

Turn Off the Red Light

End Prostitution and Sex Trafficking in Ireland



The Committee Clerk
Room 242
Parliament Buildings
Ballymiscaw
Stormont
Belfast BT43XX.

16th October 2013

Dear Chairman and Committee Members,

RE: Submission to the Northern Ireland Justice Committee on the *Human Trafficking and Exploitation Bill (Further Provisions and Support for Victims)*

Turn Off The Red Light is a campaign to end prostitution and sex trafficking in the Republic of Ireland. It is being run by an alliance of 68 civil society organisations, unions, umbrellas and services with a joint representation exceeding 1.6 million people in Ireland. Trafficking of women and girls for the purposes of sexual exploitation is modern slavery and a prevalent form of exploitation. We believe that the best way to combat this is to tackle the demand for prostitution by criminalising the purchase of sex, and maintaining services to those affected by prostitution, ensuring that they are not criminalized and re-victimised.

We are deeply concerned about the spread of the prostitution industry, which exploits women and children in both the Republic of Ireland and Northern Ireland, and we wish to add our voice to those who are seeking to change our legal systems to criminalise the purchase of sexual services, while protecting the rights and dignity of those prostituted.

We therefore readily welcome the proposed *Human Trafficking and Exploitation Bill (Further Provisions and Support for Victims)*, and particularly Clause 6 of the Bill, which would specifically legislate for the criminalization of the purchase of sex, in line with the Swedish model. As we are currently lobbying the Republic of Ireland's Government to introduce similar legislation we would be very happy to see this measure come into effect in Northern Ireland.

Clause 6 substitutes a new Article 64A of the Sexual Offences (Northern Ireland) Order 2008 for the Article introduced by the Policing and Crime Act 2009. Rather than making it an offence to pay for sexual services if the person in prostitution is subjected to force (the

current law), this new clause creates a simple offence of paying for sexual services. Attacking the commercialised sex business through the introduction of penalties for the buyer has proven to be an efficient approach that best responds to the nature of a trade which thrives on threats, abuse and violence. This is an essential part of the campaign against human trafficking as the majority of human trafficking victims are trafficked for the purposes of sexual exploitation.

While the Policing and Crime Act of 2009 was a welcome advance in Northern Ireland's anti-trafficking legislation its impact has been limited by the requirement of proof of coercion within a very limited timeframe. Thus, unsurprisingly, there have been no successful convictions made in Northern Ireland to date.^[1] This failure is in line with that of other countries which have introduced similar legislation, such as Finland. Legislation which is limited to proven victims of coercion has been shown to have little or no effect on demand for trafficked victims. In contrast to this in Sweden where it has been illegal to purchase any sexual service since 1999 there have been a significant number of convictions. There has also been a dramatic decrease in the numbers of people being trafficked into Sweden, as the demand for the market has decreased. The introduction of the 1999 legislation in Sweden, as well as similar legislation introduced later in Norway, have not resulted in the prostitution industry "going underground". Instead of this, countries like Sweden and Norway have seen a decrease in severe violence against those in prostitution.

Concerns that such legislation is unworkable have been disproved by the success of the Swedish model. We would suggest that in line with the Swedish experience the law should be implemented with a package of training and awareness-raising about the underlying principles, together with resources dedicated to enforcement and monitoring of the law for the Police Force of Northern Ireland.

Clause 6 also incorporates the human-rights-based approach to tackling exploitation and trafficking as laid out by the Council of Europe Convention on Action against Trafficking in Human Beings. As we view the buying of all sexual services as a form of exploitation of (predominantly) women and children, this bill will also address the gender inequality which the prostitution industry perpetuates in all societies. As well as this it will endeavour to protect the some of the most vulnerable in society, both victims of trafficking and others, from an industry which is dangerous and damaging, both mentally and physically.

^[1] Northern Ireland Assembly Question AQW 15565/11-15

We believe that every Government owes it to the vulnerable people and children trapped in prostitution, as well as to the society which they represent, to ensure that the demand for sexual services from exploited and trafficked individuals is effectively tackled.

We trust that the Northern Ireland Justice Committee will ensure that the public consultation is concluded in a timely manner, and we hope that the consultation will lead to the passing of the *Human Trafficking and Exploitation Bill* as soon as possible.

Thank you for your attention.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'D' followed by a long, sweeping horizontal line that ends in a small loop.

Denise Charlton, CEO Immigrant Council of Ireland

^[1] Northern Ireland Assembly Question AQW 15565/11-15
