

# Official Report (Hansard)

Monday 23 September 2013  
Volume 87, No 5



# Contents

## **Executive Committee Business**

Marine Bill: Royal Assent..... 1

Local Government Bill: First Stage ..... 1

**Assembly Business** ..... 1

## **Executive Committee Business**

Northern Ireland (Miscellaneous Provisions) Bill: Legislative Consent Motion ..... 2

## **Committee Business**

Licensing of Pavement Cafés Bill: Extension of Committee Stage ..... 4

## **Private Members' Business**

Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill: Second Stage ..... 4

## **Oral Answers to Questions**

Office of the First Minister and deputy First Minister ..... 23

Environment..... 31

**Assembly Business** ..... 40

Extension of Sitting ..... 41

## **Private Members' Business**

Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill: Second Stage (*continued*) ..... 42

Suggested amendments or corrections will be considered by the Editor.

They should be sent to:  
The Editor of Debates, Room 248, Parliament Buildings, Belfast BT4 3XX.  
Tel: 028 9052 1135 · e-mail: [simon.burrowes@niassembly.gov.uk](mailto:simon.burrowes@niassembly.gov.uk)

to arrive not later than two weeks after publication of this report.

# Assembly Members

Agnew, Steven (North Down)  
Allister, Jim (North Antrim)  
Anderson, Sydney (Upper Bann)  
Attwood, Alex (West Belfast)  
Beggs, Roy (East Antrim)  
Bell, Jonathan (Strangford)  
Boylan, Cathal (Newry and Armagh)  
Boyle, Ms Michaela (West Tyrone)  
Bradley, Dominic (Newry and Armagh)  
Bradley, Ms Paula (North Belfast)  
Brady, Mickey (Newry and Armagh)  
Brown, Ms Pam (South Antrim)  
Buchanan, Thomas (West Tyrone)  
Byrne, Joe (West Tyrone)  
Campbell, Gregory (East Londonderry)  
Clarke, Trevor (South Antrim)  
Cochrane, Mrs Judith (East Belfast)  
Copeland, Michael (East Belfast)  
Craig, Jonathan (Lagan Valley)  
Cree, Leslie (North Down)  
Dallat, John (East Londonderry)  
Dickson, Stewart (East Antrim)  
Dobson, Mrs Jo-Anne (Upper Bann)  
Douglas, Sammy (East Belfast)  
Dunne, Gordon (North Down)  
Durkan, Mark (Foyle)  
Easton, Alex (North Down)  
Eastwood, Colum (Foyle)  
Elliott, Tom (Fermanagh and South Tyrone)  
Farry, Stephen (North Down)  
Fearon, Ms Megan (Newry and Armagh)  
Flanagan, Phil (Fermanagh and South Tyrone)  
Ford, David (South Antrim)  
Foster, Mrs Arlene (Fermanagh and South Tyrone)  
Frew, Paul (North Antrim)  
Gardiner, Samuel (Upper Bann)  
Girvan, Paul (South Antrim)  
Givan, Paul (Lagan Valley)  
Hale, Mrs Brenda (Lagan Valley)  
Hamilton, Simon (Strangford)  
Hay, William (Speaker)  
Hazzard, Chris (South Down)  
Hilditch, David (East Antrim)  
Humphrey, William (North Belfast)  
Hussey, Ross (West Tyrone)  
Irwin, William (Newry and Armagh)  
Kelly, Mrs Dolores (Upper Bann)  
Kelly, Gerry (North Belfast)  
Kennedy, Danny (Newry and Armagh)  
Kinahan, Danny (South Antrim)  
Lo, Ms Anna (South Belfast)  
Lunn, Trevor (Lagan Valley)  
Lynch, Seán (Fermanagh and South Tyrone)  
Lyttle, Chris (East Belfast)  
McAleer, Declan (West Tyrone)  
McCallister, John (South Down)  
McCann, Fra (West Belfast)  
McCann, Ms Jennifer (West Belfast)  
McCarthy, Kieran (Strangford)  
McCartney, Raymond (Foyle)  
McCausland, Nelson (North Belfast)  
McClarty, David (East Londonderry)  
McCorley, Ms Rosaleen (West Belfast)  
McCrea, Basil (Lagan Valley)  
McCrea, Ian (Mid Ulster)  
McDonnell, Alasdair (South Belfast)  
McElduff, Barry (West Tyrone)  
McGahan, Ms Bronwyn (Fermanagh and South Tyrone)  
McGimpsey, Michael (South Belfast)  
McGlone, Patsy (Mid Ulster)  
McGuinness, Martin (Mid Ulster)  
McIlveen, David (North Antrim)  
McIlveen, Miss Michelle (Strangford)  
McKay, Daithí (North Antrim)  
McKevitt, Mrs Karen (South Down)  
McKinney, Fearghal (South Belfast)  
McLaughlin, Ms Maeve (Foyle)  
McLaughlin, Mitchel (South Antrim)  
McMullan, Oliver (East Antrim)  
McNarry, David (Strangford)  
McQuillan, Adrian (East Londonderry)  
Maginness, Alban (North Belfast)  
Maskey, Alex (South Belfast)  
Milne, Ian (Mid Ulster)  
Morrow, The Lord (Fermanagh and South Tyrone)  
Moutray, Stephen (Upper Bann)  
Nesbitt, Mike (Strangford)  
Newton, Robin (East Belfast)  
Ní Chuilín, Ms Carál (North Belfast)  
Ó hOisín, Cathal (East Londonderry)  
O'Dowd, John (Upper Bann)  
O'Neill, Mrs Michelle (Mid Ulster)  
Overend, Mrs Sandra (Mid Ulster)  
Poots, Edwin (Lagan Valley)  
Ramsey, Pat (Foyle)  
Ramsey, Ms Sue (West Belfast)  
Robinson, George (East Londonderry)  
Robinson, Peter (East Belfast)  
Rogers, Sean (South Down)  
Ross, Alastair (East Antrim)  
Ruane, Ms Caitriona (South Down)  
Sheehan, Pat (West Belfast)  
Spratt, Jimmy (South Belfast)  
Storey, Mervyn (North Antrim)  
Swann, Robin (North Antrim)  
Weir, Peter (North Down)  
Wells, Jim (South Down)  
Wilson, Sammy (East Antrim)

# Northern Ireland Assembly

Monday 23 September 2013

*The Assembly met at 12.00 noon (Mr Speaker in the Chair).*

*Members observed two minutes' silence.*

## Executive Committee Business

### Marine Bill: Royal Assent

**Mr Speaker:** I inform the House that the Marine Bill received Royal Assent on 17 September 2013. It will be known as the Marine Act (Northern Ireland) 2013.

## Assembly Business

**Mr P Ramsey:** On a point of order, Mr Speaker. I think that I am the only Member who does this, traditionally. Due to the excessive heat in the Chamber this morning, would you be minded to relax the guidance on the wearing of jackets?

**Mr Speaker:** Yes; certainly. If Members are feeling the heat of the moment, removal of jackets is appropriate, so long as that is all that Members remove. *[Laughter.]*

### Local Government Bill: First Stage

**Mr Durkan (The Minister of the Environment):** I beg to introduce the Local Government Bill [NIA 28/11-15], which is a Bill to amend the law relating to local government.

*Bill passed First Stage and ordered to be printed.*

## Executive Committee Business

### Northern Ireland (Miscellaneous Provisions) Bill: Legislative Consent Motion

**Mr Ford (The Minister of Justice):** I beg to move

*That this Assembly agrees that the provisions contained in the schedule to the Northern Ireland (Miscellaneous Provisions) Bill, as introduced in the House of Commons on 9 May 2013, which deal with court rule-making procedures in the County Courts, the Magistrates' Courts and the Coroners' Courts, should be considered by the United Kingdom Parliament.*

The Northern Ireland (Miscellaneous Provisions) Bill, as its name suggests, deals with a wide range of matters relating to Northern Ireland. It makes a number of reforms in the excepted field, for example relating to donations and loans for political purposes, ending dual mandates between the Northern Ireland Assembly and the House of Commons, and improvements to the administration of elections in Northern Ireland. This legislative consent motion (LCM), however, is concerned with only a very small number of minor technical amendments included in the schedule to the Bill that deal with court rule-making powers.

By way of background, court rules are a form of subordinate legislation that regulate the procedures that are to be followed in courts. They may specify, for example, how applications are made, requirements for service of documents or time limits. Generally, they are made by rules committees, each of which is composed differently but all of which include members of the relevant tier of the judiciary and representatives of the legal professions.

The role of my Department and the procedure for making court rules is dependent on the court tier to which a particular set of rules applies. My Department, for example, must allow or disallow County Court rules whereas it must agree Coroners' Court rules and is a consultee for those for the Magistrates' Courts. In addition, rules for the High Court and the Crown Court are subject to the negative resolution procedure while others are not. The Justice Committee commented on those variances during the passage of the Justice Bill in 2011,

and, as a result, my Department undertook to introduce amendments to the relevant legislation to align the procedures for making rules across all the different court tiers.

It would not, however, be possible to make amendments to all court rule-making procedures in an Assembly Bill, because rules may deal with both excepted and devolved matters. In various cases in which rules deal with an excepted matter, the Lord Chancellor rather than the Minister of Justice has responsibilities, or the Westminster Parliament, not this Assembly, has powers. Making amendments to the procedures for making rules that deal with excepted matters would, therefore, be outside the legislative competence of the Assembly, but it was nonetheless recognised that equivalent amendments should be made to the procedures for making both types of rules to ensure consistency. Theoretically, this could be done by splitting the provisions across an Assembly Bill and a Westminster Bill, but this would have been potentially confusing for the end user. From a legislative point of view, it would be complicated, could carry drafting and choreography risks and could lead to consequent delays in implementation. I therefore consider that it would be preferable to have the amendments carried together in a single Bill at Westminster, and Members will have seen that the Justice Committee's report on the LCM endorses that view.

It is intended, therefore, that the Northern Ireland (Miscellaneous Provisions) Bill will include all the necessary amendments, both making court rules for which my Department has responsibility subject to the negative resolution procedure before the Assembly and making those for which the Lord Chancellor has responsibility subject to annulment in Westminster. It will also make my Department's role or the Lord Chancellor's, as appropriate, an allowing one for Magistrates' Courts and Coroners' Courts rules, when such a role does not already exist.

I appreciate that the Assembly's preference is to legislate on Northern Ireland matters when possible. That is well known to be my position also, which is why we are here as a legislative Assembly. However, in this instance, it seems sensible to keep these provisions together and not to split them. For the reasons that I outlined, I ask that the Assembly endorse the position of the Department and of the Justice Committee and support the contents and terms of the LCM.

**Mr Givan (The Chairperson of the Committee for Justice):** I am pleased to speak in the debate, given that the LCM will bring about changes to the court rule-making procedures, which will provide greater accountability to the Assembly and which is a result of the work of the first Justice Committee. The Minister of Justice outlined the purpose of the LCM and the changes that will be made to court rules.

I pay tribute to the first Justice Committee, which, during its consideration of what is now the Justice Act (Northern Ireland) 2011, questioned why some court rules, such as the County Court and Magistrates' Court rules, are not subject to any formal Assembly procedure. When advised that the reason for the varying approaches to scrutiny was largely historical rather than based on logic or principle, the Committee took the view that changes to make all court rules subject to the negative resolution procedure would be a logical and consistent approach. The Committee, therefore, wrote to the Minister of Justice regarding harmonising court rule-making procedures so that the same level of scrutiny would apply to all court rules, and the Minister undertook to make the necessary changes to primary legislation.

Earlier this year, the Department wrote to the Committee setting out two options that it had identified for making the required changes. The first option involved an Assembly Bill and a separate Westminster Bill. Using two Bills, however, had the potential to create drafting and choreography difficulties. The second option involved including the entire provisions in a Westminster Bill, which would require a legislative consent motion. Although the Justice Committee is of the view that, when possible, legislative changes should be taken through the Assembly, on this occasion, it agreed that an LCM that would allow the entire provisions to be carried in the Northern Ireland (Miscellaneous Provisions) Bill would minimise the risk of error, avoid drafting and choreography problems and enable the provisions to be commenced as soon as possible. The Committee, therefore, supports the Minister of Justice in seeking the Assembly's endorsement of the legislative consent motion.

**Mr Ford:** I am grateful to all Members who took part in the debate for their detailed and lengthy contributions.

On a very serious point, at times like this, we debate some fairly narrow and arcane measures, which do not result in significant debate on the Floor, but I am conscious of the

amount of work put into them by the Committee, working with my officials, as it considers a report on an LCM. It is another positive example of the engagement between the Department and the Committee. I am grateful to the Chair and other members of the Committee for the work that they put into this, even if it has not resulted in a lengthy debate this afternoon. I commend the proposals to the House.

*Question put and agreed to.*

*Resolved:*

*That this Assembly agrees that the provisions contained in the schedule to the Northern Ireland (Miscellaneous Provisions) Bill, as introduced in the House of Commons on 9 May 2013, which deal with court rule-making procedures in the County Courts, the Magistrates' Courts and the Coroners' Courts, should be considered by the United Kingdom Parliament.*

## Committee Business

### Licensing of Pavement Cafés Bill: Extension of Committee Stage

**Mr Brady (The Deputy Chairperson of the Committee for Social Development):** I beg to move

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 13 December 2013 in relation to the Committee Stage of the Licensing of Pavement Cafés Bill.*

Go raibh maith agat, a Cheann Comhairle. The Committee Consideration Stage of the Licensing of Pavement Cafés Bill began in June and is due to conclude on 1 October. A call for evidence came on 1 July and ended recently, on 13 September. Some 24 submissions were received. Although the Committee is broadly supportive of the Bill, more time is required to give adequate consideration and receive oral briefings from stakeholders. With that in mind, the Committee agreed to table a motion to extend Consideration Stage to 13 December 2013. On behalf of the Committee, I, therefore, move the motion.

*Question put and agreed to.*

*Resolved:*

*That, in accordance with Standing Order 33(4), the period referred to in Standing Order 33(2) be extended to 13 December 2013 in relation to the Committee Stage of the Licensing of Pavement Cafés Bill.*

## Private Members' Business

### Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill: Second Stage

**Lord Morrow:** I beg to move

*That the Second Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill [NIA 26/11-15] be agreed.*

I am very glad to have the opportunity to bring the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill to the House today.

In August last year, I launched an eight-week consultation, which closed on Anti-Slavery Day. I wanted to make it as meaningful as possible for consultees, so, rather than merely consulting on some ideas, I took the unusual decision to consult on a draft Bill. That gave consultees the opportunity to respond to a concrete proposal and suggest similarly concrete amendments where they thought them necessary. It was an extremely useful exercise that has enabled me to significantly enhance the Bill. I am very grateful to all those who engaged with the consultation process and helped me to make the Bill the really robust legislation that I believe it is today. I should note at this point that, in June, I published a full response to the consultation process, and that is available on the website.

In my contribution today, I will provide an overview of what the Bill seeks to do and why it is so necessary. Like all Members of the Assembly, I believe that human trafficking and slavery are abhorrent crimes that offend against the inherent dignity of human persons. I believe that we need to take every step we can to tackle those crimes across our Province. To my mind, it is imperative that we have the best legislation in place to do so. That is the major reason why I decided to introduce a private Member's Bill. I want Northern Ireland to be a world leader in legislation on human trafficking and slavery. I want vulnerable men, women and children who are trafficked and exploited to be supported effectively, and I want the perpetrators of these horrendous crimes to be caught and punished.

I want the Assembly to lead the way. I want other countries to look with envy at our legislation and practice in this area. Too often, Northern Ireland has simply copied the



legislation and practice of the rest of the United Kingdom. I want us to make use of the opportunities afforded by devolution to bring in the best legislation that we can possibly have.

### 12.15 pm

I note the importance of the European directive on preventing and combating trafficking in human beings and protecting its victims. As many Members will be aware, I am not the greatest fan of the European Union. However, on this occasion, I have to acknowledge the value of this directive. In my opinion, it makes a number of effective proposals, which, if we choose to put them into law, would have a positive effect for vulnerable victims. Many of the proposals in the Bill directly seek to implement the directive into our law. In certain areas, the Bill deliberately goes beyond the directive, for reasons that I will explain a little later.

It is important to say at the outset that I understand that we do not have to do everything in a directive to avoid infringement proceedings. However, the choice that we face is whether to adopt a minimalist approach to the directive, doing the bare minimum necessary to avoid infringement proceedings, or whether to adopt a maximalist approach, where we seek to follow the spirit and the letter of what is a very good directive. I strongly take the view that, in this Province at least, we should seek fulsome implementation of the directive and, indeed, the Council of Europe Convention on Action against Trafficking in Human Beings and the recommendation of the treaty monitoring body, the Group of Experts on Action against Trafficking (GRETA), whose report I drew to the Assembly's attention in a debate last December.

I give credit where credit is due to the Minister of Justice. It is no secret that he and I disagree on the best way forward on human trafficking and exploitation. However, I thank him for introducing two measures in the Criminal Justice Act (Northern Ireland) 2013 referring to human trafficking and for his decision to create the effective NGO engagement group and to introduce an annual action plan. I acknowledge that. Those are all good measures, which I fully support. However, I must say that I do not believe that the Minister of Justice has gone far enough in this area. To my mind, he has been too timid, following his ministerial counterparts in England and Wales rather than leading the way. Indeed, where clauses 13 and 14 of my Bill are concerned, Northern Ireland has actually fallen behind England and Wales,

which changed the law in those areas to become compliant with the directive.

The Bill that I am introducing consists of 19 clauses. Some additional clauses have been introduced following the consultation process. In my contribution, I will briefly outline what each of the key clauses seeks to do and some of the rationale behind them. Other Members will, I am sure, go into greater detail on particular clauses.

Clause 1 defines a human trafficking offence and a slavery offence. It is important to note that the Bill does not create new trafficking offences but rather works with the human trafficking offences that already exist. Human trafficking offences involve the intentional arrangement or facilitation of movement of people for exploitation. The slavery offence outlined in section 71 of the Coroners and Justice Act 2009 makes it an offence to hold:

*"another person in slavery or servitude"*

or to have them "perform forced or compulsory labour". The inclusion of the slavery offence in part 1 of my Bill occurred as a result of the consultation process.

Clause 2 sets out when consent shall be deemed to be irrelevant for victims of human trafficking or slavery offences. The rationale for the clause lies in the fact that human traffickers or perpetrators of slavery offences may attempt to argue that the individual concerned gave their consent to the offence being committed against them. The Bill outlines a list of factors, such as the victim being a child, that would make evidence of consent or agreement irrelevant. The clause implements article 2.4 of the EU directive and article 4b of the Council of Europe convention against human trafficking.

Clause 3 considers the issue of aggravating factors with regard to the sentencing for human trafficking for sexual offences, forced labour and slavery offences. It will ensure that a judge, when sentencing an individual for the criminal offence of human trafficking or slavery, is mandated to consider certain aggravating factors. As a consequence of the consultation, a number of additional aggravating factors were introduced. The clause seeks to fulfil the requirements of article 4 of the directive and article 24 of the convention.

Clause 4 is a new clause introduced as a consequence of the consultation process. It sets out that there should be a minimum sentence of two years in prison for offenders convicted of any type of human trafficking or

slavery offences. This would be the case unless exceptional circumstances justify a judge not implementing such a sentence. I decided to include this clause because I believe that it sends a strong signal that human trafficking and slavery offences are deemed to be serious crimes. To my mind, two years is a sensible level at which to set a minimum sentence for such a heinous act.

Clause 5 amends section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 so that additional definitions, including forced begging, are included in the Act to reflect article 2 of the EU directive. In its 2013 report, the anti-trafficking monitoring group highlighted a concern about the use of children for forced begging and benefit fraud in Northern Ireland. This clause will ensure that there is complete transparency of what is covered by the law, and, as a result, ensure that these forms of exploitation are addressed.

Clause 6 has been the focus of the vast majority of news coverage of my Bill. I have found that to be deeply frustrating because some of the media commentary has effectively pretended that my Bill is a single-clause Bill rather than consisting of 19 clauses. At the outset, I acknowledged that although article 18 encourages member states to take action to address demand for trafficking, this clause deliberately goes beyond the requirements of the European directive, in the sense that there is no express requirement to criminalise paying for sex. This clause substitutes a new article 64A of the Sexual Offences (Northern Ireland) Order 2008. At the current time, it is illegal in Northern Ireland to buy sex from someone who is coerced. This recent amendment to the law was a positive move. However, problems have been encountered in attempting to prove coercion, which is resource intense and must be done within a very tight time frame. There has not been a single successful conviction under this offence in Northern Ireland, which suggests that it has not been effective. I understand that the Minister of Justice is proposing lifting the time bar on this offence from six months to three months. Although, that might —

**Mr Ford:** Will the Member give way?

**Lord Morrow:** Not just at the moment.

**Mr Ford:** Mr Speaker, I think that the Member would wish to say three years not three months, as he has just said.

**Lord Morrow:** Right.

Although that may make the offence more workable than it is currently, to my mind, it is likely that it would not deal with the root of the problem that we face. As Finland has also demonstrated, caveated offences in this area are ineffective. Therefore, I believe that we need to go further and criminalise those who seek to purchase sexual services. To my mind, criminalising paying for sex would simplify the current law and make it easier to secure convictions that send a clear message to traffickers. This offence has worked on a practical level in other jurisdictions such as Sweden, Norway and Iceland. The logic behind the clause is clear. It seeks to reduce demand for sexual services, which has been a major driver for human trafficking in our Province. I will leave it to other contributors to the debate today to speak in detail on this clause, but I believe that it is a vital measure if we are to tackle human trafficking and exploitation effectively.

That approach was recommended by the all-party Justice Committee in the Oireachtas in its recent comprehensive report on prostitution. It is also supported by groups right across Northern Ireland.

I should add at this point that I was very pleased that Sinn Féin, at its recent ard fheis, voted to back the Turn Off the Red Light campaign in the Republic of Ireland, which has, as its central objective, criminalising the purchase of sexual services; I very much welcome that. I also pay tribute to Sinn Féin's Pádraig Mac Lochlainn TD and other members of that party for their role in taking a lead on this key objective in the Oireachtas Committee and beyond.

Clause 7 requires the Department to provide suitable training and tools to ensure effective investigation and prosecution of human trafficking offences. I believe that there would be no point in having effective legislation to tackle human trafficking and slavery if investigators and prosecutors lack the requisite tools and training to identify victims and prosecute perpetrators. The 2013 Anti-Trafficking Monitoring Group report raised concerns about the low number of prosecutions brought in Northern Ireland. It recommended improved PSNI training to identify all forms of trafficking, especially forced labour and child trafficking, and that it should be ensured that training is mandatory for all police officers. Legislation is an effective way of ensuring that this happens and is recommended by article 9 of the European directive.

Clause 8 would ensure that no prosecution would be taken forward of victims of trafficking if they commit a criminal offence associated with trafficking under duress or if the victim were a child at the time. It seems apparent that if we fail to enshrine this provision in statute, we run the risk of potentially compounding one great injustice with another. As every Member here will acknowledge, victims of human trafficking already suffered gross mistreatment when they were made to work as modern-day slaves. It is utterly wrong that one of the first things that they experience once they have been identified by the authorities is prosecution for committing offences as a consequence of what they were forced to do by their traffickers. Some here may argue that guidance in this area is sufficient. I am not convinced that that is the case; I do not believe that it is sufficient.

It is important to note that even when the guidance for prosecutors on human trafficking is published and recommends not pursuing convictions in such situations, such guidance might not be followed, as has been demonstrated in England. The 2013 Anti-Trafficking Monitoring Group report states:

*"It remains the case in the UK that trafficked children are prosecuted for crimes they are forced to commit while being exploited and under the control of traffickers, while their traffickers go unpunished."*

The GRETA report that I mentioned quotes evidence from the Law Centre about the prosecution and detention of victims of trafficking in Northern Ireland before it was established whether their participation in criminal activities was subject to coercion. All those pieces of evidence give me cause for concern about the treatment of victims of trafficking if they are charged with any offence that they were compelled to carry out. This clause will ensure that a trafficking victim arrested for a crime committed as a result of being trafficked will be protected from further investigation and prosecution.

Clause 9 uses the terminology first introduced at Westminster in 2012 to define a victim under the national referral mechanism so that it is possible to refer to victims in later clauses. A person is a victim of trafficking if there are reasonable grounds to believe that they are a victim of trafficking using the definition of trafficking in human beings in the European Convention on Action against Trafficking in Human Beings and there has not been a conclusive determination that they are not. This clause does not effect any practical change to the national referral mechanism but allows the

Bill to refer to services and other support that should be available for trafficking victims.

## 12.30 pm

*(Mr Principal Deputy Speaker [Mr Mitchel McLaughlin] in the Chair)*

Clause 10 outlines requirements for assistance and support. This clause is one of the areas where there has been a meeting of minds between the Minister and myself. The Minister has indicated that he is supportive of legislation and will await the outcome of the Bill. I am glad that he sees value in this clause, and I am happy to work with him to ensure that we get the right support and assistance to victims through clause 10. The clause is necessary as a consequence of the fact that although services are currently provided by Migrant Help and Women's Aid, they are not required by law, and without such protection, they exist simply at the pleasure of the current Administration. I know that the current Minister wants to keep this financial support available, but we do not know whether his successors in the post will also hold that view. It seems apparent that having a legal obligation to supply assistance and support for victims of trafficking makes it more likely that effective assistance and support is and will continue to be provided. It is also worth noting that the provision of proper assistance and support for victims of trafficking, including translation and interpretation services and legal counselling and representation, is one of the key emphases of the GRETA report to which I referred previously.

Clause 11 in my Bill is due to article 17 of the EU directive. That article sets out that victims of trafficking must:

*"have access to existing schemes of compensation to victims of violent crimes of intent."*

Clause 11 requires that the Department of Justice must, by order, set out how that is to be achieved and what assistance to do so is available. Having clear compensation procedures in line with the directive will help to ensure that victims of human trafficking will be able to discover easily how to claim compensation for what has happened to them. As many of us know, compensation for victims of crime can be incredibly valuable. Although it never makes up for what has happened to a victim, it provides some level of recognition for victims and helps them to get their lives back on track. It is vital for victims of human trafficking

that it is clear how they can go about claiming compensation.

I appreciate that some in this Chamber believe that such a clause is unnecessary, but I believe that the evidence indicates that it is very much needed. Current measures have proven inadequate as, so far, very few victims have been successful in their claims. The sums involved are not vast. Last week, in response to a question for written answer, the Minister reported that one victim in Northern Ireland was awarded £30,000 in 2009 and another £22,500 in 2013. I hope that Members note that only two victims have received compensation from the Northern Ireland criminal injuries compensation scheme. In its most recent report, the Anti-Trafficking Monitoring Group said:

*"the current compensation avenues are ineffective in securing compensation for trafficked persons and do not fulfil the spirit of the requirement for compensation in the Convention or Directive."*

The fact that only two victims have received compensation speaks for itself.

Clause 12 requires that child trafficking guardian be appointed as soon as a child is identified as a possible victim of trafficking, if there is no suitable person with parental responsibility available, and that meets the directive's requirements in articles 14(2) and 16(3). In essence, what a child trafficking guardian should do is safeguard the child's best interests and work for a long-term solution for the child. The responsibilities of a child trafficking guardian, set out in the Bill, reflect the UNICEF recommendations for that role. A key recommendation from GRETA is the provision of legal guardians for potential child victims of trafficking.

In the original Bill, I used the phrase "legal advocate" to describe that role. However, given the current debate around that role, I decided that it would be better if the term "child trafficking guardian" were used.

Trafficked children are particularly vulnerable and have no one person speaking for their best interests, which leaves them at risk of re-trafficking. In answer to an Assembly question that I submitted, the Minister of Justice reported that, between January 2009 and September 2012, eight trafficked children were cared for by a health and social care trust. Six of those children were allocated a guardian ad litem. However, it was found that three of them had gone missing. It is, undeniably, a much smaller

problem here than in the rest of the United Kingdom, but the fact that three trafficked children, or 38% of those who had gone into care in our Province, have gone missing is a matter of huge concern to me. I am sure that every Member will agree when I say that every single child matters and that it is imperative that we do everything we can to protect these vulnerable children and young people.

Currently, children can be passed from government agency to agency, thus from official to official and, therefore, have to repeat their painful story over and over again. For the children concerned, that can be disheartening, exhausting and depressing, and it can be a factor in increasing their vulnerability to re-trafficking. The child trafficking guardian proposed in the Bill will provide a single point of contact, an advocate, for the child's best interest in all his or her interactions with the state, such as the health and social care trust, immigration authorities, and in any court proceedings.

The proposal for a child trafficking guardian does not come only from international organisations. In recent months, the introduction of a child trafficking guardian has been recommended by the Joint Committee on Human Rights at Westminster and in the 'Still at risk' report, which was published by the Children's Society and the Refugee Council.

Clause 12 clearly sets out who can be a child trafficking guardian, their function, and states that they should be recognised by relevant agencies that work with the child. That recognition is vital if the guardian is to fulfil his or her role effectively. Given the low number of trafficked children in Northern Ireland, the cost of that provision would be low. Moreover, although clause 12 makes provision for paid child trafficking guardians, it also allows for trained volunteer child trafficking guardians. Such guardians would require fewer resources. I do not believe that the cost should prevent us from introducing such a change. It is important to note that, regardless of whether guardians are paid, they will receive equal training and will, therefore, be of equal quality and impact for the child.

I should add that I am very grateful to the Health Minister for his support with regard to clause 12. A few drafting changes might be required, but I am proud of the fact that, if the clause is passed into law, Northern Ireland will be the first part of the United Kingdom to introduce child trafficking guardians.

Clause 13 is a similar measure to regulations 3 and 4 of the Trafficking People for Exploitation Regulations 2013, which were introduced to make England and Wales compliant with the anti-trafficking directive by the April deadline. Any of us who have met victims of human trafficking will know that they have already been through a horrendous ordeal when they engage with investigators and prosecutors. Clause 13 seeks to protect victims — children and adults — from further stress and anxiety during the investigation and prosecution process by regulating the environment and the nature of the questioning they will receive. It is my understanding that the Department of Justice is keen to follow England and Wales in that regard and to introduce similar legislation in Northern Ireland. As is the case with clause 10, I am happy to work with the Minister to see this legislation implemented in the Province.

Clause 14 will ensure that all victims of human trafficking, whether for sexual or other forms of exploitation, are supported and protected during criminal proceedings against traffickers. In Northern Ireland, vulnerable witnesses are eligible for so-called special measures. Under the Criminal Evidence (Northern Ireland) Order 1999, victims of sexual offences are automatically entitled to such protection. This clause seeks to extend the provisions to victims of trafficking or other types of exploitation. Providing victims of trafficking with special measures in trial scenarios will make it much easier for them to act as witnesses in criminal trials.

Last year, the Minister responded to the proposal for the extension of special measures to victims of other forms of trafficking in my draft Bill by suggesting that it was not desirable or necessary. I am glad that, in light of the Westminster Government's decision, the Minister has changed course, and there will be equal treatment for all victims of human trafficking.

Clause 15 requires the Department of Justice to publish annually a strategy on:

*"raising awareness of and reducing trafficking ... and slavery offences".*

I appreciate that the Minister of Justice recently published an action plan on human trafficking, which, I understand, is to be updated annually. That is a positive step forward, especially considering the fact that the Minister introduced his action plan only after I proposed one in my draft Bill. However, it is still very welcome. It would have been better had it been placed on a statutory basis rather than simply relying on the

whim of whichever Minister of Justice happens to be in post. Such a strategy would help to ensure that Northern Ireland is compliant with article 18 of the European directive and would be helpful in keeping the Department of Justice focused on tackling human trafficking and slavery and holding it to account if it fails to take effective action on this issue.

As a consequence of the consultation process, this clause now states that the annual report should be produced:

*"in co-operation with non-governmental organisations and other relevant organisations."*

That will tie in effectively with the excellent NGO engagement group that the Minister set up last year through his Department.

Clause 16 is an entirely new clause that was introduced as a result of the consultation process. This clause requires the Department of Justice to set up a new:

*"independent body to report to the Assembly on the performance of this Act ... and on related matters."*

Since I introduced my Bill, the UK Government have announced that they will look to introduce what is described as a modern slavery commissioner, whose remit could extend to cover Northern Ireland as well as England and Wales. I acknowledge that if the UK Government follow through on that commitment, it may provide a better way forward than having a Northern Ireland-specific rapporteur. I am very glad that they seem to have changed direction from their original stance that the work of the interdepartmental ministerial group was sufficient to provide effective scrutiny of the response of government agencies in this area. However, at present, no Bill has been published by the Westminster Government so I am minded to retain this clause until the UK Government clarify what they are seeking to do and specify the time frame in which they will do so.

I want to thank very much those who supported me in developing the Bill. I am particularly grateful to the Joseph Rowntree Foundation, the Northern Ireland Law Centre and the women's movement, particularly Gunilla Ekberg, Women's Aid and Ruhama. I am also very grateful for the support of the faith-based organisations that have backed the Bill, especially Cardinal Brady, CARE and the Evangelical Alliance. I particularly want to thank those who have been brave enough to

come forward and tell their stories and encourage me to press on. Their input has been the most valuable, and they are the people whom the Bill is all about. The Bill is for them. For all those people and organisations and the many others I have not been able to mention, I am extremely grateful.

#### 12.45 pm

In closing, I want to be very clear that I do not naively move the Bill in the hope that it will be a magic wand. I do not believe in magic wands or silver bullets — I live in the real world. I move the Bill because I strongly believe that it will help to improve Northern Ireland's response to the heinous crimes of human trafficking and slavery. Although it certainly will not make things perfect, it will make things better. In so doing, it will also give us the most sophisticated legislative framework in the United Kingdom with which to fight these evils and make us a beacon of best practice, beyond that which is worth striving for.

I warmly commend my Bill to the House, and I will stop there. I look forward to hearing what others have to say. I think that we are in for an interesting debate.

**Mr Givan (The Chairperson of the Committee for Justice):** I am very pleased to speak on behalf of the Committee for Justice on what is a most important issue for Northern Ireland. At the outset, I commend Lord Morrow on his work and perseverance in developing this important legislation and congratulate him on its introduction to the Assembly. Human trafficking is a heinous crime that devastates lives and communities. It needs to be tackled from every possible angle.

I know that Lord Morrow has made this an issue of huge personal importance. It drives to the very core of what he wants to achieve in politics, which is, ultimately, as he has said to me, social justice for the most vulnerable.

I want to put on record my thanks and the thanks of my party for the endeavours that Lord Morrow has made to bring the Bill to the point that it is at now. I trust that the Assembly, as it takes on the responsibility for scrutinising the Bill, will take on the same personal perseverance and conviction that Lord Morrow has brought to it to this point.

The Committee for Justice received briefings on human trafficking and considered the issue regularly over the past 18 months, and it takes the issue very seriously indeed. When looking

at the Criminal Justice Bill, the Committee made it very clear to the Minister of Justice that it wanted the strongest possible legislation on human trafficking introduced in Northern Ireland. When considering that Bill's provisions for dealing with human trafficking, the Committee was very concerned about the possibility that a conviction for human trafficking offences would attract a sentence of fewer than six months or a fine, and it felt very strongly that neither reflected the gravity of the offences. The Committee, therefore, pressed the Minister to make changes, and an amendment was tabled to make human trafficking offences indictable only, meaning that offences would be heard in the Crown Court, where the maximum term of imprisonment is 14 years. The Committee was satisfied that that position more adequately reflected the seriousness of the crime and was pleased that the Assembly supported the amendment. That should go some way to making Northern Ireland a more hostile place for traffickers, but much more can be done.

In the evidence received during Committee Stage of the Criminal Justice Bill, it was clear that a number of the voluntary organisations felt that the Department had missed an opportunity to put into legislation additional human trafficking measures, particularly on the protection and assistance of, and support for, victims, including children; training; a requirement for an independent rapporteur; and the availability of proper investigative tools. In fact, one of the main criticisms of that Part of the Bill was that the Department adopted a minimalist approach in implementing the EU directive on human trafficking. As we have heard, that view is echoed by Lord Morrow, and he wants to change that approach through his Bill. The Committee recognised that there may be merit in making further legislative provision in these additional areas. Aware that Lord Morrow was consulting on a Human Trafficking Bill that covered such issues, the Committee agreed to give further consideration to additional legislative provision when his Bill came forward.

On 12 September, the Committee received a detailed briefing from Lord Morrow on the principles of the Bill and its various provisions. Departmental officials also attended the meeting and outlined the Minister's position on the Bill, which, disappointingly, appears to be somewhat negative to say the least. Lord Morrow outlined to the Committee why his Bill is necessary to protect some of the most vulnerable men, women and children.

As he said today, he wants Northern Ireland to lead the way and for other countries to look at us as a model for tackling the scourge of human trafficking. He also wants —  
*[Interruption.]*

**Mr Principal Deputy Speaker:** Excuse me. Someone's mobile phone is disrupting the proceedings. It interferes with the electronic recording, so would you please switch it off immediately?

**Mr Givan:** Thank you, Mr Principal Deputy Speaker. I was attempting to persevere, hoping that it would switch off a little bit sooner.

As Lord Morrow said, he wants Northern Ireland to lead the way and for other countries to look at us as a model for tackling the scourge of human trafficking. He also wants us to adopt a maximalist approach that is in line with the spirit, and not just the letter, of the EU directive. Both objectives are admirable and deserve the Assembly's serious consideration.

The briefing provided Committee members with an opportunity to discuss the Bill's principles and provisions. Although a range of issues were covered, members spent some time discussing clause 6, which, as Lord Morrow highlighted, has attracted a great deal of attention already. I feel that Lord Morrow and his advisers put forward strong and compelling arguments and evidence on the adoption of clause 6, which would make it an offence to purchase sexual services. On the other hand, the Department of Justice's objections to that approach appear to be based on the need for further research and evidence, which is something that officials could have initiated over a year ago when they first saw Lord Morrow's proposals. They chose not to do so until now, which appears to me to be a move to try to kick this particular clause into the long grass. I will come back to that when I am speaking in an individual capacity.

Having said that, I am very pleased that, at its meeting on 12 September, the Committee agreed that it would support the Bill's getting beyond Second Stage. That will allow the Committee to get down into the detailed scrutiny of the Bill.

I have no doubt that, assuming that the Bill passes its Second Stage, the Committee will receive many comments and views on clause 6. I assure you, Mr Principal Deputy Speaker, that the Committee will look at every clause in the Bill, because every clause requires and is worthy of the scrutiny that a Committee in this place should give to it. So, we will look at every

clause in close detail. Members have specifically indicated that they are keen to meet the Oireachtas Joint Committee on Justice, Defence and Equality to discuss its report on a review of legislation on prostitution, in which it recommended adopting an approach that is similar to the Swedish model. That would be very helpful for the Committee's consideration.

I am sure that the Committee will want to undertake detailed scrutiny of the rest of the Bill, with the aim of ensuring that we put in place the strongest possible legislation in Northern Ireland on human trafficking.

I will now make some comments as an individual MLA. This is a moment for the Assembly to tackle what is one of the big issues for our society. This place is often criticised for not rising to the challenge. I believe that this is an opportunity for the Assembly to deal with those who are the most vulnerable in our community and to put into being a piece of legislation that will make a fundamental difference to how those vulnerable people are cared for and that, very importantly, will prevent people from being put into the positions that they have been put into through human exploitation of various forms.

It is a matter of social justice, and that is what is driving Lord Morrow and this party. It is about social justice and protecting those who are the most vulnerable in our community. In my maiden speech in this place, I indicated that those who are the most disadvantaged in our society would get the most attention from me, regardless of the spectrum that that disadvantage came from, whether it is poverty, education or health. Here is an opportunity for the Assembly to deal with those who are exploited, both through labour and sexual exploitation, and to do something for the most vulnerable.

We can treat the symptoms of what drives human trafficking, and it is right that we want to ensure that the best care is provided for victims and that we opened the SARC centre in Antrim so that those who have been raped can get the best services that we can provide. All those endeavours are the right things to do, but, in all of them, we are treating the symptoms. Alternatively, we can get down to preventing people from ever being victims in the first place. That is what clause 6 will do. Lord Morrow said earlier, and it is worth repeating, that, without clause 6, you are treating only the symptoms of human trafficking and sexual exploitation. Clause 6 is what will make the fundamental difference to tackling that heinous crime.

In hearing evidence from the Department on why we could not have the clause, I was disappointed with its attitude. For a Department with a budget of £1.4 billion, some reasons given were as pedantic as this: the Department would be concerned about the cost implications, stating that it would need to find an unresourced allocation of £1.2 million or £1.3 million. The issue causes the Department concern. We can find tens of millions of pounds to plug a legal aid gap, yet £1.2 million or £1.3 million when it comes to dealing with something that would help the most vulnerable and exploited in our community is a problem for the Department.

I also found the commentary around the need for research concerning. The Bill was published a long time ago. Rightly, the Minister looked at it and said, "That is a good idea of Lord Morrow's. Let's have an annual strategy to deal with it, because that is a good thing. It is right that we put it into statute so that we are not dependent on the benevolence of the Minister of the time." That was welcome, but more needs to be done.

The justification that I hear from the Department and the Minister for why the issue is premature alarms me. We dealt with the Criminal Justice Bill. We put forward an amendment to make these types of offences indictable only. Lord Morrow published his private Member's Bill. The Committee indicated that it wanted the strongest possible legislation, not a minimalist approach to be taken. However, still today, some 18 months later, we hear that it is premature and that we need more research and evidence.

Why did they not do the research and seek the evidence when the Bill was published? I think that it is because they want to stall on tackling clause 6. This is what it is about: let us drag this out. If we drag it out, however, what happens? We lose the only legislative vehicle that will allow the Assembly to deal with the issue in this mandate. Perhaps the Minister will indicate later that he will introduce another Bill and have the time to bring it through the Assembly, but all the indications that I get are that there is no more time for the current amount of legislation that needs to come through.

