

Fondation Scelles







Connaître, Comprendre, Combattre
l'Exploitation Sexuelle

Excerpt from the book:

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IRELAND

	POPULATION 4,8 million		GDP PER CAPITA 69,330.7 USD
	POLITICAL SYSTEM Parliamentary Regime		HUMAN DEVELOPMENT INDEX 8 th rank among 187 countries
	GENDER INEQUALITY INDEX 26 th rank among 147 countries		CORRUPTION PERCEPTIONS INDEX 19 th rank among 180 countries

In 2017, Ireland criminalized the purchase of sexual services and ceased to criminalize prostituted persons. As the seventh country to adopt the abolitionist model following the establishment of a second National Action Plan against Human Trafficking in October 2016, Ireland aims to bring an end to demand of sexual services and to protect the victims of sexual exploitation. This plan was strengthened by the 2017 adoption of the Criminal Law (Sexual Offences) Act. Despite the progress of this legislation, the 2018 US Department of State report on Trafficking in Persons demoted Ireland in Tier 2 that it has not reached the level required to eliminate prostitution, although it had been classified in Tier 1 for the previous seven years (US Department of State, June 2018).

The Irish Sex Trade

No official national statistics on prostitution have been published in recent years: the most recent report containing

numerical data was released in 2009 (ICI, 2009). The *Immigrant Council of Ireland* (ICI) and the NGO *Ruhama* estimate that today, more than 1,200 women, men, children, and transgender people are allegedly sexually exploited in the country, among whom 200 are prostituted on public roads. While outdoor prostitution is mainly done by Irish women, the online sex industry is mostly made up of foreigners, however, no precise figure can be established for the latter given the regular displacements of victims, especially as a result of sex tours (an operating procedure of procuring networks that consists of organizing the sojourn of prostituted persons in different cities) (*The Irish Times*, September 4, 2017). The Irish sex trade is controlled by criminal organizations (gangs, traffickers, and procurers) rather than individuals operating alone (HSE, May 18, 2018). Sex buyers and procurers alike rely upon mobile technology for solicitation to ensure anonymity and avoid legal repercussions.

Even though advertising prostitution is illegal in Ireland thanks to the adoption of the Criminal Justice (Public Order) Act of 1994, online solicitation through escort websites is commonly used for prostitution in brothels, massage parlors, etc.

Internet sites are hosted abroad in countries where the provisions are more favorable towards advertising of a sexual nature, and are therefore not subject to Irish regulation (*The Irish Times*, September 28, 2017). This outsourcing contributes to the development of massage parlors and ‘pop-up brothels,’ or temporary brothels set up in hotels or apartments (*The Journal*, March 12, 2017).

According to *ICI* and *Ruhamā*, the revenue generated by the sex industry is allegedly around EUR 250,000 (USD 281,035). In reality, this number could be much higher.

Ireland is a country of origin, transit, and destination for human trafficking and sexual exploitation. In 2017, 63 victims of human trafficking for sexual exploitation purposes were identified, an increase from the 52 victims identified in 2016 (*US Department of State*, June 2018). However, this is only the number officially recognized by the State, not an estimate of the total number of victims in Ireland. Some of these victims were destined for sham marriages with citizens of countries outside of the European Union. The most common countries of origin for these victims are Romania, Nigeria, Moldova, Latvia, Brazil, and Pakistan. Romani populations and undocumented migrant workers are considered groups highly vulnerable to human trafficking.

Despite this range of countries, half of the victims identified in Ireland are EU nationals (*US Department of State*, June 2018).

Current Legislation

The Criminal Law (Human Trafficking) Act 2008 on human trafficking criminalizes sex trafficking and provides penalties of life imprisonment for crimes of this manner, whether committed against minors or adults. Although the penalties provided for in this law on trafficking and pornography of minors have increased, the definition of sexual exploitation in the law for both pornography and prostitution remains broad. According to the law, anyone who solicits a victim of sex trafficking is liable to a fine of up to EUR 5,000 (USD 5,621) and/or a prison sentence ranging from one to five years.

