



Northern Ireland
Assembly

Committee for Justice

OFFICIAL REPORT (Hansard)

Human Trafficking and Exploitation (Further
Provisions and Support for Victims) Bill:
Ruhama

9 January 2014

NORTHERN IRELAND ASSEMBLY

Committee for Justice

Human Trafficking and Exploitation (Further Provisions and Support for Victims) Bill:
Ruhama

9 January 2014

Members present for all or part of the proceedings:

Mr Paul Givan (Chairperson)
Mr Raymond McCartney (Deputy Chairperson)
Mr Sydney Anderson
Mr Stewart Dickson
Mr Tom Elliott
Mr Seán Lynch
Mr Alban Maginness
Ms Rosaleen McCorley
Mr Patsy McGlone
Mr Jim Wells

Witnesses:

Ms Sarah Benson	Ruhama
Ms Gerardine Rowley	Ruhama

The Chairperson: I welcome formally to the meeting Sarah Benson, the chief executive officer of Ruhama, and Gerardine Rowley, its policy and communications manager. You are both very welcome. We appreciate your taking the time to come to us. Obviously, the Committee is looking into an important issue, and we are trying to gather as much information as we can. The meeting will be recorded by Hansard and published in due course. At this stage, I will hand over to you to outline the issues briefly. Afterwards, Committee members will have questions.

Ms Sarah Benson (Ruhama): Thank you very much. Good afternoon. Firstly, I would like to thank the Committee for the opportunity to address you today. As you said, I am the CEO of Ruhama. I have been with the organisation for three and a half years. Prior to that, I worked for over a decade in the area of violence against women and with ethnic minorities. My colleague is Gerardine Rowley, our policy and communications manager. She has 15 years of front line experience with the organisation and four years' experience prior to that working with women in prostitution through a street outreach project in Belfast.

For those of you who are perhaps not familiar with us as an organisation, I will say a few words to introduce us. We have been operating for two and a half decades as a support service exclusively for women affected by prostitution. Our client group includes women who are currently actively involved in prostitution indoors and on the street; women exiting prostitution; women with a history of prostitution; and victims of trafficking for sexual exploitation. Owing to the highly mobile nature of the sex trade, where women move or are moved around the island of Ireland, our client group also includes women who have been affected by prostitution and sex trafficking in Northern Ireland. Our

service is a holistic, person-centred, non-judgemental service that responds to women's individual needs, ranging from practical, educational and career-planning issues, as well as emergency-crisis situations, immigration, health, family, housing, legal and criminal justice issues. Women who are affected by prostitution and sex trafficking engage with us for a broad range of support. Some is very large and complex. Some is quite small and simple. In the course of working collaboratively with those women, we share not only their challenges but, fundamentally, their hopes, dreams, plans and successes.

I will give a sense of our output in 2012. In that year, we responded to 258 women, with our in-depth casework service responding to 170 women. We had 908 face-to-face contacts, over 13,000 phone calls and 5,200 text supports. We operate a street outreach service with a van that engages with women in street prostitution. It went out on 108 occasions and engaged with 62 women exclusively in a street situation. In addition, we assisted 26 other women with initial support. They either accessed follow-on services somewhere else or did not go on to engage with our casework.

Before I continue, I want to acknowledge that I will refer throughout my remarks to women in prostitution. Although the vast majority of those in prostitution are women and girls, there is, however, a small number of men and a significant minority of transgender persons. Ruhama offers support services to any person identifying as having a female gender, including trans. Although our more comprehensive services do not extend to men, we will always attend to any person who presents needs and endeavour to identify appropriate support services. Although we continue to work with significant numbers of Irish women, it is important to note that the majority of those in the indoor sex trade, in particular, are migrant women. That is reflected by the fact that, in 2012, we worked with women of 32 different nationalities.

Ruhama believes firmly that prostitution is intrinsically harmful and violent to the women and girls involved. As well as the significant physical damage and risk, there is emotional and psychological harm. Being in prostitution can erode self-esteem and self-confidence. It can cause depression and symptoms of post-traumatic stress disorder. As well as the harm to each individual involved, there is the social, cultural and global impact — the damage to the social position and perception of women, both nationally and globally. If one woman's body is perceived as being for sale, the implication is that all women and girls are potentially for sale. That directly undermines the potential for gender equality. If we do not recognise the harm of prostitution and the very real challenges of getting out when one finds oneself in that life, as a society, we stop very far short of meeting the needs of those who need support.

Those who argue in favour of prostitution tend to take a very utopian view of the sex trade. They say, "Regulate it, and it will be OK. That will eliminate child prostitution and trafficking and make it safer for everybody involved". The reality, however, is that that is an utterly unattainable goal. Prostitution, in and of itself, is predicated on the availability of vulnerable young girls and the exploitation of the vulnerability of impoverished women, usually, in this context, migrant women, in order to ensure that the demand for sex for sale is met.

As a support service, we are completely non-judgemental of individual women's involvement in prostitution because we understand the complexities of entry and involvement. However, after 25 years of witnessing and hearing from women about their experiences and the awful challenges that they often face, it is just impossible not to judge the systems and structures and the other stakeholders who complete the picture. Pimps are not agents or managers: they are pimps, making money off the backs of others for high profits and at low risk to themselves. Buyers do not care about the reality of women and girls whom they buy — that has been well documented — because their focus is wholly selfish in these transactions.

The commercial sex trade across this island remains very active and highly organised. There are numerous criminal gangs organising and profiting from the prostitution and trafficking of vulnerable women and girls in urban and rural settings, and there is no regard for borders here. Separating trafficking from organised prostitution defies logic, given the mechanisms by which the sex trade operates. Victims of trafficking are advertised in the same places as all other forms of commercial sex trade, not in some separate corner of the internet that is restricted to trafficking. One clear example of that, which is in the public domain, is the Thomas Joseph Carroll case. T J Carroll was convicted of organising prostitution and associated crimes in 2010 in Cardiff. He ran brothels right across the island of Ireland, from Waterford to Newry to Enniskillen, in premises in which there were women who had been brutally trafficked alongside women who had responded to other forms of recruitment. We have worked with women involved with Carroll who fit both of those categories. They were in the

same buildings together, and they were advertised on the same escort websites. That is by no means the only example of this scenario of which we have direct experience.

