

**PRESENTATION**

**to the**

**Joint Oireachtas Committee on  
Justice, Equality, Defence and Women's Rights**

**on behalf of the**

**Inter-Congregational Ad Hoc Working Group  
Against Human Trafficking**

**working under the umbrella of the**

**Conference of Religious of Ireland (CORI)**

**and the**

**Irish Missionary Union (IMU)**

**May 25, 2006**

**Who we are**

We represent a number of international religious societies, comprising a network of more than 1.5 million men and women. Our *ad hoc* Working Group against Human Trafficking operates under the umbrella of both CORI (Conference of Religious of Ireland) and the IMU (Irish Missionary Union) and we have been working on this issue since November 2005.

We have a vision of a world in which all persons are respected, valued and given the dignity which is theirs by right; a world where no one seeks to exploit or enslave another for the purposes of sexual gratification or financial gain.

**What do we mean by Trafficking?**

Drawing on the UN definition of Trafficking, we would describe it simply in these terms: Trafficking includes the recruitment, transfer and sale of vulnerable people – women, children and men – through various forms of coercion or deception. They are kept in bondage by the traffickers, frequently under appalling conditions.

We, therefore, see Trafficking in Persons (TIP) as a gross violation of human rights that needs to be addressed globally.

Although Trafficking may occur for the purposes of cheap labour, we are particularly concerned with the TIP for commercial sexual exploitation. “Organised prostitution,” it has rightly been said, “is the economic and structural foundation of sex Trafficking”. If there were no prostitution, there would be no Trafficking. For this reason we feel it is time serious attention was turned to the demand aspect of this ‘trade’, that the buyers of sex be targeted.

### **Frances Robinson, Sisters of Our Lady of Charity:**

My main concern in this presentation is to highlight the awful consequences for women who are trafficked. So, I invite you to consider the following job advertisement. This was devised for awareness-raising by an organization concerned about Trafficking, called Whisper, who hold the copyright to this advertisement which is based on stories of survivors:

### **Help Wanted: Women and Girls**

#### **Do YOU want this job?**

Are you tired of mindless, low skilled, low-paying jobs?  
Would you like a career with flexible hours?  
Working with people?  
Offering a professional service?

No experience required.  
No high school diploma needed.  
No minimum age requirement.  
On-the-job- training provided.  
Special opportunities for poor women – single mothers – women of colour.

Women and girls applying for this position will provide the following services:

Being penetrated orally, anally, and vaginally with penises, fingers, fists, and objects.  
Being bound and gagged, tied with ropes and/or chains, burned with cigarettes, or hung from beams or trees;  
Being photographed or filmed performing these acts.

### **Workplace**

Job-related activities will be performed in the following locations:  
in an apartment, a hotel, a “massage parlour”, car, doorway, hallway, street, executive suite, fraternity house, convention, bar, public toilet, public park, alleyway, military base, on a stage, in a glass booth

### **Wages**

Wages will be negotiated at each and every transaction. Payment will be delivered when client determines when and if services have been rendered to his satisfaction.  
Corporate management fees range from 40-60% of wages; private manager reserves the right to impound all monies earned.

### **Benefits**

Benefits will be provided at the discretion of management.

**NO RESPONSIBILITY OR LEGAL REDRESS FOR THE FOLLOWING ON-THE-JOB HAZARDS:**

Non-payment for services rendered;  
Sexually transmitted diseases or pregnancy;  
Injuries sustained through performance of services including but not limited to cuts, bruises, lacerations, internal haemorrhaging, broken bones, suffocation, mutilation, disfigurement, dismemberment, and death.

**Note:** Accusations of rape will be treated as a breach of contract by employee.

How many of us would encourage a sister, a daughter, a wife or partner to apply for such a job?

Do such jobs exist?

They do. We can no longer doubt it if we bring our minds back to the stories told on Prime Time on 8 May. The programme awakened the conscience of the nation and made us realise we would be fooling ourselves to think we could be immune from the crime of Trafficking for sexual exploitation. Furthermore, criminals can work with impunity in this country as we do not have any legislation in place to deal with the issue. Neither do we have protective measures in place to help the women.

