

**Dr Boucher:** It is based on its assessment of the number in prostitution in Northern Ireland.

**Mr Dickson:** I am interested in your assessment of the number of people and how many are likely to wish to exit prostitution as a result of or regardless of the Bill.

**Dr Boucher:** The offer of help would be made available to people regardless of whether they were, as of today, committed to leaving. As far as the number crunching is concerned, it would be worth clarifying that with Women's Aid.

**Mr Dickson:** Do you have an estimate of the number of people involved in prostitution today, not those who have been trafficked?

**Dr Boucher:** I think that it is in the region of 150. It would probably be better if we wrote to the Committee with a definitive answer.

**Mr Dickson:** If 50% of the 150 wish to leave, do you think that £200,000 is a reasonable sum? Should it be more?

**Dr Boucher:** Lord Morrow has taken advice from Women's Aid, which is the organisation with the expertise that works on the ground. That is its projection. Obviously, it may not be 100% correct, so it will need to be refined, as is the case with all things. That is its initial projection.

**Lord Morrow:** Women's Aid drew down that figure, based on its experience.

**Mr Dickson:** However, Women's Aid is not the only organisation delivering a service to assist people out of prostitution or those who are in prostitution but want sexual help and other types of support. This is not just about an exit strategy. Presumably, it has to be a holistic approach to medical and abuse issues and a range of matters.

**Lord Morrow:** Sheltered accommodation is one of those issues.

**Dr Boucher:** It is located in the context of a direction-of-travel exit. It is not construed in the context whereby there is not that direction of travel in place, but it does not impose on people the fact that, from day one, they have to be connected to that, because the experience of organisations such as Ruhama, which gave evidence, is that you have to take people on a journey.

**Mr Dickson:** In a sense, you are saying that it is targeted only at those who have effectively signed up for the programme to leave.

**Dr Boucher:** As I said, it is not about people being clear in their mind from day one that they want to leave. It is made available to people who are not of that opinion. However, it is in the context of a commitment to encourage people and to be there to provide them with a route out, if they want to seize hold of that. It is not in a context in which there is not an emphasis on routes out and people are encouraged to stay. If people want to stay, that is their prerogative, but they are offered a route out.

**Mr Dickson:** I understand that. That is an important offer for anyone who is in a vulnerable position through drugs, personal circumstances or whatever. What I am trying to get at is this: surely the intention to provide a resource has to be fairly targeted at anyone who is in prostitution — that is the word we are now using for the purposes of the Bill. Even though people may not have indicated that they wish to take that as their first step as a route out, the delivery of a comprehensive service has to be provided to all people in prostitution so that they can at least see that there is a route out.

**Dr Boucher:** The drafting of the amendments sets out the terms on which the provision of support services was requested by numerous organisations such as Women's Aid, Ruhama, SPACE, et cetera. That is testimony to the Committee's scrutiny work. Lord Morrow listened to people's evidence, and it has been defined in respect of the representations that were made.

**Mr Dickson:** There are organisations, most of which you mentioned, whose raison d'être is to encourage exit from prostitution. Other organisations, usually in the healthcare field, will be neutral on the subject and do not take a view one way or the other, and some organisations are support networks for those in prostitution and the sex industry. Surely help must be given to everyone, even if the ultimate aim, which is very laudable, is to encourage people out of the sex industry and prostitution. Surely those support mechanisms must be given, regardless of a person's initial intent.

**Dr Boucher:** Absolutely. Perhaps I am not explaining myself very clearly. It is provided regardless of the initial intent. People are not told, "If you say you are going to exit, we will help you; if you do not, we will not".

**Mr Dickson:** Some providers may give words of encouragement, advice and guidance as part of their service. Others may not wish to go down that route. Would they be equally entitled to those funds?

**Dr Boucher:** The clause is construed in the context of the Bill and the parallel commitment to criminalise paying for sex. It is in the context of a clear direction of travel, recognising that prostitution is not a valid form of employment, that one would not want to encourage people to continue providing that service, and that one would want to come down very firmly on anyone who was seeking to purchase that service.

**Mr Dickson:** I am keen to understand why you see no barrier to the use of that resource, provided it is not to encourage someone to get into prostitution, but those who are there, in many people's minds, may be on a journey. Others may have decided that their journey has come to an end, and that is where they wish to stay. Surely they are all entitled to appropriate assistance, whether healthcare, counselling, accommodation, protection or legal services.

**Dr Boucher:** Yes, absolutely.

**The Chairperson:** The amendment, to me, is very welcome. I want to be clear about the purpose behind it, albeit that it is connected to what people said about clause 6 and is one reason why they may have been against it. It is clear to me that it is for those who want to leave prostitution. So there is a principle, and, ultimately, it is for the Department of Health to design the programme. If we agree the amendment, it stands separate to clause 6; it is not dependent on clause 6. You are not being prescriptive about the type of programme that it should be.

**Lord Morrow:** Chairman, let me make this very clear. The exit strategy was introduced as a result of the consultation and the comments of those whom we met and listened to. They made it quite clear that, for the Bill to be effective, an exit strategy provision had to be built in or it would leave people who wanted to exit that lifestyle to discover that, when they were out of it, they had no support and were saying, "Where do I go from here? There is no support for me. I am left totally bewildered. I am left like an orphan". Therefore, on the suggestion of Women's Aid and others, my Bill proposes to build in



a support mechanism for those who are exiting that lifestyle. That will give them confidence that they are not being left alone to fend for themselves in a big world that they have very little experience of.