A cohesive approach to organised prostitution is also the means by which perpetrators and victims of trafficking can be identified and assisted. The need to relate responses to sex trafficking with the issue of prostitution has been clearly recognised by the European Commission, with the EU anti-trafficking coordinator, Myria Vassiliadou, reiterating publicly, as recently as December 2013, the Commission's view that sex trafficking and prostitution are linked.

The 2011 EU directive on trafficking calls on states to tackle demand. Although criminalising the purchase of services from a victim of trafficking in relation to labour or domestic servitude may be an effective deterrent and practically policeable, the offence in relation to sex trafficking simply does not work. Finland was the first to enact such a law, which is similar to that which is currently in place in Northern Ireland. Last year, Finland independently evaluated that law and determined that it had been an absolute failure in tackling sex trafficking. The Finnish Minister of Justice has called for a change to enact legislation similar to that which was enacted in Sweden.

We talk a lot about the Swedish model, but this is actually about examining the Swedish example. We believe that each jurisdiction needs to develop its own model. Ruhama believes that there is scope to create an environment in Northern Ireland that is hostile to those who are criminally organising and truly profiting from prostitution while recognising and ensuring that those who nonetheless find themselves in prostitution are supported and are not criminalised.

There is no human right to buy sex. Sex buyers are not a vulnerable group whose rights need protecting in that regard. More importantly, the minority — because it is a minority — of men who buy sex drive a large and profitable criminal trade. If we target the sex buyer, that not only hits at the profit base of organised crime but sends a clear message that buying sex is not socially acceptable. Increasingly, the sex trade is becoming normalised, and a message like that would challenge and give a clear indication that it is not a casual, harmless transaction. There are direct and sometimes disastrous human consequences.

We are not talking about an offence to lock men up and throw away the key, but rather one that sends a strong social signal in just the same way that we enact legislation on drink-driving or speeding. The law is needed in order to protect people and minimise the collateral damage of the behaviour of a few.

There are sometimes criticisms of the Swedish example. However, having visited Sweden, and from our ongoing contact with front line support providers there, we would refute those criticisms. No one is saying that prostitution and trafficking can be wholly eradicated, but the Swedes enacted a law that recognised the harm not only to those in the sex trade but to society and, particularly, to equality between men and women. The Swedes enacted a law to try to minimise that harm. The sex trade has shrunk, with street prostitution halving, and, while the internet has been responsible for some indoor prostitution, as it has across the entire global north, there is no evidence to suggest that those who were on-street simply moved indoors. Indoor prostitution is lower there than in neighbouring countries. Further, police and support services alike report that some women are actually more willing to report harm as they know that they will not be criminalised, and some report even using the fact that the buyer will be criminalised as leverage in dangerous situations to stop buyers perpetrating harm.

Rather than focusing on the often spurious and unsubstantiated comments on the failure of that example, we feel that it is more constructive to examine the calamitous failure of the states that took a different approach and tried to regulate the sex trade. The call to legalise or regulate prostitution can sometimes come from a very genuine concern for the welfare of the women involved. The assumption is that, if prostitution can be constructed as work, that will thereby lessen the threat of harm and stigmatisation and instances of trafficking. Others making that argument, however, are promoters of the sex trade — pimps, procurers and traffickers. They have a vested interest in promoting that model of legislation because the benefits for them would be enormous. They would no longer be considered criminals but would become legitimate business men and women.

The evidence from jurisdictions where regulation and legalisation have been in place for over a decade demonstrates that aspirations to make prostitution a safe, legitimate form of work for women were ill founded. In Germany, an extensive evaluation published in 2007 indicates that there is no evidence that women are safer. Only a tiny number of women have accessed health insurance or registered as sex workers. The illegal sector continues to grow and profit, and the people who have benefited most are the organisers and owners of the businesses. In the Netherlands, extensive evaluation of the industry has found that legalisation has not resulted in any more safety for women

but rather in a massive legal and illegal trade in migrant women and girls. Prostitution was decriminalised in New Zealand in 2003, and, after a decade of that form of legislation, there is evidence to show that it has some disturbing consequences for the women involved and has resulted in an increase in prostitution in at least some areas. One can safely draw the conclusion that when prostitution is considered as work, whether through legalisation, regularisation or decriminalisation of the stakeholders other than those who are in prostitution, it results in the normalising of the buying of sex and the sex trade increases, including sex trafficking.

The New Zealand Prostitution Law Review Committee (PLRC) noted that street prostitution in Auckland had doubled in just one year, with press reports and local support services suggesting even higher increases. Decriminalised prostitution in New Zealand not only made prostitution acceptable and encouraged men to buy sex but transformed prostitution into a more attractive option for young, poor women. In one of the PLRC's surveys, 25% of those involved in prostitution interviewed stated that they had entered the sex trade because it had been decriminalised.

For those in the sex trade, it is important that they receive the message that they are not criminalised and can seek health, emotional, practical and police support when needed. Exiting supports are also critical. In jurisdictions where the sex trade is decriminalised or legalised, those tend to fall away or be under-resourced or non-existent, because, if something is a normal job, why would you need to exit it? The other key objective must be to prevent exploitation in the first place, and laws that decriminalise the seller but hit at the demand that fuels the sex trade will also support that objective.

In summary, we support the enacting of the Morrow Bill, including clause 6, criminalising the buyers. Thank you. Do you have any questions?

The Chairperson: Sarah, thank you very much. Sydney Anderson has the first questions.

Mr Anderson: Thank you, Sarah and Gerardine, for coming to the Committee today and for giving us that detailed submission. I have a number of questions, Chair, if you will allow me. I will get through them as quickly as possible. In your submission, you outlined that you have been working with women in prostitution since 1989 in the Republic of Ireland. Will you provide an overview of the work that you do in that area? How many women, on average, do you work with each year? You may have touched on some of that. What percentage of your clients who are involved in prostitution are voluntary or under the control or coercion of a pimp or trafficker? Can you break that down?

