

Shifting the Burden of Criminality

An analysis of the Irish sex trade in the context of prostitution law reform



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Monica and Ruth, SERP

About the authors

Dr Monica O'Connor has worked on gender-based violence for over thirty years, as a practitioner, policy analyst and researcher. She has acted as a principal researcher on key projects that have investigated the nature and impacts of male violence. She is the author and co-author of numerous publications on violence against women, including a major study of the sex trade in Ireland (Kelleher Associates, O'Connor, and Pillinger, 2009). In 2010 she received a three-year Government of Ireland Scholarship from the Irish Research Council to undertake doctoral research examining the issues of choice, consent, agency and harm in the lives of prostituted and trafficked women in Ireland. Dr O'Connor has worked closely with non-governmental and statutory services in developing ethical guidelines surrounding the participation of service users in research. She has conducted over fifty in-depth interviews and numerous focus groups with women who have been subjected to domestic and sexual violence and with women affected by prostitution and trafficking. She is currently a senior researcher at the Sexual Exploitation Research Programme (SERP), School of Social Policy, Social Work and Social Justice, University College Dublin and a Research Fellow at the WiSE Centre for Economic Justice, Glasgow Caledonian University. In 2019 Dr O'Connor published her first book on the global commercial sex trade: *The Sex Economy*.¹

Ruth Breslin has over twenty years of research experience in both NGO and academic settings. She has an MSc in Social Research Methods (Social Policy) from the London School of Economics and Political Science. The focus of Ruth's work has been efforts to tackle and prevent violence against women and girls, and she has developed particular expertise in research and policy development on the interrelated issues of prostitution and trafficking for the purposes of sexual exploitation. Ruth is regularly called upon to input into the development of evidence-based policy, legislation and practice in this regard. Ruth was the Research Manager for Eaves on the first ever national study on women exiting prostitution in the UK (*Exiting Prostitution: A Study in Female Desistance*). Ruth also designed, led and co-authored the study *Capital Exploits: A Study of Prostitution and Trafficking in London*, commissioned by the Mayor of London as part of his strategy to end violence against women and girls in the city. More recently in Ireland, Ruth designed and undertook research to gather professional views on how to reach out to vulnerable women and girls involved in Ireland's sex trade (*The REACH Project: Practitioner Insights*). Ruth has been a core member of the research team at SERP – the Sexual Exploitation Research Programme at University College Dublin since 2018, and is the lead author of SERP's forthcoming studies on the health impacts of prostitution and the impacts of the Covid-19 pandemic on Ireland's sex trade.²

About SERP

The Sexual Exploitation Research Programme (SERP) was established in 2017 under the School of Social Policy, Social Work and Social Justice at University College Dublin. SERP is part of UCD's Geary Institute for Public Policy, which is a centre of excellence for policy-relevant, theoretically informed, empirically grounded research.

1 O'Connor, M., 2019. *The Sex Economy*. UK: Agenda Publishing.

2 Breslin, R., Latham, L., and O'Connor, M., (forthcoming, 2020). *Confronting the Harm: Documenting the Prostitution Experiences and Impacts on Health and Wellbeing of Women Accessing the Women's Health Service*. Dublin: SERP; Breslin, R., (forthcoming, 2020). *Exploitation 'as usual': Emerging Evidence on the Impact of Covid-19 on Ireland's Sex Trade*. Dublin: SERP.

SERP conducts independent feminist research on all forms of commercial sexual exploitation that creates useful knowledge for law and policy makers, practitioners, survivors, supporters and activists. SERP aims to strengthen the evidence base on current and emerging issues of sexual exploitation in Ireland, and beyond. SERP's work is designed to enhance understanding of the commercial sex trade, its impact on women and girls who are sexually exploited, on communities and on society at large. In addition to strong links with international partners and allies, SERP also works collaboratively with support services for victims and survivors of prostitution and sex trafficking on the ground, seeking to bridge the gap between academia and frontline practice in generating new knowledge, insights and solutions on these issues.

Introduction

The *Criminal Law (Sexual Offences) Act* was enacted in March 2017 following lengthy debates in both houses of the Oireachtas.³ The Act is a wide-ranging piece of legislation on sexual offences which includes an offence in Part 4 criminalising any person who purchases or attempts to purchase sexual activity from another person (for the relevant text of the law see Appendix A). Through an amendment to the older legislation (the *Criminal Law, Sexual Offences Act, 1993*) pertaining to the selling of sex on the streets, the law now ensures that those exploited in prostitution are decriminalised. The Act also strengthens the provisions in relation to the buying of a trafficked person for sexual exploitation and increases the penalties for those who organise and profit from the prostitution of others.

Section 27 of the Act requires a review of Part 4 to be undertaken not later than three years after its commencement, which must include:

(a) information as to the number of arrests and convictions in respect of offences under section 7A of the Act of 1993 during the period from the commencement of that section

(b) an assessment of the impact of the operation of that section on the safety and well-being of persons who engage in sexual activity for payment.

This study was funded by the Department of Justice and Equality under the Dormant Accounts Action Plan 2018, to provide a comprehensive overview of the current sex trade in Ireland, thereby contributing to the evidence base to inform this review.

A note on language

Throughout this report the authors use the terms ‘women in the sex trade’ or ‘women in/involved in prostitution’. The term ‘prostitute’ is avoided as far as possible; whilst it is the term used in law, it has very negative connotations for women. Nor is the term ‘sex worker’ used, as only a minority of women in the sex trade self-identify as such. Furthermore, the terms ‘sex work’/ ‘sex worker’, in attempting to frame prostitution as a form of regular work, are regarded by survivors of the sex trade as serving to obscure and obviate the profound harms and sexual exploitation they have endured. The focus of this study is women and girls, who represent the vast majority of those in prostitution, both in Ireland and globally. Throughout the report this includes transgender people in prostitution who self-identify as women.

3 The national parliament of Ireland.

Research design

Aims and objectives

The overall aim of the study is to provide empirical data on the commercial sex trade in Ireland in the context of the current laws on prostitution. Key objectives are to:

- Document the context and background to the development and enactment of the *Criminal Law (Sexual Offences) Act, 2017*
- Provide a profile of those in prostitution in Ireland,⁴ including victims of trafficking
- Explore the life histories of women and girls and the factors which make them vulnerable to sexual exploitation
- Document women's experiences of the commercial sex trade in Ireland, the impacts of sexual exploitation and the supports that women require as a result
- Analyse buyers' demands and documented experiences of purchasing sexual access to women in prostitution
- Examine the way prostitution is advertised and how the sex trade is organised
- Examine the responses of An Garda Síochána⁵ and the criminal justice system to people in prostitution
- Document the official statistics on recorded crime incidents in relation to prostitution
- Capture the experience of Gardaí in relation to the implementation of the laws on prostitution
- Document the positive and negative impacts of the current laws on those in prostitution
- Present reliable evidence which will inform the review process and underpin any recommended legislative and policy changes, including with regard to the provision of support services and exit routes.

Note that Irish laws and policies in relation to trafficking are not interrogated in this report as they are the subject of a separate dedicated study.

Methods

A number of factors can make the sex trade a challenging phenomenon to research effectively – including the typically covert nature of prostitution, the criminal elements involved in the trade's operation, the lack of transparency of prostitution advertisers, the secrecy of buyers and the fact that women are not always willing to disclose their involvement in prostitution or their experiences within it. Thus, in order to piece together as meaningful and true a picture as possible of the nature and the operation of the domestic sex trade and its relationship with the criminal justice system in Ireland, this study cast the net wide and amassed evidence to contribute to this picture from many different quarters.

The study was therefore undertaken using a multi-methods approach, which drew on a range of different means of enquiry. A broad variety of sources was used to gather and analyse data, including:

- Service user data from Ireland's two largest support providers for women in prostitution, which span four years 2015-2018

4 Throughout the report this includes transgender people in prostitution who self-identify as women.

5 Ireland's national police service.

- Qualitative semi-structured interviews with key frontline workers providing direct support to women in prostitution
- Detailed case studies of women in prostitution compiled in collaboration with frontline service Ruhama, Ireland's largest specialist NGO working nationwide with women affected by prostitution
- Service user records of 144 women currently in prostitution accessing the HSE's⁶ specialist Women's Health Service (WHS) in relation to their experiences of harm and violence in the sex trade and their interactions with An Garda Síochána
- Qualitative semi-structured interviews with senior members of the GNPSB – the Garda National Protective Services Bureau⁷
- Ireland's largest online prostitution advertiser (Escort Ireland), with a focus on the profiles of those advertised and the reviews of women posted by sex buyers
- Official recorded crime statistics for prostitution provided by the CSO (Central Statistics Office)
- Press reporting of Garda actions against sex buyers and the organisation of prostitution
- Press reporting of violent assaults against women in prostitution.

The bulk of data from these sources (with the exception of the HSE – see below) was collected between February 2020 and July 2020. This meant that much of the data collection had to be undertaken during the 'lockdown' restrictions imposed in Ireland to stop the spread of Covid-19 during the global pandemic. Some adjustments therefore had to be made to the SERP team's approach to data collection to comply with public health guidelines, as described below.

Interviews

A series of semi-structured qualitative interviews were undertaken with members of Ruhama staff, who have many years of professional experience supporting women affected by prostitution and sex trafficking. Initial interviews were undertaken face-to-face, with subsequent, follow-up interviews undertaken via Zoom in the context of C-19 restrictions.

The interviews with Ruhama's Service manager and Outreach manager were recorded, transcribed and analysed thematically in relation to women's entry routes into the trade, their experiences within it, their needs, their interactions with the Gardaí and the criminal justice system, and the supports they require. Having worked as frontline workers with many hundreds of women in prostitution over the years, interviewees' extensive experience and knowledge of the operation of the Irish sex trade further informed this study's analysis, and their insights are integrated throughout the report.

Semi-structured qualitative interviews were also undertaken with two senior members of the GNPSB – the Detective Chief Superintendent and a Detective Superintendent – providing significant insights into the operation of the sex trade, and how Gardaí are implementing the laws that pertain to it. Women in prostitution's own reported experiences of policing were put to the GNPSB interviewees so that their responses to the issues and concerns that women raised in this regard could also be captured and analysed. Interviews were transcribed and analysed thematically, with the findings set out primarily in Sections 4 and 5 of this report.

6 Ireland's Health Service Executive.

7 This Bureau provides advice, guidance and assistance to Gardaí investigating sexual offences, online child exploitation, child protection, domestic violence, human trafficking and organised prostitution. The Bureau also leads investigations into more complex cases – see Section 4 for further details.

The original research strategy for this study included face-to-face interviews with women involved in prostitution, similar to SERP's recent study on health impacts.⁸ However, as the bulk of data collection for this study was undertaken during the coronavirus pandemic and associated 'lockdown', face-to-face interviews were no longer possible. Virtual interviews, undertaken online, were not an option for this group due to both ethical and safety concerns – this approach would have involved interviewing potentially vulnerable research subjects about difficult or upsetting personal issues without the supports they may require readily to hand. Furthermore, this study's ethical approval did not extend to virtual interviews with this group. Online surveys were also avoided in this context, as they are prone to multiple and orchestrated responses reducing their true representativeness, but more importantly because they tend to be very inaccessible to vulnerable women in prostitution, who may not have the language or literacy skills, or indeed the freedom to respond, if they are subject to any form of coercion or control.

In the absence of interviews, every effort was made to ensure that women's experiences still feature throughout this study, drawing on the very detailed case studies of individual service users and their life histories provided by Ruhama, the wealth of data contained within the service user records of women accessing the HSE's Women's Health Service, and women's experiences as recounted by their frontline support workers.

Case studies

In collaborating in this study, Ruhama provided ten richly detailed case studies of women who have accessed their service.⁹ The SERP team designed a data collection pro forma to be used by Ruhama staff to document the cases, the content of which was informed both by the aims of this study and by some of the key themes that arose during the first qualitative interview with the Service manager. A pro forma was completed for each case by members of the casework team and then checked and validated by the Service manager, who has oversight of the entirety of Ruhama's caseload. Case studies were fully de-identified and anonymised prior to being provided to SERP by the Service manager via secure electronic means.

Following a review of Ruhama's caseload, the cases selected for the purposes of this study were chosen to reflect the broad profile but also the diversity and complexity of women supported by Ruhama over the past five years (see Tables 2 and 6), in terms of variables such as country of origin, age, gender identity, entry into and experiences within prostitution and their consequent support needs. A thematic framework was used to analyse the cases, informed by previous research on prostitution and trafficking in Ireland and internationally. The case studies successfully yielded a deeper understanding of women in the Irish sex trade. A brief overview of the profile of the women documented in the case studies is provided in Table 6, and then content from the case studies is subsequently presented, as directly documented by Ruhama staff, throughout this report, simply denoted by the relevant Case Study (CS) number.

It should be noted that the findings which emerged from this analysis are not suggested as representative of all women in the Irish trade, but rather are used to illustrate the often-complex background life stories that can bring women into prostitution, their experiences within the sex trade, and, for those who have left prostitution, the nuanced nature of their exiting journeys.

8 Breslin, R., Latham, L., and O'Connor, M., (forthcoming, 2020). *Confronting the Harm: Documenting the Prostitution Experiences and Impacts on Health and Wellbeing of Women Accessing the Women's Health Service*. Dublin: SERP.

9 SERP will collaborate with the Immigrant Council of Ireland in a further study on migration and trafficking for the purposes of sexual exploitation that will build upon this study, also using the case study method.

Service user records

Quantitative and qualitative data were gathered from the service user records of 144 women currently involved in prostitution¹⁰ who first accessed the HSE's specialist Women's Health Service (WHS) between 2015 and 2018, during the course of a linked study on the health impacts of prostitution.¹¹ This sample of 144 women represents 54% of all women who accessed WHS for the first time between January 2015 and December 2018, with the majority of women in the sample subsequently accessing the service repeatedly. Women's service user records were randomly selected, de-identified and then assigned a unique research number by the SERP team. All of the women in the sample were involved in prostitution in indoor locations, with one exception, who was involved in street prostitution only. During the course of that study, data were also collected from these service user records on women's experiences of violence within the sex trade, their interactions with An Garda Síochána and the impacts that policing and prostitution legislation have on them. The findings arising from an analysis of these data, are presented here. The 2015-2018 timeframe of the WHS sample provides the opportunity to systematically document women's experiences of these issues both before and after the introduction of the 2017 Act.

Women's service user records contain an initial assessment that is typically completed as much as possible during women's first visit to WHS, although often further details are added to this at subsequent visits. The service user records also contain all notes made by Outreach support staff about each woman's attendance at WHS, what was discussed, the types of support provided and any staff observations or concerns about each woman. Alongside quantitative data derived from an analysis of the records, qualitative data drawn from these Outreach notes are presented in anonymised summary form throughout Sections 3 and 5 of this report. Women are identified only by their unique research number (e.g. W1, W2 etc.) and their nationality, where this does not risk identifying them.

It should be borne in mind that this particular sample cannot claim to be representative of all women in the Irish sex trade. Rather, it is representative of those women who are in a position to be able to access WHS. It became clear during the course of the research, and was further verified by WHS staff and the women themselves, that the profile of those accessing WHS tends to be older on average than women in the trade as a whole, and (with some exceptions) they typically possess the freedom of control over their own movements to be in a position to actively seek out and access the support of WHS. This sample, therefore, does *not* include women in the Irish sex trade whose movements are controlled by a pimp or other third party to the extent to which they may be prevented from accessing any such forms of support or assistance.

Prostitution advertising

This study attempted to capture a snapshot of Ireland's sex trade by gathering primarily quantitative data on the advertising of prostitution from Ireland's largest prostitution advertising platform¹² – the website Escort Ireland (EI).¹³ The site is readily searchable and contains search functions that were used to capture and quantify many different characteristics of the women

10 All of the women in the sample were currently involved in prostitution when they first accessed WHS with just two exceptions – both of whom had been involved in prostitution up until very recently prior to their first engagement with WHS.

11 Breslin, R., Latham, L., and O'Connor, M., (forthcoming, 2020). *Confronting the Harm: Documenting the Prostitution Experiences and Impacts on Health and Wellbeing of Women Accessing the Women's Health Service*. Dublin: SERP. No clinical health data from this study is included here as the report currently awaits the formal response of the HSE.

12 Kelleher Associates, O'Connor M., and Pillinger, J., 2009. *Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland*, Dublin: Immigrant Council of Ireland.

13 www.escort-ireland.com

advertised that are contained within their advertising profiles, primarily based on what buyers tend to demand. For the purposes of this study, this snapshot was taken on 20/07/20, facilitated by the site's search functions.

Each profile advertised on the site is supposed to relate to a single individual, but there are instances in which someone may advertise or be advertised under more than one profile, whilst conversely a single advertising profile may 'front' more than one individual.¹⁴ It therefore must be borne in mind that EI is not always a wholly reliable source of data on *who* is in prostitution in Ireland. In addition to 'profiles' that may not equate to single individuals, the searchable information contained in profiles, such as age, nationality, ethnicity, language ability, physical appearance and so on may be provided based on what is deemed to entice buyers, rather than the whole truth.¹⁵ Nevertheless, this source remains useful in at least providing a broad snapshot of the trade in operation on a single day, and how it is tailored to meet buyers' demands.

Separately, it was also possible to gain insights into sex buyers' motivations, behaviours and demands through EI's review system. Any buyer who has signed up to the website (using a screenname or pseudonym) can review the women they have purchased sexual access to, rating them out of five stars on measures including 'accuracy of photos', 'location', 'value for money', 'appearance', 'satisfaction' and 'overall experience'.

The buyer reviews provide an insight into the overall experience or encounter that buyers expect and request when they purchase sexual access to any woman advertised on the site. They reveal the most popular demands buyers make of women in prostitution – regarding their appearance, age, ethnicity and so on, but also the sex acts they are asked to perform and the fantasies they are expected to fulfil.

Data were captured from buyer reviews on EI on a weekly basis at the same time each week for a period of 14 weeks in total, beginning on 20/04/20 and ending on 27/07/20. Over 1,300 buyer reviews were analysed during this data capture period. Further details on how the review system works, how it was used for data collection purposes and how reviews were selected for analysis are contained in Appendix C. Qualitative data captured from the reviews were analysed thematically, with a focus on buyer demands and expectations of the women they purchase sexual access to and their experiences of these 'encounters'.

This analysis is presented in Sections 2 and 3 of this report, including excerpts from buyers' reviews, as written, with buyers identified only by the screenname or pseudonym they use on the EI site and the date of their review. A number of women's responses to the reviews they received were also included in the analysis and are identified only in relation to the review to which they responded. It should be noted that not all buyers submit reviews, so it was only possible to capture data from those who do.

Press reporting

Finally, a short review of recent press reporting on Ireland's sex trade, primarily since the introduction of the 2017 Act, was undertaken that yielded useful background evidence to augment this study's findings. The focus of this online review was reporting on cases of violent offences committed against women in prostitution, and targeted Garda actions against prostitution organisers and sex buyers. An online search of press reporting on these issues was first undertaken in July 2020 and subsequently updated in October 2020. This was not intended to be an exhaustive

¹⁴ See Section 3 for evidence of this.

¹⁵ This practice is confirmed by women in prostitution and their support workers.

exercise, but rather to identify a series of cases that further illustrate some of the main themes explored in this study. Findings from this review are referenced throughout the report, and the key results are set out in Appendix D.

Ethics

This study achieved full ethical approval from University College Dublin's rigorous Human Research Ethics Committee and from An Garda Síochána's Research Unit, and adhered to the highest ethical standards throughout.

Background context to the 2017 law

Prostitution in the 1990s¹⁶

Prior to the *Criminal Law (Sexual Offences) Act, 2017* prostitution law in Ireland mainly focused on individuals engaged in street prostitution policed by public order offences, and on the organisation of prostitution, in particular, brothel keeping. The *Criminal Law (Sexual Offences) Act, 1993* was amended to give the Gardaí adequate powers to deal with public soliciting.¹⁷ Under the 1993 Act, prostitution itself was not an offence. What the law sought to do was to protect society from the more visible aspects of prostitution, such as soliciting in the streets, with a further objective to protect those in prostitution from exploitation by persons, such as pimps living on the earnings of the prostitution of another person.¹⁸ This included making it an offence to solicit or importune another person in a street or public place for the purposes of prostitution (Sections 7 and 8) which applied to everyone, whether male or female, prostituted person or buyer, or a third party, such as a pimp. The solicitation and loitering offences in the Act “do not, and were never intended to, address solicitation by clients or prostitutes in a private setting”.¹⁹

There were also a range of offences directed at pimping and organised crime, and any person involved in the organisation of prostitution was liable to be penalised under a number of offence headings including: organising prostitution (Section 9), coercing or compelling a person to be a prostitute (Section 10), or keeping or managing a brothel (Section 11). The 1993 Act thus placed the focus of police enforcement on the streets and on organised criminal elements running brothels.²⁰ The Act continued a long pattern in Irish criminal laws pertaining to prostitution which for the most part has “always focused upon the perceived need to control, contain and above all conceal the sale of sex in public” and not engage the public in a process of debate and reflection on the issue of the sale or buying of sex.²¹ In a nine country European comparative study, Kelly *et al.* (2008) described Ireland as “a traditional regime” where there has been “little change in law or policy in recent years” and where the law “mainly targets women who sell sex”.²²

A series of studies with women in street prostitution during the early nineties indicated a number of common factors driving women into the sex trade, including backgrounds of severe poverty, sexual abuse and homelessness at an early age. They also revealed a high level of physical and sexual violence on the streets by buyers and pimps; the presence of severe drug related problems; vulnerability to unsafe sexual practices; barriers to exiting; fears of reporting violence to the

16 For a further history see Bacik, I., 2019. Prostitution Law. In Black, L., and Dunne, P., (eds). *Law and Gender in Modern Ireland: Critique and Reform*. UK: Hart Publishing, p. 21-38.

17 This had become inoperative due to a Supreme Court decision which had resulted in Garda reliance on what were regarded as unsuitable provisions, such as breach of the peace to deal with the public manifestations of soliciting for the purpose of prostitution (Department of Justice, Equality and Law Reform, 1998).

18 Department of Justice, Equality and Law Reform, 1998. *The Law on Sexual Offences: A Discussion Paper*. Dublin: Government Publications Office.

19 Department of Justice and Equality, 2012. *Discussion Document on Future Direction of Prostitution Legislation*. Dublin: Department of Justice and Equality.

20 The 1993 Act remains to this date with amendments decriminalising the sale of sex and increasing the penalties for brothel keeping (see Section 4).

21 Centre for Gender and Women's Studies, Trinity College Dublin, 2008. *Interdisciplinary Report on Prostitution in Ireland*. Dublin: Irish Human Rights Commission.

22 Kelly, L., Coy, M., and Davenport, R., 2008. *Shifting Sands: A Comparison of Prostitution Regimes across Nine Countries*. London: London Metropolitan University, p. 22.

police and the negative impacts of being criminalised.²³ Negative consequences for women who were the target of Garda enforcement and criminalised were consistently reported, making them reluctant to report violence and assaults. Garda figures continued to indicate a pattern of the prosecution of street-based prostitution offences with the majority being offences such as soliciting, importuning and loitering on the streets, alongside a small number for brothel keeping.²⁴ Buyers remained quite invisible and unaccountable throughout as the figures do not make clear who is being prosecuted and for what. Policy and public debate thus remained focused on young, drug addicted Irish women and girls in certain areas of cities, viewed from a public order perspective rather than one of concern for the harm to women themselves; it was a legal structure which framed prostitution ‘as a public nuisance, not private exploitation’.²⁵ However, by the end of the 1990s frontline services and the Gardaí were beginning to see major changes in the Irish sex trade in terms of a shift to indoor locations, in particular to apartment blocks and hotels, and in migrant women presenting to service providers.

The growth of the indoor sex trade

Print media in the early nineties was perhaps the most visible indicator of the growth of indoor prostitution in Ireland. Despite the fact that Section 23 of the *Criminal Justice (Public Order) Act, 1994* made it an offence to publish or distribute an advertisement for a brothel or the services of a prostitute, the magazine *In Dublin* became a highly profitable vehicle for the advertising of brothels, sex shops and ‘escorts’ in the late 1990s. However, following a successful Garda prosecution which resulted in conviction and the temporary closure of the magazine, mainstream print advertising of prostitution was effectively ended. This coincided with the global development of information and communications technology which was immediately regarded as an opportunity by the organised sex trade. Websites such as escort-ireland.com promptly based themselves in the UK, avoiding prosecution by claiming to be advertising the ‘company’ of a person and explicitly stating that the advertising of prostitution was illegal in Ireland.²⁶ An unforeseen consequence of the print ban was perhaps, that the buying of sex indoors became far more invisible in Ireland than in other countries as the internet became the only method of advertising.

Throughout the early 2000s a new picture began to emerge as the Gardaí conducted a series of targeted operations. Following the murder of two young women in prostitution, Operation Gladiator led to a major crackdown on the sex industry resulting in over 1,000 arrests, and revealing a very different market involving Russian, Eastern and Central European actors and Irish organised criminals.²⁷ Operation Quest (2003), which continues to investigate prostitution related crime, exposed high numbers of migrant women in lap dancing clubs; Operation Hotel (2005) investigated the trafficking of Eastern European women into the Irish sex industry; and Operation Snow (2007) examined the allegation that a number of Nigerian children were trafficked into Ireland, resulting in the arrest of a known child trafficker who was sought by police in the Netherlands. At the same time, specialist frontline service providers, namely Ruhama and the Women’s Health

23 O’Connor, A.M., 1994. *The Health Needs of Women Working in Prostitution: Towards a Healthier Future*. Dublin: Women’s Health Project; O’Connor, A.M., 1996. *Women Working in Prostitution in the Republic of Ireland*. A report prepared for EU-ROPAP and the Eastern Health Board Women’s Health Project. Dublin: Women’s Education and Resource Centre, University College Dublin; O’Connor, A.M., O’Neill, M., and Foran, D., 1999. *Drug Using Women in Prostitution*. Dublin: Women’s Health Project.

24 Centre for Gender and Women’s Studies, Trinity College Dublin, 2008; op cit.

25 Bacik, I., 2019; op cit, p. 21.

26 Escort Ireland is operated by Lazarus Trading SL, now based in Las Palmas, Spain.

27 Reynolds, P., 2003. *Sex in the City: The Prostitution Racket in Ireland*. London: Pan Books.

Service (HSE) (see Appendix B), were also seeing a changing profile of women attending their services, with a predominance of migrant women from a diverse range of countries. Despite Garda operations, lap dancing clubs and massage parlours continued to open and operate, with public protests by Ruhama who claimed that there were direct links to prostitution in the clubs and an increasing presence of young vulnerable migrant women within them.²⁸

Trafficking for sexual exploitation

The present day global phenomenon of trafficking in human beings emerged over the past decades within the context of globalisation, poverty, war and conflict, which created the context where it is estimated that 244 million people from impoverished regions and countries have sought to and are forced to migrate into richer, post-industrialised areas of the world.²⁹ Whilst many migrants access legal avenues to migrate, increasingly restrictive migration policies in destination countries have resulted in smugglers and traffickers opportunistically exploiting people's desperation, organising precarious and dangerous journeys which end in undocumented migration in unregulated sectors of the economy.³⁰ Men, women, and children are trafficked across international borders each year, but of an estimated 600,000 to 800,000 people trafficked, eighty per cent are women and girls, and up to fifty per cent are minors, the majority of whom are trafficked into commercial sexual exploitation.³¹ Trafficking into and within the European Union reflects a similar gendered profile with seventy five per cent of victims for all purposes being female, with the trafficking of women and girls for the purposes of sexual exploitation the most widespread form of this crime in Europe.³²

From the early 2000s, frontline services including Ruhama, the Women's Health Service and the Immigrant Council of Ireland were beginning to see service users who disclosed coercive recruitment, deception, illegal transportation across borders to Ireland and being forced into prostitution – the risk factors associated with trafficking for sexual exploitation. An initial study that attempted to estimate trafficking for sexual exploitation in Ireland found a minimum of seventy-six cases and an additional possible seventy-five over a seven-year period.³³ As evidence of trafficking was emerging in Ireland, global concern was building which resulted in the United Nations 'Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children' (2000) and European directives³⁴ on trafficking which would lead to the introduction of a comprehensive legislative and policy framework in Ireland (see below).

28 Ruhama, 2006. *Annual Report 2006*. Dublin: Ruhama.

29 United Nations, 2016. *International Migration Report 2015*. United Nations: Department of Economic and Social Affairs.

30 Melrose, M., 2010. *Mercenary Territory: A UK Perspective on Human Trafficking*. In McCabe, KA., and Manian, S., (eds). *Sex Trafficking: A Global Perspective*. Plymouth: Lexington Books, 59-71.

31 Office to Monitor and Combat Trafficking in Persons, 2004. *Trafficking in Persons Report*. Washington: US Department of State.

32 Eurostat, 2015. *Statistical Working Papers: Trafficking in Human Beings, 2015 Edition*. Luxemburg: Publication Office of the European Union.

33 Ward, E., and Wylie, G., 2007. 'The Nature and Extent of Trafficking of Women into Ireland for the Purpose of Sexual Exploitation: 2000-2006 – A report from Findings'. *Social Science Research Centre (SSRC) Papers and Reports*, 39. Galway: SSRC, National University of Galway.

34 The 2005 Council of Europe Convention on Action against Trafficking in Human Beings (the Trafficking Convention); and two EU Directives, respectively Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (the Anti Trafficking Directive), and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (the Victims' Rights Directive).

A comprehensive study on the Irish sex trade

In 2008, the Immigrant Council of Ireland commissioned the first extensive study on the sexual exploitation of both trafficked and migrant women within the Irish sex trade, in collaboration with the Women's Health Service (HSE) and Ruhama.³⁵ The research unveiled a highly organised, easily accessible and lucrative prostitution market estimated to be worth over €180 million, with an estimated 1,000 women located in indoor venues aged between 18-58, 87% to 97% of whom were migrant women. An analysis of 425 women advertised on escort-ireland.com revealed fifty-one different nationalities – a figure which reflects international evidence that Western and Central Europe has the widest range of nationalities of women in prostitution in any region.³⁶ Only three per cent (11) identified as Irish, in stark contrast to the continued predominance of Irish women on the streets, albeit in small numbers. Private apartments and hotels were the most frequent locations with 'call outs' (where women go to the buyer's home or hotel room) also available. Websites made it possible for buyers to select the particular body type, nationality and other characteristics they want, alongside a detailed list of sexual acts performed by individual women to choose from.

Interviews with migrant women in the research indicated that they had been actively recruited in their home countries by individuals working for 'escort' agencies and that within Ireland they were placed in a highly organised trade, constantly moved from place to place throughout the twenty six counties and across the border to Northern Ireland. Various types of prostitution agencies and pimps were described who exercised different levels of penalty, debt bondage, control and violence, with some 'high class' agencies charging €400 to have a woman perform any sexual act the buyer required and over a prolonged period of time. Some women spoke of working for agencies where they had to parade naked so that men could view them particularly in areas and locations where stag nights were taking place. They also disclosed an increasing demand for unprotected sex and sexual practices, including anal sex, which were profoundly damaging to women's sexual, reproductive, mental and physical health.

