



Commission on the Future of Policing in Ireland  
Second Floor  
St Stephen's Green House  
Earlsfort Terrace  
Dublin 2  
D02 PH42

30<sup>th</sup> January 2018

Dear Colleagues,

Thank you for the opportunity to contribute to this important work on shaping the future of policing in Ireland.

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

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

Ruhama is the only specialist, frontline NGO in Ireland working specifically to support women with these experiences on a nationwide basis. We have supported thousands of women since our inception, and are currently working with an average of 300 women per year across Ireland<sup>1</sup>. We are also very active in advocating for the rights of the women we support in both domestic and international contexts.

In addition to experiences of being pimped, sexually exploited and trafficked, the women we support have typically been the victims of other serious crimes, including physical and sexual assault and theft/robbery. Many are very vulnerable and often marginalised, and their voices are not always heard in high-level debates around matters of criminal justice. Here we seek to reflect what they need from a modern Irish police force. The experiences and circumstances of women (and indeed the small cohort of men) in prostitution are not homogenous, and Ruhama strives to give voice to those who are in many cases the most isolated and vulnerable people in the sex trade, due to third party control, language barriers and other structural factors such as undocumented immigration status. In our long experience, the majority of those in the indoor sex trade are not 'independent',

---

<sup>1</sup> See our latest Annual Report <http://www.ruhama.ie/assets/Press-Releases/Ruhama-Annual-Report-2016.pdf>



but subject to some form of control or constraint ranging in severity up to the most serious crime of human trafficking.

In our broad range of work with vulnerable victims of crime in the context of prostitution and sex trafficking, Ruhama has an ongoing and largely very positive, collaborative working relationship with An Garda Síochána. Indeed, we regard the work of An Garda Síochána as pivotal to the protection and access to justice for Ruhama's client group. In addition to working together on individual women's cases, jointly supporting women as both victims of and witnesses to crime, Ruhama is also engaged in training Gardaí around best practice responses to the policing of prostitution and sex trafficking.

### **Terms of reference**

This response is made and set out below with due regard to the Commission's terms of reference, with particular focus on those of most relevance to our own work with the often marginalised and vulnerable cohort we support.

- ***Structures and management arrangements required for the most effective delivery of policing***

Ruhama continues to welcome the positive structural changes within An Garda Síochána relating to the establishment of the 'Garda National Protective Services Bureau' (GNPSB) and the project to establish regional bureaux also. This roll-out of regional bureaux should result in greater policing expertise in relation to organised prostitution and trafficking (as well as other serious crimes that disproportionately affect women) being more evenly spread across the country rather than just having a Dublin/urban focus. However, the true success of the national and regional bureaux is of course highly dependent on them being resourced effectively to do their jobs in tackling the risky and complex nature of the organised criminal networks that largely run Ireland's sex trade.

There is undoubtedly real benefit in the GNPSB taking the remit for human trafficking investigations from Immigration police – although it is worth noting that until the current review of the identification system is complete and the 'Administrative Arrangements' amended, the identification of victims of trafficking function still technically remains within Garda Immigration.

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

In the context of policing human trafficking and organised prostitution particularly, establishing mechanisms to hold a national perspective on criminal operations which are fluid and cross regions is critical to 'join the dots' rather than having a more 'siloed' approach, whereby police target issues at local level only without realising the extent and national breadth of some operations. Adequate



resourcing is vital however, and success will depend upon this – we elaborate further on the critical issue of resourcing below.

Ruhama notes that there has been very limited success in recent years in relation to either trafficking or large scale organised prostitution investigations making it to trial, but we are hopeful that the new PSB structure (if properly resourced), will lead to an improved record for Ireland in this respect.

