

National Observatory on Violence Against Women

FIRST COUNTRY REPORT FROM THE REPUBLIC OF IRELAND¹

May 2004

prevalence of violence against women in Ireland

A national prevalence study on the extent of violence against women within intimate relationships in Ireland was carried out in 1995 that demonstrated that 18% of women had experienced domestic violence. This number doubled to 36% when women in doctors' surgeries in one Dublin area completed questionnaires.²

National research on sexual violence in Ireland, the SAVI report³ found that 42% of women in Ireland had experienced some form of sexual violence in their lifetime. 20.4% of women had been subjected to some form of contact sexual abuse as adults and over one quarter of these women were raped.

Both national studies indicate that violence against women in Ireland cuts across all social, cultural and economic backgrounds. The Making the Links Report found that there was only a 1% difference in the numbers of rural and urban women experiencing domestic violence (17% and 18% respectively) and that women from all social backgrounds experienced domestic violence. Similarly, the SAVI report found that there was no social class distinction between adult women who have been subjected to rape and sexual assault.

Table 1. - Towards a picture of Prevalence of Violence against women in Ireland

11,037 calls received by National Domestic Violence Helpline,⁴ 2002

11,808 calls on National Helpline on Rape and Sexual Assault ⁵ 2002

90 women murdered since 1995 say Women's Aid homicide watch

Two thirds in own home, of the 64 resolved cases, over **80%** of women were killed by a partner, ex-partner or man known to her.⁶

2,060 applications for refuge in Dublin area accommodated by 3 refuges, 1999
(609 women and 1451 children)

1104 women and their children were refused accommodation due to lack of space.⁷

history of responses to violence against women in Ireland

Women's organisations in the non-governmental sector play the most central role in the response to women experiencing violence as service providers, as educators and trainers, as lobbyists and as motivators of public condemnation of violence against women. The main focus of the women's movement's response to violence against women in Ireland has been on rape, sexual assault and violence against women within intimate relationships. Recognising that women's basic right to shelter, money and physical safety were denied by male intimates, the initial focus of action in the early decades of 1960's and 1970's was primarily on the development of refuges, which encompassed support and information services to women residents and non residents alike. Rape Crisis Centres were established in Ireland in the 1970's responding to the increasing numbers of women disclosing rape, sexual assault and child sexual abuse.

Establishing sustainable and high quality services absorbed much of the resources and time of these first groups, however feminists also recognised that there was a need to effect change at a wider institutional and societal level. Groups campaigned to influence legislative change within civil and criminal justice systems. Legislative changes included changes in family law, which brought into Irish Law, for the first time, civil remedies (barring and protection orders) for violence within marriage and the family. Legislation criminalising rape, sexual assault and child sexual abuse was introduced throughout the 1980's and 1990's. Women's organisations sought to promote good practice amongst agencies and practitioners in the statutory and voluntary sector. At the same time, bodies such as An Garda Síochána, (the Irish police force), began to seek the expertise of the NGO sector working on the issue of violence against women resulting in the development of policies and good practice guidelines.

¹ For the purposes of this report, Ireland here refers to The Republic of Ireland.

² Kelleher and Associates and O'Connor, Monica. Making the Links. Women's Aid, 1995.

³ Mc Gee, Hannah, Garavan, Rebecca, de Barra, Mairead, Byrne, Joanne, Conroy, Ronan. The SAVI Report: Sexual Abuse and Violence in Ireland; A National Study of Irish Experiences, Beliefs and Attitudes Concerning Sexual Violence, Dublin Rape Crisis Centre and the Liffey Press, 2002.

⁴ Women's Aid Dublin, Helpline statistics 2002.

⁵ Dublin Rape Crisis Centre, Statistics, 2002.

⁶ Women's Aid Dublin, Media Homicide Watch, 2003.

⁷ Kelleher Associates. A Framework for Developing an Effective Response to Women and Children who experience Male Violence in the Eastern Region. Eastern Regional Planning Committee on Violence Against Women. 2001.

policy contexts

The 1990's also saw the development of a number of policy contexts, which provided the NGO's responding to violence against women with an opportunity to become more involved in influencing social policy in relation to the issue. Most significant amongst these developments was the setting up of the Task Force on Violence Against Women (1996) and the subsequent establishment of the National Steering Committee and the Regional Planning Committees (1997). With the emergence of a strong economy during the 1990's and the establishment of these structures, there has been an increase of resources channelled in to the voluntary and community organisations delivering services and responses to violence against women.

Table 2: Allocation of additional annual funding from the Dept of Health and Children for services for female victims of violence

YEAR	ADDITIONAL ALLOCATION		CUMULATIVE TOTAL	
	£m	Euro m	£m	Euro m
1996			3.1	
1997 – once-off	0.250			
1997 – recurring	0.475		3.825	
1998	0.500		4.075	
1999	1.000		5.075	
2000	1.000		6.075	
2001	2.300		8.375	
2002		0.988		11.762
2003		0.322		11.950
2004		0.000		11.950

The last two Government Partnership agreements, the *Partnership for Prosperity and Fairness* and *Sustaining Progress* contain specific objectives in relation to tackling violence against women in intimate relationships and rape and sexual assault. Between 1996 and 2004 the funding provided by the Department of Health and Children for services to female victims of violence has increased from IR£ 3.1 million to 11.95 million Euro annually (Dept of Justice, Equality and Law Reform).

The Department of Justice Equality and Law reform has allocated additional funding to tackle violence against women, some £101,000 in 1998 increased to 885,000 Euro in 2002. This has decreased in the last two years from 840,000 Euro in 2003 to 802,000 Euro in 2004. It is interesting to note that the Dept of Health and Children's budget has also seen a slow down, with the 2004 budget remaining fixed at 2003 figures.

The inclusion of "women out of home because of violence" as a category in the social housing programme (1993) enabled capital funding for crisis accommodation and transitional housing to be accessed from the Department of the Environment. It is not possible as yet to have a specific breakdown of the expenditure on violence against women.

NATIONAL ACTION PLAN ON VIOLENCE AGAINST WOMEN

As yet Ireland does not have a national plan for women as required and agreed under the Beijing Platform for Action (1995). A major consultation process has been carried out amongst the women's sector to inform the Irish Government who are now in the process of writing the plan. Violence against women will be included.

In 1996 the Minister for State, Eithne Fitzgerald T.D. at the Department of An Tánaiste established a Task Force on violence against women. The Report of the Task Force⁸ contains a comprehensive set of recommendations in relation to the development of services, the improvement of legislation, law enforcement and preventative strategies. The report contains a feminist analysis of violence against women as agreed by the United Nations Declaration on the Elimination of Violence Against Women adopted by the UN General Assembly in 1993, recognising that:

"violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of their full advancement, and that violence against women is one of the crucial mechanisms by which women are forced into a subordinate position compared with men".

⁸ Office of the Tanaiste, Report of the Taskforce on Violence Against Women. Government Publications, 1997.

The main weakness of the Task Force Report lies in the absence of time-bound targets, and budget allocations. It also focuses on Domestic Violence, Rape and Sexual assault without including Prostitution, Trafficking and Pornography. A recent welcome development has been the inclusion of Ruhama, a specialist NGO working with women in prostitution, onto the National Steering Committee.

