



Ms Helen Hall
Chief Executive
The Policing Authority
90 King Street North
Dublin 7

6th September 2018

Dear Ms Hall,

Thank you for the opportunity to contribute once again to this important work in shaping Ireland's Policing Priorities for the forthcoming year.

As you are already aware, Ruhama is an Irish Non-Governmental Organisation (NGO) and a registered charity founded in 1989, which works with women affected by prostitution, sex trafficking and other forms of commercial sexual exploitation. Ruhama supports a variety of women, including transgender women, who:

- Are actively involved in prostitution
- Are seeking to exit (leave) prostitution
- Are victims of sex trafficking
- Have a past experience of prostitution/sex trafficking.

Ruhama is the only specialist, frontline NGO in Ireland working specifically to support women with these experiences on a nationwide basis. We have supported thousands of women since our inception, and are currently working with an average of 300 women per year across Ireland¹. We are also very active in advocating for the rights of the women we support in both domestic and international contexts.

Ruhama regards the work of An Garda Síochána as pivotal to the protection and access to justice for our client group. Many are very vulnerable and often marginalised, and their voices are not always heard in high-level debates around matters of criminal justice. Thus, here we seek to reflect what those we support need and expect from a modern Irish police force. We welcome all the priorities that have been identified, but focus hereafter on those that have particular relevance and import for our client group.

1. National Security/Cybercrime: Sexual exploitation of the most vulnerable

Ruhama is heartened to see that in the context of cybercrime 'sexual exploitation of the most vulnerable' is prioritised as a national security issue. The *Criminal Law (Sexual Offences) Act, 2017*² contains a new offence of 'Use of information and communication technology to facilitate sexual exploitation of a child' (Part 2, Section 8). Ruhama welcomes this legislation, which aims to protect

¹ See our latest Annual Report <https://www.ruhama.ie/assets/Press-Releases/Ruhama-2017-Annual-Report.pdf>

² <http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>



children from online grooming and abuse. **Recommendation:** An Garda Síochána (AGS) need to ensure that members tasked with the investigation and enforcement of this new law are fully and effectively resourced and trained in this specialised area of policing illicit online activity.

It is also worth noting that the internet and mobile technology are key tools used by criminals in the sexual exploitation of often vulnerable adults. Most of Ireland's sex trade exists online in the sense that this is where the vast majority of prostitution is advertised and how sex buyers solicit those selling sex. A key player in this regard is the Escort Ireland³ website, which has proven links to organised criminality and is profiting from prostitution to the tune of several million euro⁴. Other more generic website such as Locanto and Vivastreet have also recently increased prostitution advertising on their Irish platforms. All of these companies are responsible from profiting from the prostitution of others, and yet evade the powers of law enforcement by operating in the online space and therefore outside jurisdiction.

In addition, mobile technology is used in a variety of ways in the sex trade to recruit, deceive, manipulate and control the movements of women who have been pimped and trafficked. This technology is used to 'run' prostitution – to arrange the movement of women to brothels around the country, to communicate with sex buyers, to take payment for sexual services and to move and indeed launder the profits generated.

Recommendations: Without question, to truly effectively police these forms of cybercrime requires considerable resourcing. Building cases against pimps, traffickers and others who organise prostitution to achieve prosecutions can be a complex process requiring significant investment. This often involves technical work to 'follow the money' and online activity (including highly technical analyses and evidence gathering from mobile phones, laptops and other data storage devices), alongside transnational co-operation. The Garda National Protective Services Bureau, whose essential remit includes the policing of organised prostitution and trafficking, undoubtedly requires sufficient investigative skills (including financial and cyber skills) and resources (human and material) that can be employed to effectively target and prosecute offenders, and to protect the victims of sexual exploitation.

2. Confronting Crime/Organised Crime: Human Trafficking

Ruhama supports approximately 100 victims of sex trafficking every year and tackling this gross human rights violation remains a top priority for us, so we are gratified to see that this continues to also be a priority for AGS. Human trafficking remains a complex, often hidden and frequently transnational crime. Sex trafficking in particular occurs overwhelmingly in the context of the commercial sex trade, which is itself an inherently exploitative and dangerous phenomenon.