When will the research that the Minister sought to bring to the attention of the Committee and the Assembly be completed? It will not be completed in time for the Committee to carry out its scrutiny of the Bill. In the absence of the new research, which will somehow indicate that Northern Ireland deals with such issues

differently from the rest of the world, there is a mountain of research and evidence, and unless the people of Northern Ireland are somehow different from those in Sweden, Norway, across Europe and across the world when it comes to dealing with the sexual exploitation of women, children and men, why are we waiting? The evidence is there, and we need to move on with the issue.

**Mr B McCrea:** Will the Member give way?

**Mr Givan:** I will.

**Mr B McCrea:** Does the Member feel that there is sufficient evidence already present to support clause 6? Is he confident that the information is to hand? While he is at it, I ask him why he thinks that Northern Ireland should take a different stance from the rest of the United Kingdom on sentencing.

**Mr Givan:** Yes, I do think that the evidence is there. We need only to look to our nearest neighbour, the Irish Republic. There is an all-party report with a huge amount of evidence that was signed off unanimously. That is why the Committee for Justice is keen to meet with that Committee. This issue does require an all-Ireland approach, and I am quite happy for us to deal with that and take things forward.

Let it be clear, however: Northern Ireland is here to lead the rest of the United Kingdom and the Irish Republic. We should not be following on this issue. Lord Morrow made a compelling case for that when he was before the Committee. We have an opportunity to step forward so that others can come with us. If we want to take a stand that says that we do not tolerate any form of sexual violence against women, men and children, let the rest of the United Kingdom follow our position on that. I am quite happy for Lord Morrow to lead on that with his Bill.

**1.00 pm**

**Mr Wilson:** Will the Member give way?

**Mr Givan:** I will.

**Mr Wilson:** Will he also point out that evidence in the country where this has been tried indicates that, first of all, the percentage of men who purchase sex has fallen considerably from 13.8% to 8.8% and, secondly, that the number of people who are involved in the industry has also fallen quite significantly? Therefore, there is real, tangible evidence that the law works.



That is one of the reasons why the Irish Republic is also looking at such a change.

**Mr Givan:** The Member makes the powerful point that where this has actually been enacted, in Sweden and Norway, it is delivering results.

**Mr B McCrea:** Will the Member give way?

**Mr Givan:** I will make some progress on these issues. I will give way later in my speech, but not on this point.

The Member makes the valid point that where the legislation has been enacted, it has made a difference. In Northern Ireland, we know that our current legislation is not effective. When the Policing and Crime Act 2009 was implemented, there was a new offence of coercion. Not only has there been no conviction based on that legislation, but not even a single prosecution has been taken forward based on it. Therefore, the status quo is not working. In other countries, where they have developed a more progressive system to deal with the issue, legislation is having an effect.

**Mr Humphrey:** I am grateful to the Member for giving way. He will be aware, as I am as a member of the Committee for Justice, that the difference between this part of the United Kingdom and others is that we have a land border with another member state. It was very clear in evidence given to the Committee that if we do not follow the action that the Republic of Ireland will, potentially, take through its all-party Oireachtas group on the issue and put in place legislation to protect people from human trafficking, what will happen is that, as in Scandinavia, the problem will be dumped over the border in Northern Ireland because we will have failed to act. The Republic of Ireland will be ahead of us.

**Mr Givan:** To echo that point — and it is not usual protocol — Rachel Moran is in the Gallery. She is the author of a book. She became involved in prostitution at the age of 15. Last week, she spoke powerfully to our party on the issue. She made the very same point that should the Irish Republic proceed with what now seems to be its intention, Northern Ireland will be exploited by those involved in human trafficking and the sexual exploitation of women in the Republic of Ireland. They will just move their business here. It was a powerful point that was well made. I encourage Members who have not met her and who, perhaps, take a different view, to meet someone who is a real victim; read the book and hear evidence from

someone who has actually been involved in that type of activity.

I am disappointed not only by the Department's response to that, but by that of the Police Service. Through Detective Superintendent Philip Marshall, the Police Service made highly unconventional and unwarranted interventions in the debate. I am pleased that Assistant Chief Constable Drew Harris clarified the position over the weekend, because some of us were worried that the Police Service was sending out a very dangerous message that the issue was not a concern to it and that, in fact, it would legalise elements of what Lord Morrow seeks to address. I am glad that that issue has now been taken into hand. I trust that the PSNI, like the Department, will hear evidence as the Committee carries out its scrutiny work that will actually change the police's position, because I do not believe that they are a million miles away from where Lord Morrow wants the place to be in his Bill. However, they should recognise that we do not tell the police how to carry out their operational activities, nor do we tell the judiciary whether to find someone guilty. Therefore, the police will not tell us, as legislators, what type of legislation should come through the Assembly. That is a matter for the elected politicians who represent the people of Northern Ireland. Let us do that in the way in which we should do it, based on the evidence that already exists.

The other issue that, I think, is important to address is the fact that the primary motivating factor for human trafficking, and the offences around it, is the sexual exploitation of victims. In 2011-12, 73% of the victims rescued were sexually exploited. That is why clause 6 is so important to the Bill, because the primary victims of human exploitation are those who are then put into sexual servitude. That is why we need to deal with this point.

Now is the time for Members to act, to step up and to take — yes — big decisions based on the sound evidence that there is and exists, or they can baulk at the opportunity that is presented to them and put forward the flimsy excuses that the Department has put forward so far as a reason to try to block elements of the Bill. However, I trust that we will actually step up, that we in Northern Ireland will lead the United Kingdom on this and that we will also deal with the Irish Republic on it in a way that will, ultimately, make the island of Ireland unattractive to organised crime gangs that are profiteering from the abuse and misery of men, women and children through sexual exploitation and other forms of human trafficking.

I support the Bill.

**Ms McCorley:** Go raibh maith agat, a LeasCheann Comhairle. Cuirim fáilte roimh an díospóireacht inniu. I welcome today's debate.

The Bill seeks to make further provisions to the human trafficking legislation that already exists. If there are gaps in that legislation, we should fill them to improve upon the measures that are in place and, where possible, to strengthen the laws.

Má tá bearnaí sa reachtaíocht arbh fhéidir iad a líonadh agus biseach a chur ar an rud atá ann cheana féin, ba chóir dúinn na bearnaí sin a líonadh agus an dlí a dhaingniú más féidir.

Make no mistake about it: human trafficking is an obscene practice and is one of the gravest abuses of human rights in the modern world. It is absolutely right that we use our best efforts to stand firmly against any form of violence and exploitation of people in our society, particularly women and children who, in the main, are the victims of human trafficking. Whatever we can do to eradicate it, we should do as comprehensively as possible.

As things stand, we can support the general principles of the Bill, the aim of which is to ensure that our framework for dealing with human trafficking is as robust as possible. We seek to address the crime of human trafficking via a three-pronged approach: prevention of the offence; protection of the victims; and prosecution of the offenders. A good amount of work has been done to address those issues, some of which has been legislative, and some of which has been done via administrative measures. There have also been campaigns aimed at awareness-raising among the public. We should always seek to improve our laws, whenever and wherever we can, to ensure that they are fit for purpose. We must remember that the nature of human trafficking is not static. The picture can be a rapidly changing one, making it very difficult to detect and to prove, so we need laws that have the flexibility to adapt to changing circumstances.

It is clear that more information and consultation are required on aspects of the Bill. Clause 6 in particular, which seeks to criminalise payment for the sexual services of a prostitute, has provoked an intense debate. There are some very different views and opinions — all of them passionately felt — within and beyond our society on the issues raised by that clause. Some question the inclusion of a clause on prostitution in a human trafficking Bill, saying that although they are often related, they are, nevertheless, two separate issues, that it is wrong to conflate

them, and that they deserve to be treated to separately. Others, however, see them as part and parcel of the same thing, saying that it is right to join them together.

The truth is that we do not really know the actual extent or range of prostitution in the North of Ireland. We need to know what the implications are, particularly how it impacts on the women involved. We need to understand what it will mean for women involved in prostitution if they have to leave that form of labour. We need to ensure that we are putting protections in place to support women in every way. We need much more information on the issue —

**Mr Wilson:** Will the Member give way on that point?

**Ms McCorley:** I will give way.

**Mr Wilson:** I am bit surprised at the way in which the Member has couched her argument that, before giving support to clause 6, she and her party want to see what impact the Bill is likely to have on the women, whether it would require them to give up their work and what alternative there might then be for them. Is she saying that if it turns out that the only way of women earning a living is through prostitution, whether it is forced or not, her party will then oppose clause 6?

**Ms McCorley:** We will await the outcome of the research and the consultation, and, when we are in an informed position, we will come to a position on that. We want to state clearly that vulnerable women and children need to be protected in our society, and we will always support that. We are always against the exploitation of women and children and will always remain in that position.

As I said, we need much more information on the issue to make an assessment on whether changing the law on it will have the effect of reducing the demand for human trafficking. Some are convinced that it will and draw on evidence from places such as Sweden, whereas others disagree. We have evidence that says that the changing of the law in Sweden has dramatically changed the amount of human trafficking that takes place there, but there is also evidence that contradicts that. It is not a clear picture. We need to listen to all the evidence and not just one side of the argument. We have a responsibility to do that.

As a Committee, we clearly need to listen to as many views as possible on clause 6 and all

other aspects of the Bill so that we come to a fully informed position. We will take evidence from a wide range of stakeholders and organisations so that we fully understand all the issues raised, and, throughout that process, we will put forward amendments, where required, to ensure that any legislation that might arise will be robust and appropriate. We have also been informed that the Department has commissioned research on prostitution, as has already been mentioned by other Members. We welcome that work and take the view that it will be valuable in helping to inform the debate. However, we need to ask this question: will criminalising payment for the sexual services of a prostitute help in the prevention of human trafficking? That is the vital question, because that is what the Bill claims that it will do, and we need to listen to all the views on that. We need to have evidence that it will have the desired effect.

I welcome today's debate and look forward to the Department's research on prostitution. We will listen to all the stakeholders when taking evidence at Committee. Éistimid leis na grúpaí uilig agus muid i gcionn fianaise a ghlacadh ag an Choiste. We will make whatever amendments are necessary to make this good legislation, if that is how it turns out. Ultimately, we want to ensure the maximum protection and support for women, children and anyone who is or has been a victim of human trafficking. We are also determined to see laws in place that will ensure that we will see the prosecution of those guilty of this heinous crime.

**Mr McGlone:** Go raibh maith agat, a Phríomh-LeasCheann Comhairle. I welcome the private Member's Bill and the opportunity to debate this important issue in the Chamber today. The trafficking and exploitation of human beings is a degrading practice, and we have a duty to do all that we can to bring those responsible to justice. It is clear that human beings are being trafficked into and through the North by organised criminal gangs for exploitation here and elsewhere. That exploitation takes the form of sexual exploitation, the exploitation of labour and domestic servitude. It is also clear that those organised criminal gangs responsible have largely been able to evade justice. Although around 100 victims of human trafficking have been reported as having been rescued in the North in the past five years, there have been few successful convictions of traffickers. The criminal gangs responsible operate internationally, and any attempt to disrupt them and bring them to justice needs a joined-up approach involving a number of Executive Departments and agencies here and throughout these islands.

## 1.15 pm

The measures in the Bill to support victims of trafficking are certainly welcome. There needs to be a strong framework of assistance and support for victims to encourage them to engage with the criminal justice system and help bring those responsible for trafficking to court. However, it would have been helpful if the required resources identified by the proposer had been included in the Bill. Although those measures and the associated provisions to ensure that no prosecution will be brought against victims for an offence committed as a result of their trafficking are welcome, another aspect of the Bill, which has been mentioned, is contentious.

The much-publicised clause that makes it a criminal offence to pay for sexual services has been highlighted ahead of this debate, and I am sure that it will be the focus of many contributions. It is, as the Bill's proposer has stated elsewhere, a significant change in our approach to prostitution, but it is not clear whether the stated objective of the clause — to reduce trafficking for sexual exploitation by reducing demand — would be achieved. Sweden is often cited by supporters of that approach; indeed, it has been cited today. Similar provisions have not been implemented in Scotland due to the concerns of the police and others that it could be counterproductive. Concerns have recently been reported of senior PSNI officers who deal with human trafficking and organised prostitution here about the potentially negative impact that the new approach could have, should it be adopted. In short, we need to be cautious when implementing any significant changes in our approach to any matter. Such a change in approach must be firmly based on all the evidence available and subject to very careful consideration. I need to hear much more and to listen to all the arguments, for and against, before coming to a final view on clause 6.

**Mr Allister:** Will the Member give way?

**Mr McGlone:** Yes.

**Mr Allister:** Does the Member accept that there is a nexus between human trafficking and prostitution? If so, would it not logically follow that if you make prostitution more difficult by making it a criminal act to be a user, you are, in consequence, placing a hurdle in the path of human trafficking?

**Mr McGlone:** I hear and listen to the logic that the learned Member has advanced. It is just

that I am not in a position to have heard all the evidence, for and against, and I want to be in that position, as I am sure that he would expect me to be, and —

**Ms Lo:** Will the Member give way?

**Mr McGlone:** Sorry. I will listen to those points and policy decisions as we further scrutinise the legislation. Yes; the Member wishes to make a point.

**Ms Lo:** Thank you very much. Do you agree with me that the possibility of banning prostitution would only drive it underground in Northern Ireland or drive the problem elsewhere to our neighbouring countries?

**Mr McGlone:** Indeed. Likewise, I have heard that argument, too. For the same reasons I have given, I want to hear a full, comprehensive, evidence-based approach to the Bill before arriving at any considered opinion. The last thing that we want to do is to drive further underground noxious practices that have led to the abuse of human beings. So, on this —

**Mr B McCrea:** Will the Member give way?

**Mr McGlone:** Yes. OK, Basil.

**Mr B McCrea:** Does the Member also accept that the evidence on the Swedish model that is cited by the proposer and supporters of the Bill is contested, that there are differing views on the efficacy of the action that is proposed, and that it is really important that, before we reach any particular decision, we have the full facts in front of us, and research is required?

**Mr McGlone:** Absolutely. I thank Mr McCrea for his intervention. That is precisely the point that I made earlier and I thank him for supporting that view. With that, I conclude my comments on the Bill.

**Mr Elliott:** Mr McGlone summed up some of the issues with the Bill. We are discussing the principles of the Bill today, and I welcome the work of Lord Morrow and the experts who assisted him in bringing forward the consultation. The consultation and its responses were very detailed. A number of people who have significant knowledge of this field assisted in developing the Bill to the stage that it is at today.

Human trafficking is one of the most concerning types of organised crime, given the nature of

what is involved. That is illustrated through the four main reasons for trafficking: sexual exploitation; forced labour; domestic servitude; and organ harvesting. The extent of human trafficking is difficult to judge, but it has been estimated to affect between two million and four million people globally. I am informed that 97 victims have been recovered in Northern Ireland between 2009 and 2013, and that over half of them were trafficked for the purposes of sexual exploitation. Increased awareness is vital, and initiatives such as the Blue Blindfold campaign aim to address that. The fact that the Bill has brought a renewed focus on this area is to be commended.

Some concerning conclusions have been reached about trafficking in Northern Ireland. The Department of Justice's research paper from January 2011 states that Northern Ireland is both a destination country and a transit country for women who are being trafficked with a view to prostitution. A report compiled by Barnardo's and the NSPCC concluded that Northern Ireland was being used by human traffickers as a gateway to Great Britain and the Republic of Ireland. That is even more concerning in light of the decision by Sinn Féin and the SDLP to block the operation of the National Crime Agency in Northern Ireland. The agency was specifically established to offer expertise in tackling organised crime such as human trafficking.

**Ms Ruane:** Will the Member take an intervention?

**Mr Elliott:** Quite happily.

**Ms Ruane:** I am very concerned at the abuse of our position on the National Crime Agency. The focus needs to be on women and children who are being trafficked and affected by violence. I am very concerned to hear the Member's speech.

**Mr Elliott:** The Member may not like what she is hearing, but those are the facts. The Member may not like to deal in facts, but that is what I am dealing in.

I believe that the National Crime Agency has a huge part to play in stopping and prohibiting organised crime. Human trafficking is part of that organised crime, not only for sexual exploitation. There are also wider issues that concern not only women and children but all human beings.

**Mr Wilson:** Will the Member give way?

**Mr Elliott:** I am happy to give way to the Member.

**Mr Wilson:** Does the Member agree that it is not surprising that Sinn Féin would be embarrassed about the issue being raised? Since human trafficking is an international crime, only an agency such as the National Crime Agency can get to grips with the way in which the issue crosses international boundaries. If Sinn Féin was really concerned about the exploitation of women and children, it would not block the operation of the National Crime Agency in Northern Ireland.

**Mr Elliott:** Yes, I believe that there has been some politicking by the nationalist parties in this process, which is, to say the least, concerning and disappointing. The PSNI will not be able to draw on the expertise that is available to other parts of the United Kingdom, so human traffickers will see Northern Ireland as a good place where there is an opportunity to do business.

Doing nothing is not an option. The minimalist approach taken by the Department of Justice in complying with European directives thus far is not a way to tackle the issue robustly. The fact that the Minister proposed only two primary legislative changes in response to the 2011 European directive on preventing and combating trafficking in human beings and protecting its victims shows an unwillingness to take the initiative and lead.

Some clauses would, undoubtedly, improve the fight against human trafficking. I think specifically of clause 11, which sets out a requirement for compensation for victims. Clause 12 would introduce a guardian for child victims of trafficking if they were not in contact with a parent. That would certainly help to improve the situation of vulnerable trafficked children. Clause 13 mirrors articles 12 and 15 of the European directive in avoiding what might amount to secondary victimisation during police interviews. I am sure that anyone who is aware of the ordeal and trauma that trafficked victims go through will agree that unnecessary questioning and repetition should, of course, be avoided.

There has been opposition, not least from the police and the Department of Justice, to some aspects of the Bill. I hope that the vast majority at least accept, as we are here to debate today, the principle of the Bill. The argument from Lord Morrow is that it is necessary to combat the demand for sexual services. He cites Sweden as a jurisdiction in which similar measures are in place. As we have heard

today, some of the arguments are up for debate. I, like others here, am quite happy to have that debate. We need to get that evidence base through the Committee and establish the proper facts of all aspects. We can then make a proper and reasoned judgement on which clauses might be unnecessary and where more amendments might strengthen Lord Morrow's Bill, particularly on the issue of people having only six months to bring a case of an alleged incident. We would like that period to be extended.

I would be grateful to hear the number of arrests made and the number of convictions secured under the current legislation dealing with sexual offences. Perhaps the Minister has that information. If the numbers are small, why does the legislation not work? Would this Bill improve it? If so, we need to implement it. If there are other aspects or amendments that can improve it, let us bring them forward. That is the idea of a Bill: we have a debate, we table amendments if we feel that they improve it, and we hopefully get to a conclusion.

Do we need further legislation in the area? My answer is yes, I believe that we clearly do. I hope that the Minister and the Department of Justice accept that as well. Do I support the broad principles of Lord Morrow's Bill to provide a more robust legal framework for tackling human trafficking? Yes, my party and I support that. However, there are concerns and a requirement for more evidence and information. I am happy to have that debate and discussion. Hopefully, we will progress improved legislation and an improved framework to help victims of human trafficking and sexual exploitation.

**Mr Dickson:** Although the headlines in the media today will be primarily about prostitution, this is a human trafficking and exploitation Bill. It has already been referred to by one media outlet today as a Bill on human trafficking and prostitution. That is regrettable, not least because it has the effect of taking the focus away from human trafficking in its totality. Human trafficking is a global issue that encompasses many other elements, such as forced labour, slavery, servitude and the extraction of organs and tissue. Those elements need to be considered in equal detail by the Assembly. They should not be clouded by an important issue that deals with prostitution. We would be doing a great disservice to those who are trafficked if this whole debate were about prostitution.

**1.30 pm**

I pay tribute to party colleagues who have done a great deal of work over many years to address and raise awareness of the wide-ranging nature of human trafficking. That includes my colleague Anna Lo for the efforts that she has put in to setting up the all-party group in the Assembly and for the work that she has done through that group. I also pay tribute to Naomi Long MP for keeping the issue very much on the agenda at Westminster, and to the Justice Minister for the actions that he and the Department of Justice have taken already in the Department and through legislation and awareness campaigns to deal with these iniquitous problems. We welcome that Lord Morrow shares many of the concerns of Anna Lo, David Ford, Naomi Long and the Alliance Party as a whole. We also welcome that we can have this detailed debate about this issue in the Chamber and in Committee.

Most, if not all, of us who are standing up in the Chamber today will be wearing clothes or will be in possession of household goods that may have been produced by forced or slave labour, perhaps not in Northern Ireland or the United Kingdom, but wider afield. Human trafficking is a global issue that requires a global response.

My party colleague Anna Lo will deal specifically with clause 6, and, therefore, I wish to focus on a number of the other clauses that are in the Bill. Alliance is concerned that clauses 3 and 4 will have an adverse impact on judicial discretion. The Assembly has debated mandatory minimum sentences before, and I remain unconvinced of their effectiveness. When we remove judicial discretion, we are at greater risk of inappropriate outcomes. Our judges are best placed to take full account of the potentially broad scope of circumstances in each individual case. We already have —

**Mr Allister:** Will the Member give way?

**Mr Dickson:** I will.

**Mr Allister:** I think that the Member knows that I am not one who is an enthusiast for minimum sentences, but, in fairness to the Bill, clause 4(2) preserves the right of the court to take a contrary view. It is not a mandatory minimum sentence; it is a discretionary minimum sentence in the sense that the court, if it thinks that there are exceptional circumstances to do otherwise, can use it. So, is that not quite different from a mandatory minimum sentence?

**Mr Dickson:** I welcome Mr Allister's comments. I think that they prove the need for the detailed scrutiny that we will have in Committee on

those issues. Where amendment is needed, we will have it, and explanations such as that which Mr Allister gave to us will be of great benefit. I am sure that a lot of that will be delivered to us by way of submissions.

Nevertheless, I believe that we already have sentencing guidance that makes it clear that anyone who is found guilty of human trafficking offences can expect to go to prison. In each case, a judge needs to be free to make the most appropriate ruling based on his or her assessment of the particular offender, crime, victim and circumstances. Even with an exemption for exceptional circumstances as contained in the Bill, mandatory minimum sentences allow for little or no such discretion. The use of sentencing guidelines are a more flexible and comprehensive way of allowing each individual case to be judged, and, on those rare occasions where there is a public belief that the sentence is too low, we are aware of the appeal mechanisms that exist to allow for referral for reconsideration of sentencing.

In addition to our concerns about the effect of minimum sentences, we are concerned about clause 4's equal treatment of children and adults. Children should —

**Mr Wilson:** Will the Member give way?

**Mr Dickson:** Yes.

**Mr Wilson:** I do not know whether he is seeking some excuses on behalf of the Alliance Party for not supporting the Bill, but he keeps referring to his concerns about mandatory sentences. Maybe, in preparation for the debate, it would have been useful for him to have read the Bill. It has already been pointed out to him that clause 4(2) states quite clearly that:

*"The court shall impose a custodial sentence for a term of at least two years ... unless the court is of the opinion that there are exceptional circumstances relating to the offence or to the offender which justify its not doing so."*

So, why does he keep wittering on about his concern over mandatory sentences? Is it just an excuse?

**Mr Dickson:** Far from it. What I am trying to emphasise is that it should be at a judge's discretion, rather than the discretion of the House, to set the sentence requirements in the Bill.

I am equally concerned that the Bill provides for equal treatment of children and adults. Children should not be subject to the same sentences as adults. We have a sentencing framework for children to assist the judiciary, and that framework is compatible with the United Nations Convention on the Rights of the Child. We are concerned that clause 4 is not in the "best interests of the child", as demanded by article 3 of the convention.

The overriding consideration of any change to the law must be to support the rights of children who are caught up in such horrendous circumstances, whether those children are stitching clothes, harvesting vegetables or working for unscrupulous and criminal gangmasters. It is vital that we look at those issues in more detail, and I look forward to dealing with those clauses in more detail in the Justice Committee.

We have concerns about the proposed limitation of judicial discretion in clause 8. We do not think that blanket immunity from prosecution for victims is wholly appropriate. There may be cases in which someone who has been trafficked gets involved in illegal activity, including the trafficking of others and the distribution of drugs. If that person has become involved in organised crime and has created more victims, it would be extremely irresponsible to deny a judge the option of considering that case on its own, individual merits. Current arrangements allow prosecutors the discretion not to prosecute when it is considered to be in the public interest, and in the interest of vulnerable individuals, where the discretion of the court and the Public Prosecution Service can direct them to a wide range of support services. Cases can be considered in the light of their specific circumstances. Clause 8 would remove the ability to do so in very difficult and complex cases, and it therefore demands more detailed scrutiny.

Turning to clause 16, it is absolutely vital that all relevant Departments and agencies be held accountable for how effectively they address and respond to human trafficking. We welcome the recognition of that in the Bill. We also welcome the news that the Home Secretary is planning to bring forward a modern slavery Bill, which would, among other things, establish a UK-wide anti-slavery commissioner, who would likely fulfil the role of an independent national rapporteur. We will need to see how that can and will be developed in Northern Ireland.

Organised crime is primarily addressed in the United Kingdom by a United Kingdom-wide

agency. One of the reasons for that is the increased global nature of organised crime and a recognition that those issues are more effectively dealt with through international and national structures, with comprehensive local input. It is therefore a matter of deep regret that there are parties in the House that cannot see and will not sign up to the wider benefits of the proposed National Crime Agency. That is an issue that I will push strenuously, in order to make every tool available to us to combat the evils of human trafficking. It is irresponsible of others to tie our hands.

**Ms Ruane:** Will the Member take an intervention?

**Mr Dickson:** Yes.

**Ms Ruane:** Does the Member believe that there should be accountability arrangements for anyone serving in the Police Service in the North of Ireland? The National Crime Agency does not stand up to the standards of accountability.

**Mr Dickson:** If the Member were a member of the Justice Committee, or if she had read the responses by the Chief Constable in that Committee last week, she would know that those measures of accountability are there and were vouched for by him.

**Mr A Maginness:** Will the Member give way?

**Mr Dickson:** Yes.

**Mr A Maginness:** The Chief Constable did not say that. He said that he was aware of the accountability issues that had been raised and that those issues need to be worked through. As I understand it, those issues are still being worked through. A satisfactory level of accountability has not yet been reached.

**Mr Dickson:** He gave us further assurance on that, but we will have that debate in the Justice Committee.

Human trafficking is an element of organised crime, and a global issue. Arguably, it would be more effectively dealt with by local Departments, agencies and groups feeding into a structure that has a national resource, an international reach and an international perspective. Further, we have concerns about the compatibility of the functions of the model proposed under clause 16 with proposed UK-wide structures. Again, that is something that will require detailed scrutiny at the next stage.

Finally, today, Alliance is content to see the progress of the Bill at Second Stage, but we look forward to the detailed scrutiny that will follow in the Justice Committee.

**Mrs Hale:** I am very grateful for the chance to contribute to today's debate. I warmly welcome the proposal and commend Lord Morrow for all his work and diligence in bringing the Bill to the Floor of the Assembly. I wholeheartedly support the entirety of the Bill. I strongly believe that it sets out an effective package of measures to support victims of human trafficking and exploitation in our Province and to punish perpetrators of those heinous crimes.

Today, I will focus on one particular clause: clause 6. The provision of clause 6 in the anti-trafficking and exploitation Bill is absolutely pivotal for the simple reason that, according to the figures from the National Referral Mechanism, the single biggest reason for trafficking to Northern Ireland is, sadly, the demand for paid sex; 73% of all identified victims in 2011-12. If that demand did not exist, the rationale for trafficking people here would be much more limited. To have an anti-trafficking Bill for Northern Ireland that did not address this principal would be to present a Bill with a massive hole in it.

At this point, some may say that they agree that we need to tackle the demand but that we are already doing so through article 64A of the Sexual Offences (Northern Ireland) Order 2008, which states that it is an offence to pay for sexual services if the person in prostitution is subjected to force. That covers the demand for paid sex from anyone who has been trafficked and, indeed, the demand for people who have been pimped out but not trafficked. However, I am afraid that that provision has clearly proved ineffective. We have not had a single conviction under this legislation since 2009, although the recent trafficking prosecutions show that people have been forced into prostitution since then.

I do not deny that the 2009 change in the law was intended to be a positive step towards tackling the problem of trafficking and prostitution at the time, but we need to recognise that it has not worked. The offence has failed for two key reasons. First, it requires proof that the person from whom an attempt was made to pay for sex was coerced. That has proved difficult to prove. Secondly, the offence provides only a very short time within which to prove coercion. I understand that the Minister of Justice has indicated that he would like to raise the time bar for proving coercion from six months to three years. Although that

would certainly be better than the current situation, it does not address the problem of making the offence easier to prove. Such caveat offences have proven ineffective in practice, as has clearly been illustrated by the experience in Finland. Consequently, I believe that it is incumbent upon us as legislators to put into law a statute that will simply make it an offence to purchase sex.

At this point, some might respond by saying that, while it may be true that the single biggest reason for trafficking to Northern Ireland is the demand for paid sex, many people in prostitution in Northern Ireland have not been trafficked. That point is raised as though it were a moral problem for the Bill, on the basis that it is supposed to be about just trafficking. However, that has never been the case. It is the Human Trafficking and Exploitation Bill. The slavery offences that it includes, for example, pertain to forced labour where there is no element of trafficking.

Where the sale of sex does not pertain to trafficking, it most certainly pertains to exploitation. Consider the facts. It has been illustrated that many individuals working in the sex industry enter before they have reached the age of 18 or even the age of consent. That is evidenced by a study conducted by Eaves, which involved interviews with 114 women working in the sex industry in both on- and off-street prostitution. The study found that 32% of those interviewed had entered the sex industry before the age of 18. Home Office figures reveal that homelessness, living in care, debt and substance abuse are all common experiences prior to entering prostitution. Research also shows that many of those in prostitution have suffered abuse or violence in the home, with as many as 85% reporting physical abuse in the family home. A staggering 80% to 95% of women involved in street-based prostitution are addicted to class A drugs. The Eaves study of women involved in both on- and off-street prostitution, which I referred to earlier, found that 83% of interviewees disclosed current or former problematic drug or alcohol misuse. Moreover, pimps often use drug dependency as a form of control. Professor Roger Matthews writes that street prostitutes frequently report that they work to support not only their own habit but that of their boyfriend, pimp or partner. In some cases, male drug users and dealers will seek out female prostitutes as partners since they make good customers and providers.

**1.45 pm**



Prostitution is one of the most dangerous occupations in the world. The men, women and children involved risk physical assault, sexual violence and verbal abuse every day. At least 65 women in prostitution in the UK have been murdered in the past 18 years. I do not quote those figures to suggest that there are not people who would say that they choose to be in prostitution, but it is very clear to me that they are in the minority. Some people in this category are very articulate and are able to make their voices heard, but we should not forget those who do not receive the same level of publicity.

We face a choice: do we want a law that is defined out of primary regard for the privileged minority who charge very large sums of money or do we want legislation defined out of primary regard for the vulnerable majority? I am very clear: we must prioritise the latter, which is precisely what clause 6 does.

Clause 6 is what we need in this area. It gets right to the heart of the issue, and it does that by addressing the demand for human trafficking for sexual exploitation by making the payment of sexual services an offence. Trafficking is a business and, like any other business, it is built on the model of supply and demand. If we are truly concerned and wish to make a difference to the number of people being trafficked and exploited, it is paramount that we reduce the demand for paid sex.

In 2009, the Swedish national rapporteur stated:

*"It has been discovered through wire tapping and surveillance that traffickers consider Sweden a bad market."*

That comment was supported by Swedish estimates that between 400 and 600 women are trafficked there every year. Whereas, it is estimated that, in Finland, between 10,000 and 15,000 are trafficked into that country every year. Those statistics make clear that the Swedish approach of making it an offence to purchase sexual services is a powerful combatant to the evil of human trafficking. That power resides equally in clause 6 of the Bill. Lauren Hersh, who is New York director of Equality Now, argues:

*"To combat trafficking effectively, we must shrink the market, holding buyers and traffickers accountable".*

Clause 6 addresses that demand directly, and it will make a real difference to the lives of vulnerable women, men and children in

Northern Ireland. Carolyn Maloney, who is a Democrat member of the United States House of Representatives succinctly remarks that:

*"the abuse will continue as long as we fail to address the demand side of the equation."*

The abuse of men, women and children in Northern Ireland will continue if this House fails to address the demand side of the equation. We must have the courage to act now. Indeed, we are duty-bound to protect the most vulnerable in our society. I commend the Bill to the House.

**Mr A Maginness:** Human trafficking is a modern day form of slavery and, if William Wilberforce were to reappear in our society, he would recognise it as such and would be appalled at the extent to which human trafficking takes place throughout the world today. We are not immune to that as a society, and this island is not immune to that as an island. Quite properly, the European Union issued the anti-trafficking directive of 2011 to deal with that issue. It is commendable that Lord Morrow is trying to build on that directive and trying to create the best practice that we can have here in Northern Ireland so that we can be an exemplar in combating human trafficking. Therefore, the SDLP supports the principles of the Bill, and we look forward to it going to Committee where we can thoroughly scrutinise the individual provisions that Lord Morrow has drafted. It does not mean, of course, that we will agree with everything in the draft Bill, but we will seek to try to be as supportive as we can.

It also builds on the work of the Council of Europe, which has done great work on anti-trafficking. The convention of 2005 was an important milestone for that approach. So, a number of European bodies are dealing with the issue.

We should be supportive of trying to get the best possible legal framework in Northern Ireland. The basic principles of the Bill — the prevention of trafficking, support for victims of trafficking and tackling the demand for trafficking — are worthy aims. I hope that the Bill can be successfully legislated by the House to support, deal with and address those aims.

I commend the sponsor Lord Morrow, in particular for the emphasis that he has placed on victims of human trafficking. The Bill, if it is implemented, will do much to advance the interests of victims. In particular, the special measures for victims who have to appear in court to give evidence will help and will give

them the special measures enjoyed by other victims of crime in Northern Ireland. That is a very important step forward.

It is all very well for us to say that we support and have sympathy for victims, but we have to translate that sympathy into action. We have to be supportive of victims, because they are some of the most vulnerable people on the face of this planet. We have to show real compassion, but that compassion has to be translated into practical measures to support victims. The thrust of Lord Morrow's Bill attempts to do that, and that is very important.

We have to be robust on the prosecution of traffickers. There has been mention of clause 4 and the minimum custodial sentence. We have to look at that carefully. Mr Allister has said that it is not mandatory. I think that it falls between mandatory and permissive. We have to look at that to see if it can be better tailored. Nonetheless, we have to take a robust view of sentencing for trafficking. People who traffic commit the foulest of crimes. They must be deterred, and they must be punished when they exploit the most vulnerable people on the earth.

On the issue of reporting and compiling reports, it is important that we have a discrete Northern Ireland rapporteur who will report on what happens in our jurisdiction; that would be a good thing. It is all very well to say that there could be a national rapporteur or whatever, but it would be immensely valuable to have a local person to deal with the issues. That is contained in clause 16, and it is an important contribution to our efforts to understand and monitor what happens to the victims of human trafficking and the level of human trafficking in this jurisdiction. A local person dealing with that would be much better value than somebody at national level.

I move to some of the comments made by the Chair of the Committee and the Justice Committee meeting that took place the week before last on the matter. The Committee is very serious about dealing with the Bill in detail. Everybody has shown their willingness to try to reach a common view on the Bill. I hope that that works, because it is much better that we work together on this rather than divide. It would be useful if we had at least some conversation with those involved in the Oireachtas Justice Committee's consideration of the issue of prostitution.

That leads me to clause 6, which is probably the most contentious element of the Bill. I have said in Committee that my party and I have an open mind. We will address this issue

seriously. We want to hear the evidence and to understand how other people feel about it. We want to hear from organisations that have a particular interest in the clause, and we will consider it on the basis of those arguments. We do not have a closed mind on it. It will be valuable for all of us to listen carefully to those arguments so that we do not prejudge things.

Lord Morrow puts forward a robust point of view, and I understand that. People must remember that the Bill is not simply about human trafficking but about the exploitation of the weakest and most vulnerable in our society.

I will conclude there, Principal Deputy Speaker. It might be a timely conclusion from your point of view. I commend the Bill, and we support its principles. We look forward to scrutinising it and working with all parties to reach consensus.

**Mr Principal Deputy Speaker:** As Question Time begins at 2.00 pm, I suggest that the House takes its ease until then. The debate will continue after Question Time, when the next Member to be called will be Mr Basil McCrea.

*The debate stood suspended.*

*(Mr Speaker in the Chair)*

2.00 pm

## Oral Answers to Questions

### Office of the First Minister and deputy First Minister

**Mr Speaker:** I remind Members that we have topical questions, which will last up to 15 minutes. Following those, we will move to questions that appear in the Order Paper. I remind Members that it is one enquiry, whether it be topical questions or questions for oral answer. I also remind Ministers of the two-minute rule. I can understand that, on occasions, because of the nature of a question in the Order Paper, Ministers will want more time, and it is a matter of Ministers indicating to the House that they need more time because of the nature of a question. If that is clear, we shall proceed.

### Maze Project

1. **Mr Allister** asked the Office of the First Minister and deputy First Minister to give an assurance, particularly to innocent victims who were greatly relieved by his U-turn on the implementation of the Maze project, that that stance will not be traded or diluted, either in the Haass talks or anywhere else. (AQT 81/11-15)

**Mr P Robinson (The First Minister):** I seem to recall the Member, on a previous occasion, indicating that the Democratic Unionist Party had already traded this issue, and that was why it was taking the position that it had. Now that we have clearly shown that that is not the case, can I make it very clear to him that I would not characterise the position I have adopted as a U-turn? The Ulster Unionist Party placed the peace centre in the Maze complex. I have indicated that it would be unwise for Northern Ireland to proceed with a peace centre, which itself was going to be a cause of division, and that it is necessary to have a broad base of cross-community support for any such project. That remains my position.

**Mr Allister:** The First Minister must be one of the few people who does not see it as a U-turn. I do not think that there is any shame in that; doing the right thing is never something to be ashamed of. Can the First Minister shed any light on this: if the £18 million that was previously to be squandered on the Maze is not now to be squandered there, what is the

thinking about where that money might be more beneficially and usefully used?

**Mr P Robinson:** Of course, it will be a matter for the Special EU Programmes Body to look at what projects can use any money that might be available. I do understand that the Member has some sympathy for U-turns, because this is the same Member who comes in here, week after week, and the man from Mars would think that he was breathing fire on republicans. He chides me for doing business with republicans, but then secretly and outside of the House, the Member, as the executor of a will, is selling land to republicans in County Fermanagh to benefit his own family. So, it ill becomes him to —  
*[Interruption.]*

**Mr Allister:** That is an absolute —

**Mr Speaker:** Order.

**Mr P Robinson:** So, it ill becomes him to come to the House beating his chest as if he —

**Mr Speaker:** Order.

**Mr P Robinson:** — is going to be tough on republicans. *[Interruption.]*

**Mr Speaker:** Order.

**Mr Allister:** *[Interruption.]*

**Mr Speaker:** Order. The Member —

**Mr Allister:** *[Interruption.]*

**Mr Speaker:** Order.

**Mr Allister:** — which he knows to be true —

**Mr Speaker:** Order. The Member must take his seat. Order.

**Mr Allister:** I am not the executor. That is a damnable lie.

**Mr Speaker:** Order. I must ask the Member to take his seat. Order.

### Social Enterprise Northern Ireland

2. **Mr Beggs** asked the Office of the First Minister and deputy First Minister what conversations and discussions it has had with Social Enterprise Northern Ireland following its establishment and the creation of 10 social

enterprise hubs about a year ago. (AQT 82/11-15)

**Mr P Robinson:** I personally have not had any discussions. Obviously, as soon as we produce proposals that have various aspects of overarching responsibility, it becomes a matter for the Minister and the Department who have the job of taking the project forward to deal directly with its implementation. So, that is probably a question that could more directly be asked to the Minister responsible.

**Mr Beggs:** Does the First Minister agree that Social Enterprise Northern Ireland is the expert in this area, with knowledge of social enterprises in the United Kingdom and elsewhere? Why has it not been consulted to date?

**Mr P Robinson:** This, of course, is a matter for the department for Social Development (DSD), and this is one of the difficulties with topical questions. As I understand it, DSD has identified the locations for those and will be bringing them forward. If the Member wants more information, he needs to put his questions to the Minister for Social Development.

## Ilex

3. **Mr McCartney** asked the Office of the First Minister and deputy First Minister to provide an update on the recent appointments to the Ilex board in Derry. (AQT 83/11-15)

**Mr P Robinson:** There have been some controversial issues with the Ilex board. Of course, it is important, from the Office of the First Minister and deputy First Minister's point of view, that this important body moves forward. A new chair and three new board members were appointed to Ilex on 16 September for a three-year term. Philip Flynn was appointed chair, and Gerry Mullen, Henry McGarvey and Aaron McElhinney were appointed non-executive directors. All appointees, prior to their appointment, indicated that they had not undertaken any party political activity within the past five years.

A competition to recruit a chair to the Ilex board was undertaken in 2012 but did not provide a wide enough pool of candidates, and, therefore, a further competition commenced earlier this year.

**Mr McCartney:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an an Chéad-Aire as an fhreagra sin. I thank the First

Minister for that answer and congratulate those who have been newly appointed to bring the necessary leadership to Ilex. Given the need for the recent appointments, has the Office of the First Minister and deputy First Minister any indicative time frame for the appointment of a much-needed chief executive?

