



Immigrant Council  
of Ireland

GLOBALISATION,  
SEX TRAFFICKING  
AND PROSTITUTION:  
THE EXPERIENCES  
OF MIGRANT WOMEN IN IRELAND

*The Immigrant Council of Ireland in collaboration  
with the Women's Health Project (HSE) and Ruhama*





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## FOREWORD

Trafficking of women and girls for the purposes of sexual exploitation is a modern, global form of slavery that until recently, we in Ireland thought was an appalling crime that happened somewhere else. Some of us might still like to hold on to the idea that it is not really happening here, that women and girls are not being exploited for profit in Ireland, by Irish people. They are.

In August 2007, to address the lack of knowledge about the extent of trafficking of women and girls into and through this country, the Immigrant Council of Ireland commissioned research designed to map the extent of Ireland's sex industry and to uncover the scale of exploitation of women and girls. The result is this report, "Globalisation, Sex Trafficking and Prostitution – The Experiences of Migrant Women in Ireland". This report uncovers the shocking reality of rape, abuse and sexual exploitation that victims of sex trafficking experience in this country. It documents, through interviews with women and examination of data and information from service providers, the physical, emotional and psychological harm these women and girls experience.

"Globalisation, Sex Trafficking and Prostitution – The Experiences of Migrant Women in Ireland" reveals that, over a 21-month period in 2007-08, 102 women and girls presented at services who, using the internationally agreed definition, are considered victims of trafficking. Of these, 11 were children at the time they were trafficked. We also know that they are a fraction of the real number of victims of trafficking in this country. They are the ones who were rescued or escaped from their traffickers and pimps.

The research also documents the widespread sexual exploitation of migrant women in Ireland's sex industry. The sex industry in this country has undergone significant changes in recent times, moving off the streets and into apartments and houses with women and girls being provided to men who access prostitution via the internet or their mobile phones. The overwhelming majority of the women involved are migrant women.

Some may question why we looked at the broader issue of prostitution in a research project aiming to examine the extent of trafficking of women and girls. The reason is because there is no clear line between where the elements of trafficking end and "consent" to become involved in the sex industry begins. Many of the women who are involved in Ireland's sex industry, who do not meet the definition of a victim of trafficking, had no real choice – poverty and life circumstances combined with deception and gross exploitation are evident in many of their stories. The demand from men who buy sex, which fuels the evil trade in women and girls who are trafficked for sexual exploitation, also keeps alive an illegal prostitution industry worth an estimated €180 million a year in this country.

Any thought that women who are involved in prostitution in this country have made a free choice and are engaging in commercial transactions from which they are benefiting, will be dispelled by this report. The pain, physical and emotional, that these women experience, the concern about their health and their futures and their unhappiness, is clearly documented.

"Globalisation, Sex Trafficking and Prostitution – The Experiences of Migrant Women in Ireland" makes detailed recommendations on how best to respond to the exploitation of migrant women in Ireland's sex industry. It is very clear that

our response to date has been severely lacking. At the time this report went to print, only two women who had been officially identified as victims of trafficking in Ireland had been offered protection by the State. We believe the Irish government and State agencies take this issue very seriously and are demonstrating great good-will. However, while we continue to treat these women as illegal immigrants, rather than as victims of crime, we will continue to fail them. Victims' needs, including access to services, accommodation and legal advice, must be at the heart of our response to this problem.

Effectively tackling sex trafficking in Ireland will require many changes and a great deal of commitment. Ultimately, our response must deal with demand from men to buy sex. This industry which exploits and harms women would not exist if there were no demand from those men who buy sex. The ICI is therefore calling on the Irish Government to learn from those countries which have established good practice for dealing with sex trafficking. In particular, we can learn from Sweden and Norway, where buying sex has been criminalised and selling sex has been decriminalised. Through this approach, those countries have reduced demand for prostitution and incidences of trafficking of human beings for the purposes of sexual exploitation.

This research would not have been possible without the collaboration of the Women's Health Project, Health Service Executive (HSE) and Ruhama. They shared their expertise with us and helped the researchers include the experiences of as many women as possible. We thank them for their cooperation and openness during the process.

We would also like to thank the report's authors for their commitment to a very difficult subject, as well as the Religious Sisters of Charity for providing the funding that made the project possible. Thanks also to the members of the ICI's research advisory committee, who offered their expertise from many different perspectives and read drafts of the report and, finally, thanks to the ICI staff for their continued commitment to victims of sex trafficking and their work on this report.

In conclusion, I would like to pay tribute to the women whose stories are told in this report, many of whom are still being exploited in this country. I would particularly like to thank the women who took part in interviews with the authors and helped broaden our understanding of their experiences.

Sr Stanislaus Kennedy  
Founder and Board Member  
Immigrant Council of Ireland

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\* In view of the fact that this report remained confidential to the advisory committee until publication, Chief Superintendent John O'Driscoll did not consult within An Garda Síochána or other government departments in relation to the terms of the research, the report or its recommendations.

\*\* In view of the fact that this report remained confidential to the advisory committee until publication, Marion Walsh did not consult within the Department of Justice, Equality and Law Reform or other government departments in relation to the terms of the research, the report or its recommendations.



## MESSAGES FROM RESEARCH PARTNERS

The **Religious Sisters of Charity**, founded by Mary Aikenhead in 1815, has a vow of ‘service of the poor’. For almost 200 years, we have been working with people in different parts of the world who are poor, vulnerable and marginalised. It is in this context that we were very happy to collaborate with the Immigrant Council of Ireland (ICI) by funding this vital piece of research, knowing that human trafficking is an internationally organised crime that violates the human rights of women, many from the poorest countries in the world.

Sr Miriam Hennesey,  
Provincial Leader,  
Religious Sisters of Charity

The **Women’s Health Project** (HSE) was delighted to be given the opportunity to work with the ICI on this research. Due to the changed nature of prostitution in Ireland over the past decade, as reflected by our service users, many new issues face women involved in prostitution and the sex industry. The extreme effects of globalisation, the 24-hour demand for sex and the feminisation of poverty in particular have given rise to the number of tragic situations that indigenous and migrant women experience.

Circumstances of sexual exploitation, violence, family separation and ill health resulting from prostitution unfortunately are presented regularly by women at our health service. This is clearly documented in this research through the interviews with service users and the case studies. In our analysis and experience of prostitution and its harms, we find it vital to create an understanding of how prostitution and human trafficking for sexual exploitation are part of the same sex industry that fundamentally exploits the women for whom we care.

This research, and in particular the wonderful expertise of the researchers in comprehending these complexities, has made our work together to effect change for women and families a particularly constructive and harmonious endeavour. So a big thank you to the ICI, and indeed the research team, for many joint hours and effort. Finally, our sincere gratitude goes to the women who agreed to share their stories with us. We will do all in our power to create a brighter, more hopeful future for all women.

Linda Latham, Coordinator,  
Women’s Health Project,  
Health Service Executive

**Ruhama** has long felt the need for independent research on the issue of human trafficking into the sex trade in Ireland. Since the beginning of this decade, we have made contact with a growing number of women who have been brought to Ireland and exploited within the sex market. While their stories varied in detail, with time we could see a pattern of subterfuge, lies, coercion and abuse of vulnerability underpinning them all. Over recent years, we have called attention to the issue and campaigned for the introduction of a legislative framework that would assist in bringing to an end this pernicious crime.

The clandestine nature of the trade makes it very difficult to track and its scale and extent has not been appreciated. However, Ireland is waking up to the

reality; more organisations are becoming involved and the public is becoming more alert to the issue. Ruhama has collaborated on this research through a series of discussions and questionnaires, and sharing our understanding and experience with the research team. We believe that this thorough piece of work will be a useful tool for anyone wishing to learn more about the issue. It will be instrumental in dispelling any doubts that may linger among the public as to the reality of sex trafficking in Ireland.

Kathleen Fahy,  
Director,  
Ruhama

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Jeanette Lever and John O'Riordan, Separated Children's Unit, Health Service Executive

Reda Sirgediene, Commissioner-Head, Trafficking in Human Beings Investigation Unit, Lithuanian Criminal Police Bureau

Dalia Puidokiene, Klaipeda Social and Psychological Services Centre, Lithuania

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Nusha Yonkova, Anti-Trafficking Coordinator of the ICI, who assisted the researchers

Denise Charlton, Chief Executive, and Sr Stanislaus Kennedy, Founder and Board Member, ICI, who supported the research

To the women who agreed to be interviewed for this study. Thank you for trusting us with your stories. Fictitious names have been used throughout the report to protect the identities of these women.

Finally, we would like to acknowledge with gratitude the funding that was provided by the Religious Sisters of Charity (RSC).

**Patricia Kelleher**

**Monica O'Connor**

**Carmel Kelleher**

**Jane Pillinger**

February 2009

## INTRODUCTION

*Context of Study*

*Research Objectives*

*Focus of Study*

*Ethical Considerations*

*Research Components*

*Outline of Report*





## INTRODUCTION

### *Context of Study*

Globalisation, poverty and gender inequality have created conditions in certain regions of the world where vast numbers of women and girls are at risk of being targeted and trafficked for sexual exploitation. The US State Department estimates that approximately 800,000 people are trafficked across national borders, which does not include the millions trafficked in their own country. Approximately 80 per cent of transnational victims of trafficking and forced labour are women and girls, up to 50 per cent of which are minors (US State Department 2008). The majority of transnational victims are females trafficked for commercial sexual exploitation.

Extreme poverty, a severe reduction in women's economic earning capacity and multiple forms of discrimination, disadvantage and abuse are recognised as risk factors that make women and girls increasingly vulnerable in their countries of origin to being recruited and coerced into the sex industry (Zimmerman *et al* 2006). The demand for a continuous supply of women to be available for commercial sexual exploitation in destination countries, such as Ireland, provides a highly profitable market for international traffickers.

Growing international concern about human trafficking is reflected in a number of human rights instruments and conventions that underpin the fundamental rights of those exploited through trafficking. The main provisions of these are summarised in chapter four. The United Nations (UN) Palermo Trafficking Protocol (one of the protocols to the 2000 UN *Convention Against Transnational Organised Crime* (UN TOC), the full title of which is *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*) lays the foundation for international action on trafficking by providing an international framework for the definition of trafficking. It refers to force, coercion, movement and human rights abuses. Article 3 (a) of the Protocol states:

*Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UN TOC, 2000).*

Under the UN Palermo Protocol, the consent of the victim to the intended exploitation is irrelevant, provided that any of the above-mentioned means have been used.

Trafficking is recognised as a 'process' that is built upon repressive methods and can involve deception, forced travel and long journeys, physical and psychological coercion, rape and the drugging of women while in transit, locking women in rooms and holding them in captivity, removing passports and other documents, withholding earnings and setting impossibly high repayment sums to get back passports and other documents (Zimmerman *et al* 2006).

Traffickers and recruiters also use more sophisticated methods of persuasion and enticement, exploiting women's need to migrate from situations of extreme poverty to seek sustainable livelihoods. The globalised world economy marginalises women from poorer regions, who can become the 'resource' for the dirty, difficult and dangerous jobs, including the global sex trade (Robinson 2006). Thus, the trafficking of women into the sex industry and the recruitment and exploitation of migrant women into prostitution are intertwined and need to be understood in the context of global labour migration (Bastia 2006).

Theorists now talk about the levels of severity of exploitation generating continuums of exploitation for women rather than a simple trafficked/not trafficked dichotomy (O'Connell Davidson 2006; Robinson 2006; Kelly, Coy, Davenport 2008). The reality, as stated by UN Special Rapporteur Sigma Huda, is that:

*For the most part, prostitution as actually practiced in the world usually does satisfy the elements of trafficking. It is rare that one finds a case in which the path to prostitution and/or a person's experiences within prostitution do not involve, at the very least, an abuse of power and/or an abuse of vulnerability. Power and vulnerability in this context must be understood to include power disparities based on gender, race, ethnicity and poverty. Put simply, the road to prostitution and life within 'the life' is rarely one marked by empowerment or adequate options (Huda 2006)*

The sex industries in destination countries such as Ireland are the locations in which all women and girls are exploited, regardless of their means of entry. Furthermore, international research consistently demonstrates the severe harm intrinsic to all sexual exploitation and prostitution (Farley 1998, 2000, 2003). Yet, as many international commentators have pointed out, a lot of attention has been given at an international level to the transportation and enslavement of trafficked women but much less is done to understand how exploitation functions in the destination countries (Monzini 2005).

In light of these considerations, the focus of this research is to examine both the trafficking of women and girls into Ireland and the sexual exploitation of migrant women within the Irish sex industry.

## **Research Objectives**

The objectives of this research were to:

- Produce a preliminary estimate of the numbers, profile and experiences of women who are identified as trafficked into and through Ireland for the purpose of sexual exploitation
- Examine the organisation and operation of the sex industry in Ireland, together with a preliminary estimate of the numbers and profile of women in prostitution in Ireland
- Document the various forms of movement, deception and coercion and the impact on health of women involved in indoor prostitution and who are trafficked

- Highlight international practice in responding to prostitution and sex trafficking, outline how women in the Irish sex industry can be supported and protected, and how trafficking into and through Ireland can be prevented.
- Describe how frontline services define trafficking and respond to women who are trafficked

The research was carried out over a 12-month period between December 2007 and December 2008.

### ***Focus of the study***

The focus of this research is on the trafficking of women into and through the Republic of Ireland for the purpose of sexual exploitation. The involvement of men/boys in prostitution is outside the scope of this research, as is the exploitation of children into the sex industry through paedophile networks. Although we acknowledge that trafficking for labour exploitation takes place, the focus of this research is on trafficking for sexual exploitation.

As well as a focus on the trafficking of women, we also focus on the sex industry, and in particular prostitution, into which women have been trafficked. The study is concerned with the mechanisms through which the sex industry is promoted, namely escort agencies, the internet and mobile phones, which are the main mechanisms through which buyers of sex connect with women who sell sex. The focus on buyers is important as the prostitution industry is fuelled by the demand of buyers.

The focus is on migrant women as, during the initial stages of the research, it was clear that internet-based indoor prostitution makes up a large segment of the prostitution market in Ireland. Migrant women are predominant in indoor prostitution. Also, street prostitution, which is comprised mainly of Irish women, has been researched by O'Connor, O'Neill and Foran (1999) and O'Neill and O'Connor (1999) and is the subject of a research project being carried out by the National Advisory Committee on Drugs (NACD 2007).

### ***Ethical considerations***

At all times, the researchers were cognisant of the ethical implications and sensitivity of the issues under study and were aware of not further stigmatising or placing women in prostitution at risk. Women interviewed were given a clear explanation of the purpose of the research and were asked to give their consent before being interviewed. They were given an assurance of anonymity and confidentiality and were assured that they could terminate the interview at any time. In relation to profiles of women outlined in the research, fictitious names were used and details were changed to preserve their anonymity.

## ***Research components***

The study has four main research components:

### ***Component one: documenting the numbers, profile and experiences of women who are identified as trafficked into Ireland***

The specific research objective and the research tasks undertaken are outlined below:

<b>Research Objective</b>	<b>Research Tasks Undertaken</b>
<ul style="list-style-type: none"><li>• Document the numbers, profile and experiences of women who are identified as trafficked into the sex industry in Ireland (see chapter two)</li></ul>	<ul style="list-style-type: none"><li>• Documentary analysis of information provided by a range of organisations, including Ruhama, the Women's Health Project (HSE), STOP Sex Trafficking, Cork and the Immigrant Council of Ireland (ICI).<sup>1</sup> In conjunction with the researchers, a form (Appendix G) was filled out on each woman. The data was put into Excel spreadsheets and transferred to a data analysis package, Data Desk. The data was analysed to document the numbers, profile and experiences of women who were trafficked</li><li>• Interview with the Garda National Immigration Bureau</li></ul>

### ***Component two: documenting the organisation of the Irish sex industry***

This involved compiling information from a variety of sources. The specific research objectives and the research tasks undertaken are outlined below:

<b>Research Objective</b>	<b>Research Tasks Undertaken</b>
<ul style="list-style-type: none"><li>• Research sex shops and lap-dancing clubs (see chapter three)</li></ul>	<ul style="list-style-type: none"><li>• Using a variety of sources, including the internet and telephone directories, the number and distribution of sex shops and lap-dancing clubs was documented</li></ul>

<sup>1</sup> A small number of cases were identified by the following: a legal practitioner in the Faculty of Law, National University of Ireland Cork; a counselling service in Cork; a counselling service in Scotland; the International Organization for Migration (IOM); the Poppy Project in the UK; and police forces in Lithuania and England.

- Document the numbers of men and the views of men who buy sex (see chapter three)
  - Content analysis of Punter.net reviews<sup>2</sup> to document the views of men who buy sex. This was complemented by data provided by the *Irish Escort Client Survey* and *The Irish Study of Sexual Health and Relationships*<sup>3</sup>
- 
- Estimate the numbers and profile of women involved in indoor prostitution (see chapter three)
  - An internet audit of women advertised as ‘escorts’.<sup>4</sup> Forms were filled out on 425 women regarding a range of variables including age, country of origin, locations of where sex is sold, sexual acts offered and price.<sup>5</sup> The data from the forms was put into Excel spreadsheets and transferred to a data analysis package, Data Desk. The data was analysed to provide a description of women in indoor prostitution
  - Interviews with specialist frontline service providers
  - Interviews with 12 women in prostitution

***Component three: documenting the impact on the sexual and reproductive health of women***

The specific research objectives and the research tasks undertaken are outlined below:

Research Objective	Research Tasks Undertaken
<ul style="list-style-type: none"> <li>• Profile and document the impact of indoor prostitution on the sexual and reproductive health of women (see chapter three)</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of information provided by the WHP (HSE) on the impact of prostitution on women’s health. In conjunction with the researchers, an individual form (Appendix F). The data was filled out on 73 women. The data was put</li> </ul>

2 These are reviews by the buyers of sex on their views of sexual services.

3 The Irish Escort Client Survey (Escort Surveys 2006) and the Irish Study of Sexual Health and Relationships (Layte *et al* 2006).

4 The advertising of prostitution is illegal in Ireland and the internet is now the main form of advertising indoor prostitution (see chapter three).

5 Forms were filled out on 425 women advertised on escortireland.com, which is the largest escort website and comprises in excess of 50 per cent of women advertised on the internet.

into Excel spreadsheets and transferred to a data analysis package, Data Desk. The data was analysed to document the impact of prostitution on the sexual and reproductive health of women

- Interviews with 12 migrant women in prostitution (Appendix E)

---

### ***Component four: international practice***

The specific research objectives and the research tasks undertaken are outlined below:

<b>Research Objective</b>	<b>Research Tasks Undertaken</b>
<ul style="list-style-type: none"><li>• Survey international practice in relation to the trafficking of women for the purposes of prostitution</li><li>• Survey prostitution regimes in different countries (see chapter five)</li><li>• Elicit views of the main organisations in Ireland that provide services to women or that are engaged in law enforcement in relation to trafficked women (see chapter four)<sup>6</sup></li><li>• Outline how women can be best supported and protected and how the trafficking of women into and through Ireland for sexual exploitation can be prevented (see chapter five)</li></ul>	<ul style="list-style-type: none"><li>• Links developed with international experts, non-governmental organisations (NGOs) and networks to advise on this aspect of the research</li><li>• Literature was reviewed and projects visited by members of the research team</li><li>• Interviews with personnel from the main service-providing and law-enforcement organisations</li></ul>

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A summary of the main data sources used in the study is provided in Appendix C.

6 The main organisations/agencies are: Ruhama; Women's Health Project (HSE); the Immigrant Council of Ireland; Stop Sex Trafficking, Cork; IOM; the Separated Children's Unit (HSE); and the Garda National Immigration Bureau.

## ***Outline of report***

Chapter one outlines the gendered dimension of migration, recent research on male demand, and different perspectives and understandings of prostitution. It concludes with a brief historical overview of prostitution in the Irish context.

The main empirical findings of the research are contained in chapters two and three. Chapter two looks at the trafficking of women into and through Ireland, with particular attention to countries of origin, recruitment, routes to Ireland, control strategies exercised over women and the official response to trafficked women. Chapter three examines the Irish prostitution industry, with particular attention to the numbers, profile and context in which men buy sex and women sell sex.

Chapter four examines international instruments, the Irish legislative framework on trafficking and prostitution, and recent Irish initiatives relating to trafficking.

Chapter five examines international experience in responding to prostitution and sex trafficking. It identifies best practice in other countries that could inform the development of a national framework in Ireland.



# MAIN FINDINGS AND RECOMMENDATIONS

*Summary of Main Findings*

*Recommendations*



## SUMMARY OF MAIN FINDINGS

This research presents evidence of the trafficking of women into and through Ireland for the purpose of sexual exploitation. It reveals a highly lucrative Irish sex industry where large numbers of migrant women are being sexually exploited in indoor prostitution. It demonstrates the severe trauma and harm caused to women by trafficking and commercial sexual exploitation.

The main findings of the research are outlined below.

### ***The trafficking of women into and through Ireland***

Over a 21-month period, between January 2007 and September 2008, 102 women were identified by ten services as being trafficked into or through Ireland. The largest number of women identified for this research as trafficked was by an organisation called Ruhama. The Women's Health Project (WHP) (HSE), the Immigrant Council of Ireland (ICI) in Dublin and Cork-based STOP Sex Trafficking also identified significant numbers.<sup>7</sup> Of the 102 women, 26 were aware of a further 64 women who were trafficked into Ireland, bringing the number of women trafficked during that period to a possible 166. This number of 166 trafficked women is an underestimation; trafficking is covert and illegal, and many women who are trafficked remain invisible. It is mainly women who escape, are rescued or who have paid off their indentured 'labour' that come to the attention of services.

This research found that 11 per cent of the 102 women trafficked were children at the time they were trafficked to Ireland. Similar to adults, deception was a key factor in their recruitment and many women experienced prostitution, rape, brutality and imprisonment prior to arriving in Ireland.

The vast majority of women trafficked were from African countries. This may partly be explained by the expansion of the European Union (EU) in 2004 and 2007, which has meant increased freedom of movement for some Eastern Europeans. They are now less likely to come to the attention of immigration officials.

Services that identified women as trafficked for this research use the United Nations (UN) Palermo Protocol<sup>8</sup> on Trafficking. Also, Ruhama has specified detailed indicators based on OSCE/ODIHR<sup>9</sup> National Referral Mechanisms Handbook (2004), the International Organization for Migration (IOM) Counter-Trafficking Training Modules Handbook and their direct work with victims of trafficking for almost a decade in Ireland (Appendix D).

Due to the clandestine nature of trafficking, there are not only major information deficits on the extent of trafficking, but also on what happens to women who are trafficked. We do know that the vast majority of women trafficked into Ireland for

7 A small number of cases were identified by the following organisations: a legal practitioner in the Faculty of Law, National University of Ireland Cork; a counselling service in Cork; a counselling service in Scotland; the IOM; the Poppy Project in the United Kingdom; and police forces in Lithuania and in England.

8 The UN Palermo Protocol is one of the protocols to the 2000 UN *Convention Against Transnational Organised Crime* (UN TOC). The full title is *The Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children* (2000).

9 OSCE is the abbreviation for Organization for Security and Co-operation in Europe. ODIHR is the abbreviation for Office for Democratic and Human Rights.

sexual exploitation, who were identified in this research, are in indoor prostitution. Just less than half of the women were in prostitution outside the greater Dublin area.

Women reported being transported by plane, train, bus, car and boat ferry, and many were transported by several means of transport. Some come through the United Kingdom (UK) via Belfast and are then transported to other parts of Ireland. Nine per cent (9) of the women were trafficked through Italy and some were prostituted in Italy prior to coming to Ireland.

When women who are trafficked reach Ireland, they are sometimes passed over to Irish brothel owners who prostitute them. Other women are held and prostituted by the original traffickers. In either case, papers are usually taken from the woman. In most cases, the woman is then not only illegally in the country but is without any documents. In this situation, the woman lives in clandestine conditions. Her existence is one of isolation and confinement, which makes it difficult for her to escape and seek assistance.

This study found that, alongside poverty, family dislocation, war and violence, and childhood abuse were key vulnerability factors predisposing women to being trafficked. Patterns of recruitment reflect patterns documented in international literature, with the least common form of recruitment being kidnap. Deceptive recruitment – where women were promised an education and work in domestic and other service sectors – was common, while some women were recruited through the pledge of marriage or a long-term relationship. None of the 102 women involved knew that they were specifically being recruited for the sex industry.

The accounts of trafficked women are of captivity, isolation, shame and betrayal combined with the trauma of systematic sexual exploitation and rape. For many, their sense of who they are is destroyed. They need time to re-build their sense of self, to develop a new identity and to recover from the traumatic legacy of repeated sexual abuse. Building relationships in which women feel valued and able to discuss the realities of prostitution is a major challenge for service providers.

In Ireland, statutory systems and services are insufficient to support and protect women, and women who are trafficked can be criminalised and treated as illegal immigrants. Some women end up in prison or are deported. In this context, the State response is complicit with the interests of the trafficker and strengthens the position of the trafficker in relation to the woman who is trafficked. This helps to keep trafficking a hidden and clandestine problem.

The more ironic situation is that a woman, even when she is identified as having been trafficked and held captive in Ireland, deprived of money and sexually abused, may still be denied the right to remain in Ireland. As recent cases reported from the courts illustrate, a woman can be deported even when she has cooperated with the authorities in the investigation or prosecution of the trafficking crime. It is important that the needs of women take precedence over immigration issues and that a special legal residency route is provided.

It is important to note that, at an international level, official statistics diverge significantly from statistics compiled by NGOs (Kelly 2002). In some countries, police forces do not count victims of trafficking as such unless there is sufficient evidence to prosecute traffickers. However, in other countries, international

practice is being developed where potential victims are identified by a combination of NGOs and the state under an agreed set of indicators and victims are entitled to protection and services.

### ***The Irish sex industry***

Chapter three looks at the incorporation of a highly lucrative global sex industry into Ireland. The absence of sustainable livelihoods in the home country and a growing demand for migrant women in destination countries fuels the exploitation of women in prostitution. More recently, it is becoming apparent that organisers of prostitution in Ireland are linked to international criminal networks and facilitate the marketing of women for prostitution.

The findings of this study include:

- There is a minimum of 1,000 women in indoor prostitution in Ireland at any one time
- While some women operate independently (the proportion of which is not known), other women are linked to prostitution agencies, which exercise different levels of penalty, control and violence that is difficult to determine due to the clandestine nature of prostitution
- There are 51 different nationalities of women available to men in indoor prostitution
- Of women advertised on the internet, 41 per cent were described as ‘touring escorts’. These women move around Ireland and some travel internationally
- Between 3 and 13 per cent of the women in indoor prostitution are Irish, which means that up to 97 per cent are migrant women
- Nearly 40 per cent of migrant women in prostitution attending the WHP (HSE) have children and, for a minority of women, their children reside with them
- The largest group advertising on the internet self-identify as being from one of the EU 15 countries. Caution needs to be taken in interpreting the findings in relation to nationality. It is possible that some women who claim to be from the EU 15, particularly from Spain and Italy, are of South American origin or from Eastern European countries. The second-largest group are from South America/Caribbean
- The women’s ages range from 18 (with some evidence that girls as young as 16 years are involved) to 58 years. The average age is estimated at 25

The impact of prostitution on the sexual and reproductive health of women is enormous. Women present to the WHP (HSE) with a range of health symptoms including bacterial vaginosis, thrush, hepatitis A and B, urinary tract infections and many other health conditions related to prostitution. Many of these infections have serious long-term implications for the health of women. Maintaining and protecting their health is a constant anxiety for women.

The effect of prostitution on the emotional and mental health of women is immense. Drugs and alcohol are used as a coping mechanism. Being in prostitution is dangerous and women need to be continually concerned about their safety. Much more monitoring needs to be undertaken on the number of women who are sexually assaulted, raped and/or subjected to physical violence, as well as the number of women who are murdered.

Despite the purchase of sex becoming more normalised, the number of men who report buying sex in Ireland remains a relatively small minority of Irish men:

- One in 15 men in Ireland reported that they buy sex (Layte *et al* 2006), compared to one in eight in Sweden
- Men who buy sex from women tend to be highly educated, have incomes in the middle range and are employed in professional occupations (Layte *et al* 2006)
- The average price paid for sex is €150 for half an hour and €250 for an hour
- Of the men who buy sex, 61 per cent are married or in a relationship (Escort Surveys 2006)
- A significant proportion of men buy sex during the daytime and in the evenings after work
- While 16 per cent of buyers use prostitutes once every two weeks or more frequently, 46 per cent use prostitutes less frequently than monthly (Escort Surveys 2006)
- 37 per cent of buyers, as well as availing of the services of women advertised on the internet, also pay for sex with women in street prostitution (Escort Surveys 2006)
- Of the men who buy sex, 54 per cent visit pornographic sites on the internet (Escort Surveys 2006)

There is evidence that dangerous, unprotected sexual activities are commonplace in prostitution in Ireland. In the competitive environment of the sex industry, there is increasing pressure on women to put their own health at risk, with well over half (57 per cent) of the buyers stating that they had unprotected oral sex and 9 per cent of buyers stating that they had unprotected vaginal sex (Escort Surveys 2006).

The proliferation and normalisation of the sex industry, and the increasing availability and access to women selling sex, together with an ideology that men are entitled to satisfy their sexual desires, are important contextual factors in the buying of sex. Internet sites such as Punter.net<sup>10</sup> illustrate the level of objectification and de-humanisation of women in prostitution by the users. Yet, some buyers have an expectation of a prolonged and 'intimate' experience, known in the business as the 'girlfriend experience' (GFE), and are highly critical when the woman does not appear sufficiently involved.

Concerns were voiced among some men about the trafficking of women and girls for the purpose of sexual exploitation, with 25 per cent of men stating that they had met a woman who they felt was being forced into prostitution (Escort Surveys 2006).

<sup>10</sup> A website aimed at men who buy sex.

## RECOMMENDATIONS

The overall recommendation of this study is that the Irish Government should develop an integrated anti-trafficking and prostitution strategy. The following 10-point plan could form the basis of the strategy:

### **1. The provision of support and the development of a protective environment for disclosure and identification**

All women in prostitution, regardless of whether or not they were trafficked, should be entitled to basic services where their physical and mental health needs can be addressed. Following raids on brothels, women should be automatically and immediately provided with basic services and legal representation. Disclosure by women about their experiences and circumstances is more likely to take place when their immediate needs are met and they can interact with a person they do not see as part of the police force/immigration authorities. Women need space and support to enable them to talk about their experiences and not to be overwhelmed by the fear of deportation.

Adequate funding needs to be made available to provide access to services for women in prostitution and trafficked women. While there is some funding available for services located in Dublin, it is limited and does not cover the range of responses required. Services outside Dublin also need to be resourced as there is no statutory-funded service provision for trafficked women or women in prostitution. In developing nationwide services, existing services working with victims of sexual violence should be used and staff should be upskilled.

#### **Key actions**

- All women in prostitution, including trafficked women, should be entitled to basic services, regardless of cooperation with An Garda Síochána (the Gardaí) in an investigation or prosecution
- Frontline service providers across a range of services, including community care, housing and legal services, should be upskilled to make referrals to appropriate specialist services. They should also be upskilled to identify women in prostitution and women who are trafficked into the sex industry

Basic services should be available nationwide and should include:

- A telephone support line for women
- Support services, including a dedicated key worker for each woman who would, in consultation with the woman, develop individual life plans in relation to sexual and reproductive health, psychological and physical health, and referrals to appropriate services
- A specialised sexual health clinic in all major cities as is provided by the WHP (HSE) for the greater Dublin area
- Independent legal representation
- A continuum of housing options including crisis refuges and transitional, long-term and safe housing

- Social welfare benefits
- Crisis and long-term counselling to address the harm and trauma of sexual exploitation and the secrecy and shame that is attached to prostitution

## ***2. The creation of exit routes for women***

The provision of exit routes to enable women to move out of prostitution should be part of the overall strategy.

### ***Key actions***

- Develop integrated educational and training progression routes that focus on long-term economic independence and sustainability
- Ensure access to basic services outlined above
- Continue close liaison with the Gardaí to ensure the safety and protection of women
- Put in place safe-return programmes (to country of origin) including re-training and financial assistance

## ***3. Making provision for regularising immigration status***

It is critical that all trafficked women and migrant women who have been exploited in prostitution and who come forward for assistance, are not criminalised if they have undocumented status in the country. In recognition of the harm and violence intrinsic to prostitution, women in prostitution who seek assistance should be able to regularise their status if required.

### ***Key actions***

- Ensure immediate access to independent legal representation for all migrant and trafficked women in the sex industry at the point of contact
- Make a renewable reflection and recovery period available to all trafficked women, including migrant women exploited in prostitution who have been identified as suspected victims of trafficking through an inter-agency approach
- Establish a programme, with clear protocols and administrative criteria, through which residence permits would be granted on 'humanitarian grounds' (when required) to all victims of crimes committed against them in the context of prostitution or trafficking
- Residence permits should also be granted to women who have exited prostitution and cannot return to their countries of origin for reasons relating to their safety, age, state of health, family situation and other factors relating to their humanitarian or medical needs
- Ensure access to basic services outlined above

#### 4. Put in place an inter-agency strategy

There is a need to develop an inter-agency strategy to provide a coherent response to the needs of women in prostitution, including women who are trafficked into and through Ireland.

##### *Key actions*

- Extend the brief of the Anti-Human Trafficking Unit (AHTU) in the Department of Justice, Equality and Law Reform (DJELR) to include migrant women in prostitution
- Establish a coordinated inter-agency task force comprised of all relevant services and agencies
- Develop inter-agency referral protocols, training, recording and monitoring systems to provide baseline data that would facilitate documenting the needs of women in prostitution and women who are trafficked
- Resource return programmes where it is safe and appropriate for migrant women to return to their home country and evaluate the effectiveness of the programmes on a regular basis

Specific programmes for the safe return of victims of trafficking and migrant women in prostitution in Ireland who wish to return to their home country need to be introduced. In developing such programmes, the following should be taken into consideration:

- The development of protocols or agreements between different agencies, including the IOM and the Gardaí, in the area of identification, referrals, safety and assistance
- The need for regular evaluation of the effectiveness of return programmes and the extent to which they provide long-term, safe and secure livelihoods for returned victims
- Examination of the alternatives that can be provided where it is inappropriate or unsafe to return a victim to her country of origin
- The need for research on the extent to which migrant women in prostitution can be supported by the IOM through return and assistance programmes
- The role that can be played by the IOM in raising awareness in migrant communities about prostitution and trafficking, and also preventative measures and awareness-raising in countries of origin

#### 5. Legislation and enforcement

There is need for a range of initiatives in relation to legislation and enforcement.

##### *Key actions*

- Introduce legislation criminalising the buying of sex and decriminalising the selling of sex, as is the case in Sweden and

Norway. Provisions should be immediately introduced to erase the criminal records of women selling sex

- Resource specialised permanent Garda units to continue the targeting and investigative operations of prostitution organisations/agencies and traffickers
- Put in place surveillance operations of the internet and mobile phones used by organisers of prostitution and buyers of sex
- Introduce legislation preventing escort agencies registered in the UK from advertising services in Ireland
- Review the regulation of sex shops
- Specialist anti-trafficking officers should be appointed within the Gardaí with the specific role of identifying and referring women in prostitution to appropriate services. The harm of prostitution, not illegal migration, should be the focus of their role. In this context, gardaí need to see women as potential sources of intelligence and as potential witnesses in criminal cases, as well as victims in need of and deserving protection
- The Task Force on the Entertainment Industry should reflect on the links between lap-dancing clubs and prostitution. It should consider making a recommendation to revoke all licences where the dance floor is not separate from the public area. This could result in many of the lap-dancing clubs being closed
- Finances confiscated by the Criminal Assets Bureau should be invested in services for women exploited in the sex industry in Ireland

## ***6. Changing attitudes and addressing the growth of the sex industry***

Alongside the introduction of legislation to criminalise the buyers of sex and to decriminalise women who sell sex, there is a need for a public campaign demonstrating the intrinsic harm of prostitution to women. Without demand by men, there would be no prostitution. Attitudes of men are socially and culturally constructed; prostitution prevention programmes should aim to shift cultural attitudes about prostitution so that there is a cultural taboo against men who buy sex and cultural respect for men who make the choice not to buy sex.

### ***Key actions***

- Develop a strategy to change attitudes to prostitution so that there is a cultural taboo against men who buy sex
- Disseminate research findings and evidence on the harmful mental and physical impact of prostitution on women
- Human rights education programmes, which include legal and human rights implications and the realities of prostitution and trafficking, should be developed for schools
- Initiate an informed debate on sex shops, lap-dancing and the proliferation of the sex industry
- Information should be made available on the health implications for men of buying sex

## 7. Trafficking of minors

All separated children who come to the attention of the State should be treated according to the State's obligations under the *Convention on the Rights of the Child (1989)*, which states that separated children are entitled to the same treatment as national or resident children. Children should be treated as children first and foremost. All considerations of their immigration status should be secondary. Specific measures relating to separated and trafficked children are outlined in chapter four of this report.

### Key actions

#### Legal

- Special provisions, tailored specifically to the needs of children and based on the principle of best interest of the child, need to be incorporated into the *Immigration, Residence and Protection (IRP) Bill 2008*
- Amendments to the IRP Bill 2008 should include a provision stating that the right to services for children is not dependent on cooperation with a criminal investigation or prosecution
- There is an absence of a clear legal status for separated children who are not asylum seekers and are not recognised as refugees, or persons in need of subsidiary protection or 'humanitarian leave to remain'. There are children who do not have a card issued by the Refugee Applications Commissioner to persons who apply for protection or any other residence card that can identify their immigration status in the State. The situation with children in these circumstances should be clarified, and their status and right to services should be on a par with national children
- All child victims of trafficking should have immediate access to independent, free legal representation

#### Training

- Special training for immigration officials is needed to identify child victims of trafficking. A 24-hour social work service should be set up to respond to emergency cases

#### Asylum, family reunification, tracing

- The asylum process needs to be more child-friendly. This should include: child-friendly information materials; special forms for children; special interview techniques; special rooms for interviewing; consideration of child-specific persecution and the developmental stages of a child; and ensuring that information is given to a child at the level they can understand. Training should be provided to staff to develop specialised skills for engaging with children and assessing their claims during the asylum process
- Family tracing needs to take place at the earliest possible time. There should also be follow-ups of children who have been reunited with family members to monitor whether this is in the best interest of the child and whether the child is at risk

## **Care and Support Services**

- Increased security and a greater adult/child ratio are needed in all residential centres for separated children. There is also a need for safe, secure and long-term accommodation for child victims of trafficking to protect them from being re-trafficked
- A guardian *ad litem*, who would independently represent, aid and assist a separated child in the care of the State should be provided where necessary
- All separated and trafficked children should have immediate access to specialised sexual health services similar to those provided for women by the WHP (HSE)
- There should be support and preparation for young people prior to leaving care and aftercare services

## **8. Prevention in origin countries**

While a national response is needed in Ireland, there is also a need to recognise that the sex industry is globalised and demands an international response.

### **Key actions**

- Ethical guidelines and sanctions should be introduced to ensure that no military, police or civilian personnel exploit women and girls in prostitution in origin countries
- Irish development aid should target specific resources towards the prevention of trafficking of women and girls in the origin countries in cooperation with the Joint Consortium on Gender Based Violence<sup>11</sup>
- Destination countries, including Ireland should identify how they can support origin countries to prevent trafficking and facilitate returns

## **9. Compensation**

There is a need to recognise the intrinsic harm of trafficking and prostitution to women, and to compensate them for this harm as required in international law.

### **Key actions**

- A compensation fund for victims of trafficking should be put in place as a matter of priority, in line with Article 15(4) of the CoE Convention, which the Irish Government has expressed a commitment to ratify.<sup>12</sup> Article 15 obliges the State to adopt legislative or other measures as may be necessary to guarantee compensation for victims of trafficking
- The compensation fund should be financed from the proceeds of the Criminal Assets Bureau

11 The Joint Consortium on Gender Based Violence comprises human rights, humanitarian and development agencies and two Irish Government departments. Its aim is to promote the adoption of a coherent and coordinated response to gender-based violence. [www.gbv.ie](http://www.gbv.ie)

12 The existing Criminal Injuries Compensation Tribunal can only play a very limited role in cases involving victims of trafficking as it only refunds expenses and losses suffered as a direct result of a violent crime or while assisting or trying to assist in preventing a crime or saving a human life, and does not cover 'immaterial loss and suffering'.