In 1997 the new Minister for State, Mary Wallace T.D. agreed to set-up the structures for implementation under the auspices of the Department of Justice, Equality and Law Reform.

The National Steering Committee and 8 Regional Planning Committees are responsible for national and regional measures on violence against women.

NATIONAL STEERING COMMITTEE ON VIOLENCE AGAINST WOMEN

Oversee the development of policies with a view to supporting the development of a multi agency, multi-disciplinary, cohesive response to violence against women.

Remit

- Over see development of policy nationally and monitor development of policy in individual agencies.
- Advise on allocation of resources to Health Boards and ensure maximum value for resources available.
- Develop codes of practice and encourage interagency training.
- Ensure regional and local structures established.
- Undertake research and needs assessment nationally.

REGIONAL PLANNING COMMITTEES ON VIOLENCE AGAINST WOMEN [RPC'S]

Each Health Board area has a Regional Planning Committee [RPC] and the Committee is convened and serviced by the Health Board in that region. The RPC's are chaired by a person from the voluntary or community sector and have a remit to develop a strategy to address violence against women at a regional level.

Remit

- Draw up an assessment of existing and needed services in the region.
- Develop a strategic plan to meet these needs.
- Implement the plan including service targets and involving resources of other agencies and organisations.

LOCAL AREA NETWORKS ON VIOLENCE AGAINST WOMEN [LAN'S]

To develop a community based approach to the development of responses including interagency co-operation and information sharing.

Remit

- Ensure support and information is available locally to women experiencing violence.
- Promote interagency coordination of services.
- Facilitate information sharing at a local level.

CURRENT WORK

Arising from the deliberations of the National Steering Committee, the Department of Justice, Equality and Law Reform have commissioned national research on violence against women. There are three main dimensions to the research:

- ⊙ A national audit of service provision, with particular attention to identifying unmet need together with a costing of services to respond to unmet need
- ⊙ The presentation of good practice models of service provision, including models from two similar jurisdictions to the twenty-six counties.
- ⊙ An assessment of the effectiveness of mechanisms established to implement the recommendations of the *Task Force on Violence Against Women*. Mechanisms include the National Steering Committee and the eight Regional Planning Committees

This report is due at present and will provide invaluable data on the effectiveness of the structures and the resource needs of the sector. We are still awaiting the publication of this report.

Legislation

(This section is drawn from the Government discussion paper on the Laws on Sexual Offences 1997.⁹)

IRELAND: Rape and Sexual Assault (Criminal Law Amendment Act 1935):

The act specified 15 years as the age below which no consent can be given and continues to afford protection and penalties in relation to unlawful carnal knowledge of girls under 17 years of age. From 1981 significant reforms in the law have included:

- ⊙ The **Criminal law (Rape) Act, 1981** was the first statute in recent times to amend the law in relation to sexual offences. The main features of the Act are as follows: it introduces a statutory element into the meaning of rape; provides that evidence of a complainant's past sexual history cannot be introduced in court without the leave of the judge; makes it an offence to publish any information which would identify the complainant (except as otherwise directed by the judge); makes it an offence to identify the accused (except after he has been convicted of the offence), and increases the penalty for indecent assault on a female to a maximum of 10 years imprisonment.
- ⊙ The **Criminal Law (Rape) (Amendment) Act, 1990** further updated the law in relation to rape and other sexual assault, which includes penetration of the mouth or anus by the penis or of the vagina by an object manipulated by another person (maximum penalty: life imprisonment). This provides for: the removal of doubt as to whether a husband could be prosecuted for raping his wife; that cases of rape, rape under section 4 and aggravated sexual assault would be heard in the Central Criminal Court and that the public (but not the press) would be excluded; extends to "sexual assault offences" (as defined) the provisions of the Criminal Law (Rape) Act, 1981 which relate to anonymity and the restriction on evidence in relation to the complainant's past sexual experience and, removes the rule by which males under 14 years of age were considered physically incapable of committing an offence of a sexual nature, and provided that the warning to the jury about the danger of convicting on the uncorroborated evidence of the complainant, instead of being mandatory, would henceforth be at the judge's discretion.
- ⊙ The **Criminal Justice Act, 1993** enables the Court of Criminal Appeal to review unduly lenient sentences. It also requires a court, when determining the sentence to be imposed for violent or sexual offences, to take into account any effect (whether long-term or otherwise) of the offence on the victim. This is the legislation that decriminalised homosexual acts between consenting adult males. It abolished the common law offence of buggery between persons but made it an offence to commit an act of buggery with persons of either sex under 17 years of age or a mentally impaired person. The Act also replaced the offence of gross indecency with a new offence of gross indecency by a male with a male under 17 years of age and it updated the law in regard to the protection of the mentally impaired from sexual abuse.
- ⊙ The **Criminal Law (Incest Proceedings) Act, 1995**: The Act provides for the application to incest cases of provisions similar to the 1990 Rape Act in relation to the exclusion of the public from certain proceedings. It also increases the maximum penalties.
- ⊙ **Sex Offenders Bill 2000**: The main purpose of the bill is the imposition of notification requirements on convicted sex offenders resident in Ireland (whether convicted here or elsewhere) to facilitate the compilation of a register of such offenders.
- ⊙ **Domestic Violence Act 1996**: This act deals with both the civil and criminal aspects of domestic violence. It widens the categories of people who can apply for domestic violence orders to include as well as spouses, parents and cohabiters with certain residency and property restrictions (see Domestic Violence Act, section 2 and 3). It re-enacts section 7 of the 1981 Family law (Protection of Spouses and Children) Act which makes breach of a domestic violence order an arrestable offence. Section 18 of the Act introduces "probable cause" arrest where arrests can be made without the police witnessing the violence, if it is suspected that actual Bodily harm or Grievous Bodily Harm is being or has been committed. The act however falls short of legislative reforms introduced in a large number of states in the United States where the police can issue a warrant for unseen simple or common assaults. The powers of arrest in Section 18 (2) of the Domestic violence Act, 1996 have been superseded by the: **Non Fatal Offences against the person act 1997**: This brings together all crimes against the person under one act. It also introduces the first stalking legislation in Ireland (*Section 10*).

⁹ Law on Sexual Offences Discussion Document. Government Publications, 1997.

Measures contained in legislative reform have also involved significant changes and improvements in the protection of victims of rape from the reporting to the Gardai (police) through to the completion of a trial. These include:

- ⊙ Anonymity for the victim (and the accused unless found guilty) throughout the case.
- ⊙ Victim impact statements and court accompaniment for victims.
- ⊙ Restricted access of the public to the trial.
- ⊙ Limitations regarding the admissibility of the victims prior sexual history or sexual experience other than that to which the charge relates.
- ⊙ Removal of a requirement that the jury are warned about the danger of convicting on the uncorroborated evidence of the complainant.
- ⊙ No specific statutory time limits apply on bringing proceedings for sexual offences.
- ⊙ Proceedings are now in place whereby the prosecution team arranges for pre-trial consultations with complainants in cases of serious sexual assaults to familiarise them with the legal procedures and to explain the layout and procedures of the court and the type of matters, which may be the subject of examination by counsel.

enforcement of the Law

There has been major progress in the response of the Gardai to crimes of violence against women.