**Mr P Robinson:** It is wrong for us to get into the business of giving precise dates. In the Office of the First Minister and deputy First Minister, Ilex is a fairly frequent topic of conversation, given the deputy First Minister's particular interest in it. All I can say to the Member is that we will certainly appoint a chief executive as soon as possible. There is no dragging of feet or delay on the part of OFMDFM or its officials.

## Haass Talks

4. **Mr Anderson** asked the Office of the First Minister and deputy First Minister what is its expectation of the process and outcome of the Haass talks by December, given the First Minister's reported comments on their challenging nature and scope. (AQT 84/11-15)

**Mr P Robinson:** I know that some people have sought to indicate that I was overly negative. We need to remember, first, why Dr Richard Haass and Meghan O'Sullivan are carrying out this facilitating role. These are matters that we have spent many years discussing in the Chamber and in our parties outside it. The deputy First Minister and I were engaged in discussions on parades right back to the Hillsborough Castle talks. Indeed, before that, all parties in the Chamber discussed these matters but failed to reach any conclusions during previous negotiations.

Over the past 18 months to two years, there have been intensive discussions at the all-party committee that was set up by the deputy First Minister and me. Although a wide range of issues was agreed, three matters were found to be too difficult to reach agreement on at that time. The deputy First Minister and I committed ourselves to setting up a working group of some description, attempting to continue to work at these matters and trying to resolve them.

By their very nature, these are difficult issues that, thus far, we have been unable to resolve. I do not want to put any undue pressure on Richard Haass and his team by raising expectations. However, from our conversations with Dr Haass, it is fairly clear that he is absolutely determined to do what he can to facilitate agreement. I am glad that all parties

that entered the discussions said that they did so in a positive manner. I can give an assurance that, as far as this party is concerned, that is the way that we will approach them.

**Mr Anderson:** I thank the First Minister for that comprehensive answer. Some parties have indicated that if no consensus can be found in the panel, Dr Haass will put forward his own proposals. What is your view on that approach?

**Mr P Robinson:** The Alliance Party and the SDLP in particular seem to have indicated that, if it was not possible to reach agreement in the talks, Dr Haass should bring forward proposals himself.

I would neither want to fetter in any way how the Haass talks should operate nor suggest what might happen in the event of failure. I think that we have to approach the talks on the basis of doing everything that we can to make them succeed. However, I think that we all know that if we want anything to stick in Northern Ireland, it is necessary for agreement among the parties. I see little advantage in Dr Haass putting forward his views if he was unable to get agreement on them during the talks process. However, he may find that approach advantageous if he runs out of time but, in an attempt to get a solution, sees areas where further work could be carried out and things could be looked at in more detail.

**Mr Speaker:** Question 5 has been withdrawn.

## Racial Equality Strategy

6. **Ms Boyle** asked the Office of the First Minister and deputy First Minister when the new racial equality strategy will be published. (AQT 86/11-15)

**Mr P Robinson:** Mr Speaker, with your permission, I will ask my colleague junior Minister Jonathan Bell to answer that question.

**Mr Bell (Junior Minister, Office of the First Minister and deputy First Minister):** We have put a lot of work into the racial equality strategy, and our officials have been liaising directly with the racial equality panel and with wider representatives of the sector. The purpose of that was to refocus and refine the racial equality strategy. Following the last meeting of the racial equality panel, we are now at a stage when the draft strategy is nearing completion, and we intend to commence the public

consultation exercise as soon as possible thereafter.

**Ms Boyle:** Go raibh maith agat. I thank junior Minister Bell for his response. When will the proposed crisis fund or emergency fund, which was promised in addition to tiers 1 to 3 of the minority ethnic development fund, be in place?

**Mr Bell:** In line with the recommendations from an evaluation of the minority ethnic development fund, we have, as the Member indicated, given an agreement in principle for a crisis fund element. That crisis fund element will be in addition to the £1.1 million annual budget. The size of that crisis fund is being examined and still to be decided. It is envisaged that the crisis fund will be delivered by a third party.

## National Asset Management Agency

7. **Mr Buchanan** asked the Office of the First Minister and deputy First Minister for its assessment of the performance of the National Asset Management Agency, given that there have been a number of media reports of the First Minister's criticism of that organisation. (AQT 87/11-15)

**Mr P Robinson:** I saw some headlines that would have suggested that I was critical of the National Asset Management Agency (NAMA). In actual fact, I think that, according to its own guidelines, NAMA has performed exactly as one might have expected. It has been very helpful where Northern Ireland is concerned, in that it could have gone for a fire sale of assets here at an early stage. That would have been vastly damaging to the construction industry in particular and to our property market.

My complaint with NAMA was not about the organisation but about the fact that banks in Northern Ireland principally, but NAMA and the Presbyterian Mutual Society, are all holding on to very considerable assets that could be developed and, therefore, bring jobs to the construction industry. The fact that they are holding on to those assets is understandable from their point of view, in that they hope to maximise the amount of revenue that they might receive from their sale. However, it is considerably damaging to our ability to grow our economy and to get it moving again. That was my point. It was not a criticism of NAMA; it is doing exactly what one would expect with its fiduciary responsibility. We have to recognise that the banks, NAMA and the Presbyterian Mutual Society holding on to assets freezes development in Northern Ireland.

2.15 pm

**Mr Buchanan:** I thank the First Minister for his response. Will he outline what he believes the solutions to the challenges could be?

**Mr P Robinson:** One of the solutions is for NAMA to do a little more of what it had been doing with one or two of the developments, where it introduced some of its own funding to develop a project. It is doing that with an office block in the Oxford Street area, and it is doing it with a housing estate in Dundonald. That allows NAMA to get a higher revenue return for the assets and ensures that the development takes place. It would be helpful if the banks were to do more of that. The other option, of course, is that some financial institutions or other organisations could come in, buy the assets off those organisations — the banks, NAMA or the Presbyterian Mutual Society — and build them out.

**Mr Speaker:** That ends the period for topical questions. We now move to oral questions.

## New York Investment Trip

1. **Mr McKay** asked the First Minister and deputy First Minister for an update on their recent investment trip to New York. (AQO 4588/11-15)

9. **Mr Clarke** asked the First Minister and deputy First Minister what plans they have to continue to encourage inward investment. (AQO 4596/11-15)

14. **Mr Anderson** asked the First Minister and deputy First Minister to outline the key meetings they attended during their recent visit to New York and the resulting potential to help the economy. (AQO 4601/11-15)

**Mr P Robinson:** Mr Speaker, with your permission, I will answer questions 1, 9 and 14 together. Given their nature, I trust that you will allow me sufficient latitude to give the House as complete an answer as possible.

The deputy First Minister and I travelled to New York city on Monday 9 September to undertake a number of engagements to promote the Northern Ireland business message in advance of the economic conference that will take place on 10 and 11 October. We had been invited to be the keynote speakers at the Wall Street 50 awards dinner, which honours some of the most successful financial services executives in the United States. Around that invitation, we built a

programme of meetings that allowed us to engage with existing and potential investors and to meet other key individuals. We met our good friend from Citigroup, Bill Mills, the chief executive officer in North America, and John Healy, Citigroup's IT senior group manager. Citigroup came to Northern Ireland back in 2004, with an original plan to create 375 jobs by 2009. The company now employs in excess of 1,200 people, and the Belfast facility is one of only four centres of excellence in the world, and the only one that Citi has in the United Kingdom.

We also met Duncan Niederauer, chief executive officer of the New York Stock Exchange (NYSE). Duncan, like Bill Mills, is a good friend of Northern Ireland and a significant supporter of our inward investment drive. The NYSE employs some 300 people at its Belfast facility. Like Citigroup, the NYSE is a blue chip, internationally recognised company. Both companies confirmed that they would act as advocates for Northern Ireland at the October conference.

We called with Mayor Bloomberg at City Hall, where we discussed the investment conference and encouraged him to use his influence to seek participation by his contacts in corporate America.

We also met potential investors, and I am sure that Members will understand that I am unable to reveal their names for commercially sensitive reasons. We used that time to underscore our personal interest in developing relationships with investors and assured the companies' senior management teams of the Executive's continuing commitment to the economic development of Northern Ireland. We were delighted to receive a behind-the-scenes tour as guests of the World Trade Center memorial, where we met Marcus Robinson, the Belfast-based award-winning documentary film-maker, who has produced a work on the rebuilding of the centre following the 9/11 tragedy. We had the opportunity to meet Larry Silverstein, the New York businessman who is imaginatively developing the World Trade Center site.

Following the theme of regeneration, we visited Brooklyn Navy Yard to meet executives at Steiner Studios to look at opportunities to promote collaboration and film production in Northern Ireland. At the Wall Street 50 event — one of the most prestigious in the New York financial sector calendar — we addressed an audience of 250 financial services executives, highlighted the benefits of doing business with Northern Ireland and promoted the October investment conference. It is worth noting that

the combined employment figure for the companies represented in that room exceeded 300,000.

In summary, the visit allowed us to extend an invitation to the economic conference to a wide range of business executives. Furthermore, it provided an opportunity to strengthen relationships with existing investors and begin relationships with new ones. It is our intention to continue to build on the good work that Invest Northern Ireland is doing in the US when we visit Boston and Chicago next month. Plans are also at an advanced stage for our visit to Japan before the end of the year at the invitation of the Japanese Prime Minister, whom we met during the G8 summit.

**Mr McKay:** I thank the First Minister for his comprehensive answer. What he outlines is the great success that we have had in OFMDFM's work with New York as a city. That was possible only because of the saving of the air passenger route to New York. That shows what success can gather from —

**Mr Speaker:** I urge the Member to come to his question.

**Mr McKay:** — successful air passenger duty policy. Is it not time that we dealt with air passenger duty in its entirety so that we could have more success stories such as New York throughout Europe as well as in America and ensure that we boost our tourism sector and local airports?

**Mr P Robinson:** The issue of air passenger duty would not have been addressed had it not been for the visit that the deputy First Minister and I had with the chief executive of United. During that visit, it became clear what the intention of United was had that matter not been dealt with. Happily, the then Secretary of State and the Chancellor acted promptly and, at our behest, gave us a dispensation. If any further dispensation is to be given, I hope that it would be UK-wide so that we would not have to carry the cost of it. Voices are being raised across the United Kingdom urging the Chancellor to look at this issue because of the additional hardship that it creates.

**Mr Clarke:** The answer that the First Minister gave to the first question about the trip underpins the importance of trips to New York and other such places. What foreign direct investment will come to Northern Ireland as a result of his recent trips?

**Mr P Robinson:** We have been enormously successful, and I pay credit to Invest Northern Ireland and the Minister of Enterprise, Trade and Investment, Arlene Foster, who has just returned from South Africa where, I believe, she got a very good hearing from a number of companies. It is clear that if you are not out there fishing, you will not catch anything, to use a term of the deputy First Minister.

Northern Ireland has been going out much more than ever and has gained the reward for that. That was recognised by 'The Economist' and in other statistics that showed that Northern Ireland is doing better than any other part of the United Kingdom in relation to the size of its population as far as foreign direct investment is concerned. It is recognised in us being able to bring more foreign direct investment into Northern Ireland than at any time in the history of Northern Ireland. That shows the value of devolution. We are, under devolution, able to bring more investment into Northern Ireland than those who acted as our proxies under direct rule.

It is not just a case of going out to find new investors, although we were talking to new and potential investors on this occasion. During those conversations, however, we build up the relationship that we have with companies that are here. We talk to companies already based in Northern Ireland about their plans to see what role we may play in them. During a conversation with one company, and I will not mention its name, we touched on a subject that it had not been aware of our expertise in, and discussions have started on the potential for us being a base for that company's work in that area.

It is important to have the network, build the contacts and have friends in those businesses with access at the highest possible level, so that if there are issues that they need addressed, they know where to go to get that done.

**Mr Anderson:** I thank the First Minister for his responses so far. I will continue the theme of attracting as many jobs as possible to Northern Ireland. To what extent will the New York trip and visit impact next month's investment conference in Belfast and help to promote Northern Ireland as a good place to invest in and grow business?

**Mr P Robinson:** We got commitments from certain people who will be coming, if you like, to give testimony during the investment conference. On previous occasions, we found it hugely successful not to make the argument

ourselves. It is far more appealing to a potential investor to hear what those who have already invested have found. A good example is a company like Allstate. It started with a small number of employees, built itself up and now has several thousand in Northern Ireland. It has reinvested over half a dozen times. If 70% of the companies that invest in Northern Ireland reinvest, that gives people a very clear indication that this is a place to come to. Here, there is a good message that we have a competitive regime with regard to costs for labour and property and also that we have a skilled and loyal workforce. That means that investors will have people who stick with them for long periods. The churn rate is such that there are considerable savings to their overall bottom lines.

**Mr Dallat:** I thank the First Minister for his answer. Did the Ministers have an opportunity to minimise the impact of the summer disturbances on potential inward investors?

**Mr P Robinson:** Any unrest in the backcloth of Northern Ireland is clearly unhelpful to bringing investment here. I have to say that maybe it was because we set out in those discussions to indicate our view on those matters before people asked questions that the issue was never raised with us. That was probably because we caught the ball before it bounced. We indicated that there is massive stability in Northern Ireland compared with many countries and towns and cities in North America. If you were to compare the crime rate in Northern Ireland with that of major US cities, you would see that Northern Ireland comes out of that very well. It is the nature of the kind of violence and unrest that we have that gives it the news headlines. However, clearly, any unrest, violence, rioting, killing or injury is unhelpful to the message that Arlene Foster, the deputy First Minister and I have to pass to potential investors.

**Mrs Overend:** I thank the First Minister for all that information. Maybe he could outline the interest there is in the economic conference here in Northern Ireland and any targets that he might have for that conference.

**Mr P Robinson:** I think that it will be a very successful economic conference. Of course, the success of an economic conference is, I suppose, measured on its outcomes. The outcomes are not always known on the days of a conference or for some time afterwards. However, there is considerable participation and interest and many indications of willingness to take part in the various sessions of the

conference and of people who will attend. Of course, it arises out of a very successful G8 conference in Northern Ireland. We have asked the embassies of each of those countries to give us assistance. I have to say that we have been helped very well, obviously through DETI and Invest Northern Ireland, by what was the Department of Trade and Industry in the United Kingdom as a whole and through its embassies. It is a joint enterprise. As Members know, the Prime Minister will be involved directly in the conference. That adds to its prestige, importance and attractiveness to people.

**Mr McCarthy:** I thank the First Minister for his progress report on the Ministers' recent trip. Does he not recognise that it is quite unsustainable to keep presenting a united front when abroad and presiding over divisions and disunity when at home in Northern Ireland?

**Mr P Robinson:** We are part of a five-party mandatory coalition. I think that we need to be a little more mature about issues. We are not going to agree on every issue round the Chamber. There will be differences. What is important is that we manage those differences and that we recognise that that can be done only on the basis of respect for each other's position.

## 2.30 pm

Of course it would be nice if we could agree on every single issue and could do so promptly, but that is not the case. When we go out to market Northern Ireland to the wider world, it is important that we sing from the same hymn sheet. That is not hard, because we both believe in exactly the same thing: we want to grow our economy, to encourage people to come here, to provide jobs and to ensure that the economy in Northern Ireland grows. There is no reluctance on my part or on the part of the deputy First Minister to exploit that to the full where we have common ground.

## United Youth

2. **Mr McGimpsey** asked the First Minister and deputy First Minister for a breakdown of how the United Youth programme will be rolled out annually. (AQO 4589/11-15)

**Mr P Robinson:** The process of designing the United Youth programme is being taken forward by a design group specifically established to research and detail the proposals and costs for implementation. That will include how the programme will be rolled out. Officials from the



design group have already engaged with stakeholders, and that process will increase over coming weeks. I am pleased to say that the proposal has been widely welcomed, and there is significant interest in and excitement about its potential. The design group has already undertaken considerable work and is expected to conclude in the next few months. The report will inform ministerial decisions on the way forward.

**Mr McGimpsey:** Bearing in mind that around 46,000 young people are without employment and that 10,000 places are being offered, can Mr Robinson indicate what the decision-making process is on the criteria for awarding those places? Will he also confirm that his office will take the lead in this matter?

**Mr P Robinson:** First of all, it was because of our recognition that very considerable numbers are unemployed — he indicated that there are 46,000, but, as he will understand, that is a moveable feast — that we decided that this was an appropriate programme. Indeed, that is why we specifically indicated that the places should go to those in the not in education, employment or training (NEET) category.

I have to say that not everybody is as convinced as he and I might be about the number of people from that category who will want to take part. Indeed, some of the discussion has been about whether there should indeed be a further revision of who is entitled to take part in the programme if all the places are not taken up by those in the NEETs category.

The Department obviously has the overarching responsibility, but we are not a delivery Department to that extent. Therefore, we will look to other Departments that are more directly involved and that have staff available to look after the implementation.

Of course, the programme has three elements. The first element — this directly involves giving young people the opportunity to get jobs in the future — is a placement with a business enterprise so that they might become accustomed to getting up in the morning, going out to a place of work and seeing how business operates.

The second element provides more of a civic function, as they will become involved with some charitable, community or other organisation so that they can become better citizens.

The third element is that cross-community element. Unfortunately, many young people do not have the degree of interaction with people from a different community background. The programme will allow them to have that interaction, giving them a better understanding of the other people with whom they share this piece of territory.

**Mr Spratt:** This has been a massively popular proposal. Will the First Minister outline the positive impacts that a programme of this nature and scale can have overall?

**Mr P Robinson:** I am grateful to the Member for his view on the positive nature of the programme. I have to say to him that, as this is a new project with very ambitious numbers, it may be that we will end up with a choice between a longer lead-in period, if we immediately go for 10,000 places, and a shorter lead-in period, if we want to scale it up and phase it in. Whichever is the case, I am pretty sure that it will be beneficial. It is beneficial to young people because they will have the opportunity to become engaged and involved in work, making them better rounded human beings. An employer will look at it as a positive element in anybody's CV, just as the Peace Corps, for instance, is viewed in the United States. If they see that somebody has gone through this programme, they will recognise that he or she is a more rounded individual. Of course, from a cross-community and good relations point of view, the fact that they have gone through a programme on the good relations aspect of our work is beneficial to the community as a whole.

**Mr Eastwood:** Can the First Minister provide more detail on some of the major companies that will support the programme?

**Mr P Robinson:** I cannot give him that type of detail. The design group will bring us a report on that. I have gone out and about since the programme was announced and talked to the leaders of various organisations. For instance, the Confederation of British Industry indicated that it will positively support the programme and will encourage people in that organisation to do so. I have talked to people in community organisations who are very interested in the opportunity to get people involved in the work that they are doing and to get some help for that work. It is self-evident that the work on good relations will be helpful. Until the design team comes back with proposals, I cannot give him any further detail but I will do so when that is available.

## Victims and Survivors

3. **Mrs Hale** asked the First Minister and deputy First Minister to outline the resources that have been allocated to support victims and survivors. (AQO 4590/11-15)

**Mr P Robinson:** Mr Speaker, with your permission, I will ask junior Minister Jonathan Bell to answer that question.

**Mr Bell:** Since devolution, we have tripled the funding that is available for victims' and survivors' services and needs. In addition, we have undertaken a significant fundamental reform of provision and support for the sector, and that has been completed. That included agreeing a 10-year strategy, establishing the Victims' Commission, the subsequent creation of a victims' forum, the commissioning and obtaining of the new comprehensive needs assessment from the commission, and the establishment of a new streamlined delivery mechanism in the victims' service.

The new programme in place through the service addresses issues including health and well-being, social support and individual needs. It covers a wide range of key activities, such as help with chronic pain, disability support and education. Individuals will have a package of assistance tailored to their particular assessed needs. Additionally, the service is currently reviewing funding allocations with officials and the Commission for Victims and Survivors, based on information from recent needs-based assessments and from monitoring returns. That review will ensure that the service moves forward to the second year of its programme with appropriate funding allocations that are based on actual assessed needs of victims and survivors. Through the service, we are absolutely dedicated to ensuring that victims and survivors get the best help that we can provide.

**Mrs Hale:** I thank the junior Minister for his answer. Has support for groups also been increased or does the funding represent an increase to individual victims only?

**Mr Bell:** I am pleased to say to the honourable Member that support for both individuals and groups has been increased. As I said, our focus was on ensuring that we had a tailor-made service that directly met the needs of individual victims. Many of those needs differ. Many people want an individual service, but we also know that victims' groups have done excellent work and demonstrated really good practice in helping and supporting victims.

Therefore, I want to take a moment to pay tribute to those who have worked collectively in a group format with victims because, in many cases, that group format has facilitated a level of community support and allowed people who have experienced similar circumstances, difficulties and trauma to meet and share their experiences in a group setting. That group support has helped them to lead better and more productive lives and to deal with the trauma that they should never have had to endure in the first place.

**Mr Lyttle:** Will the junior Minister account for the delays and difficulties experienced by some victims in their applications for assistance from the Victims and Survivors Service?

**Mr Bell:** The Member's premise is difficult. I find it hard to find something negative when we have tripled the funding that has gone into the sector, but that may be the case in his mind. We wanted to ensure that we had a responsive service that could look to the needs of individuals who wanted to meet and be assessed comprehensively in an individual setting. We also wanted to look together at the support that groups have received.

Anybody who looks fairly at what the programme has done in its three strands in the past, and what it will do in the future, will see a victim support programme that, particularly with health and well-being, to which £8.5 million has been allocated directly, contributes to the health and social care of victims and survivors through individual courses of treatment and/or care. The social support programme, to which £7.3 million has been allocated with the aim of supporting and maintaining the resilience of our victims and survivors, will assist in addressing the legacy of the past and building a better and a shared future.

The service has also been allocated £3.6 million to provide direct financial assistance to those with identified needs. Research and capacity building were also allocated £300,000 to ensure that the best possible service is provided to people who need it most.

**Mr Attwood:** I know that the junior Minister will accept that, in addition to resources, many families, survivors and victims still seek truth and accountability. Will he confirm whether, in addition to the due process of criminal investigation, he is in favour of truth and accountability mechanisms that see those in command and control of state organisations and paramilitary organisations being held to account for their actions?

**Mr Bell:** Of course I am in favour of bringing justice to innocent victims. Victims deserve justice, and in many cases, they have been failed by the justice system. That is because 60% of all the death and murder was attributed to republican terrorists, 30% to loyalist terrorists and only 10%, which is the matter that the Member seems focused on in his question, were deaths related to the state. We should deal with the 90% of those who caused the difficulties. We need to find out where the terrorists kept their records of their command and control structure. We need to find out who in the terrorist organisations directed and sent out people, whereby innocent people found themselves in a situation in which they were murdered. The 90% need to be held to account, as well as, when there is evidence, bringing to account anyone within the state who is responsible for death.

However, the Sutton index is clear: 60% of deaths were carried out by republican murderers, 30% by loyalist terrorists and only 10% by the state. It is time for the terrorists and their organisations to step up to the plate to tell us the truth of what they know. I have to say that I do not have a lot of confidence, because the Gerry "I was never in the IRA" Adams does not inspire me.

## Undocumented Irish

4. **Mr Rogers** asked the First Minister and deputy First Minister whether, during their recent American visit, they held any discussions with senior American government officials about the undocumented Irish, in relation to the forthcoming US immigration reform legislation. (AQO 4591/11-15)

**Mr P Robinson:** The focus of our visit to the United States earlier this month was economic development. We had the opportunity to meet a wide range of business executives, and we used those meetings to promote inward investment and to encourage participation in the October investment conference. Senior American government officials are based in Washington, DC. We were in New York, so we neither sought nor had the opportunity to raise any issues with them.

**Mr Rogers:** Thank you, First Minister. Given that the immigration Bill will come to the House of Representatives soon, are there any plans to go to Capitol Hill to lobby on behalf of the undocumented, who come from all parts of our community?

2.45 pm

**Mr P Robinson:** I always enjoy it when people use the English language to gentrify something that might be considered differently. Of course, we are talking about illegal immigrants rather than the "undocumented" Irish, and I do not think that it is a job for me to make representations — it is for the Irish Government to deal with Irish passport holders — nor do I think that it would be right for me to persuade the Congress or Senate of the United States in these matters. It is, after all, a matter for the United States to decide whom it allows to enter or stay, although I have no doubt that many of those whom the Member described as "undocumented" have made a contribution over many years there. Doubtless, if the politicians there are looking at categories, they may well find favour with those who have made a contribution rather than those who are in the United States to see what they can get out of the United States.

## Environment

**Mr Speaker:** We move to questions to the Minister of Environment, and, again, we start with topical questions. I will take the opportunity to welcome the new Minister to the Chamber and wish him well in his new appointment. I know that I speak for the whole House when I say that.

## Planning Service: Enforcement Powers

1. **Mr Wells** asked the Minister of the Environment whether he believes that the Planning Service, for which he is responsible, has adequate enforcement powers. (AQT 91/11-15)

I concur, Mr Speaker, in congratulating the honourable Member for Foyle on his appointment. I understand that I have the privilege of being the first Member ever to ask him a question, which I relish. I could have asked him about his policy on Reeves's muntjac, the conservation of the great skua or whether he will sign the Aarhus Convention, but I did not.

**Mr Durkan (The Minister of the Environment):** Thank you, Mr Speaker and Mr Wells, for your kind words of welcome and encouragement.

Planning enforcement, and the perceived lack thereof at times, are a great source of frustration to all of us as elected representatives, as they are to the general

public. Enforcement is a key priority for the Department, and a number of its enforcement powers have been enhanced over recent years through a series of legislative amendments. Changes include the increased use of improved IT management systems to monitor performance; the use of weekly management reports by officers to ensure the proactive management of individual cases and identification of trends; the delivery of staff training; and the fact that all area offices now have a dedicated enforcement team.

My predecessor, Minister Attwood, convened an enforcement summit to consider compliance and enforcement functions, specifically what measures are currently deployed in dealing with enforcement and how they could be improved. I intend to follow up on those discussions to ensure the delivery of an enforcement system that will be more robust, more adequately resourced and operate as an effective deterrent to environmental and planning crimes.

**Mr Wells:** That is all very interesting, but, if the newly crowned Minister happened to delve into his files, he would find a very thick one marked "Finnebrogue venison". He will find a litany of letters from me and many residents about that case. I see the honourable Member for West Belfast smiling because he is a world authority on Finnebrogue venison. What that case showed —

**Mr Speaker:** I encourage the Member to come to his question.

**Mr Wells:** — is that, if a developer is prepared to run a coach and horses through the legislation, he can do so, and the only reaction from Planning Service is, "Well, what do you expect us to do about it? It is already there."

**Mr Durkan:** I know that Finnebrogue venison is very "deer" to Mr Wells's heart. *[Laughter.]* However, I am not sure that the analogy of a coach and horses is appropriate when discussing a meat-processing plant.

I am aware of the protracted enforcement history on this site. On a number of occasions, it involved formal enforcement action by the Department in response to the carrying out of unauthorised development. That goes as far back as 2000, when planning permission was first granted for a game-handling plant. I can confirm that the current development on the site has received approval. However, with that approval came 12 planning conditions, and I have instructed planning officials to monitor the site and ensure that they are complied with.

## Statutory Transition Committees

2. **Mr McAleer** asked the Minister of the Environment whether the 11 statutory transition committees have been established under the terms of the July 2013 statutory transition guidelines. (AQT 92/11-15)

**Mr Durkan:** I thank the Member for that question. All but one of the statutory transition committees (STCs) have been established. The one that has not been established is that in Belfast, and that is more down to issues in Lisburn and Castlereagh councils rather than in Belfast. There have been some well-documented issues with the establishment of transition committees right across the council areas. Some councils have chosen to ignore the guidelines that the Department issued on the selection of members for the STCs.

**Mr McAleer:** Go raibh maith agat. In situations where councils have ignored the guidelines, does the Minister have the power to intervene and reappoint committees?

**Mr Durkan:** I have issued a directive to my officials to research and find out what exactly I can do on that. They are drawing up regulations that will, hopefully, empower me to direct the councils to rerun the selection process using one of the three approved methods — d'Hondt, Sainte-Laguë or single transferable vote — to secure proper and proportionate representation on the STCs. That has to be run in accordance with the vote at the most recent council elections in 2011 to fully reflect the democratic will of the people in those areas. I am disappointed at councils that continue to fail to apply those procedures, as failure to do so is basically a blatant flouting of the democratic will of those people.

## Exploris

3. **Ms Lo** asked the Minister of the Environment whether he would consider intervening in the attempt to close Exploris on the grounds that there has been no equality impact assessment (EQIA), no public consultation and no financial impact study. (AQT 93/11-15)

I welcome the Minister to his first Question Time. I wish him well for his term of office.

**Mr Durkan:** I thank the Member for her congratulations and welcome. I look forward to working with Ms Lo in her capacity as Environment Committee Chair.

I understand that a final decision regarding the future of Exploris will not be made until Wednesday night, so it would be premature to comment until then. I have, however, asked my officials to meet council officials after Wednesday night's meeting to discuss the details. I have received quite a bit of correspondence on this issue over the past few days. The impact of the closure will be keenly felt by not only the thousands of schoolchildren who attend for educational visits every year but the local economy, with a great loss to businesses. That will be the case not just where the aquarium is situated but in Strangford.

**Ms Lo:** I thank the Minister for his answer. Without proper consultation by Ards Borough Council, does the Minister accept that this is a case of maladministration and ask for a deferral of the decision?

**Mr Durkan:** Again, I will have to wait until the outcome of Wednesday night's meeting and the discussions between my officials and council officials. I do not believe that intervention should fall solely on the Department of the Environment. I mentioned the number of educational visits that take place to the Exploris aquarium. The Strangford ferry also relies on visitors to the aquarium. I believe that we could look at a collaborative cross-departmental approach or intervention. Again, however, all that is pending the outcome of Wednesday night's meeting.

## Arc21: Recycling Targets

4. **Mr Humphrey** asked the Minister of the Environment what progress is being made regarding Arc21 and recycling targets for Northern Ireland. (AQT 94/11-15)

I, too, welcome the Minister to the Dispatch Box, and I wish him well as he carries out his work for the people of Northern Ireland.

**Mr Durkan:** I thank the Minister — I thank the Member for his question.

**Mr Wells:** Not yet. Give him time.

**Mr Durkan:** He is not the Minister yet. Hopefully, he will be some day so that I can ask him a question that he cannot find the answer for. *[Laughter.]* Arc21 is in the process of seeking a new proposed location.

There were difficulties around its planning application on the previous site. However,

negotiations are now ongoing with my Department to find a suitable site for its gasification plant. Being from the Foyle constituency, I am well acquainted with the arguments and debate that surround such waste infrastructure. Unfortunately, however, I am also all too aware of the need for such infrastructure to help us to deal with the ongoing problems facing us as we attempt to deal with waste and reduce the amount of waste produced and then sent to landfill.

**Mr Humphrey:** Thank you very much, Minister. If the progress that you envisage is not made in the timescale that you envisage, will there be infractions for Northern Ireland, and at what level will they be?

**Mr Durkan:** There is a degree of urgency with how those applications are processed, and that is due to the threat of infractions and the resulting fines coming from Europe. That is why it is incumbent on us all to work together to address the concerns of those who are objecting to the plants before we face the prospect of real and extremely significant fines. I do not have the exact figures here, but they will have a significant impact on our ratepayers.

## Arc21: Investment

5. **Mr Beggs** asked the Minister of the Environment whether he has been briefed by Arc21 on new infrastructure investment. (AQT 95/11-15)

I also congratulate the Minister on his appointment.

**Mr Durkan:** I have not yet had a meeting with Arc21. I have met its counterpart that is dealing with the plant in my constituency, the North West Region Waste Management Group. I expect to meet Arc21 in the not-too-distant future, and I have spoken to other elected Members on the situation there.

**Mr Beggs:** Does the Minister agree that it is vital that the value-for-money aspect of any proposal be carefully looked at, that the location be carefully selected and that, in determining its capacity, the site be of an appropriate size, given the changing consumer values and new processes that are coming in, so that we do not pay for something that is excessive to our future needs?

**Mr Durkan:** Yes, I agree. It is imperative that those plants represent value for money. Although I have spoken of the danger and the

real risks that are involved through the fines that are coming from Europe, with which we do not want to saddle ratepayers, it is important that we do not saddle ratepayers with a white elephant either.

### **Cottonmount Landfill, Mallusk**

6. **Ms Brown** asked the Minister of the Environment for his assessment of the Cottonmount landfill site at Mallusk given ongoing residents' concerns over odour pollution. (AQT 96/11-15)

I also welcome the newly appointed Minister to his position, and I look forward to working with him in my capacity as the new Deputy Chair of the Environment Committee.

**Mr Durkan:** I thank the Member for her question and congratulate her on her appointment as Deputy Chair of the Environment Committee. I look forward to working with her in that capacity. Unfortunately, I am not fully apprised of the detail of that specific issue. However, I will be happy to meet the Member and discuss it further at a later date.

**Ms Brown:** Thank you, Minister, for that answer. I am seeking assurance for the residents of Mallusk that the inspections and monitoring of the Cottonmount site will be increased in the future. Therefore, I look forward to meeting you to discuss that subject.

**Mr Durkan:** I assure the Member that this site will be subject to the full rigours of Northern Ireland Environment Agency enforcement and monitoring to reduce or eradicate any detrimental impacts that this will have on residents in the area of the site.

**Mr Speaker:** Mr Allister is not in his place to ask question 7.

### **Flags: Designated Days**

8. **Mr Lyttle** asked the Minister of the Environment whether he would be minded, as part of local government reform, to introduce a standardised regional policy of Union flag flying on designated days at all council buildings. (AQT 98/11-15)

I also extend my congratulations to the Minister.

**Mr Durkan:** I thank the Member for that question. My predecessor raised flags — the

issue of flags — at the political reference group meetings, in the context of the local government reform process. At its last meeting, in June, members commented that it would be sensible to give the First Minister and deputy First Minister's proposals — which are now the Haass talks — space to develop and see what happens about flags in the wider cultural context.

**3.00 pm**

**Mr Lyttle:** I thank the Minister for his response. In the event that the Haass talks process does not identify an appropriate solution, will the Minister then be minded to consider introducing a policy?

**Mr Durkan:** It is certainly something that I will look at. However, I think it is important, at this early stage, when we are already facing difficulties in the establishment of statutory transition committees and trying to ensure harmonisation in the new STCs, that we do not bring an issue as divisive as that to the table unnecessarily.

**Mr Speaker:** That concludes the topical questions. We now move to oral questions to the Minister of the Environment.

### **North/South Ministerial Council: Environment**

1. **Mr Brady** asked the Minister of the Environment what issues he will table for discussion at the next meeting of the North/South Ministerial Council. (AQO 4602/11-15)

**Mr Durkan:** The next meeting of the North/South Ministerial Council (NSMC) in environment sector is scheduled for Wednesday 30 October, and work is continuing to finalise and agree the agenda for that meeting. It is too early in that process to confirm what that agenda will look like. However, I can reiterate what I said at the Environment Ireland conference in Croke Park a few weeks ago. Environmental issues such as water quality, waste management and air pollution — and their impacts — have no boundaries, and we must take a strategic all-island approach to harness mutual benefits both North and South.

The final agenda for the meeting in October will focus on those issues, and I am very much looking forward to working with Minister Phil Hogan to build on the good work that has

already been achieved by the collaboration between the two Administrations.

**Mr Brady:** I thank the Minister for his answer, and I too add my congratulations on his appointment. Will he detail the cooperation between North and South on road safety?

**Mr Durkan:** Road safety is obviously an extremely important issue, but it is not something that would come up in the environment sector of the North/South Ministerial Council; it is for the transport sector, and it is something that I will raise at the transport sector meeting in November. I am currently working on the Road Traffic Safety (Amendments) Bills Nos 1 and 2. Those will look towards the mutual recognition of penalty points in both jurisdictions, which, again, is another step towards good, safe roads on this island, because, as we share our air and our water, we also share our roads. It is vitally important that we work together to ensure that accidents, casualties and fatalities on our roads are kept to a bare minimum, if not eradicated altogether.

**Mr McKinney:** I too congratulate the Minister. Will he provide the house with an update on the tyre survey report?

**Mr Durkan:** I thank the Member for his question and welcome it very much. Quite a lot of work has been done on tyres. It is imperative that we take all the steps we can to deal with waste tyres. I know that quite a bit of work has gone on between the jurisdictions, looking at how tyres can be recycled and reused to prevent them entering the waste stream, if you like. One such reuse would be for carpet underlay. It is incumbent on us to look at creative ways of doing things and that we do so together. It is also important that we tighten up enforcement and ensure that, for those who are disposing of tyres illegally — be they from the North and doing so in the South, or vice versa — there are severe and strict penalties to discourage such illegal behaviour.

**Mr Cree:** I also congratulate the Minister and wish him well. I pay tribute to the outgoing Minister, who I always found to be very fair and sincere. Last week in the Assembly the Agriculture Minister came under repeated criticism for the lack of content in her statement and her responses. Minister, will you tell us the importance you place on enforcing all available law on the smuggling of fuel across the border? Are you satisfied that enough is being done, and, if not — or perhaps as well — will you

include that in the NSMC meeting at the end of next month?

**Mr Durkan:** That is a relief. I thought I was going to come under criticism for the lack of detail in my responses.

Fuel laundering is not one of the areas mandated for discussion at the NSMC environment meetings, but it is an issue that I take very seriously. Just before he left office, Alex Atwood announced an extra £1.5 million of funding to pursue waste and fuel laundering criminals. I am making sure that that money is targeted at the worst offenders. It is vital that we face down organised crime on the island of Ireland, and by doing so protect our clean and green environment. The extra money will mean that we will have more people on the ground visiting sites, checking waste movements and investigating hauliers using illegal fuel, including looking very closely at their financial practices and computer records. It is important that criminals and organised crime gangs know that we are going to be looking for them.

## Wind Farms

2. **Mr Boylan** asked the Minister of the Environment to outline his Department's approach to planning applications for wind farms in areas of outstanding natural beauty. (AQO 4603/11-15)

**Mr Durkan:** Go raibh maith agat as an cheist sin agus déanfaidh mé mo dhícheall freagra a chur uirthi anois. Policy RE1 of Planning Policy Statement 18 (PPS 18), which is on renewable energy, does not distinguish between areas designated for their significant landscape value, such as areas of outstanding natural beauty, and other undesignated landscapes. Nonetheless, the policy requires that all renewable energy development, regardless of whether it is proposed in a designated or undesignated area, should not result in an unacceptable adverse impact on the visual amenity or landscape character of that area.

To assist the Department in the consideration of wind energy applications, PPS 18 is accompanied by best practice guidance and supplementary planning guidance (SPG) on wind energy development in Northern Ireland's landscapes. The SPG provides broad, strategic guidance in relation to the visual and landscape impacts of wind energy development for 130 landscape character areas (LCAs) across Northern Ireland. Within each LCA, the key landscape and visual characteristics are identified. In relation to the scenic quality of an

area, the LCA will identify whether any part is subject to designation as an area of outstanding natural beauty. An assessment is also made as to the overall sensitivity of the landscape to wind energy development. The SPG advice is taken into account by the Department as strategic guidance in processing planning applications for wind energy developments across the whole of the North.

**Mr Boylan:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as ucht a fhreagra. I thank the Minister for his answer and wish him well in his new position. Has he any particular concerns about the number of applications in the system for wind farms in the Sperrins and how those would impact on the landscape, tourism, jobs and amenity of the area in general?

**Mr Durkan:** Go raibh maith agat as an cheist sin agus déanfaidh mé mo dhícheall freagra a chur uirthi anois. There are indeed, looking purely at statistics, a disproportionate number of wind energy applications in that area. Of course, that can be attributed to the landscape itself, which lends itself to greater wind speeds, and to the increased rurality, I suppose, of that area, which makes it more attractive to this sort of development; ie, there are fewer residents and, therefore, maybe fewer people to object. I think that there are currently applications in the system for 16 wind farms. Eight of those are in the west Tyrone area, with quite a few in east Derry as well. That is something that really does need looked at. We are very supportive of renewable energy. We have Programme for Government targets to meet, and I think it important that we work together and with communities to meet those targets and reduce our greenhouse gas emissions.

**Mr Wilson:** I also welcome the Minister to his post.

In the interest of transparency, would he perhaps reveal to the House what support his party obtains from the renewable energy industry, so that we can ascertain whether the despoiling of the countryside by wind farms, which was the mark of his predecessor, is because of ideology or because of some other sinister motive?

**Mr Durkan:** Not for the first time in this House, Mr Wilson is tilting at windmills. I am unable to clarify any support that my party or any other party receives from the renewable energy sector. However, it is incumbent on all of us, as elected politicians, to support that sector where possible. However, we should not run

roughshod over the wishes of residents, and each application should be assessed on its merits.

**Mr Rogers:** I, too, congratulate my colleague and acknowledge the hard work of the previous Minister. Will the Minister outline his approach to planning applications for single wind turbines in populated areas?

**Mr Durkan:** The approach to single wind turbine applications is very much akin to the approach to wind farm applications. They have to go through the same strenuous tests, including environmental impact assessments and so forth. Currently, there are over 700 live applications to deal with individual turbines, and, unfortunately, these do not just generate electricity, they generate objections, sometimes rightly so, from residents. However, over the past three years, there has been a marked increase in the number of applications for single turbines. On average, there have been 900 applications each year for the past three years, whereas, in 2009, there were only 600 applications.

**Ms Lo:** Given the fact that 40% of wind turbines that have been approved or are in the pipeline for approval are in the west Tyrone area, do you think that there is a need for a more strategic approach to planning overall, for example, such as zoning areas, so that the building of wind farms will be absolutely concentrated in one area that has a lot of wind?

**Mr Durkan:** I thank the Member for that question and suggestion. It might be something that is worth looking at. We do not want areas completely destroyed by a proliferation of wind turbines and wind farms. The Member referred to the number of approvals. That is another issue that we need to look at. There are approvals granted for turbines and farms, and, some years later, they have not been able to be constructed due to a failure to get a grid connection. Sometimes, that gives a skewed impression of what is there on the ground and in the sky.

