

2012

The Sex Work Brief

RESPONSE TO DISCUSSION DOCUMENT ON FUTURE
DIRECTION OF PROSTITUTION LEGISLATION

A Former Sex Worker
Date of Submission: 29/08/2012



In memory of Dolores Lynch, former sex worker

**Born 1950 – gave her life fighting for the rights of Irish sex workers, 16th
January 1983**

I only hope my words are worthy of her memory.

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RESPONSE TO DISCUSSION DOCUMENT ON FUTURE DIRECTION OF PROSTITUTION LEGISLATION

FOREWORD: A PERSONAL PLEA

I have waited more than 20 years for an opportunity to make this submission and now the opportunity presents itself I am struggling for words.

I do not know how to convey the context of sex work to people who have never lived it.

Sex work takes its context from a parallel world where real human beings are trapped in a variety of situations, often through no great fault of their own, where even survival can be threatened by the simple inability to obtain the material security most people in our society can afford to take for granted.

It is a world with no rules and no respite, where the only realistic aspiration or priority is survival.

These people are not on a distant continent, but living alongside you, walking past you in the street. They are no more likely to be intellectually, morally, or judgmentally disabled than anyone else. They do not need self appointed third parties, to define and inform them, because just like most people, they know perfectly well who they really are and what they really need.

These are not people with simple, easily defined problems that slot readily into the existing systems and available resolutions; they are rather the tiny minority whose lives develop into complex chains of obstacles and difficulties.

I do not believe society is to blame for this any more than they are. It is what it is. Sometimes life is unkind, and they were the ones on the receiving end.

I know that world so well. I have spent most of my life there, but I feel at such a loss for the right words to communicate it to you so that you believe in it, and realize, as I do just how senselessly cruel and destructive the wrong legislation will be.

Some of the people trapped in that world decide to use sex work to fight for survival and stabilize their lives for themselves and their families.

Ruhama Summer 2012 Newsletter:

"The vast majority of women, and indeed the small cohort of men who become involved in prostitution are without other meaningful options. They lack family and social support systems, access to money or education or alternative employment options. They may also be living with the trauma of previous abuse or the crippling problem of addiction. In this context, you are talking about a choice that is simply no choice."

How could anyone believe that legislation aimed at taking away the only option they do have on survival and an adequate source of income be justified, let alone beneficial, to anyone under such circumstances?

What really happens to people when you take away their only means of survival?

Most sex workers have few, if any effective support systems and are only a week or so (plus any savings they may have from sex work) away from absolute destitution if their income is taken away. That is why they became sex workers in the first place. It is a very hard decision to take and implement. Nobody does it on a whim or without considerable thought, exploration of alternatives, and self examination. To suggest otherwise is degrading and insulting.

In real terms most sex workers are so thoroughly traumatized by the circumstances that drove them to sex work that further trauma from the work itself would be impossible.

Is it likely that sex workers feel they will best benefit from legislation that makes their work harder and more unsafe and, ultimately, aims to take their only source of income away? Yet this is the exact claim that is being made on their behalf by NGOs that the majority of sex workers have always regarded as hostile and refused to engage with.

The NGOs in question are also fond of claiming that they only need increased funding to be able to offer real lives and options to all sex workers.

Is it likely that funding can be found to give 2000 or more women, and their families, currently employed in and supported by the sex industry, real viable alternatives to sex work or severe hardship?

If it were possible to find the funding, what would be the point in handing that funding to NGOs who have consistently given sex workers no cause to trust or regard them as anything other than ruthless and dedicated adversaries?

The current economic climate means that there are already far too many people falling through the widening cracks in the welfare system. The economic reality nobody wants to own, or look at, let alone refer to, is that this will only get worse, with no immediate end in sight. The available resources to deal with disadvantage and hardship are dwindling and current levels of support are unsustainable and must be cut back further, with more casualties. Every decision that must be made in this respect for the foreseeable future

must be damaging and unfair to someone. The best anyone can do is to strive for the greatest possible economy of negative impact.