## **10. Research, evaluation and monitoring**

There are major information deficits and research gaps on prostitution and trafficking in Ireland.

### **Key areas for further research**

- The long-term impact of prostitution on women's mental and physical health and the mortality rate of women in prostitution
- Prostitution agencies, including escort agencies, and the control they exercise over women
- The experiences of women in prostitution and initiatives that would help women to exit
- The extent to which separated children (including separated children) are trafficked and the needs of these children
- The needs of children of women in prostitution
- A survey of men who buy sex, including social class, age and the context in which men buy sex (i.e. individually or in groups, male celebrations, the use of lap-dancers and the use of pornography)
- Long-term outcomes for women who have been identified as trafficked, including residency, international protection and the effectiveness and suitability of return programmes for women

A framework should be established and resourced by the Irish State, with clear indicators and targets agreed, aimed at measuring the effectiveness of all interventions including legislation, enforcement and service provision.



# SETTING THE CONTEXT: MIGRATION, TRAFFICKING AND PROSTITUTION

*Introduction*

*The Gendered Dimension of Migration*

*Male Demand*

*Perspectives on Prostitution*

*Prostitution: the Irish Context*

*Summary and Conclusions*



## INTRODUCTION

Judith Lewis Herman, Professor of Clinical Psychiatry at Harvard University Medical School, is perplexed at what she calls ‘mass social dissociation’ or the social denial about prostitution in society. She asks how we live knowing and not knowing about it – ‘a worldwide enterprise that condemns millions of women and children to social death and often to literal death, for the sexual pleasure and profit of men’ and that thrives everywhere (quoted in Robb 2006: 359).

The denial can be partly explained by the tacit acceptance of the objectification of women and the mainstreaming of what has become known as ‘raunch’ culture. The public performance of the erotica infuses our culture with an iconography of style known as the ‘porno chic’. Irish prostitution, although highly accessible through the internet, is for the most part veiled by the suggestion that what is being advertised are ‘escorts’ (see chapter three). We are left with a situation where the objectification of women is pervasive and prostitution is readily accessible to male buyers but the harm of prostitution is socially invisible. The harm of prostitution is examined in chapter three.

With the increasing globalisation of the sex industry, it is important to examine some of the global patterns of migration, in particular the gendered dimension of migration that provides a conducive environment for women’s entry and recruitment into the sex industry. This helps us to understand the intersection of globalisation, migration and the Irish sex industry.

This chapter examines the gendered dimension of migration, the buying of sex by men and the different perspectives on prostitution. It concludes with a brief historical overview of prostitution in the Irish context.

## THE GENDERED DIMENSION OF MIGRATION

International migration has doubled over the past 35 years and the female component of migration has grown considerably. Women make up nearly 51 per cent of all migrants in the developed world and approximately 46 per cent of all migrants in the developing world (International Labour Organization 2005; Pillinger 2006, 2007).

Increasingly, women leave on their own in search of work and, if they have children, some parent from a distance (Piper 2005). More and more, the work of women provides the main source of family support (Migration Policy Institute 2003). Globally, women remit at least half of the \$233 billion sent through official channels (IOM 2005). The remittances make a significant difference to the family back home as it allows the family to, for example, keep children in school, source clean water or even build a house (Robinson 2006).

### *Conditions that lead women to migrate*

According to UN estimates, women make up 70 per cent of the world’s poor (Monzini 2005). The decision for women to migrate is often influenced by a belief that it is possible to improve the quality of one’s life or that of one’s family. Many women migrate from poor countries and the developing world to escape poverty and economic and social inequality that arise, in part, from economic globalisation (Bastia 2006, UN Research Institute for Social Development (UNRSID) 2005, UN Population Fund (UNFPA) 2006).

Migration flows of women engaged in the sex industry into Europe come from regions where:

- Women lack sustainable employment, as in former Soviet republics, especially the Russian Federation and Ukraine, Nigeria in Africa, and Brazil (Monzini)
- Patriarchal traditions remain entrenched and there is pervasive inequality between men and women
- The devastation of war and other conflicts remain unresolved

Although migration can bring new opportunities for women, it can expose women to new vulnerabilities. Women can be vulnerable to being preyed upon by recruiters for the sex industry in their home country (Piper 2005). Also, they can be vulnerable in the migration process to sexual violence, abuse and exploitation (Kofman *et al* 2003, Piper 2005). Vulnerability is exacerbated by the fact that the migration policies of many destination countries provide few possibilities for legal entry. Some women who migrate face 'double illegality', where they are engaging in prostitution while also contravening immigration legislation. Also, women have less access than men to social networks abroad, as traditionally men controlled many of these migration networks. In addition, women tend to have less access to information and lack financial resources to fund migration costs.

The realities of global capitalism and the increasing flexibility of the workforce mean that many migrant workers are temporary workers on contract and some arrive illegally or semi-legally in the destination country. Female emigrants from poorer regions of the world often find work opportunities in 'typically female' labour markets in the destination countries, which reproduce the gender discrimination that they may have already encountered in their country of origin. Large areas of the labour market that women occupy are unregulated, which can leave women open to exploitation.

International research has shown that women are represented in some of the most marginalised, poorly paid and unregulated types of employment. A large percentage of women from poorer regions are employed in personal services or in other parts of the tertiary sector. Women's migration is increasingly related to the 'global care chain' (Ehrenreich and Hochschild 2003), which has resulted in the transfer of female labour from poorer to richer countries to fill the care deficit in work traditionally associated with women's roles as carers and homemakers. Apart from the domestic labour sector, there is a substantial increase in global demand for services in the entertainment and hospitality industry (UNFPA 2006, McEvoy 1992). According to McEvoy (1992), many women first enter the informal sectors of the labour market before moving into the bars and clubs and then into prostitution.

In this context, the globalised world economy can marginalise women, particularly from poorer regions. These women then become the 'resource' for the dirty, difficult and dangerous jobs, including the global sex trade (Robinson 2006). Thus, migrant women in prostitution and the trafficking of women into the sex industry needs to be understood in the context of global labour migration (Bastia 2006).

## ***The organised sex industry***

The most profitable sector for those who wish to exploit women's migration is the sex industry. At the lower end of the sex market in Western Europe, an individual woman is worth between €120,000 and €150,000 a year (Monzini 2005). Where short-term rewards are available to women from prostitution, they are often offset by the loss of potential future earnings. The lifespan for a woman in prostitution is short. Research for this report has estimated that the average age of a woman in prostitution is 25 years (see chapter three). Also, many women forego contact with children and other family members for long periods of time. Moreover, the health costs involved for women are high in terms of mental, physical and reproductive health, as well as suffering high levels of violence (Hoigard and Finstad 1992, Farley *et al* 2003).

The factors that drive women into the sex industry also make women vulnerable to being trafficked. Prostitution and trafficking into the sex industry are inherently intertwined as women are trafficked primarily for the purpose of sexual exploitation.

## ***Continuum of exploitation***

Given the lucrative nature of the sex industry, it is not surprising that the trafficking of women into the sex industry has become part of global migration patterns (O'Connor and Healy 2006). As is outlined in chapter two, trafficking is a 'process' involving deceptive and coercive recruitment and the transfer of a person for the purpose of exploitation. As such, it allows us to understand situations in which abuse/exploitation at the point of recruitment and destination are linked (O'Connell Davidson 2006). However, many migrant women who are sexually exploited and who do not fit neatly into the classic concept of trafficking, can experience deceptive recruitment and exploitation by third parties.

It is in this context that theorists have talked about the levels of severity of abuses, generating continuums of experiences of entry into, and remaining in, the sex industry (O'Connell Davidson 2006) rather than a simple trafficked/not trafficked dichotomy. Between the two ends of the continuum lie a range of experiences where there is a certain fluidity and porousness in boundaries (Robinson 2006). A binary model of trafficked/not trafficked is likely to confuse rather than clarify (Kelly, Coy and Davenport 2008).

In terms of recruitment, at one end of the continuum are people who have been transported through kidnap or abduction and forced into prostitution. At the other end are women who have not been forced or deceived about the employment for which they have been recruited and who have not been charged exorbitant rates by recruitment agencies. These women (and we do not know what proportion this is of the overall number of women in prostitution) see prostitution as the best option to eke out a livelihood in the absence of sustainable livelihoods in their home country.

Likewise, different levels of control are exerted over women while they are in the sex industry. Some women are held in captivity while others operate relatively independently.

Notwithstanding this, all women in prostitution experience objectification and dehumanisation, and the mental and physical harm and violence that are intrinsic to prostitution (see chapter three). Thus, all women exploited in the sex industry should have access to at least a minimum level of services and residency rights.

Before examining the demand from men who buy sex and different perspectives on prostitution, the various estimates of people trafficked, and specifically the link between trafficking and the sex industry, are considered here.

### **Numbers trafficked**

Kelly (2002) points out that there is a lack of agreement on how to estimate the scale of trafficking. Methodologies remain weak and figures remain within the realm of ‘guesstimates’. Likewise, Anderson and O’Connell Davidson (2002) make a similar point that commonly cited statistics are, ‘at best, crude estimates’.

Despite repeated calls from international bodies, including the European Union (EU), most countries have not yet established any systems to monitor trafficking. Data on detected cases remain hidden in prostitution and immigration offence files.

With this in mind, it is estimated that human trafficking is the third most lucrative illicit business in the world after arms and drug trafficking. It is a major source of revenue of organised crime, estimated to be between \$7 and \$12 billion.<sup>13</sup> The International Labour Organization (ILO) estimates that, once victims are in the destination country, traffickers net an additional \$32 billion a year – half of which is generated in industrialised countries and almost one-third in Asia (ILO 2005).

The ILO, the European Commission and the US State Department have estimated the numbers and revenue involved in trafficking. These include:

- The ILO estimates that 12.3 million people are in forced labour, bonded labour, forced child labour and sexual servitude at any given time (ILO 2005). The US State Department (2008) estimates that approximately 800,000 people are trafficked across national borders, which does not include the millions trafficked in their own country. Approximately 80 per cent of transnational victims of trafficking and forced labour are women and girls, and up to 50 per cent are children. The majority of transnational victims are females trafficked into commercial sexual exploitation (US State Department 2008)
- In 2001, the European Commission reported that an estimated 120,000 women and children are being trafficked into Western Europe each year
- There is less data on the countries of origin. However, the US State Department estimates that, each year, more than 100,000 people are trafficked from the former Soviet Union, 100,000 from Latin America and the Caribbean, 75,000 from Eastern Europe and 50,000 from Africa. In Europe, Moldova, Ukraine and Lithuania are countries of origin from which large numbers of women are trafficked. Turkey has been identified as one of the largest markets for women trafficked from nearby former Soviet states

Male demand is central to our understanding of prostitution. Recent research on men who buy sex is outlined below.

<sup>13</sup> The US State Department estimated in 2004 that the profits amounted to \$9.5 billion, which does not include revenue generated in the host country. Malarek (2004) cites a figure of \$12 billion, while Omelaniuk (2005) cites a figure of \$7-10 billion.

## MALE DEMAND

Prostitution is about male sexual power. Without male demand, prostitution would not exist. Men who buy sex are largely invisible. The main focus of research on prostitution has been on women who sell sex and not on the men who buy sex. Interestingly, two recent studies have been carried out on men who buy sex. One is London-based (Coy, Horvath, Kelly 2007) and the second was carried out in Scotland (MacLeod *et al* 2008).

The research indicates that there is some diversity among men who buy sex in terms of sexual acts bought, frequency of use, the ways men use pornography and the extent of the risk in which they engage. While some men embrace a ‘hostile masculinity’ embodying a cavalier attitude and a lack of concern for women, other men reveal certain ambivalence, uncertainties and shame about the fact that they buy sex.

However, many men frame their experiences within a consumer discourse and a discourse of gender inequality. The Coy, Horvath, Kelly (2007) study of 137 London-based male buyers of sex suggests that attitudes of buyers range from those who have a gendered sense of entitlement to sex and who display a boasting attitude to those who have a shamed disposition. Those who feel a gendered sense of entitlement to sex use a discourse with explicit sexual detail, a professed love of sex and a focus on sexual prowess, and see their entitlement to sex as a biological imperative. Forty-four per cent of men displayed a shamed disposition. For these men, their narrative is one of guilt, ambivalence and negative feelings. Participation in the research was a ‘confessional’ process and they appeared to be using the research interview for cathartic reasons (Coy, Horvath, Kelly 2007).

Of all the men interviewed, 62 per cent had used pornography and just less than a third had paid for sex overseas. Interestingly, 60 per cent had not told anyone that they had paid for sex. Of those who had told someone, it was likely to be a friend, with only a very small number telling a family member. With the increasing commodification of sex, the study draws attention to a consumerist discourse around the buying of sex. Men who use a consumerist discourse are discerning in terms of the age and type of woman from whom they select to buy sex.

MacLeod *et al* (2008), in a study of 110 buyers of sex in Scotland, suggest that buyers hold attitudes on a continuum from mildly to strongly misogynist. In the Scottish study (MacLeod *et al* 2008), 59 per cent of buyers reported some degree of guilt/shame, with 25 per cent expressing significant shame. For 58 per cent of men, their experiences before and after buying sex was positive, while for 41 per cent the experience was negative, with men reporting feelings of emptiness. A negative experience was highly correlated to experiencing shame. Frequent use of women engaged in prostitution is related to sexually aggressive acts being performed against non-prostitute partners.

Coy, Horvath, Kelly (2007) suggest that shaming men is not an effective strategy as a significant number of men who are shamed have not changed their behaviour. They suggest that a more subtle approach is needed. This will involve challenging the normalisation of the sex industry and challenging men to reflect on their ambivalences and uncertainties, and to see as people the women men use when they buy sex. Primary prevention work in schools will be important as will public awareness-raising campaigns (Coy, Horvath, Kelly 2007).

MacLeod *et al* (2008) suggest a similar range of interventions, including prostitution prevention programmes and confronting men with their ambivalences and contradictions; public education on the harmful effects of prostitution; education regarding the harmful effects of buying sex in someone else's country; enforcement of existing laws and removing the glamour of buying sex by naming buyers of sex as sex offenders and putting them on the sex offenders' register. Finally, men who do not buy sex must be empowered to confront sexist abuse implicit in prostitution and other forms of violence against women.

## **PERSPECTIVES ON PROSTITUTION**

Prostitution, defined as the exchange of sexual services for money or other material benefits, is conceptualised by O'Connell Davidson (1998) as an institution that allows certain powers of command to be exercised over one person's body by another. It has been the subject of intense controversy among feminists and a complex issue for public debate.

### ***Prostitution as a safety valve***

According to traditional social scientists, prostitution is inevitable. Kingsley Davis (1937, 1961), a highly regarded sociologist, argued that prostitution functions as a safety valve for the expression of the male sexual drive that cannot be suppressed or contained within marriage. In this way, it is argued that prostitution helps to maintain the traditional monogamous marriage as an institution.

Following on from Davis, sociologist Ned Polsky (1967) identified that prostitution allows for the performance of 'perverse' and other deviant sexual behaviours that have traditionally been morally inhibited from expression in marriage. Polsky also foretold that, as societies develop the capability for mass-communication technology, pornography will provide a similar function as prostitution, as the sex that is bought in prostitution is similar to that promoted in pornography.

Traditional sociologists proposed the thesis that prostitution is socially constructed. They named the woman engaged in prostitution as the 'paradigm case of the deviant' (Goffman 1963). The stigmatisation and censoring of prostitution is necessary to uphold the position of marriage and the family.

In a similar vein, religious apologists such as St Augustine and St Thomas Aquinas argued that women who are not in prostitution should feel safer from sexual violence because men are venting their uncontrollable urges upon prostitutes (Jeffreys 1997).

Within this framework, it is argued that the most important task is to provide sexual gratification to the greatest number of men with the least harm to anyone (Jeffreys 1997). Prostitution, they argue, is a necessary evil.

### ***Prostitution as a form of sexual liberation***

While many sociologists of the 1960s and 1970s found prostitution to be functionally necessary for society, sexologists of the 1960s went further. They created a climate in which the sexuality of prostitution and pornography was proposed as the norm (Jeffreys 1997). According to Masters and Johnson (1970) and Alex Comfort (1979, originally published in 1973), male sexuality based upon eroticising the subordination of women is simply what sex is.

Comfort predicted the demise of prostitution, but only when the sexual practices performed in prostitution became the norm for all sex between male and female.

These men campaigned vociferously against prostitution being outlawed, maintaining that closing down brothels would lead to an increase in the incidences of masturbation, homosexuality, sex crimes and broken families (Jeffreys 1997).

### ***Liberal feminism: prostitution as sex work***

Several strands of feminist theory are of relevance to our understanding of prostitution.

The prostitution rights movement was established in 1975 in France. Police brutality against women in prostitution was one of the galvanising factors and the movement quickly spread to Britain and around the western world. It was argued that one of the main problems was how prostitution was socially constructed (such as how prostitutes were stigmatised, stereotyped and marginalised by society).

For liberal feminists, the term ‘sex work’ is designed to convey a change in the status of prostitution and to have it recognised as a legitimate form of work (Delacoste and Alexander 1988; Pheterson 1989). Women in prostitution, it is argued, need to overcome their position as ‘social others’ and eliminate negative stereotyping. They also want to be treated with respect by law-enforcement institutions and other state agencies.

Liberal feminists and sex workers want to eliminate the stigma attached to prostitution, to improve conditions of work and to minimise violence against prostitutes. Some see that this can best be achieved by acknowledgment, acceptance and decriminalisation of prostitution.

### ***Migrant sex worker movement***

Whereas the sex worker movement originated in the West, the ‘migrant sex worker’ movement is now extensive throughout the developing world. According to this viewpoint, with liberal economic restructuring in the 1970s and 1980s, prostitution is being entered into as an escape from grinding poverty. Prostitution, they argue, is a form of adaptation, adjustment and a means of coping with the globalised world economy. Women who are part of the informal, flexible labour market migrate and some women, given limited options, ‘choose sex work’ because it is more financially lucrative than other alternatives in sweatshops or domestic servitude (Agustin 2006, 2007(a), 2007(b)).

Key issues from this perspective are how to concretely assist and protect the rights of women who decide to remain in prostitution and how to regularise the legal position of migrant sex workers and give them residency rights.

### ***Radical feminism***

The different strands of radical feminism take a very different position to that of liberal feminism and the migrant sex worker movement. In the 1970s, Kate Millett (1975) and Kathleen Barry (1979) were to the forefront in articulating a critique of prostitution as part of the second-wave feminist movement. In the 1980s, Andrea Dworkin, a writer and radical feminist (Dworkin 1981, 1983), and Catherine MacKinnon (1987), Professor at University of Michigan Law School, were vociferous in their opposition to the sexuality being promoted in pornography and prostitution.

Radical feminism points out that prostitution is about male dominance disguised as sexual liberation. From this perspective, prostitution is about power over women, which assumes an unrestricted male entitlement to sex. Their critique of liberal feminism lies in the fact that the role of the sex buyer is not problematised and that the physical and psychological harm that prostitution causes to women is minimised.

More recently, Melissa Farley (2000, 2003, 2005), research psychologist and anti-prostitution activist, has, among others, produced compelling evidence of the intrinsic harm of prostitution to women. Farley *et al* (2003) report that, in a sample of 854 people across nine countries:

- 71 per cent reported physical assault in prostitution
- 63 per cent reported having being raped while in prostitution
- 68 per cent met criteria for a diagnosis of post-traumatic-stress disorder

Hoigard and Finstad (1992) reported that 72 per cent of women in prostitution in Norway were exposed to acts of violence. Baldwin (1992) documented that, in Canada, women in prostitution had a mortality rate 40-times higher than the national average. Of women in the Farley *et al* study (1998), 92 per cent of women stated that they wanted to leave prostitution.

Radical feminists point out that the buying of sex is a specifically gendered violation and needs to be seen as sex discrimination and as a human rights issue. The gender and ethnicities of the consumers of prostitution, and the gender and ethnicities that are, in turn consumed, must be identified since poverty, racism and sexism are inextricably connected in prostitution.

Central to a radical feminist critique is the dehumanisation of the woman, whereby the social construction of the prostitute as 'other' provides sex buyers with a ready-made sex object for sexual gratification. Whereas Polsky and Comfort looked forward to the 'normalisation' of such sexual domination, radical feminists have defined the practices inherent in prostitution as affecting a 'social death' for the woman concerned (Irigaray 1985, Butler 1997, O'Connell Davidson 1998).

A crucial difference, therefore, between liberal and radical feminists is that liberal feminists appear to accept the position that sex work is simply a feature of 'lifting the lid' of repression through 'transgressing' the norms of society while radical feminists insist that such a lifting of the lid, and the transgressions that ensue, take place through various forms of symbolic and actual violence over the bodies of women.

Radical feminists critique those theorists who see prostitution as functional for patriarchal social relations: such behaviour is functional only for certain types of social structures, usually those based on sharp divisions between the sexes through unequal power, and such gendered relationships are characterised by sexual domination. Condren (2009) argues that, in these circumstances, descriptions of what constitutes 'normal' patriarchal sexual behaviour quickly become prescriptions for what is necessary for particular societies to function. It is therefore short-sighted, dangerous and ethno-centric to justify the inevitability of prostitution.

## Psychoanalytic feminism

O'Connell Davidson (1998) points to the dehumanisation of the woman that is intrinsic to prostitution. The woman (prostitute) becomes a body, which serves as a tool for the buyer to enact his fantasies. The social construction of the prostitute as 'other' provides sex buyers with a ready-made sex object for sexual gratification. In the words of O'Connell Davidson:

*...the prostitute is constructed as an object, not as a subject, within the exchange. No matter how much control the prostitute exercises over the details of each exchange, the essence of the transaction is that the client pays the prostitute to be the person who is not a person. Clients thus get to have sex with a real live, flesh and blood human being, and yet to evade all the obligations, dependencies and responsibilities which are implied by sexual 'infusion' in non-commercial contexts. They get to have sex with a person who is physically alive but socially dead*

Condren (2009) takes up the idea of 'othering' and links it to Butler's (1997) idea of 'abjection'. By abjection she means that we disown those parts of ourselves, especially our bodies, that are messy, unpredictable or remind us of our early infantile dependencies. However, when we disown such essential parts of our humanity, she argues, we project them on to others. It is in this context that women in prostitution become abject in the eyes of society. Prostitution in turn provides a 'safe' place for the men who buy sex to re-enact infantile fantasies. Prostitution eroticises shame, sado masochism, violence and guilt.

Engaging in prostitution for the buyer is, for the most part, a secret illicit act of transgression, which can carry high risks. O'Connell Davidson (1998) notes that risk-taking in relation to prostitution has similarities to other masculine pursuits. It involves 'pitting oneself against an intense anxiety about the extent and limits of personal control and conquering it'. Lyng (1990) calls such high-risk activities 'edgework'. Navigating the danger zone without being caught by a supposedly exclusive partner or law-enforcement agencies or the bodily risk of infection eroticises sex and is a means of asserting agency.

Fuelled by a ruthless commitment to profit on the part of criminal networks that control prostitution and a male entitlement to sex on the part of men who buy sex, forms of violence implicit in prostitution become self-perpetuating: buyers need increasingly exciting forms to achieve gratification.

There is a need for society to move from patriarchal structures of dominance to social structures where gender equity and relational contexts of interaction are central. In moving forward, Condren (2009) points to the importance of theorists of 'cultural relational feminism' (Sanday 2002, originally published in 1983; Chodorow 1978; Miller 1991, 1997; Lynch and Lyons 2008).

## PROSTITUTION: THE IRISH CONTEXT

Luddy (1989, 2007) provides a challenging analysis of the history of prostitution in Ireland in the 19th and early 20th centuries. She documents that prostitution was perceived to be linked to British colonial rule and was widespread in towns and cities where British army garrisons were located. At the beginning of the 20th century, there were more than 400 brothels in Ireland (Luddy 1989, 2007). Contrary to predictions of the nationalist movement, prostitution persisted in post-independent Ireland.

For poorer prostitutes, conditions were miserable. The ‘Bush’ was a wooded place near Cobh, Co Cork where between 20 and 30 women lived like animals under the furze. The ‘Wrens’ of the Curragh comprised up to 60 women who lived primitively in makeshift huts on the perimeters of the Curragh army camp in Co Kildare. There were also what Luddy (1989) calls ‘upper-class’ prostitutes catering for the wealthy business and professional men in Dublin city centre.

In the 19th century, rescue work was extensive. There were 23 asylums or refuges established to rescue and reclaim ‘fallen women’ and ‘save’ the prostitute from a ‘life of sin’. This work was carried out by lay and religious organisations, both Protestant and Catholic. The Catholic religious orders included the Good Shepherd Sisters, the Sisters of Mercy, the Religious Sisters of Charity and the Sisters of Our Lady of Charity of Refuge. Luddy says that it was a lay organisation, the Legion of Mary, in association with a small number of clerics, rather than civil authorities, that managed to close down the brothel system in Dublin in the 1920s. It is estimated that there were 1,400 prostitutes in Dublin in 1922. By 1924, the campaign was so successful that it is estimated that the numbers were reduced to between 200 and 300. The Legion of Mary offered women in prostitution hostel accommodation to replace brothel accommodation, a religious retreat and skills training in housework and other skills in domesticity with the aim that the women would eventually become good housewives.

The Legion of Mary continued its work with women in prostitution until the mid 1980s.

### ***The early 1990s***

In the 1990s, *In Dublin* magazine became an important vehicle for the advertising of prostitution. Mike Hogan, a man with a background in musical entertainment,<sup>14</sup> bought *In Dublin* in 1992. The advertising of prostitution was not illegal at the time. The *Criminal Justice Act 1994*, which made it a crime to knowingly publish an advertisement for a brothel or the service of a prostitute, had not yet been enacted. The adult advertising section of *In Dublin* was developed and sex became intrinsic to the marketing of the magazine.

Twelve pages of the magazine were devoted to the adult section, where the telephone numbers of chat lines, sex shops, massage parlours and brothels were advertised. *In Dublin* became known as the ‘encyclopedia of the sex industry’ and it was of central importance to brothel owners and to buyers of sex. Not surprisingly, it was sold out for international sporting events. Profits estimated to be in the region of £400,000 annually were made by *In Dublin* magazine.<sup>15</sup>

Although the advertising of prostitution was banned in 1994, it was not until 1999 that a complaint was made to the Censor of Publications Board and *In Dublin* was banned. Hogan went to the High Court and the ban was lifted on condition that *In Dublin* did not advertise prostitution, including escort agencies and health studios. Coinciding with this, John Mooney, an *Ireland on Sunday* journalist, had carried out a two-month undercover investigation of the operations of *In Dublin*. He accused Hogan of profiteering from prostitution and tax evasion. These articles, together with the fact that Belinda Pereira, a London-

14 The outline on Mike Hogan is based on Reynolds (2003) and Mike Hogan in the *Raging Bulls* series produced by RTÉ and shown in 2007.

15 *Raging Bulls*, produced by RTÉ and shown in 2007.

based woman of Sri Lankan origin who was engaged in prostitution, was found dead in a flat in Dublin city in December 1996, saw the end of *In Dublin*. Pereira came to Ireland to work over the Christmas of 1996 and was beaten and strangled to death in an apartment on the south side of Dublin city. She had advertised in *In Dublin* as an escort. No one has been convicted of the crime as gardaí did not have sufficient evidence to press charges against the suspects.

The investigation into Pereira's death gave the Gardaí critical knowledge on how the prostitution industry in Dublin worked. This, together with Mooney's articles, led to Operation Gladiator being set up in August 1999. Hogan continued to advertise brothels under the guise of health studios and Operation Gladiator issued criminal proceedings against *In Dublin*. In May 2000, Hogan was the first person to be convicted of advertising prostitution and was fined £50,000. He made a settlement with the Revenue Commissioners for more than £1 million (Reynolds 2003).

### ***Escortireland.com***

As *In Dublin* was being closed down, Escortireland.com, the first website for prostitution in Ireland, was being established. It came online in 1998. Prostitution was being made respectable and an escort was now the preferred name for a woman who sells sex. Escortireland.com is the largest and most influential website advertising escorts (see chapter three). However, according to Reynolds (2003), Russian, Albanian, Moldavian and other Eastern European groups were refused permission to advertise, thus reducing and delaying their grip on the Irish sex industry.

### ***Research on female prostitution and trafficking for the purpose of sexual exploitation***

There are no official statistics published on the prevalence of female prostitution in Ireland. The research undertaken is limited and confined to street prostitution. It includes:

- The WHP (HSE) carried out a national survey on the extent of female prostitution in Ireland, under the auspices of EUROPAP, the European Intervention Projects for AIDS Prevention for Prostitutes, which was established in 1993. Using service providers and health professionals as informants for estimating the numbers of women in prostitution, the study estimated that, in 1994, there were a minimum of 145 women and a maximum of 789 women in prostitution in the Republic of Ireland. However, it is acknowledged in the report that much of the data on which the research is based is anecdotal (EUROPAP 1994)
- In a study on the extent of prostitution in Waterford city, McElwee and Lalor (1997) estimated that, in 1997, there were 50 women and five men selling sex. Also, a particular concern is expressed in the report that there were 35 juveniles known to be in prostitution in Waterford city. The report recommended that juveniles in prostitution be given priority attention by the health authorities

- Research by O'Neill and O'Connor (1999) looked at 77 women involved in street prostitution in Dublin city who were also drug users. Most of the women had one or two children and 45 per cent (35) of the women were homeless at the time of the interview. They found that women had been subjected to high levels of violence and sexual assault and had a wide range of health-related problems: 38 per cent had attempted suicide, 35 per cent had hepatitis C and 11 per cent were HIV positive. The report states that, at the time of the research, gardaí estimated that there were 400 female intravenous drug users in prostitution in Dublin
- The Haughey and Bacik (2000) study of 30 women engaged in street prostitution in central Dublin found that 80 per cent of women had been attacked while working in prostitution. Of these, 71 per cent had been attacked by clients and nearly half (48 per cent) of the women had been assaulted by a partner. Significantly, two-thirds of women assaulted had reported the attack to the Gardaí
- A study commissioned by Ruhama (TSA Consulting 2005) is a qualitative in-depth study involving 19 women, 18 of whom were Irish women engaged in both indoor and street prostitution. The study notes that many women enter prostitution because of poverty. What comes across in the interviews is that prostitution involves significant levels of violence and harm to women. To survive in prostitution, women used drugs and alcohol; developed dissociation techniques, such as switching off or blocking out the encounter; maintained boundaries between their life in prostitution and home life; and engaged in cleansing rituals. The report highlights the absence of choice to help women to move into alternatives to prostitution. A model of intervention should be based on a non-judgmental approach, key worker support, have an open-door policy and be long term. An integrated-service approach should comprise the following: outreach work to brothels and street, liaison work with prisons, a helpline, preventative work, skills development, respite and long-term accommodation, drug and alcohol services, legal services and employment

The biography of one woman's story of 'life on the game' in Dublin in the 1970s and 1980s, *Lyn: A Story of Prostitution*, documents the horrific violence that is perpetrated on victims by buyers of sex and pimps, and which may ultimately lead to total disempowerment and death (Madden and Levine 1987).

Although most prostitution in Ireland in recent years takes place indoors, service providers in the Dublin area estimate that approximately 100 women are engaged in street prostitution. Figures are difficult to estimate outside of Dublin. Key informants in Cork city estimate that there are as few as five women in prostitution on any one night and possibly less than 40 over the period of a year. The estimate for Waterford city is approximately 30. The vast majority of women engaging in street prostitution are Irish, with a small number of women rotating between Britain and Ireland.

There is now the beginning of a research base on trafficking of women for the purpose of sexual exploitation into and through Ireland:<sup>16</sup>

- In 2007, the National University of Ireland, Galway (NUIG) published the first survey (Ward and Wylie 2007 (a)) on the extent of trafficking into and through Ireland over a seven-year period. It found that there was a minimum of 76 cases of women who had been trafficked into Ireland during 2000 to 2006. It also found an additional 75 cases that were possibly trafficked, bringing the number to 151 women
- The study by Conroy (2003) found that 10 per cent of separated children arriving in Ireland are the subject of investigation as a result of suspicions of trafficking or smuggling. The report cites 16 cases of child trafficking, which it compiled from newspaper reports and professional personnel. The children originated from Nigeria, Romania and Iraq. Many arrived in the care of adults but ran away due to sexual abuse, forced labour or other factors. Many have been trained to give false names to immigration authorities and/or misleading information regarding country of origin. A broad range of studies have been undertaken on separated children (Conroy and Fitzgerald 2005, Delaney and Veale 2005, Mooten 2006). These studies have focused on the numbers of children taken into residential care who have gone missing, some of whom are feared to have been trafficked (see chapter two)

This study aims to address some of the information and knowledge deficits in relation to prostitution and the trafficking of women into and through Ireland for the purposes of sexual exploitation.

The international NGO sector has been to the forefront in responding to and believing victims of trafficking, and Ireland has been no exception. Four organisations have been undertaking significant work with trafficked women:

- Ruhama, originally established in 1989 to address street prostitution, has a range of services – including street outreach, advocacy, befriending, counselling, development work, exit programmes and awareness raising – to meet the needs of women in prostitution. It was one of the first organisations to believe the stories of trafficked women. As well as individual support, Ruhama provides crisis accommodation and has recently acquired two safe apartments for transitional housing for women who have been trafficked
- The WHP (HSE) was established in 1991 to respond to the health needs and the harm experienced by women in prostitution. Since 2003, it has worked with trafficked women (see chapter three)

16 Preliminary research on human trafficking in Northern Ireland (Dudley 2006) identifies four groups into which further research needs to be undertaken: adults smuggled for labour exploitation; women and girls smuggled or trafficked for sexual exploitation; unaccompanied minors; and children and young people in Northern Ireland who are being systematically sexually exploited and moved to other jurisdictions for the purposes of sexual exploitation. Concern is also raised about the police response to trafficking and the low levels of awareness among statutory workers. There is also concern that organised crime overlaps considerably with paramilitary activities

- The ICI was established in 2001 by Sr Stanislaus Kennedy. It is an independent, immigrant human rights organisation and a licensed Independent Law Centre. Through its Law Centre and specialist immigration advocacy service, the ICI offers legal representation, support and appropriate referral services for migrants who have experienced human rights abuses, such as undocumented migrants, unaccompanied minors or individuals who may be victims of trafficking. The ICI receives no statutory funding for its anti-trafficking work
- In 2006, Stop Sex Trafficking, Cork was established to support trafficked women and girls in Cork. It also carries out education programmes in schools and publicly highlights the issue of trafficking. To date, it has not received any statutory funding for the work

Outside of Dublin and Cork, there are no specialist services for women in prostitution or for women who are trafficked into the sex industry. In such circumstances, frontline staff, who provide services to women, are reluctant to investigate the circumstances of women who come to their attention due to the lack of specialist services to whom they can refer women to for support.

## SUMMARY AND CONCLUSIONS

International migration has doubled over the past 35 years and the female component of migration has grown considerably. Women make up nearly 51 per cent of all migrants in the developed world and approximately 46 per cent of all migrants in the developing world. In the context of the globalisation of the world economy, many women from the poorer regions of the world are marginalised and often become the ‘resource’ for the dirty, difficult and dangerous jobs, including the global sex industry. The global sex industry, which is highly lucrative, is what Penttinen (2006) calls the ‘shadow zone of globalisation’, much of which is illegal or semi-legal. Women’s vulnerability is exacerbated by the fact that the migration policies of many destination countries provide few possibilities for legal entry.

There is no clear demarcation between women who are classified as ‘trafficked’ and women who do not strictly come under the classic concept of being trafficked. In this context, theorists have talked about the levels of severity of abuses experienced by women generating continuums of experiences of entry into, and remaining in, the sex industry, rather than a simple trafficked/not trafficked dichotomy (see chapters two and three). For instance, in terms of recruitment, there are people who have been transported through kidnap or abduction and forced into prostitution. There are also women who have not been forced or deceived about the so-called employment for which they have been recruited and who have not been charged exorbitant rates by recruitment agencies.

Prostitution has been the subject of intense controversy and a complex issue for public debate. Feminists critique the perspectives that see prostitution as functional for patriarchal social relations, making the point that prostitution is functional only for certain types of social structures, usually based on sharp power divisions between the sexes. Central to the feminist critique is the dehumanisation of the woman, whereby the social construction of prostitute as

'other' or 'abject' provides sex buyers with a ready-made sex object for sexual gratification. The prostitute becomes a body, which serves as a tool for the buyer to enact his fantasies. Practices inherent in prostitution are seen as affecting a 'social death' for the woman concerned. Prostitution is about male sexual power; without male demand, prostitution would not exist. This underlies the importance of developing strategies to address male demand.

Whatever the disagreements, there are many layers of agreement emerging between the different perspectives. The sex industry is becoming highly globalised and comprises large numbers of migrant women. Women's entry and recruitment into prostitution, and the trafficking of women into the sex industry, needs to be understood in the context of global labour migration. There is strong international evidence to suggest that violence and harm is intrinsic to prostitution, with the harm inflicted having an enormous impact on women in terms of their psychological and physical health. The issue of harm is examined in chapter three. For a minority of women, involvement in prostitution involves actual death.



# TRAFFICKING FOR SEXUAL EXPLOITATION

*Introduction*

*Profile of Women Trafficked into and Through Ireland*

*Conducive Environments Giving Rise to Trafficking*

*Recruitment Methods*

*Different Trafficking Strategies*

*Children*

*Routes*

*Control Strategies*

*Escape and Rescue*

*Service Provision*

*Summary and Conclusions*





## INTRODUCTION

Sex trafficking and the Western prostitution market have become increasingly globalised over the past two decades (see chapter one). Factors that drive the sex industry are best understood within the broader context of migration, specifically those that promote female migration from the poorer regions of the globalised world, such as:

- Gender inequality and restrictive access to sustainable employment for women
- Economic transitions in former USSR countries and other Eastern European countries
- The globalised sex industry
- The widespread demand for prostitution by men in destination countries
- Restrictive migration policies in host countries
- The fact that organised crime groups and networks have developed effective trafficking strategies to meet the demand for sex

This chapter illustrates:

- The numbers and profile of trafficked women presenting to services over a 21-month period during 2007/2008
- Factors that give rise to trafficking
- Recruitment methods and strategies used by traffickers
- Routes to Ireland
- Control strategies
- Escape and rescue

The UN Palermo Protocol lays the foundation for international action on trafficking by providing an international framework for the definition of trafficking. It requires that, for a case to be defined as trafficking, three main elements all need to be present. These are:

- The recruitment, transfer, transportation, harbouring or receipt of a person
- By means of force, coercion, fraud, deception, abuse of power/taking advantage of position of vulnerability or giving/receiving payment to control another person
- For the purpose of exploitation

Under the UN Palermo Protocol, the ‘consent’ of the victim to the intended exploitation is irrelevant, provided that any of the above mentioned means have been used. Furthermore, where children are concerned, consent to sexual exploitation can never be present. Article 3 (a) of the Protocol states:

*Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the*

*purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs*

The concept of trafficking allows us to grasp situations in which abuse and exploitation at the point of destination are linked to the use of force or deception within the migration process (O'Connell Davidson 2006). In this chapter, trafficking is conceptualised to include cases where all three elements outlined above are present.

However, there are 'elements' of trafficking present for many migrant women who engage in prostitution, as is illustrated in chapter three. It is in this context that theorists talk about the levels of severity of exploitation, generating continuums of exploitation for women (O'Connell Davidson 2006; Robinson 2006; Kelly, Coy, Davenport 2008).

While this research recognises the many layers that link the experiences of women who are trafficked and migrant women in prostitution, for practical purposes it was necessary to divide the material into two separate chapters. Chapter three deals with migrant women in the Irish sex industry. This chapter is concerned with women who are identified in this research by ten organisations as trafficked, using the UN Palermo Protocol definition.

There is strong evidence that trafficking into and through Ireland for the purpose of sexual exploitation is taking place. Some of this evidence is outlined below.

To date, Ruhama, an NGO that works with women in prostitution, has worked with more than 200 potential victims of trafficking. It deals with between 30 and 40 new cases each year.