Some key initiatives have been:

- ⊙ The establishment of the Domestic Violence and Sexual Assault Investigative Unit in the Dublin Metropolitan Area in 1993. This was placed under the National Bureau of Criminal Investigation and given a countrywide brief in 1997.
- ⊙ The publication of a Policy on Domestic Violence Intervention by An Garda Síochána in 1994. This was updated in 1997.
- ⊙ The development of procedures and guidelines for the Gardai in handling all sexual offences.
- ⊙ The publication of statistics on domestic violence and all sexual offences in the Annual Report of an Garda Síochána since 1994. The data is gender disaggregated.

REPORTING AND CONVICTION

There has been a major increase in the number of sexual offences reported to the Gardai over the past 10 years which has continued up to the most recent Garda statistics resulting in the reporting of 3161 cases in 2002.¹⁰

However in relation to rape and sexual assault, Ireland, the UK, Sweden, Finland have a similar pattern of increased reporting but also increased rates of attrition over the years 1977 to 2001. Between 1998 and 2001 there was a 1% conviction rate in Ireland despite an increase in both reporting and prosecution rates. Ireland has the lowest rate of convictions for this crime in a survey of 21 European Union countries.¹¹

In the 1980's, approximately 21% of all proceedings commenced resulted in a conviction, but, in the 1990's, only an approximate 8% of all proceedings commenced resulted in conviction.¹²

Since 1994 statistical information on the annual incidents of domestic violence (DV) are published in the annual report of the Garda Síochána. These indicate a major increase in the reporting of domestic violence to the Gardai. In 1994 there were 3951 domestic violence incidents reported to the Gardai. By 2002 this had risen to 10,248 incidents with 92% of victims being female.

However, records of crimes of violence against the person (52 crimes of violence against the person have been integrated under the Non-Fatal Offence Against the Person Act 1997) do not record the relationship between the offender and the victim. Therefore we can deduce that a number of the more serious crimes of violence against women that do not occur in the home such as stalking, assault of a woman outside of the home by a known man or threats to kill are unrecorded as domestic violence crimes. At this point in time, we do not have homicide research, which would detail the history of physical, and sexual assault in the relationship nor the relationship between the offender and victim.

Despite the introduction of the 1996 Domestic Violence Act and the increased trend of reporting to the Gardai, the conviction rate has in fact declined from 16% in 1997 to 6.5% in 2002. Furthermore in an in-depth study in three areas in Ireland in 1999, only a small proportion of the accused, between 1%-6%, received a prison sentence despite the seriousness of the crime. In addition, the study found that of those who were found guilty by the courts 67% were already highly criminalised.¹³

SERVICE PROVISION AND THE NGO SECTOR IN IRELAND

Currently there are 17 refuges and 18 support information and advocacy services for women experiencing domestic violence in Ireland. Outreach support to women is now a common feature of most support services. Community development organisations have been increasingly responding to violence against women through the development of training and policy and many projects have active liaison and referral links with specialist frontline services. There are 17 rape crisis centres in Ireland, which provide a range of services including advocacy, information, court accompaniment, counselling, therapy and education.

¹⁰ Report of An Garda Síochána, 2002

¹¹ Kelly, L and Regan, L (2003) Rape: Still a Forgotten Issue,

¹² Leane, Ryan, Fennell, Egan. Attrition in Sexual Assault Offence Cases in Ireland : A Qualitative Analysis. University College Cork, 2001.

¹³ Kelleher and Associates and O'Connor, Monica. Safety and Sanctions. Women's Aid, Dublin. 1999.

The National Network of Women's Refuges and Support Services and the Rape Crisis Network Ireland are the respective representative bodies for refuges and support services and rape crisis centres in Ireland.

Both networks provide support and services for their members through information provision, training and development support. The Rape Crisis Network Ireland provides accredited training for Rape Crisis workers and volunteers. Both networks play a key role in policy making and represent their members at national, European and international level. Recent publications by RCNI, from initiatives funded under the Daphne programme, have examined the issues of attrition rates and Best Practice Guidelines in Ireland and Europe.¹⁴ NNWRSS has recently carried out a consultation process with its members on critical issues for the services.¹⁵

Women's Aid is a national NGO based in Dublin. A feminist, political and campaigning organisation committed to the elimination of violence against women through political, social and cultural change, they provide direct support to women through a national helpline, outreach and advocacy services. Women's Aid has a dedicated training and development unit which focus in particular on training Garda recruits, health professionals and frontline services responding to domestic violence.

The Dublin Rape Crisis Centre also works on a national level by running a national free phone helpline and by providing training for Gardai, health professionals and others on the issues of rape, sexual assault, sexual harassment and child sexual abuse.

Models of good practice in Ireland have been documented by Women's Aid in relation to responses to women experiencing domestic violence¹⁶ and by the RCNI in relation to responses to rape and sexual assault.¹⁷ Both models are based on feminist principles, which underpin practice with women and in addressing institutional and societal change.

Women's Aid initiated the development of a sister organisation, Sonas Housing, which has developed a unique model of permanent and transitional housing for women and children who have had to leave their own homes because of violence.¹⁸ Sonas has approximately 50 housing units in the Dublin area and also supports the provision of transitional housing in three rural areas, Mayo, Louth and Meath, in partnership with the local frontline service responding to domestic violence.

The presence of a strong community development sector in Ireland and the centrality of women's rights and women's development to its work, is one of the unique features of the Irish response to all forms of violence against women. The complementary nature of feminist and community development principles and the commonalities between them, have led to the developing integration of these two bodies of thought, analyses and practice into some current responses to violence against women.

The recognition by the Department of Social, Community and Family Affairs that violence against women is an issue for projects in the Community Development Support Programmes [CDSP] resulted in the appointment of Women's Aid as a specialist support agency to the Programme in 1998. The National Advisory Committee of the CDSP has approved the implementation of a Code of practice on domestic violence for community development programmes.

Since 1991 women's human rights activists in Ireland have participated in the 16 days global collective action against gender based violence from November 25th to December 10th. The Women's Human Rights Network was established in 2001 to raise awareness of women's human rights and was originally funded from the DJE&LR, under the Equality for Women Measure. A shadow report for CEDAW, which includes Violence against women was launched April 2004 and will go forward to the CEDAW committee when Ireland makes its appearance in New York to report progress on CEDAW in 2005.

THE DIVERSITY OF WOMEN'S EXPERIENCES OF VIOLENCE AND ABUSE

A number of small scale qualitative studies have been carried out on the diversity of women's experience of violence and intersecting discrimination. A consultation with disability equality activists highlighted a number of experiences, needs and issues. One such issue is the increased vulnerability of some women with disabilities when targeted by perpetrators of violence and abuse, the perpetrator may also be the woman's main carer.¹⁹

Traveller women and women from other ethnic minorities face the additional discrimination of racism in trying to negotiate their rights and access options. If their abuser is a member of their own community, they can face isolation from their community if they seek to get away from or take legal action against their abuser.²⁰

Whilst this can be a risk for all women, it can be a greater deterrent if a woman's community is the main source of support in a society in which she may experience forms of discrimination such as racism.

