The Joint Committee met at 14.00 p.m.

MEMBERS PRESENT:

<table>
<thead>
<tr>
<th>Deputy Niall Collins,</th>
<th>Senator Ivana Bacik,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Marcella Corcoran Kennedy,</td>
<td>Senator Martin Conway,</td>
</tr>
<tr>
<td>Deputy Alan Farrell,</td>
<td>Senator Katherine Zappone.</td>
</tr>
<tr>
<td>Deputy Seán Kenny,</td>
<td></td>
</tr>
<tr>
<td>Deputy Pádraig Mac Lochlainn,</td>
<td></td>
</tr>
<tr>
<td>Deputy Finian McGrath,</td>
<td></td>
</tr>
</tbody>
</table>

In attendance: Senator Fiach Mac Conghail.

DEPUTY DAVID STANTON IN THE CHAIR.
The joint committee met in private session until 2.30 p.m.

Review of Legislation on Prostitution: Discussion

**Chairman:** We are starting hearings on the review of legislation on prostitution in Ireland. The purpose of today’s meeting is to have discussions with some of those who have made written submissions on the review of legislation on prostitution in Ireland. This is the first such day of hearings. We will probably have at least two more, if not more. As we have a large number of organisations with us today we will hear from them in groups of three. I thank everybody for giving of his or her time to come to the meeting and providing submissions on this important topic. In group one I welcome from the Irish Medical Organisation Dr. Matthew Sadlier, vice president, and Ms Vanessa Hetherington, senior policy executive; from the National Women’s Council of Ireland Ms Orla O’Connor, director, and Ms Jacqueline Healy, women’s health and human rights worker; from Trinity College Dublin Dr. Gillian Wylie, and from the National University of Ireland, Galway Dr. Eilis Ward. The format is that each group will make a short opening statement. As we have received the submissions, there is no need to go through them. Perhaps they might keep the opening statements to five minutes, in which they can make the necessary bullet points. I realise time is short, but over 800 organisations and individuals have made presentations. As a result, time is very tight. There will then be a question and answer session with members. As there is a lead questioner, one member will engage with one organisation. Not every organisation will be subject to that arrangement, but most will.

Before we begin, I draw attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. If they are directed by it to cease giving evidence on a particular matter and continue to so do, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against a person or persons or an entity by name or in such a way as to make him, her or it identifiable. Members should be aware that under the salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable.

I invite the IMO representative to make an opening statement.

**Ms Vanessa Hetherington:** The Irish Medical Organisation is the representative body for all doctors in Ireland and represents over 5,000 medical practitioners. It thanks the committee for giving it the opportunity to present its views on the future of prostitution legislation in Ireland.

International research shows that sex workers and those trafficked for sex are exposed to a wide range of physical and mental health problems, in addition to sexually transmitted diseases. The demand for unprotected sex puts pressure on sex workers and exposes them to a higher risk of sexually transmitted infection and HIV. Sex workers, particularly those involved in street prostitution, are exposed to high levels of violence, including sexual and physical assault, rape and murder. Studies show that the majority of women and adolescents who have been trafficked or are involved in prostitution have been physically assaulted or raped and show
symptoms of post-traumatic stress disorder. Other mental health issues are common among sex workers, including depression and anxiety disorders which can continue long after a woman has exited prostitution.

Drug and alcohol addiction is also prevalent among sex workers. Sex workers often enter into prostitution to support a drug addiction, but they can also become reliant on drug use as a support mechanism to cope with the trauma of prostitution. Sex workers who use drugs are more likely to risk unprotected sex and neglect their health, seeking care only at more advanced stages of illness. Research has also found that mortality rates are higher among females involved in prostitution than in the general population. In London mortality rates are estimated to be 12 times higher among women involved prostitution than the national average, while a Canadian study estimates that mortality rates are up to 40 times higher.

Data compiled from the HSE’s women’s health project in 2007 showed that the majority of women recorded symptoms related to sexually transmitted infections, reproductive tract infections or other health complications related to prostitution, including bacterial vaginosis, thrush, hepatitis A and B, chlamydia, vaginal-genital warts, urinary tract infections and cervical cell abnormality. Project workers received regular reports from women of violence inflicted on them and expressed concern about the long-term impact of prostitution on the women’s health.

A study by the national advisory committee on drugs, NACD, of drug using sex workers in Dublin found that the women and men interviewed were dependent heroin users before engaging in sex work and that a significant minority were minors at the time. Most had grown up in marginalised communities and experienced prolonged periods of homelessness. Most entered sex work for financial reasons or to maintain their drug dependency, while increased income from sex work invariably contributed to an escalation in drug use. Drug use enabled sex workers to work longer hours and minimise distress levels as a consequence of the work but increased the risk of engaging in unprotected sex or affected their ability to assess the dangers of a situation. A total of 78% of interviewees reported having hepatitis C, while 21% reported that they were HIV positive. The vast majority had been physically or sexually assaulted by a client.

Most women do not choose prostitution but are forced into it because of poverty, homelessness or a drug addiction. Purchasers of sex exploit their desperation. A wide range of measures is necessary to combat prostitution and sex trafficking, including the provision of health and social supports for prostitutes to enable them to exit prostitution, as well as social supports for young people at risk of prostitution. There is also a need to change attitudes towards prostitution and the growth of the sex industry through legislation criminalising the purchase, not the sale, of sex and a public awareness campaign to educate the public on the physical and mental harm caused by prostitution and trafficking.

Experience in Sweden shows that criminalising the purchase and not the sale of sex has reduced demand and contained the extent of prostitution. A recent evaluation by the Swedish Government found that since the introduction of legislation in 1999 street prostitution in Sweden had halved. In 2008 the number of people involved in street prostitution was estimated to be two thirds lower than in neighbouring Norway and Denmark. While the level of Internet prostitution had increased, as elsewhere, the report found no overall increase in the level of indoor prostitution or trafficking as a result of the legislation. Police officers and social workers report that purchasers of sex have become more cautious and surveys show that the legislation has had a deterrent effect on men.

The IMO supports the Turn Off The Red Light campaign and calls on the Government to
introduce legislation to make it illegal to purchase sex.

Chairman: Thank you, Ms Hetherington, for staying within the time limit.

Deputy Niall Collins: I welcome our guests. This is a very important issue facing our society. It would be most helpful if we could achieve as much unanimity as possible on how we should proceed. My party, Fianna Fáil, made a submission and attended the recent consultation day with the Department of Justice and Equality. We fully support the Turn Off The Red Light campaign. As the public will be watching this debate closely, it is important that we conduct our business in a timely fashion and try to progress this issue, as it has been dragging on for a number of years.

I am the lead questioner for our first group of guests representing the IMO. Part of our job will be to recommend penalties and sanctions in proposals emerging from the committee. What penalties would the delegates envisage or recommend in this area? Second, do they think imprisonment should be an option or what sanction should there be? Do they have any views on financial penalties? Do they have views on the issue arising in the United Kingdom, that is, strict liability?

Dr. Matthew Sadlier: On the issue of penalties and imprisonment, it is not an area in which our organisation has expertise. It would be whatever was seen to be an effective deterrent. Regardless of what legislation is introduced, we seek a robust data collection system to allow for analysis of whether it was effective in implementation. Certainly, imprisonment would be an option, but this is not an area in which our organisation has the necessary legal expertise.

Ms Vanessa Hetherington: The naming of perpetrators would be a deterrent. People would not want to have it known that they had perpetrated it. The Swedish example shows that is a deterrent. People do not want to be caught and have their names identified with purchasing sex.

Deputy Pádraig Mac Lochlann: I welcome the delegates. Sinn Féin has historically taken the approach of trying to protect the women who find themselves in this situation and assist them by giving them every support to have an exit strategy in place. There are concerns about the Swedish model. Ms Hetherington cited the recent report and said the level of street prostitution had halved. What is the benchmark for that assessment? How can we know what the levels were or what they are now? I do not have a definitive view on this matter and would like to hear the thoughts of the Irish Medical Organisation on the allegations that the Swedish model suggested pushes prostitution further underground and creates additional dangers for the prostitutes who are mostly women. One of the concerns is that legislation would prevent a number of women involved in the industry, for want of a better description, from sharing an apartment for safety.

Dr. Matthew Sadlier: The Swedish figures are taken from a report which is referenced in our submission from the Swedish Institute. The Deputy is right. Data collection, pragmatically, can be difficult, especially when one is talking about underground or illegal prostitution because, by its nature, it is difficult to measure. The argument for the Swedish model is that it reduces the demand for prostitution services. By reducing demand one reduces the drive among certain people to enter the market through the forced exploitation of others. It looks at the demand rather than the supply side of the equation.

I accept the Deputy’s point that men or women who enter prostitution - a certain percentage of men do enter prostitution - do so for various reasons. To allow them to exit one needs out-
reach services, specifically in the areas of education and drug and alcohol treatments.

**Chairman:** Dr. Sadlier mentioned mental health. Will he comment briefly on the mental health issues involved?

**Dr. Matthew Sadlier:** Mental health is a significant issue among sex workers and a number of studies have been conducted. Probably the most systematic was a Swiss study published in 2010 which found that the incidence of mental health problems among people involved in sex work was significantly higher than among the general population. Specifically, one is talking about post-traumatic stress disorder. Sex work, even in areas where it is legalised, is associated with violence, degradation and other factors that can lead to mental health problems. Another interesting study from Holland, an area where prostitution is legal, showed that depersonalisation - where sex workers move into a state of de-realisation to allow them to cope with the work they are doing - was prevalent. Depression, anxiety disorders and other diagnoses are more commonly found in sex workers than the general population.

**Chairman:** I invite Ms Orla O’Connor and Ms Jacqueline Healy to make a presentation on behalf of the National Women’s Council.

**Ms Orla O’Connor:** I thank the Chairman and the committee for inviting the National Women’s Council of Ireland to make a submission and speak to the committee. My colleague, Ms Jacqueline Healy, our health and human rights worker, will make the presentation on behalf of the council.

**Ms Jacqueline Healy:** The National Women’s Council of Ireland is a feminist non-governmental organisation representing women’s groups in Ireland. It currently has 170 member organisations affiliated to it, representing an estimated 500,000 women. Our vision is of an Ireland where all women and men have equal power to shape society and their own lives.

The National Women’s Council of Ireland welcomes the opportunity to contribute to the review of the legislation governing prostitution in Ireland. The prostitution of women and girls constitutes a fundamental violation of their human rights and a serious form of male violence against women. It is an issue that affects all women in society and the council has a strong mandate from its member organisations to work on tackling it. At our annual general meeting this year our members voted overwhelmingly in support of a motion to lobby the Government for a legislative response to tackle prostitution and that the council continue its work as part of the Turn off the Red Light campaign. The council has been a member of the co-ordinating group of the campaign which has been lobbying the Government to criminalise the purchase of sex as the best and most effective way to address prostitution as a form of violence against women and deter the trafficking of women and girls for sexual exploitation.

The National Women’s Council is also involved in co-ordinating the work of the European Women’s Lobby in Ireland. The European Women’s Lobby has been working on the issue of prostitution and trafficking for many years and is running a campaign, Together for a Europe Free from Prostitution, which we fully endorse.

Prostitution cannot be seen as an occupation that women freely choose, but it is both a cause and consequence of the range of inequalities that women face in Irish society, in particular socioeconomic inequalities, barriers to active participation and inequality of opportunities and outcomes. The existence and toleration of prostitution in Irish society intersect with other structural and systemic forms of discrimination against women and prostitution needs to be
discussed within that framework.

Research shows that nine out of ten women involved in prostitution would like to exit the system but feel unable to do so. No matter how a woman enters prostitution, it is harmful. Prostitution has a devastating impact on both the physical and mental well-being of women and girls, as has been well documented by some of our member organisations, including Ruhama and the Immigrant Council of Ireland. Both organisations highlight the strong link between prostitution and trafficking for sexual exploitation. As our laws on prostitution have a direct impact on the problem of human trafficking, any Government strategy to prevent sex trafficking will be ineffective if it is not complemented by strong measures to tackle prostitution. We must seek to eliminate the sex industry, not regulate it. Regulation does not protect women and it does not work. It only legitimises and encourages an industry that is inherently harmful to women.

The introduction of legislation to criminalise the purchase of sex, while at the same time decriminalising those who sell sexual acts and offering enhanced and sustained support services to women who wish to exit, is the only viable way to work towards an end to this exploitative industry. The introduction of legislation has great potential to establish a new norm in our society which deems prostitution to be an unnecessary and unacceptable social phenomenon and send a strong message to future generations that it is not acceptable for women to be treated as commodities, to be bought and sold for sexual use. Prostitution is a violation of women’s human rights, including human dignity. The system of prostitution perpetuates patriarchal views on women’s sexuality and legitimates male domination in society. As long as it is tolerated, it is an obstacle to equality between women and men. A society that tolerates prostitution cannot achieve gender equality. The abolition of the system of prostitution is a progressive and realistic objective, based on the fundamental principles of equality between women and men.

Senator Katherine Zappone: I thank Ms Healy and Ms O’Connor for their presentation and the expression of these views.

My first question has to do with the diversity of women’s experience. I know from some of my former work of the extraordinary diversity among the membership of the National Women’s Council of Ireland. Because of that diversity, I am interested that the council is coming out with these very strong recommendations. There are some who would say a move towards the Swedish model would offer us a one-size-fits-all approach. Given the diversity of women’s experience, there may be some who freely choose to enter into prostitution and feel their human right to make this choice is not being violated. I think the witnesses may have had some of those discussions in the context of coming to a resolution to make these recommendations. Do the witnesses have views to share on this point?

Ms Orla O’Connor: Some of those views were expressed. The important point in terms of where the National Women’s Council of Ireland is coming from and discussions among members is that prostitution was viewed within the context of violence against women. That was the strongest element in coming to the view and giving us a mandate and the overwhelming support for the motion with regard to our involvement in the Turn Off The Red Light campaign. Part of the analysis is about where women come from in terms of entering prostitution, which is socioeconomic disadvantage, poverty, debt, a history of abuse, and neglect. Given the diversity of our membership, it is important that it is seen in the context of violence against women and moving on to supporting a particular model, which is the Swedish model.

Senator Katherine Zappone: What is the impact of the implementation of the Swedish
Ms Jacqueline Healy: We attended a conference on prostitution last month. The presentation by the Swedish police was convincing and its implementation did not seem to be particularly onerous in Sweden. It is a different country and Ireland is examining its resources. There will be work for the police if it wants to take this on board but the National Women’s Council of Ireland believes this is an extremely important area in which resources need to be assigned to tackle the problem. It is not just a case of examining prostitution and violence against women, which is an area we encourage the Government to make a priority. It also concerns the involvement of organised crime and gangs, social problems and effects on the wider community. Resources targeted at the area will have a major benefit for women and for society at large.

Deputy Marcella Corcoran Kennedy: I thank the witnesses for their presentation. Is there research on where the appetite for young women and children is coming from? We can look around at the images we receive from the media in terms of an attempt at the normalisation of pornography through popular television shows and the sexualisation of children through inappropriate dress in our chain stores. Does the National Women’s Council of Ireland have research on this topic, which is linked? If an appetite is being fuelled, this is where people will go to satisfy it.

Ms Jacqueline Healy: The National Women’s Council of Ireland has not carried out research on this point. The Irish Observatory on Violence Against Women, which we convene, carried out research on this a few years ago. More work needs to be done, particularly in light of the fact that we have become more technologically advanced with the Internet and the easy availability of pornography on mobile telephones. We have always made the link between pornography and its fuelling of different forms of violence against women, including prostitution.

Deputy Pádraig Mac Lochlainn: I have a follow-on question. We are all agreed upon the need for a change of culture among men in respect of this issue. We must engage with every means we can. Do we require two approaches first, before a change of legislation? The first concerns a comprehensive effort by all agencies, including television advertisers, to change the culture that facilitates this. In every small town in Ireland, we see reports and photographs of young men and women - mainly women - in newspapers whereas those who avail of the service seem to get off scot free. The second issue concerns an exit strategy for the women. We have not set up the appropriate services on the ground to assist women who find themselves in this position. When arrested, they appear to be dragged before the courts and kicked out of Ireland if they are not from Ireland. Must these two issues be addressed before we pass this legislation? Are we putting the cart before the horse?

Ms Orla O’Connor: I agree a cultural change is needed but, from our point of view, legislation is critical. So many areas with regard to equality for women require legislation first and foremost because it is a matter of the Government showing leadership in bringing about change. Then, we can work on the cultural change. It tends not to work in the opposite direction and many examples of women’s equality illustrate that point. It is important that legislation is passed first.

Ms Jacqueline Healy: I want to emphasise the point about support when I spoke earlier. This cannot work unless there are support services for women. That came across in the conference on prostitution last month. We talked to people in the delegation from Sweden and emphasised that the supports needs to be in place. We cannot let women in a vulnerable position be thrown out on the street with no support or, as the Deputy mentioned, deported. Support must
be part and parcel of any legislation introduced.

**Deputy Finian McGrath:** I totally agree that legislation is needed but the core issue is broader and concerns violence against women and exploitation. There is a strong Garda Síochána element to the resolution of the problem. We need the resources to treat this issue as a major criminal problem in Irish society. Gangs running cigarettes and drugs rackets are also involved in prostitution. Society must deal with these people and with other major security issues. We can have all the legislation we want but we must also rescue these people. There is a major security element needed from the Garda Síochána. In debates inside and outside the Dáil, the issue of prostitution is not taken seriously. Do the witnesses agree? Do they agree that we must focus resources on treating these people, who are exploiting people, as criminals?

**Ms Jacqueline Healy:** Can the Deputy repeat the question?

**Deputy Finian McGrath:** I would like the issue to be treated from the Garda point of view in the broader criminal sphere rather than as an issue concerning women. I refer to violence against women, which is a crime. The Garda Síochána should be involved. We need legislation and support services but it involves a serious criminal aspect and requires a Garda response.

**Deputy Niall Collins:** My question is linked to the comments made by Deputy Finian McGrath. What are the views of the witnesses on the ability of the Garda Síochána to deal with the issue? By the end of January 2011, some 495 members of An Garda Síochána had participated in training to tackle trafficking in human beings, its prevention, protection and prosecution. A further 3,000 probationer gardaí were trained on the same course, along with 32 members of the Garda Reserve. Do the witnesses have any views on the ability of the Garda Síochána to deal with the issue at ground level? We have a different debate with the Minister about the resourcing of the Garda Síochána, which cannot become part of this debate, but are they sufficiently well trained to deal with the issue?

**Ms Orla O’Connor:** The Deputy is right that introducing legislation will need additional resources. It also means training for gardaí. That is a wider question, however, about choices and priorities in a time of austerity. I do not think that should prevent legislation from coming forward; the legislation must come first and then resources follow. That is a wider discussion about the choices we are now making in Ireland.

**Ms Jacqueline Healy:** There was a well-publicised raid recently where gardaí entered premises where prostitution was taking place. That sent out a strong message to the public, showing that prostitution is exploitative and that vulnerable people are involved. Resources must be put in place. That is a worthwhile exercise to send out a message about prostitution.

**Dr. Eilis Ward:** Dr. Wylie and I will address our marks on issues of prostitution and trafficking as distinct but interrelated phenomena. We do not represent any institutional, organisational or advocacy position. We are here as social scientists who have been working on research in this area for about ten years.

We want to make three general statements and then I will speak generally on the sex trade and my colleague will speak on sex trafficking. Any discussion of prostitution must be based on the recognition it is associated with both rights and risks and any productive analysis and workable policy must consider both questions. We know very little about prostitution and the sex trade in Ireland. There has been very little competence research and there are very few benchmarks against which the change could be measured. We are aware the sex trade in Ireland has
been largely privatised and may be largely beyond the reach of the State in terms of traditional surveillance and interventions. Our knowledge of sex trafficking is also very scant. This raises similar questions in terms of measuring change and the effectiveness of policy.

We have four comments to make about the sex trade and prostitution in Ireland. We have a very limited knowledge base of the sex trade in Ireland. That is particularly problematic when it comes to making statements or establishing causality between changing the law and changing practice. We know nothing about transactional sex. We know very little about social policies and practice, we know little about gender equality research and practice and we know very little about vulnerability and practice, in other words what it is about the women involved in the Irish sex trade, their vulnerability profile and involvement in the sex trade.

There have been some micro-studies and drawing on those we know the Irish sex trade has adapted to every single change in the law or policy since the foundation of the State. The sex trade has simply changed and this reflects a global pattern whereby the sex trade is infinitely adaptable to all laws and changes in policy.

Such research prompts two generalisable conclusions. Every one of our statements is based on evidence-based research. The generalisable conclusions are that prostitution may be an area of public policy which cannot be managed or controlled effectively primarily by law, although not by social policy. In addition, prostitution may be an area of public policy that can never be completely abolished.

Related micro-studies reveal a vast diversity of experience of those in the sex trade in Ireland, with both men and women with different sorts of experiences. There are different experiences with levels of risk and risk taking behaviour, and different experiences with vulnerability. Two of the studies based on research among prostitutes in Dublin support the case for managed zones or decriminalisation. Furthermore, Dr. Kathryn McGarry’s micro-study on women and risk-taking in the sex trade in Dublin supports the concern that abolitionist regimes such as the Swedish model increase risk, especially for the most vulnerable in the sex trade.

Both of these conclusions drawn from Irish studies are supported by two consistent themes in the international literature, namely, that women in prostitution are not homogenous and are not all victims and they do not wish to be seen as victims - many first-person stories and narratives resist this label - and abolitionist or prohibitionist regimes increase the risk for marginal questionable gains.

Recent discourses in Ireland proposing the Swedish model are not supported by evidence-based research that validates the suppositions contained within the Swedish model. There is no evidence to say the suppositions in the model support its applicability to Ireland, largely because we do not have the comprehensive research that would be required for policy change in this area.

We suggest the situation captured above constitutes an unwise basis for the implementation of legal change, particularly given the critical literature on the Swedish model that is now beginning to emerge. From the point of view of prostitution, the State’s current legal framework may be as good as it gets, an accident of history rather than planning, in that it enables the containment of the growth of the industry. In addition, its intention is not to criminalise the sex worker, although in practice it does, and it enables policies to minimise the risk to the individuals involved in the sex trade and risk in terms of public health issues.
Dr. Gillian Wylie: There are different ways of regulating prostitution, through abolition or legalisation, or points in between. These are often discussed as ways of combating sex trafficking. The international research and literature is highly inconclusive. The Dutch national rapporteur reports ongoing sex trafficking in the Netherlands. The Swedish Government’s own evaluation has provided very little concrete evidence of the efficacy of the Swedish law as a means of combating trafficking. The 2012 “Trafficking in Persons Report” of the US State Department names both Sweden and the Netherlands as countries of transit, destination and exploitation for human trafficking.

There is a problem in the conflation of sex trafficking and prostitution. As Dr. Ward said, people experience a diversity of outcomes and experiences in the sex trade. Our research showed that and the Department’s conference poignantly illustrated that with very divergent views from the floor from women involved in the sex trade. It is also important to recognise that human trafficking occurs for reasons beyond sexual exploitation, such as forced labour. If we are to take a demand-led model, we need to understand the complexity of demand for exploitable labour in society more generally, in domestic work and in construction. This leads me to an analysis which points to the importance of recognising the paucity of migrant workers’ rights and the lack of access for migrant workers to employment in the European Union, creating a nexus between trafficking and migration.

In Ireland we have had an anti-trafficking law since 2008 and we are in line with our UN and EU obligations. We have anti-trafficking infrastructure, policing commitment and civil society collaboration with the anti-human trafficking unit. There have been investigations and prosecutions but barely any convictions. While I do not maintain everything is right with Ireland’s current anti-trafficking legislation or with what happens to people identified as victims within that law, at the same time we have the makings of an adequate anti-trafficking framework in the Irish context. These issues, along with the necessity of addressing the issue of migrant workers’ rights more generally should be considered by the committee in combatting human trafficking rather than the reductive route of criminalising the purchase of sex.

Senator Fiach Mac Conghail: I thank Dr. Ward and Dr. Wylie. The key message in the presentation of the delegation relates to a lack of research and evidence or data in Ireland on prostitution. The presentation also questioned the causality or connection between prostitution and trafficking. The delegation is suggesting that there is not enough evidence to link the causality. I note the delegation is critical of the Swedish and Dutch models. Is there an appropriate international research model? The delegation is looking for two things. Relevant research is an important element for the committee to make recommendations and in determining how we might come to a decision. Can the delegation give us an example or context of another state where there is particular and clear research? I do not suggest coming up with a particular option but in terms of data collection, can the delegation offer an example of a country where it works or where such information is available? That is my first question.

Chairman: We will get an answer to that first and then we can come back to the second question.

Dr. Gillian Wylie: In trafficking research there is a general acceptance that the data are problematic. This is because of the criminality of the act but also because of the different perspectives researchers bring to their understanding. I do not think there is any country where there has been agreed research. The United Nations produces the global initiative to fight human trafficking, GIFT, report, which is helpful in the sense that it reports only on prosecuted cases or investigations and prosecutions. Therefore, it provides hard data, but the problem is
that not all cases will ever come to light and there is a problem with how the law defines the problem. It might make it rather narrow in terms of who is seen as a trafficking victim. There have been attempts by the International Organization for Migration, IOM, and the Austrian Government to produce a model which would allow for better data collection. There is an ongoing research struggle to provide a way of doing research that is grounded. It remains a highly contentious issue.

Senator Fiach Mac Conghail: Does the delegation have a proposed model in terms of their disciplines? Is there a model we can look at? The delegation is saying that there is sporadic and uneven data collection in this area internationally. Is there any model that could be addressed to Ireland? The delegation has not made such a proposal. Can the delegation recommend anything in terms of its discipline?

Dr. Gillian Wylie: The anti-human trafficking unit in the Department of Justice and Equality collects data on prosecutions, convictions and people in State administrative arrangements, and it reports annually. We conducted research as part of which we interviewed stakeholders and gatekeepers in the area in 2007. We encountered all the difficulties of doing the research in this area but we have carried out research which attempted to explore the extent of trafficking.

Senator Fiach Mac Conghail: My next question relates to the study carried out by the delegation. The presentation referred to a one-size-fits-all reason. We need not go into too much detail. The delegation carried out a baseline study in 2007. One of the key findings related to research into trafficking and lap dancing in Ireland. I am interested to hear the facts about it. The delegation referred to women’s experience and that the degrees of choice were diverse. I am keen for the delegation to explore this with the committee in order that we are aware from the delegation’s point of view that there is no single, one-size-fits-all reason why women enter prostitution.

Dr. Gillian Wylie: Absolutely. During the research we interviewed members of the Garda Síochána and we heard about diverse experiences. There were women who flew in from other EU states to work in lap dancing to fund education for their children at home. There were women who did not consider themselves to be exploited and returned to the lap dancing industry when they could. There were others who had experiences of duress. That diversity is there and it is recognised broadly in international research as well.

Senator Fiach Mac Conghail: Is it legitimate to describe poverty as a macro reason why women might go into prostitution? Was that a finding of the 2007 study?

Dr. Gillian Wylie: It is one of the reasons but they are diverse.

Senator Fiach Mac Conghail: The delegation referred to emerging critical evidence in its presentation relating to the Swedish model not working. Some of my colleagues went there recently. Previous presentations have referred to it as well. Can the delegation provide the evidence or let us know something of the nature of that evidence?

Dr. Gillian Wylie: One of the issues is that the Swedish Government evaluation has been criticised for lack of baseline data and concrete evidence and the fact that Sweden continues to have an issue with sex trafficking. Last summer in Gothenburg there was a major prosecution of a trafficking ring. Women had been trafficked from Romania to the sex industry in Sweden. There has been no abolition of the sex trade in Sweden and there is no evidence that sex trafficking does not take place in Sweden. The same applies to the Netherlands. I see both ideological
poles as problematic.

Chairman: There are several Members offering. I call on speakers to be very brief because there are many people waiting and we do not want to be here all night. I call on people to be as quick as they can, with short focused questions and answers. I call Senator Zappone.

Senator Katherine Zappone: I have two quick questions. I wish to build on Senator Mac Conghail’s questions on research. The delegation has argued that we need more research to justify policy or legislative change. Has the delegation begun to outline the parameters of the type of research required to bring us to a point where we could be ready for such change?

Dr. Eilis Ward: That is difficult because of course it is formulating continuously. There are continuous conversations but we have not begun the research yet. However, I believe we are beginning to build up data by working together and we are beginning to identify some gaps. For example, we know nothing about research on the men who use prostitution in Ireland. I am particularly interested in the relationship between law, policy and the practice. What happens when one implements certain types of policies? What changes occur and what is the relationship between them? That is another type of research which should be done. There is a problem with funding. There is no funding for this type of research. Our research has had to be self-funded. If there is no funding, the research will not get done, at least not the comprehensive surveys that are required. Only micro studies are being done.

Senator Katherine Zappone: Given the perspectives of the disciplines of the members of the delegation, do they believe it is possible to have scientific evidence to determine a link between prostitution and trafficking?

Dr. Gillian Wylie: It is very difficult. When I started research in this area, the first thing I discovered was that people come at this from different ideological starting points. If one believes prostitution is always exploitative, it leads one to a certain understanding of the relationship between trafficking and prostitution. If one believes there is more diversity in the situation, one works from a different set of premises. There are some hard data studies that give us the convictions, prosecutions, etc. but they cannot capture the fact that I believe the definition of trafficking, which requires the elements of deception, coercion, movement and exploitation, is so narrow in law that it is very difficult to identify actual victims of trafficking. Many people who are sadly not considered to be exploited enough in respect of labour or sex are not identified as victims of trafficking. There is a problem with that kind of hard data that only goes to the prosecutions because they do not pick up that breadth of exploitative experience. Where people start from in their imagination regarding the nature of the problem affects what they then count or see. It will be very hard to find really hard evidence.

Deputy Pádraig Mac Lochlainn: I am mindful of the fact that the two most recent speakers are probably some of the few who will advocate for a different position from that espoused by the Turn Off the Red Light campaign. It might be important to give them more speaking time to have a balance.

Chairman: We may invite them back later if that is necessary and if the two speakers are willing to come back at a later time. I am conscious of all those present here today and I want to give everyone an equal chance to speak. If we need to come back later, we can discuss whether the speakers are willing to do so.

Deputy Niall Collins: I have a question for Dr. Wylie. Before the delegation leaves, could
I put a question to the National Women’s Council of Ireland? I see Dr. Wylie is from the Irish school of economics.

**Dr. Gillian Wylie:** Ecumenics, but please do not ask me to explain that one.

**Deputy Niall Collins:** Has any study been carried out to inform the committee in its deliberations as completely as possible? Is Dr. Wylie aware of any study which puts a value on the sex trade to the black economy in Ireland? Does anyone from the delegation have that figure? It is important that this be established.

**Chairman:** Will Dr. Wylie answer that?

**Dr. Gillian Wylie:** On a global scale, one reads that €7 billion is the profit from human trafficking. If one tries to find where that figure comes from, one cannot find it.

**Deputy Niall Collins:** Is that on a global scale?

**Dr. Gillian Wylie:** Yes.

**Deputy Niall Collins:** Can I put the question I put to the IMO earlier to the delegation from the National Women’s Council of Ireland? What does the council envisage as a penalty? Does it favour imprisonment, a register or publication of names?

**Ms Jacqueline Healy:** We are part of the core co-ordinating group of the Turn Off the Red Light campaign. Obviously, the question of what a legislative solution should be is one of the things that has come up. I agree with my colleague from the IMO that there must be an effective deterrent. Such a deterrent could even be a name-and-shame in a newspaper or a financial penalty but it needs to be something that sends out the message that this is a crime, that one cannot do it and that Irish society will not tolerate it anymore. Research needs to be carried out but our view is that the penalty, whether it is a financial penalty or imprisonment, must be effective. We have veered towards fines. Being named in a newspaper would probably be quite effective.

**Deputy Pádraig Mac Lochlainn:** I have a few brief questions as I am trying to achieve a balance. I have two questions that come from a different perspective from that of my other questions. One of the problems with the current legislation is that in order for a person availing of the service of a prostitute to be convicted of availing of someone who has been trafficked, it must be proved that he or she knew the person was trafficked, which is very difficult to do. What is the delegation’s view on the obvious weakness of that legislation in protracting what is essentially slavery? When the committee visited Sweden, we met someone who made a powerful impression on the committee. This was a social worker on the front line who would have dealt with hundreds of prostitutes. Whenever a situation arises in which a user is arrested, the prostitute will immediately be given support services. In addition to all of the evidential issues, the social worker was quite clear that virtually all of them wanted to exit prostitution and she acknowledged the only voices she heard were those still in prostitution. There seems to be a divergence between those who are stuck in prostitution and who advocate for it to be maintained and those who have managed to exit it and who rarely argue that it should be maintained. What are the delegation’s views on that unscientific but powerful testimony from somebody who works with prostitutes?

**Chairman:** We will take a brief response. Does the delegation have anything to say?

**Dr. Gillian Wylie:** Again, opinion is divided. We heard from the Rose Project from Sweden
at the Department’s conference. They are women who either are or were sex workers and who do not support the Swedish model. There is an incredible range of opinion among people who have been involved as to what the right approach is.

**Chairman:** We will now take a brief recess.

**Deputy Pádraig Mac Lochlann:** My first question related to trafficking and the problem with the current legislation.

**Dr. Gillian Wylie:** It has not proven to be workable. Reports from the Department of Justice, Equality and Defence anti-human-trafficking task force suggest that there has been only one conviction for adult sex trafficking to date. There were five convictions in 2010 but most of those people were prosecuted under the Child Trafficking and Pornography Act. The legislation is not workable.

**Deputy Pádraig Mac Lochlann:** We may reconvene later.

**Chairman:** We will now take a brief recess.

_Sitting suspended at 3.26 p.m. and resumed at 3.29 p.m._

**Chairman:** We are back in public session. On behalf of the committee, I welcome Ms June Tinsley from Barnardos; Ms Denise Charlton, chief executive of the Immigrant Council of Ireland; Mr. Jerry O’Connor, who is also from the Immigrant Council of Ireland; and Ms Sarah Benson and Ms Geraldine Rowley from Ruhama. I thank the witnesses for attending here today and for the submissions they supplied to the committee. The format for the meeting will be the same as previously. The witnesses will make brief opening remarks followed by a question-and-answer session.

Again, I draw witnesses’ attention to the situation regarding privilege. Witnesses should note that they are protected by absolute privilege in respect of their evidence to the committee. If they are directed by it to cease giving evidence on a particular matter and continue to so do, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against a person or persons or an entity by name or in such a way as to make him, her or it identifiable. Members should be aware that under the salient rulings of the Chair, they should not comment on or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable.

Deputy Corcoran Kennedy has some questions for the delegation from the Immigrant Council of Ireland but she has been called away to the Dáil for a few minutes. With the committee’s indulgence I will invite the Immigrant Council of Ireland to make its presentation after which the Deputy will ask her questions. Is that agreed? Agreed.

**Ms Denise Charlton:** I thank the committee for the invitation to speak today. I wish to address a number of points, some of which may respond to questions asked earlier. The Immigrant Council of Ireland is a core member of the Turn Off the Red Light campaign, of which the committee is aware. We are one of 64 robust organisations which represent most counties and sectors in Ireland. We come from very different perspectives and angles to the issue of prostitution and sex trafficking, but what unites us is that we believe if demand for sexual services is tackled by targeting the buyer it will have a real impact. The Immigrant Council of
Ireland came to this conclusion in a number of ways. We commissioned robust research which over a 21-month period examined sex trafficking and prostitution in Ireland. It was one of the first studies of its kind in Europe and was conducted by Dr. Pillinger, Dr. Kelleher and Monica O’Connor. I hope the committee will invite them to present their findings.

What also motivates us as a human rights organisation is that we challenge the notion that prostitution is a harmless transaction between consenting adults. Survivors of prostitution are at the core of the Turn off the Red Light campaign and some committee members heard their remarks in the Oireachtas a number of weeks ago. When they described their experience they left us in no doubt of the violence that underpins prostitution and sex trafficking. We have a particular lens on human trafficking as a migrants rights organisation concerned with the migration process, and we were delighted earlier this year when the US President, Barack Obama, highlighted it as modern-day slavery. He is prepared to apply the full resources of the US Federal Government to combat the problem.

Trafficking for sexual exploitation is the biggest human trafficking phenomenon in Ireland and throughout Europe. In our research we identified 102 cases, but these are only the cases that have come to our attention. They tell horrifying stories of which committee members are aware, such as that some of the women with whom we have worked did not even know they were in Ireland, never mind whether they were in Dublin, Cork, Limerick, Portlaoise, Letterkenny or any other town or city. There is a demand for child trafficking in Ireland and we have seen evidence of it as 11 of the 102 cases involved minors and 29 child trafficking cases have been identified by the Irish State. Some media reports on high-profile cases uncovered child victims of trafficking. The sex trade allows and facilitates child trafficking, for which there is a demand in Ireland. This provides a reason for the legal change.

There is much discussion about voluntary prostitution. One cannot talk about sex trafficking unless one takes a stance on prostitution. Within the sex industry are varying views and voices, and all voices should be listened to and respected, but we must be very clear that one cannot confuse the fact that a minority of women have independence and agency within the sex industry with the fact that the average age of entry is appallingly low. Children do not have a choice to consent and the average age of entry into prostitution is 14. We cannot avoid the fact that the majority of women enter prostitution because of poverty, child abuse, gender-based violence, war or broken promises of a better life after having had few choices in their own country.

I wish to discuss the link between prostitution, the sex trade and organised crime. Somebody asked earlier about research into the amount of money being made out of prostitution in the black economy. Based on our research, we estimated a figure of approximately €180 million, while the Criminal Assets Bureau has a figure of approximately €250 million for organised crime in Ireland. One does not have to take our word for it; as part of an independent investigation for “Prime Time”, the journalist Paul Maguire tracked women and saw how they were moved at high speed from one area of the country to another, that mobile phones were bought in bulk, and that few of the women even knew they were in Ireland. Paul Connolly of TV3 also had a programme that looked at how vice gangs use force to keep women under control. In the Linnane case the women were filmed and were allowed to use only one baby wipe per customer. There is a high level of control in prostitution and the sex trade. All of this confirms what survivors and the women who access our services tell us.