Ms Benson: We can break down the number of those who are trafficked and do not fit the narrow definition of trafficking. As to the women who might be associated with pimps, we do not have definitive information on that. A large number of the women we are supporting who are still actively involved in the sex trade would, particularly in the indoor arena. I am speaking off the top of my head, so I will let Gerardine respond on the breakdown of those who are trafficked and not trafficked of the 258 women whom we worked with last year.

Ms Gerardine Rowley (Ruhama): Overall, in 25 years, Ruhama has certainly worked with well over 2,000 women. When Ruhama was set up 25 years ago, prostitution was predominantly based in the major urban regions such as Belfast, Dublin, Galway, Cork and Limerick on the island of Ireland. However, over the years, particularly over the past decade, we have seen a huge increase in prostitution. Because of the internet and because of less border control across Europe and on our own island, we have seen huge mobility in the sex trade. Due to that — our figures show this — the majority of women we have worked with in our services over the past number of years are foreign women who come from countries in eastern Europe, South America and Africa. It is very mobile, so we work with women who are located in and have been moved around Northern Ireland, and we have worked with victims of trafficking who were based in Northern Ireland.

Last year, we worked with 170 women in casework. Overall, we worked with 258 women. That is just an example. Each year, we work with well over 200 women on average. Last year, we worked with a record number of women — 258. We have a street outreach programme still. The beginning of Ruhama was a street outreach programme in Dublin. That continues for women in street-based prostitution. I worked in the 1990s for four years in Belfast in a street outreach project. Even then, most prostitution in Belfast was street-based. In Belfast and throughout the island of Ireland, prostitution is now much more indoors. Again, the introduction of telecommunications has very much facilitated that. There is much more organised prostitution and trafficking. The majority of women we work with are in indoor prostitution. Out of the 258 women we provided a service to last year, 170 were in our casework section, which means that they were getting emotional and very practical

support. Perhaps they were helped with advocacy. We help quite a lot of women from other countries with their residency. We help women who are still in prostitution. Women who access our service do not necessarily need to leave prostitution. We work with anyone affected by prostitution. The fact that we have been around for 25 years means that, sometimes, women who have a history of prostitution also come to us. Basically, we work with women on whatever their presenting needs are. Perhaps sometimes they need health checks. We accompany them and help them to access health services. They sometimes need legal assistance. We are the only project on the island of Ireland that provides clear exiting programmes. We have clear programmes for women who say that they want to get out of prostitution. One support programme and route out of prostitution is certainly education and development programmes. We have run those since the mid-1990s. Many women find themselves in prostitution due to lack of options and poverty. Often, education and training not only gives women a certificate and perhaps training and education but it empowers them and builds their self-esteem and confidence. We have a range of personal development programmes, training and education.

We also help women who may need accommodation. The way that prostitution is organised today means that many women live in the brothels. The pimps or traffickers provide the accommodation, and the women are moved around. If they are to leave prostitution or to get away from a trafficker, they need accommodation. We have a resettlement worker, and we help women to access perhaps social welfare benefits and to get counselling. That is just touching on just some of our services. We have a broad range of services. We have counsellors. Of the 258 women we worked with last year, 71 were victims of sex trafficking. As Sarah mentioned in her presentation, the 258 women represented 32 nationalities.

We provide a lot of face-to-face work. That is time-consuming. We also give support over the phone to women. If they are still involved in prostitution, they may not be able to travel to Dublin, so we try to help women to access their services locally in the community, wherever they are. Although there are some women in prostitution in Ireland who are independent and are not wishing to be controlled by any pimp or trafficker, they are a minority. Women we are aware of who are currently active in indoor prostitution tell us that that category of women in the sex trade is around 10%. That is an estimate. The majority of women in the sex trade are controlled by a third party. Even the 10% of women who are trying to remain independent and are just there for themselves in indoor prostitution find it extremely difficult. Women often contact us to tell us that they have received threats. Perhaps they are moving from Dublin to some place like Cavan — I am just throwing that out as name; perhaps it is Enniskillen or wherever. They say that, when they arrive in a town, they get a phone call or a visit from someone who threatens them and says, "If you are going to come here, you will have to pay us money".

There are other people, perhaps landlords, who exploit women and take money. There are also some people who profit from women in prostitution by subletting premises to women and taking money from them. However, it is not just taking money. There is intimidation, and threats and violence are carried out. It is a very violent world. We say, as Sarah said in her presentation, that you cannot separate sex trafficking from prostitution, because it is within the sex trade that trafficking occurs. Some pimps have women who are victims of trafficking in a brothel with women who may not fit that narrow definition. They are impossible to separate. I hope that that answers some of your question.

Mr Anderson: Thank you. You definitely gave an in-depth overview. How much money, on average, does a person in prostitution in, say, the Republic make from the sale of sex? Do you have any reason to believe that that figure would be lower or higher in Northern Ireland? I am asking you for facts and figures, although you may not have them.

Ms Rowley: It depends on whether a woman has access to the money. We know women who may have 10 or more clients a day, so a lot of money passes through their hands. However, they may have to pay for the premises and give money to landlords who are exploiting them in the sex trade by charging inflated rents. They may be paying and being exploited by those landlords. They may have a pimp. Trafficking is the highest end of the exploitation that is happening in the sex trade, but there is lots of exploitation happening to the women. Women may have to hand over money to those who advertise prostitution. It really depends on whether she is being controlled and what that level of control is. Through our conversations with women, we are a support service and provide social care. We deal with women's presenting needs. We do not query them on how much they earn; that is not our role. However, for those who profit from prostitution, there are huge profits.

Ms Benson: If you are looking at the baseline of the going rates for the purchase of sex, notwithstanding how that money is distributed after it is handed over, you would be talking about, in

the indoor sex trade, in the region of £80 to £100 for half an hour and £180 for an hour; it really depends. You can actually check online. However, as Gerardine said, how that money is ultimately distributed once it is handed over really depends. For on-street prostitution, the figures are far lower.