## Air Quality

3. **Mrs Overend** asked the Minister of the Environment whether he has agreed terms of reference with his counterpart in the Republic of Ireland for the study on all-island air quality. (AQO 4604/11-15)

**Mr Durkan:** The terms of reference for the study on all-island air quality were agreed



between my predecessor Minister Attwood and my southern counterpart, Minister Hogan, and received North/South Ministerial Council approval in July this year. A procurement process is under way to secure consultants to carry out the research, and I would expect to have an update on that process at the October meeting.

**Mrs Overend:** I, too, join with others in congratulating Mr Durkan on his ministerial position. Can the Minister outline why this is concentrated on issues around smoky fuel, including smoky coal, but it does not deal with other fuels, including peat?

**Mr Durkan:** The research study is being jointly commissioned, funded and overseen by my Department and by the Department of the Environment, Community and Local Government to assess the current levels of air pollution on an all-island basis. It will examine the significance of residential heating and solid fuel burning, such as smoky coal, and, hopefully, that will be extended to peat. However, it is important that we take into account the social and economic implications of anything that might come out of these meetings, and those will also help to dictate and form future policy options.

3.15 pm

**Mr Campbell:** The Republic of Ireland proposes to build a massive wind farm in the midlands of that country to assist with the UK's energy profile. Has the Minister had or will he have any discussions with his counterpart in the Irish Republic to see whether that will have any impact on meeting our element of the UK's percentage target for renewable energy?

**Mr Durkan:** I thank the Member for his question. I have not had any such conversation to date. I will put that on my ever-lengthening to-do list and get back to the Member in writing when I have further information.

**Mr Agnew:** I congratulate the Minister on his appointment and on a sterling performance so far. Does he agree that it is important that we have an evidential base measure of our air quality so that, should something like fracking go ahead, we have a baseline with which to compare any impacts?

**Mr Durkan:** Solid evidence is extremely important, and I will use it to inform any decision that I make on any issue. You touched on fracking, on which I am collaborating with my counterparts across the border. We are sharing

information and knowledge. It is vital that that is done before any decision is made on how we go forward.

**Mr McElduff:** Go raibh maith agat, a Cheann Comhairle. Does the Minister agree that any move to ban smoky coal will be politically difficult because cleaner forms of fuel are more expensive? I wish the Minister every success with his portfolio.

**Mr Durkan:** Any move to ban smoky coal would probably lead to my election posters being burned instead. It would indeed be politically difficult. However, there is science on this matter. Fuel is more expensive here than in Britain, and poverty levels are higher. People are burning smoky coal in smokeless areas to try to combat that. However, investigations by my officials and right across the board show that, while smokeless coal is slightly more expensive than smoky coal, there is scientific evidence that smokeless coal burns longer and with a higher heat output, which actually negates any perceived extra cost. It is important that we not just enforce this but educate the public on the matter.

## Review of Public Administration

4. **Mr Girvan** asked the Minister of the Environment what additional moneys there are within his Department's budget to help councils with transitional arrangements for implementing the review of public administration. (AQO 4605/11-15)

12. **Mr McGimpsey** asked the Minister of the Environment to provide up-to-date figures on the full cost of implementing local government reform. (AQO 4613/11-15)

**Mr Durkan:** With your permission, Mr Speaker, I will take questions 4 and 12 together.

Earlier this year, my predecessor successfully bid for additional moneys from the Executive to meet some of the transitional costs of local government reform. While local government will benefit from the reform process in the long term, there are a number of one-off costs that will not be met through the greater efficiencies that will result, post 2015.

The funding package of £17.8 million is intended to meet inescapable costs associated with various elements of the transition process during the 2013-14 and 2014-15 financial years. That funding includes £5.2 million to establish and run the councils in shadow form; £3.5 million for a councillors' severance scheme;

£0.6 million for staff induction; £3 million for capacity building; £1 million for change management; £0.5 million for winding up councils; and £4 million to cover borrowing for information and communication technology.

There is also an Executive commitment of up to £30 million for rates convergence following the creation of the 11 new councils in April 2015. My Department has no additional moneys available in its own budget. Any additional costs will have to be met by local government.

At the inaugural meeting of the regional transition committee on 25 April 2012, a range of key reform, funding and finance issues were identified for inclusion in the finance working group's programme. One of the finance working group's key tasks is to develop an up-to-date and accurate analysis of the full costs and benefits of the reform implementation programme. To do that, local government has developed a template and accompanying guidelines for individual councils and transition committees to accurately estimate the costs of reform. The returns are being examined and analysed to validate the data. That will provide an up-to-date estimate of the full cost of implementing reform of local government.

**Mr Girvan:** I thank the Minister for his answer. I also congratulate him on his elevation to the post. I appreciate that some councils have been attempting rates convergence among themselves and will probably be penalised for that. I appreciate that good practices have been demonstrated in some council areas. What message is going out to ensure that the STCs actually engage? They have known for some time that there will be 11 councils. Some of them have been sitting in the background doing absolutely nothing until now, whereas others have been engaging. What message is going out to those councils to ensure that they engage?

**Mr Durkan:** I thank the Member for his supplementary question. About a fortnight ago, I issued guidelines to the STCs, and they contained guidance on financial management and convergence procedures. I take the Member's point on board. Some councils and transition committees seem to have buried their heads in the sand and hoped that the day and hour would not come when they had to cough up and put money into the pot. It has now begun to dawn on them that they must do so. My Department and I will have to work with transition committees and councils to ensure that they do so, and we will enable them to do that.

**Mr McGimpsey:** I also wish the Minister well in his new post. I understand from his answers that extra costs will not be met by his Department's budget but must be met by local government. We should bear in mind that local government means ratepayers, for whom there will be extra costs with this exercise. Will the Minister give us an up-to-date estimate of costs? All we have to work on at the moment is the PricewaterhouseCoopers report, which is now some years out of date.

**Mr Durkan:** I thank the Member for his supplementary question. I take his concerns on board. Unfortunately, at this stage, I am not in a position to give a fully up-to-date report on projected costs. It is important that we monitor costs as they spiral and continue to work with the transition committees and councils to make sure that costs do not spiral too far and that we direct the councils about how best to manage them.

**Mr Flanagan:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a fhreagraí go dtí seo agus comhghairdeas dó as a phost nua. I thank the Minister for his answers, and I wish him well in his new role. Will he give a figure as to how much of the £30 million for rates convergence will be set aside for the problem in Fermanagh and Omagh? Will he at least give me an assurance that a substantial proportion of the total figure will go down to that area?

**Mr Durkan:** Go raibh maith agat as an cheist sin. The further commitment of the estimated £30 million for rates convergence, following the creation of the 11 new councils in April 2015, will essentially protect those whose rates bills may have experienced a significant increase as a result of merging with councils where rates are at a higher level. That will apply wherever it applies. I do not think that it is particular or unique to the area that Mr Flanagan mentioned. However, I give him an undertaking that funds will be directed to that area as well as to other places that need it.

## National Park

5. **Ms Lo** asked the Minister of the Environment for an update on the development of a national park. (AQO 4606/11-15)

**Mr Durkan:** My predecessor, Alex Attwood, met a wide variety of interested parties, both those in favour of and those opposed to national parks, in his efforts to promote the concept. Like Alex, I believe that national parks have much to offer us, but I am conscious of

the significant opposition to them. It is clear to me that a national park should not be imposed on any area, so I want to take time to consider carefully the issues involved to see whether it is possible to proceed with enabling legislation at this time.

**Ms Lo:** Given the economic, environmental and tourism benefits of a national park, as evidenced elsewhere on these islands, would the Minister be prepared to champion one in Northern Ireland?

**Mr Durkan:** I am fully aware of the benefits of national parks that Ms Lo outlined. However, as outlined in my original answer, I think that it would be wrong and unproductive to impose parks in areas that do not want them. As Minister, I intend to work with those in favour of parks and those against parks. In the absence of enabling legislation, should I choose not to proceed, it is important that we work with all stakeholders to maximise the benefits of our natural and built heritage — the things, which, in some people's eyes, make this an ideal place for national parks — and develop our tourism product with it.

**Mr Weir:** I join others in welcoming the new Minister and wish him the best.

In light of the level of opposition, I am, in many ways, surprised that the issue has not been buried by this stage. Given that the principal thrust of the opposition comes most fervently from the farming community, what meetings does the Minister intend to have with its representatives in the near future to discuss the issue further?

**Mr Durkan:** As I said, my door is open to meetings with those in favour of national parks and those opposed to national parks. I do not believe that I have a date in my diary to meet farmers on this matter, but I am pretty determined to do so. They were very vociferous in their opposition, and it is important that they are listened to. However, it is also important to outline the potential benefits of a national park to those opposed to them so that their position will be a bit more informed. There was quite a bit of scaremongering at the time, and there needs to be a balanced public debate on the issue as well.

**Mr Beggs:** Does the Minister accept that there are already many restrictions in the areas identified for national parks? It is not just the agricultural community that is opposed; many in the hospitality community are opposed because of fears of additional burdens that will fall on

them. Will he confirm that, in many of those areas, there are fears and concerns among many small businesses and communities about the loss of employment in agriculture and hospitality?

**Mr Durkan:** Yes, I recognise that the concern is not only from farmers but is shared by others. That is why I think it important to have a more full public debate, as I said to Mr Weir. There was a lot of public opposition last year, when there were attempts to bring this forward, but I do not think that we heard enough from those in support of parks and those extolling their benefits. Only with that information can one can make a balanced decision on how this should proceed, or otherwise.

## Review of Public Administration

6. **Mr Lynch** asked the Minister of the Environment to explain the key elements in his Department's circular on the establishment and operation of statutory transition committees. (AQO 4607/11-15)

**Mr Durkan:** The Department has issued two sets of guidance for the purpose of assisting councils to establish and effectively operate their statutory transition committees. The first tranche of guidance was aimed at establishing the committees and includes direction on convening the first meeting to establish the new committees; explaining the size of membership of each committee; electing members using proportional representation; supporting female representation to improve gender balance; promoting governance and procedures through model standing orders; advising on corporate plans, business plans and budgeting; providing for premises and elections to the posts of chair and vice-chair.

The second tranche of guidance focuses on operational finance arrangements; systems of internal financial control; advice on assets and liabilities; utilising support staff with particular operational skills; publishing corporate and business plans; and information sharing across existing councils and committees.

All elements of the guidance are key to the statutory committees driving convergence between the merging councils and discharging their responsibilities under the reform programme.

**3.30 pm**

**Mr Lynch:** Go raibh maith agat, a Cheann Comhairle. Gabhaim buíochas leis an Aire as a

fhreagra. I thank the Minister for his answer. I was going to congratulate him, but I remembered that I met him at the Fleadh Cheoil. I will give him my best wishes anyhow.

What plans are in place for similar regulations for the operational role of the 11 new councils?

**Mr Durkan:** I am sorry; could the Member repeat the question?

**Mr Speaker:** I ask the Member to repeat the question.

**Mr Lynch:** Fadhb ar bith. No problem whatsoever. What plans are in place for similar regulations for the operational role of the 11 new councils?

**Mr Durkan:** I thank the Member for his question. I heard it the second time, but I am still lost. I do not have that information to hand right now. If I can get back to the Member in writing I will do so.

**Mr Speaker:** That concludes questions to the Minister of the Environment.

## Assembly Business

**Mr Allister:** On a point of order, Mr Speaker. First, I apologise for missing my topical question to the Minister of the Environment. I have no excuse to offer other than it slipped my mind, and I am sorry about that.

On the issue that arose during my topical question to the First Minister, what protection exists for a Member in this House when they are the victim of a malicious falsehood such as I was today, when the allegation was made that I, as executor of a will, had been involved in the sale of land, I think it was put, to republicans? The truth is that I am neither the executor nor the beneficiary of any such will, nor am I involved in any such land sales. What protection exists for Members so that they are not subject to such false allegations?

**Mr P Robinson:** Further to that point of order, Mr Speaker —

**Mr Speaker:** Let me deal with the point of order first. First, I did not hear what was said by the Member initially when the issue was raised. Secondly, let me read Hansard. I am happy enough to come back to the Member directly.

Let me say also to the Member that — I do not care what the issue might be in this House for Members — it is wrong for any Member to try to shout down the Chair. I asked the Member on several occasions to take his seat, knowing that I would allow him in on a point of order after Question Time. So, all Members should be very careful in trying to shout down the Chair, especially when, under Standing Orders, it is clear that, when the Speaker or Deputy Speakers rise in their place, Members should take their seats. I remind all Members of the conventions in this House when it comes to asking Members to take their seats.

**Mr P Robinson:** Further to that point of order, leaving aside the slightly incidental issue of whether he was executor or whether he was the person influencing the decision, he is dancing on the head of a pin if he tries to distinguish between being the beneficiary and benefiting from — everyone knows he benefited from. Indeed, further to the remarks that I made earlier, it is particularly sad that a member of the family wanted to buy the land and was turned down because the family decided to sell it to a republican. It ill becomes him to come into this House and chide the rest of us for dealing with the republicans when he is doing it.

**Mr Allister:** Further to that point of order —

**Mr Speaker:** Order. I really must insist; I intend to cut this now. *[Interruption.]* Order. I intend to take no further points of order on the issue. *[Interruption.]* Order. Let us move on.

**Mr Allister:** That is most unfair.

**Mr Speaker:** Order. The Member has had ample opportunity to put the record straight to this House, and he should leave it there. I have said to the Member that I will read Hansard and that he should let me come back to him. I will come back to him.

**Mr Weir:** Further to that point of order —

**Mr Speaker:** Order. I am not taking any further points of order on this issue, and we really should move on.

**Mr Weir:** It is semi-related. As the Speaker indicated, it was very difficult to make out precisely what was being said. There was a somewhat hysterical reaction. When he is checking Hansard, will he also check to see whether any unparliamentary language was used when the Member was talking and whether there was any defiance of the Chair?

**Mr Allister:** On a non-DUP point of order, Mr Speaker. Is that possible? Is it possible for somebody who is not from the DUP to make a point of order?

**Mr Speaker:** Order. That particular point of order was around procedures. I have already said to the Member that I will come back to him directly, or even to this House, when I have read Hansard. Let us move on.

**Mr Attwood:** On a point of order, Mr Speaker.

**Mr Speaker:** Is it a similar point of order?

**Mr Attwood:** It is not related to that matter.

**Mr Speaker:** OK. *[Laughter.]* We will certainly take the point of order.

**Mr Attwood:** It is a similar point of order. While you are reviewing Hansard, I request that you also review the comments that were made from the Back Benches by Mr Wilson on planning approvals for wind farms and wind turbines. I ask you to make a ruling about whether, on this occasion, he kept just on the right side of transgressing parliamentary good practice or

whether he crossed that line, as I believe others have today.

**Mr Speaker:** Order. Once again, let me read Hansard. There will be quite a bit of night-time reading around all these issues. Let me do that and come back to the Member directly.

## Extension of Sitting

**Mr Speaker:** Before we return to the Bill, I wish to inform the House that Mr Stewart Dickson and Mr Peter Weir have given notice of a motion under Standing Order 10(3A) to extend the sitting beyond 7.00 pm.

*Resolved: That, in accordance with Standing Order 10(3A), the sitting on Monday 23 September 2013 be extended to no later than 9.00 pm. — [Mr Dickson.]*

**Mr Speaker:** The House may sit until 9.00 pm this evening.

## Private Members' Business

### Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill: Second Stage

*Debate resumed on motion:*

*That the Second Stage of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill [NIA 26/11-15] be agreed. — [Lord Morrow.]*

**Mr B McCrea:** I regret that I am unable to make a point of order. I will just move on and deal with the business in front of us.

Absolutely nobody can support human trafficking in any shape or form or for any purpose, whether it be for sex, servitude or other activity. The question that the Assembly is faced with is whether the proposed legislation will be useful in tackling this heinous crime.

The proposer of the Bill, who introduced it as a private Member's Bill, has suggested that he is deeply unhappy, I presume, with the existing legislation and that it is not working. In comments that he and others made, they were critical of the Minister of Justice.

At this stage of the Bill, it is for the Assembly to determine whether there is in fact a problem with the legislation and, if so, whether the Minister of Justice has been negligent in addressing the issues. If the answer to those two questions is yes, it is right and proper that we consider the proposition in front of us. However, it is not a decision to be made lightly. To bring forward legislation is extremely costly to Assembly time, Committee time and the time of those who will consult on it. An awful lot of time and effort will be put into this. The Assembly, ever mindful of the demands on the public purse, will want to establish, at this stage, whether it is worth continuing with scrutiny of the Bill. In that regard, it will no doubt be guided not only by the contributions in the Chamber but by the official record of the Justice Committee, where the matter was discussed.

In the past, we have discussed whether there is a need for an official opposition and whether somehow we need to look at legislation not through rose-tinted glasses. I have to say that I am a little surprised by the indications from some Members around the Assembly that, despite their reservations, they are prepared to let the Bill move forward. I have not made my

argument yet; I am just listening to their arguments. Some Members said that they have profound difficulties with clause 6, while others said that they want more information, as the available information is insufficient. From my consultations, it appears that there is deep disquiet from, among others, the PSNI, which was mentioned by Members opposite; the Department of Justice, in its formal submission on the Bill; the Public Prosecution Service (PPS), when it was asked about the various positions; the judiciary, in its published judgements on the matter; and the Minister himself. When you have a Bill where concerns have been raised by all of those people, you have to ask this question: are we sure that we are going about this in the right way?

Perhaps we will look at the impact of some of the current legislation. I tried to intervene on those points for clarification but, unfortunately, was unable to do so. A number of Members said that the legislation was failing or was not up to the job. I am aware of the case of Regina v Matyas Pis. That was the first opportunity that the courts in Northern Ireland had to sentence somebody for human trafficking and is, therefore, of particular interest to our discussion today. This is a definitive ruling by Judge Burgess.

The defendant pleaded guilty to four counts; two of intentionally controlling the activities of another for the purposes of prostitution — article 63 of the Sexual Offences Act; one count of assisting in the management of a brothel; and one count of trafficking two persons for the purposes of sexual exploitation contrary to section 57(1) of the Sexual Offences Act 2003. This is a definitive case coming forward. However, what was particularly interesting about the case — in the public record — is that there was no suggestion of coercion or corruption. There was no suggestion that the two women were brought in against their will or were required to work as prostitutes against their will. In fact, when I read the case notes about this, I picked up the fact that, in the statements of fact accepted by the Court, the defendant drove the women from Dublin to Belfast, and they paid him his petrol money. When you talk about human trafficking, I am not sure that this is really the type of offence that you are looking at. These were three Hungarian nationals who had come to an arrangement, had been brought into Dublin, then up to Belfast, and then did whatever it says in the judgement that they did.

Despite the lack of aggravating factors, his honour, Judge Burgess, made it clear that the offences were serious and that anybody

convicted of such charges could normally expect a custodial sentence. Despite the lack of aggravating circumstances and the pleas of guilty, the judge determined that a sentence of three years was appropriate for human trafficking, with additional judgements for the other counts. That does not seem unduly lenient when you read the facts of the case. What was really interesting was that, as this was the first time a Northern Ireland Court had the opportunity to pass sentence on human trafficking, the judge was asked to set out guidance for the other courts until the Court of Appeal could provide definitive guidelines. In his extensive notes on the matter, Judge Burgess stated:

*"I can see no reason why these offences, which take place in an international context, should attract different sentences in Northern Ireland to those in place in other parts of the United Kingdom."*

What struck me, in what was a very detailed and considered judgement with much reference to other cases, was the diversity of the other cases considered and the complexity of the factors that the judge must take into consideration. Having read about the case, I was left with the very strong impression that mandatory sentences are not appropriate. Each and every case must be considered on its own merits. When you look at the details in this, you will see that the judge had to take into account all sorts of reasons and issues — issues that I do not think we are able to consider in this forum.

That was not the only case to come forward. We have had a second case that went to the Court of Appeal but did not receive a judgement. It was the case of Regina v Rong Chen, Simon Dempsey and Jason Owen Hinton, and it was heard by Mr Justice Stevens.

This may be considered a more conventional case of human trafficking in that at least two of the four victims were coerced into prostitution and trafficked against their will. There was violence, threats and a range of bad environmental issues. It was what the man or woman in the street may consider to be a classic human trafficking case.

### 3.45 pm

It was not a small case. This was a large-scale business with a turnover of over £250,000 in just over a year. What is of interest to our discussions is that the victims in that case were not trafficked from abroad. They were trafficked

from within the United Kingdom by the expediency of placing misleading adverts in Chinese newspapers in England. There were five brothels: three in Belfast; one in Londonderry; and one in Newry. There was significant interviewing of the victims and witnesses to see what further information we could gather.

The honourable Mr Justice Stephens, sitting in the Crown Court, made the point that he was bound to consider the guidelines, but he said:

*"The courts in Northern Ireland, taking into account the particular needs in Northern Ireland, have in a number of cases imposed sentences which are greater than those imposed in England and Wales. However no reason was advanced before me as to why the sentences in respect of the offence of trafficking should be different in Northern Ireland from England and Wales. ... At present I cannot conceive of any geographical or societal reason why this offence should attract a different sentence in Northern Ireland than in England and Wales."*

That is one of the points that I wish to make to make to the proposer of the Bill: here he has significant members of the judiciary on two accounts affirming that it is for the judiciary to try each case on its merits. It is also for the judiciary to issue guidance to the courts until the Court of Appeal will hand down a definitive judgement. This is an important point: it is not that it should be for just this House.

**Ms Lo:** I thank the Member for giving way. I wonder whether he is aware that the average sentence given to perpetrators of human trafficking in the whole of the UK is about 4.6 years. That is definitely higher than just two years.

**Mr B McCrea:** I thank the Member for her intervention. She obviously had sight of the same response in the House of Commons, I believe it was, to the question on that matter, that sentences range from nought to 14 years but, as the Member indicated, it is at the higher end of the sentences that come forward.

**Mr Wilson:** Will the Member give way?

**Mr B McCrea:** When I finish this point. For the offence of trafficking, Rong Chen received a sentence of seven years' imprisonment in this jurisdiction. The interesting point, however, because there were other co-accused for different offences, is that Simon Dempsey

received a sentence of nine months for aiding and abetting the control of prostitution, and Jason Owen Hinton, who was, I believe, the husband of the first defendant, was ordered to carry out 220 hours of community service. The judge went to great lengths to explain against a whole range of other sentences in England and Wales, while taking on board the specific issues of Northern Ireland, how he arrived at those sentences. The sentences were appealed and went, I think last week, to the Court of Appeal, but it was not proceeded with so we still do not know.

I will make another point before I take the intervention from Mr Wilson. When people say that this law is not working, this law is working. This law is passing down really significant sentences. In the first case, there was no need for coercion or any form of corruption and, in the second, there were aggravating factors that were dealt with seriously in a proper and considered manner.

**Mr Wilson:** There a number of ways to ascertain whether the law is working. One is about what happens to people once they are caught. Another, and this is the most important one, is whether they are caught in the first place. Do they ever get before the courts? It would be interesting to hear what the Member has to say about that because his argument is not quite as strong there.

It seems to be that he is defending the judiciary. He has talked about the length of sentences, the fact that the minimum sentence here is two years and the independence of the judiciary, which I do not actually subscribe to totally because I think that, sometimes, judges are a bit out of touch with the rest of society. However, leaving that aside, what is wrong with a Bill that says, first of all, that there shall be a minimum sentence of two years and, secondly, that allows judges discretion because it indicates that if, in the courts, the opinion is that there are exceptional circumstances, the two-year sentence does not have to apply? Therefore, for the really hard core cases, there can be sentences of more than two years, as the Member argues. It is not mandatory. The judge can still exercise an amount of discretion.

**Mr B McCrea:** Because the issue is important, I am quite happy to take interventions from people and will continue to do so. However, Mr Wilson raised an objection to something that I had not said yet but that he assumed I was going to say. He might have waited until I had finished and said it, when I would, of course, have taken his intervention.

On the point that he took, when he got round it, about what is wrong with a mandatory two-year sentence, it is that it destroys the fundamental aspect of our relationship with the judiciary, which is that there is separation between the legislator and the judiciary. When one reads the cases, which are available online for Members to read, they will, I believe, be impressed by the amount of work, the rationale and the intellect that was applied by both Judge Burgess and Judge Stephens. In due course, they will be tested, I am sure, by the Court of Appeal. That is the right way in which to go about things. Mandatory sentences are not the right way because they end up forcing judges to do things that are not really appropriate in particular cases. There is mere surmising of exceptional circumstances. However, what does that actually mean in law? I think that that was raised by the Alliance Party. It is somewhere in between. Either you give judges responsibility to deal with the matter, or you do not. As I understand it, we are in a democracy where the judiciary makes those decisions. That is why I am against —

**Mrs Foster:** Will the Member give way?

**Mr B McCrea:** Yes.

**Mrs Foster:** Will the Member accept that the judiciary adheres to guidelines that it is given?

**Mr B McCrea:** There is absolutely nothing wrong with giving people guidelines. That is different. In fact — perhaps, the Member will want to read it — there was a specific discussion by Mr Stephens about the difference between sentencing policy and adherence to guidelines. In fact, he said that he felt that there were certain deficiencies in the guidelines because they imposed a starting time limit of the two years that have been discussed. He said specifically that that did not seem to him to be appropriate and that he actually preferred to take full cognisance of what was presented before him and to reach his conclusions accordingly. What he is actually saying is that that is a proper, considered judgement by people who are well versed in the ways of the law. I think that those members of the judiciary or legal profession should think quite carefully about what they are saying here when they take on that challenge. Read the judgements, and I challenge you to come to a different conclusion to that which was put forward by two senior judges.

**Mrs Foster:** I am an elected politician, not a judge.



**Mr B McCrea:** I will — *[Interruption.]*

**Mr Speaker:** Order. Allow the Member to continue.

**Mr B McCrea:** I have already indicated it to you, Mr Speaker, but for the record, I am quite happy to take interventions. Members do not need to speak from a sedentary position. If they have something to say, I am more than happy to take it, including from the Chairperson of the Committee for Justice. I will, however, come to his contribution later. He may want to wait for that particular bit.

I will say for those Members on the other side of the Chamber who consider themselves British and pride themselves on their unionist credentials that I wonder why they would want to break parity with the rest of the United Kingdom. I heard in earlier submissions — I think that it was Mr Givan who said it — that, in this case, there will be an all-Ireland approach because of what the Oireachtas has said. However —

**Mr Weir:** Will the Member give way?

**Mr B McCrea:** I suppose that I had better. *[Laughter.]*

**Mr Weir:** That is very decent of the honourable gentleman.

I have to say that the Member opposite seems to misunderstand what parity means. Parity is about maintaining, particularly from a financial point of view, the same levels of benefits and entitlements that other parts of the United Kingdom have, so that, for example, social security benefit is the same. It is not about slavishly following every item of legislation. If that were the case, there would be no legislative powers for the Assembly. We would simply accept direct rule and everything that comes from that. I think that the Member opposite is misusing the term "parity".

It is also the case that, on this issue, we could be ahead of the rest of the United Kingdom. If we can be more progressive than other parts of the United Kingdom and set an example to them, surely that is a good thing.

**Mr B McCrea:** I thank the Member for his intervention. If we carry on like this, it could take me some time to get through my contribution.

For clarity, I will quote Mr Justice Stephens, because this is the key terminology. He said:

*"At present I cannot conceive of any geographical or societal reason why this offence should attract a different sentence in Northern Ireland than in England and Wales."*

Neither can I, and neither can Judge Burgess. The previous Member to intervene is or was a member of the Bar. He was certainly in the legal profession. That is for him to consider in light of his professional training. All I can tell you —

**Mr Weir:** Will the Member give way?

**Mr B McCrea:** No. I have given you a go. You can come in a minute, but I have to get through some of this, otherwise 9.00 pm may not be late enough, Mr Speaker.

As unionists, I am not sure that you are going down the correct road. I checked the Westminster parliamentary libraries, which cover in great detail the amendments that were made to enable the directive to be taken on board. Many of those amendments were brought through the House of Lords, of which the proposer of the motion is, of course, a Member. No doubt, he made a contribution in those important debates.

*(Mr Deputy Speaker [Mr Beggs] in the Chair)*

I now move to my second point, which concerns the Department of Justice submission. Frankly, it was quite astonishing, and I understand why Members opposite stood up to ask, "Is this really what the Department of Justice believes?" If it is, I am surprised that the Minister of Justice is not opposing the Bill in its entirety. That is a question for the Minister to answer. I will just go through some of the points that were put forward. The Department stated that:

*"the Minister's strong view is that if the Bill proceeds beyond Second Stage significant amendments would be needed to mitigate against any such negative impacts."*

If he is saying that, his party should be telling us what is wrong with this, and fighting tooth and nail against it. The Minister has argued that clause 6 should not stand part of the Bill, and that:

*"The provision to criminalise paying for the sexual services of a person is neither principally an issue concerning human trafficking nor adequately evidenced."*

I guess that that is Department speak for, "You have not made a very good case, and you have not backed it up with any evidence."

The Department also says that the policy behind the proposed measure is one-dimensional in that it is focused entirely on reducing incidence of trafficking into the sex industry. Although the Department has not yet seen the full consultation responses to the Bill, it is aware that a number of agencies, including the police — it is the Department that introduced the police — have concerns about such a fundamental change to the law. Why, then, Minister of Justice, is your party not opposing the Bill at this stage?

People have argued that there is not enough information and that there has been no engagement with women working as prostitutes. In their submissions, only one out of 18 groups expressed unreserved support for clause 6. Yet, Christian Action Research and Education (CARE), which the proposer of the Bill made special mention of because of its contribution to the Bill, said in its first point in its briefing to MLAs on clause 6 that any Northern Ireland Bill on human trafficking that did not address the demand for sexual services would not be fit for purpose. No clause 6; no Bill. I hear from Sinn Féin, the Minister and others that clause 6 will not be accepted, yet it is fundamental to the Bill. So if you take clause 6 out, you need not really worry about the rest of the Bill. That is the position.

#### 4.00 pm

CARE goes on to state in its submission to MLAs that the current law is not working. However, the two cases that I cited earlier clearly do not give that impression. It states that it requires proof of coercion as well as proof of an attempt to buy sex, but that was clearly not the case in *Regina v Matyas Pis*.

**Mr Givan (The Chairperson of the Committee for Justice):** Will the Member give way?

**Mr B McCrea:** Give me one moment, please.

It states that countries such as Sweden that have simply criminalised all purchases of sex have seen clear results. That is not borne out by the data, but I will deal with that point later.

**Mr Givan:** I am grateful to the Member for giving way. Given that the new offence in the Policing and Crime Act 2009 to prosecute people who have coerced people as victims of sexual exploitation through human trafficking

has resulted in neither a conviction nor a prosecution ever being taken under that offence, does the Member believe that men, women and children who are trafficked into this country and internally trafficked to be exploited sexually are not coerced by the serious criminal organisations that use and abuse them?

**Mr B McCrea:** I will outline the law as it stands. It is an offence to obtain for payment the sexual services of a child under 18 years of age or to pay for the sexual services of a prostitute who has been subject to force. That is a strict liability offence that renders it irrelevant whether the person has any knowledge of force being used. It is illegal to solicit for the services of a prostitute in a public place, such as kerb-crawling. Those who control prostitution for gain or who keep a brothel are involved in illegal activity and can face sentences of up to seven years. Traffickers will face charges of trafficking for sexual exploitation with a maximum sentence of 14 years. It is an offence to allow a child over four and under 17 to be in a brothel. There is a plethora of legislation dealing with these issues, and my reading of it is that the law is up to the task of controlling this heinous crime. The evidence is before us, and the evidence from the Swedish model, which I will deal with in more detail later, is contested and does not stack up. We have all said around here that we do not have enough information. If we do not have enough information and cannot get to the bottom of the seriousness of the issue and what we should do about it, why on earth are we introducing primary legislation at this time? Surely it is better to do proper research, get the conflicting views around the table, do a proper amount of scrutiny and an inquiry to find out what is going on and come up with the best possible solution.

I will return to the Department of Justice (DOJ) submission. The aggravating factors in clause 3 are already set out in detail by the sentencing guidance, and it is argued — I think that I agree with this — that it is a more appropriate and flexible vehicle for responding to emerging case law. I dealt with clause 4, which is about minimum sentences for human trafficking and slavery offences. Mr Justice Stephens and His Honour Judge Burgess indicate how inappropriate such a restriction of judicial discretion is. The separation and independence of the judiciary is an essential element of our democratic freedoms. The Department argues that clause 7(1) is seen as unworkable and adds no value to existing arrangements and that clauses 7(2) and 7(3) reflect only what is already in place. Clause 8 is about non-prosecution of victims of trafficking in human beings. Blanket immunity is wrong;

every single case should be judged on its merits. There will be circumstances in which it is appropriate that no action be taken and other times when that is not the case. The PPS Northern Ireland policy already takes such matters into account and, indeed, has already been brought forward in a number of cases. There is no need for that clause. I could on, but, so far, the Department considers clauses 3, 4, 6, 7 and 8 unworkable or wrong and wonders what we are doing talking about those issues. There is not much left of the Bill. I could go on through the rest of the clauses that say, "We want to add in a little bit here or there." As far as I can see, the Minister of Justice has said that he will take proposals on board and enact them as soon as possible.

I am surprised that the Minister of Justice is not going to stand up and be counted. I also ask other Members to say that we should stop the Bill at this stage. By all means, bring in different legislation or have a different inquiry, but this is not the right way forward.

I have no doubt that Lord Morrow is sincere in his attempt to deal with human trafficking. He has said that, if the Assembly passes this law, Northern Ireland will lead the way in combating trafficking in the UK and become the first country to have a focused human trafficking Bill. However, he said in his submission to the Justice Committee, and he made similar comments in his opening remarks, that it is hard to know exactly how many people are trafficked into Northern Ireland. He says that, because of the problems associated with measuring trafficking, this is probably only the "tip of the iceberg". How does he know? All the information that we hear indicates that there is no information. We do not know whether this is the right way to go forward. We should surely do the research first and then decide what to do. I use the word "cavalier" to describe this attitude of trying to get the facts to fit an argument that you want to make. That does not provide a service for anybody. The dangers of doing this are that you will make matters worse, not better; that you will drive prostitution underground; and that you will make it more difficult to get people to talk about what is happening to them for fear of all sorts of other issues. One of the key elements that we have in fighting this particularly heinous crime is intelligence, and we need to get that from all sorts of sources.

The proposition put to me at this stage, although Lord Morrow will, no doubt, address this in his summing up, seems to be rather long on personal opinion and somewhat short on hard evidence. It appears to me to be designed

to be seen to be doing something, to send a message, rather than to try to tackle a very real problem.

I will move on to the Justice Committee. The Chairman of the Committee was eloquent when making his remarks at Committee and when talking about Lord Morrow today. I know that Lord Morrow is a senior member of the DUP, and it may well be that Mr Givan supports him in what he is doing, but I would have hoped that the Chair of the Justice Committee would approach the Bill with a certain rigour. Given that he is the Committee Chair, I had hoped that he would ask penetrating questions, try to keep a balance and do things properly. What the Assembly needs is proper oversight and proper accountability. It is absolutely right that Committees ask probing questions to challenge the evidence put forward. I am sorry, but I did not see that from the Justice Committee, particularly the Chair. We have to decide whether this is the right way forward. The Bill could pass because when you stand up and oppose things, people come along and say, "Oh, this person is for prostitution" or "This person is for human trafficking". That is not so. This person is trying to work out what is the best way to stop human trafficking and the best way forward. If it is a problem, let us deal with it properly.

I am not absolutely convinced by the Swedish model. We heard some contrary evidence from Ms Ekberg. We heard that the Swedish model has been hailed as a great success, including by the groups and organisations in Australia that are agitating for its adoption. Ekberg claims that street prostitution has declined, that most purchasers of sex have disappeared and that the law is an effective deterrent to the purchase of sex and trafficking of women. The Skarhed report was somewhat more muted. It said that the ban on purchasing sex was an important instrument in preventing people trafficking and combating prostitution.

While claiming that street prostitution has halved, the best that could be said by this government report is that, unlike neighbouring Nordic countries, there has been no increase in prostitution. It is not that prostitution has declined, it is that there has been no increase. This particular statement brought out by Anna Skarhed in an evaluation report of 1999 to 2008 should be seen alongside the October 2009 Swedish Government publication that stated that it is very difficult to monitor the extent of prostitution in Sweden because it is practised discreetly and existing figures are "very uncertain".

The Swedish National Board of Health and Welfare, to which the monitoring of this particular legislation was passed, was just as circumspect when it said in its 2007 report:

*"it is impossible to form a precise picture of prostitution and its extent, regardless of the chosen method."*

Similarly, the Swedish Government publication states that Kajsa Wahlberg, the national rapporteur of the National Police Board, has acknowledged in her reports that there is:

*"a general lack of knowledge concerning the extent of trafficking for sexual purposes in Sweden."*

Given these admissions from the Swedish Government, it is very difficult to see how Ekberg and other proponents of the Swedish model could possibly claim that the law has been successful in reducing the number of women involved in prostitution and the incidence of trafficking.

It may well be of interest to Members on the Benches opposite to hear that, in terms of effectiveness, in June 2009, 'The Christian Science Monitor' reported that when the Swedish public radio services:

*"posted fake ads for sexual services on websites in May, they were swamped with almost 1,000 inquiries."*

There is a considerable list of learned reports that cast doubt on the veracity of the claims made about the Swedish model.

I will go on, however, because others mentioned it. The Joint Oireachtas Committee met on Thursday 27 June, and the Committee Chair, David Stanton TD, said:

*"The Committee finds persuasive the evidence it has heard on the reduction of demand for prostitution in Sweden since the introduction of the ban on buying sex in 1999."*

However, I have here a Eurojustice report from earlier this year that asks: what does the evidence actually show? The Swedish police published a report into their own ability to investigate the offences of purchasing sexual services and sex trafficking. The report includes statistics on such offences from the Swedish National Council for Crime Prevention, which show no evidence of a downward trend.

There is a table, and there are reports. They set out all the figures, and analysis states:

*"But it's surprising to see significantly higher numbers for the most recent years, if the law really has the deterrent effect claimed by its supporters."*

If the law really has the deterrent effect as claimed by its supporters those figures should not be getting bigger.

The data also look at the particular crime of human trafficking. Analysis of page 13 of the report states:

*"The figures themselves show no pattern, going up and down and up and down again; it is, once more, simply impossible to draw any conclusion from them about the law's impact on sex trafficking into Sweden."*

Another table on the same page records the instances of what the Swedish call "pandering", which is a lesser offence. Analysis of the report states:

*"It is relatively common for prosecutors to choose the crime of pandering instead of sex trafficking."*

In other words, the numbers for sex trafficking could be higher or lower, or the Swedish police might just be getting better at detecting the crime or doing something about it. However, these figures do not support it, and all the evidence from the people on the Benches on the other side is, "trust in the Swedish report, and you will be OK". You will not be OK. These figures are unreliable in an academic sense. They do not support the contentions put forward, and they have not been adopted by the majority of countries in western Europe.

So, the position of the Turn Off the Red Light campaign and the Oireachtas Justice Committee claim is that the numbers have actually decreased. If the evidence of this decrease exists, why is it not reflected in the data held by the Swedish Council for Crime Prevention, which is the body that is responsible for keeping track of trends in criminal activity? What is the alternative information that the Committee and the campaign are relying on? I cannot find any evidence that supports that contention. To add even more to the point, the Swedish police cast doubts on any such claims, because they make it clear that they have no real idea about what is going on in the world of internet prostitution, which is now believed to be the biggest sector

in the sex trade. That is the real issue. Since Swedish law was changed in 1999, there has been a huge change in the availability of mobile phones and the internet and in the way in which people conduct their business. The evidence put forward by the Swedish model simply does not support the contention advanced by the proponents of the Bill.

#### 4.15 pm

The official data on sex trafficking and purchasing sex in Sweden gives no indication that either offence has decreased and/or continues to decrease since buying sex was criminalised. The Swedish police admit to being unaware of the extent to which commercial sex is being transacted online. It may still be true, but nobody knows. Therefore, we do not have an evidence base for this particular course of action. Morally, people may feel that it is the right thing to do. It may of course sound like it will be a good thing. However, the evidence does not suggest that.

**Mr Givan:** I am grateful to the Member for giving way. Does he not recognise that, initially, the Swedish police force was opposed to the legislation but that the chief of police for Stockholm has now said that it is the most powerful tool that they have to tackle this particular heinous crime? Interestingly, some politicians who opposed the legislation at the time have since been prosecuted under it.

**Mr B McCrea:** I would have found the Member's intervention more convincing if, as Chair of the Committee for Justice, he had asked those questions and taken issue with the evidence brought forward. I looked at the official record and saw no such evidence of that. However, perhaps I misread it, or perhaps there is more to come.

**Mr Givan:** Will the Member give way?

**Mr B McCrea:** I will give you a chance. Just give me a minute to say a few more bits.

This is a challenge to all of us in the Assembly. There are members of the Justice Committee who have a legal calling and have been members of the Bar. Some may still be members of the Bar. How do they feel about judicial independence? How do they feel about mandatory sentences? How do they feel about evidence that does not actually support the contention that has been put forward? Surely it would be better for those people to reject the legislation and then deal with the issue properly through the Minister of Justice. It is too big an

issue. The real problem with clause 6 is that it is a Trojan Horse, in that it tries to conflate prostitution and human trafficking. In so doing, it ignores many of the issues to do with human trafficking.