- ***Culture of policing...that promotes the values and behaviours that should be expected of a modern police service including in relation to the rights of those affected by crime***
- ***A police force that is...responsive to the needs of the diverse community it serves***

As previously noted, individuals in prostitution are vulnerable to a range of serious crimes, among them robberies and assaults by unscrupulous individuals who often believe that a person in prostitution will not report their experience to Gardaí because they fear making contact with the authorities. Many of those in prostitution in Ireland are migrants who do not trust the authorities, and who may not know the legislation in this country and therefore fear reprisals for revealing that they are in prostitution. Ruhama works with victims of such crimes to liaise with Gardaí and ensure a sensitive victim-focused response. More can be done however, to encourage vulnerable individuals in prostitution to seek support from Gardaí when they are victims of crime. There is a role for the Garda National Protective Services Bureau (and regional PSBs) to encourage a national, consistent policing approach to persons in prostitution whereby they do not feel targeted as potential criminals but rather as persons in vulnerable situations and (in cases where they have been robbed or assaulted), victims of crime entitled to a positive response from our justice system.

NGOs such as Ruhama have already been working closely with An Garda Síochána to deliver training to frontline police encouraging a non-punitive approach to individuals involved in prostitution, in recognition that they are vulnerable, may be a potential victim of trafficking, a victim of other serious crimes such as physical and sexual assault and theft, or a potential witness against organised criminals.

A number of positive initiatives have also been established by AGS that aim to build more trusting relationships and open, constructive communications between persons in prostitution and the police. Research conducted by the REACH Project<sup>2</sup> (led by the Department of Justice and Equality, of which Ruhama was a key partner), found that the police are a critical first responder to any vulnerable person in Ireland's sex trade, and that therefore the tone and nature of Gardaí contact with this group is extremely important (i.e. respectful, honest and courteous). Many victims of crime who are involved in prostitution are wary of disclosing their experiences on first contact with

---

<sup>2</sup> [http://www.reachproject.eu/Website/Reach/Reachweb.nsf/page/KLRE-9TWNXH1751920-en/\\$File/REACH%20research%20report%20FINAL.pdf](http://www.reachproject.eu/Website/Reach/Reachweb.nsf/page/KLRE-9TWNXH1751920-en/$File/REACH%20research%20report%20FINAL.pdf)



the authorities. But where trust and rapport can be built over time, then victims are far more likely to gain the confidence to disclose and seek help.

Ruhama warmly welcomes any approach that encourages vulnerable women, men and transgender people in the sex trade who have been victims of any kind of crime to come forward to the authorities for help. This work should always be undertaken with due care and regard to the vested interests of those who seek to benefit/profit from the sex trade and the prostitution of others, to ensure that Gardaí are genuinely reaching those most in need, while effectively targeting organised criminality and those exploitative third parties who sustain the trade.

It is also very important to note that when responding to any individual in prostitution who has been a victim/is a potential victim of crime, it is incumbent on Gardaí to keep their focus on the rights of each person as a victim in this context, and not to be distracted by an undue focus on their current immigration status.

Those involved in prostitution in Ireland are not a homogenous group. They are often migrants from all round the globe, have varying degrees of capability in spoken English, limited or few networks and supports in Ireland, and may be under the influence of third party control. But whether they are controlled or not, they remain especially vulnerable to crime for all the reasons stated above, and are therefore particularly in need of an empathetic, respectful, protective and understanding response from Ireland's police force.

These approaches to vulnerable victims of crime described here are all compatible with the spirit of Ireland's new *Criminal Law (Sexual Offences) Act, 2017*<sup>3</sup> which clearly recognises the vulnerabilities of those who sell sex and seeks to decriminalise them so that they receive supportive rather than punitive responses from the authorities. They are also in keeping with the 'non-punishment principle' as it applies to victims of trafficking specifically; which is enshrined in various European and international legal instruments<sup>4</sup>. Similarly, these supportive approaches to victims of crime are also compatible with the requirements of Ireland's new *Criminal Justice (Victims of Crime) Act 2017*<sup>5</sup>, and indeed the *EU Victims' Directive*<sup>6</sup> to which Ireland is subject.

