



## **SERP SUBMISSION TO THE CITIZENS' ASSEMBLY ON GENDER EQUALITY, 2020**

*Dr Monica O' Connor*

*Ruth Breslin*

*Denise Charlton*

*The Sexual Exploitation Research Project (SERP) at University College Dublin, March 2020*

### **1. About SERP**

**The Sexual Exploitation Research Project (SERP)** was established in 2017 under the School of Social Policy, Social Work and Social Justice at University College Dublin, Ireland.

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. Our 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.

SERP has been awarded research contracts by the Irish State to investigate the impact of sexual exploitation on women's health and wellbeing<sup>i</sup>, and the criminal justice responses to this vulnerable group. Our team has decades of experience researching and writing about prostitution and sex trafficking, and members are often called upon to give evidence to public/State inquiries on these issues in the Republic of Ireland and other jurisdictions. We hope that the evidence and insights provided in this short submission will prove useful to the crucial work and deliberations of the Citizens' Assembly on Gender Equality.

### **2. The commercial sex trade in Ireland and beyond**

- Irish research has revealed that of the approximately 1,000 women involved in indoor prostitution at any one time in the State, between 87% and 97% are migrants, with women of 51 different nationalities advertised online<sup>ii</sup>
- The highly mobile Irish sex trade is overwhelmingly tightly controlled by a series of organised crime networks, both domestic and international. It is these networks (crime

gangs) that take charge of moving women around the country for the purposes of prostitution in order to maximise their own profits<sup>iii</sup>

- The harms of prostitution and the negative short and long term impacts it has on those who are prostituted are well documented. These include harm to physical, sexual, reproductive and mental health, violence resulting in serious harm and too often loss of life<sup>iv</sup>
- It is estimated that in any national regime which regulates prostitution activities, between 10 per cent and 24 per cent of women will fit the international definition of having been trafficked for the purposes of sexual exploitation<sup>v</sup>. That said, unhelpful distinctions between those who ‘choose’ prostitution and those who are ‘forced’/trafficked fail to reflect the realities of entry into the sex trade – even for those women not directly ‘forced’ by another individual, a range of vulnerabilities or adversities they have experienced in their lives – including poverty, childhood abuse, domestic violence, physical and mental health problems, addiction, conflict in their home country, insecure immigration status, to name but a few – have otherwise compelled them into this exploitative situation<sup>vi</sup>
- SERP’s current research (forthcoming) with women accessing the dedicated HSE Women’s Health Service for women in prostitution reveals that these women are indeed facing a series of significant adversities in their lives both and before and during their involvement in prostitution in Ireland – including poverty, poor English language skills, a lack of stable, safe accommodation and insecure immigration status. It is clear that experiencing such adversities not only led many women in the study into prostitution in the first instance, but also left them vulnerable to further exploitation and harm once they became involved
- Prostitution also represents a significant barrier to women’s economic empowerment. Research has found that women who enter prostitution as a result of poverty typically leave it (if they are successful in exiting) similarly impoverished – with lifelong negative impacts on their health, combined with a lack of education and skills gained during those critical years of young adulthood<sup>vii</sup>. As a result, women are left vulnerable to lifelong poverty which, it is suggested, debunks the perception of the lucrative monetary rewards that can be reaped in the sex trade.

### **3. Sexual exploitation as a cause and a consequence of gender inequality**

- Prostitution and other forms of commercial sexual exploitation are highly gendered<sup>viii</sup> – in the overwhelming majority of cases the purchaser of sexual access is a man, and the body to which they purchase sexual access is that of a woman or a girl. Prostitution is the only ‘trade’ in the world that involves the commodification of the insides of women and girls’ bodies for the sexual gratification of the purchaser
- In contrast to most of the women they purchase sexual access to, men who buy sex tend to be well-educated, have incomes in the middle to high range and are employed in professional occupations. An exploration of buyers’ motivations identifies the need of some buyers to dominate and control the women they purchase access to and exercise power over them, others see women in prostitution as less than human, something to be

consumed, and have little empathy for their feelings or circumstances – these buyers tend to be focused on purchasing sex acts that their partners are unwilling to engage in, and are very concerned with ensuring that they get ‘value for money’ from the transaction<sup>ix</sup>