We have had a conversation on whether the law is fit for purpose. It was developed at a time when women were on the streets selling sex. It is now a multi-million-euro industry which has gone online. Earlier we spoke about whether the Swedish law has sent prostitution under-
Prostitution has gone onto the Internet in every country regardless of the legal context. The nature of the crime means it must be accessible so that punters can find the women. The law in Ireland is not fit for purpose. We have had minimal prosecutions and very few women and victims have been identified as having been trafficked. We have two legal options. Many of us have visited the Netherlands, where it was decided to legalise the commercial exploitation of prostitution in 2000. Between 50% and 90% of women in prostitution do not want to be there and were forced into the industry against their will, according to the Dutch police. A total of 50% of brothel managers have a criminal record and it is now the hub of human trafficking. Ten years after the decision to legalise prostitution, an independent evaluation was carried out which showed the welfare of women in prostitution was worse on all measured health indicators. It was also clear from the independent evaluation that one cannot separate legal adult prostitution from child trafficking, illegal prostitution or criminal gangs. Twelve years after the law was changed in Sweden, 250 prostitutes are for sale on the Internet in that country, which has a population of 9.5 million. In Ireland, a thousand women are for sale in a population of 4.5 million. Amsterdam has approximately 2,500 legal brothels. The law in Sweden was introduced against much public opinion and now it enjoys 80% support.

The Turn Off the Red Light campaign includes people who represent every county and sector in Irish society. We are nurses, doctors, human rights organisations, farmers, trade unionists and survivors and we are all asking for the law to be changed. Eighty public representatives support us and nine local authorities have passed motions advocating the change we seek. We believe if one wants to change the exploitation, rape and violence which occurs in the sex trade in Ireland today and stop child trafficking, one must target the buyer. It has worked in other jurisdictions and we believe firmly that it will work here.

Deputy Marcella Corcoran Kennedy: I thank Ms Charlton for her presentation, which mentioned voluntary prostitution. Does Ms Charlton have any figures for how many women are voluntary prostitutes? How can prostitution be made safe for them if they wish to remain in the industry?

Ms Denise Charlton: We do not have exact figures, but the evaluation done in the Netherlands examined whether women felt safer and whether there were more positive outcomes for them. The answer was negative, so the legalisation model has not worked. Some of the research and evaluation from the Swedish model indicated women feel safer in the Swedish context than they did prior to the introduction of the legislation. The one point that is clear, from all the research and from our work on the ground, is that we cannot segregate the industry. One cannot say we will have adult women here who choose to be in prostitution and keep them in one area. Pimps, traffickers and punters do not care. The reality is that wherever there is a sex trade, there will be child trafficking, exploitation of adult women and illegal prostitution. The Netherlands and New Zealand are prime examples of that.

Deputy Marcella Corcoran Kennedy: I have another question about children. Ms Charlton mentioned the number of children of whom we are aware so far. Are those migrant children or is there evidence that children born here are being used in this trade?

Ms Denise Charlton: I will leave it to Barnardos to explain, but the majority of the children who have come to the attention of the anti-trafficking unit are migrant children.

With regard to the research, somebody asked earlier about demand and whether we know anything about men’s behaviour and the culture. There is a great deal of money being spent in Europe to examine demand and what deters men from buying. The immigrant council and
Deputy Marcella Corcoran Kennedy: On the Swedish model that was discussed earlier, has the ICI looked at any other countries apart from Sweden where such a model has been proposed or implemented?

Ms Denise Charlton: There are other countries that are considering it, including France and Croatia. Norway and Iceland have introduced such a model. England has looked at a version of it, Scotland is considering it, and Northern Ireland is now having conversations on it. Across Europe there are many considerations similar to what we have heard today. There is significant support for the Swedish model, and it has worked.

Deputy Niall Collins: We recently received a briefing in Buswell’s from a number of former workers in the sex trade, which was forceful and informative. One of the key points that we took from it was that the younger these women advertised themselves as, the more in demand they were. Ms Charlton mentioned that there are a thousand sex workers available today in Ireland. What number of those are under age?

Ms Denise Charlton: We do not know. Women would be told to present as over 18. Even some of the clients of the immigrant council who are clearly under age and who have come to the attention of the authorities on a number of occasions have been told to present as over 18, and I am sure that is the experience of Barnardos and Ruhama as well.

Deputy Finian McGrath: I have a related question. That figure of a thousand women for sale is exceptionally high for a small country such as Ireland. Does Ms Charlton have any idea of the percentage who are foreign nationals?

Chairman: That is a good question.

Ms Denise Charlton: According to the piece of research done and concluded in 2009, approximately 97% are migrant women.

Senator Katherine Zappone: I ask that the committee note my request that we hear from the researchers who produced Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland, the piece of research identified by the ICI. I note that the independent researchers were overseen by an advisory committee which included members of the Department of Justice and Equality, An Garda Síochána and the Health Service Executive.

We have not spoken much about the New Zealand model. In her presentation and in her work, Ms Charlton argues on the basis of research that there is a link between prostitution and trafficking and that there is a need to reduce demand in order to deal with the human trafficking issue. As part of its evaluation of the implementation of the model of legalisation for prostitution in New Zealand, according to its department’s consultation document, the committee that reviewed the law determined that there was no link between the sex industry and human trafficking. Perhaps Ms Charlton would comment in that regard?

Ms Denise Charlton: I do not know that part of the report, but there is an absolute link between sex trafficking and prostitution. Trafficking is a legal definition that most of the women in the sex industry are not even aware of. If women who are in the sex trade come to the immigrant council seeking assistance, often it is with regard to their immigration status. That is how they present to our services. Alternatively, they present to the women’s health project others will be involved in a piece of research, but there is much evidence out there. One of the greatest deterrents to buying is legislation that penalises buying.
because of a health need. They do not describe themselves as having been trafficked; they describe themselves as being in the sex trade. They can then be defined as having been trafficked in order to receive limited services in the country, but it is a legal definition. I would say that women present as being in the sex trade and then some of them are identified as having been trafficked. There is an absolute link; one cannot separate the two. It is merely a way of defining some women within that industry.

**Deputy Pádraig Mac Lochlainn:** In Sweden, the penalty is up to one year’s imprisonment, but that rarely happens. If one accepts responsibility, one is fined and, I think, one’s name is retained on a register. I do not think the name is published. However, the imprisonment deterrent is there if a person alleges that he or she was not responsible. I think only one person has been taken to court. I note that in its presentation the ICI recommended a fine-by-post approach only, not imprisonment. If I am correct, there is an issue of legal precedent in Ireland whereby one cannot get legal aid unless the offence committed renders one liable to imprisonment. Perhaps the ICI could take the committee through the rationale of proposing something that is not exactly in keeping with the Swedish model.

**Ms Nusha Yonkova:** The Immigrant Council of Ireland has enclosed legal opinion on penalties that was prepared for us by Dr. Alan Brady. He looked extensively at our penal system and has proposed something that could serve as a basis for future debates. What we are recommending at this stage is not a high level of penalty but one that is comparable with the amount of money men are ready to pay, for example, for unprotected sex in more high-class agencies. It has been pointed out in many pieces of research that a really efficient deterrent for men would be notification to their families, places of employment or addresses they submitted to the authorities, and that is also recommended by us as part of the penalisation procedure. It is applicable. It is possible.

It is true that potential offenders may not have recourse to legal aid. That is an additional deterrent. It is true that their families may find out about their behaviour, which is unacceptable not only because it is an offence but simply because of what it is. This is a further deterrent. All of these small steps will serve the final purpose. However, the complete analysis is available to the committee.

**Deputy Pádraig Mac Lochlainn:** On the removal of legal aid, would the ICI have concerns about a person’s innocence until proven guilty? I ask the witnesses to clarify the ICI’s position on the proposal that legal aid be removed.

**Chairman:** I ask Ms Yonkova to be as quick as possible because we are really up against the clock here.

**Ms Nusha Yonkova:** Looking at the profile of potential offenders, provided we have such an offence, we know for sure that these men are professionals with money who can afford to engage in this sort of prostitution activity. The level of penalty that we recommend is fairly comparable with and similar to what they are ready to pay. Surely they are in a position to provide for their defence if they are not guilty.

**Senator Fiach Mac Conghail:** I suggest that we invite Mr. Paul Maguire from RTE to make a presentation. His journalistic work might help us.

**Chairman:** We have received 800 presentations already.

**Senator Fiach Mac Conghail:** In terms of data, it would be useful.
I have two questions. First, when we debated this in the Seanad a while ago under the Independent group motion, the Minister was wary about the issue of strict liability and was falling back on that as a default reason for not making any changes to the legislation. Can Ms Yonkova give us her view on the strict liability? I will ask the second question afterwards.

Ms Nusha Yonkova: That issue has been researched for us by a senior counsel and also by another legal practitioner. The research is available but in a nutshell it concluded that strict liability has not been deemed to be constitutionally completely permissible in sexual behaviour-related offences. It is possible to introduce this, in particular in combination with penalties that are not very high and therefore not a lot is at stake for the offender. Therefore, this consideration from the C.C. case, for example, would not be applicable in those cases.

Furthermore, it has proven that unconditional penalties in relation to situations where behaviour is regulated work far better. The UK, which had opted for conditional penalisation of buyers of sexual services through prostitution, is finding it difficult because of this. We already have an example of how conditional penalisation in the cases of men who are purchasing services from trafficked individuals does not work at all. Since 2008, when the legislation was introduced involving penalties, we have not obtained any convictions. The likelihood is that we will not because who is to say who the trafficked person is in Ireland? We barely identify one or two people per year.

Senator Fiach Mac Conghail: My second question is important.

Chairman: The Senator should be as brief as he can.

Senator Fiach Mac Conghail: Yes. It appears that there is now a different law in Northern Ireland, particularly with regard to Article 64A. Can Ms Yonkova brief us on the new legislation in the North of Ireland and how it might impact on the purchase of sex in the North? It might have an impact if there is a causality between prostitution and trafficking.

Ms Nusha Yonkova: Northern Ireland forms part of the debate around the UK’s policing and crime Bill. A penalty was introduced for men who purchase sex from individuals who are controlled. The word “controlled” was defined much more broadly than “trafficked”. In our jurisdiction we have penalties against men who purchase trafficked people, which is a narrower situation and more difficult to prove. The idea behind the UK legislation, including the Northern Ireland legislation that is now in operation, is that more men will be captured in the scope of this prohibition, and demand will be impacted on a greater scale with their legislation. Currently, in Northern Ireland there is a call for a review of this conditionality and to outlaw demand unconditionally for all men who are seeking and purchasing prostitution. It remains to be seen what will happen.

Senator Fiach Mac Conghail: It has been in place there for two years, but does Ms Yonkova have any data on what has happened in that time? Can we examine that data from the time that Act has been in place in the North to see how it might benefit our committee in terms of making a decision?

Chairman: If Ms Yonkova has the data, perhaps she can send it on to us.

Ms Nusha Yonkova: Yes, sure.

Chairman: I thank Ms Charlton and Ms Yonkova for their presentations. I now invite Ms June Tinsley of Barnados to address the committee. I would appreciate it if she could keep it
Ms June Tinsley: Thank you, Chairman. I appreciate the opportunity to address the committee on this important topic. I will be speaking about prostitution from the perspective of children and their vulnerability in being lured and exploited in this manner.

Childhood should be a precious time when innocence is protected. We have a moral and societal responsibility to ensure children are protected from those who may harm them. For children who have been exploited through prostitution, it can taint every day of their lives both now and into their future.

The reality is that child prostitution is a grotesque form of sexual exploitation. It is not something that any child chooses but is something they are coerced into by people seeking to make money, exert power over them or by circumstances. Children abused through prostitution are often not visible on the streets and this makes it easier for abusing adults to continue to exploit these children for their own gain and gratification.

The harm caused to children by sexual exploitation through prostitution is well documented and the emotional impact of that harm can show itself in a range of behaviour such as self-harm, addiction, overdosing, eating disorders and criminal activity.

Given the secretive nature of prostitution, it is hard to identify the scale on which children are involved. The use of technology, however, can make the exposure of child prostitution even harder as mobile numbers are swapped around, thus allowing the adult to keep control over the young person.

The statistics we do have-----

Chairman: I am sorry to interrupt Ms Tinsley but there is a vote in the Seanad and a lot of our Senators have been called away. I propose therefore that we suspend our meeting until the vote is over. I apologise for this but it is out of our control. Unfortunately, the Senators must leave to vote in the Seanad Chamber. They will be back as soon as they can.

Sitting suspended at 2.55 p.m. and resumed at 4.10 p.m.

Chairman: We will resume in public session. I invite Ms Tinsley to continue. Perhaps she would briefly paraphrase what she said earlier.

Ms June Tinsley: I will jump in at the point at which I had referred to the scale of child prostitution and how the use of technologies could make the exposure of child prostitution even harder, as mobile phone numbers are swapped, while still keeping control over the young person. From the statistics available to us, we know that at least half of women involved in prostitution first became involved when they were under 18 years of age. It was evident from the “Prime Time Investigates” programme that the women concerned certainly were under 18 years when they first became involved in prostitution. That programme also highlighted the fact that this issue no longer was just occurring in urban areas but was taking place throughout the country and that children were being moved around to meet demand.

As for the experience of Barnardos, members are aware that it is Ireland’s largest children’s charity and has 42 projects nationwide. Through our guardian ad litem service which helps to present the best interests of children in court proceedings, we have worked with children who have been taken into special care because they have been sexually exploited and with others
who have engaged in prostitution as a means to feed an alcohol and drug problem. We have also come across instances of children from the Roma community being pimped out. In addition, through our teen parent support programme, we have worked with children who have been trafficked and are trying to escape from their trafficker.

Mr. Geoffrey Shannon, the special rapporteur on child protection, agreed in his fourth report that children who were leaving the care system were particularly vulnerable to becoming engaged in prostitution, as are those who have experienced homelessness, suffer from alcohol or drug addictions or both, as well as separated and trafficked children. Child trafficking does not simply equate to children being brought into the country from outside Ireland but is also linked with internal trafficking. The anti-human trafficking unit’s annual report for Ireland for 2010 found that six of the 19 children who were alleged victims of trafficking were Irish.

Barnardos UK and Barnardos Northern Ireland have worked for a number of years with children who were sexually exploited through prostitution. In their experience, reporting rates of child prostitution will always remain an underestimate because many of the children do not view themselves as victims or do not believe they are even being exploited. Moreover, the phenomenon of so-called lover boys is growing, which sees young adult males becoming the boyfriends of vulnerable teenage girls, usually aged around 13 or 14 years, and making them sleep with other men. The girl is terrified that the lover boy will break up with her and so will oblige, after which the boyfriend tells her that he is proud of her and consequently she feels happy that she has made him happy. However, the girl quickly becomes scared and emotionally dependent on the boyfriend because he threatens her and states he is the only one who can protect her, yet he is also there to confuse her because occasionally he can be affectionate and consequently she thinks he genuinely cares about her. As a result, the girls can feel completely trapped and confused. As we heard, according to the research, young people aged 12 to 15 years are those most at risk of experiencing sexual exploitation. Those leaving the care system and certainly those in residential care as opposed to those in foster placements are particularly at risk.

As for current legal protections, while a number of laws are in place for children who have been abused, they do not explicitly deal with prostitution and its organised nature. The three main laws that deal with the exploitation of children through prostitution are the Criminal Law (Sexual Offences) (Amendment) Act 2007, the Criminal Law (Sexual Offences) Act 2006 and the Child Trafficking and Pornography Act 1998. Both Barnardos and our partners in the Turn Off the Red Light campaign believe that fundamentally the most effective way to tackle the issue of prostitution is to introduce criminal sanctions against the buyers of sex as a way to discourage the demand for prostitution. While the introduction of legislation to criminalise the purchase of sex would be a fundamental step as it would benefit all those exploited through prostitution, Barnardos also believes there are other legislative measures that could reduce child exploitation. For instance, I refer to introducing the offence of grooming which is still outstanding and has been sought for a number of years. This offence would reduce the chances of children being exposed and lured into situations which could result in abuse and exploitation. Moreover, as children leaving the care system are particularly vulnerable, having an automatic guarantee of aftercare services could certainly help such vulnerable young people and reduce their vulnerability to being involved in child prostitution.

Senator Fiach Mac Conghail: I seek further detail on the offence of grooming as this is the first I have heard of it. I seek further information on one of Barnardos’s recommendations in this regard.

Ms June Tinsley: We are referring to the preparatory acts involved to lure a child into
a situation. Grooming them online is obviously becoming increasingly prevalent, certainly through social networks, either by appearing as an adult trying to befriend a child or setting up a false profile as a child, trying to befriend another and then making efforts to meet that child to engage in sexual exploitation or to show child pornography. I was referring to that activity. At present, there is no particular offence of grooming.

Chairman: I now invite the representatives of Ruhama, Ms Sarah Benson and Ms Geraldine Rowley, to make a presentation.

Ms Sarah Benson: I thank the joint committee for its invitation to address it today.

The matter of Ireland’s prostitution legislation is of deep importance to Ruhama, as the only NGO that works on the front line exclusively with women affected by prostitution, including victims of sex trafficking, which we have been doing for more than two decades. In that time we have worked with thousands of women and girls who have been involved actively in prostitution, both indoor and onstreet, who are seeking to exit or still remain involved and with those who are victims of trafficking, as well as with women with a past experience. Notwithstanding the actual research which we also conducted over a period of two years and published in 2005, as well as this international research, most importantly, our direct contact with women and girls over this period of 23 years informs our position on the entire issue of prostitution. We have concluded that, overall, prostitution is both intrinsically harmful and violent to the women and girls involved. In addition to the significant physical damage and risk, there is the emotional and psychological harm which has long-term consequences, even after women have exited the sex trade. It erodes self-esteem and self-confidence, can cause depression and, as has been mentioned, creates issues regarding post-traumatic stress disorder. In addition to the harm to each individual, there is the social, cultural and global impact, that is, the damage to the social position and perception of women both nationally and globally. If one woman’s body is perceived as being for sale, the implication is that all women and girls potentially are for sale, which undermines directly the potential for gender equality. Unless we recognise the harm caused by prostitution and the real challenges faced in getting out, once one finds oneself involved in that life, as a society, we are falling short of meeting the needs of those who need support and are involved in the sex trade.

Those who argue in favour of decriminalising or legalising prostitution tend to take a highly utopian view of the sex trade. They take the perspective that if one regulates, it will all be okay, that one can eliminate or minimise child prostitution and child trafficking and can make it safer for everyone involved. Our experience - I have travelled to both Sweden and Amsterdam - is that this is an utterly unattainable goal because prostitution is predicated on the availability of vulnerable young girls and the exploitation of vulnerability of impoverished women in the main to ensure the demand for sex for sale is met. It is not possible that there would be enough of that small cohort of freely choosing independent women who are without control, coercion and have other positive viable choices available to them. There are simply not enough of those woman to meet the demand. Consequently, there will always be exploitation in the sex trade, no matter where it is situated or how it is regulated.

As a support service, we are completely non-judgmental of individual women’s involvement in prostitution because we understand the complexities of entering therein and the barriers to exiting therefrom. However, after 23 years of witnessing and hearing from women about their experiences and the awful challenges they often face, it simply is impossible not to judge the systems and structures, as well as the other stakeholders who complete the picture. Pimps are pimps. They are not agents or managers, which tends to be the dialogue one hears. These
are pimps who are making money off the backs of others for the profit of others at very high gain and low risk to themselves. Buyers, equally, simply do not care about the reality of the women and girls they buy and this has been well documented internationally. Their focus is entirely selfish. I draw the joint committee’s attention to an appendix to Ruhama’s submission which gives a sample of the reviews left by Irish sex buyers of the women they purchase right across this country. One example is as follows:

First of all, she is not the girl in the photos. She kept me waiting half an hour. We met at her apartment, then with another girl. I had the choice of two and went with the so-called [name]. One good thing, she has a tight pussy but that is where it ends. I would avoid.

That is the attitude of the sex buyer with regard to the women and girls being bought. These people simply do not care where the women come from and it is about the good time the buyers have.

The commercial sex trade in this country is also actively organised by criminality, and there are numerous criminal gangs organising and profiting from prostitution of vulnerable women and girls right across this island in urban and sometimes very rural settings. To separate trafficking from organised prostitution, as the representative of the Immigrant Council of Ireland has indicated, defies logic. Given the mechanisms by which the sex trade operates, victims of trafficking are advertised in the same places as all other forms of the commercial sex trade and not in a separate corner or cohort that is restricted. A cohesive approach to organised prostitution is also the means by which perpetrators and victims of trafficking can be identified and assisted.

We have spoken much about the Swedish model as a way forward but this is really about examining the Swedish example. We must develop an Irish model fit for an Irish purpose and Ruhama believes there is scope to create an environment in Ireland which is hostile to those criminally organising and truly profiting from prostitution while recognising and ensuring that those who find themselves involved in prostitution are not prosecuted and criminalised but supported.

Targeting the sex buyer sends a clear message that buying sex is not socially acceptable. There is no human right to buy sex and sex buyers are not a vulnerable group whose rights need protecting in this regard. This minority of men - it is one in 15 men, compared to up to one in three in Spain - drive a very large and profitable criminal trade. In addition to considering the criminalisation of the purchase of sex, there is a need to recognise that existing laws are out of date and fall short, making the organised sex trade difficult to police. This is particularly with reference to the Criminal Law (Sex Offences) Act 1993, as there have been so many changes in the Irish sex trade since the law’s enactment. In reviewing legislation there should be a strong increase in penalties and sentencing for specific offences involving the organisation of prostitution. There should also be a review of the legislation to account for modern telecommunications such as the Internet and mobile phones by pimps and traffickers in both the advertising and organising of prostitution, which has contributed significantly to the large-scale growth in the Irish sex trade over the past decade. The use of these technologies allows for anonymity in pimping and trafficking, as people no longer need to be on-site to operate crimes, making it much more difficult to police organised prostitution.

For those in the sex trade it is equally important that they receive the message that they are not criminals and that they can seek health, emotional, practical and police support when required. For the majority of people, who are trying to get out, it is critical that the maintenance and further development of resourced exiting programmes and health services creates alterna-
Deputy Pádraig Mac Lochlainn: I thank the group for the presentation. This non-governmental organisation has worked on the front line with prostitutes for decades, and it has considerable experience in that regard. There is a concern that there has been a lack of resources for non-governmental organisations working in this area. Perhaps the Immigrant Council of Ireland’s representatives will respond to the question as well. Do we have enough support for those involved, who are mainly women? Are there adequate Garda resources in place for us to adopt the Swedish model? The concern is that the process may drive prostitution further underground and put more women in difficulty. It is a question of whether we are putting the cart before the horse.

Ms Sarah Benson: The issue of prostitution being driven underground has been addressed by Ms Charlton. It cannot be driven underground. This has been consistently been argued by police in jurisdictions where the sex buyer has been criminalised in a process where the overall trade is criminalised with the exception of those working. If a buyer is seeking a service or product, he or she must be able to find it. If the buyer can find it, authorities can find it. We see advertisements all over the place and the Internet is the only place for them. When looking for this activity, it is not hard to find.

With regard to whether we are putting the cart before the horse, our argument is that we must start this process in order to make it possible for the limited resources of the NGOs and the Garda to respond. Given the significant extent of the involvement of organised crime in the indoor sex trade, if Ireland becomes a less attractive location the market will shrink. If something is not against the law, a cohort will do it; if the activity is outlawed, a portion of that cohort will stop doing it. That will lessen the incentives for routes that go as far as South America and Africa to bring women here. If the attraction is eliminated, the market will dwindle.

We are very stretched with our resources, as is the Garda. In order to achieve a manageable response, there must be some deterrent to shrink the trade. Some women will remain involved but the number will be smaller. We could probably channel our resources in such cases to help them.

Deputy Pádraig Mac Lochlainn: Our committee has examined the Swedish model and met with representatives of the enforcement agencies, including the Swedish justice department. We had a long day of meetings during which we went through the issues in detail. It struck me that in the context of ongoing cuts to police resources, we cannot ignore the fact that we would have to put in place substantial resources if we went with the Swedish model. I presume most of the thousand people available are women. The point was made by the Swedish authorities that this cannot be driven underground and that the so-called commodity must be marketed. The difficulty is how we can be sure the Garda will examine the thousand Internet images and use surveillance on every one to ensure that users are prosecuted and that there will be necessary social service supports for women. There must be a clear assurance for those concerned, as women may be driven into positions in which they are more desperate and put themselves in more danger. Do the witnesses agree that significant resources must be put into policing to make this work?

Ms Sarah Benson: I do not believe so. Everything the Deputy has outlined is happening
right now and we are not coping well, as the sex trade is growing and resources have not been targeted. We must prioritise the issue. There are some dedicated Garda resources and we have lobbied the Garda and the Department for increased and dedicated responses to the vice trade, which incorporates trafficking and organised prostitution. Currently there is a small unit but it needs further dedication. Notwithstanding this, everything described by the Deputy is happening right now, and the sex trade is currently growing. We are still considered a highly attractive and profitable market.

**Deputy Pádraig Mac Lochlainn:** The Swedish model has three or four elements in legislation and is not restricted to criminalisation of the user and decriminalisation of prostitutes. When two prostitutes share an apartment for safety reasons, the premises constitutes a brothel and the prostitutes are forced to work on their own. What are the witnesses’ views on concerns that have been raised in this regard?

**Ms Sarah Benson:** Brothel keeping is a tricky issue. We have significant concerns about cases of women being criminalised in circumstances where someone else is controlling them. The Swedish model is for Sweden and the Irish model needs to be for Ireland. We need to ensure that the legislative response that emerges maintains a penalty for the organisation of prostitution. However, we do not see any value in prosecuting women who are involved in prostitution on their own. We advocate an approach whereby the Garda would recognise that those at the coalface are vulnerable and should be treated as potential victims and witnesses. Such a policy is being taken at senior level, at least to some degree, but it should be rolled out throughout the force and should apply where there is clear evidence of the organisation of prostitution. This would be a matter for policy once the legislation has been re-examined. We do not want women to be criminalised.

**Senator Fiach Mac Conghail:** I am interested in the area of data collection and research. Have any international comparisons been done? Will Ruhama provide a short summary of the background to the 2005 research to which Ms Benson referred? Does it address the reasons women enter prostitution?

**Ms Sarah Benson:** My colleague Ms Rowley will answer the Senator’s second question. On international data which would allow a comparison to be made of various jurisdictions, we have referenced such research in our submission. The most recent research, which makes a statistical and empirical comparison of different jurisdictions and poses the specific question as to whether legalising prostitution increases trafficking, was done by Dreher et al. The paper, which was published in 2002 and updated in 2012, drew a clear conclusion, based on an empirical comparison, that sex trafficking increases in jurisdictions which legalise prostitution.

**Senator Fiach Mac Conghail:** Did the delegation submit this research to the joint committee?

**Ms Sarah Benson:** It is referenced in our submission. I ask Ms Rowley to respond to the Senator’s question on the 2005 research.

**Ms Geraldine Rowley:** Ruhama’s Next Step initiative was research carried out in the early part of the previous decade with women in our services who were involved in prostitution. It examined the barriers that affected women when they wanted to exit prostitution. It recognised that some of the barriers preventing women from leaving prostitution were internal, including addiction, mental health issues and poor self-esteem, while others were external, such as societal structures and poverty. Ruhama also recommended a range of best practice models which
would help women to exit prostitution. The research was strongly focused on exiting prostitution and we have a clear exit strategy in our services to women in prostitution.

**Deputy Alan Farrell:** I was about to ask about the exit strategy but Ms Rowley addressed the issue. While banning the advertising of sex for sale and escort services would be a relatively simple step to take, the problem is where the trade would go afterwards and what we could do to tackle it. I am trying to formulate a view on how to approach this issue. Does Ruhama have any views in this regard?

**Ms Sarah Benson:** It is currently a criminal offence to advertise prostitution. Until now, case law, as it has been tested in Ireland, has pertained only to printed media. However, given that everything is now done via the Internet, trying to regulate the Internet would raise major cross-jurisdictional and international issues. There is case law to indicate that advertising on the Internet that is targeted at a specific jurisdiction may constitute the advertising and publication of material that is prohibited in this State. We recommend updating the penalties attached to this very old legislation, which are currently a non-custodial sentence and a fine of up to €10,000. The largest prostitution website operating in Ireland is conservatively estimated to net €10,000 per day. Certain more current legislation provides for penalties of up to €10 million. If such a penalty were attached to legislation, it could put a dent in profits.

**Chairman:** I thank the delegation. We will suspend for a few moments to allow the next witnesses to take their seats.  

*Sitting suspended at 4.35 p.m. and resumed at 4.37 p.m.*

**Chairman:** On behalf of the committee I welcome the following: Sr. Mary Ryan and Sr. Síle McGowan of Act to Prevent Trafficking; Ms Maeve Lewis, executive director, and Ms Julie Browne, advocacy officer, One in Four; Ms Fiona Finn, chief executive and Ms Jennifer DeWan, campaign and communications officer, Nasc, the Irish Immigrant Support Centre; and Ms Claire Mahon, president, Mr. Liam Doran, general secretary, and Ms Clare Treacy, director of social policy, Irish Nurses and Midwives Organisation. I apologise for any inconvenience caused by the delay in bringing the witnesses before the joint committee. We have used this process to address other issues. In this case, the issue under discussion has been of such interest to members that proceedings have taken longer than expected. I thank the various groups for their patience and the submissions they supplied. The format is that each group will make a brief opening statement, followed by a question and answer session.

Before we commence, I draw witnesses’ attention to the position as regards privilege. By virtue of 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. If they are directed by the committee to cease giving evidence on a particular matter and they continue to do so, they are entitled thereafter only to a qualified privilege in respect of their evidence. Witnesses are directed that only evidence connected with the subject matter of these proceedings is to be given and they are asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against a Member of either House, a person outside the House or an official by name or in such a way as to make him or her identifiable. I remind members of the long-standing parliamentary practice to the effect that members should not comment on, criticise or make charges against a person outside the House or an official by name or in such a way as to make him or her identifiable. I ask everyone present to switch off mobile telephones as they interfere with the recording systems of the House.

I ask the spokespersons of the groups to confine their opening remarks to five minutes. I invite Act to Prevent Trafficking to make an opening statement.
Sr. Mary Ryan: I thank the joint committee for the opportunity to speak on this topic. Act to Prevent Trafficking, APT, is a faith-based non-governmental organisation working to end human trafficking, with a particular focus on those trafficked for sexual exploitation. In addition to awareness raising, we seek the implementation of effective legislation to prevent trafficking and provide better conditions of recovery for victims.

Demand is the primary driving force behind sex trafficking. The way in which the State addresses the legal status of prostitution will have a major impact on efforts to control trafficking. For this reason, APT recommends that the purchase of sex be criminalised. We are convinced that prostitution and sex trafficking are inseparably linked. Even women who allegedly enter the sex trade willingly have little or no freedom to consent. Poverty, coercion and deception are factors that prevail in this area, as is evidenced by research carried out by Kelleher et al.

The sex industry does not differentiate between free and forced participation and nor do those who buy children, women or men in prostitution. Approximately 75% of women in prostitution became involved when they were children.

The so-called sex trade and the crime of sex trafficking are forms of contemporary slavery and are growing in the 21st century. Act to Prevent Trafficking, APT, holds that it is important for legislators to address prostitution as a root cause of sex trafficking. We also believe that the demand of the buyers for sexual satisfaction without responsibility is the primary driving force behind sex trafficking and prostitution. Without this demand, it would not be profitable for pimps, recruiters or traffickers to seek out a continuous supply of vulnerable people to exploit. APT takes the view that prostitution is sexual exploitation, violence against the person and a grave violation of basic human rights.

Reports from the UN, UNESCO and the European Commission show that, where prostitution is legal, as in the Netherlands, Austria and Germany, the demand for prostituted women and girls is such that the local market cannot cope. Where prostitution is considered as work, sex migration becomes easy when girls and women can be coerced into demonstrating that they are coming for employment or that they will be self-employed.

Targeting the demand for the purchase of sex would lead to a decrease in prostitution, as evidenced in Sweden. Contrarily, where prostitution has been legalised, the illegal trade in sex has increased, especially through human trafficking. Therefore, our key recommendation is to criminalise the purchase of sex while decriminalising the seller, as in the Swedish model.

Current legislation on prostitution in Ireland is based on considerations of public order and the sensibilities of so-called ordinary citizens with no concern for the well-being of those prostituted. Whereas the Criminal Law (Human Trafficking) Act 2008 has made it an offence to purchase sex from identified trafficked victims, the burden of proof imposed on the State has been such that there have been no prosecutions to date. This measure is an ineffective deterrent for buyers of sex.

The terms “sex industry”, “sex trade”, “sex work” and “sex workers” have become current and imply an honourable status to what has been shown to be the worst form of physical, emotional and psychological abuse to which a human being can be subjected. To call it work is to degrade the notion of decent work as set out by the International Labour Organization, ILO. Decent work has been defined as being productive work for women and men in conditions of freedom, equity, security and human dignity. To legalise and regulate prostitution as sex work would allow criminals and members of organised crime rings to become legitimate business
people with the State sanctioning the marketing of people’s bodies, something that would be repugnant to many, if not all, people. The myth that male sexuality must be provided with or is entitled to a category of women called prostitutes who are legitimate targets for rape and sexual exploitation is still prevalent. We consider that to legalise prostitution would add State support to and justify this gender-based fallacy.

Prostitution is a demand market created by those who buy another’s sexuality for their profit and pleasure. It treats people as merchandise and legitimate commodities. Therefore, we strongly recommend the criminalisation of the buying of sex as a necessary first step in addressing sexual exploitation in prostitution and human trafficking; that the State continue to criminalise those who promote and benefit in any way from this trade; and decriminalising those who sell sex and the provision of support services to assist victims of trafficking and those who wish to exit prostitution in order that they can provide for their needs with dignity and without the threat of exploitation, abuse or violence.

We also recommend regulation of the role of the Internet and social media in promoting pornography, prostitution and sex trafficking; the introduction of public awareness education and programmes to send out a clear message that prostitution is not acceptable; an interdepartmental approach with the Departments of Justice and Equality, Health, Social Protection and Education and Skills working in collaboration to deter demand; and that the many international instruments produced in the past 50 years on human trafficking, violence against women, discriminatory practices, gender equality and transnational crime to which Ireland has signed up and, in many cases, ratified - in particular, I would mention the Palermo Protocols and the Council of Europe convention - apply when drafting legislation.

Chairman: I thank Sr. Ryan. I invite the One in Four delegation to make an opening submission.

Ms Maeve Lewis: I thank the Chairman for inviting One in Four to address the committee. I am Maeve Lewis, executive director, and my colleague, Ms Julie Browne, is our advocacy officer. I am also a psychotherapist with more than 20 years experience of working with survivors of sexual violence.

All of our groups are present with a common purpose, namely, to ensure the review of legislation achieves the best possible outcome in terms of alleviating the harm caused to those engaged in prostitution, together with the achievement of the common good. It is estimated that the sexual services of 1,000 men, women and children are bought in this country every day. The majority of this activity takes place in private spaces, outside of the public domain. The transactions are increasingly negotiated using new technologies, making them difficult to police. The current system of criminal justice is not adequate to address the complexities of the sex trade, but the question of the best way forward is difficult to answer. As such, the committee’s work is important.

My colleagues from the other organisations have been addressing various aspects of this question. In the time allowed, I will focus my comments on the work done by One in Four in the field of sexual violence. I will suggest that prostitution and trafficking must be understood as forms of sexual exploitation and, as such, form part of a continuum of sexual violence.

One in Four is unique, in that we work with every aspect of sexual violence. We offer counselling and advocacy services to men and women who were sexually abused in childhood and provide a sex offender treatment programme. Each year, we work with approximately 1,000
people.

Our clients have taught us a great deal about sexual violence. We know the suffering that lies behind the statistics and understand that the impact of sexual violence in childhood reverberates throughout a person’s life. Our clients describe themselves as experiencing self-loathing and feeling contaminated and worthless. They suffer endless shame, fear and guilt. They tell us of how they try to self-soothe by using alcohol and drugs, often developing addiction problems in the process. The majority meet the criteria for a diagnosis of post-traumatic stress disorder. Some, both men and women, tell us of how they have worked in prostitution.

We are all agreed that the prostitution of children is always wrong. Equally, I am sure we all agree that the trafficking of women and children into sexual slavery is vile and undermines any notion of human rights and human dignity.

On the other hand, it is often argued that adults have the right to choose to sell and buy sex freely and that sex between consenting adults should not be criminalised. That is to misunderstand the nature of consent. Research suggests that approximately two thirds of people working in prostitution have experienced sexual abuse in childhood. What is termed “consent” or “choice” will often have been conditioned by the impact of that sexual abuse. Prostitution reinforces the cycle of self-loathing and shame, causing further harm to the person’s psychological and emotional well-being. Our clients who have worked in prostitution tell us of being obliged to fake sexual pleasure, to engage in sexual acts they find degrading and distressing and, at times, being forced to perform unsafe sexual acts. They also tell us of being raped and sexually assaulted and of believing that, as prostitutes, they had no recourse to the protection of the law. Their testimony strongly indicates that we must view prostitution as a form of sexual violence and so-called choice as being anything but free.

A review of international best practice shows that, as others have mentioned, there is no single approach that would provide a definitive model for Ireland to follow. However, One in Four is persuaded that the Swedish model, which criminalises the buyers and those who organise the trade, provides the most promising roadmap. While there are accusations of bias in the outcome research of the Swedish law, it would appear the number of people engaged in prostitution has decreased significantly, as has the number of people trafficked into Sweden. However, what is most striking in Sweden is the change in social attitudes to the buyers of sex, especially among younger men and women.

Our own experience tells us that legal changes can induce striking shifts in social attitudes. Our drink-driving laws and same-sex marriage laws are but two examples of what extraordinary social change has followed legislative reform. If prostitution were to be decriminalised in Ireland, as it was in the Netherlands, it is likely the sex industry would become normalised, demand would grow and immense harm would be caused to vulnerable men and women. Conversely, criminalising the buyers and organisers would deepen awareness that prostitution is exploitative and damaging as well as helping to create a social norm that stigmatises the buyer rather than the prostituted person.

One in Four proposes that prostitution and trafficking is exploitative and harmful to vulnerable persons and is a form of sexual violence. The most positive way forward would be to criminalise the buyers and organisers of the sex trade with a view to profoundly changing social attitudes to prostitution.