Human trafficking is not just about sex, although that is an issue. It is also about forced labour, slavery and all the other issues. Of course it is right that we should seek to try to minimise the demand for those services and protect those involved, but many of those issues are already in hand. I looked in some detail at Westminster's proposals and at the arguments that happened in the House of Commons and later in the House of Lords. They are not dealing with it in some cavalier manner, for there are people in those places who really care about how we deal with trafficking. The idea that Northern Ireland is going to say that it knows how to do it better is destroyed by the fact that you bring forward an offence of sexual activity without defining what it means. Does it extend to strippers? Does it extend to clubs? Does it extend to Page Three? What makes up the whole issue about purchasing sexual services? Those issues need to be carefully considered.

The most telling thing about the legislation is that the Department of Justice is opposed to it. The PSNI is opposed to it. The judiciary does not appear to require it. The PPS says that most of the provisions are already in train. The Minister of Justice says that he has a better way of doing it. If you really want to do deal with prostitution, do that by all means, but do it in a separate Bill. Do not conflate the two issues. Do not bring together human trafficking and prostitution. It looks as though you are trying to use one to get to the other. This is not the right way forward. By all means have an open and frank discussion.

These matters are so important and so fundamental that the right process is not to bring them forward in a private Member's Bill. The right way to do this is for colleagues around the Executive table to prevail upon the Minister of Justice to introduce the appropriate legislation in the appropriate way so that we build consensus in the proper way, are able to provide a united front, and do not use it as some form of moral crusade and tit-for-tat point-scoring. The issue is far too important for all of that.

In conclusion, if ever this Assembly needed to know why we need an opposition, it is because we need people who are prepared to stand up and say that this legislation, however well-intentioned, will not produce the desired result.

It will be counterproductive, and it is not good legislation. In this place, we seem to sway between having no legislation and bad legislation. *[Interruption.]*

**Mr Deputy Speaker:** Order.

**Mr B McCrea:** I urge Members to really exert their democratic mandate, to really think about what they are saying, to really say no to this legislation and to come forward with genuine, concrete ways of improving the situation.

**Mr Buchanan:** I am most grateful for the opportunity to participate in the debate, and I wholeheartedly support the Bill. I commend Lord Morrow, who has prepared and presented this much-needed legislation. I do not understand why some Members still appear not to have an appetite to support legislation to protect victims of such a horrific crime that is being carried out in Northern Ireland today. It really baffles me why there are those who do not have the appetite to support such legislation.

In my participation in the debate, I will focus on three clauses in Part 1 of the Bill. They are clauses 2, 3 and 4, which are related to how the offence is considered and sentenced. The purpose of these clauses is to protect those who have been treated in most despicable ways and to ensure that the perpetrators are dealt with in a just manner. Clause 2 outlines that consent for a victim of human trafficking or slavery offences becomes irrelevant and is negated because of:

*"(a) threats, the use of force or other forms of coercion,*

*(b) abduction,*

*(c) fraud,*

*(d) deception,*

*(e) the abuse of power or of a position of vulnerability,*

*(f) the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; or*

*(g) the victim was a child when the offence took place."*

This clause fully implements article 2(4) of the European directive on preventing and combating trafficking in human beings and protecting its victims, and article 4(b) of the

Council of Europe Convention on Action against Trafficking in Human Beings.

As seen in the response to Lord Morrow's consultation published in June, the vast majority of respondents supported the inclusion of a list of circumstances outlining when evidence of agreement to travel and be trafficked is irrelevant. Outside of those who have experience of being trafficked, it is nearly impossible to imagine the full horror of what it is. It is nearly impossible to comprehend the ability of someone with power over another, ready to use violence or false promises and manipulation to coerce an individual into giving consent to be trafficked and enslaved. It seems obvious that, in these circumstances, a deceived or threatened person needs to be helped and protected. It should not matter what evidence the perpetrator can muster to show that the victim gave consent. Being trafficked or enslaved as a result of threats, fraud or deception is not openly and happily choosing such a path. We must not send out such a message to the public of Northern Ireland. This clause has been created to protect individuals who are in a position of vulnerability, people who have no real or acceptable alternative but to submit to abuse. Let us strive to that end in the House today. The clause has been introduced to ensure that situations like those reported in the Anti-Trafficking Monitoring Group's 2010 report do not occur. It reported on a case where authorities concluded that, since the victim agreed to come to the UK for work, they could not have been trafficked, despite the fact that the deception and abuse involved should render such consent irrelevant.

With regard to clause 2, I believe that there is some concern from Members that a list of circumstances in the legislation will limit the flexibility to deal with individual cases or may restrict the prosecution if a factor outside of the list was to emerge. I want to make it clear that that will not be the case since it does not exclude other factors but makes clear that those factors are to be considered as voiding consent. I agree with Lord Morrow that it is better for that to be outlined in legislation rather than leaving it to guidance.

Clause 3 deals with what must be treated as aggravating factors when a court is considering sentencing someone convicted of a human trafficking or slavery offence. Such aggravating factors are as follows: if the offence was committed by a public official in relation to the performance of his or her duties; if the offence was committed by a family member of the victim or by a person of trust; if the offence was committed against a child or vulnerable adult; or

if the offence was committed by the use of serious violence or caused serious harm to the victim. Clause 3 has been included to require judges to take into account certain factors that increase the severity of the crime of human trafficking.

The vast majority of respondents to Lord Morrow's consultation agreed that there should be circumstances that require a judge to lengthen a human trafficking sentence. Why do we support that? Simply because, as a society, we need to make it absolutely clear that trafficking is a serious crime that will be met with a serious punishment so that anyone tempted to involve themselves in such practices will think again. The clause will be a signal to the public, showing that the House is unequivocal in its view that human trafficking and slavery offences are despicable and deserve serious punishment, and that those crimes that meet the criteria of aggravating factors deserve a longer sentence.

I know that having such a clause is unusual, but there is a precedent for including aggravating factors in legislation. I cite 4A of the Misuse of Drugs Act 1971, as introduced by the Drugs Act 2005, as evidence for that claim. I understand that the Minister has deemed clause 3 as unnecessary as it duplicates the 2007 England and Wales sentencing guidelines on the Sexual Offences Act 2003, which were applied to cases of human trafficking in Northern Ireland by Judge Burgess in the case of *R v Matyas Pis*.

I stress that the specific aggravating factors referred to by Judge Burgess are not the same as those included in the Bill. The aggravating factors in the clause are largely different from those covered by his judgement. In addition, his judgement applied sentencing guidelines with respect to sexual offences, not to offences related to trafficking for forced labour or the forced labour offence under the Coroners and Justice Act 2009. Moreover, as guidelines, they were not binding, and so cannot guarantee the kind of consistency and transparency of offence for which the Group of Experts on Action against Trafficking (GRETA) is rightly pressing, and which would be provided by the clause. That is why we need the clause passed into law.

Clause 4 provides for a minimum custodial sentence of two years for human trafficking and slavery offences. Like clause 3, it serves the very important purpose of making it absolutely clear just what serious offences human trafficking and slavery are for the purpose of making anyone tempted to get involved in those

areas think again. Although some in the Assembly may be wary of the clause because maximum sentences tend to be more commonplace than minimum sentences, I think it is more important to be clear that provision for minimum sentences does in fact already exist in our legislation. In article 70 of the Firearms (Northern Ireland) Order 2004 there is a mandatory minimum sentence for the unauthorised possession of certain prohibited weapons and the purchase, possession or acquisition of a handgun. Therefore, it should be clear to Members that minimum sentence provisions are not unheard of. They are rightly rare in law and reserved only for particular crimes. To my mind, human trafficking and slavery offences should be categorised in this way.

#### 4.30 pm

As all Members will agree, involvement in human trafficking and slavery is a serious crime. Human trafficking and slavery offend against the inherent dignity granted to each and every human and are some of the worst offences that take place in our society.

**Mrs Foster:** Will the Member give way?

**Mr Buchanan:** Yes.

**Mrs Foster:** I thank the Member for drawing the House's attention to the fact that mandatory sentences of a minimum value are not unique to the Bill. The previous Member who spoke spent quite a considerable time talking about the fact that we are interfering with how the judiciary could view cases and what have you. In fact, in drink-driving cases, there is always the mandatory disqualification of a licence, and the judge can look at it under exceptional circumstances, as is the case in this Bill. Does the Member agree that the Bill is very much in keeping with the law in Northern Ireland? Indeed, there are many other examples, and the Member has mentioned one in relation to firearms. So, the Member who spoke previously was incorrect when he talked about that being a special feature of this Bill.

**Mr Buchanan:** I thank the Member for her intervention. I hope that the previous Member who spoke, who made quite a lengthy contribution, was actually listening, because he may have learned something. I say that a serious crime warrants a serious punishment. I challenge the House to think of a situation where an individual had participated in human trafficking or slavery and did not deserve at least a two-year sentence.

It is appropriate to note that clause 4(2) allows the court to consider exceptional circumstances relating to the offence or the offender that would justify a lower sentence. I understand that the Minister of Justice has argued, on the basis of the *R v Matyas Pis* case, the first sentence for trafficking offences in Northern Ireland, that such a clause should not be introduced because His Honour Judge Burgess indicated a two-year starting point for the involvement at any stage of the trafficking process into the United Kingdom or six years if the victim was coerced, on the basis of the England and Wales Sentencing Council guidelines for sexual offences. Those kinds of guidelines, however, were not produced for Northern Ireland. As guidance is, in any event, not binding, it cannot guarantee the kind of consistency of application and transparency of offence that is championed by GRETA and that would be delivered by this clause.

Moreover, if that is not a sufficient reason for recognising that guidance is not enough, it is important to bear in mind that in the *R v Chen* case Judge Stephens was very clear that he rejected the 2007 guidelines in relation to the use of a starting point. I note that the recent consultation on sentencing guidelines on trafficking for sexual exploitation in England and Wales would allow a custodial sentence of 26 weeks and 18 months as its starting points, if the individual's involvement was minimal and the harm involved in the offence was minimal. Given the ambiguities of how the 2007 England and Wales sentencing guidelines apply in Northern Ireland, as cited in *R v Chen*, and the fact that those sentencing guidelines apply only to trafficking for sexual exploitation, the Assembly should back clause 4.

As I conclude today, I remind Members that human trafficking is a very real problem in our Province. In the past couple of weeks, Members from across the House may have heard the testimony on 'Good Morning Ulster' of a young Romanian girl who had been trafficked into Northern Ireland so that she could be sexually exploited. I was horrified by her story. I believe that we must take further action to ensure that such crimes do not occur in our Province.

Since 2008-09, 97 victims of human trafficking have been recovered in Northern Ireland. A total of 68 had been trafficked for the purpose of sexual exploitation, 19 for forced labour, two for domestic servitude, and eight for unknown reasons. It is widely accepted by the PSNI and the NGOs in Northern Ireland that this is just the tip of the iceberg. As William Wilberforce famously said when speaking about slavery in

the British Empire to the lawmakers of the country:

*"You may choose to look the other way but you can never say again that you did not know."*

In this Assembly today, we can choose to look the other way if we wish, but the one thing that we can never say is that we did not know, because the evidence has been clearly brought out before the House today. Now that this House has been informed of the horror that occurs in our country, we can never again say that we did not know. Instead, we must act firmly to eradicate modern-day slavery and human trafficking in our Province. For that reason, we want to ensure that there is a suitable criminal justice framework to deal with these offences.

I urge Members to see the great opportunity that we have before us in the form of this Bill. We have a chance to make serious strides in tackling the problem of human trafficking and slavery, providing greater clarity and transparency on those offences and making their definition sufficiently robust. If it is absolutely clear that trafficking and slavery offences are very serious, it will concentrate the minds of any who might be tempted to engage in those depraved activities. We have the opportunity to provide safety and protection for those who desperately need it. We have the opportunity to ensure that sufficiently robust sentences are given to those who deserve them so that those considering such crimes will think again. It is time for this Assembly to step up to the mark and to do that which is right. I highly recommend clauses 2 to 4 to be passed into law, along with the entire Bill.

**Ms P Bradley:** I welcome the opportunity to speak in today's debate. I would like to begin by congratulating my colleague Lord Morrow on introducing the Bill and on the very thorough way in which he conducted and responded to his consultation process. He has certainly set the standard for the future by consulting on a draft Bill, which, as other speakers have noted, is much more useful for consultees than simply consulting on abstract ideas or vague principles. His consultation response document, published in June, is a very thorough and accomplished piece of work.

From the outset, I want to make it clear that I wholeheartedly support the entire Bill. However, in the time available to me today, I want to concentrate my comments on clause 6. As we have heard, the single biggest factor driving trafficking to Northern Ireland is the demand for paid sex, and that is why this



clause is so central to the Bill. An anti-trafficking Bill that did not address the single biggest source of demand for trafficking would not be fit for purpose. While the current offence of paying for sex with anyone who is coerced technically covers the problem, in practice it has completely failed because of the difficulty of proving coercion in a tight time frame. That should not come as a surprise to those who have studied different approaches to tackling demand abroad. Finland went down that very reasonable sounding path a few years ago and has suffered a very similar fate. It has secured a few convictions over a longer time span, but proving coercion is very hard, and the traffickers know that, in practice, the Finnish law is no obstacle to their trade.

It is estimated that between 400 and 600 women are trafficked in Sweden every year. A comparison of those figures with those in neighbouring Scandinavian countries, which are similar to Sweden but where buying sex is legal, shows that the law clearly seems to have reduced trafficking. In Denmark, at least half of those in prostitution — between 5,500 and 7,800 — are said to be victims of trafficking. Finnish criminal intelligence estimates that between 10,000 and 15,000 women are trafficked there each year. While those countries have experienced an increasing trend in the number of women trafficked, Sweden has not. Given the success of the policy in Sweden, it is time for us to consider its applicability to prostitution and trafficking in Northern Ireland.

In 2009, the Immigrant Council of Ireland produced 'Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland' — the Kelleher report — which reveals many shocking statistics about the extent of trafficking and prostitution in the Republic of Ireland. The Kelleher report found that 800 women are advertised for prostitution in Ireland on any given day and that only 3% of those are stated to be of Irish identity. The majority are from mainland Europe, but many are from Latin America and the Caribbean.

A former sex worker relayed that:

*"girls who are post-puberty by only a year or two are routinely lusted after, sought out, highly prized and then abused for enough years [until] they've lost much of their commercial value".*

Another former sex worker who reported to the Oireachtas's Joint Committee on Justice, Defence and Equality as part of its recently completed review of legislation on prostitution detailed that sex work:

*"is a hard cruel life filled with lies, beatings and rape. In the end you feel like a toilet."*

Most notably, the Joint Committee, which reported in June, concluded that there should be a ban in Ireland on the buying of sex.

It would be foolish and naive if this House did not believe the situation to be just as dire in Northern Ireland and that similar action is needed here. The House has a duty of care to the people living in Northern Ireland. To ignore the need for such measures to be taken would be to neglect the responsibilities granted to us by our office.

The Irish Committee was told that as many as 90% of women in prostitution would leave it immediately given the means and the opportunity. We cannot allow for this exploitation to continue. The current measures are not enough. The same Committee also heard that one in 15 Irish men pay for sex. That has great consequences for us as a society. Ms Jacqueline Healy of the National Women's Council of Ireland expressed that view strongly:

*"The system of prostitution perpetuates patriarchal views on women's sexuality and legitimates male domination in society. As long as it is tolerated, it is an obstacle to equality between women and men. A society that tolerates prostitution cannot achieve gender equality."*

In a House in which gender equality is strived for earnestly and talked about with such passion and vigour, we would commit the greatest hypocrisy if we ignored this industry's degradation of women in our community. Furthermore, it is not only gender inequality but racial inequality. The Oireachtas Committee heard that:

*"because prostitution in Ireland is carried out predominantly by migrant women, its continuance tends to reinforce ethnic marginalisation and inequality."*

Is that the sort of country that we wish to live in, one in which gender and racial inequality are permitted? We must also remember that prostitution is a big-money business. That is the case for the pimps and gangs who run it but not for the prostituted individual. Superintendent Fergus Healy of the gardaí, one of the Republic of Ireland's leading officers in seeking to tackle organised crime, stated in his evidence to the Oireachtas Committee that:

*"a large percentage of the moneys generated from the industry is being redeployed into organised crime groups, domestically and internationally".*

The Organised Crime Task Force, in its most recent annual report and threat assessment, states that international organised crime groups (OCGs):

*"continue to be involved in 'human trafficking exploitation' ... A growing industry offers high profits for unscrupulous OCGs but leaves victims' lives devastated."*

We must do all that we can to end this situation. Clause 6 will be fundamental in doing so. Targeting the demand for prostitution in Northern Ireland will reduce the number of those trafficked here to fill the demand and, therefore, reduce the number of crimes committed on our doorstep.

Quite apart from anything else, anyone who thinks that we can go it alone and not criminalise the purchase of sex while the practice is criminalised in Southern Ireland needs to ask themselves whether they want Northern Ireland to become a major destination for sex tourism, as people cross the border from the South to buy with impunity from the North. The opposite would pertain if we criminalised paying for sex and the Republic of Ireland did not.

**4.45 pm**

I am aware that some Members might be concerned by suggestions that criminalising paying for sex will drive prostitution underground. The experience of Sweden and Norway, which introduced a similar Bill in 2009, illustrates that this is not the reality. As the Swedish national rapporteur on human trafficking, who is also a detective inspector for the National Police Board, puts it:

*"In Sweden there is relatively little prostitution."*

The perception that this is because prostitution has gone underground is absolutely wrong.

**Mr Weir:** Will the Member give way?

**Ms P Bradley:** Absolutely.

**Mr Weir:** Those who claim that prostitution will be driven underground miss the point. For prostitution to work, there must be a client base and a certain level of publicity so that those who

avail themselves of the service know about it. Consequently, there is a limit to how far underground it can go. Clearly, if the client base is aware of prostitution, the police should also have some intelligence of it, so a false argument is being used.

**Ms P Bradley:** I thank the Member for his intervention and agree wholeheartedly with him. Prostitution cannot go underground because the buyers need to be able to find the women. Prior to the law prohibiting the purchase of sexual services, pimps could easily send women out to look for buyers. Nowadays, they have to advertise and make arrangements, which means that the risk of getting caught increases. Any Member concerned about that point should also carefully scrutinise the evidence given to the Justice Committee by the former adviser to the Swedish Government on trafficking and prostitution, Gunilla Ekberg, on 12 September.

It has been further argued, in some quarters, that criminalising the purchase of sexual services makes working in prostitution more dangerous. That has not proved to be the case in Sweden. In 2003, the National Board of Health and Welfare in Sweden stated:

*"Police who have conducted a special investigation into the amount of violence have not found any evidence of an increase. Other research and the responses of our informants both indicate a close connection between prostitution and violence, regardless of what laws may be in effect."*

Recent evidence from Norway shows a decrease in severe violence against those in prostitution since it criminalised the purchase of sexual services. Research published in 2012 shows a halving of the number of people in prostitution who had experienced rape since purchase was criminalised in 2009, compared with a 2008 survey. Violence from pimps was also found to have halved, and those with experience of violence from clients fell by 15 percentage points from 89% to 74%.

Some have suggested that decriminalisation or legalisation makes prostitution safer, but the reality is quite different. Max Waltman is an academic who has closely considered this field, and he argues that, in countries operating with legalised prostitution, women claim:

*"legalization increases competition and demands for unsafe and dangerous sexual acts".*

To my mind, from considering the evidence, it seems abundantly clear that prostitution is an inherently dangerous activity. I agree with Monica O'Connor, one of the authors of the Kelleher report, who stated in her evidence to the Dáil Committee on Justice:

*"it is incredibly naive and flies in the face of the overwhelming evidence to believe that we can make prostitution safe. It is an inherently harmful, abusive, exploitative and coercive industry."*

The Minister and certain Members stated that we need more Northern Ireland-specific research before we can tackle this problem. Of course, I understand that point of view. However, the way in which the Minister of Justice sought to call for this is disappointing. Although the Minister knew in August 2012 that Lord Morrow was introducing the Bill, and First Stage took place before the summer recess, he and his Department decided to announce that it would seek to conduct research only two weeks before the House was due to debate it. I have no difficulty with research being conducted into prostitution in Northern Ireland. However, there have been hundreds of studies of prostitution in the United Kingdom, the Republic of Ireland and beyond.

The nature of prostitution in Northern Ireland is not going to be hugely different from that in neighbouring countries. Consequently, I do not believe that the need for more research should be used as an attempt to slow down the Bill. We have already had a very sophisticated public consultation on the subject, which certainly did not escape the public eye. There was a lot of press coverage, and, as a result of the consultation and expert advice, Lord Morrow significantly redrafted what was previously clause 4 but is now clause 6. I hope that the Justice Committee will give the Bill detailed scrutiny, and I understand that it will look to visit Sweden to see how its model works.

We can also benefit from the research that was conducted in the Republic of Ireland. As a result of the evidence that they considered, it was concluded that there was support for the Swedish approach across a broad section of society. What I found most impressive from that report was the committee's experience of going to Sweden. The committee said that it:

*"found compelling the accounts that it heard during its visit to Sweden ... and the evidence indicating that using the criminal law to tackle demand for prostitution has reduced trafficking."*

I know that concerns have been expressed about whether clause 6 could be effectively policed. The committee looked at that question and concluded that:

*"a ban on the purchase of sexual service can be effectively and efficiently enforced by the Gardaí."*

I contend that, if it can be policed south of the border, it can be enforced north of the border. I hope that Members will agree that that evidence warrants our attention and consideration.

In conclusion, Mr Deputy Speaker, my point is that clause 6 is the only option that will truly rectify the terrible state of affairs that we are in with trafficking for sexual exploitation. It is the only measure that tackles the demand and by which supply will fall.

The evidence from the Swedish approach is compelling. Having listened to the evidence given by Gunilla Ekberg last week to the Justice Committee, I am even more convinced that this is the right way to go. In Sweden, due to the criminal law being used to focus on demand, there has been a reduction in the size of the prostitution industry and in the number of people trafficked. Do we not want the same for Northern Ireland? In confronting that important question, it is certainly encouraging to see the broad basis of support for criminalising the purchase of sex on the part of my own party, in Northern Ireland and, as Lord Morrow highlighted and praised, on the part of Sinn Féin, across North and South, since it adopted this policy by backing the Turn Off the Red Light campaign at its recent ard fheis. I very much hope that the other parties in the Assembly will come to support this enlightened and progressive policy.

In closing, I will echo the words of Mr Liam Doran, general secretary of the Irish Nurses and Midwives Organisation. He said:

*"We need to do this now. Penalty points were brought forward to stop motorists speeding. These laws must be brought forward to deter people from engaging in the exploitation of women for their own satisfaction or profit. Our legislators must have the courage to act now to protect these vulnerable women and offer them some hope of a real life in which they can be free from their terrible nightmare."*

**Ms Lo:** In the 1980s, when I was working in the Chinese community, I became aware of people smuggling and debt bonding. In later years,

there was a more sinister twist to that illegal activity. That twist was the multimillion pound international trade in human trafficking, which was highlighted here by the murder of a Chinese woman in north Belfast who was widely believed to be a victim of human trafficking. As the then director of the Chinese Welfare Association, I began to see the evil nature of human trafficking. Therefore, as someone who has spoken out for years about this heinous crime, I welcome Lord Morrow's commitment to eliminate it.

I do not agree with all the proposals that Lord Morrow seeks to use to attempt to tackle human trafficking, but I am committed to working with him and Assembly colleagues to address the issue.

My Alliance Party colleague Stewart Dickson already addressed the Bill and made a number of comments on it, including the work on human trafficking that has been undertaken by the Department and Minister of Justice. It is not my intention to repeat that.

That having been said, before I make my own substantive comments, I want to congratulate the Minister of Justice, David Ford, for the work that he has done to address trafficking in Northern Ireland. As a long-term campaigner on the subject, it has given me great pride to see an Alliance Party Minister treat this subject with the attention that it requires and attempt to eradicate modern-day slavery in such a forthright manner through the Organised Crime Task Force and its immigration and human trafficking subgroup, the non-governmental organisation/stakeholder engagement group and as a member of the interdepartmental ministerial group on human trafficking. I also welcome the recent launch of the leaflet for victims of trafficking, the new educational material that the Department has launched and the publication of its action plan.

It is my understanding that the Department, at the time of the Criminal Justice Bill, highlighted that it would bring forward secondary legislation on support for victims of trafficking, legislation that is now stalled until we see the outcome of this Bill. Support for victims is absolutely paramount.

It will come as no surprise to the House that I wish to focus much of my speech on the principles of clause 6, as has much of the debate on the Bill outside the Chamber. In discussions with Christian Action Research and Education, which, I am given to believe, had a hand in assisting the drafting of the Bill, I was told that clause 6 represents the "core of the

Bill". That makes me question whether the Bill is more of a religious crusade to ban prostitution than an attempt to address the problem of human trafficking.

Clause 6 would criminalise anyone who pays for sex with a man or a woman. At the outset, I would like to put firmly on record that I support the objective of the clause to discourage the trafficking of persons into Northern Ireland to work as prostitutes. However, I am not convinced that there is a sufficient evidence base on which to pass legislation such as this. I welcome the Department of Justice's commitment that it is to commission research into the extent and basis of prostitution in Northern Ireland, research that would then inform future policy. With that knowledge, I believe that it would be wise to reconsider the inclusion of clause 6 at the Bill's Committee Stage.

**Mr Wilson:** I thank the Member for giving way. She seems to hang her argument on the fact that she wishes to see some research done to establish the extent of prostitution in Northern Ireland. However, there are very clear links already, from the information provided by the PSNI, on the percentage of those who are trafficked who finish up in the sex industry in Northern Ireland. Is she saying that if the research comes up with little evidence, or evidence that prostitution is only a small issue in Northern Ireland, she is quite happy for those unfortunates who are trafficked and exploited in the sex industry to be left without any protection? That is the implication of her argument.

**Ms Lo:** That is not what I am saying. I have been involved in raising awareness about this crime for many years. There is no doubt that I want to see measures to tackle it. However, we still do not know how many people who are involved in the trade are coerced by human traffickers. It is very hard to determine the extent of what we are dealing with in this case. Prostitution, as anyone who studied sociology knows, and as I have touched on, is a very complex social issue.

A single clause is not going to deal with this comprehensively. There is no way that a single clause can do that without our thinking about exit strategies and all the other issues that are needed to deal with it in a really holistic manner.

**5.00 pm**

Anyway, let me get back to it. It is far from best practice to legislate and to take long-term policy

decisions without an evidence base, particularly a local Northern Ireland-specific evidence base. We do not know the extent of human trafficking in Northern Ireland or the proportion of prostitutes here who have been trafficked. To legislate in this manner without at least trying to get a sense of those figures is, in my view, a mistake.

We should also always seek to legislate after full and thorough consultation. I commend Lord Morrow for the consultation exercise that he ran, although I would have liked to see full responses. However, it is my understanding that there was no engagement with those who are sex workers by choice. It is important that we recognise that some people enter that profession by choice. Indeed, I worked with a constituent in south Belfast who chose to be a sex worker.

Again, although I commend the general principle of clause 6 and the Bill as a whole, I believe that it is essential that we fully consider any unintended consequences and potential outcomes of all the measures in the Bill. As with anything that is banned, there is a real risk that prostitution will merely be driven underground, making it less safe for sex workers.

Clause 6 is based on the Swedish model, and I commend Basil McCrea for his response to the Swedish reports and the claims that they make about the success of the ban. In my research, I learned that there are examples of how prostitution in Sweden, which is banned but continues nonetheless, has become more dangerous as a result of legislation that is similar to the Bill that we are looking at. Sex workers there must now work alone for fear of potential clients being scared off from approaching a group of prostitutes in case they are arrested. That means that there is no longer safety in numbers. Those clients who are still willing to pick up a prostitute from the street are also less likely to be worried about breaking the law and are, therefore, less likely to be non-violent.

Another fear that I have about the Bill as a whole and clause 6 in particular is the confusion between trafficking and prostitution. Although they can sometimes be linked, they are not one and the same issue. Policy and legislative responses should distinguish clearly between human trafficking for sexual exploitation and prostitution. Although the two can sometime overlap, if each is to be targeted effectively, they need be addressed separately.

Not everyone who is trafficked will be forced into sex work. There are other reasons why this terrible crime happens, not least domestic servitude and forced labour. There is evidence that such crimes also happen in Northern Ireland, where we have seen trafficked workers in cannabis factories. It is wrong to focus on prostitution as the only outcome for trafficked individuals. Whereas those areas do sometime overlap, as I said, they should be considered and dealt with in their own right.

I also believe that attempting to tackle a topic as huge as prostitution through one clause in a private Member's Bill is not the best way to go. Much wider areas need to be addressed, such as exit strategies for the workers involved. That was a key section of the Swedish legislation, and it was heavily resourced by Swedish social services. However, any reference to that is lacking in this legislation.

Everyone in the Chamber must agree with the principle of eradicating human trafficking from Northern Ireland and elsewhere. There can be no argument against that. However, that, in itself, becomes a problem; if we simply ban something from happening here, that merely moves the problem elsewhere. As someone who has long campaigned against trafficking and sought to raise awareness of it, I know that I would not be happy with that outcome. I have read examples of how the bridge between Denmark and Sweden has been termed a "sex highway" since the introduction of a similar law in Sweden, and how taxi drivers wait at one end as they know that fares are a certainty. Do we really want the same to happen to the boat to Scotland or the road to Dublin? Exporting a problem is not a solution. We all need to work together, and there are initiatives that enable European member states to work together, because we know that it is a global trade and goes across borders. Country borders are really no deterrent to human trafficking.

I have long argued that the most effective way to prevent people from being trafficked into prostitution is to focus on the source countries. I would much rather focus scarce and valuable resources on that, rather than on legislation that would duplicate provision already in place or which the Department sees as unnecessary. I am aware that, in China, there are open advertisements in newspapers luring young women to apply for bogus posts as nannies and waitresses in the UK and America. What is the Government in China doing to stop people from applying for those jobs? Those Governments need to address such issues, rather than exporting women to be lured into the west and, perhaps, send money back to the source

country. It is a serious crime, and we all need to work together and not just look at our own boundary. We need to work with other countries and other people.

I believe that it is also important to put on record the concern of the PSNI that, should legislation banning prostitution pass, it may have the unintended consequence of diverting resources from tackling trafficking to monitoring prostitution, not to mention just how difficult it could be to enforce the legislation. We should remember that it is already against the law to pay for the sexual services of a prostitute subject to force, irrespective of whether the person had any knowledge of force being used, and to solicit for the services of a prostitute in a public place.

I also note with concern that primary legislation, which is difficult to adapt and change, is, perhaps, not the best way to tackle a crime that is constantly changing. We must ensure that whatever measures we put in place can react quickly to changing needs.

As my party colleague Stewart Dickson already stated, although we might have reservations about some parts of the Bill, the Alliance Party is happy for the Bill to pass to Committee Stage where it will receive full and thorough scrutiny. I look forward to tracking the Bill as it progresses and to contributing further to the debate at Consideration Stage.

**Mr Weir:** I support the Bill. I want to deal with a couple of the issues raised by the Member who spoke previously. She seems to be in the slightly contradictory position of criticising the Bill right, left and centre, but is willing to support it at Second Reading.

I also highlight an inherent contradiction that says that clause 6 is at the heart of the Bill and effectively dominates the Bill — I do not believe that to be accurate — yet also says to deal with prostitution in just one clause. Either clause 6 is dominant and overriding or is just one clause in the Bill; you cannot have it both ways.

There might be an idea that some are happy and willing to be involved with prostitution, that it is some sort of career of choice with a careers teacher pushing someone in the direction of prostitution. The reality is that the vast bulk of those who enter prostitution, leaving aside those in human trafficking, do so because of a range of tough personal circumstances. It is not something that the vast majority of women who are involved in it do through choice. They are forced into those circumstances.

Let us move away from that rosy picture. There would be criticism of the Bill if it dealt purely with prostitution, but it deals with a wide range of issues, some of which I will deal with. In the same way that no one on this side of the House who proposed this said that human trafficking and prostitution are one and the same, clearly beyond that a lot of people who are involved in human trafficking are involved in domestic servitude or other issues. Similarly, there are those involved in prostitution who are not involved in human trafficking. By the same token, to see these as two disparate issues, when there is such a large overlap and wide range of evidence that shows that a large percentage of those involved in human trafficking are involved in the sex trade, is at best naive and, at worst, disingenuous. We need to tackle that problem.

I am an ardent supporter of the Bill. I pay tribute to Lord Morrow. Even the Member who spoke previously, who was critical of some aspects, indicated that he has gone a long way with the consultation. Indeed, it will be brought out in the evidence sessions that there is a considerable amount of research. He has also brought this Bill at the right time. There is a considerable amount of research out there. What will more research on the extent of prostitution in Northern Ireland and putting the Bill on the long finger achieve? I suspect that this is the one opportunity in the lifetime of this mandate for this Bill to pass. We are already a few years down the line. More research to show what? The levels of prostitution? Whether there are 1,000 or 100 people involved in forced prostitution through human trafficking is, in one sense, not the point.

If our intervention can improve people's lives, delaying things for further research simply to establish the numbers will simply expose people to the threat of human trafficking. If, as a result of exhaustive research, it is four or five years before we come back with legislation, how many more victims will we have in that time? Let us try to establish what needs to be established through this legislation.

The Member makes the point that primary legislation on criminal justice matters of this nature is, perhaps, not the best way and we should have something more flexible. That seems to ignore the general rule of thumb with regard to almost any element of criminal jurisdiction and criminal justice. It is nearly always done through primary legislation, so that is a bogus argument.

The constant focus has been on the attraction and impact of clause 6. I want to focus on clauses 10 and 11. Both seek to improve ways

in which we can assist and support those who are found to be victims of human trafficking in Northern Ireland. Clause 10 lists the requirements for assistance and support, and meets the requirements of article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings and articles 11 to 16 of the European anti-trafficking directive.

Clause 11 requires the Minister to set out details of how compensation can be made available to victims of human trafficking offences. That clause fulfils the requirements of article 15 of the European convention and article 17 of the directive.

### 5.15 pm

Clause 10 calls upon the Department of Justice and the Department of Health, Social Services and Public Safety because there needs to be a joined-up approach to ensure that, as soon as there are any reasonable grounds to believe that an individual is a victim, they must be provided and continue to be provided with assistance and support until three months after criminal proceedings are completed. The type of care and assistance included in the Bill that should be provided are appropriate accommodation; material assistance, including for a person with special needs that are caused by pregnancy, physical or mental-health disability or by being a victim of serious psychological physical or sexual abuse; medical treatment; counselling; information, including but not limited to the possibility of granting international protection refugee status; translation and interpretation services; access to education for child victims and children of victims; plus legal counsel and representation.

With regard to clause 10, I am delighted that the Minister has shown support for legislation in this area and awaits the outcome of the Bill. I recognise that there is guidance on the care of trafficked adults and children and there is funding for Migrant Help and Women's Aid to support victims. All of that is good progress. Rather than simply being critical of what is there, we are looking to see where we can improve. Indeed, some people might say that what is there at present is sufficient and that there is no need for legislation. I beg to differ for two reasons. First, the commitments that have been given for investment in those areas are, at present, simply operational. It exists only at the pleasure of the current Administration. There is no long-term security for victims. Another Minister could change direction. We are aware of the wise words and actions of the Justice Minister on that front. I am sure that we all welcome them.

Unfortunately, however, we cannot guarantee — unless, indeed, Mr Ford is in a lifelong post — that a future Minister would be as enlightened and as forward-thinking as Mr Ford. We have to look beyond the era of David Ford. The reality is that if the commitment is set out in law — of course, it could be changed, but that change would be a decision for every MLA, and a vote of the Assembly would be required — it will not be changed simply at the whim of a Minister or, indeed, due to budgetary cuts. It could not be done in a hurry or without full scrutiny and public debate. That is the crucial safeguard that clause 10 provides.

Secondly, the current commitment actually falls short of what we believe is needed. In its 2010-13 report, the Anti-Trafficking Monitoring Group was concerned that, in Northern Ireland, interpreters were not routinely available or trained to deal with trafficking cases. Translation and interpretation services are one of the areas that GRETA included in its recommendation 26. In 2013, the group raised concerns about the counselling and assistance that victims received during and after the trial of their traffickers. These are real concerns that have been raised. The importance of care for victims was raised by GRETA in its report last year on the UK's compliance with the convention. In its recommendation 26, it stated that there should be:

*"further efforts to ensure that all potential and actual victims of trafficking are provided with adequate support and assistance from their identification through to their recovery."*

It said that there should be:

*"clear support service minimum standards for victims of trafficking and the provision of adequate funding to maintain them".*

Again, the clause does exactly that. It sets out minimum standards by placing a statutory obligation on the two Departments and ensures that there is adequate funding.

The Law Centre of Northern Ireland, in its analysis of guidance for working with victims of adult trafficking in Northern Ireland, argued that the guidance lacks clarity on a number of points and is disappointingly brief on the role that social services would play following a conclusive decision in cases that involve trafficking adults. The guidance does not set out specific obligations of social services. Its involvement is not compulsory. We, as an Assembly of elected representatives, need to show concern for those who have been victims of some heinous act. We need to see it as vital

that the full list of assistance and support is available readily to every individual who is a victim of human trafficking. Therefore, the response from a range of organisations has been to welcome the progress that has been made in practice by the Department of Justice and the Department of Health, Social Services and Public Safety, but to say that, first of all, it does not go far enough and that, indeed, even assistance that has been given is not by way of statutory obligation and is, consequently, very much at the grace and favour of both Departments.

**Mr Poots:** I thank the Member for giving way. Given the events of the past couple of weeks, and given that a previous private Member's Bill that may have made a considerable difference in addressing child sexual exploitation was not successful, I appeal to Members to think very carefully about this Bill. We have an opportunity to reduce the opportunity for the perpetrators of evil, heinous crimes — they exist, act and engage in our country — to engage in such vile acts. It is incumbent on us and there is a duty on us to do that. I ask the Member for his thoughts on that.

**Mr Weir:** I very much agree with the Minister, who was speaking in his capacity as a Member. When my colleague Miss McIlveen brought forward draft legislation in the previous Assembly mandate, there appeared to be a response from the Department that, perhaps, either the legislation may not have been the best way forward or that it may not have been needed. In hindsight, that was, perhaps, a missed opportunity. I think that the lesson to be learned by the Assembly is that, when we have the opportunity to copper-fasten the level of support, particularly when it comes to sexual exploitation, we need to take it. It strikes me that there are some who regard this as superfluous or unnecessary. I have to say that if we miss the opportunity to grasp the nettle at this stage, I fear that we will come to regret it in later years.

I now turn to clause 11, which deals with compensation for victims of human trafficking and slavery offences. The clause requires that the Department set out the procedures to be adopted in which a person shall be able to apply for compensation if he or she is determined to be a victim. It requires clear arrangements for those who need assistance and support either in applying for compensation, or seeking leave from the UKBA to remain in Northern Ireland so that they can claim compensation. Although the criticism from some has been that the focus is purely on victims of sexual exploitation, it should be

pointed out that clauses 10 and 11 deal with all victims of human trafficking, and the Bill is much wider than the caricature that it has been made out to be.

The Minister has expressed public concern that he regards clause 11 as unnecessary. Again, let me explain why that is not the case. The motivation behind clause 11 is to ensure that any barriers to compensation for trafficking and slavery victims are removed. In 2010, the Anti-Trafficking Monitoring Group said that the UK was:

*"failing to provide information about compensation to those identified, and secondly by preventing them from staying in the UK to pursue compensation."*

In a separate briefing from the Anti-Trafficking Monitoring Group, specifically on the issue of compensation, it found:

*"it unlikely that trafficked persons would receive compensation for their injuries and suffering either from their trafficker or from any statutory agency."*

Although that evidence was published before the introduction of the national referral mechanism, the monitoring group did not find any evidence to suggest that the NRM has improved the situation. The monitoring group believes that the issue of compensation for trafficked persons received little attention from statutory agencies, and, indeed, it repeated that concern in its 2013 report. In fact, from interviews with staff and statutory agencies, it became apparent that compensation is perceived to be one of the last stages in the process of supporting and protecting victims of trafficking, and, consequently, there is a danger that it is seen to be given low priority.

The Anti-Trafficking Monitoring Group made it clear that compensation for trafficked persons plays a crucial role in combating trafficking. Not only is it an instrument of restorative justice for trafficked persons, but the financial security that it affords victims is central to the prevention of re-trafficking. It is not acceptable that we have a compensation system that has an atmosphere of apathy and that is designed in such a way that it proves difficult to access. We must change that.

Last year, GRETA recommended that the UK should:

*"adopt measures to facilitate and guarantee access to compensation for victims of trafficking"*.



That included access to current compensation schemes and legal aid, and the ability to claim compensation from outside the UK. GRETA reported that, at that stage, there had been no claims for compensation in Northern Ireland despite the fact that over 80 victims of human trafficking had been rescued since 2009. I am pleased to say that that position has improved slightly. In a recent written answer, the Department of Justice noted that two victims of trafficking received compensation through the criminal injuries compensation scheme. That is not something to boast about. It speaks volumes if the situation has improved so that two out of 80 have managed to break down all the barriers set in place to receive the compensation that they need. People have been talking about evidence, but those are the plain facts. We need change in that area, and this clause helps to provide it.

In his letter to Lord Morrow of 19 October, the Minister of Justice outlined that the immigration and human trafficking subgroup has agreed that information on compensation should be included in a multilingual leaflet for victims that the Department is developing with Amnesty International. I have seen the draft version of that, and it does not provide enough information. All that it provides is a phone number. A small section of a leaflet is not sufficient to inform people effectively about compensation. Consequently, it is important that the statute is put into law so that the Department is required to outline the ways in which compensation can be claimed so that there is transparency for victims. As a House, we have a real responsibility to care for, support and protect those who have been trafficked, and I believe that these two clauses can make a considerable difference.