### **The impact on women of being trafficked for commercial sex**

What qualifies us to talk of the horrific emotional, psychological, and social effects on women who are trapped in this way? As a worldwide network of religious women and men we are only too aware of the global scene. Within our group we have people with anecdotal and first hand evidence of appalling experiences suffered by women, both in Ireland and abroad, similar to those related on the PT programme. Writers such as Dr Helene Hayes, Victor Malarek, and Kathleen Barry have similar well-researched findings.

Women who have suffered in this way speak of feeling crushed, diminished, rejected; they are treated as commodities and have lost all sense of self-worth. A woman may have earned huge sums for the traffickers or may have been just sold for the price of a TV set.

The stigma of prostitution goes with them when they return to their home places. They fear they have brought shame on their village.

Their sense of shame may cause them to blame themselves rather than the traffickers.

Fear causes the greatest emotional trauma. The woman fears for her personal safety, for the safety of her children and family, who are threatened to gain her compliance. There is also the threat that her family will be told that she is working as a prostitute.

There is fear of the clients, the sadistic ones, those who feel they can do whatever they like because they have paid.

There is the constant fear of getting STDs/AIDS or becoming pregnant when clients refuse to use condoms, of being forced to have an abortion.

There is the terror of being locked in a room barred from contact with anyone except the clients and pimp; the dreadful feeling of being trapped in a foreign country with no knowledge of the language or maybe even of what country they are in.

Some say they comply in order to stay alive. Others wish to die. One woman told us she saw a girl die after jumping from a building and she said, "I envied her."

### **Further damaging aspects of severe trauma**

When rescued, without documentation or identity, many women have lost all self-confidence. They have become maladaptive, have learned to dissociate from their own bodies, repress their emotions and become withdrawn. They may want to change their identity.

Because they see themselves as failures they have lost all self-esteem and can be filled with self-hatred.

It is not surprising that some remain with psychosomatic disorders for a long period.

They find it impossible to trust others and so enter into any healthy relationship. Initially, therefore, they find it difficult to accept counselling.

As religious, the dignity, rights and care of persons is our particular concern. However, we want to put on record that the primary and ultimate responsibility of caring for people in Ireland lies with the State. (cf. Protocol to UN Convention, Palermo 2000)

My colleague, Sister Sheila O'Gorman, will now deal with our proposals regarding legislation.

## **Sheila O’Gorman, Sisters of Mercy**

What we are looking for in terms of Legislation:

- Let me begin by stating, first of all, that we take the view that counter-Trafficking strategies must be anchored in a human rights framework.
- Secondly, that Trafficking is a multi-faceted issue and needs an inter-disciplinary approach. State and voluntary agencies – pastoral, health, education, social – need to combine in a coordinated and integrated effort to combat this evil.

Let me insist that we do not recommend the legalisation of prostitution – which some people erroneously suggest would solve the problem of Trafficking.

We look for:

1. legislation which will provide for protection of Trafficked people, criminal proceedings against traffickers, and international co-operation to address this modern form of slavery;
2. legislation which gives a legal definition of Trafficking, in line with the definitions of the UN convention (2000); Council of Europe Convention (2005) and EU definitions; to include .. ‘exploiting relationships like those between parents and children..’ (Palermo, 2000);
3. legislation which is broad enough to include all forms of Trafficking, whether national or transnational; whether related to organised crime or not; regardless of who has been Trafficked; and whatever the form of exploitation; (Ref Palermo 2000; CoE 2005)
4. legislation which regards Trafficking as a grave violation of human rights; and distinguishes between Trafficking – a crime against the person,- and Smuggling – a crime against the State. (Ref UN definition)
5. legislation which criminalises and penalises Traffickers. Sanctions to be effective, proportionate and dissuasive, – on the same line as used in cases of Drug Trafficking or money laundering, to include seizure of assets; (CAB)