Ms Rowley: I will give you an example of one particular case. If a woman is highly controlled, the people who control her want to make as much money out of that woman as possible. Often, the women who are most controlled will end up having to have many men buy them a day. If a woman is more independent, she can pick and choose. If she wants only one client, she can do so. One case comes to mind. I know a woman who was a victim of trafficking. She handed over €8,000 a week to her trafficker and her pimp — she had to divide the money between the two — and was handed back €20. You cannot even call that work; that woman was exploited as a victim of trafficking in prostitution on both sides of the border.

We have heard from investigations carried out on some victims of trafficking, and, when you look across Europe, you find that the price of sex on the island of Ireland is one of the highest. So, there is huge profit to be made by pimps and traffickers on the island of Ireland. Compared with other countries in Europe, it is the most profitable. Obviously, we are an attraction to criminals, and that is why, I suppose, we need to make it a cold climate for those who profit from prostitution. We need to have deterrents, and that is why we support clause 6 so much. It is a deterrent to buyers. It will shrink the market and will make this not such an attractive place for pimps and traffickers.

Obviously, we know that not only have we Irish pimps and traffickers operating on the island of Ireland, such as the case of Thomas Joseph Carroll, but it is no longer a national issue. It is an international criminal network. There are gangs living outside the jurisdictions but running the sex trade on the island of Ireland and threatening women very effectively. We have seen women terrified by the phone calls that they got because they knew that violence would be carried out if they did not do what they were told.

Mr Anderson: You mentioned pimps and the money that they are making in relation to prostitution. You also work, given the mobile nature of this trade, North and South. What is your experience? Is it common for women to be controlled by pimps moving from North to South or vice versa in this trade? How much do you see that happening? Is it increasing in Northern Ireland?

Ms Benson: We have very close contact with the guards, but we have also worked with the PSNI in some cases. We do not have categorical figures for the numbers operating on both sides of the border. What I would say is that there is absolutely no regard for the border. That also goes for anybody involved in the trade. We have a completely open border. We drove up here today. So, there is no regard for protocol whatsoever. We are definitively aware of cases where somebody may have started out operating in Dublin and perhaps Kildare and other areas and is operating in the likes of Belfast and other jurisdictions as well. The PSNI and gardaí are aware of that happening. Definitively, we can say that it is happening right now, but I could not give you exact numbers.

As Gerardine said, there is a large degree of criminal organisation, but you are not talking about one, two or even three big gangs; you are talking about dozens and dozens, including some very large, transnational operations extending from eastern Europe or Africa, where you have operations running across different countries. We have worked with women who may have been trafficked in a number of jurisdictions before they ended up in Ireland. Then there are some quite small, opportunistic operations, because we are considered a very lucrative market. The reason is that in jurisdictions such as Germany you have — to use very bald economic terms — an absolutely saturated market because the thing has been legalised there. So, there is a very low-risk, high-gain situation here. It is rarely just prostitution that the organisers are involved in. They may use prostitution as a mechanism for money laundering. They may also be involved in drugs, and yet it is actually a lower risk than running drugs. So we are talking about quite a complex network. It is disparate and transnational, and it runs right across the island.

Mr Anderson: Gerardine, thank you for that. Can I ask a few more questions, Chair?

The Chairperson: Are there other members who wish to speak at this stage? Ms McCorley and Mr Wells have indicated that they want to speak. I will come back to you, Mr Anderson, after I have brought in a few more members.

Ms McCorley: Go raibh maith agat, a Chathaoirligh. Thank you for the presentation. As you know, we have laws in place to address the whole human trafficking subject. You outlined that, and we hope

that those laws would be followed to ensure the maximum outcome in dealing with trafficking. You specifically outlined clause 6, and it makes one new aspect of law. Given the circumstances that lead people, whether it is men or women, into prostitution, how will the Bill address the issues that affect those people? If this were to be enacted, what way would it leave those people the following day? I do not believe that the case has been proven that this will deter people from human trafficking, so what would change for people if this law were enacted? How would it impact on them?

Ms Benson: I mentioned the existing law, where there is a criminal offence of the purchase of a victim of trafficking. I know that it is a strict liability offence. That is an offence that carries, first, potential life imprisonment. In our observation, that makes it more problematic to police because it has to be committed with a victim of human trafficking. You must, therefore, prove categorically a case of human trafficking, and, because a life sentence is attached to that offence, the burden of proof on the state and on the police will be extremely high. Also, given the complexities of the sex trade and the difficulty in identifying a victim of trafficking in the context of the sex trade, we see that as an unworkable law because the burden of proof is too high to prove that someone is definitively a victim of trafficking without having the trafficker and the whole pathway. It is not an effective deterrent, and I understand that, to date, there have been no convictions for that, although I stand to be corrected on that. As I said, Finland was the first country to enact the same legislation, and it has now determined on independent evaluation that it has, likewise, been completely ineffective.

If you have instead a much lower summary or similar offence of the purchase of sex to act as a deterrent, you know that, at best, you may have a cohort of very vulnerable individuals and, at worst, the victim of trafficking in the situation. It is entirely fuelled by the demand to buy sex, which, as I said, is not a human right but an indulgence on the part of a minority of individuals. That immediately hits out at the incentive for those who organise prostitution to view this market as one to bring women into. Women are being brought in. There are very few Irish women, proportionately, in the sex trade, so there are pathways that have been created because there are opportunities here. So, pragmatically, you hit the customer base of organised crime. It also creates an offence that is far easier to police, because the burden of proof and the penalty, therefore, are much lower. It is not about locking up people and throwing away the key for life. It is about simply creating a disincentive to do something that has the potential to be extraordinarily harmful to another human being.

At the same time, as I think we said, it is important that, for people in the sex trade, there are health services. I understand from having had a look at and having had some contacts with organisations in the North that there are existing health services. There are sexual health services available for instance, and there are support services there. We would really welcome seeing the development of more consolidated services that actually recognise people in prostitution as vulnerable persons and, therefore, support exiting where that is something that somebody wants to do. For all those reasons, we see this as a positive step forward to hit trade but also, critically, to reduce the continued and increasing numbers that are coming into the sex trade. If we are not seen as a lucrative jurisdiction, the incentive goes.