Homeless women or women working in prostitution can be targeted by sexual abusers and may then face the additional trauma of not being believed or responded to appropriately because of their marginalised status in society.²¹

In cases where women experience additional discrimination, there is also likely to be increased risk of isolation and lack of access to resources that may provide the woman with a possibility to take some action.²²

¹⁴ Rape Crisis Network Europe, Best Practice Guidelines, 2003.

¹⁵ Morton, S, Social Service or Social Change, Issues and Challenges of Women's Domestic Violence Services in Ireland. National Network of Women's Refuges and Support Services. 2003.

¹⁶ O'Connor, M, Wilson, N. Feminist Principles and Practice on Violence against Women. Women's Aid, Dublin. 2001.

¹⁷ Neary, Fiona. A Consideration of the Model of Service Provision Employed by Rape Crisis Centres in Ireland. RCNI, 2000.

¹⁸ Zappone, Katherine. Learning to Live Again; A review of the supported housing service of Sonas Housing Association. 2002.

¹⁹ Wilson, N. Violence against Disabled Women ; A consultation process. Women's Aid, Dublin. 2001.

²⁰ Fay, Ronnie, Pavee Beoirs Breaking the Silence: racism and violence against women. 1999.

²¹ O'Connor, M Wilson, N. Women's Experience of Violence in the North West Inner City. Forthcoming 2004.

²² The Saol Project and Kelleher Associates. Journeying Back. A Case Study Approach of Women on Methadone. Saol. Forthcoming 2004.

Research with rural women on their experiences of being subjected to violence and abuse within intimate relationships and about the obstacles to availing of services and protection has highlighted particular issues. These issues include emotional and physical isolation, shame and fear of people in the community finding out, living in close proximity to the abuser's family and being intimidated by them.²³ The lack of transport, either public or private in rural areas means women are often unable to travel to access services or information. Farm women experienced particular barriers because the farm was the man's/family income and therefore barring orders often were not feasible for such women.²⁴

Emerging issues in relation to migrant, refugee and asylum seeker women have been identified for frontline organisations responding to violence against women. As economic migration into Ireland is a relatively new phenomenon there is an absence of data or information to inform appropriate responses.

Critical emerging issues

Lack of a plan of action on violence against women

The Report of the Task Force on Violence against Women (1996) is a comprehensive document with wide ranging recommendations in relation to domestic violence, rape and sexual assault. However, it does not contain targets, timeframes, budgets, and measurable and quantifiable indicators of progress by Government departments. Therefore the capacity to monitor government performance and hold the state accountable for implementation of the recommendations in the report is seriously undermined. Furthermore, equality proofing measures should be a horizontal principle across all indicators to ensure equality of outcome for all women experiencing violence.

Violence against women as an issue of importance for the state

The Task Force Report on Violence against Women was a Government initiative headed by a Minister of State. During previous administrations, the National Steering Committee was chaired by the then Minister of State in the Department of Justice Equality and Law Reform thus ensuring that the issue of violence against women was addressed at cabinet level. The presence of the Minister ensured the attendance of senior public service officials from all relevant departments at every meeting. This ministerial involvement has ceased and there is a resulting significant decrease in senior public service representatives at those meetings. This seems to indicate a downgrading of the issue at Governmental level. The position or rank of the person with responsibility for violence against women in Government is critical in ensuring a cohesive, transparent and accountable structure for the implementation of the Task Force report.

Partnership with the state

Partnership with the State has brought about many benefits in the form of increased funding to some services and the development of good practices and procedures within some statutory agencies. However, it makes it increasingly difficult for NGO's to maintain a critical and independent stance in relation to Government performance when they are being funded by the same Government/Department. It makes it difficult for such NGO's to hold a critique of statutory agencies in relation to their responsibility to maximise women's safety and hold perpetrators accountable for their violence. At a national level, there is a critical need by Government to recognise and respect the independence of NGO's as representatives of civil society. Effective participation in partnership structures with the State demands resources from Government. It is also crucial that there are other independent sources of funding available.

Regional structures have created an opportunity for dialogue and the promotion of good practice between the NGO sector and State agencies. However, there are concerns in relation to potential negative outcomes for NGO's including:

- ⊙ An increasing drain on their time and expertise with negative consequences for their capacity to deliver services.
- ⊙ Difficulty of maintaining a critical stance of statutory agency practice whilst negotiating their funding at the same time.
- ⊙ Statutory agency participation in inter-agency dialogue becoming in some cases a substitute for individual agency change at a senior policy and practice level.
- ⊙ The absence of senior statutory personnel at the table who have the power and resources to make decisions in relation to agency practice.
- ⊙ Lack of transparency and consistency in relation to funding.

²³ Power, Liz. Towards a Community Response to Domestic Violence. Tuam Community development Resource Centre. 1998.

²⁴ Kelleher Associates and Corbett, Maria. Going the Extra Mile: A Community based Response to Violence against Women in County Mayo. Mayo Women's Refuge and Support Services. 2000.

FUNDING FOR SERVICES

There is recognition by the NGO sector that there has been a major increase in funding since the setting up of the Task Force in 1996. There are over 60 NGO organisations in Ireland responding to the needs of women who experience rape, sexual assault and domestic violence by providing a broad range of crisis, mid and long term services to women. The current funding allocation is grossly inadequate to ensure that current services can be sustained. The unmet needs of women experiencing violence as identified in a number of research studies will not be addressed unless a substantial increase to the sector is forthcoming. The data on such needs is contained in the recently commissioned study in relation to the funding needs of services, by the National Steering Committee. This data needs to be made available as soon as possible.

RESPONSE OF THE LEGAL SYSTEM

Research and the experience of NGO's working with women experiencing violence continues to identify the serious failure of the civil and criminal justice systems to deliver protection, safety and justice to victims of domestic violence, rape and sexual assault. Resources urgently need to be allocated by the Department of Justice, Equality and Law Reform to implement the many recommendations contained within studies on the operation of the legal system in Ireland.

Specific issues in relation to the legal system:

Attrition rates in Rape and sexual assault cases

There is an urgent need to address the high attrition rates in Ireland (and across Europe). The recommendations contained in the studies funded by the Daphne programme, "Rape: a Forgotten Issue" need to be immediately implemented.

Rape Crisis Centres continue to receive no funding from the Department of Justice towards supporting victims of rape and other forms of sexual violence through the courts. Victims who report crimes of sexual violence are facing longer and longer delays in cases getting to court, as the same number of judges and court facilities must cope with increasing levels of rape and murder cases. Currently a 2 year wait is not unusual. The UCC report²⁵ highlighted the need for much more coherent and consistent support for victims reporting sexual violence and through-out the life time of the investigation and court case. The report recognises that in the Irish context, rape crisis personnel are the recognised experts in this area and recommend that Rape Crisis Centres be provided with adequate resources to facilitate their involvement. The Department of Justice should immediately provide funding to Rape Crisis Centres to support victims of rape and sexual assault throughout the court process.

Safe effective outcomes for women and children in Domestic Violence (DV) cases

Research continues to demonstrate that capacity and willingness of the civil and criminal justice systems to deliver safety for victims of Domestic Violence and hold violent men accountable are seriously inadequate. Resources must be made available to initiatives, such as the new National Domestic Violence Intervention Agency (NDVIA), which are attempting to ensure that those systems recognise that this domestic violence is a repeated, systematic dangerous crime often against the same victim. Procedures and guidelines are urgently needed which prioritise and guarantee her safety and ensure that the perpetrator is controlled and prevented from re-victimizing.