It might be useful if I quote a few lines from the Women's Aid paper that you will get, since you have not had a chance to read it:

*"A supported living/sheltered accommodation building that will provide short-term accommodation to women, and their children, whose exiting prostitution has rendered them homeless/women who are fleeing prostitution.*

*Supported living support for 6 months–1 year, with intensive support in first 3 months, and additional support for months or years after, as long as needed.*

*Floating support for women in prostitution to provide long-term support and assistance to women on a one-to-one basis.*

*Programmes to promote — "*

— this is important —

*"— self-esteem and understand the effects of abuse ...*

*Support for any children or young people, based on the needs ... and their protection, with referrals to other agencies."*

It is a gatekeeper for those who want to exit that lifestyle, and it will give them the support and confidence that they perhaps will lack on first coming out of it.

**Mr Dickson:** What you describe is vital for the success of anyone wishing to leave, particularly for self-esteem. However, in order for people to build that self-esteem in the first instance, what support will be made available to those who are at a point before any decision has been made to exit? Does the resource extend to that?

**Dr Boucher:** My understanding from the evidence that was given to you by Ruhama, which provides a good model, is that it is made available regardless of whether a commitment to leave is given at the outset, because people are on a journey. As I said, the provision is very much seen in the context of a Bill that is clearly of the view that prostitution is not a valid form of employment and that one should clamp down very heavily on those who buy. Although that is the direction of travel, and the overall context in which we are looking at this is about routes out, the wisdom from Ruhama is that, operationally, it is more effective if you do not ask people to have made all the decisions from the very first moment that you encounter them. That is not really how it works in practice.

**Mr Dickson:** Will there be no objection to the resource being made available to those organisations that do not have an opinion on exit or, in other words, those that do not have the same value structures as Ruhama, for example, but nevertheless deliver perfectly valid healthcare and other services?

**The Chairperson:** My reading of the amendment is that it will be for the Department of Health to design this programme. It will not be for Lord Morrow to say, "This money goes to Women's Aid. This goes to Ruhama".

**Mr Dickson:** I was not suggesting that. I just want to be clear that the resource is made available to any appropriate organisation that wants to deliver services to people in these circumstances.

**Mr Wells:** Lord Morrow, as you know, some of us have had several very late nights in here. For some of us, it was hardly worthwhile going home, so you will forgive some members for not being able to keep entirely up to date with the very fast flow of information. We have a tabled paper from Women's Aid, which is very interesting, we have responses from the Department, and we have your amendments list. It is sometimes quite difficult to draw everything together. It is in that context that I ask my questions, otherwise you might ask, "Has Wells slept in these last 48 hours?"

Have you seen the letter from the DALO dated 19 March?

**Dr Boucher:** We have just been presented with a copy.

**Mr Wells:** You are in a similar position to others. Has the Minister seen the content of your proposed amendments to clause 6? Is he aware of them? More importantly, would he have been aware of them when the 19 March document was written? That might alter his opinion.

**Lord Morrow:** It may do.

**Mr Wells:** Was he aware of clause 10? Was he aware of the support mechanism that you have now pointed out? Was he aware of the extent of the commitment that you have now given to the care of those who leave prostitution?

**Lord Morrow:** Are you asking me whether he is aware of the Women's Aid document?

**Mr Wells:** Yes.

**Lord Morrow:** No, he is not.

**Mr Wells:** Obviously, that could flavour someone's view on clause 6. What you said is extremely powerful. One of the criticisms that has been made to me is that, if you simply throw these women on the streets and their trade dries up, they will turn to something equally sinister such as drug trafficking, whereas if you give realistic options of care, settlement, training and sheltered housing to these women — the vast majority will be women, but I presume that it is gender neutral and that a man in this position would get the same care — it is much less likely that they will get into something such as drug trafficking. We need an opportunity for all those involved to have all the documents in front of them to make a fresh decision on clause 6. The Minister has not yet had all that in front of him.

**Lord Morrow:** Jim, I thought that I said — maybe I did not — that the idea of an exit strategy was made clear to me in my meetings with the different people, organisations and groups. It was they who emphasised it. Let me be very clear: on reflection, it was not properly catered for in my Bill. It was as a result of listening to what people were telling me about an exit strategy that we decided that it was important, and we needed to introduce it. It was emphasised by some of the groups that we mentioned today, including Women's Aid and Ruhama. Other groups said that if the Bill did not have an exit strategy, there would be a fundamental weakness in the whole strategy. You said that, when people come out of prostitution, perhaps there is a tendency to turn to something else such as drugs. This strategy is designed to try to steer them away from that and to give them the support, self-esteem and confidence that they really need, which is not there at the moment.

**Mr Wells:** I totally agree with you. Would that very significant development change the Department's view if it were aware of it?