### **In relation to Persons Trafficked**

6. legislation which protects and safeguards the human rights of the person who has been Trafficked, provides for the safety and health of the Trafficked person, sets out services to be provided as a human right, and does so within Primary legislation, having regard to acute needs of Trafficked persons and the importance of victim assistance;
7. legislation which regards the Trafficked person as the innocent party, regardless of activity engaged in while under coercion; (cf. Palermo, ‘role of consent irrelevant’; and Operation Quest – 2003 English language schools investigated – 71 women accused of working illegally, ie, victims were criminalised)
8. legislation which requires the destruction of any biometric data taken from the Trafficked person, since such data is associated with criminal activity;
9. legislation which recognises that trafficked persons are not criminals and should be placed under the care of the Government Department which is best equipped to provide for their very special needs.
10. legislation which affords special protection and care to children, such care to be provided through the Departments for Children, Education and Health; and ensures appropriate assistance for the child’s family of origin (cf. EU framework, 2002);
11. legislation which regards ‘Child’ as a person under the age of sexual majority (ref. EU 2002, post Amsterdam treaty)
12. legislation which provides for a 6 month Reflection Period, to allow time for recovery from trauma, within safe accommodation – not within hostels or other centres for asylum seekers – respecting the particular vulnerability of Trafficked persons;

13. legislation which identifies a core set of rights and services to which Trafficked persons are entitled during their period of reflection / recovery and thereafter; Social Assistance to include health services, counselling, legal aid in their own language, social care programmes, (cf. Palermo)
14. legislation which does not require the person to make a decision to return home or to apply for asylum until this period of reflection has elapsed; (reference to Protocol to UN convention, Palermo – obliges state to consider granting permission to remain);
15. Assistance provided to Trafficked persons should not depend on securing their co-operation in the prosecution of perpetrators (reference to Immigration and Residency bill p.34, and EU council directive, 2004)

### **Application for Immigration**

16. legislation which ensures that there is no prejudice in relation to subsequent application for immigration by providing for transparency and monitoring of the process;
17. legislation which clearly distinguishes between a Trafficked person and a so-called 'illegal immigrant' (ref. to Illegal Immigrants (Trafficking) Act 2000, and Immigration and Residency bill);

### **General**

18. legislation which provides for coordination and cross-referencing between the main statutory bodies / governmental departments, with procedures for monitoring of this coordination;
19. legislation which provides for and requires adequate initial and ongoing in-service training including a respectful approach to persons who have been trafficked, to be available to Gardai, Immigration Officers, Prison Officers, our Peace-keeping forces, and all public servants who have dealings with trafficked persons;
20. legislation which recognises that however successful Garda Operations or EU projects may be, that they are piecemeal, and limited in scope and time. As such they are inadequate as a means to tackle organised international crime.

### **Recommendations:**

We strongly request that Ireland should ratify, implement and incorporate into Irish domestic law

- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UN Convention 2002, Palermo)
- Council of Europe's Convention on Action Against Trafficking in Human Beings (2005)
- EU directives – following on Treaty of Amsterdam

We recommend that Public Information Campaigns be launched, giving information on the Causes and Consequences of Trafficking, penalties for traffickers, risks to life and health. Such Information campaigns to be provided in schools and colleges also. This education to indicate clearly that Trafficking does not have to originate beyond the country, and that criminal proceedings refer to internal as well as to transnational practices.

We also recommend that Ireland give the lead in establishing a Europe-wide helpline with an easily remembered number, e.g. 7 99 99 99. Needless to say, there would be no point in having such a helpline advertised in airports, railway stations, etc., unless there is a comprehensive 24-hour human response available.

We recommend that all Irish Embassies and Consulates, especially in countries of origin and transit, promote awareness of Human Trafficking.

We welcome the plan of Minister for Foreign Affairs, Dermot Ahern, to meet with his counterparts from Poland, Latvia and Lithuania, and his request for Embassy staff in Eastern Europe to step up their liaison work with Europol. You may be aware that the UK has a full-time police official at its embassy in Vilnius – resulting in a number of successful convictions.

