**Input to the report of the Special Rapporteur on violence against women and girls to the Human Rights Council on prostitution and violence against women and girls**



**About SERP**

SERP – the Sexual Exploitation Research Programme in University College Dublin – is the only research programme in Ireland dedicated to conducting research on all forms of commercial sexual exploitation. Our work informs academic discourse and creates useful knowledge for law and policy makers, practitioners, survivors and activists.

Over the last six years we have published six ground-breaking studies on commercial sexual exploitation in Ireland which focus on the [health impacts](https://serp.ie/wp-content/uploads/2023/02/Confronting-the-Harm-FINAL.pdf) of prostitution,[[1]](#endnote-1) [justice and the legislative context](https://serp.ie/wp-content/uploads/2023/02/Shifting_the_Burden_Report.pdf),[[2]](#endnote-2) the sex trade in the [Covid-19 pandemic](https://serp.ie/wp-content/uploads/2023/02/SERP_Exploitation_As_Usual.pdf),[[3]](#endnote-3) [gender equality and sexual consent](https://www.nwci.ie/images/uploads/SERP_NWC_Equality_Consent.pdf),[[4]](#endnote-4) [the sexual exploitation of children and young people](https://serp.ie/wp-content/uploads/2023/06/Protecting-Against-Predators-FULL.pdf),[[5]](#endnote-5) and pathways to [exiting prostitution](https://serp.ie/wp-content/uploads/2023/12/SERP_PathwaystoExit_FULL_Final.pdf).[[6]](#endnote-6) Members of SERP are regularly called upon to input into the development of policy, legislation and practice on issues of commercial sexual exploitation, and we have provided expert evidence to legislators in numerous jurisdictions.

Our in-depth analysis of the Irish sex trade conducted since 2018 has drawn on a wide array of diverse sources of data including hundreds of service user records, medical files and case studies of those attending frontline support services for persons in prostitution, interviews with frontline support professionals, police, health, social work and social care professionals, official government statistics, analysis of public health advice, press reporting, analysis of prostitution advertising and thousands of sex buyer reviews, and most importantly of all, in-depth interviews with women currently involved in prostitution and sex trade survivors.

**Q2. Profile of women and girls affected by prostitution**

In our six years of intensively studying the sex trade in Ireland, we have developed a broad profile of those involved in prostitution – the vast majority of whom are women. For example, our analysis of prostitution advertising in Ireland finds that less than 1% of those advertised for the purposes of prostitution are advertised as ‘male’.[[7]](#endnote-7)

It is estimated that in any national regime which regulates prostitution activities in any way, between 10% and 24% of women will fit the definition (as defined by the Palermo Protocol) of having been trafficked.[[8]](#endnote-8) That said, unhelpful distinctions between those who ‘choose’ prostitution and those who are ‘forced’/trafficked fail to reflect the realities of entry into the sex trade. Even for those women not directly ‘forced’ by another individual, a range of vulnerabilities or adversities they have experienced in their lives – including poverty, childhood abuse, domestic violence, physical and mental health problems, addiction, conflict in their home country, insecure immigration status, to name but a few – have otherwise compelled them into this exploitative situation.[[9]](#endnote-9)

The profile of women in the Irish sex trade certainly reflects this wider picture – see Figure 1 below.

**Figure 1**



Based on the evidence we have gathered over six years; we have established that approximately 10-15% of women in prostitution in Ireland fit the ‘classic’ definition of trafficked for the purpose of sexual exploitation recognised in Irish law, while approximately 5-10% have entered prostitution by choice, in circumstances where they had other choices available to them. A proportion of these describe themselves as ‘sex workers’ and view prostitution as a form of work. In the middle, as indicated by Figure 1 above, are a majority of approximately 80% who fall into a much larger ‘vulnerable’ category – these are primarily migrant women, new to Ireland and often with limited English, who have been drawn into prostitution primarily by poverty and the urgent need to support family/loved ones. These women have been left with no other option but to enter prostitution in order to survive – described in the literature as making a highly constrained or indeed ‘choiceless choice’.[[10]](#endnote-10)

We find that the majority of women in prostitution in Ireland do not describe or identify themselves as ‘sex workers’ – interviewees have explained to us that prostitution is not their ‘identity’ – it is not ‘who they are’, rather it is something that have to do in order to obtain the basic necessities in life for themselves and their loved ones. Our studies of the Irish sex trade have further established the following:

* Over 1000 women are involved in prostitution in Ireland at any one time, primarily in indoor locations, but the real total is likely to be higher because the trade is extremely mobile, with many women having no fixed address in Ireland, constantly moving or being moved around different prostitution markets throughout the EU
* Approximately 6% of those in the trade are transwomen
* Over 90% are migrant women – with over 40 nationalities represented in our research – primarily from Latin America, Central and Eastern Europe and Africa
* Many have limited to no English when they first enter the trade and more than one third have an insecure or absent immigration status in Ireland
* A smaller group of vulnerable Irish women are being exploited in locations including the street, homeless accommodation and crack houses
* A proportion of women were groomed, coerced or trafficked into prostitution as girls under 18 – this was the case for 18% of the sample in our most recent study[[11]](#endnote-11)
* 850+ persons are advertised for the purpose of prostitution daily online
* Many are young – one third are advertised as between the ages of 18 and 25
* The majority of those in prostitution in Ireland have been drawn in by poverty/coercion or a combination of both (see Figure 1).

**Q3. Profile of those who solicit women in prostitution**

**Q8. The issue of meaningful consent**

In relatively stark contrast to the profile of prostituted persons outlined above, sex buyers in Ireland are overwhelming male, Irish, married or in a relationship, well-educated, with incomes above the average.[[12]](#endnote-12) Our research has demonstrated that Irish sex buyers are primarily motivated by a sense of sexual entitlement and pursuit of their own desires in purchasing sexual access to the bodies of women in prostitution, and that they largely have complete disregard for the welfare or circumstances of these women at the point of purchase.[[13]](#endnote-13)

The vast majority of prostitution ‘transactions’ in the Irish sex trade are characterised by an imbalance of power between the buyer and the seller which undermines meaningful sexual consent. In these circumstances the buyer is using his superior social status and economic/purchasing power to purchase sexual access to the body of a woman who does not enjoy such status in society and is typically badly in need of the money he is offering. This ‘transaction’ is by its very nature sexually exploitative, and does not fulfil the requirements of being truly consensual because:

* As described above, the buyer and the seller do not enjoy a relationship of equal power
* Consent is not ‘freely-given’ by the seller – rather she has been coerced or she has acquiesced to granting the buyer unwanted sexual access to her body in exchange for the money or other items of value she badly needs
* Money has been used to manipulate the seller into acquiescing to this unwanted sexual contact.

Our research participants are clear that the sex acts they engage in in the context of prostitution are both undesired and unwanted,[[14]](#endnote-14) they only engage in them because they are forced to do so by a pimp or a trafficker and/or because they are in desperate financial need. Regularly enduring unwanted and often intrusive and violating sex acts in the context of prostitution has a number of very serious impacts on women’s physical, sexual, reproductive and mental health, which have been comprehensively documented in our [health study](https://serp.ie/wp-content/uploads/2023/02/Confronting-the-Harm-FINAL.pdf) (see also the summary [here](https://serp.ie/wp-content/uploads/2023/02/Confronting_the_Harm_Briefing.pdf)).

**Q4. Forms of violence prostituted women and girls are subjected to**

**Q5.Perpetrators**

**Q6. Violations of the human rights**

All of our evidence attests to the extreme levels of violence against women and girls (VAWG) that are experienced in prostitution; part and parcel of a trade in which violence is endemic. We have documented hundreds of instances of such violence – including beatings and other physical violence, gang and single-perpetrator rapes and sexual assaults, ‘drug rapes’, imprisonment, stalking and harassment, coercive control, and serious levels of psychological violence – all experienced at the hands of sex buyers, pimps, traffickers and members of the numerous organised crime gangs who control the Irish sex trade.[[15]](#endnote-15)

It is entirely clear that what we have observed in our research on prostitution constitutes VAWG/gender-based violence (GBV) – particularly given the highly gendered nature of the sex trade, in which the vast majority of buyers and organisers are men and the vast majority of sellers are vulnerable women. Violence is used by buyers, pimps and traffickers alike as a means to control women in prostitution and ensure that they bend to their will. Women in prostitution are often the targets of such violence precisely because they are rendered so vulnerable simply by being in the sex trade, but also because the previous adversities they have so often experienced in their earlier lives have rendered them even more vulnerable in the first instance to violence, control and other grave abuses.