In 2006, an award-winning *Prime Time Investigates* programme documented that the trafficking of women into the Irish sex industry was indeed a reality. An NUIG study carried out by Ward and Wylie (2007) has also made an important contribution to documenting the existence of trafficking (see chapter one). Several studies have also been carried out on separated children, which address issues relating to child trafficking (Conroy 2003, Conroy and Fitzgerald 2004, Delaney and Veale 2005, Fanning *et al* 2001, Mooten 2006).

The accounts of women who are trafficked into Ireland are compatible with international experience and research, although they can sound like some mysterious nightmare. Central to many reports is the experience of being lured away by jobs that do not exist only to be forced into prostitution. Their accounts are ones of endless days and nights on long, harrowing and perilous journeys.<sup>17</sup> Many are raped on the way. Some are gang raped. On arrival in Ireland, their passports and documents are taken and they are forced into indentured prostitution to repay exorbitant 'debts' to the traffickers and the many other intermediaries.

17 It is instructive to recall the eight refugees who suffocated in a container travelling to Waterford in 2001. The survivors, who were Kurdish, told their story of how they met their smugglers/traffickers in Istanbul, Turkey. They travelled to Sarajevo, Bosnia and Herzegovina, and then walked two days to Italy. It was planned that they would get a passport there and travel by air to the UK. They ended up in Belgium and were told to get into a container. When one man refused, he was told that he would be killed. Thirteen people in a truck were hoisted onto a ship and were told that they were going on a four-hour journey to Dover. It was 53 hours before the ship docked in Wexford and the container reached its destination in Waterford. By that time, eight of the 13 people were dead.

Many trafficked women are prostituted in the lower end of the sex trade (Monzini 2005). Notwithstanding this, evidence from the literature suggests that large profits can be made from trafficked women as they are required to engage in prostitution for longer hours and to do what the buyers demand (Kelly 2002). They can be forced to have sex with up to 10 men a day, sometimes without the protection of a condom if that is what the men want. This can mean that a trafficked woman is forced to have sex with men up to 2,000 times a year. One woman in this study from Moldova was forced to see and have sex with more than 700 men in a month.

This prolonged and repeated sexual assault, even when they are unwell, creates trauma. Women are highly susceptible to HIV, hepatitis A and B, other sexually transmitted infections and reproductive tract infections (see chapter three). It also leaves them at risk of severe psychological trauma and mental health difficulties. In addition, pregnancy, abortions, physical beatings, threats to inform or harm their families and living in fear of being killed themselves is the daily life for many women.

Women who are trafficked also encounter a hostile response from official Ireland. As yet, there is no integrated framework for identifying women who are trafficked nor is there an acceptable response to their needs (see section on service provision later in this chapter). They are, for the most part, treated as illegal immigrants and can end up in prison or be deported.

## PROFILE OF WOMEN TRAFFICKED INTO AND THROUGH IRELAND

### *Numbers of women trafficked for sexual exploitation*

Over a 21-month period, between January 2007 and September 2008, 102 women were identified by ten services as being trafficked. The largest number was identified by Ruhama. The WHP (HSE), the Dublin-based ICI and STOP Sex Trafficking, Cork also identified significant numbers.<sup>18</sup>

These frontline services use the UN Palermo Protocol for the purpose of identifying victims of trafficking. Ruhama has also specified detailed indicators based on the OSCE/ODIHR *National Referral Mechanisms Handbook 2004*, the IOM's *Counter-Trafficking Training Modules Handbook* and Ruhama's direct work with victims of trafficking for almost a decade in Ireland (Appendix D).

Of the 102 women identified, 26 were aware of a further 64 women who were trafficked into Ireland, bringing the number of women who were trafficked during that period to a possible 166. This number of 166 trafficked women is an underestimation; trafficking is covert and illegal, and many women who are trafficked remain invisible. It is mainly women who escape, are rescued or who have paid off their indentured 'labour' that come to the attention of services. In this research, 11 per cent (11) of the 102 women trafficked were children at the time they were trafficked to Ireland.

To compile information for this research, a form (Appendix G) was filled out by service providers that are in contact with trafficked women. The form looked at:

18 A small number of cases were identified by: a legal practitioner in the Faculty of Law, National University of Ireland Cork; a counselling service in Cork; a counselling service in Scotland; the International Organization for Migration; the Poppy Project in the UK; and police forces in Lithuania and England.

the profile of the women, methods of recruitment, routes and movement across borders, control strategies, types of prostitution engaged in, location of prostitution and current situation.

In general, information recorded by organisations is limited as there is no coherent system in place for identifying and compiling data on trafficked women. Also, in the absence of an integrated response to the needs of women, it is difficult for women who are trafficked to disclose information. Women who have experienced prolonged, repeated trauma need time to recover in a protective, supportive environment (see chapter five).

The NGO sector worldwide has been to the forefront in responding to and believing the accounts given by victims of trafficking. In Ireland, four organisations have been undertaking significant work with women who are trafficked. The services are based in Dublin and in Cork. A detailed description of these services is provided later in this chapter.

The following table outlines the sources of referrals to organisations that identified the 102 trafficked women for the research.

**Table 2.1: Source of referral to organisations**

Referral source	Number	Percentage
NGO	28	27.5
Self	15	14.7
Other <sup>19</sup>	20	19.6
Government refugee services	15	14.7
Other Government services <sup>20</sup>	14	13.7
Garda National Immigration Bureau	5	4.9
No Information	5	4.9
	102	100

Source: Data collected for the current research

Approximately one-third (34) of referrals are made by government agencies, while 27 per cent (28) are referred from the NGO sector.

Where information was available on where prostitution took place, 52 per cent (38) were in prostitution in Dublin, 41 per cent (30) in multiple locations throughout the country and the remainder were in a single location outside of Dublin.<sup>21</sup>

<sup>19</sup> Friend, solicitor, member of the public and pastor.

<sup>20</sup> Hospital, general practitioner, prison, probation service.

<sup>21</sup> In 14 (15 per cent) cases, women were not involved in prostitution in Ireland because they were in transit to another country or had escaped to Ireland from their traffickers. For 15 cases (15 per cent), there was 'no information'.

**Table 2.2: Geographical location**

Geographical location	Number	Percentage
Dublin	38	52.1
Multiple locations throughout Ireland	30	41.1
Location outside Dublin	5	6.8
	73	100

Total number on whom information was available = 73

Information was available on the type of prostitution involved for 84 women. The vast majority (90 per cent or 76 women) were in indoor prostitution, 6 per cent (5) were involved in both indoor and outdoor, and 4 per cent (3) were involved in outdoor prostitution only.<sup>22</sup>

**Table 2.3: Types of prostitution**

Type of prostitution	Number	Percentage
Indoor	76	90.5
Both indoor and street	5	5.9
Street	3	3.6
	84	100

Total number on whom information was available = 84

Of the 102 women identified, 71 per cent (72) are from Africa, specifically West Africa,<sup>23</sup> and 23 per cent (23) are from Eastern Europe.

**Table 2.4: Regions of origin**

Regions of origin	Number	Percentage
Africa	72	70.6
Other Eastern European countries <sup>24</sup>	16	15.7
EU 10 states <sup>25</sup>	7	6.9
Asia <sup>26</sup>	3	2.9
EU 15 <sup>27</sup>	2	1.9
South America/Caribbean <sup>28</sup>	1	1.0
No information	1	1.0
	102	100

22 14 cases (14 per cent) were non-applicable and in four cases (4 per cent) there was no information.

23 Burundi, Cameroon, Congo, Eritrea, Ghana, Kenya, Liberia, Malawi, Nigeria, Guinea, Sierra Leone, Somalia, Sudan, Zambia and Zimbabwe.

24 Albania, Moldova, Romania and Russian Federation.

25 Latvia, Lithuania and Poland.

26 Mongolia, Pakistan and Thailand.

27 Italy and Scotland.

28 Brazil.

Ruhama has noted a change in the ethnicity of women presenting to its service from predominantly Eastern European to predominantly African. The organisation does not interpret this as a real decrease in the number of Eastern Europeans being trafficked into and through Ireland but as a reflection of the fact that they are less likely to be identified as trafficked. The expansion of the EU in 2004 and 2007 has meant increased freedom of movement for Eastern Europeans who no longer require visas and, with the exception of Bulgarian and Romanian nationals, no longer require employment permits to work in Ireland. As such, they are less likely to come to the attention of immigration officials, who are primarily concerned with immigration issues.

We know from the present study that some women were prostituted in their own indigenous community, as was the case with Justina from Lithuania:

*Justina's traffickers were Lithuanian and her clients were Lithuanian and Eastern European. She experienced extreme physical violence from her traffickers and was hospitalised as a result of the severe injuries incurred.<sup>29</sup>*

Only a very small number of trafficked women were in street prostitution, as was the case of Rina from Albania:

*Rina from Albania was desperate for a better life. On arrival in Ireland, she had no idea that she would be forced into street prostitution.*

The low numbers of women trafficked from South America/Caribbean may be explained by the fact that women from many of these countries may have permission to be in the State at the outset. They are not required to have a visa and are less likely to come to the attention of immigration officials than women from African countries.<sup>30</sup>

29 This information and other information about women's experiences cited below was extracted from forms filled out by referring organisations/researchers for the research.

30 Women from some South American countries do not require visas to enter the State and others enter the country on student visas.

## Ages

The data suggests that women who are trafficked tend to be in the younger age categories.

**Table 2.5: Ages of women**

Years	Number	Percentage
Less than 18	7	6.9
18 – 24	49	48.0
25 – 35	37	36.3
35 +	3	2.9
No information	6	5.9
	102	100

The largest category (48 per cent) was between 18 to 24 years.

Seven were children (i.e. less than 18 years) at the time of the research and four others were under the age of 18 when they were trafficked into Ireland. This is a total of 11 (11 per cent) who were children when they were trafficked to Ireland.

In addition, under Operation SNOW, the Garda National Immigration Bureau (GNIB) was, at the time of this research, conducting an investigation into a Nigerian trafficking gang and Irish escort agencies that are suspected of trafficking and prostituting five young girls who travelled from Nigeria, through London and Belfast, to Dublin. Also, 12 young girls referred to the HSE's Separated Children's Unit (SCU) stated that they were trafficked to Ireland for the purpose of sexual exploitation.

## CONDUCTIVE ENVIRONMENTS GIVING RISE TO TRAFFICKING

Gender inequality, economic collapse, and war and violence create the conditions for what Kelly (2005) refers to as 'fertile fields' that lead people to seek work abroad. Lack of options, lack of information and restrictive entry into the developed world produce a conducive environment where people are vulnerable to deceptive recruitment by traffickers. There is also evidence that traffickers target countries, regions and social groups where patriarchal traditions are strongest (Kelly 2002) and that traffickers exploit cultural and traditional practices to ensure maximum control over victims (Aghatise 2004).

In this study, alongside poverty, which affected the vast majority of women, risk factors identified included:

- Family pressure/dislocation including being orphaned
- War and violence
- Childhood sexual abuse

In practice, these factors overlap and the combination of factors result in women being vulnerable and exposed to exploitation:

*The parents of 20-year-old Esther from Nigeria were killed. She went to live with an aunt and worked as a domestic worker. She also worked in a hair salon. There she met a Nigerian woman (who she later found out was a 'madam') who offered her a job as a receptionist in Europe. The Nigerian woman organised for her to come to Ireland. On arrival in Ireland she was told that she owed money, which she had to repay. She was brought to a house and the door was locked behind her. There were other Nigerian women present who were scantily dressed. She realised that she was in a brothel. The madam also had a brothel in Italy.*

*At the age of 17, Suzan from Sierra Leone was raped by soldiers. At 19, she was offered work in Europe in the hotel sector, by a 'family friend' who arranged a false passport and other documents for her. The friend accompanied her to Ireland. When she arrived in Ireland she was taken to a house and raped by his friends and forced into prostitution.*

*Judith from Cameroon is 26 years of age. At the age of 10, she was raped by her father. Her father was subsequently killed by members of her mother's family. She and her mother had to flee from her home village because of fear of reprisals from members of her murdered father's family. She was then placed as a domestic servant with another family where she was ill-treated. While in this employment, she was befriended by a Cameroon man who introduced her to another man. He turned out to be her trafficker and asked her if she would like to work in Italy. The nature of the employment was not specified, but she presumed that it would be in domestic work. This did not turn out to be the case and she was forced into prostitution.*

*Aida from Kenya was sexually abused by her step-father at the age of 13 years and ran away from home. Subsequently, a woman offered her an opportunity to leave Kenya. On arrival in Ireland she was forced into prostitution.*

Fleeing from a forced marriage and losing contact with family, one's home village and community is a vulnerability factor exploited by recruiters and traffickers. This was the situation with Virginia from the Cameroon and Sophia from Zambia:

*Virginia fled from her village in Cameroon to avoid a forced marriage. Her aunt put her in touch with a man who organised a false passport and made travel arrangements for her. She arrived in Dublin airport with the man and passed through immigration without any difficulties. Once in Ireland she was told that she would be prostituted to pay off the cost of getting her to Ireland. When she refused to prostitute herself she was beaten and raped.*

*Sophia from Zambia is 24 years old. She fled from her village because she was being forced to marry a much older man who was chief of the village. She formed a relationship with a man whom she assumed was her boyfriend. It turned out that his intention was to traffic her. He brought her to Ireland using false papers. She was held captive in a house, locked in a room and forced to have sex with men. She was beaten if she did not comply with his wishes.*

## RECRUITMENT METHODS

Patterns of recruitment in this study reflect patterns documented in international research. The least common form of recruitment is kidnap or abduction, as happened to Zana from Albania and Irene from Nigeria:

*Zana, who is now 24, was kidnapped and trafficked to Italy from Albania at the age of 16. She escaped to Ireland from Italy.*

*Twenty-seven-year-old Irene worked as a hairstylist in Benin, Nigeria. She was kidnapped, brought to Italy and prostituted. From there she was brought to Ireland. She was cursed as part of a voodoo ceremony and believes that she should not try to escape as her mother's life is in danger.*

Deception is a central feature in the recruitment of women who are trafficked. Women are promised an education or good jobs in the domestic and service sectors. Some are deceived by fictitious marriage proposals. Local social networks are used and the initial contact is almost exclusively made by trusted family friends and boyfriends, many of whom are linked to organised crime. Women, as well as men, can be centrally involved in the recruiting process.

Tatyana from Moldova took the initiative and approached what she thought was a reputable employment agency:

*Tatyana from Moldova was 26 years old. She was divorced from her husband and had one child. She was living in her father's house and was finding it difficult to find work and create a stable environment for herself and her child. She responded to an advertisement in a newspaper offering her childcare work with a family in the UK. She met with the agency in Moldova and was interviewed. She believed the employment agency to be legitimate and that her entry into the UK would be legal. When she submitted the results of a medical examination and made a clear criminal record disclosure, she assumed all was legitimate. She arrived in the UK via Ireland. There, her passport was taken and she was forced into prostitution.*

Other recruitment methods documented in this study include bogus offers of marriage or actual marriage by eligible men. Spurious marriage made up 9 per cent (9) of recruitment methods in this study, where women were afterwards sold-on or prostituted.

The use of forged passports, visas and false identities were common. Although women knew and, in some cases, agreed to illegal means to emigrate, none of the women was aware that she was specifically recruited to sell sex.

The following cases illustrate deceptive job offers and offers of a better life abroad:

*Vita, at the age of 27, was recruited by a woman in her village in Moldova for 'escort' work in the UK. She was led to believe that her work would involve going to dinner and other social events with men. It would be her choice whether or not she would have sex with the men. She was given a guarantee that she would earn high wages and that there would be no restriction on her movement. This turned out not to be the case and she was forced into prostitution and brought to Ireland.*

*Priscilla from Nigeria is 25 years of age. She was introduced, by a family friend, to a woman who promised her a better life and an education overseas. Travel arrangements were made and she was taken from Nigeria to Ireland via Amsterdam. She was advised what to say and how to act going through immigration. Her story was that she travelled with a white man who had disappeared. She was told to apply for asylum.*

Like Priscilla, the details of how Judith would get through immigration had been carefully planned:

*Judith from Cameroon was given a sleeping tablet during the flight and she fell asleep. She was instructed to pretend that she was ill at the immigration checkpoint, while the man liaised with immigration staff.*

Traffickers go to great lengths to exploit vulnerabilities. An example is Lucy, who had a serious illness:

*A family friend came to Lucy's house. He promised that, if he could get her to Europe, she would receive medical treatment for a serious medical condition. She was told that two other women would travel with her. Her traffickers were two Nigerian men. Lucy had no idea of the fate that awaited them. Needless to say, the medical treatment did not materialise and she was forced into prostitution in Ireland.*

Women are often recruited and taken across borders in groups:

*Four women from Burundi were offered work in Europe. They were accompanied by a man who held their passports. He travelled with them from Burundi to Dar Es Salaam in Tanzania. From Tanzania, they went by air to an unknown place and from there to Ireland, where they arrived late at night. They were met by a man at the airport in Ireland who drove them for approximately three hours to an unknown destination. They arrived at a big house, the door was locked behind them and they were told that they would engage in prostitution. It was then that they realised something was wrong. They were told that they would have to repay the debts incurred in bringing them to Ireland, that interest would be added to the debt and the money deducted from what they brought in from prostitution.*

## DIFFERENT TRAFFICKING STRATEGIES

Once recruited, in the majority of cases a well-developed system, made up of a network of contacts, is put in place. There are, however, social and cultural variations in the way that trafficking unfolds. This variation is illustrated by that of West Africa and some Eastern European countries, most notably Albania.

### **West Africa**

More than 70 per cent of the 102 women who were identified in this study as trafficked were from Africa, with the vast majority being from West Africa. West African prostitution networks have long been associated with Italy (Monzini 2005) and Italy, as a transit country, emerged several times in this research. Benin City, the capital city of Edo state in Nigeria, is known as the trafficking hub of Nigeria. It is the pre-travel location for many West African women. Here, women are prepared and groomed for the sex industry.

In West Africa, there are well-established trafficking rings. As well as debt bondage and physical coercion, key elements of the trafficking process are the use of ‘madams’ and a more subtle form of coercion known as juju or voodoo. Madams are generally women who have been engaged in the sex industry in Europe and whose indentured prostitution has come to an end through the payment of their debt. They are the recruiters or ‘sponsors’ luring young women into the sex trade from within their own community where they are trusted. Typical costs range from \$500 to \$2,000 for documents and \$8,000 to \$12,000 for travel. The debt incurred is much higher and can amount to between \$40,000 and \$100,000 (Carling 2005). To pay off this debt, a woman would need to service between 400 and 1,000 men. If there is any resistance from the woman or she does not have the correct attitude, force is used and penalties imposed, which takes the woman even longer to pay off the debt. In Europe, the women usually live and are prostituted under the control of the Nigerian madam.

The madams are linked into more organised criminal gangs throughout Europe and usually work in pairs. Monzini (2005) outlines their tactics:

*One of them remains in Nigeria to continue recruiting would-be migrants, to keep in touch with the families, and gradually to repay,*

*with interest, the capital invested by the sponsor [in Nigeria]. The other lives in Europe, where she controls the girls' daily lives and extracts the planned profits, including the money necessary to run the organisation. The complexity of the organisation itself varies with the size of the turnover, but in any event it has to pay a number of people to help with the work of the 'madams' in the two countries*

The initial contact with the madam is often made through a family friend or relative, as several of our case studies demonstrate:

*Ruth, who came from a poor rural area in Nigeria, is 28 years old. As a young girl she was taken into care by a friend of her mother's, whom she called 'auntie', who was physically and verbally abusive to her. Her 'auntie' introduced her to a woman whom she was told would look after her. The woman brought her to Ireland via Amsterdam. When she arrived in Ireland she was taken to a house where there were other trafficked women and she was forced into prostitution. She was physically beaten and deprived of food when she did not comply with the orders given by the people who controlled the house.*

A subtle form of coercion known as voodoo is used in the recruitment process and in subsequently psychologically enslaving young women and girls and keeping them in the grip of traffickers. Voodoo is a well-known, much-feared phenomenon in communities throughout West Africa. In this study, voodoo was used as a threat in at least four cases. Faith in the power of voodoo, sometimes called juju, is deeply ingrained in West African culture. It's a direct link to ancient ancestor-based beliefs that include a wide variety of spirits and other supernatural entities. Part of the ritual involves an oath never to reveal the traffickers to the police and to repay the debts incurred during their journey to Europe. Victims are told that fleeing from traffickers will bring death to them or their family. A priest or elder of the indigenous tradition religiously seals the pact:

*Lara, aged 21, was forced into prostitution in Nigeria. A woman she knew promised her a better life overseas away from prostitution. A false passport was arranged and a deal was sealed by voodoo whereby she promised to pay the debt incurred for travel to Ireland. In Ireland, she was told that she would have to pay off the debt by engaging in prostitution.*

### ***Eastern European countries***

International research documents a resurgence in some Central and Eastern European countries of strong, traditional, patriarchal practices where women have few rights (Kelly 2005). In contrast to the West African system where madams or other companions accompany women, women in Eastern European countries tend to be resold during their journey. The practices in some Eastern European countries, as described by Monzini (2005), are brutal. Women are required to stand naked in front of potential buyers as the buyers stake their bids.

When bought and resold several times, the purchase price of the woman increases. This has to be paid off by servicing an increasing number of men.

In Albania, criminal activity has developed around the customary engagement system, or 'betrothal', with men promising to marry and care for women. Mira, under the guise of a marriage engagement, was taken from her home and community and forced into prostitution:

*Mira, who is 20 years old and from a small village in Albania, was lured into marriage with an Albanian man. Not long after the marriage, he brought her to Belgium. There she was gang raped by her husband and his friends and was forced into prostitution. Subsequently, she was brought to Italy and prostituted and from there she was brought to Ireland. She made contact with a family member who rescued her and returned her to her village. Word got out in the village that she had been engaged in prostitution. Because of the stigma surrounding prostitution, she felt unable to remain in the village and was taken by a family member to England.*

*Helena is a 22 year old from Albania who married an Albanian man in Italy. He forced her into street prostitution. She escaped to Ireland.*

Pledging marriage or long-term commitment as a method of recruitment is not confined to Albania:

*Kristine, a 22 year old from Latvia, fell in love with a Latvian man who indicated to her that he wanted a long-term relationship. He brought her to the UK and suggested that she get involved in prostitution. When she refused, he physically beat and sexually abused her. She feared for her life and was forced into prostitution. From the UK, he brought her to Ireland where she was also forced into prostitution.*

*Dorin is 26 years old and from Romania. She was brought to Ireland via Amsterdam and sold by her boyfriend to an Irish man who owned an escort agency. She was coerced into prostitution through physical violence and death threats. There were also threats to her family at home.*

It is not only the Eastern Europeans that recruit women into prostitution through fictitious marriages:

*Larissa, who was gang raped in Cameroon, subsequently met a Nigerian acquaintance with whom she developed a relationship and considered him to be her partner. He suggested that*

*they travel together to Europe in search of a better life. When they arrived at the airport in Doula, Cameroon, he introduced her to a 'friend' and left. He did not return. From there she was brought to Ireland, where she was forced into prostitution.*

*Nazia, who is 28 years old and from India, is married a Dutch citizen. He brought her to a small town in the west of Ireland and forced her into prostitution. She managed to escape and is receiving assistance from services in Dublin.*

Just under 10 per cent of the 102 trafficked women were known to be trafficked by men who were either husbands or other intimate partners.

## CHILDREN

Of the 102 identified in this study, 11 per cent (11) were children when they arrived in Ireland. All were from West Africa. As noted above, other children suspected of being trafficked have come to the attention of the Gardaí and the SCU.

Deception was also a key factor in their recruitment, as the case of Kiky from Nigeria illustrates:

*Kiky from Nigeria arrived in Ireland as a 16-year-old girl. It all started when she was offered a job as a domestic worker in London by a family friend whom her parents trusted. He and another woman travelled with her. She was told to call the woman 'madam' and was brought to a house where there were eight other girls. She was forced to have sex with men, without condoms if that is what they asked for.*

*At the age of 17, there were few opportunities open to Julia in her home village in Sudan. She was introduced to a Nigerian man by a family 'friend' who promised her an education in Europe. The man brought her to Dublin via Manchester and Belfast. While travelling, she was told to assume a Nigerian identity. She was given clothes and boots and a bag of condoms and was told to do anything that clients wanted. She was forced to have sex with a minimum of four men per night.*

Many girls experience prostitution, rape, brutality and imprisonment prior to arriving in Ireland:

*Aureen from Nigeria arrived in Ireland when she was 16. Both of her parents had been shot dead. Being the oldest of the children, she entered prostitution at a very young age to support her siblings. Soldiers came to the house and raped her. A 'pastor' offered to help her to make a new life. He arranged a false passport and travel documents and introduced her to a 'friend' who travelled with her to Ireland via South Africa and France. In Ireland, she was enticed out of residential care (for separated children) by a man who later got her involved in prostitution.*

## ROUTES

Women reported being transported by plane, train, bus, car and ferry. Many were transported by several means of transport. Some came by air to Ireland. Others came via the UK and through Belfast and, from there, were transported to other parts of Ireland.

Five women in the study were known to have travelled through Belfast to the Republic of Ireland, as in the case of Meg:

*Meg from Nigeria came to Ireland from Lagos to London and travelled by ferry to Belfast and from there by bus to Dublin.*

The following are examples of long journeys travelled by women in this study. As the examples illustrate, there are multiple nationalities involved in trafficking:

*Vita from Moldova travelled by air, on her own passport, to the Czech Republic. There she was introduced to Romanians who provided her with a false Norwegian passport. She went by train to Vienna, Austria, accompanied by the Romanians. From Vienna, she flew to Dublin and passed through immigration without any problems. On arrival in Dublin, she was taken to the house of a Romanian man but did not stay overnight. She was then taken to the UK by ferry. On arrival in London, she was brought to a house and forced to engage in prostitution.*

*Vita's recruiter was a Moldovan woman from her village. The agents in the Czech Republic were Romanians. The agent in Dublin was Romanian. The woman who met her in London and forced her into prostitution was a Lithuanian national who had connections to recruiters in Moldova, Belarus and other Eastern European countries.*

In nine cases, prior to coming to Ireland, women were trafficked to Italy. The women's nationalities included Albanian, Polish, Moldavian, Cameroonian and Nigerian. In seven of the nine cases, the women were prostituted in Italy before coming to Ireland, as in the case of Judith:

*Judith from the Cameroon was introduced to her trafficker by a Cameroonian man who promised her work in Italy. She presumed the work was domestic service. When she arrived in Italy, she was prostituted and controlled by Italian men. She was subsequently taken by air to Ireland where she was forced into prostitution for a number of weeks. She was then taken by sea-ferry to an unknown port in the UK.*

In the case of Tatyana from Moldova, Italy and Ireland were transit countries with the UK as the destination country:

*Tatyana from Moldova travelled to the Czech Republic on her own passport. She crossed illegally into Germany and then to Paris. From Paris she flew to Spain, travelling on a false Italian passport, and then to Italy and on to Dublin. From Dublin, she flew to London, where she was refused entry and was sent back to Dublin. At a later stage, she succeeded in gaining entry to the UK. At all stages, she was chaperoned and her movements monitored.*

*In Tatyana's case, the recruiters were from Moldova. The brothel owner in London was Lithuanian, with connections to recruiters in Moldova and Belarus. There were other people of unknown nationality involved.*

## CONTROL STRATEGIES

The daily lives of trafficked women are controlled in various ways to ensure compliance. Forms of control indicate the sheer scale of the brutality involved in sex trafficking.

When women who are trafficked reach Ireland, they are sometimes passed over to Irish organisers of prostitution, who prostitute them, or they are held and prostituted by the traffickers in Ireland. (In such cases, Irish organisers of prostitution commit the offence of trafficking). In both cases, false papers are taken from the woman and, in most cases, the woman is then not only illegally in the country but also without any documents. The woman lives in clandestine conditions and her existence is one of isolation and confinement, which makes it difficult for her to escape and seek assistance.

Many women fear the Gardaí and immigration officials. They assume that, if it becomes known that they are illegally in the country, they will be deported. Their fear has been well-founded in Ireland as statutory systems and services are insufficient to support and protect women. Women who are trafficked can be criminalised and treated as illegal immigrants, with some ending up in prison. In this context, the State's response is complicit with the interests of the trafficker. It strengthens the position of the trafficker with regard to the woman who is trafficked and helps to keep trafficking a hidden, clandestine problem.

### ***Sexual and physical violence***

For a woman to disclose violence or other forms of degrading treatment, there is a need for protective and safe conditions to be in place (Kelly 2002). This means that the full range of services needs to be available, together with a guarantee that women can remain safely in the country. Even when this is the case, disclosure takes time. The lack of conducive conditions for disclosure in Ireland can partly explain why there was only information on violence and captivity for 63 (62 per cent) of the 102 cases in this research.

As well as the physical violence experienced by 71 per cent (45) of those women, a high percentage of women were subjected to sexual violence, including rape in transit or when in Ireland (56 per cent) and gang rape (6 per cent) while in transit. Fourteen (22 per cent) of the women had been gang raped in their

countries of origin. Gang rape is used to increase women's vulnerability, break their spirits and make them more compliant.

**Table 2.6: Experience of physical and sexual violence**

Violence	Number of times	Percentage
Physical violence	45	71.4
Raped while being trafficked/in prostitution	35	55.5
Gang raped in country of origin	14	22.2
Gang raped while being trafficked	4	6.3

Total number on whom information was available = 63

It is not unusual for the woman who is trafficked to be raped by the trafficker and to be raped by family members or friends of the trafficker, as was the case for Judith from Cameroon:

*En route, Judith from Cameroon was raped by her trafficker and forced to have sex with four of his friends.*

Meg from Nigeria was subjected to the humiliation of being forced to have sex while being videoed:

*Meg was 28 years old when she arrived in Ireland. Part of the trauma which she endured was being forced to have sex while being videoed.*

### **Captivity**

Of the 63 women for whom there is information regarding violence and captivity, 57 per cent (33) were held in captivity where they were under continuous surveillance in order to ensure that they would not abscond and that their debts would be paid. The following are examples of how women were held captive:

*Judith, who travelled to Ireland via Italy, was held captive throughout her ordeal. On exiting the airport in Italy, Judith from Cameroon was driven to a large house where she was introduced to an African woman, referred to as Marie. There were about 30 other girls living in the same house. Every night she was driven with other girls to a nearby town and forced into street prostitution, having unprotected sex with men in nearby hotels. All the girls were chaperoned and their movements were always controlled by what she presumed were Italian men. She was subsequently brought to Ireland.*

*Lidia from Poland, who came to Ireland via Italy, was chaperoned daily to a brothel when in Italy and her movements were controlled. When she returned each day from the brothel, her trafficker raped her in the apartment. She was subsequently brought to Ireland and forced into prostitution.*

*Kiky from Nigeria was held in total captivity in a house in Ireland for two years.*

## **Threats**

Threats to women and their families at home are used to ensure compliance. These include threats to injure a family member, have a family member killed or have the family home burned down. Threats were known to have been made in 22 per cent (14) of cases:

*Helena is a 22-year-old woman from Albania who married an Albanian man in Italy. He forced her into street prostitution. She escaped to Ireland. She fears for her life if she returns to Italy. Her relatives in Italy are being intimidated in order to get them to disclose where she is living.*

*Irene from Nigeria escaped from her trafficker, but lives in fear that they will target her family in Nigeria. Her parents are dead and she is reluctant to make contact with her younger siblings who live in her village and need her support. She is traumatised by the separation from her family and finds life here very stressful.*

Women who are trafficked and are illegally in the country need to remain invisible. Traffickers exploit these fears and threaten to inform the relevant authorities of the woman's illegal status. This was the case of Adjo from Ghana:

*Adjo from Ghana escaped from her traffickers. They tracked her down and threatened to inform the authorities that she was in the country illegally. She feared for her own life and that of her child and returned to the traffickers.*

## **Debt**

Women who are trafficked are coerced into indentured prostitution. The amount of money involved can be truly exorbitant. Compatible with the international literature, debts ranged between €55,000 and €65,000:

*On arrival in Ireland at the age of 15, Angelle from Nigeria was told that she owed €65,000 to the traffickers.*

*Janet from Nigeria was under the impression that she was travelling to Italy to work as an au pair. On arrival in Italy, she was told that she owed €60,000 and was forced into prostitution six days a week to pay off this 'debt'.*

*On arrival in Ireland, Ruth from Nigeria was told that she owed her traffickers €55,000. She is controlled by a Nigerian gang who also control other women.*

## ESCAPE AND RESCUE

Despite high levels of surveillance and threats, some women manage to escape. They are aware that escape involves high risks; if they are caught, they will be severely punished. Four women in the study that we know of escaped with the help of a buyer of sex, as was the case of Wura and Adana:

*Wura, who is 21 years and from Nigeria, was handed over to a man in Nigeria who trafficked her to Ireland. She was forced into prostitution. She escaped with the help of a man who was buying sex.*

*Adana from Nigeria escaped from Italy to Ireland with the help of a man who was buying sex. He asked to take her home for the night and then helped her to escape.*

Other women are on a continual lookout for an opportunistic moment to make their getaway:

*Kiky, who is a minor from Nigeria, was held in total captivity in a house in Ireland for two years. She escaped by jumping out a bathroom window at 4am. She subsequently met a Nigerian woman who realised that Kiky was in danger. She gave her money to travel to another city safe from her traffickers. She does not know where the brothel was in which she was held captive as she was not allowed out of the house, not even into the garden.*

Jenny managed to escape while travelling with a ‘madam’ for a back-street abortion:

*Jenny from Nigeria was prostituted in a brothel with other Nigerian women. She became pregnant and the ‘madam’ insisted that she have a back-street abortion. En route for the abortion, she managed to escape. While disorientated and distraught, an Irish woman helped her to access services.*

Many others escaped but the information on how they escaped is not known.

In this study, there are examples of women who were rescued in raids by the Gardaí or the police force in the UK:

*Martha from Nigeria was held captive in a house for three days with other young girls. She was taken into safety when the Gardaí raided the house.*

*Judith, who was trafficked via Ireland to the UK, was given a Nigerian passport by the man who trafficked her. He told her that he had bought her and that she had to continue to engage in prostitution to pay off the debt. Soon after this, she was brought to a post office to obtain foreign currency using her new Nigerian passport. A member of the post office staff became suspicious when she could not recall her full name. The police were contacted and she was arrested.*

*Polina from the Russian Federation was rescued by the gardaí in a raid on a brothel in the midlands of Ireland.*

*Vita from Moldova had to engage in prostitution six to seven days a week, having sex with up to 30 clients a day. The female trafficker forced her to make a false asylum claim. This failed and she was returned to Moldova. She did not disclose trafficking at that time. In Moldova, she was fearful of the stigma because of her involvement in the sex industry. She felt damaged by her experiences. She feared re-trafficking and made a choice to return to the UK with the help of agents and to engage in prostitution. The police raided the brothel and she agreed to give evidence against the original trafficker, who had already been arrested by police. She was eventually granted asylum in the UK. The female trafficker received six years for controlling prostitution and false imprisonment.*

Even when escape is executed effectively, there is no integrated system of support or no means to achieve a long-term residency status other than the asylum process, which is not designed to respond to the needs of women who are trafficked. When women escape or are rescued, they are often met with a culture of denial and disbelief by official Ireland and some women end up in prison.

*Ferig from Malawi, who is 27 years and is now in direct provision, spent time in prison for not having the proper documents.*

In the experience of Ruhama, women who have been trafficked to Ireland have been routinely arrested and detained in prison. In December 2008, the organisation issued a statement alleging that two victims of trafficking were being detained in prison in Dublin, despite the provision for a 60-day recovery-and-reflection period for suspected victims of trafficking that would grant them temporary immunity from deportation. The point was made that women are being criminalised and that they have great difficulty getting the supports and the protection they need (Mac Cormaic 2008). Children are also being imprisoned,

as is illustrated by the case of a young girl who was rescued from a brothel in Kilkenny and suspected of being trafficked. She was subsequently held in a detention centre as there was no other place that was considered safe for her to be (*Irish Times 2008*).

Given that there is no satisfactory legal route for women who are trafficked to access long-term residency in Ireland, a large number of women (57 per cent) seek asylum and apply for refugee status. Refugee status is granted to people who, owing to a well-founded fear of being persecuted in their home country for reasons of race, religion, nationality, membership of a social group or because they hold a particular political opinion, are unable to be protected by their state.

The current legal status of the women in this study who were trafficked is outlined in the following table:

**Table 2.7: Legal status**

Legal status	Number	Percentage
Asylum	58	56.9
Undocumented	13	12.8
EU citizen	10	9.8
Refugee status	7	6.9
Subsidiary protection	3	2.9
Work permit	2	1.9
Leave to remain	2	1.9
Deported	1	1.0
Visitor's visa	1	1.0
No information	5	4.9
	102	100

Although seven women have been granted refugee status, many women find that the asylum process is not designed to respond to their needs and have had their applications refused:

*Martha is a 17 year old who was trafficked to Ireland from Nigeria, where she was subjected to a voodoo ritual. She was rescued by gardaí from a brothel in the west of Ireland. Her application for asylum was refused on the basis that it was judged that she could make a safe return with the assistance of the IOM, even though it was acknowledged that the protection that the Nigerian state could provide was inadequate.*

*Helena from Albania had her asylum application refused. Her husband, who trafficked her, spent time in prison and is now living in Albania. She fears for her life if she is deported. She is applying for 'leave to remain' in Ireland.*

*Jenny from Nigeria was a minor when she came to Ireland and was held captive in a house. Her application for refugee status was refused for failing to prove a well-founded fear of persecution.*

While waiting for their asylum applications to be assessed, the Reception and Integration Agency places people in direct-provision centres. These centres, in accordance with the dispersal policy introduced in 2000, are spread throughout the country, with centres in 22 of the 26 counties. Many of the centres are located in isolated areas, several miles from villages and towns, leaving asylum seekers both physically and mentally segregated from mainstream society. There are currently just over 5,000 asylum seekers in Ireland. Centres accommodate between 23 and 800 people, with the average number of places per centre being 128. Adults in these centres are required to exist on the small allowance of €19.10 a week, with €9.50 for a child, an allowance that has not been raised since 2001. Since 2004, their children have been denied entitlement to child benefit.

Asylum seekers are not permitted to work or access formal education, and many complain of despair, isolation and boredom. A common complaint is the lack of facilities to cook their own food. Conditions exacerbate existing stress levels and damage self-esteem and confidence. Service providers working with asylum seekers believe that direct provision is totally unsuited for lone female parents and single females who are vulnerable and at risk of sexual exploitation.

Women who are trafficked are particularly vulnerable due to the psychological impact of having been trafficked and sexually exploited, which can manifest in insomnia, fear of returning home and being resold, difficulties confiding in others, feelings of anger towards those who trafficked them and suicide (Raymond *et al* 2004). AkiDwa, a national network of African women living in Ireland, is undertaking group and development work with some of the centres. The Irish Refugee Council, Integrating Ireland and SPIRASI – which, among others, also undertake development work with people in direct provision – are also concerned about the living conditions and financial entitlements of those living in direct provision.

## **SERVICE PROVISION**

There are four main specialist service-providing organisations that address the needs of trafficked women in Ireland:

- Ruhama
- The ICI
- Stop Sex Trafficking, Cork
- The WHP (HSE)

The work of the first three organisations is described below. The work of the WHP (HSE) is outlined in chapter three.

### ***Ruhama***

Ruhama estimates that it has helped more than 2,000 women in its 20 years of existence. It brought the impact on health and the trauma experienced by women in prostitution to the attention of the Eastern Health Board (now the Health Service Executive). This was part of the context in which the WHP was set up in 1991.

Ruhama first had contact with a woman who was trafficked in 2000. Although it is based in Dublin, it accepts referrals from all parts of Ireland and it notifies the GNIB of all cases of women identified as trafficked.

Ruhama also plays an important role in advocacy and awareness. Despite new legislation and the provision of a temporary recovery-and-reflection period, a system is not yet in place to protect and support women who have been trafficked and they still may be denied the right to remain in Ireland. Ruhama advocates on their behalf to have their rights respected.