I acknowledge that this is unavoidable, and no blame attaches to anyone for being unable to do the impossible and find an immediate solution.

Over the coming years the sex industry will be the sole support and last remaining option of far more people and families than ever. The subjective distaste of people who have never found themselves in that position is utterly irrelevant to the rights, needs and best interests of those who do.

Despite all of this, the NGOs in question have never once suggested that there should be a direct, independent, assessment of the negative economic and other, impact on sex workers as part of any approach to law reform. They do not care about what will really happen to sex workers and their families. It is all about salaries, ambition and maintaining an exclusive status quo even at the expense of pushing the lives of their nominal user group off a cliff to do it.

The NGOs know as well as I do that they will be able to do this without risk of opposition. Sex workers are far too alienated to believe anyone will listen to them and far too stigmatized to risk the consequences of exposure by coming forward. Few people realize that the sex workers routinely identified by certain Sunday Newspapers as nothing more than sensationalist “fillers” find that, from the moment of publication, life as they knew it is over, not just for themselves but for their immediate families. They are often left with no choice but move their whole lives within days to a part of the country where they are not recognized, and even to the UK, to escape dangerous levels of harassment and bullying for themselves and their children. Many find themselves suddenly ostracized by their extended families. Any attempt at legal action only serves to prolong the exposure and exacerbate the damage. (The extent to which the relevant NGOs abuse public funds to promote, endorse and encourage the newspapers and journalists in question, without censure, is mystifying to me.)

I am not being paid a huge salary, nor any salary at all. I do not have a career to further. I stand to gain absolutely nothing. I am risking everything to make this submission, and follow it through the whole consultation process. At least I have no children and my status as a former sex worker serves as something of a buffer. But I am still terrified of the consequences of exposure.

Let me state, on record, that there have been several times in my life when my survival would have ceased to be viable had I not been able to obtain an honest income through sex work¹. I hated it, but it was infinitely better than any available alternative. I cannot

¹ I cannot make any specific details of my own life available as part of the consultation as they might serve to identify me and the Freedom of Information Act applies, but I am, of course, willing to answer private questions fully, in confidence, though I would have reservations about the relevance. This is not about me. I am asking nothing for myself except a share in the right to try and survive through selling sexual services, without unreasonable let or hindrance, if I can face it again, next time my options run out. (I may be old, but, mercifully, a pro dominatrix often has no “sell by date”.)

identify any reason to suppose that situation would be improved were the same circumstances to occur today. Indeed, in some aspects the situation might even be considerably worse. Though my circumstances are individual there is nothing unusual about the position they placed me in regarding sex work.

You are considering what you sincerely believe to be a abstract of social policy. I am pleading with you in what I know, from firsthand experience, to sometimes be a matter of life and death.

Every time someone demands legislation that will make deriving an income from sex work harder than it needs to be, whether they are aware of it or not, I know that they are demanding a deferred death sentence be imposed on someone just like me.

That being the case, I find it impossible to contain my anger around those who choose to make these demands based upon cold blooded distortions of facts and statistics and carefully contrived propaganda, particularly when they are in a position where they should be as aware as I am of the devastating real life effects their demands would have on real, innocent lives. I am not certain it would even be appropriate for me to contain my anger in such a case. If I do not consider the survival of a sex worker to be a just cause for anger, how can I ask anyone else to care at all?

I am not asking for leeway or special consideration in this, simply stating that I fully understand the gravity of a consultation such as this, and the potential consequences to myself of any private legal action arising from any statement I make. I have no resources, financial or otherwise, to substantiate the evidence of my own eyes, or defend a legal action. I admit that I am scared to death, but I have considered this carefully, and for a very long time and I know that, even in the coldest possible light of day, however frightened I am I could not live with my conscience if I did not tell the simple truth, and take whatever personal consequences occur.

My own situation has never been far from what it was when sex work was my only survival option anyway. I have spent 20 years finding out the hard way that most of the "help" supposedly available for a former sex worker who wants to have a real life is either a cruel myth, or so inappropriate, agenda driven and unreasonably conditional as to be something worse.