I will give you an example. I worked on the case of a very young person, a teenager over 18, who had been trafficked from an eastern European jurisdiction. She had been a waitress, so she had a job. She was very well educated, but she had a vulnerability in that she had been isolated from her family. Somebody chatted her up in that restaurant over a period of time and presented her with an opportunity to come here to work as a childminder and have a bit of an adventure. After four days of fun and being out in the pub, she found herself up in Sligo, trafficked. Very luckily, due to the vigilance of reception staff in the hotel, she was recovered and returned. I would like to see a situation in which an opportunistic criminal cannot chat up a waitress in a particular eastern European country.

Ms Rowley: We hope that the police would follow the Swedish example in policing clause 6 and that it would be policed in the context of organised prostitution. Police would follow the places where it is known, through surveillance and evidence, and where there is an organised network. The buyers are criminalised, and that acts as a deterrent, which will help women who find themselves in situations where they are controlled by organised criminals. Not just us but research internationally estimate that 90% of women in the sex trade want to leave but often cannot see a way out. Many are entrenched, groomed or are in some way held and intimidated by criminal gangs. If the trade is reduced and policed in the context of organised prostitution and if exiting support services are put in place, women who find themselves trapped can be helped, and this can be positive.

We would certainly welcome a policing approach that does not criminalise women who find themselves in the sex trade. To do so further marginalises women because it gives them a criminal record and allows the real criminals to get off the hook. So, we hope that this would be policed and

that the impact would be on the organisers of prostitution and not the women themselves. We would be happy if, hopefully, along with that, support is put in place for those who want to get out.

Ms McCorley: I take your points, but I do not see any evidence here to suggest that the comprehensive support structures that were put in place in Sweden to assist women will be put in place here. The other bit that remains unconvincing for me is that I am not sure that the people involved in the sorts of crimes that you talked about — organised prostitution and trafficking — would be deterred by a law that criminalises paying for sex. They are already involved in very serious criminality, which makes me ask why they would be concerned.

Ms Rowley: They will not have buyers. It is like any business: if you have no customers, your business goes bust. We have seen for ourselves that buyers talk to one another on internet forums, under pseudonyms of course. Because there is a lot of discussion — not just in both jurisdictions in Ireland but in France and in many other countries that are considering these laws — we see buyers talking to one another and saying, "If this law is coming in, that is me finished. I have too much to lose". The profile of the average buyer is that of a middle-class man with a good job, a relationship and a family. For most, it is not the fine or being thrown in jail that worries them; it is getting caught that is the deterrent. This is like any business. Frame it within that. We know that it is like the drugs business and everything else: if there are no buyers, there is no business, you have no market and there is no profit.

Ms McCorley: If that were the case, OK. However, when we were in Sweden, we were presented with evidence that people working in the sex trade said that the number of buyers had not reduced and that, in fact, when they ran an advertisement for 18-year-olds, they were inundated by thousands of requests from men wishing to make a purchase. To me, the evidence is inconclusive. You can find evidence to support any case. Given all of that, do you not think that we should treat prostitution separately here rather than as a single clause in a human trafficking Bill? Although the two issues may be linked — in fact, they are — they are still separate issues, and I believe that we should treat them separately.

Ms Benson: We disagree. I will not comment too much because I know that our colleagues from the Turn Off The Red Light campaign will also give evidence, but, in relation to combating sex trafficking, the fact is that you have to look at the laws relating to prostitution. If you, on the one hand, take the position — I am not suggesting that you are taking this position, and I understand that Sinn Féin also endorses the Turn Off The Red Light campaign — that prostitution is a job, that it is work, that all of those things are in place, you immediately create a disparity in how you might tackle sex trafficking.

If you are going to regulate an environment where there is definitively massive exploitation, with one of the gravest human rights violations occurring, you will create a scenario where it is more difficult to police. For example, in jurisdictions where it has been regulated, the police no longer have the authority to enter premises because they are legitimate businesses and the police must already have proof. Health services can only go in with the approval and agreement of the business owners, and we have seen situations in the likes of Victoria in Australia where health service providers go in but are required not to make any report of potential vulnerability of individuals who they think might be minors, in the interests of providing harm reduction healthcare. Harm reduction healthcare is critical, but if that is the trade-off, it is not the way to go.

You must look at prostitution as an environment where exploitation fundamentally occurs. It is predicated on a disparate power dynamic: you have vulnerable individuals who commonly do not have other viable choices available to them, are without family supports and are often carrying debt; and you have individuals who are buying sex and are simply using disposable income to meet what they consider to be a need. It is not a right. If sex trafficking is occurring in that harmful environment, it is incumbent on the state to look at the entire context as harmful and to legislate.

It really depends on what you want to achieve. If you want to foster prostitution, that is the way to go, but not if you want to reduce the trade and socially recognise that you have a vulnerable cohort who also need support, assistance and resources. In the Netherlands, nearly all funding for exiting models was cut after they introduced the legal regime. It really depends what you want. We are giving our view on that, but we are categorical that you have to look at the two together.

Ms McCorley: In terms of prostitution, we probably need to gather the evidence to look at what the picture is here in the North. We do not actually have a clear picture, and we need that information before we proceed.

Ms Rowley: We have worked with some women who entered the sex trade because of poverty or a particular situation of crisis or vulnerability and wanted to be independent but fell victim to traffickers. Vice versa, we had women who got away from the traffickers but, because the social supports were not enough, ended up in prostitution for themselves for a length of time. The line is very dim; it is not clear cut. Trafficking and prostitution have to be addressed together. That is our experience of women who are in that situation.

Ms McCorley: That is a contested view.

Mr McCartney: We are tasked with bringing in a law, and we want to be satisfied that it will do what we desire it to. The law has been in place in Sweden since 1999, and clear evidence that it has stopped the sex trade in Sweden is difficult to find. You can say, in the logic of tackling demand, that if you do away with demand there will be no supply. It is the perfect theory. However, in the place that is saying, until it is examined, that they had nearly done away with it by criminalising the purchase, that does not seem to have been substantiated 14 years on.