- It is undoubtedly contrary to the achievement of gender equality to suggest that men have an inherent right to have all of their sexual desires met, and that the role of fulfilling these desires should fall to a specific group or groups of women – typically those who are young, migrant and marginalised. There is acknowledgement of this in a range of international human rights instruments that recognise the harm inherent in prostitution and define sexual exploitation as a human rights violation that is profoundly gendered<sup>x</sup> – given that the vast majority of those affected are women and girls. The Convention on the Elimination Of All Forms Of Discrimination Against Women (CEDAW), to which the UK is a signatory, calls on all State Parties to ‘take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women’<sup>xi</sup>, and it is noted that: ‘These practices are incompatible with the equal enjoyment of rights by women and with respect for their rights and dignity. They put women at special risk of violence and abuse’<sup>xii</sup>
- Similarly, the European Parliament firmly takes the position that prostitution is both a cause and a consequence of gender inequality, and in doing so recommended the ‘Nordic model’ or ‘Equality model’ for addressing prostitution across Europe<sup>xiii</sup>. Indeed, there was overwhelming cross-Parliament support<sup>xiv</sup> for the ‘Honeyball resolution’ to tackle prostitution as a form of violence against women and in doing so decriminalise those who are prostituted and provide them with sustainable exit routes, whilst tackling the demand for prostitution by criminalising the sex buyer
- Many of those in favour of the Equality model have highlighted the importance of its normative effect<sup>xv</sup> – that criminalising the purchaser sends a clear message to society at large that women and girls are not objects or commodities to be bought for sexual purposes, and that it is unacceptable to buy sexual access to the bodies of women and girls purely for the pleasure of the purchaser. It has been argued that decriminalising the seller whilst sanctioning the buyer goes some way to addressing the significant power differential that typically exists between the two. Rather than obscuring the central role of the sex buyer in prostitution, this approach serves to place the spotlight on those who create the demand for prostitution in the first instance
- It is certainly worth noting in this context that the three of the four most gender equal nations in the world – Iceland, Norway and Sweden<sup>xvi</sup> – have all had the ‘Equality model’ in place for a decade or more<sup>xvii</sup>. Other countries around the world have since followed suit, including Canada, France, Northern Ireland, and in 2017 the Republic of Ireland. The *Criminal Law (Sexual Offences) Act* was enacted in March 2017 following lengthy debates in both houses of the Oireachtas. The Act is a wide-ranging piece of legislation on sexual offences which includes an offence in Part IV criminalising any person who purchases or attempts to purchase sexual activity from another person. The law also ensures that those exploited in prostitution are decriminalised. These legislative changes were made following consultative processes and public debates that laid bare the harms

of the sex trade and recognised systems of prostitution as damaging to the achievement of true gender equality<sup>xviii</sup>

- Finally, it is becoming increasingly clear that despite recent legislative measures to tackle prostitution in Ireland, the sanitisation and normalisation of the commercial sex trade is effectively proliferating through popular culture and public life, for example through the popularity of ‘porn chic’ on social media platforms<sup>xix</sup>, the widespread exposure of children at younger and younger ages<sup>xx</sup> to violent and degrading pornography online, which has become de facto sex education for many<sup>xxi</sup>, and the recruitment of young women as ‘sugar babies’<sup>xxii</sup>. These developments have the potential to seriously harm real progress towards gender equality in ways that are yet to become fully apparent.

#### 4. Recommendations

The commercial sex trade is responsible for the commodification and objectification of women and girls’ bodies for the purpose of male sexual pleasure and thus is totally at odds with the promotion and achievement of gender equality in Ireland and beyond. SERP makes the following recommendations to diminish the power of the trade:

- Enhanced resourcing for the critical frontline services that provide support and advocacy for women currently involved in prostitution and those seeking to exit, ensuring that women wishing to leave prostitution are provided with real and viable alternatives – this must include the provision of specialised accommodation, holistic health services, migrant supports, legal services, and further education, training and employment opportunities
- Meaningful inclusion of the voices of prostitution survivor-advocates in the development of laws and social policies that impact on anyone who has experienced prostitution
- Improved resourcing for the Garda National Protective Services Bureau and related Garda personnel to secure their continuing efforts to tackle the organised crime gangs that profit from prostitution in Ireland, and to diminish their customer base by actively implementing Part IV of the *Criminal Law (Sexual Offences) Act, 2017*, which criminalises the purchase of sex
- Increased awareness raising measures by the State to enhance public understanding and support for the above law, so that it can more effectively act as a deterrent to those who purchase sex and as a preventative measure in reducing demand
- Funding for a large-scale research study on the harmful impacts of commercial sexual exploitation on the health and wellbeing of women and girls
- The establishment of a National Rapporteur on gender-based violence and exploitation (as recommended by NWCI – the National Women’s Council of Ireland – of which SERP is a member), whose remit would include monitoring the State’s progress on tackling issues of commercial sexual exploitation
- Sex education in schools that focuses on positive, respectful sexual relationships defined by mutual pleasure and an understanding that true consent is not something that can be purchased

- Concrete measures to address the growing normalisation of the sex trade, particularly amongst children and young people, including through the proliferation of violent pornography – this could be supported by the appointment of an Online Safety Commissioner with the powers to hold the State and ISPs (internet service providers) to account in this regard.

