



Beyond Exploitation

**Submission to Third National Strategy on Domestic, Sexual
and Gender-Based Violence**

June 2020

INTRODUCTION

Beyond Exploitation Campaign

Beyond Exploitation is the Irish civil society campaign defending the human right not to be bought or sold for sex. We are creating an Ireland where prostitution is not seen as a solution to women's poverty, where consent is not for sale, and where sexual exploitation is not acceptable. We are supporting the most vulnerable and silenced people in prostitution to have a voice. Our campaign is survivor led and survivor informed. The campaign is led by the National Women's Council, with partner organisations Ruhama and the Immigrant Council of Ireland

Campaign Partners

Ruhama is an Irish NGO and registered charity that offers nationwide support to women affected by prostitution, sex trafficking and other forms of commercial sexual exploitation.

Ruhama's mission is to support and empower women impacted by prostitution and sex trafficking by providing safe, accessible, psychological and practical assistance to co-create opportunities to enhance their lives. Ruhama also advocates and engages in policy work on issues related to prostitution, sex trafficking and the experiences of the women we work with. Ruhama's vision is of a world free of the sexual exploitation of women, where all women's lives are valued. Ruhama's frontline work underpins the belief that sexual exploitation constitutes a form of domestic, sexual and gender-based violence (DSGBV).

The **Immigrant Council of Ireland** (ICI) is a human rights organisation and Independent Law Centre. We support and advocate for the rights of immigrants and their families and act as a catalyst for public debate, legal and policy change. The Immigrant Council has developed specific expertise on the trafficking of migrant women for sexual exploitation. This area remains a priority focus for the Immigrant Council, given that more than 90% of prostituted people are migrant women and girls. ICI's work on human trafficking is informed by the fact that trafficking is a prominent form of gender-based violence against women. ICI consider prostitution as the environment for sex trafficking of migrant women and girls. ICI campaigns to end sexual exploitation by reducing the demand from consumers and monitor international developments to ensure we support victims in the best and most effective way possible.

The **National Women's Council (NWC)** is the leading national representative organisation for women and women's groups in Ireland. NWC has over 190-member groups and our ambition is an Ireland where every woman enjoys true equality and no woman is left behind. Violence against women has always been one of the key priority areas of NWC, recognising and highlighting that it is a cause and consequence of gender discrimination, and needs to be located and understood within a gender equality framework. NWC is a member of the Monitoring Committee of the Second National Strategy on Domestic Sexual and Gender Based Violence which is tasked with working to ensure the full implementation of the Istanbul Convention, the monitoring committee for the National Strategy for Women and Girls 2016-2020, and NWC established and chairs the National Advisory Committee supporting the Dept. of Higher Education's Framework *Safe, Respectful, Supportive and Positive – Ending Sexual Violence and Harassment in Irish Higher Education Institutions*.

NWC chairs the **National Observatory on Violence Against Women**¹ an independent network of over 20 grassroots and national organisations that convene quarterly to monitor progress on violence against women in Ireland. For the purposes of this submission, it should be noted that it is the National Observatory's position that prostitution and trafficking are forms of gender-based violence, recognising that "Prostitution, and the social and cultural attitudes which sustain it, are deeply rooted in gender inequality and social marginalisation."²

Campaign Supporters

The Beyond Exploitation campaign was formally launched in June 2021 with speakers from organisations including the Children's Rights Alliance, Irish Congress of Trades Unions, Irish Nurses & Midwives Org., Sexual Exploitation Research Programme UCD, the Labour Party and Sinn Féin. In addition, the following organisations have formally endorsed the campaign:

AkiDwA
Community Foundation Ireland
Doras
Dublin Rape Crisis Centre
Irish Nurses & Midwives Organisation (INMO)
Longford Women's Link
Men's Development Network

¹ Aoibhneas, AkiDwA, Action Aid Ireland, Cairde, Dublin Rape Crisis Centre, Galway Rape Crisis Centre, Longford Women's Link, Love & Care for People, Immigrant Council of Ireland, Irish Consortium on Gender Based Violence, National Collective of Community Based Women's Networks (NCCWN), National Women's Council (NWC), Oxfam Ireland, Pavee Point Traveller and Roma Centre, Ruhama, Sexual Violence Centre Cork, Sonas Domestic Violence Charity, Sisi, Women's Aid, YWCA Ireland, Chrysalis Community Drugs Project

² Violence Against Women: an Issue of Gender: Highlighting the role of gender in analysis and response, Dec. 2013

One In Four
Rape Crisis Network Ireland (RCNI)
Safe Ireland
SIPTU
Women's Aid

The Beyond Exploitation campaign is informed by the **Equality Model**. Central to this model is **Part IV of the Criminal Law (Sexual Offences) Act 2017** (Part IV) which ensured that the selling of sex by individuals was decriminalised in Ireland. At the same time the Equality Model reduces demand for sexual exploitation by making it illegal to pay for sex, to pimp someone for sex, and to run a brothel. Central to the Equality Model is the development of strategic exit routes which has yet to be achieved. Beyond Exploitation will be campaigning for policies and measures aimed at giving people in prostitution real choice.