I think that means I am choosing to put my own life on the line for this consultation I doubt if anyone else can say the same, let alone prove it, as I can.

I am doing this because I will never forget what it felt like to stand out on those streets making a living at the limit of my personal psychological and emotional endurance, while people, far better off than my wildest dreams, constantly fought to make that even harder for me. I cannot, in all conscience, stand by and watch that happen to anyone else without putting up one hell of a fight to prevent it.

INTRODUCTION: SEX WORK IN IRELAND

Sex work has existed for at least as long as recorded history and will go on existing for at least as long as there is someone left to record it.

Historically, efforts to suppress it consistently drive it underground and leave the most vulnerable people working within it open to far greater abuse. It continues to flourish even in countries like Iran where the death penalty can be applied.

A reasonable explanation is that, as a species, we may not like the connotations of sex work, but we need sex workers, and no matter how we strive to ensure our societies against hardship there is always a steady supply of people who want or even badly need the material advantages sex work brings who have no other access to those material advantages as well as a market composed of those who, for many diverse reasons, feel the need for the companionship and intimacy which the sex worker satisfies.

Conversely, efforts to legitimise sex work never seem to fully eradicate the social and cultural stigma attached to it. It seems likely that sex workers, like undertakers, meet a widespread need that we are not comfortable thinking about until we have to. The nature of that need is too complex to be explained here, but the one thing that is most relevant is to acknowledge that need goes far beyond the status of “attitude”, resides deeper in the human psych and is not something we could, or even should, educate or condition out of our society for any reason, let alone on response to transient ideological trends.

There are, essentially, four categories of sex worker:

- **Elective** – where sex work is a positive personal choice based on benefit over cost regardless of the quality of the options.
- **Crisis** – where sex work is the best, or only, short to midterm solution to a specific crisis.
- **Survival** – where sex work is the most viable ongoing survival option (usually in a case where a person’s life has consistently fallen through the cracks in available resources.)
- **Coerced** – where sex work occurs under deliberate duress from a third party.

CATEGORIES OF SEX WORKERS

(i) ELECTIVE SEX WORKERS

The first group, elective Sex Workers, is essentially a rights issue, wherein the state chooses to usurp, or not, the individuals control over his or her own body. In the event of the state choosing to impose control on this aspect of personal autonomy there may well be repercussions in other areas of rights law.

Elective sex workers make up, by far the majority of indoor sex workers. They include not only the traditional image of “prostitution” as a provider of penetrative sex, but also other services such as lap dancers, dominants and transvestite dressing services, to name only a few.

Many elective sex workers have invested heavily in building up a business and a clientele. In the current economic climate to persecute or impede elective sex workers will, in all likelihood force them into **group 2, crisis sex workers**, and **group 3 survival sex workers**. There are no obvious benefits to either the sex workers involved or society in doing this.

(ii) CRISIS AND SURVIVAL SEX WORKERS

Group 2, crisis sex workers, and **group 3 survival sex workers** have so many aspects in common that they can largely be dealt with, and considered together. Both groups are driven by hardship and desperation and have failed to find suitable alternatives within existing resources. The differences are largely in the scale, scope and duration of financial hardship involved.

It is barbaric and cruel for any society to strive to punish or impede these sex workers on humanitarian grounds alone, simply because they have no better alternative and any attempt to obstruct them can only serve to drive them to alternative that are worse for themselves, for the wider society, or even for both.

It is presumptive and impertinent for anyone to suggest that their desperation is founded more on misguided belief than on fact. Not only is that something that can only be determined by each individual on their own behalf when in possession of full information, but also, sex work is, in and of its nature, often the easiest paid work to find, but always the hardest to do. It is insulting to suggest that any group of people would consistently make such effort without thoroughly exploring all other options.

As the numbers of sex workers are so small (various estimates place the figures at between 1,000 and 1,600) it should be realistically possible to provide a national sex work specific Information Officer within the existing State resources (perhaps through the Money Advice & Budgeting Service?)² who would be available to advise on financial and resource options that individuals may have overlooked and can only be to everybody's advantage to do so, as this may prevent some women being driven to enter sex work, and others in leaving sex work earlier than they might otherwise have been able to do, as well as easing the burden on women who are still left with no option but sex work.

