



UPHOLDING THE HUMAN RIGHTS OF THE MOST VULNERABLE: 'TURNING OFF THE RED LIGHT' IN THE REPUBLIC OF IRELAND.

By Sarah Benson & Ruth Breslin

On the 27th March 2017 the Republic of Ireland took a landmark step to tackle the sexual exploitation of women and children. The Sexual Offences Act commenced and simultaneously it became a crime to purchase sex, while individuals in prostitution were decriminalised. This important legal change puts the human rights of all women and girls in Ireland to the fore and challenges the gender inequality and exploitation which underpins the commercial sex trade. Ireland has now become one of a growing number of countries to enact laws that recognise the inherent exploitation of prostitution: alongside Sweden, Iceland, Norway, Northern Ireland, France and Canada* (*though with restrictions). Legislators took note of clear evidence of the complete failure of efforts by other nations to try and legalise and control prostitution trades – which will always be linked to organised crime, trafficking and other violations of prostituted persons. This law is compatible with international human rights instruments: upholding human dignity and recognising the vulnerability of the vast majority of those who are bought and sold for sex across the globe.

This shift in policy did not arrive overnight in the Republic of Ireland, but was the culmination of a long journey and a lengthy national conversation which considered all sides of the debate surrounding prostitution and sex trafficking. The evolution, and ultimate success of this process is set out here by Sarah Benson and Ruth Breslin the CEO and Policy Manager, respectively, of Ruhama: an organisation which has advocated for this Irish law since Sweden became the first country to employ this 'third way' of legislation in 1999.

This 'third way' created an alternative to the two most common legal approaches to prostitution. The first criminalises all aspect of the sex trade, but those in prostitution are found to be the ones disproportionately targeted for prosecution, with buyers and pimps largely escaping punishment. The second way is legalising and trying to regulate most aspects of the trade, but this only gives more power to the pimps and traffickers as 'entrepreneurs' and does little to protect the rights and health of those prostituted. The third way recognises the vulnerability of the vast majority of those in prostitution, and the gender inequality of a sex trade where it is overwhelmingly women and girls who are bought by men. The individual in prostitution is decriminalised and the target of the law becomes not just the pimps and traffickers, but the source of demand for prostitution: the sex buyer. Shifting the burden of the law from the seller to the buyer is an important step to ensure that those who are exploited can access justice and support services, including support to exit prostitution, without fear of punishment or judgment.

Ruhama¹ is a specialist non-governmental organisation providing a wide range of holistic services, including exiting supports if desired, to women affected by prostitution and sex trafficking. We are

¹ www.ruhama.ie

the only specialist agency doing this work at a national level in Ireland. We have been providing our services for nearly 30 years, and have worked with thousands of women of over 60 nationalities. We currently support approximately 300 women per year, including women involved in both on-street and indoor prostitution.

Witnessing first-hand the degree of organised crime involved in prostitution and the harm to women's mental, physical and emotional health, Ruhama wished for the same law as Sweden to be enacted in Ireland. First, however, we required legislation to recognise human trafficking. Ruhama advocated for many years for this, as while we were meeting with increasing numbers of victims of sex trafficking, it was not effectively a crime in Ireland. This changed in 2008 with the passing of the Human Trafficking Act. However, we always recognised that sex trafficking occurs overwhelmingly in the context of the commercial sex trade, and that prostitution and sex trafficking cannot be meaningfully separated. Ruhama has supported women that were trafficked and then 'escaped' but ended up in prostitution due to a lack of other alternatives. We have also met women who 'chose' to enter prostitution but then ended up trafficked by unscrupulous pimps. Buyers did not discriminate about who they bought. Prostitution lies along the spectrum of gender-based violence, with sex trafficking right at the hard edge. Further change was required to address the demand for sex for sale.

Real movement towards updating the prostitution laws gained impetus in 2009 with the publication of ground-breaking research, commissioned by the **Immigrant Council of Ireland** and supported by Ruhama and the dedicated sexual health service for women in prostitution – the Women's Health Service. This research provided insights into the nature and extent of the sex trade in Ireland, and the many harms being experienced by those exploited within it². This study helped to place the issue of Ireland's outdated prostitution laws on the agenda of politicians and policy makers, and promoted wider public debate. At this time, the Immigrant Council of Ireland³ with Ruhama and a number of other key service providers, activists and advocacy groups working to support exploited women, men and children, came together in partnership to form the **Turn Off the Red Light Campaign**.

The Turn Off the Red Light Campaign (TORL) was a high-profile campaign that aimed to end prostitution and sex trafficking in Ireland. Its central goal was to tackle the demand for prostitution through the introduction of legislation to criminalise the purchase of sex, while also decriminalising the individual prostituted. As TORL progressed, its membership grew to include over 70 diverse organisations⁴. After much groundwork, it was publicly launched as a distinct campaign in its own right at a press conference in February 2011. This event featured a number of high profile men from entertainment, the arts, business and the labour movement giving voice to their view that prostitution was exploitation and buying sex was not okay.

Over the course of six years TORL lobbied hard and garnered broad public as well as political support for legal change in line with the Swedish approach. There were many highs and lows along the road to achieving its goals and a number of factors stand out as being critical to the achievement of the Sexual Offences Act 2017.