Beyond Exploitation is informed by research that tells us 80% of the Irish public believe that the State has a leading role to play in addressing sexual exploitation through both prevention and exit supports (supports for women to leave prostitution and rebuild their lives). We are advocating for full, integrated supports and opportunities that allow all people in Ireland to choose not to enter prostitution because of poverty, insecure immigration status, discrimination or other vulnerabilities, and that allow people to leave prostitution if that is their choice.

Beyond Exploitation aims to broaden the conversation beyond prostitution. Research informs us that 72% of the Irish public believe that, even if some people say they engage in the sex trade out of choice, there are important societal impacts that cannot be ignored. This will require society to make the connection to the vulnerabilities, violence, sexism, lack of consent and gender inequality inherent in the commercial sex trade and to recognise prostitution as a form of gender-based violence and a violation of human rights. We aim to support people in making those connections because without them the goal of true gender equality will never be attained.

It is our firm belief that no girl should be groomed, no boy should be groomed, no woman should be bought and no man should think it's ok.

Prostitution and Sexual Exploitation - Key International + National Frameworks

Beyond Exploitation welcome the opportunity to make a submission on the Third National Strategy (TNS) on Domestic, Sexual and Gender-Based Violence (DSGBV). It is the State's responsibility to take specific measures to reduce barriers to ensure women can fully realise their social, cultural, political and economic rights to live a life free from violence, obligations flowing from broad national and international fundamental human rights obligations to which Ireland is bound³.

Whilst we welcome and recognise the importance of aligning the TNS with the obligations set forth in the Council of Europe Convention on preventing and combating violence against women and domestic violence,⁴ it is imperative that the TNS ensures alignment with other relevant obligations of the state, UN treaties, EU Directives, and European Parliament Resolutions, in particular the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW), United Nations Security Council Resolution (UNSCR) 1325, and the UN Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.

Beyond Exploitation in particular highlights,

CEDAW Article 6⁵,

“States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women”.

the **UN Declaration of 1993 on the Elimination of Violence against Women, Article 2⁶** which states that violence against women includes:

“physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women and forced prostitution”

³ Bunreacht na hÉireann (1937); Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the European Social Charter (revised 1996), the Council of Europe Convention on Action against Trafficking in Human Beings (2005), COE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (2007); Recommendation CM/Rec(2007)17 on gender equality standards and mechanisms, Recommendation CM/Rec(2010)10 on the role of women and men in conflict prevention and resolution and in peace building; International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the United Nations CEDAW 1979), General Recommendation No. 19 CEDAW Committee on violence against women, the UN Convention on the Rights of the Child (1989), UN Convention on the Rights of Persons with Disabilities (2006); European Court of Human Rights

⁴ referred to as the Istanbul Convention or the Convention, used interchangeably.

⁵ [Convention on the Elimination of All Forms of Discrimination against Women 1979](#)

⁶ [Declaration on the Elimination of Violence against Women, General Assembly resolution 48/104 of 20 December 1993](#)

the **2014 European parliament resolution on sexual exploitation and prostitution** and its impact on gender equality, the Honeyball resolution⁷ which

“Recognises that prostitution and sexual exploitation are highly gendered issues and violations of human dignity, contrary to human rights principles, among which gender equality, and therefore contrary to the principles of the Charter of Fundamental Rights of the European Union, including the goal and the principle of gender equality”

It is particularly important that the TNS acknowledges and articulates that Ireland has already officially recognised that prostitution is deeply unjust and systemically violent through the enactment of **Part IV of the Criminal Law (Sexual Offences) Act 2017** (Part IV). Part IV ensures that those exploited in prostitution are decriminalised and criminalises any person who purchases or attempts to purchase sexual activity from another person and strengthens the provisions in relation to the buying of a trafficked person for sexual exploitation. Subsequent to its enactment, a **High-Level Working Group**⁸, chaired by Dr Geoffrey Shannon was formed, tasked with the implementation of the Criminal Law (Sexual Offences) Act 2017 with an emphasis on Part IV of the 2017 Act. The Group produced an Interim Report⁹ on the implementation of Part IV. **The TNS must incorporate the comprehensive recommendations of the report of the High-Level working Group into the next Action Plan.**

Prostitution is Gender-based Violence

Our organisations witness the impacts of this violence and exploitation on women and girls, particularly those women struggling with addiction, migrant women, and trafficked women and girls. The Irish sex trade mirrors the international sex trade and the overwhelming majority of those selling sexual access are women and girls who experience the intersection of multiple, systemic oppressions and vulnerabilities including racism, insecure migration status, addiction, housing insecurity and income poverty. Migrant women make up an average of 84% of women in prostitution across 13 European countries.¹⁰ In the vast majority of cases the buyer is male, well-educated, with medium to high income.¹¹ Whilst men are also involved as sellers of sexual access, the vast majority of those prostituted in this sex trade are women, including trans women.