Chairman: I invite Ms Jennifer DeWan, campaign and communications officer at Nasc, the
Ms Jennifer DeWan: I thank the Chairman and committee for inviting us today. We welcome the review process and the opportunity for organisations and individuals to have a say in the development of new legislation that reflects the changing nature of prostitution.

Nasc, the Irish Immigrant Support Centre, is a non-governmental organisation working for an integrated society based on the principles of human rights, social justice and equality. Nasc, the Irish word for “link”, works to link migrants to their rights by protecting human rights, promoting integration and campaigning for change. Nasc was founded in 2000 in response to the rapid rise in the number of asylum seekers and migrant workers moving to the city of Cork. It is the only NGO offering legal information and advocacy services to immigrants in Cork. Nasc’s legal team assists some 1,000 immigrants annually in navigating Ireland’s protection, immigration and naturalisation systems. We also assist migrants and ethnic-minority Irish people who encounter community-based and institutional racism as well as discrimination.

Nasc is a member of the Turn Off the Red Light campaign and supports its call to criminalise the purchase of sex. The information we present today is based on our written submission to the committee, which is in turn based on our experiences working with migrants, particularly in cases in which migrant women and children have been trafficked into Ireland for sexual exploitation. We are especially concerned with how any new prostitution legislation will affect victims of trafficking and sexual exploitation as well as addressing their long-term needs for support and protection.

As an NGO working with migrants, we focus our presentation on the situation of migrants in trafficking for sexual exploitation as it relates to the review of prostitution legislation. Migration has had a significant impact on the sex industry globally and in Ireland. The existing legislation does not reflect this global reality. Migration and sexual exploitation are structurally linked. Women and children bear the brunt of this exploitation worldwide. Numerous studies have shown that human trafficking for the purpose of sexual exploitation is a means of supplying the sex industry, as up to 80% of people trafficked worldwide are destined for the sex industry.

In Ireland, between 83% and 97% of people engaging in prostitution are believed to be migrant women and children. At Nasc, we have provided support to victims and suspected victims of trafficking and sexual exploitation. We also have extensive anecdotal evidence of the relationship between trafficking and sexual exploitation among migrant women and children in Ireland, particularly in Cork. From this work, we are well aware of the limitations of the current legislation in combating trafficking and sexual exploitation and in providing the necessary supports and protections for victims.

Depending on their cultural and ethnic backgrounds and their previous experiences, migrant women and children, both trafficked and non-trafficked, can be particularly vulnerable to poverty, social exclusion and sexual exploitation. Victims of trafficking and sexual exploitation often do not know where to seek support, are fearful of disclosing their identities or situations and, in many cases, go underground rather than seek out help from the authorities or support services. We believe the current conditions are not facilitating or promoting opportunities for identification and disclosure. Accordingly, extremely vulnerable women and children are not receiving the appropriate protection and support. Any changes to legislation must take these most vulnerable women and children into account and prioritise their needs, health and well-being.
Nasc recommends in the review of the prostitution legislation the criminalisation of the purchase of all forms of sexual services along the lines of the Swedish model, with the corresponding removal of any legislation which targets the prostitute or victim of trafficking and sexual exploitation. We also recommend that any changes relating to the criminalisation of prostitution be victim-centred and provide any other necessary reforms to trafficking legislation. Trafficking must be dealt with as a human rights issue, not as an immigration issue, particularly with regard to resideny, repatriation, co-operation in criminal investigations and so on. Comprehensive victim-centred support and protection for victims of sexual exploitation and trafficking must be provided, and there must be ongoing consultation directly with victims of sexual exploitation, trafficking and sex workers.

Perhaps the greatest success in the criminalisation of the purchase of sex in Sweden to date has been the apparent shift in public attitudes to prostitution and trafficking. Prostitution and trafficking are not inevitable, unchangeable aspects of our society. We can and must make changes in legislation, support services and attitudes with regards to the inhuman and degrading treatment of people that comes from turning a blind eye to the trading and purchase of people’s bodies. Any changes in legislation must be part of a comprehensive, victim-centred approach that provides support and protection for victims of sexual exploitation, especially victims who have been trafficked into this country illegally and who have likely experienced tremendous physical, mental and emotional suffering.

Chairman: I thank Ms DeWan and invite Mr. Liam Doran, general secretary of the Irish Nurses and Midwives Organisation, INMO, to make his opening statement.

Mr. Liam Doran: I thank the Chairman and the committee for affording us the opportunity to make this presentation and engage with them on this critical issue.

The INMO is a registered professional trade union which provides a full range of services to more than 40,000 nurse and midwife members. We are affiliated to several national and international organisations, including the Irish Congress of Trade Unions, the National Women’s Council and the International Council of Nurses. Our membership is 95% female.

Sr. Stanislaus Kennedy gave the keynote address at the INMO annual conference and received a standing ovation from the 350 nurses and midwives who steadfastly endorsed her position on prostitution and trafficking. The conference adopted a motion of support for the Turn Off the Red Light campaign and called for the introduction of legislation to prosecute buyers of sex. Many other unions have since joined the campaign. The ICTU women’s conference and biennial conference carried resolutions condemning prostitution and trafficking.

The INMO rejects in the strongest terms the idea that prostitution is inevitable. It is a common cliché to refer to prostitution as the oldest profession in the world. However, this does not address the physical, mental and emotional suffering that is endured by women in prostitution. The position of the INMO is clear. It is unacceptable for someone to buy another person’s body for sexual gratification, exploiting the poverty, past history of abuse or limited life choices of the person being bought. It is gross exploitation which is almost always imposed by men upon women in pursuit of financial gain.

The Irish sex industry is lucrative and has an estimated value of more than €180 million per annum, thus explaining why it is of such growing interest to many. There are more than a thousand women available through the Internet and involved with indoor prostitution. Ireland is a destination country for trafficked women, with a staggering 97% of women available through
the Internet being migrants. Many trafficked women are recruited with promises of employment opportunities, often in the hotel industry. Their difficult life-related situations are used as a pathway to a better life when, in reality, they are being condemned to a life of slavery.

The argument that women make a choice to enter prostitution does not stand up to scrutiny. The situation whereby adults, in the absence of any degree of control, duress or lack of alternatives, agree to exchange sex for money seldom occurs. This is not about those rare situations but about those situations where the woman has no control and is used as little more than an object for gratification. The suggestion that the position held by many of the groups here is not evidence-based is erroneous. These are the groups that work face-to-face with these vulnerable people, and they must be listened to by the committee. They know what is wrong and what needs to be done to arrest prostitution. Any claims from those not on the front line of this problem should not swing the committee’s review of the proposed legislation. What needs to be done is that the purchaser of sex needs to be criminalised.

Legislation can change attitudes, as is evident from the smoking ban and drink-driving initiatives. Prostitution is exploitative and incompatible with equality. As a female dominated trade union, we believe this is a most compelling argument to introduce legislation that supports gender equality. This industry is about men, money and menace, nothing more, nothing less.

The Irish Nurses and Midwives Organisation is firmly of the view that any attempt to form a prostitutes trade union would be naive in the extreme and merely give credibility to the mistaken belief engaging in prostitution is a choice. It is not possible to justify calling it a job, given the extreme exploitation and the tremendous physical and emotional damage women involved in prostitution suffer. There is no doubt that such women need significant support, including support to exit prostitution. As part of this process, the Government should ensure sufficient funding is available to the appropriate NGOs to provide such support.

Some advocates believe the total decriminalisation of prostitution, together with the medicalisation of the sex industry with mandatory check-ups and screening for prostitutes, would protect women and provide for more favourable health outcomes. Such an approach would only serve to legitimise prostitution via the health care system and should only be viewed as consumer protection for the buyer. It would do little to protect the health of women and be nothing more than a veneer of apparent respectability for a despicable industry.

Prostitution has a devastating impact on both the physical and mental well-being of those prostituted. It erodes self-esteem and self-confidence and can cause depression and symptoms of post-traumatic stress disorder. The repeated violation of the vulnerable female body for the profit or satisfaction of others is wrong and will always be so. The physical health consequences include bruises, broken bones, black eyes, concussion and many more. Sexually transmitted diseases, including HIV-AIDS, chlamydia, gonorrhoea, herpes, human papilla virus and syphilis, are all prevalent. Infertility, often caused by sexually transmitted diseases, is also evident. Research shows that mortality in prostitution is ten times higher than in the general population. Those involved in prostitution face beatings, rape, assault and degrading treatment. This is the real outcome of prostitution and far removed from the picture painted by those who should know better and those who profit from this industry. Melissa Farley has identified that the trauma sustained by women and girls involved in prostitution is akin to and occurs at the same rate as that suffered by soldiers who have participated in combat. Such a finding is reason enough for immediate action to protect women involved in prostitution against such violation of their human rights.
As a female dominated trade union, the INMO is deeply concerned at the growth of the sex industry, the subsequent and undeniable growing exploitation of women and the repercussions for all women in society. Ireland must legislate to criminalise the purchaser of sex, while also strengthening the penalties imposed on those who profit from this grossly exploitative trade. The comment about the Garda and the availability of resources is valid, but it cannot be used to inhibit change. If we wait for the Garda to have sufficient resources to implement every law, we will be waiting for snow in Havana. We need to do this now. Penalty points were brought forward to stop motorists speeding. These laws must be brought forward to deter people from engaging in the exploitation of women for their own satisfaction or profit. Our legislators must have the courage to act now to protect these vulnerable women and offer them some hope of a real life in which they can be free from their terrible nightmare.

Chairman: Thank you, Mr. Doran.

Deputy Pádraig Mac Lochlainn: I thank all of the delegations for their presentations and patience. It has been a long wait for them.

There have been several presentations which I have found myself reading. In its presentation Ruhama quoted in an appropriately shocking way – it was right to do so - some of the comments of sex buyers. I found myself reading more of them because I did not have a chance to read the document beforehand. Those involved are dealing with a despicable type of human being who does not get the reason the women concerned are there. They see it as a disappointing service, whereas the women involved live up to everything described by Ruhama. No one in the committee would disagree with Ruhama’s analysis of the impact on the mental and physical health of the vast majority of women involved.

My questions relate to some of my concerns. If we put in place or advocate for legislation which criminalises the user and the Government brings it through, how will we ensure the poor women, for the most part, who are still locked in will be adequately protected? The arguments we have heard against the Swedish model suggest it forces women in that situation to work with even worse men than those about whom we have read in the comments quoted. The concern is that they might be forced to take more risks and put themselves in more danger. I understand the point made by Mr. Doran to the effect that one must create the environment before one can deal with it and enforce the issue. I am keen to hear some thoughts from the delegations on how we can ensure this. Many of those in the delegations work on the front line and deal with the implications. The priority of all of us is to protect women in these situations and ensure they are given every support to exit from prostitution. I am, therefore, keen to hear the thoughts of the delegations.

Chairman: I have a comment on a related issue. When we were in Sweden, the impression I got from the Swedish police was that the number of police officers involved was rather small but that they were very focused. Further to what Deputy Pádraig Mac Lochlainn and Mr. Doran said, we need to ensure we put the legislation in place and that it will have a deterrent effect. Perhaps someone will take up what Deputy Pádraig Mac Lochlainn is getting at.

Ms Maeve Lewis: One in Four does not work directly with people involved in prostitution. We work with people who have been sexually abused. They come to us and then the issues relating to prostitution emerge. It is clear to us – other agencies support this point – that people need this support to empower themselves to come to feel differently about themselves and change the way they view themselves - I described the issues of self-loathing, low self-esteem and so on - and realise that there are other options. That support could be provided through
psychological services and then more practical services in terms of access to education, training and retraining. We believe strongly that while it is a hard road, it is not an impossible one. Every day in One in Four we see that over time people can, with a good deal of support and following a difficult journey, transform their lives and look back on that period as the nightmare it was. I am unsure if that helps.

Ms Julie Browne: We have said the women involved in prostitution are not a homogenous group and I do not believe the men are a homogenous group either. They probably vary with regard to the levels of violence they inflict. In a society in which prostitution is legal those men will exist, but in a society where it is not normalised and there is a recognition of the harm caused, they will probably still exist also. However, I argue that the women are safer in a society in which the impact is recognised and they have more chance of exiting and becoming linked with support services. There will always be a hard core, but it is present in each of the scenarios.

Mr. Liam Doran: We must accept that there is no protection for the woman involved. That is the problem and what has brought all of these groups together. The believe they are totally excluded. Any legislation which penalises the purchaser gives the women involved the potential for hope and allows them to believe it is possible to get away from it, to believe they are not to blame, that they are not the guilty party and that they can hold their head up and face society rather than be slammed back as some outcast.

I take the Chairman’s point. Were legislation to be passed and enacted, one would come to the question of putting it into operation and making it relevant to the people affected by it. There is merit in having a small core of specialised people; the Criminal Assets Bureau has been very effective in this regard and so on. It is about creating a deterrent. Reference was made to penalties. The Swedish model is what we are seeking, but there must be an Irish dimension to it. I am upfront in saying the naming and shaming in an Irish cultural context is a vital part of this. We must ensure the people concerned are seen for what they are. I am referring to those who exploit the weak and the vulnerable. By this means we can reduce the number who do that. A hard core will remain but the Garda, with the support of legislation, will be able to reduce the numbers still further while enabling exploited women to turn to NGOs for support in rebuilding their lives.

Ms Fiona Finn: In our experience, the anti-human-trafficking unit has been phenomenal in engaging on the issue of women who have been trafficked. Considerable support has been put in place and women are dealt with in a positive and caring manner. Effective support services are already in place in this State, although some are in need of improvement.

Sr. Mary Ryan: Before the criminalisation legislation was introduced in Sweden only a small number of people approved of it, but as many as 70% of people now support criminalisation. Legislation is education in itself.

Deputy Marcella Corcoran Kennedy: I thank the witnesses for their presentations. I ask for their opinions on the New Zealand prostitutes’ collective and whether that type of outreach initiative is something we should consider.

Ms Jennifer DeWan: It is essential that we engage with people who work in the sex industry, whether they are in exploitative situations or engaging in what they would see as consensual activities. Nasc is happy with the way in which the committee and the Department of Justice and Equality have engaged with a variety of groups and individuals connected to the industry.
Every stage of the preparation and implementation of legislation should involve ongoing consultation with those who work in the industry.

**Senator Katherine Zappone:** I thank the witnesses for their presentations. My question is primarily directed at Mr. Doran and his colleagues. He raised the question of whether prostitution comprises work. I am aware that a debate is ongoing in the trade union sector about whether sex workers should be represented or whether we should move towards legislation that creates better conditions. I ask for more information on the other side of the debate in the trade union sector. For those who argue that it is not work, is it not a job or is it just not a good job? If, for example, the individuals concerned are destitute and suffered little or no sexual violence in their childhood, would criminalising the buyer put them in jeopardy by removing their only source of income?

**Sr. Síle McGowan:** The International Labour Organization definition of decent work, which has been endorsed by the international community, is productive work done by women and men in conditions of freedom, equity, security and human dignity. Decent work involves opportunities for work that is productive and delivers a fair income; provides security in the workplace and social protection for workers and their families; offers better prospects for personal development and encourages social integration; gives people the freedom to express their concerns, organise and participate in decisions that effect their lives; and guarantees equal opportunities and treatment for all. From all that has been said thus far in this discussion, I think I can say it is not decent work.

**Mr. Liam Doran:** I cannot add a great deal to that. Anyone who would venture to suggest that prostitution can be termed work in any reasonable definition or interpretation of that word, or in terms of the role of trade unions in representing workers, is grasping at straws in order to defend a vested interest in maximising profits at the expense of vulnerable people. We would never be able to accept that a prostitute could be viewed as a worker with the type of rights expected in a civilised society in terms of collective bargaining, periodic reviews of wages and annual leave entitlements. I do not think these rights would surface because it would not be a contract of equals. Any contract between a worker and an employer must at least hold out the perception of being a contract between equals. The exploited prostitute in a vulnerable situation would not be an equal and could not be deemed a worker.

**Ms Julie Browne:** If it is a job, is it a job that any unemployed person could be requested to do? If any of us became unemployed, could we be asked to do the job? What skills and qualifications are required? I do not think it is work or could be conceived of as work. Are only vulnerable or particular types of people suited to it?

**Ms Fiona Finn:** If one tries to follow the argument that criminalising the purchase of sex denies an individual on the poverty line his or her livelihood, it implies there is no consent. This is clearly a version of coercion, forced labour and exploitation. Should we then expect the law to force anyone else working - for want of a better word - in different sectors to remain in conditions of exploitation?

**Chairman:** Ms Lewis stated that she is a psychotherapist and that One in Four provides a sex offender treatment programme. Over the years we have seen media reports about high-profile individuals with what they describe as a sex addiction. I ask Ms Lewis to comment on this issue. We are speaking about people who buy sexual services; other speakers suggested explanations for why that happens. Is sex addiction a fact or a myth and can it be dealt with if it exists? We are considering legislation aimed at deterring people.
Ms Maeve Lewis: The sex offenders who attend One in Four have sexually offended against children and, therefore, would not necessarily be sexually attracted to prostitution. Approximately 10% of the people who attend that programme have regularly used prostitution. However, among our male and female clients who have been victims of sexual abuse, male clients are more likely to have ended up in prostitution. This is an interesting point which needs to be explored further. On the question of a sex addict as opposed to a sex offender, these are very different matters in that somebody who is a sex addict may be having sex with other consenting adults within the law in a way that would be considered perfectly appropriate in our society, and not necessarily with prostitutes.

Chairman: Mr. Doran indicated that the so-called industry is valued at more than €180 million per annum. He also commented on research in the context of his views on the so-called industry. How was the estimate of €180 million arrived at?

Mr. Liam Doran: Kelleher & Associates produced a report on the experiences of migrant women in Ireland. It conducted research on the issues of globalisation, sex trafficking and prostitution and estimated the value of the industry at €180 million.

Chairman: A number of groups stated there was more research to be undertaken in various areas. That is important. However, we must move on this issue.

Sr. Síle McGowan: I wish to make a brief point. It has been mentioned that the value of the industry is €180 million. If prostitution was to be legalised in Ireland, it would be subject to taxes. The budget is being discussed and if prostitution was to be legalised, the income from it would appear some day as part of our GNP. Would anyone like to have his or her social welfare, education or other benefits financed through the proceeds from prostitution? That is a horrible thought.

In the final analysis prostitution is not about women; it is about the male customer and the male consumer market. If we focus on the woman’s choice or right to engage in prostitution, we deflect attention from the primary fact that there is prostitution because of male customer demand. The sex industry - brothels, trafficking and so on - operates to satisfy that demand by providing women, but neither the market nor nobody else cares how they become involved in it.

Senator Katherine Zappone: My last question touches on that issue. I thought of this when Ms Lewis raised the issue of what could be termed the “contested” notion of consent. Sr. Síle has expressed a view on that issue. Does anybody else have a view on it? Is the argument that there is no circumstance within the context of sex work or prostitution where there is a form of consent between two adults? Is the argument that there is no circumstance where that is the case? I have heard that some women who are sex workers find it objectionable to hear it said they are not participating by choice or to hear people challenge the fact that they are not engaged in the act by choice. What is Ms Lewis view?

Ms Maeve Lewis: I have no doubt that a small percentage of those engaged in prostitution freely chose to do it. This year there was a notorious interview on the Marian Finucane programme with a woman who called herself Scarlet, a middle class woman who had fallen on hard times and engaged in prostitution without being part of an organised business. I have no doubt that may happen and that an educated person can make such a free choice. However, from our experience in One in Four, when clients talk about their experiences of prostitution, they speak from a position where they had no choice. We must be careful not to patronise people who experienced sexual abuse in childhood, but when people have such low self-esteem, look
at themselves with such contempt and have been conditioned to be compliant with the sexual
desires of others from childhood, I strongly argue that until a person has had the opportunity to
work through all of this, she is not in a position to make an informed decision on such a serious
life choice as moving into prostitution.

Chairman: I thank everybody for attending the meeting and their interesting and valuable
contributions on this important and complex issue. I apologise for the delay which was not
intended and the interruptions due to business in the Houses. As can be seen, there is huge in-
terest in this issue. We will continue this work in the new year and the delegates are welcome
to attend meetings as visitors if they wish and make further submissions if they would like to
add to what they have said. I am not sure how many more hearings we will have on this issue.
We have received over 800 submissions and are trying to focus on those who asked to attend
whom we consider have something important to contribute on the issue. Some of the submis-
sions duplicate others. I again thank everyone for his or her attendance.

The joint committee adjourned at 5.25 p.m. until 9.30 a.m. on Wednesday, 19 December
2012.
The Joint Committee met at 2.00 p.m.

MEMBERS PRESENT:

<table>
<thead>
<tr>
<th>Deputy Niall Collins,</th>
<th>Senator Ivana Bacik,</th>
</tr>
</thead>
<tbody>
<tr>
<td>Deputy Marcella Corcoran Kennedy,</td>
<td>Senator Paul Bradford,</td>
</tr>
<tr>
<td>Deputy Anne Ferris,</td>
<td>Senator Martin Conway,</td>
</tr>
<tr>
<td>Deputy Seán Kenny,</td>
<td>Senator Denis O'Donovan,</td>
</tr>
<tr>
<td>Deputy Pádraig Mac Lochlainn,</td>
<td>Senator Katherine Zappone.</td>
</tr>
<tr>
<td>Deputy Finian McGrath,</td>
<td></td>
</tr>
<tr>
<td>Deputy John Paul Phelan,</td>
<td></td>
</tr>
</tbody>
</table>

In attendance: Deputy Aodhán Ó Riordáin and Senator Mary M. White.

DEPUTY DAVID STANTON IN THE CHAIR.

The joint committee met in private session until 2.55 p.m.
Chairman: The purpose of the meeting is to have discussion with some of those who made a written submission on the review of legislation on prostitution in Ireland. The committee will hear from representatives of six organisations, including Women’s Aid, Sex Workers Alliance Ireland, Ms Monica O’Connor, NUI Maynooth and the Irish Feminist Network. I understand Women’s Aid representatives must leave soon and I propose to deal with them first. They can engage with members and then leave. On behalf of the committee I welcome the following: Ms Margaret Martin, director, Women’s Aid, and Ms Monica Mazzone; Dr. Teresa Whitaker, SWAI; Ms Monica O’Connor; Dr. Jane Pillinger; Dr. Kathryn McGarry; and Ms Emma Regan.

We are in the middle of a process. We received more than 800 submissions on this topic and we are working through the issues in a thematic way as best we can. We still have a great deal of work to do. I ask each contributor to make a brief opening statement and perhaps to confine it to five minutes. We have the written submissions and members will then engage in a question and answer session.

Before we begin, I draw attention to the fact that by virtue of section 17(2)(l) of the Defamation Act 2009, witnesses are protected by absolute privilege in respect of their evidence to the committee. If they are directed by it to cease giving evidence on a particular matter and continue to so do, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against a person or persons or an entity by name or in such a way as to make him, her or it identifiable. Members should be aware that under the salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable.

I call Ms Martin to make her presentation. Deputy Collins is the lead questioner and he will then engage with her. Others may intervene if they wish.

Ms Margaret Martin: Women’s Aid welcomes the opportunity to present at this meeting on the review of legislation of prostitution in Ireland. Women’s Aid is part of the Turn Off the Red Light, TORL, campaign and is aware that some leading members of the campaign have presented to the committee. Our focus will be on the links between prostitution and domestic violence and, in particular, on domestic violence as a factor of entry into prostitution and the similarities and common vulnerabilities between these two forms of violence against women. Both are violations of human rights and a barrier to gender equality. Like women experiencing domestic violence, women engaged in prostitution experience physical, sexual, psychological and financial abuse. The issue of control is central in both situations. The isolation, emotional and financial dependency, the threats and the use of violence are tactics that we also see in our work.

The following words reported in the Paying the Price report by a woman named Frances are strikingly similar to what women experiencing domestic violence tell us every day:
For my second pimp there was no way I could finish work without having at least £200 every day... I didn’t have a penny of it. He chose my clothes... he chose my food, he told me when to eat, when to sleep, when to work, when to go home, when to speak. I just could not do anything without his permission.

Another similarity is the range of extremely harmful effects from this violence which include psychological harm, such as post-traumatic stress disorder, depression and low self-confidence, as well as physical harm and severe injuries. The two issues conflate when the intimate partner of the woman is the person coercing her into prostitution.

In our work we sometimes hear of women experiencing domestic violence who are forced by their abusive partner to work as a prostitute or who are coerced by their partner to have sex with other persons in exchange for money or for drugs. Conversely, Ruhama comes across the issue of grooming or direct coercion into prostitution by an intimate partner in the work they do with women involved in prostitution. Intimate partner abuse by a partner or pimp is often a reality for women engaged in prostitution. This is confirmed by US and UK research outlined in our submission.

At times, women experiencing or escaping domestic violence who are forced into prostitution by the lack of any other income generation opportunity. Poverty and lack of access to money and resources makes women vulnerable to entry into prostitution, particularly women with no access to household income for themselves and their children. Following separation, non-payment of maintenance can be a major issue. Some of the women we work with are not entitled to welfare benefits or social housing and may find themselves in extreme poverty. Domestic violence is a major cause of homelessness, making women and children more vulnerable to prostitution. A study of 60 homeless women in Ireland published in 2012 found that 72% of them had experienced violence and abuse in childhood and two thirds had experienced intimate partner violence, with 15% having engaged in sex work as a means of generating income.

Child abuse and domestic violence often co-occur. The Paying the Price report states that 85% of women in prostitution report physical abuse in the family, with 45% reporting familial sexual abuse. It also concludes that, “Given their vulnerability, children who have been affected by domestic violence are likely to be over-represented among children abused through prostitution”. Other TORL members have previously referred to the young age at which women get involved in prostitution, many of them when they are still under age. In this respect, we are concerned about the trend of so-called “loverboys” where by young girls are groomed and coerced into prostitution by older boyfriends. The UK report I mentioned also states:

There is evidence to show that there are shifting patterns in the way in which prostitution is operating. The trend is away from pimps controlling a number of women and towards ‘pimp/partner’ relationships.

Unfortunately, there is a paucity of research on this issue in Ireland. A recent article on women in Northern Ireland outlines the similarities and links between domestic violence and prostitution, especially with reference to the cycle of entrapment into prostitution and the cycle of domestic abuse.

In our experience the law can be a powerful instrument to change attitudes and set the limits of what is and is not acceptable in society. However, legislative change, while vital, is not enough on its own. Support services and access to housing and welfare supports are equally important to offer viable exit strategies.

Women’s Aid believes prostitution is intrinsically exploitative, harmful and violent and best
tackled by targeting demand. Targeting the sex buyer sends a clear message that buying sex is not socially acceptable and for this reason, we support the call for introducing legislation based on the Swedish model.

**Chairman:** I ask members to confine their contributions to asking focused questions. This will allow us to conduct proceedings efficiently.

**Deputy Niall Collins:** I thank the groups for their attendance. The joint committee will be required to produce a recommendation on what penalties should apply for engaging in any future offences. What penalties should apply? Should they include imprisonment?

**Ms Margaret Martin:** One of the issues noted by Women’s Aid in its 40 years’ experience is the increasing criminalisation of the act of breaching a barring order. The other day, for example, one of our support workers told me that she was highly impressed recently by the decision of a judge who had imposed a suspended sentence on a partner who had breached a barring order to speak directly to the defendant and tell him he had engaged in unacceptable and criminal behaviour. Irrespective of what penalty is imposed, the objective is to change social attitudes. The decision on penalties should be based on an examination of what would be effective and what move us in the right direction. In the area of domestic violence, as Women’s Aid has noted, while it has taken a number of years for many things to come together, this has had a significant impact during that time.

**Deputy Niall Collins:** Should a term of imprisonment or fine be imposed for a first offence or should imprisonment be an option for second offences? Does Women’s Aid have a view on the issue?

**Ms Margaret Martin:** No. Partners convicted of a domestic violence offence are seldom imprisoned and the level of sanction in domestic violence cases is often low. For this reason, it is important to be realistic and consider what is the desired outcome and what could be the most effective tool at any point in time. I do not feel I am able to respond to the question any better than that.

**Deputy Niall Collins:** The submission refers to the provision of support services to assist people in exiting the sex industry. Are adequate services provided at present? What more could be done to support people who are entrapped and trying to exit the industry?

**Ms Margaret Martin:** As I noted, poverty is a major issue. Many women, particularly those in direct provision, have limited means. This is especially the case in respect of those who are trying to care for children and face competing demands on what limited income they have. They need to be able to find a way into work and secure some independent income. Similarly, we know that poverty is a major reason for women remaining in abusive relationships. Until one starts to address these issues, one will not be able to make much progress. My colleague, Ms Mazzone, wishes to make a point.

**Ms Monica Mazzone:** As Women’s Aid noted, we need to remove the barriers facing women. In the area of domestic violence, we encounter cases where migrant women are not able to access housing or social welfare because of the habitual residency condition and become destitute as a result. If one is to address the issue holistically, one cannot criminalise prostitution and at the same time tell people they cannot make money by other means. One must remove barriers to allow women to access social welfare and housing. This issue must be addressed at the same time.
Senator Ivana Bacik: I thank our guests for their presentation and the broader submission they provided. The submission refers to a 2010 evaluation of the Swedish model which indicates that issues such as the indoor sex trade and technology such as mobile telephones are being targeted by the Swedish police. A delegation from the joint committee visited Sweden in November to find out a little more about the operation of the Swedish law on the ground. I was impressed by what we heard from the Swedish police who pointed out that the new model, which decriminalises the seller of sex, has assisted them in investigating and prosecuting offences because the woman, the seller of sex, is not at risk of being prosecuted or criminalised. I do not know if the witnesses wish to comment or have a view on that issue but it strikes me that there is a parallel with domestic violence. In the case of the latter, the police work in conjunction with someone who is viewed as a victim and under the Swedish model for dealing with prostitution, the seller of sex is essentially viewed as a victim or witness, rather than as another person who can be prosecuted, as is the case under the Irish system.

Ms Margaret Martin: In terms of domestic violence, in many cases the woman is placed under pressure from her partner to withdraw from any criminal processes. This is a live and ongoing difficulty for many women and one which needs to be addressed. Any measures that can be introduced to remove these types of pressures from women and allow them to support criminal investigations and so forth would be much more effective if they mirrored the position regarding domestic violence. Unfortunately, this is very often not the case. The waiting time to have a barring order issued at the Dublin District Law Office in Dolphin House is approximately 12 weeks, which is a long time for people who are under pressure and whose partner knows everything about them. Even if a barring order is in place or one feels one is protected, one needs a great deal of support and protection around that time. Perhaps Ms Mazzone wishes to comment.

Ms Monica Mazzone: I agree that if one wants people to be able to access protection and provide assistance, one cannot criminalise them.

Deputy Finian McGrath: I welcome the delegation from Women’s Aid and concur with its primary point on domestic violence and prostitution. We heard that 15% of homeless and abused women become involved in prostitution. I would have expected this figure to be higher, as I would find it an amazing feat if the remaining 85% of homeless and abused women did not become involved in prostitution.

How does Women’s Aid respond to a recent television programme which showed wealthy, middle class women directing prostitution services? If one reduces demand for prostitution in Ireland, those involved in the industry will move to other countries where they will continue to exploit women.

Ms Monica Mazzone: The figure of 15% refers to a small study but one that is interesting because it was carried out in Ireland. The lack of research in this country should be addressed.

On the Deputy’s question about women who may not face constraints arising from poverty, the people who came before the joint committee in December made clear that the number of women who sell sex and do not experience coercion, whether physical or arising from poverty, is small and not sufficiently large to satisfy the market. As the research showed, the majority of those engaged in the sex industry have been forced into the industry, have experienced harm and more than 90% of them would like to exit prostitution. For this reason, we must keep the bigger picture in mind. What was the Deputy’s final point?
Deputy Finian McGrath: I expressed the view that if demand were to be reduced in Ireland, those involved in the sex industry would travel to England, Asia or elsewhere in the world where it is easier to access prostitution.

Ms Monica Mazzone: While I agree with the Deputy, that is not a reason for failing to take action. Sweden was the first country to adopt this model, and other countries, such as Norway and Iceland, have started doing it. We are thinking about it. We hope that if we were to adopt that model, we could then support other countries to do the same.

Senator Katherine Zappone: I thank the witness for the presentation and for drawing links between prostitution and domestic violence. That adds to earlier evidence from the members of the Turn Off the Red Light campaign. The witness noted that the issue of control is critical to both domestic violence and prostitution, so one would probably seek experience in regard to working with women on the issue of control. There are arguments in favour of the legalisation or decriminalisation model for prostitution which say that if we move in that direction, it would increase the potential for the woman to have more control in the situation. Will the witness comment on that?

Ms Margaret Martin: The serious thing we were concerned about relates to that piece of work in terms of lover boys. That is happening in Holland. Over there, young girls are being groomed when they are very young and going to school by young men who are five or seven years older. They might take them when they are on the mitch. We referred to an article that goes through this in some detail. It is clear from talking to our support workers that similar things are happening to some extent here. What was interesting about Holland is that it is a country that has taken a different approach from the Swedish approach. It has not addressed the demand and it still leaves a huge number of women very vulnerable. That was the concern.

On the issue of control, we see a huge amount of isolation with domestic violence. Certainly, the “Prime Time” programme showed women who never had a minute’s peace, were at the end of a mobile telephone all the time and were not in a position to be able to make contact. They were very much controlled. I cannot imagine that this would shift significantly in a different jurisdiction. However, it is important that somebody is able to control their own destiny and to be involved in work that is dignified and respected. If one criminalises the buyer, it gives a very significant message to society that women and their bodies are not commodities, and the issue of parity of esteem and gender equality comes into play.

Senator Denis O’Donovan: I thank our guests for the presentation. Is the organisation satisfied that policing of the situation under current law is satisfactory? If there was decriminalisation and this country adopted the Swedish model, what would be the effect on Garda resources, for example, which are currently diminishing, and the supports and resources from health and other support groups? Would there be an improvement? What is the witness’s view on the changes? What is the current situation on the ground? If there were changes, would there be sufficient Garda resources to enforce the law and sufficient HSE resources to provide assistance and help to the women? Would there be a seismic change in the level of support in that regard or would there still be a lack of resources?

Ms Monica Mazzone: Initially, they might possibly require an increase. The idea of the Swedish model is to decrease the demand in the long term. If there is less of this happening, therefore, less policing would be required. In Sweden, for example, the opinion that this is wrong has changed quite dramatically in the last few years. If there is less demand, it might not be necessary to have the same resources in terms of policing and one could concentrate
those resources on certain points. However, initially there might be a demand for increasing resources. As regards resources for supporting the women, Ms O’Connor’s research refers to 1,000 women in Ireland. While the numbers are huge in the sense of the harm being done, they are not huge in terms of the resources we should be able to provide. While we are in a recession and need to examine resources, ultimately this is about a principled stance and we need to look beyond the resource basis.

**Chairman:** I have two questions. Is there a downside to the Swedish model? There was a reference to women who voluntarily enter this business. You are dealing with people who are subject to domestic violence or who are coerced, trafficked and so forth, but we have received representations from people at the other end of the scale, who say it is voluntary, that it is their human right to do this and they want to work in this area. They say they are not coerced and it is their free choice. Will you comment on those two issues?

**Ms Margaret Martin:** What was the first question?

**Chairman:** Is there a downside or anything negative about the Swedish model?

**Ms Margaret Martin:** No, to my knowledge in terms of reading about it, there does not appear to be anything that strikes me in terms of the work of Women’s Aid or the broader violence against women movement.

You asked about women who voluntarily choose this life. The shift in the Swedish model is that it criminalises the buyer. It might mean there is a reduced market but it does not penalise a woman who is already involved in something that is potentially quite dangerous at times. I have been involved with the issue of violence against women for a long time. I was a volunteer in the Rape Crisis Centre a long time ago and have kept up to date with much of the research. Women can be extremely vulnerable, certainly when one considers much of the serial killing in the past. I was in Leeds during the time before the Yorkshire Ripper was captured. He had moved from killing women who were seen as sex workers to students. The view of women that is supported in society is very important. It is important for women in terms of how they feel safe and what they can do. When I spoke about coming here today to the women I work with, to gather information, they said they would see it as a positive endorsement to see something like this introduced in Ireland, whereby it is not acceptable that women’s bodies are for sale.

**Chairman:** Thank you for your input. I understand you must leave now. I now invite Dr. Teresa Whitaker from Sex Workers Alliance Ireland to make her presentation.

**Dr. Teresa Whitaker:** Sex Workers Alliance Ireland, SWAI, was established in 2006. It is an alliance of sex workers, researchers and health and social care providers directly engaged with sex workers. SWAI’s mission is to promote the social inclusion, health, safety, civil rights and right to self determination of female, male and transgender sex workers in Ireland. As a priority, we assert that any developments or changes in laws on prostitution should be informed by the voices of sex workers. We trust they will be consulted in this process.

I am a social scientist and an educator. I have conducted research on prostitution for the national advisory committee on drugs and I engage with international organisations on sex work research. I am speaking here on behalf of SWAI.

We welcome the Government’s decision to review legislation on prostitution in Ireland. However, SWAI strongly opposes current proposals to introduce the Swedish model of criminalising people who buy sexual services. I will comment briefly on international findings re-
garding such legislation and its potential impact on health and safety for sex workers and their customers. In Sweden, the law has not succeeded in eliminating prostitution or trafficking. In Norway, the legislation enacted in 2009 has had harmful, unintended consequences for sex workers. The Ministry of Justice surveyed 123 sex workers in Oslo last year. A total of 59% had experienced violence in the course of their work as opposed to 52% in 2008. In addition, 25 sex workers were raped in the last year in Norway. The law had heightened societal disapproval. Harassment had increased. The women felt more criminalised, stigmatised and isolated. Above all, they were afraid to report the violence and seek support.

As it stands, Norway is considering repealing its law in this area. The UN has stated: “[T]he [Swedish] law has not improved – indeed it has worsened – the lives of sex workers.” The Global Commission on HIV and the Law recommends decriminalisation of private and consensual adult sexual behaviours, including voluntary sex work, on the basis that criminalisation serves to “drive people underground, away from essential health services, and heighten their risk of HIV”. The World Health Organization and the International Labour Organization also oppose the criminalisation of clients. The Irish Government is committed to reducing the spread of HIV, but the reality is that criminalising clients of prostitution will drive them and the providers underground and away from essential health services, including programmes to eradicate HIV.