Ruhama has a consistent media presence, advocating for the rights of trafficked women, both in the print and broadcast media. It has recently devised an advertisement for television. The focus of the advertisement is on the buyers of sex, indicating that prostitution would not exist without demand. The advertisement informs men that it is a crime to buy sex from women who are trafficked and the crime could result in imprisonment.

Ruhama has 12 staff members and more than 30 volunteers. The services provided include: a befriending service that offers one-to-one support to women aimed at empowering them; a counselling service that provides confidential short-term and long-term counselling by trained counsellors; and development work that offers educational courses for women aimed at building self-esteem, acquiring the skills needed for the workplace and helping women to exit prostitution. One-to-one classes are offered in reading, writing, art and computers as a first step to group learning. In working with women, Ruhama believes that the culture of the women's home countries needs to be taken into account. Ruhama has developed exit strategies for women who want to find an alternative to prostitution and many women have availed of its programmes and exited prostitution.

### ***The Immigrant Council of Ireland***

The Immigrant Council of Ireland is an independent human rights organisation that advocates for the rights of immigrants and their families, and acts as a catalyst for public debate and policy change. The ICI has developed a three-year strategy on the issue of trafficking for the purposes of sexual exploitation and this research report represents an integral part of that strategy. The ICI aims to use this research to constructively contribute to public debate on trafficking and prostitution in Ireland, and to influence legislative and policy change so that the rights of victims of trafficking and prostitution are protected and the serious harm caused to women by the trafficking and prostitution industries is reduced.

The ICI is uniquely positioned in Ireland as it is the only NGO with the status of Independent Law Centre that can offer victims of trafficking dedicated, free legal representation. The law centre has active trafficking cases at present. Also, its specialist immigration advocacy service offers immigration information and advice as well as access to appropriate referral services to adult and child victims of trafficking and other migrants who are victims of human rights abuses. The ICI also uses the information from these services to inform its advocacy, campaigns and law-reform work.

The ICI's anti-trafficking work is part of an overall policy of working in cooperation with other key agencies, both in Ireland and in Europe, in developing gender-sensitive approaches to legislation, policy and service provision aimed at protecting the rights of all women exploited by the sex industry in Ireland.

To date, it has not received any statutory funding for its support and advocacy with victims of trafficking or its policy and campaigning work on the issue.

### ***Stop Sex Trafficking, Cork***

The impetus to set up the Stop Sex Trafficking campaign in 2006 came from members of the Cork Rape Crisis Centre. They enlisted the assistance of personnel from the Faculty of Law, National University of Ireland, Cork (NUIC) who helped them to examine proposed Irish Government legislation on trafficking.

An action strategy was developed to lobby for changes in the criminal law and to raise public awareness on issues surrounding trafficking in Ireland, and in Cork in particular. A key contention of the group is that demand for trafficked women and for all forms of exploitation, including sexual exploitation, fuels trafficking and must be a key element in combating trafficking. The work of the organisation has included: the dissemination of posters and leaflets to a wide range of voluntary and community organisations throughout the country. Priests of the diocese were briefed and a talk on sex trafficking was given in churches. It has also collected signatures to call for trafficking to be stopped and developed a video and resource pack for schools. In 2007/2008, the organisation supported four women who were trafficked for sexual exploitation in the Cork region. This organisation does not receive any statutory funding for supporting victims of trafficking.

## **SUMMARY AND CONCLUSIONS**

Trafficking and prostitution need to be understood within the context of global migration networks. Many women who are trafficked are undocumented immigrants and their lack of residency status makes it difficult for them to come forward to seek assistance. Due to the absence of an integrated anti-trafficking and prostitution strategy, incorporating procedures and protocols for disclosure and support, many women who are trafficked have encountered a hostile response from official Ireland. Women have been arrested and imprisoned for failing to produce a valid passport and some have been deported.

The legal and technical definition of trafficking is outlined in this chapter. The experiences of women in this study illustrate that trafficking is built on repressive methods and can involve kidnap, deception, forced travel and long journeys, physical and psychological coercion, systematic rape, even gang rape, the drugging of women while in transit, locking women in rooms and holding them in captivity, removing passports and other documents, withholding earnings and setting impossibly high repayment sums to get back passports and other documents. Research for this study indicated that some women 'owed' between €55,000 and €65,000 to their traffickers on their arrival in Ireland.

Over a 21-month period, between January 2007 and September 2008, service providers identified 102 women who were trafficked and in contact with services during that period. It was known that 26 of the 102 women were aware of a further 64 women who were trafficked into Ireland, bringing the number of women who were trafficked during that period to a possible 166. The information for this study is derived from a form filled out by a service provider for each woman who was trafficked.

This number of 166 trafficked women is an underestimation; as trafficking is covert and illegal, many women who are trafficked remain invisible. It is mainly

women who escape, are rescued or who have paid off their indentured 'labour' that come to the attention of services. Of the 102 women identified as having been trafficked between January 2007 and September 2008, 11 per cent were children at the time they were trafficked to Ireland. The vast majority were from African countries. This may be partly explained by the expansion of the EU in 2004 and 2007, which has meant increased freedom of movement for many Eastern Europeans who are now less likely to come to the attention of immigration officials.

Ruhama, the WHP (HSE), the ICI in Dublin and Stop Sex Trafficking, Cork have been to the forefront in responding to the needs of trafficked women. Due to the clandestine nature of trafficking, there are major information deficits on, not only the extent of trafficking, but also on what happens to women who are trafficked. What we do know is that the vast majority of women in this study, trafficked into Ireland for sexual exploitation, are in indoor prostitution. Just less than half are prostituted outside of the greater Dublin area.

Women reported being transported by plane, train, bus, car and ferry, and many were transported by several means of transport. Some came through the UK via Belfast and were then transported to other parts of Ireland. Many of the women were trafficked through Italy and some were prostituted in Italy.

When women who are trafficked reach Ireland, they are sometimes passed over to Irish brothel owners who prostitute them or they are held and prostituted by the original traffickers. In both cases, documents are usually taken from the women and, in most cases, the women are then not only illegally in the country but also without documents. The women live in clandestine conditions and their existence is one of isolation and confinement, which makes it difficult to escape and seek assistance.

In this study, as well as poverty, key underlying factors in the trafficking process were family dislocation, war and violence, and childhood abuse. Patterns of recruitment reflect patterns documented in international literature, with kidnap being the least common form of recruitment. Deceptive recruitment, where women were promised an education and work in the domestic and service sectors, was common. Some women were recruited by a pledge of marriage or a long-term relationship. None of the women knew that they were specifically being recruited for the sex industry.

The reports of trafficked women are ones of captivity, isolation, shame and betrayal combined with the trauma of systematic sexual exploitation and rape. For many, their sense of who they are is destroyed. They need time to re-build their sense of self, to develop a new identity and to recover from the traumatic legacy of repeated sexual trauma. Building relationships with trafficked women, where they feel valued and able to discuss the horrific realities of prostitution, is a major challenge for service providers.

The consequences for women being detected but not designated as victims of trafficking are serious and range from being arrested and put into custody to immediate deportation. In this context, the State's response is complicit with the interests of the trafficker. It strengthens the position of the trafficker with regard to the women who are trafficked and helps to keep trafficking a hidden, clandestine problem. To date, there is no integrated response to the needs of women who are trafficked and they may still be denied the right to remain.

However, the more ironic situation is that women – even when identified as trafficked by official Ireland and having been held captive in Ireland, deprived of money and sexually abused – still have no right to remain in Ireland and, as this study illustrates, can be deported. It is important that a human rights framework takes precedence over an immigration framework.

These issues are taken up in the recommendations of the study.

# THE IRISH SEX INDUSTRY AND INDOOR PROSTITUTION

*Introduction*

*The Proliferation of the Sex Industry:*

*Sex Shops and Lap-dancing Clubs*

*Indoor Prostitution*

*Female Emigration and Prostitution*

*Buying Sex on the Internet*

*Male Demand and Profile of Men Who Buy Sex*

*The Experiences of Women in Prostitution*

*Health Consequences and Harm Experienced*

*Summary and Conclusions*



## INTRODUCTION

The ‘adult entertainment’ business has grown significantly over the past two decades with the opening of sex shops, lap-dancing clubs and massage parlours, all of which are legal in Ireland. It is argued by some that the proliferation and toleration of a legal sex industry, such as sex shops and pole and lap-dancing clubs, normalises the use of women’s bodies as objects of consumption. Such normalisation legitimises the position of buyers of sex, thus increasing the illegal sex trade of prostitution.

Irish law in relation to adult prostitution is ambiguous. Prostitution, defined as the exchange of sex for money, is not in itself illegal. In Ireland, prostitution is dealt with as a public order offence (Valiulis *et al* 2006). It is illegal for the buyers and sellers of sex to solicit in a ‘street or public place’, loiter with intent or to live off the earnings of prostitution. The public debate on prostitution in Ireland has not focused on the effects of the law or on the human rights of women who are bought for sex.

Reform of the *Criminal Law Amendment Act 1935*, which was the main post-independent Ireland legislation, was introduced in 1993 with the passing of the *Criminal Law Sexual Offences Act 1993*. This Act:

- Extends the terms loitering, soliciting and importuning in a street or public place to cover men, as well as women, engaged in street prostitution and increases penalties (section 7)
- Holds that, if a garda directs that a person suspected of loitering in a street or public place to leave the place and if that person does not do so, the person may be charged with ‘loitering’ (section 8)
- Criminalises the organisation of prostitution (sections 9, 10, 11).

These latter charges may be tried summarily in the district court or on indictment before a judge and jury in the circuit court. Penalties are greatly increased in the 1993 Act.

With the increase in the penalties for soliciting and loitering on the streets in the 1990s, prostitution moved indoors and advertising became vital so that buyers of sex could access women. However, as indoor prostitution increased, legislation prohibiting the advertising of prostitution was introduced. Section 23 of the *Criminal Justice (Public Order) Act 1994* is sufficiently wide to cover advertisements posted on the internet, but does not cover advertisements by agencies or individuals located outside the State.

This chapter<sup>31</sup> looks at:

- The proliferation of the sex industry and the emergence of sex shops and lap-dancing clubs
- Indoor prostitution
- Male demand

31 The analysis in this chapter is based on a number of sources: documentary information provided by the WHP (HSE); participant observation in the WHP (HSE): 12 interviews with migrant women engaged in prostitution and attending the WHP; an internet audit of women advertised on Escortireland.com, which is the largest site of its kind in Ireland and has links to 20 different escort agencies; and punter reviews on Escort Ireland. In addition, the chapter draws on *The Irish Escort Client Survey* (Escort Surveys.com 2006) and *The Irish Study of Sexual Health and Relationships* (Layte *et al* 2006).

- The experience of women in indoor prostitution
- The impact of prostitution on women's health

## THE PROLIFERATION OF THE SEX INDUSTRY: SEX SHOPS AND LAP-DANCING CLUBS

There is at least 34 sex shops listed on the internet: 17 in Dublin, four in Limerick, four in Galway, three in Cork and the remainder in other cities and towns of Ireland.

**Table 3.1: Sex shops by county**

Dublin	17
Galway	4
Limerick	4
Cork	3
Westmeath	2
Waterford	1
Kilkenny	1
Sligo	1
Wicklow	1
	34

Source: Telephone directories and the internet

Until recently, sex shops had been confined to small, back-street, 'seedy' operations. Several controversies have ensued with regard to the fact that shops are being opened in prominent high-street or community-centred locations. The shops sell a wide range of items, including pornographic DVDs.

The first lap-dancing club opened in Ireland in 1996 (Ward and Wylie 2007 (a)). Images of erotic women are reflected in the names of lap-dancing clubs. Names such as Playmates, Bunnys, Teasers, Whispers Pole Dancing Club, The Chicken Ranch and Bottoms Up leave little doubt that a male-dominated, commercial sex culture is being promoted in these venues. The website of Angels in Dublin states:

*This site contains images of erotic beautiful girls from around the world and Ireland. The beautiful models and sexy topless dancers, who are the best Striptease artists in adult entertainment, are here to cater for your every need, from Stag Parties to Fetish Nights*

At the time of writing, there were 27 lap-dancing clubs listed on the internet: 15 in Dublin and 12 in other cities and towns.

**Table 3.2: Lap-dancing clubs by county**

Dublin	15
Cork	3
Galway	2
Waterford	2
Kilkenny	1
Mullingar	1
Newbridge	1
Limerick	1
Drogheda	1
	27

Source: Internet search

Lap-dancing clubs supposedly draw the line at engaging in commercial sexual activities by naming their work as ‘dance’. However, lap-dancing clubs aim to sexually arouse men, with the strippers’ pole prominently mounted in the centre of the venue, as the strippers act out the role of erotic icons. Generally, a customer can either buy a table-dance or a lap-dance where the dancer, with few or no clothes, dances in front of the customer and may sit on their lap. Private sessions are generally also available, with the woman undressing and performing for the buyer, while he may expose himself.

More recently, it has come to public attention that prostitution also takes place in many of the clubs. For instance, in October 2002, reporters from the *Sunday World* were offered lap-dancers as prostitutes at a Dublin club for €300 an hour. In March 2003, the Dublin District Court revoked the licence of one of the city’s most exclusive clubs, Barclay’s Club, as illegal sex acts were taking place. The club appealed the decision but was not successful (Reynolds 2003).

## INDOOR PROSTITUTION

Since the 1990s, the core of the prostitution industry in Ireland has moved indoors. The widespread use of the internet and mobile phones has made the buying of sex paradoxically more accessible but less overt. Women are available in rented private apartments or houses and do both in-calls and callouts to hotel rooms or residences of buyers.

Internet prostitution operates in a semi-legal zone, what Penttinen (2006) calls the ‘shadow zone of globalisation’. In Ireland, much of it is hidden away in apartments and hotels in city centres, towns and villages. Intermittently, we get glimpses of it, such as when we observe buyers of sex waiting in the foyer of a hotel or when residents of a community observe several men coming and going from particular apartments. The industry is highly flexible and adaptable and can move instantly in response to local objections or raids by the Gardaí.

In Ireland, internet prostitution is facilitated by the fact that legislation has been superseded by the growth of the internet (Rogers 2007 b). Although the

advertising of prostitution in Ireland is illegal,<sup>32</sup> websites operate as English limited companies<sup>33</sup> and are outside Irish jurisdiction. This enables them to avoid complying with Irish law on the advertising of prostitution. In addition, these websites claim that they are not advertising prostitution but the companionship of an 'escort'. However, this is belied by the fact that the advertisements show sexually explicit pictures of each woman and the sexual acts on offer.

An important feature of the internet is that it overcomes distance and borders. One can acquire information on prices and services of prostitutes in cities, and in remote rural areas in Ireland and throughout the world.

## FEMALE EMIGRATION AND PROSTITUTION

International literature reveals that various levels of coercion are involved in the recruitment of migrant women into the sex industry. Some women are drawn and/or recruited into prostitution when they hear from friends that large amounts of money can be made. Internet and the print media portray attractive lifestyles in the West and a promise of personal freedom (Monzini 2005). Some women are targeted and recruited by prostitution agencies, which exploit their hope of opportunities in the West in order to overcome poverty and social and economic hardship. Entering into an expanding international sex industry, where there is an explosion in demand for migrant women, appropriating and enacting the position of an 'escort' is one of the few ways they can survive poverty and globalisation (Penttinen 2006). Other women are coercively recruited and trafficked into prostitution.

The stories of migrant women are of earning money to support their families, including their children and parents, who remain in their country of origin. Their stories tell of the enormous expectations tied to the migration process – saving to build a house and set up a home, earning money to educate children or to pay hospital bills for sick parents. Many of them only intend to remain in prostitution for a short time to earn money. This is consistent with international research across nine countries by Farley (2003), which shows that 89 per cent of women in prostitution wish to exit.

The flow of foreign women into Ireland for the purpose of prostitution started in the early 2000s. There are now more than 100 Irish escort agencies advertising women on the internet (Rogers 2007 a).<sup>34</sup> Internet searches of websites reveal that there is a minimum of 800 women in Ireland advertised on the internet on any one day. Over a year, there could be twice this number as many women move in and out of the country and only remain in Ireland for short periods at a time.<sup>35</sup> Due to the clandestine nature of the industry, there are major information deficits on the number of women in prostitution in Ireland who are 'independent' escorts and on the number of women who are contracted by agencies. The research for this study was unable to estimate the respective numbers.

32 Under section 23 of the *Criminal Justice (Public Order) Act 1994* it is an offence to publish or distribute an advertisement that advertises a brothel or the services of a prostitute.

33 The offering of escort services by an agency is not illegal in Britain.

34 Although male escorts are advertised, they are only a tiny minority.

35 Mobility in and out of the country is evident from the internet audit. Also, more than 50 per cent of migrant women attending the WHP (HSE) in 2007 were new to the service.

## Age

To construct a profile of the age and nationality of women advertising on the internet, several searches were made of the Escort Ireland website between July and September 2008. During this period, there were between 387 and 468 women advertised at any one time.

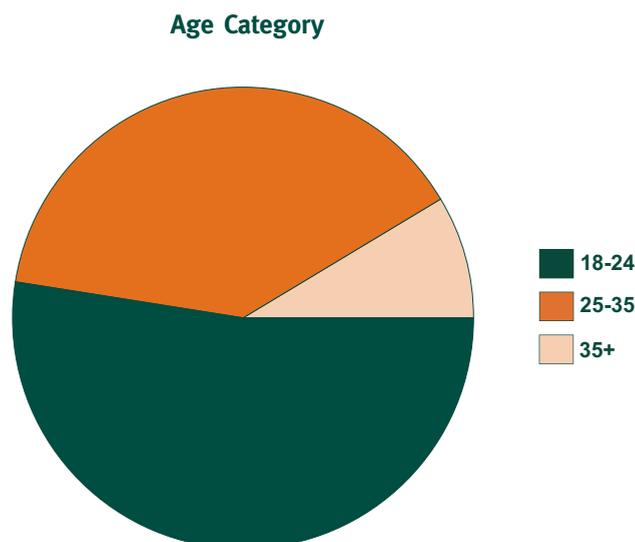
On 13 September 2008, there were 425 female 'escorts', representing 51 nationalities, advertised on Escortireland.com.

More than half (53 per cent) of the women had advertised as being between 18 and 24 years. Thirty-six (8 per cent) were over 35 years of age. The youngest woman advertised as 19 years old and the oldest woman 58 years. The average age was estimated to be 25 years.

**Table 3.3: Distribution of women by age**

Age group	Number	Percentage
18-24	224	52.7
25-34	165	38.9
35+	36	8.4
	425	100

Source: Audit of Escort Ireland website undertaken by researchers, 13 September, 2008



No one who is under 18 years can advertise on the Escort Ireland website. However, in the *Irish Escort Client Survey* (2006),<sup>36</sup> 6 per cent of buyers stated that they had been offered sex from girls 16 years or younger (Escort Surveys 2006).

36 This survey of 252 buyers of sex was undertaken by Escort Surveys

## Country of origin

The 425 women advertised on Escortireland.com at the time of the research represented 51 nationalities. The largest group of women (42 per cent) who advertised on the Escort Ireland website self-identified as being from one of the original EU 15 countries. Only 3 per cent (11)<sup>37</sup> were Irish, indicating that nearly all women advertising on the internet are migrant women.

The second-largest group self-identified as South American/Caribbean (29 per cent), and the third group self-identified as being from the 10 accession states that joined the EU in 2004.

**Table 3.4: Region of origin of women on Escort Ireland website**

Region of origin	Number	Percentage
EU 15 states	178	41.9
South America/Caribbean <sup>38</sup>	123	29.0
EU 10 accession states (2004)	87	20.5
Other Eastern European countries <sup>39</sup>	10	2.4
Asia <sup>40</sup>	8	1.9
North America	7	1.6
Africa <sup>41</sup>	6	1.4
Australia	1	.2
South Western Pacific <sup>42</sup>	2	.4
Other countries <sup>43</sup>	3	.7
	425	100

Source: Audit of Escort Ireland website undertaken by researchers, 13 September, 2008

Caution needs to be taken when interpreting the findings relating to nationality. It is possible that some women who claim to be from the EU 15 (particularly from Spain and Italy) are of South American origin or from other Eastern European states. Reasons for this include the fact that many may feel that being European may lessen their chances of coming to the attention of immigration officials. They may also feel that women from Europe have more appeal to men who buy sex. Women who are trafficked may also be forced to conceal their true identity. In the Poppy Project<sup>44</sup> in London, Albanian women were advertised as Italian, Greek and Latin American (Bindel and Atkins 2008).

37 This figure is included in the 178 from the EU 15.

38 Argentina, Brazil, Colombia, Cuba, Jamaica, Mexico, Paraguay, Puerto Rica and Venezuela.

39 Romania, Ukraine, Russian Federation, Bulgaria and Serbia.

40 Japan, Thailand and Vietnam.

41 Morocco, South Africa and Tunisia.

42 The Philippines and New Zealand.

43 Switzerland.

44 For a description of the Poppy Project, see chapter five

Furthermore, it became evident from the research that not all women in indoor prostitution are advertised on the internet. It is evident from the audit of the internet that African and Chinese women do not advertise in this manner. However, we know from the WHP (HSE) data and data on trafficked women (see chapter two) that African women are in indoor prostitution.

It has come to public attention through the media that the Gardaí are investigating 30 Chinese massage parlours in Dublin, which are offering sexual services along with routine massage. The exact number throughout Ireland is not known. Some Chinese brothels are masquerading as reflexology and acupuncture centres, others are organised from apartment blocks, while others are operated from basement flats (Foxe 2008). It would appear that they are centrally organised as all offer precisely the same service and quote the same prices (*Belfast Telegraph* 2008).

### **Constant movement**

Many women in prostitution live a nomadic existence and are in a state of perpetual homelessness (Penttinen 2006). This has led one sociologist to describe women in the globalised sex industry as ‘international nomads’ who experience various forms of homelessness: in the body through dissociation, in an estranged country and in an estranged culture (Penttinen 2006).

Continuous movement becomes part of the lives of many migrant women in the sex industry. They travel internationally, move around Ireland, sometimes for a weekend or for two to three nights and some for longer periods. It is not surprising that a significant percentage (41 per cent) of women on the Escort Ireland website are what are termed ‘touring escorts’:

*Mira, from Russia, tours internationally and in Ireland. She is currently ‘on tour’ in a number of cities and towns in Ireland for a 10-day period. These include Cork, Limerick and Sligo as well as Clonmel and Letterkenny. Tour dates are given for each location (Escort Ireland)*

*Magda from Poland is an international ‘escort’ and when in Ireland travels between Dublin, Wexford and Limerick. She works from luxurious apartments, which are organised for her by an agency (Escort Ireland)*

The ‘touring’ sector is highly organised. Agencies book women into hotels or apartments so that the women are aware of their travel plans before they set out on their ‘tour’ around Ireland. The aim is to ensure a continual flow, availability and variety of women for men throughout the country at any one time.

Hotels play an important role, not only as venues where sex takes place, but also as a source of information on where ‘escort’ services are available. A survey of 30 three-, four- and five-star Irish hotels, by *Hospitality Ireland: The Magazine for the Food Service and Drinks Sector*, found that 59 per cent were willing to give information on where escort services were available (Rogers 2007 c). *Hospitality Ireland* stated that hotels are key venues for escort services. Seventy-five hotels

contacted in Berlin and Cologne gave Hospitality Ireland names of websites, price lists and phone numbers. Some even offered to arrange the rendezvous for them.

### **Value of the industry**

The indoor prostitution industry advertised on the internet in Ireland is estimated to be worth approximately €180 million.<sup>45</sup> Any one woman can be worth approximately €225,000 a year. However, for individual women, the number of years in the industry is short, agencies can take a high percentage of earnings and there are enormous physical and psychological costs (see details later in this chapter).

## **BUYING SEX ON THE INTERNET**

The female body for sale on the internet is highly sexualised and eroticised and can be ordered by height, weight, hair colour, age, bra size, nationality and, in some cases, ethnicity, sexual orientation and hobbies:

*Cindy, is 22 years of age and describes herself as Caucasian<sup>46</sup> from the Czech Republic. She is 5'6' and her vital statistics are 36D-28-38. The 'sexual favourites' offered include the girlfriend experience (GFE), french kissing, oral sex without a condom, role-play and a range of other explicit sexual acts. Cindy is on call 24 hours and charges €150 for a half hour and €250 per hour. The fee for 24 hours is €2,500 (Escort Ireland).*

### **Countrywide availability**

Between them, the 425 women advertised on the Escort Ireland website on one particular day were located in 19 of the 26 counties, indicating the wide availability of women who sell sex throughout Ireland.

**Table 3.5: Geographical location of escorts**

<b>Country</b>	<b>Number</b>	<b>Percentage</b>
Dublin	247	58.1
Cork	53	12.5
Limerick	33	7.8
Galway	26	6.1
Waterford	14	3.3
Kildare	10	2.4
Kerry	6	1.4
Longford	5	1.2
Laois	4	0.9
Sligo	4	0.9

*Table continued*

45 This is calculated on the basis that a woman earns on average €750 a day, €4,500 a week (for a six-day working week) and that there are at least 800 women involved.

46 A term of racial classification used to denote the white race.

Louth	4	0.9
Other (Cavan, Clare, Donegal, Mayo, Meath, Tipperary, Wexford, Westmeath)	19	4.5
	425	100

Source: Audit of Escort Ireland website undertaken by researchers, 13 September, 2008

Women make arrangements to travel or arrangements are made for women to travel wherever there is a demand. This can include sporting events, holiday resorts, business seminars or wherever there is a routine, daily demand to buy sex from women.

### **Price and time**

The audit of the Escort Ireland website found that the average advertised charge for sex was €150 for half hour and €250 for an hour. Prices ranged from €100 to €200 for half an hour and from €250 to €450 for an hour.

The cost for 12 hours was €1,200 and €2,500 for 24 hours. Fifty-one per cent of women were on call on a 24-hour basis.

The vast majority (85 per cent) of women advertised that they would do callouts to the hotel or residence of the buyer, which costs on average an additional €50.

Eighty-one per cent of buyers in the *Irish Escort Client Survey* feel that escort services are overpriced, claiming that prices were much lower in other countries.

The following table shows the times of day that men buy sex. It is interesting to note that a significant proportion of men buy sex between 12 noon and 4pm (17 per cent), and between 4pm and 8pm (just less than 40 per cent).

**Table 3.6: Times of the day that men buy sex**

Time	Number	Percentage
7am – 11.59am	7	4.4
12 noon – 3.59pm	27	16.8
4pm – 7.59pm	62	38.8
8pm – 11.59pm	47	29.4
12 midnight – 6.59am	17	10.6
	160	100

Source: Audit of Escort Ireland website undertaken by researchers, 13 September, 2008<sup>47</sup>

This means that lunchtime is a peak time for men buying sex. After-work buying of sex by men is also commonplace. One satisfied buyer on Punter Review notes:

*...she was what I really needed after a hard day work... she fulfilled my every wish*<sup>48</sup>

<sup>47</sup> Statistics are based on a random sample of 10 per cent of the 1,638 reviews by buyers.

<sup>48</sup> Posted on Punter Review, 2 July 2008.

This contrasts significantly to traditional street prostitution, where the busiest times tend to be between 11pm and 4am.<sup>49</sup>

## MALE DEMAND AND PROFILE OF MEN WHO BUY SEX

Prostitution is about male sexual power. Without male demand, prostitution would not exist.

The range of sexual acts offered and availed of indicates that there is a demand for sexual variety. Themes of perversions proliferate, particularly those of acting out fantasies by buyers who associate sex with filth and bodily fluids.

**Table 3.7: Sex for sale and sex availed of**

Sexual acts	Percentage of escorts offering sex acts <sup>50</sup>	Percentage of buyers availing of sex acts
OWO (unprotected oral without ejaculation)	58	57
CIM (unprotected ejaculation in mouth)	25	38
Anal	32	36
Facials (ejaculation on the face of the escort)	46	30
Uniforms	78	22
Unprotected vaginal sex	0	9
Watersports (escort urinating on the buyer)	69	7

Source: Internet audit of Escort Ireland website, 25 September 2008, and Irish Escort Client Survey (Escort Surveys 2006)

The table above shows that:

- 57 per cent of buyers had unprotected oral sex without ejaculation into the escort's mouth, while 58 per cent of escorts offered this service
- 38 per cent of buyers reported that they had unprotected oral sex with ejaculation into the escort's mouth, while 25 per cent of escorts offered this service
- 36 per cent of buyers engaged in anal sex, while 32 per cent of escorts offered this service
- 30 per cent of buyers engaged in facials (ejaculating on the face of the escort) while 40 per cent of escorts offered this service
- 22 per cent of buyers dressed up in uniforms, while 78 per cent of escorts offered this service
- 9 per cent of buyers stated that they had availed of unprotected vaginal sex while no escort had advertised this service

49 Personal communication with staff of the WHP (HSE).

50 On 25 September 2008, an audit was undertaken of the services of 469 escorts advertising on Escort Ireland, with 418 specifying the services offered.

- 7 per cent of buyers engaged in watersports (woman urinating on punter while punter is masturbating), while 69 per cent of escorts offered this service

Some agencies specialise in more specific practices. One agency, for instance, specialises in domination. This agency facilitates connection with what it terms 'all top dominas in Dublin'. The sexual acts offered are domination, torture, humiliation, BDSM (bondage and discipline, domination and submission, sadism and masochism), corporal punishment, spanking, whipping, slave training, punishment and treatment of submissives in general.

### **High-risk behaviour**

As the table above illustrates, there is a relatively high demand for unprotected anal and oral sex. The women, in an increasingly competitive industry, feel pressure to comply with the demand. One buyer remarks:

*It [oral without a condom] is widely available with escorts. I think the arrival of foreign ladies has really shaken up the service in this respect and also in relation to anal (Escort Surveys 2006)*

As can be seen from the table above, 9 per cent of buyers availed of unprotected vaginal sex (despite the fact that it is not offered by any escort) and a large percentage of buyers availed of unprotected oral sex, indicating that dangerous and unprotected sex is commonplace. Many of these sexual practices pose high health risks. Despite the risky behaviour being demanded by buyers, the need for the health screening of buyers has not been the subject of public or policy debate.

In the sexual health section on the Escort Ireland website, the risks involved are documented. Unprotected oral or anal sex place people at risk of contracting infections. For example, unprotected oral sex may result in gonorrhoea, chlamydia and syphilis. There is also a risk of contracting HIV and hepatitis B. The damage that these practices can have on women's sexual and reproductive health is discussed further later in this chapter.

One in 15 men in Ireland reported that they buy sex. The average man who buys sex is an educated, young professional (Layte *et al* 2006).<sup>51</sup> This contrasts to one in eight in Sweden and one in seven in parts of London (Coy, Horvath, Kelly, 2007).

The survey by Layte *et al* is consistent with the survey carried out by Escort Surveys (2006), where three-quarters of the 252 men who paid for sex had third-level education. Just less than 60 per cent reported an income of €40,000 or more, with 10 per cent reporting an income of €100,000 or more. The largest age group that buy sex are between 25 and 34 years.

Although the vast majority of the men are white Irish/Northern Ireland, just less than 5 per cent are Asian and just fewer than 2 per cent are black (Escort Surveys 2006). In 61 per cent of cases, the man is married or in a relationship (Escort Surveys 2006).

Significantly, 37 per cent, along with using escort agencies, pay for sex with women in street prostitution (Escort Surveys 2006).

<sup>51</sup> *The Irish Study of Sexual Health and Relationships*, commissioned by the Crisis Pregnancy Agency and the Department of Health and Children, interviewed 7,441 adults in 2004/2005 and was authored by Layte *et al* (2006).

## ***Frequency of use and travel abroad***

Fifty-two per cent of men stated that they visit escort websites at least once a week or more, with more than 58 per cent stating that escort websites encourage them to use escorts (prostitutes) more frequently.

Just over 16 per cent stated that they buy sex once every two weeks or more frequently. Conversely, 46 per cent buy sex less frequently than monthly.

Sixty-five per cent of men stated that they visit pornographic sites on the internet. Men who use prostitutes frequently and who also watch pornography are more likely to commit sexually aggressive acts against non-prostitute partners (Koss and Oros, 1982, quoted in MacLeod *et al* 2008).

A significant percentage of men in the Escort Ireland survey travel abroad as sex tourists: 26 per cent have been to Britain; 21 per cent to the Netherlands; 12 per cent to Eastern Europe; 10 per cent to the United States; 9 per cent to Germany and 9 per cent to Africa (Escort Surveys 2006). Escort Ireland is presently developing country-specific sex tourist sites for Irish men.

## ***Venues***

Buyers' comments in regard to venues reflect a consumerist discourse where the buying of sex is seen as another form of leisure activity.<sup>52</sup> They expect venues that are luxurious and convenient:<sup>53</sup>

*Good location in centre city, very well kept, high security and luxurious apartment*

*The terrace outside her super discrete apartment is just ideal for an after-sex fag*

*Sparsely furnished... leaves a lot to be desired. The view from the window is of the flats*

Little concern is expressed in relation to being seen or noticed by the Gardaí. In fact, the most common concern was in relation to parking fines:<sup>54</sup>

*Be careful parking on this street as it is ticket all the time, even after seven, so watch for clampers*

*Got to Temple Bar... no parking of course*

## ***Good value for money***

While some men may be indifferent or indiscriminate in choosing women, a consumerist discourse of value for money is also evident in the punter reviews, where satisfied buyers celebrate compliance and good value for money:<sup>55</sup>

*I decided to see if she could justify charging more than the standard rates... was she really worth €300. For me the answer is yes, mainly based on the fact that this is a truly inclusive service. She does everything and I mean everything*

52 This point is also made by Coy, Horvath, Kelly (2007).

53 The quotes below are taken from punter reviews posted on 2 July 2008.

54 The quotes below are taken from punter reviews posted on 2 July 2008.

55 The quotes in the 'good value for money' section are taken from punter reviews posted on 2 July 2008.

*As all can see, there is plenty of choice these days and, with a general slowdown in the economy, better and better punts are becoming available at a more affordable price. A breeze of fresh air in otherwise saturated market*

*Get her while you can, lads. She is top shelf and probably in keeping with market prices when all the extras are taken into consideration*

When the woman does not measure up to the profile, disappointment and anger is voiced:

*It was certainly not the experience that I had been anticipating. I did not get what we agreed over the phone. For a Sunday afternoon, I was disappointed*

Some men expect that the bodies bought are exemplary and that ‘bodily capital’ (bra size, height, hair and erotic appearance), a term used by Monaghan (2006), are exactly as selected:

*Definitely the same beautiful girl as in the pics*

*If I go up here and it is not the woman in the picture, I am leaving... I hate being disappointed with false pictures*

*She claims to be 24, but I bet she is close to 30... the dark circles around her eyes... I mean that is the first thing you would notice*

*Sorry lads, this girl is totally wrong... the picture was of somebody in Charlie’s Angels... she was more like the devil’s own. Much older... my God time has not been good to her*

### **Sexual gratification**

Gratification of their own sexual needs is stated by a large proportion of men (92 per cent) as a justification for buying sex (Escort Surveys 2006). The social construction of the prostitute as ‘other’ provides sex buyers with a ready-made sex object for sexual gratification.

The fact that the woman prostitute has been paid to simulate sexual enjoyment is ignored, with some buyers wanting to believe that, in their particular case, the woman derives sexual pleasure from the encounter, thus reaffirming their sexual potency:

*This one is so different from the rest, actually enjoys it... she loves sex, which is important to me (Escort Ireland)*

Women are expected to feign reactions and desires that are sexually arousing to the buyer. Women who do not embody a sense of sexual pleasure or who show disinterest get severely reprimanded in the reviews:

*She did advertised services but without any enthusiasm... felt she was not at this very long, very withdrawn... making a bad career choice (Escort Ireland)*

*A real rush job and she took a call from another client at the start of my appointment (Escort Ireland)*

*No feeling, very mechanical... I think she is past her sell-by date... a total waste of money. The service was rushed and she was cold (Escort Ireland)*

## ***The girlfriend experience***

A recurrent theme in punter reviews is a requirement that the woman makes the encounter a 'girlfriend experience' (GFE). This requires that the prostitute act as if she is emotionally engaged. There are expectations that the woman speaks English so that she can be more responsive to the emotional needs of the buyer:

*Although language is never a barrier in sex, it can become a huge barrier in GFE as you have literally nothing to talk about, making the punt a bit on the clinical side* (Escort Ireland)

*Treats you like a boyfriend... service provided with great enthusiasm and affection* (Escort Ireland)

*She was warm, friendly, feel like you have known her for years* (Escort Ireland)

*No GFE at all... going through the motions* (Escort Ireland)

*My only gripe was no kissing* (Escort Ireland)

However, what the buyer wants is a hassle-free girlfriend, a term used by MacLeod *et al* (2008), who makes no demands and is prepared to be subservient and submissive:

*She dressed exactly as I requested* (Escort Ireland)

*She did everything I wanted and more* (Escort Ireland)

O'Connell Davidson (1998) points that when clients bemoan the 'coldness' of the woman, they are really complaining about the fact that the women they use are not very good at acting out the particular part they wish them to play.

Buyers pursue a contradiction. On the one hand, they want to treat the woman selling sex like an object. At the same time, they expect the woman to respond to them emotionally, thus exposing the fiction of unrealistic mutuality:

*Don't get me wrong, she is perfect if you want... a great body but like a porn star... the GFE is lacking somewhat. Even though she kisses, I never got the feeling this was a real GFE... it's like she doesn't want the sex to be too meaningful<sup>56</sup>*

However, some men who buy sex in Ireland (as was the case in the London and Scotland surveys) are ambivalent about buying sex. A shamed disposition was evident in some men:

*I believe that all men who use escorts are lacking in some way, shape or form, me included. I also believe that all escorts are victims and that no matter what some of them may say, they all hate what they do. It can only shatter their self-esteem. I know since using escorts, my self-esteem has gone way down. I hate myself afterwards* (Escort Surveys 2006)

Results from the *Irish Escort Client Survey*<sup>57</sup> show that some men are concerned that an increasing number of foreign women in the industry may be victims of trafficking or other forms of exploitation, with 25 per cent of buyers stating that

<sup>56</sup> Punter review, 2 July 2008.

<sup>57</sup> Published by Escort Surveys (2006).

they had met a woman who they felt was being forced into prostitution. Thirty per cent stated that they had met a woman who they suspected had been exploited by someone and 17 per cent stated that they had met a woman who had been physically abused by someone.

## THE EXPERIENCES OF WOMEN IN PROSTITUTION

This section is based on interviews with staff of the WHP (HSE) and on qualitative interviews with 12 migrant women attending the project who agreed to be interviewed. Eight of the 12 women were from Brazil, reflecting the high numbers of women from Brazil attending the WHP. Of the remaining four women, two were from Romania, one was from Spain and one was from Mozambique. The ages of the 12 women ranged from 21 to 36 years, with the average age being 29. Two of the 12 women interviewed had children. Two children of one woman live with her in Ireland. The two children of the second woman live in Brazil.

### **Recruitment**

There are major information deficits on how migrant women are initially recruited into the sex industry. What we know from the literature is that many women living in poor economic conditions are deceived by an optimistic picture of income that can be earned in the sex industry. Many are also targeted and recruited by agencies (Monzini 2005, Staciokene 2006).

Nine of the 12 women interviewed were involved in the sex industry in another country prior to coming to Ireland, indicating the global and mobile nature of the sex industry. Four women were in prostitution in Spain, two were in prostitution in London, two in Brazil and one in Portugal.

The women interviewed got information about the Irish sex industry from friends and other women in the sex industry, advertisements in the printed media and from internet advertisements. For five of the women, friends who were in prostitution were the main contact. The internet was the main source for four women and three women got information from newspaper advertisements for massage parlours.