⁷ [EU Parl on sexual exploitation and prostitution and its impact on gender equality \(2013/2103\(INI\)\)](#)

⁸ An Garda Síochána; Health Service Executive, SERP (Sexual Exploitation Research Programme, UCD), the Department of Justice and Equality (as observers), Ruhama, Men’s Development Network, Survivor activist – Mia De Faoite, the Immigrant Council of Ireland, the Dublin Rape Crisis Centre, Doras Lumní, the Children’s Rights Alliance

⁹ [The Implementation of the Criminal Law \(Sexual Offences\) Act 2017, Part IV – An Interim Review 2020](#)

¹⁰ United Nations Office on Drugs and Crime (UNODC) 2010. *The Globalisation of Crime: A Transnational Organised Crime Threat Assessment* Vienna: UNODC.

¹¹ Yonkova, N. & E. Keegan 2014. *Tackling demand for sexual services of trafficked women and girls*, Dublin: Immigrant Council of Ireland, Stop Traffick! EU Project.

The overwhelmingly gendered nature of the sex industry is coupled with high levels of violence which is endemic to it and has been long established by international research.¹² Women in prostitution and those who sell sexual access suffer exceptionally high levels of violence and abuse¹³. The crimes are overwhelmingly at the hands of buyers and controllers, traffickers and pimps, and include multiple forms of sexual, physical and psychological violence¹⁴. Additionally, international research reveals rates of violence and mortality are much higher for this population compared to those not in prostitution. A study of 854 people in prostitution in 8 countries revealed 71% experienced physical assault, 63% were raped and 68% experienced post-traumatic stress disorder'.¹⁵

In the United Kingdom, a House of Commons report advised that, an estimated 152 prostituted women were killed between 1990 and 2015.¹⁶ Research produced by *Nordic Model Now*,¹⁷ shows that there were 43 murders of prostituted women, primarily by pimps and sex-buyers in Spain, where prostitution is completely decriminalised, over an eight-year period up to 2018. In Germany, where it is legal and regulated, there were 91 murders and 48 attempted murders of persons in prostitution by sex-buyers and pimps in the sixteen-year, 2002-2018. However, in Sweden, there was only one murder of a person in the sex-trade in the twenty-one years since the introduction of the equality

¹² Deering et al 2015 examined 42 studies globally interrogating violence against women in the sex industry and found lifetime prevalence rates of up to 75% with up to 55% reporting they had experienced violence within the last year Deering KN, Amin A, Shoveller J, et al. 2015 *A systematic review of the correlates of violence against sex workers*. Am J Public Health. 2014;104(5):e42-e54. doi:10.2105/AJPH.2014.301909

¹³ The risks for experiencing physical violence in prostitution are very high. An occupational survey noted that 99% of women in prostitution were victims of violence, with more frequent injuries "than workers in those occupations considered most dangerous, like mining, forestry and fire fighting. See Gibbs, Erin Van Brunschot, Rosalind A. Sydie, and Catherine Krull, 'Images of Prostitution: The Prostitute and Print Media,' (2000) 10 *Women and Criminal Justice* 4, pp. 47–72, In a study of Vancouver women in prostitution, 75% had suffered physical injuries from the violence in prostitution. These included stabbings and beatings, concussions and broken bones (broken jaws, ribs, collarbones, fingers, spinal injuries, and a fractured skull), cuts, and black eyes. Fifty percent of these women had head injuries resulting from violent assaults with, for example, baseball bats and crowbars. Many had their heads slammed against walls and against car dashboards. Sex buyers and pimps regularly subjected them to extreme violence when they refused to perform a specific sex act. Farley, Melissa, J. Lynne, and Ann Cotton, 'Prostitution in Vancouver: Violence and the Colonization of First Nations Women,' 2005) *Transcultural Psychiatry* 42, pp. 242–71, <http://prostitutionresearch.com/2005/06/04/prostitution-in-vancouver-violence-and-the-colonization-of-first-nations-women/>. There are a number of other associated health problems that arise for prostituted women and people selling sexual access which include but are not limited to: Impacts of prostitution's violence include more severe health problems such as exhaustion, cervical cancer, sexually transmitted diseases (STDs) and human immunodeficiency virus (HIV), undiagnosed pelvic pain, complications from abortions, traumatic brain injury, headaches, high fevers, broken bones, cardiovascular symptoms, respiratory symptoms, gastrointestinal problems, and immune system compromise, see Farley, Melissa, 'Risky Consumption. Risks of Prostitution: When the Person Is the Product' (2017), *Journal of the Association of 3 Consumer Research* 1, <https://www.journals.uchicago.edu/doi/full/10.1086/695670?mobileUi=0&>

¹⁴ For example, 64% had been threatened with a weapon, 73% had been physically assaulted, and 57% had been raped (which, in this context, means unwanted sex for which they were not paid), see Farley M., Cotton A., Lynne J., Zumbek S., Spiwak F., Reyes M.E., Alvarez D., Sezgin U. (2003), *Prostitution & Trafficking in Nine Countries: An Update on Violence and Post-Traumatic Stress Disorder*, *Journal of Trauma Practice* Vol 2, No 3/4, pp. 33-74. Another study in 2003 found that those selling sexual access experienced: Sexual assault (93%); Rape (75%); Forced or coerced sex with self-identified law enforcement (44%); Robbery (56%); Physical assault (82%); Threatened with weapons (83%) Dalla, R. L., Xia, Y., & Kennedy, H. (2003). You just give them what they want and pray they don't kill you: Street-level sex workers' reports victimization, personal resources, and coping strategies. *Violence Against Women*, 9, 1367-1394.

