



Coimisiún na hÉireann
um Chearta an Duine
agus Comhionannas
Irish Human Rights and
Equality Commission

**Contribution to the Report of the UN Special Rapporteur on
Violence against Women and Girls
to the Human Rights Council
on ‘Prostitution and violence against women and girls’**

By
The Irish Human Rights and Equality Commission, as a National
Rapporteur on Human Traffickingⁱ

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Introduction

In October 2020, the Irish Human Rights and Equality Commission (‘the Commission’) [became Ireland’s Independent National Rapporteur on Human Trafficking](#). It is in this capacity that we are sharing our overarching observations and we note that the Commission's First (2022) and Second (2023) National Evaluation Reports provide a more detailed examination of human trafficking as a form of violence against women in prostitution. The Commission is aware that the latest European Union (‘EU’) Trafficking Strategy¹ identifies prostitution as a high-risk environment for human trafficking, which is also the case in Ireland.

[Provide examples of the hidden forms of prostitution, and explain to what extent they are recognized and dealt with as such?](#)

Trafficking in human beings is a gross human rights violation and a crime generating high returns that fuels organised criminal activities. It is highly gendered and disproportionately affects migrant women and girls. Victims of trafficking are ‘hidden within mixed populations of independent, exploited and coerced prostitutes.’² Victims are marketed on mainstream sites and are forced to appear compliant and willing, which is what buyers demand. They are advertised and made available on online classified sites.³ Traffickers do not need to use the dark web, as prostitution-advertising websites have become the ‘key conduit’ for the exploitation of victims of trafficking, acting with impunity and profiting from the sexual

¹ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 57; European Commission (2022) [Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Report on the Progress made in the Fight against Trafficking in Human Beings \(Fourth Progress Report\)](#), p. 6; European Commission (2021) [‘Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Empty on the EU Strategy on Combating Trafficking in Human Beings 2021-2025’](#), COM (2021) 171 final, p. 6

² IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 205; Walby, S., et. al (2016) [Study on the Gender Dimension of Trafficking in Human Beings – Final Report](#). Luxemburg: European Commission.

³Such as [Craigslist](#), [cityvibe.com](#), [eros.com](#), [humaniplex.com](#), [myredbook.com](#), [sugardaddyforme.com](#) and social media such as Facebook and Twitter, see IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 205; OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and Tech Against Trafficking, (2020) [Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools](#). Vienna, p. 13; Wang H., Cai C., Philpot A., Latonero M., H. Hovy E., and Metzler D. (2012) [Data integration from open internet sources to combat sex trafficking of minors](#), *Proceedings of the 13th Annual International Conference on Digital Government Research*, p. 247

exploitation of others.⁴ Minors are also advertised on these sites using: ‘deceptive and clandestine language to avoid detection.’⁵

In her [statement \(Department of Justice, 2021\)](#), the Minister for Justice linked the proposed measures to expunge the criminal records obtained for ‘sale of sex’, with the need to end the unnecessary criminalisation of potential victims of trafficking:

‘Given what we know about the levels of exploitation and human trafficking in the sex trade, it is very likely that many of those convicted in the past fall into the exploited category for a number of reasons, including because they were victims of trafficking. These vulnerable victims should also benefit from the legislative change regarding the sale of sex and be able to move forward and rebuild their lives.’⁶

In 2021, [Alicia Edosa](#) and Edith Enoghaghase, both from Nigeria, were each found guilty on two counts of trafficking women from Nigeria into Ireland, on dates between 2016 and 2018, for the purpose of sexual exploitation.⁷ Four victims gave evidence in this case, which resulted in the first successful trafficking conviction of its kind in Ireland. In sentencing, the judge noted the seriousness of the offences against the victims, who he said had been treated like ‘indentured slaves’; that ‘they coerced the victims into a sustained and degrading period of prostitution which did great harm to all victims for financial gain.’⁸ The judge also called for the better regulation of prostitution advertising, and, referring to Escort Ireland, noted that ‘It makes it ridiculously easy to advertise the services of people who are compelled to engage in prostitution against their will.’⁹ It was reported that Enoghaghase had been sexually exploited in prostitution as child in Ireland, while Edosa, according to press reports, ‘began working in prostitution in 2017 with Escorts Ireland when she felt it was the only way to earn a living after her residency permit to remain in Ireland had expired.’¹⁰

[Describe the profile of women and girls affected by prostitution in your country, and provide disaggregated data, where possible.](#)