SWAI’s key concerns regarding proposed legislation relate to its potential impact on the health needs of sex workers and their clients, and the safety and freedom of sex workers. There is concern about the incidence of trafficking into sex work in Ireland. SWAI abhors coercion by trafficking or other means. However, the research to which I referred indicates strongly that while criminalising clients may deter some operations, its main effect will be to drive the industry underground into the hands of criminals, thus making the detection of coercion and exploitation more rather than less difficult. On behalf of SWAI, I thank the committee for the opportunity to present our concerns regarding this significant legal issue.

Chairman: Thank you, Dr. Whitaker. I now invite questions from members, beginning with Deputy Marcella Corcoran Kennedy.

Deputy Marcella Corcoran Kennedy: I thank Dr. Whitaker for her presentation. She has described prostitution as a form of work that can be chosen voluntarily. Where is the evidence that sex workers in Ireland are engaged voluntarily in the work? I have done a good deal of reading on the subject and listened to people who have exited prostitution. Much of the information we are receiving suggests that people enter prostitution at a young age and for various reasons. The market demands young people - male, female and transgendered - and my question is how these young people can be said to choose the business voluntarily? What is the age threshold at which Dr. Whitaker would say that such a decision can be taken voluntarily? Where does her organisation stand in this regard?

Chairman: Before Dr. Whitaker responds, I ask whoever has their telephone switched on to turn it off, as it is interfering with the sound-recording equipment.

Dr. Teresa Whitaker: Anyone who enters the sex industry before the age of 18 is not engaged in sex work but is a victim of child sexual abuse. The numerous reports published in the past 20 years show that, sadly, such abuse is not an uncommon feature in Irish society. We cannot, however, generalise about the background or situation of sex workers. In looking at research, one must consider the social context including, in particular, location. Without a doubt, some people enter sex work voluntarily. There is a massive amount of research from
Australia and New Zealand, for example, showing that there are women in their 20s and 30s who go into prostitution by choice and consider themselves sex workers. The issue of people being groomed for prostitution at a very early age is a separate matter. Those who are coerced, exploited or groomed by older people are in a different category from those who enter the business willingly. There are laws to protect children in Ireland and that is not related to the situation of people who enter sex work voluntarily.

Of the 35 people we interviewed for our research, three had been coerced into prostitution. The others, who were using substances such as heroin or cocaine, chose sex work over other types of criminal activities including shoplifting, stealing and pushing or trafficking drugs. Their choices were very limited but the option they chose was prostitution. When I started my research, I had the same opinion as has been expressed here today. As a sociologist who came through the traditional Irish universities and participated in feminist studies, I assumed that all women were coerced into prostitution. I could not imagine how any woman in her right mind would do it and that it must be a terrible thing for all of them. When I spoke to these women, however, I discovered that to them it was just work. They were doing it to make money and had learned all types of survival strategies, such as how to negotiate with punters and so on. However, the research from Sweden shows that sex workers there can no longer negotiate with clients because everything is done in a big rush. Whereas before they might check out whether a potential client has a passenger in the back seat, for instance, there is no time for such precautions when the transaction must be done very quickly. The research from Norway in the past year shows that for the women who remain in prostitution, their lives are in greater danger than they were before criminalisation.

Deputy Marcella Corcoran Kennedy: In the case of the people Dr. Whitaker represents in this country, how many have made the decision independently to choose prostitution as a way of life? Has their experience been positive in so far as they are working independently in their own apartment or are they linked in with pimps or other parties who control the finances? It is important to have these details in order to form a full picture, and what Dr. Whitaker is saying seems to go against much of the evidence we have heard. I would like greater clarity on exactly how many sex workers in Ireland are independent, safe and making autonomous decisions.

Dr. Teresa Whitaker: We can never say statistically how many people are involved in prostitution. Researchers all over the world will agree with me on that. It is an activity that is so clandestine, stigmatised and underground that one can never definitively say that X amount of people are engaged in it in any particular location. If a person has been pimped into prostitution, he or she will not be talking to us. The people who talk to us are independent sex workers, some of whom are migrants. Some of these women said they would come here today but I do not know whether they did. In the case of migrant sex workers, their view was that there was money to be made in this country. They work independently and are happy with what they do. I cannot offer figures for how many people are coerced and how many independent. Nobody can give those figures, and members should be suspicious of anybody who claims to do so. They are simply not available.

Deputy Marcella Corcoran Kennedy: I was referring to the people Dr. Whitaker represents.

Dr. Teresa Whitaker: The people we represent are independent sex workers. If they were pimped, they would not be in contact with us because the pimp would be controlling them.

Deputy Marcella Corcoran Kennedy: Of the people Dr. Whitaker represents, are they all...
completely independent?

**Dr. Teresa Whitaker:** They are independent sex workers, although some would have worked in brothels in the past.

**Deputy Marcella Corcoran Kennedy:** How many are we talking about?

**Dr. Teresa Whitaker:** We cannot give numbers for the simple reason that we are an alliance and have loads of people in contact with us. We do not keep a database of names and addresses or anything like that, simply because of the nature of the activity in which these people are engaged. It is important to note that the exchange of money between a man and woman for sexual services is not illegal in Ireland. Making it illegal for men to buy sex will inevitably affect the women who are selling sex. We are saying that the Government must take a compassionate approach to this very sensitive issue.

The bottom line is to help people and to help society. If we introduce the Swedish model, we will just push it all underground like we have done with so many other things in Irish society. We really believe this is not the way forward. Let us look at Australia and New Zealand. Why is the committee looking at Sweden as a model? Prohibition has never worked in any country. Look at what happened when there was an attempt to prohibit alcohol in the United States. It does not work. The same is true of cigarette smoking. Prohibition does not work; it just drives things underground.

In Sweden, pimping has got worse because now women need a protector in order to have someone between the client and the sex worker. Pimping has increased in Sweden and sex tourism has also increased there. For example, the Swedish Government’s 2012 report to the United Nations states:

Annual reports from Swedish social workers who meet buyers and sellers of sex indicate that the number of Swedish men who pay for or give other than a monetary form of compensation for sex is increasing. The increase seems to be due to the purchase of sex when travelling to places where the sale of sexual services is common.

The regime there has not decreased prostitution.

**Deputy Marcella Corcoran Kennedy:** On the evidence we have from the Garda unit and the Blue Blindfold, do the witnesses accept that there is a large amount of trafficking in this country which leads to many people ending up being sexually exploited in prostitution? I accept forced labour is also an issue. How do the witnesses see it fitting in with what they propose in terms of having sex work as a career option?

**Dr. Teresa Whitaker:** How many people have been convicted of trafficking into the sex industry in Ireland?

**Deputy Marcella Corcoran Kennedy:** There is information on the Blue Blindfold website. In any case, if Dr. Whitaker does not mind, I would like an answer to my question.

**Dr. Teresa Whitaker:** Yes, I contacted the anti-trafficking unit yesterday to ask how many convictions had been secured and I was told there were no convictions yet.

**Deputy Marcella Corcoran Kennedy:** What I am asking is whether the organisation accepts that at the moment people are being trafficked into this country for the purposes of sexual exploitation. That is the first thing. How do those people fit in with Dr. Whitaker’s vision for
sex workers in the future, which is that they would be autonomous and independent and that it could be a career choice?

**Dr. Teresa Whitaker:** We do know how many people are being trafficked into Ireland. We do not know how many people are being trafficked into all different kinds of industries in Ireland.

**Deputy Marcella Corcoran Kennedy:** But we know that they are being trafficked into this country for the purposes of sex work and prostitution.

**Dr. Teresa Whitaker:** No, I did not say that. I just asked how many convictions for trafficking were made.

**Deputy Marcella Corcoran Kennedy:** I am asking Dr. Whitaker whether she accepts that people are currently being trafficked – women, men and children. Does she accept that is the case and how does it fit in to what her organisation wants for sex workers in this country in the future?

**Dr. Teresa Whitaker:** Trafficking is occurring in Sweden as well even though they have the Swedish model.

**Deputy Marcella Corcoran Kennedy:** I am talking about Ireland at the moment.

**Dr. Teresa Whitaker:** We do not know, as we do not have enough figures or research. We have an anti-trafficking unit and we need to give it more resources so that it can tackle trafficking where it exists.

**Chairman:** Is Dr. Whitaker saying that trafficking is or is not taking place? She said there is a current concern about trafficking into sex work in this country. Is that her concern?

**Dr. Teresa Whitaker:** Yes. The concern is that of the Turn off the Red Light campaign and the media. We have had a programme on RTE and TV3. The question is whether those people were trafficked. We have concerns about it but it is up to An Garda Síochána and members of the anti-trafficking unit to tackle trafficking. That is a different issue.

**Chairman:** Does Deputy Corcoran Kennedy wish to say anything further?

**Deputy Marcella Corcoran Kennedy:** No, but I will ask another question presently.

**Senator Ivana Bacik:** I thank Dr. Whitaker for her evidence.

**Chairman:** A number of other members have indicated so I urge members to be brief.

**Senator Ivana Bacik:** I will be brief. A number of us heard Dr. Whitaker’s presentation previously at the Department of Justice and Equality conference and we have been immersed in the topic for some time. I disagree with Dr. Whitaker’s analysis of the Swedish law. Having read the recent analysis and having visited Sweden and spoken to many of the stakeholders, we have seen strong results in terms of halving the incidence of street prostitution since the law was introduced in 1999. What we have heard and read is that the Swedish model is under serious consideration for expansion to other countries, notably France and this country also. One must bear that in mind to balance out what Dr. Whitaker said.

I also take issue with what Dr. Whitaker said about criminalisation. Under the 1993 legislation, the purchase of sex is not itself an offence. However, all the surrounding circumstances
such as loitering for the purpose of prostitution and soliciting are criminalised. The sale and purchase of sex are criminalised in certain conditions when it is done in an organised fashion and indoors. Effectively, clients are currently criminalised. That begs the question of what Dr. Whitaker is advocating. Is the Swedish model not preferable to the current Irish model following her analysis of the negative effects of criminalisation, as it effectively criminalises both parties involved - the seller and the buyer of sex? Dr. Whitaker says criminalisation has negative consequences. If that is the case, is it not better to decriminalise the seller of sex, as in the Swedish model, than our current model? If not, what model does Dr. Whitaker favour?

Prostitution is underground in this country but it must still be accessible in order that people can purchase sex. Numbers must be made available on the Internet and people must be able to know where they can buy sex. It can never be underground to the extent of making it impossible to prosecute. Again, what we heard in Sweden is that it is easier for police to prosecute where the seller of sex is not criminalised and is therefore not herself a target for the police. It is easier then to get the evidence necessary to bring in the people organising the sale of sex – the pimps and traffickers. Surely that is in everyone’s interests no matter what our position on prostitution.

Dr. Teresa Whitaker: I thank Senator Bacik for her question. The reality is that selling sex is not criminalised in Ireland. Women can sell sex and it is not a crime. What is a crime is loitering, which is a nuisance in residential areas. The organisation of brothels is criminalised. The actual selling of sex is not criminalised. When one criminalises the buyer, it will have an effect on the seller.

Senator Ivana Bacik: To be clear, the 1993 Act defines and prohibits soliciting for the purpose of buying or selling, which is the criminal offence. In effect, the client is now criminalised.

Dr. Teresa Whitaker: Effectively, the seller is not criminalised under that particular legislation.

Senator Ivana Bacik: Both buyer and seller are criminalised.

Dr. Teresa Whitaker: They are only criminalised if they solicit, importune or run a brothel. Individuals are not criminalised. Now, the intention is to criminalise a group of Irish men who buy sexual services. What we are saying is that will have negative consequences for the women who are selling sex. I would have thought that we should all be very concerned about women who sell sex, and also men who sell sex, that they should be safe and use protection. The problem with the law is that it will reduce harm reduction services.

Senator Ivana Bacik: No.

Dr. Teresa Whitaker: Senator Bacik says it will not but it will.

Senator Ivana Bacik: There is no evidence of that.

Dr. Teresa Whitaker: It has been shown in England that funding is now going to anti-trafficking organisations away from harm reduction services. The philosophy of harm reduction is that we realise prostitution exists. It is not a good thing nor is it a bad thing but it exists. We have harm reduction services in Dublin and elsewhere in the country to help reduce the harms, which includes the spread of infections. That is a public good. We must tackle violence against sex workers and women. We must tackle such issues. The Association of Chief Police
Officers has tackled violence in Merseyside in Liverpool by having crimes against sex workers designated as hate crimes in exactly the same way as the beating up of a gay man or a black person is considered a hate crime. A scheme called The Ugly Mugs has been devised whereby if a woman is attacked and she reports the case to the police, they immediately text all the sex workers they know to warn them to avoid such and such a person. As a result of that practice in England, the number of attacks on women sex workers has been reduced.

Senator Denis O’Donovan: Is the current provision of sexual services in Ireland not underground anyway? Does the Sex Workers Alliance Ireland support the Dutch model of regulation and legalisation of the sex industry? Does it consider the work of Ruhama and Turn Off the Red Light as misguided?

In support of Senator Bacik’s remarks, the evidence we have obtained, particularly from the Swedish police, was that trafficking of women primarily, although not exclusively, has declined. Trafficking is perhaps the major problem we face. It was mentioned there was an increase in Norway from 52% to 59%. Surely that is not an alarming increase?

A compassionate approach on the part of the State to the sex industry was mentioned. Does that mean that we turn a blind eye, as we have so often done in the past?

Dr. Teresa Whitaker: We commend Ruhama; we need more organisations for those women who want to exit and who have been coerced or pimped into this work, for women who need counselling and who have been traumatised by prostitution. It is very important to have an organisation like Ruhama. On the other hand there are women who simply want the right to work and that is a very different group of people. It is a few years since the committee went to Sweden-----

Senator Denis O’Donovan: It was three months ago.

Dr. Teresa Whitaker: The Swedish police report on trafficking states that trafficking has increased by 563% in Sweden.

Senator Denis O’Donovan: That is not what we heard.

Dr. Teresa Whitaker: I can give the committee the references for that report.

Senator Denis O’Donovan: In both Sweden and Finland there was a huge issue of the involvement of Russian gangs in trafficking. That has stopped. While there might have been an increase in sex tourism, where Swedish men are leaving Sweden to go elsewhere, the evidence we got from sincere senior people was that the trafficking of women into Sweden had declined dramatically and that was only three months ago.

Dr. Teresa Whitaker: I will send the committee the Swedish police report on trafficking that shows it has increased by 563%.

Senator Ivana Bacik: The number of convictions for trafficking have increased, which is a good thing.

Dr. Teresa Whitaker: Convictions for pimping increased from 51 to 136, and trafficking for sexual purposes increased from 15 to 106.

Senator Denis O’Donovan: I asked about the current situation. I am not an expert on it but it seems to be underground at present. Does the alliance favour the Dutch model of regulation
and legalisation? What is a compassionate view? Is it to do what we seem to always do on issues like this and turn a blind eye to the sex industry?

**Dr. Teresa Whitaker:** We have good laws at the moment. There are laws against soliciting and human trafficking, and laws that prevent children from being sexually abused. There is a range of laws to protect people. We are not lawyers, however, so we are not saying that sex work should be decriminalised, we are pointing out that the United Nations, the World Health Organization and the International Labour Organization all say this.

Perhaps the legislation on brothel keeping should be reviewed so women could work in pairs. In New Zealand they can work in fours. Women could work in twos without third party involvement. If there was no pimp running a brothel, but it was two women working on their own, as they often do from an apartment, that law on brothel keeping might be reviewed. We are trying to consider safety for sex workers and how we can make it safer for them.

**Deputy Pádraig Mac Lochlainn:** Dr. Whitaker is one of the few voices we have heard who is arguing for the existing system so it is important we give her as much time as possible to go through these issues.

When the committee was in Sweden, we read the criticisms of the Swedish system, including research by the Sex Workers Alliance Ireland and others. The most particular criticism is that the Swedish system drives prostitution further underground. When we met with the Swedish justice committee, the Swedish police and social workers, we put that to every one of them, playing the role of devil’s advocate. All of them replied that prostitution by its very nature is underground but to sell “the commodity” it must be marketed, it must be put on a website. Even though we talk about driving it underground, the seller of the commodity must market it to sustain a business. There must be advertising of sex workers on a website to invite customers. Their response, particularly from a policing perspective, was that this is never truly underground, even if efforts are made to be covert, because there must be open marketing. What does the alliance make of that analysis?

We have heard the point that not every sex worker has been trafficked or coerced, there are those who choose and who wish to continue working in that industry. A social worker at the coal face who appeared before us and who has dealt with hundreds of women in this situation, told us that almost all the women she was working with on an exit strategy did not want to remain in prostitution. Very few wanted to remain working in the sex industry. Obviously a small number wanted to remain and that is the cohort Dr. Whitaker is advocating for.

In Ireland, there are groups who work at the coal face with victims of prostitution: domestic violence groups, immigrant groups and trade unions. This plethora of organisations has given evidence that in the vast majority of cases this is damaging to the women and men in this situation. Our Swedish counterparts told us that we cannot legislate for the minority the alliance advocates for, we must legislate for the majority, we must look at the bigger picture to protect those who do not wish to continue. What would the Sex Workers Alliance Ireland say to the argument that has been put to us that we cannot legislate for a small group when there is damage to a wider group?

**Chairman:** Two questions have been asked, the first on the issue of the sex workers being driven underground and the second on legislating for a minority.

**Dr. Teresa Whitaker:** It is very difficult to police prostitution. Many of the sex workers
with whom I speak have the telephone numbers of their regular customers recorded in their mobile telephones. In the event that the purchase of sex is criminalised, how will the Garda find the customers? Given that this is a private transaction between two consenting adults, how would the Garda police it? How does it police the advertising of sexual services by women on the Internet? Prostitution is, by its nature, a clandestine activity but one that takes place in the public sphere once it is advertised on the Internet and so forth.

In terms of legislating for a minority, why was prostitution decriminalised in New Zealand, Queensland and other parts of the world? The authorities in the regions and countries in question obviously did not believe only a minority was involved and they clearly believed it was safer to decriminalise it. It is interesting to note that since decriminalisation pimps are largely absent from the sex industry in New Zealand. Women have kicked out the male managers who previously managed brothels because they no longer needed them when prostitution was decriminalised. They run the brothels themselves and there is less evidence of pimping in New Zealand. There is no doubt that prostitution is an emotional topic.

Senator Mary M. White: I was interested-----

Chairman: I ask the Senator to be as brief as possible.

Senator Mary M. White: I will be as succinct as possible. It is a tragedy that the trafficking of women has been mixed up with the issue of prostitution because they are two entirely separate issues. Every discussion of prostitution becomes emotional and immediately strays into the areas of trafficking. This is seriously hindering efforts to find a solution that addresses the needs of female, male and transgender people who want to work in the sex industry and those who need their services. I am not a psychologist or lawyer but I hope my experience in life has made me a compassionate person. While it is fine for people who are in legitimate sexual relationships, the compassion I feel is for those who need and may have to purchase the services of others. That is my main point.

When this issue came on the radar last year I noted statistics from the police in Sweden showing that the recently introduced Swedish model had resulted in prostitution moving from the main streets into back alleys and caused an increase in violence against women prostitutes. I have seen the relevant figures.

I compliment Dr. Whitaker on her exemplary and rational presentation. She should present her case on “Prime Time”. I note she arrived at her conclusions on the basis of research she had carried out. While I do not wish to be controversial, should prostitution be legalised to protect the purchaser of sexual services and the person offering his or her services in cases where the transaction is carried out for health reasons? People clearly have psychological and physical needs.

Chairman: I thank the Senator for not being controversial. The issue she raises is the legalisation of prostitution for those who need the services.

Dr. Teresa Whitaker: Go raibh mile maith ag an Seanadóir as an cheist sin. The Senator is taking a very compassionate view. There is plenty of research on the reasons men buy sex. UNAIDS argues that one should not demonise, villainise or make men who buy sex into folk devils because they are, for the most part, ordinary men. Some of the women I speak to have indicated that the clients they prefer are those who have baby seats in the back of the car because they are the guys who go home to their wives afterwards. I will not judge men - I will
leave that to God - or comment on the reason they have sex drives.

In some countries, men with disabilities can pay for the services of a sex worker. In Australia, a woman who was born with a certain medical condition whose name I do not recall decided to enter politics and is now a Member of Parliament. She had never had sex because no man would look at her. She asked her dad to help her find a male sex worker because she wanted to experience sex. She has championed the cause of sex workers in Australia and the decriminalisation of prostitution. We need to be more compassionate.

If we had a referendum tomorrow on legalising prostitution, I am sure the majority of people would reject it because they do not understand all the issues. For years, we have heard the same message, namely, that prostitution is a sin, immoral and dirty and all the women involved are pimped into it. Let me put the issue this way; there are 50 shades of grey.

**Senator Katherine Zappone:** I thank Dr. Whitaker for being so patient with our questions. To clarify, does she represent sex workers?

**Dr. Teresa Whitaker:** I thank the Senator for asking that question because last night Twitter was full of tweets asking how dare I represent sex workers. I am not a sex worker except that the sex I have in marriage sometimes feels like work. I am a happily married woman and mother of three children. The joint committee should speak to sex workers.

**Senator Katherine Zappone:** Dr. Whitaker does not represent sex workers.

**Dr. Teresa Whitaker:** The Sex Workers Alliance Ireland represents those sex workers with whom we are aligned.

**Senator Katherine Zappone:** Does that mean Dr. Whitaker speaks for them?

**Dr. Teresa Whitaker:** Yes, I speak for SWAI, which is a member of all kinds of international organisations that represent sex workers. We would, however, prefer to have a sex worker before the committee defending herself and other sex workers.

**Senator Katherine Zappone:** Dr. Whitaker referred to Norway, which is considering repealing its law because it is creating greater harm for sex workers. She also referred to a survey conducted by the Ministry of Justice in Oslo. Is it Dr. Whitaker’s view that the survey provided evidence to support the view that criminalisation of prostitution is creating more harm for sex workers?

**Dr. Teresa Whitaker:** Yes, I was highly disturbed when I read the report in question. It is heartbreaking to read such reports because the level of violence against women who are selling sex is unbelievably high. The report stated that no other group of women in Norway would be exposed to this level of violence. Sex workers are, therefore, a distinct group. The report noted there was more violence against Nigerians - I do not know if racism is also a factor - and less violence against women from Thailand. I also found it highly disturbing that the women were afraid to report violence to the police because attitudes are changing in Norway and people are become less tolerant of prostitution. This change is a result of the Swedish model of legislation which has led people to ask why women are engaged in prostitution if the purchase of sex is a criminal offence. Prostitutes are afraid to report violence for this reason.

**Senator Katherine Zappone:** I note the survey was based on 123 sex workers.

**Dr. Teresa Whitaker:** That is correct.
Senator Katherine Zappone: Is it also correct that Norway is considering repealing its legislation on prostitution on the basis of a study of 123 sex workers?

Dr. Teresa Whitaker: Yes.

Senator Katherine Zappone: Dr. Whitaker also referred to the Global Commission on HIV and the Law which stated in July 2012 that criminalisation drives people underground. A number of questions were asked about driving people underground and away from essential health services. Is the judgment expressed in the report in question based on evidence? Does the report refer to a sample or establish a clear cause and effect between specific laws and prostitution being driven underground?

Dr. Teresa Whitaker: It is not up to me to dispute what UNAIDS is saying.

Senator Katherine Zappone: Does Dr. Whitaker not know if the report is based on evidence?

Dr. Teresa Whitaker: I hope it is based on evidence.

Senator Katherine Zappone: We need to clarify that issue.

Dr. Teresa Whitaker: Mr. Anand Grover visited Ireland on 19 December. He is the UN special rapporteur. He said that India has managed to turn things around. For example, its sex workers are now using bottles and condoms, there is less stigma attached to it and so forth. They say that where it is criminalised, it is driven underground. They are looking at it globally.

Deputy Finian McGrath: I welcome Dr. Whitaker and thank her for her submission. It is important that we hear all the different views on this issue. I have three questions. Dr. Whitaker uses the word “compassion” a great deal in her presentation. As a woman, mother and citizen of this State, does she truly believe that the vast majority of women involved in prostitution are not exploited? Is her compassion not really about their safety? Is that not the reason she is directly involved with this issue? My second question-----

Chairman: Perhaps Dr. Whitaker would answer that first before taking the second question.

Deputy Finian McGrath: Does Dr. Whitaker really believe in her heart that the vast majority of women involved in the sex trade are not exploited? From listening to the debate and submissions, I know a minority feel differently. Second, is not her compassion really based on their physical safety?

Dr. Teresa Whitaker: I was a student of political science in Trinity College. One of the questions in my final year examinations was: “Is prostitution alienation of labour under industrial capitalism?” I was very taken aback by that because I certainly was not thinking of prostitution, but of the alienation of labour under industrial capitalism and exploitation. One must define what one means by “exploitation”. Who is being exploited? Is it the person who gives the money or the person who gets the money?

Deputy Finian McGrath: It is making people do something they do not want to do or making a decision that they are able to do it.

Dr. Teresa Whitaker: Exactly. Many of the women I spoke to had a menu of services. They did not do everything that men asked them to do. They negotiated with their clients. There were things they would do and things they would not do. One woman told me, for example,
that she would never kiss a guy. She saved that for her partner. Another girl said she always takes the keys of the car from a man if she gets into a car. In doing that she feels in control. The issue of exploitation is very difficult. It is very difficult to explain what exploitation is. Many workers in many industries are exploited. I cannot say; one would have to ask the woman.

**Deputy Finian McGrath:** Dr. Whitaker mentioned somebody who is addicted to drugs. I felt uncomfortable when she did so. I asked myself the question I will ask her. Can somebody who is addicted to drugs make an informed and balanced decision, such as whether to sell drugs for the dealer or work in his brothel? I do not buy it, and I felt uncomfortable about it.

**Dr. Teresa Whitaker:** The Deputy is right. If that is the way I explained it, obviously I did not explain it very well.

**Deputy Finian McGrath:** Dr. Whitaker mentioned somebody making choices.

**Dr. Teresa Whitaker:** I meant that within a limited range of choices, they will make decisions as to how they are going to make money. One of the things they decided not to do was push drugs, because they would get into trouble very quickly with the Garda for doing that.

**Deputy Finian McGrath:** I strongly support what was said about the hate crimes issue. They should be designated as hate crimes.

**Dr. Teresa Whitaker:** Yes. Somebody else referred to the Yorkshire Ripper. Women who work on the streets are sitting ducks for violent guys.

**Deputy Marcella Corcoran Kennedy:** I wish to clarify the matter of convictions for trafficking. There was one conviction in 2009, there were five in 2010 and four in 2011. Three of those four convictions related to the accused exploiting children for sexual exploitation purposes. One was convicted for exploiting a woman for sexual exploitation purposes as well. I say this to clarify that there are cases being taken and won by that unit.

**Deputy Anne Ferris:** Dr. Whitaker said earlier that she was not sure of the number of women she represents because they belong to different organisations. How many organisations does the Sex Workers Alliance Ireland represent?

**Dr. Teresa Whitaker:** Representation is a difficult thing because we do not pretend to be elected by anybody. We are simply a group of voluntary workers that had concerns about prostitution and the people involved in it. There are organisations all over the world. For example, we have strong links with the UK Network of Sex Work Projects, the collective of prostitutes in New Zealand and international research organisations. People just come to us after seeing our website or after hearing me on the radio or the like. They simply contact us.

People who have been exploited and who are in difficult situations have also contacted us. In those situations we refer them to Ruhama. We are not trying to say there are no harms attached to prostitution. There are terrible harms involved. There is violence, rape, the spread of HIV and so forth. What we are saying is that we must tackle all those harms and violence.

**Deputy Anne Ferris:** Dr. Whitaker is saying her alliance represents a number of organisations. Are these organisations listed anywhere on the website?

**Dr. Teresa Whitaker:** No, but in my last presentation I gave a list of the organisations and I have the list with me. As I am a social scientist I have issues with the other campaign because it says it represents X million people. Were people balloted in organisations? The only way one
Deputy Anne Ferris: Will Dr. Whitaker give me the list or the number of organisations that come under the alliance’s umbrella?

Dr. Teresa Whitaker: Yes. There is the Dublin AIDS Alliance, which sadly could not be represented here today due to a personal tragedy; the Chrysalis Community Drug Project; the UK Network of Sex Work Projects; the Centre for Sex Work Research and Policy in Europe; the Rose Alliance; Feminist Ireland; New Zealand Prostitutes Collective; and the International Committee for the Rights of Sex Workers in Europe, among others.

Deputy Anne Ferris: Dr. Whitaker said that if women in trouble or who had been abused contact the alliance, she refers them on.

Dr. Teresa Whitaker: Yes.

Deputy Anne Ferris: Therefore, is it true to say that she is dealing with the happy sex workers?

Dr. Teresa Whitaker: How does one measure happiness? I will not answer that question because I cannot measure happiness. However, it is true.

Senator Denis O’Donovan: Contented, perhaps.

Deputy Anne Ferris: To be honest, as a woman I am a little disturbed by what Dr. Whitaker has been saying. Every woman for herself and I realise Senator White has her own view on it, but I have not come across many women who would admit to allowing a stranger use their body for sex and being happy about it. I had not intended to speak but when listening to Dr. Whitaker’s presentation it sounded as if she was talking about an organisation of nannies or the like. Two things came to mind, and I am quite upset and angry about it. First, the film “Pretty Woman” came to mind. It conveyed the image of happy sex workers. The second film that came to mind was “Mary Poppins”. I am not attacking or insulting Dr. Whitaker personally but what she is saying does not fit well with me as a woman. She is saying that these women are perfectly happy to go out and do this job and that they are entitled to work. Of course, they are entitled to work and to be a sex worker if that is what they wish to do. However, do not tell me that they are happy about it.

Dr. Teresa Whitaker: I will not tell the Deputy they are happy about it, but it is what they do. Many people are not happy with their jobs or work, but it is what they do.

Deputy Anne Ferris: Yes, but Dr. Whitaker is portraying it as if they are doing it out of choice and because that is the type of work they wish to do.

Dr. Teresa Whitaker: I am simply saying that this is the type of work they do. I do not stand in judgment of them.

Deputy Anne Ferris: Nor am I standing in judgment. I am just saying that I doubt very much they are happy about it.

Dr. Teresa Whitaker: Certainly, it is an extremely risky occupation with many potential harms attached to it. I am anxious to get that across. I am trying to elicit in members a compassionate response to the people facing these types of harms.
Deputy Anne Ferris: I have the greatest compassion for the people we are talking about.

Chairman: In regard to the Swedish model, if we accept that sex work is demand-led, it seems logical that a growing demand will see increasing numbers attracted to the work. Some workers are, as Dr. Whitaker observed, attracted into the occupation by free choice. It seems clear, however, that where there is money to be made, there will be people who find themselves coerced or trafficked. The bottom line is that rising demand creates a pull factor. The Swedish delegates who appeared before the committee made the case that if one can tackle the demand, fewer and fewer people will be coerced into sex work and there will no longer be the push of the euro, dollar or krona. In a situation where substantial profits are being made by traffickers, pimps and others, reducing demand would reduce the incidence of coercion. Will Dr. Whitaker comment on that?

Dr. Teresa Whitaker: I am very aware of the argument regarding the push-pull dynamic and the globalisation of sex work. The reality, however, much as we may not like it, is that prostitution has always existed.

Chairman: The argument is that reducing demand will reduce the incidence of prostitution, including coerced prostitution. Does Dr. Whitaker agree with that proposition?

Dr. Teresa Whitaker: Prostitution in this State will continue regardless of whether we introduce the Swedish model.

Chairman: That is not a response to the question I asked, which related specifically to the demand issue. The argument is that if a potential buyer of sex, who could be a man with a wife and children, knows there is a risk that his identity might be made public through discovery by the police, he will be less likely to purchase sex. As demand goes down in this manner, it is argued, the pull factor will decrease. Does Dr. Whitaker believe there is merit in that argument? I would be grateful for a “Yes” or “No” answer.

Dr. Teresa Whitaker: The issue is that buying sex is actually a minority activity. We know from the ESRI study that only some 6% of men purchase sex, which is in line with the prevalence in other countries. Incidentally, the percentage of gay men who buy sex is approximately the same. The question of whether demand fuels supply in the sector is one for an economist to answer.

Chairman: I expect most economists would say that it does. I thank Dr. Whitaker for her contribution to today’s meeting. We are in the midst of a process of examining this issue and will take on board what she has said.

I now invite Ms Monica O’Connor to make her presentation. I thank her for her patience thus far.

Ms Monica O’Connor: Thank you, Chairman. It is quite difficult to come in at this stage when much of the discussion has already taken place, and I hope members will forgive me if I repeat anything that has already been covered. I am grateful for the opportunity afforded to me and my colleague, Dr. Jane Pillinger, with whom I co-authored a research paper entitled Globalisation, Sex Trafficking and Prostitution, to present to the committee. Several speakers referred to the lack of research in this area. In fact, our research gives a very comprehensive review of both trafficking for sexual exploitation and the prostitution regime as it currently exists in Ireland. The research has been validated by the Garda and the figures contained therein are very accurate. It is our estimate that some 1,000 women are being purchased for sex at any
given time in Ireland.

I propose to confine myself today to some observations on the role of government in regard to this very contentious issue. There are two main approaches taken by governments internationally. Under the first approach, which is taken by a large number of countries, the state regards the demand for the purchase of a person for sexual gratification as legitimate, acceptable or, as Dr. Whitaker described it, inevitable. Leading from this position is the notion that government should regulate and legislate to provide a legal and regulated market in which this particular consumer demand is met. In other words, the state has a capacity and duty to protect the rights and welfare of girls and women who are made available to meet that demand. This approach is probably best represented within the European Union by the Netherlands and Germany. The stated aim of the Dutch law, for example, is to ensure that all trade in sex is “desirable” prostitution, provided only by adult, free, independent sex workers in legal locations. The objective is to avoid “undesirable” prostitution by removing elements of coercion, force and associated criminality, such pimping, child prostitution, organised crime and trafficking.

In my view, the evidence overwhelmingly shows that, ten years on, this approach has been a complete failure in the Netherlands. The growth of the legal sector has reached unmanageable levels, with approximately 1,700 brothels and location-bound premises and an estimated 25,000 prostitutes serving a population of 16 million. At the same time, the notion that the provision of a safe legal sector would remove the need for an illegal sector has been wholly disproved. All of the research, backed up by the evidence of Dutch police, indicates that the illegal sector in Holland is as large, if not larger, than the regulated sector, and that associated organised crime is out of control. Moreover, despite the fact that a key objective of the new regime was that it would function as an anti-trafficking measure, the number of trafficking victims is, in fact, increasing. The 2007 evaluation, which is very comprehensive, found that pimping was widespread.

It is very important to note that the pressure to regulate and legalise in the first place does come from a desire to safeguard the welfare and rights of sex workers. Sadly, however, the evidence is increasingly more robust that prostitution is not a solution to women’s poverty and economic need. On the contrary, it exacerbates that need. Women’s welfare is very low down on the list of priorities for the main players in the market, namely, pimps, sex business owners and organised crime. Ten years after the introduction of the new regime in Holland, the evaluators conclude that the emotional well-being of women is lower than it was prior to legalisation on all mental health indicators. Despite a commitment in the law to ensure exit routes for women, only 6% of municipalities are compliant.

A similar approach has been taken in Germany, the view being that prostitution should be treated as legitimate work. Again, the idea was that those engaged in prostitution would be able to access legal entitlements, protection and health care. That approach has now been deemed to have failed utterly. In her latest book, Debra Satz argues that some markets are inherently noxious. It is my view that governments should have no role in legitimising a noxious market.

The second approach to the issue of prostitution is the Swedish one. A decision was made in that country that the demand for the purchase of sex which requires making available a certain number of women and girls is not an acceptable, legitimate demand, not a legitimate market and, moreover, that such a market undermines gender equality. That was the perspective from which the Swedes came at the issue. They also rejected the notion that the state should seek to control this type of market. Much of the discussion regarding the Swedish model has focused on whether it has been a success or a failure. The International Labour Organization is very
clear in its position that Sweden has had the greatest success in this area, with its sex trade sector now a diminished, tiny market in comparison with those in similar jurisdictions. In Denmark, for example, the market is three to four times larger despite its population being only 5.3 million. In Germany, according to the economists at the International Labour Organization, the sector is 60 times larger than in Sweden, even though Germany’s population is only ten times greater.

If we are seeking to effect a reduction in demand and a reduction in the numbers of people in prostitution, the evidence of what will actually work is irrefutable at this stage. The Nordic countries are moving towards a reduction and an elimination. They are not perfect. They have not eliminated prostitution at this point and I do not think the word “model” is as helpful as the word “approach”. They have been moving over the last ten years towards an irrefutable position which is that they have a diminished and tiny market in comparison with other countries.

Finally, Senator White brought up the issue of the relationship between trafficking for sexual exploitation and prostitution. Two recent research papers published by the International Labour Organization have shown that there is a very clear correlation, which it has demonstrated and proven, between the scale of prostitution, that is, the number of people involved in prostitution, and the number of victims of trafficking and that the ratio is probably between 10% and 24%. In other words, regardless of the prostitution regime - such as regulation in the Netherlands or tolerance in Ireland - if there are 1,000 women involved in prostitution, at least 10% to 24% of those women would be deemed as having been trafficked for sexual exploitation.

Trafficking is not the only source of violence and coercion, however. A lot of the discussion today has focused on the fact that a lot of prostitution here is underground and indoors and it is critical that we look at more recent evidence regarding indoor prostitution. A recent study of over 200 women in Chicago, for example, showed that the levels of sexual violence associated with indoor prostitution are higher than the levels of sexual violence on the streets. There are certain levels of drug violence and physical violence on the streets but when discussing indoor prostitution, we should not assume that it is somehow a safer or more acceptable environment for women to work in.

As someone who has worked in the areas of sexual rights, reproductive rights and violence against women for most of my adult life, I believe and hope that all of us in this room are genuinely concerned about the rights of women in prostitution and women in general. However, it is incredibly naive and flies in the face of the overwhelming evidence to believe that we can make prostitution safe. It is an inherently harmful, abusive, exploitative and coercive industry. It would be very remiss not to examine that overwhelming evidence and I am very glad that this committee is doing so.

Chairman: I call Deputy Corcoran Kennedy.