The researchers worked systematically with frontline services to identify women who had been trafficked for sexual exploitation over a period of 18 months in 2007/8.³⁷ The study revealed 102 cases, the majority of whom were from Africa and Central Europe; 11% were minors at the time they were trafficked. Patterns of recruitment reflected those within international literature in that for the majority of girls and women it was deception rather than direct coercion, with promises of work in Ireland in the domestic and other service sectors, used by traffickers to persuade them to migrate.³⁸ The accounts of trafficked women in the Irish sex trade also reflect international studies which reveal the traumatic experience and consequences of captivity and isolation and being subjected to repeated and systematic physical violence, sexual exploitation and rape.³⁹

35 Kelleher Associates, O'Connor M., and Pillinger, J., 2009. *Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland*, Dublin: Immigrant Council of Ireland.

36 United Nations Office on Drugs and Crime (UNODC), 2010. *The Globalisation of Crime: A Transnational Organised Crime Threat Assessment*. UNODC: Vienna.

37 The UN protocol definition and the identification guidelines of the Organisation for Security and Cooperation in Europe (OSCE) and the International Organisation of Migration (IOM) were used to identify trafficking cases

38 Kelly, L., 2003. 'The Wrong Debate: Reflections on why force is not the key issue with respect to trafficking in women for sexual exploitation.' *Feminist Review: Exile and Asylum-women Seeking Refuge in "Fortress Europe"*, 73, 139-144.

39 Zimmerman, C., Hossain, M., Yun K., Roche B., Morison L., and Watts, C., 2006. *Stolen Smiles: Report on the Physical and Psychological Health Consequences of Women and Adolescents Trafficked in Europe*. London: London School of Hygiene and Tropical Medicine; Walby, S., Apitzsch, B., Armstrong, J., Balderston, S., Follis, K., Francis, B., Kelly, L., May-Chahal, C., Rashid, A., Shire, K., Towers, J. and Tunte, M., 2016. *Study on the Gender Dimension of Trafficking in Human Beings – Final Report*. Luxembourg: European Commission.

Surveys reviewed indicated that one in 15 men in Ireland report that they buy sex and they concur with international findings that buyers tended to be educated with incomes in the middle range.⁴⁰ In order to examine the attitudes of buyers over 1,000 postings on Punter.net Ireland,⁴¹ where buyers posted reviews on the women they bought, were analysed. The key ratings by men were for: value for money; the physical and sexual attributes of women; explicit details of sexual acts demanded and performed and the degree of ‘sexual satisfaction’. The expectation that the woman is responsive and appears to enjoy the sex was consistent in the narratives, with demands for ‘the girlfriend experience’ (GFE). Severe criticism was expressed where women were not satisfactory, did not look like photographs advertised, refused to deliver a ‘full service’ and particularly where she appeared to be mechanical or switched off. The postings by men in Ireland reflect the same consumerist discourse, and the objectification, commodification and dehumanisation of women found in numerous international studies with buyers.⁴²

The transformation of the Irish sex trade from a relatively small, mainly street-based activity in major cities to a widespread sizeable market of migrant women was facilitated by a number of factors. The Irish economy had grown exponentially during the Celtic tiger years enabling some men to pay relatively high prices of €250 to €400 per hour in indoor locations, compared to much lower rates on the streets; the invisibility of the trade to the public due to the advertising ban; the fact that prostitution agencies were able to operate from the UK; the development of large apartment complexes and major hotel chains throughout the country which allowed for a new form of anonymity not afforded by housing estates; the inadequacy of laws designed for public nuisance to address privatised indoor locations; the growth of ICT; the increasing level of global economic inequalities and the global migration crisis linked to areas and regions in conflict; and significantly, a stark absence of public debate and political attention. It was also facilitated by the increasing flow of impoverished migrant women being targeted, recruited and coerced into the sex trade of most Western European countries, including Ireland, and the growth in trafficking in human beings.

Legislative frameworks in other jurisdictions

In developing recommendations for future policy in Ireland, approaches to prostitution and trafficking within the European Union (EU) were examined in the above research. These mainly fell into two opposing models. Firstly, the legalisation of prostitution as ‘sex work’, which seeks to regulate prostitution as an assumed ‘normal’ part of the market economy, adopted in Germany and the Netherlands. In this approach the State regards the demand for the purchase of a person for sexual gratification through prostitution to be a legitimate and acceptable demand which the State should protect by introducing administrative structures regulating the labour conditions of the trade. The stated objectives of the Dutch 2000 law was to forcefully remove ‘undesirable’ forms of prostitution, penalise all forms of exploitation in the prostitution sector, legalise ‘acceptable’ commercial prostitution (i.e. carried out by adult women who are deemed to have chosen to be in prostitution and consented to prostitution sex), and remove ‘unacceptable’ forms

40 Yonkova, N., and Keegan, E., 2014. *Tackling Demand for Sexual Services of Trafficked Women and Girls*. Dublin: Immigrant Council of Ireland, Stop Traffick! EU Project.

41 This site no longer in popular use in Ireland, most buyer reviews are now posted directly on Escort Ireland.

42 Coy, M., Horvath, M., and Kelly, L., 2007. *It's Just like Going to the Supermarket: Men Buying Sex in East London, Report for Safe Exit*. London: London Metropolitan University; MacLeod, J., Farley, M., Anderson, L., and Golding, J., 2008. *Challenging Men's Demand for Prostitution in Scotland: A Research Report Based on Interviews with 110 Men Who Bought Women in Prostitution*. Scotland: Glasgow Women's Support Project; Monto, M., 2010. Prostitutes' Customers: Motives and Misconceptions. In Weitzer, R., (ed). *Sex for Sale: Prostitution, Pornography and the Sex Industry*. 2nd ed., New York: Routledge, 233-55.

of prostitution i.e. trafficking, involuntary prostitution and child sexual exploitation.⁴³ However, the evidence from an extensive evaluation in 2007 found that legalisation had not delivered on these stated objectives, resulting in the exponential growth of both the legal and illegal sectors of the market and the continued operation of pimps and traffickers. In relation to determining the level of force and coercion, the authors concluded that it was “virtually impossible” to ascertain whether the law had succeeded in combating the exploitation of *involuntary* prostitution (*ibid*, p. 13). Whilst it is acknowledged that brothel owners might use coercion, the report found that “such force is chiefly exercised by pimps who continue to operate in the background”, and that the number of women controlled by pimps “does not seem to have decreased” (*ibid*, p. 13). Given the fact that the welfare and rights of ‘sex workers’ were a major rationale for the law, a critical finding of the evaluation is that the emotional wellbeing of women was found to be lower than in 2001 and that despite stated commitments to the provision of exit routes, only 6% of municipalities had done so. Ultimately, legalised regimes have failed in their attempts to control the power and vested interests of the sex industry and to introduce ‘measures to promote women’s agency and autonomy’ (Kavemann and Rabe, 2007 p. 155).

The second approach examined was the Swedish model which regards prostitution not as legitimate employment but rather as a form of gender-based violence which is contrary to the goal of greater gender equality. The demand to have a supply of girls and women available for sexual gratification is not considered to be a legitimate or acceptable demand, but rather is regarded as a severe and harmful form of sexual exploitation that should be criminalised. The vulnerable and circumscribed circumstances which drive girls and women into the sex trade are regarded as coercive, and therefore prostituted persons are deemed victims of sexual exploitation, regardless of the apparent degree of choice, voluntariness or coercion in their means of entry. Consequently, the purchase of sex was criminalised in 1998 and those selling sex are considered to be victims of exploitation by procurers and buyers and therefore do not risk any legal repercussions.⁴⁴ The question of *consent* of the person to being prostituted is thus not the determining factor in law. This is highly significant for the implementation of law and policy and the provision of services and exit routes as women are not regarded as culpable or criminal. This framework also involved an integrated approach to addressing prostitution and trafficking, recognising that the demand for a supply of girls and women fuelled trafficking for sexual exploitation.

The research concluded that the most effective way to reduce the scale of prostitution and trafficking and to address the rising demand for a fresh supply of girls and women to be available for commercial sexual exploitation was to introduce the Swedish law (currently referred to as the Equality Model). This concurred with the conclusions of a report conducted by Trinity College Dublin for the Irish Human Rights Commission which found that this approach ‘most fully encapsulates human rights protections as provided for in United Nations (UN) human rights treaties’.⁴⁵ But the recommendations also recognised that law was insufficient without substantive measures and resources in relation to the provision of support and protection to all women in prostitution, including exit routes; the right to legal representation and routes to regularise undocumented migrant status; comprehensive governmental infrastructure; resources for specialist Garda units; and public awareness programmes aimed at reducing demand.

43 Daalder, A.L., 2007. *Prostitution in the Netherlands Since the Lifting of the Brothel Ban*. The Netherlands: Research and Documentation Centre/Wetenschappelijk Onderzoek-en-Documentatiecentrum. p. 45.

44 Swedish Government Offices (Statens Offentliga Utredningar – SOU), 1998. *Violence Against Women, Government Bill, 1997*, 98:55.

45 Centre for Gender and Women’s Studies, 2008; op cit.

Legislative and policy response to trafficking in human beings in Ireland

The *Criminal Law (Human Trafficking) Act, 2008* criminalises the trafficking of humans for the purpose of sexual or labour exploitation or the removal of organs. The Act provides for severe penalties, compared to prostitution offences, with the maximum penalty of life imprisonment for traffickers provided that the *specified means of force or coercion to obtain consent* were used. Section 5 makes it illegal to ‘solicit or importune’ a trafficked person for the purpose of prostitution and a person found guilty of paying for sexual services with a victim of trafficking is liable for a fine of up to €5,000 and a prison sentence of up to five years. However, *lack of knowledge* of the trafficking circumstances of the victim may be used as a defence by the buyer, which makes conviction highly problematic. Within the trafficking legislation we can clearly see how *consent* and the *degree of voluntariness* were regarded as the defining factors in the criminalisation of the purchase of a person for sex. By making it a criminal Act *only* in cases where it is known that the person is trafficked, by inference it is assuming that it is not unlawful (or by implication unacceptable) if the buyer is purchasing sex from someone who is not identified as trafficked, regardless of the context or circumstances of the person being prostituted. The Act also removed the relevance of *consent* in cases involving mentally impaired people, further emphasising that the *consent* of the person is highly relevant in all *other* cases. It was suggested at the time that Section 5 gave the Gardaí significant additional powers in relation to prosecuting buyers who have sex with trafficked persons in any location, including indoors, but due to the significant limitations in the formulation of the law, there has not been a single conviction under this provision.

Alongside the introduction of the law, the Irish State made a considerable investment in the establishment of infrastructure at departmental level to oversee strategy, policy and monitoring; a Garda unit was established under the Garda National Immigration Bureau (GNIB); and a specialised Anti-Human Trafficking Team (AHTT) was set up within the Health Service Executive (HSE). Administrative procedures also set out the legal rights and provision of services to victims of trafficking. Whilst there have been numerous criticisms by international bodies and national experts of Irish Governments’ response to trafficking,⁴⁶ the level of State response in establishing legal rights and offering protection and services to victims of trafficking was on a markedly different scale than the response to women in prostitution. In fact, it has been argued, the law created ‘a rigid demarcation between trafficked and prostituted women, narrowing the concern of the State to victims of trafficking’ and disregarding the circumscribed conditions which drive women and girls into prostitution.⁴⁷ This rigid demarcation also serves to obscure the extensive body of evidence which reveals that regardless of entry routes, women will be subjected to severe violence and sexual assault once they are entrapped within the sex trade and experience profoundly traumatic consequences to their health and wellbeing.⁴⁸

46 Charlton, D., and Yonkova, N., 2016. The Implementation in Ireland of Directive 2011/36/EU from a Gender Perspective. In Scherrer, A., and Werner, H., (eds). *Trafficking in Human Beings from a Gender Perspective: Directive 2011/36/ EU: European Parliament Assessment Report*. Brussels: European Parliamentary Research Service; O’Connor, M., 2015. *Upholding Legal Rights: Early Legal Intervention for Victims of Trafficking*. Dublin: The Immigrant Council of Ireland, EU/ISEC Programme; see also TIP (Trafficking in Persons) and GRETA reporting on Ireland.

47 O’Connor, M., and Yonkova, N., 2019. Gender, Trafficking for Sexual Exploitation and Prostitution. In Black, L., and Dunne, P., (eds). *Law and Gender in Modern Ireland: Critique and Reform*. UK: Hart Publishing, p. 39-54.

48 Coy, M., 2009. Invaded Spaces and Feeling Dirty: Women’s Narratives of Violation in Prostitution and Sexual Violence. In Horvath, M., and Brown, J., (eds). *Rape: Challenging Contemporary Thinking*. Oregon: Willan; Farley, M., Cotton, A., Lynne, J., Zumbeck, S., Spiwak, F., Reyes, M., Alvarez, D., and Sezgin, U., 2003. ‘Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder’. *Journal of Trauma Practice*, 2: 3/4, p. 33-74; O’Connor, M., 2017. ‘Choice, Agency, Consent and Coercion: Complex Issues in the Lives of Prostituted and Trafficked Women’. *Women’s International Studies Forum*, 62, p. 8-16; Raphael, J., and Shapiro, D.L., 2002. *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago*. Chicago: Center for Impact Research; Raymond, J., D’Cunha, J., Ruhaini Dzuhayatin, S., Hynes, H.P.,

It is important to note that the provision in Irish law limiting criminalisation to the buying of sex from a victim of trafficking reflects a wider European dilemma. There is ample evidence that the destination for the vast majority of trafficked women and girls is the sex trade but they remain largely unidentified because they are ‘hidden within mixed populations of independent, exploited and coerced prostitutes and in mixed migration flows’.⁴⁹ Furthermore, research with buyers consistently indicates an indiscriminate attitude to the circumstances of the person from whom they are seeking to buy sexual acts.⁵⁰ Consequently, there has been a growing acknowledgement at EU level that in order to reduce trafficking of girls and women, there is an imperative to address the environment that is creating the demand for a supply of girls and women, which in this case is ‘the institution of prostitution’.⁵¹

A recent report of the European Commission examining progress under EU strategy towards the eradication of trafficking in human beings, states: *Trafficking in human beings is a crime driven by demand and profit. The profits, in both the legal and illegal economies, result in a complex interplay between supply and demand that must be addressed if the crime is to be eradicated.*⁵²

However, differing positions on prostitution by member states (see below) have prevented any development or progression from this limited position. A recent comparative study across six EU member states highlights the inevitable failure of attempting to address demand by the criminalisation of the buying of sex only from victims of trafficking; the report concludes that this approach is inoperable from a policing point of view and ineffective as a deterrent to buyers of victims.⁵³ As Turner (2012) argues, de-coupling prostitution and trafficking for sexual exploitation makes no sense because “if trafficking is the means of delivery, prostitution is the end game” (p. 33); trafficking is simply the means by which women are “sourced and corralled” to supply the sex trade (p. 46).⁵⁴

A turning point in Ireland

Following the publication of its research in 2009, the Immigrant Council of Ireland⁵⁵ established a platform of concerned organisations, individuals and survivors of prostitution to demand a governmental response, not just to trafficking, but to the highly exploitative sex trade. An alliance of 72 networks, umbrellas organisations, trade unions and non-governmental bodies, who represented 1.6 million members was formed.⁵⁶ This was the first campaign in the history of the State

Ramirez Rodriguez, Z., and Santos, A., 2002. *A Comparative Study of Women Trafficked in the Migration Process: Patterns, Profiles and Health Consequences of Sexual Exploitation in Five Countries (Indonesia, the Philippines, Thailand, Venezuela, and the United States)*. North Amherst, MA: Coalition Against Trafficking in Women.

49 Walby et al, 2016; *op cit*.

50 Yonkova, N., and Keegan, E., 2014; *op cit*.

51 *Ibid*, p. 22.

52 European Commission, 2016. *Report on the Progress Made in the Fight Against Trafficking in Human Beings as Required under Article 20 of Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims*. Brussels: COM (2016) 267 Final.

53 Charlton, D., and O’Connor, M., 2018. *Disrupt Demand: Comparative Report Examining Campaign Strategies in Member States to Introduce Legislative Measures to Discourage Demand for Sex Trafficking*. Dublin: Immigrant Council of Ireland.

54 Turner, J., 2012. Means of Delivery: The Trafficking of Women into Prostitution, Harms and Human Rights Discourse. In Coy, M., (ed.). *Prostitution, Harm and Gender Inequality: Theory, Research and Policy*. UK: Ashgate Publishing Ltd., p. 33-52.

55 Kelleher Associates et al, 2009; *op cit*.

56 The member organisations of Turn Off the Red Light (TORL) were: AkiDWA, Aoibhness Refuge, APT (Act to Prevent Trafficking), Barnardos, Bray Women’s Refuge, Cairde, Children’s Rights Alliance, Clondalkin Women’s Network, Communication Workers’ Union, Domestic Violence Advocacy Service Sligo, Doras Luimní, Dublin Rape Crisis Centre, Focus Ireland, FOF (Feminist Open Forum), FOMACS (Forum on Migration and Communications), Freedom From Pornography Campaign,

which sought the decriminalisation of those exploited in the sex trade and an end to the legal and policy framework which deems it acceptable to buy sexual access to another person. Survivors of the sex trade and service providers that respond directly to women and children affected by prostitution and trafficking were to the forefront of this campaign. Member organisations developed evidence-based policies in the areas of health, justice, children's rights and gender equality. Despite criticisms that this was a sexually regressive or conservative stance, as Bacik (2019, p. 36) observes, this was in fact a progressive campaign with many of the individual spokespeople and organisations involved having a long history of tackling 'human rights and feminist issues, with noteworthy support from the Trade Union movement'. This legislative reform represented 'recognition of prostitution as a practice of gender inequality incompatible with a gender equal society' (*ibid*, p. 37).

Political momentum gathered and by 2012, following debates in the Seanad and the Dáil⁵⁷ supporting the Swedish model (also known as the 'Nordic' or 'Equality Model'), the Minister for Justice, Equality and Defence, Alan Shatter announced a consultation process on the future direction of prostitution legislation in Ireland. A discussion paper was released by the department which aimed to 'identify possible legislative responses based on evidence-informed analysis and debate'.⁵⁸ The Joint Oireachtas Committee on Justice, Equality and Defence (JOC) was charged with overseeing the consultation process. The Committee received over 800 submissions and held public and private hearings with 24 organisations and individuals, over 80% of which favoured the Swedish approach. Submissions and presentations covered a wide range of issues reflecting the focus of individual organisations including *inter alia* the evidence of systematic rape and sexual violence within prostitution; the harmful consequences of prostitution for women's health; early age of entry to prostitution and protection of the girl child; the rejection of prostitution as an acceptable form of work; the links between migration, trafficking and prostitution; and the wider impacts of prostitution as an institution on gender and sexuality inequality.⁵⁹ The report noted the broad scope of the evidence presented and attached 'great importance to how these contributors comprise a broad cross-section of Irish civil society'.⁶⁰ The Committee noted 'the breadth and depth of evidence on the nature and effects of prostitution' which was presented and concluded that the harms and criminality of prostitution 'outweigh any considerations in favour of voluntary prostitution where it does occur'.⁶¹ Members of the Committee travelled to Sweden where they found the evidence 'compelling' in relation to the reduction in the size of the prostitution trade; the effectiveness of using the criminal law to tackle demand for prostitution and in reducing trafficking; the provision of extensive services to women in prostitution; and in particular, the normative, declarative and deterrent effects of the law in relation to gender equality and

ICTU, Immigrant Council of Ireland, Impact Trade Union, Inchicore Women's Support Group, Irish Country Women's Association, Irish Feminist Network, Irish Girl Guides, Irish Medical Organisation, Irish Nurses and Midwives Organisation, Labour Party, Longford Womens' Network, Macra na Feirme, Men's Development Network, MRCI, NASC Cork, National Child Protection Training Centre, National Women's Council of Ireland, One in Four Ireland, Pavee Point, Public Service Executive Union committee, Rape Crisis Network Ireland, Rathmines Women's Refuge, Religious Sisters of Charity, Ruhama, SAFE Ireland, Saoirse Refuge, SARI, SIPTU, Sligo Rape Crisis Centre, SONAS Housing, Soroptimist International Ireland, Stop Sex Trafficking Cork, TEEU (Technical, Engineering and Electrical Union), The Dominican Justice Office, Tirzah Ireland, UNITE, VAW Exhibition 365, Viva House, Women's Aid, and Young Social Innovators.

57 Ireland's upper and lower houses of government.

58 Department of Justice and Equality, 2012; *op cit*, p. 4.

59 <https://webarchive.oireachtas.ie/parliament/media/committees/justice/witnesses-and-submissions-on-review-of-legislation-on-prostitution.pdf> (Last retrieved 15/10/20)

60 Houses of the Oireachtas Joint Committee on Justice, Defence and Equality, 2013. *Report on Hearings and Submissions on the Review of Legislation on Prostitution*. Dublin: Houses of the Oireachtas, p. 68. <https://webarchive.oireachtas.ie/parliament/media/committees/justice/1.part-1-final.pdf> (Last retrieved 15/10/20)

61 *Ibid*, p. 69.

sexuality. The report recommended the introduction of a new offence where ‘any person who requests, agrees to, contracts for the obtaining of sexual services by means of prostitution shall be guilty of an offence’, alongside a number of measures to strengthen the laws on the organisation of prostitution (p. 73). This was the broad approach ultimately taken when the *Criminal Law (Sexual Offences) Act* became law in Ireland in 2017 (for the relevant text of this legislation see Appendix A).

Comparative evidence from Europe

An extensive report commissioned by the EU⁶² suggests that the JOC was vindicated in its decision to opt for the Swedish approach rather than legalisation of the sex trade. The research examined the different approaches to prostitution in Germany, the Netherlands and Sweden. In terms of the scale, it clearly demonstrates that legalisation contributes to drive the exponential growth in the sex trade:

Table 1: Rates of prostitution in Germany, the Netherlands and Sweden⁶³

Member state	Approximate scale of prostitution in the period 2006-2014	Population in 2014	Approximate number of prostitutes per 100,000 population
Sweden	650 – 1,500	9,760,142	6.65 – 15.4
Netherlands	9,000 – 20,000	16,926,400	53.2 – 118.2
Germany	150,000 – 400,000	81,083,600	185.0 – 493.3

Source: Walby *et al*, 2016, *op cit*; O’Connor, 2019, *op cit*.

The Netherlands has an estimated nine times the rate of prostitution in Sweden and Germany appears to have a rate of prostitution of between 30 and 40 times that of Sweden. These figures are significant also for the extent of trafficking in persons, as experts suggest that regardless of the prostitution regime and the commitment to anti-trafficking measures, it is the *scale* and the *demand* of the sex industry that is the defining factor in the number of trafficked women supplied to the market (Danailova-Trainor & Belser, 2006; Seo-Young, Dreyer & Neumayer, 2012).

The report also substantiates earlier studies on the failure of State regulation in attempting to deliver better conditions for people in the sex trade in legalised regimes. In Germany it found that with increasing numbers of young mobile women from new members states of the EU being moved across numerous jurisdictions, services and police forces are unable to engage with this hard-to-reach, vulnerable group. The establishment of mega-brothels servicing up to one thousand men, higher costs for rooms being charged to women, an ever-expanding market and greater competition have also led to diminishing earnings and the deterioration of conditions for women. Police expressed concern that they are failing to protect the most vulnerable girls and women and that they are limited in their capacity to prevent pimping and trafficking because of a number of factors in legalised regimes including the use of valuable resources being spent on inspections of licensed locations; the increasing use of private apartments and houses; the use of the internet for

62 Walby *et al*, 2016; *op cit*.

63 *Ibid*, p. 82.

transaction and displacement of prostitution businesses to less regulated or unregulated sectors and regions. A recent case in Germany demonstrates how trafficking, coercion and exploitation are embedded within the legalised sector. Post-legalisation, mega-brothels sprang up, typified perhaps by the Stuttgart Paradise, one of a chain of ‘Paradise’ clubs which opened in 2008 at a cost of more than €6m. The five-storey club was billed as a ‘male wellness centre’ where customers (up to a 1,000 men) paid €69 to cover entry, a meal, drinks and a Turkish bath. Sex cost an additional €50 for half an hour. Men were given bathrobes and shower shoes; women were naked aside from high heels and were expected to pay the €69 entry fee, a daily tax of €25 plus the cost of a dormitory bed if they spent the night there. This was entirely legal. However, the club was identified in a police investigation into trafficking. Faced with increasing demand and not being able to recruit enough women, the owner had involved pimps and traffickers to provide a fresh supply of girls and very young women, which resulted in his conviction. The court case revealed the extent of brutality, violence and exploitation experienced by the women in the club and the failure of legalisation to protect prostituted and trafficked women.

In relation to Sweden, the report concluded that the evidence gathered suggests that criminalising the purchase of sex, in some or all circumstances, decreases the legitimacy and likelihood of men paying for sex, with probable implications for the reduction in trafficking for the purposes of sexual exploitation.⁶⁴ It also stated that there is no evidence to substantiate the claim that criminalising the purchase of sex increases the risk to women in prostitution. The effectiveness of the Swedish approach and increasing concern regarding the consequences of legalisation has led to the introduction of similar laws in Norway, Iceland, Northern Ireland, France and Ireland, with this approach increasingly referred to as the ‘Equality Model’. It is also important to note that if other countries wish to achieve the same success as Sweden, they must be fully cognisant of the wide range of institutional mechanisms and measures which underpin that law and the commitment by the State to providing resources for implementation, policing, health services, exit routes, evaluation and monitoring.⁶⁵ The French law has also provided an exemplar as it placed on a statutory basis service provision, exit routes and legal rights for those exploited in prostitution, including migrant women, on par with the rights afforded to those identified as trafficked.⁶⁶

Evidence from New Zealand

Given the failure of legalised regimes to deliver on the stated aims of preventing exploitation, to reduce the numbers of trafficked women and girls and to improve the conditions of those in the sex trade, there has been an increasing focus on New Zealand as a model to be emulated. The stated aims were similar to those for legalisation, but a decriminalisation model was introduced there over ten years ago which promoted a *laissez faire* market approach, with minimum State oversight or regulation. Estimates of the size of the sex trade vary but it is likely to be between 5,000 to 6,000 people.⁶⁷ With a population similar to Ireland, this is now 5-8 times the estimated figure for Ireland which stands at between 800 and 1,000. A recent evaluation claims that

64 *Ibid*, p. 198.

65 Ekberg, G., 2018. *Swedish Laws, Policies and Interventions on Prostitution and Trafficking in Human Beings: A Comprehensive Overview*. Stockholm: Institute for Feminism and Human Rights; Erikson, E., 2012. The Various Problems of Prostitution – A Dynamic Frame Analysis of Swedish Prostitution Policy. In Coy, M., (ed). *Prostitution, Harm and Gender Inequality: Theory, Research and Policy*. UK: Ashgate Publishing Ltd, p. 159-181.

66 Act number 2016-444 of the 13th April 2016, Aiming to Strengthen the Fight Against the Prostitution System and to Assist Prostituted Persons.

67 Abel, G., Fitzgerald, L., and Brunton, C., 2007. *The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers*. New Zealand: Report to the Prostitution Law Committee.

the New Zealand model has delivered on the goals of better conditions for women, but when examined the findings are concerning. The researchers take a very minimal approach in that any improvement expressed by the interviewees is deemed to demonstrate the positive impact of the law. The language is extremely vague for example finding that ‘managed’ and ‘private sex workers’ are ‘less likely post-decriminalisation to report they felt pressurised to accept a client when they did not want to’ and more likely to have refused to ‘do a client’; 50% said they refused to do sexual acts without condoms. Of course, this indicates that 50% did acquiesce to sexual acts without condoms, which is contrary to the explicit health and safety aims of the New Zealand law. In relation to street-based women, the findings are very disturbing with 29% entering under 16 years, 56% under 18 and almost 90% under 21. Financial reasons were overwhelmingly cited as the reasons why women entered and remain, but half of street-based women entered to support alcohol and or drug abuse. There is also a major over-representation of Maori and Pacific girls and women (33%-53%) in street prostitution.

Despite a highly restrictive immigration regime, with no permits granted to non-resident/ migrants in New Zealand’s sex trade, it is interesting that the study concedes that it could not include Asian women and Asian brothels due to the women’s lack of English, and states that many brothels did not allow researchers into their premises. This of course has implications for detecting trafficking. As Walby *et al.*, (2016) observe, there is no complete decriminalisation of the market, as child prostitution, trafficking and pimping continue to fall within the remit of criminal law and policing. However, there is evidence that once decriminalisation of the trade occurred, there was little incentive to monitor the licensing of brothels or to conduct inspections in relation to age, safety or welfare or to identify signs of coercion or trafficking (Raymond, 2018).

Infrastructure to support the law

Returning to the Irish context, a High-Level Working Group (HLWG) was formed in 2017 to support the implementation of the *Criminal Law (Sexual Offences) Act, 2017 (Part 4)*, comprising key organisations with responsibility for responding to prostitution and trafficking as well as the Gardaí tasked with the enforcement of the law. The HLWG is chaired by Dr Geoffrey Shannon and provides a forum where frontline responders, service providers and experts share information, discuss any issues or challenges in relation to the implementation of the Act, learn from international experience and expertise, monitor and document any unforeseen consequences of the legislation, gather and collate relevant data, and document and record progress over three years to feed into the process of the review of the 2017 Act.

In the HLWG’s first interim report,⁶⁸ Dr Shannon highlighted concerns regarding the insufficient resources being provided to specialist service providers, the need for comprehensive exit supports for women, and the right to advocacy and representation, particularly for trafficked and undocumented migrant women. The report recommends that the right to protection, accommodation, legal advocacy and exit routes be enshrined into policy and placed on a statutory basis. The continuation of close inter-agency cooperation in particular between frontline services and An Garda Síochána is encouraged. The HLWG report also places a strong emphasis on the need to ensure that research and evidence presented in relation to the review of the law meet rigorous standards in relation to ethical approval, transparency and verifiability of methodology and data sources, independence from the organised sex trade, and that cognisance is taken of the weight of evidence and representation by service providers – i.e. the numbers of service users a service typically responds to and supports.

68 Shannon, G., 2020. *Interim Report of the High-Level Working Group – The Implementation of the Criminal Law (Sexual Offences) Act 2017, Part IV – An Interim Review*. Dublin: HLWG <https://immigrantcouncil.ie/sites/default/files/2020-01/2020HLWGInterimReportSOA2017ByGeoffreyShannon.pdf> (Last retrieved 15/10/20)

Conclusions

The 2017 law was enacted following a lengthy and considered process of consultation and debate at a public and parliamentary level. The damaging evidence and evaluations emerging over the past decades on legalised regimes was instrumental in guiding the Joint Oireachtas Committee to examine the Swedish approach in more depth (including going to Sweden to gather further evidence). Furthermore, the weight of submissions from civil society organisations and survivors of prostitution in Ireland was compelling. With over 80% of submissions in favour of this approach the Committee were strongly convinced that this was the right direction for Ireland's prostitution legislation.

Whilst the 2017 Act specifically introduced just one new offence which criminalised buyers and updated the older legislation to decriminalise those exploited in the sex trade, it is important to remember the wider aims and objectives of the law. The JOC and subsequently the Minister were clear in seeing the importance of the declarative and normative purpose of law. They recognised that, as in the case of the laws on rape and sexual assault, the law is intended to both act as a deterrent to potential perpetrators, to punish those who violate the law and provide justice to at least some, albeit a small minority, of victims. But it also serves to declare and reinforce a societal stance on the unacceptability of forced, non-consensual sexual acts. Similarly, the 2017 law is intended to act as a deterrent to potential buyers, prevent sexual exploitation of vulnerable people, reduce the scale of prostitution and trafficking, increase penalties to those who profit from exploitation through brothel keeping and organising, and act as a declarative and normative law which makes the buying of any person for sexual gratification unacceptable.

