

Child Prostitution

July 2010

Introduction

The existence of child prostitution is an alarming indictment of Irish 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.

Language underpins our attitudes towards prostitution. Referring to a child as a prostitute and men as pimps and punters implies that children are making informed choices and decisions about their situation. Barnardos knows that this is not the case. Prostitution is an offence as it is a form of child abuse and exploitation; it involves the exploitation of a child by an adult who is controlling, coercing, assaulting and raping the child.

Scale of Child Prostitution

It is extremely difficult to assess the scale of child prostitution in Ireland given its clandestine nature. Even 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. 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

Children abused through prostitution are often not visible on the streets but rather kept behind closed doors in bed-sits, saunas, massage parlours and hotels¹. This makes it easier for abusing adults to continue to exploit these children for their own gain and gratification. The internet and mobile phones have also unfortunately made this sickening trade in children easier as children can be groomed and lured into prostitution and it is now possible to watch as children are abused.

While all children can be at risk of being sexually abused through the use of new technologies, those who become involved in prostitution tend to have: left the care system, experienced

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

homelessness and / or have alcohol or drug addiction issues. This group has now widened to potentially include separated children and trafficked children. 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.

There are few Irish studies into prostitution; however a 2007 study found that half of the 22 Dublin women interviewed were under 18 years of age when they first became involved in prostitution². A 1997 study found that, from their sample of 57 children 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 homelessness³. Of the 502 separated children who have gone missing from State care between 2000 and 2009, 444 are still unaccounted for⁴. 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. For instance, research by the Immigrant Council of Ireland report⁵ revealed that of the 102 identified victims of trafficking, 11 were children at the time that they were trafficked.

Barnardo's UK offers direct services to children who have been sexually exploited through prostitution. In their experience, the average age range at which children are most vulnerable to sexual exploitation is 13-15 years. 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.

Evidence suggests that these vulnerable children abused through prostitution have a history of poor attachments to their parents or other family members and have reported physical, sexual and emotional abuse and / or domestic violence in their childhood home⁶. Issues of low self esteem are common and are a major feature for entry into prostitution.

The sexual exploitation of children and young people takes different forms. It ranges from the child being given accommodation in return for sexual activities to being exploited in more formal ways. It is often difficult for these children to accept that they are being exploited and to recognise they are being coerced by others in some way into such a lifestyle. For example, it is common for a girl to think that the man who controls every aspect of her life is her boyfriend and she will remain loyal to him even when he coerces her into having sex with other men or in some cases resorts to violence to ensure compliance. Similarly, boys abused through prostitution initially rarely see themselves as victims of abusive sexual behaviour.

The abuse these children suffer can be physical and emotional as well as sexual. The pain of children's experiences can show itself in self-destructive behaviour such as self-mutilation, addiction, overdosing, eating disorders and criminal activity.

² Quinlan Cooke, Siobhan (2007) Prostitution in Dublin, presentation at Children's Acts Advisory Board conference 23rd October 2007

³ Eastern Health Board (1997) Working Party on Child Prostitution

⁴ Irish Times, 1st February 2010

⁵ Kelleher, P., O'Connor, M., Kelleher, C. and Pillinger, J. (2009). *Globalisation, Sex Trafficking and Prostitution – the Experiences of Migrant Women in Ireland*

⁶ Barnardo's (2001) Stolen Childhood, Barnardo's work with children abused through prostitution, UK

Current Legislative Provision

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. In relation to trafficking, Section 3 penalises the 'entry into, transit through or exit from the State of a child for the purposes of his or her sexual exploitation'. Providing accommodation for the child for such a purpose while s/he is in the State is also prohibited under the Act. Sexual exploitation under the Act is defined as the following:

- (a) inducing or coercing a child to engage in prostitution or the production of child pornography
- (b) using the child for prostitution or the production of child pornography
- (c) inducing or coercing the child to participate in any sexual activity which is an offence under any enactment
- (d) the commission of any such offence against the child'

Ireland signed the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography in 2000. Amongst other measures the Optional Protocol obliges States Parties to criminalise "offering, obtaining, procuring or providing a child for child prostitution". Ireland has not yet ratified this Protocol.