Deputy Marcella Corcoran Kennedy: I thank Ms O’Connor for her presentation. Criticisms have been voiced, today and during previous meetings, of the Swedish model and Ms O’Connor also referred to it today. I ask her to expand a little on the issue in the context of the remarks of the critics. I would like to drill down a little more into that issue.

Ms Monica O’Connor: I have been there twice and have met the police and officials in the justice ministry. Like members of this committee, I asked a lot of hard questions. What is clear about the Swedish model is that the criticisms of it are opinions rather evidence-based. I have read the criticisms from people like Petra Östergren. One of the most common attacks on the
Swedish model is that the prostitution is now underground, but all prostitution is underground. However, as Jonas Trolle of the special investigation unit has said, one presses a button and one is able to reach the prostitute. It is a market and the supply is available. It is not as underground as people think. In Ireland we researched the industry and found it is in apartment blocks. I was in apartment blocks in the Irish Financial Services Centre area. Prostitution is all over Dublin and I have been in many apartment blocks where women are available for sex. The reality is, if one wants to buy sex, it is very easy to find. The Swedish police are involved in tracking and surveillance and are finding it very easy to track and find prostitution.

Another issue concerns the debate about prostitution on the streets versus prostitution indoors. Prostitution is primarily happening indoors. It has been argued that it went underground in Sweden but over the last ten years, prostitution in almost every country has moved indoors, primarily. That does not mean it is underground. It is certainly true that it is far less visible than it is on the streets but should one wish to find it, to prosecute and reduce demand, it is not that difficult to do so.

Deputy Marcella Corcoran Kennedy: I am very concerned about the fact that the convictions referred to earlier related to minors. Has Ms O'Connor come across any evidence of minors being used for sexual exploitation?

Ms Monica O'Connor: Yes, the research indicated that 11% of the 102 women and girls who were trafficked were under age at the time of being trafficked. That has been borne out by the Garda National Immigration Bureau and its trafficking figures. Between 10% and 20% of those trafficked are under age when identified. However, what is really critical is that very often by the time women are encountered within prostitution or identified as having been trafficked, they are over age but when asked about their age at point of entry, one often finds it was between 14 and 16. One of the women I interviewed for my research, for example, was 18 at the time of interview but was 15 when she left Romania. The issue of age of encounter and age of entry into the industry is important in terms of policing and services. Basically, in response to the question, around 10% of those trafficked or involved in prostitution are minors.

Deputy Marcella Corcoran Kennedy: The word compassion has been used several times today and I believe we are all compassionate and want to ensure that people get to live healthy and productive lives. Sadly, in this industry, it appears to be very difficult to get to the bottom of what is driving it. Is there any research available which indicates where the appetite for young people is coming from? A lot of research has been conducted with those who are servicing this demand, but has anybody looked at where the demand is coming from? Is it a societal issue? Is it learned in the sense that people are becoming desensitised to pornography? Where is it coming from? If we criminalise the user, will people take time to reflect and look on the purchase of sex in a different way?

Ms Monica O'Connor: I have read about ten of the surveys on buyers of sex and there certainly is a language of consumerism, commodification and the objectification of women. There is also very clearly a relationship between what is available and the consumer response or demand for that. Where prostitution is legal, tolerated, legitimised and available, the demand increases. There is no doubt about that. In Sweden, for example, it is often forgotten that major educational campaigns were conducted alongside the criminalisation process. The drink-driving campaign in Ireland is a useful example in this regard. It is not an either-or situation. We must go for education on what is acceptable. The law in Sweden is declarative and normative and not just punitive. What we should be attempting to do is to change the values. We need to change how men see women in general and change the fact that they see it as ac-
ceptable to buy consent and to override consent in the context of a consumerist model. I would urge such an approach, which is educational but is also penalty-based. Fines were mentioned, and in Sweden fines are issued. They have a very rehabilitative system of justice. They are not imprisoning people. That is not what is happening. The law there is very declarative and asserts that the people there want different norms so that young men will grow up with a very different perception of what prostitution and its harms is about.

Senator Katherine Zappone: I thank Ms O’Connor for her presentation and I regret that more members of the committee were not here for it, not only because Ms O’Connor is the author of what I believe is very significant research into this area in Ireland but also because of the way she very helpfully explained the two primary approaches we are examining. Her comments really added value to the submissions she has made. I have a question on the submissions by Dr. Whitaker and others regarding the recommendations that have emanated from the UN that favour a legalisation model as distinct from the Swedish model of criminalising the buyer. My understanding is that the reports that have been referred to, the ones that emanated from the UN, do not necessarily speak on behalf of the UN, completely and utterly, and other pieces of UN legislation or reports offer a different analysis and recommendation. I ask the delegation to say a few words about that because it would benefit the committee and it is important to put it on public record.

Ms Monica O'Connor: I have prepared a note. There has been a lack of clarity. It is important to state that the recommendation comes from the UNAIDS advisory group which has stated that it does not represent the views of the UN.

With regard to criminalisation, the Swedish approach has been to decriminalise and enhance harm reduction services. Therefore, binary or polarisation of the issue is totally unnecessary. Obviously if one decriminalises victims then one ensures that there is access to all HIV and healthcare. The situation in Europe is very different to what was referred to by the UN. For example, Sweden does not have an anti-harm reduction policy. The polarisation of the matter ensures that there is an enhancement of harm reduction and harm elimination. It is a parallel and complimentary system. I accept that in places like India, which has a massive level of children and young people in prostitution, one does not want to criminalise them in such a way that they cannot access healthcare. That is not what the Swedish or Nordic approaches are about. There is confusion about the report, that it somehow suggests that what we are advocating in Ireland is not entirely supportive of harm reduction.

There is some confusion about gay and lesbian rights in this report. Obviously adult consensual sex is an entirely separate issue from buying somebody for the purpose of sexual exploitation. Sometimes it is presented as if we are denying healthcare or HIV and AIDS services but we are not. I advocate that we provide all of those services and move towards criminalising demand.

Senator Katherine Zappone: In terms of the submissions received by the committee there has been criticism of the evaluation conducted by the Swedes into their own legislation, particularly that it lacked scientific rigour. Does Ms O’Connor wish to comment?

Ms Monica O’Connor: I have met Anna Skarhed who is a Supreme Court judge.

Senator Katherine Zappone: She was the author of the evaluation.

Ms Monica O’Connor: It was a highly regarded commission of inquiry that was led by a
Supreme Court judge. Here in Ireland I would not put myself in the same situation of criticising the rigour of a report because it would be unfair. One of the criticisms has been that the starting point adopted by the Swedes was that they would not repeal the legislation. That is a complete misunderstanding of a commission of inquiry which is similar to our own. For example, if we had a commission of inquiry on rape or marital rape legislation then our purpose would be to find out how effective or ineffective the legislation is and whether it could be improved with regard to attrition or conviction rates, not whether to repeal it.

The recommendations in Anna Skarhed’s report are mostly about how to improve and enhance the legislation in, for example, convictions. The criticism led me to think that people did not understand that the commission of inquiry had such a purpose in the first place.

**Senator Katherine Zappone:** I thank Ms O’Connor for her helpful comments.

**Deputy Aodhán Ó Riordáin:** I am not a member of the committee but I am interested in the topic. I was attending another committee which is still sitting but I wanted to listen to this debate. I have only been here for 20 minutes and the debate has been fascinating.

I am a former principal and teacher of an inner city girls school that is in an area of acute disadvantage. One cannot introduce legislation without a cultural shift in society or educational programmes taking place. I have a sense of how young girls and young men view themselves in terms of their sexuality and sexual power. I know about the commercial pressures that are placed on children which shortens their childhood and demands them to be sexual objects before they are ready. Does that play a part in dealing with prostitution here? The delegation may have touched on the matter earlier and I apologise for going over old ground. How big a role does drugs play in leading people into the sex trade? I was a political counsellor in the inner city and I had to deal with an issue related to street prostitution. At the time the Garda suggested that a drug habit led to the huge number of young women in prostitution.

The Swedish approach seems to be the most sensible. The delegation has outlined the comparative situations in the countries that surround Sweden and it has led people to believe that the Swedish model is a good approach. However, other issues need to be tackled such as educational disadvantage, poverty, drugs and the sexualisation of young people. This is not a simple matter and I look forward to hearing the response.

**Ms Monica O’Connor:** I have spent my life working on issues similar to those outlined by the Deputy. I agree with him that this is not a simple matter but I will give two brief answers.

There are between 40 to 60 young women on the streets in Dublin because of drug related issues. Unfortunately, it has not been mentioned that 90% of prostitution is conducted indoors and the prostitutes are young migrant women. Their level of drug abuse is quite different and includes prescription drugs, cocaine and other forms of drugs. Drugs are still involved but prostitution is less visible. Prostitution does not solve the issues of poverty, drug addiction and migrant women but exacerbates them. The more young women who are in prostitution then the more drugs will be used. Recently I interviewed women and I witnessed their gradual deterioration because they took more and more drugs to cope with what they had to do and they have quickly spiralled out of control. I agree with the Deputy that there is a need for services, especially the provision of health services for the women who will speak about drugs and all of those issues at the next session.

I passionately support the providing young men and women with education on sexuality.
By criminalising demand one would create a norm and provide an opportunity to discuss sexual consent and what consensual adult sex is. It is not about the purchase, objectification and commodification of young girls. My son travelled with a Swedish friend and he said that it was interesting that we have forgotten that in Sweden the criminalisation of prostitution was accompanied by a lot of education on how to perceive sexuality and young people participated in programmes about sexual consent. It would be helpful if people could see that the issues are not mutually exclusive. Imposing a penalty here would be a strong message by the Government that we do not accept that this set of girls are available for sale. This approach would present a real opportunity for a wider discussion.

I referred to the issue of drink driving. If we as a society state that something is not acceptable, attitudes change. Normative behaviour has much to do with what we have decided is acceptable. I have worked in the areas that have been mentioned and I was a teacher. The issues in question go hand in hand. Introducing legislation would present an opportunity for a debate.

Chairman: I thank Ms O’Connor for her useful comments. Norway’s approach was criticised. Will Ms O’Connor comment in that regard?

Ms Monica O’Connor: The Norwegian report is under debate. I will not comment on it, as I have not read all of the details. We are a year down the road. In Sweden, evaluations were made after ten years. That has also been the period in Holland and Germany. Research and evidence-based evaluations are much more useful.

Chairman: I thank Ms O’Connor. I must apologise for the fact that members have been pulled away to other duties and for the lateness of the hour. Three speakers remain. Would it be in order for them to present one after the other, followed by a final round of questions? There are no objections. I call Dr. Pillinger.

Dr. Jane Pillinger: I will not be making a presentation. I am present because we are joint authors of the research. I was going to answer questions on the research, but Ms O’Connor did such a brilliant job that I will not need to speak. That has saved a bit more time.

Chairman: Fair enough. I call Dr. McGarry.

Dr. Kathryn McGarry: I thank the committee for this opportunity to present the findings of my doctoral research, which I hope will be of some interest to the committee. My doctoral research focused on the lived experiences of women involved in prostitution in Ireland and, in particular, on how their experiences were impacted by the context within which they negotiated their lives. In the next few minutes, I will argue that any consideration of policy change should seek to enable rather than disempower those engaged in negotiating risk within the sex work environment. I will briefly discuss some of the major findings of my research and their implications for policy.

As has been mentioned, sex workers are not an homogenous group. There is a variety of experiences of sex work and policy must account for this variability. Sex work is a complex social phenomenon and experiences, including of risk, differ among sex workers, even within the same context. Risk is not inherent - it is situational. Risks transpire differently for different individuals.

The women with whom I spoke as part of my study challenged the stereotypical notions of women and men in prostitution as passive or being vulnerable to risk. They were active risk managers in their everyday lives. However, their strategies or capacities for minimising risk
were severely compromised within a criminalised regime, particularly so in the case of the most vulnerable people involved in prostitution. As mentioned, criminalising activities associated with prostitution primarily targets those who are most visible and, as such, has the greatest negative impact on the most vulnerable.

While I found evidence of positive relationships between sex workers and members of An Garda Síochána, many of the women with whom I spoke felt that, because they operated outside of the law, they did not have recourse to legal safeguards and could not report violent crimes. This serious issue is compounded by international evidence highlighting the impact of criminalised or partially criminalised environments on the capacities of sex workers to control where, under what circumstances and to whom they sell sex. This exposes them to violence and exploitation. The women with whom I spoke called for official recognition to ensure that their safety would be an institutional priority.

Proponents of the Swedish model seek to criminalise demands as a means of eliminating prostitution. While selling sex is legal in Sweden, there is a legislative limbo of sorts, as it is difficult for sex workers to do so and to do so safely. This is a concern. Furthermore, viewing sex work through a paradigm of violence against women and viewing all women involved in sex work as being at risk limits the capacity to distinguish between acts to which the women consent, however mistaken we believe their consent is, and acts to which sex workers have not consented and could leave them physically harmed or dead. As such, it limits the opportunity to intervene to ensure the latter type of violence is reduced.

An important issue has not been raised today, namely, that the Swedish legislation on banning the purchase of sex reduces sex work to a heterosexual exchange between a female seller and a male buyer. This ban ignores the reality of male prostitution. There is evidence in Ireland, particularly from the Gay Men’s Health Project, of the lived realities and the issues impacting on the lives of male sex workers. This issue needs to be considered.

The ability to isolate and target victims of trafficking, coercion, exploitation and enslavement in the sex industry is severely compromised when all activities associated with that industry are regarded as exploitation. Evidence from Sweden suggests that sex work is becoming less visible rather than less common. Judging by presentations on a previous day, the issue of prostitution adapting to policy change needs consideration. Some commentators have regarded the Swedish model as impacting on the sex industry in such a way that it becomes a chameleon. Rather than retreating, it simply changes form to adapt to the new circumstances. This makes law enforcement unworkable and perpetuates risks for the most vulnerable, as they become less visible.

The criticism of the 2010 official evaluation of the Sex Purchase Act has been noted. Senator Zappone referred to the lack of scientific rigour. From a social science perspective, insisting that the purchase of sex needed to remain criminalised limited and weakened the integrity of the evaluative process.

There has been mounting public criticism of the Swedish model within Sweden despite the official line of widespread public support for the ban. The Swedish model, which has been described as a primarily male disciplinary model, does nothing to address gender inequalities and neglects other inequalities that can play important structural roles in prostitution, for example, class and race. Furthermore, such a system compounds the inequalities faced by an already disenfranchised group of individuals involved in prostitution.
Policies that solve problems need to be begin with pragmatic evidence-based data if they are to construct responses that do not start from ideological standpoints. While there are arguments, ideological and otherwise, for and against the merits of different prostitution systems, as have been noted, what should be of greatest concern in any debate is the effectiveness of policy in safeguarding the health and human rights of sex workers. We do not know for sure what is valid and how much more needs to be found out, but much of the international evidence points to policies of decriminalisation rather than legalisation as being moves in the right direction.

While the exploitation and coercion of marginalised women, children and men into the sex industry needs to be the focus of criminal justice policy, structures of oppression and inequality that limit autonomy, particularly for women, cannot be addressed through prostitution law. Instead, they call for wider social policy interventions. Marginalising voices through exclusion and stigmatising through legislation compound some of the oppressive practices described at this meeting. Shifting the focus away from criminal justice and towards public health, social justice and social care enables those who work with the most vulnerable groups in the sex industry to provide optimum support. Safety for sex workers should be prioritised through harm reduction to protect those who are most vulnerable, to intervene for those who are at risk and to acknowledge those who do not conform to a victim identity.

While different perspectives have abounded and been aired at this meeting, perhaps we could find points of intersection concerning shared commitments to the safety, social justice and politics of inclusion for all, but particularly sex workers, in issues that will impact on their lives.

Chairman: I thank Dr. McGarry for her interesting presentation.

Ms Emma Regan: I thank the committee for inviting me to speak. I will summarise our written submission and discuss free choice, violence against women and the legislation. Our submission comes from a feminist perspective, in that we believe that prostitution is inherently exploitative of women. From an ideological perspective as well as a practical one, the Swedish model is the best route to take in terms of legislation.

We referred to trafficking. Many women who are involved in prostitution do not fit the legal definition of having been trafficked, yet they did not enter the industry through free choice. Since many women entered prostitution as children, they did not consent. Coercion and deception are also issues, as are the “lover boy” type of relationships and pressure. Poverty can lead to women who are in desperate situations and with limited choices entering prostitution. Dr. Whitaker mentioned that women may choose prostitution over, for example, shoplifting or drug pushing, but the argument for free choice is not great if the only alternatives are other illegal activities. It must be acknowledged that the majority of women in prostitution have not made free choices to enter the industry.

As Deputy Ferris stated, the belief of all of the women present that we would never freely enter the sex industry is acknowledgement of how unlikely such a choice is for women. We accept that some women freely choose to do so, but the majority do not. We should legislate for the majority.

Prostitution is inherently exploitative and there is a culture of coercion and violence owing to pimps, traffickers and brothel owners. It is the idea that someone can buy another person’s body to use as he or she pleases. Given the culture of prostitution, the prostitute feels that he or she cannot say “No” to whatever is suggested and must go along with it once money changes hands even though an agreement has been negotiated beforehand. This leads to a disassociation
from the experience and a numbing of the physical senses. For these reasons, there is a high instance of substance abuse.

This situation is not in line with the dignity of people, particularly women. Although it is not solely women who work in the sex industry, they form the majority. The majority of buyers are men. This creates a gender dynamic whereby the bodies of women are for sale in the sex industry, a situation that relates to the wider dynamic of the objectification of women in society and the media.

We support the Swedish model. Demand could be reduced by criminalising the sex industry. Buyers have identified the risk of disclosure and gaining criminal records as a major deterrent for them. We are told that, as the buyers are ordinary men, it would be bad to criminalise them, but there is no right to a sex life if it comes at the expense of someone else’s right not to be abused and exploited because he or she is in desperate circumstances. Demand can be reduced and the sex industry can be shrunk.

Legislation would send a strong message to the effect that women’s bodies cannot be bought and sold, but it would help were the legislation to be supported by an educational campaign similar to Sweden’s. Education on consent and sexuality needs to be in place in Irish schools so that societal norms can be changed when legislation is brought into effect.

Chairman: I thank Ms Regan. Do members have questions or comments for Dr. McGarry or Ms Regan?

Senator Katherine Zappone: I thank both witnesses. I apologise that more members are not present. The presentations were helpful. I will ask Dr. McGarry a question, as I cannot find the details in the submission before me or in the wider submission that she just presented. What sample did she use in her doctoral research, out of which she offered her views and analyses? To how many people did she speak?

Dr. Kathryn McGarry: My doctoral research was an in-depth qualitative study that involved approximately 25 qualitative interviews, 13 of which were with sex workers in the Irish sex industry. Eleven of those workers were street-based, one had experience of working in brothels in Ireland, Australia and New Zealand and another sex worker was called a “touring escort”, in that she worked around Ireland for certain periods before returning home.

Senator Katherine Zappone: It was a qualitative methodology. Dr. McGarry stated: “Policies that solve problems need to be begin with pragmatic evidence-based data if they are to construct responses that do not start from ideological standpoints.” Verbally and in written form, she mentioned that safety, human rights and social justice should be at the forefront of any legislative change in terms of prostitution. Would she not consider this statement an ideological standpoint?

Dr. Kathryn McGarry: That is an interesting question. My approach is one of removing prostitution from the criminal justice code while determining the best ways of intervening to address the needs of the most vulnerable. Much of the rigorous evidence base suggests an approach that considers social justice in terms of not restricting by way of policy the rights of those involved in the sex industry to health care, social care and so on. It should not be restricted because of policy and there must be recognition of the vast array of experiences within the sex industry, including both male and female sex workers.

There is an issue regarding redistribution, which has come up time and again. There is an
idea that prostitution should never be the only choice that somebody has, and it would be very wrong in our society if that was the case and we were not pooling our resources and putting them to use to ensure it is not the only choice somebody has. That is as opposed to criminalising the buyers, which has been found to negatively impact the most vulnerable people within prostitution.

This is not coming from an ideological standpoint as to the rights or wrongs of prostitution but rather consideration of ways in which we can take prostitution from the criminal code and address the support needs of individuals without any restrictions or limitations. I am not coming at this from an ideological standpoint.

**Senator Katherine Zappone:** When the witness says that, does she mean she is not coming at the issue from a moral perspective? She will not make a judgment about whether prostitution is right.

**Dr. Kathryn McGarry:** Absolutely. I am not here to say whether prostitution is right and prostitution policy should not be approached from an ideological perspective. There is evidence to suggest that in doing this, the process will not work.

I have mentioned the example of decriminalising prostitution as a possible policy option, which has not been considered as much as the Swedish model or legalised systems for addressing sex work. There is an example from New Zealand of the Prostitution Reform Act 2003, where section 3 states that in decriminalising prostitution the New Zealand Government does not seek to advocate or endorse the use of or engagement in prostitution. It is simply about protecting the health and safety of those involved in prostitution and a range of other measures. There is no ideological standpoint as part of policy to address prostitution in that context.

**Deputy Marcella Corcoran Kennedy:** I thank the witnesses for their presentations and their patience. As part of her research, did Dr. McGarry establish how many people were independent operators and at what age they got into prostitution? Were they working with another prostitute or pimp?

**Dr. Kathryn McGarry:** All of the street-based women I spoke with executed a range of different risk management strategies, one of which was working in pairs in order to try to deter violence. There is a strategy of taking down car registration numbers and “spotting” for an individual, which has also been noted in other research in Ireland. It is a means of having some sort of control over the working environment and limiting some of the risks. As far as possible, the women work in pairs or groups, although it was not always possible. Some of the women spoke about experiences of violence when they had to work on their own and being exposed to danger when they had to go to locations with which they were not familiar, etc. For the most part, they felt that working in pairs allowed them to feel safe in some way.

Current legislation around prostitution in Ireland criminalises somebody profiting or living from the earnings of prostitution. Where women work in pairs as a strategy to minimise risk, they would also help each other financially, so there is an ambiguous area that cannot always be very readily defined. Under legislation it would be regarded as pimping if somebody took money from another person when acting as a “look-out” on the streets.

**Deputy Aodhán Ó Riordáin:** The witness initially indicated that it would be a mistake to state that all women involved in the sex trade are at risk. I am not sure if I heard that correctly. The witness also indicated that saying something like this would have a disempowering
effect. Will she elaborate? The Irish Feminist Network is advocating an education programme and schools were mentioned. Schools only go so far so is there a recommendation on how a wider societal public awareness campaign can be mounted around the sex industry or rights of women?

**Dr. Kathryn McGarry:** I thank the Deputy for the questions. I stated that arising from my study, viewing all women as “at-risk” in prostitution blurs the line, limiting the opportunity to make a distinction between acts to which a person has consented - however mistakenly we believe that is - and acts to which a person has not consented and which may leave him or her physically harmed or at risk from an individual. It reduces the opportunity to intervene and target violence against women and men in prostitution. If prostitution is regarded as inherently violent, we do not make any qualitative distinction between violence perpetrated against sex workers and the violence of society that forces somebody into the sex trade.

It is a complex issue and there are a number of different ideological standpoints in this regard. Such a stance can be unhelpful as it blurs the lines somewhat. For example, it makes operational definitions difficult to establish from the outset, and coupled with this is the lack of substantial evidence on experiences in the sex industry in Ireland as a base line. I make this point given the criticisms of the official Swedish evaluation, with the idea that sketchy evidence was presented that was very inconclusive with regard to what works, women’s safety and so on. With evaluation, we need pre-intervention or pre-policy data collection as well as post-policy data collection for comparison. That was not available in Sweden and we do not have anything substantial in Ireland, regardless of some of the really good attempts at this work from Ms Monica O’Connor, Dr. Jane Pillinger and others involved in data collection on the sex industry in Ireland.

Much of the conversation about the sex industry is Dublin-based and we must think about what is going on elsewhere. One of the women in my study toured Ireland and it seems she did so quite independently and working by herself. She did not advertise her services as much as other touring escorts because she had “regulars”, which touches on the argument made earlier about the underground being a redundant notion as a consequence of the Swedish model. People who have “regulars” do not require as much advertising as others.

**Ms Emma Regan:** With regard to the educational campaign, I saw it primarily as working in schools so that it could reach young people, and boys and young men, when they are on the brink of forming sexual relationships and developing their ideas about that. There certainly could be a public awareness campaign at the same time, especially when the legislation is introduced, to educate the public about the law, the rationale behind it and what it means. That would tie in with an ideological perspective on equality and gender equality.

**Deputy Marcella Corcoran Kennedy:** I asked a question about the group Dr. McGarry interviewed. How many of the 19 were independent? What ages were they and at what age did they enter prostitution?

Ms Regan will have heard a comment that prostitution was a need for some sectors of society. She referred to this in relation to rights. Could she expand on that? She referred, in particular, to someone who is disabled.

**Ms Emma Regan:** If we accept that prostitution is exploitative and that people enter it without making free choices we have to balance the rights of those people with the rights, which were referred to, of people who are interested in having a sexual relationship and cannot do so.
It is clear to me in any event, that the right of a person not to be abused in prostitution would come before the other rights referred to. For that reason, it is not vitally important to advocate for the rights of people who cannot have sexual relationship in another context to have such a relationship through the availability of people for sale.

Dr. Kathryn McGarry: Three of the sex workers I interviewed entered the sex industry under the age of 18. One of the women was 14 when she entered the sex industry. Her mother, who was also engaged in the sex industry, brought her down to Benburb Street and that was her introduction. Another person mentioned being involved sporadically. After leaving care at 15 she had a sporadic engagement with survival sex and returned to the sex industry at 18. Someone else mentioned getting involved at 16. The other sex workers I spoke to were all over 18. At the time of interview they were between 20 and their mid-30s.

Deputy Marcella Corcoran Kennedy: Were they all operating independently? They did not have any reliance on a pimp, or whatever. They were totally autonomous.

Dr. Kathryn McGarry: That goes back to the point I made about the ambiguous concept of pimping. A number of the women had partners who were not working. Two of the men offered protection to the women. The man would stand at the top of a lane to offer protection and the woman would share her earnings with him at the end of the evening. In the eyes of the law, that would be regarded as pimping activity. None of the women spoke about having an independent person, with whom they were not in a relationship or friendly with, who controlled their work. Considerable ambiguity surrounds this issue and the definitions involved in it.

If every person was on the same page and we all wanted to eliminate prostitution through the law, the Swedish model is not the way to do it. It has counteractive effects in that regard.

Chairman: We are looking at all kinds of models.

Dr. McGarry, did you seek out, or try to discover, people who had been coerced and were in prostitution against their will? Did you come across anyone like that, or try to?

Dr. Kathryn McGarry: I did not come across anyone like that.

Chairman: Did you try to?

Dr. Kathryn McGarry: I spoke to one of the women who had worked in a brothel in Dublin and I asked her about evidence of trafficking. She said none of the women she worked with had been trafficked. One of the women, however, was not a European citizen and had asked a sister to organise documentation to allow her to come here to work in the sex industry. That would, perhaps, be regarded as a form of deception.

I did not seek out people who were coerced. I acknowledge that as a limitation of my research. My interviews were not with people who were coerced or trafficked into the sex industry. The difficulty of researching this area has been raised time and again. We do not know enough about those who are coerced because they are difficult to find.

Chairman: It was mentioned earlier that there are different forms of coercion. One form of coercion is poverty and lack of education. Would you accept that is a form of coercion?

Dr. Kathryn McGarry: This is a complex issue. We can look at the range of entry routes into prostitution and how they vary. We can look at an accumulation of disadvantage across the life cycle. There is evidence of that, particularly for those who may be street-based or are
problematic drug users. There is an accumulation of disadvantage and risk across the life cycle. Engagement in sex work is just a continuum of that risk.

**Chairman:** May I develop that point? Are you saying there is a continuum from one end where people are trafficked and in sex slavery, through poverty and so on, to a point where people choose prostitution. This might be a question for Ms Regan, because the committee has been contacted by people who say they do this work completely voluntarily. There seems to be a continuum here. Would you accept that many people are involved who, if they had a choice and had different life chances, would not be involved?

**Dr. Kathryn McGarry:** Absolutely.

**Chairman:** Where, on that continuum, were the people you met?

**Dr. Kathryn McGarry:** I noticed an explicit pattern of accumulated disadvantage. Some people speak about the Matthew effect, which refers to a verse from the Bible. He who has will always have and he who is without will always accumulate disadvantage. There was a pattern among some of the street workers who were problematic drug users. They were on a pathway of risk which meant they had very weak starting points in prostitution and accumulated risk throughout their experience of prostitution. It meant they were in a weaker negotiating position with men who were seeking to purchase services. There may have been violence within the home. International evidence supports the claims that some sex workers, particularly the most vulnerable who are involved in street prostitution and some indoor workers, particularly if they have been exploited and coerced and are enslaved within the sex industry, can share a number of early life experiences, such as family dysfunction, periods of time in care, early exposure to criminality in the family, exposure to violence within the home, early exposure to and initiation in drug use and early initiation into the sex industry. That is evident and is the experience of some sex workers.

**Chairman:** You are describing very vulnerable people. When we were in Sweden we were told sex traffickers target the kind of people you describe. In eastern Europe, for example, traffickers target vulnerable people - girls in the main - entice, induce and kidnap them and bring them to more wealthy parts of Europe to work in the sex industry. You have described very vulnerable people. Some young women may have intellectual disabilities. The argument made to us in Sweden was that by reducing the demand for prostitution one reduces the opportunities for trafficking gangs. One of the issues we face is that if we somehow or another say to men that there is a risk that their names will appear in the newspaper and they will be shamed by this, many of them could decide not to take that risk and will not go there. The demand would reduce and the pull factor decrease. Will Dr. McGarry comment on that argument?

**Dr. Kathryn McGarry:** It is an impressive and convincing argument. The Chairman first said those engaging with those services or those who have been trafficked are drawn to those who are most vulnerable. The evidence in Ireland is that much of the vulnerability is visible on the street and a number of people who have been trafficked are indoors. With definitions and everything else, we cannot know for certain how many people are impacted or are victims of trafficking but it is important to note that we need to separate trafficking from sex work.

**Chairman:** What about demand? If demand is reduced, will that not impact on trafficking? This was the argument made to us in Sweden.

**Dr. Kathryn McGarry:** But has demand reduced in Sweden?
Chairman: They maintain it has.

Dr. Kathryn McGarry: By criminalising demand, they seek to reduce prostitution but they have not reduced demand. There is evidence to suggest it has not been reduced in any significant manner. The Rose Alliance in Sweden, for example, which represents sex workers, has noted that there has not been a significant reduction in the number of the clients they engage with. One major issue, however, is the increase in the number of violent clients. Furthermore, in 2003 a brothel was raided in Stockholm and the names of 571 clients were found on a database. That was three years after the introduction of the purchase ban.

Another argument that has been made relates to the increase in sex tourism with men leaving Sweden to purchase sexual service elsewhere.

Chairman: Why are they leaving Sweden? Is it because of the criminalisation of the purchase of sexual services there? That would be the assumption.

Dr. Kathryn McGarry: We do not know. It might be an assumption but certain clients are leaving while other violent clients remain. Brothels have been operating in Stockholm, Malmo, Gothenburg and so on unimpeded by the sex purchase ban. Evidence was provided to the committee by Dr. Eilis Ward and Dr. Gillian Wiley about the uncovering of a trafficking ring recently in Gothenburg. The argument that criminalisation is a panacea does not hold water.

Chairman: I address my final question to Ms Regan. I apologise for the lateness of the hour but she has witnessed how engaged we all are by this topic. It has been put to us by a number of people that they have chosen of their own free will to engage in this work and some of them want to appear before the committee, which we are considering. They say they have a human right to do what they like and they do not want to be impeded in their work and choice. They say they have made a free choice and a rational decision. What has Ms Regan to say to them?

Ms Emma Regan: It is a situation of weighing up the continuum to which the Chairman referred to previously and deciding if the vast majority on that continuum have not made a free choice. Then those are the people the law should seek to protect. Those who make a free choice to enter the sex industry would not be criminalised by this law and if demand remains, it is possible that they will manage to operate in the sex industry but the people who do not wish to do so will be less likely to because there will be less demand.

Deputy Aodhán Ó Ríordáin: I acknowledge the committee has a great deal of work to do not only on the demand side, but on the supply side as well. Poverty has a huge part to play in that but I was struck by the reference to the 14 year old who was brought into the sex trade by her mother. How prevalent is that practice? Did this result from coercion or was it a by-product of total family dysfunction?

Dr. Kathryn McGarry: It was only one case that I came across. The evidence suggested an accumulation of risk across the life cycle of a particular individual through exposure to prostitution in terms of her own mother who was involved. That was one element of her experience and it was her entry route into prostitution. We do not have figures or substantial evidence to suggest how prevalent this is or the scope of this as an issue.

Dr. Jane Pillinger: I have also done work with vulnerable women in the Philippines who were trafficked and it is interesting. This is not just global; it is happening within small communities. The issue is very much one of the grooming of young vulnerable women by family members, pimps, networks of local criminals and so on. The vulnerability and disadvantage
experienced by so many of the women who come into prostitution, particularly those who do so at a young age, needs to be addressed as a serious issue. It is not a free choice for somebody to come into prostitution because it is the only opportunity for them to earn money as an alternative to drug trafficking or involvement in drugs. It is about ensuring those young women have sustainable exit routes out of prostitution. The research both Ms O’Connor and I did in the dignity project showed this is a multifaceted issue. It is not just about demand; it is also about making sure of the protection for the women, the identification of exploitation and abuse and the criminalisation of the traffickers in order that it is not an isolated strategy and is one of many strategies. Fundamentally, we come from the position that the targeting of young vulnerable women whether they are from developing countries is because of poverty, lack of education and a lack of knowledge about what is happening. All our evidence shows us it is about vulnerable, disadvantaged women.

It is wrong to say that there is not sufficient research on this. We identified in our research at one moment in time 102 women who had been trafficked into Ireland and into the prostitution industry. The two are absolutely connected and cannot be seen as separate categories. We also found that the Irish prostitution industry - it is different from the way prostitution has changed over the past number of decades - comprised 98% migrant women, many of whom had been trafficked. Some had come to Ireland through promises of work or they had been internally trafficked after work opportunities failed. There is substantial evidence in Ireland - perhaps more so in Ireland than in most other European countries - as a result of the research carried out.

Ms Monica O’Connor: As Dr. Pillinger said, we are forgetting that the same circumstances of vulnerability apply to young migrant women, 90% of whom are engaged in the prostitution industry in Ireland. This relates to the Chairman’s point about the continuum of vulnerability. There is also a continuum of coercion and deception. The Lithuanian Minister told me that they do not need to lock these girls up in vans and take them across borders in chains. The reality is they deceive them about the glamorous life they will have in Ireland. They go through Lithuania and come here thinking they will be models. These are 16 and 17 year old girls. Focusing on force and coercion and not looking at the vulnerability and risk factors, as Dr. Pillinger said, and the targeting of those vulnerabilities is very naïve. It is also very disingenuous to differentiate between girls who are trafficked and those who are not trafficked. The reality is that when they end up in the circumstances in Ireland, they are in equally exploitative situations regardless of the means of entry. I believe that Dr. Pillinger would agree with me that at a policy level in Europe there is a shift in seeing that continuum. A recent report referred to it as a continuum of predatory practices. Rather than simply saying there is this very clear division, it is a whole continuum of coercion. It is very rare that on reaching 21 a person wakes up and says: “Today is the day I won’t go to medical school and will go down to the local brothel.” The continuum is very important in regard to coercion and also in terms of choice.

Chairman: I will allow one final question.

Deputy Marcella Corcoran Kennedy: I have a question for Dr. McGarry. Previous speakers talked about separating sex workers from trafficking and I cannot understand the thinking behind that considering the evidence we have from the anti-trafficking unit in terms of the successful prosecutions it has secured. Why should the two be separated?

Dr. Kathryn McGarry: Basically my argument is that we do not conflate trafficking and sex work. As I mentioned in my presentation, there are a variety of experiences of sex workers involved in the sex industry. Not every person involved in the sex industry is exploited. Not every person has the same entry route or pathway into prostitution. People engage in prostitu-
tion for a range of reasons. As I said in response to a previous question, by failing to make a qualitative distinction between the violence of a society that forces somebody into the sex trade and however we might describe that, and violence as perpetrated against individuals in the sex trade - those who are enslaved in the sex trade, exploited in the sex trade, trafficked into the sex trade and so on - we limit the opportunity to intervene in those cases because if everything is regarded as exploitation, how do we identify real exploitation? While we do not have the numbers to quantify that, if a number of women argue they are involved voluntarily and engage in sex work independently without coercion or exploitation, and we paint it all with the same brush, then we are denying the supports and services that should be targeted at real victims of exploitation and enslavement. For that purpose and given the range of evidence internationally which supports the notion, we should separate sex work from trafficking in terms of our responses because, otherwise, the issue gets completely blurred and we cannot intervene for those who are really at risk.

Chairman: Why would somebody at the age of 21 or 22 decide to take that path? Has that been addressed in the research Dr. McGarry mentioned? Why would they make the choice?

Dr. Kathryn McGarry: There are a range of reasons people become involved. Based on some of the evidence from my research, one of the individuals was in university at the time and wanted to support herself.

Chairman: It was for money.

Dr. Kathryn McGarry: The decision was financial. Another individual had a business elsewhere in Europe and that business was under some sort of financial strain and she became involved in the sex industry to finance that.

Chairman: Again the motivation was money.

Dr. Kathryn McGarry: There a range of different circumstances and reasons people become involved. That is not to say that one way is right and another way is wrong and to deny the reality.

Chairman: The two cases Dr. McGarry mentioned involved financial pressure. Has she come across anybody who decided to make a career choice to become involved?

Dr. Kathryn McGarry: In my research nobody mentioned career choice. This is one of the arguments that comes up repeatedly. Can sex be work and can we call it sex work? I am not here to answer that. I am certainly not here to endorse or advocate sex work. In an ideal world we would like to hope that prostitution should not be an option for somebody to go out to work. There should be a range of options and nobody’s autonomy should be limited in terms of that being the only choice somebody has available.

Chairman: I thank all the witnesses for attending what has been a marathon session. I appreciate their patience and the time they have given to this debate on a very complex matter.

The joint committee adjourned at 5.37 p.m. until 2 p.m. on Wednesday, 23 January 2013.
The Joint Committee met at 2 p.m.