Prostitution, procuring, and brothel-keeping are punishable by fines ranging from EUR 1,000 to EUR 10,000 (USD 1,124 to USD 11,241) and/or sentences ranging from one-ten years in prison since the Criminal Law (Sexual Offenses) Act 1993.

The new Criminal Law (Sexual Offenses) Act 2017, which came into effect on February 22nd, 2017, represents a major legislative advance in the fight against trafficking and sexual exploitation and the promotion of human dignity. Prostituted people can no longer be prosecuted for solicitation. Thus, under the law, they are considered victims and sex buyers are the sole guilty party in infractions, punishable by a fine of EUR 500 (USD 562) or EUR 1,000 (USD 1,124) for repeat offenses.

According to the NGO *Ruhamā*, enforcement of the law has encountered several problems. Even if prostituted persons are no longer criminals, they are sometimes prosecuted for “running an establishment of prostitution” because they share premises. In addition, sanctions and prosecutions for the purchase of sexual acts are not yet fully implemented and there is

no specific data on the topic. Nevertheless, the law plans the publication of a report by the Ministry of Justice and Equality three years after its promulgation, on the number of arrests and convictions, which will be an evaluation of the effects of the law on the safety of prostituted persons.

Prosecution and Protection

One year after the law's enactment, no lawsuits for buying sexual services have been filed. *SPACE International*, an organization of survivors of prostitution that advocates for the Nordic model, estimated that there is no way of knowing how many sex buyers have been arrested, since the purchase of sex had not been classified as a separate offence from other sex crimes. The lack of specificity was subsequently rectified when *An Garda Síochána*, or *Gardaí* (Ireland's national police force) announced that its data collection system had been enabled to track the specific offence of purchasing sexual services. According to the Central Statistics Office and the *Gardaí*, 56 instances of 'prostitution offences' were recorded in 2015, 34 in 2016, and 40 in 2017. As defined by the *Irish Crime Classification System (ICCS)*, 'prostitution offences' include brothel keeping, organization of prostitution, and prostitution, including soliciting.

An Garda Síochána opened 91 investigations into human trafficking in 2015 and 61 investigations into human trafficking for sexual exploitation purposes in 2016. Despite these efforts, no trafficking investigation has ended in a conviction in Ireland since 2013 (*US Department of State*, June 2016 and June 2017). However, in 2015, the *Garda National Immigration Bureau* carried out "Operation Vantage" against facilitators of sham marriages and illegal immigration, with the intent to reduce the trafficking of

women in Ireland (*Halpin*, 2017). In 2016, the *Anti-Human Trafficking Unit (AHTU)* reported one significant sexual exploitation case related to human trafficking which resulted in three arrests and indictments. According to the *AHTU*, this was the first time charges were brought against individuals under Section 4 of the *Criminal Law (Human Trafficking) Act 2008* for the sexual exploitation of an adult. However, the investigation and arrests did not lead to any convictions (*AHTU*, 2017). The Department of Justice and Equality published its *Second National Action Plan to Prevent and Combat Human Trafficking in Ireland* in October 2016 to review actions previously undertaken and to outline future plans to combat human trafficking. The Plan is comprised of 65 actions, including prevention strategies (training, awareness-raising, and enhanced coordination between agencies) (*AHTU*, 2016). Throughout 2017, meetings were held to further identify structural administrative issues to make the necessary amendments. The Action Plan is open-ended, that is, has no end date or planned evaluation.

The *Gardaí* has also made changes in its response and support processes in order to better aid victims of domestic violence, sexual violence, child abuse, organized prostitution, and human trafficking. One of the main changes regarding the response and support processes includes the establishment of the *Garda National Protective Services Bureau (GNPSB)* in 2015, which is now rolling out regional offices across the country. These new branches are charged with dealing with specific crimes related to sexual exploitation, as opposed to the former system in which these crimes were generally investigated by local divisional police, which lead to poor outcomes and low conviction rates. These units specialize in

investigating sex crimes and organized prostitution, and are trained on combating human trafficking (*The Irish Times*, June 3, 2017). The GNPSB has taken some steps to enhance its outreach to prostituted persons who are victims of crimes, such as establishing an emergency line for those wishing to report violence. While welcoming the establishment of these Protective Services Bureau, NGOs such as *Ruhama* note that significant resource investment and training will still be required to ensure a positive impact and increased convictions.