The 2017 Act is only three years old – a relatively short period in which to assess the impacts of any law, not least a law, such as this, that seeks sustained normative change. This should be borne in mind when considering the findings that follow.

Findings



Section 1

Women in the Irish sex trade

In order to gain an overview of those involved in prostitution in Ireland this section presents top line data from the two largest support services⁶⁹ for women in prostitution⁷⁰ in Ireland and also from the website of Escort Ireland,⁷¹ the largest prostitution advertiser in Ireland.⁷² The profile of those who typically access these support services is then presented. In depth cases studies and interviews with support providers yield further insights into women's entry routes into the sex trade, including the vulnerabilities and difficult life circumstances that first drew them into prostitution, and often persisted to keep them trapped within it.

69 The NGO Ruhama and the Irish Health Service Executive's (HSE) Women's Health Service and Anti Human Trafficking Team – see Appendix B for a description of these services.

70 Throughout the report this includes transgender people in prostitution who self-identify as women.

71 www.escort-ireland.com

72 Kelleher Associates *et al*, 2009; *op cit*.

1.1 Women presenting to the main support services

The tables below provide a four-year breakdown of the number and nationalities of those accessing Ruhama (Table 2) and those accessing the HSE's Women's Health Service (WHS) and Anti Human Trafficking Team (AHTT) (Table 3).

Table 2: Women supported by Ruhama 2015-2018

1	2	3	4	5	6	7	8	9	10
Year	Total no. of cases*	Total no. supported on-street	Total no. supported in casework	Total no. of nationalities in casework & top 5 nationalities	Total no. of WiP in casework & top 5 nationalities	Total no. of VoT in casework & top 5 nationalities	Casework cases: Ongoing / New	Total no. of new cases in casework - WiP	Total no. of new cases in casework - VoT
2015	301	66	228	43 Ireland: 55 Nigeria: 54 Brazil: 28 Romania: 19 Zimbabwe: 6	134 Ireland: 55 Brazil: 20 Romania: 15 Nigeria: 6 Hungary: 3	94 Nigeria: 48 Brazil: 8 Zimbabwe: 5 Romania: 4 Albania: 3	125 / 103	76	27
2016	304	63	222	37 Ireland: 56 Nigeria: 47 Brazil: 28 Romania: 20 UK: 6	130 (not given)	92 Nigeria: 43 Brazil: 8 Romania: 5 Zimbabwe: 5 Albania: 3	123 / 99	73	26
2017	304	62	244	39 Nigeria: 63 Ireland: 41 Brazil: 37 Romania: 21 Spain: 7	135 (not given)	109 Nigeria: 51 Brazil: 7 Romania: 6 Zimbabwe: 6 Bulgaria: 5	153 / 91	65	26
2018	313	62	251	40 Nigeria: 65 Ireland: 50 Brazil: 25 Zimbabwe: 18 Romania: 13	129 (not given)	122 Nigeria: 48 Zimbabwe: 11 Brazil: 7 Albania: 5 Romania: 5	163 / 88	56	32

Source: Data provided to SERP by Ruhama and documented in their Annual Reports 2015-2018; www.ruhama.ie

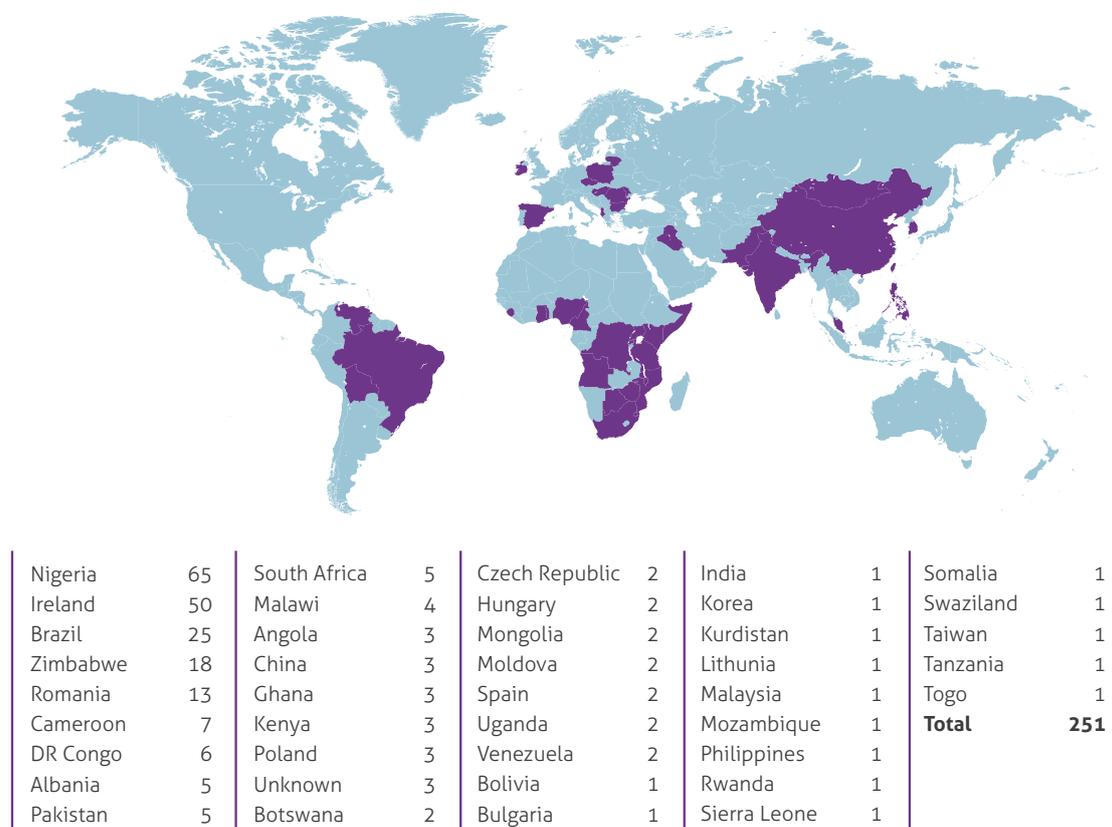
Key: WiP = women in prostitution (not identified as victims of trafficking).

VoT = women the service has identified as victims of trafficking and are being supported accordingly.

* This includes all women in casework, all women on-street who were supported via the Outreach van and also women who received briefer supports but did not engage with the Outreach van or the more intensive casework service (hence the total number of women supported is typically greater than the number supported on-street and in casework combined).

Virtually all of the women in street prostitution (almost 99%) are Irish (column 3), some of whom have been in prostitution for decades. A small number of very young Romanian women are also present on the street.⁷³ This is in contrast to the large number of different nationalities that are represented in Ruhama's casework service (columns 4-10), with the majority of these women having been involved in off-street prostitution, currently or in the past. An average of 40 different nationalities are represented in the service across the four years. Reflecting the globalised nature of the trade, the most common nationalities represented originate primarily from Africa, Latin America and Central and Eastern Europe. Columns 8-10 reflect the medium to long term nature of Ruhama's support work with women involved and in and exiting prostitution, with women often being supported on an ongoing basis for over a year or more.

Figure 1: Nationalities of all 251 women accessing Ruhama's casework supports 2018



Source: Ruhama Annual Report, 2018

73 Whilst Ruhama is a nationwide service provider, its street outreach support to women in prostitution is provided in Dublin only, therefore this information only relates to women in street prostitution in the capital.

Similarly, the women supported by the HSE's WHS and AHTT originate from all over the world, as Table 3 demonstrates.

Table 3: Women supported by the WHS and AHTT 2015-2018

1	2	3	4	5	6	7	8
	HSE Women's Health Service (WHS)				HSE Anti Human Trafficking Team (AHTT)		
Year	Total no. of cases	Total no. of new cases	Total no. of nationalities	Top 5 nationalities	Total no. of new cases (referrals)*	Total no. of nationalities	Top 5 nationalities**
2015	251	84	41	Brazil: 92 Romania: 42 Ireland: 18 Hungary: 14 Spain: 10	30	11	Nigeria: 8 Romania: 4 Bulgaria: 3 Brazil: 2 Lithuania: 2 Slovakia: 2 Zimbabwe: 2
2016	225	70	34	Brazil: 88 Romania: 49 Ireland: 20 UK: 7 Hungary: 6 Nigeria: 6 Spain: 6	28	14	Nigeria: 12 Romania: 3 Pakistan: 2
2017	205	59	35	Brazil: 85 Romania: 46 Ireland: 11 Hungary: 8 Spain: 8 Nigeria: 5	20	13	Nigeria: 3 Bolivia: 2 Congo: 2 Romania: 2 Slovakia: 2 Somalia: 2
2018	155	52	38	Brazil: 70 Romania: 24 Hungary: 7 Ireland: 7 Nigeria: 5 Portugal: 4 Spain: 4	18	7	Nigeria: 9 Zimbabwe: 3 Romania: 2

Source: Data provided to SERP by the HSE's Women's Health Service (WHS) and Anti Human Trafficking Team (AHTT).

* Column 6 shows the number of new referrals to AHTT each year of persons trafficked for the purposes of sexual exploitation but does not reflect the ongoing support work undertaken each year with persons who were referred in previous years.

** Column 8 shows nationalities where there were two or more cases of the same nationality (i.e. nationalities represented by just one person are not included).

An average of 37 different nationalities are represented in WHS of women currently involved in prostitution across the four years (column 4). A significant proportion of women who access this service are Brazilian or Romanian. As is the case with Ruhama, most of the African women who accessed the service over the four-year period, and in particular those from Nigeria and Zimbabwe, were supported by AHTT as victims of trafficking (column 8).

Overall, it is important to note that both Ruhama and WHS/AHTT are working with a fairly similar number of women each year; differences in numbers reflect the fact that data provided for AHTT represents the number of *new referrals* each year, but not the ongoing work with women referred in previous years. Of course, it also important to note that there is likely to be some

overlap between the two services, with women being simultaneously supported by both. Both service providers acknowledge this, but due to client confidentiality it is not possible to assess the extent of this overlap. Additionally, it is also crucial to note that this profile is of those women who manage to reach and access these specialist support services – there are undoubtedly others who are potentially and actually vulnerable, and who may have limited control over their own movements due to the influence of a pimp or trafficker. For these women, accessing support is simply not possible, and therefore they are not represented here.

1.2 Women advertised

It has also been possible to capture a snapshot of the trade by gathering data on the advertising of prostitution. The vast majority of off-street prostitution in Ireland is advertised online, primarily via the aforementioned Escort Ireland (EI) website, which is Ireland's largest prostitution advertising platform, continuing to dominate the market in this regard.⁷⁴ The advertising of prostitution remains illegal in Ireland but the company that operates EI circumvents this legislation by basing its operations in Spain.⁷⁵ On a typical day, over 650 individual 'profiles' advertise or are advertised by a third party on EI.

The site is readily searchable and contains search functions that were used to capture and quantify many different characteristics of the women advertised that are contained within their advertising profiles, primarily based on what buyers tend to demand. Each profile is supposed to relate to a single individual, but it should be borne in mind that there are instances in which someone may advertise or be advertised under more than one profile, whilst conversely a single advertising profile may 'front' more than one individual.⁷⁶

For the purposes of this study, this snapshot was taken on 20/07/20, facilitated by the site's search functions, on a day when the website featured a total of 692 profiles situated right across the island of Ireland⁷⁷ in its cities, but also in its towns large and small – in fact almost a third (32%) of those advertised on that day were based outside urban areas.

The fact that the vast majority of those involved in prostitution are women is clearly borne out in the advertising of prostitution – almost all of those advertised on EI are women and transgender people, many of whom are likely to self-identify as women. On 20/07 less than one percent of profiles (0.7%) were advertised as 'male', as Table 4 shows.

74 Kelleher Associates *et al*, 2009; *op cit*.

75 Escort Ireland is operated by Lazarus Trading SL, based in Las Palmas, Spain.

76 See Section 3 for evidence of this.

77 EI operates both in the Republic of Ireland and Northern Ireland.

Table 4: Type and number of profiles advertised on EI on 20/07/20

Type of advertising profile*	No. of profiles	% of profiles
'Female'	595	86%
'Transexual' (TS)	40	5.8%
'Transvestite' (TV)	44	6.4%
'Male'	5	0.7%
'Duo'**	8	1.1%

Source: SERP analysis of Escort Ireland (www.escort-ireland.com) on 20/07/20.

* These categories (including misspelling) are the precise categories used on the website for buyers to search by 'advert type'.

** Two people, usually women, that can be 'booked' together.

The youngest women advertised on this day were nineteen years of age and the oldest were over 60. On average, one third (33%) of those advertised were aged 25 and under.⁷⁸ The most common nationalities featured on the site (four or more women of the same nationality) were also recorded and are grouped by geographic region in Table 5.

Table 5: Nationalities grouped by region of profiles advertised on EI on 20/07/20

Region	No. of profiles	% of profiles
Ireland and the UK	45	6.5%
Latin America and the Caribbean	305	44%
Western Europe*	238	34%
Central and Eastern Europe	153	22%
Asia	36	5%**

Source: SERP analysis of Escort Ireland (www.escort-ireland.com) on 20/07/20.

* Support providers note that some women from Eastern Europe and Latin America are often advertised as Italian, Portuguese or Spanish, either because this is deemed to be more 'attractive' to buyers, or to avoid bringing attention from immigration authorities to women who may not have the official immigration permission to be in Ireland. It is therefore likely that the number of Western European women is overstated here.

** Again caution must be used in interpreting these numbers – percentages total more than 100 here because women are sometimes advertised under more than one nationality – e.g. Brazilian and 'South American' (which is one of the numerous inaccurate 'nationality' search categories used by the site).

Despite their overrepresentation in the services' data, particularly amongst those receiving support as victims of trafficking, African women barely feature on EI – on 20/07 there were just eight profiles of women from five different African nations (just 1.2% of all profiles advertised on that day). Perhaps reflecting the sex trade's consistently problematic portrayals of nationality, race and ethnicity-

78 It must be borne in mind that to attract buyers, women are sometimes advertised as being younger than they actually are.

ty, Black women are typically categorised by EI and reviewed by buyers on the site as ‘Ebony’. No Nigerian or Zimbabwean women are advertised on the site, in fact these nationalities do not even feature as search options. Further, the relatively small number of both African and Asian women advertised on EI in comparison to the other regions of origin suggests the existence of hidden sub-groups and private markets within the Irish sex trade that are not advertised in this typical way, as some of the case studies presented throughout this report would also suggest.

1.3 Profile of women accessing support services

Whilst women accessing Ireland’s two largest support providers originate from all over the world and are likely to have taken many different routes into prostitution, many are facing very similar struggles in their lives, as the following profiles demonstrate.

It is difficult to develop a single profile of the women who access Ruhama’s casework service, given the diversity of the women they support and the often complex nature of their experiences and needs. Additionally, the service supports women who have become involved in prostitution via many different routes – such as those who have been trafficked, coerced or pimped into the trade, those who entered because they had no other viable ways to financially support themselves or their loved ones, and those who chose prostitution, although typically in very constrained circumstances. However, through this study, some of the following broad commonalities have been identified:

- The vast majority of women accessing casework support are migrant women, many with limited to no English
- The majority have lived in poverty as children and/or adults
- A significant proportion have experienced childhood abuse and neglect, with some growing up in State care or orphanages in their country of origin
- Some have grown up with domestic violence and/or experienced it themselves as adults
- Many are experiencing mental health problems, often caused or exacerbated by their experiences of being in prostitution
- Some are experiencing problems with drugs and alcohol, which are often used to numb or cope with being in prostitution
- Many are socially marginalised and isolated from familial or other support networks
- In addition to violence experienced as children or in their intimate relationships as adults, women have also experienced physical and sexual violence in the context of prostitution, at the hands of buyers, pimps and organisers.

The women in street prostitution in Dublin who are supported by Ruhama’s Outreach service are a more homogenous group with similar profiles:

- The vast majority are Irish, in addition to a small cohort of young Romanian women
- Many have grown up experiencing severe childhood adversities and domestic violence and/or have experienced domestic violence themselves as adults
- The majority are drug dependent – crack cocaine is the primary drug in use, but many are poly drug users
- Many are living in poverty and have significant debt or other financial problems

- The majority live in precarious housing situations or are homeless
- Many are struggling with both physical and mental health problems in addition to drug and/or alcohol dependency
- Many have disclosed being threatened, robbed, and physically or sexually assaulted whilst in street prostitution.

A recent study of 144 women involved in indoor prostitution who access the HSE's Women's Health Service (WHS)⁷⁹ provides insights into the profile of these women and their circumstances, also highlighting the extent to which women currently involved in prostitution in Ireland are facing a range of significant adversities in their lives:

- The vast majority are migrant women (94% of the sample), relatively new to Ireland, living in precarious circumstances and many are undocumented or have insecure immigration status
- Significant numbers have limited English and face language barriers
- They are highly mobile – moving or being moved constantly around Ireland and in some cases right across Western Europe for the purposes of prostitution
- Many are of 'no fixed abode' – with no safe place to stay, living in very precarious circumstances and often having nowhere else to sleep but wherever they see buyers
- They describe being under serious pressure to pay rent, support their families in their countries of origin and regularise their status
- In addition to those women who had been directly coerced into prostitution by another person, many women report entering because they urgently need money – to escape poverty, to survive day-to-day, to support loved ones, to pay off debts, to avoid economic crises in their home countries, to secure their immigration status, to pay rent, to fund their education or support future plans
- Prostitution has had a profound impact on the women's sexual and reproductive health – women were found to be dealing with persistent rounds of vaginal, genital and urinary tract issues, in addition to unwanted pregnancies and STIs, all exacerbated by buyers who demand unsafe practices and often remove condoms without the women's consent⁸⁰
- Women also report harms to their mental health as a result of prostitution, including stress, anxiety, depression and difficulties coping with life
- Some have developed significant problems with alcohol and drugs, using these substances to numb or cope with the experience of prostitution
- Many experience threats, stalking, robbery, harassment and physical and sexual violence in the context of prostitution – the violence is often severe, and in some cases life-threatening
- Women report feeling isolated and lacking in social supports – for many migrant women prostitution is all-consuming – dominating their lives and dominating their experience of being in Ireland.

79 Breslin, R., Latham, L., and O'Connor, M., (forthcoming, 2020); *op cit.*

80 All of these issues are documented in greater detail in Breslin, R., Latham, L., and O'Connor, M., (forthcoming, 2020), *ibid.*

Multiple pressures in the lives of these women to pay rent, support family, manage debt and poverty and regularise their status is exacerbated for some by the wrench of separation from loved ones or experiences of domestic and sexual violence in their personal lives. It seems clear that experiencing such adversities not only led many women into prostitution in the first instance, but also left them vulnerable to further exploitation and harm once involved.

1.4 Background and entry into prostitution

To better understand women's backgrounds and routes of entry into prostitution, the study draws here on data from both case studies and interviews with frontline support providers from Ruhama to explore women's experiences in both on-street and indoor prostitution. Interviews with support providers in particular, yielded insights into the ways in which women become drawn into street prostitution and the hardships they face in this context.

For the majority of women on the streets, drug dependency is an intrinsic part of their routes into and their continued entrapment within prostitution. Although around 60% of the women they encounter in street prostitution disclose to Ruhama that they are using drugs, it is estimated by the service that the rate of drug dependency is much higher. Crack cocaine is the primary drug but often combined with alcohol and other drugs including heroin, methadone, benzodiazepines, painkillers, and other prescription pills. Women are funding their own and often their partner's drug habit and are often paying off their own or their partner's debts, or even those of another family member. For many women, drugs were one of the main reasons they entered prostitution in the first instance, but for some women, their drug use did not commence until they entered prostitution and began using to cope with what they were having to do with buyers. Dealers are often visible in street prostitution areas:



They hang around the area because they know the women will have cash and that they'll be willing to spend it. And even if their intention is not to spend it on drugs, if there's someone there in the moment when they have the cash selling it, it's very hard. (Outreach manager, Ruhama)

Women on the streets are for the most part living in very precarious housing situations or are homeless. They are sleeping in hostels across Dublin, with friends in temporary accommodation, or couch-surfing and moving around. Some are sleeping rough on the streets, in tents, or sleeping on the side of the road, as they find it very unsafe to stay in hostels. For women who are staying in B&Bs,⁸¹ they may have a weekly contract with quite high rent, often much higher than the average. Private rented accommodation, such as a room in an apartment, can usually only be secured by women on a very temporary or even week-by-week basis. These serious accommodation issues make women even more vulnerable to being approached by men who want to use them to earn money:

He will say 'Look, do you want to make some money together?' and the man will offer some protection...but he's looking to score drugs...and the woman will go out...he'll go down to the area with her, but she'll be selling sex and he'll be taking part of the money, a chunk of the money, which is technically, you know, pimping. (Outreach manager)

81 'Bed and breakfast' short-stay accommodation typically used as a cheaper alternative to hotels.

The case studies also provide rich data on women's backgrounds and routes into both street and indoor prostitution. It should be noted again that whilst the case studies are not intended to be representative of all women in the Irish sex trade, they do provide a deeper understanding of women's life stories and the vulnerabilities and adversities they face that have played a part in their entry into and experiences within prostitution. Table 6 provides a brief overview of the profile and often complex stories of the women documented in the case studies.

Table 6: Profile of women in the case studies

Case study no.	Nationality	Age first supported by Ruhama	Age of entry	Vulnerability and risk factors	Entry into prostitution
1 	Irish	38	14	Child sexual abuse by father who also prostituted her to local men Mental health issues at a young age	Brought to the UK by a female family friend and given (possibly sold) to a family who forced her into prostitution As an adult stayed in prostitution in the UK and Ireland
2 	Northern Irish	38	18	N/A	Economic reasons – she said she liked sex and thought she would make a lot of money
3 	Nigerian	33	32	Sexual and physical abuse by her husband in the UK – ran away to Ireland to escape	Member of religious community where she sought help told her about a man who could help her – he locked her into his house where she was held captive and had to serve his domestic and sexual needs. He then brought his friends to the house and forced her to have sex with them. She believes the men paid but she never uses the word prostitution
4 	Irish	32	16	Child sexual abuse by a family member Drug addiction at an early age Had children at a very young age who were taken into care	Went into prostitution to get money for drugs. Her friends were also involved so there was peer pressure. She and her friends exchanged sex for drugs/money on the streets

5 	Brazilian	24	20	Ostracised by family and bullied and attacked physically and verbally in school and the community from the age of 13 for being transgender	<p>Saw prostitution as the only option as she could not get work and needed money for her transition</p> <p>She was in the sex trade in Brazil, Spain and other EU countries before coming to Ireland</p> <p>She had friends in the transgender community in Ireland who were also involved in prostitution and they encouraged her to join them and showed her how to get started in the Irish sex trade</p>
6 	Chinese	22	16	<p>Poverty and domestic violence</p> <p>Raised by grandmother who believed girls are worthless and only males are of any value</p>	<p>Her mother was sold by her father to a criminal gang when she was eight years old</p> <p>When she turned 16, her father also sold her to the same gang because he owed money</p> <p>She was trafficked in China and Singapore and then brought to Ireland by a gang</p> <p>She was arrested by immigration police at Dublin Airport</p>
7 	Nigerian	23	17	<p>Extreme poverty</p> <p>Worked as a child for a local woman</p>	<p>Recruited/groomed by a well-respected woman in her community She thought that she would be minding children, cooking and cleaning for a wealthy family</p> <p>When she arrived in Ireland she was put in an apartment with other girls and told that she owed €6,000 for travel and that she had to earn this through prostitution</p>
8 	Asian ⁸²	36	15	<p>Issues relating to poverty and her transgender identity at a young age</p>	<p>In her country she says there is an assumption that prostitution is the only way transgender women can make money</p> <p>She made contact with 'like-minded' people at 16 and went to sell sex in a brothel</p> <p>She was in prostitution all over Europe to earn money for her transition and came to Ireland because she has friends here who are also involved in prostitution</p>
9 	Romanian	30	28	<p>Poverty, raised in an orphanage</p> <p>Early pregnancy with two children taken into care</p> <p>Struggling as a lone parent with her third child</p>	<p>'Boyfriend' promised her a job in hairdressing in Ireland. Brought here by him and placed in an apartment.</p> <p>She had no English and no money. Trafficker brought the buyers to the apartment</p>
10 	Polish	19	18	<p>Difficulties at home with her mother who separated from her father and brought her to Ireland aged 13</p> <p>Felt she did not fit in with peers in country town</p> <p>Lonely and isolated</p>	<p>Groomed on Facebook by a Polish couple who persuaded her to come and live with them in an apartment in Dublin</p> <p>The couple prostituted her along with two other very young women. All were drugged⁸³</p>

Source: Case studies of women supported by Ruhama provided to SERP for the purpose of this research.

82 This woman's specific nationality has been disguised to protect her identity.

83 Ruhama have also supported two other teenagers prostituted by this same couple who ran a number of apartments. All were constantly sedated.

The case studies, as documented by women's frontline support workers, illustrate the complex range of factors which lead to entry into the Irish sex trade. Cases of trafficking demonstrate the familiar pattern of grooming and deception rather than the use of brute force by traffickers. They also indicate the nature and extent of organisation between international trafficking networks and the Irish sex trade, as documented in a number of the case studies:



It was a local woman who arranged everything – and that was conveyed to her by the person who accompanied her to Ireland. She was accompanied by a person who worked for the local woman, who travelled with her from Nigeria, once she got through Dublin Airport security, she was handed to another person...a white male. She was taken by car, along with three other girls from the airport to an apartment building. Once there she got a call from the person who had travelled on the plane with her and he told her that she owed them money and that prostitution was the only way to repay the debt. (Case study – CS 7)



She was brought to Ireland from Singapore by one of the gang, who sat a few seats away from her on the plane. The only instruction she was given was that once she got through passport control, she would see a man waiting for her and she should stay with him. An [immigration] officer stopped her to ask her questions. She was detained and the man had disappeared at that stage. She was arrested by immigration police and taken to prison. The criminal gang may have looked for her subsequently, but once she was released, she went underground in Ireland. (CS 6)

Regardless of fitting within the definition of trafficking or of evidence of violence or coercion, the women's stories reveal extreme adversity in childhood, child sexual abuse, lack of guardianship and protection and early pregnancy, which create the conditions and the 'pathways of vulnerability' which lead girls and women into prostitution.⁸⁴ They also indicate the deliberate and intentional targeting by pimps and traffickers of those vulnerabilities. A concerning development is the online grooming of girls via social media platforms, as illustrated in this case:



Encouraged into it by a man and woman who told her she was beautiful and befriended her...she was approached through her open Facebook page by fellow Polish nationals who suggested they could help her find a job/flat in Dublin...she had developed a relationship with them over Facebook and she believed that they were a caring couple who wanted to help a fellow Polish national. She agreed to sleep with men, although later realised she had been drugged. She also felt she was independent as she got paid. A percentage of all money earned was given to her – but she was told that the rest of the money went to rent, food, advertising, organising appointments etc. So, if she made €150 she would end up

84 Reid, J.A., 2011. 'An Exploratory Model of Girls' Vulnerability to Commercial Sexual Exploitation in Prostitution.' *Child Maltreatment*, 16 (2), 146-157.

with €40 or €50 out of it...there were other young women there (in the same apartment) who were only 19 years of age too and were also Polish...as it turned out all the women had been drugged during their 'stay' in this apartment. (CS 10)

It is notable the number of women who were children at the time of entry into the sex trade. Even where this is described by some as a choice, it is critical to remember that, for those who entered under eighteen, even if there is no coercion or trafficking, this is child sexual exploitation and falls within the definition of statutory rape by buyers. In only one of the cases documented did an adult woman make a decision that prostitution was the best economic choice for her. Whilst this woman did make a lot of money to begin with, she later revealed to her caseworker that she had become very sick of it all and grew to hate the buyers and their demands. Furthermore, she ended up with an abusive partner and little money or resources left after all her time (more than 20 years) in prostitution:



Despite making money, her partner managed to spend a lot of it. She is unsure of how much money she actually made, despite years of working in prostitution. She felt she had to keep going because of all the money she owed. She also resented that she had to work harder now because she was older and not getting as many punters as she used to...All-in-all she talks about feeling trapped...she became addicted to alcohol, was controlled and coerced by her partner, was stalked by a punter, was assaulted by friends and despite making a large amount of money, she lost it all. (CS 2)

Indeed, a common thread in women's experiences identified by this study is that while many first entered prostitution to escape poverty, the financial pressures, especially obligations to support their loved ones, that led them there, are often the same pressures that keep them there once they start, with women who do manage to exit often leaving prostitution in similarly impoverished circumstances to when they first began.

1.5 Conclusions

These findings paint a picture of an indoor sex trade populated by largely vulnerable, often young, migrant women, alongside a continued presence of drug dependent and also very vulnerable Irish women on the streets. Several hundred women access the two largest support services for women in prostitution in Ireland each year, and over 650 are typically advertised for prostitution online every day, in addition to the likely presence of more hidden subgroups and private markets within the Irish sex trade. A steady increase in the numbers of women and girls from the new member states of the EU entering the trade in Ireland over the past decade is notable – a phenomenon that has been occurring right across Western Europe, as evidenced by other research.⁸⁵

It is clear that a wide range of vulnerabilities and risk factors precipitate entry into prostitution, including poverty, lone parenthood, struggles with gender identity, addiction issues, experiences of child sexual abuse and mental health issues, with some first entering as minors. These vulnerabilities create the context in which people are actively targeted, recruited, coerced and trafficked

85 Eurostat, 2015; *op cit.*

into the Irish sex trade. Whilst coercion and deception are prevalent, some women make the difficult decision to enter prostitution, but this is typically a choice made in highly constrained circumstances. Once involved, women continue to face a series of significant adversities including high levels of mobility and transience, precarious living circumstances, onerous financial pressures and severe isolation, which often serve to entrap and entrench them further within prostitution.

Regardless of the women's origins, entry routes or circumstances, it would appear that the Irish sex trade is highly proactive in ensuring a constant supply of women to secure its profits and meet demand, as will be explored further in Sections 2 and 3.

Section 2

Buyer demands, harm and its impacts

Drawing on a variety of data sources, including interviews, the case studies documented by frontline workers, and sex buyer reviews featured on the Escort Ireland (EI) website, the findings in this section seek to shed light on the expectations and demands that sex buyers place on women in prostitution, the ill-treatment and harm that women experience at the hands of buyers, and the impacts this has on their wellbeing, and their mental health, in particular. This section also documents the depth and breadth of supports provided to women affected by prostitution.

2.1 Buyer expectations and demands

Despite the presence of buyers, there does not appear to be a lot of money to be made in street prostitution, particularly for those who remain in it for any length of time. As in all locations of the sex trade, being young and new to prostitution is prized by buyers.⁸⁶ These women, whilst they remain in demand, can make money quite quickly and go home for the night.



The younger women that come out seem to be flat out, you know, there's buyers coming out of everywhere and, yeah...you know, just the textbook idea of what a pretty woman looks like. They just say they want to make whatever amount of money and they want to go home. And they do seem to make a lot more money as well. They would talk about like making a few hundred on a night. (Outreach manager, Ruhama)

But for other women on the street demand is low, as it is apparent that they are heavily under the influence of drugs or are unable to take care of themselves and their personal hygiene or appearance if they are sleeping in a hostel or sleeping rough. Frontline workers report that buyers can be seen driving past them without stopping. Women will sometimes undercut each other in a desperate attempt to get the money they need as fast as possible, particularly if they need cash for drugs:

They would be willing to kind of offer sex for lower...for very little – you know, €50 or less for sex – other women will be disgusted because once someone does that, it leaves them in a position where they will probably have to do the same thing. (Outreach manager)

86 The commercial sex trade is a market where 'youth is eroticised and prized' and where 'young women are sexualised as premium commodities' from: Coy, M., 2016. 'Joining the Dots on Sexual Exploitation of Children and Women: A Way Forward for UK Policy Responses.' *Critical Social Policy*, Vol. 36 (4), p. 14.