**Lord Morrow:** It may well do. I cannot pre-empt what the Department will do. We made no secret of it, and if the Minister were here, I suspect that he would agree with me. When we started on this journey, the Minister was in one corner and I was in another corner, and ne'er the twain would meet. We are not there any more. There has been considerable movement, and we agree on many — in fact, the majority of — issues. I do not take credit for that, and I do not give entire credit to the Minister. I think that both of us have come together as two adults and said that there is merit in the Bill, and we will take it forward. That is the position that we find ourselves in. Before the Bill goes to the next stage, I hope that there will be further agreement on the issues that we are not in total agreement on at the moment. I cannot pre-empt what those will be, but I know that we are in negotiations, are talking and plan to meet in the future.

**The Chairperson:** I encourage my own colleague and other members to stick to the substance of the amendments put forward by Lord Morrow rather than inviting him to comment on other people's opinions, otherwise we will be here a lot longer than we need to be. Let us get to the amendments.

**Mr Wells:** Given that very stern warning from the Chair —

**Lord Morrow:** You could have another late night tonight, Jim.

**Mr Wells:** — and suitably admonished, I will finish with this rather than ask all the questions that I had in mind. In the letter from the Minister relating to clause 6 and the reference to article 64A, he is suggesting that there will be an amendment to the Sexual Offences (Northern Ireland) Order 2008 to extend from six months to three years the notifiable time in which someone can make an allegation that a person was trafficked? Does that in any way come close to meeting your concerns about that aspect, which is, of course, fundamental to clause 6?

**Lord Morrow:** Clause 6 is one of the clauses on which we do not have agreement. Only time will tell whether we can get agreement in the end. I am not going to be unfair to the Minister. He might come round to my way of thinking, and I suspect that some of you are saying that I might come round to his way of thinking. I could give the answer to that one now, but I will not because I think that you know the answer. Therefore, I am not going to pre-empt what he may or may not say. I welcome the amendments that the Minister has come up with. I said on the Floor that I welcomed those and acknowledged it at the time. Therefore, that is a positive step in the right direction.

**Mr Wells:** However, you do not believe that it is enough.

**Lord Morrow:** I do not believe that it is enough, and that is why clause 6 is still there.

**Ms McCorley:** Go raibh maith agat, a Chathaoirigh. Thank you for the presentation. I think that the new clause that you are promoting is a good idea, because we heard from many people that an exit strategy was missing. In coming to your conclusions on that, how many people involved in sex work have you spoken to, and what sort of work were they involved in, because there are different types? I am trying to work out how you arrived at the services that people will need. Have you spoken to any of them?

**Lord Morrow:** I suspect that no Bill has received more scrutiny than my Bill. I will allow everyone to make up their own mind on why that might be. When I first floated — for want of a better word — my Bill, I went out to consultation. I suspect that there are those who could say that I put my own Bill out to consultation, which is fair enough; I did that. I did not go for the minimum period; I went for the maximum period. Then along comes the Justice Committee and does the same exercise again, which, of course, I have no problem with. I welcome that. I could not stop it, and nor would I want to stop it.

I went for a full consultation. In other words, I said to all and sundry that if they had something to say about my Bill, I wanted to hear from them. It is no secret that I got comments from as far away as Jerusalem, which is a fair wee distance from here. Therefore, the world and the crows, to use a colloquialism, know about my Bill. They came with their views, and I took them on board. As a result of that consultation and what was said in the public arena, I have come forward with substantial amendments and changes.

Even in the early days, I deleted a clause, included a new clause, amended a clause and made other changes. Therefore, I have gone the second mile in listening to everybody, including those in the sex industry.

**Ms McCorley:** Clause 6 is the controversial clause. It will affect people who are involved in sex work, which is what it is meant to do. That is why I am asking you specifically which sex workers you spoke to. Was it single sex workers, groups or organisations? It is about trying to work out what services, risks and vulnerabilities those people were telling you about to inform you in coming to your conclusions.

**Lord Morrow:** I do not think that it is any secret that Laura Lee and I appeared on television together and debated the issue. She has been in front of the Committee, and we heard what she said. In a direct way, on that programme, I heard what she was saying to me. Therefore, I have been listening.

**Dr Boucher:** Apparently, a number of consultation responses were from sex workers, and I also spent a lot of time with former sex workers.

**Ms McCorley:** Taking part in a television debate with somebody is not the same as asking, "What way will this affect people like you who are involved in the work you do?" However, I heard your answer. Have you had conversations with men and transgender people who will be affected? We know that it will also affect people such as them.

**Lord Morrow:** I have not, but I was in Sweden and you were in Sweden, and we listened to what we were told there. I understand that the Committee had deliberations on men in prostitution, but I heard nothing from them. To the best of my knowledge, I do not think that they responded to my consultation.

**Dr Boucher:** It is important to stress that we engaged not just with Laura Lee. A number of consultation responses came from sex workers. We also spent a lot of time talking to former sex workers about their experience, so it was not just Laura Lee on television.

**Ms McCorley:** You mentioned that you were in Sweden. Did you come to the meetings that we had with the academics and people who were involved in sex working?

**Lord Morrow:** No, the Committee did that. You will recall that, although I was in Sweden at the same time, I was not with the Committee as such. I was there of my own volition to hear how effective this type of legislation is in Sweden.

**Ms McCorley:** Do you not think that it might have been useful to inform yourself of what those people were saying?

**Lord Morrow:** First, I was not invited. Secondly, I wanted to make sure that the Committee could get on with its business. I was not part of the Committee set-up. I used to be on this Committee, but I am not any more. Some of you are saying, "That's a good job", but that is the way things are.