Custody and Access

The risks for women and their children following separation from their abusive partners have been documented in a recent report by Women's Aid.²⁶ Guidelines for the Judiciary, similar to those introduced in the U.K., which prioritise the safety of women and children should be introduced.

Perpetrator programmes

There has been a growth in the number of perpetrator programmes as a statutory response to Domestic violence. It is the view of the Irish Observatory that when citizens seek redress through the civil courts and the legal system they are looking to the courts and the judiciary to issue orders for their protection. It is the responsibility of the State to consider the needs of all those applicants for the protective measures that are within the powers of the Judiciary to issue e.g.: barring orders, safety orders, and to issue sanctions against perpetrators. In relation to the criminal justice system where the above orders are breached it is the responsibility of the criminal justice system and the Gardai to enforce the orders, protect the victim and control and sanction the perpetrator through the powers of arrest, charge, prosecution and sentence. A graded system of sanctions from community service to prison is available at present to the Judiciary.

One option open to the court, having first ensured her safety, is to send the perpetrator for assessment following which he may be considered suitable for placement on a programme which will enable the systems to monitor his behaviour. If change in his behaviour is a consequence, it is a desirable one and beneficial for her and for society. Many perpetrators, because of the seriousness of the crime, physical or sexual or the threat to the victim or their capacity to engage, (drug abuse etc) will be not appropriate for such programmes and will need immediate stronger sanctions e.g.: custodial sentences.

²⁵ Ibid UCC, 2001

²⁶ Child Custody and Access in the Context of Domestic Violence. Women's Experiences and the Response of the Legal System. Women's Aid. 2003

The Report of the Task force on violence against women states that:

“Effective intervention with batterers has to insist on making them accountable for their actions - as far as possible through sanctions and the criminal justice system.”

Whilst recognising that the safety of the victim and accountability of perpetrators may be the stated primary goal and desired outcome of a variety of different models of intervention with violent men, individual practitioners working in isolation from a framework of monitoring and sanctions, have no power to ensure the achievement of those goals and ensure safe outcomes for women.

Irish Observatory on Violence against Women: an independent tool for monitoring progress on violence against women

Ms. Mary Banotti, MEP hosted the launch of the Irish National Observatory²⁷ on Violence against Women in the E.U. Commission offices in Dublin on April 15th 2002. Ms. Mary Wallace T.D., Minister of State at the Department of Justice Equality and Law Reform, publicly welcomed the setting up of an independent mechanism for monitoring Member States progress on the issue of violence against women. She committed the Irish Government to providing matching funding to the European Women’s Lobby as part of an EU wide Daphne programme, on a yearly basis. This provides support to the National Women’s Council of Ireland, as the national co-ordination for the EWL, to host the Irish Observatory on Violence against Women.

The launch was attended by the President of the EWL, Ms. Denise Fuchs, Vice-President of the EWL and Chairwoman of NWCI Ms. Grainne Healy and the Co-ordinator of the Policy Action Centre on Violence against Women within the EWL, Ms. Colette De Troy. Members of the Irish Observatory outlined the key issues facing the NGO sector on VAW in Ireland. The event was highlighted in all the major Irish media.

Membership of Irish Observatory on Violence against Women²⁸ includes: Monica O’Connor, Irish Expert on EWL Observatory; Grainne Healy, Chairwoman of EWL Observatory; Mary Kelly, Chairwoman of NWCI & EWL Board Member; Fiona Neary RCNI, Sharon O’Halloran National Network of Women’s Refuges and Support Services; Rosaleen McDonagh Pavee Point, Edel O’Kennedy Ruhama, Carmel and Patricia Kelleher of Kelleher Associates, Rachel Mullen Women’s Aid, Dr Geraldine Moane UCD, Dublin Rape Crises Centre (rep to appointed), Joanna McMinn, Director NWCI, Mary Allen Regional Planning Comm Rep for NWCI, Anne Marlborough Amnesty International, Ireland.

²⁷ The Irish National Observatory was the first to be launched under the EWL Daphne project. Thus far, three other National Observatories have been launched in Denmark, Greece and France. Eventually a National Observatory on violence against women will be launched in every Member State.

²⁸ As of May 2004.

PROSTITUTION AND TRAFFICKING IN IRELAND

INTRODUCTION

The Irish Observatory on Violence Against Women upholds the principles as defined by the European Women's Lobby that prostitution is a fundamental violation of women's human rights and that legalisation and regulation by the State promote the sex industry and the sexual exploitation of women and children.²⁹

The National Irish Observatory recognises the inadequacy of the response to prostitution and trafficking at both State and non-governmental level in Ireland. The challenge posed by the growth of the sex industry has major significance for the women's movement and the existing NGOs working on violence against women. Since the late 1970's the women's movement and NGOs working to address domestic violence, rape and sexual assault have recognised and responded to all forms of male violence and sexual exploitation experienced by women in the private and public arena.

Pornography and prostitution have been included in campaigns and actions of women activists throughout the past three decades in Ireland, such as the Campaign against Pornography in the 1980's and as part of the 16 days of activism against gender based violence each year since 1991. Ruhama, the only NGO dedicated to working with women in Prostitution, alongside the National Women's Council of Ireland, has increasingly placed the issue on the political and public agenda over the past number of years. A new campaign "Irish Women against Pornography" has also recently been established.

However, mobilising a focused and specialised campaign to address the enormous growth of the global sex industry and its impact on Ireland is at an early stage. It will be a major challenge to demand action on legislative reform, police enforcement along with resources for service providers and public awareness campaigns.

The Irish Observatory is deeply aware of how pornography, prostitution and trafficking are inextricably linked in the sexual violation of women and children within the sex industry.³⁰ It also recognises the interconnectedness of child and adult sexual exploitation in prostitution and pornography.³¹ It is only within the remit of this first report of the Irish Observatory to apply the EWL monitoring framework to the issues of prostitution and trafficking of women in Ireland. It is hoped that the second report in 2005 will focus on Pornography.

NWCI successfully tackles Bank of Ireland regarding support for Sex Industry

In March 2004 it emerged into the public sphere that Bank of Ireland was in the process of funding a 5m Euro loan to a UK based company Remnant Media, who purchased Fantasy Publications, a pornography distribution company. The matter was raised in the Irish Parliament, by the Labour Party T.D. Joan Burton. The National Women's Council of Ireland swiftly followed up with a press release, supported by other NGO's, calling on the Bank of Ireland to stop the loan deal on the basis that pornography is harmful to women, men and children and is extensively used in and forms part of the international sex industry.

The NWCI asked all account holders with that bank to contact their branch and let them know that they would close their accounts unless the bank acted. The matter was covered extensively on national radio and television current affairs programmes. Many customers, personal and business, contacted the bank informing it of their disapproval of the involvement with a pornography distribution company.

Within three days Bank of Ireland announced that they were reviewing their ethical investment policy. A week later they clarified the deal had actually gone through at the time it became public and they were now committed to 'offloading' the loan to another investor.