I hope that the legal points and recommendations we have made, will be helpful to you as you carry forward the work of preparing for appropriate legislation for this country.

My colleague, Sister Maura O'Donohue, will now cover the question of demand for commercial sex.

## **Sister Maura O'Donohue, Medical Missionaries of Mary**

### **Addressing Demand**

Trafficking in persons is a grave denial of human rights, far bigger than a mere immigration problem.

Action is urgently needed to control and eventually eradicate this trade.

Addressing the demand is an essential part of combating and preventing Trafficking in persons.

Trafficking will not be eradicated until all the root causes are addressed. Some of these are outlined in the attached diagram of the Problem Tree. They include:

- Poverty – the driving force behind Trafficking in persons
- Demand for purchased sex
- Profit
- Organised Crime
- Seeing people as commodities

However, at the centre of Trafficking is the demand for purchased sex. This demand is growing. In fact, sex is demanded from increasingly younger victims. My remarks are directed to ways of addressing the demand.

All over the world, whether in Bangkok or in Bray, in Lagos or in Limerick, in Dubai or in Dublin, adult males are the predominant customers of prostituted women and children. Without them there would be no trade in commercial sex.

Involved are those who:

- run bars
- run brothels
- run lap-dancing clubs
- make and distribute pornographic material
- create false passports
- advertise sex tours
- pay other adults to buy women and children
- arrange sexual services at sporting events, business conferences and political conventions.

As the demand for commercial sex grows, so does the need to entrap more and more women.

Trafficking in persons is not properly investigated or prosecuted. There appear to be 2 reasons for this. :

- (i) its hidden nature
- (ii) lack of appropriate legislation and commitment to its implementation.

Therefore, commercial sex remains a highly-profitable and low-risk business.

### **Profit**

According to Interpol, huge profits are generated from Trafficking in persons.

A trafficked woman can earn between \$75,000 and \$250,000 a year for her pimp. The well-known author Victor Malarek puts this figure at half a million dollars annually.

According to another source, the total estimated profit from Trafficking annually, amounts to \$28 billion. On top of this a further \$3 billion is made from persons sold into forced labour.

(Cf. *Round Table of Business Community Against Trafficking of Human Beings*, Athens in January 2006)

### **World Health Concern**

Trafficking in persons is a driving force in the spread of HIV/AIDS. It is universally recognised that multiple sex partners are a major contributing factor to the transmission of HIV. A woman who has been trafficked has no choice about the number of sexual partners who use her. The location of such encounters provides a

breeding ground for HIV. Therefore, if we ignore the links between Trafficking in persons and the spread of HIV we do so at our peril. In saying this, we would warn of the need for sensitivity to avoid adding to the stigma which the exploited person already suffers. Respect for such a person is paramount.

### **Urgent Steps:**

We recommend that the government carry out research in countries of origin, transit and destination in order to generate a more comprehensive understanding of the dynamics of Trafficking.

There is urgent need for research to provide information on the harm caused by the market in commercial sex, both to the individuals involved and our society as a whole. Specific harm is done to residents of localities associated with on-street and off-street prostitution.

In the absence of the kind of legislation referred to by Sister Sheila, the message is given

- that women do not deserve respect
- that women are mere commodities to be bought for pleasure
- that commercialisation of sex is acceptable.

Targeting the purchasers of sex with specific objectives and clear indicators will necessitate:

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- Education and re-socialisation of men who purchase sex
- Targeting men to work as peer educators
- Provision of adequate financial resources
- Accountability and transparency, available to the public, regarding the profits derived from the sex trade.

The financial gains of brothels and their like should be frozen and confiscated.

Once legislation is in place,

- We need a national policy of zero tolerance towards offenders.
- We need transparency, monitoring and accurate reporting.

Meanwhile, we need to stop denying the existence of Trafficking.

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The members of the Ad Hoc Working Group Against Human Trafficking wish to express our gratitude for this opportunity to address the Joint Oireachtas Committee on Justice, Equality, Defence and Women's Rights.