¹⁵ Ruhama (2019) *Annual Report 2018* P.29

¹⁶ House of Commons, Home Affairs Committee, *Prostitution*, Third Report of the Session 2016-2017, p. 3.

Available at <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/26/26.pdf>.

¹⁷ Available: <https://nordicmodelnow.org/facts-about-prostitution/fact-prostitution-is-inherently-violent/>

model, and this tragic murder although it was of a woman in the sex industry, did not occur at the hands of a sex buyer but was the result of a violent attack by an ex-partner.

Research cited by UNODC (2018) finds that:

‘female sex workers have the highest homicide victimization rate of any set of women ever studied. Epidemiological studies based on United States data suggest that the likelihood of active female sex workers being victimized in a homicide is almost 18 times higher than that of women of similar age and race who do not engage in sex work. Other, less conservative estimates, point to female sex workers running a risk of being killed 60 to 120 times higher than that of non-female sex workers.’¹⁸

The violence and harm experienced by those in the sex trade continues to be a consistently inherent consequence of the trade in Ireland, as with everywhere else that the trade operates. There is an urgent need for an independent and objective nationwide research project into the prevalence of violence against people in prostitution. It is vital that this is adequately resourced to allow people who do not speak English as a first language to participate fully.

As a matter of urgency the TNS must formally recognise that prostitution and commercial sexual exploitation are forms of highly racialised gender based violence.

Summary of Key Recommendations

- The Third National Strategy must formally recognise that that prostitution and commercial sexual exploitation are forms of highly racialised gender based violence
- The recommendations made in The Implementation of the Criminal Law (Sexual Offences) Act 2017, Part IV – **An Interim Review (2020)** must be actualised and implemented fully.
- The TNS should convene an interdepartmental working group to oversee the development of a survivor centred statutory **Exit Strategy Model**
- The TNS should incorporate actions related to the establishment of **state funded exit pathways** out of the sex trade and how these should be provided for in statute. Fully resourced services and supports for those who are in, or who wish to leave, prostitution is essential. The pathways should include *but are not limited to*: financial supports, regularisation of immigration status; access to housing and social protection; education and

¹⁸ UN ODC (2018) *Global study on homicide, Gender related killing of women and girls* P.36 Available: https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf

training programmes; access to free healthcare including mental health supports, and; access to justice.

- The TNS should incorporate actions that ensures **education and training** be provided regularly to of all those who may come into contact with victim-survivors of the sex trade and prostitution; AGS, DPP, legal practitioners, health care professionals, and the Judiciary
- The TNS should ensure that **relevant learnings and recommendations outlined in the O'Malley report** and extend these to include victim-survivors of the sex trade. Of particular relevance: the provision of free legal advice; training for the judiciary and legal profession, and; the anonymity provisions being extended to include all victim-survivors of the sex trade.
- The TNS should incorporate actions that ensures improved **data collection** by state bodies. Develop a common identifier system for all gender-based violent crime including victims of the sex trade for use by An Garda Síochána, Director of Public Prosecutions and the Courts Service that can feed into statistics gathered by the CSO. This identifier system should be capable of distinguishing all possible assault, harassment, false imprisonment, sexual violence, prostitution, trafficking, coercion offences that victims of the sex trade may experience.

Prevention

Beyond Exploitation fully supports the strong focus in the Convention on prevention. Preventing violence against women and girls will save lives and allow women and girls to live free from violence and exploitation.

Awareness Campaigns

The TNS should require the State to promote or conduct, on a regular basis and at all levels, awareness-raising campaigns or programmes. These campaigns must be in co-operation with national human rights institutions and equality bodies, civil society and non-governmental organisations. The role of women's organisations should be emphasised and specifically included. Awareness raising, education and a commitment to resourcing cultural change initiatives in education systems highlighting the importance of human and sexual relations based on consent, mutuality and respect, will significantly contribute to ending the enabling environment of gender inequality that underpins the violence against women and girls that is at the heart of prostitution.

Public awareness campaigns must highlight the changes in law flowing from the enactment of Part IV to ensure broader awareness of the shifting of criminality to sexual exploiters. This will increase the confidence of women impacted by prostitution and sexual exploitation to approach statutory services and supports without fear in particular.

Education

National Education Curriculum

The State must develop and require the implementation of fully secular, equality focused relationship, sexual health and sexuality teaching material on issues such as equality between women and men, non-stereotyped gender roles, mutual respect, the right to personal integrity and to mutually respectful, non-coercive sexual relationships, in formal curricula and at all levels of education. This was also recommended by the 2020 Citizens' Assembly on Gender Equality in Recommendation 27.

