

'Sex for Rent'

**An NWC Report on Sexual Exploitation
and Sexual Harassment in the Rental
Housing Market.**

nwc

National Women's Council



EUROPEAN WOMEN'S
LOBBY
EUROPÉEN DES FEMMES

Community
Foundation
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Introduction

In May 2022 *Irish Legal News* reported on the conviction for ‘incitement to prostitution’ offences of 53-year-old Christopher Cox, in England, as the first ever successful prosecution of sex for rent (SFR) exploitation in the UK.¹ Mr Cox had advertised rooms to let through a free ad in an online platform and outlined the kind of person he was looking for as follows - ‘if you are a young girl 16-plus who is stuck at home and wants to get away or maybe you are homeless seeking a safe route out, I have a room available in my home’. The ad also specified that the successful tenants would be required to ‘cook, clean, do laundry and possibly more’.² Applicants were asked to send photos of themselves and were told that they would be expected to provide ‘sexual services’ in exchange for a room. The tenants were required to wear a bikini at all times in the house. One of the young homeless women who moved in after answering the advertisement and with whom he had sex was described in testimony as being ‘desperate’, ‘suicidal’ and ‘unwell’³

In the US, Tester’s (2008)⁴ research on sexual harassment in housing relates the following experience described by a participant ‘Regina’;

‘While in the yard her landlord Frank came up from behind and rubbed against her. When she turned around, Frank’s penis was hanging out of his shorts. Regina looked away, ignoring Frank and the sexual comments he began making. Frank continued harassing Regina as the day continued.’

After the landlord was confronted about the harassment, an eviction order was served on Regina and her family. In the sexual harassment complaint, she subsequently lodged, ‘she explained that she was afraid to be home alone, was scared of people looking in the window, was having nightmares and had difficulty eating’.⁵

A participant in UK research⁶ on predatory landlord behaviour described her experience:

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- 1 Anon 2022. England: Landlord Who Engaged In Sex-for-rent Scheme Jailed. [Online] *Irish Legal News*. Available at: <<https://www.irishlegal.com/articles/england-landlord-who-engaged-in-sex-for-rent-scheme-jailed>>].
 - 2 Oppenheim, M., 2024. Man Who Told Tenants To Wear Bikinis And Asked For ‘Girl In Need’ Jailed. [Online] *The Independent*. Available at: <<https://www.independent.co.uk/news/uk/home-news/sex-for-rent-christopher-cox-jailed-b2076438.html>>.
 - 3 Anon 2022. Ibid.
 - 4 Tester, G., 2008. An Intersectional Analysis of Sexual Harassment in Housing. [Online] *Gender & Society*, 22(3), pp.349–366. Available at: <10.1177/0891243208317827> [Accessed 12 Jan. 2024].
 - 5 Tester, G. (2008). Ibid.
 - 6 Generation Rent and Mumsnet, 2022. Predatory Behaviour in the Private Rented Sector. [Online] *Generation Rent*. Available at: <<https://www.generationrent.org/wp-content/uploads/2023/06/Predatory-behaviour-in-the-Private-Rental-Sector-October-2022-1.pdf>>

‘I was a young girl of 17 with a baby, renting to get away from an abusive family at the time when I was approached by one of the two landlords who owned the property I was staying at. He intimidated me continuously, making me feel extremely ugly, horrible, that I was a cheap girl that needed him and his help. When I turned him down, he got so nasty.’

Another respondent in the same study said: ‘both times the landlord has used my poverty (being a student then being a young person fleeing abuse) to ask for sex/make lewd comments, knowing I depend on a reference from him to move elsewhere.’⁷ Women escaping domestic violence are also turning up among those who have encountered SFR proposals or arrangements. An LBC news undercover investigation into the issue in the UK met with a predatory landlord who told them that his last tenant ‘was hiding from an abusive ex and was too scared to work so couldn’t pay rent (...) the young woman stayed with him at the start of the 2019 and they would engage in “daddy/daughter” type scenarios.’⁸

Media reporting on these issues in Ireland illustrates that even when women *do not* accept these arrangements, they are victims of predatory behaviour from would-be landlords. Ann Murphy’s journalism for the *Irish Examiner* describes instances where despite being turned down, would-be landlords continued to pester and harass their victims with phone calls, cyberstalking, and even visits to their place of work.⁹

This research is an exploratory study of sex for rent (SFR) exploitation in Ireland. The objective is to explore the views of those with experience and expertise in the areas of violence against women, housing, and homelessness, on the harms of SFR. The report presents these consolidated views about the nature of the issue and its consequences. Media reporting is examined, as well as an analysis of selected sample ads and the law pertaining to SFR in some selected jurisdictions. Finally, it sets out several recommendations to address the problem. This study is a first step, and it is hoped that it will contribute to a wider interest in the area so further much-needed research will be conducted.

The precise circumstances of the housing market in Ireland create a perfect environment for the exploitation of tenants, and the placing of advertisements by prospective landlords offering discounted or free accommodation in return for sex has become a not uncommon occurrence. This ‘sex for rent’ practice is not currently a specific criminal offence, although, as will be discussed in this report, there have been some attempts to introduce legislation with the aim of criminalising the proposing of these arrangements by would-be landlords. Marginalised and structurally vulnerable women are amongst those most harmed by sex-for-rent exploitation including those without alternative housing options due to poverty, disability, insecure immigration status, domestic or family violence, debt, a lack of family support or unstable/poorly paid employment. The most precarious

7 Generation Rent and Mumsnet, 2022. Ibid.

8 Venables, R., 2022a. Exclusive: Government to Vote Against Plans To Make ‘Sex For Rent’ A Specific Offence. [Online] LBC. Available at: <<https://www.lbc.co.uk/news/uk/government-vote-sex-for-rent-offence/>>].

9 Murphy, A. and O’Rourke, R., 2022. Sex-for-rent: ‘I personally think if I was at the house alone, I could have got raped’. *The Irish Examiner*. [Online] 21 Feb. Available at: <<https://www.irishexaminer.com/news/arid-40812549.html>>

in our society are also those most in danger from the harms inherent to sex for rent arrangements or proposal. Interpreting UK research, a renters' advocacy spokesperson said, 'the number of people propositioned for sex for rent increases the lower your household income.'¹⁰

Women who agree to SFR arrangements where the alternative is homelessness are not in fact consenting in any real way, but rather the agreement should be understood as an instance of what Bacik¹¹ termed 'compromised consent'. This understanding of consent in such contexts is very much at odds with its legal conception as 'freely and voluntarily' given (according to the provision of the Criminal Law (Sexual Offences) Act 2017). Sex for Rent practices are a gross abuse of the landlord tenant relationship and should be appropriately criminalised like other sexual offences. Such exploitation is an assault against human dignity and the highly gendered nature of this abuse is a profound denial of equality with the perpetrators being men in the main, while the victims-survivors of the abuse are primarily women. Research from the UK based housing charity Shelter in 2018 found that a quarter of a million women in the UK have been asked for sexual favours or intercourse in return for free rent and 140,000 of these cases were in the previous year alone.¹² Worryingly, Threshold (the renters' advocacy group) warn that 'the evidence of the prevalence of the issue in England must be viewed in light of both a similar rental culture and a much more constrained rental market in Ireland. Taken together those facts would certainly provide great cause of concern that the situation in Ireland may in fact be more acute than in England'.¹³

A sex for rent agreement when entered into in the absence of other viable means of finding a home is sexual exploitation and should be understood as a form of gender-based violence. In these circumstances there are clear parallels between the exploitation inherent to sex for rent and the exploitation in prostitution forced by poverty or trafficking or the violence of a third party. Whether the currency is euro or shelter, the nature of the violence and abuse of these practices is the same. In both instances consent is compromised. However, unlike prostitution, there is no corresponding criminalisation of the sex purchaser in sex for rent exploitation, nor supports or services for women subjected to it. 'Survival sex' is just as much a feature of SFR as it is of prostitution, and it is equally damaging, dehumanising and harmful for women in this context. The National Women's Council (NWC) has a long-standing commitment to end violence against women, including exploitation, and Goal 1.2 of NWC's Strategic Plan 2021-2024¹⁴ sets out a series of actions to fulfil this goal. Moreover, NWC understands and recognises that the inequality, disadvantage

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- 10 Venables, R., 2022b. One-in-ten Poor Female Renters Have Been Propositioned For 'Sex For Rent' By Predatory Landlords. [online] *LBC*. Available at: <<http://tinyurl.com/2zpmxv8d>>
- 11 Bacik, I., 2020. If Consent is Bought it is not Freely Chosen. *Dignity*, [online] 5(3). Available at: <10.23860/dignity.2020.05.03.06> [Accessed 24 Nov. 2023].
- 12 Curtin, D., 2018. Study Reveals That Over 250,000 Women Have Been Asked For Sex In Return For Free Rent - Her.ie. [online] *Her.ie*. Available at: <<https://her.ie/news/study-reveals-250000-women-asked-sex-return-free-rent-387572>>
- 13 Threshold, 2022. Threshold's Opening Statement to the Joint Committee on Justice on the "Ban on Sex for Rent Bill 2022". [online] *Threshold*. Available at: <https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_justice/submissions/2022/2022-06-21_opening-statement-gavin-elliott-legal-officer-threshold_en.pdf>
- 14 National Women's Council (2021a) No Woman Left Behind 2021-2024. *National Women's Council*. Available at: https://www.nwci.ie/images/uploads/FINAL_No_Woman_Left_Behind_NWC_Strategic_Plan.pdf

and poverty experienced by many women is a significant contributor to creating an enabling environment for predatory and exploitative individuals and groups.

NWC and its members have historically advocated for this understanding of prostitution within the gender inequality framework and as a form of violence against women. A study conducted in 2022 by the Sexual Exploitation Research Programme (SERP), on behalf of NWC aimed to enhance NWC's understanding of its own members' knowledge and views on issues of commercial sexual exploitation, found that members were clear that '(...) the payment of money for sexual access to another person's body undermines or even bypasses consent, particularly when one understands the difference in power and status that typically exists between the buyer and the seller.'¹⁵ As a signatory and ratifying state to the Istanbul Convention¹⁶ and the UN Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)¹⁷, Ireland has an obligation to take all appropriate measures, including legislation, to suppress the exploitation of women, it is therefore imperative that we see new legislation that outlaws sex for rent arrangements and the placing of advertisements for such arrangements which normalises and legitimises the commodification of sexual activity. In 2022, the Government published the Third National Strategy on Domestic, Sexual and Gender-Based Violence¹⁸ which is considered to be an 'ambitious, comprehensive and detailed' [plan]...to eliminate violence against women in all its forms and to bring about a radical cultural shift so that in Ireland, historic gender inequalities and the social attitudes and behaviours underpinning them would no longer be tolerated'.¹⁹ It is considered particularly transformative in its recognition of prostitution and sexual exploitation as a form of violence against women.²⁰

This recognition was a clear acknowledgement of the harms caused by commercial sexual exploitation, as well as Ireland's commitment to ending it. This has meant a recognition of the exploitation and victimhood of many for whom trading sex is a means by which they survive, whether they are trafficked into the life or through the duress of circumstances and poverty or through coercion/violence of a third party. This Strategy built upon Part IV of the Criminal Law (Sexual Offences) Act 2017²¹ which shifted the burden of criminality in the system of prostitution onto the

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- 15 Breslin, R., Canning, M., De Faoite, M. (2021) Gender Equality and Sexual Consent in the Context of Commercial Sexual Exploitation. *SERP & NWC*. Available at: https://www.nwci.ie/images/uploads/SERP_NWC_Equality_Consent.pdf (Accessed: 2 April 2024)
 - 16 Council of Europe, 2024. Text Of The Convention - Istanbul Convention Action Against Violence Against Women And Domestic Violence - www.coe.int. [online] *Istanbul Convention Action Against Violence Against Women And Domestic Violence*. Available at: <https://www.coe.int/en/web/istanbul-convention/text-of-the-convention> [Accessed 13 Feb. 2024].
 - 17 United Nations General Assembly, 1979. Convention on the Elimination of All Forms of Discrimination against Women. [online] *OHCHR*. Available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>
 - 18 Department of Justice (2022) Zero Tolerance Third National Strategy on Domestic, Sexual & Gender-Based Violence 2022-2026. *Government of Ireland*. Available at: <https://www.gov.ie/pdf/?file=https://assets.gov.ie/228480/67b6e3af-a0d2-4d70-889f-0b1e2001995b.pdf#page=null>.
 - 19 National Women's Council of Ireland, 2023. Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence. [online] *NWCI*. Available at: https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf.
 - 20 Beyond Exploitation (2022) *Press Release: Beyond Exploitation welcomes recognition of prostitution as a form of violence against women*. Available at: <https://www.beyondexploitation.ie/latest-news/press-release-beyond-exploitation-welcomes-recognition-of-prostitution-as-a-form-of-violence-against-women/> [Accessed: 2nd April 2024].
 - 21 Houses of the Oireachtas, 2024. Criminal Law (Sexual Offences) Act 2017. [Online] (c) *Houses Of The Oireachtas Service*. Available at: <https://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html> .

buyer and away from the woman selling sex. Part IV of this Act went some way towards adopting the 'Equality Model' which is envisaged as a legal and social policy tool to combat commercial sexual exploitation while also promoting gender equality. At its core, this approach understands the system of prostitution to be exploitative and a form of gender-based violence where many women enter the trade as a result of poverty and the duress of these circumstances.

Alongside these legal and policy developments on prostitution and commercial sexual exploitation, the feminist movement has ignited a broad and multifaceted discussion about the nature of sexual consent. Despite the progress, there are still gaps that need addressing to fulfil the Irish commitment to end all forms of commercial sexual exploitation, including sex for rent. This report calls for legislation to criminalise the practice of seeking sex in lieu of rent as well as penalties for the platforms that carry advertisements for these arrangements. It will also argue that women who are victims of this kind of abuse should be offered the same supports and protections as the Third National Strategy on DSGBV advocates for women who are harmed in prostitution.

Methodology

This report is exploratory, using a mixed-method approach that encompassed:

1. **A comprehensive, detailed and up-to-date literature review of Irish and international literature on SFR, drawing on a mixture of academic texts, social research, and popular media reporting.**
2. **Selected interviews with key experts and stakeholders using a semi-structured approach focussing on eliciting the position of the individual or of the organisation the participants represented on the issue of SFR. These interviews consisted of a small number of broad open-ended questions which were followed by queries more specific to the area of expertise of each participant and prompted by their input.**
3. **Review of policy and legislation on SFR in selected countries, as well as Ireland, to identify specific legislative and policy changes needed to respond effectively to SFR practices.**
4. **Monitoring of specific user-to-user online platforms over a period of one month during 2023 to identify the nature and content of selected SFR ads.**

As there is little available data on the prevalence and nature of SFR exploitation in Ireland, this research took the approach of combining a detailed literature review, together with selected expert interviews and the monitoring of online sites to generate unique data. The interviews focussed on the understanding or perceptions of the respondents as to the nature and extent of SFR arrangements, what they saw as the precise ‘problem’ with such arrangements as well as their opinions on the best way to address this form of exploitation. Some of the participants were drawn from frontline organisations including those providing information and support to women victim/survivors of domestic violence, sexual exploitation and abuse, migrants who are survivors of trafficking and renters who are experiencing difficulties in their housing situation. Others were selected as a result of their interest in or involvement with this issue, or because their work was likely to bring them into contact with cohorts of individuals who are vulnerable to this kind of exploitation.

Key individuals with specific expertise also contributed to this research: an investigative journalist who has reported on this issue; political representatives with a special interest in housing issues; and prominent researchers/academics in the area of the housing crisis, women and homelessness/housing deprivation. In total 13 semi structured interviews were conducted each lasting between 30 minutes and 40 minutes approximately. These were recorded and subsequently transcribed and analysed.

Literature Review

The Issue of Consent in SFR

Rape and sexual assault laws in Ireland revolve around the concept of consent and in order to achieve a conviction for these crimes the prosecution is required to prove its absence on the part of the victim for the sexual act in question, and furthermore that the perpetrator was aware of this absence. The Criminal Law (Sexual Offences) Act (2017)²² states that a person consents to a sexual act if he or she *freely and voluntarily* agrees to engage in that act.

McKinnon²³ in her writings on rape, notes that it is a crime 'of gender inequality'. She points to the United Nations General Assembly statement from 1993 declaring that violence against women, including sexual assault is 'a manifestation of historically unequal power relations between men and women, which has led to domination over and discrimination against women by men'. This declaration is mirrored globally in several international legal instruments and conventions including the Convention on the Elimination of All Forms of Discrimination Against Women²⁴ and the Istanbul Convention²⁵. McKinnon notes that in the US (as in many jurisdictions) there are very low reporting rates of rape and sexual assault and in what is known as rape attrition, there are negligible conviction rates from these reports. She suggests that in addition to underenforcement, 'one reason rape law is so ineffective is its failure to define the legal reality in terms of the social reality'²⁶. In other words, our conceptual and social understanding of sexual violence as a crime resulting from, and acting to perpetuate, unequal gender relations is not matched by our legal understanding which characterises this crime solely as sexual activity in the absence of consent thus ignoring the broader gender inequality issues and erasing them from the context in which the offence occurs. McKinnon lists a variety of situations where sex can in the moment apparently be 'consented to' but is actually unwanted, including where 'sex (is) given to stave off non-sexual but physical, domestic violence'. 'Coerced submission can merge with consent.'²⁷

22 Houses of the Oireachtas, 2024. Criminal Law (Sexual Offences) Act 2017. [online] (c) Houses Of The Oireachtas Service . Available at: <<https://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>> .

23 McKinnon, C., 2016. Rape Redefined. Harvard Law and Policy Review , 10, p.431:477.

24 United Nations General Assembly, 1979. Convention on the Elimination of All Forms of Discrimination against Women. [online] OHCHR. Available at: <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>> .

