



# GLOBALISATION, SEX TRAFFICKING AND PROSTITUTION:

THE EXPERIENCES OF  
MIGRANT WOMEN IN IRELAND

**SUMMARY  
AND RECOMMENDATIONS**

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with the Women's Health Project (HSE) and Ruhama*

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## SUMMARY

### **Background, Rationale and Outline 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 economic earning capacity and multiple forms of discrimination, disadvantage and abuse are recognised as risk factors that make some 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 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 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 (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***

Research objective:

- Document the numbers, profile and experiences of women who are identified as trafficked into the sex industry in Ireland

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

Research objective:

- Research sex shops and lap-dancing clubs
- Document the numbers of men and the views of men who buy sex
- Estimate the numbers and profile of women involved in indoor prostitution

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

Research objective:

- Profile and document the impact of indoor prostitution on the sexual and reproductive health of women

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

Research objective:

- Survey international practice in relation to the trafficking of women for the purposes of prostitution
- Survey prostitution regimes in different countries
- 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<sup>1</sup>
- 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

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

### ***Outline of full report***

Chapter one of the full length report 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.

<sup>1</sup> The main organisations/agencies are: Ruhama; Women's Health Project (HSE); the Immigrant Council of Ireland; Stop Sex Trafficking, Cork; the International Organization for Migration (IOM); the Separated Children's Unit (HSE); and the Garda National Immigration Bureau.

## 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>2</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>3</sup> on Trafficking. Also, Ruhama has specified detailed indicators based on OSCE/ODIHR<sup>4</sup> *National Referral Mechanisms Handbook* (2004), the International Organization for Migration (IOM) *Counter-*

*At the age of 17, Suzan 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.*

2 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; IOM; the Poppy Project in the United Kingdom; and police forces in Lithuania and in England.

3 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).

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

*Dorin is 26 years old. 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.*

*Trafficking Training Modules Handbook* and their direct work with victims of trafficking for almost a decade in Ireland.

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 sexual exploitation that 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.

*Kiky (16) was promised a job as a domestic worker in Ireland by a family friend whom she trusted. Instead, when she arrived she was forced into prostitution against her will and was held captive in a house for two years with eight other women. She was forced to have unprotected sex with men who came to the brothel. When she eventually escaped through a window one night at 4am, she didn't know where she was because she had never been allowed out of the house, not even into the garden.*

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

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

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 non-governmental organisations (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.

*Ferig who is 27 years old, spent time in prison for not having the proper documents. She is now in direct provision accommodation.*

### **The Irish sex industry**

This research also 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

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

- 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

*“ 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. (Vanessa) ”*

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

*“ 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 at home. 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. (Anara) ”*

- 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).

“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. 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)”

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>5</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).

5 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.

### **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>6</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>7</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

6 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)

7 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 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.

## 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 the Irish legislation 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 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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