**Ms McCorley:** I am disappointed that you were not invited to those parts of our visit. I would like to know whose fault it is that you did not get an invitation.

What risk assessments have you done to take a view of what might be very serious risks for people? I ask because we have been told that clause 6 will have very grave results for people in sex work. We have been told that people will be made more vulnerable. Did you do any risk assessment?

**Lord Morrow:** The cut and thrust of my Bill is to provide support for vulnerable people; it is not to make vulnerable people more vulnerable. I accept that the sex industry is a very dangerous profession — for want of a better word. Indeed, staggering figures — I think that you heard them — were given to us in Sweden: some 126 or 127 prostitutes in the Netherlands have been murdered over the past 25 years, and that is in a country where prostitution is legalised. However, in Sweden — my Bill is based on the Swedish model — over the same time, there has been just one such murder. That does not tell me that people are going to be more vulnerable as a result of this type of legislation.

**Dr Boucher:** The question was about whether a risk assessment has been done. The answer is yes, in as much as reviews have been conducted of all the evidence base. The underground thesis has been interrogated very closely, and there has been a critique of it. The problem with the underground thesis is that prostitution is, at any rate, a relatively underground industry, and the point is that prostitution cannot go completely underground because, at the end of the day, it works only because of making punters aware of where they can go to buy women or men. That requires communication. The countries that have gone down that route have testified that, if the punters can find out where the women are, so can the police.

Obviously, we are aware that some people do not particularly like the proposed change in the law. They will talk about the underground thesis and say that they think that it is a valid concern. However, we have looked at the evidence base in the round and considered academic reviews, and so on, and a judgement was made that the Bill will result in less risk and abuse. It will be an important step forward.

**Ms McCorley:** I can go only by the evidence that we received, and that evidence is that it will have unintended consequences and that people will be more vulnerable. We heard that in Sweden from the people whom you did not get an opportunity to speak to.

As you know, the lack of an evidence base for the scale and extent of prostitution is one reason why the Department finds it difficult to support clause 6, and it is conducting research. Other research is also being conducted. On what evidential basis is Women's Aid putting its services together? How can a figure of £200,000 be arrived at if you do not know how many people are in prostitution or how many people are likely to want to exit? You do not really know about their circumstances or problems

or the circumstances they face as a result of having made a decision to be in prostitution. We do not know any of that. I am curious about how we came to a figure of £200,000. Is that amount of money there and tied down?

**Lord Morrow:** I suspected that that question would come up. I have considerable confidence in Women's Aid and the work that it does, and I suspect that you do, too. It brings to the table its experience of past events and how its staff have worked with people engaged in all of this. To some degree, I am led by it. However, you might be right that £200,000 is not an adequate figure.

I want to deal with something while I am here. We have heard that we need more evidence. To me, that is an attempt, not by you but by others, to kick the whole thing into the long grass. I believe that, if this opportunity is missed, there will not be another one for a very long time. I have jotted down some notes on the subject. As everyone is aware, I published my consultation on the Bill in August 2012, and it was thoroughly scrutinised. In July 2013, I introduced First Stage to the House. I will never forget it: it was, I think, at 12.55 am on one of those late nights.

Up to that point, we had not heard anything from the Department about commissioning research into prostitution — not a word. It was only in September 2013 that the Minister announced his intention to conduct such research, and it has taken until now — March 2014 — for the academics to be selected. So, as you and I sit here, it is not even at that stage. It took 18 months from the time that I first announced the intention behind clause 6 for the Department of Justice to get the research under way. I have not, at any point, heard a plausible explanation from the Department for that delay.

Members, if you were in my position today, what would you think was going on? I will let you answer that with your silence. I know that the Minister and his officials would deny it, but it seems to me that this is a classic Civil Service trick to send clause 6 into the long grass, whence they hope it will never emerge. Let me be crystal clear: if I did what the Department is calling for and removed clause 6, it would be nigh on impossible for such a provision to be considered again in this mandate. Indeed, it may not be until 2017 or 2018, or possibly beyond, that such legislation could come before the House again. I accept that some members here may be happy with that, but, having considered the evidence in favour of the approach outlined and given my belief that there is a real need for it, I would not be satisfied with leaving it that long. Mr McCartney asked a pertinent question of departmental officials last week: he asked whether they could liaise with me on whether I could delay Consideration Stage until the research was published. That was a fair question. The response tells us all that we need to know about where the Department is:

*"There would be too much coming out of the research to make a decision in a short time, because we would have to consider its findings. There may be recommendations that involve other people and having to consult other people. I do not think that it would work."*

The idea that we have no research on prostitution or the Nordic model is, as I am sure members will agree, inaccurate. Hundreds of research studies both for and against the approach outlined can inform us on how it would work. Also, the Department of Justice published research in 2011, of which we have heard precious little from the Department. As a matter of fact, I cannot recall hearing the Department say anything about that, but I might have missed it.

I believe that the Committee has heard compelling evidence in favour of my approach. Organisations including Women's Aid, the Irish Congress of Trade Unions, the hugely impressive Turn Off The Red Light campaign, the Evangelical Alliance, the Catholic Bishops, the Barnardo's Supporting Primary Aged Children Early (SPACE) project and the Northern Ireland Human Rights Commission have come out in favour of the approach that I outlined.

