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**Submission to the Department of Justice and Equality on the Discussion Document
on Future Direction of Prostitution Legislation**

The Vincentian Partnership for Social Justice (VPSJ) was established in 1995 to work for social and economic change tackling poverty and exclusion. The members of the VPSJ are the Society of St. Vincent de Paul, Vincentian Congregation, Daughters of Charity and Sisters of the Holy Faith.

Representatives of the four NGOs which comprise the VPSJ work in over 80 countries throughout the world. Prostitution and Trafficking of Human Beings is a major problem in many of these countries. The VPSJ with its considerable experience of the misery, exploitation and injustice endured by the victims of prostitution and human trafficking welcomes the priority which the Government as well as the Department of Justice and Equality is now giving to this important social concern.

The VPSJ is also a member of APT (Action to Prevent Trafficking) which represents 4,000 members in Ireland. APT has links to over 1 million people worldwide who have direct experience of working in conditions that create poverty and vulnerability. The VPSJ strongly supports Ruhama, an organisation in Ireland that works directly with women engaged in prostitution. Like Ruhama, the VPSJ believes that the legalising of prostitution cannot realistically or effectively deal with the issue of prostitution, nor can the decriminalisation of prostitution deal with the problem. Ruhama advocates legislation which decriminalises prostitution for women engaged in prostitution and criminalises prostitution for the buyers and profiteers of sex.

Recommendations - Rationale

Having studied the legislation and experience of countries such as Australia, Germany, Greece and the Netherlands, as well as the Department of Justice and Equality document on Future Directions of Prostitution, the VPSJ believes that effective legislation must begin with the criminalisation of the buyers of sex. The VPSJ supports legislation based on Swedish/Nordic model which has a stronger track record of success than that of alternative forms of legislation. The VPSJ does so with the belief that legislation which does not enable the criminalisation of the buying of sex and the decriminalisation of prostitution for women will not be effective in the eradication of prostitution. Merely managing or legitimising prostitution will not address the present injustices experienced by its victims or the social problems associated with prostitution.

The VPSJ recommends that legislation should begin with the criminalisation of the buying of sex for the reasons outlined by Ruhama. (01.11.2006)

Legislation does not promote women's choice

International research shows that in the majority of cases prostitution is a survival strategy.¹ Such research recognises that most women in prostitution come from abusive backgrounds, are poverty

¹ Raymond, 2003. *10 Reasons for Not Legalizing Prostitution*.

stricken, are drug addicted, leave war torn countries or are discriminated against on the basis of race, colour and /or religion. Relatively few middle class women engage in prostitution. Legislation which supports prostitution can be better understood in favouring men's choices rather than those of women.² Men have the choice to engage in sexual activity and carry out acts which are not acceptable to partners, friends and colleagues.

Legalisation does not reduce the stigma of prostitution or legitimise it as sex work.

Pro-legalisation groups (such as brothel owners and sex worker unions) argue that when prostitution is legalised it is recognised as legitimate work. Usually prostitution is an option of last resort for women who are marginalised, abused and/or struggling with poverty. Legalisation of prostitution as a legitimate career raises the question - is it an appropriate option for promotion by career guidance teachers?

Legislation does not empower women in prostitution financially

It has been argued by the sex industry, by some workers' unions and brothel owners that women in prostitution are empowered through financial gain. Research shows that women do not profit in the same way as their employers, the brothel owners or sex business people. 'For women in legal brothels, managers and owners demand up to 50 to 60% of takings'.³

Legislation does not protect women's health

While pro-legislation groups argue that legislation allows for HIV/AIDS screening and STD screening it does not protect women from infection by men. There is no compulsion on men to undergo health checks. The men's health is protected as they are assured of clean sex. The focus on HIV/AIDS and STD fails to account for other debilitating health effects of prostitution.

Legislation does not protect women from violence, rape and murder

The overwhelming majority of research that has been carried out on prostitution has shown that most women in prostitution suffer from violence, or threat of it on a regular basis.⁴ A recent report on the legislation of prostitution in Australia has demonstrated that these brothels are 'a place of extreme and constant violence'.⁵

Legislation does not benefit the wider society

Research in Australia has shown that illegal forms of prostitution have not been eliminated in countries where prostitution has been legalised and regulated. In Australia 'over 100 unlicensed brothels outnumbered the legitimate sex business in 1999 and trebled in 12 months'.⁶

Research in Victoria Australia, which claims to have the most advanced regulations for the prostitution industry in Australia, shows that Victoria has the largest number of children involved in child prostitution in the country.⁷

Legislation does not eliminate organised crime from the sex industry and does not reduce trafficking of women for sexual exploitation. It is noted that legalisation makes it easier for traffickers to move in and out of a country because of the readymade set up for prostitution and the relaxing of policing.