25 Council of Europe, 2024. Text Of The Convention - Istanbul Convention Action Against Violence Against Women And Domestic Violence - Www.coe.int. [online] Istanbul Convention Action Against Violence Against Women And Domestic Violence . Available at: <<https://www.coe.int/en/web/istanbul-convention/text-of-the-convention>> .

26 McKinnon, C., 2016 *ibid*

27 McKinnon, C., 2016 *ibid*

O'Connor²⁸ explores what she refers to as the 'circumscribed nature of individual choice and agency in the coercive context in which sexual consent is obtained' within prostitution. In her analysis of interviews with women in prostitution she observes that:

'Every participant reported that she exercised agency, strategised, and made decisions to maximise control of the situation. However, the women were acutely aware that it is implicit in the prostitution contract that his sexual needs are acquiesced to, and that there is always the underlying presence of the threat of violence if they refuse creating a context in which sexual compliance does not always have to be gained by using physical violence; it is the **power structure** of the relationship which sets a dynamic ensuring she will comply with unwanted sexual demands'

This describes a situation where sex is apparently consented to although it is very much unwanted, as a result of the power dynamics at play. In the instances the author describes, sexual activity with 'clients' is tolerated by the research participants as a means of negating the always present, underlying threat of physical violence. O'Connor similarly notes in the same article that three trafficked women interviewed in her study 'only name the first sexual acts of buyers as rape, and despite clearly being forced to be in prostitution, it is evident that from that point on they perceived themselves to be consenting. Consequently, they did not conceptualise or name subsequent sex with buyers as rape unless there was severe physical violence'²⁹. Therefore, the sexual relations entered into as part of the 'prostitution contract' are not legally considered to be rape despite the absence of consent as free and voluntary agreement to sexual engagement with 'clients' as described by O'Connor and others. Such a definition is explicitly reserved for situations where there is an *apparent and overt* absence of consent.

Under the Equality Model approach adopted in Ireland, which criminalises the purchase of sexual services, the system of prostitution is understood to be exploitative and a form of gender-based violence where many women enter the trade as a result of poverty and the duress of these circumstances. Similarly, as it stands, entering into a SFR 'contract' is not currently considered rape or sexual assault because to enter into such an arrangement requires the individual to perform overt consent regardless of their levels of fear, intimidation or disgust. The difference with SFR though is that there is no corresponding criminalisation of the sex purchaser in this form of sexual exploitation although women are likely to enter such a 'contract' as a result of similar levels of economic deprivation and desperation. Sex for survival is just as much a feature of SFR as it is of prostitution, and it is equally damaging, dehumanising and harmful for women in this context.

Bacik suggests that 'consent may be seen as legally compromised in certain contexts of structured gender inequality, such as domestic violence, workplace sexual

28 O'Connor, M., 2017. Choice, agency consent and coercion: Complex issues in the lives of prostituted and trafficked women. *Women's Studies International Forum*, [online] 62, pp.8–16. Available at: <10.1016/j.wsif.2017.02.005>

29 O'Connor, M., 2017 *ibid*

harassment, and prostitution. The legal understanding of consent in such contexts is antithetical to the conception of consent as *freely and voluntarily* given within a mutual sexual relationship’, and she draws on the work of McKinnon and O’Connor in formulating her argument.³⁰ Sex for rent arrangements can also be added to this list of situations in that they display the same dynamic and fall far short of what consent is normally conceived to be. As observed by Threshold in their Opening Statement to the Joint Committee on Justice on the Ban on Sex for Rent Bill, ‘people in extreme housing difficulty are sometimes forced to make a choice between unacceptable housing conditions and homelessness.’³¹ When this choice is forced, and the option picked is SFR, consent is far from voluntarily and freely given. Bacik³² points out that in cases of trafficking for sexual exploitation where the Criminal Law (Trafficking Act 2008) is the relevant legislation ‘a defence is not available where a trafficked person ‘consents’ to being trafficked, in recognition that any apparent consent has been coerced’. It would seem that such an understanding would also be appropriate for instances of SFR where they are entered into only through duress of circumstances and in extreme distress.

McKinnon has suggested that money acts as a kind of force in the overtly ‘consensual’ instance of prostitution, similarly, shelter can act as a kind of force to those in housing precarity or homelessness in SFR.. In this way there is a need for an Equality Model approach to SFR which recognises legally the deeply exploitative nature of the practice and criminalises the ‘purchaser’.

The Housing Crisis and Homelessness in Ireland

‘Housing provides safety and shelter and underpins people’s ability to hold employment, participate in education, and otherwise engage with civil society. Housing precarity and housing deprivation are associated with poor mental health, poor physical health, poverty, and homelessness, which have consequences not just for individuals but also for wider society.’³³

Furthermore, the Right to Housing has been codified by a wide range of International legal instruments under the umbrella of the United Nations, including the Universal Declaration of Human Rights and the International Convention on Economic, Social and Cultural Rights³⁴.

30 Bacik, I., 2020. If Consent is Bought it is not Freely Chosen. Dignity, [online] 5(3). Available at: <10.23860/dignity.2020.05.03.06>.

31 Threshold, 2022. Threshold’s Opening Statement to the Joint Committee on Justice on the “Ban on Sex for Rent Bill 2022”. [online] Threshold. Available at: <https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_justice/submissions/2022/2022-06-21_opening-statement-gavin-elliott-legal-officer-threshold_en.pdf> [Accessed 25 Jan. 2024].

32 Bacik, I., 2020. *ibid*

33 Russell, H., Privalko, I., McGinnity, F. and Enright, S., 2021. Monitoring Adequate Housing in Ireland. [online] Irish Human Rights and Equality Commission. Available at: <<https://www.ihrec.ie/app/uploads/2021/09/Monitoring-Adequate-Housing-In-Ireland-Sept-2021.pdf>>

34 The United Nations Human Rights Office of the High Commissioner, 2023. Homelessness and Human Rights. [online] United Nations. Available at: <<https://www.ohchr.org/en/special-procedures/sr-housing/homelessness-and-human-rights#:~:text=Fran%C3%A7ais%20%7C%20D1%80%D1%83%D1%81%D1%81%D0%BA%D0%B8%D0%B9%20%7C%20Espa%C3%B1ol-,Definition%20of%20homelessness,and%20ability%20of%20obtaining%20it.>>

As we wait for the Minister for Housing, Local Government and Heritage to publish the report of The Housing Commission which it is believed, contains a recommendation to hold a referendum on the right to housing,³⁵ Ireland's approach to this issue is still primarily economic, viewing a home first and foremost as a property, an investment and a commodity.³⁶ As it stands, the Irish constitution does not recognise a right to housing. The result of this gap according to the Mercy Law Centre, is that property rights and housing rights are 'imbalanced in that there is express protection for private property rights under both Article 43 and Article 40.3, with no equivalent right to housing (being) expressed anywhere in the Constitution'.³⁷ Given that the need for shelter is as fundamental to survival as food and water, and beyond that to live with dignity and enjoy social inclusion and full civic participation requires a safe, secure and stable home, this commodification of housing is increasingly problematic. In 2022, the National Women's Council stressed that ultimately, 'the commodification of housing is undermining the ability to provide a home for all. There is a need for a shift in how we view housing and accommodation, moving from a market good to a fundamental requirement for basic human dignity'.³⁸

Historically in Ireland, relatively weak regulation protecting tenants and a power imbalance between their rights and those of landlords, combined with short term leases has led to a widespread view of private rental as the most precarious of tenures, with certain groups in society being disproportionately vulnerable to housing precarity, including those on low-incomes, lone parents, migrants, unemployed people, students, older people and disabled people.³⁹ In these circumstances, landlords can exert considerable influence over tenants' lives, and research⁴⁰ has shown that some renters feel compelled to engage in certain performative practices to appeal to landlords as 'ideal tenants'. During a housing crisis like Ireland is currently experiencing, a desire to secure a tenancy can encourage tenants to cede even more power to the landlord, such that the relationship can appear exploitative.

If there is an imbalance between the rights of the landlord and tenant in the private rental sector, this imbalance is marginal when compared with the case of those renters who are legally considered licensees as opposed to tenants and for whom the normal protections (slender as they are) are not applicable. These tenancies are not covered by residential tenancy legislation. According to Threshold, 'licensees

35 Horgan-Jones, J., 2023. Housing Commission's effective work on policy stymied by tortured exchanges on referendum. The Irish Times. [online] 31 Jul. Available at: <<https://www.irishtimes.com/ireland/housing-planning/2023/07/31/housing-commission-split-on-constitutional-right-to-housing/>>

36 Grotti, R., Russell, H., Fahey, E. and Maitre, B., 2018. Discrimination and Inequality in Housing in Ireland. [online] Available at: <<https://www.ihrec.ie/app/uploads/2022/08/Discrimination-and-Inequality-in-Housing-in-Ireland..pdf>>.

37 Kelly-Desmond, A., 2022. Statutory Housing Rights and Discrimination within Housing - The impact of a right to housing for ethnic and racial minorities in Ireland. [online] Available at: <<https://mercylaw.ie/wp-content/uploads/2022/09/MLRC-Referendum-Consultation-response-31.08.2022-02.pdf>>

38 National Women's Council (2022) Submission to the Housing Commission on a Referendum on Housing in Ireland. Available at: https://www.nwci.ie/images/uploads/NWC_Submission_Housing_Commission_on_a_Referendum_on_Housing_in_Ireland_August_2022.pdf [Accessed 4 April 2024]

39 Waldron, R., 2023a. Experiencing housing precarity in the private rental sector during the covid-19 pandemic: the case of Ireland. *Housing Studies*, [online] 38(1), pp.84–106. Available at: <10.1080/02673037.2022.2032613>

40 See Waldron, R., 2024. Responding to housing precarity: the coping strategies of generation rent. *Housing Studies*, [online] 39(1), pp.124–145. Available at: <10.1080/02673037.2021.2022606> for an interesting discussion on the 'Performance of the Ideal Tenant'

are one of the most vulnerable groups renting in Ireland, with very limited rights. In these cases, normal landlord and tenant laws do not apply and the licensee is left very vulnerable with little to no protections legally in place'.⁴¹ In relation to accommodation, there are several kinds of 'licensee' contracts, but the one of primary interest for this report is the term's use to describe the relationship between an individual renter and their landlord who is availing of the tax relief scheme that allows them earn up to €14,000 per year tax-free for letting a room in their home to private tenants.⁴² Anyone with access to a spare room can qualify for rent-a-room relief, a tenant can sublet to someone else and claim tax relief under the scheme. Instead of a tenancy agreement there is a licensee agreement between renter and landlord which means that the renter is in the property by the landlord's consent or invitation. The landlord in this case is not obliged to provide a rent book or a statement of rent paid. There is no legal requirement for the accommodation to meet minimum physical standards unless the tenant is in receipt of Housing Assistance Payment (HAP). Licensees are not protected by the Equal Status Acts 2000-2015, which prohibit discrimination on grounds of gender, civil status, family status, age, race, religion, disability, sexual orientation, and membership of the Traveller community – and also on the 'housing assistance' ground. So, the landlord may decline any or all renters on these grounds with impunity and additionally not have to maintain the property to minimum physical standards. The landlord is not obliged to give any specific period of notice of termination of tenancy, this is entirely at their discretion, it is only required to be reasonable without a specification of what this means. The landlord is not required to register the tenancy with the Residential Tenancy Board (RTB), so the arrangement is entirely private and unregulated, which also means that in the event of a dispute the RTB's resolution service is not available to the tenant.

It is in the context of this tenure that the most harmful and gendered form of landlord/tenant exploitation – sex for rent arrangements - seems to occur, in other words, this kind of proposal appears to be primarily offered when renters are seeking to rent *a room* from a landlord under a license agreement as opposed to a self-contained dwelling which would be covered by the Residential Tenancies Act (RTA). As there is little research on this area in Ireland and therefore no reliable prevalence data or other information on the practice, it is difficult to be conclusive, however, an examination of the information available- primarily media reporting and an analysis of some ads offering these arrangements - suggests that it happens mostly in room lettings as opposed to house or apartment rentals.

A recent survey conducted into accommodation issues by the Irish Council of International Students shows that 5% of those polled had encountered an ad offering reduced rent in lieu of sexual services or had been offered such an arrangement.⁴³ This chimes somewhat with research from Generation Rent in the UK which showed that 4% of private renters who responded to their survey reported that they had been

41 Threshold, 2023. Licensees. [online] Threshold . Available at: <<https://threshold.ie/advocacy-campaign/licensees/>> [Accessed 9 Dec. 2023].

42 Citizensinformation.ie, 2024. Sharing Accommodation With Your Landlord. [online] Available at: <<https://www.citizensinformation.ie/en/housing/renting-a-home/tenants-rights-and-responsibilities/sharing-accommodation-with-your-landlord/>>.

43 Irish Council for International Students, 2023. Accommodation Survey of International Students in Ireland 2023. [online] ICOS. Available at: <https://www.internationalstudents.ie/sites/default/files/media/file-uploads/2023-11/ICOS_Accommodation_Survey_2023.pdf>

offered discounted or free rent by a landlord or letting agent, shockingly, this rose to 1 in 10 respondents with incomes of less than £20,000. Testimonies from the survey reveal that vulnerable women (especially financially vulnerable women) are most at risk of being targeted by predators for SFR.⁴⁴

Ireland suffered dramatic changes in housing tenure in the past decades. The rate of home ownership continued to fall from 80% in 1991 to 70% in 2011, to the current low of 66%.⁴⁵ This decline in homeownership has been accompanied by a sharp rise in households renting from private landlords. Furthermore, among renters, those in the private sector have endured the heaviest increases in housing costs, with their rent rising by a very significant 37% between 2016 and 2022.⁴⁶ A lack of housing units combined with spiralling rent has led to immense pressure on tenants and an increasingly insecure rental market. This is observed for example in the number of people accessing State emergency accommodation (as of September 2023, the highest since records began⁴⁷), and in the rising numbers of homeless children and families growing by 21% and 27% respectively, in the past year⁴⁸, and in the 40% increase of people relying on accommodation services in the past two years.⁴⁹

At a regional and national level, homelessness is normally operationalised to include only those rough sleeping as well as individuals in emergency hostels, shelters or supported accommodation. This is a very narrow definition of the widespread and growing problem not only in Ireland but across Europe. Furthermore, only particular kinds of supported housing are included in the counts, women in domestic violence refuges do not find their way into these statistics for example. Historically, in Ireland as in many European countries, domestic violence and homelessness services were developed and are managed and funded separately, which goes some way to explain the absence of refuge data within homelessness statistics. Nonetheless the persistence of this data gap is puzzling and very problematic given that this abuse is understood and has been acknowledged as a significant context which triggers homelessness.⁵⁰ There is strong, consistent evidence of a cyclical and reinforcing relationship between women's homelessness and experience of domestic abuse. Furthermore, there is a heightened risk of abuse while homeless, especially when living in situations of 'hidden' homelessness with friends, relatives and acquaintances and there are correlations between repeated homelessness and intimate partner violence.⁵¹

44 Generation Rent and Mumsnet, 2022. Predatory Behaviour in the Private Rented Sector. [online] Generation Rent. Available at: <<https://www.generationrent.org/wp-content/uploads/2023/06/Predatory-behaviour-in-the-Private-Rental-Sector-October-2022-1.pdf>>

45 Waldron, R., 2023b. Generation Rent and housing precarity in 'post crisis' Ireland. *Housing Studies*, 38(2), pp.181–205.

46 Eolas, 2023. Census Highlights Housing Crisis | Eolas Magazine. [online] Eolas Magazine. Available at: <<https://www.eolasmagazine.ie/census-highlights-housing-crisis/>>

47 Holland, K., 2023. Number of homeless children reaches highest level since records began. *The Irish Times*. [online] 29 Sep. Available at: <<https://www.irishtimes.com/ireland/social-affairs/2023/09/29/highest-number-of-homeless-children-since-records-began/>>

48 Holland, K., 2023. Number of homeless children reaches highest level since records began. *The Irish Times*. [online] 29 Sep. Available at: <<https://www.irishtimes.com/ireland/social-affairs/2023/09/29/highest-number-of-homeless-children-since-records-began/>>

49 GOV.ie, 2023. Datasets . [online] Available at: <<https://data.gov.ie/dataset?tags=homeless>>

50 See the following for a discussion of this issue: Mercy Law Resource Centre, 2023. Domestic Violence, Social Housing and the Public Sector Duty. [online] Mercy Law Centre. Available at: <<https://mercylaw.ie/wp-content/uploads/2023/09/mercy-law-social-housing-domestic-violence-and-the-public-sector-digital.pdf>>

51 Bretherton, J. and Mayock, P., 2021. Women's Homelessness European Evidence Review. [online] FEANTSA. Available at: <https://eprints.whiterose.ac.uk/172737/1/FEANTSA_Women_s_Review.pdf>

Similarly, women and girls in Direct Provision (DP) (some of whom are victims-survivors of trafficking for sexual exploitation) and are 'stuck' there unable to find alternative accommodation despite having permission to remain in the country are not counted in the homeless figures. An article from 2022 reported that there were at that time over 2,000 individuals unable to find housing and consequently unable to move out of DP. Worryingly, the same article also notes that unaccompanied minors who have been living with foster families 'age out' of such accommodation at 18, and are being returned to DP in the absence of other housing options. These women and girls are potentially among the most vulnerable to SFR given the levels of pressure they encounter to find alternative accommodation and vacate DP, and the experiences of trauma they carry.