Recommendations: As previously noted, building cases against traffickers is typically a complex process requiring dedicated resources. However, given that human trafficking is one of the most egregious crimes and carries a life sentence, efforts to seek justice for those who experience it should be resourced proportionately. The National and Divisional Protective Services Bureaux should ensure sufficient investigative skills and resources can be employed to prosecute offenders, whilst ideally avoiding an overreliance on the evidence/cooperation of very vulnerable victims of trafficking.

³ <https://www.escort-ireland.com/>

⁴ See for example: <https://www.rte.ie/news/player/2012/0207/3193909-prime-time-profiting-from-prostitution/> and <http://www.thejournal.ie/irish-pimp-escort-money-3289893-Mar2017/>



Ruhama notes that there has been very limited success in recent years in relation to either trafficking or large-scale organised prostitution investigations making it to trial. In the 2018 *Trafficking in Persons (TIP) Report*⁵ by the United States State Department, Ireland was downgraded from a 'Tier 1' to a 'Tier 2' country for its efforts to tackle human trafficking, in large part due to its failure to secure any convictions for human trafficking since 2013. **Recommendations:** It is incumbent on AGS to prioritise human trafficking investigations. Similarly, organised prostitution, which is heavily associated with other forms of organised crime, must be tackled and convictions of pimps secured accordingly.

3. Confronting Crime/Organised Crime: Cross-Border Crime

Organised prostitution, and with it sex trafficking, occur on a cross-border basis. **Recommendations:** It is critical that AGS monitor these networks and continue to collaborate effectively with the PSNI to target the gangs profiting from human exploitation across the whole island of Ireland. Recognising the truly international nature of the sex trade, Ruhama has also called for legislative remedies to address the constraints that AGS currently face in undertaking effective transnational cooperation and information-sharing with European and other international police forces.

4. Confronting Crime/Crimes against the person and property: Sexual Offences

Unsurprisingly, Ruhama believes it is vital that the proactive policing of sexual offences remains a high policing priority. Those we support are routinely subjected to physical and sexual violence by a range of actors within the sex trade, including traffickers, pimps, sex buyers and opportunistic criminals. **Recommendation:** We regularly support women to report violent crimes, including sex trafficking and other sexual offences, to AGS, and it is essential that they receive a sympathetic, non-judgmental, non-punitive and supportive response that is focused on their experience as victims and allows them to gain access to justice without prejudice.

The enactment of the *Criminal Law (Sexual Offences) Act 2017*⁶ created a new offence of the purchase of sex (Part 4). The Act also decriminalises individuals soliciting to sell sex in a public place. These legislative changes reflect an acknowledgment by the State that an individual who is in prostitution should not be criminalised for their own exploitation, but rather those buying sex should be the focus of sanction, along with parties profiting from the prostitution of others. There is a three-year review attached to Part 4 of the law in relation to the criminalising of sex buyers.

Yet, despite the review provision, it is concerning to note that little action has been taken by AGS to date to target sex buyers and (at the time of writing) no convictions have been secured under Part 4 of the SOA (Ruhama acknowledges that a small number of cases may be proceeding to court at present). **Recommendations:** We continue to urge that work to implement this legislation be prioritised as a key mechanism to reduce the demand which leads to sexual exploitation, including trafficking⁷. Enforcing the offence of purchasing sex through proactive policing should ideally be undertaken in conjunction with broader investigations into organised prostitution and the criminal

⁵ <https://www.state.gov/j/tip/rls/tiprpt/2018/>

⁶ <http://www.irishstatutebook.ie/eli/2017/act/2/section/25/enacted/en/html#part4>

⁷ See for example some of our recent Press Releases: <https://www.ruhama.ie/assets/First-anniversary-of-new-law-to-tackle-sex-buyers-more-needs-to-be-done.pdf>



networks that control the trade. If it is the case that policing sexual offences remains a key priority for AGS, then policing those responsible for crimes of sexual exploitation should be a core element of this work.