The director of HAJ, Paula Bezemar, an organisation that provides assistance to women in prostitution and based in Amsterdam points out 'Pimps and traffickers now focus on tippelzones (areas where

² Raymond, 2003. *10 Reasons for Not Legalising Prostitution*.

³ Sullivan and Jeffreys, 2001. *Legalising Prostitution is Not the Answer: The Example of Victoria, Australia*: 7.

⁴ Raymond, et al, 2002. *A Comparative Study of Women Trafficked in the Migration Process: Patterns, Profiles and Health Consequences of Sexual Exploitation in Five Countries (Indonesia, the Philippines, Thailand, Venezuela and the United States)*: Coalition Against Trafficking in Women, USA. See also Farley and Barkan, 1998. "Prostitution, Violence Against Women, and Posttraumatic Stress Disorder", *Women and Health*, vol. 27 (3): 37-49, Haworth Press Inc.

⁵ Given by Australian prostitutes' rights organisations. "specialist groups now offer brothel management programs on self-defence and conflict resolution...these are eligible for government funding under various work training schemes" See Mary Sullivan (2005) What happens when prostitution becomes work?: an update on legalisation of prostitution in Australia' at 22

⁶ Sullivan and Jeffreys, *Legalising Prostitution is not the Answer: The example of Victoria, Australia*:4

⁷ Sullivan and Jeffreys, 2001. *Legalising Prostitution is Not the Answer: The Example of Victoria, Australia*: 15

prostitution is allowed) because surveillance is minimal. Legislation was meant to reduce the number of illegal and under aged women engaged in prostitution but the exact opposite effect is visible’⁸

Facilitated by legalisation, traffickers operate with impunity as ‘prosecutors are particularly hampered because trafficked women working in the licensed brothels are, in theory, legitimate workers’ and police have no power to question suspected victims’?⁹

Legalising prostitution does not ensure regulation of the sex industry

Legalisation cannot control the nature of services provided by the sex industry and the changing demands by customers. New forms of sexual exploitation are continually emerging. Furthermore as experienced in New South Wales Australia, there are difficulties regarding responsibility for the policing prostitution.¹⁰

Legislation does not prevent child prostitution

Research has shown that where prostitution is legalised or tolerated, there is a greater demand for child prostitution and human trafficking.

The Netherlands believed that legalising prostitution would help end child prostitution. The opposite became true. The Amsterdam based child rights organisation estimated that the number child prostitutes increased from 4000 in 1996 to 15,000 in 2001¹¹

To Conclude

Research has shown that legalisation has failed to solve the harm caused to women and the state by prostitution. Prostitution is violence against women. There is danger that in the post-legislation context there is the real possibility that prostitution in itself and the impact of its violence will be forgotten or ignored. The normalisation by legislation and by society could easily camouflage and appear to legitimise the exploitation and suffering of women. Legislation could appear to provide the conditions under which it is permissible to exploit and abuse women.

Legislation that punishes the perpetrators and not the victims of prostitution is essential. The VPSJ believes that in addition to the criminalisation of perpetrators it is important that the structures which contribute to the need to engage in prostitution are addressed e.g. poverty, education, employment.

Women and children are being exploited in Ireland sex industry. The case for changing the law is well established. In Germany, Australia and the Netherlands regulation of the sex industry has failed and is being reconsidered by the authorities. International experience shows that targeting demand does work. Buyers of sex acts - sometimes called ‘customers’ or ‘clients’ constitute the primary demand for the sexual exploitation of girls and women – and to a lesser extent of boys. The VPSJ recommends legislation based on the Swedish/Nordic model which is developing a proven track record of success. Such legislation makes the clear statement that it is not acceptable for any person to buy sex.

Recommendations

That the Government enact legislation which explicitly

1. Recognises the dignity and equality of women and which presents prostitution as an act of violence against women - violating their basic human rights.
2. Decriminalises prostitution for women but which maintains prostitution criminalisation for the buyers and profiteers of sex.
3. Addresses the structures which drive people into prostitution (e.g. poverty, lack of education, unemployment etc.) and the provision of social services aimed at assisting women involved in prostitution.

⁸ International Organisation for Migration (IOM), 1995. *Trafficking and Prostitution: the Growing Exploitation of Migrant Women from Central and Eastern Europe*, IOM: Budapest.

⁹ Raymond, 2001. *10 Reasons for Not Legalising Prostitution*.

¹⁰ Sullivan and Jeffreys, 2001. *Legalising Prostitution is Not the Answer: The Example of Victoria, Australia*: 15.

¹¹ Tiggeloven, C, 18th December 2001. “Child Prostitution in the Netherlands” in *Radio Netherlands*.