



Ireland

- Population: 4.6 million
 - GPA per capita (US dollars): 54,374
 - Parliamentary regime
 - Human development index (HDI): 0.916 (6th rank among 187 countries)
 - Gender inequality index (GII): 0.113 (21st rank among 147 countries)
 - Corruption Perceptions Index (CPI): Score of 75 on a scale from 0 (highly corrupt) to 100 (very clean)
 - Member of the European Union since 1973.
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- According to official statistics from the Ireland Police, on average 800 women practice prostitution each day in Ireland and, in 2014, 32 people were victims of trafficking for prostitution. NGOs estimate that this number should be 202, 30% of which being children.
 - Each day in Ireland, at least 800 prostituted persons are the object of advertisements. Of these women, more than 70% are foreigners and trafficking victims.
 - Prostitution is not illegal, however soliciting, procuring, and owning brothels are all prohibited (Criminal Law – Sexual Offences Act of 1993), as well as prostitution advertisements (Public Order Act of 1994).
 - Human trafficking is defined by the 2008 Human Trafficking Act and can be punished by life imprisonment. Knowingly purchasing sexual services from a trafficked person is punishable by a fine of 5,000 € (5,416 US\$) and/or imprisonment.
 - In September 2015, a statute prohibiting the purchase of sexual services was published.
 - Since June 1st, 2015, Northern Ireland criminalized the purchase of sexual services. Clients are liable to a maximum penalty of six months in prison and/or fines.
 - In 2014, 79 cases of trafficking were investigated, but no sentences were announced (compared to 56 investigations and two sentences in 2013).
 - Great progress has been made in prevention and public education, producing such positive results such that research shows that 88% of Irish men have never resorted to prostitution.
 - A country of origin, transit, and destination for victims of sexual exploitation.
 - Foreign victims are mainly from Africa (Nigeria), Eastern Europe, Asia, the Middle East, and Brazil.

Since 2010, Ireland has been classified as Tier 1 in the U.S. Department of State Report on Trafficking in Persons. This signifies that it meets the minimum standards for the prevention and fight against human trafficking. However, Ireland is still a country of origin, transit, and destination for trafficked persons (*U.S. Department of State*, 2014). In the first quarter of 2014, the economic growth rate of Ireland increased dramatically to 2.7%. This renewed growth is due to good performance in foreign trade and also a change in the GDP calculation method. Ireland now accounts for prostitution and drugs as producers of wealth, which has boosted the country's growth. On May 23th 2015, Ireland became the 20th country to allow same-sex marriage, and the first country to do so with a public referendum with a record turnout of 60% in favor.

Prostitution in Ireland

According to the Irish Legislative Assembly, prostitution has become a common practice in Ireland. It has been a feature of Irish society for centuries. Most prostituted persons are not Irish, which can be explained by the development of the telephone and Internet, facilitating international trafficking. The overwhelming majority of escort advertisements for Irish customers are not for Irish women (only 3%) (*Houses of the Oireachtas*, June 2013).

According to a February 2015 report provided by the European Commission of three Irish NGOs (Doras Luiní, Ruhama, and Immigrant Council of Ireland), 202 people were victims of trafficking for prostitution in Ireland and 30% of them were children. The number of people who illegally entered the country for prostitution increased by 17% in 2013. However the official figures from the Irish Police (An Garda Síochána) report that 32 people were victims of trafficking for prostitution in 2014. These numbers do not reflect the reality of the problem because they only account for the number of victims identified by police services or associations.

Victims of trafficking for sexual exploitation are usually from Nigeria, Cameroon, Zimbabwe, the Democratic Republic of Congo, South Africa, the Philippines, Pakistan, Poland, Lithuania, Brazil, or Kuwait (*U.S. Department of State*, 2014). According to the Superintendent Fergus Healy, Ireland has become a destination of choice for prostituted persons because the economic growth allows them to earn as much as three times as they would in other European countries. The police estimate that there is an average of 800 women prostituting themselves each day in Ireland.