Recommendations: It is vital that local as well as national AGS approaches to vulnerable victims of crime are compatible with the spirit of Ireland's *Criminal Law (Sexual Offences) Act, 2017* which clearly recognises the vulnerabilities of those who sell sex and therefore decriminalises them so that they receive supportive rather than punitive responses from the authorities. They should also be keeping with the 'non-punishment principle' as it applies to victims of trafficking specifically; which is enshrined in various European and international legal instruments⁸. Similarly, these supportive approaches to victims of crime are also compatible with the requirements of Ireland's new *Criminal Justice (Victims of Crime) Act 2017*⁹, and indeed the *EU Victims' Directive*¹⁰ to which Ireland is subject. This assertion also holds true for the other categories of policing/crime highlighted in this submission.

5. Confronting Crime/Crimes against the person and property: Robberies and Assaults

In addition to experiences of being pimped, sexually exploited and trafficked, the women we support have typically been the victims of other serious crimes, including assault and theft/robbery, and so this particular policing priority is very welcome in this regard. Robberies and assaults are often committed by unscrupulous individuals who believe that a person in prostitution will not report their experience to Gardaí because they fear making contact with the authorities. Many of those in prostitution in Ireland are migrants who may not trust the authorities, and who may not know the legislation in this country and therefore fear reprisals for revealing that they are in prostitution.

Ruhama works with victims of such crimes to liaise with Gardaí and ensure a sensitive, non-punitive, victim-focused response. **Recommendations:** More can be done however, to encourage vulnerable individuals in prostitution to seek support from Gardaí when they are victims of crime. There is a role for the Garda National Protective Services Bureau (and Divisional PSBs) to encourage a national, consistent policing approach to persons in prostitution whereby they do not feel targeted as potential criminals but rather as persons in vulnerable situations and (in cases where they have been robbed or assaulted), victims of crime entitled to a positive response from our justice system.

Research conducted by the REACH Project¹¹ (led by the Department of Justice and Equality, of which Ruhama was a key partner), found that the police are a critical first responder to any vulnerable person in Ireland's sex trade, and that therefore the tone and nature of Gardaí contact with this group is extremely important (i.e. respectful, honest and courteous). **Recommendations:** Where trust and rapport can be built over time, then victims are far more likely to gain the confidence to disclose and seek help. It is also very important to note that when responding to any individual in prostitution who has been a victim/is a potential victim of crime, it is incumbent on Gardaí to keep

⁸ For example the Council of Europe Convention on Action Against Trafficking in Human Beings: <https://rm.coe.int/168008371d>

⁹ <http://www.irishstatutebook.ie/eli/2017/act/28/enacted/en/html>

¹⁰ <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012L0029&from=en>

¹¹ [http://www.reachproject.eu/Website/Reach/Reachweb.nsf/page/KLRE-9TWNXH1751920-en/\\$File/REACH%20research%20report%20FINAL.pdf](http://www.reachproject.eu/Website/Reach/Reachweb.nsf/page/KLRE-9TWNXH1751920-en/$File/REACH%20research%20report%20FINAL.pdf)



their focus on the rights of each person as a victim in this context, and not to be distracted by an undue focus on their current immigration status, should they be a foreign national.

6. Community Policing and Public Safety: Victim Satisfaction, Vulnerable Victims and Garda Visibility

For vulnerable women in the sex trade the importance of positive day-to-day interactions with local/community Gardaí cannot be underestimated. It is as part of these interactions that rapport and trust is built, enabling women to feel more comfortable over time to share their concerns with Gardaí and ultimately ask for assistance if they need it. A police force that is visible, accessible and approachable to everyone in the community regardless of their circumstances, their migration status or their sense of marginalisation/vulnerability is a vital policing priority, and we are very pleased to see these aspects included.