While it is impossible to say how much the public campaign impacted on the decision of Bank of Ireland to reverse out of the deal, the NWCI received dozens of calls and letters thanking them for taking this stand on behalf of Irish citizens against the sex industry.³²

extent of prostitution and trafficking in ireland

At a global level it has been very difficult to estimate the extent of sexual exploitation of women through prostitution and trafficking. Europol estimates that in 2001, 40 million women were involved in prostitution internationally, 60-90% of the women are estimated to be migrant women. The United Nations believes that 2 million women and children are trafficked annually and the International Organisation for Migration report that 500,000 women are trafficked into Europe each year.³³ Recent research and experience consistently demonstrates that the legalisation of prostitution has led to the proliferation of the sexual exploitation women.^{34,35}

²⁹ Motion adopted at the 1998 General Assembly of the European Women's Lobby on Prostitution and Trafficking. 1998.

³⁰ Eriksson, Marianne. Draft Report on the Consequences of the Sex Industry in the European Union. Committee on Women's Rights and Equal Opportunities. January, 2004.

³¹ Kelly, L., and Regan, L. Rhetorics and Realities: Sexual Exploitation of Children in Europe. CWSAU EU STOP Programme. 2001.

³² Healy, Grainne. Comment on NWCI & Bank of Ireland. 2003.

³³ Morrison, J, The Trafficking and Smuggling of Refugees, the End game in European asylum policy? Report published by United Nations High Commissioner for Refugees (UNHCR), Geneva. 2000.

³⁴ 10 reasons for not Legalizing Prostitution by Janice G. Raymond, Coalition Against Trafficking in Women International (CATW), March 25, 2003.

³⁵ Donna Hughes: The Corruption of Civil Society. At the Andalusian Womens Institute, Malaga, Spain. September 2002.

In Ireland it is also difficult to estimate the growth of the sex industry and the numbers of women involved in prostitution or being trafficked into or through the country for the purposes of sexual exploitation. However, the proliferation of lap dancing clubs in practically every city and large town in Ireland is visible evidence of the increased tolerance in Ireland of the sexual commodification of women's bodies and sexuality. In addition, Ruhama, the NGO working with women reports that lap dancing clubs are an entry route into prostitution and that women are groomed into prostitution through this so called "soft side" of the sex industry. In addition, the organisation has provided services to and had contact with women who have been trafficked and are now working in lap dancing clubs, which indicates that these clubs are used for the trafficking of women from central Europe and other countries into the sex industry in Ireland.

Operation Quest in 2003 was an initiative by An Garda Síochána (the Irish police force) set up to investigate lap dancing clubs and their links with traffickers of women for the purpose of prostitution. Over 100 people were arrested for the employment of illegal immigrants the majority of whom were women from Central Europe.

During 1999 the outreach project run by Ruhama had over 300 contacts with women working in prostitution in Ireland.³⁶ They have provided direct support to 25 women and had contact with over 70 women who have been trafficked. This provides evidence that Ireland is both a transit and destination country for women being trafficked for the purposes of sexual exploitation. Given the dangerous and secretive nature of trafficking, the isolation and entrapment of women who are trafficked and the relatively new phenomenon of migration and trafficking into Ireland, it is alarming that only one NGO in Dublin has contact with this number of women.

In 1999 the estimated Garda figure for drug-addicted women involved in prostitution on the streets in Dublin was 400. The Women's Health Project, a specialist service for drug addicted women in Dublin, had contact with 260 of these women.³⁷ There is no data however on the number of women working in massage parlours or in any form of off-street prostitution. However, new web sites about sex in Ireland demonstrate the proliferation of massage parlours and escort agencies offering Irish women and women of multiple nationalities.

NATIONAL PLAN OF ACTION

The Report of the Task Force on Violence Against Women in 1996³⁸ focused on domestic violence, rape and sexual assault. It did not include within its remit the issue of pornography, prostitution or trafficking. However, in the section on preventative strategies it clearly recognised that all forms of violence against women must be eradicated if gender equality is to be achieved. A recent welcome development has been the inclusion of Ruhama, the NGO working with women in prostitution, on the National Steering Committee on Violence Against Women.

Legislation

PROSTITUTION

The law on prostitution was updated relatively recently in the Criminal Law (Sexual Offences) Act, 1993. (10) The primary purpose of the Act was the decriminalisation of homosexuality, following the European Court ruling on this matter, so the laws in relation to prostitution were in fact a secondary part of the Act. Because of this, the major part of the public debate at that time was focussed on the issue of homosexuality.

The 1993 Act made effective the laws on public soliciting that had become inoperative due to the Supreme Court decision in the case of *King v. Attorney General* [1981] IR 233. Until then a Garda was only required to testify in court that a woman was a 'common prostitute' i.e. was known to him. He was not required to testify that the person was loitering for the purposes of prostitution. In 1983, the term 'common prostitute' was ruled unconstitutional in that it prejudiced the individual concerned, before their case had even been heard. Following the ruling, prostitution convictions fell rapidly over the following years. Gardai had to rely on such unsuitable provisions as breach of the peace to deal with the public manifestations of soliciting for the purpose of prostitution. For example in 1981 there were 621 convictions and in 1984 there were none recorded. This trend continued until the 1993 Act.

The rationale given for the need to change the law seemed to be that it gave the Gardai adequate powers to deal with public soliciting, it extended the law to customers and third parties and it was framed to "protect the public against the unacceptable nuisance caused by soliciting".³⁹

Under the 1993 Act, prostitution itself is not an offence. What the law seeks to do is to protect society from the more intrusive aspects of prostitution, such as soliciting in the streets and to protect prostitutes from exploitation by persons such as pimps living on the earnings of prostitutes. The laws governing prostitution are, therefore, primarily public order offences and are not designed to prevent sexual contact. A wide range of offences are involved of which the following are the more important:

- Under section 7 of the Criminal Law (Sexual Offences) Act, 1993, it is an offence to solicit or importune another person in a street or public place for the purposes of prostitution. That offence applies to everyone, whether male or female, prostitute or client, or a third party, such as a pimp.

³⁷ Drug Using Women Working in Prostitution. The Women's Health Project, Eastern Health Board, Dublin Ireland and European Intervention Project, Aids Prevention for Prostitutes, Supported by the EU DGV under its programme 'Europe against Aids'. 1999.

³⁸ Report on the Task Force on Violence against Women, Oifig an Tánaiste. April 1997.

³⁹ The Law on Sexual Offences: A Discussion Paper. Department of Justice, Equality and Law Reform, May 1998.

Under section 8 of the 1993 Act, a member of the Garda Síochána may direct a person in a street or public place to leave the vicinity if he or she has reasonable cause to suspect that the person is loitering, in order to solicit or importune another person for the purposes of prostitution. It is an offence for a person without reasonable cause to fail to comply with such a direction.

- Any person involved in the organisation of prostitution is liable to be penalised under a number of offence headings: for example, organising prostitution (section 9), coercing or compelling a person to be a prostitute (section 10), or keeping or managing a brothel (section 11).

- In addition, section 23 of the Criminal Justice (Public Order) Act, 1994 makes it an offence to publish or distribute an advertisement, which advertises a brothel or the services of a prostitute.

trafficking Legislation

The Illegal Immigrants Trafficking Act 2000 was enacted primarily to criminalise and control illegal immigration into Ireland. Section 2 of the Act states a person who organises or knowingly facilitates the entry into the state of a person whom he or she knows or has reasonable cause to believe is an illegal immigrant or a person who intends to seek asylum shall be guilty of an offence.