Although some women knowingly enter prostitution, other women are under the impression that they are coming to work in other aspects of the sex industry, such as lap-dancing clubs. Having incurred expenses to get to Ireland and being in a country with few or no contacts, many feel that they have no choice but to engage in prostitution, as is the case of Lisa, which was outlined by staff of the WHP (HSE):

*Lisa, a 22 year old from Latin America, was a student at university and worked as a dancer in a bar to pay her fees. A friend who returned from Ireland informed her that she could earn a lot of money here as a dancer and could go to an English-language school during the day. She offered to arrange a student visa, a flight ticket and to give her a contact of an agency in Dublin who would employ her as a dancer. Lisa agreed as she was struggling to pay her fees and her father, mother and siblings needed money to survive.*

*When she arrived in Ireland, her dreams of earning high wages as a dancer faded. She realised that the contact was an escort agency.*

*The agency was very pleased to see her. They kept telling her that she fitted the right profile in terms of beauty, bodily proportions and pleasing disposition.*

*She was brought to an apartment where there were three other very young women from other Latin American countries. She was told that her job involved having sex with men. She would get €180 per session and the agency would get €220. The agency operated at the upper end of the market, 'servicing' discerning professional customers. She was expected to ensure that the customers were satisfied. Lisa was shocked. She felt that she had little option but to concede as she now owed a large debt, knew no one in Dublin and needed money to cover her living expenses. Also, her mother and father at home had high expectations that she would send money home. However, no money was paid to her for six weeks.*

*Champagne and cocaine are offered to the women and she has started to take them to ease the pain of having sex with the stream of men who make their way to the apartment. The agency has also provided lingerie and cosmetics. Lisa says she is expected to provide a range of abnormal sexual acts, which she finds disgusting. She was told she could not attend English classes as she is on call 24 hours a day. She is required to travel around Ireland and service men in hotels and apartments owned by the agency. At the time of the interview, the agency had arranged for her to travel abroad with a client for the weekend.*

*When engaging in prostitution in Dublin from the agency apartment, security is on call, supposedly to protect the women. More often than not, they are there to ensure that customers are satisfied. One of the women was severely beaten by security when a customer complained. She suspects that the agency is owned by Irish and Russians and is linked to a Nigerian group that provides the security.*

*Lisa is in debt to the agency. Her family back home is very religious and does not know that she is engaged in prostitution. However, she is frequently in contact with them by telephone and they fear that she is in trouble.*

This pattern of exploiting young women's views of a glamorous life in Western European countries, by organisers of prostitution who have developed sophisticated methods of recruitment, is described by Staciokene (2006). Staciokene reports that modelling agencies visit adolescents in their homes in poor rural communities. They take photographs of them, describe the job, the success they will have abroad and the money they will earn for themselves and their families (Staciokene 2006).

One senior member of the Lithuanian Ministry for the Interior suggests that the 'Hollywood factor' is involved in enticing women into the sex industry:

*We describe this process as the 'Hollywood factor', where our young women are being seduced into seeing their bodies as a means to achieving economic success and a glamorous life in*

*Western European countries. Of course, the reality is that, in the process of migration, they are often raped by pimps and ultimately are sexually exploited in prostitution (Communication with Lithuanian Minister for the Interior).<sup>58</sup>*

### **Life in prostitution**

Seven of the 12 women at the time of interview self-identified as ‘independent’ escorts, with men coming to their apartments to buy sex. It is clear that some of the women had links with agencies as, during the interviews with the women, they received calls on mobile phones from a third party referring buyers to them or requesting them to do callouts.

Women linked to agencies described the varying degrees of coercion, control, violence and exploitation:

“ *In the first agency, I worked for eight months. There were two girls in each apartment and you were available 24/7 to clients. Whether you were sleeping or cooking dinner, it did not matter; you had to answer the phone. The men were told they could do anything and if you refused they complained and you were fined €400. The second agency was cheaper and different one. There were about 10 girls in the apartment. You worked from 7pm to 5am, mostly after 2am. It was quicker, more normal sex and the men were younger but you could see up to 10 men a night (Anara)* ”

When contracted by an agency, the agency takes between one-third and a half of the money paid by the buyer:

“ *The buyer pays €400, €180 for me and €220 for the agency. They [the agency] withhold €500 per week for rent. Also, to start with the agency, I had to pay the agency a €500 fee (Salvia)* ”

In many cases, women never meet the owners of the agencies and often money is lodged in a bank or paid through intermediaries:

“ *The way the money works is you put all the money from the clients in an envelope and it is collected every couple of days. It is all done on the street. A car pulls up with a woman or a man and you hand them in the list of clients and all the money. The agency lodges money into a bank account. We get paid two weeks later, always in arrears minus the rent and fines. The women lose out when they leave without notice (Salvia)* ”

Although some women can make significant amounts of money in the short term, the costs of being in prostitution are high. The short-term rewards are offset by

58 Personal communication.

the fact that the number of years is short where there is a high earning capacity, the health costs are high, the sexual exploitation is severe and women, long distances from home, forego family and other relationships.

Some women reported having to be available for long hours:

“ *It felt like a prison, no time for lunch and I was on call 24/7. I saw between five and seven men a day, with occasionally a day off – but never a Saturday or a Sunday. There was no choice about which men you saw and some men wanted sex without condoms. If you refused to have anal sex you had to pay a penalty or the ‘security’ men would beat you up* (Isobel) ”

“ *In one agency, there were rich, older men. They wanted sex without condoms... everything that was not just normal sex... these men were crazy... one guy was a teacher. You had to dress up in a school uniform, no make-up... shave pubic hair and he would spank you and you would hit him. It was awful* (Anara) ”

Although some women operate in apartments on their own or with two or three others, other women operate from brothels with up to 10 or more women. In some cases, women are required to line out (casting) and the buyers can choose among several women:

“ *We would walk up and down and men would come and choose which girl they want* (Anara) ”

Women are often required to move between apartments and around the country to different locations responding to demand:

“ *I work mostly in Dublin but also go to Galway and Limerick. The agency books rooms. The big hotels all know but they close their eyes* (Floria) ”

*Asra from Romania is 21 years old. She engages in prostitution in Germany and Spain as well as Ireland. She returns to Romania to her boyfriend, who does not know that she is in prostitution. He thinks that she is a dancer in a club. She has been in prostitution since she was 16 years.*

At the time of the research, for example, many women were sent to a city where a major sporting event was taking place.

There are particular difficulties for women living in the same apartment that men come to buy sex. Women try to create a normal life – cooking, watching television and surrounded by photographs of their families:

“ *Clients come to the apartment, but I prefer callouts to hotels or their apartment/house as it creates a bad energy in my bedroom. I cannot sleep* (Sonia) ”

As outlined above, many men engage in unsafe sex. Women interviewed for the study talked about the pressures from men to do unsafe and unacceptable sexual acts:

“ *Men are constantly looking for sex without condoms, including anal sex, which I do not do... Men want more and more thing... not just normal sex. I have to move around... I do not stay in any one place for too long as they will get to know by the reviews that you will not do these things* (Floria) ”

“ *What is wrong with men these days... half of them want anal sex and awful things... I do not want these... it is disgusting... but most girls will do all of these and men expect it* (Sonia) ”

Some women talked about having to constantly please men and fake sexual pleasure:

“ *Sometimes I cannot smile... I hate the work I am doing* (Ria) ”

“ *Men want to believe that you are enjoying it. You have to pretend that they are fantastic* (Susan) ”

### **Secrecy, isolation and effects on relationships**

The position of the prostitute is inherently marked by shame and secrecy. Women go to great lengths to disguise their involvement in prostitution. For many women, their families in their country of origin are unaware of their exact ‘work’. One woman described how she copes with the secrecy:

“ *My family do not know. I tell my mother that I work for a security firm. Sometimes I feel that she suspects but she does not ask. They would disown me... I feel awful, but the children now have opportunities. Mammy is not always saying no, now she can say yes to what they need* (Noreen) ”

One woman, whose husband and children are also living in Ireland, spoke about the constant fear of anyone finding out:

“ *I am the perfect wife and mother at home. I avoid working in the area where I live. I do the kids’ homework and am always home for them at bedtime. The worst thing is living the torture of a hidden, secret life. Having this dark secret inside. I was out in a restaurant one night with my family and met one of my clients with his family. It was awful. But I thought they have as much to lose if it was disclosed* (Michelle) ”

Women in prostitution rarely attempt to integrate into the host society. The majority of migrant women in prostitution have little contact with their own indigenous community or Irish life in general. They exist in an isolated world,

living and engaging in prostitution from the same apartments and have few friends other than the women that they live with:

“ *I have a life and family at home. Ireland is only about work. I take the odd day off, a Sunday, and have dinner out but then I think that is one day longer here and in this work I do not want to be in* (Vanessa) ”

“ *I am very lonely here at times. I really want to go home. I have no home here as I work in the apartment I live in. I am paying for a small house in a village and hope to finish paying it off in two years* (Nadia) ”

### **Children**

Living apart from their children is painful for the mothers and children:

“ *This is not a normal life or a job. If I did not have children, I would not have done this. I do not think about myself. My son is in college and my daughter is at school. I want to be sure my daughter will never have to do this. I so miss home but will keep working until all the loans will be paid off. My sister divorced and her husband gave her nothing. She has two small children and no money so I stayed in the work and built a house for my mother and sister. My sister takes care of all the children and I support them all. No one knows what I do* (Vanessa) ”

The woman whose two children live with her is an ‘independent escort’ and she organises her engagement in prostitution around her children’s needs. She employs a childminder and tries to ensure that she is at home to help the children with their homework and to put them to bed.

There is an absence of information at an international level on children of migrant women in prostitution. There is little information on the numbers of women who have children, who is looking after the children and how their needs are being met.

### **Psychological damage**

Buyers achieve a heightened sense of exhilaration and embodiment but the woman in prostitution is left with a sense of disembodiment. Prostitution requires that the woman engage in what Barry (1996) calls the ‘disembodiment of the self’, which the woman in prostitution constructs to protect herself. Farley (2004) describes how women split into two *persona*, trying to maintain a distinct self and integrity that is unharmed and untouched by the self that is engaged in prostitution.

Many women talked about ‘being another person’, numbing and distancing in order to have sex:

“ *I am practically numbed because of this job... you don’t feel very good about yourself* (Nadia) ”

“ *I thought a lot about this before I did it. I knew I was crossing a line and had to shut down my emotions to survive... I have to just shut down and do it (Cali)* ”

Prostitution has a profound impact on intimate sexual relations with partners. Some women talked about how their relationship to men in general has changed because of their experience in prostitution:

“ *Just after I started this, I met a really nice man. Then I thought I cannot go out with him and lie... I could not do that to him. Maybe if I had met him before, I would not have done this, but it is too late (Noreen)* ”

“ *I have real problems forming relationships after this experience. I am very concerned regarding the future (Salvia)* ”

### **Physical violence and threats from buyers**

There is now overwhelming evidence that violence is intrinsic to prostitution (Hoigard and Finstad 1992; Farley *et al* 2003). Staff of the WHP (HSE) receive regular reports from women on the violence inflicted on them:

*In an apartment in the midlands, two women opened the door to what they thought were two buyers. The two men were wearing masks and holding guns. The women were badly beaten and robbed (staff member of the WHP)*

*A woman came to the project very distressed as she thought she had been raped but could not remember anything. She agreed to go to the sexual assault clinic and report to the gardaí. Another woman, while in her apartment, was sexually assaulted, beaten and then stabbed twice (staff member of the WHP)*

One of the woman interviewed reported:

“ *In Limerick, I have been intimidated with a gun... I have also had a guy hold a knife to my throat after paying for sex. He took money and went (Salvia)* ”

Safety precautions are taken by women, checking out the men as best they can. Women doing callouts will generally travel in a taxi and instruct the taxi man to wait and, if they do not return within a specified time, to call at the residence and look for them:

“ *I always worry before I go in. But ok so far. I have a taxi outside. One guy in a text message last week said: ‘If you are not good looking, I will shut the door in your face’. I was nervous and made sure I had a regular taxi man (Isobel)* ”

In their own apartments, women try to make sure that they are never alone:

“ *When the bell rings, I go to the door downstairs and, if I get a bad feeling, I say that my boyfriend has just arrived. With an agency, you have no idea who is coming into the room. In callouts, I use a regular taxi man and he waits for me. He will come in if I am longer than the time I said (Sonia)* ”

Some women talked about being stalked and having to constantly change their mobile numbers:

*Nadia has a strange guy phoning and texting all the time. He says: ‘You are a slut. I will cut your throat.’ She has recorded the calls and reported it to the gardaí. Her apartment is a ground floor one so it makes her very nervous.*

### ***Difficulty disengaging from agencies***

Although high-profile prostitution cases have received media attention, little is known about who controls the Irish sex industry or how women who are contracted by escort agencies are controlled. Data from qualitative interviews indicate that it can be difficult for a woman to extricate herself from the control of the agency. Attempts to disengage from agencies can result in threats and/or punishments:

“ *I wanted to leave the agency and set up on my own. I was afraid to tell the agency as they threaten to kill people if they set up on their own. I told the agency I was leaving to return to my home country. When I came back to Ireland, I changed my name and advertised on Escort Ireland. I now pay €250 a month to advertise and work for myself (Anara)* ”

Staff of the WHP (HSE) outlined a case where a woman, having made a decision to leave the agency, received a brutal punishment. She was summonsed to the agency, gang raped and injured to the extent that a general practitioner (GP), who was also a buyer of sex, was called to attend to her injuries. Despite her injuries, she was forced back into prostitution and a penalty of €20,000 was imposed for loss of earnings.

Women can get caught up in ‘turf wars’ between different gangs seeking to exert or maintain control of prostitution in particular areas. Women are threatened and harassed and can be severely traumatised by such incidences (Escort Watch Ireland 2008; O’Riordan 2007). In two separate incidents, in the south of Ireland and in the midlands, women described how they had received threatening telephone calls to get out of the area or to come under the control of the local organiser/pimp. They both had words such as ‘prostitute’, ‘slut’ and ‘get out’ daubed on nearby walls. As a result, they left the area immediately. In another

incident, a woman received threatening messages from a man who told her to leave Waterford or join an agency. They then tried to set her apartment on fire. She left and was afraid to report the incident to the Gardaí.

Nadia, who operated independently, received threats from agencies that organise prostitution and who wanted her to operate for them:

“ *A new thing is some pimps are pretending to be punters and then try to make you work for them. They say they have lots of apartments and to come and make lots of money. They have threatened to call my landlord and make trouble for me. I refused but I'm nervous that they know where I live (Nadia)* ”

### **Exiting and finding a new life**

Exiting prostitution is challenging for women. Having lost contact with wider social networks, it can be difficult for women to find opportunities outside prostitution and to develop skills. The time spent in prostitution results in a gap in their CV that they have to account for:

“ *I studied administration many years ago but now I have no CV, no references. What do I say I have done if I go for a job? (Anara)* ”

To move out of prostitution, women need to upskill and need funding to do so:

“ *I have looked at a course in Ireland. It is €6,500 just for the fees (Anara)* ”

Many migrant women are in prostitution because they lack sustainable employment with an adequate income to support themselves and their families. Vanessa, having exited prostitution, returned to it because she could not generate a sustainable income in her home country:

“ *I have tried to leave [prostitution] twice before. I went home to Brazil and opened a snack bar, working all the time, but could not support my family. Now I know that if I work until December I can pay off the mortgage and, after 12 years, I can go home at last and never do this again (Vanessa)* ”

Women interviewed spoke about prostitution as temporary and short-term, expressing their desire to have a normal life. Young women talked about leaving when they had a sufficient amount of money to return to their home country. One woman was distressed, realising that this no longer seemed possible:

“ *I feel like nothing. I feel dirty. I feel confused and upset all the time. I want to get out of this work. I want a normal life. I am tired of all the lies... lies, lies, lies to everyone, to my family, my friends in Brazil. How could I go back? What would I say I had been doing? I do not want to lie but how can I tell the truth. I have lived inside this world, this universe and the normal world outside is lost to me. I feel I have no future. Without Isobel [her lesbian partner] I would feel I did not exist as a person (Anara)* ”

## HEALTH CONSEQUENCES AND HARM EXPERIENCED

International research has documented the harmful consequences of prostitution on the physical, sexual, reproductive and psychological health of women (Farley 2004, Raymond *et al* 2002). There is a major research gap in Ireland in this area, although two small studies carried out in Dublin for the Women's Health Project (HSE) in the 1990s demonstrate the severe abuse and harmful impact on health experienced by drug-addicted women involved in street prostitution. (O'Connor 1996, O'Neill and O'Connor 1999). There is a further study being undertaken, which is exploring risk among problematic drug users who are in prostitution (NACD 2007).

As the focus of this research is on indoor prostitution, and in particular migrant women, the research team worked with the coordinator and team in the WHP (HSE) to document the experiences, needs and services availed of by that specific client group through health file analysis, case studies and interviews with women and staff.

The WHP (HSE) was established in 1991 in Dublin as the only specialised service in Ireland responding to the health needs and harm experienced by women in prostitution. The original aim of the WHP (HSE) was to prevent the spread of HIV and promote safer sex and safer drug use. The project engages with women in a number of ways, including outreach work on the streets,<sup>59</sup> outreach work to parlours/brothels, home visits to apartments, a sexual health drop-in clinic and a mobile methadone clinic.<sup>60</sup>

### **Profile of women**

Since 2003, there have been a growing number of migrant women attending the WHP (HSE). In 2007, 99 (60 per cent) of the 164 clients were migrant women and working indoors. Of the women attending the project, 40 per cent (65) are Irish, 15 of whom are in indoor prostitution. The high number of Irish women attending does not reflect the percentage of Irish women in prostitution in Ireland. It indicates the number of Irish women in 'street' prostitution in Ireland, who have traditionally presented to the WHP because of drug-related problems.

Geographic mobility in and out of the country is also notable among migrant women. This is reflected in the fact that, while overall numbers between 2005 and 2007 remained stable, more than half (51 per cent) of the migrant women were new to the service in 2007.

59 Two nights a week, outreach workers make contact with women who engage in street prostitution. It is the experience of the project workers that there are fewer women on the streets in recent years. In 2007, the WHP (HSE) provided a service to 87 women who were engaged in street prostitution. There were a further 15 women with whom they did not have contact but who were on the streets. This brings the number identified on the streets in Dublin to 102.

60 The mobile clinic (methadone bus) operated by WHP outreach and staff from HSE Dublin North East, provides a low-dose programme and, since 2008, a methadone maintenance programme for heroin-using women as well as a needle exchange. A nurse attends the mobile bus once a week and responds to the medical needs of women and develops care plans with service users. The service is under the supervision of a consultant psychiatrist from the HSE Dublin North East. A psychiatric registrar attends the sexual health clinic to carry out an assessment of need and suitability of services for women seeking treatment for their addiction. During 2007, 29 women using the services of the mobile bus engaged with the outreach service of the WHP (HSE). These women are extremely vulnerable, with 17 (59 per cent) of the 29 experiencing episodes of homelessness in 2007.

**Table 3.8: Region of origin of migrant women attending the WHP (HSE) clinic**

Country of origin	Number	Percentage
South America/Caribbean	38	38.4
EU 10 accession countries (2004)	22	22.2
Africa	19	19.2
EU 15 original countries	10	10.1
Asia	6	6.1
Other Eastern European countries	4	4.0
	99	100

Source: WHP (HSE) statistics, 2007

Analysis of the 99 migrant women attending the WHP (HSE) in 2007 shows that the largest group was South American/Caribbean in origin, followed by women from the EU 10 (the accession states that joined the EU in 2004) and then women from Africa.

There was information on age for 64 of the 99 migrant women. The largest age group was between 25 and 34 years (47 per cent). Significantly, 31 per cent were older than 35 years.

**Table 3.9: Age of migrant women**

Age group	Number	Percentage
18-24	14	21.9
25-35	30	46.9
35+	20	31.2
	64	100

Source: Information provided by the WHP (HSE), 2007

The percentage over 35 years is four-times greater than the percentage of women over 35 years advertised on the internet. However, women advertised on the internet are likely to feel under pressure to underestimate their age.

Just under 40 per cent of women attending the WHP (HSE) were known to the project to have children.

International research has documented the harmful consequences of prostitution on the physical, sexual, reproductive and psychological health of women, (Farley 2003, Raymond *et al* 2002). The O'Neill and O'Connor study (1999), carried out in Dublin for the WHP (HSE), demonstrates the harmful impact on health experienced by drug-addicted women involved in street prostitution. There is a study being carried out that is exploring risk for both men and women in prostitution who are problematic drug users (NACD 2007).

### **Sexual and reproductive health**

As prostitution moved indoors in the mid 1990s, the WHP (HSE) provided an outreach service to massage parlours, brothels and apartments. Through this work, the WHP (HSE) reaches the 'invisible', mostly migrant, women who are in indoor prostitution.

A key element of the work of the WHP (HSE) is a drop-in sexual health clinic. It is staffed by an all-female team, which includes a gynaecology/reproductive health doctor, project coordinator, nurses, laboratory staff, project workers and general assistants. The clinic can be accessed one afternoon and one evening a week and no appointment is required. It provides a range of services including:

- A sexual health service, with testing and onsite treatment of sexually transmitted infections; cervical smear tests and referral for treatment of pre-cancer cells; HIV, hepatitis and syphilis testing; and hepatitis vaccinations. If a woman has complications, she is referred to the gynaecological department in a local maternity hospital
- Education, support and information on safer sex, the risks of prostitution for women's sexual health and the consequences of all forms of sexually transmitted infections
- HIV information, including risk and treatment options in Ireland
- Advice on all forms of contraception and the risks of relying only on condoms to prevent pregnancy
- Crisis pregnancy support and information on all services in Ireland and abroad
- Advice on staying safe on the streets and while engaging in indoor prostitution, and individual support and referral when women have been assaulted or raped
- Gardaí liaison for referrals to the Sexual Assault Treatment Unit and specific advice regarding criminal threats and assaults
- Needle exchange, where appropriate, for drug-addicted women and advice on safer drug use
- A community welfare officer is available for referrals on issues relating to social welfare

In addition, there is recognition of the need to:

- Assist women who wish to leave prostitution to find alternative means of income
- Give support, in so far as possible, to victims of trafficking

The drop-in service worked with 164 women in 2007. Women accessed the drop-in clinic on average three times in the year and the medical service just less than twice a year.

All women attending the WHP (HSE) are offered and advised to have regular screening for sexually transmitted infections and reproductive tract infections. Data on the sexual and reproductive health of 73 women attending the clinic in 2007 was compiled. For 59 of the 73 women, there were recorded symptoms relating to sexually transmitted infections, reproductive tract infections or other health complications related to being in prostitution.<sup>61</sup> Women presented with a range of health symptoms that cause great discomfort and some that have serious health consequences:

- 37 per cent had bacterial vaginosis (BV). Symptoms include abnormal vaginal discharge with odour and genital itch

<sup>61</sup> This does not indicate that there were no health consequences for the remaining 14. Some were awaiting results, some came to the clinic for condoms and other forms of contraception, and some for health conditions related to drug use.

- 31 per cent had candida infections (thrush). Candida is not considered an STI but can be passed on through sexual contact. Symptoms include thick vaginal discharge discomfort during sex and infections, which range from superficial infections such as oral, vaginal and anal thrush to systemic infections
- 22 per cent had hepatitis A. This is an infectious disease that affects the liver and blood. Symptoms include flu-like symptoms, jaundice, nausea and tiredness
- 20 per cent had hepatitis B. This is a viral infection that affects the liver and blood. Symptoms include flu-like symptoms, nausea and vomiting, tiredness and jaundice. Long-term complications can include liver cirrhosis and cancer
- 14 per cent had Chlamydia. Worldwide, this is the most common bacterial sexually transmitted infection. If left untreated, it can lead to pelvic inflammatory disease (PID) and infertility. It is also known as the silent infection as 80 per cent of women and 50 per cent men have no symptoms, making early detection difficult
- 10 per cent had urinary tract infections
- 6 per cent had cervical cell abnormality (CIN 1-3)
- 14 per cent had vaginal/genital warts

Other conditions included anal warts, cystitis, syphilis, HIV, damage to the vaginal tract, dropped uterus, ovarian cysts and abscesses on the body. Repeated use of antibiotics was the case for seven women, while five women had persistent lower abdominal pain. In addition:

*Women suffer from anal itch and fissures [tiny tears to the skin] and this puts them at increased risk of HIV transmission, particularly given the pressure on women to have sex without a condom, which puts them at an increased risk of HIV. Repeated use of lubricant and condoms, in our experience, also causes discomfort and skin breakdown (coordinator of WHP, HSE)*

Of the 59 women, 15 (25 per cent) had experienced condoms bursting during intercourse. Not surprisingly, 13 women had taken the morning after pill and five women reported that they had an abortion.

This range of sexual and reproductive health consequences is consistent with international research on women trafficked for sexual exploitation (Zimmerman et al 2006).

Project workers are concerned about the number of women who take contraceptives to avoid menstruation. Women are concerned about the effect of prostitution on their fertility:

*Women worry about the effect on their fertility of prolonged use of the contraceptive pill and of repeated infections. Concerns about fertility are major for women from some African countries, where infections have not been treated. Home abortions have been done and women are very worried that this will prevent them having children. They need to believe they will be able to survive this work and have a normal life sometime in the future (staff member of WHP, HSE)*

It is worth noting that the high number of medical tests involving intimate examinations in themselves cause anxiety and trauma. Repeated diagnoses and treatment is also mentally and physically stressful. Women constantly worry about test results for bacterial and viral infections, which, they know, can severely damage their health. Even when women have a serious diagnosis and are advised not to have sexual contact, this is not always possible because of financial pressure or the control of escort agencies:

*In one case, a woman who had tests in the clinic was diagnosed with CIN 2 [a pre-cancerous condition] and had to have treatment. She was told not to work for three weeks. A pimp called me [the staff member] in the clinic and aggressively asked if we had told the woman not to work (staff member of WHP, HSE)*

Project workers are often working with women over long periods and observe the long-term damage to the woman's health:

*It is distressing to watch the deterioration of many women over a number of years in prostitution. I have seen the downhill spiral from a young, confident girl to a depressed, sick and broken person (coordinator of WHP, HSE)*

The use of drugs and alcohol to cope with the reality of prostitution has been documented in the studies of women in street prostitution in Ireland (O'Neill and O'Connor 1999). More recently, women are being offered cocaine:

“ *Some want you to do cocaine with them. I am completely wrecked for days afterwards (Nadia)* ”

The workers of the WHP (HSE) acknowledge that the primary focus of their work is sexual health and that is why women initially attend the project. However, workers are not just handing out condoms and organising medical tests. They develop trusting relationships with many women who share their worries and disclose traumatic events. They respond to crises, such as when a woman has been raped or assaulted. Many of these and other events can trigger discussion of past abuse. A staff member explained the challenges involved:

*It is a very difficult balance... recognising the sexual exploitation and damage of prostitution yet being careful not to put the woman under pressure to leave or make her feel bad about what she does. You have to offer emotional support and help her with coping or survival strategies while staying in prostitution. Sometimes, the best you can do is to help her to get away from the most abusive agencies and to work independently, where at least she can control the number of men and keep the money (staff member of WHP, HSE)*

Workers witness the loss of women's confidence and self-esteem. They see how women feel bad about themselves and what they are doing and often do not want to talk about prostitution:

*I think it is so important to work with a woman as a full person and not just focus on her being in prostitution. Seeing her as a mother, a sister, a friend, responding to her worries such as missing her children, whom she may not have seen in months, is essential (staff member of WHP, HSE)*

The project coordinator expressed her wish to develop a broader, more holistic response to women:

*A narrow focus on harm-reduction and safer sex is an inadequate and ineffective response to the needs of women in prostitution. Prostitution is a form of violence against women and sexual exploitation has devastating impacts on the health and well-being of women and girls. It is critical that our service develops a response that reflects this reality (coordinator of WHP, HSE)*

## SUMMARY AND CONCLUSIONS

The Western European prostitution market has become increasingly globalised and is a highly lucrative business. The indoor prostitution industry advertised on the internet in Ireland is estimated by this research to be worth approximately €180 million.<sup>62</sup> The feminisation of poverty in the countries of origin and a growing demand for migrant women in destination countries, such as Ireland, fuel migration into the sex industry (see chapter one).

Findings of this study include:

- There is a minimum of 800 women advertised on the internet in indoor prostitution in Ireland at any one time. Over a period of a year, there is likely to be twice that number
- While some women operate independently (and the proportion is not known), other women are linked in some way to prostitution agencies, which exercise different levels of penalty, control and violence. This is difficult to determine due to the clandestine nature of prostitution
- There are 51 nationalities of women available to men in indoor prostitution
- 41 per cent of women were described as 'touring escorts'. These women in prostitution move around Ireland and travel internationally
- Between 3 and 13 per cent of the women who operate in indoor prostitution are Irish
- Nearly 40 per cent of migrant women in prostitution attending the WHP (HSE) had children. A minority of women had their children residing with them
- The largest group advertising on the internet self-identify as being from one of the original EU 15. Caution needs to be taken in interpreting the findings in relation to nationality. It is possible that some women who claim to be from the EU 15, particular from Spain and Italy, are of South American origin or from Eastern European states
- Ages of women range from 18 (with some evidence that girls as young as 16 years are involved) to 58 years. The average age is 25

This chapter indicates that the impact of prostitution on the sexual and reproductive health of women is enormous. Women presented to the WHP (HSE) with a range of health symptoms, including bacterial vaginosis, thrush, hepatitis A and B, urinary tract infections and many other health conditions related to

62 This is calculated on the basis that a woman earns on average €750 a day, €4,500 a week (for a six-day working week) and that there are a minimum of 800 women involved

prostitution. Many of these infections have serious, long-term implications for the health of women. Maintaining and protecting their health is a constant worry and anxiety for women.

The effect of prostitution on the emotional and mental health of women is immense. Some women use drugs and alcohol as a coping mechanism. Being in prostitution is dangerous and women need to be continually concerned about their safety. Much more data needs to be collated on the needs and the numbers of women who are sexually assaulted, raped and subjected to physical violence.

Despite the purchase of sex becoming normalised, the number of men who report buying sex in Ireland remains a relatively small minority of Irish men:

- One in 15 men in Ireland reported that they buy sex, compared to one in eight in Sweden
- Men who buy sex from women on the internet tend to be highly educated, have incomes in the middle range and are employed in professional occupations
- The average price paid for sex is €150 for half an hour and €250 for an hour
- 61 per cent of men who buy sex are married or in a relationship
- While 16 per cent buy sex from women once every two weeks or more frequently, 46 per cent buy sex less frequently than monthly
- A significant proportion of men buy sex during the daytime and in the evenings after work
- 37 per cent of buyers, as well as availing of the services of women advertised on the internet, also pay for sex with women in street prostitution
- 54 per cent of men who buy sex visit pornographic sites on the internet

There is evidence that dangerous, unprotected sexual activities are commonplace in prostitution in Ireland. In the competitive environment of the sex industry, there is increasing pressure on women to put their health at risk, with well over half (57 per cent) of the buyers stating that they had unprotected oral sex and 9 per cent of buyers stating that they had unprotected vaginal sex.

The proliferation and normalisation of the sex industry, and the increasing availability and access to women in prostitution, together with an ideology that men are entitled to satisfy their sexual desires, are important contextual features in the buying of sex. Internet sites such as Punter.net illustrate the level of objectification and dehumanisation by users of women in prostitution. Yet, some buyers have an expectation of a prolonged and 'intimate' experience, known as the 'girlfriend experience', and are highly critical when women do not seem to be involved.

Concerns were voiced among some men about the trafficking of women and girls for sexual exploitation, with 25 per cent of men stating that they had met a woman who they felt was being forced into prostitution.

In light of these findings, there is the need for a public debate and a national policy on prostitution to be developed in Ireland concerning: the changing nature of the sex industry in Ireland; the fact that there is clear evidence of the intrinsic harm of prostitution for women; and that a vibrant sex industry fuels the trafficking of women for the sex industry.

This chapter highlights the need for an integrated range of support services to be developed for women in prostitution. Exit strategies must also be a priority. An integrated strategy would include:

- Comprehensive health and reproductive services
- A range of accommodation options, including emergency, long-term and safe housing
- Legal representation
- Liaison with prisons
- Crisis counselling and long-term therapy
- Skills training and education aimed at providing women with options for sustainable livelihoods outside of prostitution
- Legal support services, including legal representation and legal routes to regularise the status of migrant women in prostitution in recognition of the intrinsic harm of prostitution
- Access to welfare benefits
- A telephone support line for women
- Support for migrant women to return to their country of origin

These services are underdeveloped and, for the most part, are confined to the Dublin area. It is important that these services are resourced and developed in cities outside of Dublin. There is also an urgent need to develop services for girls under 18 years. In developing an integrated response, it is important that inter-agency referral protocols are developed between the various organisations providing services.

There is a need for a dedicated, permanent crime unit to target criminal networks in prostitution.

The demand side of prostitution needs to be addressed. As well as introducing criminal sanctions regarding the buying of sex, there is a need to confront men with their own ambivalences and contradictions through a range of interventions. Public education on the harmful effects of prostitution is needed, as is education on the harmful effects of buying sex in someone else's country. Awareness programmes should specifically target young people with the aim of preventing them from becoming involved in prostitution. Men who do not buy sex should be empowered to confront sexist abuse implicit in prostitution and other forms of violence against women (Coy, Horvath, Kelly 2007; MacLeod *et al* 2008).

There is also need to address internet advertising of Irish escort agencies in Britain and to review legislation on sex shops and lap-dancing clubs. Lap-dancing clubs should be strictly controlled in relation to the objectification of women and it should be a stipulation that dancing should take place in an area separate from customers. This could possibly close down many lap-dancing clubs.

Major information and research gaps were evident and include the need:

- To develop recording and monitoring systems to document the numbers and needs of women in prostitution
- For research on the needs of children of women in prostitution and on the needs of women who have children

- For research on how control is exercised over women in prostitution by third parties. Also, there is need for more information on women operating from Chinese massage parlours and African women in indoor prostitution. African women do not advertise on the internet but there is evidence of their involvement from WHP (HSE) data and from data on the trafficking of women into Ireland (see chapter two)
- To identify what would help women to exit prostitution
- To identify the long-term mental health consequences of involvement in prostitution.

# INTERNATIONAL INSTRUMENTS, IRISH LEGISLATION AND MEASURES TO COMBAT TRAFFICKING

*Introduction*

*International Instruments*

*Trafficking, Gender Equality and*

*Gender-based Violence*

*Irish Legislation and Enforcement*

*Irish Measures to Combat Trafficking*

*Summary and Conclusions*





## INTRODUCTION

This chapter examines international human rights and gender equality instruments relevant to trafficking and prostitution. It also provides an overview of the response by the Irish State to the trafficking of human beings. Recent legislation and policy initiatives relating to trafficking for sexual exploitation in Ireland are outlined.

## INTERNATIONAL INSTRUMENTS

A number of international human rights instruments and conventions exist that underpin the fundamental rights of those trafficked for the purpose of sexual exploitation, including prostitution. The main provisions of these are summarised below. Some of them are specific in their reference to gender-based violence and gender equality.

*The Universal Declaration of Human Rights 1948* (UDHR) defines human rights in relation to human dignity and equality, and the absence of slavery, torture, cruel, inhuman or degrading treatment.<sup>63</sup> These rights are also embedded in the *International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights*. The rights of migrant workers and protections from forced and compulsory labour are covered in the *Migrant Workers' Convention*.<sup>64</sup> *The European Convention on Human Rights and Fundamental Freedoms 1950* (ECHR) similarly obliges states to enact appropriate laws to protect victims of trafficking. The recent jurisprudence of the European Court of Human Rights obliges states to prevent trafficking and to protect victims (Dudley 2008). Ireland is a signatory to all of these conventions, with the exception of the *Migrant Workers' Convention*.

As a signatory to the *International Covenant on Civil and Political Rights* (ICCPR), Ireland is required to provide periodic reports on the implementation of the Convention. In the concluding comments of the Third Periodic Report of Ireland on the ICCPR the Human Rights Committee (2008) acknowledged that positive measures had been taken in the area of trafficking, including the establishment of the Anti-Human Trafficking Unit (AHTU) and the training of border guards, immigration officers and trainees in these areas. However, the committee expressed concern about the rights and interests of trafficked victims, particularly with regard to protection for victims who do not cooperate with investigations or prosecutions under the *Criminal Law (Human Trafficking) Act 2008*. As a result, the committee recommended that:

*The State party should continue to reinforce its measures to combat trafficking of human beings, in particular by reducing the demand for trafficking. It should also ensure the protection and*

63 The main articles of the UDHR cover the principles of human dignity (Preamble and Article 1), equality and non-discrimination (Article 2); the right to life; liberty and security of person (Article 3); the abolition of the slave trade in all its forms (Article 4); the prohibition of torture, cruel, inhuman or degrading treatment or punishment (Article 5); the right to equal recognition and protection before the law (Article 6 and 7); the right to privacy (Article 12); the right to freedom of movement within and between borders (Article 13); the right to a nationality (Article 15); the right to marry (Article 16); the right to freedom of opinion and expression (Article 19); and the right to 'work, to free choice of employment and to just and favourable conditions of work' (Article 23).

64 *The International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families* (Article 11) of the Convention states that: 1) No migrant worker or member of his or her family shall be held in slavery or servitude; 2) No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.

*rehabilitation of victims of trafficking. Moreover, the State party should ensure that permission to remain in the State party is not dependent on the cooperation of victims in the prosecution of alleged traffickers. The State party is also invited to consider ratifying the Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime 2000 (UN 2008, Paragraph 16)*

These comments reflect to some extent the concerns raised by Irish NGOs in the Shadow Report and separate submissions by the ICI<sup>65</sup> to the Third Periodic Report of Ireland (2008). The Shadow Report raises concerns about the trafficking of children under the age of 17 years for sexual exploitation. These children have no right to remain in the State and 441 children in these circumstances went missing from the care system between 2001 and 2007. In addition, the Shadow Report highlights the limitations concerning the protections of victims in Irish law. In particular, the provisions in the IRP Bill 2008 (section 127) only allow temporary residency permits to be granted to victims who cooperate with the investigation and prosecution of traffickers while such an investigation or prosecution is ongoing; provision is only made for a reflection-and-recovery period of 45 days; and there is no provision for the granting of residence permits to victims where it is unreasonable to compel them to leave the State because of safety, age, health, family, humanitarian or medical needs. The Shadow Report calls for the Government to establish an independent inquiry into the disappearance of separated children and to amend the IRP Bill 2008 to provide for the granting of residence permits where it is unreasonable to compel a victim of trafficking to leave the State.

In 1949, the UN adopted the *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others*, one year after the UDHR. The Convention is one of the few international human rights instruments that address 'slavery and slavery-like practices'. The preamble sets forth the principle that prostitution and trafficking is 'incompatible with the dignity and worth of the human person'. Women in prostitution are not considered as criminals but as victims to be protected. The Convention advocates punishment for those 'who procure, entice or lead' others into prostitution. It also establishes a link between prostitution and trafficking of persons. It includes measures to prevent trafficking and prostitution and to protect and rehabilitate victims. Article 4 of the ECHR also specifically prohibits 'slavery or servitude' and 'forced and compulsory labour'. Since the rights under the ECHR can be enforced through the European Court of Human Rights, it has particular practical relevance for victims of trafficking.

The UN Palermo Protocol<sup>66</sup> lays the foundation for international action on trafficking by providing an international framework for the definition of trafficking. The definition contained in the Protocol (Article 3 (a)) (see chapter two) has also been used as the basis for the definition used in the Council of Europe (CoE) *Convention on Action against Trafficking in Human Beings* (Article 4) and is now widely used by countries across the world as an agreed definition.

65 Submission by ICI, 30 May 2008, Third Periodic Report of Ireland – list of issues [http://www2.ohchr.org/english/bodies/hrc/docs/ngos/ICI\\_Ireland.doc](http://www2.ohchr.org/english/bodies/hrc/docs/ngos/ICI_Ireland.doc)

66 The Protocol to the 2000 UN Convention against Transnational Organised Crime (UN TOC), the full title of which is the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*

The UN Palermo Protocol requires each State party to make trafficking a criminal offence (Article 5). Measures to be included are: the confidentiality of legal proceedings; legal, medical, material and psychological assistance; the granting of residence permits; and repatriation to the country of origin (Article 6). States are urged to establish policies, programmes and measures to protect victims of trafficking, to prevent trafficking through information and mass media campaigns, and to alleviate measures that make people vulnerable to trafficking such as poverty, underdevelopment and lack of equal opportunity. It also encourages state parties to introduce legislative measures for a proactive approach to reducing demand for exploitation as part of an overall strategy to reduce trafficking (Article 9, paragraph 5).

While an internationally agreed definition of human trafficking has been a significant development, there has been wide interpretation given to the definition and to the implementation of the UN Palermo Protocol, which has hindered the extent to which the scale of trafficking has been measured (Anderson and O’Connell Davidson 2002). One of the difficulties is that the Protocol leaves the interpretation of ‘sexual exploitation’ to be defined in national legislation and implementing mechanisms.