Indeed, I am informed that when you on the Justice Committee met your Dáil counterparts, Sinn Féin TD Pádraig Mac Lochlainn stated that we did not need more research to take action. Those are his words, not mine. It is rare for me to agree with much that Sinn Féin says, and you and I would agree that we often disagree. However, I wholly agree with your colleague in the Dublin Parliament on this matter.

The European Parliament has also supported the approach outlined, and other countries such as France are going down this route. We also have evidence from other countries of the effectiveness of criminalising the purchase of sexual services. I believe that this is the right approach to take and that we have the evidence to go forward. Consequently, as I said earlier, I want to test the opinion of the House at Consideration Stage, regardless of whether we have access to the Department of Justice

research. I am disappointed that we have not yet got that research and fail to understand why, but I have to go on without it.

**Mr McCartney:** If the Department is dragging its heels, we need to tell it not to. I will quote the Honeyball report, as you have done. Interestingly, recommendation 52 states:

*"Urges the Member States to evaluate both the positive and negative effects of criminalising the purchase of sexual services on reducing prostitution and trafficking".*

It precedes that by stating:

*"more analysis and statistical evidence is needed to judge which model is the most effective".*

Even the European Union's report calls for more evidence, which is why we, too, support that call. You heard last week that we think that the time lag should be as short as possible in order to assist you. That is the approach that we have been taking.

I think that everybody welcomes clause 10, which makes provision for exit strategy services and support. Has the Department of Health or the Department of Justice commented? Will they get a copy of the Women's Aid document?

**Lord Morrow:** They got a copy of the amendment but not the Women's Aid paper, which has only just come through.

**Mr McCartney:** Do you intend to provide them with that?

**Lord Morrow:** Yes.

**Mr McCartney:** Women's Aid will be key to the costing of that support. I have to be honest, and I do not doubt the integrity of Women's Aid, but when I heard the figure of £200,000, I thought that it was very low. That was my first reaction when Stewart Dickson's question was answered. The clause puts into legislation that this must be done. So the Department that is to provide such support will, I assume, want to be rigorous about the projected cost before signing up to something that it would have a legal imperative to do. That is why I ask that the report be given to the two Departments —

**Lord Morrow:** You can be sure that it will be.

**Mr McCartney:** — so that they know exactly its contents and can come back to you on whether that estimate is correct.

**Lord Morrow:** Fair point.

**Mr Wells:** You mentioned Pádraig Mac Lochlainn's comments, which we heard. Also, at the European Parliament, Diane Dodds and Sinn Féin MEP Martina Anderson supported the principle of what you are trying to do. I note that Martina Anderson did not, in the European Parliament, ask for the extensive research that is being asked for here. Having —

**Mr McCartney:** She signed up to the report that asked for it.

**Mr Wells:** No, she did not. She voted for —

**Mr McCartney:** There it is in writing.

**Mr Wells:** She voted for the principle of —

**Mr McCartney:** The report.

**Mr Wells:** No, she voted for it —

**Mr McCartney:** For the report.

**Mr Wells:** — without asking for the research to be done first.

**Mr McCartney:** I have it in front of me. She voted for the report, as did Diane Dodds, which clearly calls for more evidence.

**The Chairperson:** I encourage members to stick to the amendment.

**Mr McCartney:** I have no problem sticking with it, but Diane Dodds signed up for more evidence.

**Mr Humphrey:** You are both very welcome.

Lord Morrow, it is interesting that we are now talking about the type of model; it is no longer the case that anyone is arguing for nothing to be done. If nothing happens, at least your Bill has generated much discussion in this place and across the country about two evils. There is a clear, defined, understood linkage, as established through the testimonies that the Committee has heard and our visit to Sweden, between human trafficking, slavery and prostitution.

For us, as legislators, the Bill is to protect the most vulnerable. Clause 6 is all about protecting the most vulnerable. You gave evidence a few moments ago on talk of the removal of clause 6, as some political parties, or indeed some civil servants, may want to happen. On the basis of your experience and evidence from the various Committee witnesses and people in Stockholm, I have to commend you. I spoke recently to senior people in the Shankill Women's Centre. I work closely with them, and they very much support what you are trying to do. They put on a very powerful play recently in the Spectrum Centre on this issue. The people to whom you have spoken, and to whom we have listened, have said that doing nothing is not an option. So, if clause 6 were to be removed or watered down significantly, would those who are hugely vulnerable not be let down massively? I am thinking of people like the young Romanian lady in Stockholm who had to service 33 clients a day in a filthy room. No doubt, given the free movement across Europe, people like that young lady are operating here for criminals who are making an absolute fortune.

**Lord Morrow:** The quick answer to that is yes. I believe that you are right in saying that we as legislators have a duty to protect and provide for the very vulnerable.

I did not come to this subject lightly. Someone described their experience as being on a journey, and I think that I am, too. I have, I think, gained a greater insight into this whole unsavoury business. Previously, I had the impression that it happened somewhere else, but you know, folks, it is happening here in Northern Ireland. That has been proved and demonstrated. I met Anna, as some of you have, and I listened to the frightening story of what that young lady has gone through. She said that she believes that, if the Bill had been in place, she might not have been subjected to or had to come through those very unpleasant experiences.