Firstly, TORL calling for changes to Ireland's prostitution legislation led to the Government launching a public consultation and designating its cross-party Justice Committee to hold hearings and gather

² The Immigrant Council of Ireland, the Women's Health Project and Ruhama (2009). *Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland*. Dublin: ICI. [Online] Available at: <http://www.turnofftheredlight.ie/wp-content/uploads/2011/02/Trafficking-Report-FULL-LENGTH-FINAL.pdf>

³ <http://www.immigrantcouncil.ie/>

⁴ See the breadth of membership here: <http://www.turnofftheredlight.ie/about/whos-involved/>

evidence. The vast majority of over 800 submissions agreed with TORL's position. The Committee took evidence from a broad range of stakeholders from all sides of the debate, including women who identified as survivors of prostitution and those who identified as 'sex workers'. Members of the Justice Committee also made a study visit to Sweden to examine the impact of their legislation, and considered other legal approaches. After this very robust and comprehensive process, the Committee unanimously recommended the criminalisation of the purchase of sex in Ireland, and agreed that those in prostitution should not be punished for their own exploitation.

A recommendation from this Committee was powerful, but this did not lead immediately to legislation being developed. The work of TORL continued tirelessly. From formal conferences and public events to regular press releases and community engagement: TORL's collective high-profile activities kept the campaign high on the agenda and in the minds of opinion makers, the mainstream media and the general public. Public engagement was facilitated by creating the opportunity for members of the public to 'take action' via the TORL website⁵ by contacting their political representatives and asking them to support Ireland's new Sexual Offences Bill.

The TORL campaign was not the only factor to influence public and political opinion during this period. During the campaign the national television broadcaster aired two in-depth and hard-hitting investigative reports into the Irish sex trade. 'Profiting from Prostitution'⁶ and 'Sex for Sale'⁷ clearly highlighted the ways in which vulnerable women in Ireland were being exploited by pimps and traffickers. This showed not only the shocking reality of the involvement of organised crime gangs in the sex trade, but also the vast profits being made by other vested interests such as 'Escort-Ireland', which has the monopoly on online advertising of prostitution in Ireland and which acts as the mechanism for pimps and traffickers to run a highly mobile trade.

Also key to TORL's broad appeal and indeed its ultimate success was the central role that individual survivors of prostitution and survivor-led organisations such as **SPACE International**⁸ played in progressing the campaign. Their courageous testimony and activism brought to life the real experiences of women in prostitution and were pivotal in making the case for the 'Swedish approach'.

The strength of the Unions' support for the campaign sent a further strong and clear message that prostitution cannot ever be considered a 'regular job' or 'dignified work' as defined by the labour movement. The Irish Congress of Trade Unions, the Irish Nurses and Midwives Organisation, the Technical and Electrical Workers Union and many others joined TORL, stating that prostitution cannot be regulated via labour laws, because it is inherently a form of serious exploitation and the context for most sex trafficking.

In addition to survivors, those providing direct support to prostituted persons added further weight to the campaign and, where appropriate, represented those affected by prostitution and trafficking who were unable to speak for themselves. This included Ruhama as a holistic support provider, as well as the leading domestic violence and sexual violence NGOs, Migrant Rights groups and children's rights organisations. The diversity of membership of TORL reflected the whole of society. In addition to those already noted, there were: the young farmers' association, rural women's groups, Girl Guides, men's organisations, youth associations, health services and also many individuals who spoke up in support of, and solidarity with those who often have no voice.

⁵ <http://www.turnofftheredlight.ie/take-action/?cat=74>

⁶ <http://www.rte.ie/news/player/2012/0207/3193909-prime-time-profiting-from-prostitution/>

⁷ <http://www.rte.ie/news/investigations-unit/2015/1207/751789-sex-for-sale/>

⁸ <http://www.spaceintl.org/>

The pace of change was slow. The Sexual Offences Bill was first published in 2014 but did not become law until 2017. Progress was hampered by a General Election and change in Government; changes in key government personnel; political reluctance to criminalise men, and an increasingly strong and vocal 'pro-sex work' lobby. However, ultimately TORL's persistence paid off.

In the face of very limited resources and many setbacks, the core campaign group was prepared for the long road. Knowing that this was a vital step towards upholding the human rights of a marginalised and often stigmatised group, we did not 'lose heart'. The Immigrant Council of Ireland provided all-important administrative co-ordination for the campaign throughout, to ensure clear, regular communications among TORL's large and disparate membership. The stalwart support of our Justice Minister Frances Fitzgerald and other key politicians who realised the importance of this legislation to reduce the harm of prostitution and sex trafficking also sustained us.

Through numerous iterations of Government, much debate and many amendments the Criminal Law (Sexual Offences) Act 2017 finally came into force in March of this year. Vitally, in addition to tackling demand by criminalising the sex buyer, the Act also decriminalises any individual selling sex in street locations, as well as individuals operating indoors (which was already not a crime) – thereby ensuring that this law is a true representation of the spirit of the Swedish model. Trafficking, pimping, procuring and brothel-keeping remain offences as they were before.

Our efforts now turn to focus on this new legislation's full and effective implementation. Ruhama's long-standing training and advocacy work with police will continue to ensure that the law's measures are applied appropriately, whereby those in prostitution must be treated with sensitivity and compassion, not as criminals. As demand for sex for sale falls, more women than ever are likely to seek to leave (exit) prostitution and so services such as Ruhama's have a vital role to play in this respect. Dedicated sexual health services for those still active in prostitution will also remain, and continue to be offered free and confidentially by the Women's Health Service and others. Finally, we will continue to advocate at an international level for other jurisdictions to adopt the approach to prostitution now enshrined in Irish law. Just as we benefitted from the experiences of those nations who came before us, we in turn wish to support those who seek similar goals.

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