The existence of differing legislative frameworks and policy on prostitution often results in national policies that make a distinction between ‘forced’ and ‘free’ prostitution (Kelly and Regan 2000). According to Turner and Kelly (2008), ‘the ways women enter into the sex trade, and are recruited by traffickers, is better understood as a continuum’ on the basis that only a small number are able to freely enter into and remain in prostitution.

The CoE Convention is a legally binding instrument, which uses the UN Palermo Protocol as its starting point to strengthen and improve standards. As such, it gives a much greater level of protection with regard to the rights of victims and the obligations of state parties. Ireland signed the CoE Convention in 2007 and the Government has signalled its intention to ratify it in 2009.

The Convention goes further than other international initiatives. It recognises that trafficking is a violation of human rights and sets out obligations within a human rights and gender equality framework. The preamble states: ‘Trafficking in Human Beings constitutes a violation of human rights and an offence to the dignity and integrity of the human being and may result in slavery for victims’. The principle of non-discrimination is included: ‘Measures to protect and promote the rights of victims shall be secured without discrimination on any grounds such as sex, race, colour, language, religion, nationality, social origin, minority, property, birth or other status’ (Article 3). It is particularly relevant that this non-discrimination principle applies to nationality, which has implications for the rights of victims of trafficking to international protection and to the provision of residency permits.

The CoE Convention covers all forms of trafficking and all victims, including sexual exploitation, forced labour or services, slavery or similar practices, servitude and the removal of organs (Article 4). The Convention also introduces a number of measures on the prevention of trafficking that include cooperation between agencies, awareness raising and training, and cooperation with NGOs in the provision of protection and assistance (Article 5). It is particularly relevant that the Convention provides for measures to discourage demand (Article 6) through strengthened legislative, administrative, educational, social, cultural or other measures.

The Convention widens the definition of trafficking set out in the UN Palermo Protocol to include internal (in-state) trafficking and trafficking not necessarily involving organised criminal groups. It aims to prevent trafficking, protect the human rights of victims of trafficking and prosecute traffickers.

The Convention is legally binding for Ireland and has established a monitoring mechanism called GRETA (Group of Experts on Action against Trafficking in Human Beings) that will oversee the quality of the implementation of the CoE Convention by the countries bound by it.

A victim is defined as any person that is subject to trafficking by any of the means specified in the Convention (Article 4). The consent of a victim to the exploitation is irrelevant where any of the means outlined in the definition, including coercion, fraud and deception, have been used. This is particularly important in that the CoE Convention states that the ‘abuse of vulnerability’ is of relevance in addressing trafficking since consent can be distorted in cases where women have experienced trafficking resulting from poverty or physical, psychological, family or social vulnerability. While these are issues that are applied to trafficking in accordance with the Convention, there are no parallel provisions that could be applied to prostitution.

The CoE Convention requires coordinated action nationally between bodies responsible for preventing and combating trafficking including public authorities, NGOs and members of civil society; information, awareness raising and education campaigns for persons vulnerable to trafficking; and actions aimed at discouraging ‘consumers’.

Specific measures are set out in the areas of identification (Article 10), protection of private life and confidentiality (Article 11), assistance to victims and protection (Article 12), recovery-and-reflection periods (Article 13), residency permits (Article 14), compensation and legal redress (Article 15) and the repatriation, return of victims and reintegration (Article 16).

The Convention states that trafficking is a criminal offence (Article 18) and also provides for the possibility to criminalise those who use the services of victims of trafficking (Article 19). It is a criminal offence to produce, procure or provide a fraudulent travel or ID document or damage, retain, remove, conceal or destroy another person’s ID document (Article 20). Commercial companies, associations or similar legal entities are liable for criminal actions performed on their behalf.

The Convention requires authorities to prosecute traffickers and their accomplices without the necessity of a complaint from the victim. The Convention also has a provision that obliges states to allow for the possibility of not imposing penalties on victims for their involvement in unlawful activities on the basis that they have been compelled to do so (Article 26).

## TRAFFICKING, GENDER EQUALITY AND GENDER-BASED VIOLENCE

Although trafficking has not specifically been referred to in the ECHR as a form of gender-based violence, the prohibition of inhuman and degrading treatment contained in Article 3 of the ECHR, the prohibition of slavery and forced labour in Article 4 and the equality guarantee in Article 14 apply broadly to trafficking. More specifically, under the UN Palermo Protocol and the CoE Convention, trafficking for sexual exploitation is more directly referred to as a breach of fundamental human rights. In particular, the CoE Convention places trafficking for sexual exploitation in a human rights and gender equality framework, which helps to focus attention on the security, protection and support needs of women who have been trafficked, as well as on the conditions of poverty and exclusion that women face in countries of origin that places them at risk of being trafficked. This also applies to the ECHR, where the European Court of Human Rights held in a recent case, *Siliadin v France*,<sup>67</sup> that France was in breach of Article 4 of the ECHR by not providing sufficient legal protection to victims of trafficking.

Trafficking for sexual exploitation is, however, recognised as a specific form of gender-based violence under the UN's *Declaration on the Elimination of Discrimination against Women* and the *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW). These provisions assert the importance of gender equality as a human rights issue. They refer explicitly to the need for legislation and other measures to eliminate and suppress the trafficking and exploitation of women in prostitution. Although Ireland is a signatory to CEDAW, and thereby legally bound by it, no specific measures have been introduced in domestic law to give effect to the Convention.

Ireland is required to provide periodic reports on the implementation of CEDAW. CEDAW's concluding comments on Ireland's combined fourth and fifth periodic report (2005) stressed the importance of developing a comprehensive strategy to combat the trafficking of women and girls. This included the implementation of preventative measures and specific legislation that provides for 'the physical, psychological and social recovery of women and girls who have been victims of trafficking, including the provision of shelter, counselling and medical care'. In its submissions to the Government for the preparation of the CEDAW sixth periodic report, the National Women's Council of Ireland (2008) and the Human Rights Commission (2008) both stressed the importance of providing resources for NGOs, and support for the physical, psychological and social recovery of women and girls who have been victims of trafficking, including the provision of shelter, counselling and medical care, and particularly to ensure that consent to cooperate with the authorities is not a condition of support for victims.

The CEDAW links trafficking and prostitution, and acknowledges that crimes affect women and girls disproportionately:

*States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women* (Article 6)

This is particularly important to the introduction of measures to reduce the demand for prostitution and trafficking within an overall framework to address gender-based violence.

67 App. 73316/01, Judgment of 26 July 2005.

The CEDAW *General Recommendation No. 19* (1992), the *Declaration on the Elimination of Violence against Women* (1993), and the *Beijing Declaration and Platform for Action* (1995) require state parties to be proactive in preventing gender-based violence, guidelines for which are set out in the *Recommended Principles and Guidelines on Human Rights and Human Trafficking* drawn up by the Office of the UN High Commissioner for Human Rights (UNHCHR). The UNHCHR guidelines cover practical rights-based principles and policy guidelines on preventing trafficking and on the protection of victims of trafficking. Under Principle 2, States are required to ‘...act with due diligence to prevent trafficking, to investigate and prosecute traffickers, and to assist and protect trafficked persons’. Victims of trafficking can seek international protection, including subsidiary protection. In some cases, victims of trafficking may meet the requirements of the refugee definition, giving them entitlement to protection under the Refugee Convention 1951 and Protocol 1967.

The objective is to promote and facilitate the integration of a human rights perspective into national, regional and international anti-trafficking laws, policies and interventions. This includes the promotion and protection of human rights; identification of trafficked persons and traffickers; research, analysis, evaluation and dissemination; ensuring an adequate legal framework; ensuring an adequate law-enforcement response; protection and support for trafficked persons; preventing trafficking; special measures for the support of child victims of trafficking; access to remedies; obligations of peacekeepers, civilian police and humanitarian and diplomatic personnel; and cooperation and coordination between states and regions. In particular, Guideline 6 covers protection and support for trafficked persons and is addressed to states, intergovernmental organisations and NGOs.

In addition, a comprehensive framework has been developed by the ILO to achieve regulated migration within a human rights-based approach and with a gender perspective. It involves a wide range of participants, including the social partners and participants at community, national, regional and global levels. It has a focus on the root causes of supply and demand for migrant and trafficked workers, is based on international standards and covers all stages in the migration and trafficking process.

## **Children**

Measures to address the exploitation and abuse of children, including the rights of separated children, can be found in the *UN Declaration of Human Rights* and the *UN Convention on the Rights of the Child* (1989), which requires state parties to prevent the abduction, sale and traffic in children, including child prostitution and child pornography. The Optional Protocol to the *UN Convention on the Rights of the Child* specifically refers to the need for measures to address the exploitation of children, including the sexual exploitation of children. All of these measures stress the need for appropriate programmes to ensure the rights to security, protection, support and reintegration of exploited children. The *International Covenant on Economic, Social and Cultural Rights* also requires that children and young persons should be protected from economic and sexual exploitation (Article 10, paragraph 3).

## **The integration of human rights into national legislation**

A human rights approach is important for defining the scope for prevention and support of victims of trafficking for the purpose of sexual exploitation. A number

of countries have defined trafficking within a human rights framework. This can be seen in legislation in Sweden, Norway and the UK (see chapter five). The UK, for example, explicitly refers to the need for an effective legal framework to combat trafficking, including the ‘...State’s positive obligation to ensure the safety of victims of trafficking and to protect them from further violations of human rights’ (UK Parliament 2005, cited in Dudley 2008).

## IRISH LEGISLATION AND ENFORCEMENT

The *Child Trafficking and Pornography Act 1998* made it an offence to organise or knowingly facilitate the entry into, transit through, accommodate in or exit from the State of a child for the purpose of sexual exploitation (section 3). Sexual exploitation, as defined within the Act, includes inducing or coercing a child to engage in prostitution or the production of child pornography; using the child for prostitution or for the production of child pornography; and/or inducing or coercing a child to participate in sexual activity (section 3 (3)). Offences carry a maximum penalty of imprisonment for life (section 4). This is now complemented by the *Criminal Law (Human Trafficking) Act 2008* (see below), which penalises the trafficking of children for labour exploitation and removal of organs as well as the trafficking of adult persons for any of the above purposes. It also carries maximum penalties of life imprisonment in relation to trafficking offences committed against children (section 2).

Trafficking of adults into and through Ireland has only recently been criminalised under the *Criminal Law (Human Trafficking) Act 2008*. The Act criminalises the trafficking of humans for the purpose of sexual or labour exploitation or the removal of organs. It provides for severe penalties, with the maximum penalty being life imprisonment for traffickers provided that the specified means of force or coercion to obtain consent were used. The Act removes the relevance of consent in cases involving mentally impaired individuals and, in that, it goes beyond the international norms provided for in the CoE Convention.

Section 5 makes it illegal to ‘solicit or importune’ a trafficked person for the purpose of prostitution. Unlike the legislation relating to prostitution, the location of the offence is not confined to a street or public place. This has given the Gardaí significant additional powers in relation to prosecuting buyers who have sex with trafficked persons in any location. A person found guilty of paying for sexual services with a victim of trafficking will be liable for a fine of up to €5,000 and a prison sentence of up to five years. However, lack of knowledge of the trafficking circumstances of the victim could be used as a defence by the buyer, which predetermines little or no effect in relation to the punishment of buyers under the legislation.<sup>68</sup>

Provisions for the identification and assistance of victims are however not contained in the anti-trafficking legislation but in section 127 of the IRP Bill 2008.<sup>69</sup> The Bill does not contain specific provisions on the protection of victims of trafficking, except the limited protection in relation to identity during criminal proceedings. It only provides for a recovery-and-reflection period, which may be

68 In contrast, proposed legislation in the UK has gone a lot further: ignorance that the woman was trafficked will not be a defence, men are to be prosecuted if they pay for sex with women who are under the control of a pimp, and men who knowingly pay for sex with trafficked women may face rape charges.

69 The reason given by the Minister was that the assistance measures cannot be included in the *Criminal Law (Human Trafficking) Act 2008* because of the law of Unintended Consequences. The Minister does not want to see that the assistance turns into an open inducement and jeopardises the prosecution (Dáil debate, 7 February, 2008)

followed by the granting of a residence permit for the purpose of the woman concerned assisting the Gardaí in the investigation/prosecution. There is no provision for the granting of a protection residence permit to victims of trafficking unless they qualify for international protection (i.e. refugee status or subsidiary protection).

The Bill does provide for the granting of residence permits on ‘compelling grounds’ to people who have applied for international protection and were not granted refugee status or subsidiary protection (section 79 (2)(c)). However, as the Minister is not obliged to consider matters that have arisen since the departure of the person concerned from her country of origin when deciding whether to grant a permit on ‘compelling grounds’, this provision falls short of providing adequate protection to victims of trafficking in Ireland.

The Government has stated its commitment to ratifying the CoE Convention in mid 2009 and that the protective measures in relation to victims of trafficking will be compliant with the provisions of the Convention. Temporary immigration arrangements have been put in place until the IRP Bill is enacted.

Measures for victims within the IRP Bill include a recovery-and-reflection period of 45 days (which has been revised to 60 days in the temporary administrative arrangements), which goes further than the 30 days minimum required by the CoE Convention. There is also the provision for a renewable six-month temporary residence permit, where it is necessary for the purpose of investigation and prosecution, and that certain stipulations named in the legislation, such as agreement to cooperate with the police and breaking all contact with traffickers, are complied with by the victim.

However, a number of organisations and commentators have pointed to the serious flaws in the Bill in relation to victim identification and protection provisions when compared to the requirements of the CoE Convention. These include:

- Identification of victims of trafficking is made by a Garda Superintendent only and the Bill does not contain specific provisions facilitating the collaboration with other parties and relevant organisations. Furthermore, an application for the recovery-and-reflection period can only be made by a Superintendent and cannot be made by the victim or on behalf of the victim by another party, thus leaving the victim in a position of powerlessness and passivity
- EU citizens are not included in the relevant section of the proposed legislation, wrongly assuming that they have an automatic right to arrive, reside and avail of services in Ireland. This fails to take account of the habitual residence condition and the restrictions on the nationals of some EU countries, such as Bulgaria and Romania, in relation to their access to the labour market. The temporary arrangements provide recovery permits to victims originating in any of the EU countries. The Minister for Justice, Equality and Law Reform (MJELR) made

a statement to the effect that he does not intend to make an amendment to include EU nationals (Oireachtas Select Committee, 11 November 2008).<sup>70</sup>

- Under current administrative arrangements, protective measures and services associated with the temporary residence permit are only provided where the victim is willing to cooperate with a Garda investigation. This does not allow for the granting of a permit where the investigation is not possible, even in cases where the risks to the health and safety of the victim indicates the need for her to remain in Ireland
- When a suspected victim of trafficking is verified by a Garda Superintendent, a 60-day recovery-and-reflection period is granted. Services and non-removal from the State are guaranteed for that period. However, the status of the victim and the right to services remain unclear in the period of determining and verifying that she is a victim of trafficking
- Under the proposed legislation, victims of trafficking who are not willing or able to cooperate/testify and are deemed unlawfully resident in the State would become liable to summary deportation
- There is no avenue for granting ‘humanitarian leave to remain’ to victims of trafficking. Therefore, the only other avenue into safety is through the protection process. Having international protection as the only avenue for addressing legal status is not appropriate because, in many cases, the persecution occurs not in the country of origin but in the host country. The Refugee Convention is forward looking and a person who is not able to show a future risk, or who cannot show that her country of origin is unwilling or unable to protect her, will not be able to claim protection. Furthermore, the possibility of granting permission to remain on ‘compelling grounds’, foreseen in section 79(2)(c) of the IRP Bill 2008, comes with the provision in section 83(2)(b) that the MJELR does not have an obligation to consider grounds that have arisen after the woman’s departure from her country of origin. Therefore, it is likely to exclude the vast majority of trafficking victims
- Specific rights as recommended in the CoE Convention, in relation to safe accommodation, material and psychological assistance, medical treatment, access to information on their legal status and options in a language that the victim understands, and legal representation at all stages of the investigation and prosecution, are not included in the IRP Bill

70 Stated during Committee-stage debate on the IRP Bill in the Oireachtas’ Select Committee on Justice, Equality, Defence and Women’s Rights. Source: <http://debates.oireachtas.ie/DDebate.aspx?F=JUS20081111.xml&Page=1&Cp=H2#H2>

- To date, there has been no specific response by the State to the CoE Convention requirements for compensations of victims of human trafficking.<sup>71</sup>
- It has yet to be confirmed whether the Director of Public Prosecutions (DPP) has developed guidelines for public prosecutors in consultation with An Garda Síochána to the effect that victims of trafficking are not prosecuted for offences, including immigration offences, committed while controlled by the trafficker

If these measures are not enshrined in legislation, there is no legally guaranteed access to victims' rights and there would be no mechanisms for monitoring or full Parliamentary scrutiny of the provision of these rights.

The MJELR has stated that he will look again at the issue generally of the best interests of the child in close consultation with the Attorney General. In an Oireachtas Debate on the IRP Bill, he stated that 'he would take account of child victims of trafficking in this context' (Oireachtas Select Committee Debate 11 November 2008).

## IRISH MEASURES TO COMBAT TRAFFICKING

### *Anti-Human Trafficking Unit*

The AHTU was established in the DJELR in 2008 and a senior civil servant was appointed as the head in February 2008. The remit of the unit is to ensure that the State's response to trafficking in human beings is coordinated, comprehensive and holistic. A key element of this strategy will be the development of a National Action Plan to Prevent and Combat Human Trafficking (NAP) to be approved by an interdepartmental high-level group (see below), for submission to the MJELR. The NAP, which is currently being drafted, will have a strong focus on preventing trafficking from becoming a major issue in Ireland.

The NAP will be developed under four main headings: prevention and awareness raising, prosecution, protection of victims and child trafficking. The Government has stated that the NAP will ensure that Ireland is compliant with all of the relevant international instruments. It will therefore allow for the ratification of the CoE Convention and the UN Palermo Protocol.

An interdepartmental high-level group has been established to recommend the most appropriate and effective responses to trafficking in human beings to the MJELR. The group comprises representatives from various Government departments. They engage with NGOs and relevant international organisations and host roundtable discussions, to be held approximately every four months initially. In addition, five interdisciplinary working groups have been established to progress matters and, in turn, report to the high-level group. These interdisciplinary groups deal with the development of a national referral mechanism, awareness raising and training, child trafficking, labour exploitation and sexual exploitation.

71 The Criminal Injuries Compensation Tribunal could only play a very limited role in cases involving victims of trafficking as it only refunds expenses and losses suffered as a direct result of a violent crime or while assisting or trying to assist in preventing a crime or saving a human life, and does not cover 'immaterial loss and suffering'. The Criminal Justice Act 1993 covers compensation only in so far as the conviction of a trafficker who has assets is obtained; it does not provide a basis for the compensation of victims of trafficking in general.

As part of its work, the AHTU is in the process of establishing the provision of legal representation to suspected victims of trafficking which is to be provided by the Legal Aid Board. This is to be welcomed, however it is hoped the provision of legal services will be extended to include migrant women wishing to exit the sex industry.

### ***Garda National Immigration Bureau***

Enforcement of the *Criminal Law (Human Trafficking) Act 2008* falls under the remit of the GNIB, which was established in 2002, in cooperation with other units of An Garda Síochána. It is responsible for all immigration-related Garda operations. The GNIB carries out deportations, border control and investigations relating to illegal immigration and human trafficking in cooperation with local gardaí. The GNIB is headed by a Detective Chief Superintendent with a Garda staff of two Detective Superintendents, four Detective Inspectors, 24 Detective Sergeants and 180 Detective gardaí and gardaí. They are supported by 68 civilian staff. An Garda Síochána have also recently established a new unit called the Anti Human Trafficking Investigation and Coordination Unit in order to concentrate Garda efforts in the fight against human trafficking in Ireland, however there has been no public announcement about the establishment and remit of this unit to date.

Prior to the *Criminal Law (Human Trafficking) Act 2008*, the Gardaí were operating under the *Illegal Immigrants (Trafficking) Act 2000*, which was primarily enacted to criminalise and control illegal immigration and the smuggling of migrants into Ireland. Section 2 of the 2000 Act provides that a person who organises or knowingly facilitates the entry into the State of a person whom he or she knows or has reasonable cause to believe is an ‘illegal immigrant’ or a person who intends to seek asylum shall be guilty of an offence. This 2000 Act created difficulty in enforcement and blurred the distinction between smuggling and trafficking. Consequently, the *Criminal Law (Human Trafficking) Act 2008* has been welcomed by the gardaí, as well as the NGO community and other stakeholders, as it provides a clear definition of trafficking for the purpose of identification and investigation. Under the new legislation, a Garda Superintendent is responsible for the identification of trafficked persons. Since the introduction of the Act in June 2008, there has been ongoing advocacy by NGOs for recovery and reflection permits for a number of victims of trafficking. To date, however, it has only been granted to two women.

The 2006 DJELR Garda Report of the Working Group on Trafficking in Human Beings stated that, in trafficking cases, it is also possible for the prosecuting authorities to bring charges for a range of offences covered by criminal law, including sexual offences, false imprisonment and possession of false documents.

The GNIB has carried out a number of specialised targeted operations where it had suspected that women and girls have been trafficked into the sex industry. ‘Operation Hotel’ was established in November 2005 to investigate the trafficking of Eastern European women into the Irish sex industry. In the course of the investigation, it was discovered that foreign children were working in the sex trade. This led to ‘Operation Snow’, which has identified that a number of Nigerian children were trafficked into Ireland. A number of files have been sent to the DPP in relation to child prostitution and trafficking. Investigations under ‘Operation Quest’ have been ongoing since 2003. More recently, ‘Operation

Abbey’ targeted a key organisation of prostitution which owned brothels in various parts of Ireland. The GNIB is also working closely with police forces internationally to gather intelligence and evidence to build files on traffickers. A large international inquiry led to the arrest in Ireland of Peter Kwamo Sarfo, who was then extradited by the High Court to the Netherlands.

Since the introduction of the *Child Trafficking and Pornography Act 1998*, there have been a number of successful convictions for the possession of child pornography, mostly as a result of a highly specialised Garda operation in 2001. ‘Operation Amethyst’ was part of an FBI-initiated international investigation into the dissemination and possession of child pornography and carried out in cooperation with the UK police force.<sup>72</sup> However, to date there have been no convictions for the trafficking of children under the Act. In addition, An Garda Síochána annual statistics do not include data on reported or investigated cases of child trafficking.

It is only since the *Criminal Law (Human Trafficking) Act 2008* was introduced that the GNIB is establishing systems to record and compile statistics on cases of adults that have been trafficked in accordance with the 2008 Act. At an official level, trafficking cases have remained hidden in prostitution and immigration offence files. There have been a number of high-profile trafficking cases reported in the media. Despite this, there was no official data available to the researchers in relation to the number of trafficking cases suspected or reported to the Gardaí.

The absence of a national strategy creates difficulties for organisations in relation to:

- The identification of women who are exploited
- The recording and monitoring of data
- Providing an integrated response
- Making appropriate referrals

Many women who are trafficked do not self-identify as trafficked (they may use terms such as kidnap or held captive). It is established in the literature that it can take up to six months for a woman who is trafficked to disclose the full details of the circumstances and means by which she has been trafficked. Best practice demonstrates the importance of providing an integrated response, which would include health, accommodation, legal and social services that are culturally sensitive to women who are trafficked, and to allow them the time and space to recover (see chapter five).

Given the lack of an integrated strategy, recorded information is limited and, for the most part, is related to the brief of a particular organisation. Also, it is only since the establishment of the AHTU that a system for collating official statistics on trafficking for sexual exploitation has been developed. In addition, in the absence of a policy and a service framework, it is difficult for women who are trafficked and have no legal status in Ireland to come forward. It is likely that they will be treated not as victims of human rights violations but as illegal immigrants.

<sup>72</sup> See report on pornography in Ireland by M. O’Connor (2006) *Second Report of the National Observatory on Violence against Women*, the National Women’s Council of Ireland and the European Women’s Lobby for details of the convictions under the Act.

The recent reported case of a 23-year-old Nigerian woman, who is an alleged victim of sex traffickers, bears this out. It raises serious concerns at the initial implementation of the Act and the temporary arrangements in relation to the protection of victims. At the time of reporting (14 January 2009) she had been in custody for nine weeks after being arrested under the *Immigration Act 2004* for not having travel documents. Ruhama attended the court hearing and pleaded for her to be identified as a presumed victim of human trafficking and, therefore, eligible for the 60-day reflection-and-recovery period. It proposed that she be released and brought to a safe house. Opposing an application for bail, Garda Supt Frank Walsh said the passport she had been carrying was false. He was not satisfied the woman was a victim of human trafficking as claimed and he asked for a continuing remand in custody to establish the woman's correct identity. The judge granted a final remand but insisted that the State come up with evidence, otherwise she would direct that the woman be removed from the criminal prosecution system. On 23 January, the woman was jailed for four months for unproven identity and failure to produce travel documents (Tom Shiel, *Irish Times*, 24 January 2009).

The concerns outlined above in relation to the protection process not being appropriate for all victims of trafficking have also been borne out by some recent decisions. While at least two cases, which were in relation to two young and particularly vulnerable victims of trafficking from Nigeria (and which were appeals of negative Office of the Refugee Applications Commissioner (ORAC) recommendations to the Refugee Appeals Tribunal (RAT)), have been successful, in two other cases, negative decisions have been upheld in the High Court.

The recent case of *A v MJELR*<sup>73</sup> concerned an application for leave to apply for a judicial review of a RAT decision that had affirmed the refusal of protection to a young Nigerian girl who was a victim of trafficking for sexual application on the basis 'that State protection – albeit imperfect – would be available to the applicant'. In this case, the RAT and the High Court did not dispute the fact that the girl was a victim of trafficking. However, it was nonetheless decided that she should not be granted protection in Ireland.

The earlier case of *Imafu v MJELR*<sup>74</sup> also concerned an application for the judicial review of a RAT decision. In this case, the High Court found that the RAT was correct in making a decision that the woman lacked credibility based specifically on the applicant's demeanour before the tribunal. The High Court held that as a result of its adverse credibility finding in respect of the applicant, the tribunal was not obliged to consider the applicant's claims in the context of country of origin information. The court stated:

*[I]n the present case, the applicant was not believed as to her personal tale and it is reasonable to conclude, therefore, that no matter how much evidence or material may have been available as to the state of things in Nigeria from an objective viewpoint, this could not have persuaded the Member to believe the personal story*

This case highlights the need for more sensitivity in credibility assessments for

73 [2008] IEHC 336, Judgment of 29 October 2008.

74 [2005] IEHC 416, Judgment of 9 December 2005.

victims of trafficking given that a finding of lack of credibility can fundamentally affect the main element of a trafficking victim's asylum claim (*Irish Times*, 1 December 2008).

### ***Separated Children's Unit (HSE)***

The HSE's SCU was established in 2001 to service the greater Dublin area. Its establishment was a response to the growing numbers of unaccompanied minors, also known as separated children, identified in Ireland. Separated children are children under 18 years of age who arrive in the State either unaccompanied or with adults claiming parental or guardianship roles where these roles are questionable and require investigation.

Separated children arrive in Ireland for a range of reasons, including fear of persecution or lack of protection due to human rights violations, armed conflict or disturbances in their own country. They may be victims of trafficking for sexual or other forms of exploitation, or have travelled to Europe to escape conditions of serious deprivation or to reunite with family members in Ireland. Some separated children are unaware of why they are here or that the country they are in is Ireland.

The SCU also has the responsibility to provide appropriate placements and health, psychological and social services to respond to the ongoing welfare of separated children. It is the responsibility of the SCU to make an application for protection, if this is in the best interests of the child, and to support the child throughout the application process.

Key pieces of legislation that guide the work of the SCU are the *Child Care Act 1991* (sections 3 and 4)<sup>75</sup> and the *Refugee Act 1996* (section 85(a)).<sup>76</sup> The *Child Trafficking and Pornography Act 1998* also informs the work of the SCU. This has been complemented by the *Criminal Law (Human Trafficking) Act 2008*.

Between 2001 and 2007, 5,369 separated children were referred to the HSE. Of these, 2,536 were placed in care, 441 of whom went missing and of whom only 53 have been accounted for.<sup>77</sup>

In 2007,<sup>78</sup> there were 312 referrals to the SCU and, in the first 10-month period of 2008, there were 270 referrals. In 2007 and 2008, 12 young people stated that they were trafficked into Ireland for purposes of sexual exploitation. Five stated that they were in Ireland as domestic slaves, seven girls were pregnant on arrival to Ireland and three girls became pregnant after they had arrived in Ireland. Twenty-six Chinese children came into the care of the SCU in 2007 and 2008 and disappeared almost immediately. It is acknowledged by the SCU that a much higher number than the 12 separated children stated above may have been trafficked and experienced exploitation of all kinds including sexual exploitation in their country of origin, in transit and in Ireland.

75 Sections 3 and 4 oblige the State to promote the welfare of children who are not receiving adequate care and protection.

76 Section 8 (a) stipulates that, where it appears to an immigration officer that a child under the age of 18 years who has arrived at the frontiers of the State is not in the custody of any person, the immigration officer shall, as soon as practical, inform the health board in whose functional area the place of arrival is situated and the provision of the Child Care Act 1991 shall then apply in relation to the child.

77 Figures released by Denis Naughten, TD.

78 Statistics for the following paragraphs were provide by the SCU.

In 2007, 159 young people over the age 14 years from 38 different countries were referred to the SCU: 72 males and 87 females. The highest number of referrals was from Nigeria, which accounted for 31 per cent (49), followed by the Cameroon with 10 per cent (16).

Ninety-five per cent of referrals are from the ORAC. Immigration officers at airports and ports also make referrals. Sixty-five per cent of children referred are reunited with their family. In such situations, the local social work team are informed. However, there are no resources for follow-up work.

Where possible, children are reunited with a family member. Reunification is complex and requires in-depth assessments of the family. However, the social work team in the SCU has limited resources and is unable to verify the authenticity of documents provided or follow up on reunification in the community. It is now known that, in some cases, village neighbours, parents or relatives have received money or gifts in exchange for children, or have placed them in situations that put them at risk of trafficking. The return of children to their country of origin is a complex issue and it is difficult to ensure that they are safe and have long-lasting social services and support systems.

Young people with no family in Ireland are placed either in foster care or residential childcare, if under 16 years of age, or placed in hostel or supported lodging accommodation if over 16. Once they reach 18 years of age, they become even more vulnerable. They are considered to be 'aged-out minors'. Although there are some dedicated units for aged-out minors, many are placed in adult hostels for asylum seekers (known as direct provision), which are run by the DJELR and regarded by some as unsuitable for vulnerable young people. However, there are two youth workers who monitor the young people who have moved from HSE care to adult services and the dedicated units.

The SCU is required by the *Child Care Act 1991* to formally notify the local gardai about any disclosure of abuse. All cases of trafficking are referred to the GNIB. Despite this, there is no published data on the number of separated children who are suspected of being trafficked or who have been trafficked. Of course, the numbers of disclosures of trafficking will not accurately reflect the reality.

Separated children are linked to the following services: medical services, public health screening, social work services (which have limited resources) for children who are particularly vulnerable, psychological services, education, Community Welfare Services and Refugee Legal Services (RLS).

If separated children cannot return home or join a family member who has a right to remain in Ireland, there is no alternative international protection or legal status provided for them. As a result, many separated children must face the asylum process to claim international protection. Generally, children are not put into the asylum process before the age of 16 years, when they are less likely to understand the process. When applying for asylum, there is no special questionnaire for separated children. They must complete the questionnaire for adults with the assistance of their HSE worker and the RLS. This is followed by an interview with the ORAC to explain clearly why the child seeks a declaration as a refugee. A separated child is always accompanied to their ORAC interview by a HSE representative and their legal representative from the RLS.

When returning home is an option, the team link up with the IOM to locate the children's families, conduct family assessments and facilitate the move home if the assessment supports it.

Several issues have been raised by service providers and NGOs in relation to the provisions for separated children in Ireland including:

- Separated children are not entitled to the same treatment as national or legally resident children and there is no child-friendly application process for international protection
- Separated children who have not applied for international protection do not have a clear immigration status. At the same time, the State has a policy of registering children who are older than 16 years of age and issuing them with a separate residence card. There are children between the age of 16 and 18 who have neither a protection application card nor any other residence card that can identify their immigration status in the State
- There are insufficient residential centres for separated children in the Dublin area. In one region of the country, separated children are dealt with under section 5 of the *Child Care Act*. Hostel provision is inappropriate for any child, particularly trafficked and vulnerable children
- There is concern regarding the lack of follow-up for children who have been reunited with family members and that many children are placed with families that are not in fact their family, placing children at severe risk
- There is a lack of training and proper guidelines for professionals at the points of entry to Ireland and social workers in identifying child victims of trafficking and gender-specific persecutions
- There is no 24-hour service to deal with emergency cases
- There are inadequate systems of support on leaving care and aftercare services, including needs assessment and guardianship
- There is a lack of safe, secure and long-term accommodation that is linked to services for victims of trafficking

### ***International Organization for Migration***

The IOM<sup>79</sup> was established in 1951. It has membership of 125 states, and a further 18 states hold observer status. Its brief is to provide services and advice to governments on issues relating to migration. Ireland has been a member since 2001. The IOM provides assisted voluntary return and reintegrated programmes that are open to protection seekers and irregular migrants from non-EEA (European Economic Area) countries who wish to return home voluntarily, but do not have the means, including the necessary documentation, to do so.

Between 2003 and 2007, 13 women and girls who had been identified as victims

<sup>79</sup> The International Organization for Migration (IOM) is an intergovernmental organisation, with an office in Dublin. It works in the field of migration and plays a key role in providing a programme of assisted voluntary return for asylum seekers and irregular migrants. It has more than 290 offices worldwide in over 120 states

of trafficking participated in the programmes of IOM Ireland. Of the 13, three were minors and the age of the remaining 10 ranged from 19 to 26 years. Six of the 10 were from Africa, two were from Brazil and one each were from Moldova and the Russian Federation (Pillinger 2007).

The IOM has identified trafficking as a key area of its work and has established a programme of counter-trafficking activities across the world. Globally, the IOM has had nearly 500 projects in 85 countries working on trafficking since 1994, with assistance given to approximately 15,000 trafficked persons through programmes of victim assistance, protection and prevention, information and awareness, policy and research, and capacity building and training. Assistance is provided by the IOM in cooperation with its partners at national level in the provision of safe accommodation, medical and psychosocial support, skills development and vocational training, reintegration assistance, and the options of a voluntary, safe and dignified return to countries of origin or resettlement to third countries where this is necessary.

The growth of activity in this area has led the IOM to develop a number of resources, including a counter-trafficking database on voluntary returns for victims of trafficking, a *Handbook on Direct Assistance for Victims of Trafficking*, which gives guidance and advice on assistance programmes for victims of trafficking (IOM 2007) and a *Handbook on Performance Indicators on Counter Trafficking Projects*, which provides guidance on performance indicators for programmes on counter trafficking (IOM 2008).

In Europe, there have been specific projects to develop return programmes, in cooperation with NGOs, for example, for victims of trafficking in Italy to Nigeria, and a programme is currently being developed in Norway. The IOM's global research and project work has also helped to raise awareness of the extent and nature of trafficking. For example, a research project conducted during and after the 2006 World Cup in Germany highlighted an increase in trafficking during the period (IOM 2007). The research recommended that a number of counter-trafficking measures be introduced during similar events. Other projects have focused on the reintegration of women and children victims of trafficking in countries of origin. For example, one project in Moldova, which began in 2000, has developed services to meet the reintegration and assistance needs of women and children, as well as working in a preventative capacity to provide opportunities for work and education for those most at risk of trafficking.

In 2002, Ireland became a member state of the IOM and the office has recently begun to develop work in the area of trafficking. No specific programmes on trafficking have been developed, although the Dublin office has provided six training workshops to gardaí on trafficking as part of a commitment to raising awareness and understanding of the issue. The main focus of its work has been to coordinate a number of voluntary assisted return and reintegration programmes, which include resettlement assistance to people when they return to their countries of origin. These programmes can help to support vocational training, education or setting up small businesses. Through these programmes, the office is aware that victims of trafficking have been assisted, although because of the nature of trafficking and the issue of confidentiality, specific questions are not asked. The Dublin office has stated that they need to develop specific expertise in the area of identification of victims.

The programmes run from the IOM's Dublin office include a Voluntary Assisted Return and Reintegration Programme (VARRP), which assists irregular migrants and asylum seekers to return to their country of origin but who do not have the means or documentation to do so. The reasons for their stay in Ireland and their return are kept confidential and returnees travel as regular passengers. A programme of Voluntary Assisted Return for Vulnerable Irregular Nigerian Nationals (VARRP VINN) was established in 2006, in cooperation with the IOM in the Netherlands. The programme has assisted victims of trafficking, unaccompanied minors, female-headed households, aged-out minors and people with special medical requirements.

A Voluntary Assisted Return and Reintegration Programme for Unaccompanied Minors and Aged out Minors (UAM/AOM VARRP) has also been in place since 2004. It provides assistance for the safe return of children and young people, if it is deemed to be in their best interests. This is carried out with care for the specific needs of this very vulnerable group and the IOM cooperates with the SCU in the HSE. As with other programmes, a reintegration grant is provided and the IOM facilitates the return and verification of the relationship with family members in the country of origin. Under this programme, the IOM has found that around half of the caseload of unaccompanied minors referred to the IOM programme since 2004 has shown indicators of trafficking, most of whom were nationals of West African and Eastern European countries. In 2009, a specific return programme for Brazilian migrants was established, based on a research project that has identified a substantial demand for return programmes in the Brazilian community.

The general absence of data on trafficking in Ireland is also reflected in the data available from the Dublin IOM office. While there have been a low number of identified victims of trafficking, the IOM is aware that this does not reflect the true number of victims that have participated in return programmes. Anecdotally, the IOM is aware that there are larger numbers of victims, and many cases have presented strong indicators that trafficking has taken place. For reasons pertaining to confidentiality, IOM staff do not ask for this information. However, in a few cases, this information has been provided voluntarily by assisted individuals. For this reason, and because of the secretive and threatening nature of trafficking and the risks women experience, IOM is unable to provide firm data on the numbers of victims of trafficking that have participated in its return programmes.

The IOM recognises that, although trafficking is a relatively new issue in Ireland, there is a need for training and capacity building on the identification of victims of trafficking and the delivery of appropriate responses. In particular, the absence of clear protocols or agreements between different agencies in the area of identification, referrals, safety and assistance is highlighted as a priority. Another priority is the need to examine the alternatives that can be provided by the IOM where it is inappropriate or unsafe to return a victim to a country of origin. Given the importance that return programmes are likely to play in the future, it will be important to ensure that there is evaluation of the effectiveness of return programmes and the extent to which they provide long-term, safe and secure livelihoods for returned victims. There is also a need for research on the extent to which migrant women engaged in prostitution are also supported by the IOM through return and assistance programmes.

## **European-funded project on trafficking for sexual exploitation 2009 - 2012**

Funding has been granted to an innovative new project in Ireland under the European Daphne Programme on Violence against Women. The Dignity Project is a joint initiative of the Dublin Employment Pact and the ICI. It seeks to create a transnational consortium of multidisciplinary stakeholders who will examine identified models of good practice in legislation/policy and service provision to victims of trafficking (women and children) for sexual exploitation. It will seek to replicate and mainstream appropriate models of inter-agency or multidisciplinary work, involving both statutory bodies and NGOs, to deliver good-practice services for victims and contribute to combating trafficking in women and children for sexual exploitation in the EU. Other Irish partners to the project include the AHTU, the WHP (HSE), Sonas Housing and An Garda Síochána.

The transnational partnership, by studying identified best-practice service models to victims and documenting the elements of best-practice work, will identify how best to replicate such models at the local level. An integrated and holistic victim-centred approach will include services to all women exploited in prostitution. It will include health services, accommodation, advocacy services, education and soft skills development for victims. Victim witness support and protection, victim integration and/or victim repatriation systems will also be examined and documented with a view to replication of best models.