Ireland has been demoted in Tier 2 by the 2018 US Department of State report on Trafficking in Persons because the government's efforts against human trafficking were not deemed sufficiently sustained compared to previous years (*US Department of State*, June 2018). The 2018 report lists infrequent investigations and prosecutions, decreased law enforcement efforts, and inadequate victim identification. Authorities opened 65 new sexual exploitation investigations in 2017, compared to 61 in 2016. The process of identifying victims of human trafficking is flawed because only foreign nationals from outside the *European Economic Area* (EEA) who are not seeking asylum can be formally identified as suspected trafficking victims, potentially depriving EEA nationals and asylum-seekers of certain victim support services. The Second National Action Plan highlighted the need to utilize and improve the *National Referral Mechanism* (NRM) to identify trafficking victims and provide them with assistance in cooperation with local NGOs.

Victim Support and Organizations

In 2016 and 2017, *Ruhama* reported helping 304 women, men, and transgender people, with 63 receiving street outreach support in 2016 and 62 in 2017. The NGO

continues to be an active supporter of victims of prostitution and human trafficking. In 2017, 244 victims received individual support, 50 victims benefited from housing and social security, and 81 victims received reintegration assistance. The Department of Justice and Equality, in agreement with the Irish Department of Health Services, provides funding to *Ruhama* to support exit routes for prostituted people. *Ruhama* was also a partner in the 'A Penny For Your Thoughts' campaign, an international art project which aimed to raise awareness of the reality of human trafficking within prostitution. Different countries developed a narrative tailored to their culture using a 'provocative' silhouette and phone number displayed as an advertisement. The story of 'Andreea' was used in Dublin to draw attention to the prevalence of trafficking in the Irish sex trade. The result of the project, a video called "What Irish Sex Buyers Are Really Thinking," revealed some of the over 1,000 responses from persons looking to buy sex. Even after hearing a message from 'Andreea' describing being trafficked into Ireland, 68% of the callers who left voicemail messages still asked about the services she offered. Not only were the callers looking to buy sexual services, which has been illegal in Ireland since 2017, they were also knowingly soliciting sex from a victim of trafficking, which is an even more serious offence under the 2017 law.

The campaign 'Turn Off the Red Light' was the product of an alliance of more than 70 organizations campaigning for the 'Nordic model' of prostitution legislation in Ireland, and ended after the successful passage of the Criminal Law (Sexual Offences) Act 2017.

The REACH project (2014-15), a European Commission funded project that aimed to raise awareness of trafficking as a form of violence against women, was

responsible for the ‘We Don’t Buy It’ campaign in 2015.

The Anti-Human Trafficking Unit uses the ‘Blue Blindfold’ campaign in order to raise awareness of human trafficking in Ireland, and to encourage the public to ‘open their eyes’ to the reality of the situation. The Blue Blindfold motif is used in videos and posters displayed in the Dublin Airport and throughout Ireland. When asked about plans for a public awareness campaign for the Criminal Law (Sexual Offences) Act 2017, Charles Flanagan, the Minister for Justice and Equality, stated, “The question of a public awareness campaign is under consideration by my Department, in conjunction with *An Garda Síochána* and with other partners, including civil society.”

The Irish Government’s Reception and Integration Agency (RIA) provides trafficking victims with support (*US Department of State*, June 2018), but lacks adequate physical and mental health services required for complete care. As a result, government-funded NGOs provide the majority of assistance and support to individuals affected by prostitution or sex trafficking. Victims of prostitution and sex trafficking who were subjected to physical and psychological abuse face obstacles in accessing the mechanisms in place (immigration status, lack of knowledge, third party control, location, etc.) (*Ruhama*, 2018).