Mr Humphrey, I believe that, if clause 6 was not in my Bill, we would be condemning more victims to continued suffering. That is why I want to test the opinion of the House on that clause. I want to paraphrase an immortal quotation on slavery. Spoken some 200 years ago, it remains relevant today, "Some of you might decide to turn your head and look the other way, but you are never going to say that you did not know." That is what I am saying through my Bill. If people decide that they are not up for it, on their head be it, but at least they are going to get the opportunity to say so. I believe that clause 6 is the effective way to deal with this, since we know that the main driver for trafficking is sexual exploitation. Why would we not tackle it?

**Dr Boucher:** The stats show that, between 2008-09 and 2012-13, 69% of people trafficked into Northern Ireland were trafficked for the purposes of sexual —

**Mr Humphrey:** Sixty-nine per cent?

**Dr Boucher:** Yes, 69%. In our own figures for the three years, as a whole it was 69%.

**Mr Humphrey:** The other interesting thing is the position of the police, as set out to the Committee by Drew Harris recently. The PSNI's position has clearly changed. In our view, that is a change for the better.

You mentioned our visit to the Republic to speak to the equivalent Committee in the Irish Parliament. An all-party group there is looking at legislation and at how the Republic is going to deal with the issue. If the Dáil moves to put legislation in place and we do not, do you agree that Northern Ireland — because there will be legislation in place on the mainland as well — will be the soft underbelly for human trafficking/prostitution in Europe?

**Lord Morrow:** Absolutely. In the event of us having legislation here that is tougher than that in, for instance, the Republic of Ireland, the Republic of Ireland will have a problem. If the Republic of Ireland moves ahead of us and gets its legislation in place, and that legislation is tougher than ours, we will certainly have a problem. It should be said that Scotland and Wales will be looking at their legislation, too. Therefore, we could become very vulnerable here. It is better to put your house in order and prepare for things rather than do so when events happen. They are happening now, but, as you said, with open borders, we are moving into a different situation right across Europe. We have a porous land border here, and we will be very vulnerable if the Republic of Ireland goes ahead and toughens up or introduces legislation, either similar to this or of the same type. Therefore, it is important that we move ahead.

**Mr Humphrey:** You should be aware, in case you are not, that the police agreed absolutely with that position. That was their line as well.

**Mr Lynch:** Just a quick question, Maurice. Did you carry out an equality impact assessment (EQIA) on the Bill?

**Lord Morrow:** No.

**Mr Lynch:** Why?

**Lord Morrow:** In order that I can get my head around it properly, in what respect are you asking the question?

**Mr Lynch:** If somebody is planning to introduce a Bill or a policy, one of the things to carry out is an EQIA. When people are bringing in legislation, they mostly carry one out to see what impact the legislation will have on vulnerable people.

**Dr Boucher:** The whole purpose of the Bill is to help the vulnerable. One could attach an equality impact assessment to it, but, given the fact that that is its whole *raison d'être* and central theme —

**Mr McCartney:** It is a statutory obligation. It is not an add-on.

**The Chairperson:** It is a statutory obligation on Departments for their legislation, not for a private Member's Bill.

**Dr Boucher:** I am sure that one could be provided, but I think that the conviction is that it is not a Bill leading to something other than equality and protecting the vulnerable such that it would be worth pausing to see whether it has an effect in that regard. It is a Bill that has been conceived for the purpose of helping equality.

**The Chairperson:** If there are no other purely technical questions on clause 6, let us move on. I am sure that we will gallop through the rest.

**Lord Morrow:** Clause 7 is titled, "Requirements and resources for investigation or prosecution". As my letter outlines, I am content with the approach proposed by the Department of Justice for training. That is the subject of clause 7(1), and it will now be covered in clause 15. I am minded to maintain clause 7(2) and (3) to ensure clarity in those areas.

**The Chairperson:** If there are no questions on that, we move on.

**Lord Morrow:** Clause 8 is titled, "Non prosecution of victims of trafficking in human beings". From my point of view, the clause has been one of the most difficult to deal with. My aim, in including it in my Bill, is to protect vulnerable people, particularly children, from being prosecuted and punished for crimes that they were forced to commit by their traffickers.



The clause responds to the article 26 convention rights and the article 8 directive rights that a victim of trafficking who commits a crime

*"which they have been compelled to commit as a direct consequence of being subjected"*

to an act of trafficking should be protected from prosecution. There have been strong views expressed about whether the clause is needed and whether it should remain in the Bill.

I acknowledge that the current wording of the clause has flaws. I never intended for it to provide a protection against prosecution for murder, for example. I am awaiting the view of the Joint Committee on the draft Modern Slavery Bill on the subject before proceeding. I will inform the Committee and the Department of Justice about the decision that I have come to once the joint Committee's report is released. It is my understanding that that will be published by the end of this month. I apologise that I am not in a position to come to a final view on the clause at present.

**Mr A Maginness:** That is a wise course of action. Whether or not you ultimately intend to include clause 8 in the Bill, it is wise to take some time out and examine it further.

I reflect on what the PPS said when it was here. It seems to me that there is probably sufficient protection in the prosecutorial code of conduct. The PPS would exercise a non-prosecution approach to recognise the public interest, where people are genuinely victims of trafficking. Therefore, you might conclude that the clause is not necessary.