The Child Trafficking and Pornography Act 1998 made it an offence to organise or knowingly facilitate the entry into, transit through, accommodate in or exit from the state of a child for the purpose of sexual exploitation.

The issue of trafficking in persons for the purpose of sexual exploitation is recognised under the EU Joint Action on Trafficking in Human Beings and the Sexual Exploitation of Children, to which Ireland is a signatory. It calls on EU Member States to review their laws on trafficking. 'Trafficking' is defined in the Joint Action as any behaviour that facilitates the entry into, transit through, residence in or exit from the territories of a Member State.

Ireland is also a signatory to the UN Convention on Transnational Organised Crime and the accompanying Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The legislative changes necessary before it can be ratified are currently being prepared.

As a signatory to CEDAW, Ireland also has an obligation under article 6 which states that "States Parties shall take all appropriate measures to suppress all forms of traffic in women and the exploitation of women through prostitution" In the 2003 report on CEDAW ⁴⁰ the Irish government declared that an end to trafficking in persons is a priority.

enforcement

The government discussion paper (1997) dismisses claims that the 1993 legislation had negative impacts on women working in prostitution. In responding to the suggestion that the criminalising of women left them open to a greater likelihood of assault and further manipulation by pimps because reporting could now result in a charge of soliciting, the government paper says that "there is no evidence to support their fear of prosecution when reporting assaults" and that "prostitutes are treated by the Gardai in the same way as any other person reporting an assault".

There is no national research on women in Ireland involved in prostitution. However, in reports and research commissioned by the Women's Health Project since the introduction of the legislation, there was evidence of the negative consequences for women and acknowledgement by some Gardai themselves of the difficulties arising for them in enforcement.

In 1995⁴¹ research interviews with 18 women and the Gardai, all of the members of the Garda Síochána who were interviewed accepted that the new law had already created difficulties for women in prostitution, particularly those on the street.

While the law clearly allows for the arrest of customers as well as prostitutes, the majority of Gardai interviewed did not see the problem as lying with the customers and showed more sympathy for the customers' point of view. Thus, although the law is gender neutral in concept, for the most part 'men seeking the services of women are not charged', as one Garda put it.

Furthermore, the often negative experiences women had with Gardai had, not surprisingly, influenced their willingness to go to the Gardai if attacked by a client or pimp. Only 3 (17%) women said they definitely would. The change in the legislation was another factor given as contributing to women's reluctance to report attacks. Two (11%) of those who would not go to the Gardai said that they would have done so previously, but since the change in the law they were afraid that they might be charged.

In 1996 ⁴² in a survey of 84 women, some of those interviewed had not noticed any increase in the level of violence recently, but almost 60% (48) of the women felt that this was the case. A number of women (14) related this to increasing number of young drug addicts working on the streets.

⁴⁰ Ireland's Combined Fourth and Fifth Reports under the UN Convention on the Elimination of all forms of Discrimination against Women. Dublin. May 2003.

⁴¹ O'Connor, A.M. Health Needs of Women Working in Prostitution in the Republic of Ireland. A Report prepared for EUROPAP and the Eastern Health Board Women's Health Project. WERRC, University College Dublin, 1995

⁴² O'Connor, A.M., O'Neill, M., Foran, D. Women Working in Prostitution: Towards a Healthier Future. Report prepared for EUROPAP and the Eastern Health Board Women's Health Project. 1996.

Another aspect of the increase in violence, pointed out by some women, was the perception that it was no longer easy to report attacks to the police because now 'you could be charged'. One woman commented, 'it has always been dangerous, but it has increased. Customers are aware the law has changed and are aware that the women don't want to go to the police'. Negative abusive experiences with individual Gardai, coupled with the change in legislation had a major impact on women's willingness to report violence. 69% of women said they would not report an attack.

Other impacts of the change in the law documented in the study were given as:

- ⊙ having to work more nights and longer hours to make the same amount of money because of being moved on.
- ⊙ getting into cars more quickly without time to assess risk or danger.
- ⊙ taking more risks in relation to HIV/AIDS as less time to determine customers.
- ⊙ pushing women into more covert forms of prostitution i.e. parlours.
- ⊙ forcing women to using their own home.
- ⊙ women in parlours being raided.

The increased vigilance of the Gardai in implementing the existing legislation, particularly with regard to women in prostitution on the streets, is highlighted in the responses of the women. 52% of all the women in this study had been charged with soliciting. This had resulted in 20% of those women being imprisoned, 12% fined and 18% being held in custody. The added trauma of prison on women and on women's capacity to parent is also highlighted in the report.

The authors state that the new legislation has had an impact on the lives of most of the women interviewed. Its implementation has resulted in many women 'going underground' i.e. working indoors which has implications for public health policy. Over half of the women had been charged and 20% of those had been imprisoned.

However, in the 1999 research which found an increased level of violence against the women an interesting finding was that 65% of the women who had been attacked had reported the attacks to the Gardai. This may be as a result of the work done by the WHP project to develop close liaison with the Gardai, the service providers and women involved in prostitution. It has also been the experience of Ruhama that many individual Gardai are aware of the risks to women in prostitution and have focussed their attention on the protection and safety of women involved in prostitution on the streets.

Garda statistics continue to illustrate that a greater number of women involved in prostitution are charged than men. In 2002 of 250 reported offences to the Gardai, 57 resulted in conviction, 21 male and 32 female. There is no breakdown of whether any of those men charged were buyers.⁴³

In 1999 the Garda Commissioner announced that there would be an investigation into magazines and newspapers which carry advertisements for brothels and prostitutes. This was as a result of the banning of a magazine by the Censorship of Publications Board for advertising 'health studios' and the public debate which ensued. In a statement to the Irish Times the Garda Inspector in charge made it clear that the focus of the investigation would be on those operating and profiteering from prostitution and would not be targeting prostitutes themselves.⁴⁴

SERVICE PROVISION AND THE EXPERIENCE OF WOMEN IN PROSTITUTION IN IRELAND.

International research consistently demonstrates that poverty, abusive backgrounds, drug abuse and homelessness continue to be the primary reasons that women enter into prostitution.⁴⁵ Although there is no comprehensive study in Ireland, a number of small scale studies and the experience of NGO's working with women indicate the same reasons and demonstrate that women experience multiple forms of violence and abuse in addition to the violating nature of prostitution in itself.

In the 1999 survey of 77 women almost half (48%-37) of the women interviewed stated that they had been physically assaulted by customers and 24% (19 women) reported having been forced to have sex with customers against their will. This is over double the proportion of women who stated that they had been assaulted in the 1996 research. This was perhaps due both to the generally increasing levels of violence seen on Dublin's streets, as reported by women themselves and by the Outreach staff, and the fact that most of the women in the research this year worked on the streets where they are more vulnerable.⁴⁶

In a recent small scale study of women accessing drug addicted services in the North West Inner City in Dublin⁴⁷, key issues emerging included:

- ⊙ The systematic nature of physical and sexual violence, rape, abuse and coercion experienced by women.
- ⊙ The vulnerability of drug addicted women to being targeted by violent and abusive men who know they have no power to negotiate safety.
- ⊙ Men targeting vulnerable drug addicted women knowing that the women's need for drugs can result in them having to participate in unsafe and violating practices.
- ⊙ Women's perception and experience that the legal system and the Gardai respond punitively to the woman regardless of the level and forms of violence to which they have been subjected.