Bretherton and Mayock (2021)⁵² argue that there are situations in which individuals have housing but should more correctly be considered homeless. In this way homelessness and housing exclusion are understood as having 'a legal domain (ownership, a tenancy providing legal protection), a physical domain (adequate housing) and a social domain (private and safe space for social relationships)'.⁵³ In terms of this report, using Bretherton and Mayo's typology, being homeless is understood at a minimum as being without a place to live that is fit for human habitation/that is not extremely overcrowded (physical domain), or where there is no legal right to tenancy, or the tenant may be constantly subject to threats of eviction (legal domain), or there is no sense of relative safety/people live with the threat of violence/lack of privacy to conduct relationships (social domain).

Housing Deprivation and Insecurity – a Gendered Lens

Housing has long been recognised as one of the vehicles through which gender relations are mediated and sustained.⁵⁴ Amongst many mechanisms enabling this, the financing and financialisation of housing are good examples. The gender pay gap, this is the percentage difference between the average earnings of males and females⁵⁵, impacts women's capacity to find affordable housing and become homeowners. This gap means that less capital is available to them, and therefore, they have to allocate more to housing than men would. In addition, the projected deepening of the current cost-of-living crisis is also likely to impact women more severely than men, as women continue to earn and accumulate wealth at lower levels'.⁵⁶

The economic inequalities experienced by women have a direct effect on their access to affordable and quality housing. In Ireland, like in most EU countries, housing cost overburden is higher for women than men. Housing cost overburden (HCO)

52 Bretherton, J. and Mayock, P., 2021. Ibid.

53 Bretherton, J. and Mayock, P., 2021. Ibid.

54 Mayock, P., 2024. Understanding and Responding to Women's Homelessness - Insights and Lessons from Research. A 'Simon Talks' Presentation, 19/02/2024

55 Nevin Economic Research Institute (2015) as provided in NWC Submission No Small Change Closing the Gender Pay Gap. Available at https://www.nwci.ie/images/uploads/No_Small_Change_Gender_Pay_Gap_Report_2017.pdf [Accessed 5 April 2024]

56 World Economic Forum, 2022. Global Gender Gap Report 2022. [online] *World Economic Forum*. Available at: <https://www.weforum.org/publications/global-gender-gap-report-2022/in-full/> [Accessed 1 Jan. 2024].

is where a household's housing costs count for more than 40 per cent of disposable household income.⁵⁷ While the effects of the recession receded and unemployment dropped in the second decade of the 21st century, the housing cost overburden rate decreased substantially for men, while for women the decrease in overburden rate was less steep and slower. This may be accounted for by the economic challenges experienced by women, including the gender pay gap, lower income work, and childcare responsibilities.⁵⁸

Bretherton and Mayock (2021)⁵⁹ note that 'Across Europe, homelessness amongst women has tended to be categorised as a relatively minor social problem, a subcategory (of a phenomenon) which is (otherwise) disproportionately experienced by lone adult men.' As the European Federation of National Organisations working with Homeless People point out, the data on homelessness in Ireland, clearly shows a huge increase in the number of women experiencing homelessness.⁶⁰ Focus Ireland notes that since early 2022 the number of women in homelessness has been steadily increasing, with a shocking 49% rise in the number of women homeless in the last two years. This record figure does not even include women in domestic violence refuges or others "sofa-surfing" with friends or family to keep a roof over their heads.⁶¹

Broll and Huey⁶² observe that researchers have identified personal, social, and structural variables that are associated with homelessness, finding that pathways are gendered. For example, men are likely to become homeless following a job loss or institutional discharge, due to mental health difficulties or addiction. Conversely, studies show that women most frequently become homeless following abuse, especially violence perpetrated by an intimate partner. Women who experience homelessness encounter a number of particular additional challenges. As Housing First (an international initiative advocating a specific innovative model to end homelessness) explains, 'women have different paths into and out of homelessness and many have histories of violence, trauma, and abuse - both prior to and during their experiences of being homeless, including being particularly vulnerable to exploitation.'⁶³

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- 57 Eurostat, 2023. Glossary: Housing Cost Overburden Rate - Statistics Explained. [online] Eurostat Statistics Explained. Available at: <https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Glossary:Housing_cost_overburden_rate> [Accessed 24 Nov. 2023].
- 58 O'Brien, A.M., 2023. Women And Housing. [online] The Housing Agency Data Insights Series. Available at: <<https://public.flourish.studio/story/1835961/>>
- 59 Bretherton, J. and Mayock, P., 2021. Women's Homelessness European Evidence Review. [online] FEANTSA. Available at: <https://eprints.whiterose.ac.uk/172737/1/FEANTSA_Women_s_Review.pdf>
- 60 'While the number of men increased from 4,323 to 5,186 (+20%) from January to December, the number of women increased from 2,264 to 3,004 (+33%). At the same time, the number of families in emergency accommodation increased at a much faster rate than that of single adults (+42% and +16% respectively)'. (FEANTSA and Fondation Abbé Pierre, 2023. Eighth Overview of Housing Exclusion in Europe. [Online] FEANTSA. Available at: <https://www.feantsa.org/public/user/Resources/reports/2023/OVERVIEW/Rapport_EN.pdf> Hearne, R., 2023. *Why Fixing Ireland's Housing Crisis Requires A Change Of Policy* | Maynooth University. [online] Available at: <<https://www.maynoothuniversity.ie/research/spotlight-research/why-fixing-irelands-housing-crisis-requires-change-policy>>
- 61 Focus Ireland, 2023. Shining A Spotlight On Women's Homelessness This #IWD2023 - Donate - Focus Ireland. [online] Focus Ireland. Available at: <<https://www.focusireland.ie/focus-blog/shining-a-spotlight-on-womens-homelessness-this-iwd2023/>>
- 62 Broll, R. and Huey, L., 2020. "Every Time I Try to Get Out, I Get Pushed Back": The Role of Violent Victimization in Women's Experience of Multiple Episodes of Homelessness. *J Interpers Violence*, [Online] 35(17–18), pp.3379–3404. Available at: <10.1177/0886260517708405>
- 63 Europe Hub - Housing First, 2022. An Introduction to Housing First and Women. [online] Housing First. Available at: <<https://housingfirsteurope.eu/wp-content/uploads/2022/12/HousingFirstWomen-2.pdf>>

Kalyanasundaram et al⁶⁴ note that, 'Homeless women are considered one of the most vulnerable subpopulations among the homeless [population]. This is attributable to many interrelated factors such as (...) vulnerability to violence, exploitation and marginalization and higher rates of poverty' leaving women in many cases without the necessary resources to effectively escape violence. 'Evidence also shows that without appropriate interventions, women have a high likelihood for multiple episodes of homelessness'.⁶⁵ They are more likely to be part of the 'hidden homeless', since they tend to rely on informal arrangements, such as staying with friends, relatives, and/or acquaintances'.⁶⁶ More than this, Bretherton and Mayock in their review of evidence on women's homelessness in Europe found that women only seek accommodation through the formal channels of homelessness services when they have exhausted all alternative informal options.⁶⁷ This 'last resort' approach to formal homeless supports means that it is very likely that official statistics greatly underestimate the prevalence of homelessness among women.

Homeless women may be accompanied by children or have children staying elsewhere with whom they wish to be reunited by securing a suitable tenancy. Many studies have found that housing insecurity among pregnant women takes a heavy toll on maternal mental health and the health of a foetus. In a study of low-income, urban mothers, moving two or more times in the past two years was associated with a 1.7 times the odds of depression and a 2.5 times the odds of generalised anxiety disorder, relative to mothers who moved less. In the same population of mothers, eviction was associated with a 21% increase in the probability of depression and a 19% increase in self-reported parenting stress'.⁶⁸

In Ireland as in Europe and in North America, family homelessness is highly gendered, disproportionately experienced by households headed by a single female parent and far more likely to be experienced by lone women parents than by households containing two parents or a lone male parent. The National Women's Council has described this as a 'feminisation of homelessness'⁶⁹ with the increase in female homelessness attributed to the rising numbers of families out of home, most of which are lone parent, female-headed households. Focus Ireland revealed that on International Women's Day this year there are 1,609 families homeless, and 55% of these families were headed by a lone parent of which the vast majority are women.⁷⁰ Housing First notes that this is a trend that is being replicated internationally also. 'Mothers are a growing demographic among people experiencing housing insecurity.

64 Kalyanasundaram, J.R., Merla, S., Chethan, B., Chippagiri, S., Archana, R., Roy, R., Suresh, G., Kodahonna, P.N. and Mukherjee, S., 2023. Reintegration Services for Homeless Female Living with Severe Mental Illness and History of Sexual Abuse. *J. Psychosoc. Rehabil. Ment. Health*, [online] 10(1), pp.73–79. Available at: <10.1007/s40737-022-00296-2>

65 Kalyanasundaram, J.R. et al (2023) *ibid*

66 Europe Hub - Housing First, 2022. An Introduction to Housing First and Women. [online] Housing First. Available at: <<https://housingfirsteurope.eu/wp-content/uploads/2022/12/HousingFirstWomen-2.pdf>>

67 Bretherton, J. and Mayock, P., 2021. Women's Homelessness European Evidence Review. [online] FEANTSA. Available at: <https://eprints.whiterose.ac.uk/172737/1/FEANTSA_Women_s_Review.pdf>

68 Leifheit, K.M., Schwartz, G.L., Pollack, C.E., Edin, K.J., Black, M.M., Jennings, J.M. and Althoff, K.N., 2020. Severe Housing Insecurity during Pregnancy: Association with Adverse Birth and Infant Outcomes. *IJERPH*, [online] 17(22), p.8659. Available at: <10.3390/ijerph17228659>

69 National Women's Council of Ireland, 2018. The Impact of Homelessness on Women's Health. [online] NWCI. Available at: <https://www.nwci.ie/images/uploads/NWCI_Womens_Health_and_Homelessness_-_6th_April_2018.pdf>

70 Focus Ireland, 2023. Shining A Spotlight On Women's Homelessness This #IWD2023 - Focus Ireland. [online] Focus Ireland. Available at: <<https://www.focusireland.ie/focus-blog/shining-a-spotlight-on-womens-homelessness-this-iwd2023/>>

Yet in many cases, traditional service structures are still designed for men and lack the resources to accommodate the different (requirements) of women, whether as individual clients or mothers with children. There is therefore a need for gender sensitivity in the homelessness sector.⁷¹

Focus Ireland observe in their research that there is a well-documented association between women's homelessness and domestic violence, 'research in several European countries shows that women are more likely than men to experience domestic violence and to report related loss of accommodation. Available statistics also suggest that a significant proportion of families who access homelessness services have experienced domestic violence and that, among women who experience homelessness, violence or abuse can be recurrent across the life course.'⁷² Furthermore, Neary and Mayock found that after leaving an abusive relationship, families' paths to safety and housing were precarious. Their respondents described experiencing 'income loss and financial hardship (...) and all went on to experience housing instability and homelessness.'⁷³ Most women in the study initially became part of the hidden homeless, relying on informal support networks and friends and family. Traveller women and migrants were reported to face additional barriers in their pathways to finding stable long-term accommodation, being 'disproportionately represented in (frontline) services and (facing) particular challenges, both prior to and after leaving an abusive relationship. Income precarity and poverty were cited as particularly challenging for these groups and, for migrant women, visa and immigration issues posed particular challenges and risks.'⁷⁴

Some women are more vulnerable to sex for rent exploitation than others as a result of structural barriers and precarity, including women seeking to move on from direct provision and migrant women, women with or without children fleeing domestic violence and women seeking to exit prostitution. However, all women fitting into Bretherton and Mayock's typology of homelessness and seeking housing may come across such a proposal and experience it as a form of sexual harassment, and women with previous experience of sexual trauma may be particularly vulnerable. Li and Urada (2020) conclude that 'women face a "cycle of perpetual vulnerability" with three relational pathways: iterated trauma from chronic abuse/violence inflicted on them, a state of paralysis due to inadequate availability of supportive services, shelters, and mental health resources to cover all women living on the streets, leaving women susceptible to being a target phenotype for predators.'⁷⁵ They cite one study 'interviewing 993 homeless young people across 13 cities in the United States and Canada where approximately 40% were sexually exploited young women'.

In their meta-analysis of studies on victimisation of homeless and housing insecure women, Broll and Huey (2020) find that,

71 Europe Hub - Housing First, 2022. An Introduction to Housing First and Women. [online] Housing First. Available at: <<https://housingfirsteurope.eu/wp-content/uploads/2022/12/HousingFirstWomen-2.pdf>>

72 Mayock, P. and Neary, F., 2021. Domestic Violence & Family Homelessness. [online] Focus Ireland. Available at: <https://www.focusireland.ie/wp-content/uploads/2021/12/Domestic-Violence-and-Family-Homelessness-Report_FINAL.pdf>

73 Mayock, P. and Neary, F., 2021 *ibid*

74 Mayock, P. and Neary, F., 2021 *ibid*

75 Li, J.S. and Urada, L.A., 2020. Cycle of Perpetual Vulnerability for Women Facing Homelessness near an Urban Library in a Major U.S. Metropolitan Area. *IJERPH*, [online] 17(16), p.5985. Available at: <10.3390/ijerph17165985>

‘Compared with housed women, homeless women are significantly more likely to have spent time during childhood or adolescence in a foster or group home, to have run away from home or to have parents who abused alcohol or drugs. Younger homeless women, especially, often have family histories characterised by conflict and duress, and leaving home might be one of their few options to “escape”’.⁷⁶

Jasinski et al. (quoted in Broll and Huey 2020) observed that more than half of their research participants were the victims-survivors of an attempted or actual sexual assault, concluding that ‘while unwanted sex was by no means universal among this sample [of homeless women], either as adults or children, neither could it be described as rare’.⁷⁷ Santa Maria et al observed that other factors that have been found to increase the risk of sexual assault include ‘exposure to violence, child abuse (...) and homelessness experience, as well as early onset and longer length of homelessness and trading sex’.⁷⁸ Finally, research also shows that sexual exploitation among housing insecure or out of home individuals is not confined to adults. Child homelessness has been identified in several research studies as creating a heightened risk of sexual exploitation and human trafficking. Both investigative reporting⁷⁹ and research⁸⁰ conducted in Ireland seems to confirm that out of home girls in state care across a range of settings (many of whom are placed there to protect them from sexual abuse) are similarly being trafficked for sexual exploitation.

The inevitable and tragic conclusion from these studies is that sexual exploitation, violence and victimisation seem to be both a cause and consequence of homelessness among women and girls, and perhaps sex for rent is just the latest iteration of this ‘cycle of perpetual vulnerability’ that housing insecure women face. That being said, while sexual violence and exploitation is a trigger for cyclical homelessness in women, structural barriers remain an equally daunting obstacle to stable housing. The housing crisis, along with grossly inadequate supply of domestic violence refuge spaces⁸¹, as well as design and administrative issues, make housing access

76 Broll, R. and Huey, L., 2020. “Every Time I Try to Get Out, I Get Pushed Back”: The Role of Violent Victimization in Women’s Experience of Multiple Episodes of Homelessness. *J Interpers Violence*, [online] 35(17–18), pp.3379–3404. Available at: <10.1177/0886260517708405>

77 Broll, R and Huey, L., (2020) *ibid*.

78 Santa Maria, D.M., Breeden, K., Drake, S.A., Narendorf, S.C., Barman-Adhikari, A., Petering, R., Hsu, H.-T., Shelton, J., Ferguson-Colvin, K. and Bender, K., 2020. Gaps in Sexual Assault Health Care Among Homeless Young Adults. *American Journal of Preventive Medicine*, [online] 58(2), pp.191–198. Available at: <10.1016/j.amepre.2019.09.023> .

79 Power, J., 2022. Alleged sex abuse ‘ring’ targeting girls in State care being investigated. *The Irish Times*. [online] 23 Dec. Available at: <<https://www.irishtimes.com/ireland/social-affairs/2022/12/20/investigation-into-alleged-abuse-ring-targeting-girls-in-state-care/>> .

80 See the following studies for examples of apparent targeting of children in state care in Ireland: Beckett, H. (2011) ‘Not a world away’ The sexual exploitation of children and young people in Northern Ireland [Online]. Barnardo’s Northern Ireland. Available at: https://www.barnardos.org.uk/sites/default/files/2020-12/13932_not_a_world_away_full_report.pdf And Canning, M., Breslin, R. and Keenan, M. (2023) *Protecting Against Predators: A Scoping Study on the Sexual Exploitation of Children and Young People in Ireland*. SERP. Available at: <https://serp.ie/wp-content/uploads/2023/06/Protecting-Against-Predators-FULL.pdf>

81 The Third National strategy on Domestic Sexual and Gender-Based Violence commits to raising the number of refuge spaces to 280 in the lifetime of the Strategy. However, this number would still fall far short of the approximately 500 units required if Ireland were to be compliant with the 1 unit per 10,000 head of population guideline of the Council of Europe. (National Women’s Council of Ireland, 2023. *Monitoring the Implementation of Zero Tolerance: The Third National Strategy on Domestic, Sexual and Gender-Based Violence*. [online] NWCI. Available at: <https://www.nwci.ie/images/uploads/IOVAW_monitoring_report_on_Zero_Tolerance.pdf>

more problematic for a range of structurally vulnerable groups like disabled women, Travellers and migrants. Inadequate supports also play a very prominent role in the growing numbers of women facing homelessness in Ireland. Oliveri⁸² has pointed out that the #MeToo movement in the US and globally has

‘sparked an important national discussion about the prevalence of sexual harassment in American society and the ways in which powerful people can use their positions both to exploit their vulnerable targets and to escape the consequences of their actions (...) but the focus on high-status workplaces overlooks other contexts in which sexual harassment occurs. One (such) overlooked, (is a) significant national problem: the sexual harassment and exploitation of low-income women by their landlords’.