**Lord Morrow:** I thank Alban for those comments. That is why we are waiting to see the report. It may well be the case that the clause will not be included in the Bill. It is something that we are deliberating on, and, as I said, clause 8 has been a very difficult one for me to get my head around. It is not the finished article.

**Mr A Maginness:** You may want to include some reference to children or minors who may be involved in criminal activity so that they have protection. That may be appropriate. That is just a side comment.

**Mr McCartney:** In your discussions with the Department on the clause, has decriminalising prostitution come up at all?

**Lord Morrow:** No.

**Mr McCartney:** Is it something that you would consider?

**Lord Morrow:** I said early on that I have read to the best of my ability all the material that has come in as a result of the consultation. I will look very carefully at this Committee's report.

Members, it is important to understand that my primary focus is on placing the burden on the buyer, not the seller. I listened to what Alban and others said, and you have heard me say that this has been a difficult clause for me to get my head around. I want it to be an offence to buy sex from someone, male or female, across the board, and it is important to understand that it is already perfectly legal to sell sex in this country in every context apart from on the street. The offence was created for reasons of public order, and I have not heard the views of the police on the matter or consulted colleagues. Others might want to make a case for a change here. People have expressed views to me from both sides, and I see criminalising the buyer in all contexts as my priority and the way forward.

**The Chairperson:** We will move to clause 9.

**Mr Dickson:** May I ask one question? Lord Morrow said that his objective is always to see the buyer criminalised or prosecuted. Do you envisage any circumstance in which the buyer might also avail himself of similar services to those who wish to seek exit from prostitution? In other words, alternatives may be available to the buyer. How would that manifest itself in the Bill if the buyer is always to be criminalised as a result of the purchase of sex?

**Dr Boucher:** That is an interesting question. There are some voluntary organisations in other countries that have sought to help people go down that path. I am not aware of any country that has put anything in statute on that, but it is a very good question. I will give it some thought.

**Mr Dickson:** Is there perhaps a role for either the Department of Health or the Department of Education to play in what people of my generation call "school sex education", which is about respect and behavioural issues? Is there scope for delivery of that?

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

**Dr Boucher:** It is certainly worth thought and consideration.

**Mr Dickson:** By logical extension, it means that it may be incorrect to prosecute everyone who is a purchaser of sexual services.

**Dr Boucher:** No, that does not follow. It is perfectly all right to help people who say, "I have bought sexual services in the past, and I now recognise that it is not a good way forward".

**Mr Dickson:** Is that not a confession?

**Dr Boucher:** It is, but you are not in the position of giving it live in front of the police. If you admit that, in the past, you were involved in that area but now want help, there is a valid role for charities to afford help and support to people who want to take that path. However, I do not see — *[Inaudible.]*

**The Deputy Chairperson:** We are now on clause 9.

**Lord Morrow:** Clause 9, titled "Victims of trafficking in human beings", seeks to provide definitions of "victims of human trafficking". As my letter outlines, and as the DOJ has set out, I propose to make some amendments to clauses 13 and 14 to ensure that there is consistency in the language used in legislation related to so-called special measures. I propose two minor consequential amendments to clause 9. They may need to be amended further in the light of the proposed amendments to clause 9 that the Department is working on, which I have yet to see.

**The Deputy Chairperson:** If members have no questions on clause 9, we will move to clause 10. You have covered most of it, but go ahead.

**Lord Morrow:** Clause 10 outlines requirements for Departments to provide assistance and support to victims of human trafficking.

*(The Chairperson [Mr Givan] in the Chair)* As members will be aware, the Department of Justice and the Department of Health support the inclusion of clause 10. I am grateful to them for that. However, drafting the clause to ensure that it will be effective has proven to be a complicated business. It is my understanding that the two Departments require more time to finalise the exact wording of the clause. It has been suggested that scrutiny of clauses 10 and 12 should be delayed until the Department of Justice returns to the Committee with its report on the responses to its human trafficking consultation. I am content with that approach.

**The Chairperson:** Members have no questions on that clause.

**Lord Morrow:** Clause 11 deals with compensation. This was one of the clauses that the Examiner of Statutory Rules raised. I have agreed with the Department of Justice that there should be an obligation to bring forward statutory guidance on when and how a trafficking victim should receive compensation and that that guidance will replace clause 11. Therefore, there will no longer be a reference to an order in this clause, and I am content with the amendment that the Department of Justice proposed.

**The Chairperson:** There are no questions on clause 11.

**Lord Morrow:** Clause 12 proposes to introduce child trafficking guardians in Northern Ireland. As members will be aware, the Department of Health supports the inclusion of the clause, and I am very grateful to it for that. However, as with clause 10, drafting the clause to ensure that it will be effective has proven to be a complicated business.

I have proposed one amendment to ensure that child trafficking guardians are independent of the health and social care trusts. I am in ongoing discussion with the Department about that and am

waiting to hear from it about other amendments. It has been suggested that scrutiny on clauses 10 and 12 be delayed until the Department of Justice returns to the Committee. Again, I am very content with that approach.

**Mr McCartney:** Are you proposing that guardians should be independent persons who are not employees of the health service? Is that at every level of the health service or at a particular level?

