



PROSTITUTION AND SEX TRAFFICKING: ABUSE OF POWER, ABUSE OF VULNERABILITY

Prostitution and sex trafficking are inextricably linked. As the future of Ireland's prostitution laws receives increasing levels of coverage in the national media and the public discourse, it is essential that the lessons learned in other countries are noted, and that the indisputable evidence linking modern-day slavery to legal prostitution is taken into account. This booklet outlines how prostitution fuels sexual slavery, and the steps that must be taken to end the exploitation of those trapped in the sex trade.

Current legislation

Legislation on prostitution in Ireland is based on considerations of public order and the sensibilities of 'ordinary' citizens with no concern for the well being of those who are prostituted. Though prostitution in Ireland is not illegal, the Criminal Law (Sexual Offences) Act of 1993 makes it illegal to solicit sexual services in public places. This criminalises the seller of sex, who is often a vulnerable woman or girl under the control of a pimp or trafficker.

The 1993 law has also driven most prostitution indoors. Despite the 1994 Criminal Justice (Public Order) Act, which makes it illegal to operate a brothel or advertise prostitution, indoor prostitution still flourishes in Ireland, aided by the technological advancements of mobile phones and the internet.

While the Criminal Law (Human Trafficking) Act 2008 has made it an offence to purchase sex from identified trafficking victims, the burden of proof imposed on the State has been such that there have been very few convictions to date.

Trafficking in the Irish Sex Industry

Ireland is a source, transit, and destination country for human trafficking.ⁱ About three quarters of human trafficking victims in Ireland were trafficked for sexual exploitation. In 2012, there were 39 reported cases of sex trafficking, 19 of which were children.ⁱⁱ

The expansion of websites offering 'escort services' has served to normalise prostitution but the reality is that most sex trafficking victims are sold online. On any given day in Ireland, between 800 and 1,000 women and girls are advertised online for prostitution, and of those, up to 97% will be foreign migrants.ⁱⁱⁱ

Just as victims of sex trafficking are sold online alongside women who have not been trafficked, pimps and brothel keepers don't make a distinction when it comes

to the women and girls they exploit. The experiences of women in prostitution in countries where the sex trade is legal provide evidence of this.

The Netherlands

The Dutch legalised brothel keeping in 2000. This was intended as a measure to promote women's rights and well-being by bringing prostitution out in to the open where it could be regulated and taken out of the hands of criminals. This would, it was hoped, make prostitution safer for the women involved and reduce sex trafficking. None of these outcomes have been realised as a result of this law.

Organised crime has thoroughly infiltrated the Dutch sex industry and sex trafficking has greatly increased. In 2008, the Dutch police estimated that the percentage of women working against their will in window brothels in Amsterdam was 50-90%. (Dutch National Police Service, Criminal Investigations Department (KLPD), 2008)

The Dutch Ministry of Justice conducted a study which found that between 2001 and 2007 the emotional well-being of women in the sex industry had declined. Autonomy had not improved with the lifting of the brothel ban; women in prostitution still faced the same restrictions in their decision-making power when it came to deciding which clients and how many they would see, determining prices, and agreeing the terms of the transaction. ("Prostitution in the Netherlands since the Lifting of the Brothel Ban", Dutch Department of Justice, 2007)

Public opinion is turning in the Netherlands and recognition of the failure of this law to achieve its goals is gaining ground. According to former mayor of Amsterdam, Job Cohen:

"The legalisation of prostitution did not bring about what many had hoped. We are still faced with distressing situations in which women are being exploited. It is high time for a thorough evaluation of the prostitution act." ('Not a Choice, Not a Job', p.87, 2013, Janice Raymond.)

“For the most part, prostitution as actually practiced in the world usually does satisfy the elements of trafficking. It is rare that one finds a case in which the path to prostitution and/or a person’s experiences within prostitution, do not involve, at the very least, an abuse of power and/or an abuse of vulnerability.”

- UN Special Rapporteur, Sigma Huda, 2006

Research shows that mortality in prostitution is 12 times higher than that of the general female population.^{iv} The murder rate of women in prostitution is far greater in countries where prostitution is legal. Evidence also shows that women in prostitution suffer post-traumatic stress disorder at comparable rates to soldiers who have survived combat on active duty.

Germany

Prostitution was legalised in Germany in 2002. Studies in the early 1990s estimated the number of women in prostitution at between 50,000 and 200,000. Since legalisation, this number has drastically increased. Germany has more women in prostitution per capita than any other country in Europe (even more than Thailand), with roughly 400,000 women serving 1.2 million men every day. Germany’s brothels have been flooded with women from Eastern Europe, many of whom sell sex at lower than the average price. This has driven the price of sex down so much that in on-street prostitution, sex is sold for as little as €10. Instead of increasing women’s independence through legalisation, many women are still controlled by pimps. The line between human trafficker and legitimate businessman is more blurred than ever. (“Welcome to Paradise”, Nisha Lilia Diu, The Telegraph, 5th March 2014)

The Nordic Model

The Nordic Model provides a viable alternative to the failed policies of liberalised prostitution regimes. It calls for legislation that shifts the focus from the prostituted woman to the client, criminalising the purchase of sex and decriminalising the seller. It also prioritises support and services for women exiting prostitution. This approach was first implemented in Sweden in 1999, and following its unparalleled success in reducing trafficking and prostitution, Norway adopted similar legislation in 2009.

Sweden

Sweden criminalised the purchase of sex and decriminalised the selling of sex in 1999. This was a radical departure from the prevailing trend towards legalising and regulating prostitution in Europe at that time. Sweden recognised that prostitution is harmful to the women engaged in it, and that buyers of sex are colluders in the exploitation of women along with pimps and traffickers. It is no coincidence that Sweden is a consistent leader in global indices of gender equality.