Thank you for the opportunity to contribute to the work of the Assembly. If you have any further queries regarding the evidence set out above, please do not hesitate to contact us as follows:

Ruth Breslin  
 The Sexual Exploitation Research Project (SERP)  
 Office A210, 2nd Floor, Hanna-Sheehy Skeffington Building  
 School of Social Policy, Social Work and Social Justice  
 University College Dublin, Belfield, Dublin 4., Ireland

Email: [ruth.breslin@ucd.ie](mailto:ruth.breslin@ucd.ie)

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<sup>i</sup> Breslin, Latham and O'Connor (forthcoming).

<sup>ii</sup> 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: <http://www.dublinpact.ie/dignity/traffickingreport.pdf>

<sup>iii</sup> In the Irish context there is ample evidence from research, from investigative reporting, from police, from agencies working on the ground and from the women involved in prostitution themselves of the widespread involvement of organised crime in the operation of the Irish sex trade. See for example: Kelleher Associates, O'Connor M., and Pillinger, J., 2009, *op cit*; *RTE Primetime: Profiting from Prostitution*, 2012 (an in-depth analysis of the workings of the Escort Ireland website, which controls the vast majority of prostitution advertising in Ireland): <http://www.rte.ie/news/player/prime-time-web/2012/0207/> and *RTE Investigates: Sex for Sale*, 2016: <https://www.rte.ie/news/investigations-unit/2015/1207/751789-sex-for-sale/>

<sup>iv</sup> See for example: Farley, M., Cotton, A., Lynne, J., Zumbek, 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, (pp. 33-74): <http://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf>; Farley, M., 2004. 'Bad for the Body, Bad for the Heart: Prostitution Harms Women Even if Legalized or Decriminalized.' *Violence Against Women, Special Issue*, 10 (pp. 1087-1126); 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; Zimmerman, C., et al, 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: [http://www.peacewomen.org/sites/default/files/Health-VAW\\_PsychoTrafficEuro\\_LonSchoolHygieneMed\\_2006\\_0.pdf](http://www.peacewomen.org/sites/default/files/Health-VAW_PsychoTrafficEuro_LonSchoolHygieneMed_2006_0.pdf); Kelleher Associates, O'Connor M., and Pillinger, J., 2009, *op cit*; O'Connor, M., 2018. *The Sex Economy*. UK: Agenda Publishing; Kramer, L.A., 2003. 'Emotional Experiences of Performing Prostitution'. *Journal of Trauma Practice*, 2 (3/4), 187-197; Coy, M., (Ed.), 2012. *Prostitution, Harm and Gender Inequality: Theory, Research and Policy*. England: Ashgate Publishing Ltd; MacKinnon, C.A., 2016. 'Rape Redefined'. *Harvard Law & Policy Review*. Vol. 10 (pp. 431-477); Raymond, J., D'Cunha, J., Ruhaini Dzuhatyatin, S., Hynes, P., 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*. Coalition against Trafficking in Women (CATW); Raphael, J. and Shapiro, D.L., 2002. *Sisters Speak Out: The Lives and Needs of Prostituted Women in Chicago*. Chicago: Center for Impact Research.