She argues that although sexual harassment has been extensively investigated and legislated for in the workplace, there remains an information gap in relation to the same phenomenon in the context of the home where several complaints of this kind of exploitation have been filed, particularly with reference to low-income women. Depressingly, Oliveri is echoing a much earlier 2005 study here whose authors note that ‘research on the problem of sexual harassment in housing in the social sciences is virtually non-existent, and most of the literature on the topic is summarised from a handful of law review articles or drawn from the popular media’.⁸³ The knowledge gap in relation to this issue in the United States (and elsewhere) makes sex for rent exploitation difficult to address from a legislative and policy perspective. Oliveri’s research was an attempt to begin to fill in some of that gap in terms of prevalence and the specific nature of the practice and how it occurs. The study involved detailed interviews with 100 low-income women randomly selected from the lists of a public housing authority of a particular US region. The data showed that a shocking 10% of the sample had experienced sexual harassment by their landlords with all the victims experiencing this sexual harassment while in private rented housing. The landlords who perpetrated the harassment were all owner-operators of their rental properties and ‘the harassment itself took two forms: (1) almost all of the women described being explicitly asked to provide sex in lieu of rent and (2) half of the women also reported experiencing serious misconduct such as home invasion, indecent exposure, and unwanted touching’.

Reed et al (2005)⁸⁴ astonishingly refer to a single 1987 report as ‘the only known study of residential sexual harassment in the United States’ - Cahan (1987)⁸⁵ surveyed 150 public and private fair housing organisations across the country to determine the extent and nature of the problem. Of the 87 centres that responded, 65% reported receiving complaints of sexual harassment. Given that this study is years in advance of the #MeToo movement which empowered many women to publicly acknowledge

82 Oliveri, R.C., 2018. Sexual Harassment of Low-Income Women in Housing: Pilot Study Results. SSRN Journal . [online] Available at: <10.2139/ssrn.3118665>.

83 Reed, M.E., Collinsworth, L.L. and Fitzgerald, L.F., 2005. There’s No Place Like Home: Sexual Harassment of Low Income Women in Housing. *Psychology, Public Policy, and Law*, [online] 11(3), pp.439–462. Available at: <10.1037/1076-8971.11.3.439>.

84 Reed, M.E. et al 2005 *ibid*.

85 Cited in Reed, M.E., et al (2005) *ibid*

their experiences of sexual harassment and violence, and the reporting rate of these issues is so low, it is shocking to hear both that there was a 65% rate of harassment complaints, and that this result failed to prompt further investigation.

It is clear from the infrequent and isolated studies that have been conducted on sex for rent exploitation that this is a real and significant issue, primarily for low-income women and it is imperative that research be undertaken in Ireland to get a sense of the prevalence here and to inform targeted legislative and policy change.

Some Possible Examples of Recent SFR Ads

The following are examples of ads that appear to be offering SFR arrangements in Ireland found in the months of November and December 2023.⁸⁶ Although one of these is dated September it was still live and visible at the time of the monitoring of websites carrying advertisements two months later. These are just some examples; it is likely there were others in a similar vein posted at that time. These were found through a non-exhaustive monitoring of two user-to user platforms for approximately 30 minutes a day, four days a week during the relevant time-period (approx. 4 weeks). It was also reported by interviewees that many arrangements of this nature are now proposed via direct message on social media in response to posts seeking accommodation within specific groups (such as on Facebook for example). In these cases, the landlords are not advertising at all but rather responding to ads via direct messages which are not visible to the public or to the platform.

The 2023 ICOS survey on accommodation issues for international students in Ireland⁸⁷ asked a question about sex for rent exploitation and found that 70% of those who had come across ads/proposals reported that they encountered them on social media. By proposing SFR in this way, predatory landlords can evade detection. To receive proposals through direct message is also more targeted and likely to be more distressing than encountering an ad because it means that the would-be 'landlord' has some personal details of the would-be 'tenant', and the proposal is directed specifically at them. As Meta moves to default end-to end encryption, it makes much more difficult the task of holding the online platform to account for hosting harmful content, and simultaneously rendering it almost impossible to filter out.⁸⁸ The ways in which prospective landlords advertise these exploitative arrangements are constantly evolving and as a result are hard to track.

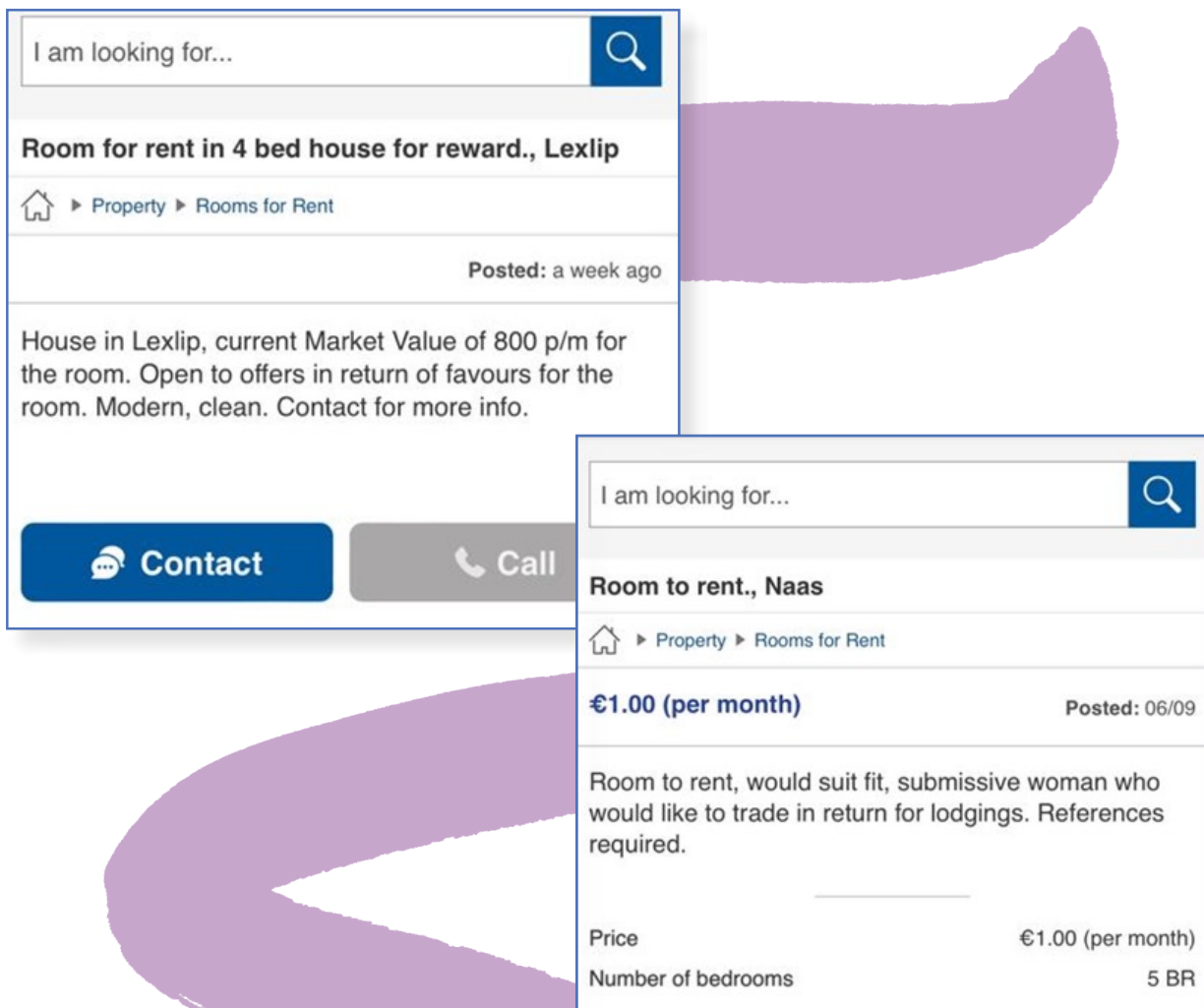
86 The user-to-user platforms that were carrying these possible SFR ads were contacted and offered a right of reply. No responses were received.

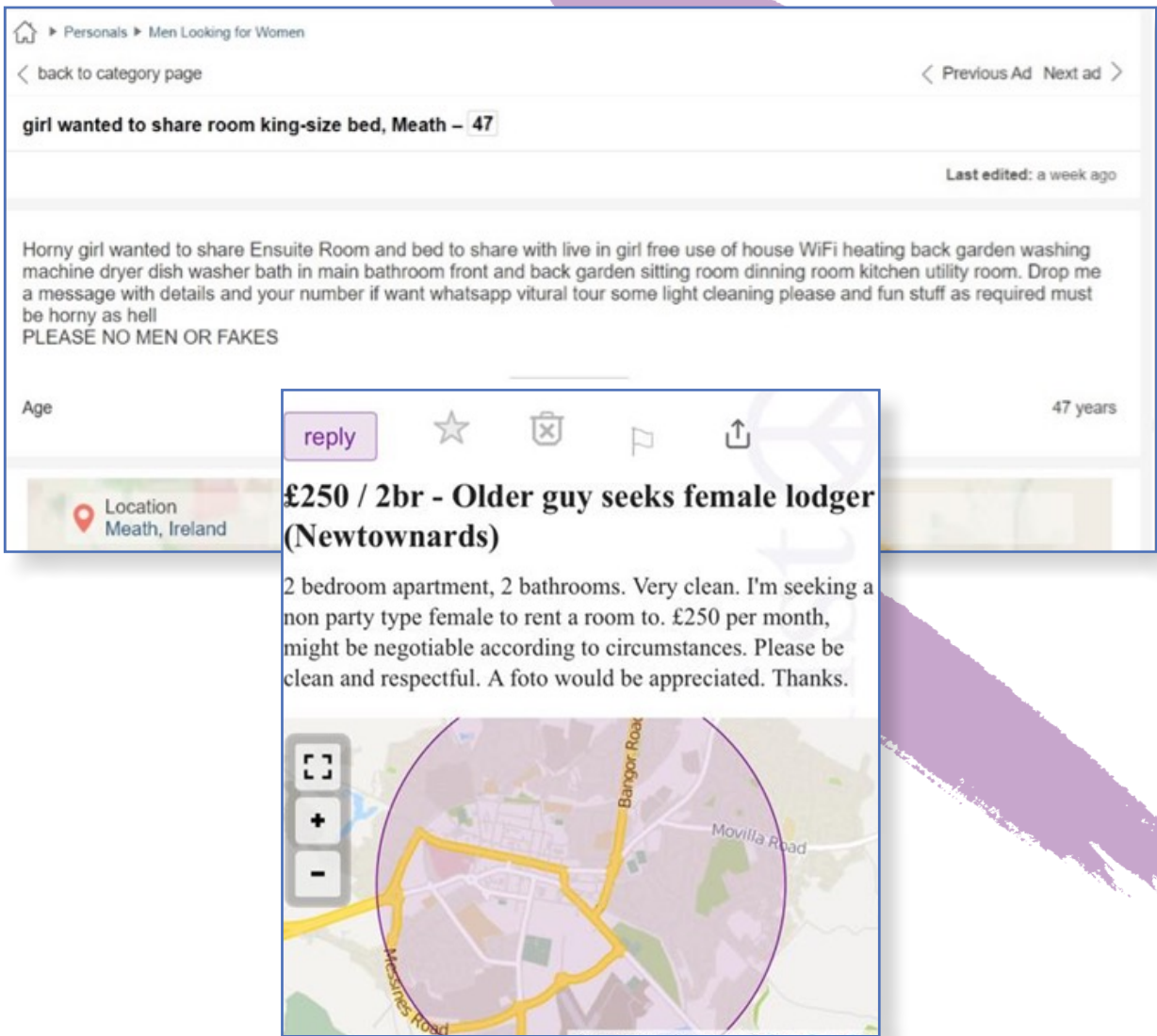
87 Irish Council for International Students, 2023. Accommodation Survey of International Students in Ireland 2023. [online] ICOS. Available at: <https://www.internationalstudents.ie/sites/default/files/media/file-uploads/2023-11/ICOS_Accommodation_Survey_2023.pdf> [Accessed 16 Mar. 2024].

88 Acres, T., 2023. Facebook Messenger Gets Default End-to-end Encryption Despite Child Abuse Fears. [Online] *Sky News*. Available at: <<https://news.sky.com/story/facebook-messenger-gets-default-end-to-end-encryption-despite-child-abuse-fears-13024889>>.

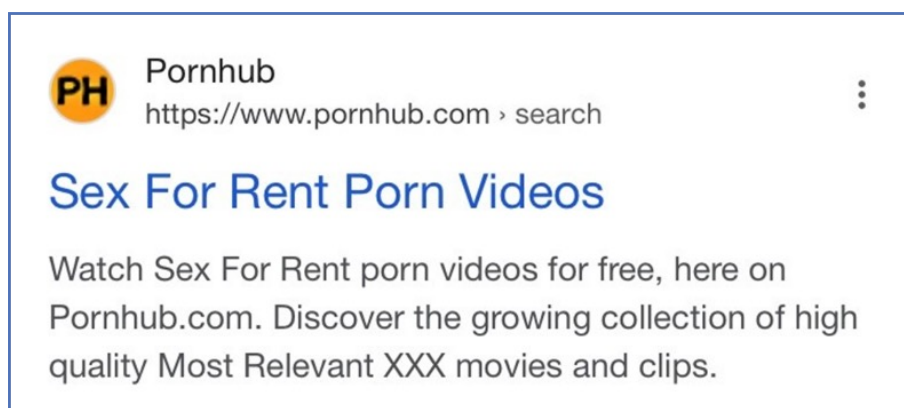
Most landlords seeking these exploitative arrangements do not openly specify SFR when they advertise on user-to-user sites. This is in part to avoid detection and having their ad filtered out by moderators of the platforms' content. Instead, they intentionally make the text ambiguous or ill-defined. However, most SFR ads will have certain key characteristics (some of which were listed in the pre-legislative scrutiny report on the 2022 Ban on Sex for Rent Bill) including:

- **an absence of photographs of the property;**
- **no advertised rental price or setting a nominal fee** (as in the sample ad offering a room for €1 p/m) or a declaration that the rental price as negotiable (as shown in another sample ad included);
- **a failure to identify the exact location of the advertised property** (as in the sample ads);
- **targeting a particular type of renter – mostly female and frequently referring to a preferred demeanour** (as in the sample ads seeking submissive/non-party type women);
- **often including a request for a photograph or a physical description of the kind of women desired** (as in one of the sample ads included).





Shockingly, as the image below shows, Pornhub now advertises “Sex for Rent” videos as a genre of porn too. The sexual exploitation and abuse of women experiencing housing precarity is used as a narrative device to become an income stream for online companies. Their abuse is therefore happening both within each instance of SFR (whether as a proposal or an agreed living arrangement) and in a broader sense where women’s poverty and precarity is commodified by pornography platforms for a wider audience.



SFR Exploitation and the Law in Some Jurisdictions

Very few jurisdictions have created specific laws to tackle SFR as a criminal offence and pre-existing legislation around prostitution, sexual violence and residential tenancies would make the introduction of legislation on SFR more complex in certain areas than others. Where jurisdictions do prosecute these kinds of exploitative arrangements it tends to be as part of prostitution laws when this is defined in terms of a monetary transaction or *any consideration* for sexual services, which could then include accommodation. Northern Ireland, for example, has such laws covering transactional sex, which in this case, is not defined in terms of 'prostitution'.⁸⁹ The Human Trafficking and Exploitation (Further Provisions and Support for Victims) Act 2015 when introduced amended the previous 2008 law in several ways including in article 64A substituting 'paying for sexual services with a prostitute' with 'paying for sexual services with a person' where 'paying for' also includes 'any consideration'. Technical and practical issues such as those addressed in these amendments should make prosecuting SFR possible and less stigmatising for women to report as it would not involve identifying as 'a prostitute' to pursue a police complaint. This section of the report explores how the issue of SFR is addressed from a legal perspective in different jurisdictions. This is an initial scoping internationally of the SFR issue across United States, United Kingdom, and Ireland. Further research and international scoping is needed in this area, especially on countries that adopted the Equality Model approach.

The United States

In the US, the Fair Housing Act (FHA) prohibits discrimination in housing and the rental market on the basis of sex, race, colour, religion, national origin, familial status, or disability⁹⁰ and sexual harassment is understood as a form of sex discrimination and is covered by this act. The FHA mirrors in housing and housing-related matters provisions of the Title VII of the Civil Rights Act which prohibits harassment in employment. The housing act protects people from discrimination when they are renting or buying a home, getting a mortgage, seeking housing assistance, or engaging in other housing-related activities and additional protections apply to assisted housing.⁹¹ This Act applies to public and in most situations private

89 Joint Committee on Justice, 2022. Houses of the Oireachtas Joint Committee on Justice Report on Detailed Scrutiny of the Ban on Sex for Rent Bill 2022 [PMB]. [online] The Government of Ireland. Available at: <https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_justice/reports/2022/2022-10-05_report-on-detailed-scrutiny-of-the-ban-on-sex-for-rent-bill-2022-pmb_en.pdf>.

90 Department of Housing and Urban Development, 2024. Sexual Harassment. [online] HUD.gov / U.S. Department Of Housing And Urban Development (HUD). Available at: <https://www.hud.gov/program_offices/fair_housing_equal_opp/sexual_harassment>.