There is a certain level of derision that we are, in some way, out of step with other parts of the United Kingdom. If the steps that the House takes puts it at the forefront of providing the maximum amount of protection for those who have suffered the abuse of human trafficking, I am more than happy to be out of step. We should be the leaders in this field and not simply follow afterwards. It is interesting to note the language that was used. Some said that the purpose behind the Bill is motivated by a sense of moralism. The odd thing about that is that I would normally take that as a compliment. I assume that the morality and moralism that was talked about is quite often done in a sneering fashion towards those who are putting forward the Bill. Again, I find that slightly odd. The intention is to try to show that some prudish sexual attitudes are the motivation behind it or, indeed, a rigorous support for Christian dogma.

The accusation of morality towards those who are putting forward the Bill is, in one sense, right. That morality sees human trafficking as the modern form of slavery, and, in the way that Wilberforce pushed for the abolition of slavery in the 18th and 19th centuries, I believe that there is the same opportunity today. We may not have the slave ships or the ledgers that record the movements of slavery, but we have the aeroplanes, e-mails and iPads, and those are the modern-day equivalents. We may call this human trafficking, but it is effectively slavery. Similarly, the morality is about seeing people involved in human trafficking and those who are subject to prostitution as victims in our society and as human beings.

In the United States and here, in the days when slavery was about, anyone who killed a slave was not convicted of murder. Why? Slaves were regarded as chattels and mere goods. You would perhaps have been charged with a form of criminal damage. In accepting the concept, particularly regarding human trafficking and, within that, those involved in prostitution, we are seeing mainly women, but also people in general, as pieces of meat, and that is not acceptable in society today. There has to be a sense of morality that human beings have to be treated as human beings and to tackle the evil of human trafficking. There has been some point scoring. Some in the Chamber see it as a device to show the robustness of opposition. It is fairly pathetic for people to make that argument and try to score points in that way.

### 5.30 pm

The reality is that we have an opportunity to do something about this great evil facing our society. I will paraphrase Chamberlain: this is not happening in some faraway country about which we know little; this is happening on our doorstep. I suspect that it happens in every one of our 18 constituencies. We need to show a strong lead.

When certain legislation comes before us, as it will in days to come, supporting it will enable us to look back in years to come with a sense of pride and say, "We were faced with that great problem. We did our best to do something about it". Alternatively, we can reject the Bill and perhaps be left in days to come to rue that mistake and have a sense of shame in the House. We have to embrace that pride and the proper sense of morality that sees human beings as human beings. Therefore, I urge Members to support Lord Morrow's Bill and grant it the Second Reading that it so richly deserves.

**Miss M McIlveen:** From the outset, Lord Morrow was keen to emphasise that this is a 19-clause Bill. Many Members who spoke focused on clause 6. However, in the time that I have, and given my particular interest in and concern for children and young people, I will focus my remarks on clause 12.

Before I begin, I congratulate and thank Lord Morrow for introducing this private Member's Bill. I, like many Members, recognise his sincere desire to tackle human trafficking in Northern Ireland. I commend him for all his work thus far on the Bill, which I strongly support.

Lord Morrow outlined the intention behind the Bill, but I would like to explore the provisions of clause 12 in a little more detail. Clause 12 of the Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill seeks to introduce a new role of child trafficking guardians in Northern Ireland. The goal of these guardians is simple and reflects the principles in the Children (Northern Ireland) Order 1995 — to support the best interests of children throughout their care as looked-after children and victims of crime — so it is a role that I welcome.

Children trafficked into or within Northern Ireland are some of the most vulnerable people in the Province. As Members from every side of the House will know, such children, whether sexually exploited or subjected to forced labour, will have suffered immense trauma. In fact, what they go through will be beyond the comprehension of the majority in the Assembly.

The case has been proved in the UK that such children are at real risk of being re-trafficked. At present, in most cases, no single person is appointed to accompany them and speak on their behalf. Sadly, that problem is not unique to Northern Ireland. So UNICEF has developed a child trafficking guardian model, on which clause 12 is based. Clause 12(2) of the Bill seeks to encompass the UNICEF expectation:

*"The role of a guardian is to be an advocate for the child in a wide range of discussions and decisions about what should happen to the child, in particular to ensure that the decision-making process primarily considers the best interests of the child. The role is also to be a link between the child and the various agencies the child comes into contact with, to ensure the child is kept informed of any relevant developments with respect to him or her, and to accompany the child in a physical way, in particular when*

*she or he is moved between various places."*

Clause 12 makes provision for guardians for all trafficked children from the moment that they are identified as potential victims. A guardian would then be able to accompany a child in all of his or her interactions with state agencies and speak on the child's behalf. Thus, the child has a common point of reference, which should improve the standard of care for trafficked children.

It is important also to note that this clause seeks to implement article 14, paragraph 2 of the European directive on preventing and combating trafficking in human beings, and protecting its victims. The article requires member states:

*"appoint a guardian or a representative for a child victim of trafficking in human beings from the moment the child is identified by the authorities where ... the holders of parental responsibility are ... precluded from ensuring the child's best interest ... or from representing the child".*

Article 10(4) of the European convention against trafficking also requires that, as soon as an unaccompanied child is identified as a victim of trafficking, there should be:

*"representation of the child by a legal guardian, organisation or authority which shall act in the best interests of that child".*

Clause 12 of the Human Trafficking and Exploitation Bill, if passed, would ensure that Northern Ireland would be in line with the directive and the convention.

I welcome that the introduction of such guardians has been widely backed by NGOs across the United Kingdom. Those organisations include the Children's Society and Refugee Council, which supported such an introduction in their report entitled 'Still at Risk'. It has also been supported by the Joint Committee on Human Rights at Westminster and by GRETA, the oversight committee of the European convention against trafficking. Indeed, many of those organisations would like to see guardians introduced for all unaccompanied migrant children who come to our shores and not just those who have been trafficked. Groups such as UNICEF UK, ECPAT, Barnardo's UK and Praxis have all called for such guardians to be introduced, and the Children's Commissioner for Northern Ireland supports that call. Introducing guardians for all unaccompanied migrant

children is beyond the scope of the Bill, but clause 12 is certainly a step in the right direction.

It is important to be clear that guardians ad litem do not fulfil the same functions as a child trafficking guardian. Guardians ad litem undoubtedly perform a vital role in representing children in public law cases. However, they have a much narrower remit than what is proposed here. First, they represent a child in care and adoption proceedings. Not all rescued trafficked children will be subject to such proceedings. Secondly, the role of guardians ad litem is limited to the courts. Child trafficking guardians, appointed from the moment that a child is identified as a potential victim of trafficking and able to accompany and to speak for the child in all its interactions with the state, clearly play a much broader role than guardians ad litem.

Of the 18 trafficked children who have been identified in Northern Ireland since April 2009, only eight had been cared for by a health and social care trust and only six had been allocated a guardian ad litem up until September 2012. As mentioned, one major reason why I believe that child trafficking guardians are necessary is to protect children and young people who have been trafficked from being re-trafficked. Of the eight trafficked children taken into the care of social services, three have subsequently gone missing. I believe that that should be of real concern to all of us in the Chamber. I recently recorded my concern that children who go missing from the care of social services should be our highest priority. Each of those three children possess an intrinsic dignity, and they deserve the very best support and care that we as a society can possibly provide. We cannot be sure that those three children would have kept safe had they been given a child trafficking guardian, but I believe that it would have been much more likely. If they had such a specially appointed trafficking guardian looking after their interests, I believe that they would have been better protected.

One concern that some may have about the introduction of such guardians is the potential cost. As we know all too well in these austere times, money is tight. However, I do not believe that the costs that are involved in introducing such guardians are prohibitive. It has been estimated on the basis of figures extrapolated from the Scottish Guardianship Service pilot that it would cost around £120,000 to introduce fully paid child trafficking guardians for 12 children a year. Alternatively, if it is proved that employing fully paid child trafficking guardians

was too expensive, a voluntary model could be followed, such as has been used in the United States for court-appointed special advocates. It seems abundantly clear to me that the cost of introducing such guardians should not be large and that it would be a worthwhile investment, considering how vulnerable many of these children are.

In either event, though, it is important to stress that clause 12 makes it clear that child trafficking guardians must be properly trained. As with the US model, there can be no question of having untrained volunteers full of good intentions but without the necessary skills to do that job.

In closing, I quote one of the respondents to Lord Morrow's consultation on the Bill about clause 12, who outlined the following:

*"In many cases, child victims of human trafficking possess a basic need for a parental figure, something that older victims do not require. Subsequently, proposals aimed at providing child victims of human trafficking in Northern Ireland with a[n] ... advocate to protect their legal interests and provide practical support in the immediate aftermath of their recovery are to be welcomed. Such provision would begin to restore to these victims the dignity and youth that their captors denied them."*

I wholeheartedly agree with that respondent. I strongly believe that child trafficking guardians are necessary to help restore to those vulnerable people the intrinsic dignity that they have as human beings.

As Lord Morrow stated, I also welcome the fact that the Health Minister is supportive of the clause. I hope that Members from all sides of the House will endorse these proposals and the principles of the Bill. Let us not miss this opportunity to do the right thing.

**Ms Brown:** I commend my colleague Lord Morrow for bringing the Bill to the House. I am very happy to support it at its Second Stage. I will focus on two clauses — 13 and 14 — that relate to the introduction of special measures for victims of human trafficking. Clause 13 was added to Lord Morrow's Bill following the consultation process. Its purpose is to provide effective protection for victims of human trafficking and slavery. It places a statutory duty on the PSNI to prevent secondary victimisation during police interviews by avoiding visual contact between the victim and the person accused of such offences, unnecessary questioning about private aspects

of a victim's life and unnecessary repetition of interviews. The wording of the clause is based on the England and Wales Trafficking People for Exploitation Regulations 2013, which were introduced in March 2013 to make England and Wales compliant with the EU anti-trafficking directive.

Clause 14 seeks to extend provisions, known as special measures, provided to vulnerable witnesses to ensure that all victims of trafficking receive equal treatment if they give evidence in court. That would be achieved by amending the Criminal Evidence (Northern Ireland) Order 1999 to extend the provisions that already apply to victims of trafficking for sexual exploitation to victims of trafficking for forced labour and other exploitation. The measures that would be available include screening the witness from the accused in the courtroom, allowing evidence to be provided by live link, allowing evidence to be given in private and allowing video evidence. It was provided for in an earlier draft of the Bill, and similar provisions were introduced in England and Wales in March through the Trafficking People for Exploitation Regulations.

One of the motivations behind both clauses is to ensure that Northern Ireland is in line with the spirit and letter of articles 12 and 15 of the European directive on preventing and combating trafficking in human beings and protecting its victims. The clauses mirror the text of the directive and seek to ensure that the protections that they outline are available to all victims of human trafficking, whether subject to sexual exploitation or forced labour. It is concerning that, although Lord Morrow proposed them in clause 14 to achieve compliance with the European directive, the special measures were rejected by the Minister at the time. However, they have since been adopted by the Government of England and Wales. We now clearly need clauses 13 and 14 to catch up with England and Wales. Had it been possible to act on Lord Morrow's proposals sooner, it would have been a case of England and Wales having to catch up with Northern Ireland.

Every Member will know that victims of human trafficking have suffered horrendously at the hands of those who have exploited them. None of us can truly grasp the depth of suffering involved for victims of those terrible crimes. The essence of both clauses is to help victims navigate the investigation and court proceedings involved with prosecuting offenders. To my mind, it is imperative that we do not cause further suffering to these individuals through repeatedly requiring victims to outline what they have been through or by

requiring them to have to face the defendant again. Giving evidence in court is a difficult experience for anyone, let alone for a victim of trafficking. Therefore, it is incumbent on us to ensure that every victim of human trafficking, not only those who are victims of sexual exploitation, are entitled to special measures.

#### 5.45 pm

However, there is another reason for promoting clauses 13 and 14. In its report, GRETA explicitly expressed concerns about the lack of trafficking convictions in Northern Ireland. One way in which we can increase the chances of successful convictions is by making it easier for victims of trafficking to cooperate with, and feel safe in the presence of, the police and the law courts so that victims will come forward and testify. I understand that the Minister of Justice is very open to both these clauses. It has been interesting to see the Minister evolve in this area from saying last October, in his letter to Lord Morrow on his Bill, that further legislative provision with regard to special measures was neither desirable or necessary, to now backing such changes in clauses 13 and 14. I suspect that this may have had something to do with the decision made by the coalition Government to introduce the Trafficking People for Exploitation Regulations in March. This Minister does seem to like to follow his counterparts in England and Wales on trafficking measures. Regardless of that fact, I am glad that he is willing to introduce such legislative provision, and I hope that he will take up Lord Morrow's offer to work with the Department on these clauses.

In conclusion, I believe that clauses 13 and 14 are excellent clauses. I think that they are very necessary to protect all victims of human trafficking from the danger of re-victimisation. I commend the Bill to the House.

**Mr D McIlveen:** I am also very glad to be able to contribute to the debate. I support the Bill in its entirety. I support all 19 clauses. I have a particular policy interest in the issue of human trafficking through my work on the Policing Board and the fact that I have been privileged to chair the all-party group on human trafficking here. In light of that, I commend the work that has gone into the draft legislation. In particular, I commend the eight-week consultation that Lord Morrow conducted on his proposals. I hope that Members have read the subsequent report that came on the back of that. You probably would not expect me to say anything different given that he is a colleague, but that report is as good as any parliamentary report that I have read from any Parliament in the

United Kingdom. I commend Lord Morrow for the work that he has done, ensuring that corners are not cut in the very important debate that has to take place around the issue of human trafficking.

In my contribution, I will concentrate mainly on clause 16. That clause was added to the Bill following the consultation conducted by Lord Morrow on the Bill, and this clause requires the Department of Justice to introduce an independent national rapporteur to report to the Assembly on the issues related to human trafficking and slavery in our Province. As Lord Morrow outlined earlier, this clause was introduced before the Westminster Government announced that they were planning to introduce a modern slavery commissioner in a new Bill that they are looking to introduce in the coming year. I accept that it may be a more effective approach for Northern Ireland to be covered by this new office rather than having a standalone rapporteur, however, it is important to note that, at the current time, the details of this proposal have not been published nor has the timetable for its introduction been announced. Consequently, I think that it would be wise if the clause were retained in the Bill, in that the argument is made for why such an independent rapporteur is necessary until we are provided with more information by the Government in Westminster.

In considering the need for an independent rapporteur, it is pertinent that we look at article 19 of the European directive on preventing and combating trafficking in human beings and protecting its victims. Article 19 sets out the following:

*"Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting."*

By introducing such a national rapporteur, we would be coming into line with best practice outlined by article 19 of the European directive. National rapporteurs for human trafficking and slavery operate in a number of European countries today. According to the Centre for Social Justice (CSJ) report 'It Happens Here: Equipping the UK to Fight Modern Slavery', Sweden, Finland, the Czech Republic, Belgium, Austria and the Netherlands all have national rapporteurs for human trafficking. Indeed, on

one occasion, through the Human Trafficking Foundation, I had an opportunity to meet the rapporteur in Finland. It was incredible to see the work that that lady does. I could certainly not recommend having a system of that type here in Northern Ireland enough.

In its report, the CSJ considers the example of the work of the national rapporteur in the Netherlands in some depth, and outlines how effective that office has proven to be. The mandate that the national rapporteur has in the Netherlands is to gather and disseminate information in order to highlight problems and offer solutions to the problem of human trafficking and modern slavery. They report annually to the Dutch Government, and provide recommendations on how they can improve the response to the terrible crimes of human trafficking and slavery. Since the office was set up in 2000, it has made 200 recommendations to the Dutch Government, 160 of which have been implemented.

One of the crucial aspects of the Dutch system is the emphasis placed on the rapporteur's independence from government. Maarten Abelman, head of the Bureau of the Dutch National Rapporteur, told CSJ researchers:

*"People see that we have an independent position. We don't have to hold back, we don't have to follow orders and we are not politically influenced or biased by what we do. It gives you a very strong position."*

Independence from government allows the national rapporteur to make recommendations for improvement without regard to the needs of political expediency. The CSJ further highlights the utility of having a national rapporteur when engaging with other countries. Human trafficking and slavery are crimes that do not respect borders, and the introduction of a national rapporteur has helped those nations to improve their response to that crime internationally.

I understand that the Minister of Justice is supportive of the introduction of an independent rapporteur at the UK level rather than at the Northern Ireland level. That position, as with other clauses in the Bill, has evolved in line with moves made by the Westminster Government. I understand that, initially, the Minister had argued that the interdepartmental ministerial group on human trafficking was sufficient to perform the functions proposed for a national rapporteur.

**Mr Ford (The Minister of Justice):** I thank the Member for giving way. I have not been

jumping up and down all the time, but that is exactly the opposite of the position that I took at the first meeting of the interdepartmental ministerial group (IDMG), when I argued that it was not sufficiently independent.

**Mr D McIlveen:** I thank the Minister for bringing some clarity to that matter. It certainly helps to improve the response of the constituent nations of the United Kingdom to that hideous crime. I think we have to be conscious of how effective that would be. However, I strongly disagree with any idea that that group would fulfil the functions of a proposed national rapporteur. I certainly take heart if that is the view that the Minister is sharing with us today.

The CSJ report I referred to highlighted a series of practical problems with the group as it currently functions. Those included the fact that the membership of the group consistently changes as Ministers and civil servants move between different Departments; the fact that, for each Minister involved, human trafficking is only one small part of their overall portfolio; the fact that attendance at the group has been poor, with one meeting seeing only eight attendees and seven apologies; and the fact that the group lacks participation from relevant civil society organisations. In addition, from a point of principle, crucially, the group is not politically independent. That last issue is one that poses real difficulties. The CSJ report notes:

*"It is clear that members of the IDMG are subject to substantial political pressure and are unable to report without political bias. The Group is therefore not at liberty to launch inquiries into areas of concern that may be politically awkward or difficult. It is thus unable to be self-critical to any degree."*

It now appears that the Minister of Justice is minded to agree with that viewpoint, all following the announcement of the UK Government. Yet again, the Minister's recurring theme, following and not leading, is clear.

**Mr Ford:** Will the Member give way?

**Mr D McIlveen:** I have already given way once, Minister. I want to move on, if that is possible.

**Mr Ford:** On a point of order, Mr Deputy Speaker. Is it correct that he should continue reading a prepared script that I have just contradicted?

**Mr Deputy Speaker:** The Minister has made his point.

**Mr D McIlveen:** I will just carry on. There are so many ways I would like to respond to that, Mr Deputy Speaker, but I am not sure that all of them would be entirely parliamentary.

I believe that the introduction of a national rapporteur would solve many of the issues that exist with regard to our country's response to the scourge of human trafficking. A national rapporteur for human trafficking and slavery could provide effective scrutiny, free from political bias. They could provide strategic leadership in engaging with other European countries in tackling this issue, and they could work with NGOs working in the field to improve our response without the difficulties that some groups feel in working with government-led bodies. Introducing a national rapporteur would be a positive step forward for our Province in tackling this serious crime and improving our support to victims. I strongly urge all Members to back the introduction of such a rapporteur, going forward and for the moment. Whilst the British Government's proposal is without any substance, I believe that backing clause 16 of Lord Morrow's Bill is essential in bringing this matter to the fore.

**Mr Wells:** I do not think that I have ever risen with more enthusiasm to support a Bill in my very, very long time in this House. The congratulations of almost the entire House are ringing in the ears of Lord Morrow. I would like to add to that applause. I have been exceptionally impressed, not only by the motivation of Lord Morrow but by the way in which he has carried out his task. As other Members have already suggested, the consultation and the way that the Bill was written up should indeed be taken as the textbook for future private Member's Bills. An excellent piece of work and a job well done.

Several Members have alluded to the memory of Lord Wilberforce, who was, of course, the great pioneer who opposed the terrible scourge of slavery. I do not think it unfair to compare the work of Lord Morrow with that of Lord Wilberforce. In future years, this will go down in history as the Morrow Bill — quite rightly so — in the same way that Mr McCallister's Bill on caravans became known as the McCallister Bill, although it did not deal with issues just as important as those we have here today.

There are those here this evening who are opposed to the Bill. I would love to know why; I really would. I would love to know the powerful forces out there that are driving some of the opposition. Rather than simply come out and say that they are opposed to it, they come up with the usual techniques: "We need more

research"; "We haven't the resources"; "It's unenforceable". We are either opposed to the scourge of the human misery caused by trafficking or we are not. If the Bill results in one fewer person being abused in a brothel or being brought into forced labour or prostitution, if it rescues one person, the Bill will be worth having in Northern Ireland. So, let us not be entirely negative. Let us not go and get all our friends in the various departments of the Department of Justice and all the arm's-length bodies to come in behind us and support our prejudice on the Bill.

I have to be honest: I was extremely suspicious of the timing and content of the article by Detective Superintendent Philip Marshall, which appeared in the 'Belfast Telegraph'. I was extremely concerned by its content. I was extremely concerned about the vehicle in which he decided to broadcast that content. We know the stance taken by that particular journal on moral issues. We are told, of course, that he was only answering a question put by a journalist. Very interesting. It was a platform piece in which, in my opinion, he went all out to torpedo the Bill. During the hearing that we had on the Bill two weeks ago, I asked whether there was any collusion between the Department of Justice and the PSNI on that platform piece.

There was an indication that there had been meetings between Philip Marshall and DOJ officials in the weeks leading up to that. Therefore, it looked exceptionally convenient that, at the worst possible time as far as this Bill is concerned, that platform piece was published and, subsequently, the BBC weighed in with various interviews on the same issue.

#### **6.00 pm**

It has to be remembered that the Police Service of Northern Ireland did not respond to the consultation exercise that was so expertly undertaken by Lord Morrow. Indeed, I understand that not only did the Police Service get the consultation document, but it contacted Lord Morrow and asked for further copies in order to study it. Having done that, it did not respond, and having not responded, it had no *raison d'être* whatsoever for going public to lambaste and try to torpedo the Bill. It should have remained silent or it should have contacted Lord Morrow privately.

*(Mr Deputy Speaker [Mr Dallat] in the Chair)*

It has to be remembered that the PSNI is not the legislature of this country. The PSNI's role

is to implement legislation, not to make it. Yet, I saw in that article a clear attempt by the PSNI to make legislation, which is not its role. I accept that, at the weekend, there was a turnaround when other forces came into play in the PSNI, and they made it very clear that they were not suggesting the liberalisation of legislation on prostitution, and that, whatever laws this Assembly passed, they would implement. That is a step in the right direction, but I would like to put down a very clear marker for the future: do not become involved in the political process of the formation of legislation. Leave that to this Chamber, but respond when you are asked to do so by the proposer of the Bill or the Justice Committee, on which I sit.

The debate on the Bill has been dominated by clause 6. I accept that, and I will say a few words on it later, but it would be wrong to simply home in on that one clause of a very important Bill because trafficking has many forms and not all of it is prostitution. However, I have to say that, in Northern Ireland, the vast majority of women who have been trafficked have been subjected to it for prostitution and the sex trade.

The Bill also seeks to deal with the issue of forced labour. I want to focus on that issue because it has been sadly neglected not only by Members here this evening and this afternoon, but by the press. It has been obsessed with the sole issue of prostitution, and it has not given much time to the part of the Bill that tackles the issue of forced labour in our Province. It is really important to note that Lord Morrow's Bill takes a holistic view of the issues related to human trafficking and exploitation. Note that it is trafficking and exploitation; people keep forgetting that there are two aspects to the Bill. It looks to tackle the demand for paid sex, but it seeks to improve the response in cases of forced labour both where there is trafficking and where there is not. Some individuals have been trafficked into Northern Ireland for the purposes of labour exploitation. Others, however, are not trafficked, but are nonetheless subjected to forced labour and exploitation. In both situations, those individuals have been exploited, and the exploiter has committed an offence. The offences are prosecuted differently: under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 if there is evidence of trafficking; and under section 71 of the Coroners and Justice Act 2009 if there is not.

In looking at the issue of forced labour, it is vital that we are cognisant of a report published in 2011 by the Institute for Conflict Research into the issue of forced labour in Northern Ireland.

That research was commissioned by the Joseph Rowntree Foundation, which, I believe, engaged with Lord Morrow on his Bill during the consultation process leading up to its publication. The report gives an eye-opening account of the brutal reality of forced labour in the Province. That report noted:

*"The research identified a number of problems of forced labour in the mushroom farming, fishing and catering industries, as well as more isolated problems in a variety of other casual work environments."*

The research found that individuals from a small number of national and ethnic backgrounds, such as Chinese, Filipino and Roma, appeared to be particularly vulnerable to exploitation in Northern Ireland, although individuals from a wide variety of nationalities have been and are still being exploited.

I represent Kilkeel, which is a fishing town, and I have to say that I have encountered exactly that issue in my constituency. I remember five Filipino fishermen who were forced to live on a trawler between Christmas and New Year's Day in that very cold winter — I think it was three winters ago — when temperatures dropped to record low levels, with little heat, little clothing and very little food.

That, to me, was extreme exploitation. As a result of intervention by the unions, those Filipinos were repatriated to Manila. That gave me an insight into some of what is going on.

Equally, some individuals are clearly being treated extraordinarily badly in the mushroom industry, not so much in my part of the world but in Armagh and south Tyrone. We have Chinese people working in restaurants throughout the Province, often in very poor conditions with little or no pay. There is no doubt that, if you peel away the veneer of Northern Ireland, there is a lot of forced labour that we are not to be very proud of.

Unfortunately, most of those guilty of exploiting workers here were found to be from Northern Ireland. An Institute for Conflict Research report highlights six different forms of exploitation that have been used against victims in Northern Ireland, including threats of violence against workers; the restriction of movement and confinement, often to the workplace or a limited area; debt bondage; and the retention of passports and identity documents so that workers cannot leave or prove their identity and status.

I find it utterly horrendous that these forms of exploitation are still taking place in our Province. It is safe to say that no one in the House believes that this kind of conduct can be tolerated in 21st-century Northern Ireland. It is incumbent on us as legislators to do all that we can to stamp out these appalling crimes. No human should be subject to such degrading treatment.

Laws are in place in the United Kingdom that seek to tackle this problem. However, their effectiveness was questioned in last year's GRETA report, which Lord Morrow referred to. That report highlighted the fact that the Westminster Government and devolved Administrations need to go further. Recommendation 16 states:

*"In addition to continuing efforts to discourage demand for sexual services, GRETA considers that the British authorities should step up their efforts to discourage demand for the services of trafficked persons for the purpose of domestic servitude and for labour exploitation, including in the agriculture, fisheries, construction, hospitality and cleaning sectors".*

Members may be unconvinced about the need for the extension of the measures of this Bill to slavery offences — that is, offences prosecuted under section 71 of the Coroners and Justice Act 2009. However, I urge Members to note that the 2013 Anti-Trafficking Monitoring Group, in its report, said of Northern Ireland:

*"There is a distinct lack of detection, investigation or prosecution in other exploitation cases such as forced labour or domestic servitude."*

It is absolutely reprehensible for some Members to say that one of the reasons why we do not need this legislation is that trafficking is occurring on only a small scale in Northern Ireland. We do not really know how many people are being trafficked in Northern Ireland. However, even if only 30 or 40 people are being treated absolutely abysmally here, we, as an Assembly, have a duty to do something about it.

I attended a session on trafficking in the Long Gallery about two years ago. A policeman told the story of a young woman — I think that she was Romanian — who had been trafficked into Northern Ireland. She was promised a job as a waitress in Northern Ireland, but no sooner was she in Belfast than her documents were taken from her, and she was locked in a dark room



somewhere in the city. She was sold to between 20 and 30 men a day. By the time that the police discovered her plight and got there, she had been trafficked out of Northern Ireland. What they did find were scratch marks on the walls and the doors, where this poor young woman had tried frantically to scratch her way out of the absolute misery in which she was being kept. Even if that were the one single example in Northern Ireland, are we, as an Assembly, not determined to do all that we can to stop it happening?

I did not intend to say this, but I feel that I have to. There is a fundamental dichotomy between the two sides of this debate on prostitution and trafficking for sexual purposes. I am sad to say that even some unionists have, in my opinion, the totally wrong view. You either believe that prostitution and trafficking for prostitution is the taking of the innocence of a woman and selling her to multiple males for money, the abuse of that woman, giving her no control over her destiny, taking away any dignity that she has, and forcing her — either through circumstances, by a pimp or by violence — into something that no woman would ever want to do when all that she wants to do is get out of it, or you believe that prostitution is a career choice and that it is a woman's right to choose to go into prostitution, a woman's right to be abused and a woman's right to have her body taken from her by 20 or 30 men a day in a dark and seedy room somewhere. Those are the only two possible versions of prostitution.

The evidence that we heard from the ex-prostitutes who visited the Assembly and told us their harrowing stories is that they know of no woman on the island of Ireland who voluntarily decided to become a prostitute. I hate to use the phrase, but the "happy hooker" does not exist on this island. These women are subjugated, terrorised and forced to do something that no human being should be asked to do.

The question is whether Lord Morrow's Bill helps to address that problem, and the answer is yes, undoubtedly. That is why I will go through the Lobby in support of the Bill with huge enthusiasm. Frankly, those who have tried to torpedo Lord Morrow's Bill do not know what they are talking about, and I am quite angry because none of them has been to Sweden. None of them has had direct contact with the Swedish authorities. When the equivalent Bill was going through the Parliament in Stockholm, there were naysayers like — I was going to say "Lord Ford" — David Ford, the Minister, and his colleague from East Antrim, who said that it would not work. Initially,

the Swedish police said that the legislation was unenforceable and would drive prostitution underground. Why do Members who oppose the Bill not ask the same Swedish police leaders what they now think of that Bill? Why do you not go? The Committee, quite rightly in my opinion, will go to Stockholm to meet the police, women's rights groups and those who have been involved in prostitution. We will ask them at first hand what has been going on, and we will collect the evidence. What did the police and the Department of Justice tell us when they came before the Committee? They said that they had read about it on the internet. That is the level of research that they had carried out. They had not bothered their head to find out whether legislation had been successful in Norway, Sweden and the third country, which was, I think, Iceland. All had success.

The Swedish model has shown that the number of men who purchase sex in any form in Sweden has halved since the legislation came in. It has not driven prostitution out of the country, but there is telephone traffic analysis to show that pimps, gangsters and those who traffic large groups of people are saying, "Do not go to Sweden. It is just too difficult. There are other countries, such as Denmark and Holland, that you can go to and there are no problems, but do not go to Sweden." Some day, if Lord Morrow's Bill comes in, I want traffickers, pimps and gangsters to say, "Do not go to Northern Ireland. It is too difficult." That will not drive prostitution from the shores of Northern Ireland, but it will mean that many fewer women will be trafficked into this country. I want Northern Ireland to be one of the most difficult places for women and, of course, some men, to be abused in this way.

I heard absolutely nothing in the Chamber or when listening to the debate through the monitor that convinced me that the Bill was wrong. I would love to know the real motivation of Members who oppose the Bill. I just cannot get it. Hopefully, during Committee Stage, as we try to tease out the Bill and discuss it clause by clause, we will find out what their motivation is.

If anyone has any doubts about the Bill, there are ladies in the Building, even today, who have first-hand experience of the true nature of prostitution — in this case, in Dublin. I advise every Member to talk to them or get the party group into a room and listen to their testimony. If anyone can spend half an hour listening to what those women have gone through and still tell me that the Bill is not necessary, there is something wrong.

The common ground between groups like Women's Aid and parties such as the DUP can, at times, be very slim, and we fall out over many issues. However, when you find out that Women's Aid enthusiastically supports the Bill, you have to think that there is something here to be taken seriously. I congratulate the Minister — not quite, but, hopefully, he will be Minister someday — Lord Morrow on obtaining the expert advice of Ms Ekberg from Sweden, who was the Swedish Government's adviser on this issue. Last week, she gave wonderful evidence to the Committee that blew away many of the arguments made by the PSNI, who were ably assisted and advised by the DOJ.

**Mr Ford:** Will the Member give way?

**Mr Wells:** I will give way if the Minister wants to refute that.

**6.15 pm**

**Mr Ford:** I appreciate the Member giving way. It is a simple question, Mr Deputy Speaker. On what basis is he saying that the PSNI is being advised by the DOJ, as opposed to the PSNI being the advisers of implementing the law?

**Mr Wells:** I think that the evidence is the timing, the content and the fact that the DOJ and the PSNI seem to be singing off the same hymn sheet on the issue. I think that that article in the 'Belfast Telegraph' was far too convenient, Minister — far too convenient. You do not wish to come back to me. You see, you cannot take my argument.

However, returning —

**Mr Ford:** So, two people who both have concerns about a particular issue hold the same view, and that, in his eyes, is a conspiracy.

**Mr Wells:** It is not a conspiracy; it is collusion, which is rather different. It is the two sides getting together. I will tell you what I think happened, Minister. You began to realise that Lord Morrow's Bill had legs and that it was picking up support all over the country, and you realised something, which, initially, in your first memo to the Committee for Justice, you cast aside as being an irrelevance. You felt that it was going to go no further as a result of your erudite rebuttal.

**Mr Deputy Speaker:** Order. I advise the Member that the Chair is up here.

**Mr Wells:** The Minister felt that his eloquence was such that the Bill would simply die a natural death. Well, he realised over the summer that that was not going to happen and that there was increasing support for the Bill. Therefore, and as I said at the Justice Committee, I do not believe that he personally colluded with the police, but, in my opinion, those at lower levels got together and said, "This is trouble; this Bill is going to go through. Let's get together and draft something in the media that we believe will torpedo it." That was that article in the 'Belfast Telegraph'. I say that because I have never seen that happen before. That is my view on it, and I have yet to have anything to refute it. Put it this way — I am sure that Mr Ford was not dying in the ditch trying to stop its publication.

**Mr Ford:** He did not know about it.

**Mr Wells:** What? Yes, you have deniability, Minister.

After all that, we get this other nonsense being brought forward by the DOJ and the police that you will drive prostitution underground, despite the fact, of course, that the Swedes, the Norwegians and the Icelanders said that you will not. Think about that statement and think how nonsensical it is. How can you drive organised prostitution underground? The one thing that we all know about prostitution is that you have a gang manipulating and abusing a group of women and, unfortunately, you have a large number of customers. Most of them, unfortunately, are from my gender, and it is quite appalling that that is the case. Those men are seeking the services of prostitutes. Therefore, you have to link the one with the other. Today that is, of course, done largely by the internet. A red herring was thrown out that said, "It was driven underground in Sweden, because it went from the streets to private hotels and lodging rooms etc.". The reason why that happened was nothing to do with legislation; the reason was that the internet arrived when the Bill was brought in in 1999, and, in general, prostitution has moved from the streets to women being sold over the internet.

The reality is this, and this is where the police and the DOJ have got it totally wrong — I was going to say something unparliamentary there — if it is possible for a client to walk into any town in Northern Ireland or in the Irish Republic and obtain the services of a prostitute over the internet, surely the PSNI, with its vast resources on computers, can equally make contact with those same prostitutes and the vice rings that control them. The market cannot survive in total secrecy, and the police have the resources to find those women.

Then, of course, we were told that if we introduce the Bill, those users of prostitutes who, apparently, regularly give us information about abused and trafficked women will stop coming forward. I would love to know where those men are, because, sadly — this is where we come close to the range of what is acceptable to say, so I will take your advice on this, Mr Deputy Speaker — one of the major aspects of prostitution in Northern Ireland and throughout the British Isles is that there are men out there who run websites on which, after they have bought the services of some abused women, rate her services on the internet so that other men can assess her for future purchase. I find that absolutely repulsive. Unfortunately, I am learning things as a result of this inquiry into Lord Morrow's Bill that I did not think were humanly possible. Some poor woman is locked in a room after she has been abused by a total stranger and asked to do things that are utterly repulsive, and then he goes out and, on his BlackBerry or iPhone, marks her out of 10 for her sexual services. Now, are those the sort of men that we seriously think are going to say to themselves, "Oh, that poor woman; she looks like she is being abused and that she has been trafficked and trapped in that room. I will ring up the PSNI and tell them all about it." Do we honestly believe that that is going on at the moment? Where are these men that the PSNI are telling us are queuing outside PSNI stations in order to report abused women? There is very little evidence of it.

Even if that was the case and we brought in the legislation, they do not have to ring the police to do that. They can ring Crimestoppers or they can provide the information anonymously anyhow. They will not risk being prosecuted if they do it in that form. Again, that is another red herring being thrown out by the DOJ to try to block this Bill.

The worst one of all is the suggestion that we have to put this into the bushes — that we have to have more research into prostitution in Northern Ireland because it is obviously very different from prostitution in the rest of Europe, and that therefore a full report has to be commissioned in order to gather the facts to see whether Lord Morrow's Bill is worth having. Why would prostitution be any different in Northern Ireland from the rest of Europe, particularly when many of the women who, unfortunately, are trapped in this vile trade, have come from other parts of Europe?

There are very few Northern Ireland women still in the sex trade in Northern Ireland. The vast majority of these women are treated like commodities. They are shipped around various

parts of Europe and, according to market conditions, are brought to Northern Ireland to make a profit. Yet, we are told that men will not report them being abused and that it will become untraceable. This is, frankly, nonsense, as is this idea that we have to have detailed research.

Minister, this is the classic kicking-it-into-the-bushes idea. When you cannot oppose a Bill openly and honestly, you say one of two things; we will have research or we will have a subcommittee to go off and investigate it. It is the classic way of trying to get rid of something, because you know that, if that happens, it means that the Bill will not pass before the end of the Assembly term, that it will fall and it will have to be brought back with all the incumbent difficulties. I want to know what the Minister's true reason is for opposing this Bill.

That was just an interlude. I felt that I had to get that off my chest. I am meant to be speaking about forced labour but I would never forgive myself if I did not speak out strongly against the sex trade. I hope that no one, including NI21, would have the neck on them to stand up and oppose clause 6 when it comes back to this House. All I can say to NI21 is to keep proposing those things because they go down really well with the voters in South Down and Lagan Valley when you keep doing that.

**Mr McCallister:** Will the Member give way?

**Mr Wells:** Yes.

**Mr McCallister:** The Member for South Down has given a very emotive description, but most of what he is talking about is already banned and would be illegal under current legislation. Does he not accept that, or are we just going to keep on legislating until someone decides to enforce the law? What we should be doing is getting more prosecutions under the existing law. The law exists, and in all the cases that he has described, it exists to protect people who are forced into such situations.

**Mr Wells:** You did not have that attitude when it came to caravans, Mr McCallister. Anyhow, and this is a much more important issue, it is worth stating that yes, there is a law in Northern Ireland that says that if you knowingly purchase the services of a woman who has been trafficked, that is illegal. There have been six such cases but there have been no prosecutions or convictions. Why? Again, a man of his intellect will know the reason why. It is because all the punter has to say is, "I did not

know that the young lady was being trafficked." That makes it very difficult —

**Mr Ford:** I am grateful to Mr Wells for giving way again. I fear that, on this point, he has got it absolutely wrong. It is an absolute offence to have sex with a woman who has been trafficked. The statement, "I did not know" is not a defence. The whole point is that it is an absolute offence. We are seeking to extend the time limit within which it can be prosecuted from six months to three years in order that, if necessary, the pimp or the trafficker be prosecuted, first, to establish that point so that the punters can then be prosecuted on the absolute offence for which there is no defence, if the woman has been trafficked, of knowledge or lack of knowledge.

**Mr Wells:** But the reality is that the police have got six individuals to the first hurdle and have been able to go no further. Obviously, they are invoking the defence that they did not know, and that is a very powerful — *[Interruption.]* I accept what the Minister is saying, but why have there been no successful prosecutions? You have to answer that fact.

**Mr Ford:** I cannot answer why there have or have not been prosecutions, but the Member cannot continue to repeat the canard that people are using the "I did not know that she was trafficked" defence when it is simply not a defence. The offence is an absolute offence, regardless of knowledge. If the woman has been trafficked, the man is guilty. I would appreciate it if the Member would not keep repeating a complete fallacy.

**Mr Wells:** I will believe the Minister when I see in the local papers that someone has been prosecuted, but that has not happened. There must be something inherently wrong with the legislation when we cannot get a prosecution, given how widespread this problem is. Even accepting —

**Mr McCallister:** Will the Member give way?

**Mr Wells:** Yes, I certainly will.

**Mr McCallister:** If he thinks that that legislation is wrong, why does he think that legislating again for the same thing would make a difference?

**Mr Wells:** This legislation is entirely new. It places the onus on the person who purchased sex. Let us be honest, Mr McCallister: if there was no demand to purchase sex in Northern

Ireland, there would be no prostitution. People would not do it for free; women would not allow themselves to be humiliated and abused for nothing. Secondly, there would be no need for trafficking. Why would gangsters bring women from all over Europe and further afield to Northern Ireland if there was no demand for those services?

**Mr McCallister:** I am grateful to Mr Wells for giving way. The point that he has made throughout his speech is that, in his view, the vast majority of prostitution in Northern Ireland involves trafficked women or women who are forced into it through other circumstances. If that is the case, as the Minister has clarified on two occasions, they are covered by the previous legislation. That makes Lord Morrow's Bill irrelevant in that instance.

**Mr Wells:** Yet Belfast was reported recently as being one of the top five cities in the United Kingdom for prostitution and the demand for sexual services. Whatever the legislation is doing at the moment is not working. We still have this awful stain on our society. Women are being bought and ill-treated; they are being trafficking into Northern Ireland.

I will give way to Ms Lo.

**Ms Lo:** Thanks for giving way. In the same vein, you said that we should add more legislation, yet the Bill does not mention there being extra resources for the police to implement or enforce the law. Even with this new legislation, how do you envisage there being more prosecutions?