MEMBERS PRESENT:

| Deputy Marcella Corcoran Kennedy,  | Senator Ivana Bacik,            |
| Deputy Alan Farrell,               | Senator Paul Bradford,          |
| Deputy Seán Kenny,                 | Senator Martin Conway,          |
| Deputy Pádraig Mac Lochlann,       | Senator Fiach Mac Conghail,*    |
| Deputy Finian McGrath,             | Senator Rónán Mullen,           |
|                                  | Senator Denis O’Donovan.        |

* In the absence of Senator Katherine Zappone.

DEPUTY DAVID STANTON IN THE CHAIR.
Review of Legislation on Prostitution: Discussion (Resumed)

Chairman: The purpose of the meeting is to have a discussion with some of those who made written submissions on the review of the legislation on prostitution in Ireland. The joint committee will hear from two organisations and two individuals. On its behalf, I welcome Dr. Derek Freedman and Ms Linda Latham. From Doras Luimní I welcome Ms Patricia Stapleton, anti-trafficking officer, and Ms Okereemute Okeregha, legal officer; and from Gay Men’s Health Service, I welcome Mr. Michael Quinlan, manager, and Mr. Daniel McCartney, researcher, Gay Health Network. The format of the meeting is that we will hear from the representatives of each organisation and individual who will make opening remarks for five minutes or thereabouts, as we have received the submissions, which will be followed by a question and answer session.

Before we begin, I draw attention to the position on privilege. Witnesses are protected by absolute privilege in respect of the evidence they are to give to the committee. However, if they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against a person or an entity by name or in such a way as to make him, her or it identifiable. Members should be aware that under the salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the Houses or an official by name or in such a way as to make him or her identifiable.

I ask everyone to switch off his or her mobile phone. Leaving it in silent mode is not good enough because it interferes with the recording system; therefore, it should be switched off completely.

I invite Dr. Freedman to make his opening statement. I understand he is making a Powerpoint presentation.

Dr. Derek Freedman: I want to speak about the public health dimension. I have been in genito urinary practice in Dublin for close on 40 years in St. James’s Hospital and my practice in Ranelagh. I have spent most of my time in my practice in Ranelagh.

Essentially, we have a lot of data and information on sex workers but very little on clients, which is obvious because it is difficult to get to study them as a group. I see clients as patients, but who are they? Everybody is represented - it is the man in the street, from Members of the Oireachtas to down and outs. There are no exceptions, which is something we have to bear in mind. The issue impacts on the entire population.

Hooking up, as it was called in the United States, is easy through the Internet, media, mobile phones and parlours. There is very little happening on the street now compared to when I started in practice, partially because of the Irish weather but also owing to the Internet and mobile phones, as people work out of apartments and hotels.

A question one might ask is: why do people go to prostitutes? Sometimes they go out of curiosity but alcohol is probably the biggest factor. People go out, drink too much, struggle on their way home, go down streets where prostitutes may be available or go into so-called...
night clubs. Sometimes we see big groups; this was particularly the case when the construction boom was at its height, during the builders’ holidays after Christmas, and trips to Thailand were common. The committee will be aware of how plasterers work as a team. On one occasion a full team came to me and said to me they had been to Thailand. It also happens at stag parties. However, alcohol remains a common denominator.

Another group may suffer from sociophobia; they cannot make contact and meet people and do not have the necessary social skills. They may be very good in other social contexts, but when it comes to being intimate, they do not have the ability to make the jump to be close to somebody.

Loneliness is another factor. People can be very lonely and have nobody to contact them. Once they start, they can become addicted. I see quite a number of people each year who admit they have become addicted to using prostitutes and sex worker, the Internet and so on. They need a particular intervention to help them.

There is also the occasional person who is a sociopath, somebody who has no concept of the consequences of his or her behaviour. One could ask why this is the case when sex is so readily available in Dublin. One only has to go to Temple Bar, Kilkenny or anywhere else-----

Chairman: I will stop Dr. Freedman there, as the premises he has mentioned are of no consequence in our hearings.

Dr. Derek Freedman: I am sorry.

Chairman: The two institutions included in the graphic are of no relevance to the subject matter of our hearings.

Dr. Derek Freedman: They were taken because they looked attractive on the website.

Chairman: They are of no relevance to the subject matter of our hearings.

Dr. Derek Freedman: Absolutely not.

One aspect we should consider is the reason people look for sex workers. Sometimes they are just seeking comfort. I do not know if any of the members of the committee has seen the Visconti film, “The Leopard”, in which the prince deals with social change in Italy - Sicily - at the time of Garibaldi. In his family there is complete coldness. At the end of the film, he walks down town to a woman whom he obviously visits frequently and who actually talks to him and gives him comfort in times of stress. We must appreciate that many people do receive comfort. Many of the girls and men say much of what they do is not just providing sex but actually giving comfort to people.

There is a social stigma and a barrier associated with the use of sex workers. People do not feel it is the right thing to do, but when they break that barrier, there is the potential to be hooked. We are probably most interested in the public health consequences. The reality is that sexually transmitted infections are rare among the thousands of clients of sex workers I have seen during the years, particularly those who use sex workers from western Europe, North America and Australia. One is safer with a professional than a gifted amateur.

Where there has been contact in South-East Asia, eastern Europe or Africa, in particular, there are substantial risks. The consequences in practice are anxiety, stress, guilt, remorse and a great fear of infecting a spouse or partner. This can be overwhelming or disabling. On occa-
sion, we have had to have patients admitted for psychiatric care because the stress, anxiety and remorse was so overwhelming.

When a patient comes to us, our aim is not just the elimination of infection. The WHO has a much wider perspective on sexual health that involves the enhancement of the expectation of a good and full sex life. Our aim in checking for infection is merely the technical one; the real aim is the preservation of the marriage, relationship or family unit. What we never want to happen is for a stupid drunken night out to destroy a family unit. We try to identify underlying causes such as addiction, sociopathy, inadequacy and alcohol, but we do not want to destroy the family.

In that context, one of the subjects of debate is the concept of criminalising the client. One must think extremely carefully before doing so. It would certainly make our rehabilitation work much more difficult. If people are not only fearful of infection but also of a criminal charge, the consequences for their health, particularly their psychological and psychiatric well-being, could be immense, especially since there are inadequate health service resources to deal with the actual problems we face rather than anything else. We all like solutions, but we sometimes like simple solutions and believe certain approaches are obvious. However, at the hard end of an STD clinic life is much more like a scrambled egg. There are many things going on and the simplistic solution does not work.

We need to set boundaries for both the client and the sex worker to protect both. We must protect the client from the pushers and the sex worker from the serpents, the pimps. That is the context in which we should examine this problem and the surrounding legislation. We must seek to protect people from harm, be it caused by oneself or others. It is well recognised that trying to eliminate sex work or prostitution, irrespective of how broadly one defines it, is really trying to take away something that has always been part of society.

Deputy Marcella Corcoran Kennedy: I thank Dr. Freedman for his presentation. He mentioned his role in private practice and in St. James’s Hospital as part of the clinic. He is qualified in physiology rather than psychiatry or psychology.

Dr. Derek Freedman: One practises medicine in its totality. In the specialty of genito-urinary medicine we recognise that sex is not just genital driven but also by the head. We do have a lot of psychological input. It is important to know what drives and motivates people in order to deal with the problem in an holistic way rather than simply dealing with the infections.

Deputy Marcella Corcoran Kennedy: I am asking about the qualifications of those involved both in Dr. Freedman’s practice and the clinic. Are the staff qualified to deal with the physiological problem or are they trained in the use of the required psychological and psychiatric approaches?

Dr. Derek Freedman: We have the full complement of medical services and specialties required.

Deputy Marcella Corcoran Kennedy: Dr. Freedman says one is safer with a professional than a gifted amateur. Will he clarify what he means? If I am not incorrect, he is making a distinction between the countries from which the people concerned come and where they practice. Is he stating it is safer in some countries than in others?

Dr. Derek Freedman: I am emphasising that the patients who come to us who have had contact with a prostitute or professional sex worker are much less likely to have an infection
than an ordinary person who has been picked up in any bar in town and had unprotected sex. The point I am making quite clearly is that sex workers are professionals and look after their business. They use protection and infection through them is rare. Studies of sex workers carried out extensively in many countries have shown that when a sex worker acquires an infection, it is much more likely to be acquired from a boyfriend or pimp than an actual client.

**Deputy Marcella Corcoran Kennedy:** Are the clients who attend Dr. Freedman’s practice predominantly male? What is the percentage? With how many sex workers or prostitutes does Dr. Freedman deal, either in his clinic or St. James’s Hospital?

**Dr. Derek Freedman:** One must recognise that declarations of one’s sexual history are unreliable. I have no specific data and I am speaking from experience of having seen many patients over a long period. I do not always believe what I am told, but I always screen for the full set of infections to ensure nothing is missed. Many people come to see me who have paid for sex but who would certainly be hesitant to admit it. Most say they picked somebody up at a bar or club, or another place of that nature. I have been to many bars and clubs and certainly never been picked up or received an offer; therefore, one must certainly take what people say with a pinch of salt in any walk of life, particularly when one is taking a sexual history.

**Deputy Marcella Corcoran Kennedy:** Is it predominantly men who come to the clinic?

**Dr. Derek Freedman:** In terms of professional sex worker contact, they would be predominantly men, but we are aware of a growing number of women who frequently travel abroad to make sexual contacts.

**Deputy Marcella Corcoran Kennedy:** Do they come to Dr. Freedman’s clinic?

**Dr. Derek Freedman:** We see some, but not many.

**Deputy Marcella Corcoran Kennedy:** Do any sex workers come to Dr. Freedman’s clinic?

**Dr. Derek Freedman:** A few but not many because, by and large, they do not have infections. Also, one faces a situation in which some——

**Deputy Marcella Corcoran Kennedy:** If they do not come to Dr. Freedman’s clinic, is he assuming they do not have infections, or are they going somewhere else?

**Dr. Derek Freedman:** What I was going to say was there has always been the phenomenon that people might not work in their home town and that workers in Ireland may go back to England or to the other countries they come from to get checked out there. People usually like to go to a physician who speaks their own language and has their own cultural background.

**Deputy Marcella Corcoran Kennedy:** The presentation Dr. Freedman gave is his opinion based——

**Dr. Derek Freedman:** Precisely.

**Deputy Marcella Corcoran Kennedy:** ——on the experience he has had over a number of years treating people.

**Dr. Derek Freedman:** That is what I stated from the outset.

**Deputy Marcella Corcoran Kennedy:** It is his opinion.
Dr. Derek Freedman: Precisely.

Senator Ivana Bacik: I thank Dr. Freedman. I have discussed this with him before and I do not accept quite a number of his basic premises, particularly the idea that because prostitution has always existed in society we should somehow be persuaded against criminalising the purchase of sex. All sorts of human behaviour has been around for a long time but it does not stop us from seeking to regulate, restrict or prohibit it where we feel harm is being done.

Dr. Freedman said he did not think it was a good idea to criminalise the client exclusively, but under the 1993 Act, although the purchase of sex is not an offence, clients are criminalised in other ways. Doras Luimní will make a presentation on the targeting of clients by the gardaí in various operations they have had, notably in Limerick but elsewhere too. That is already there. Is Dr. Freedman’s objection to the exclusive criminalisation of the client?

Dr. Derek Freedman: I am very conscious of the effect on the client.

Senator Ivana Bacik: I am curious to know whether Dr. Freedman approves of the idea of decriminalising the sale of sex. We are looking at the Swedish model. Some of us visited Sweden, saw it in operation and spoke to many of the stakeholders. We were very impressed by it. We were impressed not only by the enormous benefit it has provided to former sex workers, who had been the sellers of sex, but also to the positive good in society. I was struck, in particular, by what we heard about Swedish law enforcers. When they arrest a client for the purchase of sex - they are not arresting the seller anymore because the sale of sex is no longer criminalised, so she is protected by the law in a way that she is not here - they also offer the client social services and support mechanisms to deal with some of the issues raised in Dr. Freedman’s presentation which may have motivated him in seeking to buy sex. It is not just a criminal procedure. They have built into that supports to try to prevent reoffending by the client, which I thought was impressive. It is not all criminal justice in that there is another motivation to it too.

The main point is that the Swedish approach protects sellers of sex - the sex workers - from the harm and exploitation that many people who work in the front line say is inherent in the act of prostitution, and I am looking at Ms Linda Latham’s presentation. Harm reduction models such as those advocated by Dr. Freedman and others, under which one does not criminalise the purchase of sex, sidestep that fundamental issue. Is the act of prostitution itself harmful and exploitative of the mostly women involved in it? I am sorry; that became a very long question.

Dr. Derek Freedman: I would not like Senator Bacik to have any impression that I am against decriminalisation. I am strongly in favour of decriminalisation. What I was trying to put forward was the concept of setting boundaries of what is and is not acceptable.

The Swedish model is very attractive, as presented in Sweden, but this is not Sweden and this is not Swedish society. Swedish society is different and is very controlled. In terms of STIs, for instance, there is compulsory notification. If one catches chlamydia, one’s doctor must make a list of all one’s partners, which is then notified to a public health authority. It then becomes part of the public remit. That is the type of very tight control that exists there.

Senator Bacik is implying - it would be an absolutely marvellous idea - that if clients are taken into the system, they would be helped to deal with their problems. Since we are doing so poorly at protecting our children, I do not think I could see resources being applied to protect the clients of prostitutes at this time. This would be a very idealistic thing. I deal with people
on the ground who have problems, and we have to face that.

In a presentation made here in the autumn, people from Sweden said they were happy that they had virtually eliminated street prostitution. We have done that here through the mobile telephone, the Internet and the Irish weather. When I was thinking about this, I googled the words “Stockholm” and “escort” and got 2 million hits, so the problem has not been eliminated or dealt with in Stockholm. I never did see many people come back to me having had sex worker exposure in Scandinavia at any time, and there certainly has not been any sort of change. One sees the odd one and they are readily available.

Senator Denis O’Donovan: I listened with interest to Dr. Freedman’s presentation. It probably came from a different perspective from that to which we have been exposed in regard to the Norwegian or Swedish model, which is also in place in Iceland and other countries. This committee is trying to garner evidence to see what we can do about the problem. There are dark sides, such as the terrible situation of women being trafficked for prostitution and the safety of women in many instances. We do not have the Swedish model or the Amsterdam model; in one sense, it is a sort of underground and turn-a-blind-eye model.

What would Dr. Freedman say to the committee, which has no particular agenda, on the introduction of laws or regulations which would make it better for society? Does he feel a Swedish model is unlikely to work? Would he suggest what is done in Amsterdam and other cities, where the industry is very transparent, workers are registered and so on? What could we do to stop the terrible trauma and crime of trafficking women and the exploitation of women? How can we protect women without damaging the workers?

I accept some of what Dr. Freedman said in regard to the effect on men who have addictions or psychological difficulties. I am not saying I condone it, but Dr. Freedman, as a medical person, has dealt with such people. What should this committee do to make the situation in Ireland better?

Dr. Derek Freedman: I do not think the Amsterdam model is one we would like to see imported here, no matter-----

Senator Denis O’Donovan: It might get rid of the inclement weather.

Dr. Derek Freedman: -----what it might do for the tourism industry. Senator O’Donovan has hit precisely on the correct points in that what we should be looking to do is to protect people from harm - in particular, to protect sex workers from exploitation and trafficking - and to protect under-age people. We must put our resources into helping these people develop their lives into something different from sex work, which is a short cul-de-sac in anybody’s life. We need to be sensitive in order to protect and acknowledge the dynamics of why people become sex workers. We need to ensure that if the clients of sex workers become exploitative or violent or display confrontational behaviour, they feel the full weight of the law and society upon them.

Senator Martin Conway: Senator O’Donovan touched on most of what I had planned to say. I acknowledge the presentation and I appreciate that it is a perspective the committee needed to hear.

With regard to protecting people in the sex industry, does Dr. Freedman advocate the legalisation of prostitution? I do not necessarily mean the Amsterdam model, which is the most noteworthy legalised version. Does he advocate legalising prostitution in a similar manner?
Dr. Derek Freedman: Certainly not. As Members sit here they are focused on legalisation and the law, but I deal with and see human beings and human behaviour. The law sets barriers and protection and that is what the committee needs to do. The Amsterdam model would be totally inappropriate for Irish society. Heavy criminalisation would be equally inappropriate for the occasional person who needs or desires the services of sex workers, where no harm is done. We all seem to think that prostitution, in neon letters, equals exploitation and degradation. It is my feeling and understanding over the years that prostitution has a much wider context. We all prostitute ourselves in some ways, or rather for different advantages and different things. Some do it for money, some do it for sex and some do it for advantage. It is all part of the wide spectrum of human behaviour.

Senator Martin Conway: I am trying to figure out the model Dr. Freedman would prefer. Does he want to leave things as they are but with added protections?

Dr. Derek Freedman: I am not a legislator.

Senator Martin Conway: We are, and that is why we are interested in hearing Dr. Freedman’s views.

Dr. Derek Freedman: I do not have an answer to the problem. I have an opinion and can give the committee some insight into and understanding of the dynamics. The main problems with the current situation are exploitation, trafficking and under-age sex workers, and that should be the main target.

Senator Martin Conway: Fair enough.

Senator Fiach Mac Conghail: I thank Dr. Freedman for his presentation. Is he in favour of the status quo? The committee seeks clarity and a subtle steer from various submissions. Dr. Freedman’s presentation suggests - I do not wish to put words in his mouth - that he wants to retain the status quo. Is that correct? I am not just concentrating on legislation. In his final comment he outlined the connection between trafficking and prostitution, which we also believe exists. Is he in favour of the status quo? If not, what does he recommend? Does he acknowledge that there is a link between prostitution and trafficking?

Dr. Derek Freedman: We can improve on the status quo.

Senator Fiach Mac Conghail: How?

Dr. Derek Freedman: By providing more services and protection for sex workers and more services for clients who have addiction and alcohol problems. Certainly, one can improve on the status quo. I am sure we all find under-age workers, trafficking and exploitation repugnant, and members have an obligation to legislate and provide resources.

Deputy Pádraig Mac Lochlainn: I thank Dr. Freedman for his presentation. He brought a different perspective to the debate when he outlined what motivates the clients of sex workers.

As Oireachtas Members, we have been lobbied and received many representations on this subject. Obviously we have received representations from organisations who work on the front line with prostitutes and sex workers. We have also had representations from immigrant groups, women’s groups, domestic violence groups and trade unions. All of them have asked us to understand that it is unacceptable for a man to purchase the services of a woman, that it is exploitative, and that it cannot be described as work under any international definition of work.
Dr. Freedman gave a compassionate assessment of what motivates individuals. In contrast, according to the organisations I listed, sex work is a cause of profound injustice and exploitation and is a global challenge for all parliamentarians and societies. What are Dr. Freedman’s thoughts on the matter?

My understanding of the Swedish model, although I may be wrong, is that where a man - or a woman, which happens in much rarer circumstances - is caught purchasing sex, he or she has the option to make an admission and receive a fine, thus avoiding court. Therefore, the name-and-shame element or disruption of the family does not happen. Only one case has ever gone to court and the rest made an admission and received a fine.

There is another aspect. When we met practitioners such as the police and social services, particularly the latter, their approach was to offer men assistance with what they defined as a problem in the form of counselling. This was to ensure that the client, who is almost always a man, can understand why he needed to avail of the services of a sex worker. What does Dr. Freedman think of both issues?

Dr. Derek Freedman: The stereotype of a person who engages in prostitution or sex work is that he or she has been driven into the work because of a severe need or want and that there is exploitation. I heard an interesting plenary talk at a meeting of the International Union against Sexually Transmitted Infections, IUSTI, in October by Professor Sevgi Aral, who had studied in the Ukraine. Her report was interesting and the findings were stunning to me. She reported that rather than being recruited by pimps, the girls approached the pimps asking to be put on their books because they wanted to work. There is not one universal model. The workers do not fit the stereotypes. The way some of the girls who were workers spoke at the meeting in the Department of Justice and Equality in October was not talk of being exploited. I do not believe that all of the workers fit into this stereotype. There is a much wider spectrum of people doing sex work. Some people may be doing it and not even know in certain social contexts.

The second point refers to what the Deputy described as happening in Stockholm. About 20 or 25 years ago, during a World Health Organization fellowship in Stockholm, I saw the way the systems work there, and they are admirable. It was very interesting. In the late 1970s and early 1980s in particular there was tremendous social support. In the hospitals in Sweden I saw some of the worst cases of deprivation, including cases of skin ulcers and frostbite, that I have ever seen, because people who had fallen through the network had fallen to the ground and there was no support. If someone was in the system it was fantastic but if he or she fell out of the system it could be much worse than anything one could imagine. I would be afraid the same thing would happen here. When I was in Sweden we saw the wonderful clinics, the systems and the contract tracing but if someone fell out of that system he or she could be lost. I am afraid the Deputy may have been shown the system but perhaps not what happens in the apartments, hotel rooms and so on. There is a much wider context. It may not be quite as ideal as what he was shown, and nothing I have heard from my colleagues who work in STI clinics - which are at the hard edge in terms of seeing people who avail of services - tells me there has been any major change.

Senator Rónán Mullen: I thank Dr. Freedman, and I am sorry I was not able to be present for his presentation. In the course of observing proceedings on the monitor he may have answered some of my questions. I ask him to forgive me in advance for that. It might sound discourteous to ask a question which the doctor has already answered.

Dr. Freedman made reference to the idea that were we to criminalise the purchaser of per-
sons for sex, it might impel some kinds of vulnerable unfortunate - what we might call sad types - to harm themselves in some way.

**Dr. Derek Freedman:** The Senator is outlining a significant risk.

**Senator Rónán Mullen:** Is there evidence of that?

**Dr. Derek Freedman:** No. The type of data he is looking for is extremely hard to get. We have many suicides and so on and we just do not know why they have happened. I have seen people utterly devastated by a simple act of little consequence. It is tragic and sad.

**Senator Rónán Mullen:** What I want to tease out is whether it would it would hurt such people less, for example, if there were to be a consistent social message against the purchase of persons in prostitution. Would Dr. Freedman favour such social messaging? If we consider, for example, the resources we spend on discouraging drink driving, speeding and other kinds of behaviour that we would describe as anti-social or dangerous, directly or indirectly, to other persons, would Dr. Freedman favour a social consensus against prostitution as something that is anti-social?

**Dr. Derek Freedman:** A couple of conflicting and different thoughts cross my mind. People die from drunk driving. People die from alcohol and cigarette smoking. In 40 years I have not seen anybody die from a prostitute contact.

**Senator Rónán Mullen:** while there are people who might well compete for the money, and some people might enjoy a certain kind of lifestyle because they are at a certain level in prostitution, is it not possible that what Dr. Freedman is dealing with are people who have been desensitised to a considerable degree by their life experiences and low self-esteem and who then find themselves in a situation in which they compete for money or resources, because that is the means?

**Dr. Derek Freedman:** In the first comment we were talking about clients.

**Senator Rónán Mullen:** Okay.

**Dr. Derek Freedman:** In the Senator’s second comment he is talking about sex workers.

**Senator Rónán Mullen:** Yes - agreed.

**Dr. Derek Freedman:** That brings to mind a working girl who came to attend my clinic. She attended regularly and there were no problems other than a significant infection. She met somebody and stopped working, and her family were outraged because they had become used to the money. What happens in some cases is that while some of the clients are addicted to the sex, some of the workers become addicted to the money. This is not a case of one simple answer fits all. There are so many strains and threads of human behaviour that work through this; the purchase of sex for money is just one manifestation. I remember reading an article in *The Observer* many years ago about a wife who discovered her husband was using sex workers. She asked him what was going on and then said she would go with him. She went with him and suddenly realised that the sex worker was talking to the person, putting the person on a pedestal and making him feel good. She bailed out rapidly and it gave her a considerable insight into relationships.

**Chairman:** The Senator should ask the next two questions as quickly as he can because we are against time.
**Senator Rónán Mullen:** Organisations such as Ruhama do not like to refer to a person as a prostitute because they feel it portrays the person as doing something wrong. However, neither do they use the term “sex worker” because they believe it sanitises something which should be socially discouraged. It tends to use the term “a person in prostitution”. I was wondering whether the term “sex worker” implies some kind of attitudinal neutrality?

Does Dr. Freedman believe that in the effort to combat trafficking there is none the less a strong argument that if we criminalise the purchase of sex we inhibit a certain category of people from going with persons in prostitution because they now know that what is going on is illegal? However one deals with it, whether it is a case of the Probation Act or some kind of merciful sanction to take account of the vulnerability or inadequacy of some of the clients Dr. Freedman describes, making it illegal in itself might help make the country a colder house for traffickers.

**Dr. Derek Freedman:** The Senator raises an interesting point: in the same way that there is a statutory age process, purchasing sex from somebody who is being trafficked or is under age could be deemed a criminal offence. That could have some practicality in currency, but it is exactly what I was saying about protection and the setting of a boundary. That would have some currency in my mind.

I concur with what the Senator says about the use of the term “sex worker” or “prostitution”. People sometimes use the word “promiscuity”, but what does that mean? Is it twice a day, three times a year or four times a night? There is no definition. It is a prerogative term and it would be much nicer if we had other ones.

**Chairman:** I call Deputy Corcoran Kennedy to ask a very brief question.

**Deputy Marcella Corcoran Kennedy:** I just want to make a comment. I am uncomfortable when I hear people referring to people in prostitution as “girls”, because girls are of a particular age group and we need to be careful about the language we use in that regard. I would be interested to hear Dr. Freedman’s views on whether in some societies, be it the Ukraine or wherever, young women or young boys who have a good education and a meaningful life in which they have options and good communications with other people would choose to take the route of creating an income for themselves as a person in prostitution?

**Dr. Derek Freedman:** The way in which the Deputy has phrased the question answers the question.

**Deputy Marcella Corcoran Kennedy:** I am asking Dr. Freedman the question.

**Dr. Derek Freedman:** Obviously not.

**Chairman:** I have two questions. In his brief Dr. Freedman mentioned sexual addiction. Will he briefly describe the incidence of that and the treatments available? He also talked about setting boundaries. Will he please give some examples of what he means as briefly as possible?

**Dr. Derek Freedman:** Addiction is repetitive use of a situation. Some people become addicted to sex as they become addicted to alcohol or cigarettes. The same mechanisms apply. Maybe one does not become addicted to sex quite as quickly as cigarettes. One can become addicted to cigarettes within 24 hours. In regard to boundaries, I do not have the expertise to advise on legislation. I wanted to give a background perspective that was different from what the committee has heard from others.
Chairman: I thank Dr. Freedman for his presentation, which was most interesting and challenging. We went a little over time because the interaction was so intense and challenging. I invite the representatives from Doras Luimní to make their presentation.

Ms Patricia Stapleton: My name is Patricia Stapleton. I am anti-trafficking officer with Doras Luimní, a migrant rights NGO based in Limerick. I am speaking from the perspectives of our outreach work with those in prostitution in Limerick and our case work with victims of trafficking. It is a two-pronged approach. We thank the Chairman and the joint committee for the opportunity to contribute to the discussion. Doras Luimní is an independent NGO working to support and promote the rights of migrants living in the Limerick area. Doras Luimní is also a member of the Turn Off the Red Light campaign. We work on integration, advocacy, immigration advice and support, racism and anti-trafficking.

From our experience, the majority of women who are engaged in on-street prostitution in Limerick are migrant women. Our multi-agency outreach initiative was formed in 2011 amid growing concerns about the increase in on-street prostitution and the visibility of migrant women in Limerick. Additionally, the need for support became apparent due to the marginalised and stigmatised nature of the work and the lack of support via mainstream services for those engaged in it. Our concerns for this cohort are shared by other service providers in the Limerick area.

Outside Dublin, Limerick has recorded the highest number of detections of prostitution and brothel-keeping in the Republic. We have encountered mostly migrant eastern European women in the course of our outreach in Limerick City. The indoor sex trade, as advertised on escort websites, consists of Irish, European and non-EEA nationals. Arguably, prostitution is very complex. The reasons people become involved are varied. However, we will not expand on this today as I believe this has been well covered in previous sessions.

Our concerns are shared by other local organisations and we relate them to the committee briefly as follows. Upward of 90% of women working in on-street prostitution in Limerick are migrant women. Some of the women appear to have little or no English and have trouble communicating the most basic information to non-customers. The women involved appear to be quite young - between the ages of 18 and 24, and sometimes we guess they are younger. There appears to be a high level of transnational organised crime involved in the prostitution industry in Limerick. Some women have worked in several European countries prior to working in Ireland. This increases our concern in regard to trafficking and the likelihood that they were trafficked as minors. High levels of mobility are indicative of human trafficking. We know that those who organise prostitution use different means to control women or coerce them into selling sex, varying from subtle manipulation to outright extreme violence. The families of these women often enter into an agreement with the suspected traffickers whereby the girl or woman involved is brought to Ireland and is then in a position of debt bondage. These women continue to be criminalised by the existing legislation. Penalties are usually in the form of a fine. We have had cases of migrant women from non-EEA countries - mostly Brazilians and Africans - who are involved in off-street prostitution and advertise via web-based escort agencies. Through Operation Quest in 2012, one woman came to our attention as a victim of trafficking.

We believe, in light of the above, that the Criminal Law (Sexual Offences) Act 1993 has had an adverse affect on the people who work in prostitution, mostly women. The prostitution industry has changed considerably since 1993, with most prostitution being organised through the Internet and mobile telephones. We are aware that migrant prostituted women in Limerick work in both on- and off-street environments. Their business is a combination of Internet
trade, via websites such as Escort Ireland, and the street trade, often through the organisation of criminal gangs. The minority of Irish women we have encountered appear to be drug users and operate by themselves or with their partners.

As the committee is probably aware, the Garda in Limerick responded to on-street prostitution in 2011 by launching Operation Freewheel. Some 27 men were arrested under the 1993 Act for solicitation. This operation is still ongoing. Due to its effects, street-level prostitution has decreased somewhat in the past year. However, the indoor sex trade continues to flourish and indoor prostitution in Limerick is considered to be rampant.

Based on our experience, we recommend the criminalisation of the buyers of sex in line with the Swedish model. This appears to have had the necessary deterrent effect, as evidenced in Limerick in the past year. It would also have the effect of deterring families from consenting to exploitation and trafficking of their daughters, wives, sisters or mothers. If a country is not seen as a soft touch for prostitution and sex trafficking it will become a less attractive destination. We recommend increased penalties and custodial sentences for persons who profit from the organisation and control of prostitution - pimps, landlords and those who recruit women abroad for the purposes of prostitution. We also recommend that those who work - who are mostly women - should be decriminalised, as they are the ones who are prostituted. The level of vulnerability and exploitation cannot be overestimated. We recommend the establishment and funding of exit programmes for those seeking to exit prostitution. The habitual residency condition and immigration policy should not have a negative impact on established and funded exit routes out of prostitution; they should not hinder a victim from accessing such programmes. Currently victims of trafficking are housed within RIA accommodation, which is highly unsuitable.

Arguably a disconnect exists in the public consciousness between how society has traditionally viewed the prostituted and how it views those who buy sex. For example, the prostitute is considered deviant or immoral, while those who buy sex have, until recently, simply remained anonymous. This is the inequality that is inherent to prostitution. This was evident in the public response to the recent Operation Freewheel in Limerick, which meant that local gardaí had to defend their work and actions.

Criminalising the purchase of sex would have a normative effect. It sends the message to the public that by treating human beings as commodities one is committing a crime. We believe that this will have a deterrent effect on prospective buyers. It could also serve to shrink the industry, making Ireland a less desirable destination for human trafficking.

Senator Ivana Bacik: I thank Ms Stapleton for her presentation and I apologise as I should have thanked Dr. Freedman also. We are particularly interested in the experience in Limerick, where there has been a recent targeting of clients by the Garda. While Ms Stapleton said that had no effect on indoor prostitution, has it had an effect on on-street prostitution? Has it had the effect of driving prostitution indoors?

Ms Patricia Stapleton: I do not know whether it has driven it indoors. I know from speaking to gardaí regularly through our outreach work that it did have the effect of decreasing the on-street trade, because people have become more cautious. The women who work on the street also work off the street; they advertise both online. The chances are it already exists in both areas. What we see on the streets is only a small percentage of what is actually happening in the entire sex trade in Limerick. We do outreach only one or two nights per week and it has only a very small effect. We know the sex trade is booming every day of the week - daytime,
lunchtime, all times. We believe that what we see on the street is only a small proportion of what is going on. I do not know if the operation has driven it indoors; I think it was already indoors.

Senator Ivana Bacik: We heard from previous groups and witnesses who appeared before the committee about the blurred line between trafficking and prostitution, which is hard to establish - everyone is agreed on that - and the question of whether somebody has been trafficked, or exploited but not quite to the point of being illegally trafficked. I note Ms Stapleton said that 90% of the women working in street prostitution are migrant women, many of whom appear to be young and some of whom appear to have little or no English. Can she say anything about that blurring of the line? Is there a clear distinction?

Ms Patricia Stapleton: The trafficking legislation is very narrow. Only three elements are needed to prove trafficking. Some of the women we have met who have worked in on-street prostitution appear to have quite a lot of autonomy. However, we know that many of the women are from one particular country and one particular area, and how long they have been in the country is indicative of their autonomy. Some of the women appear to have little or no English and we are very worried about them, as they are particularly vulnerable.

In respect of the line being blurred, we meet some women who have been exploited horribly and had very negative experiences but who nevertheless do not satisfy the criteria to meet the trafficking definition. The definition of trafficking must be broadened at some point to reflect the complexity of what drives people to migrate. We have met women who have been exploited for seven years in Limerick who would not consider themselves to be trafficked persons. They support families and travel back and forth, but the fact remains that they are exploited and must hand over some of their wages. Some of the women who come to Ireland do so to repay a debt by agreement between their families and the traffickers. That to me is trafficking, yet it is not defined as such because the women can travel and have freedom of movement. It is, therefore, a tricky and nebulous matter.

Deputy Marcella Corcoran Kennedy: In the main, what age groups are being dealt with? Is there an increased demand on foot of the normalisation of pornography and the appearance of prostitutes in television programmes and films? If so, would a public awareness programme by, for example, the HSE be useful to challenge people’s behaviour by asking them to think about its impact on their own families, as well as to think about where a person has come from, why he or she is in the relevant circumstances and whether he or she might be part of a criminal organisation? For years we drove around without safety belts, whereas now no one would take that chance. Behaviour can be changed. Would a campaign be useful to challenge behaviour and reduce demand?

Ms Patricia Stapleton: We have had real concerns about people’s ages. Most of the women we have encountered via outreach services have been aged between 18 and 25 years. We have often wondered if some were younger, but gardaí in Limerick are very aware and active in ensuring where women are present on the streets that no one under age is being exploited. Generally, women are not much older than 25 years; therefore, it is an issue which involves young women.

I agree that demand has increased owing to the normalisation of pornography. The increased use of technology, including mobile phones and the Internet, is a huge driving force. There is normalisation via pornography, films and myths, but the issue is more complex than this. Public awareness campaigns are very important and should target those in schools and
at third level. Workshops, for example, could be used to get people to think about these issues and what prostitution actually is and where people come from. That is the way forward. Awareness-raising is fundamental.

Senator Martin Conway: I thank Ms Stapleton for her presentation. Why does she think that in Limerick there is such a high level of prostitution compared to other cities? She pointed out at the beginning of her presentation that there were significant levels of prostitution in Limerick. I remember the Garda operation of approximately two years ago. I spoke to a businessman in the vicinity of the location of the swoop and he was of the view that come 6 p.m. or 7 p.m., he could not do business owing to the fact that the streets were filled with people looking for prostitutes and involved in the prostitution business. Why Limerick? Is there a particular reason?

Ms Patricia Stapleton: I do not know. We have asked the Garda and it appears are a number of reasons. Organised crime seems to be the problem as far as I can tell.

Senator Martin Conway: Is it the case that the problem is to be found everywhere but research has been carried out in Limerick?

Ms Patricia Stapleton: The work was a response to the prostitution which became very visible in 2008.

Ms Okeremute Okeregha: Most of the time it is about where people are already concentrated. There are a number of migrant groups established and settled in Limerick. One finds that more people from these migrant groups will come to the area. That could be a contributing factor.

Deputy Pádraig Mac Lochlainn: Prostitution is a problem across the island of Ireland. I am from Donegal North-East where there have been a number of well publicised cases involving brothels and prosecutions. Unfortunately, what happens is that the sex workers and prostitutes are exposed to the media glare and have their stories told, while the high numbers of people using the service never have theirs told. I apologise to the Chairman. We are not here to make observations but to ask questions.

We heard Dr. Freedman’s presentation explaining the perspective of clients. What is Doras Luimnín’s response to the issues raised? Does it tally with what it finds from the women with whom it works?

Ms Patricia Stapleton: As we have had very little contact with clients, I cannot say definitively either way. Sociologically, women tend to be on the lesser footing. People with means tend to buy sex from people with less means, about which there is an automatic inequality.

Deputy Pádraig Mac Lochlainn: One of the criticisms of the Swedish model is that it would drive prostitution underground and put women in more danger. A criticism of our existing legislation is that while a woman on her own in her own accommodation can sell sex legally, a number of people co-operating cannot, which puts women involved in prostitution in danger. They are much safer working with one or two others in a house. What is the Doras Luimnín view of these two criticisms?

Ms Patricia Stapleton: I do not know if prostitution can move any further underground. There is a certain amount of violence inherent in prostitution and the level in Sweden before the legislation came in was the same as it has been since. It cannot be eradicated. It is about harm
REVIEW OF LEGISLATION ON PROSTITUTION: DISCUSSION (RESUMED)

reduction, rather than harm minimisation. One cannot ever get rid of the violence.

It is very unfair that one person can work alone, while two persons working together are seen as running a brothel. It is very problematic. We see in Limerick that people work in pairs and are safer when they do. For example, one could take a licence plate number if there was a problem. From what we can tell, however, brothels in Limerick are not run by independent sex workers but by gangs. For that reason, I do not know how to answer the Deputy’s question.

Chairman: The committee has been told that some people choose to go into prostitution of their own free will and are not coerced. That was criticised and it was questioned whether anyone would make that choice, but we were told that people did so. Does Doras Luimni have a view on the matter?

Ms Patricia Stapleton: While some people enter prostitution of their own free will, that free will is very circumscribed and there are few options open to them. While a gun may not be held to one’s head, one’s options are very limited. People choose to go into prostitution because they have no access to social welfare or the jobs market because of limitations in the work permits system. While it may be a choice, the issue is: what are their options?