The majority of victims of trafficking in Ireland are female (67%). Trafficking for sexual exploitation is particularly gendered (female exceeding 96%). Trafficking for sexual exploitation is the most reported form (57%). The data also indicates that Africa is the most important region of origin for trafficking for sexual exploitation, followed by the European Economic Area (‘EEA’) and Ireland. Trafficking of children for the purpose of sexual

⁴ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), pp. 204-207; L’Hoiry, X., Moretti, A. and Antonopoulos, G.A. (2021) ‘[Identifying sex trafficking in Adult Services Websites: an exploratory study with a British police force.](#)’ *Trends in Organized Crime*, p. 1

⁵ Ibanez, M. and Gozam, R. (2016) [Virtual Indicators of Sex Trafficking to Identify Potential Victims in Online Advertisements](#). IIEEE/ACM ASONAM 2016, August 18-21. San Francisco, CA, USA 978-1-5090-2846-7/16

⁶ Department of Justice (2021) [Minister McEntee announces initiative to expunge previous convictions for ‘sale of sex’](#) [press release] 25 April

⁷ McCárthaigh S. (2021) [‘Two women given jail sentences in excess of five years for human trafficking offences’](#), *The Journal* (28 September)

⁸ McCárthaigh S. (2021) [‘Two women given jail sentences in excess of five years for human trafficking offences’](#), *The Journal* (28 September)

⁹ Dillon E. (2022) [‘Sex-slave traffickers who forced migrants into prostitution in Ireland appeal sentences’](#) *Sunday World* (3 January)

¹⁰ McCárthaigh S. (2021) [‘Two women given jail sentences in excess of five years for human trafficking offences’](#), *The Journal* (28 September)

exploitation is notable (almost 10% of all victims in 2022) and all identified victims were girls children in 2022.¹¹

Describe the profile of those who solicit women in prostitution and whether such relations are regulated, and provide supporting data, where possible.

Studies consistently show that men buying sex may be aware that women are controlled and trafficked but this is not a deterrent.¹² A study of Ireland and 4 other countries revealed that the majority of buyers were over 25 years of age, educated, employed, and married or in long-term relationships.¹³ Research indicates that buyers are indiscriminate when it comes to who they “purchase” and choose to see women as consenting adults even where there are signs of exploitation.¹⁴ They adopt what has been called ‘a stance of conscious non-responsibility’ with their primary concern being a sense of entitlement to have their sexual demands met regardless of the history or circumstances of the women they buy.¹⁵

What forms of violence are prostituted women and girls subjected to (physical, psychological, sexual, economic, administrative, or other)?

A 2021 European Commission (‘EC’) study found that the economic, social and individual costs of trafficking for sexual exploitation are markedly higher, due to such victims needing ‘higher utilisation of health and welfare services for many years’.¹⁶ The gendered harm manifests itself, in particular, in trafficking for sexual exploitation ‘due, in part, to the very particular way in which the human body is used in the process of exploitation.’¹⁷ Trafficking for sexual exploitation is defined as a ‘gendered, severe and sustained form of violence against women, which causes physical, reproductive, mental, secondary victimisation that are often different and more severe than those in domestic violence.’¹⁸ Other forms of gender-specific harms include unplanned/multiple pregnancies, forced and unsafe abortions, long-term chronic vaginal and pelvic pain, neck and mouth injury from forced oral sex, Hepatitis C infections, severe diarrhoea, fatigue and malnutrition.¹⁹ The psychological harms of coercion, violence and isolation have been described as severe and enduring. Such harms include multiplied rates of post-traumatic stress disorder, depressions, eating disorders, attempted and completed suicides.²⁰

¹¹ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 372

¹² Farley, M., Bindel, J., and Golding, J., (2009) [Men Who Buy Sex: Who They Buy and What They Know](#). London: Eaves and San Francisco: Prostitution Research and Education

¹³ Keegan, E. & Yonkova, N. (2018) [Stop Traffick! Tackling Demand for Sexual Services of Trafficked Women and Girls](#). Social Work and Social Sciences Review, 19(3)

¹⁴ Keegan, E., & Yonkova, N. (2018). Stop traffick: Tackling demand for sexual services of trafficked women and girls. *Social Work and Social Sciences Review*, 19(3), 42-60.