To persecute or impede crisis and survival sex workers in the current economic climate will only serve to force them underground and into situations where they are far more vulnerable to abuse and coercion, if not into actual crime. There is no possible benefit to the sex workers in this, and the only potential benefit to society is in terms of public order issues that can be controlled in far more constructive and compassionate ways.

² Organisations within the voluntary and community sector would not be appropriate to this purpose as they are too heavily aligned with specific political and ideological agenda, hostile to the continuation of the sex industry that are, frequently in conflict with the needs of sex workers as well as the reality they have to deal with.

The majority of sex workers do not find them helpful or even approachable for this reason. The position could be equated with pregnancy advisory services except that, in this case, only one faction is represented within the voluntary and community sector. It seems far better value for money and efficiency for a single key worker to be provided within the state system than to explore the possibility of funding and forming a counterbalancing NGO.

(iii) COERCED SEX WORKERS

There is no doubt that coerced sex workers exist, but nobody has any real idea where they are, or what, various, forms that coercion really takes. Anyone who suggests otherwise in furthering their own agenda is being irresponsible in the extreme. When we determinedly point the finger at the wrong person, for whatever reason, the right person consistently goes free.

Equally until we admit that we know nothing we can learn nothing. We do not as yet have a significant pool solid data on coerced sex work. Resources deployed to combat politically expedient fictions are just resources wasted while the real victims remain largely invisible.

The sex industry in and of itself, is the only effective front line from which data can be collated and coerced sex work can, eventually, be eradicated.

The more we empower the sex industry, particularly but not limited to all groups of sex workers, the more effective this front line will be.³ Conversely, the more we disempower the sex industry through legislation the more likely coercive pimping will be to flourish.

We also need to recognise that persecution, or obstruction of coerced sex workers may place them in significant danger as they fail to meet the demands of the perpetrator and, eventually become redundant. At that point it is reasonable to suggest that in some cases their lives may be in serious danger.

Measures aimed at shrinking the market to make Ireland unattractive to traffickers will just mean that the same women are trafficked elsewhere instead. There is little to be said for passing the problem of trafficking on, at the expense of the exposing rest of the sex industry to increased danger and hardship when it would be far easier to empower the sex industry to co-operate in taking a real stand here and actually offering some form of permanent succour to the victims.

THIRD PARTY PROFIT

The sex industry provides indirect profit to a variety of people and businesses; this can be divided into three categories:

1. **Unwitting indirect profit** – those whose livelihoods are supported by providing services to the sex industry largely unintentionally or unbeknownst to them (e.g.: Car hire services and some landlords).
2. **Commercial indirect profit** – those who seek to make a living from consciously marketing goods and services to sex workers (e.g.: advertising providers, escort agencies).

³ In 1983 when street sex workers (mostly from groups 2 and 3) used the precedent set by *King v Attorney-General* [1981] 1 I.R. 223 to establish effective decriminalisation and empowered sex workers. The problem of street pimps and protection racketeers, which up until then had been out of hand, vanished almost overnight. By 1987 coerced sex work was almost non-existent outside disastrous personal relationship choices made by individuals and largely covered by domestic abuse legislation.

In a similar way, re-criminalisation with the enactment of the *Criminal Law (Sexual Offences) Act* in 1993 disempowered sex workers and brought back widespread pimping and various degrees of coercion just as rapidly.

3. **Coercive indirect profit** – those who force sex workers into sex work, and/or into making payment to them under duress. It must never be forgotten that as well as those who may enter the sex industry under duress there are also those who enter the sex industry of their own accord and later find themselves coerced into paying a third party (e.g.: traffickers, protection racketeers).

The topic of indirect profit within the sex industry may be considered universally distasteful, but, having always existed alongside the sex industry, it probably exists for some valid reasons and will not just evaporate for the want of discussion or attention.

A firm distinction must be made between those who offer genuine goods and services useful to, and required by, at least some sex workers and those who simply prey on them.