The *Group of Experts on Action Against Trafficking in Human Beings* (GRETA) cites sexual health clinics as an essential part to aiding persons in prostitution, including access to free condoms, blood tests, screening and general medical health, and emotional support as well as exit strategies. The HSE Women’s Health Service (WHS) has developed a specialized service for prostituted women, both on the street and indoors, which

provides medical services (STI, HIV/AIDS, hepatitis, and smear tests). The WHS also includes an Anti Human Trafficking Unit which provides care for victims of sexual exploitation and provides training to NGOs.

It has been found that outdoor prostituted people are more likely to have addiction problems than those who are indoors (*Ruhama*, 2017). This finding triggered the development of specific programs for prostituted women with drug addictions such as the Chrysalis Community Drug Project in Dublin. It provides a specialized drug rehabilitation program for prostituted women. In 2017, the Limerick-based organization *Gender, Orientation, Sexual Health, HIV/AIDS* (GOSHH) published a study on the development of services for people involved in street-based and indoor prostitution. The 2017 Annual Epidemiological Report on HIV in Ireland highlighted the low correlation between substance abuse and HIV/AIDS estimated at 4%, in opposition to the high correlation of HIV/AIDS infection through heterosexual sex, especially among women (33%) (*HSE*, 2017). GOSHH focused on raising awareness of their support and guidance services, including the distribution and availability of free condoms. The analysis also noted that the biggest concerns among prostituted persons interviewed regarded the lack of confidentiality and numerous deficiencies in services, due in part to a lack of feedback from those actually using the resources (GOSHH, 2017).

Sexual exploitation of children

ECPAT International confirms the presence of minors in prostitution establishments, predominantly Irish and European children.

Due to the consequences of the 2007-2008 economic crisis, 11.1% of minors live in circumstances of perpetual poverty,

resulting in a high risk of sexual exploitation. In addition, nearly 4,000 minors are homeless according to the August 2018 report from the Ministry of Housing.

Romani children are particularly vulnerable to this phenomenon. In 2016, 13% of Roma girls had a secondary school education level and 57% of boys had a primary school education level.

In March 2018, a pedophile network was dismantled in Munster where nearly 20 children were victims of prostitution. 11 people were arrested as part of this investigation (*ECPAT International*, 2018).

The Criminal Law (Sexual Offences) Act 2017 introduced new clauses to protect children from sexual exploitation. For example, grooming and the sending of child pornography by electronic means are punishable by a fine of EUR 5,000 (USD 5,621) and/or up to 14 years in prison. The law therefore completes legislative failures concerning the link between the sexual exploitation of minors and technological tools. The age of consent, 17 years old, was set in 1935 and confirmed by the 2017 law.

Recommendations

According to *GRETA*, the Criminal Law (Sexual Offences) Act 2017 is limited in its support for victims of sexual exploitation and does not address the root causes of prostitution. In addition, it contains neither provisions for exit routes from prostitution nor offers plans for education and awareness raising. The law does not protect trafficking victims from prosecution for crimes committed as a result of being trafficked (such as a violation of immigration law). It instead advises the prosecutor to consider whether the prosecution of a suspected victim is in the public interest (*GRETA*, 2017). Local organizations call for better protection of

victims of sexual exploitation and recommend extending the ban on cross-examination for all, not just those under 18, to prevent further traumas; updating policies for identifying trafficking victims so they can seek asylum in line with EU and international law (*Ruhama, Immigrant Council of Ireland, Doras Luimní, One in Four*). *Ruhama* recommends amending the Criminal Law (Sexual Offences) Act 1993 to prevent victims of prostitution from being charged with brothel-keeping simply for being in a place with two or more individuals (*Ruhama*, 2018). Others criticize the low fines for purchasing sex, claiming that EUR 500 (USD 562) for the first offence and EUR 1,000 (USD 1,124) for subsequent offences are not enough to deter buyers. Rachel Moran, the co-founder of *SPACE International*, points out that the fines for dog fouling (failing to clean up after a dog in public) are up to eight times greater than the fines for paying for sex (EUR 4,000/USD 4,497) (*Independent*, 7 April 2018).

