

**Submission into the Joint Oireachtas Committee on Justice, Equality and Defence on the
'Review of Legislation on Prostitution**

August 2012

Introduction

Barnardos welcomes the opportunity to make a submission into the Joint Oireachtas Committee on the 'Review of Legislation on Prostitution. As a member of the Turn Off the Red Light campaign, Barnardos strongly believes that the most effective way to tackle the issue of prostitution, in particular the exploitation of children through prostitution, is the introduction of criminal sanctions against the buyers of sex, as a way to discourage the demand for prostitution.

Child Prostitution in Ireland

The existence of child prostitution is an alarming indictment of Irish, and indeed, any society. Childhood should be a precious time when innocence is protected. We have a moral and societal responsibility to ensure children are protected from those who may harm them. This can be done through awareness raising and the provision of comprehensive legislation and social services for all children, particularly those most at risk of prostitution. The harm caused to children by sexual exploitation through prostitution has long lasting impacts on children and young people. The emotional impact of such experiences can show itself in self-destructive behaviour such as self-harm, addiction, overdosing, eating disorders and criminal activity.

It is extremely difficult to assess the scale of child prostitution in Ireland given its clandestine nature. The UN Committee on the Rights of the Child in its Concluding Observations in 2006 expressed its concerns at the lack of information concerning child victims of prostitution and child pornography in Ireland. The Committee also regretted the lack of specific information on the situation of child victims of abduction and trafficking for any purpose or in any form. The Committee recommended that Ireland collect information and undertake research on child prostitution, pornography and other forms of sexual exploitation and sexual abuse of children with a view to developing targeted measures.

As was noted by the Special Rapporteur on Child Protection, Geoffrey Shannon, in his Fourth Report¹, Barnardos has identified the categories of children involved in child prostitution as follows:

- Those who have left the care system.
- Those who have experienced homelessness.
- Those who suffer from alcohol and/or drug addictions.
- Separated and trafficked children.

The Special Rapporteur emphasised that children who have left the care system were of particular concern and since these were children who were brought into care by the State, the State, through the HSE, was obliged to care for them in circumstances where the biological parent(s) would not or could not.² The absence of a nationwide out-of-hours social work service and an incomplete aftercare services for children leaving the care system exacerbates the vulnerability of such children.

Children abused through prostitution are often not visible on the streets but rather kept behind closed doors in bed-sits, saunas, massage parlours and hotels.³ This makes it easier for abusing adults to continue to exploit these children for their own gain and gratification. The internet and

¹ Shannon, Geoffrey (2010). Fourth Report of the Special Rapporteur on Child Protection – A Report Submitted to the Oireachtas; p112.

² Ibid.

³ Barnardo's UK (2001) Stolen Childhood, Barnardo's work with children abused through prostitution.

mobile phones have also made the grooming of children for the purposes of exploitation easier and also has implications for the proliferation of child pornography.

The daily lives of women involved in prostitution was starkly highlighted in the recently aired 'Prime Time Investigates' programme on prostitution in Ireland and reinforced many of the findings conducted on the few studies that have been conducted into prostitution in Ireland. A 2007 study found that half of the 22 Dublin women interviewed were under-18 years of age when they first became involved in prostitution⁴. A 1997 study found that, from their sample of 57 women who were or had been engaged in prostitution, 47 were aged under-18 years, 10 were aged 18 or over and 80% had, or were, experiencing homelessness⁵.

Of the 513 separated children who went missing from State care between 2000 and 2010, 440 are still unaccounted for⁶. 6 separated children went missing in 2011 and remain missing as of July 2012⁷. While it is likely that some of these children may simply have reunited with family either in Ireland or elsewhere, recent evidence shows that some may have been trafficked into prostitution. A report published by the Immigrant Council of Ireland exploring the sex trafficking of migrant women revealed that 11 of the 102 studied cases involved girls younger than 18 years⁸. More recently, the Irish Government annual reports on human trafficking stated that in 2010 out of the 56 victims of sex trafficking 15 were minors, and 8 out of 37 in 2011 respectively⁹.

It should be noted, however, that while the focus on child trafficking has mainly been on children brought into the country from outside Ireland, indigenous Irish children are also victims of trafficking. According to the Anti-Human Trafficking Unit's Annual Report of Trafficking in Human Beings in Ireland for 2010, of the 19 children who were alleged victims of trafficking, six were Irish children. (See section on Statistics, Prosecutions and Convictions from 2010 for more figures).

Legislative Provision

The Criminal Law (Sexual Offences) (Amendment) Act 2007 makes it an offence to solicit or importune a child (whether or not for the purposes of prostitution) for the purposes of the commission of a sexual offence. This amendment follows from Criminal Law (Sexual Offences) Act 2006 which makes it an offence to engage in a sexual act with a child under-15 years, regardless of the gender of the child. The Child Trafficking and Pornography Act 1998 penalises a variety of crimes in relation to trafficking in children for sexual exploitation and the manufacture and distribution of child pornography.