Chairman: I thank the representatives of Doras Luimni for attending and express the committee’s appreciation for its presentation. We apologise for the delay, but it can be seen that this is a topic which is particularly exercising members.

Ms Linda Latham: I thank the committee for giving me the opportunity to address members on the future direction of legislation on prostitution. I attend in a personal capacity, but my knowledge and experience have been accumulated in the past 13 years in my professional life as a clinical nurse and manager of the HSE’s women’s health services and through my master’s thesis research on the inadequacy of harm reduction measures in relation to prostitution. I make this presentation and my views public with the greatest of respect for women’s differing perspectives on entry into the sex industry and with an understanding of the complexity of the issues that affect many women. I do not propose to speak for women but rather to convey to the committee my considered thoughts on how my long experience and study of prostitution have affected my analysis and directing of services to women involved in, and seeking to exit, prostitution.

To put the services available to women in prostitution in context, our service is the sole dedicated provider of health care to women affected by prostitution and to victims of trafficking into the sex industry. I planned and implemented the statutory health and social care plan for victims of trafficking in 2009 as part of the Department of justice’s anti-human-trafficking unit action plan and, with my team, holistically cared for those women for several years before the unfortunate division of the two teams. We now have two care teams, one for women in prostitution and one for victims of sex trafficking. My work caring for victims who are trafficked into the sex industry here gave me an understanding of the whole sex industry, with all its horror, control and abuse, and at the same time was the most rewarding work I have ever done in my nursing career. What I learnt helped me to direct the women’s health service and adopt a holistic health care management approach. This enables women to attend in a non-judgmental environment to their health care needs, including full sexual health checks, smear tests and contraception, and we make referrals to and liaise with other local hospitals as necessary. As part of our health promotion work, outreach staff give information on a range of issues including sexual health, safety, Garda liaison, safer sex and condom use, needle exchange and drug treatment referrals to specialist centres. We do outreach in the evenings on the streets and give
As a health care provider I believe it is imperative that we respond to the needs of women. My participation in conducting interviews for the Immigrant Council of Ireland’s globalisation, sex trafficking and prostitution research and my weekly work demonstrates that many women need and require intense support in planning a route out of prostitution. I am pleased to say that concurrently with our harm reduction services we run a three-step exiting plan that creates the opportunity for life planning and gives a focus to planned and supported access to further training and development. In this regard we rely on and are grateful to Ruhama, which develops with our service users the practical skills that empower and enable women to make positive changes in their lives.

At one of the last clinics before Christmas, a woman with whom I had no particular relationship other than a rather curt and functional one, as determined by her, came in and said “I won’t see you any more in the new year because I’m going home.” I put my hand to my heart and said “I am so pleased for you, so pleased.” She began to cry and we hugged one another and I wished her well for the rest of her life. I really wished her a new beginning, a new chapter. I could see for the first time there was a truthful exchange apart from our curt medical concerns over the past number of years - an acknowledgement of what she was about to leave behind and relief for her at the potential for a normal life. I know well that she may not face an easy transition and only now that she has escaped the life will she begin to reflect and weigh up over the years to come the impact of prostitution on her.

I strongly recommend that a routes-out strategy be adopted and formalised with the key players who work with women in prostitution and with women themselves. Here we could jointly consider and utilise previous research on the barriers to exiting prostitution and bring about a standardised referral procedure and a funded statutory and NGO pathway. All my years of work and observation convince me that this is crucial. Many of the issues that prevent women from exiting are related to financial hardship and disadvantage. Provision and consideration of some of the following would greatly help those seeking to exit: some form of social welfare payment or financial assistance; medical cards; free counselling; transitional safe housing; a review of the very restricted 19-hour work permits for students; direct access on referral to, and support from, certain named agencies who work with women in prostitution, such as our organisation and Ruhama; and training courses and schemes that may lead to employment opportunities. When I took over as manager of this service I visited Glasgow and was introduced to city councillors and politicians who had implemented the policy view that prostitution is a form of violence against women. I also visited services such as Base 75 and its routes-out partner. They run a two-pronged service approach: harm minimisation, which includes all sexual health services, and a routes-out programme. It is not an either-or situation. It is possible to run the same service with two different aspects, which is crucial. Over the time I have been observing women I have felt that we are not offering adequate services.

We partnered Scotland on the dignity programme between 2009 and 2010 and visited five countries to observe and analyse models of good practice in care for victims of trafficking and women in prostitution. The Scottish system is very straightforward in acknowledging the harm and the reality of prostitution but very constructive and strong from political to service level in dealing with the issue. We also visited Sweden, which underpinned my inspiration. I was greatly encouraged to see how a state’s response to the global phenomenon of prostitution and sex trafficking could change social attitudes and dramatically reduce the incidence of prostitution and trafficking. The conversations we had with and the things we learnt from people such
as Anna Skarhed, the Supreme Court judge mentioned last week, on attitudes to prostitution, gender equality, and the implementation of Swedish law criminalising the purchase of sex were truly inspirational. The experience of the Swedish rapporteur on trafficking and the work of the prostitution unit, which I took time out of the schedule to visit and discuss services with, were very useful and practical. The Swedish approach, which comprehensively addresses prostitution and sex trafficking, is holistic and makes sense to me as someone working in this area. Policies, backed by legislation with which most committee members are by now familiar, include education and awareness campaigns in schools and society in general; criminalising the buyers, exposing them publicly and imposing fines; outreach for men buying sex and programmes addressing those issues; and comprehensive services for women involved in the sex industry, including victims of trafficking.

Ireland has already implemented a well-thought-out action plan for victims of trafficking, comprising State and NGO participation in the anti-human-trafficking unit. Educational inter-departmental structures have been put in place over recent years. Measures taken to tackle sex trafficking could easily be piggybacked onto these structures, including measures to highlight the damage prostitution inflicts on girls, women, families and society. We do not have to re-invent the wheel but rather adapt measures or services to include the needs of women affected by prostitution. I was very disappointed, when the anti-human-trafficking unit was set up, to find that it focused only on sex trafficking. To me it did not make sense that we were not covering the whole issue of prostitution and sex trafficking, because it is all one industry, the sex trade. The needs of all of these women are very similar, irrespective of their entry into the sex industry, as they have been exploited and often suffer the consequences of prostitution, such as trauma and violence, health impacts, and a need for counselling, money and safe housing.

I would like to draw the committee’s attention to the health impacts of prostitution. In our weekly clinics and in our research with the Immigrant Council of Ireland we analysed approximately 70 patient files and found significant numbers of related illnesses and infections, including chlamydia, bacterial vaginosis, candida, herpes, positive smear test results related to human papillomavirus - the wart virus, hepatitis, syphilis, cystitis, pain on intercourse and intermittent bleeding. These are regular occurrences at our clinic. Every week we see these diagnoses. Our staff also regularly deal with issues such as slipped or burst condoms, crisis pregnancies, sometimes terminated with medication bought on the internet, sexual and physical violence, drug use and homelessness. We have no specific data on the psychological impact of prostitution on women as, unfortunately, we have no counselling service, but from my professional assessment it is an area of great need, and great skill is required to rehabilitate many women affected by prostitution and sex trafficking. I refer to the work of Judith Herman in my submission document and her in-depth analysis of mental health implications, such as post-traumatic stress disorder, for women involved in the sex trade. If poverty, early sexualisation of girls and boys, drug addiction, unstable school attendance and difficult family backgrounds are such risk factors for entry into prostitution, as demonstrated by much research, including the 2004 Home Office study Paying the Price, and as we know from our experience in women’s health services, then surely we have an obligation to tend to those social injustices and address local concerns. We must also tackle the demand for sex, which further perpetuates exploitation by legalising the sex industry, permitting people to buy sex because they can afford it and it is okay to do so.

I have met hundreds of women over the years in clinical practice for whom the indicators and risks are apparent. It has become blatantly obvious to me that it is unethical and unjust to sanitise and legalise an industry driven by financial gain and demand for sexual gratification at the expense of others. I have met women whose lives have been devastated, women who
have felt they are no longer good enough to be a mother to their children. I recall one woman in particular who felt her child was better off with her sister. I have met women who sacrificed so much to earn money to send home for all sorts of reasons. Of course, there are women who earn money out of prostitution and claim they are fine with it. I respect that opinion and wish them well. However, in my clinical experience observing women at different stages over a long period, I can see changes in many women’s personalities. The bright and bubbly people who first attend saying all is fine are gradually flattened and numbed by the experience. If any one of the committee were to engage with the social histories and trauma of the women who have been trafficked or involved in the sex industry, they too would sense the violation. Recently, I attended a sexual health conference on the impact of early sexual experience on young persons. It was suggested that we ask at what age a person had first had sex. I thought about using that question in my practice instead of asking when my patients had first started in prostitution. I recently did so with a young transgender woman who answered that it was at ten years of age and that she was homeless and prostituting at 13. Her mother had had her at 13. Her friend also said she been 14, and that it was very common in their country of origin for girls to be pregnant at 11 and 12 years.

It has been suggested that if prostitution were decriminalised for women and the purchaser of sex were criminalised, that would make it harder for women. I believe the opposite. By decriminalising women we will be relieving them of the pressure they are now under to be covert and they will not face court cases for prostitution-related offences as they do now. They would be encouraged to report violence, robberies and rape without fear of retribution or further incriminating themselves. They would not face fines, imprisonment or deportation, and would be able to access services such as women’s health services and obtain full support to exit prostitution.

I am all for an open and diverse society that welcomes those of different sexualities and genders as well as affording all boys and girls the opportunity to reach their maximum potential freely and without coercion or exploitation. In my opinion, the sex industry does not offer that. Rather, it is a corrupt, harmful and demoralising experience. I hope for all those affected in Ireland and in other jurisdictions that there will be a better way forward.

Deputy Alan Farrell: On the assumption we would follow the Swedish model, Ms Linda Latham stated that we would perhaps have to re-examine our attitudes to the commercial sex industry. Will she elaborate on this? Ms Latham also raised the short working week permitted on a student visa here. Will she also elaborate on this?

Ms Linda Latham: I feel there is a strong wave of normalisation of the purchase of sex. It becomes okay to buy sex and a laddish or studdish opinion seems to well up. We need to be more effective in educating people about this, asking if it is okay and highlighting the harm it causes women. I see women who have been harmed by prostitution week in, week out. What impressed me in the Swedish case was that they did a general campaign educating young lads and girls about these harms. Previously, users of prostitution were called studs, but they are now called losers. Social change is possible with proper education campaigns.

We have noted many cases of South American women. They have a study visa that allows them to work for 19 hours a week. However, that prohibits them from looking for alternative types of work because it would not be enough to sustain them. While I understand this is tied into immigration legislation, perhaps, for particularly vulnerable groups such as these women, some leniency could be considered.
Senator Ivana Bacik: I was struck by Ms Latham’s point that Ireland has a sizeable sex market led by Irish men’s demands but serviced by migrant, impoverished women. This sums up the harms Ms Latham has observed in her clinical practice. I am also interested in her point that it is not a case of either/or. Clearly support needs to be given to exit strategies and routes out, whatever legal model for the regulation of prostitution is adopted. Will she expand on the current model, under which trafficking is singled out for particular criminalisation? Ms Latham stated that the sellers of sex she has observed are similar, irrespective of their routes into prostitution. The question of blurring of lines comes up. Is it hard to distinguish between those who have been trafficked and those who have not but are in prostitution?

Ms Linda Latham: Sometimes it is hard to distinguish between them. Often one can clearly see the difference in different presentations. One does not know the definite fact until one is told by the person. Very few such women have presented to us. Of those who did, some of them had escaped from brothels with STIs. It was clearly evident that they had run out and they had clearly been trafficked. What is difficult now is that they have to go through the Garda National Immigration Bureau, GNIB, to become a suspected victim of trafficking. We looked at UK models of social care for women who were trafficked and in prostitution, and there was a far more participatory role in determining that. In my experience, the harms caused to women in prostitution are similar whether they have been trafficked, are controlled or freely chose to enter it.

Deputy Finian McGrath: I thank Ms Latham for her presentation. She referred to poverty and dysfunctional families. From her practical experience, are most of her patients from such backgrounds?

Ms Linda Latham: The statistic I used is research-backed. In my experience, people who have drug addictions themselves demonstrate difficult backgrounds, proclaiming issues of abuse, drug addiction and homelessness. They themselves are giving us the history of that. Therefore, we can see their vulnerability and that they are already predisposed to any sort of exploitation.

The case of the migrant women, who make up the majority of the persons who come into the clinic, is very different. We saw 360 women last year. Almost 100 of these were on the streets and the rest were women working indoors in prostitution. Some 93% of them were migrant women. Clearly, they have poverty issues. What I thought was that their aspirations would suggest they were seeking to find a way out and to improve their standard of living in some capacity, to get a home and education for their children and an income for themselves. However, often there are layers to their situation and they are funding families and relations back home as well. Therefore, the pressure is enormous on them to stay within the sex industry, although that may not have been their original plan. They may have thought they would do it for a period and then get out of it. That is often what we hear, but then five, six or seven years later they are still there.

Deputy Finian McGrath: Ms Latham mentioned crisis pregnancies and attempted terminations, where people had tried to achieve terminations by way of the Internet. Is that common or does it happen only now and again?

Ms Linda Latham: It happened extensively when we saw persons attending from the African countries. This year, for the first time, our African cohort has reduced significantly. Previously we saw a lot of this happening. There were certain antibiotics that could be bought over the Internet and many women told us they had taken them. Sometimes, the termination by that
method was inadequate and we had to refer women to the maternity hospitals for completion of the termination. Therefore, its extent was significant enough to make an impact on us. I suspect we do not even get to hear about half of it. However, it was more frequent among the African community than we have witnessed here before.

**Deputy Finian McGrath:** I have a final question. In the area of child abuse and child sexual abuse, I am interested in what percentage of these children end up being exploited in later life and in the sex trade. Has Ms Latham any comment to make on that or are there any statistics on it?

**Ms Linda Latham:** There is significant research done on that, but I cannot give the Deputy any statistics on it. However, the Deputy could look at Stolen Smiles, the report done by Cathy Zimmerman or similar research pieces. I could get some for the Deputy. The Home Office clearly draws the connections between early child abuse and later prostitution.

**Deputy Finian McGrath:** Thank you. I see Dr. Freedman agrees with Ms Latham.

**Deputy Pádraig Mac Lochlainn:** When the committee was in Sweden, the point was made on a number of occasions that while some women and men are in prostitution of their own free will and want to remain there, we cannot legislate for the minority but must legislate for the majority. I put this to the Sex Workers Alliance Ireland representative here last week, but I will now put the question to Ms Latham. Does she think there is a way we could legislate to facilitate those women who, according to Dr. Freedman and others, want to remain in prostitution and to provide a service?

**Ms Linda Latham:** Yes, I think the model and idea of decriminalisation for women within the sex industry is the most obvious change that could be made, because this would remove the threat of court prosecutions for those women. I am not speaking for all women, but considering all the options available to them, if some women wish to take the option of continuing in prostitution, decriminalisation would leave them in a freer position than they are currently to continue in prostitution.

**Deputy Pádraig Mac Lochlainn:** I must ask an obvious question in that regard. One of the criticisms of the Swedish model is that it drives women underground, because the men who purchase sex are criminalised. Therefore, decriminalisation for women is not a better scenario for them, because the user is criminalised. The argument made is that it puts them in more danger in terms of what they do.

**Ms Linda Latham:** Again, in all or our reports and estimates, danger and violence are inherent with prostitution, regardless of whether it is on the streets or indoors or whether it is legal or, as currently, not legal, although there is a technicality with regard to whether there is one person or two people involved. Fundamentally, it is not legal to prostitute here. Currently women still come in to our services. There come from all over the country, not just from larger towns - a great presentation was made on Limerick - to Dublin to access services. Men who have to buy sex must be able to find women. It is easy to locate these women and I do not feel the “underground” argument carries any weight.

**Deputy Marcella Corcoran Kennedy:** I am interested in the point made about exit strategies and what should be made available to people who want to get out of the situation they are in. I would welcome Ms Latham’s opinion on what is available in this regard currently and on what we could do to improve it. Will she expand on that?
Ms Linda Latham: From the point of view of our service, traditionally we were more concerned with dealing with harm reduction measures, such as protecting oneself, the medical models, assessment for any clinical dysfunction, provision of condoms and safe needles and so on. However, it does not have to be one or the other. Our service has most direct access to women working in prostitution and women who say they have exited prostitution. Therefore, our service is more involved with women who work indoors, week in and out.

I believe we need a joint model of partnership between services like Ruhama and ourselves, that really works in partnership. From our experience on trafficking, I saw that when the services worked together and grouped their expertise and set up a clear referral path, it worked. If we do not make it part of our policy or do not say we will do something, it does not happen. I have been a long time in the clinic running the service and for a long time I felt we were not offering enough to these women. It has made a big difference that now all the staff offer all women an opportunity to avail of the service. We do not have the scale or expertise to deal with all of this, but we refer on and work with Ruhama in that regard. A joined-up statutory pathway would make a significant difference.

However, we must consider the prohibitive factors that stop women exiting prostitution, such as money. They have no money. A couple of months ago one woman left the building crying. She thought that when she came into us that would be it and she would be out of it with what we could offer. However, we had nothing to offer her. We had no home to send her to or anything. She needed money, so she had to go back out again that very night, despite having made the leap of faith that she was getting out. We had no social welfare payments to pay out. She cannot come to us if she is not in prostitution any more. These are the issues we need to consider.

Chairman: I thank Ms Latham for her interesting presentation and for her time and patience. I now call on Mr. Quinlan or Mr. McCartney and thank them for their patience in waiting.

Mr. Michael Quinlan: We were afraid the discussion was going to be cut off at 4 p.m. My name is Mick Quinlan and I am the manager of the Gay Men’s Health Service in the HSE and I am a qualified social worker. I have been involved in HIV and Aids and LGBT issues over 26 years. Mr. McCartney is a researcher and represents the Gay Health Network. He has worked and studied global health at TCD and is currently working with the international planned parenthood federation as HIV programme officer. We thank the committee for inviting us to this meeting. I would also like to acknowledge the attendance of the Minister for Justice and Equality, Deputy Alan Shatter, at the conference which covered this issue last October. I was delighted he stayed for the whole day and heard directly from former and current female sex workers. It would be great if this committee could arrange a similar meeting with sex workers.

We hope the reference report we have submitted and this presentation will help provide some understanding of the complex issues with regard to commercial sex work, men who have sex with men and disabled people availing of commercial sex, dealt with in chapter 8 of the report. We request that members take time to read the report in its entirety. As men who have sex with men and commercial sex are both taboo subjects and seldom discussed, the report is welcome.

In 1993 the law which criminalised homosexual men and that relating to the availability of condoms were both changed. These changes were the direct result of campaigning and rulings of the European courts but also the health implications relating to HIV. In 1992 the then Eastern
Health Board established the Gay Men’s Health Service, GMHS, which remains the only statutory service for men who have sex with men. The GMHS provides an STI clinic, counselling and support and education and prevention programmes among men who have sex with men. Over 9,000 men have registered with us, of whom Some 15% reside outside County Dublin.

The GMHS is a member of the Gay Health Network, GHN, which was founded in 1994 and leads the way in HIV prevention and awareness of sexual health for men who have sex with men. The Gay Health Network runs the Man2Man campaign in partnership with the HSE. Many HIV and LGBT organisations are members of the network. Last year the Minister of State, Deputy Alex White, and the former Minister of State, Deputy Róisín Shortall, launched campaigns relating to stigma and discrimination.

In Ireland there is a high incidence of HIV and other STI infections, particularly syphilis and gonorrhoea, among men who have sex with men. In 2011 and early 2012 the health promotion surveillance committee reported that up to 40% of all new HIV infections were among men who had sex with men.

The GMHS’s involvement in the area of male sex work began as part of its outreach work and contact with various agencies and groups from 1997 onwards. It helped to establish networks and produced many reports. In 2003 we made a presentation to the Hidden Stories Conference in Stockholm.

As a health and social administrator and manager, it is important to raise some of the issues concerning the introduction of new legalisation. I was going to use a large brush to highlight that a whole section of people and situations were being painted with one brush. This approach is unsustainable and misleading, especially when it seems to be portrayed that only men buy sex and that they only purchase it from women. In Ireland there are three studies highlighting that men who have sex with men buy or sell sex. We are presenting the more recent European MSM Internet survey, EMIS, which shows that there is a significant number of gay and bisexual men and men who do not identify as gay engaged in buying and selling sex in countries throughout Europe, including Ireland.

Mr. Daniel McCartney: The EMIS of 2010 was the largest such survey ever conducted. Of the over 180,000 respondents across Europe, approximately 7% indicated that they had bought sex from another man, while in the region of 5% stated they had sold sex to another man within the previous 12 months. Some 4% indicated that, while abroad, they had paid men for sex. A further 2% said they had received payment while abroad. In the case of Ireland, the Real Lives survey conducted in 2004 and the EMIS of 2010 of over 2,600 respondents show that between 9% and 11% of men who had had sex with men were involved in buying or selling sex. In the EMIS 4.7% of men who had had sex with men indicated that they had paid for sex, while 4.1% said they had been paid for sex. Men who have sex with men in Ireland live in all parts of the country - with almost half residing in Dublin; up to one quarter were not born on the island of Ireland; just over two thirds are only attracted to men, while three quarters identified themselves as being gay. The survey also showed that three quarters were not in a steady relationship, while 6% of those who had been paid for sex and 8% who had paid for sex were in a relationship with a woman. The locations where these men were most likely to meet for sex included websites, saunas and bars, while they were much less likely to meet in public places. Most importantly, 44% of those who had been paid for sex had not been tested for HIV. This compares to a figure of 28% for those who had paid for sex and had not been tested. This was also greater than the figure for the overall survey, namely, 38% of those sampled had never been tested for HIV. The position on sexually transmitted infections was similar. In that context, some 50%
of those who had been paid for sex had not been tested, while 38% of those who had paid for sex had not been tested. The overall figure in this regard for all of those sampled was 42%. Significantly, men who have sex with men who had been paid for sex were less likely to access services for a variety of reasons, including stigma. This data appears to agree with international experience to the effect that sex workers often find accessing services such as HIV and sexual health services difficult owing to real or perceived stigmatisation on the part of health workers, a general social stigma or discrimination within society.

Men who have sex with men who buy and sell sex are very much part of the gay and bisexual male community and are, therefore, difficult to distinguish. Both groups access the GMHS and other sexual health services. Each group has significant health needs in the context of HIV prevention and sexual health. Access to support, sexual health and support services, including information, condoms and lubricants, is vital. Reports show that those who use services and are tested are more informed and inclined to look after themselves. Introducing further legislation would inhibit this and make it more difficult to access services or supports. Legislation may delay people attending, especially if they have symptoms or if they are obliged to search out whom they can attend for STI services. In addition, they would be reluctant to discuss or make disclosures about the type of sex in which they engaged. Legislation would also directly affect the statutory notification process. I refer in this regard to the syphilis notification form which requests information on commercial sex. Furthermore, legislation could create a further stigma and impede the destigmatisation process advanced by the National AIDS Strategy Committee, NASC, and the HSE-Gay Health Network programme.

All of these issues are covered in various Irish, European and international reports, including the UNAIDS report 2012, the recent WHO guidelines and the final report of the UNDP Commission on HIV and the law, which was published in 2012. I strongly urge the committee to review these reports, all of which call for decriminalisation of sex work and the establishment of laws to protect against discrimination, violence and other rights violations faced by sex workers.

Mr. Michael Quinlan: A Gay Health Network study compiled last year indicates that LGBT people, including gay and bisexual men, experience homophobia, violence, discrimination and stigma. These are all added to if the individual involved is living with HIV. The HSE report, LGBT Health: Towards Meeting the Health Care Needs of Lesbian, Gay, Bisexual and Transgender People, published in 2009, outlines the effects on people’s mental and physical health as a result of discrimination, violence and marginalisation. Men who have sex with men who sell sex and men who buy sex from men can certainly experience homophobia and stigma. Further sanctions could and would add to this rather than create a situation where we can engage with people. If we are really concerned about a section of society being exploited, used or abused, should we not set about organising, training and empowering sex workers and offering them support and services in order that they might enhance their lives, rather than taking their livelihoods away? Criminalising the buyers would also directly affect the sellers. For example, in order to make a case, evidence would be required and sex workers’ activities would have to be monitored. How would such evidence be collected? Who would police gay bars, saunas, cruising areas and the relevant websites, not to mention those for heterosexual men and women who wish to buy and sell sex? Would various groups be charged with following and spying on sex workers, seeking sexual health records and so on?

Another hidden group is that which comprises disabled people who already experience difficulties in respect of sex and sexuality. Commercial sex services for these individuals are
very much taboo. However, there are many reports, etc., on disabled people buying sex - from women - an activity in which they have been facilitated by local authorities and carers in Britain and elsewhere. Could these people or their carers be classed as being criminals?

The most important issue for health and sexual health support services is the provision of a confidential and non-judgmental service. Such a service must be confidential in the context of those who use it. We do not have a social work service similar to what is provided in Sweden, where the social worker’s job can be to observe and control sex workers or people living with HIV. Even during the criminalisation period in Ireland, the relevant law which had been introduced by the British in Victorian times was seldom, if ever, used. Unlike their counterparts in Britain, homosexual men in Ireland were not arrested. It must be noted that this was not because there were no pretty male officers in the Garda ranks. It appears that it was just not the done thing in Ireland. When HIV and AIDS became an issue in Ireland, gay saunas were not closed. However, those in Sweden were. Creating a “them and us” scenario leads to stigmatisation, whereas accepting that people selling sex can be lesbian, gay, bisexual, transgender or heterosexual males and females and that those who buy sex can also be lesbian, gay, bisexual, transgender or heterosexual males and females might lead to the provision of better services and supports. In 2003, at the Hidden Stories conference in Sweden, Katarina Lindahl, the chair of the service and a feminist, spoke about being involved in the discussion about penalising men who buy sex, which has been the case since the 1970s in Sweden, though we forget the law has been in place for such a long time. She stated:

Today RSFU does not approve of the current law in Sweden though I see a very positive effect emerging from the discussion. The focus has shifted from only seeing the women to talking about the extremely important role on the demand side. This has to be addressed but criminalisation cannot do this.

I have a November 2012 report from the Swedish Board of Youth Affairs, a government-funded body, which revealed that in Sweden in 2012 more than twice as many young men as women sold sex. According to the study, 2.1% of Swedish males aged 16 to 25 years said they had prostituted themselves in 2012, compared to 1% of women. While in general young men almost exclusively sell to men young Swedish men sold sex to both men and women. Half of the clients of both male and female prostitutes aged under the age of 26 were also aged under 26. This was in 2012 after the law had been in place for a number of years.

In 2003 Ms Lindahl stated:

It has been said a punishment is important because it gives a clear norm about what is not acceptable in our society. But we know there is already a strong stigma related to prostitution and to the people involved. Stigmatisation is never a good thing if one claims to support the individuals concerned. Stigmatisation is only a way to draw a line between us and them.

In Ireland we have only begun to challenge stigma in regard to HIV, and also to challenge homophobia and bullying. We must ensure we do not hinder this work.

I want to take away the large brush I was supposed to bring with me and replace it with a number of small brushes. Perhaps then we will realise that legislation to control adult sexuality and consensual sex is more complex than is thought and, perhaps, is not possible.

Senator Ivana Bacik: My apologies for having to leave shortly to attend the Chamber. I thank the delegates for the presentation and pay tribute to the work of the Gay Men’s Health Service and the Gay Health Network in tackling homophobia and discrimination against people
with HIV. It is important to make that point.

I will focus on legislation and the approach to take. I am reminded that some people have said we should not say the Swedish “model”, rather the Swedish “approach”, because this has already been adapted for use in other countries, and other jurisdictions such as France and Ireland are looking at it very seriously with a view for adapting it. Nobody suggests it is a one-size-fits-all model that should not be tweaked to fit any particular society. Does that approach not have some benefit, however, from the point of view of the arguments Mr. Quinlan made about decriminalising those who sell sex, thereby de-stigmatising the people engaged in the sale of sex? I am interested in that point and raised it before.

Mr. Michael Quinlan: It is interesting that Senator Bacik has asked this. One thing that occurs to me is that were there six people present who were sex workers there might be a really important element to the discussion. I have looked at all of this and really cannot understand how the one can be done without the other; how it is possible to criminalise the one and de-criminalise the other and vice versa, without looking at the issue of the adults who consent to have sex and thereby get into this situation. All I know comes from the reports I have read. We are talking about the Swedish model because the committee has stated that its members visited Sweden. I would have asked the committee to look at the models in Australia, New Zealand and other countries and to consider how we might adapt those too rather than look at only one model.

I would consider how we might protect both parties.

Mr. Daniel McCartney: May I add something to that point? Coming here I was surprised that the Swedish approach is the one that has been spoken about most. I thought that, at a minimum, the committee would look at what recently happened in Canadian legislation where the laws are quite similar to those in Ireland. I believe a stronger example would be the New Zealand model, which is more a form of legalisation and regulation. With regulation, however, I am completely against the mandatory HIV testing that New Zealand had originally included in its model before retracting it. That is the kind of idea I would consider.

The one report that has not been raised is that published by the global commission on HIV and the law which was organised by the United Nations development programme. It does not focus only on public health but looks a range of different issues. There are also some working papers that were submitted as part of this worldwide consultation on issues of criminalisation elsewhere, not only in sex work.

Deputy Marcella Corcoran Kennedy: I thank the delegates for their presentation. Will they clarify one thing for me? They are stating that the people they come in contact with who are selling sex are doing so willingly and are completely autonomous. Am I clear on that?

Mr. Michael Quinlan: I did not say that.

Deputy Marcella Corcoran Kennedy: That is what I am trying to understand. When Mr. Quinlan spoke about men who sell sex to men he did not make that point - but is that the scenario he is seeking?

Mr. Michael Quinlan: No. I am pointing to and showing the different reports. There is a whole range of men who sell and buy sex. In the case of both parties they come from different areas and social backgrounds. Some are autonomous. I do not know where I stated-----
Deputy Marcella Corcoran Kennedy: We are trying to get our heads around this. Mr. Quinlan’s final comment was on adults and consensual sex, whether those adults are paying for it or otherwise. I am looking at the consensual point. Is a person being consensual if he or she is forced into this work simply because there are no other opportunities? Is one consensual if somebody else is controlling one’s actions, for whatever reason? I accept Mr. Quinlan’s point that we have focused greatly on the female in prostitution, for very obvious reasons. Mr. Quinlan has attended the committee to represent men who have sex with men. I am trying to get my head around this. In the early part of Mr. Quinlan’s presentation, which I cannot quote because the battery in my laptop has died, he stated that part of the lifestyle of men who have sex with men is to purchase sex. Am I right about that? Similarly, did Mr. Quinlan state that some men who are in heterosexual relationships may wish to purchase sex?

Mr. Michael Quinlan: This is really the first time we have discussed men who have sex with men in this context, after two committee meetings. It was good that we were asked to make the presentation. I included references to many reports and these are also embedded in the other report I made, which covers the whole range of different issues. Even now, as I look back over certain points, I can state there is a whole range of men who buy and sell sex - all for different reasons. The men who buy sex are also affected by homophobia and the stigma that relates to men who are gay or bisexual. Some of these men are autonomous. The context is not that men who have sex with men will automatically go and buy sex. That is not what I am saying.

Deputy Alan Farrell: I have some brief questions. I thank the delegates for their presentation. I will be honest. I read the submission and it was the first time I have encountered this part of the sex industry in the context of the discussion we have been having. It is very useful.

What percentage of the overall sex market is homosexual? A rough idea will do; I just want to understand the market. What percentage of individuals would be trafficked? Is the number of men being trafficked lower than the number of women? I presume there is but is the figure available? Is pimping commonplace with men offering sex to other men? In the context of the discussion, I understand the dilemma and we will probably face the same dilemma in reaching a decision on the Swedish approach, as Senator Bacik has correctly called it, when we present our report to the Minister. The dilemma is whether to criminalise the users and thus release the providers to choose to avail of the support which clearly they require and are not being offered coherently. Perhaps there is an attempt to offer the kinds of support they require but clearly we are not doing enough.

I think I need to do a great deal more reading on the issue of trafficking, which I hope to do in the next few weeks. Do the witnesses have a view on the Swedish approach to the solution of the problem?

Mr. Michael Quinlan: We set up the Irish Network Male Prostitution, INMP in 1995. A series of meetings were held in Dr. Steevens Hospital and we drew up the document, Such a Taboo - Service needs for males in prostitution in Ireland, 2001. I ask the members to read it. It shows up the different needs of the different areas, such as what is needed about providing services for men engaged in sex work. I used to have four outreach workers in the Gay Men Health Service, but I have none now because of the reduction in service as result of cutbacks. We conducted the first survey of male sex workers some years ago. The difference between then and now is the changes that have taken place. The profile of the men who sell sex have changed a lot. Even I was surprised at the Swedish findings at one level but not surprised at another level. People are more confident now about their sexuality.
Chairman: May I interrupt Mr. Quinlan? I am very curious about the level of trafficking, a question put by Deputy Farrell.

Mr. Michael Quinlan: I was going to come to that point. Within the HSE, we have separated trafficking from prostitution. It was moved from the women’s health project to a separate service. I think that speaks in itself. Representatives from the Garda attended the conference last year and trafficking was separate from sex work and prostitution. In regard to Meno sex and men, I have not come across any situation of it.

Chairman: So that we are clear on this, is Mr. Quinlan stating that he has not come across any situation in which men have been trafficked for the purpose of sexual experience?

Mr. Michael Quinlan: I have not come across it.

We have done a small report on migration. We have found that men who came to Ireland as asylum seekers experienced abuse and so on when they were travelling. That is because they were coming from countries in which a person could be killed if he was gay.

Deputy Alan Farrell: So it is not specific to a person being trafficked because he is gay.

Mr. Michael Quinlan: No. When one is discussing proposed legislation, one must arrive at a definition of prostitution. Even if one had a meeting on that it is difficult to come to a consensus. From the ITRA study, the figures could be 113,000 men who buy sex from women, in the MSM community one could be talking about numbers in the region of 2,500 men buying sex or just over 2,000 men selling sex. It is not a small population.

I think people have an image in their head of what a prostitute or sex worker is but when it comes to men who are buying or selling sex, one can forget about the preconceived ideas because it is not simply the person on the street. That is the reason I was afraid about the brush. People need to stand back, they need to go other countries. I would like members to visit MSM sex worker services and also women’s services in Britain and then, by link, look at the way services are provided in Sweden and Australia. Rather than limiting the exploration to the Swedish model we should look at the model in the whole that can provide service and support.

Chairman: This is our third day of hearings on this subject; we have had approximately 15 hours of hearings so far and I think we are only scratching the surface. The more we delve into it, the more we are learning. Does Deputy Corcoran Kennedy wish to put a question?

Deputy Marcella Corcoran Kennedy: Yes. What we heard in the presentations in the past couple of days is that a number of people want to leave the life of prostitution, whatever the length of time they have been engaged in prostitution and as we have heard from a number of different groups, there are services available to help them.

In Mr. Quinlan’s opinion how many of the 2,000 men he knows who are selling sex wish to exit this way of life? We have heard quite clearly of the number of women who wish to leave prostitution.

Chairman: How many men want to exit prostitution?

Mr. Michael Quinlan: I honestly do not know. The men I know who are sex workers, but not all of them admit to being sex workers, continue to work into an older age. The reason they might stop is because of their age. I have quotations from young middle class men, students,
actors. My colleague, Mr. McCartney, may wish to add to my contribution.

Mr. Daniel McCartney: There is a perception that people who engage in sex work are stuck in that situation, but I do not necessarily think the data we have shows that, but it might show that men who had been paid for sex in the past 12 months said this had occurred only once or twice. They are doing a lot of other things, they are not necessarily stuck in sex work and looking to exit it.

Senator Rónán Mullen: I welcome the speakers. I am very struck at the disparity there appears to be between women’s and men’s stories. When one listens to presentations from Ruhama and others who work with women in prostitution, one does not have to look long before one hears stories of misery and exploitation. I wonder if that is because organisations such as Ruhama are dealing with people at the level of psychological well-being, exploring their past, looking at it as a social problem. I wonder if there is any equivalent effort to try to understand what brings people to the place in which they are selling themselves or purchasing other people in the context of sex. Have people explored this behaviour at the level of people’s psychological and mental health to consider whether there is a social problem and that people who need care are not being cared for?

My second question is the same question I put to Dr. Freedman; do the witnesses agree as a matter of principle that the sale or purchase of sex from another person is anti-social? Would they support public expenditure, for example, on campaigns to discourage such activity as a matter of principle, whatever about the important work they do in working to secure people’s health on an individual basis?

Mr. Michael Quinlan: In response to the Senator’s question on whether it is a social problem, again it comes back to how people perceive prostitution and sex work and the reasons people get involved in it. There are people who engage in sex work on an occasional basis or they fall into it by accident, through poverty or addiction. This includes men who have sex with men. A fair number of men would have been thrown out of their homes and made homeless because they were gay. They ended up in the park or out and about. Some men who were addicted to substances came into sex work and were paid a fair amount at the beginning but they could be exploited in the sense that if the buyer found out they were addicted he could reduce the amount of money he paid. In some areas, there is no doubt there is discrimination, but it is less visible in Dublin than in the past. It is a phenomenon that is probably not talked about, that is, women selling sex. There are cases - men have talked about it - in which they have found a way to make money. I know gay men who have been out cruising, suddenly they meet someone and the other person asks if they are buying. The instigator was not the man going out to buy sex but the person who came up to him in a cruising area and asked, “Are you buying sex?” All of that happens in the MSM community. If a law is brought in, the question is: how can it be implemented? I was so surprised by the policeman from Sweden at the conference last year. They were practically talking about telephone bugs and listening outside the door. The only way they could get the buyer was to monitor the seller. Although they said they were decriminalising the activities of sellers, they were still monitoring them. Social workers were controlling them, especially if they had children. Therefore, it is not as easy as introducing a law. I was asked about the law, but I cannot come down on one side or the other as I am employed by the HSE. However, I cannot see it working.

Senator Rónán Mullen: What about social messaging and cultural education?