Ms Benson: I do not think anyone has made the claim that prostitution would be completely eradicated — or trafficking, unfortunately. In just the same way as we legislate for rape, murder, drink-driving and theft, human beings, sadly, are deeply flawed, and there will always be those who seek to exploit vulnerability and have little regard for the law. The fact is that you need to have a law to at least set a benchmark and a standard by which you want your society to have due regard and care for vulnerable individuals.

There is evidence, particularly when compared with other jurisdictions, that the sex trade in Sweden is very small. Likewise, at the same time, you have an absolutely critical normative effect. At the time that the law was enacted there was, I think, approximately 45% support for the law. Now, there is over 70% support for the law, and among younger people it is over 80%. There is an entire generation who have grown up with a law in place that says that this is incompatible with equality and is exploitative. Those are the other positive knock-on effects that you have. Nobody is saying that you will get rid, but I think that there is evidence.

Having been to Sweden and having met the police there — we are in regular contact with the support services there — we have a very clear view that, if you shrink the trade enough, the police can be resourced to try to effectively combat the persistent criminality that prevails. In the other jurisdictions where there is a legal and regulated trade, the police say that they cannot manage and, equally, there is a completely parallel and unquantified but estimated to be much larger illegal trade. The police are just not at the races in trying to tackle it in jurisdictions where it has been regulated.

What we are saying is that it is highly pragmatic to try to minimise the degree of exploitation so that the police, with the resources they have, can effectively target it. I find it curious that sometimes it gets thrown out that Sweden has had a successful trafficking case. We in the Republic of Ireland have not had a conviction under our legislation on trafficking. They had it because they are effectively resourced to police the trade that is there, and the trade is not so big that they cannot do it. I suppose that, pragmatically, we would say that there is evidence that it is effective in that respect.

Mr McCartney: It does not come at you. Even reading through your submission, there is nothing to say that, at one time in Sweden, this was the size of the trade, and now it is this size. The only reference is to a social worker in an outreach service. Reading her commentary, I think that there is an acceptance that it is at least the same, if not — from the evidence that she has given, I do not read that it has made a massive change in Stockholm.

Ms Benson: The police have said that it has shrunk. They have also said that they have wire-tap evidence to indicate that traffickers are literally saying that Sweden is a real hassle —

Ms Rowley: So do not go there.

Ms Benson: So do not go there. Of course, you may have some who persist in it. Our submission was not solely about making the case for Sweden. Rather, we took the approach that, as a front line service operating on the island of Ireland, we would share our experience and allude to it. As I said, it is not for any jurisdiction to literally parachute in the legislation of another jurisdiction. However, it should take a position as to what approach it would like to take and what outcomes it would like to see, and legislate according to the jurisdiction.

Mr Wells: We were in Sweden and had a very intensive session with the Swedish authorities. They answered this very well. The point that keeps coming up time after time is that clause 6 will drive prostitution underground, will make women more vulnerable and will make the authorities less able to find out if there is abuse, trafficking or whatever. We hate to keep asking that question, but it seems that that is the main plank of the argument of those who oppose the Bill. I know that you have been asked this question by me before in a different jurisdiction, but what is your view on that?

Ms Benson: I suppose that the definitive point is that, to a certain degree, prostitution will always be underground. It will never not be associated with criminality. You are never going to have a utopian situation where prostitution is run by former car salesmen and florists. It is always going to be run by the people who are running it illegally in the first place. So, it is always going to have a degree of operating in the shadows. Also, in any jurisdiction, prostitution has a degree of stigma attached to it, and that includes jurisdictions where attempts have been made to regulate it. It will always happen quietly in certain corners and places. However, it is demand-driven, and it is a market. Therefore, if buyers can find those who they wish to access in prostitution, it is quite pragmatic and practical to say that the police with the correct resources, and others who seek to look, will find it. It is never going to be above ground, so to speak, but legislating in this fashion is not going to drive it any further underground. It is already very difficult, in certain categories, to identify and access where prostitution is happening. What you need to do is try to shrink the trade to allow better-focused resources to try to target the small trade that is there. I am risking being repetitive, but in jurisdictions where it is regulated, it is recognised that they have an entire parallel illegal trade and have no idea what is going on in that.

Mr Wells: There is a more subtle variation of that argument. If you make it illegal to purchase sexual services, the men — of course, unfortunately, the vast majority of people here are men — are much less likely to report apparently trafficked women or women who are being abused or neglected. Up until now, those men have felt reasonably free to come forward and give their evidence to the police because they themselves are unlikely to be criminalised. Under clause 6, they would automatically leave themselves open for prosecution if they came forward with that information.

Ms Rowley: They can still do it.

Ms Benson: Crimestoppers: it is 1-800 —

Ms Rowley: We get people contacting us anonymously. All we need and all the police need is the information. Clause 6 talks about a summary offence. In the Republic of Ireland, under the Criminal Law (Human Trafficking) Act 2008, it is a criminal offence to buy sex from a trafficked woman, yet we have witnessed buyers who have contacted either ourselves or gardaí. There are ways and means by which that buyer is never identified or found. It does not stop them. However, very few buyers actually report. There are some who report concerns that the girls are young or look upset, but the percentage who do that, compared with the percentage of men who have bought that same women, is not huge. We work with women who are victims of trafficking, and maybe one man has tried to help them get away, but they had to have sex with 20 men a day who did not mind the fact that they were cold, tired, crying and totally non-interested. We even see reviews on the escort site that give out if a woman is not enjoying it, is just very functional or looks young.

Some men see the indicators and do not report. They are not the big priority area of reporting, identifying and finding victims of trafficking anyway. Those who may look into the eyes of a woman or really care and see that here is a woman who could be in need can still report. We see it happen. People contact Ruhama. We have had men who contact Ruhama, and we pass that information on to the guards. We know that people contact Crimestoppers or whatever. We must remember the transaction. For a lot of buyers, they are buying sex; they are buying a service. From what we understand from listening to the women, they come in and buy a service and most of them do not really care. If one really cared, the indicators for some women would be screaming at you. They do not really care. In our experience and from the evidence shown, buyers are not the big cohort that is going to identify victims of trafficking.

