



**RCNI Submission on**  
**Part 4 Criminal Law (Sexual Offences) Act 2017**  
**Purchase of Sexual Services Provisions to**  
**The Department of Justice**  
**September 2020**

## **Introduction – Rape Crisis Network Ireland**

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change, and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

## **Introduction – This Submission**

RCNI provides specialist counselling and other services to a small number of survivors of sexual violence who are being, or have been, in prostitution. Many of these survivors are migrant women whose immigration status and financial situation are very precarious, and who are vulnerable in other ways as well. RCNI has advocated consistently for over a decade, both individually and as part of the Turn of the Red Light coalition, that the purchase of sexual services should be criminalised and the sale of those services should be decriminalised.

Therefore, we welcome very much this opportunity to make a submission on the provisions governing the purchase of sexual services in Section 7A of the Criminal Law (Sexual Offences) Act 1993, inserted by Section 25 of the Criminal Law (Sexual Offences) Act 2017 and now subject to review under Section 27 of the same Act, as part of that same review process.

## **Structure of this Submission**

RCNI has only two aims in this brief submission, which will each be addressed in turn below. The first is to make the case as strongly as possible that Section 7A should be retained first and foremost because prostitution is a form of sexual violence, and the second is to examine the operation of Section 7A briefly, primarily in the light of certain findings in this research report: *Shifting the burden of criminality: An analysis of the Irish sex trade in the context of prostitution law reform*. O'Connor, M., and Breslin, R., (2020, forthcoming), Dublin: The Sexual Exploitation Research Programme, UCD. This programme will be referred to below as SERP for convenience.

## **Prostitution is a form of sexual violence**

RCNI has no hesitation in asserting once more that prostitution is not only a form of sexual violence, but an extremely serious one. Free and voluntary engagement in sexual acts in the context of prostitution seems to us a contradiction in terms as far as those providing sexual services are concerned. Further, we know from our work with survivors who provide, or have provided, sexual services in prostitution that the effects of this experience on very many aspects of their lives are grave and hard to eradicate. Recovery, once a survivor has managed to exit prostitution, can be very slow. For these reasons, we argue in the strongest possible terms that Section 7A should be retained.

We also argue that Section 7A should be retained because the persistence of the purchase of sexual services has grave consequences not only for individuals providing these services but also for society as a whole. The commodification of (mostly) girls and women as sexual objects through prostitution makes no small contribution to a culture in which numbers of (mainly) men feel entitled to treat girls and women as if they had no purpose other than to be used to gratify their appetites and meet their desire to dominate another human being. It cannot be ignored that the act of purchasing sexual services is very often not simply for the sex act itself but is expressly for the purpose of inflicting control, humiliation, degradation and even violence on another human being. RCNI maintain that prostitution, and its acceptance, begets sexual violence in other contexts, and for this reason also every effort should be made to proscribe, penalise and deter the purchase of sexual services for its buyers in the strongest possible ways (social as well as financial – being named and shamed in court cannot but be a serious deterrent).

### **Section 7A itself in operation**

- Our understanding from the forthcoming SERP research cited above is that there is no evidence that Section 7A has resulted in more crimes of violence being committed against people providing sexual services, although there was one cluster of robberies associated with a particular gang of criminals which was responded to by An Garda Síochána. Therefore, it does not seem to us that there is evidence that the advent of Section 7A has made prostitution more dangerous for those who work in it;
- We think that An Garda Síochána should be given any additional powers which it needs to bring perpetrators of Section 7A to justice, however we note also that there has been a steep rise in the number of these cases being investigated, and also, a decline in the numbers of people being investigated for brothel-keeping (SERP research cited above once more);
- We endorse strongly the recommendation at the end of the SERP report cited above that there should be more supports available to help people to exit from prostitution.

Please do not hesitate to contact us if you would like more information on any of the points raised.

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**Rape Crisis Network Ireland clg,**

**Carmichael Centre**

**North Brunswick Street, Dublin D07 RAH8**

## RCNI CLSOA 2017 Part 4 Section 27 Submission to Department of Justice Sept 2020

**Tel:** 01 865 6954

**Email:** [admin@rcni.ie](mailto:admin@rcni.ie)

**Website:** [www.rcni.ie](http://www.rcni.ie)