There is an older group of women that have been out for years and are getting a bit older and are always out, you would see them standing there for hours and they'll get very little buyers...it's hard to know...there's a few women I know that we always say, 'God, like we see her there all the time and nobody ever seems to stop'. (Outreach manager)

The intertwined nature of drug use and street prostitution is also apparent, including in the demands of the buyers themselves:

[There are] buyers that want to either take drugs with women or that refuse to pay with money and just say that they'll give them some – that they'll give them drugs for sex. (Outreach manager)

The case studies highlight the multiple locations and mobility of women in the sex trade, with women identifying being prostituted in apartments, hotels, outcalls⁸⁷ to buyers and on the streets. The mobility of women in the indoor trade is a key tactic often used by prostitution organisers to maximise profits because, just like on the streets, 'new girls' are always in demand by buyers.⁸⁸

But regardless of whether women were being pimped or controlled by organisers, the narratives are replete with references to men who were unhygienic and smelled badly, with women often expressing disgust and revulsion at some of the sexual acts that buyers demand:

It's not just that someone's cumming in your face, it's that he's smelly and he's horrible and he's short and he's fat and he, you know, and he smells. (Service manager, Ruhama)



Although she is currently in the sex trade and is independent...she says some of the stuff is very weird – punters who want to be babies and simulate sexual abuse, she doesn't allow urinating on her and requests in relation to defecation, but she says these things are asked for regularly. (CS 8)



She talked about different fetishes...being with punters who urinated, defecated and who made her suck a soother while they did anal. (CS 10)

The particular demands made by buyers of women in prostitution are also in evidence in the reviews buyers post on the EI website.⁸⁹ These reviews provide an insight into the overall experience or encounter that buyers expect and request when they purchase sexual access to any woman advertised on the site. The 1,300+ buyer reviews that were analysed during the data capture period (20/04/20 - 27/07/20) reveal the most popular demands buyers make of women in prostitution – regarding their appearance, age, ethnicity and so on, but also the sex acts they are asked to perform and the fantasies they are expected to fulfil.

87 Where women go to the buyer's location, such as his home or hotel room.

88 O'Connor, M., 2019. *The Sex Economy*. UK: Agenda Publishing; Moran, R., 2013. *Paid For: My Journey Through Prostitution*. Dublin: Gill & Macmillan.

89 For more information about how the EI review system operates see Appendix C.

Most buyers require the women to whom they purchase sexual access to be slim and regularly complain in their reviews about women who they say appear ‘bigger’ or ‘larger’ in person than they do in their profile pictures. As highlighted in relation to women in street prostitution above, buyers also greatly prize youth.



‘A very young looking 21 that has the potential to be one of the best.’
Quiet1; 26/05/20

‘Brazilian bombshell. Knows what she’s doing for a girl so young.’
Barneygumble; 26/04/20

Youth is also highly valued amongst some older buyers.

‘Have not been with a woman so young since I was that age myself, which is not today or yesterday, unfortunately did not last long with the OWO [oral sex without a condom], but was worth it to have someone that young do it for me.’ Con1; 12/06/20

‘Ooh, her appearance, that little doll face, those boobs up close...I was 64 when I walked in, but I left feeling about 35.’ WildIrishRoots, 15/05/20

Regardless of a woman’s actual age, some buyers’ demands appear to relate to extreme youth in appearance or behaviour.

‘I usually prefer a larger girl, but sometimes a little, tiny, skinny girl with amazing formed body...to all you guys who love little petite girls...go for her...’ deaguello; 29/06/20

‘Perhaps sometimes her style made it like a “teenage fumble” but certainly I am not complaining.’ SteveB, 11/06/20

‘Then we alighted to the boudoir for some role playing fun...I especially liked the role of professor who had to deal with two naughty students... My best students receive an A each for their stupendous efforts.’
delboy10, 01/06/20

‘I had asked that both girls wear school girl uniforms...She lead me into the bedroom where [woman’s profile name⁹⁰] joined us, she too looking like the naughtiest school girl I could ever have dreamed about.’ lukeboy, 30/06/20

90 In most cases women’s real names are not used when they advertise or are advertised on EI.

There are also buyers who select women based primarily on their ethnicity, which in some cases is openly fetishised.

'Nice girl, not as slim as the pictures. Like most Asian ladies very much into making you happy.' ford pefect, 08/07/20

'I was looking for a Latina, I am so fond of them. She met my expectations wholly...' Pulse008; 13/07/20

'If you like mature african ladies this girl is perfect...Next time I want a big size ebony gal this girl [is] top of the list.' beezer, 04/07/20

'First off, I have to admit I have a fetish for petite Asian girls...from the moment we met she treated me like a king, fulfilling my deep and dark desires, whilst focusing on my every need...guys if you love petite girls who know how to slide, grind and shift as they work their slender frame around yours – this is the girl for you.' DateMe, 11/06/20

Buyers often demand that the women they are purchasing sexual access to dress in a specific way for their 'encounter' (requests often relate to tight red or black dresses, high heels, types and colours of underwear/lingerie, red lipstick etc.) or have an array of outfits or costumes ready to change into, often for role play purposes.

Their typical demands also relate to a variety of sex acts (often known as 'favourites' or 'favs' in the trade⁹¹). The most popular demands that feature in the reviews include FK (French kissing), OWO (oral sex without a condom), CIM (cum in mouth) and A (anal sex). It is worth noting that many of these acts carry the risk of infection, not only of STIs, but also of coronavirus, given that all of the reviews analysed during the data capture period were posted by buyers about 'encounters' that occurred during the global pandemic and associated 'lockdown'.⁹²

'Dressed as requested. OwO to kill anyone, and wat a devil in bed!!!!'
LatinMAN76; 23/04/20

'The service was top class GFE [girlfriend experience] with lots of FK and everything was very passionate...All services on offer and no extras (OWO, FK and A)...please do yourselves a favour and make an appointment.' kiwiMan, 23/05/20

'...so just to let the guys [other buyers] know this girl receives anal like no other woman I have ever had, she can bounce for ever and jumps off as soon as I say to drop to her knees and receive my extra massive load straight in her mouth like a good girl would...' Dadjuice; 13/04/20

91 These are advertised in women's profiles on EI as a list of their favourite sex acts to 'perform', but in reality they relate more closely to what buyers typically want and expect women to provide. Buyers will often select women on the basis of the advertised acts they require.

92 Breslin, R., (forthcoming, 2020). *Exploitation 'as usual': Emerging Evidence on the Impact of Covid-19 on Ireland's Sex Trade*. Dublin: SERP.

'Dressed as requested...got down to business. Sensual kissing, touching, like a real girlfriend experience. Then some mind blowing OWO.'
Cockycock; 29/05/20

'The best girlfriend experience around. Amazing owo and cim.'
lickerpussy19; 12/05/20

As the above review excerpts suggest, many buyers are seeking GFE – the girlfriend experience,⁹³ where women are required to emulate intimacy and behave convincingly like the buyer's 'real life' girlfriend (even when there is a significant language barrier present). In this fantasy, women are expected to act like they are enjoying themselves and receiving pleasure from the buyer, even if this is not the case. Another common fantasy that buyers demand is the 'porn star experience' (PSE), where women are required to perform the behaviours and sex acts typically seen in pornography. Sometimes buyers appear to expect both, despite the potential contradictions inherent in such demands.

'[woman's profile name] is a gorgeous Brazilian babe...she looked amazing in a figure hugging black dress and heels...She seemed to enjoy being the one to set the tempo and it made for a perfect gfe. Either she is a superb actress or she really enjoyed herself.' RayDonovan; 31/05/20

'This is the third outcall visit by [woman's profile name]...the first couple of visits were important to build up a more intimate relationship and last night culminated in pure bliss...where a combination of GFE and Porn Star Experience was in abundance from start to finish. Where the lack of English, as previously stated is not a problem, the language of love conquers everything...' Thoreau; 09/05/20

2.2 Ill treatment and harm experienced at the hands of buyers

In addition to some of the potentially harmful behaviours and demands of buyers described above, both the buyer reviews and the women's case studies further reveal the gamut of ill treatment by buyers that women in prostitution must contend with, from a lack of care about their wellbeing and circumstances to risky and sometimes clearly non-consensual acts.

Aside from some buyers expressing generally insulting comments in their reviews about woman they are purchasing sexual access to – stating that they are overweight, unattractive, too old and so on – a notable number of buyers also complain that the woman made 'no effort' during their time together, that she failed to engage with him, suggesting that the experience felt impersonal or not 'special'.

'Booking was made easily and arrived at her premises but no effort was made here, she met me in a T-shirt, baggy tracksuit bottoms and slippers, paid for 30 minutes but seems uninterested and service was mechanical.'

93 This has always been a popular request amongst buyers in the Irish sex trade, as first evidenced in Kelleher Associates et al, 2009; *op cit*.

Needs to make a much bigger effort and at least put some effort in.'
Allister; 05/06/20

'not as good as pictures and she made no effort to dress sexy, service was hurried and mechanical with no favourites on offer, it was not good.'
seriousguy; 15/07/20

'Sadly this was a disaster from start to finish... When I arrived I was met by [woman's profile name] on the street wearing a tracksuit top and bottoms. She showed me inside and left me to freshen up. When she came back she was still dressed casually in the tracksuit. Made no effort whatsoever. Definitely not as sexy as her pictures suggest. She only removed her tracksuit bottoms and made little or no effort with the appointment. There was no bright personality & she certainly didn't pay me much genuine attention as her profile suggests. Whenever I tried anything on her it was met with nothing but complaints. Eventually I just gave up & left.' mrshankly; 03/07/20

Some buyers are disappointed when they do not receive GFE (the girlfriend experience) – in their eyes the woman failed to convincingly behave like their 'girlfriend' and feign the intimacy and emotional engagement that would be expected in a girlfriend/boyfriend relationship, even when they are total strangers.

'Initially I called to enquire about arranging a meeting, I was told that anal wasn't a problem and size didn't matter, however when I arrived, I was told due to "size" it [anal sex] couldn't happen. The meeting was a bit mechanical TBH, she has a great body [but] no real GFE.' Stud2020; 08/07/20

Indeed, a constant refrain throughout the negative reviews in particular was that the 'service' some buyers received was 'mechanical', that the woman did not really interact with them, did not make eye contact or did not want to be touched.

'Service was average at best, no interaction. Age is a lot older than advertised. But as they say you pay for what you get.' Limerickblueeyes; 19/06/20

'She was lazy, huffy, hardly any touching...I should have left after 10 mins but I stayed. I'm not sure if it was me or if she was tired or whatever...but this wasn't a good meeting.' Ballyblockhead; 19/06/20

'[woman's profile name] is really beautiful woman but the service was very poor. Felt rushed and mechanical. Kept checking her phone and time. Maybe was just an off day for her but...' flextronics; 04/07/20

'...was met by pretty looking girl the only thing was no eye contact wat so ever and she said she was tired, other than that was good thanks.'

Paulorr1987; 01/06/20

'[woman's profile name] is lovely, very attractive and friendly...However, there was just a lack of connection between us. And zero eye contact which made me very uncomfortable, the whole experience was just very mechanical unfortunately...' *Newlysingle4321; 23/06/20*

'...had a feeling this time it was done for money rather than customer pleasure...I had to do all the work this time as well. Barely any pleasure and I was asked if I was done. Hate being pushed. We're supposed to enjoy it.' *damian01211; 18/07/20*

There seems to be a total lack of cognisance, or perhaps a strong but convenient sense of denial amongst buyers, that the reason women are so very disengaged during their encounter could be because they do not actually want to be present in that moment, sexually 'servicing' a man they do not know and to whom they have no human connection. Lack of eye contact and a mechanistic approach of 'going through the motions' are potential indicators of dissociation – a coping mechanism commonly used by women in prostitution to detach themselves from stressful situations or traumatic experiences.⁹⁴ Buyers are clearly not concerned by women's mechanical approach – in fact quite the opposite. They are annoyed and disappointed when a woman does not live up to their arguably unrealistic expectations – when she fails to 'make the effort' they seem to believe that they deserve – to dress up for him, to connect with him, to convince him that she truly is his 'girlfriend'.

There are occasions on EI when women post a response to a negative review they have received. This does not happen often, perhaps because some women do not have the English language skills, or the control over their own profile,⁹⁵ but it may also be because most buyers make it abundantly clear in their reviews that they expect the women to whom they purchase sexual access to be compliant, to provide them with pleasure and to apologise if they fail to do so. However, it is in these relatively small number of responses posted by women that some of the aggression and risky and harmful acts that women experience at the hands of buyers are revealed.

The following buyer made a booking with a 'duo' (two women at once), but complained that they kept him waiting, he was only allowed to 'play' with one and not the other and that one of the women had 'a lot more weight on than the photos suggest.' The women responded:



'Okay let's get the REAL/TRUE story of this FALSE/MALICIOUS review. First of all you are a big liar. You didn't write the right time and date [when he met the women] because you didn't want us to know who you are. But we know very well who you are! The guy who tried to take pictures of us even when we politely said we don't do pictures (for discretion) but you kept asking...Going by your other reviews everyone can see the problem was not us but you.' *Response to Johnson555; 29/06/20*

94 Lewis Herman, J., 1992. *Trauma and Recovery: From Domestic Abuse to Political Terror*. London: Pandora.

95 As evidenced in Section 3.

Another buyer complained that a woman's profile pictures were photoshopped, her 'service' was 'basic' and 'lazy' and that 'All the time she was not happy with something'. This woman replied to say:

'I look exactly like in my pictures, and all my previous reviews say so! I think you might be a little frustrated because you tried to FILM me and I caught you right?...Maybe it works with the next girl you visit, not with me...I expect my clients to behave and respect.' Response to Machoboy; 04/07/20

This buyer suggested that he was rushed and was not provided with CIM (cum-in-mouth). The woman replied:

'You got FK, OWO, also CIM you got. What I did not allowed was swallowing. I offer you shower on the start and also on the end, my service was not rush...I accept also bad review, but this one is really not a true.' Response to Greekboy; 15/07/20

Another buyer who also complained that he was rushed received the following response:

You have to tell the truth!...you agreed with my price and here you came with half the money and you insisted on staying, even more aggressive! Very ugly that you are not telling the truth! Response to mmcl123; 15/07/20

In response to a buyer who complained that the woman misled him about what she charges, she replied in turn:

'We agree on a price for 30 min but you didn't aske me nothing about anal...and when I refuse to agree to do...you start to be ingorante and rude and insulte me...Realy sorry just because I am a escort is no need to insult me and finaly is my body and I have the right not to accept anal if I don't feel comfortable...so I left the room to let you calm down...and yes then you left...' Response to Baso; 13/05/20

In response to a review which criticised a woman for her poor English and providing a 'quick and mechanical affair' this woman wrote:

'...thank you for taking the time to write this review, I already imagine that you would write a bad review, but I could have written what it really happened, there was no way to do a good job with a client who removed the condom all the time...you should never do that with no one, my safety is first, for all my meetings, I demand in the minimum respect...' Response to larryhill; 14/05/20

Finally, this buyer was unhappy that the woman was ‘distant’ and rushed him. She responded by saying:

‘I never rush my guest is not in my bone. I was very nice to you we chat [chat] and you stay for complete 30mins or more, you where asking me if you can stay overnight for free which I refused. You where very rough to me and disrespecting [my] body, I was worried. You know everything you wanted I gave it to you. Am sorry you feel how you feel. Dearly I won’t allow you to disrespect my body, have a good day.’ Response to ladylover21; 10/06/20

Perhaps unsurprisingly, no buyers are willing to admit in their reviews that they intimidated a woman or acted against her will during their ‘encounter’. But these responses from the women themselves provide some small insight into the harmful, and in some cases risky and intrusive acts and behaviours by buyers, that women in prostitution experience. There are of course likely to be many more such instances that are never placed on record.⁹⁶ It is also striking that, in responding, the women are appealing to be respected by men who clearly have demonstrated none.

Risky and unwanted acts by buyers are also a common thread running through the interviews and case studies. It was apparent that women who were controlled in the sex trade could not insist on the use of condoms. In fact, many women, whether controlled or not, have described to support workers the difficulties they face in trying to maintain some form of control over their own bodies and safety and wellbeing during their interactions with buyers:



Every woman is different...we have victims of trafficking who have never used a condom. They’re HIV positive, they’ve never ever used a condom...even the word ‘using’ is like there’s some autonomy in it...there wasn’t...there was just no condom ever used. (Service manager)

And then we’ve had women who would always try to use condoms but they talk about just never being up to the punters...you know, you have a condom, they use the condom, then the condom slips off or he takes it off or – you know, there’s all this kind of stuff. And then they have to go straight away for sexual health checks...you know – notwithstanding the fact that they lose money [if they have to take a break for checks or to treat an infection]. (Service manager)



Being treated inhumanly, having to accept buyers to get all the money she was expected to make, their refusing to wear condoms and removing condoms and having to pretend she liked it, were what she said was most distressing for her. (CS 9)

In addition to these harmful acts, are many reports of violence by buyers, both physical and sexual, that women have disclosed to support services and the authorities. These are examined further in Section 3.

96 Section 3 further documents incidents of physical and sexual violence that women have experienced at the hands of buyers.

2.3 Impacts of the harm and supports provided

Women supported by Ruhama include women trafficked for sexual exploitation, women currently in prostitution and women who are in the process of or have exited. The service is delivered by a multi-lingual team, reflecting the need for accessible supports amongst migrant women. Women typically refer themselves to Ruhama or are referred by the Gardaí. Solicitors, Direct Provision staff and health and social care practitioners are also important sources of referrals.

For many women, it is a crisis or specific event that prompts them to seek help from the service in the first instance:



Women may come because something happens – they might get assaulted or attacked...for a lot of women they would say to me that they've started developing kind of anxiety and stuff like that and thinking 'who's coming in the door?'...or it might be just that somebody in their family found out. You know, there's usually that moment – a tipping point, if you like, for them. And maybe they've been toying with it for a long time...their reasons for that can be multitudinous. And it might not be any one bad experience, it can be just the accumulation of bad experiences...(Service manager)

For some women age is that tipping point:

we've a couple of women at the moment who are just old – who are not old – but for the sex trade they are old...one woman who said to me they used to be banging down her door with a stick and now there's nothing, you know. Or they would say 'when I started, I had more energy. I was more up for all the nitty-gritty that goes with it, all the risk, and moving around...I just can't do it anymore. I can't do it. I can't live out of a suitcase. I can't.' (Service manager)

One story highlights how an experience of prostitution can impact on women many years later when it suddenly intrudes on their lives:

She was in prostitution for a short time when she was younger...this woman was a white, middle-class, well educated, relatively young woman, kids going to a good school, married to a really good guy. But she was at an event with her husband and a man came up to her and he put his hand on her there [round her lower back], round her, and he said, 'I think we know each other.' [this man was a former buyer]. And she said – her world came crashing down. She felt that they were entitled to put their hands on her, you know. And that was – so I was really – I remember being really floored by that myself and it's really stayed with me. (Service manager)

Unsurprisingly, women who have been involved in the sex trade present to support services with a wide range of complex needs demanding a multi-disciplinary approach. Initially, women tend

to require a range of practical supports relating to their immediate needs, such as accommodation, financial support, access to health care and legal advice. Once these more immediate needs have been addressed, women can choose to continue to engage with longer-term support, which includes trauma healing, the building of confidence and life skills, counselling, education and training programmes, support with job seeking and work placements. In addition to those with a past history of prostitution or an experience of being trafficked, the service also works with women currently involved in prostitution to help minimise the harms and dangers they may be experiencing, while recognising that for the vast majority of women, harm minimisation on its own is not enough. Women also want to explore their options, consider alternatives to prostitution and makes plans for the future. Ruhama facilitates this by offering a wide variety of supports so that the immediate harms of prostitution are not just ‘minimised’ but removed from the lives of women who choose to exit.

Building a trusting relationship was named by the service as essential in responding to women and ensuring that an individually tailored care plan is developed in full cooperation with the person, who identifies her most immediate needs, and then as time goes by, her longer term needs and goals for the future. When women are deeply traumatised, this can be a slow and sensitive process, as this case study highlights:



She was allocated a solicitor...Absolutely petrified. She spoke no English. She never looked at the caseworker or the translator. She curled up into a near foetal position on her chair. It was a normal sized office chair, but she appeared tiny on it. She was skin and bones. She displayed visible signs of extreme stress and trauma – hypervigilance, agitation, dissociation and seemed very aware of any noises in the building, where she would flinch when there was a sudden movement/noise... Her caseworker took a trauma-informed approach and concentrated on resourcing her. (CS 6)

The case studies in particular reveal the traumatic consequences of prostitution and trafficking for women and the difficulties facing women in recovering and rebuilding their lives. Physical injuries, sexual and reproductive health impacts, and long-term chronic pain were recorded in a number of cases, but what is consistently prevalent throughout are the traumatic mental health consequences of prostitution,⁹⁷ which include:

- Dissociation, sleeplessness, anxiety
- Fear, being petrified, hyper-vigilance, hyper-arousal, being easily startled, agitated, distrustful
- Self-harming, drug and alcohol dependency as these substances are used to numb or cope with experiences of prostitution
- Despair, feeling distraught, hopelessness, risk-taking behaviour and low self-esteem.⁹⁸

97 Courtois, C.A., 2008. 'Complex Trauma, Complex Reactions: Assessment and Treatment. *Psychological Trauma: Theory, Research, Practice and Policy*, Vol 5 (1), p. 86-100.

98 These findings only touch the surface in terms of the mental health impacts of prostitution on women in the Irish sex trade – this is clearly an area that warrants further investigation.

Dissociating from the sex of prostitution is described by some women as a necessary way of surviving:



Women will talk about picking – now, depending on what position they're in [with a buyer], but they talk about picking something on the ceiling, on the floor, whatever. And we had one woman, I remember, a woman talked to me about it that there was a stain on the ceiling and – there was just a stain, you know, from where a tile was gone on the roof or whatever. But it was on the white ceiling and it was a brown kind of stain. And she said she imagined it to be her mother's womb, and what she used to do was go back into her mother's womb. (Service manager)

Where there are symptoms of severe trauma, the initial response by caseworkers is to slowly build a trusting relationship, and when appropriate refer to a psychotherapist who will work with the person alongside all the practical supports provided.



The care plan included support in relation to mental, sexual and physical health, education & personal development, referral for legal advice/information, referral for parenting support, material support so that she could travel to Dublin for case meetings and a trauma healing group. Later she was supported to access mainstream educational opportunities, financial support towards childcare costs...She was still linking in with her psychotherapist who did a lot of trauma work with her to meet her psychological health needs. She was referred to AHTT and got supports for her sexual health there. In the short term she remained quite traumatised but since getting permission to stay in Ireland (thus having a secure base) she has excelled and is now developing her own business. (CS 3)



Firstly, she was given safe accommodation, legal advice and assistance around her pregnancy. She had developed depression, so support with mental health (counselling & psychotherapy), physical and sexual health, family support, were a priority. It was a very slow process but now her mental health is very stable, she prides herself on being a great mother, she is working and earning a decent wage and she attends the social committee and other focus groups. (CS 7)

For some women, the level of trauma is profound, especially where there has been child sexual abuse in their histories,⁹⁹ which has been compounded by years in prostitution:



Initially, the caseworker offered her outreach meetings and no other services because she was too frightened. She gave her time to learn to trust her. When there were issues she could not form words to describe, her caseworker would pass her a notebook and pen so she could write them down. Her care plan related to self-harm. The caseworker put

99 Farley et al, 2003; op cit.

a safety plan in place to minimise self-harm and the client surrendered cutting blades at weekends to the caseworker. She has never had a sexual health screening. She was unable to allow a vaginal exam. She eventually had a screening but only with a blood test. She is a prolific self-harmer and remains one today and is still unable to deal with the impacts of sexual abuse. (CS 1)

One aspect of women's lives that the Service manager believes is not often spoken about is isolation and loneliness and how, in the end, prostitution prevents the building of a community or support network. It also disrupts women's studies or attempts to engage in support, training and education, which entraps them further in the trade, even when they are trying to exit:



I think as well in terms of mental health is the isolation, loneliness...it's designed that way within the sex industry...if you're not getting to go to college because you can't go to college because you've to see punters, or you're not going out that night because you've to see punters... Women are being moved around constantly – Cork, and then Kerry and then Belfast, then Galway for three nights – it's designed that way. It's designed to keep you from being part of a community. (Service manager)

What is also starkly evident is the level of economic deprivation women face, even where they have been independent in the trade and appear to have earned a lot of money. This, combined with years spent without education, training and work experience, means there are many barriers for women in rebuilding a sustainable life. Consequently, a major part of the support work involves the provision of practical and financial assistance, as well as identifying women's skills and educational needs and supporting them to access learning opportunities and job placements. In adopting a holistic approach to addressing women's needs, the supports Ruhama provides are very wide-ranging, encompassing the practical and the emotional, but also with a focus on helping women who are exiting, or who have already exited prostitution, prepare for their future. The service links women in with other services they may require,¹⁰⁰ coordinating this support and advocating on a woman's behalf with other agencies or the authorities¹⁰¹ where this is necessary, in order to ensure that their rights and entitlements are secured. A further benefit of this approach is that women are less likely to have to recount details of difficult or traumatic experiences of prostitution over and over again to multiple services, given that their support is coordinated by their caseworker, the person with whom they have built trust and worked closely to devise their own care plan.

In the case studies alone, the number of recorded contacts made by the service with or on behalf of each woman ranged from 168 to over 1,300, with an average of 560 contacts per person across the ten case studies. This gives some sense of the nature and sometimes the complexity of the needs of women affected by prostitution, and also the sheer depth and breadth of the support work provided in helping them to overcome the harmful impacts of this experience and move on with their lives, just as this case illustrates:

100 Including physical and sexual health care, community mental health teams, social welfare, social workers, legal advocates, language and literacy supports, housing and homelessness agencies, addiction support, childcare and one parent family supports, education providers and employers, amongst others.

101 Including the Gardaí, immigration authorities, social welfare and local authority bodies and others.



There were 1,065 contacts with this woman...Her caseworker took a trauma-informed approach and concentrated on resourcing her. She encouraged her to learn English and allowed the woman time to build a relationship of trust with her...Her caseworker worked with her on relaxation techniques including a breathing technique and a grounding one so she could be present. She had a comprehensive care plan where Education & Development were noted as the main objective (this was because we felt it would allow her concentrate on something functional). Learning English was at the top of the care plan. This was achieved within 2 years. Building her confidence, supporting her with her immigration claim and making sure that she felt supported because it was very frustrating for her. Eventually getting her to get a sexual health screening became part of the care plan [she was too frightened of the results to do so for the first few months]. Nourishment in the way of eating regularly was also part of her care plan at the later stages (to address her tiredness [she had been unable to eat the Western food provided to her in Direct Provision and was very undernourished as a result]). In terms of the outcomes for her, she now speaks English fluently, is going to college and working and earning a living – granted Leave to Remain. Living independently, eating properly and making friends. (CS 6)

2.4 Conclusions

As the reviews of women posted on EI reveal, the sex trade in Ireland is clearly a buyers' market, with women expected to fulfil a whole host of buyer demands relating to appearance, dress, age or an appearance of youthfulness and ethnic stereotypes. Women are also required to 'act' according to buyers' requirements – convincingly playing the role of his real girlfriend or a real 'porn star', or some combination of both. When women fail to effectively perform these roles, buyers constantly complain of a distant or mechanical experience, yet show no concern whatsoever for what women's total disengagement from them might indicate. From the buyer's perspective women are clearly there to 'service' him, their wellbeing is barely a consideration.

The case studies, the buyer reviews and some of the women's responses to negative reviews, reveal particular demands and sex acts that women find very difficult or uncomfortable to provide, that carry the risk of physical and sexual health harms,¹⁰² or that are intrusive and dangerous acts, such as being photographed, filmed or 'stealthed'.¹⁰³ Rough, aggressive and often intimidating treatment by buyers is also in evidence.¹⁰⁴

The impacts of the harms that women experience in prostitution are far-reaching in relation to their health and wellbeing, and their mental health in particular, with women who access services

102 The health consequences of prostitution are documented in a parallel study currently awaiting a formal response from the HSE: Breslin, R., Latham, L., and O'Connor, M., (forthcoming, 2020). *Confronting the Harm: Documenting the Prostitution Experiences and Impacts on Health and Wellbeing of Women Accessing the Women's Health Service*. Dublin: SERP.

103 Removing a condom during sex without the woman's consent.

104 The nature and extent of violence that women experience in the sex trade, including at the hands of sex buyers, is explored further in Section 3.

displaying a variety of trauma responses. Women therefore require a range of different specialist supports, tailored to their particular needs, that are delivered in a coordinated and holistic way by practitioners they trust and can work closely with to overcome their experiences of prostitution. The type of support offered by Ruhama is extensive, but this work demonstrates that it is possible for women to move beyond exploitation and build new lives.

Section 3

The organised sex trade, criminality and violence

This section explores the organised nature of the sex trade in Ireland and the violence that women in prostitution face as a constant feature of this trade. Insights are provided on the operation of the trade and women's experiences within it from the interviews, case studies, buyer reviews, and new research with women who are currently involved.

3.1 Pimping and organising

Pimping and the organisation of prostitution are clearly in evidence, both indoors and on the streets. Indeed, pimps tend to be very visible in street prostitution. They are seen in cars or walking around the area watching the women. Some of them are waiting for the woman to get a buyer so that she can provide them with the money to buy drugs.



I've seen men kind of get very angry as well with women. So a man standing there – and I know someone else saw them as well – but, you know, he was screaming at her and shouting at her and kind of really telling her to go and, you know, start pulling down cars and, you know, approaching cars. (Outreach manager, Ruhama)

Some older women introduce younger women to the streets as they know this will attract more attention from buyers:

They are trying to keep them safe and make sure they're okay on the street...but they're taking a cut as well...so really there is kind of sometimes an exploitative kind of nature to it as well...they become a kind of pimp. (Outreach manager)

In terms of the women on the street from Romania, their pimps are less visible, however, they have reported to support workers that they are in contact with them.

Previous studies have demonstrated the extent to which the indoor sex trade in Ireland is highly organised with substantial profits accruing to organisers and advertisers,¹⁰⁵ not least Escort Ireland.¹⁰⁶ There are also numerous indicators of organisation which emerged in this study, reflecting earlier evidence presented to the Joint Oireachtas Committee.¹⁰⁷ Many of the mobile phone numbers

105 Kelleher Associates *et al*, 2009; *op cit*.

106 Revenue from the women or their controllers who use this advertising platform ensure a healthy income for Escort Ireland, with annual profits reported to run into millions of euro: <https://www.thejournal.ie/irish-pimp-escort-money-3289893-Mar2017/> (Last retrieved 15/10/20)

107 Houses of the Oireachtas Joint Committee on Justice, Defence and Equality, 2013; *op cit*.

associated with women's individual advertising profiles on EI are linked and often the same, or with just one different digit at the end. This indicates that batches of phones or sim cards are bought and distributed by organisers, as was previously demonstrated to the Committee.¹⁰⁸

Service providers also note that when they call women's numbers as advertised, to offer sexual health supplies and support, they find that the different numbers are often answered by the same person. The buyer first negotiates with this person and only then is he put in contact with the woman he is purchasing sexual access to, who is not always aware (as highlighted in the buyer reviews below) what acts she must provide the buyer that have been 'agreed to' on her behalf. Service providers also highlight how highly mobile some women that they are trying to support are – moving or being moved around Ireland constantly, spending just three or four nights in each location.