¹⁵ Immigrant Council of Ireland (2018) [Comparative Report: Disrupt Demand](#), Dublin: Immigrant Council of Ireland, p. 20

¹⁶ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 60; Walby S., et al., (2020) [Study on the Economic, Social and Human Costs of Trafficking in Human Beings within the EU](#), p. 21

¹⁷ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 60; Walby S. et al., (2016) [Study of the Gender Dimension of Trafficking in Human Beings](#), p. 34

¹⁸ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 127; Walby S. et al., (2016). [Study of the Gender Dimension of Trafficking in Human Beings](#). Luxembourg: Publications Office of the European Union, p. 34

¹⁹ HREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 127; Walby S. et al., (2016) [Study of the Gender Dimension of Trafficking in Human Beings](#). Luxembourg: Publications Office of the European Union, p. 34

²⁰ HREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 127; Courtois, C. and Gold, S. (2009) [The Need for Inclusion of Psychological Trauma in the Professional Curriculum: A Call to Action](#). Psychological Trauma: Theory, Research, Practice, and Policy, American Psychological Association 2009, Vol. 1, No. 1, pp. 3–23

Describe the linkages, if any, between prostitution and the violation of the human rights of women and girls.

The Third National Domestic, Sexual and Gender-Based Violence Strategy ('DSGBV') recognises human trafficking (for the purpose of sexual exploitation) as a form of gender-based violence ('GBV'),²¹ paving the path for synchronicity between actions to eliminate trafficking and to end GBV.²² This has been a long-standing recommendation of the Commission. The DSGBV recognises that the response owed to victims of this form of GBV must take account of the relevant environment of prostitution,²³ and highlights that victims of trafficking belong to the category requiring special inclusion measures.²⁴ Importantly, the DSGBV also references the necessary contribution these actions have to the fulfilment of the Sustainable Development Goal ('SDG') 5: Achieving Gender Equality and Empowering All Women and Girls.²⁵

What links are there between pornography and/or other forms of sexual exploitation and prostitution?

The EU identifies prostitution, escort agencies, the pornography industry, massage parlours, bars and nightclubs as high-risk environments for sexual exploitation.²⁶ Technology has enabled the production and 'commercialization at a massive scale of pornography made of trafficking victims', allowing perpetrators to deliver this abuse online to a broader customer base with staggering profits.²⁷ The commercialisation of pornography made of trafficking victims means there is a record of the sexual violation on the Internet. Currently the EU is negotiating an updated version of the Anti-Trafficking Directive, in which the handling of images is sanctioned as part of the trafficking offence.²⁸

How is the issue of consent dealt with? Is it possible to speak about meaningful consent for prostituted women and girls?

The seeming dichotomy between 'exploited' or as 'freely choosing' to enter/remain in the sex industry is an unhelpful framework as the reality is far more complex and renders people involved along a continuum of exploitation. A position on the continuum is neither static nor fixed. Equally, there is a fixation with viewing child sexual exploitation as completely separated from adult exploitation.²⁹ The continuum of exploitation includes both adults and children and all forms of sexual and GBV.³⁰ As is evident, those who control sexually exploited victims rely on these illusory distinctions. On the one hand, they perpetuate the classification of people as either 'exploited' or 'freely choosing', or 'adult' and 'child' to avoid criminality. On the other, they erode these boundaries to maximise profits.

²¹ Government of Ireland (2022) [Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026](#), p. 12

²² IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 25; IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 44

²³ Government of Ireland (2022) [Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026](#), p. 29

²⁴ Government of Ireland (2022) [Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026](#), p. 20

²⁵ For more information, see <https://sdgs.un.org/goals/goal5>

²⁶ Ibid, p. 4

²⁷ Hughes, D.A. (2014) [Trafficking in Human Beings in the European Union: Gender, Sexual Exploitation, and Digital Communication Technology](#), p. 13

²⁸ European Parliament (2023) [Report on the Proposal for a Directive of the European Parliament and of the Council Amending Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims](#)

²⁹ Coy, M. (2016) [Joining the dots on sexual exploitation of children and women: A way forward for UK policy responses](#). *Critical Social Policy*, 36(4), 572–591

³⁰ IHREC (2022) [Submission on Part 3 of the General Scheme of the Criminal Justice \(Sexual Offences and Human Trafficking\) Bill 2022](#)

How effective have legislative frameworks and policies been in preventing and responding to violence against women and girls in prostitution?