Women in prostitution in Ireland report to us that they most often experience violence from sex buyers, and others have found the same.[[16]](#endnote-16) This is *in addition* to the violating experiences of the unwanted sex acts in prostitution that women must endure, as described above. We also regularly observe the interplay between different forms of VAWG in prostituted women and girls’ lives – for example we have documented cases of women fleeing VAWG in their home countries – including severe domestic violence and FGM – who have accepted offers to help them escape this violence, only to find themselves trafficked into prostitution in Ireland. Similarly, we have interviewed women who have been sexually abused as children and later entered prostitution because the trauma of being violated in this way as children left them feeling so worthless that they did not think they deserved any better.[[17]](#endnote-17)

There is no question that much of what vulnerable women and girls experience is prostitution involves countless gross violation of their human rights. It is in recognition of these violations, of the vulnerability of prostituted persons and the serious levels of violence and exploitation that they experience within the sex trade that Ireland introduced its version of the Nordic/Equality model in 2017,[[18]](#endnote-18) and more recently in 2022 formally recognised prostitution and sex trafficking as forms of gender-based violence in the Irish Government’s Third National Strategy on Domestic, Sexual and Gender-Based Violence.[[19]](#endnote-19)

**Q7. Links with pornography**

We are currently engaged in research and knowledge-exchange activities on technology-facilitated trafficking and also pornography. The word limit prevents us from providing any detail but in short, we have determined that pornography creates a highly conducive context for VAWG, undermines efforts to achieve gender equality, fuels the misogyny that leads to VAWG[[20]](#endnote-20) and is directly linked to its perpetration in both women and girls’ intimate relationships. We therefore concur with the findings of France’s *High Council for Equality*[[21]](#endnote-21) that pornography is a ‘school for sexual violence’.[[22]](#endnote-22)

**Q11. Measures to assist those wishing to leave prostitution**

The word limit prevents us from providing detail but we recently undertook a comprehensive study of women’s exit pathways in partnership with Ireland’s specialist frontline support provider Ruhama – more details in the full report [here](https://serp.ie/wp-content/uploads/2023/12/SERP_PathwaystoExit_FULL_Final.pdf) (and the summary [here](https://serp.ie/wp-content/uploads/2023/12/SERP_PathwaystoExit_Summary_Final.pdf)).

**Q9. Effectiveness of legislative frameworks**

**Q13. Lessons learned about what works**

**Q15. Recommendations do you have to prevent and end violence**

There is no jurisdiction in the world that can realistically claim that it has succeeded in eradicating sex trafficking, sexual exploitation or somehow made prostitution completely ‘safe’ and violence-free. Thus, it becomes clear that the only way to reduce the *levels and incidence of harm and violence* occurring in domestic sex trades is to *reduce the very size of the trade* in which the harms, including trafficking and sexual exploitation, are being perpetrated and perpetuated. Internationally, the only approach that has been successful in controlling the size of the sex trade is the Equality model.

There is ample international evidence that demonstrates that prostitution markets and their associated ills, including VAWG, grow and flourish in any regime where prostitution is legalised or fully decriminalised.[[23]](#endnote-23) For example, it is estimated that the Netherlands has a rate of nine times and Germany a rate of between 30 and 40 times that of prostitution in Sweden[[24]](#endnote-24) and both have very significant problems with sex trafficking in comparison to Sweden.[[25]](#endnote-25) The Netherlands and Germany have fully legalised prostitution, whereas Sweden was the first country in the world to introduce the ‘Nordic model’ – more commonly known as the ‘Equality model’ as it grows in popularity across the globe.

As noted above, Ireland adopted this model in 2017. While implementation has been somewhat problematic, the legislation has at least been successful in shifting the burden of criminal responsibility for prostitution from the shoulders of the sellers to the buyers and the profiteers,[[26]](#endnote-26) and in holding any significant growth of the Irish sex trade at bay. We compare ourselves in this context to New Zealand – a country with a population size very similar to Ireland’s, but who fully decriminalised their sex trade in 2003. The best evidence we have suggests that New Zealand’s sex trade is at least six times larger than Ireland’s.[[27]](#endnote-27) It is becoming clearer internationally that there is a link between decriminalising or legalising prostitution and the expansion of the sex trade.

Therefore, in short, a blanket ban on the purchase of sex as enshrined in the Equality Model is the only genuinely workable way in legislation to discourage the demand which drives commercial sexual exploitation. It has proven to be an effective anti-trafficking and demand reduction measure.[[28]](#endnote-28) It is also in line with a range of key international human rights instruments that recognise the harm and violence inherent in prostitution and define sexual exploitation as a human rights violation that is profoundly gendered.[[29]](#endnote-29) It is only by actively shrinking the trade and supporting women to exit that the violence they are experiencing can be prevented and the safety of all in prostitution can genuinely be secured.

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20. Government of Ireland, 2022; *op cit*. [↑](#endnote-ref-20)
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28. O’Connor, M., 2018, *ibid.* [↑](#endnote-ref-28)
29. As defined in the United Nations Declaration on the Elimination of Violence against Women. [↑](#endnote-ref-29)