We see a lot of very young Romanian girls for example. So, at the moment we are working with an 18-year-old Romanian girl with no English...no English at all. Now how did that girl get to the Titanic Quarter up in Belfast to somewhere on Patrick Street in Cork to the IFSC in Dublin, given now the housing crisis and everything else, how did that little girl with absolutely no English organise to get accommodation for three nights there, three nights there, three nights there. She doesn't even have a bank account and has no comprehension of even the basic things in Ireland. (Service manager, Ruhama)

Apartments used for prostitution are often rented and/or owned by organisers who charge exorbitant rates, with some women saying it costs them up to €700 a week for accommodation. This also means that women are sleeping and seeing buyers in the same location. Additionally, they may be paying €160 or more per week for basic advertising on EI, with options to generate more clicks such as double ads, 'top' ads and flashing 'available now' icons costing even more. Support providers note that in cases of pimping and trafficking, the women concerned receive little to none of the money paid by buyers to their controllers. But clearly those who profit from prostitution are also making very significant sums from women who identify as independent in the sex trade – through hugely over-inflated rents charged for premises being used as brothels and the cost of advertising – which means that women may have to make €800 or more every week to cover these costs before they can earn anything for themselves or the loved ones they may be supporting. It is these conditions that often entrap women in prostitution or ensure they leave it no better off financially than when they first began.

Indeed, for some of the organised crime gangs involved in the sex trade in Ireland, prostitution is just one of the 'businesses' they are profiting from, as revealed by a series of recent CAB¹⁰⁹ raids and other Garda operations during 2020. Reports on these raids demonstrate that some of the same gangs responsible for running the sex trade are also heavily involved in burglaries, robbery, blackmail, fuel and cigarette smuggling, credit card cloning, the supply of illegal drugs, money laundering, fraud and cybercrime.¹¹⁰

108 During investigations for the RTE *Profiting from Prostitution* documentary, it was found that in excess of 7,300 mobile phone numbers were being used on one website advertising prostitution and that 5,168 of these phone numbers were linked. In some cases, they had multiple users at different times and were used in multiple advertising profiles of women on the site. Source: https://www.oireachtas.ie/ga/debates/debate/joint_committee_on_justice_defence_and_equality/2013-02-06/2/ (Last retrieved 15/10/20)

109 An Garda Síochána's Criminal Assets Bureau, which is responsible for seizing the proceeds of criminal conduct.

110 For press reporting on these cases see Appendix D.

There is also evidence of different networks operating chains of supply, some embedded within the sex trade in Ireland and others grooming and recruiting women and girls in their origin countries and bringing them here. In recent years, services have been working with very young women who are clearly being controlled:

What you have is you have a couple of big players...and they're the ones who organise the trade as such. And then you've all these little guys who get their girlfriends, you know, their girlfriend to come with them or whatever. So, they are going back to Romania all the time...And you can have as many of them as you like because they come in and out all the time. They may have up to three or four girls. They may – because they may have girlfriends in one village and another village...a lot of the women we would meet would talk about a cousin being the person who brought her over, you know. There might be a big age disparity as well. We would see a lot of the girls, say, 18, 19, 20, and the boyfriends maybe are 35, 36, you know. (Service manager)

Concern was expressed by interviewees regarding the age of Romanian girls being groomed and pimped in their home country. Although some girls are put into prostitution for the first time in Ireland, there is evidence that for others they are prostituted in other countries before they get here, from as young as aged 14, but may only be brought to Ireland when they have just turned 18. One case in particular illustrates how difficult it is to reach this vulnerable group, especially when boyfriends and family members are involved.

The Gardaí took a young girl out of a brothel and brought her here. They showed me the pictures on Escort Ireland. She was wearing like knickers with flowers on them and like a trainer bra...she was really skinny and really small. She was 18 and 3 months when they went in...she had ID... but the ad was very much [made] to look like a kid. And the language... you know the way they have the coded language...‘new in town’... ‘fresh’...to imply she was very young. (Service manager)

We supported her for the weekend but when she got her phone back on the Monday she had about fifty missed calls from her mother. And she got upset, obviously, and wanted to ring her mum, and there was nothing anybody could do. She rang her mum and her mum said, ‘You get back to that brothel, little bitch.’ And I had to drop her back to the brothel with a six-pack of Tayto crisps and two 2-litres of Coke – because she had tried Tayto crisps at the weekend. (Service manager)

There is also evidence of some women being trafficked into Ireland and pimped by individual men in private locations. They remain under the radar and are not advertised on the usual websites, suggesting the existence of hidden prostitution markets, as previously discussed in Section 1.

She was locked in the house. And it was every day at lunchtime, he would go out, he would go to work...he would come back every day at,

say, 1am and she would have to see three punters...so, wherever he was getting them from was either work or something and mostly men from his own migrant community. (Service manager)

In one case, the pimps ran a private club where a group of girls were made available at weekends:

...guys would pay them €1,000 to be members for a weekend and the guys would go – they could have sex with any of the girls who were there dancing. The girls were made to wear bikinis and stuff. (Service manager)

The buyer reviews also provide indicators of the involvement of prostitution organisers in advertising women online and arranging ‘bookings’ with buyers. Typically, when a buyer makes a ‘booking’ they agree the timing, price and sex acts the woman will provide in advance. The buyer will then contact her when he is *en route* to receive precise directions to her location. Yet, in their reviews, a striking number of buyers note that the woman they purchased sexual access to had very limited or no English, which they only discovered once they met her in person.

Echoing a point raised by interviewees, this begs the question of how an ‘independent escort’ (as women are described and advertised on EI) can, often within a matter of days, have travelled to Ireland, rented an apartment, organised an Irish mobile phone number, advertised her own profile (in English) on EI, arranged bookings (in English) with buyers and given them detailed directions to her location when she does not speak any English and may be very unfamiliar with her surroundings. In their reviews, sex buyers themselves conclude that the ‘escort’ they spoke to on the phone to make a booking had good English and therefore could not have been the woman they actually purchased sexual access to, who could not speak English at all. Some of these women are as young as 18 years old.



‘This is one petite super little package, lovely little rack a young firm ass, appointment made without any problem. This girl has very little English but I wasn’t there for the conversation, the oral was super...’ Bogtom2; 01/05/20

‘I was indeed misled here as good English on phone but none when I got there but I was met by a much older and much larger woman saying she was [woman’s name in the profile] through Google translate on her mobile, obviously she looks nothing like the lady in the pictures so I signalled to her I would be leaving.’ hunterhilman; 05/06/20

‘When arrived mate the girl have no English, seems [she] was trying to be friendly, so decided to stay then nothing went right from here onwards she was keep talking the language I don’t understand...felt very disappointed and out the door within few minutes.’ sexyman1; 09/07/20

‘English wasn’t good at all. We could barely understand each other... didn’t get the full hour in her company either, was kinda moved on with 10-15 left to go.’ aidan37; 22/06/20

A very common complaint from buyers was that the woman they selected from her profile on EI was ‘not the girl in the pictures’ when they arrived to meet her. This may be because organisers use individual profiles as a ‘front’ for the prostitution of more than one woman, thereby saving on advertising costs, or because the woman advertised is ‘booked’ or otherwise unavailable at that time but they do not wish to turn buyers away.

‘I rang [woman’s profile name], on arrival it was not the young lady in pictures and she had not a word of English and pictures are not hers. I waved goodbye and left her place without any service.’ MissusAnderson; 09/05/20

‘...travelled for an hour and went to her apartment, it looked a very different girl to these pictures and not that attractive so I told her I would be going, it was very disappointing.’ notontim; 04/06/20

‘Definitely not the girl in the photos 100%...Quite a bit older than advertised and zero English...Not for me.’ overworked overpaid; 16/07/20

Similarly, many buyers complain in their reviews that women refused to perform the sex acts they apparently offer in their profile on EI. This would suggest that some women do not have full control over their own profile.

‘Location of her place was fine but the meeting was not, what I was told on mobile that she did do, it changed when I was with her, and she did not do them now and did not offer them ever, her English is poor and after 18 minutes I was out of her place as told to finish up.’ leroy; 03/06/20

‘Bigger girl than pictures and felt duped here on this visit. Favourites we chatted on fone before I went were now not on offer once I settled up the fee. Then it was a basic and hurried through service.’ signofthetimes; 16/06/20

‘We met and all was as expected when I asked for confirmation that the advertised OWO [oral sex provided without a condom] would be performed. I was told that [it] would not be. I decided to leave.’ Charlie Brookes; 26/07/20

In some cases, it would seem that women were not even aware of the contents of their profile and therefore the basis on which they are being advertised and what buyers are likely to expect of them.

‘Asked if a particular fav [‘favourite’ sex act] was available and told yes but 20 extra. No problem for me. Got to location and called to tell her I arrived...She answered door and invited me to bedroom. I again discussed

extra and was about to pay 100 which included 20 for extra. She didn't seem to know what I was talking about and said she usually done this but didn't now have toy required. I decided to leave...She offered a discount but at this stage I was not interested. Her English very very basic and uses Google translate so was not her I made appointment with [for] sure...I would not return regardless. She was ok looking but much better available...' beezzer; 15/06/20

'...meeting started good, very friendly smiley English is ok, asked for owo, was told to read her profile she doesn't do it, but it states in her profile that she does...after this she wanted to get straight into the job and what felt like she just wanted to get it over with...' Bald69; 29/06/20

'Rang [woman's profile name] asked about certain favs and she replied yes. When I got to her place and requested the favs again she did not understand, so on my phone I showed her profile to her and her list of favs...guess what... sorry I don't do that was the reply...so I said goodbye and left.' mush; 12/07/20

'She is the girl in the pictures, but much more petite, she also does not offer OWO or FK [French kissing] as advertised. She said that her "booker" does the profile. Otherwise nice girl and made a decent effort. its just not what is advertised.' Speedbird0074; 05/06/20

It is suggested that for many of the women advertised on EI, their lack of English language skills, and in some cases lack of control over how they are advertised, is likely to seriously constrain their ability to safely and confidently negotiate what they are and are not willing to do with buyers. These encounters are clearly fraught for the women concerned, who have to deal with haggling over prices, pressure to perform acts they may not be comfortable with and are then 'punished' by buyers posting negative reviews of them. However, it seems that purchasing sexual access to a woman you can barely communicate with, who does not even know what sex acts she supposedly provides, raises few questions in buyers' minds as to whether these women are being controlled or coerced in this context. It appears that their only concern is that they have a received a poor or disappointing 'service'.

Further, all evidence here points to the presence of prostitution organisers who 'manage' migrant women's EI profiles and bookings. The reviews also contain evidence of women who are clearly under pressure (self-imposed or otherwise) to see as many buyers as possible. There are multiple complaints about women who were 'double-booked' when the buyer arrived to see them, or who were already 'on the road' to an outcall or another brothel when the buyer turned up late. Another common complaint amongst many dozens of buyers in this context is that the 'service' they received was 'rushed' and focused on achieving a fast turnover of buyers.

*'Fairly functional session with emphasis on turnaround.'
ProfessionalGent; 15/05/20*

'I was left disappointed really here. Bigger lady and...visit was all done very quickly with no personal touch or foreplay to get started as on with condom straight away for covered oral and then quickly on to main event...all too business-like and not for me at all.' DickSeaman; 02/06/20

'...I rang back and politely told her I would be cancelling the appointment as she had made a booking with me and had let me down twice in the last hour. She said she had an appointment. I said she had double booked me...I told her it wasn't how I rolled and felt disappointed with the double booking. Personally, I couldn't recommend.' Pblinder; 26/06/20

'She has a lovely smile but her mind was not on the job; was very distracting and spoiled the experience. She was keen to finish to get ready for the appointment she arranged during our time and I would not recommend her at all.' Heinz57v; 29/05/20.

'Lovely looking girl...Service unfortunately was rushed as she's clearly too busy. In and out in ten minutes. Rubber straight on and going in soft lol. But anyways, my hand unfortunately had to be the tool in the end.' Pizzaboy21 14/07/20

All of these are potential indicators of organisation – bookers; women who are advertised using profiles that are not their own; women who speak almost no English; women who do not have control over how they are advertised online or the acts they are described as providing; women who are under pressure to see as many buyers as possible. Yet, there is little evidence of concern regarding these indicators amongst the buyers themselves. Even where such indicators may suggest the presence of coercion and control by pimps and traffickers, buyers who post reviews on EI appear largely indifferent to the women's circumstances. Their concern instead is for themselves and their 'disappointment' that they did not get what they expected. Buyers' apparent willingness to readily ignore such indicators serves to further demonstrate the futility of only criminalising the purchase of sex from identified victims of trafficking, as has been proven in other research.¹¹¹

3.2 Women's experiences of violence in the sex trade

In addition to the ill treatment and harm experienced by women during their encounters with buyers, as explored in Section 2 above, there is strong evidence of outright violence that women experience in prostitution from a range of perpetrators.¹¹²

There is no doubt that street prostitution is a highly dangerous environment. Frontline workers

111 Raymond, J., 2004. 'Prostitution on Demand: Legalizing the buyers as sexual consumers.' *The Case Against Legalizing Prostitution, Violence Against Women, Special Issue*, 10, p. 1156-1187; Yonkova, N., and Keegan, E., 2014, *op cit*; Charlton, D., and O'Connor, M., 2018, *op cit*.

112 As is widely in evidence in international research, see for example: Farley *et al*, 2003, *op cit*; Farley, M., Banks, M., Ackerman, R., and Golding, J., 2018. 'Screening for Traumatic Brain Injury in Prostituted Women'. *Dignity: A Journal on Sexual Exploitation and Violence*. 3: 2, Article 5; Hester, M., Mulvihill, N., Matolcsi, A., Lanau Sanchez, A., and Walker, S.J., 2019. *The Nature and Prevalence of Prostitution and Sex Work in England and Wales Today*. England: University of Bristol.

describe how women who are in need of money to pay for drugs are forced to take risks, with little evidence that women who are drug dependent are in a position to vet or be discerning about buyers.



'the women are very aware of the risks they're taking. They're saying, you know, they are violent, that, you know, they get into cars and they've no idea where that car is going or who's going to be in that car or if they'll come back. (Outreach manager)

Women on the streets consistently disclose physical assaults, rape and sexual violence by buyers, particularly if there has been a recent rape or assault on the streets.

'So, around those periods, women will speak a lot about their own experience of abuse or rape or any kind of assault they've experienced, and they'll be very nervous as well. (Outreach manager)

The service gives out a large number of alarms and most women will take them. The alarm is intended to startle the buyer and potentially allow the woman a few seconds to get out of the car or back away from him on the street and run away.

Violence in different forms is also a recurrent theme in the case studies, as documented by front-line workers. Stalking and harassment by punters is a regular occurrence and women often have to change phone numbers and be vigilant about their movements as a result.



4 She has had to change her phone number many times (it is her own phone number she uses). She had a relationship with a punter that turned out to be very abusive. He stalked her and harassed her for a long time...she had several punters who would ring her day and night...at any times of the day or night – there was no specific time. (CS 4)



10 Her EI photos were sent to her Mum, and several of her punters followed her and tried to have relationships with her – all of whom promised they would look after her but none of them did. (CS 10)

The case studies also demonstrate how women who have been trafficked or pimped have no control over where they are located, the number of buyers they have to see or the sexual acts they are forced to perform.



3 she talks about being helpless...that she had no say in the sex acts that she had to do. She had to do whatever the buyers wanted, no matter how bad it was. She disclosed verbal abuse, physical assault, coerced sexual acts, rape and sexual assault. (CS 3)

Violence and abuse are tools also regularly used by prostitution organisers to control those who are making money for them.



Once she decided she wanted to leave the people [who were pimping her], things became very difficult for her and they were physically abusive. After she asked to leave, they also insisted that she took some really big men. She was still stoned while this was going on but had stopped eating and was trying to get rid of food because she had worked out they were probably putting something in the food (as her eyes were always dilated when she looked in the mirror). (CS 10)



Speaking in detail about her experience was not possible for her as she says it was so awful...but she does say that the two men who were involved raped her regularly...She says she cried continuously during that time...She was pregnant when she came to Ruhama and believes that one of these men is the father of her child. (CS 7)

Women who are currently in prostitution spoke about trying to control their interactions with buyers and stay safe as far as possible:



The main places are apartments and hotels organised by others...at times she has felt very frightened, but she says this was mostly in the past when she was younger. She talks about the abuse she suffered then. Now she takes a lot of precautions to make sure she stays safe. She gets all the money but pays for advertising, hotel rooms and accommodation. (CS 8)



She was brutally attacked by a punter and was very badly injured. She came to Ruhama on foot of this attack. Later she was again assaulted by a different punter and this really shook her confidence...she is traumatised by these events and afraid now when she opens the door of what will happen...(CS 5)



She is currently advertising her services online via dating websites... particularly fetish ones. She says she likes to be a submissive but she says that this does not mean that she likes violence...the punters often think that being violent is the same as being sexually dominant, but it is not. Her punters want to use violence during sex and they want her to be submissive, where they can cut, bite and mark her and they want sex without condoms...She says that some of the punters speak to her as though she is of no value. (CS 1)

The findings that follow are based on an analysis of the service user records of a sample of 144 women who accessed WHS between 2015 and 2018.¹¹³ All of the women in this sample were currently involved in prostitution¹¹⁴ in indoor locations¹¹⁵ when they first accessed WHS. Their service user records contain a variety of content, including all notes made by the service's Outreach support staff about each woman's attendance at WHS, what was discussed, the types of support provided and any staff observations or concerns about each woman. Alongside quantitative data derived from an analysis of the records, qualitative data drawn from these notes is presented in anonymised summary form here. Drawing on these data, it was possible to systematically document the experiences of violence of women currently involved in prostitution both before and after the introduction of the 2017 Act.

During the data collection period,¹¹⁶ women in the sample reported 47 incidents of criminality and violence to WHS. Some of these incidents had happened to someone else known to the woman recounting it, and sometimes the same incident was reported several times by more than one woman. Therefore, the analysis focused on incidents of criminality, threats of harm or violence and actual violence reported to the service directly by the women against whom they were perpetrated.¹¹⁷ These were acts that occurred in relation to, or in the context of, their involvement in prostitution. Perpetrators included buyers, pimps, traffickers and other criminals.

Twenty-two women reported 33 such incidents to the service, all of which occurred between 2014¹¹⁸ and the end of the data collection period in 2019. Of these 33 incidents, the majority were categorised as serious – involving fear of violence, actual physical and sexual violence, or direct coercion into prostitution, including trafficking – as set out in Table 7 below.

113 As further documented in Breslin, R., Latham, L., and O'Connor, M., (forthcoming, 2020); *op cit*.

114 With just two exceptions – both of whom had been involved in prostitution up until very recently prior to their first engagement with WHS but were not involved at their first visit.

115 With just one exception – who was involved in street prostitution only.

116 2015-2018 is the sampling period from which women's records were selected, but data collection took place during 2019, until August of that year, so data were collected on women's attendances right up to that point.

117 This avoids overcounting of violence and enhances the accuracy of data analysis in this context.

118 One woman who first accessed the service in 2018 reported being trafficked to Ireland in 2014.

Table 7: Incidents of criminality, threats of harm or violence and actual violence reported by women to WHS staff

Year	No. of incidents	No. of women ¹¹⁹	Type of incident/s reported	Reported perpetrator/s
2014	1	1	Trafficked from Brazil to Ireland	Trafficker
2015	5	5	Defrauded by landlord Threatened by a buyer Buyer demanded unsafe sex Incident with an aggressive buyer Threatened by a buyer	Landlord Buyer Buyer Buyer Buyer
2016	4	4	Incident with an aggressive buyer who later threatened her Buyer exposed her to infection Trafficked and forced to have sex with multiple unknown men Incident with an aggressive buyer	Buyer Buyer Traffickers, buyers Buyer
2017	15	16	Stalked by a former buyer Robbed and attacked at knifepoint Incident with an aggressive buyer Drugged and raped by a buyer Violently assaulted by a buyer Buyer exposed her to infection Threatened by neighbours Robbed and physically assaulted Pimped and had to pay off debt Physically assaulted by men trying to drive her out of business Robbed Trafficked from Brazil to Ireland Robbed and assaulted Potentially trafficked from China to Ireland Robbed	Buyer Crime gang Buyer Buyer Buyer Buyer Neighbours Suspected crime gang Pimp Crime gang Crime gang Trafficker Crime gang Trafficker Crime gang
2018	6	6	Drugged and raped by a buyer Threatened by her ex-pimp Robbed Received violent threats Threatened and physically assaulted Threatened by a buyer with a knife	Buyer Pimp Crime gang Suspected crime gang Boyfriend (former buyer) Buyer
2019	2	2	Buyer removed condom without her consent Was controlled and forced to provide unprotected sex	Buyer Pimp

Source: Data derived from an analysis of the service user records of a sample of 144 women currently involved in prostitution who first accessed the HSE's Women's Health Service (WHS) between 2015 and 2018.

¹¹⁹ Some women reported multiple incidents occurring in the same year or across the years 2015-2018. One of the incidents that occurred in 2017 involved two WHS service users, who were together at the time and subjected to the same crime.

Women were far more likely to disclose these types of incidents if they had built up trust in the service over time. One hundred women in the sample attended the service on more than one occasion, and all but one of the 22 women featured in Table 7 had done so. This means that 21% or more than one fifth of the sample who attended WHS more than once disclosed incidents of criminality, threats of harm or violence and actual violence to the service, all of which occurred in the context of their involvement in prostitution, and the vast majority of which were serious in nature. The wide variety of perpetrators – from neighbours, to buyers, to organised criminals – also gives cause for concern and provides some insight into the extent and breadth of the risks and dangers women in prostitution face.

Some of these women had been subjected to a range of frightening experiences of harassment and violence perpetrated by buyers, as the following extracts from their WHS Outreach support notes demonstrate.



She is really scared that her stalker is starting to stalk her again. When she stopped seeing this particular buyer some time ago, he started following her in public places and phoning her constantly. After six months of his harassment she had to leave her apartment and use fake pictures and a new telephone number to advertise online. He told her: “If I can’t have you, then no one can”. W2, Brazilian

A buyer took her out for dinner and bought her drinks. She cannot remember much of what followed after that and is convinced he spiked her drink. She woke up in the early hours of the morning and he left shortly afterwards. She felt uncomfortable and sore in her vaginal area and found an empty condom wrapper on the floor. She does not remember having sex with the man and she could not find any money left anywhere in the room. When she contacted him and asked him what had happened, he became abusive and aggressive on the phone, threatening her. He later sent her messages saying that he will report her to police, he will get her deported and that she will not be believed because she is ‘crazy’ and a liar. He told her there would be ‘consequences’ if she reported him to the Gardaí. W47, Brazilian

She was violently attacked in an apartment by a new and unknown buyer six days ago and was hospitalised with serious injuries as a result. Gardaí attended the hospital and are taking a series of statements. W77, Brazilian

A number of women in the sample disclosed being victims of crimes with seemingly similar modus operandi – physical assaults by more than one assailant, usually accompanied by robbery. In these cases, multiple men entered the premises where women were based and stole any cash and other valuables they could find. In all cases, physical violence was used by the perpetrators, who often also carried weapons.

She and another woman were robbed and attacked at knifepoint whilst in prostitution in an apartment in the Smithfield area. Both women were physically assaulted by two Romanian men who pushed into the premises

as a buyer was leaving. They demanded and took money, phones and bank cards. W2, Brazilian and W97, Latin American¹²⁰

She says she has not been seeing many buyers lately as she was robbed two weeks ago by Romanian men. They stole over €1,000 as well as her phone and laptop. She did not report this incident. She disclosed that she was also robbed last December by different Romanian men. W92, Bolivian

She is not seeing buyers at present as she was the victim of robbery and physically attacked in her apartment in November. She is still receiving threatening texts from one of the perpetrators – a number of texts over time and also phone calls that she has not answered. Staff note that: ‘The texts are threatening and seem quite serious.’ She has reported this to the Gardaí. W105, Chinese

She was robbed by four Romanian men last November. She did not report this but has been given the option to talk to the Garda Liaison via WHS. W109, Latin American¹²¹

She disclosed that she was beaten up last year by four men who were targeting her to go out of ‘business’. She thinks they may have been sent by her former pimp, or that she may have been targeted to encourage her to move on from the area by competitors. W91, Romanian

It is worth noting that all but one of these violent incidents occurred within a two-month period at the end of 2017, all but one occurred in Dublin, with a focus on the Dublin 7 area, and most of the victims were women from Latin America. In addition, these incidents typically involved multiple perpetrators targeting women they suspected would have cash on their premises, all pointing to the involvement of organised crime. A smaller study of women accessing WHS has similarly documented women’s experiences of theft and violence at the hands of prostitution organisers.¹²² It has since emerged¹²³ that this was an intense period of ‘turf wars’ between rival crime gangs involved in pimping and the organisation of the sex trade in Ireland. It would seem that this series of attacks was linked to a territorial power struggle between pimps in which the women were viewed as ‘soft targets’, and clearly suffered the consequences.

Women also disclosed to WHS Outreach staff their experiences of being pimped and trafficked into the sex trade, as documented in their support notes.

120 In cases where a particular nationality is represented by only one or two women in the sample, then the woman’s specific nationality has been disguised to protect her identity.

121 This woman’s specific nationality has been disguised to protect her identity.

122 Sweeney, L., and FitzGerald, S., 2017. ‘A Case for a Health Promotion Framework: The Psychosocial Experiences of Female, Migrant Sex Workers in Ireland’. *International Journal of Migration, Health and Social Care*, 13:4, p. 419-431.

123 Via Garda sources and also confirmed in press reporting – see for example: <https://www.independent.ie/irish-news/news/suspected-serial-rapist-questioned-after-violent-sex-attacks-on-up-to-12-prostitutes-36133153.html> (Last retrieved 15/10/20) and <https://www.irishmirror.ie/news/irish-news/crime/new-laws-see-more-sex-11235156> (Last retrieved 15/10/20)

She was found by Gardaí in a brothel outside Dublin. She could not say where else she had been in Ireland as she does not speak any English. Her only support in Ireland is Ruhama, who brought her to the clinic from the Garda station. She disclosed that she was forced to have sex with men but was allowed to use condoms. She is hoping to get repatriated back home within the next week. W45, Hungarian

Due to language difficulties she was unable to find work so started doing massage and then prostitution. WHS staff noted that although she did not say that this was arranged for her, with her limited English 'this would be unlikely to happen without outside intervention.' She was 'vague and unclear' with staff about how she got into prostitution in Ireland but did say that she has to pay money to someone else and they organise her 'bookings'. Staff noted that different people bring her to her appointments at WHS and other services. She describes being under tremendous pressure to pay back significant debts she owes to the 'boss' who was involved in bringing her to Ireland. W105, Chinese

She grew up in an orphanage in Romania. At her first attendance at WHS she said she was 21 years old, but staff noted that she looks younger and was quite nervous – she was very animated and giggling a lot and 'seemed immature in her speech and language'. She says that she earned money online in Romania doing 'web chats'. She says a 'pimp' (her word) arranged for her to travel to Ireland but did not tell her she would be in prostitution – she thought she could do 'web chats' and 'lounge work' where men would simply pay for her company. The pimp arranged her travel around Ireland for prostitution in hotels, houses and apartments. He also arranged all of the 'bookings' with buyers. She says that she worked for him for three months but was hardly ever paid, he kept most of her money. She reports that at the end of every week she typically owed the pimp €1,200 for rent and other expenses. She was moved from place to place during those three months – she mentioned Cavan, Dublin 2, Dublin 6, Dublin 7, Dublin 24 and Sandyford. The locations changed all the time as did the other young women in prostitution with her, who were all from Romania also. She says that the pimp had many 'pimp friends' around the country. W91, Romanian

She spoke little English, so a translator was used. She said a friend from her hometown advised her to come over to Ireland as she could make money while learning English. She has three children at home in Brazil and was struggling to support them financially, so she sold her car and some of her belongings to fund the trip in the hopes that she could make good money in Ireland for her family. She entered Ireland with her passport and proof of her college place. On arrival she was asked

to go to Galway. There her friend explained 'escorting' was the only work available. She had expected cleaning and babysitting work until her English improved. Her friend never told her that she herself was in prostitution and that she would be expected to do the same. She did not feel she had any option but to comply as she was told she owed them money. She spent two days in Galway, was moved to Letterkenny, then Belfast, then back to Dublin for the start of her English course and had to see buyers throughout this time. W99, Brazilian

It is clear from these findings that women in the Irish sex trade face the constant risk of violence from a variety of sources, and too often this risk becomes a reality. Undoubtedly, violence and the fear of violence are endemic to the trade. This was the case across all the years of data collection. Indeed, support providers confirm that violence perpetrated by buyers, pimps and other criminals is, and always has been, an ever-present danger for anyone involved in prostitution. It should also be borne in mind that these were the incidents reported to just one support service by women who felt able to do so. Press reporting from the same period reveals further details of the nature and severity of violence women in prostitution were experiencing at this time – a number of very serious cases are documented in Appendix D. There are likely to be many more such incidents that go unreported every year.

However, this study found no evidence that the introduction of the *Criminal Law (Sexual Offences) Act, 2017*, which became law in March of that year, caused a surge in violence against persons in prostitution. As Table 7 shows, violence perpetrated by sex buyers was fairly steady across the sample over four years (four incidents in 2015, four in 2016, five in 2017 and three in 2018), suggesting that the Act did not somehow 'encourage' more buyers to be violent towards those they purchase sexual access to. Disclosures of pimping and trafficking to the service were also relatively steady across the same four years. A notable increase in violence did occur towards the end of 2017 in relation to violent acts perpetrated by crime gangs involved in and no doubt profiting from the sex trade (from no incidents in 2015 and 2016 to six in 2017 and two in 2018). The majority of these cases followed a particular pattern and, as discussed above, have been attributed to a period of 'turf wars' between rival crime gangs involved in the organisation of the sex trade in Ireland, who use similar, violent methods in an attempt to eradicate any 'competition'. Vulnerable women in prostitution clearly bear the brunt of this. It is very difficult to see how the Act could be responsible for organised criminal actions of this nature, particularly at a time during the early months of the legislation against buyers, when it was being implemented minimally, if at all.

Finally, it is important to highlight that documenting the harms of prostitution and the extent to which women in the sex trade are victimised, is not to deny women's own agency and the depth of their resilience. Indeed, women's strength and resilience are clearly in evidence particularly in the case studies, which illustrate women's powerful capacity to overcome harm and trauma and establish new lives for themselves. At the same time, it is also critical to be aware that not all women survive or manage to get out of prostitution – mortality rates for those in the sex trade are very high compared with the general population.¹²⁴ This study similarly demonstrates the serious levels of harm and violence, including in some cases life-threatening injuries or illnesses, that women accessing specialist support services in Ireland are subjected to in prostitution.