Despite the existing protection from sexual exploitation offered by the above legislation, Barnardos believes that the demand for prostitution continues to place vulnerable children at risk of prostitution. Anecdotally, we know from our work with children and families across Ireland that children in care are frequently at risk of exploitation through prostitution, a phenomena that is increasingly being documented in the UK.

According to Barnardo's UK, which offers direct services to children who have been sexually exploited through prostitution, the average age range at which children are most vulnerable to sexual exploitation is 13-15 years¹⁰. In fact, Barnardo's UK has worked with boys and girls as young as 10 and 11 who are known to have been sexually exploited.

⁴ Quinlan Cooke, Siobhan (2007) Prostitution in Dublin, presentation at Children's Acts Advisory Board conference 23rd October 2007

⁵ Eastern Health Board (1997) Working Party on Child Prostitution

⁶ Irish Times, 10th January 2011;

⁷ Statement by Deputy Ciara Conway T.D., Vice-Chair, Oireachtas Committee on Health and Children, 4 July 2012

⁸ "Globalisation sex Trafficking and Prostitution and Experiences of migrant Women in Ireland", Kelleher et al, 2009

⁹ Annual statistical reports on trafficking in human being by the Anti Human Trafficking Unit at the Dept of Justice and Equality <http://www.blueblindfold.gov.ie/website/bbf/bbfweb.nsf/page/whatisbeingdone-datastrategy-en>

¹⁰ Barnardo's UK (2001). Stolen Childhood, Barnardo's work with children abused through prostitution.

In its research on sexual exploitation of children and young people, published in October 2011, Barnardo's Northern Ireland found that the most frequently identified forms of sexual abuse were through prostitution (mostly involving third-party organisation and for financial gain), sexually exploitative relationships and less obvious transactional exploitation in the context of 'party houses'¹¹. The research also found that internet exploitation and trafficking for the purposes of sexual exploitation were also identified as issues of concern although less frequently.

According to the research, young people aged 12 to 15 years emerged as the age group most at risk of experiencing sexual exploitation. Similar to the situation in the Republic, children in care in Northern Ireland were also found to be at greater risk of sexual exploitation than those outside the care system, although the research noted that the risk was not equally experienced across the care population¹². Young people in residential care were found to have experienced significantly higher rates of risk than their peers in foster care placements. Within the cohort in residential care, females were observed to be at particular risk¹³.

Conclusion and Recommendation

The routes into prostitution begin before women turn 18 and Barnardos believes that prostitution exploits the vulnerability of children and young people who do not have the opportunities others have as a result of poverty, previous neglect or abuse and lack of educational opportunities.

The evidence indicates that the continued demand for prostitution and the potential financial gain for those who organise prostitution continue to pose a significant risk to vulnerable children and young people. Experience shows that the tender age or obvious vulnerability of a person alone cannot act as deterrents for the buyers of sex¹⁴ and a more comprehensive approach is needed in tackling the demand for paid sex. International research from 2003 and 2009¹⁵ expose the fact that men are aware of the vulnerable status of women, which does not discourage them from buying these same individuals for sex.

Criminal record, including the risk of disclosure has been identified by the buyers themselves as a reliable deterrent of their actions¹⁶. Penalties are the most efficient proven approach to deter men who contemplate buying sex. As a member of Turn Off the Red Light campaign, Barnardos believes that the reduction of demand for paid sex leads to decreased supply of prostituted people, among them those who have been forced, controlled, trafficked, those who are minors or have other vulnerabilities.

In the interest of protecting children and young people at risk of sexual exploitation through prostitution, Barnardos recommends that Government introduce legislation to criminalise the purchase of sex whilst also ensuring that people in prostitution are not criminalised but are offered support services. Many children and young people in Ireland do not begin life on a level playing field. Their circumstances and experiences mean they get left behind in many respects; legislation to criminalise the purchase of sex would at least mean that their vulnerability is not exploited for the sexual gratification of others and that other routes are open to them to build positive futures for themselves and their families.

¹¹ Beckett, Helen (2011). Not a world away: The sexual exploitation of children and young people in Northern Ireland: Barnardo's Northern Ireland.

¹² Ibid.

¹³ Ibid.

¹⁴ "The harsh realities of 'being raped for a living'", *Irish Examiner* Wednesday, February 15, 2012

¹⁵ "Men Who Buy Sex: Who They Buy and What They Know", Farley, Bindel, Golding 2009

¹⁶ Farley 2011, McLeod 2008