Supporting the Dignity Project in Ireland and informed by the lessons learned, an advisory group of relevant Government departments and agencies, local authorities and trade unions has been established to support the mainstreaming of lessons required at the policy level to ensure the success of the project and the durability of project outcomes.

## **SUMMARY AND CONCLUSIONS**

Trafficking of adults into and through Ireland has only recently been criminalised under the *Criminal Law (Human Trafficking) Act 2008*. The Act criminalises the trafficking of humans for the purpose of sexual or labour exploitation or the removal of organs. It provides for severe penalties for traffickers provided that the force or specified means of coercion to obtain consent were used in line with the definition contained in the UN Palermo Protocol. A person found guilty of paying for sexual services from a victim of trafficking will be liable for a fine of up to €5,000 or a prison sentence of up to five years. However, lack of knowledge of the trafficking circumstances of the victim could be used as a defence by the buyer, which predetermines little or no effect in relation to the punishment of buyers under the legislation.

Provisions in relation to victims' assistance are not contained in the trafficking legislation but in the IRP Bill 2008. The Bill does contain a provision for a recovery-and-reflection period of 45 days, which will be extended to 60 days and a further six-month, renewable, temporary residency permit for victims who assist the authorities in the investigation and/or prosecution of the trafficking offence. However, many commentators and NGOs have highlighted the serious flaws in relation to victim identification and protection provisions and their failure to fully comply with the CoE Convention.

The specific areas of concern are that the protective measures and services

associated with the temporary residence permit are only provided where the victim is willing to cooperate with a Garda investigation and/or prosecution of the trafficking offence; identification of victims of trafficking is made by a Garda Superintendent only and there are no provisions for collaboration with other relevant organisations; EU citizens are not included in the relevant section of the proposed legislation; and rights in relation to services and legal representation will not be enshrined in the IRP legislation. Furthermore, it is not appropriate that the protection process is the only avenue for victims of trafficking to obtain permission to remain in the State on a long-term basis.

It is only since the *Criminal Justice (Human Trafficking) Act* came into force in June 2008 that the GNIB has started to establish systems to record and compile statistics on cases of adults that have been trafficked in accordance with the Act. Therefore, at an official level, trafficking cases have remained hidden in prostitution and immigration offence files. Despite a number of high-profile trafficking cases reported in the media, no official data was available to the researchers in relation to the number of trafficking cases suspected or reported to the Gardaí.

There has been ongoing advocacy by NGOs for recovery-and-reflection periods for a number of victims of trafficking but, to date, it has only been granted to two women. A recent case, where an alleged victim of sex traffickers was jailed for four months for unproven identity, also raises serious concerns at the initial implementation of the Act. This case indicates that suspected victims of trafficking are being treated as illegal migrants, despite the fact that lack of papers or possession of false papers is a common international experience of trafficked people. Ruhama has been strongly critical of the continued detention and the criminalisation of people who display all the indicators of being trafficked for the purpose of sexual exploitation. (Ruhama Press Release, 23 January 2009).

Separated children arrive in Ireland for a range of reasons, including fear of persecution or lack of protection due to human rights violations, armed conflict or disturbances in their own country. A small number of children have self-identified as victims of trafficking for sexual or other forms of exploitation. However, it is accepted that this is unlikely to represent any kind of realistic figure of children trafficked and subjected to sexual exploitation. There are many critical issues that need to be addressed in relation to the human rights and treatment of this vulnerable group of children in Ireland.

Ireland has no strategy or policy for addressing prostitution (see chapter three) and, until 2008, had no legislation or official framework to respond to women trafficked for sexual exploitation. This created major difficulties for organisations in relation to:

- The identification of women who are exploited
- The recording and monitoring of data
- Entitlements in relation to services
- Providing an integrated response
- Making appropriate referrals

The recent establishment of the AHTU in the DJELR in 2008 is a positive development in the State's response to trafficking. The unit is developing a

National Action Plan to Prevent and Combat Trafficking in Human Beings in consultation with the relevant NGOs and service providers. The remit of the AHTU should be broadened to include prostitution.

European funding has also been granted to an innovative new project that will examine identified models of good practice in legislation/policy and service provision to victims of trafficking (women and children) for sexual exploitation. The project hopes to replicate and mainstream appropriate models of inter-agency or multidisciplinary work, involving both statutory bodies and NGOs, to deliver good-practice services for victims and contribute to combating trafficking in women and children for sexual exploitation in the EU.

However, a national action plan and best-practice models need to be developed in the context of a legislative framework that makes adequate provision for the protection of all victims of commercial sexual exploitation. Ireland must be committed to a human rights approach that fulfils its obligations under the international conventions and instruments to which it is a signatory.



# PROSTITUTION AND TRAFFICKING: INTERNATIONAL PRACTICE

*Introduction*

*Protective Environment for Disclosure and  
Identification*

*Support Services*

*Exit Routes for Women Engaged in Prostitution*

*Inter-agency Strategies*

*Legal Status*

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## INTRODUCTION

This chapter looks at good practice and the experiences of different countries to identify measures that would be appropriate to the challenges facing Ireland in the prevention of trafficking for sexual exploitation and in the provision of services for victims of trafficking and women engaged in prostitution.

It examines these measures within a framework of human rights instruments, in particular the provisions of the UN Palermo Protocol, the CoE Convention and other instruments related to gender equality and gender-based violence outlined in chapter four. It starts from the position that, in order to tackle trafficking for sexual exploitation, it is necessary to examine its relationship to the sex industry more generally. It also recognises that the exploitation of prostitution and trafficking represent gender-based violence and an infringement of women's fundamental human rights.

In light of the above, approaches taken in Norway, Sweden, Italy, Spain and the UK are examined. Particular attention is also paid to the principles and standards established through the Nordic-Baltic project on trafficking, which represents a good-practice model for cooperation between origin and destination countries in providing support services for women victims of trafficking and migrant women in prostitution. The project highlighted the importance of a gender equality perspective in anti-trafficking work, and the links between trafficking, prostitution and violence against women. Standards in relation to residence/legal status and reflection periods; shelter and specialised services; referrals and safe returns; victim protection and data protection; and compensation and financial assistance are highly relevant in an Irish context. An overview of the Nordic-Baltic project and a summary of initiatives developed in participating countries can be found in Appendix H. The learning from other jurisdictions is considered under a number of critical areas that will inform a framework for action in Ireland.

## PROTECTIVE ENVIRONMENT FOR DISCLOSURE AND IDENTIFICATION

The identification of victims is crucial to ensuring that women receive appropriate assistance and services, as well as alternatives to stay in the host country. How a victim is identified requires training and awareness raising. Guidelines and standards are needed to ensure that the identification process takes account of the human rights of potential victims. Under the CoE Convention, victims must be recognised as such to avoid police and public authorities treating them as illegal migrants and criminals. Failure to identify victims as such could result in a denial of fundamental human rights. During the identification process, the person cannot be removed from the territory. Special provisions exist for child victims under 18 years such as establishing the child's identity and nationality, and locating the child's family when that is in the child's best interest.

One of the difficulties is that, in many cases, migrant women working in prostitution are viewed simply as irregular migrants and, as a result, face immediate deportation. While many countries have developed policies on the criminalisation and prevention of trafficking, there is less evidence of the provision of good-practice approaches to identification. A small number of countries have developed indicators for interviewing potential victims. Principles informing this process have been developed under the Nordic-Baltic project

(2005-2008), specific guidelines for interviewing victims have been drawn up by the IOM and the World Health Organization (WHO) who in this regard (IOM 2005, WHO 2003), while a *Protocol for Identification and Assistance to Trafficked Persons* has been drawn up by Anti-Slavery International (2005).

The Nordic-Baltic project has identified a number of principles that can inform best practice in this area. This includes the requirement that women victims are not criminalised on the basis of their irregular status, criminal activities or irregular earnings and that the identification process is used as a basis for providing alternatives for women to stay in the host country. In the identification process itself, best-practice approaches include cooperation between key service providers and law enforcement, outreach work with women exploited in the sex industry, a process of identification that recognises the difficulties women may face in disclosing information and talking about their experiences, and the need to build trust. The project also recommends that the consent of the victim in the trafficking process is irrelevant and that all women in prostitution must be entitled to assistance, support and protection.

The identification process requires not only a change in attitudes and understanding of the nature of prostitution and trafficking, but also effective forms of training and awareness raising for all key players. This is also based on the principle that there is cooperation between the public authorities, including border guards and law-enforcement agencies, social services and medical personnel, as well as NGOs and women's organisations that have experience of working in the area of gender-based violence. In this process, it is vital for frontline staff to have training and skills in the identification process so that they do not make distinctions between women in prostitution and a woman who has been trafficked, on the basis that the two are closely connected.

Finally, a key issue is that a 'low threshold' be established in the process of identification and that a process be put in place to 'reverse the burden of proof'. In this context, migrant women in prostitution should always be treated as possible victims of trafficking on the basis of the fact that the issue of consent of a victim is irrelevant. This is particularly important because many migrant women began the migration process before they were trafficked. A low threshold as a process means that all women who could potentially be victims are included in the identification process, even if they have not made a disclosure. This low threshold approach has been particularly successful in Norway. It has ensured that potential victims are not excluded from the process by allowing time for women to recover and disclose their experiences in a safe environment.

Several countries have begun to develop effective systems for the identification of women victims of trafficking, and particularly in linking this to the provision of support and other services. Good practice can be found in Norway, where an independent legal framework exists for victims of trafficking, a key element of which is the exploitation of persons. The legislation provides for all victims of trafficking to be protected, even if it is not possible to prove that they were forced into prostitution. Assistance is not conditional on cooperation with the police or an existing investigation. The fact that an NGO can identify a suspected victim of trafficking is equally important as this can result in the granting of a recovery-and-reflection permit for six months, service provision and long-term protection. There is a wide definition given to exploitation, under the Penal Code (paragraph 224), which not only includes violence, force, threats and abuses of

power, but also abuse of a position of vulnerability. Consent to the criminal act is deemed irrelevant and the legislation states that trafficking can take place without crossing a border.

In Norway, opening up services for victims of trafficking was the starting point for identifying large numbers of women and children who were victims of trafficking and sexual exploitation. Norwegian NGOs play a key role in the identification of victims and in the provision of services, and a ‘low threshold’ approach has been put in place.

The UK’s *Action Plan on Tackling Human Trafficking* (Home Office, 2007) has similarly identified protection and assistance of victims in three areas, one of which is to improve identification and referral procedures and practices ‘to help liberate victims from exploitation and enable them to access appropriate support services’. The plan acknowledges that a lack of awareness and processes for identification have, in the past, led to victims of trafficking being charged under immigration legislation. The plan suggests that support to victims of trafficking ‘should go beyond providing safe accommodation... to include help in recovery and prevent re-trafficking or re-victimisation’. An early and accurate identification process is regarded as being crucial to preventing re-trafficking and further abuse. The plan recognises that victims may not self-identify as they may not recognise that the situation that they are in is a crime.

The Poppy Project in the UK, which provides support, accommodation, and legal and advocacy services to women victims of trafficking, has developed a victim identification process that is used in training. It includes awareness on understanding indicators of trafficking, including the mindset of victims of trafficking, who the victims are, how women are trafficked, how women present in terms of physical and mental health and how victims are recruited for sexual exploitation.

The Poppy Project has been involved in victim identification through the provision of its support services. The project takes referrals over the telephone against a core set of criteria. A more detailed assessment then takes place and this assists the organisation in identifying whether or not a woman is a victim of trafficking and whether the woman is eligible for longer-term accommodation. The project works on the basis of a number of underpinning principles. These include the need for a humanitarian approach, that victims should be treated with respect and recognition, identification should be carried out by trained staff, and staff should be aware of and sensitised to trafficking issues and be trained to interview victims sensitively. It is stressed that accounts should be accepted as true unless otherwise stated. Specific guidance is given on the key elements to be covered in identifying victims, how to communicate and build trust with a victim, relevant questions to ask, risk assessment, and short- and long-term risks and needs. Useful questions when making first contact cover eight main areas: the situation before and during entering the country, working conditions, living conditions, how the person got out of the situation and what help is needed, threats and coercion, how the person sees her situation, what her plans and expectations are for the future, and immediate and long-term risks and needs and how to meet them.

The protection of victims of trafficking also needs to be considered within a human rights approach and, more specifically, with regard to Ireland’s obligations under the ECHR (Article 4). It is worth noting that the protection for victims of

trafficking is closely linked to these obligations since the European Court of Human Rights ruled in *Siliadin v France*<sup>80</sup> that French law had not afforded a girl, who had been held in servitude in France, specific and effective protection.

## SUPPORT SERVICES

The provision of safe and secure shelter and access to specialised services are crucial for providing security for victims of trafficking and effective routes out of trafficking. The CoE Convention requires that victims of trafficking will be granted physical and psychological assistance and support for their reintegration into society. This should include medical treatment, counselling, information and appropriate accommodation, as well as legal representation.

Similarly, the *UNHCHR's Recommended Principles and Guidelines on Human Rights and Human Trafficking* stresses the importance of the protection of victims, including ensuring that support and care are not conditional upon the capacity, or willingness, of trafficked women to cooperate in legal proceedings. The guidelines make it very clear that this support should not be provided in detention centres or facilities and that trafficked persons are protected from further exploitation and harm. In addition, in partnership with NGOs, assistance should include immediate access to legal representation, primary healthcare, medical and psychological care, including voluntary and confidential counselling and HIV testing. The recommendations also provide for safe and adequate shelter that meets the needs of trafficked persons.

Best-practice standards identified in the Nordic-Baltic project include the provision of shelter and specialised support services, which encompass an approach based on the needs of the victim and that recognise the specifics of sexual abuse and prostitution, as well as an awareness of cultural differences, and the provision of translation and language support where needed. This includes an individual care plan setting out assistance in the areas of safe housing, food and clothing, health services, legal services, social and psychological support, money for activities, training and education possibilities, employment assistance and support in dealing with the authorities. It is particularly important that access to services is not dependent on taking a legal case or conditional on whether a victim has ended all contact with the trafficker and/or pimp.

In Norway, the ROSA project was established in 2004 as part of the Government's plan of action against trafficking in human beings. The project is run by the Shelter movement in Norway, which provides a 24-hour helpline, assistance and safe places to stay for victims of trafficking. Some 117 women victims of trafficking for sexual exploitation, from more than 30 countries in Africa, Asia and Europe, have been given shelter since the project was established. Good methods for working in partnership with the police and immigration authorities have been established for the provision of support and safe places to stay, provided through the network of shelters for domestic violence. Women receive free legal aid, access to health and social services, language classes, and the opportunity for voluntary safe return organised by the IOM. Women are not required to cooperate with the police authorities in giving evidence. However, to enable women to consider whether they wish to

<sup>80</sup> App. 73316/01, Judgment of 26 July 2005.

cooperate, they are provided with five hours of free legal aid.

Since 2003 in the UK, the Poppy Project, which is run by Eaves Housing for Women, has provided accommodation and support for adult victims of trafficking for sexual exploitation. Between March 2003 and May 2008, the project received 980 referrals from 66 countries, of whom 197 received accommodation and 156 received outreach support. The project has established a good partnership with policy makers and governmental agencies in supporting victims. In 2006, the Government entered into a two-year, £2.4 million funding agreement to expand the project. This model of support is now a recognised example of best practice both domestically and internationally.

Women who are assisted in the project are provided with a senior support worker and can access a range of specialist support services. These include the provision of a subsistence allowance, a health and needs assessment, registration with a GP for medical treatment, access to counselling services, and access to education and English classes. The project also provided integration and/or resettlement support and, where applicable, support with a voluntary return programme. Legal advice and advocacy, including advice on immigration and applications for asylum, is provided and liaison is established with the police and immigration services. Women referred to the project must be adults who have been trafficked into the UK for the purposes of prostitution, or forced into prostitution and sexually exploited in the UK, and who are willing to consider cooperating with the authorities.

The project has also developed a 24-hour outreach service, which has been funded by the UK Home Office. The service provides short-term support and advocacy for women across the UK who have been trafficked, in close coordination with law-enforcement agencies, immigration officials and sexual health outreach projects. The remit is to assist the policy and immigration authorities to identify and support female trafficked victims, to help enforcement agencies in planning and carrying out operations, and to support women who do not meet the criteria for accommodation. Services that are provided include advice and advocacy, signposting to relevant services, short-term crisis intervention, reintegration and resettlement assistance, and training and capacity building for agencies that come into contact with women victims of trafficking, including law-enforcement agencies, statutory agencies and voluntary sector organisations.

Another example is the BlinN Project on bonded labour and sex trafficking in the Netherlands, which has been developed jointly between the NGOs Humanitas and Oxfam Nivib. It provides an integrated package of support for victims of trafficking, the majority of whom are women, through a process of empowerment, personal development and social participation. The organisation develops and provides individualised support plan for victims, with support services to enable them to rebuild their future either in the Netherlands or their country of origin. Services include a buddy scheme, support groups, support in finding work and training, training in social skills and so on, cultural mediation, legal assistance, support in reintegration when returning to their country of origin, and temporary financial support. Cooperation has been developed with regional care coordinators, women's shelters and organisations working with women and migrants.

Of particular relevance to this example is that victims of trafficking have some opportunities to regularise their status, under certain conditions, making it possible to provide sustainable services and the long-term reintegration of women into the Netherlands or their countries of origin. Under the Dutch Alien Law, a temporary renewable residence permit is provided for victims that cooperate in the prosecution of traffickers, following a three-month reflection period. The temporary residence permit can last for several years, during which time victims can build their lives and take up services. If a temporary resident's permit is terminated, a lawyer will appeal the decision and request a five-year humanitarian permit. If the State manages to convict a trafficker, the permit is transformed into a permanent residence permission. However, if the permit is held for three years, it can be transferred into a permanent residence permit regardless of whether or not a conviction is obtained.

In Glasgow, the TARA (Trafficking Awareness Raising Alliance) Project was established in 2004. It provides advice and support to women who have been trafficked into Scotland for the purposes of sexual exploitation and helps existing service providers to meet the needs of vulnerable women. In addition, the project has run counter-trafficking training to partner organisations. The project has access to a range of social housing providers and has recently received pilot funding from the Scottish Government to extend the service to other parts of Scotland. The project is funded by the Scottish Executive and Glasgow City Council. It has been established under the remit of the Glasgow Community and Safety Services, which was set up on a partnership basis between Glasgow City Council, Strathclyde Police and other partners to work in the local community to prevent crime, including violence against women. The project provides women victims with an individual care package and, when women are referred from other agencies, an assessment of their immediate needs and risks is carried out. This enables staff to identify what services a victim needs, including emergency accommodation and medical care, out-of-hours support and legal advice. Women are provided with support, emergency clothing and a mobile phone. Once a woman's immediate needs are met, this is followed by an in-depth assessment with a view to organising a comprehensive set of supports, including counselling, English language classes, legal advice and reintegration assistance provided by the IOM for those choosing to return home.

### ***Children and young women***

Examples of other NGOs that have been working to support young women who are trafficked and exploited in prostitution include the association 'Differenza Donna', which provides help for women who have suffered physical or psychological abuse. The association manages three reception centres in Rome, one of which specialises in the provision of accommodation, protection and assistance for young women who are victims of trafficking. 'Differenza Donna' has issued a video and a book entitled *Schiave d'Occidente*, a collection of the testimonies of 10 young women who experienced trafficking for sexual exploitation.

Turin-based 'Servizio Migranti Caritas' provides accommodation, support, information and legal advice to migrants. It assists migrants in finding work and runs courses in Italian and vocational training. 'Servizio Migranti Caritas' has set up a women's project providing protection and support for victims of trafficking who are exploited through prostitution. A network of families offers

accommodation for victims, and legal, administrative, social and medical support is provided. The organisation works in partnership with the private sector, cooperatives and businesses to ensure the long-term social integration of victims.

A number of countries have introduced specific child protection policies for young children and young people who are victims of trafficking. For example, in the UK measures have been introduced on child trafficking by coordinating existing work to improve child protection. This has also resulted in specially trained multi-agency teams of immigration staff, police and social workers, and multi-agency work with agencies and organisations working with children.

Specific support services for unaccompanied minors who have been victims of trafficking or who have been at risk of sexual exploitation have been developed in a number of countries. For example, in the Netherlands a national NGO called SAMAH has, since 2000, been supporting young, unaccompanied asylum seekers between the ages of 15 and 25 years through outreach work in hostels and detention centres. In addition to providing educational and psychological support to young people, the project has focussed on the development of sustainable return and sustainable support to young people. SAMAH is a platform of 10 organisations that work with the IOM to provide safe and secure return programmes. These programmes have been informed by SAMAH's research, which has looked at the background of young Nigerian asylum seekers who have been victims of trafficking and their expectations when they first came to the Netherlands. The majority of the women came from poor and disadvantaged backgrounds, where they were subordinate to men in their households, they lacked education, had poor access to information and lacked opportunities on the labour market in Nigeria.

Although the Dutch Government does not normally return children under the age of 18 years to their countries of origin, it has, through the Beyond Borders initiative, funded projects in Angola and the Congo to which children can be returned safely. This initiative has been developed in partnership with the IOM and SAMAH. All young people who contact the organisation are registered and a personal action plan is drawn up with the young person. A range of support services are provided, including a buddy scheme or a coach provides language and skills development.

### ***Victim protection and data protection***

Under the CoE Convention, the protection of a victim's private life and identity is required in order to guarantee physical safety and social reintegration. The UNHCHR's *Recommended Principles and Guidelines on Human Rights and Human Trafficking* recommend that states ensure that people are informed of their right of access to diplomatic and consular representatives, and that staff working in embassies should be trained. Legal proceedings should not be prejudicial to their rights, dignity or physical or psychological well-being. Legal and other assistance should be provided in a language that they can understand. Protection from harm, threats or intimidation should also be put in place, there should be no public disclosure and there has to be a right to a fair trial.

The Nordic-Baltic project has highlighted the importance of victim protection and data protection. Because victims of trafficking are in vulnerable and dangerous situations, there is an imperative that the data and identity of women victims of trafficking must be protected during assistance, in case of legal proceedings and in the return process.

As the Nordic-Baltic project found, witness protection is needed in some cases and should include both physical and psychological protection, and take account of the specifics of the control, criminality and violence that exists in the sex industry. Victim support is also necessary in order to respect the well-being and safety of victims. Social workers and support workers should be allowed to keep confidentiality if they believe that disclosing information will be dangerous for the woman.

## **EXIT ROUTES FOR WOMEN ENGAGED IN PROSTITUTION**

The UN Palermo Protocol recommends that governments allow victims to remain in the destination country, temporarily or permanently. It also calls on State Parties to ensure the safety of victims; to protect their privacy and identity; and to consider providing housing, legal information and counselling in a language that victims understand, medical services, and assistance with education, employment and training.

Legislation in Italy provides victims of trafficking with support and protection. There are approximately 49 integration programmes run by NGOs and local authorities. An example of an innovative voluntary organisation in the Marche region and along the Atlantic coast, On the Road is working on prostitution and the trafficking of human beings for the purpose of sexual exploitation, with a particular focus on migrant women and minors, who are often victims of trafficking organised by criminal organisations. The women face multiple forms of discrimination and disadvantage – as migrants, as former prostitutes and as women. Most have few educational qualifications and language skills, and existing educational qualifications are not recognised.

The project works within an outreach model with street workers, outreach units, drop-in centres and provides vocational guidance, training, and social and occupational integration. Structured activities and services are tailored for the people who are affected. Street work and outreach services are provided by intercultural mediators who come from the same geographic or linguistic area as the target group. Individualised programmes are provided, often with multiple interventions in areas such as housing, health, psychological support, protection and security, legal assistance, education and training activities, vocational guidance, language training, and social and occupational integration. Training programmes, work experience and ongoing support are also provided. Since the project started in 1998, more than 38 women have successfully accessed the job market. On the Road is also the coordinator of the National Round Table on Prostitution and Trafficking in Women.

In Spain, the APRAMP (Association for the Prevention, Reinsertion and Care of Prostitute Women) provide services and support for prostitutes and victims of trafficking. In 2007, it provided services to around 270 people a day via its mobile unit, of whom 33 people were actively supported to exit prostitution with employment, training and other supports. To promote the routes out of prostitution and trafficking, the APRAMP works in partnership with an employment agency established by Madrid City Council ('Agencia para el Empleo de Madrid'), with a view to promoting social inclusion through training and work experience as an alternative to prostitution. This is particularly important as the organisation has found that the majority of women have low levels of education, training or work experience.

## INTER-AGENCY STRATEGIES

International human rights provisions and the Nordic-Baltic project all highlight the importance of coordination and inter-agency mechanisms for tackling trafficking, based on partnerships between public authorities, law-enforcement agencies and NGOs. There are a number of examples of how this has been approached in other countries and good practice in this regard has been established through the Nordic-Baltic project (see Appendix H). This approach has been advocated by the UN Palermo Protocol and the CoE Convention.

The United Nations Office of Drugs and Crime (2006) has produced a toolkit to increase awareness and to help policymakers in national governments, criminal justice systems, law-enforcement agencies, NGOs and intergovernmental organisations to understand and respond effectively to trafficking in persons. The toolkit includes the development of comprehensive strategies to address the problems, carry out effective systems of victim identification, protection and assistance. Particular emphasis is put on the ways in which States, law-enforcement agencies, governmental organisations and NGOs can work in partnership to combat trafficking.

The UK's NAP (2007) on trafficking aims to coordinate all of the work that takes place across Government agencies on human trafficking; to identify gaps and areas requiring further consideration; increase transparency; and provide a more strategic and holistic approach to tackling trafficking. The action plan situates trafficking in a human rights framework and aims to strike a balance between human rights, enforcement and support, protection and assistance for victims. The action plan has given priority to enhancing the support available and extending the rights for adult victims, assisting in the reintegration and resettlement of victims, and helping prevent re-trafficking. The NAP states that the lessons from the evaluation of the project will be used to develop guidance on service standards and create a network of appropriate services across the UK.

The establishment of the UK Human Trafficking Centre in 2006 has been a mechanism to coordinate action on trafficking between governmental organisations and NGOs. It was established following Operation Pentameter One and has since expanded its roles and functions. The centre is led by the Association of Chief Police Officers and acts as a multi-agency body, bringing together academic experts; victim care organisations and NGOs; and representatives of the Crown Prosecution Service, the Serious and Organised Crime Agency and the Immigration and Nationality Directorate. In 2009, £1.6 million was allocated to the centre with the objective of creating a comprehensive and coordinated approach to trafficking. The centre works within a human rights approach and recognises the importance of awareness raising, training and ensuring that victim care is put in place. A key role played by the centre is to provide services through specially trained policy, lawyers and immigration officers, and to work in partnership with organisations providing support to victims.

Raising awareness has also become an important role for the centre. A Blue Blindfold campaign, with the message 'Don't close your eyes to human trafficking', has been established with Crimestoppers in the UK, and endorsed by Crime Stoppers International, to promote awareness of trafficking and to encourage the public to speak out about it. The campaign uses the imagery of a person wearing a blue blindfold, which has been used in postcards, and posters

on buses and in public places. Recently, there has been cooperation with an international campaign jointly led by the UK and Poland under the auspices of the G6 and linked to the recent operation Pentameter Two.<sup>81</sup>

Despite this positive development, the London Metropolitan Police unit, which had established a special Human Trafficking Team dedicated to tackling trafficking, was closed down in 2009, after two years of operation and a budget of £2.3 million. The closure has been criticised by organisations working with victims of trafficking, particularly because the team had been successful in pursuing a number of prosecutions on trafficking for sexual exploitation.

In Norway, a National Coordination Unit for Assistance and Protection for Victims of Human Trafficking has been established to ensure that there are effective inter-agency approaches and coordination between NGOs and government agencies. The National Coordination Unit is run by the Directorate of Police, under which a project group of governmental agencies has been established. The project group consults with a reference group made up of the ROSA project, other relevant NGOs, trade unions, welfare projects and lawyers. The unit is responsible for developing indicators on trafficking, guidelines for identification and a national system for identification, reporting and monitoring. Of importance to this model is that the police rely on the NGOs, welfare services and reception centres to assist in identifying victims. For this reason, the cooperation with the police has been important in establishing knowledge and a competence to recognise the indicators of trafficking.

The Glasgow Inter-Agency Working Group is a multi-agency strategic forum including the statutory services in local government and health, NGOs, women's voluntary sector bodies, the IOM, the police and immigration services. It plays a key role in providing a strategic and coordinated approach to trafficking across all relevant agencies. It has the remit to audit current provision and identify gaps in service provision, identify best-practice approaches and draw up a report and action plan for consideration by partner agencies. The TARA project has developed a four-day counter-trafficking training programme for the Inter-Agency Working Group to raise awareness amongst all of the relevant partners.

## LEGAL STATUS

### *Residence status and recovery and reflection periods*

The CoE Convention states that a recovery-and-reflection period and residence permit are to be provided for victims. This is set out as a minimum of 30 days to recover and escape from the influence of the traffickers, while a victim considers cooperating with the authorities, during which time a renewable residence permit may be granted if their personal situation so requires or if they need to stay in order to cooperate in a criminal investigation.

The importance of providing access to residence permits as well as a reflection period is identified in the Nordic-Baltic project as being particularly crucial in the light of evidence of the control and abuse experienced by women exploited in prostitution. On this basis, it recommends a reflection period should be a

81 An Garda Síochána has established cooperation with the police in the UK through Pentameter Two. Pentameter Two is a coordinated activity involving the UK police force and law-enforcement agencies with the aim of 'rescuing and protecting victims' of trafficking. Pentameter Two has so far arrested 528 criminals and identified 167 victims, of whom 13 were children and the youngest was 14 years of age.

minimum of three months, although best practice would suggest that this should be six months. Providing opportunities to enable women victims to be granted both short- and long-term residence permits should, therefore, be based on their personal situation and on the basis of humanitarian reasons.

Women-centred approaches should be put in place to ensure that the different processes of international protection (including asylum, subsidiary protection and humanitarian protection), the reflection period and temporary renewable residents permits, work together, enabling women to access a range of support services, including access to training and education, and the right to hold a residents or work permit. Providing legal representation and information to women victims about their status and available opportunities should also be given on an ongoing basis, particularly if legal cases are to be taken. Examples of the provision of renewable permits of six months in Norway and Italy are provided below.

In Norway, a reflection period for a temporary stay of six months is provided for under the legislation. This can be extended if appropriate. There is recognition of the fact that the asylum process is inappropriate to the provision of supports and reintegration of women who have been victims of trafficking. Instead, support and assistance are organised through existing shelters for women experiencing domestic abuse and violence.

In Italy, Article 18 of Law 286 of 1998 provides for renewable six-month stay permits to victims of exploitation who are in danger as a result of escaping. The stay permit includes an obligation for the victim to take part in a social assistance and reintegration programme offered by NGOs and community projects in Italy. Although Italian law is supposed to punish traffickers and give their victims an incentive to go to the police, it is not enforced with any conviction. The NGOs therefore play a key role in the provision of assistance and reintegration. The provision of assistance is not dependent on a woman giving evidence. The stay permit includes the right of access to social services and education, enrolment with the State employment bureau and access to employment. The stay permit does not require the victim to take part in investigations or prosecution.

After the expiry of the reflection period or the short-term residence permit, the victim of trafficking often has no choice but to return to her country of origin. However, both the CoE Convention and the UN Palermo Protocol reiterate that, preferably, return should be voluntary and that it should take into account the victim's safety. Refugee law is often the only possibility for a victim who is unable to return to their country of origin, particularly if there is a well-founded fear of persecution. In the UK, in the 2000 *Dzhygun* case, the Immigration Appeal Tribunal found that a woman was entitled to protection as a member of a particular social group, namely 'women in the Ukraine who are forced into prostitution against their will'.<sup>82</sup>

82 UK Immigration Appeal Tribunal Decision. 17 May 2000. *Secretary of State for the Home Department v Dzhygun* Appeal No. CC-50627-99 (00TH00728).

## ***Opportunities to grant legal status for women in prostitution and women who are trafficked***

Our research has shown that the vulnerabilities faced by migrant women in prostitution and women who are trafficked merit an appropriate humanitarian response that provides them with the right to gain legal status and residence in Ireland. In particular, it is important to stress that, while women in prostitution and women who are trafficked in Ireland can be given protection and legal rights through the international system of protection, the need for appropriate support services as outlined in this chapter need to be put in place alongside this. The *1951 United Nations Convention on the Status of Refugees* does provide for international protection for women who are trafficked, for example, through the protection (also known as asylum) process (UNHCR 2008). However, our research has also shown that the protection process in Ireland can open up new vulnerabilities for women, particularly because direct provision is an inappropriate environment to provide for women's support and security. In addition, the evidence from this study has also shown that it is wholly inappropriate to treat migrant women who have been exploited in prostitution and who are trafficked as irregular migrants. Instead, they should be afforded protection through the immigration system and the right to a regular status. It is essential, therefore, that victims of trafficking are not viewed as irregular migrants whose status needs to be regularised, rather that they should have rights to protection, support and rehabilitation.

The Nordic-Baltic project recommended that good-practice approaches require that women victims of trafficking for sexual exploitation be granted both short- and long-term residence permits based on their personal situation and on the basis of humanitarian reasons. The project also highlighted the importance of ensuring that there is a coordinated approach in migration processes (the asylum process, reflection delay, temporary residence permits for victims of trafficking) to ensure that the well-being of the women victims and their rights are at the centre. A viable way forward would be to provide opportunities for victims of trafficking to avail of protection and gain a residency permit. The framework for this can be found in the *International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families*, which establishes rights for all migrant workers, including those with an irregular status. To date this Convention has not been ratified by Ireland or any other EU State.

The CoE has argued that granting residency permits can help to safeguard the human dignity and human rights of this vulnerable group of persons. It considers that a number of accompanying measures should be adopted by member states when implementing these provisions, linked to measures to combat trafficking and provide protection to victims of trafficking, in line with the CoE Convention on trafficking. In particular, it is argued that irregular migrants who cannot return to their countries of origin should be provided with the possibility to regularise their situation and integrate into society.

The need to provide opportunities for residency permits is closely connected to the limited rights that currently exist in the immigration system for the regularisation of irregular migrants in Ireland (Pillinger 2008). While dealing with labour migration, Papademetriou (2005) advocates regularisation as part of a broad strategy of migration management initiatives. The advantage of this approach is that it can provide an opportunity for people to gain a regular

employment status. The international NGO working in the area of irregular migration, PICUM, has campaigned for the protection of undocumented workers. It also stresses the need for clear criteria regarding who qualifies for the schemes; the need to ensure that undocumented migrants are not deported while they are lodging a claim for regularisation; and that the law should provide a remedy should a migrant's application be rejected (PICUM 2006).

Regularisation as a policy tool has been introduced in a number of European countries as a recognition of the extent of irregular migration. Since the 1980s, more than six million people have had their status regularised in the EU (Papademetriou 2005). For example, since the 1980s, Italy has regularised nearly two million irregular migrants through periodic regularisation programmes, France has programmes for continuous regularisation based on a number of criteria and Spain has implemented six regularisation programmes since 1985. The most recent one took place in 2005 and granted regularisation to nearly 700,000 applicants. While many of these programmes require certain criteria to be met – for example, living in the country for a period of time, evidence of employment or paying social security contributions – they have enabled irregular migrants to gain legal status. In the case of Spain, victims of trafficking are protected through the granting of a residence authorisation on the basis of the legislation introduced in 2005, although this legislation is regarded as having some deficiencies (Aparicio *et al* 2008).

Establishing a policy mechanism that allows for the granting of residents permits, based on humanitarian grounds, for women who have experienced sexual exploitation in prostitution or women who have been trafficked, would certainly represent good practice in this regard. This would need to be established with protocols that have clear criteria and administrative guidance and are provided in the context of a clear policy on the provision of support services and legal assistance that recognise the specific vulnerabilities of women who have experienced sexual exploitation in prostitution and trafficking. The examples given above of the provision of renewable residents permits in Italy and Spain for victims of trafficking, and the low threshold policy on victim identification in Norway that work alongside opportunities for women to gain renewable residence permits, is an approach we would advocate for Ireland.

## SAFE RETURN OF MIGRANT WOMEN

Safe returns need to be informed by human rights and gender equality principles, particularly to ensure that referrals and returns work from the basis of the support and security needs of victims of trafficking.

The CoE Convention requires that a state from where a victim of trafficking is a national or where she had the right to permanent residence has to accept the return of such a person, with due regard to her rights, safety and dignity. When a state returns a person to another state, it will have to do so with due regard for the rights, safety and dignity of the person. The Convention states that repatriation programmes should be established in cooperation with NGOs aimed at avoiding re-victimisation.

UNHCHR's *Recommended Principles and Guidelines on Human Rights and Human Trafficking* provide for safe and voluntary-return-based residency in the country of destination or third-country resettlement in specific circumstances. They recommend that work should take place in partnership with NGOs to ensure

that assistance and support is proved on return to ensure well-being, social integration, physical and psychological health, housing and education, and employment services for returned trafficking victims.

The Nordic-Baltic project has demonstrated the importance of establishing standards on the process of safe returns, including services and support in the host country, time for recuperation, risk assessment and a preparation/planning period before the return, and access to services and support in the country of return. Best-practice standards in this area include the need to ensure that the return process is in the best interests of victims and that returns are voluntary and at no financial cost to the victim. The experience of the Nordic-Baltic project has shown that safe returns work best when there are bilateral links between organisations providing support and services, based on a safety plan for the women returning. These bilateral links should include coordinated legal case work between countries and a structure or institution with responsibility for the return process, with resources to coordinate the referral and return process. A needs assessment is viewed as essential to plan and provide for support and specialist services in areas such as healthcare, housing, counselling, financial assistance and job training opportunities.

Guidelines drawn up by the CoE on the need for preventative measures are also relevant to this discussion. These guidelines state that public authorities have an important role in preventing trafficking by providing opportunities for mainstream employment and integration measures (Pillinger 2003; CoE 2004). The guidelines state that a major factor in preventing the trafficking of women and young people is to tackle poverty (particularly rural poverty), literacy and other educational and skills support needs. Similarly, it is recommended that government support must be provided for the employment integration and training of people who have been victims of human trafficking. This can be channelled through NGOs, which are more likely to be trusted by people who have experienced trafficking.

In Lithuania, a model of assistance for women victims of trafficking has been established under the Government's *Programme for the Policy of Prevention and Control for Trafficking in Human Beings* (2005-2008). This was prepared by an inter-agency team under the Lithuanian coordination team of the Nordic-Baltic project. The principles were agreed under the Nordic-Baltic project and form the basis for sustainable models of support, assistance and the reintegration of women victims of trafficking in and between the Nordic and Baltic countries. It provides a human rights and gender equality based model for countries that provide assistance and support for women who return to their countries of origin. The model of assistance for women victims of trafficking for sexual exploitation includes support and services provided for victims based on a multidisciplinary and victim-centred approach.

The target group for assistance and support are women who have been victims of trafficking for sexual exploitation and who are returning to Lithuania, women who have been trafficked for sexual exploitation in Lithuania, and migrant women who have been trafficked to Lithuania. A set of principles has been agreed for support services that inform the identification of victims and the support process for victims of trafficking for sexual exploitation. An NGO *Manual on Victim Identification* has been prepared using the model of the Norwegian NGOs experience of victim identification. This is informed by five main ethical principles: justice, respect, competency, pragmatism and responsibility.

The support process is based on the principle of empowerment and it is recommended that each NGO providing assistance to victims should cooperate through an agreement at the regional level with governmental agencies and NGOs. It is also recommended that a similar agreement should be made with employers that employ women to promote integration into work.

## LEGISLATION AND TACKLING DEMAND

The growth in the scale of prostitution and trafficking for sexual exploitation means that many countries now regulate the buying and/or selling of sex in some way or another. These issues have come into the mainstream of economic and social policy in many countries. Kelly *et al's* (2008) research has identified a number of shared policy objectives that aim to address prostitution through the prohibition of criminal associations and the exploitation of prostitution through third parties, as well as the objective to reduce levels of street prostitution for reasons of safety and harm. Despite these shared policy objectives, the issue of how to deal with the demand for prostitution remains highly contested. Kelly *et al's* research identified a number of different 'prostitution regimes' across Europe, which is helpful in identifying the factors that shape these different policy discourses, the connections of prostitution to trafficking, and the variation in the emphasis given to social justice, human rights and gender equality.