According to the NGO Ruhama, prostituted persons are often subject to violence, including punches to the face, being kicked down stairs, bites, and other physical violence. Since the economic crisis, this type of violence has increased due to more women turning to prostitution. Prostitution is very common among women seeking asylum in Ireland. If receiving 21 US\$ (19 €) in state social benefits, they are not allowed to work. In many cases, clients are aware of this policy and wait in their cars in front of the victim homes to take advantage of their financial vulnerability to obtain sexual services. These women hide from fear that the government might discover their activity and put an end to their aid. Even though prostitution is still an issue, only one in 15 men have purchased sexual services in Ireland, which is considered very low in comparison to other countries like Spain (1 in 3 men) (*Village Magazine*, March 6th, 2015).

The Legislative Framework for Prostitution

Prostitution is not illegal in Ireland. Buying and selling sexual services is legal because Irish law protects transactions as consenting activity between two adults. However, some activities related to prostitution are criminalized because of their character as a public order offense. This is the case for curb crawling (or kerb crawling)¹, procuring, management of brothels, soliciting sexual services in public places, living on the income of prostitution, or promoting prostitution. These offenses are aimed mainly at prostituted persons. In 2008, trafficking was officially recognized as a crime and the purchase of sexual services from a victim of trafficking was criminalized (Human Trafficking Act). Under article 5 of the law on human trafficking, anyone who knowingly solicits sexual services from a victim of trafficking is guilty of an offense. However, that same provision provides for the defense if the client can prove that they were unaware that the victim was subject to trafficking. Clients can be subject to fines of up to 5,000 € (5,416 US\$) and/or imprisonment. Article 7 of the law establishes the extraterritorial application of the law for any Irish citizen who commits a trafficking offense outside of Ireland and to any person who commits an offense against an Irish citizen. On November 27th, 2014, the Minister of Justice, Frances Fitzgerald, published the General Plan for the criminal law project (sexual offenses). This provides guidelines for the criminalization of the purchase of sexual services in titles 10 and 11.

Changing Legislation for the Transformation of Prostitution

Reasons Why Legislative Change is Necessary

In 2013, the Minister of Justice, Alan Shatter, announced that amendments needed to be made to the law in order to combat the changes in prostitution. Most agreements for prostitution no longer take place in the streets, but over the Internet or in private apartments, enabling a significant increase in prostitution. Shatter also explained how a review of the law would allow for a reevaluation of the prostitution problem so the government could better address it. This served as a reminder to protect the health and safety of victims, as well as detect, prosecute, and convict traffickers. Even though printed advertisements for prostitution are illegal, this is counteracted by online advertisements. Street prostitution has almost disappeared in Ireland because trafficking networks now conduct their work almost exclusively online. Sarah Benson, responsible for the NGO Ruhama, said that she was surprised by the changes in the sex trafficking industry in Ireland, especially by the size of criminal organizations and their adaptation to technical developments. Ruhama is an Irish organization that assists prostituted persons and victims of other forms of sexual exploitation through practical and psychological support, legal advice, emergency housing, and employment, housing, and health assistance. This organization does important work throughout the country by conducting awareness campaigns and advocating for judicial changes to improve protection for victims. Escort websites reveal detailed profiles of

¹ A kerb crawler (or curb crawler) is a person who drives around areas known for street prostitution soliciting prostituted persons for sexual activity.

prostituted persons, indicating when and where they are available, the services that they provide, and a phone number where they can be reached. According to the Kelleher Report, at least 800 prostituted persons are promoted each day by Internet advertisements (*Houses of the Oireachtas*, June 2013). These sites specify that these women are not only available all over Ireland, but are also available internationally (40%). This suggests that their numbers are even larger than presumed. The Immigration Council of Ireland stated that independent audits from websites showed that in 2011 and 2012, 1,052 and 1,124 prostituted women were advertised respectively. About 70% of these prostituted persons are not Irish and were victims of trafficking from poorer countries in Eastern Europe, Africa, and Asia (*Irish Daily Star*, March 10th, 2013).

Ruhama denounced these sites, claiming that they further increase the pressure on prostituted persons. Because customers can leave their comments after each sexual encounter, traffickers can use them to punish prostituted persons or push them to do more next time.