Ms Benson: I think that we put a few examples in the appendix, just to show the lack of compassion on the part of some buyers, where all they had to do was pick up the phone anonymously and say, "I think this person is in trouble". Instead, they actually gave a bad review to warn other sex buyers that they might not have a good time with this person. To give another example, while on the one hand sometimes those who are trafficked fit the very stereotypical picture of somebody who is in a state of distress or has been quite clearly coerced or may have evidence of physical abuse, there is a large

cohort that does not, because the mechanisms of trafficking vary, can be quite subtle and can be more around the degree of threat or debt that is being levelled against women. To give you an example in relation to buyers, in one case, which was prosecuted outside this jurisdiction, there was a very large, comprehensive criminal network that included trafficking and organised prostitution that operated, among other jurisdictions, in Ireland. One of the women, who was the most reviewed woman on the main escort website, turned out to be a victim of trafficking and coercion as a part of that gang. She was the most reviewed woman, so she had seen countless men. The hand-wringing and self-pity and guilt expressed on the forums thereafter was fascinating: "Oh, I never knew"; "If I had known". Yet, interestingly, knowing that they had bought a victim of sex trafficking and had not known and had not had the means because she presented such a clear facade as being an independent sex worker, the majority of those guys are still buying sex and still posting reviews. So, I question the degree of self-reflection or care on the part of sex buyers. As Gerardine said, they are not going to represent the largest cohort.

Ms Rowley: Anyone can set up an anonymous e-mail account, send an e-mail and report something and then close it down. We get those e-mails, and we know that other people do too.

Mr Wells: You described the average purchaser of sex as being middle-class, often married or with a partner and with a family, but some in the industry tell us that they have a social service where they provide a sexual service to severely disabled people or people with learning difficulties who are unlikely to ever find a partner in life or get married. Therefore, it is a social service that is meeting a need. From your evidence, have you found many sex workers who are providing for that need?

Ms Benson: No. I have asked because this has come up before. It is critical, and I think that it is of great benefit, that the Committee is going to hear from not only those who are actively involved in the sex trade currently but from those who are survivors, because they have an extraordinarily valuable voice and insight to lend to this. I have spoken to quite a few women who have exited and asked them that very direct question: "In the number of years that you have been in prostitution, how many men with a disability have you seen?". I recall one woman, who was in for seven years, saying, "maybe twice", but, once, the guy was just on crutches, because she thinks that he broke his leg or something like that. So, you are talking about a very tiny cohort.

I spoke to a disability activist not that long ago in relation to that very question, and, as a disabled man who is an activist in the field regarding support and rights for those living with disabilities, he felt that it was deeply insulting to people with disabilities to argue that there are certain people who are never going to get it any other way, because it is suggesting that it is not possible for some people who live with a disability to foster meaningful relationships and intimacy with others.

Another project that I contacted paid for somebody with a disability to travel out of this jurisdiction, interestingly, to have paid sex because he was a virgin, but he came back and complained that the woman would not kiss him. They said that it was about the sex, but it was not; it was about the intimacy. You just cannot buy intimacy. Human companionship and all those things are extremely valuable to foster a sense of culture in society and self-esteem, but buying sex is an illusion of that, and it does not create a fulfilling intimacy because it is a transaction that involves money. The key thing is that I feel that this tends to be thrown out as a red herring. It is such a tiny cohort of individuals.

Mr Wells: Finally, it is useful that you are here because you have experience of Northern Ireland and the Republic. What would be the implications if Northern Ireland were to go down this route and accepted the entire Bill, including clause 6, and the Irish Republic did not do so?

Ms Benson: I think that quite a few men from the North might be trucking down to Dublin, and that would be a matter for the authorities in that jurisdiction to deal with. We would like to see this extraordinary opportunity for both jurisdictions to act in tandem, as it were, notwithstanding the fact that they are different pieces of legislation to create a strong all-Ireland message and approach to this issue.

Mr Wells: Are we anywhere near that in the Republic?

Ms Benson: The joint Oireachtas Committee in Dublin published a unanimous recommendation to enact legislation to criminalise the purchase of sex.

Mr Wells: Did that include all parties?

Ms Benson: That is a unanimous cross-party recommendation.

Mr Wells: Did that include Sinn Féin?

Ms Benson: Yes.

Ms Rowley: If you want to hear the voice of buyers in the forums that buyers write on, when they heard particularly about the Republic of Ireland considering this, they were saying, "That is me, I am heading to Newry". That is the reality. If one jurisdiction brings it in, it will move the trade, and it will move those who profit and organise the trade.

Mr Elliott: Thank you very much for your presentation. I have a query around the proposal to decriminalise sex for the person. Do you see that being abused in any way, or attempts being made to abuse it, particularly in the sense that people would indicate that they are forced into selling sex?

Ms Benson: Sorry.

Mr Elliott: I am wondering, if you decriminalise the issue of selling sex, whether that could be abused in any sense? It is just a question.

Ms Benson: I do not envisage that, because, generally speaking, those who are involved in prostitution tend to be extraordinarily discreet in their actions. Interestingly, the question "Is there potential for blackmail, or anything like that?" came up in the hearings of the Joint Committee of the Oireachtas. Our experience is that that would never be the case. The one area where we have seen evidence that somebody might have been seeking to exploit that avenue was in the case of the pimp Tony Linnane. He had cameras in —

Ms Rowley: This happened in Cork.