91 https://www.hud.gov/program_offices/fair_housing_equal_opp/fair_housing_act_overview

rental housing. Interestingly, in a parallel with the licensee derogations from tenant protections in Ireland, the Act exempts landlords of owner-occupied buildings with no more than four units. In addition to the federal law, forty-nine states and D.C. have adopted their own fair housing laws to expand on the federal protections, such as prohibiting discrimination based on an individual's sexual orientation, gender identity, or source of income. These laws regulate which protected classes are included, the types of discriminatory actions that are prohibited, and when discrimination is exempt under the law.⁹² Many US states have Fair Housing Projects which are funded through grants from the U.S. Department of Housing and Urban Development (HUD). These function to investigate complaints and assist victims of housing discrimination to help them gain the protections and remedies to which they are entitled. Each of these organisations produce information leaflets in various languages informing tenants of their rights and describing the protections they are entitled to from SFR exploitation and harassment for example. However, victims of housing discrimination need not go through HUD to pursue their rights, the Act confers jurisdiction on district courts to hear cases. The United States Department of Justice (DOJ) also has the capacity to file cases on behalf of the federal government where there is a pattern of discrimination, for example large pattern cases have been taken where multiple women have complained about the same landlord.⁹³

In 2018 a report⁹⁴ was published which analysed 50 years of the Fair Housing Act and it called for stronger enforcement of Fair Housing laws. It found that the biggest obstacle to fair housing rights is the federal government's failure to enforce the law vigorously. It reported that while the legislation is strong and has the capacity to be an extraordinarily powerful tool towards social justice, entrenched policies perpetuating discrimination and ineffective enforcement by HUD and the Department of Justice acted to weaken this potential. It also reported an inadequate allocation of resources to public and private fair housing programmes at all levels.

In relation to how the SFR issue in particular is dealt with under this legislation, Oliveri notes that it was 'largely borrowed from the law as developed in the employment context. This has led to an inadequate legal approach to sexual harassment in housing cases and a lack of scholarly and public attention to the problem.'⁹⁵ Reed et al seem to concur saying 'most of what is believed about the nature and impact of residential sexual harassment is extrapolated from the literature on (...) harassment in the workplace, and sexual assault, on the basis of the assumption that sexual harassment in the home is a substantively

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- 92 Temple University Center for Public Health Research, 2018. Maps Outlining State Fair Housing Laws, State Landlord-Tenant Laws, And City Nuisance Property Laws Are Now Available On LawAtlas - Bill Of Health. [online] Bill Of Health - The Blog Of The Petrie-Flom Center At Harvard Law School. Available at: <<https://blog.petrieflom.law.harvard.edu/2018/02/15/maps-outlining-state-fair-housing-laws-state-landlord-tenant-laws-and-city-nuisance-property-laws-are-now-available-on-lawatlas/>> .
- 93 Fair Housing New Hampshire Legal Assistance, 2021. Covid 19, Sexual Harassment and Predatory Landlords in NH. [online] NHLA. Available at: <<https://fairhousing-nh.org/fair-housing-nh-blog/covid19-sexual-harassment-and-predatory-landlords-in-nh>>.
- 94 National Fair Housing Organization, 2018. Making Every Neighborhood a Place of Opportunity 2018 Fair Housing Trends Report. [online] NFHA. Available at: <https://nationalfairhousing.org/wp-content/uploads/2018/04/NFHA-2018-Fair-Housing-Trends-Report_4-30-18.pdf>.
- 95 Oliveri, R.C., 2018. Sexual Harassment of Low-Income Women in Housing: Pilot Study Results. SSRN Journal . [online] Available at: <10.2139/ssrn.3118665>.

similar experience'.⁹⁶ In US employment law, sexual harassment is normally categorised as being either of a 'quid pro quo' or 'hostile environment' nature, and this categorisation is mirrored in the Fair Housing Act. 'Quid pro quo sexual harassment' in employment involves forcing the granting of sexual favours by making conditional some job-related benefit (e.g., promotions, salary increases) or punishment (e.g. firing, refusal to increase salary etc). In contrast, a 'hostile environment harassment' is where there is unwelcome sexual behaviour ranging from hostile or derogatory sexual jokes or comments to unwanted touching or gestures. SFR proposals would fall into the quid pro quo category in the fair housing legislation, and hostile environment harassment involves the same behaviours described in the work context transposed to a housing situation.

The problem with this legal approach is that the home is not the same as the employment context. As Reed observes,

'Historically, society has considered the home a protected sphere, a retreat from the stresses of public life, in which persons are entitled to greater privacy and protection than those provided in the more public arenas of work or the marketplace. Despite obvious similarities, it is likely that important material differences exist between the housing and employment (...) first, sexually predatory behavior in the home may be inherently more threatening than similar experiences in the workplace.'

Oliveri goes further and notes that the harassment in housing scenario is so much more severe and that it is so dissimilar in its effects and nature that it should have an entirely different legal framework. 'Courts need to address the fact that much of sexual harassment in housing takes the form of a landlord seeking to exploit a poor woman's housing vulnerability by requesting sex in lieu of rent'. While the woman who is being sexually harassed at work can retreat to her home which should be inviolable, harassment in this supposed place of safety is of a different and more severe order, allowing no retreat to a place of safety. It is all-pervasive in her life.

The United Kingdom

The practice of SFR was debated in the House of Commons in November 2018⁹⁷ during which a Labour MP observed that 'for some, there is a veneer of harmlessness about it. Because this is such a new phenomenon, understanding the extent of exploitation is hard, but emerging evidence shows that it is a much larger problem than anyone first thought, and it is getting worse'. The MP was able to report after a period of some confusion and lack of clarity in the UK about the criminality of the practice, that following legal research 'it is clear that the incitement to sex in

96 Reed, M.E., Collinworth, L.L. and Fitzgerald, L.F., 2005. There's No Place Like Home: Sexual Harassment of Low Income Women in Housing. *Psychology, Public Policy, and Law*, [online] 11(3), pp.439–462. Available at: <10.1037/1076-8971.11.3.439> .

97 UK Parliament, 2018. *Offence of Sex for Rent Volume 650*: debated on Wednesday 28 November 2018. [online] Hansard. Available at: <<https://hansard.parliament.uk/commons/2018-11-28/debates/18112839000001/OffenceOfSexForRent>> .

return for accommodation is a criminal offence'. It is a crime in the UK in that it meets the definition in Section 52 of the Sexual Offences Act 2003 of causing or inciting prostitution for gain which stipulates that '(1) A person commits an offence if—(a) he intentionally causes or incites another person to become a prostitute in any part of the world, and (b) he does so for or in the expectation of gain for himself or a third person.⁹⁸ In January 2019 the Crown Prosecution Service issued revised guidelines to allow legislation surrounding the sale of sex to be applied to prosecute SFR arrangements. However, despite the prevalence of the practice, only one person has been convicted in a SFR case because in order to pursue a prosecution, victims must legally be defined as 'prostitutes', which understandably, acts as a deterrent to reporting, just as is the case with the current Irish legislation. The UK government launched a public consultation in April 2023, which aimed to understand the problem.⁹⁹ No report has issued from this consultation process yet.

Campaigning group, Generation Rent, are advocating for a new law that would make SFR a specific named offence which they believe would also comply with the fair labelling principle in law and would not require victims to identify as prostitutes to pursue a legal remedy. There were efforts to create such a provision within the Police, Crime, Sentencing and Courts Act 2022 however this amendment was rejected by the House of Commons at a later stage.

In a positive move, the UK have recently passed the Online Safety Act (2023)¹⁰⁰ which targets SFR ads and holds online platforms responsible for preventing them from being posted. The Act stipulates that illegal content, including ads from predatory landlords will have to be removed and if the platforms don't comply with these rules, Ofcom (the UK's communication regulator) could fine them up to £18 million or 10% of their global annual revenue, whichever is largest.

Ireland

Sex for rent exploitation is not currently *clearly* a crime in Ireland. In practice, media reports have indicated that the response of An Garda Síochána to the issue is to say that it is a 'civil matter' and/or that there is no 'Pulse' (the An Garda Síochána crime incidents database) category into which this behaviour can fit and be pursued as a crime. Others see it differently, interestingly, when approached for their input into this report the Residential Tenancies Board responded that while they 'recognise the value in this research (...) the RTB's remit does not extend to criminal matters' and that 'alleged criminal matters are a matter for An Garda Síochána'.¹⁰¹ Similarly, a July 2023 statement from the Department of Justice¹⁰², following the broadcasting of

98 UK Parliament, 2018 *ibid*

99 Home Office, 2023. Exchange of Sexual Relations for Accommodation ('Sex-for-rent') Government Call for Evidence. [online] UK Government. Available at: <https://assets.publishing.service.gov.uk/media/6442437422ef3b000c66f699/FINAL_Home_Office_Call_for_Evidence_on_Sex_For_Rent.pdf>

100 UK Parliament, 2023. Online Safety Act 2023. [online] UK Parliament. Available at: <<https://bills.parliament.uk/bills/3137>>

101 Gallwey, B., 2024. Email from RTB to NCW.

102 Malone, E. and Kelleher, O., 2023. Legislation to stop sex for rent exploitation will be introduced, says Tánaiste. The Irish Times. [online] 28 Jul. Available at: <<https://www.irishtimes.com/ireland/housing-planning/2023/07/28/legislation-to-stop-sex-for-rent-exploitation-will-be-introduced-says-tanaiste/>>

a special investigative programme¹⁰³ on Sex for Rent stated that ‘while a number of scenarios (described in the TV programme) are covered by existing legislation if anyone is in a situation where they feel they are being threatened or harassed by a landlord, or indeed by anyone else, they should report this to An Garda Síochána and, in the case of a landlord, to the Residential Tenancies Board’. There’s clearly confusion around the legal status of many aspects of SFR practices and the role of An Garda Síochána and the RTB in the issue.

In March 2022, the Ban on Sex for Rent Bill 2022 was introduced by the Social Democrats but despite all-party support, it was halted at committee level. In examining the bill, the Attorney General’s Office pointed out two main concerns, firstly that the definition of the offence was not sufficiently clear, and it was suggested that amendments would be required to outline the precise behaviours and conduct to be criminalised. Secondly, it was felt that the proposed bill would not interact successfully with existing sexual offences legislation. The Report¹⁰⁴ of the Joint Committee on Justice on scrutiny of this bill gives an insight into the complexities involved in legislating in this area.

Frontline services working with women who have been victims-survivors of domestic, sexual and gender-based violence have also suggested that this kind of harassment and exploitation might be pursued under existing legislation. The law on rape stipulates that consent to sexual activity must be freely and voluntarily given and in the case of sex for rent in the context of the current housing crisis, it is debateable at best that all women who agree to these arrangements are truly consenting in a free and voluntary way. ‘The phrasing of current legislation on rape, under section 2(1) of the Criminal Law (Rape) Act, 1981 and consent, under section 9 of the Criminal Law (Rape) (Amendment) Act, 1990 makes it difficult to apply these provisions to situations of sex for rent.’¹⁰⁵ However, achieving convictions might be complicated by the current subjective test in rape law of ‘honest belief’ where the alleged perpetrator can mount a defence on the basis that they honestly believed the alleged victim to be consenting to the sexual activity. If the victim of SFR exploitation responds to an advertisement and agrees to the stipulations of the landlord, then it is likely that he might be successfully defended on this test. NWC¹⁰⁶ and front-line services have raised serious concerns about this defence and called on the State to abolish it.

Another possible avenue to pursue convictions for SFR would be through the laws criminalising sex purchase on the basis that sexual ‘services’ are accepted in lieu of money for the payment of rent. Again here, certain technical difficulties with the law would make it difficult to undertake criminal proceedings, one is that there is

103 RTÉ Investigates – Sex For Rent, 2023. 27 Jul.

104 Joint Committee on Justice, 2022. Houses of the Oireachtas Joint Committee on Justice Report on Detailed Scrutiny of the Ban on Sex for Rent Bill 2022 [PMB]. [online] The Government of Ireland. Available at: <https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_justice/reports/2022/2022-10-05_report-on-detailed-scrutiny-of-the-ban-on-sex-for-rent-bill-2022-pmb_en.pdf>.

105 Joint Committee on Justice, 2022. Houses of the Oireachtas Joint Committee on Justice Report on Detailed Scrutiny of the Ban on Sex for Rent Bill 2022 [PMB]. [online] The Government of Ireland. Available at: <https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_justice/reports/2022/2022-10-05_report-on-detailed-scrutiny-of-the-ban-on-sex-for-rent-bill-2022-pmb_en.pdf>.

106 National Women’s Council (2022) Submission on the General Scheme of the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022. Available at: https://www.nwci.ie/images/uploads/NWC_Submission_CRIMINAL_JUSTICE_Bill_2022.pdf [Accessed: 09 April 2024].

no actual payment made in SFR and proof of payment is important for evidentiary reasons in pursuing a conviction of this kind. The other issue is that section 7A of the Criminal Justice Act, 1993 stipulates the offence as sexual activity with a 'prostitute', so prosecution and conviction would therefore require that vulnerable tenants identified themselves in this way. It is likely that this would severely negatively impact the number of cases taken for SFR exploitation. As indicated in the introduction to this section, Northern Ireland similarly criminalises the purchase of sex, but they do so without labelling it as prostitution and their definition does not require that money changes hands, the legislation stipulates 'any consideration' in return for sexual services. It might be possible to widen Irish law to accommodate this understanding, which would allow for SFR to be addressed under this legislation while also not requiring victims-survivors of the practice to identify themselves as a 'prostitute' to pursue a complaint. It would not however tackle the harassment of being 'offered' these proposals in the event that they are not accepted by the prospective tenant. In terms of sex purchase in prostitution it is an offence to merely request sexual services from a person in a public place in return for money. This carries penalties of fines which increase with subsequent offences and repeated offences can result in a short prison sentence.

Most recently, the Department of Justice has indicated that SFR exploitation is to be criminalised through an amendment to the Criminal Law Sexual Offences and Trafficking Bill which is currently at Fourth stage before the Dáil, and the Minister indicated that the amendments would be in the section dealing with consent.¹⁰⁷ It is not clear whether these amendments will criminalise the proposal of SFR arrangements as well as the exploitation itself, or only where these arrangements are accepted. It is also not yet clear whether sanctions will be introduced for online platforms carrying advertisements for these proposals.

¹⁰⁷ Murphy, A., 2023b. Sex-for-rent propositions to be criminalised under new legislation, says Helen McEntee. The Examiner. [online] 17 Nov. Available at: <<https://www.irishexaminer.com/news/arid-41271238.html>>.

Reporting on SFR Exploitation in Ireland

Sex for rent exploitation has been brought very much into the public consciousness in the last two years - initially through media reporting (most particularly from Ann Murphy in *The Irish Examiner*), and also recently in July 2023 through a special RTÉ Investigates programme, where a journalist went undercover and met prospective landlords who were offering these arrangements. The issue was sporadically reported on before then, however. An early reference to the problem is from a 2017 *Irish Times* article¹⁰⁸ detailing that in the previous week '10 online advertisements offered rooms in Dublin in exchange for sexual favours' and described it as a 'worrying and exploitative phenomenon in a fast-rising rental market'. As part of this article, a Ruhama spokesperson described the particular vulnerabilities of migrant women to this kind of exploitation 'women arriving in Ireland for the first time are most open to this abuse (...) they could find themselves struggling to survive financially in a country where rental prices are soaring, (...) If she's somebody who has come here without any networks or social supports, and she has nowhere else to go'. Another article from 2019¹⁰⁹ details the issue and questions raised in the Dáil in relation to a specific instance of SFR and includes a quote from a spokesperson for housing advocacy charity Threshold saying that the case spoken of in the Dáil was 'unfortunately not a once-off or unusual'.

The issues remain the same 7 years on, the only thing that has changed is that the housing crisis has deepened, and rental prices are even higher. Even the platforms that carry these online advertisements remain unchanged. While the *Irish Times* article of 2017 seems to indicate that this is primarily a Dublin phenomenon, Ann Murphy's extensive investigative reporting shows that this is no longer the case, if it ever was. Her writing for *The Irish Examiner* has revealed ads for exploitative SFR arrangements in various parts of the country including rural Clare,¹¹⁰ Waterford,¹¹¹

108 Kelleher, P., 2017. Sex for Rent: The Irish Ads. *The Irish Times*. [online] 13 May. Available at: <<https://www.irishtimes.com/life-and-style/homes-and-property/sex-for-rent-in-ireland-massages-modelling-no-money-1.3079720>>

109 Gleeson, C., 2019. Sex for rent' propositions to vulnerable tenants 'not unusual. *The Irish Times*. [online] 19 Sep. Available at: <<https://www.irishtimes.com/news/social-affairs/sex-for-rent-propositions-to-vulnerable-tenants-not-unusual-1.4023892>>

110 Murphy, A., 2022. Irish 'safe haven' could also deliver vulnerable refugees to sexual predators. *The Examiner*. [online] 17 Mar. Available at: <[111 Murphy, A., 2022a. 'Deeply worrying' that 'unethical landlords' target migrant women for sex-for-rent. *The Examiner*. \[online\] 17 Mar. Available at: <https://www.irishexaminer.com/news/arid-40814670.html>](https://www.irishexaminer.com/opinion/commentanalysis/arid-40830455.html#:~:text=IN%20FOCUS%3A-,Ann%20Murphy%3A%20Irish%20'safe%20haven'%20could%20also%20deliver,vulnerable%20refugees%20to%20sexual%20predators&text=As%20the%20flow%20of%20refugees,thousands%20of%20women%20and%20children.>></p></div><div data-bbox=)

Cork,¹¹² Limerick¹¹³ as well as Dublin.¹¹⁴ Research for this report turned up online ads¹¹⁵ (during a search period of about a month) for SFR arrangements in Naas, Leixlip, Newtownards, and Meath none of which are major urban centres.