The Criminalization of the Client and the Protection of the Prostituted Person

The draft of the law (Titles 10 and 11) provided for the criminalization of the purchase of sexual services in general, particularly those from victims of trafficking. The purchase of sexual services will be punished in all cases, whether the person has been exploited or not. The penalty is a fine of 500 € (541 US\$) for the first conviction and 1,000 € (1,083 US\$) for the second. This new law would not further punish prostituted persons, allowing them to easily denounce their violent customers to the police (The Gardaí). Thus, the new provisions exclusively target demand. This shows an initiative to protect the vulnerable, because no one should risk being condemned for being exploited. This law also introduces measures to strengthen surveillance and control sex offenders on parole. This draft has been published (101 pages) and will most likely undergo many changes before it is finally adopted as a law. This legislative text was published by the Department of Justice and Equality on September 23rd, 2015. We must now await the outcome of a parliamentary debate to determine the final version and the date of when this text will become law.

Despite advances in political and legislative debates, research published by the Department of Justice of Northern Ireland (the purchase of sexual services in Northern Ireland has been criminalized since June 1st, 2015) and led by the Queen's University Belfast on prostitution found that 98% of prostituted persons oppose the client's penalty (*Huschke, Shirlow, Schubotz et al.*, October 2014). According to a survey, almost two-thirds of prostituted persons think that the client's penalty would worsen their situation and 85% said that it would not reduce sexual exploitation. They explained that they would be put in further danger by trying to protect clients from being penalized, isolating them even more. However, Denise Charlton, the CEO of the Immigrant Council of Ireland, expressed doubts about the reliability of surveys from prostituted persons. She explained that the majority of those who testify want to leave prostitution and are exploited. Once under pressure, blackmail and fear of procurers brings them to claim that they exercise their own decision and are fulfilled by their activity. Also, some survivors of prostitution are huge supporters of this reform. For example, Rachel Moran was a prostituted person for seven years and strongly opposed the liberalization of prostitution, stating that being bought and sold is extremely destructive itself, even in the absence of violence because prostitution itself is violent.

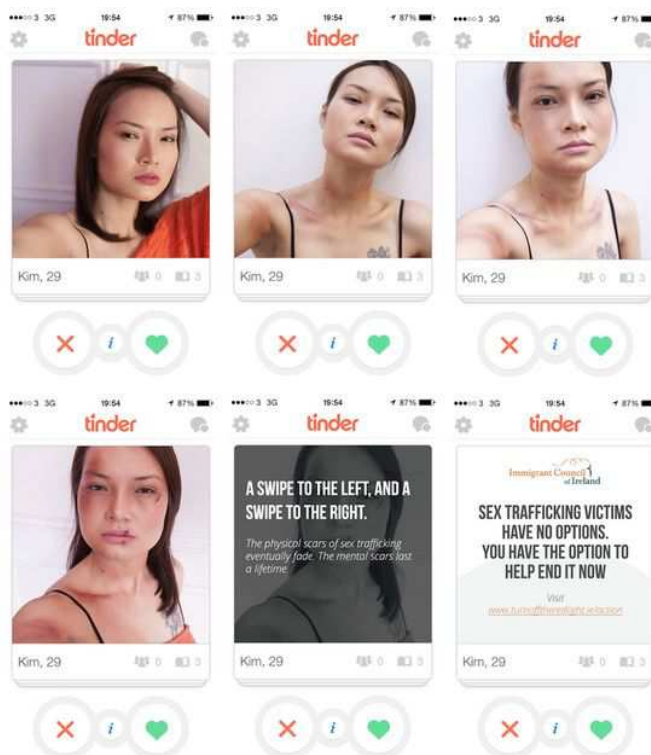
Notable Prevention and Awareness Campaigns