This material must include a gender and racial justice and equality framework for sexuality and consent such that it is clear that consent cannot be purchased. An equality and justice focused framework recognises that there exists a continuum of agency and vulnerability along which there are a number of intersectional issues. If these are ignored a distorted view of prostitution as a process that is positively consented to is developed. This undermines completely the true meaning of consent, leaving vulnerable women, girls, men and trans people unsupported and unprotected by society, and free to be exploited with impunity. In particular, women of colour, marginalised women, poorer

women, women from the global south, and women with disabilities have been most effected by the proposition that prostitution is a 'positive' choice. The highly profitable prostitution industry overwhelmingly relies on the economic, social and legal vulnerability of these groups to function. The normalising of prostitution is a core strategy, effectively a business model for sex traffickers, pimps, and pornography producers.

Consent

A broadly accepted definition of consent is currently teaching third level students that it must be Ongoing, Mutual and Freely Given, OMFG¹⁹. Prostituted sex does not meet these criteria; consent given in the context of sexual exploitation is by its very nature not desired by at least one of the parties. The TNS must ensure policy & legislative coherence by integrating these behavioural norms into an understanding of prostitution and sexual exploitation legislation and policy.

Pornography

Beyond Exploitation recommends the national curriculum address the impact of pornography on children and young people. Pornography harms both girls and boys, by influencing expectations, normalising sexual behaviour based on misogynistic, and often abusive and violent, models of sexual expectations. Pornography is also used to groom children for abuse as it normalises and reinforces the perpetrator message that they are entitled to non-consensual and even violent sexual actions. Extensive research is now available about the harms of pornography on children and young people²⁰ and it is necessary that the 3rd National Strategy on DSGBV explicitly makes the links between pornography, gender equality and violence against women and addresses this issue. The production of prostitution is itself a form of sexual exploitation and violence, and the reality of its 'actors' experiencing coercion, exploitation and violence should also be highlighted.

Research

Given the continuing normalisation of sexual exploitation and prostitution, including the proliferation of online platforms such as Only Fans, there is a need to rigorously document the impacts and realities of sexual exploitation. Given the existing statistics where women in the sex trade have the highest homicide victimisation rate of any set of women ever studied, the state has an obligation to challenge the belief that prostitution is a solution to women's poverty and to

¹⁹ <https://www.nuigalway.ie/media/smartconsent/SMART-Consent-Report-2018-web-.pdf>

²⁰ See <https://www.culturereframed.org/the-porn-crisis/>

challenge the levels of trafficking to meet demand. In 2019 over 80% of people trafficked into Ireland were for sexual exploitation and 94% of them were women²¹. The Irish Human Rights and Equality Commission (IHREC) has stated that Ireland is significantly under identifying victims of trafficking.²²

independent research should be funded including:

- Developing the survivor activist voice to raise awareness of the realities and impacts of prostitution and sexual exploitation
- Documenting the impacts of prostitution on women's physical, sexual, reproductive, and mental health
- Ongoing tracking and analysis of the Irish sex trade, the women being advertised, the sex buyers, the development of new online platforms and mechanisms for sexual exploitation, and the money being made by profiteers.
- A study of the long-term mental health impacts of sexual exploitation and the role of trauma-informed practice in this regard
- Trafficking for the purposes of sexual exploitation – an examination of the patterns, tactics and recruitment methods used in drawing migrant women into the Irish sex trade, and how these can be tackled from a prevention perspective.
- Growing up in a porn culture – the impacts and consequences for young people and gender equality.

Migrant and Ethnic Minority Women

Migrant, Roma, undocumented, refugees, women with irregular migration status and women who live in Direct Provision (DP) face particular structural, language and cultural challenges and barriers in accessing supports and justice when they have been subjected to DSGBV. NGOs have expressed significant concerns that women and girls in DP are at risk of coercion and or grooming into prostitution and sexual exploitation²³. In addition, the current policy of accommodating victims of human trafficking in DP centres must be discontinued as it fails to provide an appropriate environment for the recovery of the victim, and constitutes an environment where re-trafficking may take place.

²¹ [DJE Trafficking in Human Beings in Ireland | Annual Report 2019](#)

²² <https://www.ihrec.ie/eu-told-of-irelands-systemic-failures-in-identifying-victims-of-trafficking/>

²³ <https://www.irishtimes.com/news/social-affairs/women-in-direct-provision-being-pushed-into-prostitution-1.4085828>

Dedicated shelter accommodation with 'wrap around' gender specific support services must be enacted.

The First and Second National Strategies failed to capture the barriers that migrant women face nor the specific forms of violence that they are subjected to including sexual exploitation, trafficking and prostitution. The TNS is an opportunity to rectify this and should specifically address violence against migrant women with measurable outcomes and objectives.