The Criminal Law Act (Sexual Offences) (Amendment) 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 Act (Sexual Offences) 2006 making it an offence to engage in a sexual act with a child under 15 years, regardless of whether it is a girl or boy. Also those who engage in sex with a child under 17 face additional prosecution and the duration of sentence will increase if the person is a 'person in authority' or if it is a repeated offence.

Presently there is no offence for grooming a child for sexual abuse. Legislative reform in this area has been recommended by many including the Joint Oireachtas Committee on Child Protection in 2006. This was supported by the government who announced in March 2007 their intention to publish legislation on grooming but it is still outstanding. The absence of this means children are exposed to being lured into situations that can result in abuse, exploitation and / or prostitution, often by means of new technologies.

The EU Council Framework Decision on the sexual abuse, sexual exploitation of children and child pornography (repealing Framework Decision 2004/68/JHA) is in its final stages. This directive aims to align national legislation and regulations across the EU to strengthen protection of children from sexual abuse and exploitation. It covers serious forms of child abuse not already legislated for in Ireland including grooming and new forms of sexual exploitation facilitated through the internet such as knowingly obtaining access to child pornography. It also provides that rules on jurisdiction would be amended to ensure that child

sexual abusers or exploiters from the EU face prosecution even if they commit their crimes outside the EU, via so-called sex tourism. It is envisaged that this directive will be finalised in Autumn 2010. Once accepted by EU member states there is an onus on national governments to incorporate it into domestic legislation.

In Northern Ireland, under the Sexual Offences (Northern Ireland) Order 2008, it is an offence for any person to intentionally obtain for themselves the sexual services of a child aged under-18, where those services have been paid for or where payment has been promised. The order also criminalizes any person who intentionally causes or incites a child under 18 into prostitution or involvement in pornography anywhere in the world. Other offences under the order include intentionally controlling any activities of a child that relate to the child's prostitution or involvement in pornography in any part of the world; arranging or facilitating child prostitution or pornography; arranging or facilitating commission of a child sex offence and meeting a child following sexual grooming. This comprehensive legislation is a deterrent to cross border movement and trafficking children for prostitution purposes between South and Northern Ireland.

Recommendations:

Legislative Recommendations

- Amend the Child Care Act 1991, through the Child Care Amendment Bill 2009 and place a statutory obligation on the HSE to provide aftercare services for all children in the care system who need it. Linked with this is the need to develop a comprehensive aftercare policy to ensure availability and access to aftercare services for all children in the care system.
- The current legislative and service provision for child victims of trafficking leaves them exposed to exploitation. Ensure that the Immigration, Residence and Protection Bill 2010 include provisions relating to the protection of suspected trafficked children and the specific entitlements of those who are granted temporary residency. Furthermore, additional good practice measures should be seriously considered, such as a non-punishment clause and the possibility to grant temporary residency on humanitarian grounds (and in line with the child's best interests), whether or not a child victim is in a position to co-operate with the authorities.
- Introduce a criminal offence for grooming a child for sexual abuse. This offence would cover acts preparatory to or intended to facilitate the sexual abuse of a child at a later date and would include, for example, arranging to meet a child for that purpose, or showing pornographic material to a child.
- Ensure Ireland adopts the EU Council Framework Decision on the sexual abuse, sexual exploitation of children and child pornography (repealing Framework Decision 2004/68/JHA) and is incorporated into Irish law.
- To assist the stem of trafficking between countries, fully implement the National Action Plan to prevent and combat trafficking of human beings.

Policy and Service Provision Recommendations

- Under the Ryan Implementation Plan, the HSE is committed to putting in place a national out-of-hours social work crisis intervention service, built into the existing HSE out-of-hours services. This will be piloted initially in two areas of the country. The establishment of this national service must be expedited without delay.
- Separated children living in foster families or who still reside in the few remaining hostels are a very vulnerable group of children and need access to a comprehensive range services of that meet their needs and reduce their risk of being sexually exploited.
- Provide extensive child and parent friendly educational materials in all youth settings warning children and young people of the dangers and risks of online sexual exploitation.