According to the 2014 U.S. Department of State Report on Trafficking in Persons, Ireland has made significant efforts for the prevention of human trafficking. The Irish government published a manual for professionals as well as victims that explains their rights and the services available to them. It has also conducted awareness campaigns for students, and in coordination with NGOs, launched an awareness project focusing on zero tolerance towards human trafficking and violence against women and girls. In the summer of 2014, the Immigrant Council of Ireland launched a campaign in pubs and hotels throughout the country, illustrating the reality of prostitution and trafficking. Emergency addresses for accusations of trafficking were printed on each coaster. This campaign was particularly aimed at young men and used the true story of a 15 year old girl who was sold into a prostitution network for 3,000 € (3,249 US\$) and forced to sell herself to 15 men a day. The campaign encouraged young drinkers to reject exploitation through the sex trafficking. The Immigration Council of Ireland was pleased with the cooperation from bar owners. This campaign is just one of several initiatives taken by the Immigrant Council of Ireland as part of the “Stop Trafficking” project funded by the European Commission to explain the role clients play in the crime and abuse of trafficking victims.

The “Prostitution, we don’t buy it” campaign is the first of its kind to be carried out through all of Ireland by reaching out to men and boys to take a stand against prostitution and sexual exploitation (*Ruhama, Press Release, April 22nd, 2015*). Launched in early 2015, it revolved around the statements: “we do not buy sex and we do not buy the lies that allow prostitution to persist”. The survey portion of this campaign is different from others because it shows the opinions of all types of people from all parts of society, not just clients. It reported that 88% of Irish men have never used prostitution. Only 8% said that they have used it irregularly and 4% did not respond. This campaign aims to show the important role of education and awareness in reducing the demand for sexual services from exploited victims. “We Don’t Buy It” is part of the REACH project, co-funded by the European Commission. This project also aims to raise awareness for women and girls in situations of exploitation in Ireland so that they know that free, secure, and confidential assistance is available to them. Many women with experience in the sex trafficking have recommended that messages be posted in buses, at railway stations, and immigration and health institutions to help inform women in need. The awareness campaign addresses men to promote a message of zero intolerance of human trafficking and violence against women. It also aims to discourage them from resorting to purchasing sexual services from exploited or vulnerable women and make them aware of the harm in these solicitations.

Another notable prevention campaign was established at the end of 2014 to fight against trafficking and sexual exploitation. An Irish advertising agency used the Tinder dating application to create three fake profiles. For the first photo, they posted a photo of an actress, resembling any other profile picture of an attractive woman. This followed with a series of photos of the woman appearing with more injuries and finished with an image of her looking battered and terrified. These photos followed with messages such as: “A swipe to the left, and a swipe to the right. The physical scars of sex trafficking eventually fade. The mental scars

last a lifetime” or “Your options are left or right. Women forced into prostitution in Ireland have none.”



Source: Frenzen C., “A group that wants to ban all sex work in Ireland is making fake Tinder profiles”, *The Verge*, November 7th, 2014.

The Immigrant Council of Ireland was responsible for a campaign denouncing the existing sex trafficking phenomenon in Ireland and calling for a total ban on all forms of sexual exploitation in the country by advertising links to the “Turn off the Red Light” online project². Co-directed by a range of organizations in civil society, NGOs, and individuals, this campaign helps to raise awareness of the dangers of prostitution and sexual exploitation. They have lobbied government representatives to create legislation that criminalizes clients. Finally, Irish airlines have been encouraged by the state to use the online training resource developed by the Department of Justice to identify potential victims of trafficking. However, these numerous information, awareness, and prevention campaigns have not led to a significant improvement in the identification of victims of trafficking (*Doras Luimní, Immigrant Council of Ireland and Ruhama*, February 27th, 2015). This can be explained by a lack of police training.

Inadequacies in Protection of Victims

Authorities are required to inform victims of trafficking who have been rejected for asylum that they may be granted a temporary residence permit. The Council of Legal Aid

² See chapter « Canada », in: Fondation Scelles, Charpenel Y. (under the direction of), *Sexual Exploitation – A growing menace*, Economica Ed., 2013.

provides assistance and legal advice to potential and alleged victims starting from their first contact with the police. Victims then have several options: seek provided assistance in regards to immigration for the protection of victims of human trafficking; seek asylum; seek compensation through the legislation on employment protection; request information on how to regulate their stay in the country; institute a criminal trial; and obtain reparations.