124 Potterat, J.J., Brewer, D.D., Muth, S.Q., Rothenberg, R.B., Woodhouse, D.E., Muth, J.B., Stites, H.K. and Brody, S., 2004. 'Mortality in a Long-Term Open Cohort of Prostitute Women'. *American Journal of Epidemiology*, 159, 778-785.

3.3 Conclusions

Evidence of pimping, the organisation of prostitution, and the profiteering of criminal gangs in the Irish sex trade abounds, and brings into question how many women can truly be ‘independent’ in this context, even when so many are advertised as such.

Women who are being controlled rarely see much – if any – of the money paid by buyers to their controllers. At the same time, women who have control over their own money still have to cover exorbitant costs in prostitution, particularly for rent and advertising, before they can earn anything for themselves or any loved ones they are supporting. It is these conditions that often entrap women in prostitution or ensure they leave it no better off financially than when they first began.

It is clear that violence against women is endemic to the sex trade and is used by criminals, pimps and buyers alike as a means to control women or ensure that they bend to their will. Analysis of criminal and violent incidents reported by women to just one support service between 2015 and 2018, shows just how serious these incidents are – involving fear of violence, actual physical and sexual violence, or direct coercion into prostitution, including trafficking. However, this study found no evidence that the introduction of the *Criminal Law (Sexual Offences) Act, 2017* caused a surge in violence against persons in prostitution. Rather, violence is an ever-present feature of the Irish sex trade – in fact reports of violence remained relatively steady during 2015-2018, with the exception of a series of robberies and assaults against women perpetrated by rival crime gangs caught up in ‘turf wars’ during 2017, in which women in prostitution were clearly the ‘soft targets’.

These findings confirm the endemic nature of violence in prostitution, and the extent of involvement of crime gangs inextricably bound up in the running of the trade. These factors, in themselves, arguably justify attempts to tackle the expansion of the trade, including by criminalising buyers in order to tackle demand.

Section 4

The laws governing prostitution and enforcement by An Garda Síochána

This section presents an analysis of the official data on prostitution offences, as provided by Ireland's Central Statistics Office (CSO). It also draws on interviews with Detective Chief Superintendent Declan Daly, who is the officer in charge of the Garda National Protective Services Bureau (GNPSB), and Detective Superintendent John O'Flaherty of the GNPSB, whose portfolios include organised prostitution, human trafficking and the national response to victims. Interviews focused on their perspectives on the operation of the sex trade in Ireland, how Gardaí are implementing the laws that pertain to it, and the impact that decriminalisation of those who sell sex has had.

4.1 Recorded crime statistics for prostitution 2009-2019

The Central Statistics Office (CSO) publishes statistics on recorded crimes using the PULSE¹²⁵ incident type recorded by An Garda Síochána. In response to a request by SERP, these statistics on recorded incidents relating to prostitution offences for the period 2009-2019 were provided by the CSO.¹²⁶ The numbers provided are national totals. The CSO advises that in some instances the PULSE incident type refers to a specific offence, but in other cases the PULSE incident type is more generic and can incorporate different offences. As the data table provided by the CSO below (Table 8) demonstrates, there are a number of different crime incident types used to record prostitution offences on PULSE.

125 PULSE (Police Using Leading Systems Effectively) is An Garda Síochána's incident recording system.

126 The CSO notes that these statistics are provided 'under reservation', meaning that the CSO has identified data quality issues in the underlying sources used to compile these statistics, including via the PULSE system. This classification of 'under reservation' is used to actively alert users to the underlying quality deficiencies and inform them that further revisions can be expected as these deficiencies are resolved. All PULSE data for all crime types is currently classified as 'under reservation' by the CSO.

Table 8: Recorded incidents relating to prostitution offences 2009-2019

Incident type	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019
Brothel keeping [^]	26	65	54	64	39	32	26	28	20	22	13
Payment etc. for sexual activity with prostitute ^{^^}	0	0	0	0	0	0	0	0	* ¹²⁷	10	92
Prostitution Other Offences [~]	61	116	151	75	77	79	24	*	16	*	8
Prostitution Sc 23 P.O. Act 94 & Sc 9 C.L. Sexual Offences 93 ^{~~}	7	*	13	*	*	18	7	*	*	*	0
Totals	94	181	218	139	116	111	129	28	36	32	113

Source: Data provided upon request to SERP by the Central Statistics Office (CSO), May 2020.

[^] Brothel keeping – as per Section 11 of the Criminal Law (Sexual Offences) Act, 1993 relates to the offence of the organisation or management of a premises for the purposes of prostitution

^{^^} Payment for sexual activity – this offence is contained in a new section 7A of the Criminal Law (Sexual Offences) Act, 1993 (inserted in 2017), which relates to the offence of paying for sexual activity with a person in prostitution

[~] Prostitution Other Offences – relates to the offences of soliciting or loitering for the purpose of prostitution, or living on the earnings of the prostitution of another person as per the Criminal Law (Sexual Offences) Act, 1993

^{~~} Prostitution Section 23 of the Criminal Justice (Public Order) Act, 1994 and Section 9 of the Criminal Law (Sexual Offences) Act, 1993 – relates to advertising of prostitution and controlling, organising or directing prostitution for gain.

It should be noted that all of the offences in Table 8 relate to prostitution legislation that has been in place in Ireland since 1993 and 1994, with the exception of the offence of payment for sexual activity, which was the only *new* prostitution-related offence introduced by the 2017 Act. Additionally, the 2017 Act amended the 1993 Act by removing reference to a person who ‘offers his or her services as a prostitute to another person’ in the introduction to the 1993 Act (Section 1, Subsection 2a) thereby effectively decriminalising persons who sell sex in all locations. The 2017 Act also updated and enhanced the penalties for brothel keeping, living on the earnings of the prostitution of another person, and organising and controlling prostitution.

In brief, Table 8 shows the following:

- There has been a fairly steady decline in recorded incidents of brothel keeping since 2013, with a new low during this period of just 13 incidents recorded in 2019
- A small number of incidents of the purchase of sex were recorded during the first 21 months that this crime came into force,¹²⁸ with a significant jump in incidents in 2019
- There has been an uneven but very significant decline in recorded incidents related to loitering, soliciting and living on the earnings of the prostitution of another since 2012, and whilst those who sell sex do not feature in these statistics since the 2017 Act came into force, sex *buyers* who loiter or solicit for the purposes of prostitution are likely to still feature here, as doing so is still an offence on the buyer’s part

127 In order to preserve statistical confidentiality and to protect the identity of individuals, the CSO suppresses small cell values in some tabular outputs. In this case non-zero values of less than 5 are suppressed. This means the suppressed value is between 1 and 4 inclusive. All suppressed values are marked with a *.

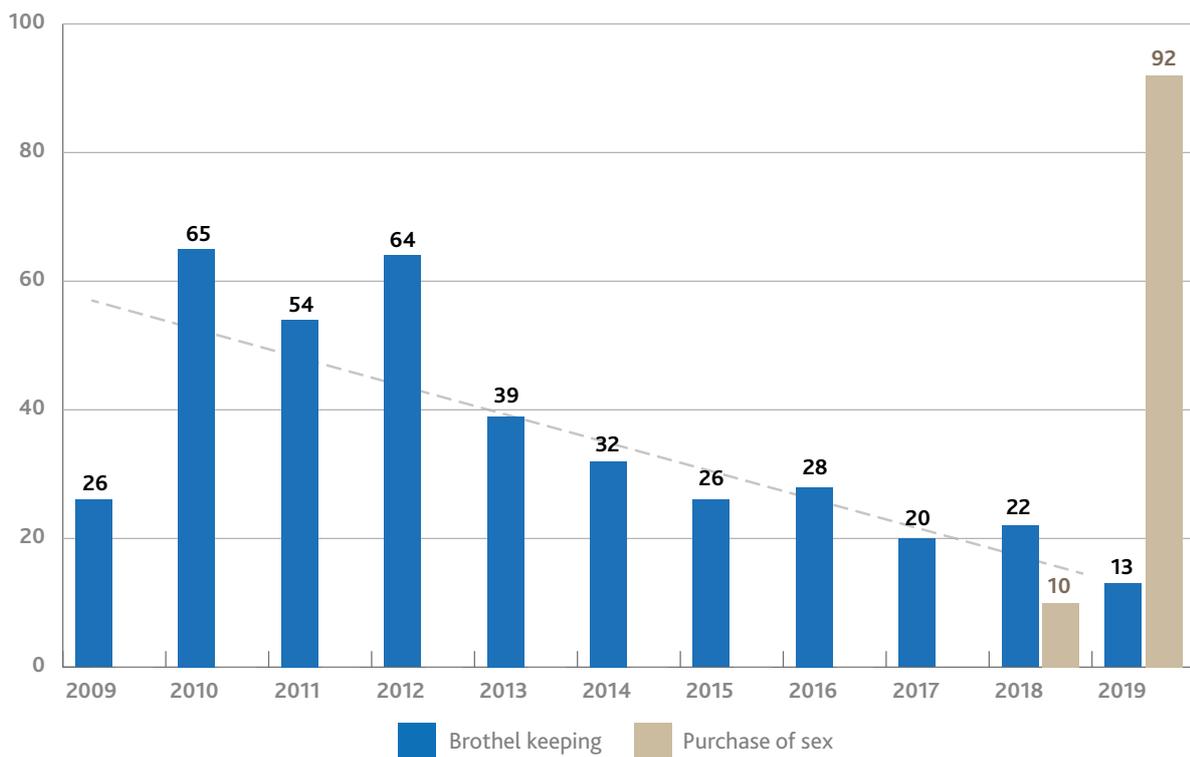
128 The *Criminal Law (Sexual Offences) Act, 2017* became law in March of 2017.

- Recorded incidents of the advertising of prostitution and controlling, organising or directing prostitution for gain have been low to very low in number throughout this period, right down to zero in 2019.

The broader picture in this context is that recorded crime incidents relating to prostitution have fairly consistently declined during the last decade from a high of 218 in 2011 to just 32 recorded incidents in 2018. However, 2019 saw a new increase up to 113 incidents, for the most part reflecting the significant increase in recorded crime relating to the purchase of sex – suggesting that the focus of criminal sanctions has been shifting from the seller to the buyer, as was the original intention of the 2017 Act.

Graph 1 below shows the number of recorded incidents for the two individual prostitution offences for which the CSO was able to provide data – brothel keeping and the purchase of sex. The dotted line shows the overall downward trend for incidents of brothel keeping since 2009.

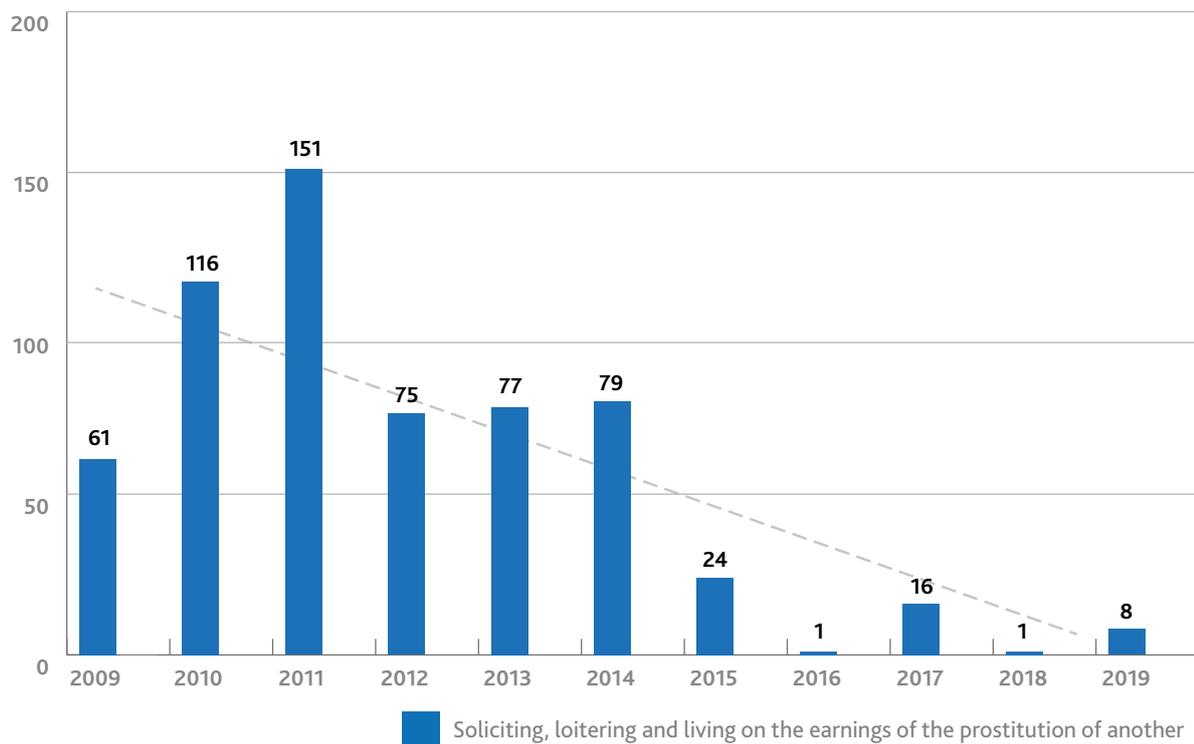
Graph 1: Number of recorded incidents 2009-2019 – Brothel keeping and Purchase of sex



Source: Graph based on data provided upon request to SERP by the Central Statistics Office (CSO), May 2020.

Graph 2 shows the number of recorded incidents for ‘Prostitution – Other offences’ as supplied by the CSO, which collectively relates to the offences of soliciting or loitering for the purpose of prostitution and living on the earnings of the prostitution of another person as per the *Criminal Law (Sexual Offences) Act, 1993*.¹²⁹ This includes soliciting or loitering for the purpose of prostitution by buyers from 2009 to 2019 and by sellers until they were decriminalised by the 2017 Act. The dotted line shows the overall downward trend for these incidents since 2009.

Graph 2: Number of recorded incidents 2009-2019 – Soliciting, loitering and living on the earnings of the prostitution of another



Source: Graph based on data provided upon request to SERP by the Central Statistics Office (CSO), May 2020.

Note: In order to preserve statistical confidentiality and to protect the identity of individuals, the CSO suppresses small cell (non-zero) values of less than 5. The precise number of incidents in 2016 and 2018 are not known because they were less than five. For the purpose of this graph the minimum possible number for each of these two years has been used, which is 1.

The implications of these findings based on the official statistics are discussed further below.

4.2 Enforcement of the laws

The Garda National Protective Services Bureau (GNPSB) has a broad remit, providing advice, guidance and assistance to Gardaí investigating sexual offences, online child exploitation, child protection, domestic violence, human trafficking and organised prostitution. The Bureau also leads investigations into more complex cases. There are now ten Divisional Protective Services Units (DPSUs) across nine Garda Divisions. Specialised knowledge, skills and expertise in the protection and treatment of victims is being developed and helps to guide Garda responses to people in the sex

¹²⁹ It was not possible for the CSO to disaggregate the data for these different offences.

trade. In interview, the GNPSB representatives¹³⁰ noted that the commonality across all of these areas within their remit is the vulnerability of those subjected to sexual violence and sexual exploitation, including those within the sex trade, as the Chief Superintendent of the GNPSB states:



It's a very, very broad area...coming under probably one heading of vulnerability, which is a really, really important area of, I suppose, of the type of the people that we deal with. And particularly for those who are in the sex trade we see it as a highly vulnerable circumstance for – not always for women, but mostly for women to be in.

The GNPSB has publicly expressed their full support for the 2017 Act and the shift from a seller offence to a buyer offence. At the same time, it is recognised that that this major shift in the approach to people in prostitution since 2017 needs to be embedded across the police service:

There's the education piece...we have to try and educate other members of An Garda Síochána about the vulnerability. Because it's a change for us...we've gone from the seller's market to a demand market, from a seller offence to a demand and a purchaser offence and that's important. Where, you know, a couple of years ago your local Garda may as well have been prosecuting the worker. Now that's not the case. So that shift is important and it's really, really important that we buy into that, and we do, and we see the vulnerability of the victims.

4.2.1 The purchase of sex

As highlighted above, the introduction of the offence criminalising buyers has undoubtedly received strong support from GNPSB, who regard this offence as contributing to their capacity to reduce demand and therefore reduce organised prostitution in Ireland:

This law is about reducing prostitution in the country and about making it very unattractive to people so that it's not a worthwhile business for organised traffickers to come into here. So when they're having that discussion in the origin countries about bringing people over, you know, that they say, 'Oh, no, we're not going there because we're not going to make money there because it's policed too well.'

The GNPSB also recognise that the intention of the law is in acting as a deterrent and that it is buyers who have the power to change their behaviour:

The people who purchase sex have a lot to lose and they have more of a say in their behaviour. They can switch their behaviour off much quicker than an exploited person who has very little say in what they do.

The declarative intention of the law in stating that it is no longer acceptable to purchase a person for sexual access in Ireland has clearly been taken on board, and it was noted that the 2017 Act represented a major shift in policy from prosecuting vulnerable people in the trade to prosecuting the buyer:

¹³⁰ The Detective Chief Superintendent and Detective Superintendent.

By prosecuting the buyer, you know, it's the best way of stating that, for this country to be seen and to put a stamp of intent and say, well, we recognise the vulnerability of those in the trade. And that's why I'm so supportive of the Act, because without that, you know...there's double pain for the sex workers because obviously they're exploited in their own right in the nature of the sexual acts perpetrated against them...if there wasn't this Act and if it was still a seller offence they run the risk again of being targeted by the police as well, where they're targeted and prosecuted for it. So...we've removed one of those elements and we're trying to target the other one.

This commitment to enforcement has been demonstrated by the increase in recorded crime incidents for the purchase of sex from 2018 to 2019 (an 820% increase – see Table 8). Targeted 'days of action' across different divisions were regarded as the most effective way to deter the demand for prostitution that buyers create, with a number of dedicated operations undertaken, which resulted in almost 100 sex buyers being stopped and questioned under Part 4 of the 2017 Act.¹³¹ A number of files have been prepared and forwarded to the Director of Public Prosecutions, with a view to establishing if any criminal prosecution should be initiated arising from the days of action. These cases have not yet reached conclusion.

In the meantime, the Covid-19 pandemic has had a major impact on planned operations targeting buyers during 2020:

Obviously, it has had a big effect on us because it's difficult to police this type of crime with Covid-19 conditions. It's very difficult...last year we hit it hard. We had intended this year to really hit hard at some sporting events and public events this year, which, you know, again they would have been really, really key, they would have attracted a large demand for prostitution-type services...they're gone. Now, prostitution is still there but that's where we were going to target this year.

4.2.2 Brothel keeping

Despite much recent attention given in mainstream and social media to arrests and prosecutions for brothel keeping,¹³² in fact, as Table 8 and Graph 1 demonstrate, recorded incidents of brothel keeping have been declining quite steadily from 64 incidents in 2012 to a new low of 13 in 2019 (an 80% decrease). In terms of cases that make it to court, the number is even lower – it has been placed on record in the Dáil¹³³ that between 01/03/17 (just before the 2017 Act became law) and 27/11/19, criminal charges had brought against just 18 persons in relation to brothel keeping in the State.¹³⁴

131 For further information, see press reporting on these Garda 'days of action' in Appendix D.

132 Much of this attention related to a single high-profile case, as reported in the media here: <https://www.irishmirror.ie/news/irish-news/irish-prostitution-laws-not-fit-16496027> (Last retrieved 15/10/20). The women in this case pled guilty, were granted bail and were sentenced to nine months in prison, which they appealed. It is understood that they have not served any sentence to date.

133 Ireland's lower house of government.

134 This was the subject of a Parliamentary question posed in December 2019 – see: <https://www.oireachtas.ie/en/debates/question/2019-12-03/274/> (Last retrieved 15/10/20)

There has been no new brothel keeping legislation introduced in Ireland since 1993. The Act of 2017 simply increased some of the penalties associated with brothel keeping in an attempt to strengthen the criminal justice response to those responsible for pimping and organising prostitution, who actively profit from the sexual exploitation of others. It was found that this older legislation (from 1993) remains an important tool for the Gardaí in a number of ways, in particular enabling them to carry out operations to investigate brothels and the organisers of prostitution:

the demand-driven legislation will target the purchaser. It won't target the organiser. It won't target the brothel keeper. It won't target the pimp. It doesn't do that, and we need something to do that. We have the organised crime gang legislation, but that's a really high end, highly intensive investigation. And for ones that are not operating along maybe those parameters, you know, in the middle is the brothel keeping. And it's really important because it means that those who are organising it, you know, run the rigour of the law. It's an offence to organise prostitution.

Raids are also part of Garda powers to investigate whether there are victims of coercion, pimping and trafficking in a brothel/apartment and for example where they suspect a minor or vulnerable person is being prostituted in a premises, as has been demonstrated in a number of cases referred to in this report:

if you think about what we said earlier on about, you know, where we want to be in five years' time or three years' time, we want to make Ireland a very unattractive place for organised prostitution. We want to – and a big part of that – when you're doing that, you're making it safer for women. So, in order to allow that, a demand-driven offence is not going to do that, right. It won't do that in itself. And we need in our toolbox pieces of legislation that will target various different, you know, individuals.

without that piece of legislation, we're hamstrung, you know. And it's necessary because with that – it brings that level of protection for women. The State has to step in, using its laws and its legislation to protect those women, and brothel keeping offences is one of those ways.

Indeed, evidence from other studies has also demonstrated that some of the most vulnerable and exploited women in Ireland's sex trade are most likely to be identified by Gardaí using their powers to enter brothels as part of a raid¹³⁵ or a welfare check – which are informal visits by Gardaí to premises known or believed to be used as brothels to check on the welfare of those present. The removal of brothel keeping as an offence would therefore be strongly opposed by An Garda Síochána as this would effectively make a core element of the organisation of prostitution a non-prosecutable offence:

I am absolutely opposed to that because what it does is you encourage organised criminality. That's what you do. You're giving organised criminality around prostitution the green light to open.

135 O'Connor, M., 2014. *REACH Project Consultation: Reaching Women and Girls Vulnerable to or Experiencing Trafficking for Sexual Exploitation*. Dublin: The REACH Project.

The official figures clearly demonstrate this shift in approach, where fewer and fewer women have been prosecuted for brothel keeping. Frontline agencies directly supporting women in prostitution have also noted a change in policing priorities in this area in recent years – with Gardaí attempting to focus greater efforts on pursuing prostitution profiteers (regardless of gender), rather than the softer target of women in prostitution found on brothel premises. This policing approach is in keeping with the spirit of the 2017 Act, which had the decriminalisation of vulnerable individuals in prostitution as a central objective (see 4.3 below). However, there are difficulties associated with implementing brothel keeping laws and avoiding any negative impacts on women; these are explored further in Section 5 below. In addition to the pending cases mentioned here,¹³⁶ it is anticipated that An Garda Síochána will continue to pursue prosecutions for brothel keeping against those who organise prostitution, in line with their stated commitment to tackling those who run and profit from Ireland’s sex trade.

4.2.3 Organising and controlling prostitution for gain

The GNPSB are aware of the levels of organisation in the Irish sex trade and the movement of mostly young women into Ireland and around the country:

Some groups are more organised – so that’s what we’re finding...we see the movement in and out of Ireland. We see the movement around Ireland. And there is a level of organisation to that, absolutely. And, you know, maybe talking about batches of five or six or seven [women]. They seem to have a rotation through certain apartments...

They also recognise the difficulty for some women when family are involved in pimping and trafficking:

And the vulnerability is there and...it’s heightened because a lot of it is either partners or brothers or – you know, that are involved with them in it. So, they find it difficult to communicate against that with us and they will say that they are working independently. And, you know, any investigative avenues we go with them on that, that’s the reply that’s coming back.

But in identifying and targeting organisers who are moving women around the country and running networks, the GNPSB are aware of needing to build trust amongst women, just as they have built trust in other areas of organised crime:

it’s important that we have the same facility there to map those organisational structures, out. And that takes time, that takes trust, absolute trust...that is one of the building blocks, one of the foundations to find these hidden areas, to build that layer of trust...it is the extraction of that framework and that setup – and to build on that then and to proactively investigate, then the intelligence that you get is exactly where we’re at with organised groups in the industry.

136 See: <https://www.oireachtas.ie/en/debates/question/2019-12-03/274/> (Last retrieved 15/10/20)

The Irish sex trade is, as stated earlier, a highly lucrative entity. The level of profit being accrued by organisers and advertising agencies is an increasing focus of the organised crime division:

chasing the money is absolute key. The one thing that these crime gangs and these organisers are very precious of is their money...and the second when you hit that – and we have – in An Garda Síochána we can work with CAB¹³⁷ and our fraud bureaus – we can draw on their experience...I know it is happening at the moment...there are live investigations... we've had some success in relation to that. And within the unit there will be some, you know, experience and expertise on chasing that money, and because that is important, right, and with new resources that concentration on chasing that money, will just expand and expand.

It would appear that progress is being made on this front, with a number of confirmed cases against prostitution organisers before the courts at the end of 2019,¹³⁸ alongside a series of recent operations led by CAB targeting those involved in many forms of organised criminality, including organised prostitution – see Appendix D for further details.

4.3 Decriminalisation of those who sell sex

As previously noted, an important amendment made to 1993's prostitution legislation by the 2017 Act, marked the first time in the history of the State that prostituted persons were decriminalised, shifting this burden from the seller to the buyer. But there is also evidence to suggest that An Garda Síochána had already altered their approach to women in prostitution prior to this amendment, as evidenced in Table 8 and Graphs 1 and 2, which show that recorded incidents of soliciting, loitering and brothel keeping were starting to decline a number of years before the 2017 Act came into force, from 2012 and 2013 respectively. Frontline services in turn have acknowledged that during this period Gardaí began to take a less punitive stance towards women in prostitution, in recognition of their vulnerabilities and the fact that they themselves may be victims of crime. This was clearly demonstrated by Garda operations such as Operation Kerb in Dublin in 2010 and 2011,¹³⁹ which deliberately targeted and prosecuted a significant number of buyers for soliciting, rather than the women they were soliciting from. These numbers are reflected in Table 8 and Graph 2 for those years. This approach was further enhanced by the training on best practice policing that frontline agencies, led by Ruhama, have been delivering to An Garda Síochána since the end of 2011.

This same change in focus from seller to buyer has also been strongly advocated for by the GNPSB:

we've gone to great lengths publicly and privately, you know, right up to the media including Crimecall¹⁴⁰ to spell out that now, you know, our target audience is not the victim. So, you know, there's a real awareness

137 An Garda Síochána's Criminal Assets Bureau.

138 See: <https://www.oireachtas.ie/en/debates/question/2019-12-03/274/> (Last retrieved 15/10/20)

139 See media reporting on this operation here: <https://www.irishtimes.com/news/garda-may-extend-initiative-against-kerb-crawlers-1.596468> (Last retrieved 15/10/20); <https://www.herald.ie/news/courts/63-in-court-as-gardai-target-kerb-crawlers-27982415.html> (Last retrieved 15/10/20)

140 A programme on Irish national television featuring crime prevention advice, crime reconstructions, current Garda investigations and public appeals.

piece there and there's a media piece there about, you know, getting that message out there that there's a shift in our target, that we're not targeting the workers, that's not our policy.

The shift towards a protective rather than a punitive role by An Garda Síochána towards women has been demonstrated in a number of ways:

...we do welfare checks¹⁴¹...now, they're very important. So, any information that comes in, you know, we'd be very, very interested in making sure about welfare. And when we do searches or when we do operations, always as part of that there's a welfare check to make sure that, you know, they're safe. There's a level of safeguarding in place there. That wouldn't have happened probably heretofore.

This was particularly evident when the Covid-19 crisis began, as An Garda Síochána recognised the increased risks posed to those in the sex trade during the pandemic:

we sent a text message to all the phone numbers that were advertised on different websites to advise them of – we did it, I think, over three times – letting them know we're here, we understand your difficulties at this point in time.¹⁴² Because obviously in their trade, you know, within this area, it's very difficult to do social distancing. And so, there's a level – we saw that – so there's a real level of danger there for them and we recognise that and, you know, and that added vulnerability.

At the same time, the need for continuing education and training across the police service is recognised as key to ensuring the full implementation of decriminalisation of the seller:

there's awareness within our own organisation as well to sell that understanding that, you know, the workers are more likely to have been exploited in some way, whether it's – well, even if they're working, you know, on their own volition, that, you know, for drugs or whatever it is, whatever vulnerability, poverty, whatever it is, there's a level of vulnerability there. And again, obviously then the vulnerability around exploiting them in this industry as well.

It'll be a layered thing to show proactively that we've shifted our gaze away from women working towards – even where it's not vulnerability – towards demand...to speak to that shift of culture so that everybody realises that, you know, the sex worker is more than likely going to be the victim rather than the perpetrator.

One further issue that was raised by the Chief Superintendent relating to decriminalisation was

141 Informal visits by Gardai to premises known or believed to be used as brothels to check on the welfare of those present.

142 See media reporting on this here: <https://extra.ie/2020/05/15/news/irish-news/gardai-sex-workers-covid-19> (Last retrieved 15/10/20)

the possibility of expunging previous prostitution convictions now that the sale of sex is no longer an offence. Although he says that there is no guarantee that An Garda Síochána can achieve this, it is something that they are actively seeking to progress:

One of the things that I get from listening to people who have been in this industry or in the sex trade and who've left is that their convictions follow them. I'm very, you know, conscious of [that] and I think it would work. If it's no longer an offence and we recognise that – the country recognises that it's an exploitative industry, which is it, and those people who were previously convicted, well, then my own view is it's a small step to expunge those convictions, to give them that level of recognition, saying, look, you know, you're not carrying this burden with you or you don't have to carry this – or it doesn't have to be, you know, a sort of a cross around your neck all the time.

4.4 Conclusions

The 2017 Act has made a significant impact on the policing of the sex trade with a major shift in the focus of Garda enforcement from the criminalisation of those selling sex towards the targeting of buyers and organisers. This approach is also reflected in the official statistics, which show a steady decline in recent years in the number of recorded incidents of soliciting, loitering and brothel keeping, accompanied by a sharp increase in the targeting of buyers since the introduction of the 2017 Act.

The GNPSB has expressed their full support for the Act and the shift from a seller offence to a buyer offence, which is used to disrupt and deter the demand that sex buyers create. However, it is also recognised that this major shift in the approach to people in prostitution since 2017 needs to be embedded across the police service and that the Gardaí need to work to build their trust. The need for continuing education and training across the service is recognised as key to ensuring the full implementation of the decriminalisation of the seller.

Although recorded incidents of brothel keeping are clearly on the decline, An Garda Síochána stress the need for brothel keeping laws to be maintained in order to ensure a strong and effective criminal justice response to those responsible for pimping and organising prostitution, and those who actively profit from the sexual exploitation of others. An Garda Síochána state that it is critical that they have powers to enter and investigate premises and conduct welfare checks, particularly in circumstances where they suspect there may be victims of coercion, trafficking, child sexual exploitation or the exploitation of another vulnerable person.

Now that persons in prostitution are decriminalised, the possibility of expunging previous convictions for the sale of sex represents a promising future move by An Garda Síochána in terms of embracing the full intentions and spirit of the 2017 Act.

Section 5

Women's reported experiences of An Garda Síochána and the law

This section draws on women's experiences of the Gardaí, policing and the laws on prostitution, as reported to and by support services. It analyses the fears and concerns that women in prostitution have about the Gardaí and prostitution legislation, as well as their negative and positive experiences in this regard. The issues and concerns that women raised were put to the Detective Chief Superintendent and Detective Superintendent of the GNPSB in interview – their responses were analysed, and the results are presented here.