Political Parties' Responses to the Issue of SFR

Media reporting of SFR in Ireland has been greeted by political parties across the spectrum with unanimous condemnation, with all having registered their disgust at this exploitative practice. There have been many calls for new legislation or clarity on existing legislation to address the issue. Deputy Eoin Ó Broin, housing spokesperson for Sinn Féin has said 'seeking sex for rent is a disgusting predatory form of behaviour. It should be outlawed'¹¹⁶ and in August 2023 he published a bill which would criminalise this practice as well as the advertising of such proposals. As noted previously, Deputy Cian O'Callaghan of the Social Democrats, who described SFR as 'an abhorrent practice' and said that no one should be subjected to 'these kinds of demands when they are looking for somewhere to live,'¹¹⁷ also drafted legislation to tackle the practice which, while achieving all party support, ultimately encountered problems in pre-legislative scrutiny and was rejected. Fianna Fáil members have described the abuse as 'shocking, unacceptable and sordid' while also saying that those who engage in these behaviours 'will face the full rigours of the law'.¹¹⁸ Similarly, Fine Gael members have expressed condemnation and Minister for Justice, Helen McEntee has announced her intention to amend existing sexual offences legislation to tackle the issue.¹¹⁹ Deputy Steven Mathews of the Green Party, and chairperson of the Oireachtas committee on Housing, Local Government and Heritage 'said there is an urgency to tackle the area' and expressed the opinion that 'the Government will draft its own legislation to outlaw sex for rent to speed up the process of legislating against it'.¹²⁰ Labour Party leader Ivana Bacik said she was 'really concerned about the existence of advertisements offering low cost or free accommodation in return for sex' saying they indicate just how difficult it is

112 Murphy, A., 2020. Free rent for sex twice a week with landlord; Shocking advertisement for Cork city flat. Echo Live. [online] 10 Jan. Available at: <<https://www.echolive.ie/corknews/arid-40137035.html#:~:text=Ann%20Murphy-,A%20FLAT%20in%20Cork%20city%20has%20been%20offered%20rent%2Dfree,by%20a%20foreign%20registered%20company.>>.

113 Murphy, A., 2022b. Government to draft own legislation to ban sex for rent practices. The Examiner. [online] 26 Mar. Available at: <<https://www.irishexaminer.com/news/arid-40836908.html>> [Accessed 17 Dec. 2023].

114 Murphy, A., 2023. A Dangerous Hell podcast: Delay in sex for- rent law putting tenants' safety at risk. The Examiner. [online] 26 Jul. Available at: <<https://www.irishexaminer.com/news/spotlight/arid-41087638.html>>

115 See section titled 'Some recent possible SFR ads'

116 Sinn Féin, 2023. Sinn Féin Publishes Bill To Make Seeking Sex For Rent An Offence - Eoin Ó Broin TD - Sinn Féin. [online] Sinn Féin. Available at: <<https://vote.sinnfein.ie/sinn-fein-publishes-bill-to-make-seeking-sex-for-rent-an-offence-eoin-o-broin-td/>>

117 Burns, S., 2022. Bill making 'sex for rent' propositions a criminal offence introduced in Dáil. The Irish Times. [online] 8 Mar. Available at: <<https://www.irishtimes.com/news/politics/oireachtas/bill-making-sex-for-rent-propositions-a-criminal-offence-introduced-in-dail-1.4821690>>

118 Riegel, R., 2023. Tánaiste Micheál Martin says landlords who pressure tenants into sex for rent will face consequences. Irish Independent. [online] 29 Jul. Available at: <<https://www.independent.ie/irish-news/tanaiste-micheal-martin-says-landlords-who-pressure-tenants-into-sex-for-rent-will-face-consequences/a932369280.html>>

119 Murphy, A., 2023b. Sex-for-rent propositions to be criminalised under new legislation, says Helen McEntee. The Examiner. [online] 17 Nov. Available at: <<https://www.irishexaminer.com/news/arid-41271238.html>>

120 Murphy, A., 2022d. Government to draft own legislation to ban sex for rent practices. The Irish Examiner. [online] 26 Mar. Available at: <<https://www.irishexaminer.com/news/arid-40836908.html>>

currently for renters to find affordable accommodation. 'It is yet another reason why we need to move urgently to pass stronger laws protecting renters and why we need a three-year rent freeze'.¹²¹ People Before Profit/Solidarity TD Mick Barry said that people offering sex for rent arrangements are 'creeps who exploit their position of power over people with less power or no power who need a roof over their heads'.¹²² Interestingly, all major political parties are at one on the issue, SFR seems to be an area which is unique in generating such high levels of agreement across the political spectrum.

The parallels between the exploitation of women in prostitution and the exploitation of women in SFR are obvious, as discussed in the introduction, but this is not necessarily the perspective of some political parties in their response to the issue of sex for rent. In both cases it is the most marginalised of women who are harmed: - young, frequently migrant, often with children to support, sometimes students, often fleeing domestic violence or still in a situation of intimate partner abuse, perhaps with insecure migration status. It seems probable that it is also the same kind of men involved - older, employed, asset-owning, in housing and in a powerful position relative to the women. In prostitution as in SFR, women's poverty and vulnerability are exploited by sexually predatory men. In both cases when the decision to enter into these situations is made as a result of an absence of alternative means to find a home/make an adequate living the consent is far from freely and voluntarily given and must be considered compromised at best.

In some instances, it is the same women involved in prostitution who are also being exploited in SFR arrangements. In an interview the CEO of Ruhama (an NGO working with women affected by prostitution) commented that:

'Sex-for-rent incidents increased during lockdown. Some women were thrown out by their pimps when the lockdown began because for a lot of women their homes are brothels. For others, they were allowed to stay without paying rent as long as they gave sexual favours in exchange. We had other examples where landlords knew that women were selling sex from the apartment they were renting. Then when lockdown happened and women were struggling financially, the landlords demanded payment through sex'.¹²³

These landlords described by Ruhama who exploited women during lockdown were coercing those already involved in prostitution into SFR arrangements. These experiences of women underline the futility of attempting to draw a distinction between the sexual exploitation of women in SFR and the sexual exploitation of women in prostitution. While there is a broad consensus

121 Murphy, A., 2021b. Sex-for-rent arrangements put tenants in vulnerable situations. *The Irish Examiner*. [Online] 20 Dec. Available at: <<https://www.irishexaminer.com/opinion/commentanalysis/arid-40769502.html>>.

122 Murphy, A., 2022b. Bill 'a small step in trying to address exploitative practice' of sex-for-rent. *The Irish Examiner*. [Online] 23 Mar. Available at: <<https://www.irishexaminer.com/news/arid-40835168.html>>].

123 Begley, I., 2022. Law planned to stop landlords asking for sex in place of rent. *Extra.ie*. [Online] 18 Feb. Available at: <<https://extra.ie/2022/02/18/news/irish-news/landlords-sex-rent-law>>

amongst political parties and civil society on the abusive nature of SFR such a consensus is absent in relation to the exploitation inherent to prostitution. Some groupings who call for legislation to criminalise SFR simultaneously call for the decriminalisation of men who purchase sexual 'services' from women in the sex trade. In one instance then, it is felt that this behaviour should be criminalised while the same behaviour in the other instance should not. There is an inconsistency in this approach. The same exploitation is involved in both cases, the only difference is the currency used in payment – in one instance it's money, in the other it's shelter. In both cases there is an imbalance in power with the 'purchaser' having resources and being in a privileged position relative to the seller. In both cases the 'seller' may have been coerced into this situation through poverty. The only circumstance in which this divergence in approach could be justified would be if the 'seller' is not forced through the duress of circumstances to become involved in prostitution and we know that this is rarely the case. A similar analysis and approach is required by those advocating for change so that both practices can be similarly sanctioned, and the victim/survivors offered the same supports.

Analysis and Discussion

The following section describes themes revealed in the analysis of 13 semi-structured interviews with the research participants, all of whom have specialist knowledge in areas relevant to this topic. These include individuals working in frontline organisations providing services and supports for victim-survivors of sexual exploitation, sexual violence, domestic violence, migrants, and trafficking victims, and for renters experiencing difficulties in relation to tenancies. Academics/researchers with expertise in homelessness and the housing crisis participated, a journalist with experience of reporting in this area agreed to be interviewed, as did politicians with a housing brief. An official from the Department of Justice also participated. In order to protect the identity of the interviewees all respondents have been anonymised and are referred to by an interview number (I/V #).¹²⁴ Where quotes include specific terminology that might identify the kind of work engaged in by the participant, this is replaced with more general wording and is indicated with () brackets, to protect their anonymity.

Themes:

Perceptions of the Nature of 'The Problem' with SFR

There was considerable agreement across the participants on their understanding of SFR as exploitative, abusive, and predatory. Several referenced the power imbalance between the extremely vulnerable tenant in housing precarity on one hand and the landlord with a valuable asset on the other:

'It's almost preying on the vulnerable as far as I can see, that seems to be the case with a number of the women who have spoken to me. They didn't feel that they could go to the police (...) really because they had a mistrust of the police (...) so there really is a kind of... there's an unequal dynamic there between the person who's offering this arrangement and the person on the other side. We had one example early in the Ukraine war we had one person offering this situation to Ukrainian women who were fleeing war so that definitely would be a dynamic where there wouldn't be equal[ity] (...) in that situation because these people were obviously desperate trying to find somewhere and this was you know being exploitive.' (I/V2)

¹²⁴ Each quote from an interviewee is followed by their anonymised interview number (I/V#) in brackets

‘We do know from whatever research is available that the women who will consider this are vulnerable women, are extremely vulnerable impoverished women, who (...) have no other option basically they’re poor so there’s a kind of poverty driven vulnerability there um so it’s... it’s a very serious issue.’ (I/V8)

‘The idea that a predatory landlord practice... whereby to get access to roof over your head you have to provide or be willing to provide sex as part of your rent agreement is just exploitative, but it really is it’s (...) that very specific kind of power imbalance between the desperate renter trying to find somewhere to rent and the owner of the property realizing that not only can they extract unaffordable rent but also sexual services and I just think that’s quite an appalling proposition.’ (I/V12)

‘I would think that it’s inherently destructive I think it’s destructive to have that kind of a relationship you are... you are creating uh an on-demand sort of uh relationship.’ (I/V10)

‘When you think of Maslow that hierarchy of needs and the really basic importance of food and shelter and to have people feel so trapped the only way they can have a roof over their heads is to do something like that (...) where’s the one place that you know, most of us like to feel safe now I know not everybody’s home is safe but I suppose you know it’s for you (...) your place of safety is that you close the door behind you whether it’s a bedsit or a palace doesn’t really matter (...) that’s your space that you know could be tainted (...) or kind of (...) make you (...) feel less than who you are that is not good that’s absolutely not right.’ (I/V3)

There was also a perception among the participants that SFR arrangements can be understood in terms of the absence of real consent as a defining characteristic despite the outward and apparent agreement necessitated to enter into one of these exploitative scenarios.

‘Obviously, I wouldn’t say it’s compromised, there’s no consent there, I would say it’s coerced consent, consent isn’t even part of, I would say there’s no consent in relation to the notion of coerced prostitution and it’s not that I I’m saying that’s not what it is, it’s not that, it’s I’m wondering how women see it.’ (I/V8)

‘How can it be consent if it’s between a rock and a hard place?’ (I/V11)

‘I suppose it’s the lack of consent so I mean we have a definition of consent in the Sexual Offences Act of 2017 and (...) the act clearly states that sexual consent must be freely given it must be voluntary, but if somebody is consenting to sex for their survival or for a roof over their head or for shelter then that sex is not free or voluntary it’s not being freely given (...) if you have to agree with somebody under pressure because you fear you’re going to be made homeless.’ (I/V3)

Other participants also made a connection between SFR and the broader issue of commercial sexual exploitation of women.

‘What’s going on here (...) is commercialization and commodification (...) and for us that’s the fundamental inherent problem (...) it’s broad it’s like any of these transactional pieces it’s broader than the actual (instance) there is the victim, the perpetrator. the incident itself and the set of incidents and a much broader piece about where the line sits in our culture and our society and what’s permissible and what’s not permissible.’ (I/V 7)

‘It’s also offensive (...) it’s an insult to the woman it’s dehumanising, it is that commodification of the woman you see her as a commodity I should trade my body to be able to have a roof over my head it’s dehumanising so it is very harmful.’ (I/V5)

Perceptions of Prevalence (and How it is Presenting)

Many interviewees made reference to the huge gaps in knowledge around SFR, particularly in relation to prevalence. Some felt that the SFR issue is not unique here:

‘I think it’s a very new topic that is obviously under-researched and even women’s homelessness (...) gender and the intersection of gender and homelessness, gender and housing is still poorly researched in the Irish context and it’s poorly represented as well within policy so as a result there is that sort of as I would see it sort of reluctance to really specifically address gender related to homelessness and housing.’ (I/V8)

Some of those interviewed were of the view that this form of abuse is not happening in significant numbers based solely on the fact that they themselves had not directly encountered it in the course of their work. (One politician whose participation in the study was requested declined on the basis that, ‘Thankfully, we have never had a case

like this in our constituency’).¹²⁵ Other participants had fixed views about the kinds of geographic areas in which it would occur.

‘Just to say it’s not an issue that I have come across in my (area) at all from my (work) but I think that’s partly because the rental sector operates in different segments in different markets and therefore out where I am in the suburbs it’s generally kind of longer-term private renters.’ (I/V12)

This participant wasn’t alone in holding this view. The idea that SFR cannot/is unlikely to happen in settled suburban middle-class areas was voiced by other participants too. If it is the case that these arrangements are being proposed primarily in ‘rent a room’ tenures, then they are as likely to happen in any geographical area or neighbourhood - in suburban, settled, middle-class areas for example as anywhere else. Anyone can let out a room, including another tenant, long-term or otherwise.

Other interviewees were of the opinion that SFR proposals and practices might happen quite frequently:

‘We will never know the full extent of it but I really do think that it’s... it is more common than we think I mean one of the cases that I (kind of work specified) was in Newcastle and when I went to the house and met the landlord (...) and he told me that he had done this before that it worked out brilliantly he (also) told me a friend of his had done it and it was very successful for him as well and he didn’t see any issue with it.’ (I/V2)

Some participants talked about the difficulties in gathering prevalence information on the issue. One barrier is that while women may want to discuss it with support services or other stakeholder organisations, it seems they may be reluctant to lead with it as the ‘presenting problem’ but may instead talk about it almost as an aside.

‘When people come to us they rarely come with one single thing going on this is one of the things that came up because I think actually we were looking specifically at our (female) clients experiences and one of them they will look at (is safety) and then other things (are mentioned) like ohh yeah and then being propositioned (...) so I went to look a little bit further and all we really had was anecdotal you know people were ringing let’s say about (issue x) and as part of that conversation they would say yeah I think the landlord was kind of maybe implying or I thought he was being a bit flirty and I wasn’t really sure what to make of it.’ (I/V4)

¹²⁵ Private email to researcher.

This chimes somewhat with the views of another participant who felt that,

‘The sex for rent issue is challenging to research because women (...) might be (...) reluctant to admit to even considering such an avenue.’ (I/V8)

Both participants here are referring to the possible unwillingness of individuals to talk about these proposals/arrangements due to stigma, shame, or a lack of clarity that this is something that is possible to discuss with the person/organization in question. Some interviewees also mentioned other barriers to women disclosing their experiences of this kind of exploitation.

‘I’d say it’s one of those ones where (many victims) are migrants most (...) are non-English speakers they aren’t tapped into you know media awareness raising so they’re hard to reach. The other aspect of it is the public conversation about it being in fact a crime and you have recourse and you in fact are a victim and you will be treated with respect (...) and not blamed for the situation that whole piece of work needs to happen before people walk through the door.’ (I/V 7)

We know that in Ireland women are very reluctant to disclose a sexual trauma they have experienced and may choose never to do so. They are apparently even more unwilling to report it to official sources.¹²⁶ This being the case it is probably not surprising that women do not spontaneously come forward to discuss their experiences of SFR exploitation as noted by some participants.

‘Women have certainly not spontaneously reported (...) but then again, we didn’t ask about it.’ (I/V8)

Another participant, while acknowledging that SFR is a live issue, and the extent of the problem is unknown, notes that,

‘It appears that there is a group of women who are being preyed upon by a number of landlords the scale of which we just don’t know.’ (I/V12)

but also seemed to have an expectation that women would be in a position to discuss this kind of sexual exploitation or sexual harassment openly if it were happening to them.

126 Overall, almost half of adults who experienced sexual violence as an adult (49%) did not disclose to someone. Almost half of adults (48%) who experienced sexual violence as an adult and did not disclose, indicated that they thought what happened was not serious enough. For those who did reveal an experience of sexual violence as an adult, they were most likely to disclose to someone less than six months (67%) after the sexual violence experience, and most likely to disclose to a friend (56%). Central Statistics Office, 2023c. Key Findings Sexual Violence Survey 2022 – Disclosure Of Experiences - Central Statistics Office. [online] Central Statistics Office. Available at: <<https://www.cso.ie/en/releasesandpublications/ep/p-svsde/sexualviolencesurvey2022disclosureofexperiences/keyfindings/>>

'I have fairly extensive dealings with tenants (...) and (...) while it's not a feature that has been reported to me in my dealings with (area of work) and I have a very good close relationship with (people) they're very open about stuff generally when they're complaining about a landlord it's in relation to I suppose inappropriate behavior improper behavior that wouldn't be sexual in nature.' (I/V12)

While this interviewee's relationship with tenants is not in doubt, it's worth remembering that sexual trauma is not easily or lightly disclosed. Failure to spontaneously report or discuss the issue perhaps should not be read as an absence of this experience.

Other issues were raised around the recording of such incidents when they are broached (even obliquely) by women.