**Dr Boucher:** It means that a person cannot be employed by the Department to be a child trafficking guardian. The best practice guidance on child trafficking guardians is that they should be independent of any statutory agency that is involved in providing services to children so that there is no conflict of interest.

**Lord Morrow:** Mr Chairman, if it is OK with you and the Committee, I will consider clauses 13 and 14 together. Both clauses deal with special measures for victims of trafficking and slavery offences. As my letter makes clear, I am very pleased that I have been able to work with the Department of Justice to agree that there should be an extension of so-called special measures to victims of human trafficking during the investigation and court processes. I have agreed with the Department that there needs to be amendments to clauses 13 and 14 so that, instead of referring to a victim, the clauses will refer to a complainant.

**The Chairperson:** Members have no questions on those clauses.

**Lord Morrow:** Clause 15 deals with prevention, and it requires the Department of Justice to publish an annual strategy on human trafficking and slavery. As my letter makes clear, following my discussions with the Department of Justice, we have agreed that clause 15 should be amended to ensure that the annual strategy covers matters that are related to training, investigation and prosecution. I am also supportive of its proposal to include awareness of the issues on the non-prosecution of victims of human trafficking who have been compelled to commit an offence as a consequence of being a victim of trafficking, should clause 8 be removed. There remain some minor points of difference in the drafting of the clause, but, by and large, we are in agreement.

**Mr Anderson:** Have the revisions come from you and the Department?

**Lord Morrow:** Yes.

**Mr Anderson:** So, can I take it that you have come to some sort of agreement along those lines?

**Lord Morrow:** Yes, basically what we are after is something that the Department and we can live with.

Clause 16 would introduce a Northern Ireland-based national rapporteur who would scrutinise Departments' work in this area. Since I published my Bill, the draft Modern Slavery Bill has proposed an anti-slavery commissioner, which the Department of Justice proposes to extend to Northern Ireland. I think that it is important for members to be aware that, at the time that I suggested introducing a national rapporteur, the UK Government had actually ruled out the idea of having one. They have subsequently changed their mind. I acknowledge that there is a good argument for a national rapporteur to operate on a UK-wide level. However, I am unwilling to commit to removing clause 16 until more detail is available about how the anti-slavery commissioner will operate in Northern Ireland. I am particularly concerned by the fact that, under the relevant provision as it is drafted, the proposed commissioner will consider only law enforcement and not areas such as victim support, which my proposed rapporteur would have the power to do. It is important that the rapporteur considers effectively the needs of Northern Ireland and our particular challenges, particularly the fact that we have a land border with the Republic of Ireland. Once the commissioner's precise role becomes clear, I will make a decision on this clause. I apologise to members that I am not in a position to provide more detail on that at this stage.

**Mr McCartney:** This might not be a question for you, but has your proposal been costed? If that role were specific to the North, do we have any idea of the cost?

**Lord Morrow:** Yes, we did a costing.

**Mr McCartney:** We can come back to that; I was just wondering.

**Dr Boucher:** The explanatory memorandum that accompanied the Bill had a costing of £1.3 million. This clause was in that Bill, so it was factored in to that.

**Lord Morrow:** It was a part of that figure.

You may be pleased to know — or maybe not — that I have nothing more to add to clauses 17, 18 and 19.

**The Chairperson:** OK. If there are no further questions on those amendments, can I thank you —

**Lord Morrow:** Chairman, can I just bring your attention to one last issue that I have been asked to include in my Bill? It concerns forced marriages, which I want to bring to the Committee's attention. A number of months ago, the Minister of Finance and Personnel wrote to me to ask whether I would be happy for him to use my Bill to create an offence of forced marriage. As my letter outlines, new offences of forced marriage have just been created as part of the Westminster Anti-social Behaviour, Crime and Policing Act 2014. The new offences of forced marriages apply to England, Wales and Scotland. I can see no reason why my Bill could not be used to deal with forced marriage, and I hope that the Committee is satisfied by that approach. However, I must confess that I do not have a significant amount of detail on this matter. So, if members have questions, I will have to go back to the Minister of Finance to get the answers. However, I thought it proper that I bring it to the attention of the Committee that, in all probability, a clause on that issue will be in the Bill.

**The Chairperson:** I think that, last week, the Committee agreed to get a briefing from the Department of Finance on the issue. Mr Wells and Mr McCartney have questions.

**Mr Wells:** I wanted to ask whether Lord Morrow would refer to forced marriage, and he did. So, that is settled.

**Mr McCartney:** Will that go to the Finance and Personnel Committee, or will it come here for scrutiny? I assume that it will come to this Committee, as we are looking at the Bill.

**Lord Morrow:** Yes. I think that it will come here.

**The Chairperson:** I think that we will have to deal with it.

Lord Morrow and Dr Boucher, thank you very much for coming to the Committee today. We very much appreciate you giving us your time.

**Lord Morrow:** Chairman, I thank you and the Committee for your tolerance. Thank you very much for all that you have done. I know that I have taken up much of the Committee's time over the past weeks and months. I suspect that, at times, you could see me anywhere. I want to place on record my appreciation for all that you have done.

**Mr McCartney:** We will wait for the Christmas cards.

**Mr Wells:** For our usual fee.

**The Chairperson:** Thank you for those comments, Lord Morrow.