⁴³ Report of An Garda Siochana. 2002.

⁴⁴ Eamon Timmins. Article in The Irish Times, August 18th.1999.

⁴⁵ A Comparative Study of Women Trafficked in the Migration Process, Patterns, Profiles and Health Consequences of Sexual Exploitation in five Countries, Coalition Against Trafficking in Women (CATW) 2002

⁴⁶ Kelleher & Associates. A Framework for Developing an Effective Response to Women and Children who Experience Male Violence in the Eastern Region. Eastern Regional Planning Cttee. 2001

⁴⁷ O'Connor, M., Wilson, N. Women's Experience of Violence in the North West Inner City. Dublin. Forthcoming, 2004.

RuHama

RuHama was set up in the late 1980's. It is a non-governmental organisation, which provides a range of services to women in prostitution including outreach on the streets at night, advocacy and education. In addition, it engages in awareness raising about the issue of prostitution with other NGOs, statutory agencies and the general public. It receives funding from the Department of Justice Equality and Law Reform, Probation and Welfare section, the Department of Health & Children and other voluntary donations.

RuHama works from an understanding that prostitution is a form of violence against women and subscribes to the definition of the Coalition Against Trafficking in Women which defines sexual exploitation as:

"A practice by which a person(s) achieves sexual gratification or financial gain or advancement through the abuse of a person's sexuality by abrogating that person's right to dignity, equality, autonomy and physical and mental well being."

RuHama has worked with women who have been trafficked into Ireland since Spring 2000. The majority of women are from Eastern Europe and a number of common factors emerged: the presence and extent of violence, the trauma, psychological terror and the high level of anxiety raised by the threat of violence by their traffickers and the fear of being deported by the immigration authorities. The needs identified by women were safe accommodation, medical care, legal advocacy including advocacy with the Gardai and trained interpreters to help women and workers overcome language barriers. RuHama receives no funding from the State to respond to these needs and relies entirely on voluntary donations to do this work.

RuHama are contributing to public debate through the media on the issue of prostitution and trafficking. They have been instrumental in initiating Ireland en Route, an information sharing forum of NGOs, academics and statutory agencies concerned with trafficking in Ireland and globally.

women's Health project

The Women's Health Project is a health service under the Eastern Regional Health Authority. They provide a range of health services to women involved in prostitution. They work from a harm reduction model that minimises the negative impacts of drug addiction and prostitution on women. They have researched and documented the negative health impacts on women and the consequences for women's mental, physical, sexual and reproductive health and the decreasing age of entry into prostitution among drug addicted women on the streets.

In research in 2002⁴⁸ it was recognised that very few women working in prostitution were accessing other services such as refuges and rape crisis centres despite the levels of violence they experienced. Recommendations included an urgent need for more funding to NGOs to provide for the needs of women in prostitution.

Trafficking Composite Case Study from RuHama

Mara was an attractive young woman of 19 years of age when she was trafficked from Moldova. Because of the lack of job opportunities in her home country, she decided to travel abroad in search of work. She had been told of great opportunities in Western Europe and when she was offered a job in a bar she jumped at the chance. However, Mara had been deceived. She was bought and sold by traffickers at least three times. She travelled by bus, boat, car, truck and plane, passing through Albania, Italy, France, England and eventually arriving in Ireland.

Switching cars and modes of transport so often, being locked in houses and constantly guarded by the traffickers, she was completely disoriented and unable to even try to escape. She was imprisoned, subjected to beatings, starvation and rape. If she was uncooperative, her family at home was threatened and she was told she would be passed on to more dangerous owners.

Eventually, after her arriving in Ireland, her passport and papers were taken from her and destroyed. She was passed over to a Russian man who put her into a brothel. She was told she would now be a prostitute. She would do exactly as she was told or her family in Moldova would be killed. She got food and shelter, and had to work all day and sometimes late into the night. She could not refuse to do anything she was asked to do by the men who frequented the brothel. She was constantly monitored.

Three months later she found she was pregnant. She was told she was of no use now and was free to go. She was left with nothing, no money, no place to stay, no contacts and hardly any English. Mara was warned she could trust no one and if she told her story, her family would be in danger and would be told she was now working in prostitution.

⁴⁸ Ibid O'Connor and Wilson, 2004.

CONCLUSIONS

Inadequate research and data make it impossible to accurately assess the growth of the sex industry in Ireland and the numbers of women in prostitution and being trafficked. However the evidence from NGOs and the Gardai indicates that Ireland is no different from other western economies. The demand for Irish and immigrant women to be available for the purpose of sexual exploitation is a growth sector. Immigration Law is not sufficient to combat trafficking, the Irish State has to fulfil its obligations under the various human rights instruments. There is an urgent need for action at Governmental level which will ensure cohesive, effective measures to combat this violation of women's human rights.

RECOMMENDATIONS OF THE IRISH OBSERVATORY OF VIOLENCE AGAINST WOMEN ON PROSTITUTION AND TRAFFICKING

- 1 Research into the extent of Prostitution and Trafficking for the purpose of sexual exploitation in Ireland should be conducted. A consultation process should be carried out before this research to ensure ethical and safe conditions for women participating in the research, in consultation with the Gardai and NGOs.
- 2 A high level ministerial working party should be set up to examine the role of the State in responding to the growth of the sex industry in Ireland. The group should comprise senior civil servants in the Department of Justice Equality and Law Reform, the Department of Health and Children, the Garda Immigration Bureau, NGOs and experts with specialist knowledge in the area of violence against women, prostitution and trafficking, nationally and internationally.
- 3 Legislative changes need to be urgently introduced to enable the ratification of the UN protocol to Prevent and Suppress Trafficking for Sexual Exploitation. The requirements outlined in the Protocol regarding the provision of protection and safety, psychological and economic support for the victims of trafficking need to be immediately resourced.
- 4 Leave to remain in Ireland should be granted to trafficked women or resources provided for return to the country of origin where this is safe for the woman to do so. Leave to remain should not be dependent on testifying as a witness against traffickers.
- 5 The Swedish model of legislation which has made the buying of sexual services illegal should be examined as a potential way forward for legislation in Ireland. Prior to the introduction of any new legislation the resources needed to minimize any negative impacts of women in prostitution must be identified and allocated. Resources must also be made available to ensure that legislation will be accompanied by adequate public awareness, training and monitoring mechanisms which are essential measures in ensuring that the enforcement of legislation will be consistent and effective.
- 6 Research into the enforcement of the law in relation to all offences pertaining to the sex industry should be carried out. This should include a detailed analysis, including gender, of arrests, charges, convictions and sentences.
- 7 The work of Ruhama and other NGOs working with women in Prostitution and trafficked women should be recognised under the budget on violence against women.
- 8 A dedicated specialist NGO should be set up to respond to/support trafficked women.

Report written by Monica O'Connor on behalf of the Irish Observatory on Violence Against Women, 2004.

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IRELAND

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