**Mr Wells:** In Sweden, they are prosecuting successfully between 600 and 700 men a year. That is a huge increase from the situation pre-1999, and it shows that that legislation works. One of the other things that they are doing in some Scandinavian countries, which I think is very good, is that, if you are caught purchasing the services of a lady, you are not only charged but are taken home to your wife. All this nonsense about the rights of women prostitutes etc goes out the window when the knock comes to the door and you are presented to your wife as having been trying to buy the services of a prostitute. That is a very interesting deterrent as well. The evidence from Sweden shows that the difference between the previous situation, which was very similar to ours, and the situation there now is radical. It is supported enthusiastically by those police officers who opposed it in the first place. I do not think that anyone in the Chamber can speak clearly,

succinctly and intelligently about this issue until they have acquainted themselves with the Swedish model, which, in itself, is quite revolutionary. Some countries have adopted the Swedish model and others have adopted the Danish and Dutch model of, basically, anything goes. Most sane people would suggest that the Swedish model is the best way forward. Sweden is a very modern liberal society, and it is surprising that a country of that nature decided to go down this route.

I was extremely impressed by the testimony of Ms Ekberg. She was one of the most articulate spokespersons on this issue who I have ever heard. Again, she is a feminist and someone who is very much into women's rights. She said that she was not aware of any women in Sweden who got into prostitution through a freely given choice. She said that they were forced into it by some means.

I hope that we will not have a Division this evening, and I hope that we will let the Bill go off to Committee. I think that the Committee Stage is the route that we should all take to tease out these issues. On the Committee, we have those who are sound on this issue, and then we have Mr Dickson. Therefore, he will no doubt carry the flag for the Minister on yet another liberal and moral issue. He will no doubt argue that they all enjoy it and that we cannot take away their living. He can tease out the opposing argument. I believe that he has indicated that he is prepared to go to Stockholm with us, and that is good news. I believe that some of the agnostics across the way are prepared to go. That is the best way forward. I believe that when you get to Stockholm, you will find that the evidence is so overwhelming that you will be convinced that this is the best way forward for Northern Ireland, both in terms of sex trafficking and other uses.

### 6.30 pm

I will finish off by going back to the issue of labour exploitation. A number of the measures proposed by Lord Morrow in his Human Trafficking and Exploitation Bill will help to fulfil the recommendation of the GRETA report and improve the situation reported in the 2013 anti-trafficking monitoring report. Clause 2 makes the consent of a victim of forced slavery or their exploitation irrelevant as a defence by someone accused of such offences. A person who seeks to exploit another's labour should not be able to rely on the fact that the person consented to being exploited. I need to make a fundamental point here, Members: no one has ever the right to consent to be exploited or abused. That is not a human right, be it for labour, sexual

services, cannabis growing or whatever; you can never give your consent to be exploited, and society can never allow you to give your consent to be exploited.

Clause 3, which relates to aggravating factors, applies to perpetrators of the crime of forced labour. Clause 4 sets down a mandatory minimum sentence for individuals who are convicted of forced labour. Clause 5 brings one aspect of forced labour, forced begging, into the trafficking legislation. Clause 7 requires that there should be suitable training for those who deal with forced labour cases. That prompts one point: somebody raised the issue earlier that, if you introduce the legislation and the demand for the sale of sexual services declines, what about those women who are left with no form of income, who may have a drug dependency or who have a family to support? I agree that that is a valid criticism. The expert witnesses that we heard from in Dublin said that we need to provide a way out for those women, and that we need to provide an alternative for them, such as some form of training, support or housing. We cannot leave those women, who have been terribly abused and have had awful things done to them, high and dry. Perhaps we can look at that as we go through Committee Stage. Even before this legislation was introduced, if most women in prostitution were offered a realistic way out, those who had the chance and the choice would get out. Very few women are doing it as their primary career. How would we react if our daughters came home from school and said that they had spoken to the careers master and decided that they wanted to be a prostitute? Of course none of us would accept that. We need to offer those women choices, and that choice includes a way out of the degradation that they are caught up in.

Clause 14 relates specifically to people who have been trafficked for forced labour. It seeks to ensure that special measures are open to such victims automatically, as is the case with victims of sexual exploitation. That would help vulnerable groups in those offences to give evidence against perpetrators of those crimes and make it easier for perpetrators to be brought to justice.

Clause 15 would be a real utility in helping to tackle strategically the issue of forced labour. It calls on the Department of Justice to:

*"publish a strategy every year on raising awareness of and reducing trafficking in human beings and slavery offences in co-operation with non-governmental*

*organisations and other relevant organisations."*

I acknowledge that there are positive steps for the Minister to introduce the strategy on a non-statutory basis. However, I noted one flaw in what is described as an annual action plan, which does not seem to place much emphasis on helping victims of labour exploitation who have not been trafficked. Lord Morrow's Bill would correct that flaw. Furthermore, to my mind, a better approach would be to place the annual action plan on a statutory basis to ensure that it was not simply removed at the whim of the Minister or any other person who may succeed him.

Mr Deputy Speaker, you will have got the impression that I am in favour of the Bill. I hope that you have caught the gist of what I am trying to say. This is excellent legislation, and I welcome the fact that it looks like it will get through its Second Stage. I look forward to the Committee Stage. I also look forward — I am sure, some day — to what will become known as the Morrow Bill being on statute.

**Mr Deputy Speaker:** Before calling the next Member, I remind Members that it is the convention of the Assembly to address all remarks through the Chair.

**Mr Wilson:** After the tour de force that we have had from Mr Wells, who has had the benefit of going through the detail of the Bill in Committee already, I will try to keep my remarks as brief as possible. However, although most of the debate has been about the technical aspects of the Bill and its clauses, and words such as "exploitation" have been used, it was very useful for Mr Wells to remind us of what we are talking about today — the real life stories that lie behind the reasons why Lord Morrow brought the Bill forward.

Young women and men are taken from their homeland to a strange place where they have no friends and are in the hands of people who are brutish to the extent that they would kill them if they had to. They are exploited, abused, do not get any pay and do not have any support. Those people must feel a great sense of hopelessness. It is important for the Assembly, regardless of reservations about aspects of this legislation, not to turn our back and simply say that it is too difficult, the existing law makes provision, and maybe we can get something done at national level. It is not enough, as Mrs Lo suggested, that maybe we should be concentrating on some other countries, with no need for legislation here.

Lord Morrow has been right in bringing this legislation forward.

**Ms Lo:** Will the Member give way?

**Mr Wilson:** I will certainly give way.

**Ms Lo:** I did not say that we do not need legislation. I was saying that we have legislation. If we do not think that the legislation is strong enough, we can strengthen it.

**Mr Wilson:** I will come to Mrs Lo's remarks, which were damning if her approach to this issue is the approach that the Alliance Party will adopt. I will quote her in a moment or two when I look at the attitude of the parties.

There seems to be a division among those who are opposed to or have reservations about this Bill. NI21 has clearly nailed its colours to the mast. They are opposed to the legislation. I do not really know what their motivation is. Mr Wells asked that question a couple of times but if it is, as was suggested by Mr McCrea towards the end of his speech, because, somehow or other, they see themselves as the opposition, so they have to oppose, and this is some pathetic attempt to show that they are different from the main parties, that is a disgraceful —

**Mr McCallister:** Will the Member give way?

**Mr Wilson:** I will give way in a moment or two. That is a disgraceful approach. I am sure that I am going to hear in a moment that the opposition is considered opposition. Perhaps that is what the Member wants to tell me. I would love it if he were to put that on the record because we will then look and see just how considered the opposition of NI21 has been on this issue.

**Mr McCallister:** The Member knows that it is not opposition for opposition's sake. In fact, in one of his last speeches as Minister he paid tribute to us when we supported him on that very issue. The opposition that we are voicing today is because you are bringing forward a Bill that does not make your main focus particularly clear, whether it is human trafficking or prostitution.

Many Members have mentioned the moves in the Republic of Ireland. They have conceded that you should not tackle those two issues with one piece of legislation. All the Members from the DUP benches spoke predominantly about prostitution rather than human trafficking, and the very real issues of that. I heard no one speak, even those with reservations about this,

who were in any way supportive of any form of human trafficking. The opposition comes because there is a great deal of the legislation in place. If we are not using it, that is where we need to focus, not on re-legislating.

**Mr Deputy Speaker:** Before we proceed —

**Mr Wilson:** I am not sure whether that was an intervention or a speech.

**Mr Deputy Speaker:** Thank you, Mr Wilson, for making my point. That was not an intervention. I ask Members to remind themselves that interventions have to be relevant and succinct.

**Mr Wilson:** A lot of the debate has been about prostitution because, as was said by a number of Members, it seems to infatuate those who opposed the Bill publicly in the press and was the subject of most of the opposing speeches. When people respond on the issue, that is what they will zone in on. We heard that from Mr McCrea and Mrs Lo of the Alliance Party. What is the focus of the Bill? In fact, both of them made the point that there is more to human trafficking than the sex industry. I really wish that if people are coming in here to speak on an issue, they would at least try to apprise themselves of the details of the Bill's content. Had there even been a cursory reading of the Bill —

**Mr McCartney:** Will the Member give way?

**Mr Wilson:** I will give way in a moment or two. Perhaps the Bill was too difficult for them. However, they did not have to go beyond its title:

*"A Bill to make provision about human trafficking offences and exploitation, measures to prevent and combat human trafficking and slavery and provision of support for human trafficking victims."*

They did not have to go beyond the first page to see that the Bill is not just about the sex industry. Indeed, proceeding through it, the full extent of the Bill becomes clear. If we are going to have opposition, let us ensure that those who complain have done their homework. I will give way to Mr McCartney.

**Mr McCartney:** It is a fair point: all of us should read the Bill and ensure that we are well apprised. However, does that not also apply to those who speak in favour of the Bill? I found it disappointing to hear people reading prepared scripts and talking about "our legislators" as though they were not part of this legislation. It

was very obvious that their speeches were written by someone else.

**Mr Wilson:** It is a bit rich for the Member to talk about reading from prepared scripts. I will refer to the prepared script that was read out by his party Member. Indeed, that prepared script seems to be at variance with the attitude of his party in another jurisdiction. However, we will come to that in a moment or two.

**Ms Lo:** Will the Member give way?

**Mr Wilson:** NI21 seems to be totally opposed to the Bill. All that I can assume from the attitude of the Minister and the way in which he has handled it, Mr Dickson's speech and the even more damning speech from Mrs Lo is that the Alliance Party is also opposed to the Bill but does not have the guts to say so because it knows the implications with some of its constituents. Sinn Féin has been sitting on the fence on this one, wondering which way to go. Its attitude is certainly ambivalent. However, I hope that those Members will take their lead from their colleagues in the Republic of Ireland and fall in behind the Bill when it comes to Committee Stage and its final presentation to the Assembly.

I promised Mrs Lo that I would give way. Since I referred to her, I will do that.

**Ms Lo:** I have nearly forgotten what I was going to say after that long spiel. *[Laughter.]* The Member said that sexual exploitation is not the main element of the Bill. Why did many DUP Members stand up and say that it is the key or core element? They said that clause 6 is the key element and that, without it, there is no Bill.

**Mr Wilson:** The Member should not only read the Bill before she comments but listen to what I said. I thought that I had made it clear that the reason why there is such emphasis on the issue of prostitution is because most of the comments of those who oppose or query the Bill are about the prostitution aspect. Indeed, most of the public debate has been about that. However, the Bill covers the whole range of human trafficking for a range of purposes, definitions of trafficking, the help and support that there would be for victims, the sentencing that there should be and what should be taken into consideration when cases come before the court.

**6.45 pm**

**Mr B McCrea:** Will the Member give way?

**Mr Wilson:** So the Bill has a whole range of issues that has to be dealt with.

**Mr B McCrea:** Will the Member give way?

**Mr Wilson:** Indeed, Mr Wells dealt with some of those aspects in a point that he made.

**Mr B McCrea:** Will the Member give way?

**Mr Wilson:** I will give way, yes.

**Mr B McCrea:** On the Member's comment on the point of the Bill, does he agree with point 1 in the CARE briefing for MLAs, which was that any Northern Ireland Bill on human trafficking that did not address the demand for sexual services would not be fit for purpose? Does he think that clause 6 is so important that that statement is true, or does he think that it is a wider point? That was printed before today's debate. You cannot say that it was not part of the public debate. It was published, and it was part of the paper that Lord Morrow brought to the debate. Do you agree with it?

**Mr Wilson:** I will accept interventions but not if they continue to be mini-speeches.

Of course, the Member does not believe that there is a problem. He made it quite clear that he thought that the law was operating perfectly and that we should not have to worry. CARE made that comment because of the PSNI figures for the past four years for those identified as victims of human trafficking. Let me just put the figures on the record. In 2008-09, 11 people were identified: six had been trafficked for sexual purposes, three for forced labour and two for domestic servitude. In 2009-2010, 17 were trafficked for sexual reasons, three for forced labour and two for domestic servitude. In 2010-11, 18 were trafficked for sexual reasons and five for forced labour. In 2011-12, 24 were trafficked for sexual reasons and nine for forced labour. That is why CARE came to the conclusion that it did.

Why are people brought into Northern Ireland? Why are they trafficked? Why are they kept in these conditions and abused by criminal gangs? It is, basically, for sexual reasons. Therefore, if you did not address that, you would not be dealing with what is, on the basis of the PSNI figures, the most important aspect of human trafficking into Northern Ireland. So that is the reason for it and one of the reasons why it has to be dealt with.

Let me just go through each party's approach. I will deal with NI21's first because it is the party

that, for whatever reason, is most opposed to this. As I said, I hope that that is not because of some petty schoolboy attitude to what opposition actually means. It was certainly very clear from Mr McCrea's speech that he was not aware of the detail of the Bill. Let us look at some of the reasons why he is opposed to it. I think that I have dealt with the issue of whether the law is working and what the law is directed towards. Mr Wells dealt very well with the figures in his speech, though Mr McCrea was not present for that. Here are some of the reasons that he is against it. He is against it because the judiciary do not like mandatory sentences, even though it is clear in the clause that deals with sentencing that no mandatory sentencing is being imposed. The clause provides that there would be a custodial sentence of at least two years but that the court would take into consideration exceptional circumstances. That is not a mandatory sentence by anybody's definition.

**Mr B McCrea:** Will the Member give way?

**Mr Wilson:** No, I will not give way, because the Member has had about four goes at this.

That is not a mandatory sentence by any means. However, let me make this clear: if society judges that an issue is important enough, I do not see any difficulty in saying to judges that, in legislation, we will put down mandatory sentences and take away some of their discretion. However, discretion is still —

**Mr B McCrea:** So it is mandatory.

**Mr Wilson:** No. It is not a mandatory sentence. I have said that there are circumstances in which I believe that mandatory sentences might be appropriate, but that is not the case here.

He went on to say that it concentrates on the sex industry. As I pointed out, had he even taken the time to read the first page of the Bill, he would have found out that it deals with all aspects of human trafficking. That comes out throughout the Bill. He then said that it would make matters worse, because people would be living in fear. However, a whole section of the Bill is about what happens when people have been found to be victims of human trafficking, what kind of support there should be for them, guardians for children, support from health and social services, and safe protection while they are giving evidence etc. If he had read the Bill, he would have realised that that is not the case.

He also said that the legislation is already working. He quoted at length one court case,



or maybe two court cases. I lost him in the middle of it, but he jumped between two judges and maybe two court cases where a hefty sentence of, I think, four years had been handed out. So, hey presto, there is no problem, despite the fact that, under the existing legislation, no one has been successfully prosecuted. That has happened despite the fact that, even though the figures show that a significant number of people have been trafficked into Northern Ireland for sexual exploitation — I have put the numbers on the record — no one has been prosecuted for that. Yet, somehow or other, the fact that he could quote a couple of cases proves that the law is working.

**Mr B McCrea:** Will the Member give way?

**Mr Wilson:** Yes, I will give way.

**Mr B McCrea:** Can I just check this for the record? Are you saying that no one has been found guilty of and sentenced for trafficking? I quoted from the court records that there are people who have been convicted of human trafficking. You say that bits of the reports are so irrelevant, but, in the first case when this happened, the judicial guidelines were set down. It is important legislation. There are convictions for trafficking, and the courts are taking it seriously.

**Mr Wilson:** I said, Mr Deputy Speaker, that I would take interventions but would not allow Mr McCrea, after he had made such a botch of his case in the first place, to make a series of mini speeches to try to recoup some of the ground. I will take interventions but only short ones, and I think that he has had his fair quota. If he is embarrassed at how weak his case was in the first place, he should maybe do his homework and make a proper speech in future when he stands up in the Assembly and has the opportunity to do so.

**Mr B McCrea:** On a point of order, Mr Deputy Speaker. I am not sure on this point, but I ask you to consider it with the Speaker. I think that, in the past, the Speaker has ruled that, when a Member takes an intervention, he has ceded the Floor and it is for the Member to carry on talking. Perhaps we could have some guidance on whether how long you speak is at the discretion of the person who has allowed the intervention. That is just a matter of procedure, and it does not have to be dealt with now, but it would be useful at some stage.

**Mr Deputy Speaker:** All Members have been supplied with a book called 'Standing Orders'.

Every Member of this Assembly should know exactly what the custom is and what conduct is expected. I said earlier that interventions should be short, succinct and to the point. I also point out that two Members should not be standing at the same time, and, most certainly, Members must not make remarks from a sedentary position. So, if we take all that on board and people continue to make remarks through the Chair, it is my responsibility to worry about whether an intervention is an intervention or a speech.

**Mr Wilson:** The NI21 submission concluded that this is bad legislation, that probing questions need to be asked of it — there were no probing questions during the speech, mind you — and that we have to look at genuine, concrete ways to deal with the issue. I do not think that, in his long speech, Mr McCrea made one suggestion. There was plenty of rubbishing of this and plenty of complacency that the issue was already addressed by the current legislation, but there was no evidence of concrete suggestions from him.

I come now to the Alliance Party's contributions. Mr Dickson started off by saying how wonderful Naomi Long had been at Westminster in raising the issue, and he commented on the sterling work that Mrs Lo and the Minister had done. That is usually known as getting your defence in first, because, of course, he knows that the Minister's attitude on this one has been short of what would be expected.

I have to say to Minister Ford that he knows exactly what is happening here. It is quite clear that there is resistance, for whatever reason, from elements in the PSNI and his Department. I will not attribute reasons to that resistance. The one thing that I do know, and we have seen this time and time again, is that sometimes when there are hard issues to deal with, the police, rather than deal with them, have tried to have those hard issues removed from their jurisdiction so that they do not have to deal with them. Sometimes it is the easy way out, and some of the easier offences are then pursued vigorously by the police — it is good for the statistics — while they shy away from some that are a bit more difficult. There is even a debate within the police at the minute on the whole issue of drugs. Some take the attitude that it is too difficult an area to deal with, so do we legalise certain drugs so that you do not have to have criminal offences? I think that the same debate is ongoing with this particular issue.

However, the Minister knows that the timing of his intervention on this one to say that some

research had to be done, despite the fact that the Bill had been introduced a long time before he talked about research, will be seen by people as being a cynical approach. It is the cynical attitude of how to kick the legislation into the long grass. Do not forget that I have been there. I am not going to have a confession session here, but if there are issues that you want put on the long finger, officials will give you lots of different ways to do so. I suspect that that is one of the ploys being used here. It is a bit embarrassing to oppose the legislation, so let us go with the flow but make the argument that it would be better legislation if we did this research. The Bill would be more informed and made more effective. Therefore, it looks as though you are doing something, but nothing is actually being done. I listened to the speeches from the Alliance Party, particularly the rationale that Mrs Lo gave for the research, which was that we have to see the extent of the problem.

What is the threshold that the Alliance Party would then impose for requiring legislation? If it were shown that perhaps only 100 people had been coerced into the sex industry — even if you could find that information in Northern Ireland — would that be sufficient —

**Mr Dickson:** Will the Member give way?

**Mr Wilson:** I will give way in a minute.

Would that be sufficient for legislation? If it went down to 10, would that be enough? Or does it have to go up to 1,000? Has the degree of exploitation or abuse got to be considered?

Why do we need research? Why do we need a threshold? Because that is what Mrs Lo said. She let the cat out of the bag by saying that we need to know how extensive the problem is and that we need evidence. As Mr Wells pointed out, in the graphic description that he gave of one of the victims of this trade, should there be only two people, is that not sufficient to motivate the Assembly to support the Lord Morrow's legislation?

**Ms Lo:** Will the Member give way?

**Mr Dickson:** He is giving way to me. I thank the Member for giving way. There is one very simple answer to the question: one person trafficked and one person abused in any shape or form is one too many. However, there is a school of thought that there is already a reasonable cadre of legislation to protect individuals in those circumstances.

That is the area that requires testing; that is the area in which research needs to be done, so that the Assembly can determine whether we already have sufficient legislation to deal with these matters — and so, therefore, the police can follow through and deal with it competently on behalf of society and the community — or whether it is for this Assembly to consider the research and the evidence so that we can make a balanced and appropriate judgement as to the introduction of appropriate legislation. Lord Morrow has provided the Justice Committee with an interesting range of research, and I think that more needs to be done.

**7.00 pm**

**Mr Deputy Speaker:** Order. I asked that interventions be short.

**Mr Dickson:** I am sorry.

**Mr Wilson:** I will resist giving way in future because it seems to be being abused by people trying to restate their position.

Let me make something very clear: if one person is one too many, and if that is the view of the Alliance Party despite Mrs Lo's indication that research needs to be done to see how many people are affected, if the Alliance Party has now retracted from that position and said that one person is too many, then what is the reason for the research? If the research is to see how effective the legislation is, well you do not need research on that either. You just need to go to the court or police records. It has already been indicated here today that nobody has been prosecuted for having sex with someone who was coerced into engaging in the sex industry here in Northern Ireland. What research does the Alliance Party want? If it is not on the numbers of people who are affected, and if it is on the effectiveness of the legislation at present, which is already in the public domain, then I am at a loss to know why there needs to be the research that has been referred to by those Members.

The other point made, and Mrs Lo has made this point although Mr Dickson made it in his speech also, was the question of whether prosecuting people who purchased sex from people who had been coerced into sex industry would be effective. Mrs Lo seemed to be very concerned that we were going to ban prostitution. This should be nothing new, but Members have already pointed this out: why are people trafficked into Northern Ireland or anywhere else to be used in the sex industry or to be used as forced labour or for any other

exploitative purpose other than to make money from them? If there is no money to be made, then there will be no demand for the bodies, let us put it bluntly. The one way that you can ensure that that happens is to cut off the demand. As has been illustrated in many other speeches, when you criminalise the activity and people are afraid that they will appear in court, be fined or be named and shamed, the demand will be cut off. This should not be something new. This Assembly decides to criminalise things all the time when we want to stop things happening. We do not want people to speed, so what do we do? We criminalise them. We do not want people to engage in dangerous driving or buy drugs or cigarettes. The principle of using legislation to criminalise people who do certain things that we regard as undesirable is well established, so why is there a difference in this case? I cannot understand it. If that hits at the core of it, then I think it is important.

**Ms Lo:** Will the Member give way?

**Mr Wilson:** I will give way because at least Mrs Lo's interventions are usually pointed, short and address the point that has been raised.

**Ms Lo:** I thank the Member for giving way. First, can I ask him to stop addressing me as Mrs Lo? My surname is Lo, my maiden name is Lo and I use Lo as my operating name. I am not married: I have never had a Mr Lo. That goes for a few Members in the DUP as well, such as Mr Wells; he knows now to address me as Ms Lo.

Right. Surely that is how we legislate and formulate policy: it is evidence-based. If you do not know the numbers, you cannot expend huge resources legislating for something that is for a small number. That goes for all legislation; you do not use a hammer to crack a nut. We need to have evidence-based policy and legislation, particularly given the limited resources that we have. We cannot legislate about everything.

**Mr Deputy Speaker:** Order, please. Mr Wilson, I ask you to resume your seat. A Member made a remark from a sedentary position over there that I regard as discourteous. I do not want to hear it again. Continue.

**Mr Wilson:** I do not know what the remark was. So that I do not get in trouble again, I will refer to her as the Member for South Belfast. She introduced the issue again of how, if the numbers being very low, we have to ask ourselves whether we need to legislate. If she

is looking for evidence of the impact that the proposal has had in other places, she will see that it has been widely quoted here already. Indeed, the Committee is going to look at the evidence elsewhere. I hope that the Alliance Party's opposition is not because the Minister is being led by the nose by officials who think that it is too difficult, or because of the attitude that we have had from the Member for South Belfast, who seems to think that, if it is not an extensive problem, you do not have to bother dealing with it. She restated that position in her intervention.

I am not too clear on what Sinn Féin's attitude to this is. One spokesperson from Sinn Féin spoke about supporting the Bill in principle. She talked about the three things that had to be done — prevention, prosecution and the protection of witnesses — and said that she wanted to see more evidence. That seems to be at variance with the attitude that has been adopted by her party in the Republic. I see Mr McCartney shaking his head across the Chamber. I do not think that you could get any clearer than this, which is Sinn Féin's attitude in the Republic, where the legislation is very similar:

*"We need to change the law because the current system is simply not working."*

It is not working down in the Republic, and it is not working here, either. We have evidence in both jurisdictions. The Member also said:

*"Prostitution is an insult to everything for which Irish people stand and to the Proclamation to which Members pay allegiance every time we enter this building. It could not be further away from the principle of equality."*

That being the case, any Bill that is designed to reduce the demand for people who are trafficked to Northern Ireland and exploited, whether for sexual purposes, forced labour or whatever it happens to be, is worth supporting. Do not forget that, if someone is being forced to work in inhumane conditions, regardless of whether it is in the sex industry, and is being beaten, frightened and scared, they are not being treated equally. Any legislation that seeks to deal with it, regardless of what inadequacies there might be — I am going to raise some issues in a moment or two — is worth supporting.

**Mr McCartney:** Will the Member give way?

**Mr Wilson:** Yes.

**Mr McCartney:** The Hansard report of the Committee last week states that the position in Leinster House came about after 800 submissions and many hours of evidence. We said that we want that type of scrutiny here in the North. That is the way to make legislation to satisfy yourself that it is the appropriate legislation rather than following blindly.

**Mr Wilson:** Of course the Bill needs to be scrutinised when it comes to the Committee, but the important thing is that the core ways in which the Bill recommends dealing with that vice are very clear. This is where there was an ambivalence from Sinn Féin on the issue: it requires further information and further research and is not sure. I was very surprised to hear that Sinn Féin wants to see evidence of the impact on demand and wants to see what effect it would have on women and their employment. If the conclusion is reached that the legislation only reduces demand by half, is that a threshold that is too low for Sinn Féin? Or, as Mr Wells pointed out, if it is shown that many of the women who might be displaced or, indeed, trafficked into other jobs find that they have nowhere else to go and are left with no source of shelter over their head or whatever, that is a threshold that will prevent Sinn Féin from supporting the Bill. That is the kind of clarity that I had hoped to have from Sinn Féin today.

I have not had the benefit of going through the Bill in Committee, and I want to pose some questions to Lord Morrow about it. With all pieces of legislation, people will have concerns. At least I am consistent in having some concern about clause 8. Mr McCrea, who is quite happy for the traffickers to run free and be covered by inadequate legislation, certainly did not want people who had been trafficked and then caught doing things to escape prosecution. I want to see the traffickers prosecuted.

**Mr B McCrea:** On a point of order, Mr Deputy Speaker. I am not sure whether I heard correctly, but I think that I heard Mr Wilson say that Mr McCrea was:

*"happy for the traffickers to run free".*  
That is absolutely not the case, and I am on record as saying that. If that is not what he said, I am happy to take some clarification.

**Mr Wilson:** That is exactly what I said, Mr Deputy Speaker. If he is so complacent about legislation that has not seen one of these traffickers put behind bars so far, then he is happy to see the traffickers run free. That is the

consequence of the position that he has adopted.

**Mr B McCrea:** On a point of order, Mr Deputy Speaker.

**Mr Deputy Speaker:** Is this a different point of order? That was not a point of order.

**Mr B McCrea:** It is on a point of order that Mr Allister raised earlier with the Speaker. Where a clarification has been made on the record and has been repeated, what protection can Members get from the Speaker's Office?

**Mr Deputy Speaker:** The Member has certainly spoken, and I am sure that Hansard has recorded it.

**Mr Wilson:** I suggest that the best protection for Mr McCrea — although I do not think that he will ever take it up — is to think before he speaks. Maybe then he would not get himself into the kind of pickle that he gets himself into in this House sometimes.

My one concern is about the non-prosecution of victims of trafficking in human beings — an absolute ban on non-prosecution. Someone could say, after being caught for a crime, that they only did it because they had been trafficked or because the person who had trafficked them coerced them to do it. Clause 9 sets out that a person shall be treated as a victim:

*"if there are reasonable grounds to believe that the individual is such a victim and there has not been a conclusive determination that the individual is not such a victim."*

I would like to hear Lord Morrow comment on that. Those two things together could lead to a situation where someone who engaged in a criminal activity could then use the defence that they were a victim of trafficking although there was no conclusive evidence that that had been the case, and, therefore, we could find that they get off scot-free.

The second issue is the compensation of victims, and I hope that what I have to say on this will not seem a bit harsh. I support all of the support that there is for people who have been victims and who need protection and support from the various social services. However, if it is not as a result of negligence by the authorities in Northern Ireland that someone gets into Northern Ireland as a trafficked victim and gets abused, why are we going to bear the cost of compensating someone who perhaps

got here through the negligence of the authorities in their own country or because of the work of criminal gangs? Those criminals may even walk away with fat profits, yet the government in Northern Ireland becomes the body that has to compensate them. I could see the point if, as a result of seizing the traffickers' ill-gotten gains, some of that is given in compensation, because, after all, they are the people who created the offence and the hurt. However, do we then, with the compensation clause and the way in which it is worded, open the door so that we pay for the effects of criminal gangs on particular individuals?

### 7.15 pm

The last issue — I suppose it is just my natural apathy towards setting up more public bodies, commissions or whatever — is related to clause 16, dealing with a Northern Ireland rapporteur to assess the performance of the Act. I would have thought that the best way of assessing the performance of the Act would be to see what impact it had in the courts, on arrests by police and on successful prosecutions. I know that there are other related matters that the rapporteur would deal with. Mr Wells spoke about the role that he might have in advising on policies, etc. Of course, policies that are advised on at a national level could apply to Northern Ireland. If there is to be a UK rapporteur, why should we have a replica here in Northern Ireland? Those are some of the issues that I would like to see addressed, perhaps during the winding-up speech, and there may well be very easy answers to them.

This is an important piece of legislation. I congratulate Lord Morrow on his tenacity. There were powerful interests that tried to knock it off course, for whatever reasons. I hope that we will see this piece of legislation at the forefront. I do not care that it breaks parity with the rest of the United Kingdom. Mr McCrea seems to be very concerned about parity. We do not have parity on air passenger duty, the carbon tax or how we deal with rates. I could go through a whole range of things. The point of having a local Assembly is that you can legislate for local issues that we believe need to be addressed locally. For that reason, I wish the Bill well, and hope to see it receiving Royal Assent before the end of this Assembly term.

**Mr G Robinson:** First and foremost, I commend Lord Morrow for bringing this important Bill to the Floor of the House. It is a most difficult topic, which requires the most serious consideration. At the very start I would like to ask for clarification from Members

opposite on whether they will support the entire Bill. They have declined to support the Serious Organised Crime Agency (SOCA) or the National Crime Agency (NCA), which will replace it. That will result in Northern Ireland being left without a definitive policy of its own.

I am acutely aware that at the very heart of this debate are human beings — yes, people just like each Member of the Assembly. We must remember that fact while we consider the reason for the Bill. It must also be stressed that, despite the press wanting to focus solely on clause 6, the entire Bill is aimed at dealing with human trafficking, which may result in some individuals ending up in prostitution — human trafficking being the central issue.

In Northern Ireland in recent years we have seen people rescued from domestic slavery and sometimes prostitution because they have been trafficked. Each and every story is that of a person and individual who is the victim of a crime. What saddens me greatly is that many victims spend their life savings to come here thinking that they are coming to a better place, but, at times, end up in forced labour and exploitation, as my colleague Mr Wells said. Women's Aid is to be congratulated for its support for the Bill.

It is up to all of us to ensure protection for victims. No one has the right to exploit people for personal profit. It is especially nauseating in cases where people are forced into abusive situations because of the greed of others. That is utterly despicable and must be condemned. However, we must not only condemn such behaviour; we must try to prevent Northern Ireland from becoming an open market for it. If the Republic passes legislation similar to this Bill, Northern Ireland will become a trafficker's dream. That is why clause 6 is an essential part of the Bill; it will ensure a deterrent that prevents Northern Ireland from being a place for traffickers to bring their victims.

I welcome the aspect of the Bill that will ensure that a trafficked victim is not prosecuted and therefore punished for something that they have been forced into doing as a result of trafficking. Double punishment is not fair or reasonable treatment for those victims, and I believe it to be an inhuman way forward for this society to doubly punish exploited individuals.

It is my belief that, as a society based strongly on Christian principles, we must ensure that the immoral behaviour of human trafficking is given the cold shoulder in Northern Ireland. We must ensure that traffickers understand that they are not wanted and will not be tolerated. I urge all

Members to support the Bill to ensure that victims of human trafficking rescued in Northern Ireland are humanely treated and that those who seek to exploit vulnerable people are dealt with in an appropriate way.

**Mr Anderson:** I regard this Bill as one of the most important pieces of legislation to come before this Assembly since the restoration of devolution in 2007, and I warmly commend my colleague Lord Morrow for his vision and determination in bringing it forward. As he said, he and this party are not on some sort of moral crusade. This is about social justice; it is about human rights; it is about freedom from harassment, victimisation, intimidation and exploitation; and, most importantly, it is about freedom from slavery.

Let us make no mistake about it: slavery still exists in 2013, and we are dealing with slavery on a scale and to an extent that not only must be challenged but stopped. This slavery affects men, women and children, and it takes many forms. As clause 2 makes clear, whether the victim consented or not is irrelevant. Such consent can no longer be used by traffickers in defence of their diabolical activities.

The Bill deals with various forms of slavery. For example, it addresses areas such as forced labour and forced begging. We hear much these days about victims, and rightly so. The end of the Troubles has created new victims. As Northern Ireland's society changes and opens up more to outside influences, there are fresh challenges. Many of those who are caught in the trap of human trafficking are from outside the United Kingdom, from European countries or further afield. No matter who they are, they are victims who need our help. I hope that everyone in this House will support this Bill. This is the Second Reading, and what we need to do today is to give approval to the broad principles of the Bill. The details will be worked through at Committee Stage, and so on.

Most media attention has focused on clause 6, which will make it illegal to pay for sexual services, but, as Lord Morrow has pointed out, that is only one part of a Bill that has 19 clauses. Therefore, if anyone has specific issues with certain parts of the Bill, the way to proceed is to wait until the later stages and to give the Bill their broad support here today. To fail to back this Bill on whatever grounds or arguments will send out the wrong signals to the sinister forces behind the trade in human trafficking and exploitation, and to those who are their slaves.

The public will be observing what is said in this Chamber today. We have an opportunity to lead the way on this issue. If this Bill progresses and becomes law, Northern Ireland will be the first region in the United Kingdom to have a focused human trafficking Act.

It is worth taking a moment to look at where the United Kingdom stands. The United Kingdom ratified the European Convention on Action against Trafficking in Human Beings in December 2008. In March 2011, the United Kingdom opted into the European directive on preventing and combating trafficking in human beings and protecting its victims. In September 2012, the Council of Europe's group of experts published a report on compliance with the 2008 convention and highlighted several areas of weakness, including failures in Northern Ireland.

As justice is now a devolved matter, primary responsibility rests with the Department of Justice. The Criminal Justice Act (Northern Ireland) 2013 has made two small changes to ensure compliance with the directive, but more needs to be done. I am sure that the Minister and his officials have their reasons for taking the line that they have taken, but we need to observe the spirit rather than the letter of the directive.

Lord Morrow's Bill will do what should have been done some time ago. It will give effect to the changes needed to make sure that Northern Ireland fully meets its international obligations under the anti-trafficking directive. It will also provide a robust legal framework so that the law can pursue those who engage in trafficking.

As a number of Members mentioned today, I am also disappointed by some of the PSNI's negative comments about certain elements of the Bill. It has been argued that the Bill might hinder rather than help the fight against trafficking. The police are entitled to their views, and we will most certainly discuss those views with them at a later stage. However, in a democratic society, the police do not make legislation. The law is made by elected representatives in the Assembly, and it is the job of the police to enforce it.

As I mentioned, the main criticism of the Bill seems to centre around clause 6, which will make it illegal to purchase sexual services. Some of my colleagues have dealt with this clause in some detail. I regard clause 6 as a very important part of the Bill, as a lot of human trafficking is linked to the vice trade. The Bill is about exploitation as well as trafficking. Prostitutes, no matter who they are or where

they come from, are victims, and their lives are often tragic. Once they are caught up in this dreadful nightmare, they cannot escape. They are caught in a vicious circle. It is imperative that we take strong measures to remove prostitution from our society. The current law is simply not working.

Fear often prevents victims from speaking up. That fact confirms the need for legislative action. We owe it to the victims to create the sort of legal framework that offers them protection and gives them a voice. Evidence from the Nordic countries — in particular, Sweden, where similar legislation was introduced in 1999 — shows that prostitution has reduced by 50%. Some time ago, I attended a seminar in the Building, at which Gunilla Ekberg, a former special adviser to the Swedish Government, said that the police in Sweden had been sceptical at first but were now completely supportive.

Last week, I listened to Rachel Moran, a former prostitute who is now an author, speak about the issue. I am fairly sure that anyone who hears Rachel's views would support the Bill. Rachel is from the Irish Republic. She fears that if the Republic clamps down on prostitution and we in Northern Ireland do not, Northern Ireland will become an open house for the vice trade.

I emphasised the need for robust legislation, and I wanted to spend a bit of time on the significance and importance of clause 6. However, the Bill also addresses other very important aspects of human trafficking and exploitation. The Bill not only seeks to introduce a tougher enforcement regime but shows compassion for victims and makes provision to help them.

### 7.30 pm

It is balanced legislation. Clause 8, for example, makes it clear that if a victim is coerced into committing a criminal act, no prosecution will follow. Part 2, clauses 9 to 12, provides for assistance and support for victims — how vital it is that we offer pastoral care and counselling to these people. Last week, Rachel Moran spoke of an exit strategy. The men, women and children who are victims of trafficking and exploitation must never be criminalised. They are extremely vulnerable and need to be helped. They need to be given the opportunity to rebuild their lives free from fear. Articles 11 and 12 of the European convention of 2008 outline the sort of help that countries must give to victims, and clause 10 addresses that by setting out the

responsibilities of the Department of Justice and the Department of Health to provide assistance and support. A range of areas in which help might be offered is covered in clause 10, but that list is not complete.

Clause 11 provides for compensation, which reflects article 17 of the convention, and, during consultation on the Bill, there was a lot of support for clear compensation procedures. One respondent said that compensation signifies the harm experienced by a victim and validates that for the victim, which is a crucial part of the healing process.

Children are the most vulnerable members of society, and we feel particularly angry when they are abused in any way. Sadly, they, too, are victims of trafficking and exploitation. Clause 12 provides for a children's advocates, who will be known as "child trafficking guardians". A guardian will have the challenging task of seeking to restore victims' self-confidence and helping them to recover their childhood as best they can. If these proposals become law, there will, of course, be funding issues to be considered if they are to be effective, but better use of confiscated assets might help in that regard.

Finally, I will touch on the proposal for a Northern Ireland rapporteur, as set out in the very short clause 16. That provision emerged from the consultation process, and I regard it as an excellent idea. It would not only fulfil the requirement of article 19 of the European directive but ensure the effective, objective and independent monitoring of how the various authorities are doing. It would also mean that we were setting an example for other regions to follow.

As I said at the start of my speech, the Bill is of huge importance, and I urge the House to give it full support.

**Mr McCallister:** Other Members mentioned William Wilberforce, and, like many colleagues in the Chamber, I have read about his fight against slavery a couple of hundred years ago. It is a sad indictment of our modern world that there are more people in slavery today than there were then. It is incumbent upon us all to reflect on that and ask why it is the case and what we need to do to address it.

During the debate, Members took various positions, and some parties took no position at all. The saddest remark that I heard was made by Mr Wilson. I would never accuse any Member or any political party in the House of being happy about human trafficking. Mr

Wilson's remark about Mr McCrea was appalling and disgusting. Saying that anyone is happy about any form of human trafficking and the misery that it inflicts on an individual is appalling, and it is appalling when debates stoop to that level. It demeans the House as a legislative Assembly.

There are several issues that I want to look at. Throughout the debate, we heard much about what the Bill that Lord Morrow brings to us will change and what it will bring into our public arena.

A couple of things struck me during the debate, one of which, obviously, was the focus in clause 6 on prostitution. We look at evidence, and much has been made about what may or may not happen in the Republic of Ireland. The Dáil looked at this, and, whatever it does, it is not going to put human trafficking and prostitution in the one Bill. Whenever we look at the Scottish experience, we see that they are not dealing with human trafficking and prostitution in the one Bill; they are treating them as two separate issues. Indeed, I would go so far as to say that, whatever your stance on the issues raised with clause 6 and prostitution, and whatever way you would like the Assembly and the Government to address it, the issue would be worthy of a Bill in its own right. The proper research and the proper evidence-based policy that Ms Lo talked about could be looked at and examined by a Department and the appropriate Committee. So, I think that that is one of the weaknesses.

Mr Wells talked about the Bill going to the Committee, and he rather cheerfully pointed out that he thought that most of the Committee were of sound mind. It does not exactly fill us with confidence that it is going to be a robust scrutiny process at the Justice Committee if he thinks that the majority is already set on what is going to happen.