Direct Provision, a governmental program used to accommodate survivors of trafficking and asylum-seekers, is highly criticized for its failure to provide gender-specific, safe housing for victims to prevent new trauma. The Irish government does not have shelters dedicated to helping trafficking victims. Additionally, asylum-seeking victims may remain in the Direct Provision system for years before receiving a final decision on their immigration status (*US Department of State*, June 2018). Direct Provision shelters are 'hotbeds' of criminal activity, including drug-dealing, drug-using, and the sexual exploitation of female residents by male residents (*Doras Luimní*, 2015). In addition, the victim compensation system must be improved, especially for victims of sex trafficking who do not have any financial resources. The United Nations Committee on the Elimination of

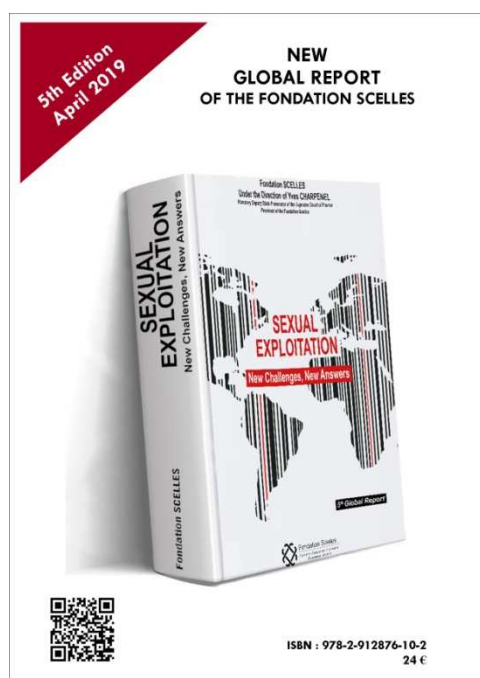
Discrimination against Women (CEDAW) noted in their 2017 report the low prosecution and conviction rates in trafficking cases in Ireland, as well as the lack of formal procedures for NGOs participation in the identification of trafficking victims. The Convention urged the Irish government to implement anti-trafficking laws that ensure that traffickers are thoroughly investigated and appropriately prosecuted, coordinate with NGOs in the identification of victims, and continue to provide adequate funding. Organizations recommend vigilant implementation of the Criminal Law (Sexual Offences) Act 2017 to reduce demand for sexual services and protect victims of sexual exploitation.

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Fondation Scelles

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The **Fondation Jean et Jeanne Scelles**, recognized as a public utility since 1994 and as a consultative status with ECOSOC, is an independent, non-profit organization based in Paris (France) dedicated to fight the system of prostitution and the exploitation of prostituted persons, through information, analysis, advocacy, trainings, awareness initiatives and legal actions. The **Fondation Jean et Jeanne Scelles** is a co-founding member of the Coalition for the Abolition of Prostitution (CAP International) which was launched in 2013 and today brings together 28 abolitionist NGOs from 22 countries.

The **International Observatory on Sexual Exploitation** (Observatoire international de l'exploitation sexuelle) is a worldwide hub which allows for information exchange on the system of prostitution. The hub is regularly consulted by French and foreign experts including NGOs, institutions, journalists, lawyers, researchers and those involved in the defense of human rights. The goals of the **International Observatory on Sexual Exploitation** are:

- to analyze all the aspects of the phenomenon: prostitution, sex tourism, procurement, child pornography, sex buyers, human trafficking for the purpose of commercial sexual exploitation...
- to encourage reflection and to take a stand
- to inform the public who are interested in these issues

CONTACT

Sandra AYAD, Head of the International Observatory on Sexual Exploitation
sandra.ayad@fondationscelles.org

14 rue Mondétour
75001 Paris - France



www.fondationscelles.org
 Tw: @Fond_Scelles
 Fb: @FondationScelles