In Dublin, a welfare service for female victims of prostitution and sexual exploitation has been instituted. It offers free sexual health services, including complete testing for HIV/AIDS and hepatitis along with providing treatment and contraceptives. It also acts as a safe space for women to share their stories and receive information and advice on leaving prostitution and finding a job.

In its 2013 report on Ireland, the Group of Experts on Action against Trafficking in Human Beings (GRETA) stressed the importance of establishing the rights of victims of trafficking for their support and protection. They urge the Irish authorities to review the housing policy for alleged victims, including asylum seekers, and to consider establishing specialized shelters for victims of trafficking with assistance from NGOs. Despite the existence of legal provisions providing compensation and the possibility to receive free legal aid, victims of trafficking in Ireland do not have effective access to this compensation. The Committee of Human Rights is concerned that victims of trafficking exercising their right to apply for asylum do not have “period for recovery and reflection” or a temporary residence permit and are instead retained in support centers. They also expressed their concern about the inadequacy of legal assistance services provided to victims and the lack of legislation to protect their rights.

Finally, as a submission to the European Commission, the three aforementioned Irish organizations were invited to give their perspectives and review the measures in place to combat trafficking (*Doras Luimní, Immigrant Council of Ireland, Ruhama*, March 16th, 2015). They discussed the problems with identification and support of victims and called upon the Irish authorities to appoint an independent National Rapporteur for this issue to evaluate the effectiveness of support for victims and prosecution of traffickers. Victims should be provided protection and not be treated as criminals or be at risk of deportation as long as they cooperate with the judicial authorities. In early 2014, the Irish government promised to create a new national action plan to prevent and combat human trafficking.

The Worrisome Situation of Children

In Ireland, citizens are considered to have reached sexual maturity at the age of 17; any sexual relations with a minor under the age of 17 is punishable by law. However, case law provides that admission of ignorance of the minority of a victim can be used as a defense. The Child Care Acts of 1991 and 2007, the Child Trafficking and Pornography Act of 1988, and the Children First National Guidelines for the Protection and Welfare of Children of 2011 concern the protection of minors from sexual exploitation. The maximum penalty for these offenses is life imprisonment.

With the increase in the number of child victims of sexual exploitation in Ireland, it is imperative that the government responds to this issue. The outline of the bill published November 27th, 2014 proposed new measures to further protect children. This introduced new

offenses such as sexual grooming, including online participation in sexual activity in the presence of a child, or forcing a child to watch sexual relations.

In general, the use of electronic communication (telephone or internet) to acquire prostitution from a minor is punishable. These new provisions provide for stricter penalties for the use of prostitution from a minor and give judges the ability to prohibit sex offenders from working with children and vulnerable people for a certain period of time. Penalties for these new offenses can be as long as 14 years in prison.

The bill also concerns the issue of child pornography which included new incriminations, such as the recruitment of children in order to take part in a child pornography production. Penalties for distribution and possession have also been worsened. In order to minimize the trauma for victims of sexual crimes, the Department of Justice suggested allowing victims the option to testify virtually. If this bill is adopted, it will implement the European Directive on the fight against sexual abuse, sexual exploitation of children and child pornography. This would pave the way for the Ireland's ratification of the Convention of the Council of Europe on the Protection of Children against Sexual Exploitation and Sexual Abuse (*European Union*, February 17th, 2011). Along with these significant advances, on September 24th, 2014, Ireland also accepted individual complaints and the investigation regarding the Optional Protocol for the Convention on the Rights of the Child. However, they still have not ratified this protocol. The awareness campaign, "Real Men Don't Buy Girls", launched by the Immigrant Council of Ireland, aims to raise awareness among young people about the reality of human trafficking and its consequences for victims. Several Irish celebrities, such as Bernard O'Shea and Eric Lalor, have supported this cause. After the recent criminalization of clients in Northern Ireland, Irish organizations fear the rise of North Irish sex tourists going to Ireland if the new bill does not pass, even though they expect that this bill should pass in the coming months. It is also important to note that abortion is still criminalized in Ireland and a woman who has an abortion can face up to 14 years in prison, even in cases of rape, incest, or a severe/a fatal fetal malformation.

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