In 2010, the Chancellor of Justice conducted a review of the impact of this law. It found that on-street prostitution had been halved, with no evidence that this decrease had caused an increase in indoor prostitution. (“Prohibition of the Purchase of Sexual Services: An Evaluation”, SOU, 2010:49). The law provides for extensive services to assist women to exit prostitution. Before the law was introduced, there were approximately 2,500 prostituted women in Sweden. In 2008, that number stood at an estimated 650. Denmark, which decriminalised prostitution in the same year that Sweden criminalised purchasing sex, has roughly ten times the number of women in prostitution and four times the number of trafficking victims than its neighbour, despite having only half the population. (“Sweden’s Prohibition of the Purchase of Sex”, Max Waltman, 2011).

The Nordic Model is based on the recognition of prostitution as intrinsically harmful and violent. The demand side of the market for sex is the primary driving force behind sex trafficking and prostitution. Without this demand, it would not be profitable for pimps and traffickers to provide a continuous supply of vulnerable people to exploit. Targeting the demand for the purchase of sex leads to a decrease in prostitution and, consequently, a decrease in human trafficking and organised crime. The Nordic Model challenges the normalisation of prostitution. In Norway, research has shown that since the ban, attitudes have undergone a significant shift. Young men are now much less likely to buy sex than older men.^v Surveys of buyers in Ireland have shown that the prospect of criminalisation would be a major deterrent.^{vi}

Opposition to the Nordic Model

Pro-prostitution activists oppose the introduction of the Nordic Model in Ireland. Some of the arguments for this position include:

Prostitution has always existed in society and it is inevitable.

The apparent inevitability of injustice has never been a good enough reason to do nothing. Crime has also always been present in our society but this is no reason to abolish the criminal code.

Criminalising the purchase of sex will drive prostitution underground and into the hands of criminals.

Prostitution is already in the hands of criminals. The ambiguity created by decriminalising prostitution hinders rather than helps law enforcement to identify and rescue trafficking victims. Within the Nordic Model, if a buyer can find a woman in prostitution, so can the police.

Women choose to enter prostitution.

This depends on how you define the nature of choice. If women really choose this, why are the overwhelming majority of women in prostitution from economically and socially disadvantaged backgrounds? It is all too often not so much a choice as resignation to the 'least worst' available option.

Legalising prostitution reduces stigma and allows women in prostitution to participate more fully in society.

In Germany, only a tiny fraction of women in prostitution have registered themselves officially, entitling them to welfare benefits.^{vii} The sellers of sex have not been destigmatized; it is the buyers who enjoy an increased level of social acceptability around paying for sex.

Criminalising the purchase of sex deprives women of their livelihood.

Supporting women exiting prostitution is fundamental to the Nordic Model. The State is responsible for protecting its citizens from exploitation and for ensuring that its citizens can earn a living wage in accordance with international standards of decent work.

Recommendations

A society is judged by how it supports its most vulnerable members. Taking steps to end sexual exploitation is essential to upholding the principles of human dignity and equality on which our Irish democracy is founded.

APT recommends:

1. Criminalising the purchase of sex, and those who promote and benefit in any way from this trade.
2. Decriminalising those who sell sex, and the provision of support services to assist victims of trafficking and those who wish to exit prostitution so that they can provide for their own needs with dignity and without the threat of exploitation, abuse, or violence.
3. Better enforcement of the 1994 Act in respect of advertising sexual services online.
4. Increased public awareness and education programmes to send out a clear message that it is not acceptable for people to be treated as commodities and bought and sold for the pleasure and profit of others.
5. An integrated approach from government departments to ensure a comprehensive response for the care of victims, and to promote initiatives that tackle the roots of the sexist and sexualised culture that underpins demand for prostitution.
6. Upholding the international instruments to which Ireland is party in future legislation regarding human trafficking, violence against women, discriminatory practices, gender equality, and transnational crime.

Turn Off the Red Light (TORL) is an Irish campaign run by an alliance of civil society organisations, unions, individuals, and NGOs leading the call to introduce the Nordic Model into Irish law. TORL seeks to end prostitution and sex trafficking in Ireland.



Resources

www.aptireland.org
www.turnofftheredlight.ie
www.ruhama.ie
www.blueblindfold.gov.ie
www.immigrantcouncil.ie
www.stoptraffick.ie
www.unanima-international.org

ⁱ “Trafficking in Persons Report, 2014”, US State Department.

ⁱⁱ “Annual Report of Trafficking in Human Beings in Ireland for 2012”, Anti-Human Trafficking Unit (AHTU), Department of Justice.

ⁱⁱⁱ “Globalisation, Sex Trafficking, and Prostitution: the Experiences of Migrant Women in Ireland”, Immigrant Council of Ireland, 2009.

^{iv} Salfati, C. G. (2009). Prostitute Homicide: An Overview of the Literature and Comparison to Sexual and Non-Sexual Female Victim Homicide, pp. 51-68. In D. Canter, M. Ioannou, &

www.facebook.com/APT

D. Youngs (Eds.) *Safer Sex in the City: The Experience and Management of Street Prostitution*. The Psychology, Crime and Law Series. Aldershot: Ashgate.

^v “Evaluation of Norwegian legislation criminalising the buying of sexual services”, available at www.eu-norway.org

^{vi} “Stop Traffick! Tackling Demand for Sexual Services of Trafficked Women and Girls”, Immigrant Council of Ireland, 2014.

^{vii} “Welcome to Paradise”, Nisha Lilia Diu, The Telegraph, 5th March 2014.