- <sup>v</sup> See for example: Kutnik, B., Belser, P. and Danailova-Trainer, G., 2007. *Methodologies for Global and National Estimation of Human Trafficking Victims: Current and Future Approaches*. Geneva: International Labour Organisation (ILO): [https://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---declaration/documents/publication/wcms\\_081989.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_081989.pdf); Seo-Young, C. Dreher, A and Neumayer, E., 2012. *Does Legalized Prostitution Increase Human Trafficking?* Economics of Security: [https://www.diw.de/documents/publikationen/73/diw\\_01.c.405653.de/diw\\_econsec0071.pdf](https://www.diw.de/documents/publikationen/73/diw_01.c.405653.de/diw_econsec0071.pdf)
- <sup>vi</sup> See for example: Farley, M., et al, 2003, *op cit*; Zimmerman, C., et al, 2006, *op cit*; Kelleher Associates, O'Connor M., and Pillinger, J., 2009, *op cit*; O'Connor, M., 2018, *op cit*.
- <sup>vii</sup> De Riviere, L., 2006. 'Human Capital Methodology for Estimating the Lifelong Personal Costs of Young Women Leaving the Sex Trade'. *Feminist Economics*, 12: 3, (pp. 367-402).
- <sup>viii</sup> 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*. Luxemburg: European Commission: [https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study\\_on\\_the\\_gender\\_dimension\\_of\\_trafficking\\_in\\_human\\_beings\\_final\\_report.pdf](https://ec.europa.eu/anti-trafficking/sites/antitrafficking/files/study_on_the_gender_dimension_of_trafficking_in_human_beings_final_report.pdf)
- <sup>ix</sup> Coy, M., Horvath, M., and Kelly L., 2007. *'It's just like going to the supermarket': Men Buying Sex in East London*. London: Toynbee Hall: [https://cwasu.org/wp-content/uploads/2016/07/17242\\_LMU\\_Demand\\_Report\\_Text\\_screen-1.pdf](https://cwasu.org/wp-content/uploads/2016/07/17242_LMU_Demand_Report_Text_screen-1.pdf); Farley, M., Bindel, J., and Golding, J., 2009. *Men Who Buy Sex: Who They Buy and What They Know*. London: Eaves and San Francisco: Prostitution Research and Education: <http://www.educating-voices.com/pdf/eaves.pdf>;
- <sup>x</sup> As defined in the United Nations Declaration on the Elimination of Violence against Women.
- <sup>xi</sup> As outlined in Article 6 of the Convention on the Elimination Of All Forms Of Discrimination Against Women (CEDAW).
- <sup>xii</sup> General Recommendation 19 of the Committee on the Elimination of Discrimination Against Women.
- <sup>xiii</sup> *European Parliament resolution of 26 February 2014 on sexual exploitation and prostitution and its impact on gender equality* (2013/2103(INI)): <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A7-2014-0071+0+DOC+PDF+V0//EN>
- <sup>xiv</sup> 343 MEPs voted in favour, 139 against, with 105 abstentions.
- <sup>xv</sup> See for example the summary in English of the Swedish *Evaluation of the Prohibition Against the Purchase of Sexual Services Review 1999-2008*: <https://www.government.se/articles/2011/03/evaluation-of-the-prohibition-of-the-purchase-of-sexual-services/>
- <sup>xvi</sup> The World Economic Forum, 2019. *The Global Gender Gap Report 2020*: [http://www3.weforum.org/docs/WEF\\_GGGR\\_2020.pdf](http://www3.weforum.org/docs/WEF_GGGR_2020.pdf)
- <sup>xvii</sup> Iceland and Norway since 2009 and Sweden since 1999.
- <sup>xviii</sup> See for example: Joint Committee on Justice, Defence and Equality, June 2013. *Report on Hearings and Submissions on the Review of Legislation on Prostitution*. Dublin: Houses of the Oireachtas: <https://webarchive.oireachtas.ie/parliament/media/committees/justice/1.part-1-final.pdf>
- <sup>xix</sup> Drenten, J., Gurrieri, L., and Tyler, M., 2019. 'Sexualised Labour in Digital Culture: Instagram Influencers, Porn Chic and the Monetisation of Attention'. *Gender, Work and Organization (Special Issue)* 27 (pp 41-66).
- <sup>xx</sup> Dawson, K., Nic Gabhainn, S., and MacNeela, P., 2018. *The Porn Report: Surveying Students on Pornography Use and Involving them in Planning Critical Learning Interventions*. NUI Galway: <http://www.nuigalway.ie/media/smartconsent/PornReport-PrintReady-A5.pdf>
- <sup>xxi</sup> See for example: Taylor, E., 2018. 'Pornography as a Public Health Issue: Promoting Violence and Exploitation of Children, Youth, and Adults.' *Dignity: A Journal on Sexual Exploitation and Violence*: Vol. 3: 2: <https://digitalcommons.uri.edu/dignity/vol3/iss2/8/>; Dines, G., 2017. 'Growing Up With Porn: The Developmental and Societal Impact of Pornography on Children.' *Dignity: A Journal on Sexual Exploitation and Violence*: Vol. 2: 3: <https://digitalcommons.uri.edu/dignity/vol2/iss3/3/>
- <sup>xxii</sup> See for example: HuffPost, 2017, *Prostitution As Financial Aid: Three College Students Speak Out*: [https://www.huffpost.com/entry/prostitution-as-financial-aid-three-college-students\\_b\\_58e5186de4b02c1f72345929?ec\\_carp=4825528965484684838&guccounter=1](https://www.huffpost.com/entry/prostitution-as-financial-aid-three-college-students_b_58e5186de4b02c1f72345929?ec_carp=4825528965484684838&guccounter=1); University Observer, 2019, *UCD Represent Highest Level of Sign Ups to 'Sugar-Baby' Website in 2018*: <https://universityobserver.ie/ucd-represent-highest-level-of-sign-ups-to-sugar-baby-website-in-2018/>