- ***Effective, efficient and economic use of resources in carrying out all policing functions and delivering policing objectives***
- ***Information systems appropriate to the needs of a modern police service***

Human trafficking remains a complex, evolving, often hidden and frequently transnational crime. Sex trafficking in particular occurs overwhelmingly in the context of the commercial sex trade, which is

---

<sup>3</sup> <http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>

<sup>4</sup> For example the Council of Europe Convention on Action Against Trafficking in Human Beings: <https://rm.coe.int/168008371d>

<sup>5</sup> <http://www.irishstatutebook.ie/eli/2017/act/28/enacted/en/html>

<sup>6</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32012L0029&from=en>



itself an inherently exploitative and dangerous environment for those at the coalface. Building cases against traffickers to gain prosecutions can be a complex process and can require significant investment. However, human trafficking is one of the most egregious crimes and carries a life sentence, and so should be resourced proportionately. The National and regional Protective Services Bureaux should ensure sufficient investigative skills (including financial, technical analysis and cyber skills) and resources can be employed to effectively target and prosecute offenders and protect victims of human trafficking and organised prostitution.

In light of GNPSBs responsibility for 'victim support', and with recently enacted sexual offences and victims of crime legislation that requires police to adopt a victim-centred approach, there are now significant expectations placed on the Bureaux to perform and deliver results in this regard. There needs to be both external political, and internal administrative prioritisation given to ensuring that the resources (including key competencies among personnel, and appropriate training) are in place to deliver on these specific expectations.

Human trafficking and organised prostitution cases therefore require significant investment to ensure that there is not an overreliance on vulnerable victims, and to try to ensure that those most benefiting and profiting from prostitution are identified and sanctioned. This often involves technical work to 'follow the money' and online activity (including highly technical analyses and evidence gathering from mobile phones, laptops and other data storage devices), alongside essential transnational co-operation.

- ***Ensure that the legislative framework for policing...is adequate to meet the challenges of modern policing***

In Ruhama's view it is of critical importance for Government to implement legislation to better facilitate transnational cooperation between An Garda Síochána and other international police forces. At present the Gardaí are more constrained than counterparts in mainland Europe who can engage more effectively in cross-order collaboration and information sharing. A legislative remedy to this significant constraint on our police force would provide An Garda Síochána with greater freedom to collaborate effectively with their counterparts in Europe and indeed beyond. Such collaboration can be crucial in the context of policing organised prostitution and trafficking, which so often involves criminal networks operating on an international basis.

The enactment of the *Sexual Offences Act 2017*<sup>7</sup> created a new offence for the purchase of sex (Part 4). The Act also decriminalises individuals soliciting to sell sex in a public place. There is a three-year review attached to Part 4 of the law in relation to the criminalising of sex buyers. Therefore, it is incumbent on Gardaí to swiftly implement these changes to reflect the acknowledgment by the State that an individual who is in prostitution should not be criminalised for their own exploitation,

---

<sup>7</sup> <http://www.irishstatutebook.ie/eli/2017/act/2/section/25/enacted/en/html#part4>



but rather those buying sex should be the focus of sanction, along with parties profiting from the prostitution of others.

Ruhama urges An Garda Síochána to utilise all of the legislative tools at its disposal to tackle the scourge of commercial sexual exploitation. We strongly believe that the full and effective implementation of the *Criminal Law (Sexual Offences) Act, 2017* is essential in this regard in order to re-focus the attention of criminal justice authorities not just on those who organise and profit from prostitution and trafficking, but also those who fuel the growth and very existence of this trade in the first instance – the sex buyers. Enforcing the offence of purchasing sex should particularly be undertaken in conjunction with broader investigations into organised prostitution. More also needs to be done urgently to raise public awareness of the fact that it is now illegal to purchase sex in Ireland, and to ensure that An Garda Síochána are proactively policing this crime so those who create the demand for the sex trade are deterred from doing so and held accountable for their actions.

We trust that the information we have shared herein is valuable to the work of the Commission. Many thanks once again for the opportunity to share our views on the future of policing in Ireland. Please don't hesitate to revert should you wish to clarify any of the above points.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sarah Benson', written in a cursive style.

Sarah Benson  
CEO  
Ruhama