The particular challenges and barriers that migrant women face have been identified by AkiDwA and Pavee Point are summarised as follows²⁴:

- Language and communication
- Difficult to find the right service to use and not aware what DSGBV services can offer
- Shame and stigma and fear of being rejected by own community
- Fear of racism or prejudice
- Immigration status issues
- Cultural or religious issues
- Literacy challenges
- Mistrust of legal services and the Gardai
- Poverty

RECOMMENDATIONS

- **All state funded sexual consent education should include modules addressing the exploitative dynamic of prostitution and raise awareness of the law around the criminalisation of the purchase of sex.**
- **The national curriculum should have comprehensive, age-appropriate sexual health education that addresses gender stereotypes, healthy and unhealthy relationships, domestic and intimate partner abuse, pornography, sexual exploitation, and prostitution**
- **Research the Impact of the commercialisation of sexuality and pornography on youth mental health**
- **The DSGBV experiences of migrant, refugee and ethnic minority women should be integrated into all local, regional and national campaigns and public messaging highlighting the specific and unique forms of violence that particular cohorts of women are subjected to**

²⁴ AkiDwA, Ethnic Minority Community Development Pilot Project 2018-2020, available < <https://www.translatorsassociation.ie/wp-content/uploads/2021/02/Offaly-Domestic-Violence-Support-Services-project-report-2018-2020.pdf> >

Training of professionals

In line with the Convention the Action Plan should provide or strengthen appropriate training & guidance for the relevant professionals dealing with victims or perpetrators of all acts of violence covered by the scope of the Convention, on the prevention and detection of such violence, equality between women and men, the needs and rights of victims, as well as on how to prevent secondary victimisation. Beyond Exploitation would emphasise the need for the TNS to include measurable indicators for accredited training for professionals on DSGBV.

RECOMMENDATIONS

- **An Garda Síochána must formally adopt operational guidelines that prioritise the safety of prostituted women and those selling sexual access**
 - including developing guidelines for raids and the seizure of property that minimise the negative impacts on women found in brothels
- **All guidelines that refer to victims of trafficking should be expanded to include prostituted women and those who sell sexual access. For example, The DPP Prosecutorial Guidelines (5th edition) should expand the example of trafficking to include prostituted women and those who sell sexual access as examples where the public interest is not served by commencement or continuation with a prosecution**
- **A comprehensive, systemic review of how victims of the sex trade are treated within the criminal justice system should be undertaken.**
- **All training should ensure multi-agency co-operation to allow for a comprehensive and appropriate handling of referrals in cases of DSGBV**
- **The Judicial Council should be supported and resourced to ensure that DSGBV training of the judiciary is ongoing, compulsory, consistent and to a high standard**
- **There should be a requirement that all first responders and frontline workers receive specialised DSGBV training. Including, but not limited to, the National Ambulance Service, Social Workers, Gardai, DPP, Lawyers, Judges and court personnel**
- **The systematic barriers that are faced by all women, but particularly so for minority women must be eradicated through compulsory tiered education and training of Gardai and frontline workers.**
- **Provision of adequate resources of trained and accredited language translators and interpreters for frontline services**
- **Training for frontline service providers on how to work with interpreters whether that is language interpreters or ISL**

- **In addressing the language barriers, information material must be made available on support services' and other websites in the most widely used languages**
- **Adequate search engine profiling of services online, in the most common languages, for all frontline support services.**

Participation of the private sector and the media

The role of private sector industries particularly social media platforms and big-tech play in facilitating, exacerbating and normalising all forms of sexual exploitation, pornography and prostitution cannot be understated. Although there has been some recent positive recognition of the exploitation and abuse and explicit child abuse facilitated by private companies, Ireland has so far failed to recognise its responsibilities to regulate these companies, particularly as many of the largest are registered in Ireland to facilitate aggressive tax planning strategies, ie MindGeek²⁵. The scale of digitally enabled sexual abuse, exploitation and trafficking of women and girls needs to be specifically addressed in the TNS.

RECCOMENDATIONS:

- **Once the Digital Safety Commissioner is established the office should play an active and visible role in implementing the TNS through the creation of their own specific Action Plan on DSGBV**

²⁵ [Pornhub, Ireland and the spectre of image-based abuse March 2021](#)

Protection and Support

The Implementation of the Criminal Law (Sexual Offences) Act 2017, Part IV – An Interim Review 2020

There is an obvious and well documented imbalance of power in prostitution and sexual exploitation rooted particularly in the structural inequalities of sexism, poverty, racism and unfair migration policies. These factors (amongst others) contribute to creating an enabling environment for predatory and exploitative individuals and groups. However, prostitution cannot be a de facto statutory answer to women and girl's poverty. Beyond Exploitation fully endorses the findings of the **High-Level Working Group**, chaired by Dr. Geoffrey Shannon in recognising that key barrier's individual's face to exiting prostitution include:

- Poverty and a lack of viable alternatives
- Being under third party coercion, violence and control from pimps, traffickers and/or intimate partners
- Homelessness and precarious housing and a lack of safe, gender-specific accommodation both emergency and longer term
- Lack or indeterminate Immigration status effecting access to protection and services
- A lack of formal educational qualifications prevent access to employment and independence from the trade
- Psychological trauma and post-traumatic stress disorder, resulting in long term negative impacts
- Isolation – geographic and emotional effecting opportunities to access supports necessary to exit.

As a matter of urgency the TNS must establish the development and implementation of a survivor centred statutory **Exit Strategy Model** to ensure the recommendations of the Review are realised and the full vindication of Part IV legislation.