Mr. Michael Quinlan: Social messaging is another aspect and I am glad the Senator has
asked about it. One of the things that struck me about this discussion was that we should be talking about this issue in schools. We should be talking about human sexuality and LGBT issues. We need to talk about how people engage with each other, but we need to be very careful. I refer to some of the recent posters used. There was an image of what was supposed to be a sex worker, which can stigmatise sex workers.

**Mr. Daniel McCartney:** We did not get to comment on anti-sexual behaviour. There are strong parallels between this aspect and what happened when we criminalised sex between men. There are strong parallels between that argument and the issue about sex workers. We should not criminalise the private sexual behaviour of consensual adults, including voluntary sex work.

**Deputy Marcella Corcoran Kennedy:** The presentation states the MSM buying and selling of sex are very much part of the gay and bisexual community scene. What I am trying to tease out is whether it is an acceptable part of it, or something that is hidden? For example, if a heterosexual seeks a prostitute but does not want his wife to find out about it, it happens underground and is not acceptable to many. Is the buying and selling of sex more acceptable in the gay and bisexual community?

**Mr. Michael Quinlan:** It is has been hard to distinguish, but there is no doubt that during the years there were cases of discrimination against people who sold sex within the community. Some of it was based on class and whether one was a drug user. The other day President Obama spoke about the Stonewall riots, but who would have thought that people who had fought against oppression for three days were gay, drag queens and sex workers? In the history of the LGBT movement there has been a close association between men and women sex workers. In London, for instance, the police used to arrest the women sex workers. If they were carrying condoms, they were under threat; therefore, the men would carry the condoms, while the women would carry jars of Vaseline. That was one of the associations between them. Within the community and the broader community, in many cases, sex workers, in particular women sex workers, feel safer among members of the gay community and have taken part in LGBT pride events. Who is able to say who is the buyer and who is the seller?

**Chairman:** Our concern is for people who are being trafficked and exploited - it is almost sexual slavery against their will. That is the other side of this argument, or the continuum, about which we are really concerned. I am sure our guests will agree that it is a serious concern for everybody. I thank everyone for being here and giving of their time and expertise. I apologise for the lateness of the hour, but everyone was taking this issue very seriously. We will continue our work and hope to produce some recommendations for the Minister.

The joint committee adjourned at 4.45 p.m until 2 p.m. on Wednesday, 30 January 2013.
The Joint Committee met at 14.00 p.m.

MEMBERS PRESENT:

| Deputy Marcella Corcoran Kennedy, | Senator Paul Bradford, |
| Deputy Alan Farrell,              | Senator Martin Conway, |
| Deputy Seán Kenny,                | Senator Denis O’Donovan, |
| Deputy Finian McGrath,            | Senator Katherine Zappone. |
| Deputy Jonathan O’Brien,*         | |

* In the absence of Deputy Pádraig Mac Lochlainn.

In attendance: Senator Fiach Mac Conghail.

DEPUTY DAVID STANTON IN THE CHAIR.
The joint committee met in private session until 3.25 p.m.

Review of Legislation on Prostitution: Discussion (Resumed)

Chairman: This committee will discuss hearings on the review of legislation on prostitution in Ireland. The purpose of today’s meeting is to have discussions with people associated with the review of such legislation. The committee will now hear from Mr. Paul Maguire, editor of the RTE investigations unit, who is accompanied by Ms Carolyn Fisher from the RTE communications department. Also present are members of the Garda Síochána, Superintendent Fergus Healy, Detective Superintendent John McCann and Detective Inspector Gerry McGrath. The delegates are welcome and we thank them for attending today.

The format is that speakers will give opening remarks of about five minutes’ duration, which will be followed by a question and answer session. Before we begin I draw the attention of all witnesses to the situation relating to privilege, which is important. Please note that you are protected by absolute privilege in respect of the evidence you will give to the committee. However, if you are directed by the committee to cease giving evidence in regard to a particular matter, and you continue to do so, you are entitled thereafter only to a qualified privilege in respect of your evidence. You are directed that only evidence connected with the subject matter of these proceedings is to be given and you are asked to respect the parliamentary practice to the effect that where possible you should not criticise or make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. Members should also be aware that under the salient rulings of the Chair members should not comment on, criticise or make charges against a person outside the House or an official by name in such a way as to make him or her identifiable.

I call on Mr. Paul Maguire to make his opening statement.

Mr. Paul Maguire: Last February RTE broadcast a “Prime Time” special programme, Profiting from Prostitution, which investigated certain aspects of prostitution in Ireland. Under normal circumstances as an investigative journalist, I would investigate a particular story, we would make the programme, broadcast it and leave it at that, making no further comment. I wish to state for the record that as a journalist I am not here to make a submission, nor am I expressing any personal opinions about current legislation or the current review of legislation being undertaken by the committee. Last year I was invited by a number of Senators and Deputies to brief them on the statistical findings from the research that was carried out in the making of the programme. Again today, in attending the hearing I am happy to brief the committee on the findings of the research, and reiterate I am not expressing any personal opinion or making a submission.

In February 2001, “Prime Time” broadcast a special report into prostitution in Ireland. The programme followed almost a year of intensive investigation and research during which we used technology to trail hundreds of women who were being moved all over Ireland on a daily basis. In order to determine the level, or what we saw as the level, of organised or forced movement of women in this country we created a database which recorded every single movement
of every escort every day, as advertised on the Internet. Over a 12-month period the database indicated a high level of organisation and management behind the movement of hundreds of women every week right across the country. On average, during the period in question when we were monitoring the Internet, 438 women either moved or were moved every week. During the period during which we monitored the Internet an average of 428 women moved or were moved each week. Further analysis of the figures reveals the level of organisation behind the movement of these women. In the period in question 446 women moved from Cork to Dublin, while in the same period exactly the same number moved in the opposite direction. A further 358 women moved from Galway to Dublin, while 354 moved in the opposite direction. There was a movement of 295 women from Belfast to Dublin, while 291 moved from Dublin to Belfast. The pattern is repeated for every town and city. It was a coincidence that the figure for the number who moved from Cork to Dublin and Dublin to Cork was the exact same. The pattern shows that usually there was a difference of between five and ten in the numbers. The figures are an indication of a much bigger movement of women and the pattern is repeated across every town and city.

During the 12 month period during which we looked at this issue in advance of the programme, in excess of 8,800 profiles were advertised on websites. The daily average number of women advertised was 693. The figure varied depending on the period. Around Christmas time, the figure might go down, while during the summer it would go up. Some of the 8,800 profiles were possible duplications or represented individuals who used two or three profiles to advertise different services. The average age of the women advertised was 25.1 years. Of all escorts advertised, 19.36% were 21 years old or younger. Almost half advertised themselves as being 25 years of age or younger. Of the women, 97, or 1.1%, of the total number were advertised as being Irish, while 283, or 3.2%, were advertised as UK citizens. The vast majority, 95.69%, were advertised as foreign nationals. When we investigated further, we found that many of those advertised as foreign nationals were not, in fact, revealing their true nationality. For example, many women from poorer eastern European countries - Romania, for example - were advertising themselves as being Spanish or French. The number of women advertised as working for an agency was just 67 or about 0.76% of the total. The vast majority, 99.24%, were advertised as working for themselves as independent escorts. Our research revealed that this was completely untrue. Most of the women we interviewed or otherwise researched were working for a pimp or some kind of organiser. They were not working independently.

Another indicator of the level of organisation involved comes from the evidence we gathered on mobile phones. During the 12 month period of the investigation we found through the Internet that in excess of 7,300 mobile phone numbers were being used. More interestingly, we discovered a linkage between 5,168 of these phones. In some cases, they had multiple users at different times and there were multiple profiles. In other cases, despite being used at different ends of the country - one in Cork and one in Belfast or Dublin, for example - the mobile numbers were just two digits apart. We are told by mobile phone operators that SIM cards are sold in packs of ten with sequential numbers. Statistically, the odds of two numbers one or two digits apart appearing at different ends of the country are astronomically high. It does not make sense that two numbers from the same pack of ten SIM cards, two digits apart, are used for prostitution and one appears in Cork a couple of days later. That is just one example and the pattern is repeated across the country. That is about as much statistical information as we have available.

**Mr. Fergus Healy:** I thank the Chairman and the joint committee for giving me the opportunity to address them on such an important issue. I am looking, in particular, at the ways
in which legislation on prostitution could be enhanced to deal more effectively with emerging trends in the prostitution industry. While we are happy to assist the committee in whatever way we can on the operational policing aspects of the matter, it would not be appropriate to answer questions on Government policy. That would include an expression of views on any legislative model which it might be appropriate to apply in the future.

The Garda has targeted on-street prostitution, particularly following the enactment of the Criminal Law (Sexual Offences) Bill 1993 which criminalised soliciting, importuning and loitering for the purposes of prostitution or the commission of sexual offences in public places. The legislation has reduced dramatically the number of persons engaged in on-street prostitution in the past decade. Organised prostitution - or off-street prostitution - has advanced, with the expansion of technology to the extent that the majority of the industry relies on the Internet and mobile phone technology to facilitate the smooth running of illicit operations. The faceless nature and mobility of these technologies have created difficulties for investigating gardaí.

In the past decade the Irish escort industry has become a destination of choice for working prostitutes, mainly on foot of the economic boom and the expansion of the European Union. During this time, people engaged in the prostitution industry in Ireland were earning three times the rate for those working in other European jurisdictions. This resulted in an estimated 800 female prostitutes advertising their services via the Internet on a daily basis within the jurisdiction. Prostitution services are offered and available in every county within the jurisdiction.

Criminal proceedings and conviction rates under the Criminal Law (Sexual Offences) Act 1993 in 2010, 2011 and 2012 are as follows. In 2010 there were 65 prosecutions, leading to 21 convictions in respect of the offence of brothel keeping; seven prosecutions for organising prostitution, resulting in three convictions; 102 prosecutions for soliciting and importuning prostitution, with 19 convictions; 21 prosecutions for loitering for the purposes of prostitution, with 12 convictions; and seven prosecutions for living off the earnings of prostitution, with one conviction. In 2011 there were 62 prosecutions for brothel keeping, with 17 convictions; three prosecutions for organising prostitution, with one conviction; 107 prosecutions for soliciting and importuning prostitution, with 19 convictions; 35 prosecutions for loitering for the purposes of prostitution, with 17 convictions; and four prosecutions for living off the earnings of prostitution, with one conviction. In 2012 there were 47 prosecutions for brothel keeping, with eight convictions; one prosecution for organising prostitution and one conviction; 46 prosecutions for soliciting and importuning prostitution, with three convictions; 16 prosecutions for loitering for the purposes of prostitution, with no conviction to date; and two prosecutions for living off the earnings of prostitution, with no conviction to date.

By its nature, prostitution affects the wider community because of the manner in which it is conducted, particularly when conducted in public places. However, the main source of advertising for prostitution is the Internet, while one-to-one contact between prostitutes and potential clients is conducted via the mobile phone network. It is suspected this may evolve to social networking sites or other communications media in the near future if it has not already happened. The Department of Justice and Equality discussion document on the future direction of prostitution issued in August 2012 seeks responses on how the criminal law on prostitution addresses the rights of communities and society generally. Chapter 1 of that report acknowledges that prostitution has largely moved indoors since the last major review of prostitution legislation enacted in the Criminal Law (Sexual Offences) Act 1993. An Garda Síochána has long since held the view that two of the most vulnerable groups in society are, foremost, children and vulnerable persons, and, second, those who find themselves the victims of the prostitution trade
or, as the document refers to them, sex workers.

An Garda Síochána would regard the introduction of an anonymity provision for vulnerable witnesses as greatly assisting investigations because it would curb or, at least, alleviate the fear of media exposure. A number of legislative provisions already are in place in this area - section 7 of the Criminal Law (Rape) Act 1981 and section 11 of the Criminal Justice (Human Trafficking) Act 2008. The provide reassurance that a witnesses would not suffer further stress or trauma or exposure to the media in any subsequent prosecution which might be initiated.

Throughout the past decade the level of prostitution has significantly increased within the jurisdiction. Garda operations have been conducted, for example, Operation Gladiator and Operation Quest, to investigate the prostitution industry specifically within the Dublin region. Both operations were conducted at different times within the past decade. An analysis of them concluded that mobile telecommunications advances had contributed significantly to the expansion of the industry. Brothels and escort agencies advertise their services on numerous sites and provide their contact details, usually mobile phone numbers through these sites. On contacting these numbers a person can arrange a call-out service to a nominated address or, alternatively, receive directions to a specified address. These facts are supported by operational experience, as well as on foot of evidence from numerous witnesses who have provided statements in Garda investigations.

To highlight the significance of mobile telecommunications within the industry it is proposed to detail briefly an investigation which was conducted into prostitution. A surveillance operation was put in place in respect of a brothel operating in Dublin in which there were upwards of 16 working prostitutes. During the course of the surveillance operation several witness statements were taken from patrons who had just exited the brothel. All those interviewed stated they had rang a mobile phone number and received directions to the brothel. Following the surveillance operation, the premises was searched. A number of follow-up searches were carried out, including a search of a particular apartment which had been identified as a call centre. At this apartment 35 mobile phones were recovered, 27 of which were pre-paid and the phones were being used exclusively for the purposes of organising habitual prostitution. Extensive documentation supporting this fact was also recovered. The phones corresponded to a number listed on websites and some of them also corresponded to numbers given in statements by clients. Further investigation revealed 14 of the 27 pre-paid phones had been reactivated by the user. The same numbers were again used for the purposes of organising habitual prostitution. The investigating gardaí soon came to realise that the phones were the lifeline of the particular prostitution enterprise and very valuable assets to the perpetrators of such crime. Some of the numbers have over the period of time been used to establish a cohort of steady clientele. Without these phones the majority of brothels would cease to function.

The organisers of prostitution have historically operated within the jurisdiction in the belief An Garda Síochána would sporadically target the industry. A noticeable change in the industry has occurred in the past two to three years with an increase in the number of foreign nationals associated with the running of the prostitution business in the jurisdiction. Some of these individuals are associated with organised crime groups both in the jurisdiction and their countries of origin. It is highly probable that a large percentage of the moneys generated from the industry is being redeployed into organised crime groups, domestically and internationally.

An Garda Síochána looks forward to co-operating with the committee and the Department of Justice and Equality in identifying ways to enhance the legislation dealing with the prostitution industry in Ireland.
Chairman: I open the floor to any member or witness who wishes to ask questions.

Senator Martin Conway: Mr. Maguire’s statistics were staggering. I watched the programme in 2011 and commend the very professional way in which he and his team conducted it. Both he and the superintendent spoke about mobile phones. One can walk into a mobile phone shop and buy a SIM card very easily. There is no identification required, whereas abroad, in some jurisdictions, when one buys a pre-paid phone or a SIM card for a pre-paid phone, one is required to show one’s passport. The shop is required to make a photocopy of the passport which ensures a record is kept of the phone sold. Difficult as it might be, every mobile phone should be shut down and people should have a period within which to register. There should be a national database of mobile phones, not just to deal with prostitution but also to deal with crime in general. What is Mr. Maguire’s view?

Mr. Paul Maguire: We found that it was easy to purchase a mobile phone. Even in the job we do we need to have different SIM cards and it depends on where one goes. One can go to different branches of a service provider or different providers and on each occasion one may or may not be asked for identification to purchase a SIM card or mobile phone. I am not here to comment on legislation, but to judge from what the superintendent said, mobile phones play a huge part in the operation of prostitution and other forms of crime. We put in place a simple system which recorded all phone numbers. We then analysed them and when we watched the differences between the numbers, we could, in some cases, identify eight out of ten sequential numbers which were being used in different patterns. If there was a similar record, it might go some way towards controlling the problem.

Senator Martin Conway: Is there evidence that could be collated for an investigation?

Chairman: Would anyone like to comment on that point?

Mr. Fergus Healy: The phones being used within the industry are pre-paid. There is no provision to register the details of the purchaser of such phones. As I outlined in respect of the issues around the other forms of crime, this is a matter of concern. We must, however, work within the legislation as provided and only bill pay phone users are required to register. Until the legislation changes, our hands are tied.

Senator Katherine Zappone: I have two questions for Mr. Maguire whose evidence is very helpful. We have heard also from others that it is impossible to put a figure on the number of women involved in prostitution in Ireland on a daily basis. In the light of Mr. Maguire’s research, what is his response to this?

Mr. Paul Maguire: It is extremely difficult to put a figure on it. One needs to differentiate between a profile and an image of a particular individual posted on a website. In many cases, it bears no resemblance to the reality of the individual. Therefore, one needs to differentiate between physical bodies, people who are available for sex and profiles. It appears that most of the women involved have at least two profiles and alternate between them, depending on the area they are in and the services they offer. During the early part of our research we noticed that the numbers given to each profile were rising sequentially and just before the programme was aired, the figure was up to 21,000 profiles on one website. That does not mean there were 21,000 people involved with the website, but it goes to show that people can create a number of profiles. We know for a fact from some of the women to whom we spoke could have had four profiles each. It is very difficult to be definitive. What is certain is that somewhere between 500 and 700 women are available every day; however, the superintendent thinks the figures could
be up to 800, which may be accurate as we have not been monitoring the website for a while.

**Senator Katherine Zappone:** I thank Mr. Maguire for that information as the figures corroborate the findings of other research. Mr. Maguire created a database of the movements of people because he was able to witness them, as distinct from monitoring the profiles. There is a question mark against the number of people relative to the number of profiles.

**Mr. Paul Maguire:** I do not want to go into specifics, as it would reveal how we do certain things. We cannot do so for operational reasons.

**Senator Katherine Zappone:** Of course.

**Mr. Paul Maguire:** There are markers one can monitor. We spent 24 hours a day seven days a week for almost one year monitoring the website and there are certain markers by which one can identify certain individuals who have certain characteristics in profiles and it is then one gets to recognise the fact that a profile is associated with others. Delving into the figures, one can see that individual profiles actually belong to one person and can establish that three profiles belong to one person and discover similarities in the different operations. One then knows there are women who might have multiple profiles, but there is more than one woman involved in this operation. One then monitors movements around the country and where a profile comes up. It is quite complicated, but one can drill to get down to the information

**Senator Katherine Zappone:** It sounds like Mr. Maguire has developed very sophisticated research methodology and I thank him for sharing it with us. My next question is addressed both to him and Superintendent Healy. Is either gentleman able to comment on approximately how many women involved in prostitution are free to leave of their own volition?

**Mr. Fergus Healy:** The nature of the industry is such that it involves moving transient people around the country. Our experience is that once they become involved in the lifestyle associated with the industry, it is quite difficult to leave it. People become involved for a variety of reasons. There are significant financial gains for everybody concerned. In one sense, the lifestyle might be appealing from a financial perspective, but it is a sinister world in which they operate and from our experience it can be very difficult to leave it.

**Mr. Paul Maguire:** We talked to a number of the women involved in the industry who told us that passports and official identification documents had been taken from them. As a consequence, they were not free to leave the country. In one group on which we focused heavily, they appeared to have very little free time in which they were not under the management of somebody else. If they were not being moved at 3 a.m., somebody was sitting in an apartment watching and managing them. They had very little freedom.

**Deputy Finian McGrath:** I welcome Mr. Maguire and Superintendent Healy. I have two questions for Mr. Maguire arising from the figures included in his report. He mentioned that 446 women prostitutes had moved from Cork to Dublin to become involved in the sex industry. That indicates a major problem. Based on his experience, does Mr. Maguire think the position is getting worse? Has the television programme and/or the report had an impact on the broader political issue? A number of former prostitutes have told us that publicity often helps them to deal with the particular issue and drives people away. Second, did he get a deeper insight into the lives of those women directly involved in the trade? Were they involved in it for the money? Did they have major personal problems or severe mental health issues? Had they been exploited as children?
Mr. Paul Maguire: Let me clarify the position. On the 436 women who moved from Cork to Dublin and vice versa, that was over the period of our research. It was the total number who moved over an eight month period.

Deputy Finian McGrath: I thought it was a weekly occurrence.

Mr. Paul Maguire: On average, we found that 500 to 600 women - the figure varied from week to week - would move from one location to another across the country. We then looked at all of the movements over a much longer period to see if there was an element of organisation within these movements. It was amazing to see that a number used in one town would be used in another and that almost a similar number would move in the reverse direction. Some of the women concerned might have had two or three profiles such that when they moved they took their profiles with them. The number could have been slightly smaller, but the fact is that there were significant similarities in the move from A to B and B to A in any instance across any town or city. In the immediate aftermath of the showing of the television programme the number of individual profiles advertised on the Internet actually reduced, but in advance of today’s meeting we revisited the website for a couple of days and the number is higher now; it is possibly closer to the number the superintendent quoted - 800 profiles which are advertised on a daily basis.

Deputy Finian McGrath asked if I had spoken to any of the women involved. We spoke to a large number of women who were involved in prostitution at different stages, some of whom had only recently become involved. Some had been involved for a number of years, while others had just got out of it. It depends very much on to whom one is speaking. If one speaks to foreign nationals, I would say they were duped into it. One case that comes to mind is that of a person who thought she was coming to Ireland to work as a hairdresser, but when she and others arrived here, their papers were taken from them and they were put into an apartment on the afternoon of their arrival and told it was prostitution. In other cases, Irish nationals were forced into prostitution. I know that following the programme people commented on social media sites and women said they had got involved in prostitution of their own free will, were enjoying it and making money out of it. I spent over one year working on this issue and I could not find somebody who would say that to us.

Deputy Finian McGrath: Superintendent Healy mentioned a series of dates on which 65 brothel keepers were charged. What is the profile of those charged as brothel keepers? Would these people have been connected with criminal gangs or would they have been “respectable middle class” people who were running a brothel as an income raising exercise?

Mr. Fergus Healy: As I said in the presentation, the evidence is that this is a sophisticated organised industry that is being managed by those who would be considered as sophisticated individuals. The evidence is that people from different backgrounds get involved in managing brothels but what they have in common is that they are very sophisticated individuals and as such have been amenable before the courts to a certain degree. There is evidence that some people involved in organised crime have been engaged in this industry.

Deputy Finian McGrath: Are there figures on the number of brothels operating in Dublin and nationally? Is that too difficult to assess because it is under the radar?

Mr. Fergus Healy: We have people who manage and monitor the situation at national level but for operational reasons we would not be in a position to disclose that information.
Deputy Finian McGrath: Superintendent Healy mentioned that the impression from those who work in the sex trade industry is that the gardaí sporadically charge the industry. Is that the reality or is there a regular focus kept on the issue? As far as I am concerned, this is a situation in which women are exploited and abused. In spite of the major problems with policing, do the gardaí at senior level take the issue of prostitution seriously? The impression is that this issue turns up every now and again as a story. We need to focus on the sex industry because of the very violent criminal elements involved in the background.

Mr. Fergus Healy: Let me reassure the Deputy that prostitution is taken very seriously at the most senior levels of the organisation. We have a sophisticated structure to deal with these matters at local and national level. The Commissioner actively monitors the activities of these units in his management meetings through his senior management staff. I am quite satisfied we are dealing with the matter.

Senator Fiach Mac Conghail: I have two questions for Mr. Maguire. I congratulate Paul Maguire on his programme. We sometimes criticise our national broadcasting service but this is a great example of public service broadcasting at its best. I know I am biased.

During our session in private before this meeting we heard from former prostitutes and we asked them how much a prostitute might earn on a particular night and how much a pimp would earn on top of that. Some figures were mentioned in Mr. Maguire’s documentary programme. Will he give us his sense, as an investigative journalist, of the amounts of money we are talking about in regards to this so called “industry”? 

Mr. Paul Maguire: We managed to find some documentation which related to the management of one particular group, which we believed was using up to 15 to 16 women and was moving them around four or five different locations. Those women were advertising a range of services, depending on the location and the time of year, with 30 minute sessions ranging from €60 to €100. When we got our hands on the documentation related to the individual who we believed was running that operation, it showed over a period that this particular individual had accumulated €100,000 from the earnings of the women that he was operating.

Senator Fiach Mac Conghail: Was that for a year?

Mr. Paul Maguire: No, it was for less than a year. I cannot remember the length of time just off the top of my head, I think the figures might have been for a period of between six to eight months. I know it was definitely less than a year but it was in excess of €100,000 for the period.

The women who spoke to us would tell that in some cases they would get half of the money they took in, but one particular individual to whom we spoke was paid less than €20 a day and she had to buy her own condoms and toiletries. In other cases, people were charged excessive rent for the use of what seemed to be a bed in one room.

Senator Fiach Mac Conghail: Did Mr. Maguire see a pattern in the age that people started in prostitution? Mr. Maguire mentioned the age of 25 years. He may not be able to back up the information with evidence but did he have a sense that a significant number of young under age women were involved in prostitution?

Mr. Paul Maguire: It is very difficult to answer that question, because we did not go looking for birth certificates. It would appear that the demand was for younger women. We set up a researcher with a profile to act as a prostitute on the website and most of the recorded calls
from what were supposed to be potential clients were looking for people who were very young. One individual who we came across down the country caused us such concern that we reported the situation to the authorities. She appeared to be very young and younger than what she was advertised on the website. She appeared to be very much under the influence of something, and I do not know what it was. It would appear that the demand is for younger people.

**Senator Fiach Mac Conghail:** I thank Mr. Maguire for his responses. I will now address questions to Superintendent Healy

I am looking at the statistics provided by Superintendent Healy on those living off the earnings of prostitutes. The figures for 2010 show that proceedings commenced in seven cases, with one conviction; in 2011 proceedings were taken in four cases with one conviction; and in 2012 there were two cases but so far there has been no conviction. Is it the case the Criminal Law (Sexual Offences) Act 1993 needs to be enhanced and-or supported further with the movement of prostitution indoors, or are there other reasons that the number of proceedings are not as high as they might be?

**Mr. Fergus Healy:** The provision in section 10 of the Criminal Law (Sexual Offences) Act 1993 and the definition of that provision is quite clear. The onus is to prove the person involved in this act was aiding and abetting as well as knowingly living off the earnings of prostitution. Hence the case the Garda Síochána present must meet a threshold before the DPP makes a decision with regard to whether a prosecution should be initiated and as members can see the level of evidence that needs to be gathered is quite stringent. Perhaps that might account for the low level of prosecutions in this area but the sophisticated nature of the proof that is required to deal with it can add to the situation.

**Senator Fiach Mac Conghail:** We have heard anecdotal evidence of the connection between prostitution and organised crime. Would Superintendent Healy concur with that?

**Mr. Fergus Healy:** The nature of organised crime is that people will work in an area where there is money to be made and prostitution is one of those industries. This is also the case in other areas such as fuel smuggling and the illicit tobacco and alcohol trades. There are sophisticated organisations working in many areas in order to make money. Prostitution is no different; it is a global problem which is not unique to Ireland.

**Senator Fiach Mac Conghail:** Would it be fair to say that significant money in cash changes hands in this industry in Ireland? Is it not big business in Ireland?

**Mr. Fergus Healy:** Substantial sums of money are made through the prostitution industry. The Criminal Assets Bureau is actively involved in pursuing these people who are making substantial sums of money. It is a global issue and is not unique to Ireland.

**Senator Fiach Mac Conghail:** Can the Criminal Assets Bureau put a figure on it? Mr. Maguire mentioned a figure of €100,000 in less than a year. What would be the macro-figure?

**Mr. Fergus Healy:** I will not name a figure but I can say it is definitely in millions.

**Senator Fiach Mac Conghail:** There is close co-operation between the Garda Síochána in Store Street and Ruhama. What co-operation exists between the Garda and voluntary groups supporting women in prostitution or those trying to exit prostitution? Over the past year has there been a similarity in age, ethnicity or nationality between the women in prostitution?
Mr. Fergus Healy: We work closely in co-operation with Ruhama and the agencies involved in this area. We are closely involved with Ruhama in a training programme. Our front-line members are trained to create an awareness among members who encounter these problems on a daily basis. I can say that the working relationship with Ruhama and other agencies in the health area in particular are very proactive from the point of view of the Garda Síochána. In answer to the question as to the age pattern of young women in prostitution, there is no doubt that the age is an issue and this has been outlined to the committee on previous occasions. We have no evidence to indicate that minors have been involved in this activity. Young adult women are involved.

Mr. John McCann: They are sometimes advertised as children on the Internet. They put themselves forward as children. However, when we carry out investigations we do not discover children.

Deputy Jonathan O’Brien: I have a question for Mr. Paul Maguire. He touched on the issue in his previous contribution. He stated he was so concerned about one individual that he made a report to the authorities. How many cases were of such concern that he felt obliged to report them to the authorities as soon as possible? Is it known what happened to some of the women who were being trailed by the programme? Were they rescued from the situations or did they leave the industry? The programme-makers were following people over a lengthy period of time. They would have observed the natural progression of people coming into the business and leaving it. I ask Mr. Maguire to give an indication of how those who managed to escape the industry managed to do so.

Mr. Paul Maguire: We were concerned in a number of instances. During the course of making the programme we were in communication with Ruhama on a very regular basis. When anything happened which caused us concern we spoke to Ruhama who in turn were in touch with the Garda Síochána.

On the question about people getting out of prostitution, on a number of occasions individuals to whom we spoke told us about getting in touch with gardaí. It must be understood that the individuals perceive they are under the control of others. I know from our communications with Ruhama that they work very closely with the gardaí. On a regular basis people who are found working as prostitutes in brothels are offered the opportunity to get out of the business. They are offered services with Ruhama but they do not take up the offer. The Garda Síochána would be better placed to explain that process to the committee. In many cases the people we spoke to feel incarcerated and trapped. They feel they cannot get out. They are afraid. In one case, we spoke to a person whose family in eastern Europe was threatened if she did not work in this particular area. From talking to the women I imagine it is not easy to escape from the life.

Deputy Jonathan O’Brien: I ask if Superintendent Healy could give details about persons who have exited the industry.

Mr. Fergus Healy: I will not discuss specific issues. There is evidence to suggest that people have left the industry with the co-operation of Ruhama and the Garda. The services provided by Ruhama are a great support. When we deal with incidents at 4 a.m. Ruhama is available to come to our assistance which in itself is a very valuable facility. I compliment the work of Ruhama and its co-operation with us in this area.

Deputy Marcella Corcoran Kennedy: I thank the witnesses for their attendance. Mr. Maguire referred to the number of people who are being moved around on a weekly basis. How is
such a large number of people being moved around? Are they being transported by car? It is a six-hour round trip journey with, perhaps, three in a car.

Mr. Paul Maguire: I can only speak about the individuals we focused on in the programme. There was one very organised group along with some individuals. The group consisted of up to 15 people and up to 16 or 17 on some occasions. They were being moved four or five in a car. Every week the individual organising these women and moving them from location to location would start at 2.30 a.m. He would drive from Dublin city to Athlone, from Athlone to Ennis, from Ennis to Dundalk and back to Dublin. On one occasion this individual covered somewhere in the region of 1,200 km in a 22-hour period. That was a regular occurrence every week. Some of the women to whom we spoke were told they were required to move from place to place and to purchase their own train ticket out of the money earned from selling themselves. In many cases we found that people were being moved as opposed to moving themselves. In that way those organising the moving of the women had more control over the women. Deputy O’Brien asked about those who get out of the business. A person travelling by train may have an opportunity to escape if that was what she wanted to do but if she is being moved by car I imagine there is more control over the individual and fewer opportunities for escape.

Deputy Marcella Corcoran Kennedy: What type of properties do they use?

Mr. Paul Maguire: Rented apartments in most cases. We featured one case in the programme in which the landlord was unaware of such activities until he received complaints from his neighbours.

Deputy Marcella Corcoran Kennedy: Superintendent Healy said it is a very sinister trade. Is it dangerous for the women involved? Has Superintendent Healy encountered cases with boys involved?

Mr. Fergus Healy: It is a sinister industry and control is a big part of it. The way that control is fulfilled can manifest itself in various formats. It is a dominating type of industry and there are certain people who control it. There are males involved in this industry as well. The websites cater for all tastes and types.

Deputy Marcella Corcoran Kennedy: What is the profile of the users?

Mr. Fergus Healy: They come from many different backgrounds. There is no one category of individual who would use these websites or services. In the main, it is males who avail of the services. That has been the case from time immemorial. It is not going to change because technology has made it more difficult to police.

Deputy Marcella Corcoran Kennedy: Many people are trying to draw the distinction between prostitution and trafficking. Does Superintendent Healy believe there is a direct link between the two?

Mr. Fergus Healy: For operational reasons, I do not want to get into that area. Recently, we investigated a case where this has come to the fore.

Deputy Marcella Corcoran Kennedy: Is Superintendent Healy’s unit part of the anti-trafficking unit or separate but works together?

Mr. Fergus Healy: We work closely. We have our own unit in the Garda National Immigration Bureau, GNIB.
Mr. Paul Maguire: From our research, we noted forced movement of people. The first image that pops into people’s mind when one mentions trafficking is the 40 ft. container in Rosslare Harbour with a load of individuals hidden in it. In the programme, we tried to show there needs to be a different definition of “trafficking” in the case of prostitution. There was forced movement of women from location to location with them having little control over it. We would suggest that is a form of trafficking.

Deputy Marcella Corcoran Kennedy: Has Superintendent Healy encountered women who are autonomous, do their work and keep all the money they earn?

Mr. Fergus Healy: There are exceptional cases but in the main, as described heretofore, a certain portion of the money earned is provided to the people who supply clients in the industry. Percentages vary, however.

Chairman: Superintendent Healy said this area is worth millions of euro. From his work on it, will Mr. Maguire put a figure on it?

Mr. Paul Maguire: No, we did not do a calculation on that. Anecdotally, most of the people we spoke to were talking about seeing six clients on a slow day and 12 to 15 on a busy day. We set up a researcher with a profile on the website. Over five days, she received 350 calls, all of whom wanted to meet her. That is 70 calls a day. We pretended we were moving the researcher from one location to another. When the profile was updated to reflect the new location, we received a massive number of calls in minutes.

Chairman: Is it an extraordinarily lucrative activity?

Mr. Paul Maguire: Yes, when one does the maths.

Chairman: Superintendent Healy stated that in 2010 there were 65 proceedings commenced for keeping a brothel with 21 convictions. What is the status of the remaining 44 proceedings?

Mr. Fergus Healy: Given the nationality of some of those involved, they may leave the jurisdiction. Subsequently, a warrant may be issued for them and the case goes into limbo until such time that the person is apprehended. There are various reasons why we have this attrition rate. It is mainly due to the transient nature of the industry and those in it.

Chairman: The Garda Commissioner attended the committee recently and he spoke about a recent operation in Limerick in which a number of men were charged for soliciting using undercover officers. Is it easier to police this form of prostitution?

Mr. Fergus Healy: Whatever model is put in place by the Legislature, it is easier to convict off-street prostitution while it is difficult to detect what happens in an apartment. The 1993 legislation did deal with the problem. Off-street prostitution has become a lot more sophisticated and makes it much more difficult to detect.

Chairman: With so much money involved, we are pleased the Criminal Assets Bureau, CAB, is involved.

Did sexually transmitted diseases or HIV feature in the RTE’s research?

Mr. Paul Maguire: No, we did not have an opportunity to go into that area. We did talk to some individuals who worked in it but we were not able to progress that section of the programme.
**Deputy Marcella Corcoran Kennedy:** Is there a breakdown of the nationalities of those involved?

**Mr. Fergus Healy:** They are mainly eastern European, non-Irish nationals working in the jurisdiction and some from China.

**Chairman:** I can understand EU citizens being involved but not how Chinese citizens as they need visas to enter the country.

**Mr. Fergus Healy:** People do slip under the net and come into jurisdiction for one reason but may be operating under another.

**Chairman:** What is the situation with intercepting Internet traffic from foreign websites?

**Mr. Fergus Healy:** The difficulty with a lot of these websites is that they are hosted outside EU jurisdictions, mainly in America and, particularly, Florida. They are difficult to intercept. Global operations have been put in place by Interpol to tackle these and we work closely with the agency on them.

**Mr. John McCann:** One could have the owners of the website living in one jurisdiction, the site being hosted in another while advertising in this jurisdiction.

**Deputy Marcella Corcoran Kennedy:** Has the Garda delegation encountered or come across people involved in the industry who were addicted or dysfunctional? What is their background?

**Mr. Fergus Healy:** People get into industry for various reasons. There is no doubt that there are people who have addiction issues. The main focus of our policing attention is not really in that area, it is the criminal aspect of prostitution and the policing of it. We provide support services to people with addiction issues. We refer them to other agencies that can help them. Our interest is in the victim and supporting the victim in as many ways as we can. Services are available and we refer people to those services.

**Deputy Marcella Corcoran Kennedy:** I wish to ask one final question although I am probably driving the Chairman mad. The more one discusses the issue, the more things come to mind. The question is for Mr. Maguire and Mr. Healy and it relates to public awareness and education for young people. Is there an opportunity for us to educate young people about this trade? If they understood that what they are doing is engaging with someone who may be trafficked or who is under coercion, would they be less likely to do something like that? Many people buy into the myth perpetuated by the media and the film business and so on. They have this notion that it is fine and dandy and that people are autonomous and that this is their choice. Is public awareness something the delegations would agree could be of benefit?

**Mr. Fergus Healy:** Any sort of education, in whatever form it is presented, can be of assistance from a preventative point of view. The attraction for many people is that they may be living in a country or economy where the rate of pay or earnings is low. Then they come to an economy where the earnings are greater such that they can earn more in one day than in one week or two weeks in the jurisdiction where they came from. The attraction is great from that perspective. How do we educate people in this area? It might require a pan-European response to really deal with the problem at grass roots level.

**Mr. Paul Maguire:** We discovered one interesting thing in the course of our research. Dep-
uty Cororan Kennedy asked about the age profile of individuals who were using the women for services. I was rather surprised on a personal level by the large percentage of what I would consider to be younger people using the services. It was quite amazing. We saw this where we filmed outside apartments in which women were working and with the telephone calls that our researcher received as well. I believe there was rather a high percentage of younger people, that is people aged 30 years or less, who were using the services.

**Chairman:** Thank you all for coming in today to help us with this. This is our third session and we have at least one more to go before we submit our report to the Minister. I wish to apologise to Detective Garda Sean Walsh because I neglected to welcome him earlier. You are very welcome. Your name was not on the list before me and I did not have the details. We have seen the publication of the report on the Magdalen laundries this week but I am almost speechless from what I have heard and seen so far. Thank you very much for coming in.

The joint committee adjourned at 4.35 p.m. until 2 p.m. on Wednesday, 13 February 2013.