'We had tried to start [recording it] (...) it's hard when people are working on the frontline, [making requests of staff to] I want you to record this as well as the other 75 things to go in the database. It can be a bit of an ask, so we had tried to start recording this, but I guess it probably wasn't being recorded in every instance and so we kind of abandoned (...) it.' (I/V4)

Again, here the experience of this participant is that this kind of exploitation is not being highlighted by service users as 'the presenting issue' but if given an opportunity they may refer to it in a throwaway manner. This might also have implications for the staff member the service user is speaking with. If it is spoken about as an apparent 'side-issue' staff may not know how to address it or even if they should. Furthermore, if it lies outside their sphere of expertise, they may feel ill-equipped to offer support and may not record the issue as having been discussed at all (this is presuming there is an appropriate mechanism or 'place' to record it).

Another participant acknowledged that they had not encountered this issue in their work but:

'What I can say is that there are there are very clearly gendered dimensions to the housing crisis that has come up in work that I've been doing and I could entirely see how women in particular are vulnerable to such forms of exploitation I would also say that there are other groups as well that might be vulnerable I'm thinking specifically you know the situations around gay men or people in the LGBTQ community in general.' (I/V11)

The same interviewee went on to say though that although they regularly interviewed renters as part of their work, they had not interacted with those in the licensee sector, so if it is correct that SFR exploitation happens mostly among licensees it is perhaps not such a surprise that it didn't arise:

'I never quite felt that I was getting into that group let's say that might be English language students here on those kind of short term visas they're maybe doing a little bit of work as well, I never felt that I got into that group per se I obviously would have wanted to, you know you walk around the street you can see the bunk beds pushed up against the big Georgian window.' (I/V11)

Experiences of SFR Described in Interviews and the Contexts in which they Occurred

Most interviewees representing a frontline service described service users having discussed or having mentioned experiences of SFR to them:

'It has been raised yes and it is raised in a number of ways first of all where there's an abusive situation where there's pimping going on and extensions of that in terms of directly sex for rent that situation, we've come across where people are moving out of supported housing and they find themselves in... quite distressed when they're (...) trying to find long term stable housing that they're very distressed and they're basically effectively meeting perpetrators again so we've heard...but we haven't... it's not I certainly have to say straight out it's not something that has come up on a regular basis it is as you would imagine like in the context of the domestic violence which usually includes sexual violence.' (I/V10)

'In our experience around some of the women that disclosed sex for rent arrangements it wasn't just sex for rent it resulted in a lot of violence as well so just to highlight that you know or to mention it as well your body is being exploited but there is violence as well so receiving abuse on top of that just adds to the trauma and make some much more difficult recovery during the healing process as well.' (I/V6)

'We did get a few referrals on the back of Prime Time (RTÉ Investigates TV current affairs programme investigating SFR) because people actually realised and both those serving them and them themselves through that bit of conversation went, 'Oh that's me, I fall into that category' but until we get over that line (of legislation and building awareness) we're just not going to see the people in.' (I/V7)

Again, this last participant is noting that disclosures regarding SFR will only be properly made to frontline services when there is awareness that this is an area which is appropriate to discuss with them and that service users will be supported, including through the provision of talking therapies in relation to this kind of

exploitation. Until then they will continue to hear about it only as an afterthought, in apparently casual throwaway remarks.

‘We actually we had a student do a bit of work with us for when this was in the media and she said oh yeah, I’ve been asked, I’ve been propositioned when I was out looking for places. She said I just told them to get lost. (...) Anyone I spoke to outside of work just seemed to think these offers were a bit of a laugh, but they clearly had other options.’ (I/V4)

This last comment about the difference in experience for those with options and those without is central to how the proposal of SFR is made and received it seems. For migrant women the proposals are frequently made in person:

‘Proposals are generally made to migrants in person because they wouldn’t say that over the phone to you because they wouldn’t know who they are talking to they might know you’re a migrant woman but they wouldn’t know if you were married for example or if you’re with an Irish man and if he’s sitting there with you or if you are dating an Irish boyfriend and he’s there beside you so they would never say this on the telephone it’s usually in person when they see you and they know you are alone and you are vulnerable and that you don’t have a network or anybody and you’re not with an Irish man you know who would take it up with them yes it’s usually in person.’ (I/V5)

Many experiences of SFR related in the research involved migrants as victims-survivors and Irish men as the perpetrators of this exploitation:

‘Now I have come across the situation in Cork where it was a couple that were advertising for this sort of an arrangement and the husband was getting, at least that’s what he told the prospective client was that he was getting his wife’s view on it and the wife would be agreeable as well depending on the photograph of the person.’ (I/V2)

‘I have spoken to a number of Irish people who have been offered these arrangements but it’s very very small and the vast majority of people that I have spoken to are migrants with very little English. A colleague of mine also came across a number of Brazilian women offered so it seems to be primarily targeted towards them and they’re who use social media websites like (name of user-to-user platform) as well it would be European and international people as such who use those websites, we tend to use Daft etc when looking for rentals. But if you’re coming into Ireland from outside you may not be aware of that, but you will be aware of something like (name of user-to-user platform).’ (I/V2)

The point being made by this interviewee is an important one and adds a clear dimension of intentionality to the behaviour of the perpetrators in SFR. This participant is observing that the particular platforms being used by some of those who propose SFR arrangements, while highly popular in other areas of the world, are rarely used by Irish nationals who tend to use other dedicated sites when seeking rental accommodation (*Daft* for example). This suggests that these perpetrators are deliberately seeking migrants, perhaps because of their relatively reduced array of support options.

It's important to note that most media reporting of experiences of being confronted with SFR proposals has related to young migrants, often students, either through responses to their 'accommodation wanted' ads on social media, or by their responding to vague 'room to let' notices on user-to-user platforms. We should not rush to assume however that this is the totality of the picture. Many others have reported to support services encountering these proposals in person either while visiting a prospective new home, or while being a tenant in situ. It remains unclear which demographic most frequently accept these proposals however, the only thing we know from research in the UK and US cited earlier is that they are likely to be the most marginalised of women, and possibly with a history of abuse and trauma.

Effects of SFR Proposals on Women

For women who accept SFR proposals only in the absence of any other viable housing option the harms of this kind of exploitation must be great. However, we should not assume that harm only occurs while *in* these arrangements, for some women, including those who have been victim-survivors of previous sexual or domestic violence, the act of an in-person offering of such a 'contract' can be extremely damaging. The proposal of these arrangements is problematic in itself. It should be remembered that if a suggestion of this nature were to be made in a work context for example, to any employee, it would be considered an instance of sexual harassment and if reported the perpetrator would be subject to sanctions from the employer, who if they failed to deal with it effectively could find themselves in the Workplace Relations Commission defending the steps they took to protect their employee from harassment. Where proposals are made in a housing context there are no such obvious and supported steps to take. It is also the case, particularly for those in licensee arrangements with few protections, that making any complaint of this nature would carry a very high risk of losing their home. For this reason, sexual harassment of this kind, in-person, and particularly with regard to in-situ tenants is deeply damaging and problematic. In the work context this harassment is understood to create a hostile environment for the victim, in the SFR situation this transfers the hostile environment to the place that is supposed to be their safe haven.

'I know one woman had to go for counselling afterwards and was in counselling for a long time. She could not believe what was after happening to her.' (I/V2)

‘So you can only imagine that you know if if somebody has had a past rape and then somebody makes proposition like that, it’s triggering and I mean it could it could root people in the spot it could throw them right back you know to that time and place.’ (I/V3)

‘From the point of view of domestic violence we look at the effects of coercive control and (...) like victim blaming which includes self-blaming where people blame themselves individualization of the problem, there’s a real gas lighting for people (...) they think it’s their fault (...) there’s a whole range of what you might call psychosocial effects.’ (I/V10)

As mentioned in the literature review, there are many ‘stuck’ in Direct Provision despite having received their papers giving permission to stay in the country. Among this number are women and girls who have been victims-survivors of human trafficking for sexual exploitation. One participant spoke specifically about their experience of SFR-related harassment:

‘One of the major traumas they deal with is disassociation, self-blame that you know those things happened to people like me, maybe it’s my fault, maybe if I had done this- not understanding that it’s not your fault in any way so they are dealing with a lot of psychological harms that even sometimes after they have exited the sex trade (...) take time for them to come to that place where they make peace and feel peace within themselves so they are still dealing with the psychological harms so you can imagine that a woman that is burdened with those harms she is still trying to find herself that lost self to find herself in that kind of situation it’s almost as if he maybe sees that I have exited the sex trade maybe there is something about me that makes people like him think this is all I am worth so you can imagine that almost taking the woman back to that place she is trying her best doing all she’s doing to come out from that place yes it definitely does do a lot more harm to women who have exited the sex trade for that kind of proposal to be made to them it’s telling them that this is what you are worth this is what you are good for and you know you need to accept it the way it is which is not the reality of the woman.’ (I/V5)

Women seeking to exit prostitution are another grouping who might find themselves particularly vulnerable to these proposals:

‘When you’re trying to exit any kind of difficult situation the most important thing is a stable foundation so housing is key so because it’s so complex to exit if you don’t have a base of course there’s going to be a temptation and a vulnerability because sometimes

getting out of a situation isn't the hardest thing it's staying out if you don't have that base and also if you've been earning x amount of money and you don't have that because you're not involved and you have a very high rent and you have the option so yeah it's very there is a big a big vulnerability to stay entrenched in it.' (I/V6)

Another participant felt that the particular place an individual is at in their recovery from sexual trauma would influence the reaction to this kind of harassment:

'What I'd say to that is all survivors react differently at different times and (...) there isn't really a one size fits all I mean I know oftentimes the public and in legislation and in advocacy we talk about how this might impact on a survivor but actually one of the things I'd say is if you are a survivor for example you might cope with that better than anybody because you have been trained in that for example and when I say cope with it I mean in that moment in that being able in that moment to disassociate to go through the motions so it's a mistake to think that survivor will react in the same way. Of course for other survivors who are in a different point in their trauma it will trigger and then those you know who might be out the other side of it they may be better equipped as well in terms of understanding it and because they've actually been on that journey they'll be able to call it in a way that someone who's never experienced sexual violence simply gets trapped into it and they may be a long way down the road before they see any flags there isn't there isn't there isn't one response this is this nature of a population that is you know 50% of the population that is thoroughly groomed and abused already so we're all at different stages of understanding and recovery.' (I/V8)

Given that 52% of women living in Ireland report experiencing sexual violence in their lifetime¹²⁷ it's shocking to think that they should have to worry about being in a good enough place in their recovery to allow them to mitigate the worst triggering effects of receiving an in-person sexually harassing and exploitative proposal, while simply trying to find a place to live. It's worse of course when these proposals or other harassing behaviours are directed to in-situ renters, because they cannot simply walk out the door:

'You hear stories from renters of avoiding where they're renting and not going home and spending as much time away from their home as possible because the landlord is hanging around and all this sort of stuff like you know just terrible (...) so they have a home but only to a degree like you know in half a sense, and that's really terrible people paying rent and not even having that kind of safety or security.' (I/V1)

127 Central Statistics Office, 2022. Sexual Violence Survey 2022 – Main Results. [Online] CSO. Available at: <<https://www.cso.ie/en/statistics/crimeandjustice/sexualviolencesurvey/sexualviolencesurvey2022mainresults/>>.

SFR is Not New

Some participants felt that there's a certain naivete around the shocked discourse on SFR. In their opinion this is not a new phenomenon. What might perhaps be novel is the overt and public advertising for these arrangements, but the exploitative practice itself has been with us for a long time. The feeling among these interviewees is that it's receiving of media attention now because it's hitting a new cohort of renters.

'Yes I see it as a problem, I don't see it as a new problem I suppose I think it's been around for a long time. It's certainly been around for a long time for women involved in the sex trade and it's sexual exploitation. But I think sexual exploitation occurs inside and outside the sex trade and I think it's been highlighted significantly in recent years, because it has become an issue for people who aren't in the sex trade. So once it has hit particularly I suppose more middle class people who ended up in this situation, all of a sudden people are interested.' (I/V6).

'The reality is that sex for rent is something that has been happening in Ireland it only just came into the limelight because it was out there in the media and you know it was publicized not because it has not been happening in Ireland you know I am a migrant woman you know so most of the time even before I started working with (***) we have our meetings we talk about issues that affect us as migrant women so we know that these things are happening it's just that it is come into the limelight only recently because Ukrainian women and children coming into Ireland so it might be new to a lot of people but for myself as a migrant woman it's not something new it's not something I haven't heard about before it has been happening before.' (I/V5).

'Notwithstanding that I think it's been around for a long time, I think the housing crisis has pushed more people into vulnerable situations so therein lies a bigger issue and that's what is making it a bigger problem currently.' (I/V6).

'It is only recently historically that women were not considering chattel it is only recently that rape within marriage was removed so you have to put it in that context for you know basically the relationships between males and females in these economic and household and home arrangements were legally hierarchical legally exploitative, what we now consider exploitative and legally violent. So when you're asking a question like this I always get very upset when people talk about sex for rent as if it's something new it's not.' (I/V10).

SFR in the Wider Context of Sexual Harassment in Housing

Some participants talked about renters' reported experiences of sexual harassment by landlords which seemed to create the wider context within which SFR occurs.

'It's a confidential helpline and we always say (...) it's not a bad barometer for various different things that are going on (...) in society. What we would have heard on the helpline would have been predominantly from female callers, so they were female and tenants and they were saying that oftentimes they would have felt uncomfortable when (...) predominantly male landlords called (...) I suppose they would have used words to us on the helpline like "uncomfortableness, creepy" and (...) the callers would have felt that the landlords were being a little bit too familiar with them, maybe turning up unannounced (...), some of what they said would have been inappropriate and that's what we were hearing.' (I/V3).

'There's an issue for some renters, and you hear more from women and younger women renting this thing sometimes of landlords who happen to be an older male landlord who often starts off kind of helpful and you know welcoming to them as a renter, but over time they're just like this guy hanging around the whole time... and sometimes there's inappropriate comments and inappropriate suggestions, sometimes there isn't, but there's crossover boundaries of this person who really I just want to pay the rent to and I want to get on with being in my home and there could be a present sometimes and that's not necessarily sex for rent but this is kind of like unwanted kind or creepy behaviour and and that's like that in itself is a problem that kind of power imbalance.' (I/V1).

'I do know on the helpline when the helpline counsellors were exploring with people and when callers were coming back to the helpline counsellors and saying what's happening to them you know some of them kind of felt that you know is that a form of harassment? So I suppose that's what kind of comes into my head is that you know it should be you know as maybe at its basic level it is that it's a form of sexual harassment.' (I/V3).

'It puts people under pressure, it's very creepy if it's like the (...) place someone lives you know obviously, look, unwanted sexual advances are unacceptable in the workplace, in education, in the community, but it's particularly infringing in the place where someone's seeking to live, because that's their place of security where they want to feel safe and they've had a hard, stressful day at work. It's the place they want to go back to in order to feel safe and they can shut off the world for a few hours and recoup.' (I/V1).

One interviewee noted that they had previously only considered the idea of 'security' as it applies to renters in very specific ways, unrelated to the idea of sexual harassment or inappropriate behaviour from fellow tenants or landlords.

'When I talk about housing precarity and its four dimensions of affordability, security, quality, and access, you straight away think of it as ten year security and contracts and the ability to be evicted. It didn't occur to me to think of it as - and this is my own positionality as a [name of profession] - I didn't think of it as safety within the home per se, that the renter living with difficult flatmates or a difficult landlord, so that that is definitely interesting.' (I/V11).

Opportunistic Predators and SFR

Interviewees were of the opinion that landlords who sexually exploit and pressure tenants were a separate and distinct type of predator. Some felt them to be 'opportunistic' in their sexual harassment, in that they were only engaging in this way with women because the housing crisis afforded them the chance to do so:

'The people that are offering these situations aren't your typical landlords - they are people typically with rooms in their houses that they're making available, and for most people that probably wouldn't enter their heads until they realise that there is a squeeze at the rental market and (...) there are a lot more renters out there than there are rental properties available.' (I/V2)

'Aside from the layered vulnerability or the increasing exposure to exploitation, what you have are opportunistic perpetrators and it's just another flex - a shifting of that kind of dynamic.' (I/V10).

For one participant this opportunism was a reason to criminalise the mere proposing of SFR, partly to protect women from 'landlords' who could otherwise become serial sexual harassers as they can currently make SFR proposals to multiple women with impunity:

'I guess the men who are making these proposals, they may not be men who would go out and physically attack someone, but they are predators. There may be very few women who will do it, but who knows, they may try it on with every single woman who comes to the house. Many of those women who are confident and capable and have other options just keep going, but it's the woman who has no other options, who might be a bit more vulnerable who comes across that situation, then yeah it can be very traumatising. I guess that's where the asking of does need to be an offence and that the first 5 or 10 or 15 women who are asked know that they can report, and that they be empowered to report it,

and that by reporting as they are making sure that another woman down the road will be safer - similarly I guess to some of the 'Me Too' stuff.' (I/V4)

Inconsistencies in Recognition of Instances of Sexual Exploitation

Some interviewees differentiated between marginalised vulnerable women being sexually exploited in the sex trade and marginalised vulnerable women in SFR exploitation. These participants see women in SFR as different from women exploited in prostitution, this distinction being informed by a belief that a positive choice is made to enter the sex trade while those in SFR 'find themselves' in that situation as a result of poverty and the housing crisis.

'For the people who are finding themselves in that situation, it's not a conscious decision that they made to enter the sex industry and it's I would think it's very different to the sex industry. I can understand that obviously sex is being used as a currency in this situation, but not in the same way as it would be in prostitution for example.' (I/V2).

This distinction makes sense only if the women referred to who enter prostitution do so not because of reasons of economic necessity, or survival sex, or through the duress of their impoverished state. If the 'conscious decision' the interviewee refers to is a positive one, and not forced by circumstances a differentiation can be made. Otherwise, the distinction becomes less clear. While the whole area of how prostitution is to be understood and legislated for (if at all) is very contested, what is unanimously agreed is that the vast majority of women who enter into this trade are extremely structurally vulnerable. Very much like those women who find themselves considering or accepting SFR proposals.