An Exit Strategy Model

Research on statutory exit strategy models should be undertaken and an appropriate Irish model developed. This should include identification of preventative measures, actions and projects to support marginalised young women and girls from being coerced and groomed into the sex trade.

A survivor centred approach to the ongoing implementation and success of this legislation requires the development of an Exit Strategy Model. This must include as a minimum

- Access to exit programmes & specialised services with wraparound supports;
- Legal, psychological and medical support;
- Emergency and social housing;
- Provision of gender appropriate accommodation for victims of trafficking
- Financial assistance;
- Access to immigration supports, regularised immigration status with the right to work;
- Access to training and to decent work

Specialised Support Services

Supports for victim survivors are often provided by semi-state and NGO entities such as Ruhama and ICI. Many survivors of sexual exploitation have complex post traumatic mental and physical health needs. Providing ongoing stability to victim survivors in the process of recovery is crucial and requires multi-annual funding for NGOs to develop long term plans for service provision and ensure that they can provide consistency of support and service.

The TNS must

- **Ensure increased multi-annual funding to frontline support and advocacy services so that they can provide victim-survivors with the support they are entitled to**

Emergency & Social Housing

The lack of refuge spaces and suitable housing is a particular concern, with housing insecurity & homelessness being a key push factor for entering into prostitution. Housing supports are crucial for sustainable exit strategies, beginning with refuges which can offer safety and counselling. However, the current refuge provision is unable to meet the diverse support needs that women subjected to all forms of DSGBV require, including emergency accommodation, long-term psychological treatment, and refuge spaces/services that can accommodate women in active addiction.

The TNS must

- **Advocate for Ireland to go beyond the Convention minimum provision of refuge space requirement (1 per 10,000 of the population)**
- **Ensure that refuges are accessible to all women**
- **Ensure all housing policies prioritise victims of DSGBV in housing allocation**

- **Ensure approaches such as the extension of HAP to DV victim-survivors are expanded to all victim-survivors of prostitution and sexual exploitation.**

Provision of gender appropriate accommodation

The provision of safe and appropriate housing is an internationally accepted priority need for trafficked victims and those exploited in the sex trade. It is central to their recovery as independent individuals and for victims of trafficking, to fulfilling their potential role as witnesses within criminal investigations. Presently, detected victims of trafficking are housed in mixed-gender asylum reception centres without sufficient security, privacy, choice of food/toiletries and trained personnel.

The TNS must

- **Gender-appropriate accommodation is available for trafficked victims and those exploited in the sex trade**

Access to immigration supports

94% of all those in prostitution in Ireland are migrant women.²⁶ Women who have been exploited in prostitution are all frequently treated as ‘illegal immigrants’ rather than victim survivors of systemic exploitation which has targeted unfair migration laws and practices. Women are controlled through the threat of deportation and often coerced and tricked into prostitution in the first instance by the promise of working visas. Restrictive immigration policies prevent women from coming forward and seeking support from statutory agencies authorities should they require it from state agencies, including from health services. It also prevents women from exiting prostitution, as they are trapped due to their insecure immigration status and inability to pursue alternatives.

Beyond Exploitation calls for the regularisation of immigration status for all victim survivors of prostitution, trafficking and sexual exploitation

The TNS must

- Ensure adequate funding for specialised legal services such as ICI, Doras, MRCI and NASC
-
- Advocate for regularisation of immigration status for individuals in prostitution, including those who are entirely undocumented

Access to training and to decent work

Education and training programmes must be offered to women in prostitution to foster long-term economic independence. Research indicates that many in prostitution enter as minors, including in

²⁶ O’Connor, M., and Breslin, R., 2020. *Shifting the Burden of Criminality: An Analysis of the Irish Sex Trade in the Context of Prostitution Law Reform*. Dublin: SERP. https://www.ucd.ie/geary/static/serp/Shifting_the_Burden_Report.pdf

Ireland where there is evidence of the involvement of girls as young as 16.^{27,28} This indicates that many do not even finish secondary level education, severely restricting their access to further education and employment opportunities. Others spend many years in prostitution before attempting to pursue employment in the labour market, leaving lengthy gaps in CVs and accumulated experience. Women enter prostitution from impoverished backgrounds, and they leave it even more impoverished. Research shows that the lifelong impacts on mental and physical health, drug addictions, and lack of education and skills during those critical years of young adulthood, leave women vulnerable to lifelong poverty.

The role of women's community development and community education projects supporting alternative education + training options for marginalised young women who are at risk of being groomed or coerced into prostitution and sexual exploitation should be acknowledged in the TNS and exit strategies work and funding.

O'Malley Review -Implementation of Supports

The O'Malley Review outlines a number of supports that are needed to ensure that the rights of victim-survivors of sex crimes are protected. These include, although are not limited to; free legal advice to victims of sexual offences; personal support during criminal proceedings; access to trained intermediaries; access to information²⁹; a consistent standard of service for victims³⁰; same level of service and quality in the provision of special measures;³¹ separate legal representation in respect of previous sexual history applications³². The review considers these supports in the context of sexual offences, the TNS must ensure that these supports are available to women who are victim-survivors of sexual exploitation and prostitution.