5.1 Women on the streets

This study found that the positive benefits of decriminalisation are clearly visible amongst women in street prostitution. Outreach workers in Ruhama have been monitoring Garda practice and observing women's experience and recording self-reported experiences since the 2017 Act came into force. Decriminalisation was found to have had a significant impact on the welfare of women on the streets and on their relationship with the Gardaí. What is apparent from this is that women are very relieved that they can no longer be arrested for soliciting and are increasingly positive about the Gardaí's approach to them. The following is drawn from interviews with the Outreach manager in Ruhama.



They all support the law. They think it's great that there's no kind of repercussions for them...I've heard [them] talking about it. They think it's great that they've been decriminalised...the feedback from the women has always been very positive, you know, about the Guards. So, their relationship with the Guards would be quite positive. (Outreach manager, Ruhama)

However, there is obvious concern amongst women regarding the impact of the 2017 legislation on demand, as there is an increased Garda presence and regular checkpoints at street prostitution areas in Dublin specifically targeting buyers. Although the Gardaí typically explain to women that they are not committing a criminal act, women are there to make money, so there is a compromise reached of suggesting to women that they move to the other side of the canal for a while for example:

They would say that the Guards don't give them any hassle and the Guards would come over and kind of explain to them – we're going to set up a checkpoint now, so if you want to go over somewhere else and move away, you're very – you know, you can come back when we're gone. And

they would be checking in how they are and trying to focus a bit more on their kind of wellbeing. (Outreach manager)

An important factor that has improved relations between the Gardaí and the women on the streets is their immediate response to violent attacks:

There was an attack one night when we were out – it was a while back – and the women were very positive about the Guards around that. The Guards came out very quickly and dealt with it very well and I think that was seen by a lot of women and heard by a lot of women. The Guards took it very seriously. (Outreach manager)

However, despite this active response and Outreach workers encouraging women to report, there continues to be some reluctance to report violence amongst the women on the streets:

So, women seem to be – like they say they would report...if they're talking about the Guards they're quite positive and they'd be like, 'yeah, I'd be happy to talk to them'. But for this group of women, many do not go forward with reporting. And they might say the Guards are grand, they're sound, but they wouldn't be going to seek out their help or anything. And then – yeah, so it's still – I think that's very much still linked in with just how they see themselves as well. They would usually be reluctant to generally report. I think that's the particular group of women again. They are very marginalised and just it wouldn't be in their nature, now, to be going to Guards about anything...(Outreach manager)

5.2 Women in indoor prostitution

Having documented the experiences and impacts of policing and prostitution legislation on women involved in street prostitution above, it was also possible to explore these same experiences for women involved in indoor locations. The findings that follow are once again based on an analysis of the service user records of the sample of 144 women who accessed WHS between 2015 and 2018.¹⁴³ All of the women in this sample were currently involved in prostitution¹⁴⁴ in indoor locations¹⁴⁵ when they first accessed WHS. Drawing on both quantitative and qualitative data from the service user records of women in the sample, it was possible to systematically document women's reported experiences of their interactions with An Garda Síochána and the legislation pertaining to prostitution over a four-year period. WHS staff faithfully record information about any incidents or contacts with Gardaí that women disclose to the service in their Outreach support notes, so the analysis presented here is based solely on what women reported to the service during this period. Relevant qualitative data drawn from these notes is presented in anonymised summary form below.

A small number of women in the sample of 144 were first referred to the service by Gardaí. In

143 As further documented in Breslin, R., Latham, L., and O'Connor, M., (forthcoming, 2020); *op cit*.

144 With just two exceptions – both of whom had been involved in prostitution up until very recently prior to their first engagement with WHS but were not involved at their first visit.

145 With just one exception – who was involved in street prostitution only.

most cases there is no reference to Gardaí, aside from a note made by Outreach staff stating that they had informed women about their Garda liaison service.¹⁴⁶ Perhaps unsurprisingly, the primary concern of most women attending this service is their health, and their sexual health in particular, but women are provided with the opportunity by WHS staff to discuss any other concerns or problems they may be having. Specific references to An Garda Síochána and/or the law were recorded for 28 women in the sample (19%). Of these 28 women:

- 18 women (12.5% of the whole sample) self-reported to WHS staff concerns or fears they had about Gardaí, immigration authorities and/or the law (immigration laws and laws on prostitution)
- 8 women (5.5%) self-reported specific negative experiences they had had with Gardaí and/or the law
- 11 women (8%) self-reported specific positive experiences they had had with Gardaí.¹⁴⁷

5.2.1 Women's fears and concerns

Eighteen women described to WHS a variety of fears and concerns¹⁴⁸ they had relating to the authorities and the law, as follows:

- Fear of becoming known to Gardaí for being involved in prostitution or for being undocumented¹⁴⁹ (7 women)
- Fear of deportation or other concerns relating to their immigration status (8 women)
- Fear of retaliation from perpetrators if they report crimes to the Gardaí (2 women)
- General concerns relating to the laws on prostitution (2 women).

Fear of having an official record of their involvement in prostitution and/or fear of being exposed in the community were clear deterrents to women reporting concerns or even crimes that had been perpetrated against them to Gardaí, as documented by WHS in women's Outreach support notes.



She dealt with a difficult, aggressive buyer who threatened her. Staff encouraged her to report him to the Garda liaison but she was worried that if she did so Gardaí would record details about her being in prostitution. W21, British

She told staff that she is afraid of being arrested for being in prostitution. When she was subsequently raped by a buyer, she wanted to report this to Gardaí but was afraid she would be exposed by the Gardaí in her local area [the Midlands] for being in prostitution. She later chose to make a report to the WHS's Garda liaison in Dublin. W47, Brazilian

She wanted to report incidents of extortion to Gardaí but was very nervous about 'drawing attention to herself' for being in prostitution and

146 This service facilitates contact between women who access WHS and the Gardaí if they wish to discuss any concerns, make a complaint or report an incident.

147 Some of the 28 women had both positive and negative concerns and experiences of An Garda Síochána and/or the law.

148 Some women reported more than one fear/concern.

149 In this context 'undocumented' means without immigration permission to be in Ireland, usually because a short-term visa, such as a holiday or student visa, has expired.

subsequently declined to make a report. W81, Western European¹⁵⁰

Undocumented women recounted particular fears that their insecure immigration status would be discovered.

She told staff that Gardaí had asked her for a DNA sample, and she did not understand why. This was for exclusionary purposes – to rule her DNA out of evidence collected at the crime scene when she was attacked and robbed at knifepoint in a brothel. She said that she was afraid that providing her DNA would somehow impact on her residency application. W2, Brazilian

She wishes to make an application to remain in Ireland but is afraid that in doing so she will alert Gardaí to the fact that she is currently undocumented. W43, Brazilian

She was the victim of a violent attack by a buyer. She made a statement to Gardaí and told them that she knows of a number of other women who have experienced similar attacks but were afraid to report these to Gardaí because of the ‘illegal situation’ [i.e. they are undocumented in Ireland]. W77, Brazilian

A number of women accessing the WHS who had insecure immigration status were particularly frightened of being deported, especially as for some, a return to their country of origin posed safety risks, as highlighted in their support notes.

Her visa expired a number of months ago and so she plans to return home voluntarily as she is afraid of being found by the authorities and deported. W68, Brazilian

Staff were concerned that she may be a victim of trafficking, but she was initially very reluctant to share her story as she believed that WHS may be somehow linked to the immigration authorities. She subsequently agreed to speak to Gardaí with the support of WHS staff and was identified as a victim of trafficking. W99, Brazilian

She was feeling very stressed about what had happened to her [she was the victim of a violent attack] and about her lack of control over her life in relation to her irregular immigration status. She is worried she will be deported and says that she feels like she is ‘going crazy’, and that she cannot take the blow if she were to be deported. W105, Chinese

Her visa expired and she is now undocumented. She is currently transitioning and told WHS staff that she fears for her safety if she is deported to her home country, as she would not be accepted there as a transgender person. W84, Brazilian

150 This woman's specific nationality has been disguised to protect her identity.

She has become undocumented and is very scared that she will be deported, especially as she is now pregnant and fears her baby could be exposed to the zika virus if she is forced to return to Brazil. W43, Brazilian

Two women specifically stated that they feared retaliation from perpetrators if they reported their crimes to the Gardaí.

She had been pimped into prostitution in Ireland. She initially agreed to talk to Gardaí about her experiences and was referred to the Garda Human Trafficking Investigation and Coordination Unit (HTICU). She was due to make a statement with support, but then withdrew. She was afraid of violent retaliation from the pimp and his associates if they discovered that she had spoken to Gardaí about them. W91, Romanian

Her ex-partner, a former buyer, is continuing his abuse and harassment of her and has threatened to kill her – she has a recording of him threatening her on her phone. She said she is really afraid that he will hurt her. But she is also very nervous that if she reports him to the Gardaí he will find out. She also has indicators of trafficking in her case but is frightened to talk to Gardaí about this as she fears for her own safety and the safety of her family in her home country if she speaks out. W117, Brazilian

Finally, just one woman in the sample reported a general concern in relation to the law criminalising the purchase of sex – she was worried that it would potentially affect the number of buyers she sees. Another was concerned that she would be prosecuted following a brothel raid, but there were no further proceedings against her.

Overall, in most of the cases described above, it was not possible to determine whether these women's fears and concerns were of a general nature, or borne out of direct, negative experiences they may previously have had of the authorities and legal regimes in Ireland, their country of origin, or indeed other countries where they may have been in prostitution.

5.2.2 Negative experiences

Besides fears and concerns, eight women reported specific negative experiences arising from their interactions with An Garda Síochána; in some cases women had had more than one such experience.

Negative experiences included:

- Feeling they were unfairly targeted by Gardaí because of their involvement in prostitution (5 women)
- Being dismissed or ignored by Gardaí because of their involvement in prostitution (3 women)
- Not being supported or kept properly informed by Gardaí when they reported an incident or crime (2 women)
- Negative experiences with Gardaí in the context of a police raid on a brothel/apartment (6 women).

A number of women in the sample described to WHS support staff an upsetting sense of being unfairly targeted by Gardaí because of their involvement in prostitution.

She reported that her apartment was raided by Gardaí looking for drugs. She is adamant that she does not do drugs and no-one else in her apartment does. She is worried that a buyer who previously stalked her has made a false report to the Gardaí about her being involved in drugs. She is very upset about the raid and feels that she is being targeted by Gardaí because she is an 'escort'. W2, Brazilian

Gardaí had called to an apartment looking for her because a buyer had accused her of stealing his wallet. She denied this allegation and said that she had also received a series of threatening text messages from the buyer's wife. As a result, she had to move apartment and change her phone number. W29, Brazilian

Her friend witnessed another woman being violently assaulted by her partner. Both women were involved in prostitution. But when Gardaí were contacted, she says that they were more interested in the fact that the women were doing 'escort work' than in the actions of the violent partner. W4, Hungarian

In addition to feeling targeted, there were also women who reported being dismissed or ignored by Gardaí, which led them to believe that they were not taken seriously when they reported a concerning incident or crime.

She was attacked and robbed at knifepoint in an apartment where she was seeing buyers. She made a statement to the Gardaí but has not heard anything further. She says that she is sceptical about Garda support in this matter as she has had negative experiences with the Gardaí in the past and does not think that they will take this incident seriously. W2, Brazilian

Two women described not being properly supported by Gardaí when they, or someone they knew, reported a crime.

She reported that a buyer who had harassed her in the past had started to stalk her once again. She was very worried and contacted the Garda liaison to give them all the details. The Garda told her that the man was using a fake name and that he would get back in contact with her to give her an update, but he never did. She managed to speak to a friend of the stalker's herself – who put pressure on him to back off. She was subsequently attacked and robbed in a brothel. She gave a statement to Gardaí but told WHS staff that she has had no proper update from them since then. W2, Brazilian

She said that her friend, who is Hungarian, was not offered an interpreter when she was giving a statement to Gardaí about a violent assault on another woman in prostitution that she had witnessed. W4, Hungarian

Finally, six women in the sample described being subject to Garda raids. This was a very negative experience for all of these women, and many also had to deal with the aftermath – such as having to seek new accommodation or the return of essential possessions that had been seized as evidence by Gardaí .

Gardaí raided the brothel where she had booked a room and seized a number of her possessions. About ten Gardaí attended – eight men and two women. She reported that they were aggressive and rude and did not treat her well. They searched the property, seized money, three phones and other belongings. She was in her underwear at the time and was not allowed to get dressed for about ten minutes. She said she felt humiliated and embarrassed. W48, Eastern European¹⁵¹

She reported that her apartment was raided by Gardaí looking for drugs. She is adamant that she does not do drugs and no-one else in her apartment does. Six Gardaí attended with a warrant to search the premises. They did not find anything in the search. She was very angry about the raid – she reported that the Gardaí broke down the door and messed up her apartment and now her flatmates want her to move out. She feels let down and badly treated by Gardaí but does not want to pursue a complaint as she feels it will not be followed up or addressed. W2, Brazilian

She opened the door to a man who had made a ‘booking’ with her – he came in followed by nine others. She said that none were in uniform and she did not see a marked police car. One man showed her ID and said they were Gardaí, but she was not so sure. Three carried guns. They asked the woman for her ID, looked through her wallet, wrote down details and searched the apartment. They looked in her make-up bag and took €1,000, two phones, two computers and a tablet. She reported this to WHS staff as a robbery, but they confirmed with Gardaí that this was indeed a Garda raid. Gardaí said that two laptops, two phones and a tablet were taken into evidence, but no cash. The woman was considering taking legal advice in relation to this incident. W71, Brazilian

She explained that she has a pending court case regarding possession of drugs for the purpose of supply. She was arrested and charged following a raid on her apartment. However, she feels that her abusive ex-partner may have reported her to the police to make life difficult for her. He was originally a buyer. She said that she did not understand the legal

151 This woman's specific nationality has been disguised to protect her identity.

proceedings in court [which were in English with no translation], and although she was appointed a solicitor by the court, she has not spoken to him. She said that she is very worried about her immigration status [she is currently undocumented] and the risk of deportation as a result of her involvement in this drugs offence court case. Her case was subsequently dismissed by the judge because of significant delays in the State analysing the substances found in her apartment to prove they were illegal drugs. She would like support to have her property seized during the raid returned to her. W117, Brazilian

She was upset as Gardaí had raided her apartment. They took €2,000, sim cards and her college papers for investigation. When WHS staff subsequently contacted her to ask if she needed any further support with this matter she emailed back to say that she is trying to resolve her own problems because she cannot trust anybody, especially the police, as they took her money and she believes they are corrupt. WHS staff determined that the Gardaí had confiscated a wide range of the woman's belongings – including the receipt for payment of her college fees, health insurance documentation, photographs, personal telephone numbers and payslips. The woman contacted Gardaí to ask for her belongings to be returned – but she was told an investigation was ongoing. She sought a solicitor's advice and engaged their services in securing the return of her property. W69, Bolivian

The apartment where she was based for a short time had been raided by Gardaí. She was arrested, taken to a Garda station and charged with brothel keeping. Another woman was arrested from the brothel at the same time. It was this other woman who organised the collecting of rent money and bookings. She herself stated that she did not have anything to do with the running or organising of the apartment, she was just renting a room in it. She appeared in court, but the case was adjourned as she spoke no English. She explained to WHS staff that she has no money for a solicitor – all of her savings and money earned were seized during the raid, so she is moving around and relying on help from other people. She was granted legal aid and was very anxious to get the money seized returned to her. The case continued for a year. The woman reported that she was feeling very stressed and struggling to cope with the many delays in her case proceeding and the costs involved in having to keep travelling back to Ireland to attend court. She was also afraid that a warrant would be issued for her arrest if she was unable to attend a court date. She pled not guilty. At trial the judge agreed she had 'assisted in running a brothel' but that she was a 'small player' in this, giving her 'the benefit of the Probation Act' and so no conviction was recorded against her. He also stated that the money seized by Gardaí (€2,000) should be returned

to her, but Gardaí objected as they stated that only €850 was hers, the rest was earned through prostitution and was therefore considered ‘proceeds of crime’. The woman received the €850 only along with her phone. W73, Bolivian

Of these six Garda raids documented across the full sample of 144 women attending WHS, two would appear to have been drugs focused, while the remaining four appear to have been brothel raids. The brothel raids documented in the sample took place between November 2016 and February 2019. Locations are not always clear but two appear to have taken place in Carlow, one in Dublin and one in Monaghan.

It is evident that women experience Garda raids as frightening, intimidating and in some cases humiliating. For some, the fallout from the raid significantly disrupted their lives. It is also clear that women are not always made properly aware of the purpose of the raid and concomitant seizure of their property – which some interpreted as the Gardaí taking their possessions unlawfully.

It is also important to note that only two women were proceeded against as a result of these raids – one was charged with brothel keeping and the other with possession of drugs, with intent to supply. Neither women served prison time – the first was determined to be a ‘minor player’ in the running of a brothel and given probation, whilst the drugs case was dismissed. Only one other woman in the full sample was recorded as having a criminal record which appears to be related to prostitution, but the information documented on this was unclear.

5.2.3 Positive experiences

Eleven women in the WHS sample reported positive experiences of and interactions with An Garda Síochána, as follows:

- Receiving welfare visits/checks by Gardaí (3 women)
- Being supported by Gardaí when dealing with an incident or crime (8 women).

Three women noted that they had received ‘welfare visits/checks’¹⁵² and contact details from Gardaí who advised them to get in touch if they had any problems, as described in their support notes.

She was initially referred to WHS by Gardaí. She told staff that she receives a ‘welfare visit’ from a Garda at Store Street station so she knows who to contact if any problems arise for her. W34, Romanian

She told staff that she had a visit from a Garda from GNPSB doing a welfare check – he gave her a card so she knows who she can contact if needed. W88, Romanian

She reported that she had had a visit from two Gardaí today – they gave her their names and contact numbers and said that if she has any problems, she can contact them directly. W113, Brazilian

152 Informal visits by Gardaí to premises known or believed to be used as brothels to check on the welfare of those present.

Being supported by Gardaí included women discussing concerns or reporting crimes to Gardaí, being kept up to date on any progress in investigations, being encouraged to report crimes, and being identified as a victim of trafficking.

She reported to staff that money had been taken from her bank account by her former landlord without her consent. She agreed to discuss this with WHS's liaison Garda – she later reported that the landlord returned the money, she had moved apartment and 'things are better'. W2, Brazilian

She said that she had recently left an abusive relationship. However, her ex-partner is still living close by. She has been in touch with Gardaí for their support. W63, Brazilian

She has been involved in prostitution since she was sixteen years old. She told staff that she had been a victim of 'revenge porn' by her ex-partner. These issues are continuing – with her ex-partner posting misinformation on websites about her. She is being supported by Ruhama to pursue the case with the help of Gardaí. W116, Irish

WHS staff noted that there were indicators that she had been trafficked. With the woman's permission they referred her case to the GNPSB. The woman agreed to an initial informal meeting with Gardaí and WHS staff. She was subsequently identified by the Gardaí as a victim of trafficking and supported accordingly. W99, Brazilian

She was found by Gardaí in a brothel outside Dublin. She could not say where else she had been in Ireland as she does not speak any English. Her only support in Ireland is Ruhama, who brought her to WHS's clinic from the Garda station. She disclosed that she was forced to have sex with men but was allowed to use condoms. She is hoping to get repatriated back home within the next week. W45, Bulgarian

She was the victim of a violent attack by a buyer. Gardaí came to see her in hospital and she subsequently made a number of statements to them. She told Gardaí that a number of other women had experienced similar attacks but were afraid to report these to Gardaí because of the 'illegal situation' [i.e. they are undocumented in Ireland]. WHS's Garda liaison asked her to pass on the message to these other women that their immigration status is not in consideration and that Gardaí will not investigate this if they wish to come forward to report any crimes committed against them. The woman subsequently told WHS staff that the Gardaí are in regular contact with her to update her on the case and that their investigation into the attack is progressing. W77, Brazilian

5.2.4 Fears and experiences illustrated by the case studies

The findings from the systematic analysis of the WHS sample of 144 women are very much complemented by those drawn from the illustrative case studies of women accessing Ruhama, regarding their own experiences with the Gardaí and the law. These include women's fears and concerns in relation to police and other authorities, as well as both negative and positive experiences of their dealings with An Garda Síochána.

Similar to some of the women in the WHS sample, two women whose experiences were documented in the Ruhama case studies also demonstrated fear and distrust of the police and an unwillingness to seek support from them. This appears to have arisen from a wider fear of authority, potentially influenced by their experiences of the police and other official authorities in their own country of origin.



She escaped the apartment where she was being held [she had been trafficked from Nigeria into the sex trade in Ireland at the age of 17]. She asked a member of the public who told her about Gardaí and Ruhama – she didn't want to go to Gardaí so instead she walked to Ruhama's offices and presented herself...She was visibly pregnant [and] very upset and distraught...She was never in contact with Gardaí during her time in prostitution [and she] absolutely refused to report, despite being offered a referral to GNPSB several times by her caseworker...Her fear of authorities meant that she would not allow a referral to GNPSB and therefore did not get the State services [that she would have been eligible for as a formally identified victim of trafficking] – she opted for the asylum system when she would have had a very good trafficking case. (CS 7)



The woman [a victim of trafficking from Nigeria] did not know whether to report to Gardaí because she had been warned not to go to Gardaí. She had been told that Gardaí were corrupt [by her exploiter] and she believed this because she is from a country where this is her experience of the police. After she escaped prostitution, she then sought the help of a psychotherapist who in turn encouraged her to seek help from Ruhama. Once she was working with Ruhama she was referred to Gardaí and then also got supports from AHTT.¹⁵³ (CS 3)

In terms of negative experiences, the case of one woman who was supported by Ruhama highlights what can go wrong when immigration police fail to listen to a woman's experiences or take account of her vulnerabilities. This woman was sold by her father to a gang in China who trafficked and prostituted her in other parts of Asia, where she was completely controlled and 'owned' by the gang. She had no freedom of movement and was never given any money – she referred to herself as a 'slave'. The gang then arranged for her to be prostituted in the Irish sex trade under similar circumstances:



She was arrested by immigration police in Ireland and taken to Dóchas prison...she was charged with entering Ireland illegally. Her experience of the immigration police is that they did not try to listen to her or understand her. What she did understand was that she was in big trouble and could be in prison for the rest of her life...She did not get the opportunity [to report or explain what had happened to her] at that stage because she could not speak any English and there was no attempt to understand her story. Because that early experience of the police resulted in her going to prison, she did not want to engage with them again... She was allocated a solicitor [in Dóchas prison] who told her to contact Ruhama when she disclosed her story to him [using Google Translate]. She supposes that Ireland would not have been any different [from her previous slave-like circumstances in prostitution in Asia] if she hadn't been intercepted by GNIB.¹⁵⁴ (CS 6)

With regard to women's dealings with the law, whilst one of the ten women whose experiences are documented in the Ruhama case studies was imprisoned for immigration offences (as described above), it is notable that none of these women had been criminalised at any point for their involvement in prostitution, despite the fact that some of their experiences in the trade spanned many years, and in some cases decades.

Again, similar to some of the women in the WHS sample, a number of the women assisted by Ruhama described how they felt supported and respected by the police, whether there was a positive outcome to their case or not.



She says she was always treated respectfully [when she reported a violent attack by a buyer to the Gardaí]...the Gardaí were very responsive and took statements and subsequently made an arrest. (CS 5)



Gardaí came on a few occasions [on welfare visits to the brothel where she was based]. A friend tried to help her escape [she had been trafficked from Romania into prostitution in Ireland by her boyfriend] and then she asked Ruhama to assist her with the help of Gardaí to flee the apartment...The woman reported the trafficker. Gardaí responded promptly and took statements. (CS 9)



As an adult, with the help of her Ruhama caseworker, she reported what had happened in the UK and the exploitation she suffered there [she had travelled to the UK many years previously to stay with a married couple who told her they would look after her but they prostituted her from their home]. The Gardaí were very understanding and kind to her but they decided not to pursue the case as a long time had elapsed and the woman's mental health would be put at risk because there was little evidence and the process would be very difficult for her. The case would have rested on her

witness statement alone. Gardaí felt that her mental health issues would have been used against her to discredit her as a witness. (CS 1)



She met with GNPSB and they took a statement [she had been robbed by a buyer] – she didn't have to walk into a station which was great for her... We arranged to meet her out of hours in a location that suited her... We then arranged for her to meet with Gardaí in the Ruhama offices on a Saturday... I think she felt the Gardaí took her seriously [even though] she was disappointed with the outcome [the DPP¹⁵⁵ made the decision not to pursue the case]. (CS 8)



The [prostitution] organiser seemed to be pretty strict on this [condom use] and buyers were advised to wear condoms. She herself had such low self-esteem that she would have and did have sex with buyers without a condom... Gardaí noticed her advert which was offering sex without a condom, so they did a welfare check. [The woman was subsequently referred to Ruhama by Gardaí]... we met her in the Garda station, she seemed tiny, nervous and anxious and very uncomfortable but glad to take support... Gardaí were very good to her, recognising her vulnerability... Gardaí did a full investigation [she had been sedated and pimped by a couple who had offered her somewhere to live in west Dublin]. The case got to court but collapsed when the woman decided not to (could not) testify. Afterwards when she went in and out of prostitution, Gardaí kept in touch with her as they believed (as Ruhama did) that she was exceptionally vulnerable. (CS 10)

5.3 Garda response to women's reported experiences

The issues and concerns that women raised about An Garda Síochána were put to the GNPSB in interview,¹⁵⁶ and their responses are reflected here. The GNPSB recognise that women who are in prostitution have understandable fears and concerns about reporting or contacting the Gardaí, and that there is a need to build trust and work with women in the sex trade and the NGOs that support them.



It will get better because, you know, the more we do, the more awareness will come. You know, and as I said, that culture change for the Guards is difficult for us because, you know, only three years ago we were targeting the workers.

In relation to women on the streets, they understand that this is a particularly vulnerable group that may be especially reluctant to come forward, particularly if they are dependent on illegal drugs. They also see the need to reassure women that no immigration issues are considered when women report abuse or assault. Regarding the investigation and prosecution of violent assaults, they expressed a strong commitment to following up, taking statements, investigating and prosecuting any reported incident of abuse or violence:

¹⁵⁵ Director of Public Prosecutions.

¹⁵⁶ The Detective Chief Superintendent and Detective Superintendent.

we've gone to great lengths to make sure that any case that comes to our notice, that it gets that level of attention that it deserves. And we've tried to sell that message to, you know, to the people in this area that...not to suffer this abuse. We understand it's a very dangerous area to be in. We understand that. We get that. But, you know, while they're there they have the supports of An Garda Síochána.

The evidence largely demonstrates this stated commitment to the safety and welfare of persons in prostitution and their right to access justice for crimes committed against them. This study found that some of the most serious, violent crimes that have been perpetrated against women in prostitution in recent years have been very proactively investigated by Gardaí. It is clear from Section 3 above, that violence against women is endemic to the sex trade; perpetrated by sex buyers, pimps and organised criminals alike. Recent press reporting documents a number of significant cases where Gardaí have taken such crimes very seriously and have prosecuted cases to ensure that perpetrators are brought to justice. During the previous eighteen months alone four men¹⁵⁷ have been tried and convicted following Garda investigations of very serious assaults against multiple women in prostitution. These attacks were all extremely violent and terrifying for the women concerned and involved serious physical assault, as well as sexual violence and the use of weapons in some cases. All the women appear to have been targeted or victimised because of their involvement in prostitution. Sentences ranged from two years suspended to twenty years. This proactive approach demonstrates Gardaí's increasing commitment to recognising the vulnerabilities of those who sell sex and the risks they face daily in the sex trade, whilst adopting a punitive approach to those who perpetrate violent crimes against them.

In relation to brothel raids, the GNPSB openly discussed the complexities and difficulties involved for Gardaí entering premises in distinguishing between an independent person and an organiser profiting from the exploitation of others:

when we enter on warrants, and we act lawfully within the warrant and we seize evidence – when you examine and you look for evidence it can bring you away from an independent worker and point you towards some kind of organised prostitution or organised criminalityand on the other hand...you know, we could actually be moving from where somebody is a victim, but they're portraying themselves as being independent, and we find by what we do and what we say and what we hear and what we take with us when we execute a warrant, that in point of fact they are a victim, they're a victim of organised prostitution and there's organised criminality.

Where there is potential evidence of organisation such as leasing multiple properties, very large sums of money and numerous phones found on the premises, it is incumbent upon the Gardaí to investigate:

where they're renting out or they're leasing out properties, then there's a question mark and we're entitled to – we're obliged to investigate that. For some women they get out of this business by bringing other people

157 For selected press reporting on these cases and their outcomes see Appendix D.

in and then they become the foreman or the overseer, which is probably exploitation in itself.

We only operate on evidence. And we're not in the business of targeting women or the money they're making. That's not what it's about. Certainly, if it's organised criminality then I'm afraid, you know, the gloves are off and we'll take everything because that's what we have to do.

But in relation to gathering evidence, the GNPSB acknowledge that the removal of phones and money is very upsetting for women:

The money and the phone is difficult because, you know, when we go in there we don't – we don't have a crystal ball, we don't know what's inside the room, we don't know when we go in there what it is. And...if we go in there and we don't take the phones, we don't take the money, right, and then we find out that if that person is involved in organised prostitution, well, we've lost that – and we never get it – that's it, we're done. So, I mean, you know, there's no investigative agency in the world who acts like that.

They believe however, that as the shift in approach from targeting women in the trade to buyers and organisers becomes more embedded in Garda practice, their capacity to discern whether someone is an organiser or independent will become more refined:

the change for us now is that we're more aware of the independent worker. I would like to think that those two Romanian women who were prosecuted late last year,¹⁵⁸ that with the awareness that we have now that they maybe would not have been prosecuted this time. Now, I mean, I'm not saying there was anything wrong with those convictions. They pleaded guilty, they made statements...they were clearly involved. But I would like to think that now, today, that we would be much more I suppose conscious of the independent worker and we'd be looking for other indicators rather than simply just the prostitution there, you know.

The GNPSB recommend that women can make a statement, identifying themselves as independently selling sex alone or together, which would support their case in relation to being protected from prosecution for brothel keeping or organising:

A worker making a statement to the Guards and saying, you know, I'm an independent worker, you know, that money that you see is from, you know, the sale of sex, which is not a crime anymore, so they shouldn't worry saying that. And that's evidence. And they should make that statement. They should have – and I know there's a culture change in them as well because they find that difficult to do. That's what has to happen.

158 As reported in the media here: <https://www.irishmirror.ie/news/irish-news/irish-prostitution-laws-not-fit-16496027> (Last retrieved 15/10/20). The women in this case pled guilty, were granted bail and were sentenced to nine months in prison, which they appealed. It is understood that they have not served any sentence to date.

In terms of overall policy, the importance of education and training in creating a culture shift within the Gardaí was emphasised, and the need to work with women to target those who are profiting from the exploiting of others:

Together we can target the brothel keepers, organised elements and the buyers – the more we can work together the better. Maybe not for those who are doing it for profit. I get that. You know, people in dealings like that...they're in there for money. And you know, those who are in it for profit are going to suffer...the closer aligned, the more trust that's there between the workers and ourselves, the better for them, the easier it is for us and the more effective we are and the better for them and their welfare.