Other interviewees commented on this distinction between approaches to understanding and legislating around prostitution on one hand and SFR on the other:

'Well it's inherently contradictory you know it doesn't make sense to hold... to have this very clear harsh view that landlords or indeed landladies who offer a sex for rent situation need to be punished and on the other hand to say that men who pay for sex basically should be different in a different category but it's sort of it's not unsurprising at the same time because you know contradictions are part of the complexity of these (...) social issues social ills and how to... how society and governments respond to them and so I think that that there are a lot of individuals including politicians out there who have issues with our legislation around prostitution and it's... and it's like because it punishes men.' (I/V8)

‘What I would say is there is a difference although a difference of degree between I suppose coercive sex for rent arrangements and what you could call non coercive sex work activity, now again these things are on a continuum and they’re obviously a whole set of different circumstances of how it is that women in the main end up as sex workers and some sex workers will tell you that it’s a choice that they make while with others very clearly there are other factors in their lives which in my view compelled them in some senses or coerced them or lead them to be coerced into sex work.’ (I/V12)

SFR as a Symptom of a ‘Two-Tier’ Rental System

‘Part of the difficulty is that we have a two-tier rental system, we have tenants who are covered [by the Residential Tenancies Act] and then we have licensees and while they have got some protections (...) they don’t have the same protections.’ (I/V12)

This point in relation to the disparity between ‘renters’ in the licensee system and tenants who have certain rights and protections conferred by the RTA was made repeatedly in the interviews.

‘The perception I have is that it’s happening mostly to people renting rooms, from the couple of scenarios that were highlighted to me and what I’ve heard in media reports, yes. Unfortunately, there are very few protections for them, they’re covered by contract law and within that it comes down to well, this is how much deposit you paid, this is what you should get back and agreeing dates they need to move out etc. But when it’s in the person’s home the tenant often wants out because it can become so uncomfortable.’ (I/V4)

‘Not just migrants, disabled people, travellers, lots of other groups, but we are seeing in the rental sector in particular migrants getting exploited at a level beyond the kind of more general exploitation happening in the sector so we’re very concerned, overcrowding yeah, there’s a few landlords we are aware of operating very poor conditions in their rental properties and have been found to be in breach of you know basic fire safety stuff fires break out, it’s very hard in terms of getting them to... even though there’s been multiple breaches they’re still operating as landlords and then they tend... they tend to be more likely to be renting out rooms and so a lot of this sharpest practices in general are happening at that end of the sector.’ (I/V1)

‘It’s not good to have an unregulated sector and therefore we’re not arguing that all aspects of the residential tenancies actually applied to licensees with roomers because there are differences in terms of notice periods etcetera because you’re living in somebody else’s house, but clearly that sector needs regulation and it is a significant sector and increasingly for example you’ll find migrant workers say working in the healthcare sector will be living there, (...) students and young people are living in that

sector and again because they have no alternative accommodation options they are more vulnerable to exploitative activity.’ (I/V12)

‘I get the impression that there’s a hesitancy to do anything around people in rent a room because it could be seen as an infringement on property owners’ rights, although they have a constitutionally protected right to private property so I guess so just regarding tenancy issues tenancy rights landlords rights duties and obligations it does seem to be that there is a perception that that would be an infringement of their rights however it certainly couldn’t allow them at the same time to proposition somebody. Politically there’s very little appetite to do anything around that.’ (I/V4)

Even with the shortcomings in the regulation of this housing sector, one interviewee pointed out that without it several groupings could be at a loss, including some of those who are accommodated in extremely poor conditions within it:

‘A significant number of people who live in that sector would be separated men in their 50s or 60s basically lodgers (...) but I could take you to a house today in ***** which is a former council house, tenant purchased, converted into a 5 room, essentially all bedsits, all single men, all with mental health or alcohol addiction problems some of whom experience relationship breakdown and you know suffering the consequences of that and all are living in the most appalling conditions and it’s the rental room arrangement and the difficulty there of course is is that the alternative for those men is low threshold communal emergency accommodation in the city centre.’ (I/V12)

SFR in the Context of the Housing Crisis and Groupings with Particular Vulnerabilities

Some interviewees discussed particular cohorts having additional difficulties in relation to housing as a result of the current crisis that might leave them particularly vulnerable to SFR. In terms of victim-survivors of trafficking:

‘What we are seeing over the last two years in particular, is that the situation that we always thought was dire or knew was dire because of inadequate accommodation of people in direct provision but most specifically victims of all forms of sexual exploitation, it’s being exacerbated so the accommodation is dire and then the pressure to move on (...) is increased.’ (I/V9)

‘It’s only in recent years that people in direct provision centres have been allowed to work and even at that it’s really hard for them to find work because that kind of work (...)it’s not every employer that would understand that particular kind of permit so a lot of women do look for work and there are also certain barriers for women in certain direct provision centres that do not even allow them go out to and work. Some of them have very young children who are you going to leave the children with no there is no network of friends or family there is nobody you know so women coming from direct provision centres are more vulnerable and the thing is that the men who propose these things understand that they’re vulnerable they understand these vulnerabilities they will not propose that kind of arrangement to an Irish woman that they come in touch with and they don’t know her she might be whoever you know what I mean so they understand vulnerability they understand that these women might be vulnerable and when you are coming from direct provision centre or when you’ve just received your paper once you get your paper there is pressure for you to leave a lot of pressure you are constantly being told you know that you need to leave you need to leave so the women are afraid they are thinking if I don’t leave by the end of the month or two months time will I be thrown out you know that kind of pressure so aside from the vulnerability there is additional pressure you need to vacate the room now you need to vacate so women coming from direct provision centres are more vulnerable.’ (I/V5)

‘Traditionally victims of trafficking were accepted onto the housing list now it appears that there seems to have been a shift in policy to not accept victims of trafficking onto the housing list so then these people are left at the extreme risk of homelessness and obviously of being re trafficked or being exploited in any number of ways because of those competing pressures and they’re falling between all the gaps they’re not accepted on international protection we have an inadequate trafficking infrastructural response a lot of the people have children as well so either their children are in their home country and they were separated from them because of their trafficking and they want family reunification so that adds a whole other layer of pressure to you know accept any form of accommodation that they possibly can.’ (I/V9)

Women who were fleeing domestic violence were also singled out as being especially vulnerable, particularly those who were leaving refuges:

‘I think your cohort would come in so if someone leaves their home goes to refuge and is lucky enough to be (...) in a county or local authority where there’s move on housing [for victim/survivors of domestic violence] they will be supported through that but at that point then it would be a crisis vulnerability.’ (I/V10)

Female headed lone parent households were also reported as having particular difficulty in securing rental accommodation, particularly when they are reliant on HAP payments.

‘I would have encountered people you know lone parents for the most part we were talking about female headed households with children trying to navigate the rental sector where their opportunities are few and far between really, because if they’re trying to deal with a single income rent is incredibly expensive if they have secured HAP tenancy they are finding a very very small supply of properties or landlords willing to take a HAP tenant what I found from many was that they felt landlords were very hesitant to let properties to families with children because I think the assumption was that landlords if they had to evict the tenant there would be a more difficult process so they were much more hesitant about that so the options that they found themselves with were very limited often then involving them having to go and stay for periods of time with friends and family and the like I suppose the vulnerability this is a structural problem it is this vulnerability is created by structural conditions in the rental market and and I suppose the regulation of that rental market as well.’ (I/V11)

‘The HAP was also making people quite vulnerable because you know in a lot of cases if the hap didn’t meet the cost of the rent was and there was a shortfall (...) maybe landlords are trying to negotiate something like that so yes I think that the housing situation certainly exacerbated this hugely.’ (I/V3)

Legislating to Address SFR

All the interviewees felt that legislation is required to address the issue of SFR. There were some differences in opinion on the form these laws should take however and where they should be located.

‘I do think there has to be a criminal justice element to this I would agree with the principle of strengthening the criminal justice provisions how that’s done I will leave to people of more knowledge than I do in that area.’ (I/V12)

There was a range of opinions expressed about the reasoning behind the need for laws and the level of expectation that a legislative approach would be successful in eliminating this form of exploitation. The one element of law that was universally accepted by the participants was the need to place legal pressure on the online platforms to filter out these ads. There was a general feeling that no business should profit from carrying exploitative material of this nature.

In relation to online platforms:

‘In terms of the obligations on platforms hosting ads and the fines there and all the rest I think that part is very straightforward you know and now of course there’s ways of people trying to get around that and use just using very unclear and suggestive language you know rather than kind of direct, but I still think having some onus on online platforms being responsible if they are hosting ads and profiting from ads that are of a sex for rent nature that, and an online ad to fall into that doesn’t have to be you know ‘I am making a sex for rent offer.’ Clearly if they’re a landlord and they’re using words that are commonly understood to mean that, you know ‘fun’ or other stuff you know, sharing a bed or any of these sorts of things that’s clearly... I think that’s fairly clear, so that part of it is probably reasonably straightforward to legislate on and I think could be legislated on, I don’t see how it would necessarily impact on other areas. I think that bit of it could be done yeah.’ (I/V1)

‘It’s not just the landlords and the predators that the law needs to look at it’s also the online advertising they need to be held to account because without those platforms it makes it very hard for it to exist, so the legislation has to cover both. I think Facebook X all the platforms need to be doing more and held to account but I know like when it goes into private messaging that’s different but you know there’s still often things up and they’re up for a long time and it’s not just the obvious it’s all the social media platforms they need to be monitored and when they come across something they need to act quickly that all has to be regulated and there needs to be penalties uh when they don’t comply they’re getting away with loads of things.’ (I/V6)

‘Yes absolutely, the code of conduct that Coimisiún na Meán is currently putting together, I think that’s where the work needs to happen. I feel like there is a legislative basis there but they have yet to step into the space so far. Obviously they’re very new, very fresh, and they’re building stuff, but yes, I think they have to be front and centre around exploitation. We’re running straight into the problem again of how do you define the vague and woolly and coded ads and how is the platform supposed to know when nothing is explicitly being said.’ (I/V8)

‘The advertising of such arrangements both by the property owner but also by the platforms on which they’re advertised because we need to keep in mind it’s not just the property owner who’s benefiting from this but in some senses, you know if these arrangements are being advertised on platforms benefiting from it as well and therefore that’s part of the problem that has to be legislated for any fix.’ (I/V12)

‘I would see two different issues [requiring legislation] (...) although I would see both as being exploitative. One is the publication of an ad in a newspaper or online that may come to the attention of a far wider range of people.’ (I/V13)

In terms of the exploitative practices of SFR ‘arrangements’ some interviewees felt it was important to legislate if only to ‘send a message’ that this form of exploitation is unacceptable.

‘Fundamentally, the way this will be solved will not be through legislation but through access to decent housing. Legislation is only a signifier of saying this isn’t an acceptable practice, society isn’t supporting this, it’s not okay for you to try to exploit people’s housing situation. That’s really what it’s doing. And that’s both about giving a bit of power and support to people who are at the receiving end of unwanted approaches as well you know. It’s also to give them a clear signal [that] the law is on your side here. And you don’t have to accept this type of behaviour. It’s probably more on that side of things that it’ll be helpful you know; it’s certainly not going to eliminate this.’ (I/V1)

Others were sceptical about how successful any such legislation would be in prosecuting predatory landlords and pointed to low prosecution rates for other sexual offences:

‘Like anything though, you can have all the legislation you want, but if the person is in a vulnerable position or if it’s an unequal power dynamic, and that person has the housing you want, the legislation doesn’t matter. Maybe that’s very overly cynical of me to say.’ (I/V4)

‘Particularly a migrant woman, because [the predatory landlord] knows she’s not going to report. Even if she reports, who’s going to believe her? They also know the Gardaí - who are they going to believe? Will they believe me over an Irish man, a migrant woman over an Irishman?’ (I/V5)

‘What do they do then? Let’s say it is made a criminal offense to ask and anything that comes after, but from the get-go it’s an offence...I guess it’ll go through the usual stuff, maybe not prosecuted on the first term. Does it take another five or ten women later to report to maybe get a bit of an old suspended sentence on the second term? They’re not going to say well you’re not allowed rent out your rooms anymore because that’s not going to happen, and this isn’t me saying God it’s completely hopeless, but I suppose we have to start somewhere and the start is to make it an offence from the get-go, and to empower women to report it when it occurs.’ (I/V4)

Several interviewees expressed concern and doubt about the effectiveness of any new legislation if it were to be located with sex purchase laws. They felt this association would have a chilling effect and act to deter women from reporting because they would not want to be associated in any way with the stigma of identifying as being in prostitution.

‘Many women would not want to be identified with an association with prostitution. Even many women who have been trafficked would not want to self-identify because there is a lot of shame around the sex trade.... Again, I can understand why women wouldn’t report - I’m not going to report it and become homeless, especially if I have little children.’ (I/V5)

‘I don’t think anyone wants to be associated with prostitution, and I think part of the reason we don’t have prevalence or any data on this is (leaving aside the prostitution side of it) because a sizable number of women who are caught in this situation will see it as a once-off or a temporary solution to survive, so they don’t see it as being sexually exploited. They are never going to report, so no matter where you lie on this that’s going to be a reality. I’m not sure how [we could] get around that, but I think it should be a criminal offence because that’s the greatest deterrent.’ (I/V6)

‘I think there should be legislation to address the issue if and when it occurs, and it [should not be] complicated. I don’t have the legal expertise necessarily to comment on how that might work, or where that legislation might be located. I do think that it would be problematic to link it with prostitution because confusing the issue. I would think [it] would negatively impact a woman’s willingness to come forward, because they they don’t see they’re not selling sex - they’re being coerced into sex, [and] into sexual acts.’ (I/V8)

Recommendations

In order to effectively address the SFR problem there must be a focussed, comprehensive movement towards easing the housing crisis and increasing the supply of good quality affordable homes.¹²⁸ More specifically, the following actions are recommended:

- 1. The Department of Justice must legislate to create a new and specific named offence for SFR in line with fair labelling principles in law to clearly target predatory ‘landlords’ and defining the specific behaviours involved so as not to overlap or interfere with other legislation.** This law should recognise SFR as a sexual offence apart and removed from sex purchase laws to avoid the stigmatisation and low reporting encountered in other jurisdictions where pursuing convictions requires the victim to identify as a ‘prostitute’. The new legislation should align with the sanctions and penalties imposed by Part IV of the Criminal Law (Sexual Offences) Act 2017 so that these similar forms of sexual exploitation are considered on a par.
- 2. The Department of Justice must legislate to make the proposing of these arrangements a specific named offence (even where they are not accepted) to address the harassment and intimidation experienced by tenants or prospective tenants and to send a message to landlords that this behaviour is unacceptable.** Such legislation would mirror with regards to housing, the Criminal Law (Sexual Offences) Act 2017 prohibiting the propositioning for or requesting of sex in a public place in exchange for money, (which is punishable by a fine of €500 or €1000 for a second or subsequent offence) with similar scale of fines and the additional sanction of being removed from the register of landlords and prohibited from letting out properties after a second offence. The new law would be specific to a rental housing tenancy context and might be appropriately placed within the residential tenancies act once licensees also come under the protections and responsibilities of this legislation.
- 3. The Department of Justice must legislate to bring renters in licensee arrangements under the Residential Tenancy Act to give them greater legal protection.** This would also allow for clearer drafting of legislation criminalising SFR and allow it to be specified explicitly in relation to the landlord tenant relationship which would protect against unintended consequences like the inappropriate criminalisation of tenants in an intimate relationship with one another for example. Without this key provision, any legislation referring to landlords’ inappropriate or exploitative relationships with tenants would completely fail to capture the sector most vulnerable to this kind of exploitation and thus ‘bypass’ the problem. While the protections offered to this grouping will be different to those renting ‘own door’ accommodation

128 NWC, 2024a.Ibid, p. 11.

to reflect the complexity of their tenure, the protections offered should be appropriately strengthened in line with the recommendations of renter advocacy groups like Threshold.

4. **The Department of Justice must put supports in place for women who are victim-survivors of SFR exploitation and resource frontline services to widen their remit to create awareness of this issue, provide appropriate information, as well as legal, social and health related supports, including talking therapies to service users where required.** These supports should be aligned with those envisioned by the Third National Strategy on DSGBV.
5. **The Department of Housing Heritage and Local Government must broaden the remit of the RTB to cover issues of sexual harassment within rental housing. Give power to the RTB to investigate such complaints and remove from their register any landlord who has been found to have engaged in sexual harassment of a tenant. Protect tenants from unfair penalisation by a landlord as a result of making a claim against them.**
6. **Cuan the new statutory domestic, sexual and gender-based violence agency must conduct large-scale research on SFR in Ireland to begin to scope out the extent of the issue in terms of prevalence so it can be adequately addressed in terms of policy and the provision of services and supports for victims.**
7. **User to User platforms such as those that carry ads for SFR arrangements must be brought under the remit of the Online Safety Commissioner, so that they can be included in the online safety code currently in development. Financial sanctions should also be placed on any social media platform that fails to filter visible harmful content offering SFR proposals solicitations or advertisements.**
8. **The Report of the Housing Commissions must be published and if recommended, proceed with a referendum on the right to housing. Any such right should include the right to safe and secure housing.**
9. **Recognising the current housing market as a major contributing factor in sex for rent exploitation, the State must:**
 - **build and increase the supply of social housing,**
 - **increase spending on tenant protections and private rent inspections,¹²⁹**
 - **deliver targeted housing and accommodation measures and supports to address the particular needs of marginalised groups of women, including disabled women, women of ethnic minority groups, and victims-survivors of domestic sexual and gender-based violence.**

129 NWC, 2024a.Ibid, p. 11.