²⁷ UN Global study on homicide 2018 https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf

²⁸ M. O'Connor and J. Pillinger (2009). *Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland*; Dublin, Immigrant Council of Ireland, Women's Health Project (HSE) & Ruhama https://emn.ie/files/p_201211231126542009_Trafficking_Report_ICI.pdf; O'Connor, M., and Breslin, R., 2020. *Shifting the Burden of Criminality: An Analysis of the Irish Sex Trade in the Context of Prostitution Law Reform*. Dublin: SERP. https://www.ucd.ie/geary/static/serp/Shifting_the_Burden_Report.pdf

²⁹ Review of Protections for Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences, 2020P. 97

³⁰ Review of Protections for Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences, 2020, 2.45

³¹ Review of Protections for Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences, 2020, 2.48

³² Review of Protections for Vulnerable Witnesses in Investigation and Prosecution of Sexual Offences, 2020, s. 34.

Prosecution

Access to justice should be an integral part of the TNS. The historic shift in the burden of criminality that the Part IV legislation signalled must be matched by the successful prosecution of cases against the perpetrators. Victims of sexual exploitation can be subjected to coercion and intimidation at the hands of perpetrators and this can lead to a reluctance on the part of victims to report crimes or participate in the justice system as a result of fear of repercussions. It is essential that every effort is made to create an environment in the investigation and prosecution of these cases that gives every opportunity to victims to engage with these systems. In addition, the complexity of prosecution due to the highly organised criminal nature of the sex trade requires focused attention.

The TNS must

- Advocate for resourcing for AGS Organised Prostitution Investigation Unit and the Human Trafficking Investigation and Co-ordination Unit

Integrated Policies and Data Collection

A significant weakness of the First and Second National DSGBV Strategies was the lack of sufficient and coordinated oversight, accountability and action. Many NGOs, advocacy and frontline services have continuously highlighted this as an area that *must* be addressed so as to ensure that the TNS can fully meet the objectives set forth within.

The Citizens' Assembly on Gender Equality Report recommended that 'All Government action to prevent and counter domestic, sexual and gender-based violence should be *coordinated* by a Cabinet Minister with direct responsibility for implementation of a national strategy'³³.

The establishment of a full Cabinet Minister (or equivalent) would recognise the scale, attention and resources that women's equality needs if we are to truly address endemic gendered issues such as DSGBV. and Beyond Exploitation would advocate for an agency and a dedicated Minister/Minister of State. In addition, Beyond Exploitation recommends the establishment of an **interdepartmental working group** to specifically address the development of an Exit Strategy Model and to develop preventative measures and programmes to protect young women and girls from being groomed and coerced into the trade in the first place.

³³ Emphasis added, 2021, at para 37, available < <http://citizensassembly.ie/en/about-the-citizens-assembly/report-of-the-citizens-assembly-on-gender-equality.pdf>>

Neither the first nor the second National Strategy were allocated the financial and human resources for the full implementation of *integrated* policies, measures and programmes to prevent and combat all forms of DSGBV. In line with the obligations set forth in Article 9 of the Convention, it is essential that non-governmental and civil society organisations are resourced and strengthened through increased, multi-annual funding to provide specialist frontline support services, advocacy and policy responses to all forms of DSGBV.

The TNS should include:

- **Support for greater participation and collaborative approach for frontline specialist support services to ensure they can contribute to policy and advocacy work, including participating in GREVIO procedures**
- **Additional resources to build an inclusive approach to VAWG across the NGO and Civil Society sector**

Data collection and research

Despite there being several data gathering there is no national administrative database that captures the magnitude and character of VAWG, including prostitution and sexual exploitation in Ireland. Where data is gathered it is rarely disaggregated by age, gender, disability, ethnicity, and relationship status thus not allowing for trend analysis. Additionally, specific cases/experiences cannot be tracked through the various systems/institutions as there are no personal identifiers that will allow for tracking.

The TNS must

- **Establish a coordinated, disaggregated data collection system that is publicly accessible**
- **Introduce a DSGBV Data Gathering Strategy for all state Bodies and institutions**
- **Introduce a victim identifier so that cases/experiences of DSGBV including trafficking, prostitution and sexual exploitation can be tracked**
- **Increased funding for research into the root causes and effects of VAWG**
- **The introduction of population-based surveys at regular intervals to assess the prevalence of and trends in all forms of violence covered by the scope of the Convention**

Non-refoulement

The Convention requires that treaty Parties shall take the necessary legislative or other measures to respect the principle of non-refoulement in accordance with existing obligations under international law and that Parties shall take the necessary legislative or other measures to ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

Beyond Exploitation would recommend that the TNS include specific provisions to ensure:

- **Victims of trafficking, prostitution and sexual exploitation need to have their Independent Residency application processed with urgency**
- **Reports from bona fide services including should satisfy evidence of DSGBV**
- **Victims-survivors of DSGBV need to be identified quickly and should never be returned to their home state where they will be at risk of danger**

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