5.4 Conclusions

Historically, as described at the outset of this study, women on the streets bore the burden of criminality in Ireland, so perhaps the most immediate and visible impact of the 2017 Act has been the decriminalisation of women in street prostitution. This has had largely positive outcomes, including an increased willingness amongst women to report crimes committed against them and in their improved relationship with Gardaí overall.

Some women in the indoor trade recount a variety of fears and concerns they have regarding An Garda Síochána. These fears and concerns primarily relate to becoming known to the Gardaí or members of their local community for their involvement in prostitution, or because they are undocumented. Both can create a barrier to women reporting concerns, but also reporting crimes committed against them to the Gardaí, which is a serious issue. Some of these fears relate to negative experiences not with Gardaí in Ireland but with the police or other authorities in their country of origin. It is notable that only two women in the whole sample made specific reference to concerns they had about the laws on prostitution. Despite their fears and concerns, it is also worth noting that just one of the many women whose experiences were included in this study was recorded as having a criminal record that appears to have been related to her involvement in prostitution.

Women's negative experiences of An Garda Síochána primarily relate to brothel raids, which continue to prove very problematic for the women concerned. In terms of the proper investigation of organised crime, Gardaí state that they must remove evidence, but the removal of phones and money in particular creates major difficulties for women, as does a lack of information from Gardaí regarding when these will be returned.

The GNPSB are clear that women found in brothels are not the target of criminal investigations, rather their focus is on identifying the organisers that are profiting from the prostitution of others. The GNPSB strongly believe that, with education and training, the capacity to distinguish between an individual occupying a brothel and an organiser will improve, and that explaining to women what is happening during and in the aftermath of a raid, including when any property seized will be returned to them, should be part of enhanced Garda practice in the future.

In terms of positive experiences with Gardaí that women described, there is no doubt that welfare visits, being listened to, and being taken seriously when they report concerns or incidents to Gardaí is appreciated and valued by women and their support workers, and that building trust

will increase the protection of women and the likelihood that they will report crimes committed against them in the future. Gardaí have also demonstrated that recent violent crimes against women in prostitution are taken very seriously, with investigations and convictions proactively pursued.

Study conclusions

The study starkly illustrates the multiple vulnerabilities and adversities facing women who are drawn into Ireland's sex trade. Women and girls take many different paths into prostitution, but coercion, deception, and difficult choices made in very constrained circumstances tend to litter these paths. These experiences are compounded by buyers with no concern for the women's welfare or true circumstances – most are focused entirely on their own sexual gratification – which often leads to demands for risky acts and complaints or even aggression if their demands are not fulfilled. The harms to women as a result are clear, but this does not give pause to those who organise prostitution and profit as a result – the levels of organisation within the trade identified by this study continue to give cause for grave concern. As do the levels of fear and violence experienced by women in prostitution and perpetrated by those who seek to dominate and control them to fulfil their own sexual or financial desires.

Based on the evidence presented here, it can only be concluded that this highly exploitative trade cannot be permitted to persist or expand. While no single piece of legislation can fully mitigate the negative consequences for women of an inherently harmful and frequently violent system, international evidence cited at the outset of this report demonstrates that the most effective way to reduce the scale of this sexually exploitative trade is to address demand. At just over three years old, it is very early days in terms of assessing the achievement of this objective in Ireland, but the official statistics, reports from women, service providers and the GNPSB are very promising. These indicate a major shift in the burden of criminality in the right direction – from the seller, who is now decriminalised, to the buyer who is criminalised for fuelling the demand for women that sustains the sex trade.

Whilst persons in prostitution can no longer be criminalised for soliciting or loitering, the statistics also clearly indicate a steep decline in women being prosecuted under brothel keeping laws. However, the need for clarity and guidance in relation to distinguishing between individuals simply living/seeing buyers in premises and those who are organising and profiting from the prostitution of others is recognised as a key area that needs continuing improvement. There are some indicators that the 2017 Act has already increased the likelihood that women in prostitution will report violence committed against them without fear of being criminalised themselves, and that in turn they will receive a more positive, supportive and understanding response from the Gardaí. There is definite evidence of a shift in the historical culture among the Gardaí in this regard, and a recognition that their attitudes and behaviours towards those in prostitution need constant monitoring. Women who wish to exit prostitution clearly require alternate and viable ways to support themselves, therefore it is imperative that women trapped within prostitution are effectively supported and properly resourced to exit, and provided with realistic, sustainable alternatives.

There is no doubt that Ireland's sex trade causes untold misery and harm to very many of the women who are caught within it, many of whom were facing difficult and challenging life circumstances to begin with. Buyers are indiscriminate, displaying indifference and anger rather than concern when there are clear indicators of control, coercion and even trafficking in evidence, underpinning the importance of addressing demand to reduce the number of girls and women being pimped and trafficked for sexual exploitation. Full and effective implementation of the *Criminal Law (Sexual Offences) Act, 2017* by all relevant State bodies is therefore required as a matter of urgency to tackle all those responsible for sexual exploitation, and to minimise the serious harms and human rights breaches endemic to the sex trade as far as possible, building on some of the promising practices and interventions highlighted here.

Recommendations

Law enforcement and justice

- An Garda Síochána should continue to proactively conduct operations against sex buyers to tackle and also deter the demand for prostitution that fuels Ireland's exploitative sex trade
- Continued education and training of members of An Garda Síochána is required to ensure that the culture change involved in shifting the burden of criminality from seller to buyer in prostitution is fully embedded across the police service
- To enhance women's safety and confidence in reporting crimes committed against them to the police, An Garda Síochána should continue to build trusting, more positive relationships with women in indoor prostitution, as has been demonstrated is possible with women on the streets – including continued welfare checks, dedicated points of contact and assurances that women's immigration status will not be the focus of their interactions, either now or in the future
- GNPSB should develop dedicated national guidelines for brothel raids that ensure that the negative impacts on women found on brothel premises are minimised as far as possible – this includes being clear with women about the overall purpose of raids, keeping in contact with them afterwards, ensuring that none of their most vital possessions are seized unnecessarily and providing clear information on how and when their property will be returned to them
- High level investigations and operations by An Garda Síochána targeting pimps, traffickers, the organisers and advertisers of prostitution need to be fully resourced
- Now that persons in prostitution are decriminalised, action should be taken by State bodies to expunge all historical criminal records relating to convictions for selling sex, ensuring that the burden of criminality is also removed from those criminalised for being in prostitution prior to the 2017 Act – such actions would reflect the true spirit of this progressive legislation.

Holistic support

- The State must provide enhanced resourcing of specialist NGO and statutory services with a proven track record of providing holistic, trauma-informed responses to women in prostitution both locally and nationally – this should include addressing immediate and long-term needs, especially in relation to women's sexual and mental health, alongside dedicated supports for women to exit and build sustainable lives outside prostitution
- In a true reflection of the Nordic/Equality model, exiting prostitution needs to be recognised and resourced by the State as a statutory right – with a package of supports (similar to those currently provided to victims of trafficking in Ireland) that includes regularisation of their immigration status, access to housing, health services and social protection, access to justice and the provision of education, training and employment opportunities.

Public awareness

- Regular, targeted awareness raising efforts are required to ensure that women in prostitution know that they are decriminalised and the protections they can expect
- Awareness campaigns need to be enhanced so that buyers know that their actions are illegal – these would act as a deterrent for current buyers, but also the potential buyers of the future
- Specific education programmes should be developed for young people on the harms of prostitution and sexual exploitation
- Broader public awareness strategies must be initiated to enhance public understanding of and support for the law – these measures are essential in ensuring the wider normative and declarative effects of this legislation.

Monitoring and research

- Continued monitoring of the implementation of the 2017 Act is required and would be enhanced by improvements in the way prostitution offences are recorded by An Garda Síochána and in the official statistics, particularly in terms of the nature of the offence, the breaches of legislation in question and the profile of offenders
- Further research is also required in a number of key areas to strengthen the evidence base on the nature, operation and impacts of prostitution and the sex trade as a whole in Ireland including:
 - A more in-depth exploration of the mental health impacts of prostitution –
 - addressing women’s multiple experiences of unwanted, undesired sexual acts in the context of prostitution, how they can be supported to overcome any trauma arising from these experiences and the role of trauma-informed practice in this regard
 - A study to examine in greater detail racialised systems of exploitation within the Irish sex trade, the patterns, tactics and recruitment methods used in drawing migrant women into the trade, and how these can be tackled from a prevention perspective
 - An exploration of women’s entrapment within prostitution and the complexities of the exiting process, including documenting a model of good practice in the provision of exiting supports.

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Appendix A: Text of the relevant legislation

*Criminal Law (Sexual Offences) Act, 2017*¹⁵⁹ – Part 4

PURCHASE OF SEXUAL SERVICES

Amendment of Act of 1993¹⁶⁰

The Act of 1993 is amended—

- (a) in subsection (2) of section 1, by the deletion of paragraph (a)¹⁶¹
- (b) by the insertion of the following section after section 7:

“Payment etc. for sexual activity with prostitute

7A. (1) A person who pays, gives, offers or promises to pay or give a person (including a prostitute) money or any other form of remuneration or consideration for the purpose of engaging in sexual activity with a prostitute shall be guilty of an offence and shall be liable on summary conviction—

- (a) in the case of a first offence, to a class E fine, and
- (b) in the case of a second or subsequent offence, to a class D fine.

(2) In this section ‘sexual activity’ means any activity where a reasonable person would consider that—

- (a) whatever its circumstances or the purpose of any person in relation to it, the activity is because of its nature sexual, or
- (b) because of its nature the activity may be sexual and because of its circumstances or the purposes of any person in relation to it (or both) the activity is sexual.”

- (c) in section 8, by the substitution of the following subsection for subsection (2):

“(2) A person who without lawful authority or reasonable excuse fails to comply with a direction under subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a class D fine or imprisonment for a term not exceeding 6 months or both.”

- (d) in section 9, by the substitution of the following subparagraphs for subparagraphs (i) and (ii):

159 Full text of the law available here: <http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html> (Last retrieved 15/10/20)

160 Full text of the law available here: <http://www.irishstatutebook.ie/eli/1993/act/20/enacted/en/html> (Last retrieved 15/10/20)

161 This deletion removed the offence of soliciting and loitering for the purpose of prostitution from the seller, effectively decriminalising women on the street.

“(i) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or

(ii) on conviction on indictment to a fine or imprisonment for a term not exceeding 10 years or both.”

(e) in subsection (1) of section 10, by the substitution of “to a class A fine or imprisonment for a term not exceeding 12 months or both” for “to a fine not exceeding £1,000 or to imprisonment for a term not exceeding 6 months or to both”,

(f) in section 11, by the substitution of the following subparagraph for subparagraph (i):

“(i) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or”,

and (g) in subsection (1) of section 13, by the insertion of “7A,” after “7,”.

Amendment of Section 5 of Act of 2008¹⁶²

Section 5 of the Act of 2008 is amended by—

(a) the insertion of the following subsection: “

(2A) A person who pays, gives, offers or promises to pay or give a person (including the trafficked person) money or any other form of remuneration or consideration for the purposes of the prostitution of a trafficked person shall be guilty of an offence.”, and

(b) in subsection (5), by the substitution of “sections 7 and 7A of the Act of 1993 in so far as an offence under those sections” for “section 7 of the Act of 1993 in so far as an offence under that section”.

¹⁶² The *Criminal Law (Human Trafficking) Act, 2008* – full text of the law available here: <http://www.irishstatutebook.ie/eli/2008/act/8/enacted/en/html> (Last retrieved 15/10/20)

Appendix B: Description of support services featured in the study

Ruhama

Established in 1989, Ruhama is an NGO and registered charity that offers nationwide support across Ireland to women affected by prostitution, sex trafficking and other forms of commercial sexual exploitation. Ruhama supports women, including transwomen, currently involved in prostitution, victims of trafficking for the purposes of sexual exploitation, women with historic experiences of prostitution, and those who are exiting or planning to do so in the future.

Ruhama provides a holistic service offering a wide range of supports, including the following:

- Needs assessments
- Individual casework support and advocacy
- Care planning and case management
- Crisis accommodation in emergency situations
- Housing and social welfare support
- Mobile street outreach to Dublin's 'red light' areas
- An outreach service to Dóchas (women's prison) and to the HSE Women's Health Service
- Health and wellbeing support
- Addiction support
- Emotional and psychological supports including access to counselling
- A trauma healing programme
- Support with legal issues, immigration issues and repatriation
- Support for women participating in the criminal justice process
- Interpretive support
- One-to-one and group education, training and development programmes
- Support into mainstream training and education
- Support with job-seeking
- Referral to other key agencies that can offer additional specialist supports.

Ruhama's outreach service for women in street prostitution

The night time outreach service is provided by Ruhama to women on the street in the two key areas of street prostitution in Dublin on the northside in Arbour Hill, near Stoneybatter and on the southside on Wilton Terrace, near Baggot Street, and around the canal. The service provided in a van reaches out to this particularly marginalised group who often can find it challenging to link in with other services or forms of support. The main focus of the work is to:

- Let women know about the wider supports Ruhama can offer
- Link women in with other services they may need, for example addiction support or housing services
- Undertake harm-reduction work, including safety planning and advice and the distribution of health and safety supplies and other essential items to women,

including condoms, lube, personal alarms, hats and gloves in winter etc.

- Create a safe space for women to come into as a respite from the streets, where they can warm up, receive hot drinks and snacks, talk openly and receive emotional as well as practical support.

Ruhama's care planning and casework service

This service takes a person-centred approach and is delivered by a multi-lingual casework team, reflecting the demand for the service amongst migrant women. Women work with their own dedicated Ruhama caseworker to develop their own care plan. This includes all areas of women's lives where they want both practical and emotional support and would like to make changes for the future. Each woman then works in partnership with her caseworker to make these changes at her own pace. The plan is flexible and can be adapted if women's needs change or they set new goals. Through this service women can be supported to address their most immediate or crisis needs (e.g. those relating to housing, debt, immigration issues, addiction etc.) but also to work towards their longer term plans, whether this involves exiting prostitution or not. Many women using the casework service also avail of Ruhama's range of other supports, including trauma healing, counselling, education, training and development programmes, career guidance, work placements and job-seeking supports.

HSE Women's Health Service and Anti Human Trafficking Team

The HSE Women's Health Service (WHS) and Anti-Human Trafficking Team (AHTT) comprise a single, national service with two remits, under the same management. First established as the Women's Health Project in 1991, the WHS provides wide-ranging healthcare, support and advocacy to women involved in prostitution across Ireland and has developed significantly during the last decade or so to embrace the Anti-Human Trafficking Team, which delivers a full care planning service for victims of trafficking.

The WHS offers a free sexual health service including full sexual health testing, smear tests, treatment, contraception and onward referrals, as required, to women currently involved in prostitution, including transwomen. The clinical service is provided by a doctor and nursing staff who specialise in the promotion and care of sexual and reproductive health. Running alongside the clinical service, WHS also provides a non-clinical 'outreach' service. The Outreach service is delivered by support workers providing advice and advocacy, who can assist with a broad range of issues women in prostitution may be experiencing, including safety concerns, concerns regarding their sexual or mental health, substance misuse, housing problems, financial problems/debt, immigration concerns, violence and any other challenges women may be facing. The Outreach team also assists women who are seeking to exit prostitution and provides support, advice and referrals accordingly.

The Anti-Human Trafficking Team grew from the need to identify and address the needs of women who were being trafficked into the Irish sex trade. The team later took on the care of victims of labour trafficking, sham marriage and forced criminality also. Potential victims are referred to the AHTT by An Garda Síochána. They are allocated a caseworker and an individual care plan is designed to address, insofar as possible, the many complex needs and issues that may have arisen as a result of their experiences of exploitation, including safe accommodation, health, family separation, liaison with Gardaí regarding their investigations, finances and access to legal aid, social welfare, education and development and other forms of support.

Appendix C: The buyer review system

It was possible to gain some insights into sex buyers' motivations and behaviours through Escort Ireland's (EI) review system. The reviews also provide a window into the operation of the sex trade. Any buyer who has signed up to the website (using a screenname or pseudonym) can review the women they have purchased sexual access to, rating them out of five stars on measures including 'accuracy of photos', 'location', 'value for money', 'appearance', 'satisfaction' and 'overall experience'. Buyers record whether they would 'recommend' a woman and whether they would return to see her again. Some also record how much they paid and for how long. Additionally, buyers can leave further comments and details about the woman and their 'encounter'.

It should be noted that not all buyers submit reviews, so it was only possible to capture data from those who do. It would appear however, that many buyers rely heavily on the review system in helping them to select the woman they want. It is also worth noting that reviews tend to be very important to the women who are advertised on the site, as a negative review can have a swift and direct impact on the number of buyers who 'book' them, at least in the short term.

Data were captured from buyer reviews on EI on a weekly basis at the same time each week for a period of 14 weeks in total, beginning on 20/04/20 and ending on 27/07/20. Over 1,300 buyer reviews were read and analysed during the data capture period. During the first two months it was possible to read all reviews posted (approximately 950 in total) as the coronavirus pandemic lockdown in Ireland meant that, whilst the sex trade continued to operate, it did so at reduced 'capacity', with less women advertised on the site.¹⁶³ During the final month or so, as some lockdown restrictions were lifted, reviews became so numerous that a decision was taken to focus only on those that gave less than a full 'five star' rating to the woman concerned. When a woman is 'awarded' five stars by a buyer in their review of her this means she did everything he wanted, and he was satisfied with her appearance and 'performance'. What emerged from the analysis was that reviews where the women were rated less than five stars exhibited some worrying trends – including buyer complaints that their demands were not met, ill treatment by buyers, indicators of harm to the women themselves, and evidence of the role of prostitution organisers and coercion within the trade. To set some practical parameters around the large amount of data available at this point, it was decided in the third month to focus the analysis on reviews that rated women with less than five stars in order to further investigate these concerning patterns that were emerging from the data.

For the purpose of this study, qualitative data captured from the reviews were analysed thematically, with the following key themes emerging:

- Satisfaction:** The majority of buyers who post reviews on EI would describe themselves as 'satisfied customers', in most cases giving women and their 'encounter' 'five star' reviews, recommending the woman to other buyers
- Demands:** The reviews reveal the most popular demands buyers make of women in prostitution – regarding their appearance, age, ethnicity and so on, but also the sex acts they are asked to perform and the sexual fantasies they are expected to fulfil
- Objectification:** Many reviews unsurprisingly reveal the extent to which buyers objectify women in prostitution

¹⁶³ Breslin, R., (forthcoming, 2020); *op cit*.

- Organising:** The reviews also reveal indicators of the involvement of organisers in the prostitution of women advertised on EI
- Ill treatment and harm:** Negative reviews in particular reveal countless instances of ill treatment of the women, and in some instances the women themselves respond to such reviews outlining how the buyer has frightened, hurt or violated them.

The results of this analysis are primarily contained in Sections 2 and the 3 of this report, with a particular focus on buyer expectations and demands, ill treatment and harm, and evidence of organisation within the Irish sex trade.

Appendix D: Summary of selected press reporting on Garda operations and violent offences

The focus of this online review was press reporting on cases of violent offences committed against women in prostitution, and targeted Garda actions against prostitution organisers and sex buyers since the introduction of the 2017 Act. This review was first undertaken in July 2020 and subsequently updated in mid-October 2020. The key results are set out here.

Recent Garda actions against organised criminality

- Press reports of a Garda operation conducted in July 2020 in Longford – many luxury items seized in Longford by CAB (the Garda Criminal Assets Bureau). The criminals concerned were involved in robberies, the supply of drugs and the operation of prostitution.
<https://www.rte.ie/news/crime/2020/0706/1151619-cab-raid-midlands/> (Last retrieved 15/10/20)
- Press reports of five people arrested in Dublin for money-laundering with assets and luxury goods seized in June 2020 – an international crime gang of mainly Romanian nationals also involved in cyber-crime, organised prostitution, establishing bogus companies, fraud and theft, benefit fraud, money laundered through multiple bank accounts etc.
<https://www.rte.ie/news/crime/2020/0603/1145147-money-laundering-arrests/> (Last retrieved 15/10/20)
<https://www.irishexaminer.com/breakingnews/ireland/gardai-smash-alleged-crime-gang-laundering-15m-acquired-through-cyber-crime-and-prostitution-1003227.html> (Last retrieved 15/10/20)
<https://www.irishtimes.com/news/crime-and-law/garda%C3%AD-move-against-cyber-crime-prostitution-gang-in-dublin-1.4269610> (Last retrieved 15/10/20)
- Press reports of a CAB seizure in January 2020 in Cork and Kerry – Gardaí seized property as part of an investigation into international organised crime including money laundering. CAB Chief Bureau Officer stated: ‘Most criminality is drug related and the next after that would be burglaries, organised prostitution, smuggling such as cigarette smuggling, fuel smuggling and all those forms of criminality would be among the 30 targets that we have here in Cork city and county.’
<https://www.irishtimes.com/news/ireland/irish-news/cab-raids-homes-in-cork-and-kerry-as-part-of-international-crime-gang-investigation-1.4155579> (Last retrieved 15/10/20)
- Press reporting on the case of Florin Ghinea (alias Ghenosu), a Romanian national, who is alleged to have run a €2 million ‘sex trafficking ring’ where Romanian women were forced to travel to Ireland, Finland and Dubai ‘to work as prostitutes’. Ghinea is also accused of conspiracy to murder, blackmail and money laundering. It is alleged that he began advertising women on escort websites in Ireland in 2008 and sending women from Romania to Dublin and Gal-

way for the purposes of prostitution. He was jailed for seven years for assault, blackmail and cloning credit cards, but associates continued his criminal operations on his behalf. Following Ghinea's release from prison, Gardaí worked with police in Romania and uncovered €200,000 sent mainly from Galway to his accounts in Romania. He was eventually arrested in the UK by the National Crime Agency and extradited back to Romania in February 2020.

<https://www.bbc.com/news/uk-england-beds-bucks-herts-51506331> (Last retrieved 15/10/20)

<https://www.thesun.ie/news/5100223/pimp-prostitutes-ireland-romania/> (Last retrieved 15/10/20)

Recent Garda operations targeting sex buyers

- Pressing reporting on a Garda operation targeting sex buyers in April 2019. Gardaí stopped and questioned 36 people across Leinster on suspicion of purchasing sex. This operation ran across six Garda divisions in Dublin, Wexford, Louth and Kildare and was undertaken by Operation Quest led by the GNPSB. Described as 'intelligence-led' 'days of action', it was noted that more were planned. The operation was also featured on RTE television's Crimecall, alongside the testimony of a victim trafficking. A number of files were being prepared for the DPP as a result of this operation.

<https://www.thesun.ie/news/4041073/gardai-quiz-36-suspicion-of-buying-sex-prostitution-crackdown/> (Last retrieved 15/10/20)

<https://www.thesun.ie/news/4039870/woman-trafficked-into-ireland-tells-how-she-was-chained-and-forced-to-work-as-a-prostitute-by-a-criminal-gang/> (Last retrieved 15/10/20)

<https://www.thejournal.ie/prostitution-4611526-Apr2019/> (Last retrieved 15/10/20)
- Press reporting on a Garda operation in September 2019 in which Gardaí questioned 38 people suspected of purchasing sexual services across nine Garda divisions in Dublin, Carlow, Kilkenny, Cork, Kerry, Galway and Donegal. Both urban and rural areas were targeted. This was led by Operation Quest as a second set of 'days of action'. Files were being prepared for the DPP as a result, with 'a view to establishing prosecutions'.

<https://www.dublinlive.ie/news/dublin-news/gardai-investigating-prostitution-across-dublin-16992055> (Last retrieved 15/10/20)
- Press reporting on an operation in November 2019, in which Gardaí stopped and spoke to 23 people suspected of purchasing sexual services. These 'days of action' were undertaken by Operation Quest in Dublin, Waterford, Cork, Mayo, Sligo and Louth. They were coordinated by the GNPSB in liaison with local detective units and 'took place in furtherance of an enforcement strategy designed to target persons involved in the purchase of sexual services.' A number of files are being prepared for the DPP as a result. It was reported that these days of action: 'represent the third national operation targeting the demand for prostitution undertaken by Gardaí this year.'

<https://www.thejournal.ie/gardai-sex-work-operation-4908564-Nov2019/> (Last retrieved 15/10/20)

Violent attacks on women in prostitution and resulting convictions

- Press reporting on the case of Ioan Galben, from Romania, with an address in Blanchardstown. He was accused of a violent robbery perpetrated against two escorts from Brazil in an apartment in Roscommon in October 2019. He pulled a knife, threatened them both, kicked one on the floor, robbed them, took cash and mobile phones. Three men in total were involved and several arrests were made following searches by Operation Quest in connection with this case. Galben was just one of three people who pled guilty to what was described by the judge ‘as a nasty, professional and premeditated commercial robbery on two vulnerable victims.’

Outcome: Jailed for four years, two months in June 2020 for his role in the crime. There were three men involved in total – all pled guilty, the other two (Andre Tiganasu, with an address in Carpenterstown, Dublin and Samuel Pop, with an address in Clonsilla, Dublin) are due to be sentenced for robbery in November 2020. All were considered ‘flight risks’ and likely to interfere with witnesses so all were refused bail and remanded in prison prior to trial.

<https://www.rte.ie/news/courts/2020/0626/1149887-ioan-galben-court/> (Last retrieved 15/10/20)

<https://www.irishtimes.com/news/crime-and-law/courts/district-court/three-men-charged-in-roscommon-over-attacks-on-sex-workers-1.4091301> (Last retrieved 15/10/20)

It has been alleged that this gang may have been responsible for many similar incidents – the Irish Times reported in November 2019 that ‘Since mid-October, about seven such assaults have taken place, targeting those who offer services online.’ “The motive for these attacks appears to be monetary gain, although violence has been used and they have been terrifying incidents for the injured parties...involved,” Gardaí said in a statement. A police operation followed, and Gardaí issued an appeal to others who may have been subject to a similar attack to immediately report the incident.

<https://www.thejournal.ie/sex-worker-arrests-dublin-4899391-Nov2019/> (Last retrieved 15/10/20)

<https://www.irishtimes.com/news/crime-and-law/garda%C3%AD-investigate-attacks-on-sex-workers-primarily-in-the-dublin-area-1.4082180> (Last retrieved 15/10/20)

A representative of GNPSB also made a public appeal on national radio:

<https://www.rte.ie/radio/radioplayer/html5/#/radio1/21655673> (Last retrieved 15/10/20), and described their approach in the press:

<https://www.independent.ie/breaking-news/irish-news/sex-worker-group-says-gardai-previously-knew-about-criminal-gang-38692977.html> (Last retrieved 15/10/20)

- Press reporting on the case of Nolan McKeon, an Irishman who worked as a hospital security guard. He was responsible for two separate attacks on two different women in prostitution – one in June 2016 (a Latin American woman), the other in February 2018 (a Romanian woman). He was prosecuted for both attacks at the same time. McKeon had booked the women online as ‘escorts’.

‘Consensual sex took place’ before he became aggressive and attacked them. The attacks involved extreme violence, including choking, punching, dragging by the hair, multiple counts of sexual assault and rape (oral, vaginal and anal), false imprisonment and robbery. He stabbed the first woman as she jumped out of a window naked to try to escape from him. She ran into the street and was brought to a Garda station by a taxi driver. The second woman went to the Gardaí herself to report the attack. Both women gave victim impact statements in court.

Outcome: McKeon pled guilty and was jailed in March 2020 for 14 years for rape and violent assault.

<https://www.thejournal.ie/security-guard-jailed-for-14-years-for-rape-and-violent-assault-of-two-sex-workers-5048321-Mar2020/> (Last retrieved 15/10/20)
<https://www.irishexaminer.com/breakingnews/ireland/hospital-security-guard-jailed-for-rape-and-violent-assault-of-two-sex-workers-988288.html> (Last retrieved 15/10/20)

- Press reporting on the case of Ben O’Reilly from Meath, in training for the British Army. He violently attacked a transgender ‘escort’ – Fernanda de Freitas, who waived her anonymity – in May 2017. After paying her, he said he wanted his money back and took her phone. He then throttled and punched her until she feared for her life. They met through the online app Grindr, but O’Reilly agreed to pay her for sex. He said he was under the impression that he could ‘get away with not paying’. He claimed he acted in self-defence because she had tried to steal his cash and attacked him with a stiletto.

Outcome: O’Reilly pled not guilty to assault and robbery. He was acquitted of the robbery but found guilty of assault. In January 2020 he was given a two-year sentence, but this was suspended in full on condition he pay €10,000 compensation to Ms de Freitas within a period of 12 months. The judge sentencing him stated that O’Reilly had lost the support of his mother, brothers and friends and was suspended from his rugby club. She said further mitigating factors included his previous good character, his youth, and his acceptance of the jury’s verdict. She noted that if a term of imprisonment was imposed, O’Reilly would lose his role with the British Armed Forces.

<https://www.irishexaminer.com/breakingnews/ireland/meath-man-21-accused-of-assaulting-and-robbing-transgender-escort-told-gardai-he-was-attacked-first-with-stiletto-970353.html> (Last retrieved 15/10/20)
<https://www.thejournal.ie/assault-ben-oreilly-escort-meath-4936072-Dec2019/> (Last retrieved 15/10/20)
<https://www.irishtimes.com/news/crime-and-law/courts/criminal-court/man-given-suspended-sentence-for-assaulting-transgender-escort-1.4152892> (Last retrieved 15/10/20)

- Press reporting on the case of Gheorghe Goidan, from Romania, with an address in Dublin. Goidan violently attacked two women in prostitution in two separate incidents. He booked the women on Escort Ireland and met them

separately in hotel rooms, but both on the same day in September 2017 (one in a hotel in Portlaoise and the other in a hotel in Galway – the attacks were within 12 hours of each other). The women are both Czech. He pulled a knife and repeatedly assaulted and raped them. He stole a laptop, mobile phones and cash. He was arrested in West Dublin following ‘a major national operation’ involving Gardaí from County Laois, the Garda Sexual Assault Unit and local detective units. There was evidence of an alleged third attack by Goidan in Dublin, which does not seem to have been proceeded against. There was also reporting that the same man was allegedly responsible for attacks on up to twelve women in total, all in prostitution. It was reported that Goidan had been ‘previously involved in the sex industry’ and had worked as a bouncer at a number of brothels: ‘One theory being examined is that the suspect was tasked by others with “eliminating the competition” in the sex industry.’ ‘Given his history as a security worker in the sex industry Gardaí are investigating if he was tasked with trying to intimidate women and force them out of his patches. This man had shown a capacity for extreme violence and there is every chance he could have murdered one of these women.’ Further evidence of this ‘turf war’ was suggested by Goidan’s actions: ‘After the attack he took a photo of her national identity card and threatened her in the Czech language and told her to leave the country.’

Outcome: Goidan pled not guilty to rape, oral rape, anal rape and sexual assault but the jury found him guilty. He pled guilty to the robberies. He received a 20-year prison sentence in July 2019. The judge praised the courage of the women in coming forward and giving evidence at trial.

<https://www.independent.ie/irish-news/news/suspected-serial-rapist-questioned-after-violent-sex-attacks-on-up-to-12-prostitutes-36133153.html> (Last retrieved 15/10/20)

<https://www.irishtimes.com/news/crime-and-law/courts/criminal-court/judge-jails-man-for-20-years-for-vicious-rapes-of-two-prostitutes-1.3973368> (Last retrieved 15/10/20)

<https://www.independent.ie/irish-news/courts/man-found-guilty-of-raping-two-prostitutes-in-two-hotels-on-same-day-38099481.html> (Last retrieved 15/10/20)