There are two main perspectives that inform national strategies to deal with prostitution, which in turn has an impact on the focus and emphasis of policy. The first is that prostitution is viewed as being a problem of labour exploitation, which results in strategies to improve working conditions and labour monitoring standards. The second has a human rights and gender equality emphasis, with strategies that address violence against women and the harm done to women. One of the difficulties is that, in some countries, disassociating trafficking for sexual exploitation from prostitution means that the relationship between and the causes of prostitution and trafficking are separated.

In our research, we have found that trafficking for sexual exploitation and prostitution are inextricably connected. It is for this reason that it is important to show that a policy rooted in equality and human rights is more likely to link prostitution to trafficking, and to deal with issues of prevention, consent and demand. The different policy discourses are typified by the approaches taken in Sweden on the one hand and the Dutch/German regimes on the other.

In Sweden, the approach to tackling trafficking of women for sexual exploitation has been to apply equality and human rights principles to legislation and policy. The Swedish legislation passed in 1998, *Prohibiting the Purchase of Sexual Services*, was enacted in 1999 under the *1998 Act on Violence against Women*. It makes the purchase of sex illegal under the Penal Code and provides a broad definition to a person who buys prostitution 'as a person who obtains casual sexual relations in exchange for payment', for which a fine or imprisonment of up to six months can be enforced. Women and children who are victims of prostitution do not risk any legal repercussions.<sup>83</sup>

83 The Swedish Penal Code provides that a person who induces another person to engage in a sexual act by gross abuse of his or her dependant state shall be sentenced for sexual exploitation to imprisonment for a maximum of two years. This also applies to a person who engages in a sexual act with another person by improperly taking advantage of the fact that they are helpless or in some other state of incapacitation or are suffering from a mental disturbance.

The introduction of the legislation was accompanied by major investment in support services and exit routes for women alongside public awareness campaigns directed at men as potential buyers. In this sense, Sweden has attempted to achieve its international obligations under the UN Palermo Protocol and the CoE Convention and also apply the 'four Ps' for all forms of violence against women: prevention, protection, prosecution and provision of services.

As the Special Rapporteur on Trafficking to the UN High Commissioner reported in February 2006, Swedish law 'that prohibits the purchase of sexual services is a particularly apt expression against the demand side of trafficking, for it not only formally condemns the use of prostituted persons, but does so in a context which explicitly recognized the gendered nature of the commercial sex industry' (Office for the High Commissioner on Human Rights 2006). A number of countries across the world are considering this framework for legislation and it has informed forthcoming legislation in the UK and Norway.

In contrast, the approach in Germany and the Netherlands has been to legalise prostitution within a framework of protecting the working conditions of prostitutes. Consent and voluntary entry into prostitution is recognised as a basis for legal 'sex work', regulating legal prostitution and protecting the position of prostitutes working in the so-called legal sector. This seeks to regulate for the provision of safe working conditions and the management of prostitution businesses. The objective is, therefore, to improve the working conditions of women, and their safety and dignity, through the provision of legal brothels as an alternative to street prostitution. The exploitation of prostitution is criminalised, with more severe penalties where prostitution takes place in the illegal sector, where minors are exploited and where prostitution is coerced (Daalder 2007). Specific objectives are contained in the legislation to reduce prostitution carried out by irregular foreign nationals, who do not hold residence or employment permits.

However, international research has found that it is migrant women who are the most vulnerable to coercion and trafficking. Therefore, an approach that is based on criminalising women who are victims of organised prostitution and trafficking further undermines the need for policies that support their routes out of prostitution and trafficking and provide opportunities to regularise their status. In this sense, rooting this discourse in equality and human rights is critical to addressing both the underlying causes of prostitution and trafficking, and the best methods for prevention and support for victims.

One of the difficulties is that, while all prostitution regimes recognise that women and children who have been trafficked and sex with minors are not based on a free choice to enter into prostitution, the majority of regimes distinguish between those coerced and those who have engaged in prostitution 'voluntarily'. Although there is recognition that deception and debt bondage can be equated with involuntary prostitution and trafficking, generally it is not the case that prostitution or the harm resulting from prostitution is recognised as an infringement of women's human rights.

Kelly *et al* (2008) and Dudley (2008) point to research studies and evaluations that have given no evidence that exploitation and harm have been reduced through this approach, and to the contrary that it has resulted in the growth of the illegal sector and underworld involvement in prostitution, which largely controls migrant women. Neither is there evidence to show that organised crime,

including trafficking, has been reduced, while the enforcement of sex businesses to become formal employers has not been successful.

In the Netherlands, Germany and to some degree in New Zealand, where decriminalisation of prostitution was introduced in 2006, this policy approach has begun to be questioned. Controlling the power and vested interests of the sex industry, and, in tandem, measures to promote women's agency and autonomy in prostitution, have largely failed. Finally, this approach has failed to address the way in which much of modern-day prostitution and trafficking is organised, which we have found in this study, to take place behind closed doors, in private homes and apartments, while also potentially further marginalising those migrant women who are controlled by pimps or traffickers.

It is only in the Swedish case that an explicit commitment to gender equality and eradicating prostitution can be found in legislation. The Swedish legislation aims to eliminate all forms of prostitution, based on the premise that consent and force are difficult to determine and that prostitution and trafficking cannot be separated. In this perspective, working in prostitution is viewed as being the result of a lack of choice and, for this reason, cannot always be regarded as being voluntary, since it is the result of deep structural inequalities, poverty and the lack of agency of women. As Kelly *et al* argue, while women may be making choices about entering into prostitution, these often arise out of lack of choices in their lives:

*Desperation for money – which can be linked to drugs, debt bondage, a controlling pimp or material needs – place women in contexts where they take decisions which compromise their safety or involve accepting exploitative conditions (2008: 44)*

This is particularly important since there is no one prostitution regime that can point to substantial numbers of women entering into prostitution voluntarily, rather that women entering into prostitution voluntarily are the exception rather than the rule, with the risks of violence, potential or actual harm, risks to safety and an erosion of their rights existing in all prostitution regimes. As Kelly *et al* argue, this requires legislation and policy to examine alternative frameworks since it is 'difficult to sustain the autonomous, rational actor model of women who sell sex' (2008:44). With this in mind, they conclude that, 'to be effective, prostitution regimes need to develop holistic responses which address women who sell, men who buy and those who profit simultaneously' (2008: 47).

Dudley points to research evidence to show that the Swedish regime is the most appropriate model for preventing and controlling trafficking. In Sweden, the numbers involved in prostitution and trafficking have in fact been reduced (Farley 2007, Dudley 2008), while in other countries the participation of migrant women in prostitution and trafficking has risen significantly (Ekberg 2004). Dudley argues that, by rooting this approach in an analysis of gender-based violence and inequality, it can have a direct impact on reducing the demand for trafficking.

In contrast, she shows that the Dutch approach focuses on the detection of trafficking once it has taken place. In practice, this has not resulted in a reduction in cases of trafficking and organised crime has increased in the Netherlands. The concern that migrant women in particular may be at risk of and vulnerable to higher levels of exploitation in the unregulated and illegal sectors in the

Netherlands has been highlighted by the UN Special Rapporteur on Violence Against Women, Yakin Ertuk, who stated that the legislation is undermined by the lack of focus on violence against women and gender inequality (Office for the High Commissioner on Human Rights 2007).

A number of politicians have also begun to question the basis for the Dutch approach. The Mayor of Amsterdam stated in 2008 that the legislation had not worked in reducing trafficking (Dudley 2008). Other studies point to the fact that forced prostitution has increased under this regime (Bindel and Kelly 2003) and that migrant women are more vulnerable to abuses of power (Daalder 2007). The Netherlands has also been criticised by the CEDAW committee for the persistence of violence against migrant, refugee and minority ethnic women, in a country where 80 per cent of sex workers are foreign nationals (UN 2007).

## PREVENTION

Preventing trafficking is crucial to a comprehensive approach to tackling trafficking for sexual exploitation. According to the Special Rapporteur on Violence Against Women, 'the lack of rights afforded to women serves as the primary causative factor at the root of both women's migration and trafficking' (UN 2000). For this reason, it is appropriate to consider how Irish aid can be tied into action to prevent trafficking from the countries of origin by addressing the underlying factors – such as poverty, discrimination and the lack of equal opportunities – in their aid programmes.

Engaging in preventative approaches requires attention to awareness-raising campaigns, community involvement, poverty reduction initiatives and the creation of work and other opportunities. This includes building gender equality initiatives into the rebuilding of societies following war and conflict, introducing community awareness programmes for women and girls living in poverty and in rural areas, legal reforms to provide equal rights to own and control property and land, which will provide sustainable futures and reduce the risks of trafficking for women living in rural areas (UNFPA 2006). Community awareness programmes are also important for women and girls living in impoverished rural areas. In Nigeria, for example, the Girls' Power Initiative provides education to girls and their parents on the importance of empowering girls and preventing trafficking (UNFPA 2006). Linking development programmes into measures to reduce the risks and vulnerabilities that women and children face will, therefore, be important to preventing trafficking.

## COMPENSATION

The CoE Convention and the UN Palermo Protocol both recommend that governments establish legal measures that enable victims to claim compensation for the damage suffered from trafficking. This is also reiterated in the Nordic-Baltic project as an essential element of a human rights approach.

Victims of trafficking for sexual exploitation should be provided with compensation for personal suffering and harm and/or loss of earnings. This can be funded through the national crime victims' funds and, where cases are successful in court, to recoup costs from the confiscation of financial assets of perpetrators. Similarly, the EU Directive on the compensation of victims of crime<sup>84</sup>

<sup>84</sup> Council Directive 2004/80/EC of 28 April 2004 in relation to compensation to crime victims.

should also apply to victims of trafficking from EU member states, particularly because the Directive provides for compensation for a person who is habitually resident in an EU member state and then becomes a victim of a violent crime in another Member State. This can help to provide alternatives for women victims and opportunities to build sustainable futures, and fund support and other programmes.

## SUMMARY AND CONCLUSIONS

This chapter has shown that there are compelling arguments and evidence for adopting a framework of gender equality and human rights in the area of trafficking. Using this framework gives recognition to the fact that trafficking and exploitation in prostitution represent gender-based violence. A human rights violation is crucial if there are to be effective responses to the growth of the commercial sex industry. It also recognises the need for measures to reduce demand, prevent trafficking and provide services for victims of trafficking.

It is clear from this that firstly, legislation has to be rooted in a gender equality and human rights framework. Secondly, it has to define objectives to reduce both the supply and the demand side of trafficking. In particular, it will be important to establish that addressing the supply side means realising that choice is often involuntary and that realistic alternatives need to be put in place to enable women to have safe and secure alternatives to prostitution, including cooperation with countries of origin around prevention and return programmes where this is appropriate to meeting the needs of women victims. Addressing the demand for trafficking has also to be developed within the overall framework of the prostitution industry, which means getting to the root of demand in the commercial sex industry.

In practice, under human rights instruments, states are required to be proactive in reducing demand for exploitation as part of an overall strategy to reduce trafficking (UN Palermo Protocol Art 9, paragraph 5). This chapter has shown that Sweden has been successful in reducing the demand for trafficking, while countries such as Norway have been successful in providing workable solutions for the safety, security and support of women who are trafficked for sexual exploitation.

Some of the lessons learnt from other countries for Ireland are that:

- An inter-agency approach and political will on the part of government and public officials is needed to progress counter-trafficking objectives, to develop effective systems of victim identification and to provide support and assistance to victims of trafficking. Coordination among key players at government level, police and immigration authorities, as well as with NGOs, particularly around victim identification and referral, are essential if there are to be joined-up approaches
- Trafficking for sexual exploitation is inextricably linked to the growth of the prostitution industry and must be seen in the context of the internationalisation and feminisation of migration. This raises challenges for how to prevent, detect, identify and provide support services to victims, who are often invisible to the public authorities and who experience significant risks and harm

- Effective data systems, including common indicators and mechanisms for monitoring counter-trafficking work are necessary; this also includes common data collection on national support and assistance programmes to enable comparisons to be made and cases to be tracked
- Training and capacity building is essential to the identification of victims, the development of common standards and to identifying learning from models of best practice. Immigration policies should aim to implement effective systems for the identification of victims and provide for best practice safety and support measures, based on human rights principles
- Immigration policies can be developed to provide security and protection to victims of trafficking through the granting of residence permits on humanitarian grounds
- Trafficking needs to be seen in the wider context of gender-based violence and located in a gender equality and human rights framework. Trafficking, therefore, needs to be integrated into a national strategy to tackle all forms of violence against women within a human rights framework
- Consideration needs to be given to the best practice methods for reducing demand for commercial sexual exploitation. This should include legislation to criminalise the purchase of sex, while also ensuring that there are resources and training to ensure that law enforcement is effective
- Rather than criminalising women victims, it will be important to provide effective forms of support that provide women with realistic choices and support to leave prostitution and trafficking – for example, through opportunities for training and work, and reintegration programmes in countries of origin.
- There is also a need for awareness-raising campaigns in the media to publicise the harm experienced by women in the sex industry.

# CONCLUDING REMARKS





## CONCLUDING REMARKS

This research has looked at the trafficking of women and children into and through Ireland for the purposes of sexual exploitation. It has provided evidence based on the experiences of the women involved, of the severe harm and abuse that victims of trafficking and sexual exploitation experience, both during the process of being trafficked and when in the Irish sex industry. The research has also outlined Irish legislation and policy on trafficking and prostitution in Ireland, and looked at models of good practice internationally that we could learn from.

The development of an anti-trafficking strategy is only in embryonic form in Ireland and there is an absence of a policy on prostitution. Due to the lack of an integrated strategy on trafficking, recorded information is limited and, for the most part, is related to the brief of particular organisations. Also, it is only now that a system for collating official statistics on trafficking for sexual exploitation is being developed with the establishment of the AHTU in the Irish DJELR.

Official published statistics on prostitution are incomplete and need to be disaggregated by gender, age, ethnicity and, where relevant, type of offence. Outside of Dublin and Cork, there are no specialist services for women in prostitution or for those who are trafficked into prostitution.

Services for women in prostitution are underdeveloped and, for the most part, are confined to the Dublin area. It is important that services are resourced nationally and that specific responses are developed for women under 18 years. It is essential that inter-agency referral protocols are put in place between the various organisations providing services. Exit strategies must be a priority.

A range of issues need to be addressed in relation to children, including providing residency status for separated children or aged-out minors who wish to remain in Ireland and for whom the asylum process is inappropriate.

While Ireland is a signatory to many international human rights instruments, there is still substantial progress that needs to be made in order for the human rights of victims of trafficking to be fully upheld. It is notable that current policy does not fully implement the main provisions contained in the Council of Europe (CoE) *Convention on Action Against Trafficking in Human Beings* or the UN Palermo Protocol. International human rights obligations require states to provide international protection and a humanitarian response to victims of trafficking, rather than treating victims of trafficking as ‘illegal’ immigrants, as is often the case in Ireland.

International practice shows that inter-agency coordination is key to the development of services so that the experiences of and dangers to victims of trafficking and women in prostitution are central to the work of preventing and tackling trafficking. NGOs need to play a critical role in this, particularly in relation to victim identification and referral, and the provision of support services and legal representation. There is a need to provide victims of trafficking with an opportunity to have the right to renewable residence permits and residence status. International practice also demonstrates that, to tackle trafficking effectively, the sex industry of the destination country must be tackled. Therefore, the demand for sexual services by men in Ireland needs to be addressed, including criminal sanctions and awareness campaigns.



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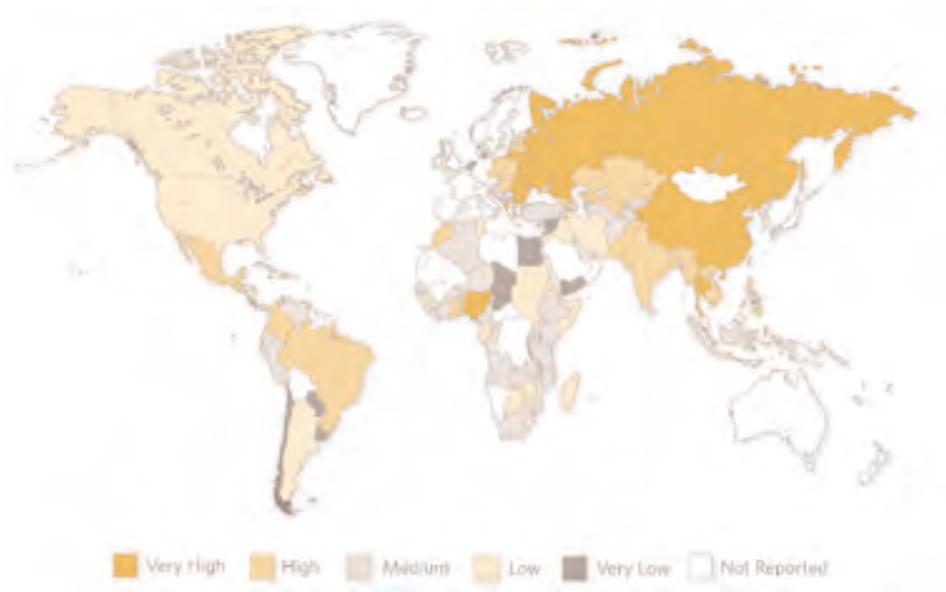
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# APPENDICES



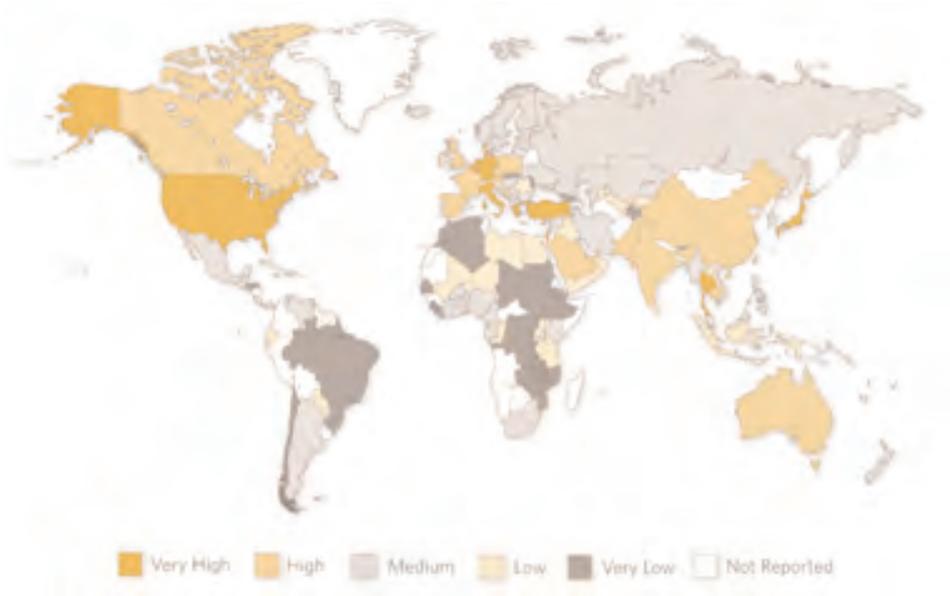
## COUNTRIES OF ORIGIN, AS MEASURED BY THE EXTENT OF REPORTING OF TRAFFICKING



Source: United Nations Office on Drugs and Crime (UNODC). 2006. *Trafficking in Persons: Global Patterns*, p. 38.



## COUNTRIES OF DESTINATION, AS MEASURED BY THE EXTENT OF REPORTING OF TRAFFICKING



Source: UNODC. 2006. *Trafficking in Persons: Global Patterns*, p. 39.



# SUMMARY OF MAIN DATA SOURCES

Source	Number
Internet analysis	425 women
Data on trafficked women	102 women
Health data	73 women
One-to-One interviews with women in prostitution	12 migrant women
Punter reviews	160 <sup>85</sup>

85 10 per cent of the 1,600 reviews posted 2 July 2008.





## INDICATORS FOR THE IDENTIFICATION OF VICTIMS OF TRAFFICKING

*(Based on the OSCE/ODIHR National Referral Mechanisms Handbook 2004/ The IOM Counter-Trafficking Training Modules Handbook and Ruhama's direct work with victims of trafficking for almost a decade in Ireland)*

### 1. Constraints on personal freedom

- The woman is not free to socialise and build social networks
- The woman is locked in
- The woman is under permanent surveillance

### 2. Control of money

- The woman is not free to dispose of her earnings or has no direct access to it
- The woman receives none or only a small percentage of the money earned through commercial sexual exploitation (prostitution)
- The owner of the club or pimp pays all or part of the woman's income to a third party
- The woman is in debt to the brothel keeper/club owner because of travel arrangements, which she must pay off before she can earn any money for herself or stop 'working'
- The woman has to earn a clearly defined minimum amount of money per day or week

### 3. Recruitment

- The woman was given a false promise about an opportunity
- The woman was not informed about her involvement in the sex industry
- The woman knew they were going to be involved in an aspect of the sex industry but they got misleading information and were deceived about conditions

### 4. Situation at 'work'

- The woman is under permanent surveillance by the owner
- The woman cannot make decisions about services offered or refuse any clients
- Women have to 'work' long hours with no breaks
- Living quarters function as her workplace

### 5. Position of vulnerability

- The woman has no family links or has an abusive family background
- There is a history of sexual abuse
- The woman has psychological or mental health issues
- The woman exhibits submissive behaviour
- Poverty
- The woman does not speak English
- The woman is poorly educated
- The woman has experienced discrimination and lack of opportunity in her country of origin

## 6. Other indicators

- The woman has no passport/ID card
- The woman is fearful
- There are signs of bruising or battering
- The woman has recently been brought into the country from a country with a high-risk profile of trafficking (i.e. certain countries and regions in Eastern Europe, Asia, Africa or South America)
- The woman is held under the control of a hex. (The victim swears an oath to obey the trafficker and fears the consequence to herself or a family member if the oath is broken)
- The woman shows signs of emotional distress and psychological problems (PTS disorder, anxiety, depression, suicidal, nightmares, disorientation, memory loss, unable to eat)
- Untreated illnesses/sexually transmitted diseases/malnutrition/poor general health

*(Please note this list of indicators is not exhaustive)*

Link to the OSCE Referral Mechanism Handbook:  
[http://www.osce.org/publications/odihr/2004/05/12351\\_131\\_en.pdf](http://www.osce.org/publications/odihr/2004/05/12351_131_en.pdf) or  
[www.osce.org](http://www.osce.org)

# GUIDELINES FOR QUALITATIVE INTERVIEWS WITH WOMEN

## Profile of Woman

ID number:  
Current age:  
Number of child/ren:  
Ages of child/ren:  
Gender of child/ren:  
Country of origin:  
Length of time in prostitution:

### ***Section 1: Present situation***

- 1.1 Could you tell me something about an average day's work, e.g. where do you see clients? Do you work for an agency or who do you work for? How many clients would you see?
- 1.2 Do you move around the country? Have you worked in other countries? Do you intend to?
- 1.3 Do many women work for agencies? How much do they pay the agency? Do many women set up on their own or with friends independent of agencies? How do they do this? What do you think are the advantages and disadvantages of being independent or working for an agency?
- 1.4 Do you think women end up working for a longer time in the sex industry than they originally intended?

### ***Section 2: Entry into the sex industry***

- 2.1 Could you tell me how you came to be involved in the sex industry?
- 2.2 What age were you? What were your family circumstances like at the time?
- 2.3 Where or how did you hear about Ireland (internet/agency/friend/other)? Why did you come to Ireland? How did you travel (routes/transport) to Ireland?
- 2.4 Was there a big cost involved? How did you fund your visit? Are you in debt now?
- 2.5 How is it for women being away from their country and their family? Does your family know what work you do?

### ***Section 3: Demands from customers and violence***

- 3.1 What types of demands do clients make on women? What are the main pressures that women feel? Can you control how many clients you see? What do you find most difficult that men ask you to do?
- 3.2 Many women find themselves in unsafe situations with clients. Have you experienced this? If yes, could you tell me a bit more about this (such as threats, verbal abuse, harassment, physical violence and sexual assault)?
- 3.3 Do you know of any other women who have been subjected to violence by buyers of sex or pimps?

### ***Section 4: Health issues***

4.1 General Health: Have you got a General Practitioner (GP)? Have you accessed a GP over the past year for any general medical concerns? Do you have any worries about your health (such as heart/chest pain, abdominal stomach problems, pelvic pain, eating issues)?

4.2 Sexual and reproductive health: Have you had any infections? What kind of contraception do you use? Has it worked? Have you had unwanted pregnancies/terminations? How did you cope?

4.3 Mental health: Do you feel stressed or anxious? What do you think the psychological effects are on women in prostitution?

4.4 What supports would be helpful to you?

### ***Section 5: For women who have children***

5.1 What are the particular stresses for you as a mother? Do you have any worries about your children? How do you deal with childcare?

### ***Section 6: Prevention and exit routes***

6.1 What would your concerns be for a young woman starting to work in the sex industry? What do you think might prevent young women being recruited?

6.2 What supports do women need when they want to leave the sex industry (such as accommodation, English-language training, money, counselling, training, job opportunities)?

Name of interviewer:

Name of agency:

Contact name:

Contact telephone number and email:

Comments of interviewer:

**FORM:****HEALTH DATA ON: MIGRANT WOMEN IN PROSTITUTION IN IRELAND (2007)**

- 1. First contact woman had with organisation (year):**
- 2. Current age** (please circle or bold all that apply):  
under 18 = 1; 18-24 = 2; 25-35 = 3; 35+ = 4; no information = 9
- 3. Year entered prostitution:**
- 4. Number of children:**
- 5. Referral to organisation by:**  
self referral = 1 outreach/street work = 2 other organisation/agency = 3  
(specify) \_\_\_\_\_ other = 4 (specify) \_\_\_\_\_
- 6. Reason(s) for referral:**
- 7. Type of prostitution while in Ireland** (please circle or bold all that apply)  
street = 1 indoor = 2 both indoor and outdoor = 3 no information = 9  
  
**If indoor** (please circle or bold all that apply):  
hotel = 1 private apartment = 2 own house = 3 brothel/parlour = 4  
other = 5 (specify) \_\_\_\_\_ no information = 9
- 8. Health issues**  
Comment on health issues listed below:
  - Alcohol/cocaine/heroin/needle exchange/other tablets/ other
  - Reproductive health impacts (pelvic pain, vaginal pain/infection, STI, Hep C, HIV, unwanted pregnancy, miscarriage, abortion)
  - Physical health (chest/heart pains, weight loss, stomach/abdominal pain, fractures)
  - Mental health difficulties (depression, stress, anxiety, suicidal thoughts, hostility symptoms, i.e. urges to break things or beat, injure or hurt someone)
  - Other
- 9. Demand(s) of user(s)**  
Condom use: yes= 1 no = 2 no information = 9  
Comment on demands of users  
(oral/anal/vaginal/masturbation/s&m/photographed/videos/other)
- 10. Types of physical and sexual violence/threats experienced in prostitution from:**  
users:  
pimps:  
traffickers:  
Other:  
Comment:

***Details of interview:***

Name of person filling out form:

Name of organisation:

Address of organisation:

Position in organisation:

Date form filled out:

**FORM:****WOMEN WHO HAVE BEEN TRAFFICKED FOR THE PURPOSE OF PROSTITUTION INTO AND THROUGH IRELAND (JANUARY 2007 - SEPTEMBER 2008)****1. First contact woman/girl had with organisation (year):****2. Current age** (please circle or bold all that apply):

under 18 = 1; 18-24 = 2; 25-35 = 3; 35+ = 4; no information = 9

**3. Number of children:****4. Year trafficked to Ireland:****5. Referral to organisation by:**

self referral = 1 outreach/street work = 2 other organisation/agency = 3 (specify) \_\_\_\_\_ other = 4 (specify) \_\_\_\_\_

**6. Reason(s) for referral:****7. Other agency(ies) involved with woman/girl:***If indoor* (please circle or bold all that apply):

hotel = 1 private apartment = 2 own house = 3 brothel/parlour = 4 other = 5 (specify) \_\_\_\_\_ no information = 9

**8. Reason(s) for assuming or suspecting trafficking for the purpose of sexual exploitation (for example, method of recruitment/movement by means of threat, use of force, abduction, fraud, deception, abuse of power, enforced debt):**

Comment:

**9. Home country of woman** (please circle or bold)

EU member state = 1 (specify) \_\_\_\_\_ other European state = 2 (specify) non-European state/continent = 3 (specify) \_\_\_\_\_ no information = 9

**10. Knowledge of traffickers:**

Comment:

**11. Geographical route(s) to Ireland:****12. Method of recruitment into prostitution** (please circle or bold all that apply):

sold = 1 forced into it by local pimp = 2 forced by partner = 3 forced by family member = 4 traffickers = 5 recruited by another woman = 6 offered work = 7 other = 8 (specify) \_\_\_\_\_ no information = 9

Comment:

**13. Legal status of person while in Ireland** (please circle or bold all that apply):

international student = 1 visitor's visa = 2 work permit holder = 3  
undocumented = 4 subsidiary protection = 5 asylum seeker = 6 refugee  
= 7 leave to remain = 8 spouse of person with work permit/visa = 10  
legally in the country (EU/Irish citizen) (specify) = 11 \_\_\_\_\_ other  
(specify) \_\_\_\_\_ = 12 no information = 9

*If legal status has changed over time, please comment on changes:*

**14. Risk factors leading to trafficking** (please circle or bold all that apply)

poverty in family of origin = 1 homelessness = 2 background in care = 3  
money for drugs = 4 economic necessity = 5 student (needed money)  
= 6 childhood sexual abuse = 7 leaving home at young age/family  
disputes = 8 domestic violence = 10 rape/sexual assault = 11 escaping  
war/violence/civil strife = 12 other = 13 (specify) \_\_\_\_\_ no information  
= 9

Comment:

**15. Type of prostitution while in Ireland** (please circle or bold all that apply):

street = 1 indoor = 2 both indoor and outdoor = 3 no information = 9

**If indoor** (please circle or bold all that apply):

hotel = 1 private apartment = 2 own house = 3 brothel/parlour = 4  
other = 5 (specify) \_\_\_\_\_ no information = 9

**16. Does the woman know of other women trafficked/assumed trafficked in Ireland?**

**Yes = 1 No = 2**

**If yes** number who are Irish:

Number who are non-Irish:

Comment:

**17. Involvement of pimps/escort agency/internet agency in Ireland**

(specify nationality, if known)

Comment:

**18. Location** (please circle or bold all that apply)

Dublin = 1

other county in Ireland = 2 (specify) If known, specify city/town/village

other location in Ireland = 3 (specify)

movement around Ireland = 4 (specify)

movement to other countries = 5 (specify)

other = 6 (specify)

no information = 9

Comment:

**19. Health issues**

Comment on health issues of women (alcohol/drugs/sexual reproduction and health/ physical health/mental health)

**20. Types of physical and sexual violence/threats experienced in prostitution from**

users:

pimps:

traffickers:

Other:

Comment:

**21. Involvement of the law**

***If police investigation***, outcome(s) of investigation (*please circle or bold all that apply*)

arrested = 1 charged = 2 prosecuted = 3 sentenced = 4 other = 5  
(specify) \_\_\_\_\_ not applicable = 8 no information = 9

***If apprehended by police***, outcome for woman/girl (*please circle or bold all that apply*)

agreed to leave = 1 assisted to leave = 2 deported = 3  
humanitarian leave to remain = 4 asylum applicant = 5  
subsidiary protection = 6 other = 7 (specify) \_\_\_\_\_  
not applicable = 8 no information = 9

**22. Main intervention(s) of your project:****23. Comment on the responses to the needs of women by service providers in Ireland (accommodation, legal services, social welfare, therapy/counselling, drug rehabilitation, English classes, language translation, education and training, work opportunities)****24. Assistance, if any, given to woman/girl on return****25. Other comments:*****Details of interview***

Name of person filling out form:

Name of organisation:

Address of organisation:

Position in organisation:

Date form filled out:

***Comment, if any, by person filling out the form:***



## THE NORDIC-BALTIC PROJECT: GOOD PRACTICE APPROACH IN COUNTRY COOPERATION

The Nordic-Baltic project represents a good-practice approach for country cooperation in the provision of support services for women victims of trafficking. Learning from this project and the principles and standards it has developed are highly relevant for Ireland.

The project was established as a pilot for 2005-2008 by the Nordic Baltic Task Force Against Trafficking in Human Beings, involving countries of origin and destination in the Nordic-Baltic region: Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden. The project has been coordinated by the European Women's Lobby and financed principally by the Swedish Government and other participating countries. The project grew out of regional cooperation among the Nordic Baltic states. Its objectives were to reduce trafficking in the region and to develop an inter-agency approach and coordination between statutory agencies and NGOs. The project highlighted the importance of a gender equality perspective in anti-trafficking work, and the links between trafficking, prostitution and violence against women.

The outcomes of this regional cooperation have been positive. It has raised the political profile of trafficking, developed a common approach to counter-trafficking and developed best-practice approaches (Turner and Kelly 2008). This has resulted in a sound basis for the development of regional programmes to provide support services to women victims of trafficking and to strengthen the role of gender equality in the policies, programmes and anti-trafficking measures. The project was based on five implementation mechanisms, including the development of a Nordic-Baltic inter-agency network; strengthening national networking processes and national inter-agency teams; developing and reinforcing safe shelter and assistance programmes in Estonia, Latvia and Lithuania; capacity building and training; and the development of shared resources, common standards and guidelines. Six standards for victim assistance and support have been developed in the following areas:

- Identification of women victims of trafficking
- Residence/legal status and reflection delay
- Shelter and specialised services
- Referrals and safe returns
- Victim protection and data protection
- Compensation and financial assistance

The evaluation of the project found that the countries involved had, in the main, created a human rights and victims-centred approach (Turner and Kelly 2008). Positive outcomes from the project include the creation of an inter-agency structure, based on a regional network of national 'troika' from each Nordic and Baltic country, made up of a three-person team comprising a representative of government or public agency, civil society and a resource person. The provision of training and capacity building resulted in a shared perspective on gender equality and on the development of coordinated responses to trafficking.

This provided an important framework for the development and expansion of assistance and support services, especially in the Baltic states. In particular, this resulted in the establishment of shelters and the expansion of and improvement in service provision in the participating Baltic countries. The further development and expansion of services in Nordic countries have also resulted in positive outcomes, ranging from a National Anti-Trafficking Centre that coordinate services to a wide network of service providers and shelters in Norway. Finally, the development of common standards and the building of an integrated regional referral, return and reintegration network, has been particularly important to the long-term sustainability of the project.

The following provides an overview of the main provisions developed in participating countries.

**Estonia** is principally a country of origin and, to a lesser extent, a country of transit and destination. It has ratified the UN Palermo Protocol and, in 2006, the Government adopted a National Action Plan Against Trafficking in Human Beings covering prevention, victim protection, prosecution and reporting. A national assistance programme for victims of trafficking is coordinated by the Estonian Women's Shelters Union, a national hotline has been established and shelters were opened in 2007 in Tallinn, Tortu and in the north-east of the country. With regard to prostitution in Estonia, the sale or purchase of sex is not prohibited, while the exploitation of prostitution through pimping and running brothels is illegal.

**Latvia** is principally a source country. The Government has ratified the UN Palermo Protocol and the CoE Convention. A National Programme for Prevention of Human Trafficking, 2004-2008, has been adopted. It focuses on improving legislation, rehabilitating victims of trafficking and raising awareness. 'Marta', the Latvian Resource Centre for Women, coordinates the provision of support and assistance services, and works in cooperation with statutory agencies and the IOM in return and reintegration programmes. Latvia regulates brothels, which are restricted to designated areas and fines can be imposed on sellers and buyers of sex outside of these areas.

**Lithuania** is a country of source, transit and destination. The government has ratified the UN Palermo Protocol and has signed the CoE Convention. A Programme on Control and Prevention of Trafficking in Human Beings, 2005-2008, covers protection, assistance and victims' legal rights. Inter-agency cooperation is coordinated by the Ministry of the Interior across all levels of Government and civil society. An assistance programme is coordinated by the Klaipeda Social and Psychological Support Centre, in partnership with organisations such as CARITAS, the Missing Persons Families Support Centre and Women's Aid. Prostitution legislation prohibits pimping and running of brothels.

**Denmark** is principally a country of transit and destination country for trafficked women from the former Soviet Union, Eastern Europe, Thailand and Asia. Denmark has ratified the UN Palermo Protocol and the CoE Convention. An Action Plan to Combat Trafficking in Human Beings, 2007-2010, provides women victims of trafficking with a 'prepared return programme' in cooperation with receiving

countries. Safe returns are organised by the Centre Against Human Trafficking. An assistance programme is coordinated by the Nest-STOP Trafficking/Kvindehandel. With regard to prostitution, pimping and running brothels are illegal, while the sale and purchase of sex are not prohibited.

**Iceland** is a destination country where trafficking is of a relatively small scale. Iceland has signed but not ratified the UN Palermo Protocol and the CoE Convention. There is no Government programme for victims of trafficking, but the Government funds the Stigamot Women's Shelter, which provides assistance to women victims of trafficking for sexual exploitation. With regard to prostitution, pimping and the running brothels is illegal, while the buying and selling of sexual services are not prohibited.

**Finland** is a country of transit and destination, principally for women from Russia, Latvia, Estonia, Lithuania and Belarus. An increasing number of Chinese and Thai women are believed to be trafficked through Finland to other destinations. The government has ratified the UN Palermo Protocol and signed the CoE Convention. A National Action Plan to Combat Trafficking in Human Beings was adopted in 2005, with a victim-centred approach in the provision of services, measures to avoid hasty deportations of foreign victims, social and economic support services, and the prosecution of traffickers. An assistance programme is coordinated by the two Reception Centres, one of which provides services to adult victims of trafficking while the other is for the provision of services to children. Pimping and running brothels is illegal but neither the sale nor purchase of sex is prohibited.

**Norway** is a country of transit and destination, with evidence of foreign women trafficked from Nigeria, Russia, Albanian, Eastern European and the Baltic countries. Norway has ratified the UN Palermo Protocol and the CoE Convention. Two action plans have been adopted. The second Plan of Action to Combat Human Trafficking, 2006-2009, extended the reflection period for victims of trafficking. It also focuses on the demand side of the sex industry through awareness-raising measures aimed at men who buy sex. The ROSA Project is the national coordinator of assistance services to trafficked women. Since it was established in 2005, some 250 women have been assisted. Pimping is illegal in Norway and new legislation to prohibit the sale and purchase of sexual services is to be implemented. To date, Norway has passed three national action plans on trafficking, the most recent of which is for 2006-2009.

**Sweden** is considered to be a country largely of transit. Official estimates are that up to 600 women are trafficked through the country each year from the Baltic countries, Eastern Europe and Russia, as well as to Swedish border towns. The relatively smaller scale of the trafficking problem in Sweden is partly attributed to the fact that the Government has criminalised the purchase of sex, pimping and running brothels. Sweden has ratified the UN Palermo Protocol and signed the CoE Convention. The Government has recently produced a national action plan. Assistance services are provided by a specialised prostitution unit under the remit of the Swedish social services. There are also plans to enhance housing and assistance through the two largest women's shelter networks, ROKS and SKP.





*This research report Globalisation, Sex Trafficking and Prostitution, The Experiences of Migrant Women in Ireland presents stark evidence of the trafficking of women into and through Ireland for the purpose of sexual exploitation. It shines a light on the reality that large numbers of migrant women are being sexually exploited in indoor prostitution here. Drawing on the experiences of these women, the report illustrates the severe emotional, physical and psychological harm that women who are trafficked and sexually exploited in Ireland endure.*

*The report also examines the gendered dimension of migration, the buying of sex by men and different perspectives on prostitution. Current Irish legislation and practice on trafficking and prostitution is outlined, as are models of good practice in other countries that we could learn from. The overall recommendation of this study is that the Irish Government should develop an integrated anti-trafficking and prostitution strategy. It presents a 10-point plan that could form the basis of the strategy which includes matters such as the provision of supports, exit routes, opportunities for regularisation where necessary, legislation and enforcement and the protection of child victims of trafficking.*

The Immigrant Council of Ireland is an independent human rights organisation that advocates for the rights of immigrants and their families, and acts as a catalyst for public debate and policy change. The organisation was set up by Sr Stanislaus Kennedy in 2001 and is a licensed Independent Law Centre.

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