Criminalising the knowing use of services provided by victims of trafficking is a measure to reduce the demand that fosters trafficking.³¹ The Commission is of the view that all avenues to disrupt, criminalise and target the demand that fuels trafficking and exploitation, including the measures to address all aspects of technology-facilitated trafficking must be pursued. The Commission supports the inclusion of mandatory penalties against users who knowingly use services from trafficked victims and recommends that the burden of proof of knowledge lay squarely with the accused³². In its amendment of the EU Anti-Trafficking Directive, the European Parliament states that the use of services from trafficking victims has to be sanctioned in mandatory terms, where the users had 'reasonable grounds' to believe that there is exploitation involved.³³

The Criminal Law (Sexual Offences) Act 2017 is the most comprehensive legislation to date aimed at reducing the demand driving commercial sexual exploitation. The law also strengthens the legal framework on human trafficking with regard to online grooming of children and by penalising the use of sexual services from trafficked victims. The Commission welcomes the increased attention paid to the high-risk environment of the commercial sex trade³⁴ brought about through the introduction of Part IV of the mentioned law. While an interim report authored by Dr Geoffrey Shannon³⁵ was published in 2020³⁶, the Commission urges the completion of the full review of the Act.

What measures are in place to assist and support women and girls who wish to leave prostitution?

Specialist NGOs with extensive expertise in trafficking contribute significantly to supporting the needs of victims, through a trauma-informed, gender-specific and victim-centred approach. In particular, Ruhama and Dublin Rape Crisis Centre specialise in supporting victims of sexual violence, in particular the recovery from extended sexual violence in prostitution. The Government is providing funding for exit pathways out of prostitution.

What are the obstacles faced by organizations and frontline service providers in their mission to support victims and survivors of prostitution?

Lack of standardised training, insufficient funding and lack of geographical spread of services have all been identified by the Commission as barriers to the provision of services.

What recommendations do you have to prevent and end violence associated with the prostitution for women and girls?

- **The Commission recommends the State proactively implements the relevant legal provisions to reduce the demand that fosters trafficking for sexual exploitation, along with exit pathways and assistance to victims of trafficking, including: a) Legal,**

³¹ Hosford P. (2023) 'Ireland to apply to be part of EU measures combating human trafficking' *Irish Examiner* (6 April)

³² HREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#). P.43

³³ European Parliament (2023) [Report on the Proposal for a Directive of the European Parliament and of the Council Amending Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims](#)

³⁴ In particular through intelligence-led investigations, public awareness campaigns and increased prosecutions.

³⁵ Long-serving Special Rapporteur on Child Protection in Ireland 2007-2019

³⁶ Shannon G. (2020) [Interim Report of the High-Level Working Group. The Implementation of the Criminal Law \(Sexual Offences\) Act 2017, Part IV – An Interim Review](#)

psychological and medical support; b) Access to exit programmes; c) Emergency and social housing; and d) Regularised immigration status with the right to training and work;

- The Commission recommends the establishment of a dedicated Survivor Council to ensure the survivor voice informs the overall anti-trafficking response;
- The Commission recommends that specialist services are resourced to meet the needs of women and provide pathways and support for exiting the sex trade;
- The Commission recommends the development of national State-led campaigns addressing young people: young men as potential buyers and informing young women/girls about the risks of grooming and recruitment into the sex trade on social platforms. An accredited training must be embedded into professional education programmes of relevant courses such as medicine, social work, and law;
- The Commission recommends that law enforcement, prosecutors, and judges are trained on a victim-centred, trauma-informed approach to law enforcement efforts and trials.
- The Commission recommends that law enforcement agencies develop measures to disrupt the business model of prostitution advertising websites; the law enforcement agencies, equipped with the latest technologies, must be resourced to monitor such websites to identify vulnerability, control, organising and trafficking;
- The Commission recommends that prosecutors develop legal and enforcement frameworks for prosecuting sexual exploitation advertising websites that are used in the sale of trafficked women and minors; the Commission recommends that sex buyers' review forums are monitored by law enforcement, NGOs, and academics in order to identify trends related to sexual exploitation; and
- The Commission recommends the OSCE measures against technology-facilitated human sexual trafficking, i.e. establishing liability for online platforms, mandating them to conduct due diligence to identify risks of misuse of their platforms for human trafficking and mitigate those risks; report illegal content, remove it, and preserve it for investigations and prosecutions of illegal acts.

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ⁱ The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination. The Commission was appointed National Rapporteur on Human Trafficking in 2020.