**Mr Wells:** I would differ slightly with the honourable Member for South Down. I said that, because of the mix of the Committee, there are those like myself who are extremely enthusiastic about the Bill; those, like Mr Dickson, who clearly want it strangled at birth; and others, who are agnostics or atheists — I am not yet certain what they are — but who have their doubts. So, that mix of a Committee will ensure that every aspect of the Bill will be looked at in great detail. I think that the Bill can be improved. The Member will agree that every Bill in the House, even his own, came out of Committee as an improved version of what went in. So, if I see aspects or technicalities of the Bill that require a tweaking or an

amendment, I will support that. I already alluded to one issue, and that is the care of those who come out of prostitution. That can be improved. There will be a very robust exchange on the Bill in the Committee.

**Mr McCallister:** The very idea that you almost think that there is an inbuilt majority in support of the Bill worries me. I am worried that that is the case, instead of our going into the Committee Stage and looking objectively at the Bill without so much predetermination.

I think that that aspect of prostitution demands a need, in that it should be in a separate piece of legislation. In his speech, which was now some hours ago, Mr Deputy Speaker, Mr McCrea clearly questioned and laid out some of the evidence and experience from Sweden. He discussed the conflicting reports on how successful that experience has been and whether it is a road that we want to go down, whether it is an example that the Assembly should participate in or whether it is something that we want to do. He asked whether we should look at other aspects or other ways of dealing with it. The reason why I am concerned about the two issues of human trafficking and prostitution being mixed together in the one piece of legislation is that most of the robust arguments for the Bill discuss that. I will even credit Mr Wells for making a very emotive speech about the horrors of human trafficking and sexual exploitation. However, the issue that I challenged him on, and on which I was supported, I think, on two occasions by the Minister, was that we have legislation to deal with all the examples that he cited. Re-legislating for it will not provide more evidence in a court of law or get the police more involved in it.

When we already have legislation in place, members of the Policing Board and the Committee for Justice should be asking why there are not more prosecutions. Mr McCrea, quite rightly, highlighted two cases, but Mr Wilson seemed to dismiss them as almost unimportant.

If the police and the Public Prosecution Service are worried about the Bill, that should switch on a warning light somewhere. If we are not getting as many prosecutions as we would like under existing law — it is not true that we are not getting any, because we are — you have to ask why we are re-legislating. A sizeable chunk of the Bill, amounting to five or six clauses, is in legislation already. All the cases that Mr Wells mentioned, where people were forced into prostitution are covered under current



legislation, and the Minister confirmed that twice.

**Mr B McCrea:** Will the Member give way?

**Mr McCallister:** Certainly.

**Mr B McCrea:** Does the Member agree that human trafficking is a heinous crime that no one in this Chamber would support, whether for sexual exploitation, labour, servitude or anything else; that what we are trying to do is find the most appropriate way of dealing with this heinous crime; and that it rings alarm bells when the Department of Justice, the PSNI, the PPS, the judiciary and the Minister of Justice all raise concerns about whether the Bill will be effective, and if it is effective, whether it will be a positive or a negative? It is the proper duty of Members to scrutinise such legislation and try to find the right way forward. It is therefore strange that Members seem to accept this is some form of *fait accompli*.

**Mr Deputy Speaker:** Order. That was a very long intervention. I have already said a number of times that interventions must be brief, succinct and to the point. That applies to all contributors.

**Mr McCallister:** Of course I agree with that point. Quite rightly, there is not one contributor who has not condemned human trafficking. It is an appalling business. Like colleagues, I have been to seminars that have highlighted the absolutely horrendous conditions in which people can be trafficked. Those people then endure horrendous conditions when they get to their final destination, and horrendous things happen to them there when it becomes clear what they are expected to do, with no betterment in sight.

It is an appalling crime. Of course we must act, but re-legislating or repeating legislation is not the answer. Mixing two distinct problems into one Bill is not the answer that we want. We cannot deal with prostitution by putting it into one clause in the Bill and then confuse the issue by having one of the main campaign groups for the legislation say that clause 6 is the core of the Bill and that to take that clause out is to have no Bill left. That takes us back to the point about whether the Bill is about human trafficking or prostitution. Mr Wilson says that we should read the title of the Bill, but I suggest that he should read the whole Bill, not just the title. That is the problem with the Bill: it mixes two issues into one. When it comes to clause 6, as Ms Lo pointed out in her contributions, there are

many more facets to dealing with prostitution than can be dealt with in one clause.

That is why, if we are going to deal with prostitution, it should be dealt with in a completely stand-alone Bill. Let us have that debate and get the Department and the Minister to do the research. They can look at various options from around the world on how to do it and decide whether those provide the right way forward. That is the point that we have been making to the House today: a knee-jerk reaction of putting two distinct problems into one Bill is not the way in which the Assembly should work.

**7.45 pm**

**Mr Wells:** Again, I beg to differ with the honourable Member for South Down. If he is convinced that the Swedish model worked and that it led, as they claimed, to a dramatic reduction in the number of men buying sex and the number of women being trafficked into that country, can he think of any reason why that could not be applied to Northern Ireland?

**Mr McCallister:** I am grateful to the Member, but, as he knows, we do not have that evidence; we are not at that point yet. There are conflicting reports on how it has worked. One, of which I have a copy here, states:

*"The available evidence does not match the widely heralded rhetoric of the Swedish model in practically eliminating prostitution. Even the best that the Swedish Government's own Skarhed Report can conclude is that prostitution has not increased in Sweden."*

That is also hardly a ringing endorsement of his position. He is holding up the argument that Sweden has almost eliminated prostitution. The Swedish Government's report states that, at best, prostitution has not increased, but they have no great evidence base to go on aside from that.

On the concerns that I have, I accept that prostitution is probably, even at the minute, an underground activity; and if we go down this road, without the appropriate evidence, we are going to drive it further underground. One of the concerns that the police have highlighted is that we could create problems for them in their intelligence-gathering on trafficking.

The key point that Mr Wells made, and kept on making, was that, in his view, everyone in prostitution has been forced into it. If that contention is right, then they are covered by the

existing legislation; so, why are we legislating again? That is the core of the argument on clause 6. In the rest of the Bill, we are looking at various issues that are either in legislation or about to be in legislation.

In an exchange with Ms Lo, one of the key points that Mr Wilson brought in was around changing the six-month limit to three years. I am under the impression that the Minister is changing that. He wants that extension and he is making the necessary changes to meet that requirement. I welcome that.

Those issues are why we have concerns about the Bill. You go through it, and most of the Bill is already in legislation. The clause heralded by those championing the Bill is clause 6: if you take out clause 6, they say that you will have no Bill. However, there are parties here that have huge concerns about that clause, from the Alliance, which holds the Justice brief, to the SDLP and Sinn Féin.

I want to speak about some of the other comments made in the debate. I share Mr Elliott's concern about the extension of the National Crime Agency to Northern Ireland. That would be an important development, and I think that Members should reflect on that and say that that could make a valuable contribution to fighting the scourge of human trafficking. We should look seriously at that and get back to those issues. That is bigger than worrying about a unionist or nationalist debate. We need a National Crime Agency with that level of focus and we need to look at what our national Government is doing. After all, this is not just a Northern Ireland problem, an Ireland problem or a UK problem. This is a global problem, and we are likely to head towards what can be done at a European level.

**Mr A Maginness:** Will the Member give way?

**Mr McCallister:** Certainly.

**Mr A Maginness:** Thank you for allowing me to make an intervention. As far as the SDLP is concerned, the issue with the National Crime Agency is the accountability mechanisms, which, hitherto, have been absent. If we can resolve that, we can make progress on that issue. In his submission to the Justice Committee and in answers to questions, the Chief Constable made it plain that he was aware of those issues and that they should be addressed.

**Mr McCallister:** I am grateful to Mr Maginness for that. I heard him talk about accountability

issues earlier. Let us get the accountability issues sorted out. In his contribution, perhaps the Minister will tell us where we are at with regard to ironing out those accountability difficulties. Get those issues sorted out and get the National Crime Agency here to tackle the scourge of human trafficking, as it is important to get movement on that.

With regard to the issue about driving some of this activity further underground, we would have difficulty with intelligence gathering and there could also be huge health implications. If you look at the levels of sexually transmitted infections (STIs) in Northern Ireland, you will see that the clinics in our health service are struggling to cope. One of the key problems that we have with STIs is the vast under-reporting or under-diagnosis. I have huge concerns that that would exacerbate the problem.

**Mr B McCrea:** Will the Member give way?

**Mr McCallister:** Yes, certainly.

**Mr B McCrea:** Does the Member accept that the Swedish police, in trying to prosecute under its legal framework, use the presence of condoms as evidence of sex having taken place? Therefore, that leads to the issue of unprotected sex and the fact that people will not use condoms. Those are the unforeseen problems of legislation.

**Mr McCallister:** Yes. All those things are too important to ignore and to not look at in a full and proper way. That, again, reiterates my point: why, if you are dealing with this, would you not deal with it through separate legislation? We are mixing two very disturbing and very difficult issues into one. Ms Lo referred to exit strategies with regard to prostitution. I am, at least, encouraged that a couple of DUP Members spoke in favour and recognised that you need to deal with such issues and how you deal with people trying to get out of the sex industry, and that is a sign of some movement from the DUP. However, all those issues will have to be dealt with. I assume that the Bill is likely to pass tonight. Therefore, during its deliberations, the Committee will have to look at all those things. Having the two big issues of human trafficking and prostitution in the one Bill is the wrong way to go about legislating. We are mixing up two important issues. So much of the legislation is there. I would rather see the Justice Committee and the Policing Board looking to see why we have had so few prosecutions, and why the evidence gathering is so difficult. However,

legislating will not produce new evidence; that will require police resources, work, intelligence, and the support of the National Crime Agency to get successful prosecutions. I would like to see more people prosecuted under the existing law. I would like to see tough sentences handed out, such as my colleague Mr McCrea highlighted. That work is going on; let no one in the House think that that is not happening. It is for those reasons that Mr McCrea and I oppose the Bill. It is not thought through enough, in that you have two issues together. It is such an important Bill, and it should be coming from the Department of Justice and the Minister and, if we are going to do that, it should probably be through two completely separate pieces of legislation. It should be coming from that direction with the appropriate research carried out. I say with some regret that colleagues who spoke with reluctance about supporting the Bill will probably vote for it despite their reluctance, almost because it is too difficult to say that this is not appropriate legislation. This is, at best, a tool to put pressure on Minister Ford to do something, to look at other options, and to keep pressure on the police to fight those crimes, investigate and devote resources.

Many Members of the DUP spoke about devoting resources. It is a little difficult to say that we need more resources to fight any section of crime when we have spent £28 million on policing protests. It is tough to say that we need more resources in certain areas when £28 million was effectively lost, squandered and wasted on policing protests that we should not have needed to police.

Those are the reasons why I and Mr McCrea will oppose the Bill. I urge others who are reluctant about this to think about their vote and say to the Assembly, "Actually, we do care passionately about the issues that you bring up in this Bill. We do care passionately about human trafficking and what we need to do. However, putting two into one is not the way to do this." That is why I urge Members to think carefully, and ask whether this is the right way to proceed.

**Mr Allister:** I support the Bill and will vote for its Second Stage. I commend Lord Morrow on his initiative and tenacity in bringing the Bill. He will have discovered that private Member's legislation is a long and torturous route. I commend him for getting to this point. I have to caution him that there is a long and torturous road ahead as well, but, no doubt, I am sure that he will navigate that successfully.

It has to be indisputable that trafficking of human beings is one of the most odious and

horrendous of crimes that man can commit against man. Yet it is clear that, usually for the motivation of financial gain, it is far more prevalent than any of us probably imagine or like even to think about.

It is also indisputable, I would have thought, that there is a direct link between human trafficking and the sex industry. Yes, there are other purposes for human trafficking, but it would appear that its predominant purpose is to connect to the sex industry. Therefore, I totally fail to understand how the previous Member who spoke could complain about this legislation making that connection and say that it should be opposed because it connects prostitution and people trafficking. That is an overwhelming reason to connect the two in the one Bill to make sure that it is a joined-up approach, not a disparate, disconnected approach where you do one thing one day with no regard to anything else and maybe, at some stage in the future, deal with that other issue, when the two issues are indisputably intertwined. So, it is right, sensible and necessary that the Bill addresses those issues, and it does so in a number of ways.

It does not create any new trafficking offence; however, it strengthens the ambit of all of that. That is good and necessary. I support those measures.

*(Mr Speaker in the Chair)*

**8.00 pm**

Then it moves to how it can, perhaps, deal with lessening the allurements of Northern Ireland as a human-trafficking destination by making it more difficult to engage in the end product, namely prostitution. I am sure that none of us in this House thinks that, by passing clause 6, we will end payment for sex in Northern Ireland, just as by passing legislation that states that you should drive at 30 mph or 60 mph, we will stop speeding. Of course, we will not. It is about creating the atmosphere and the circumstances in which the trafficker, when he has a choice to make and all of Europe is his option, says, "I will not go to Northern Ireland because it is a cold house for prostitution." I want unashamedly to see Northern Ireland made a cold house for prostitution because that will inevitably have the knock-on consequence of being a deterrent and a discouragement to human trafficking. The two are inextricably linked, and it is right that they are linked in the Bill.

Yes; that does require the criminalisation of sex for cash. Some people ask whether we need that. Do we not have legislation that states that sex for cash, where the provider has been coerced, is already illegal? Yes; on paper, under article 64(a) of the 2008 order as amended, it is already illegal. However, as we heard in the debate, the problem is that there have been no prosecutions. Why have there been no prosecutions? It is because it is a very difficult issue to bring home. However, if you make the act of sex for cash illegal, you make it much easier to prosecute and, in fact, much more difficult for those who are tempted to go into trafficking by creating a cold house for them. That is why it is right to go down that particular road.

I therefore support the principles of the Bill very much. I have a few random observations about some of that which tends towards the detail. Staying with clause 6, I ponder why, in that clause, the Bill goes out of its way to say that, whereas it shall be a criminal offence for the user of prostitution services to make that use, the provider of those services has effective immunity. Clause 6(4) states:

*"For the avoidance of doubt, person B is not guilty of aiding, abetting or counselling the commission of an offence under this article."*

There are two issues with that. We do not thereby make it any easier to bring a successful prosecution against the user because, in many criminal investigations, it is the availability of the possibility of charging someone with aiding and abetting that often provides them as a prosecution witness and proves the offence against the main player. There is a problem with saying through this Bill, "Here is blanket immunity for any provider of prostitution services", when some of those providers have a false sense of loyalty to those who put them in that position, or fear what will become of them in a foreign land, or are reluctant to name names or to do anything that might create problems. If you say to those people, "You will have total immunity. You will never be charged with aiding and abetting", I respectfully suggest that you may well be undermining the possibility of effective prosecution action against the user. Therefore, I do not see the necessity and the logic for the inclusion of clause 6(4).

I also make the point that, at one look, it could almost create a charter for soliciting, because if the provider of services can never be convicted of aiding and abetting the transaction — that is providing sex for cash — where is the restraint when it comes to soliciting for that? There is none. Well, there is an article in the Sexual

Offences (Northern Ireland) Order 2008 that states that if you persistently solicit in a public place more than twice in three months, you are guilty of soliciting. That apart, and given that most episodes of prostitution take place not in a public place but elsewhere, we are effectively saying to the provider of services, "With your immunity comes the opportunity to solicit." That, I think, is something that the sponsor should look at in considering the rationale for clause 6(4).

Clause 6 recites the terms of article 64A of the 2008 order, and the explanatory document says that it will be a hybrid offence, but the language of 64A points towards it being a summary offence, because it talks about penalties that are available within the summary jurisdiction, namely a fine or imprisonment for up to 12 months. The range under an indictable offence would be well above that. So where is the manifestation in the Bill that clause 6 is to be a hybrid offence? I am not sure that it is there.

I want to make another couple of observations on the Bill. Clause 8 states:

*"Where the victim (A) has committed a criminal act as a direct consequence of the trafficking in human beings, no prosecution or imposition of penalties shall occur if —"*

It then sets out the criteria: threats, abduction, fraud, deception etc. I really do not understand why it says:

*"no prosecution or imposition of penalties shall occur".*

You could not have an imposition of penalties without a successful prosecution. Is the sponsor driving at saying, "No conviction shall occur if A has been compelled to commit the sexual acts as a direct consequence of being subjected to threats, abduction, fraud, deception etc"? If that is what the sponsor intends, that would improve clause 8 because, as it stands, it does not seem desirable to me to say that no prosecution shall take place if there have been threats, abduction etc because the whole purpose of a prosecution is often to test what the facts are. Have there have verifiable threats? Has there been fraud? Has there been an abduction? I think that the proper starting point in clause 8 should be that no conviction shall occur if any of those listed things are proven to be the case.

I will comment on clause 11, which is about compensation. It states:

*"The Department shall, by order, set out—*

*(a) the procedures to be adopted whereby a person shall be able to apply for compensation if he or she has been determined to be a victim".*

Determined by whom? Are we talking about a determination on foot of court proceedings or about someone running a compensation scheme making a determination — that is, someone in an office? Who makes the determination of a victim? Indeed, is it anticipated that there can be a victim without a conviction, or is this someone who is demonstrably a victim because there has been a successful prosecution? Clarity on that might be of some benefit.

That said, this is a good Bill that is pulling together two issues and moving in the right direction. It will not be a panacea. No legislation is capable of being a panacea in the vexed area of prostitution, but it is a proper, necessary, good step in the right direction, and I commend the sponsor and look forward to voting for the Bill.

**Mr Agnew:** Like everyone who spoke in the debate, I oppose human trafficking. I am appalled by the effect that it has on people's lives and, as was pointed out, in most cases, on women. It is a tragedy when we hear the individual stories of destroyed lives and lost lives as a result of that form of exploitation. However, there is no need to go on at length in this debate, because we can all stand side by side in opposing human trafficking and its consequences. That is why it is particularly disappointing that, rather than accepting that there might be opposing views on how we best tackle human trafficking, how we reduce the suffering and harm and achieve successful prosecutions, some Members sought to attack and accuse others who disagreed with their proposed method by suggesting that they were somehow soft on human trafficking or would be happy to see human traffickers walk free. That is low politics, and we should stick to debating how best we tackle human trafficking and accept that we are all opposed to it. That should have been the focus of today's long debate.

Focus is vital because, in tackling human trafficking, we need to focus resources on how we best deal with the situation. That is why I share the concerns of many about clause 6. I am concerned about the potential loss of focus in going after the traffickers because, although much has been made of how few prosecutions there have been under existing legislation on

human trafficking offences, I have no doubt that the Bill would result in increased prosecutions of people — mostly men— who pay for sexual services, but I do not accept the assumption that, in doing so, we improve human trafficking or the assumption that that will make it easier to prosecute traffickers. In fact, some of the evidence suggests that although, as was pointed out, we might reduce some of the demand for trafficking, seeking to prosecute traffickers could become harder because our resources would not be focused on human trafficking. Our resources would become stretched.

### 8.15 pm

We have talked about numbers, and a lot was made about how many victims were sufficient to require legislation, to require action. I agree that one trafficked person — one person's life destroyed by imprisonment and slavery — is too many. However, one thing is clear: although we do not know the exact number of victims of human trafficking, we can be fairly certain that the number of people engaged in purchasing sexual services is much greater than the number engaged in trafficking. The police, were the legislation passed as currently proposed, would be tasked with the job of prosecuting everyone who purchased a sexual service. However, I would much prefer the police to focus on seeking out, investigating and ultimately prosecuting those who are trafficking women into Northern Ireland, throughout these islands and throughout the world for exploitation, forced labour or providing sex.

To some extent, the debate mirrored the reality of the unintended, or perhaps unintended, consequences of clause 6 placing the focus on prostitution, thus losing the focus on human trafficking. That is what happened here today and would, I believe, be the result for our police and legal resources. So I agree with those who say that prostitution should be separated out from the Bill. I think that it is important that we start to do that. I welcome the Bill because we are talking about human trafficking. I welcome the attention that it has brought to it. If it turns out to be the case, I welcome the fact that the outcome will be that the Minister's hand has been forced to take more action on human trafficking. However, I believe that prostitution is a separate debate. They are separate issues. Yes, they are linked, but the question that I ask myself about the Bill is whether it will help us to prosecute traffickers and rescue the victims. Unfortunately, if clause 6 remains, I do not think that it will help that cause.

**Mr Wells:** Will the Member give way?

**Mr Agnew:** I will.

**Mr Wells:** The Member is coming at this from totally the wrong angle. As Mr Allister said, the effect of the Bill will be to make Northern Ireland a cold house for trafficking. Therefore, hopefully, we will not have to worry too much about prosecuting traffickers because they will simply move on to another part of Europe where it is much easier to practise. There is considerable evidence from Sweden — his party is quite strong there, so it might be worth asking his colleagues about this — that gangsters now avoid Sweden because similar legislation has made life so difficult for them. That is the angle he should be coming from.

**Mr Agnew:** I thank the Member for his intervention. His point was made a lot during the debate. How does it help the person who is trafficked whether they end up in Sweden or a neighbouring country?

**Mr Wells:** Will the Member give way?

**Mr Agnew:** Go ahead.

**Mr Wells:** That is a valid point. All that we can do as MLAs is look after vulnerable women in Northern Ireland. We cannot be responsible for what happens in the Republic, France, Denmark or the Netherlands. We can look after only Northern Ireland. I agree with Mr Allister that our job is to make this a very difficult piece of territory for these men — they are mostly men — to operate in. We cannot bear the burdens of other countries; it is up to them to introduce similar legislation.

**Mr Agnew:** This is where I, to some extent, disagree with the Member. You are absolutely right: we cannot legislate for the world, and we cannot solve all the problems in the world through any legislation that we can enact. However, we should ensure that we are doing what we can to help victims of trafficking.

A lot was made of prosecutions, and I was going to mention this later in my speech, but I will do so now. Very little was made of the number of victims recovered, information that Lord Morrow lays out in his letter to MLAs, through the good work of the PSNI and other agencies that investigate human trafficking offences.

In each of the past three years, 25, 23 and 33 victims have been recovered. So, although we

might proudly say that Northern Ireland would be a cold house should this legislation pass, there could be victims that might not otherwise be recovered if it does. I think that there is a lot to commend in the work that we are doing in Northern Ireland. However, simply saying that we will make ourselves a cold house, that we can be proud of Northern Ireland and that we cannot control what goes on beyond our borders is not a compelling argument to me. I understand it, but I am not compelled by it.

I believe that the conflation of these issues is harmful and that, whether we look at prostitution or human trafficking, we should look at harm reduction and at what the impact of this Bill would be on the victims. A lot has been made of the prosecution of the perpetrators, but what will the impact be on the victims — those who were exploited? I think that, in that sense, there is the potential for harm to be done.

Moving on to some other issues that arise from the Bill, one other random point that Mr Allister mentioned and that has not been in the main thread of the debate, although I think that Mr McCrea alluded to it, is the definition of "the sexual services of a person". The legislation refers to paying for the "sexual services of a person", and I note the change in language from the Sexual Offences Order, which refers to paying for the "sexual services of a prostitute". To me, that is easier to understand and to define, but the Bill defines the "sexual services of a person" without specifying a prostitute, and I would like to hear from the Minister whether he has been given any advice on that change of language. Perhaps the proposer of the Bill could explain that change in language because something that has been expressed to me — this might be a genuine, although erroneous, concern — is that this could go beyond the purchase of sex to things such as lap dances and, as Mr McCrea said, the purchase of explicit material. I would like to know whether we are changing the boundaries or whether there is a reason for this rewording. I am unclear about that at this point.

I welcome that victims of human trafficking are protected in law, and certainly explicitly in this Bill, from prosecution. We should certainly not re-victimise a victim of human trafficking by making them a victim of our courts system. I think that I might have made this point to Lord Morrow and asked him to take it up as best he could in his role as a peer, but related to that is the impact of our immigration system on those who are trafficked. Although there is some leeway in the system for those who are victims of human trafficking in legal cases, it has been made clear by HMRC that being a victim of

human trafficking does not entitle someone to remain in the UK indefinitely. That concerns me. Although it is not for the policy of this House and it cannot be addressed in the Bill, I think that a very real issue in the discussion of human trafficking is that somebody who is a victim of human trafficking and has been trafficked from their home country could then be sent back by our system or our Government to their home country to be re-trafficked. They would be as vulnerable as they were before they first came here. So, I know that we cannot legislate on that point, but for anyone who is concerned with human trafficking, I think that that point needs to be made at Westminster.

Whether we need either new laws or better enforcement of our current laws has, again, been a crucial part of the debate. It has been said that our current law has failed. The number of prosecutions has been pointed out, and I have referred to the number of victims recovered. Both aspects should be looked at when evaluating whether our current services and our statutory and voluntary bodies are performing well in that area. Although it might be only in recent years that we have put in the necessary resources to tackle the issue and have fully realised its extent, we have made huge progress. I am worried that we do not acknowledge the good work that has been done. Indeed, as a member of the all-party group on human trafficking, I have heard it said by a number of contributors that Northern Ireland, certainly in the context of these islands, has been leading the way in recent years. That is why, when someone such as Philip Marshall, who has been at the forefront of what we have done well in tackling human trafficking, raises concerns about aspects of the Bill, we should listen. It was suggested that he should not have commented or that somehow it was inappropriate for him to comment. We need to listen to the professionals engaged on the ground. He said that if the purchasing of sex is made illegal, it will make it more difficult to secure prosecutions, secure the evidence required for prosecution and secure the evidence to recover victims. Although we might not have had people through the courts sufficiently, we are rescuing victims. We should listen to that evidence.

We should remember to interpret the statistics. Saying that we have not secured prosecutions and so the law is wrong is simply one interpretation of the statistics. Another interpretation is that it is a very difficult crime to prosecute.

**Mr Wells:** Will the Member give way?

**Mr Agnew:** Yes.

**Mr Wells:** If the Member had listened to what Lord Morrow and I said, he would understand that it was the way in which the police went about it. Lord Morrow had a consultation exercise. The proper way to do it was to give the views of the PSNI to Lord Morrow. He had two opportunities to do so but did not. Then, very conveniently, just a few days before the Bill had its Second Reading, he gave an exclusive commentary piece to the 'Belfast Telegraph', which was then picked up on by the media, without him ever having consulted the person sponsoring the Bill. That procedure is totally wrong. We would criticise any group that did that, including the PSNI.

**Mr Agnew:** I thank the Member for his intervention. I half agree with him and half disagree. I accept that there certainly should have been consultation. Superintendent Philip Marshall attended the all-party group on human trafficking and consulted with us. Therefore, he certainly sought to engage with MLAs. I cannot remember whether Lord Morrow was at that meeting.

I understand the Member's criticism of the PSNI's reason for not responding to the consultation. I cannot answer for the PSNI. The timing is relevant, because we were due to debate the Bill, so it informs the debate. I do not see any conspiracy in that. I am unaware of what direct engagement Superintendent Marshall has had with Lord Morrow, but he has been there as a resource that we have been able to call on for expertise. He has informed the debate in the lead-up to the Second Stage. Whether his methods have been right, I am unsure. I think that Mr Wells referred to the notion that the police should enforce the law and not seek to influence how it is made. I am not sure whether I agree. I accept that going through the media is not the most appropriate way, but we need to hear from the experts on the ground about how best their job could be helped in seeking prosecutions and supporting and rescuing victims.

I will not touch too much on minimum sentences, except to say that I have concerns with that approach. Although there are exceptions allowable, we are introducing obstacles rather than being helpful.

**8.30 pm**

I will finish by saying that I support the Bill passing this stage so that we can look at it further. I have concerns about elements of it,

but I support it passing to Committee so that we can have what I hope will be a focused look mainly on the issue of human trafficking. It many respects, an element of the Bill is what I see as a harmful prostitution Bill, and I want to see whether we can craft from that a helpful human trafficking Bill and introduce legislation that will help not only the victims of trafficking but those who seek to pursue the perpetrators of human trafficking. I hope that we can assist them in doing so.

**Mr McNarry:** They say that tail-end Charlies can do some scattering, so we will see how I get on. During the past eight hours of this debate, I, like others, have drunk plenty of water and coffee, and I have been feeling the pain of my nicotine-reduction regime. I can assure you that that has been pretty difficult for me.

Still, there are a number of features in the Bill that I wish to comment on. It is almost three years to the very day that I brought a motion to the House on the issues surrounding human trafficking in our country. At the time, I said that human trafficking is modern-day slavery. Human beings are treated as commodities that are bought and sold for profit. It is criminality in its basest form, with victims being raped, threatened, tortured and used as assets by criminal gangs. Characterised by control by violence and intimidation, it is utterly destructive for its victims and is a blight on our community. Men, women and children are brought into the country illegally, and, indeed, some vulnerable victims, particularly children, are trafficked internally within the United Kingdom. They are then forced into prostitution by their captors. Others are forced into servitude in the home and in the workplace. Individuals are being conned and exploited. What seemed like genuine opportunities for employment over there turn into a horror story when they arrive here.

I concur with those who say that we must make Northern Ireland a hostile place for traffickers. Organised crime gangs need to be dismantled. Traffickers need to be put behind bars with robust sentences, and their assets must be seized. Assets recovery is an important means by which we can punish the perpetrators and hit them where it will hurt — in their pockets. If there is no profit, the incentive to use Northern Ireland as a trafficking marketplace is significantly reduced.

In 2010, I added my deeply held concerns that there existed a local demand for exploiting and abusing trafficked people, perhaps a first reference to what transpires today in clause 6 of Lord Morrow's Bill. Among other directions,

the motion that I proposed, which, incidentally, was supported by the Assembly in 2010, called on the Justice Minister:

*"to raise awareness ... in order to assist the authorities in securing prosecutions ... and to ensure that Northern Ireland is a hostile place for traffickers." — [Official Report, Bound Volume 55, p183, col 1].*

I have got to say, Speaker, that there is scant evidence so far of ensuring that our country really is a hostile place for traffickers. It seems to me that, without Lord Morrow's commitment, perseverance and tenacity, the awareness would be nowhere near what is necessary to secure prosecutions.

It was alarming, to say the least, to hear reports of child sex exploitation in recent days. It is alarming because of the traceability to care homes. It is alarming because it took a brilliant piece of investigative journalism by UTV's Sharon O'Neill to expose the shocking revelations of that form of exploitation, which, let us face it, is another form of trafficking children for sex. It is alarming that it took the media to highlight the seemingly unbelievable and, in doing so, caused Ministers, senior policemen, quangos, officials and more to flounder with fatuous and feeble responses as the heat of probing questions has rained in on them over the past number of days. It is alarming, too, when children for sex affects children put into our care.

It sits up there with what I said in February last year about an issue that was seemingly passed over by the media on that day. Some 18 months ago, I referred to a group called Urban Angels, which came to see me and told me of its work in rescuing young people who are trapped and kidnapped and put into a life of prostitution through local trafficking, and I mean local trafficking, in our estates and our own areas. They were not brought in here, but taken from their homes. The Urban Angels, as you might guess, left a deep impression on me, to the extent that I have not forgotten — I doubt whether I will forget — its work or the young people it is seeking to help.

Three years ago, and again 18 months ago, I called for a coordinator of human trafficking measures to be appointed. The most shocking thing is not just that human trafficking is happening, but that people in our community are availing themselves of those who are trafficked. They should be ashamed of themselves. They are not a reflection of the community that I work in, live in and represent. The House should condemn them, and them



alone. If they are not able to do business — that is what they call it — there is no business for the traffickers to service. It is those buyers who need to be caught, named, shamed and taken through the justice process.

At that time, I posed this question: has the Minister considered appointing a coordinator, as in Wales, to bring together all information and all our law and order responses to trafficking? To be fair to the Justice Minister, he did respond to my pressing for the appointment of an anti-human-trafficking coordinator. On 3 October 2010 — note the date — the Minister wrote to me stating:

*"During last month's Assembly debate on human trafficking I undertook to come back in writing to individual Members on any points I was unable to respond to on the day."*

He said:

*"You raised one issue relating to the appointment of an anti-human trafficking co-ordinator in Wales. You asked me to consider if we should appoint a human trafficking champion in Northern Ireland. In answering your question it may be helpful if I set out the background to why the decision was made to appoint an anti-human trafficking co-ordinator in Wales."*

This was his thinking:

*"In Wales there are 22 separate local authorities, each of whom have been dealing with the issue of human trafficking in different ways. Some of these local authorities have demonstrated proactive, decisive action on the issue of trafficking. However in a few cases there has existed a level of less effective practice and failure to address the situation of human trafficking effectively. Also, central guidance on how to deal with trafficked victims has not been universally adhered to. In Northern Ireland we are fortunate in that we do not have the problem of trying to co-ordinate a number of individual local authorities each with their own approach to tackling trafficking. The Organised Crime Task Force Immigration and Human Trafficking subgroup acts as central resource to achieving a better understanding of, and dealing with, human trafficking in Northern Ireland. We also have in place an excellent victim-centred care package for victims of human trafficking recovered in Northern Ireland, funded and overseen by my Department, which ensures*

*that all victims recovered here are given time and the support necessary to recover from their horrific ordeal."*

He concluded in his letter:

*"Given the different situation that exists in Northern Ireland to Wales, I do not believe that it would be necessary to create a similar post in Northern Ireland at this time."*

At that time, three years ago, he said that it was not necessary to create an anti-trafficking coordinator — not then, not since, not now and not ever, I suspect. So, had the position been created, would things be better today for some children and some women? Yes, I suspect that they would. How does it stack up when the Minister said then:

*"We do not have the problem of trying to co-ordinate"?*

Is it not an appalling lack of coordination that has plunged his Department, the Health Department and the PSNI into chaos and found negligence and comprehensive uncoordination? Is that not what the UTV report revealed? It is connected. So, I say thank heaven for this Bill, thank goodness for its presentation of awareness and thanks be that it is in the running order for adoption by this Assembly.

The Bill ends the risks and the incompetence that has been unearthed — the "we know better" attitude of officials who, when usually questioned or scrutinised, are found out for not knowing better. Yet there remains the aloof, often pious mentality of some that not only do they know better, they believe that this Bill is not necessary. However, the bits that they like, they want to take over and channel into what is a not working, but broken, system. I am sorry to say that those officials and those who think like them have not won over my trust regarding their competence so far on this issue. That is one of the many reasons why I will support the Bill.

#### **8.45 pm**

Had we had the Bill and had officials been on the job, we, and the public, would not have needed a Sharon O'Neill to bring proof of what was not being done to protect children and teenagers. Her reports have told us how costly neglect has been for our children. Although I am grateful to her, she should not be telling the House what has gone wrong. We should not have people scampering all over the place trying to justify it and claim that nothing had

gone wrong. Things have gone wrong, and they are wrong right down to the bottom when people want to traffic people. Am I wrong to suggest that that wrong should never have occurred in the first place?

I turn to clause 6. Who are the criminals in this chain of grooming, preparing, kidnapping, forcing, dehumanising and marketing this disgusting sex business? Make no mistake: it is a business. The PSNI tells me — I am sure that they have told others — that it is not only a business but a multimillion pound industry. People want to know about numbers. The number crunching of the pound notes tells you what numbers are involved in it. If there were no money in it, nobody would be interested in it. There is big money in it. It is an industry that generates millions of pounds. It pays no taxes and legally employs no one, yet it remains so sinister.

It seems that no one is able to bring forward for prosecution the numbers of people that one would logically say are involved in producing so much wealth. In fact — it must be a fact — it is so bad that those whose priority job is apparently to tackle trafficking are unable to quantify the extent of the problem here. However, they can quantify, and have quantified, the money that is circulated in this industry.

In a report in January 2010, the Northern Ireland Human Rights Commission and the Equality Commission indicated that human trafficking is an active but largely hidden problem in Northern Ireland. The question therefore arises: with the momentum of Lord Morrow's Bill, the interest in it, and the debates about it, have we moved in that short time — it is nearly four years since I raised the issue in the House — from trafficking being a largely hidden problem to a clearer, more open and admitted problem? I suspect that the answer is no.

I fear that the consequences rest in a lamentable situation in which few, if any, in authority think that sex trafficking is a problem here; so no one thinks that it deserves priority attention, even though everybody will admit that it is a multimillion pound criminal industry.

If we do not include the purchasers, the buyers, the procurers, I say that that is a massive mistake, because those creeps will not be treated as criminals. That is wholly unacceptable. If there are no shoppers, no customers, the business will not survive. That is a fact. And so I say: put them out of business. Give those depraved sex-buyers a criminal record. The bottom line is that sex is

sold as a commodity. The horror of it is that the commodity, to those creeps, is a human being, not wrapped up with a pink ribbon but humiliated, frightened, abused, kicked about, drugged — all in all, a pretty sad sight, put unwillingly into a stinking shop window and sold to a daily queue of perverts who pay the predators and the bullies who are making fortunes from demeaning women and children. Unbelievably, that is all done in the name of something regarded as entertainment and enjoyment.

I fully appreciate the arguments about limited resources but I cannot accept them in any way as a good enough reason to interfere with this Bill. All parties have said — I believe them — that they are very much committed to combating human trafficking in all its forms. I concede that its total eradication is virtually impossible, but how about the future delivery of 90% eradication? Even now, a 50% reduction would be warmly welcome. However, it will not be easy.

Thanks to the weakness inherent in the vestiges of the United Kingdom's immigration policy and the virtual collapse of controlling undesirables who are illegally arriving and making a nonsense of so-called border patrols, which are, effectively, non-existent, we in the United Kingdom are bracing ourselves for a wave of Romanians, piling in all over the place. Many of them, it must be said, will be genuine seekers of genuine work, but, alas, just as many are likely to be criminals who will join up with one of the most highly organised crime gang fraternities already in business and operating on the mainland. If scores of thousands arrive, bursting onto the scene, it cannot be dismissed that hundreds will arrive here to become active on our streets to take advantage — they will take advantage — and operate a criminal trafficking network between Dublin and Belfast. There should be no hiding place; only early preparation for dealing with even more criminals, which is yet another good reason for this Bill to proceed urgently into law.

Earlier, Lord Morrow raised the issue of a child trafficking guardian. That idea is gaining momentum, and I hope that honourable Members will be supportive of the establishment of a guardian, or, as I suggested earlier, some type of champion or coordinator. Last year, GRETA raised that very point. Please bear with me as I lift quotes from the relevant paragraph of its report:

*"There is no system of legal guardianship for trafficked children at the UK level ...  
However, a social worker or a voluntary*

*advocate fall short of providing a legal guardian who can act independently with authority and uphold the child's best interests. A system of guardianship is essential to ensure the children's protection and rehabilitation, assist in severing links with traffickers and minimise the risk of children going missing."*

It is going on. It is a problem. Unless the Assembly, given its authority, is willing to embrace the problem and, as the report states, act and uphold a child's best interests, what do we say to the children? What do we say? Hang on a second, I have brought my own children up as best I can. What are you asking me or any other grandparent to say to their grandchildren? Do we tell them to turn a blind eye? Do we say, "Don't worry about the children in the homes. It's all right. A taxi will arrive, they've got a mobile phone, they'll get a packet of cigarettes, and away they'll go. Don't worry about them demeaning themselves."

I have been blessed with two daughters and three granddaughters, so I know a little bit about women. Hell, are you asking me whether I want to be confronted with my daughters going to another country to university to learn, or going on holiday and getting snared on what is on our doorstep? I do not think that any Member would say that that is OK.

Lord Morrow's Bill puts forward the option of guardianship. That small ingredient is so important that I hope that we could be, and that we will be, the first jurisdiction in the United Kingdom to introduce a child-trafficking guardian.

I continue to support Lord Morrow on his journey to secure that the Bill be given legislative power. Despite what other people may put about, there is out there — in here as well, but surely out there — significant public approval for its adoption into law. The people are talking —

**Mr Speaker:** The Member has one minute to finish.

**Mr McNarry:** May I be very helpful to you and tell you that I will finish in about 20 seconds? Thank you for the reminder. I have not heard you or anybody else tell any other Member during the debate that their time is limited. Unless you are changing the rules, or unless I have heard somebody put forward something —

**Mr Speaker:** Order. I ask the Member to take his seat. The Member ought to know that the proceedings must end at 9.00 pm. Under Standing Orders or convention, the sitting must end at 9.00 pm.

**Mr McNarry:** Mr Speaker, I accept what you say. Forgive me; I had not looked at the clock.

My last paragraph is this: there is significant public approval for the Bill to be adopted into law. I trust that Members will remain in touch with the realities and see the Bill through to a positive conclusion. Thank you for your patience, Mr Speaker.

**9.00 pm**

**Mr Speaker:** I was almost waiting for an apology from the Member, but it did not arrive.

Members know that the House must adjourn tonight at 9.00 pm. There has been a great deal of interest from Members who want to speak to the Bill. We will certainly not get to the Minister's response or Lord Morrow's concluding remarks tonight. So the Business Committee, when it meets tomorrow, will decide when to reschedule the conclusion of Second Stage. A revised Order Paper will be issued tomorrow if necessary, and I am grateful to Members for their patience this evening.

*The debate stood suspended.  
Adjourned at 9.00 pm.*







Published by Authority of the Northern Ireland Assembly,  
Belfast: The Stationery Office

and available from:

Online  
[www.tsoshop.co.uk](http://www.tsoshop.co.uk)

**Mail, Telephone, Fax & E-mail**

TSO  
PO Box 29, Norwich, NR3 1GN  
Telephone orders/General enquiries: 0870 600 5522  
Fax orders: 0870 600 5533  
E-mail: [customer.services@tso.co.uk](mailto:customer.services@tso.co.uk)  
Textphone 0870 240 3701

**TSO@Blackwell and other Accredited Agents**

ISSN 1463-7162

Daily Editions: Single copies £5, Annual subscriptions £325  
Bound Volumes of Debates are issued periodically during the session: Single copies: £90

Printed in Northern Ireland by The Stationery Office Limited  
© Copyright Northern Ireland Assembly Commission 2013

ISBN 978-0-339-50643-5



9 780339 506435