Ms Benson: He had cameras in smoke detectors, plugs and things like that. He was monitoring and recording everything, which gave him scope to blackmail not only the women but the buyers. What is important in relation to that is to consider that. We have had the experience. We have a referral relationship with the women's prison in Dublin. We have gone in and met a woman who is in on a conviction of brothel keeping. She was a victim of trafficking. So, it is absolutely critical that those in prostitution are not criminalised, because you are, potentially, criminalising somebody for the worst kind of exploitation. So, I do not see —

Ms Rowley: The entry into prostitution of most women who find themselves in prostitution is against a backdrop of, perhaps, poverty, debt, abuse or some position of vulnerability. If they are criminalised when in prostitution, it only further marginalises the women. It also gets the criminals off the hook. There is an easy supply of women for pimps and traffickers, and we have seen situations where women were arrested, sometimes —

Mr Elliott: Sorry. If you decriminalise it, will there not be an easier flow of women available?

Ms Rowley: No, if the woman is arrested and charged, what happens in the Republic of Ireland, quite a lot of times, is that they are asked to leave the country, and there goes the evidence. It also breaks the relationship of trust with a woman in prostitution and the law enforcement agency, because they are afraid to come forward. If she feels that she will not be criminalised, law enforcement agencies are much more likely to get intelligence. We know that for a fact, because, in a number of operations by an Garda Síochána, they have taken the approach of not criminalising women in prostitution, particularly street prostitution. We had an operation in Dublin's north inner city and one in Limerick. The result is that the gardaí get a lot of intelligence and women begin to trust. If you want to catch the big fish, the focus is there.

For the past three years, Ruhama has been involved in Garda training. We also train the PSNI in policing prostitution and being sensitive to the needs of women. We are very delighted that, at a senior level, an Garda Síochána is mandating an approach very much not to arrest or criminalise women. In practice, that does not always work out, and, I suppose, we are still working with the

gardaí to influence a policy in which women who are in the sex trade are not criminalised. It does not help the issue of organised prostitution and sex trafficking.

Ms Benson: Nor does it incentivise women to go into prostitution. I think that it is the exact opposite, as in jurisdictions where not only those in prostitution but the whole structure and systems have been decriminalised. I mentioned the situation in New Zealand where 25% of those interviewed said that they had entered because it had become decriminalised. Therefore, it was more normalised.

The Chairperson: When I went to Sweden, they indicated that, before their law, around 2,000 Swedish women were involved in prostitution. Now, there are 500. That was a mark of the reduction that had taken place. One of the other points made was that, because the women involved were not criminalised any more, when an individual who had purchased sex was identified, over 90% of the women involved provided a witness statement, which could be used to secure a conviction. To me, that was a demonstration of a change in the system when you build up the relationship and the trust. Would that be applicable here in this jurisdiction? Would that change facilitate women to feel at liberty to provide evidence rather than face prosecution?

Ms Rowley: Yes. In practice, it is happening in some districts in the Republic of Ireland. We certainly know that there is a particular unit dealing with organised prostitution, and, because its focus is organised prostitution, its strategy and approach is not in any way to criminalise those who find themselves working as prostitutes. It is often lazy policing — I do not like saying that, because there are fantastic officers, we know, in both jurisdictions, policing daily — but, when a police officer enters a brothel, I suppose, the easy targets for arrest are the women who are found there. I lived in south Belfast, in the red light district, and I know what it is like for residents to have prostitution on their doorstep. It is not comfortable. In practice, often residents complain that prostitution is happening in the apartment beside them or on the street and they have their children to think about. Police officers are busy, and they have a lot of areas to police. They go into a brothel, and the person they see is the woman in front of them. They arrest her and close up the brothel — job done.

From our conversations with senior members of an Garda Síochána and the PSNI, we recommend that the focus needs to be much more on the organised crime. Arresting and prosecuting those women is not the answer; it is going after the major players. Criminalising the soft target is not helpful. You lose the evidence. We know women who were told to leave the country. Months later, investigations uncovered that those women have been victims of serious crime but have gone back home, and nobody knows where they are.

The Chairperson: There has been some commentary from the police that, if we were to change the law, it would make it more difficult for them to tackle the problem. What has been the attitude of an Garda Síochána to the move that the change in the law would present there? Are they indicating that they would not be able to effectively police this?

Ms Benson: I want to be careful, because the gardaí have not given a formal position. We work very positively at a high level with an Garda Síochána. The critical thing is that there has been a real sea change in the last five years at least to take a more compassionate regard for those in the sex trade. It is the signal that, rather than treating it as a public order offence or simply shutting it down and moving them on, they are looking at it in a broader fashion and that their objective is to tackle organised crime. There is an issue of resourcing. It would be helpful if they were to continue to work, as some are, on building relationships with those who are active in prostitution through what we call welfare visits and that kind of thing.

We have conversations with the gardaí. We have had some very positive commentary to the extent that individuals — I want to be clear that I am not stating a gardaí position — have said that they recognise that the degree of organised crime that is prevalent would be hit by such a move just from the immediate deterrent of creating a piece of law. There is a cohort of buyers who just do not want to break the law, and that is it. That has been acknowledged by individuals, but they do not have a policy.

Having spoken and met with Swedish and Norwegian police — particularly the Swedish police — I think it is interesting to note that the Swedish police thought that it would not work and thought that it would be really difficult. They were quite opposed to it. At the end of the day, the police are there to enforce the law as it stands and to find mechanisms to adapt and work around that. That has proved effective. One of the greatest advocates of that legislation now is one of the police inspectors in the

Swedish prostitution unit. He would say that he just did not see it working at all in the first instance. The proof is in the trying of it.

The Chairperson: I will wrap this up, as I am conscious that we have other sessions. Mr Lynch will ask the final question of this session.

Mr Lynch: Thanks, Chair. I have just a quick question. You said that very few Irish women are involved in the trade. How many are involved in the trade throughout the island of Ireland? What is the make-up?

Ms Rowley: It is hard to give a definite figure because women can be in prostitution for a couple of days a week or a couple of months. It is a transient population. Monica O'Connor, who, I know, will be part of the next presentation, will probably talk more about that because she was one of the researchers for a piece of research that was carried out a couple of years ago by the Immigrant Council of Ireland in partnership with us and the women's health service. They estimated that, on any one day, there were up to 1,000 women for sale on the island of Ireland. Monica may be able to elaborate on that.

The Chairperson: OK. Thank you both very much for coming to the Committee. We appreciate it.