Ruhama continues to welcome and value the initiative which has been in place on a limited basis in the Dublin North Central Division to operate 'welfare visits' among individuals involved in prostitution. This is a positive initiative by community Gardaí to build trust, encourage crime reporting and make women aware of free and confidential support services available to them.

Recommendations: This model should be integrated as part of a broader national policing strategy. Ideally, community policing interventions with potential victims of any type of organised crime should also ensure that clear mechanisms are in place to share intelligence that would support investigations with divisional or national investigative units.

As an NGO with expertise in supporting those affected by the sex trade, Ruhama is already working closely with AGS to deliver training to frontline police encouraging a non-punitive approach to individuals involved in prostitution, in recognition that they are vulnerable, may be a potential victim of trafficking, a victim of other serious crimes such as physical and sexual assault and theft, or a potential witness against organised criminals. **Recommendation:** As AGS seeks to prioritise and continually improve its responses to vulnerable victims and enhance victim satisfaction, this training should continue on a regular basis as a matter of priority.

7. Organisational Development and Capacity Improvement/Organisational Development: Modernisation and renewal programme

Clearly, a well-structured, well-run police force is vital if AGS is to deliver on any of its other priorities. With specific regard to the structures in place to police organised prostitution and sex trafficking, Ruhama continues to welcome the positive changes relating to the establishment of the Garda National Protective Services Bureau (GNPSB) and the project to establish Divisional bureaux also. This National Bureau has responsibility for a significant number of the key policing priorities set out by the Policing Authority – including the very broad remit for 'victim support'. In our view, the roll-out of Divisional bureaux should ideally result in greater policing expertise in relation to organised prostitution and trafficking (as well as other serious crimes that disproportionately affect women), being more evenly spread across the country rather than just having a Dublin/urban focus.

Importantly, the GNPSB has responsibility for both human trafficking and organised prostitution investigations, which is very welcome given the proven inextricable links between prostitution and sex trafficking, and clear evidence that sex trafficking occurs overwhelmingly in the context of

criminally organised prostitution. Establishing mechanisms to hold a national perspective on criminal operations which are fluid and cross regions is critical to ‘join the dots’ rather than having a more ‘siloed’ approach, whereby police target issues at local level only without realising the extent and national breadth of some operations.

Recommendations: It is becoming increasingly clear that AGS can only improve its record on the policing of these crimes if structures like the GNPSB and Divisional bureaux are properly resourced effectively to do their jobs in tackling the risky and complex nature of the organised criminal networks that largely run Ireland’s sex trade. In this context, there needs to be both external political, and internal administrative prioritisation given to ensuring that the resources (including key competencies among personnel, appropriate training and equipment) are in place to achieve the referral of a larger number of strong, well-constructed trafficking and organised prostitution cases to trial.

8. Organisational Development and Capacity Improvement/Quality of Crime Investigation: Data quality

The capturing of high quality data regarding policing actions against any form of criminal activity is a very welcome policing priority. **Recommendation:** In the policing of prostitution and trafficking it is essential, particularly given the serious nature of these crimes and the vulnerability of the victims involved, that data arising from investigations and other police actions are effectively recorded and maintained to a very high standard. The aforementioned three-year review of Part 4 of the *Criminal Law (Sexual Offences) Act 2017*¹² (criminalising the purchase of sex) is now less than 18 months away. As part of this review, police data will be carefully scrutinised in order to assess the impact of this particular section of the legislation on the safety and wellbeing of those who sell sex. For the purposes of the review, AGS are also required to contribute to the provision of data on the number of arrests and convictions for purchasing sex. **Recommendation:** It is clear that excellent data collection by AGS, specific to prostitution offences including the offence of purchasing sexual services, will be essential in this regard in order to make a meaningful contribution to the review.

I conclude by thanking you once again for the opportunity to share our views on the Policing Priorities for 2019. Please don’t hesitate to get in touch should you wish to clarify any of the matters set out above.

Yours sincerely,



Sarah Benson
CEO, Ruhama

¹² <http://www.irishstatutebook.ie/eli/2017/act/2/section/25/enacted/en/html#part4>