The former must be firmly regulated, and the latter prosecuted with the full force of the law, and, if at all possible eradicated.

It is clearly not possible to regulate any service that is not allowed to function legally. For example advertising of sexual services vital to many sex workers and has been a buoyant cottage industry in its own right for some considerable time, yet it is illegal in this jurisdiction.⁴ This is easily circumvented by operating offshore using foreign offices and providers, but that does mean that the advertising and other services offered are not, in any way, subject to Irish regulation or taxation.

The most alarming potential of sex industry advertising has always been that of monopolies emerging that exert undue control over the sex industry and those who work in it, yet we force sex industry advertising and marketing services to operate beyond the reach of the state's existing regulation of competition and any chance of civilised resolution should this occur.

Existing advertising services seem willing to submit fully to regulation and are happy to be fully compliant with both law and taxation. Decriminalised and free to operate within Ireland they would also have the resources, and motivation to be formidable allies in the war against those who coerce profit from sex worker.

The same applies to a greater or lesser extent to all who provide legitimate and useful services to the sex industry.

⁴ Criminal Justice (Public Order) Act 1994, s. 23

RESPONSE TO: CHAPTER 1 - GENERAL QUESTIONS

QUESTIONS

General questions arising from this chapter are:

- 1. Is the present rationale for criminal legislation on prostitution, i.e., the protection of society from a nuisance and public order perspective and the protection of prostitutes from exploitation, a sufficient basis for future legislation in this area?*
- 2. If not, what policy objectives should underpin future legislation?*
- 3. How should future legislation address the variety of circumstances in which prostitution occurs?*
- 4. In what way should the criminal law on prostitution address the rights of communities and society in general?*
- 5. What types of measures, if any, can be taken to address the use of modern technologies to facilitate prostitution?*

Future legislation should take its direction from balancing the greatest tangible benefit to the greatest number of people with the rights of all, as applied to those whose lives fall, at any time, within the remit of that legislation.

There is no room in the principle of law for the promotion of personal belief systems, ideologies and agenda, particularly those that confer no tangible benefit on those to be affected by the legislation and that are unlikely to be of significant concern to most of them.

Sex workers are people with equal value to any other. They are not so much collateral damage to be sacrificed at will to any transient belief system, ideology or agenda. Having lasted, already, for thousands of recorded years, sex work is not a transient phenomenon, and nothing lasts for millennia without a very good reason indeed.

For a sex worker, sex work, and the income it generates is neither a problem nor the cause of a problem. It is rather, at least, part of a solution to a pre-existing problem.

A sex worker is most likely to be female, of above average intelligence, and an autonomous adult, and, as such, the best person to determine her own problems and choose her own solutions. She is also the best person to identify and define how she feels about her chosen solutions.

Unfortunately, sex workers are stigmatized and alienated to the extent that it is impossible to persuade most of them to engage with any form of research let alone authority or the legislative process. That degree of alienation took a long time to create, and cannot be undone overnight.

There is little or no valid research and no immediately obvious way to obtain any. Most of the facts and figures presented as research even at the highest level, subject to close examination, turn out to be derived from unaccredited and agenda driven online sources based in the US⁵ or the UK. I have found other statistics to be based on samples as low as a 34 women in Tower Hamlets⁶, London, that are totally irrelevant in an Irish context as well as inadequate, and agenda driven in their own right. I have seen other “facts and figures” presented that, if traced; show no evidence of being any more than politically expedient blind guesswork. One example of this is the SAVI 2002 report where sex workers’ overall experience of sexual violence was, at the insistence of Ruhama, represented by the “guesstimates” of 8 volunteers and employees of Ruhama that were even significantly at variance with each other, with no way to establish a relationship to reality. The relevant sector of the SAVI report is then used to substantiate other reports that are then recycled by Ruhama and affiliate organizations as “evidence based fact”.⁷

In the absence of the participation of sex workers, or valid research substantiated by hard evidence, the best and most just provision law can make is to reinforce the right and freedom of sex workers to make an informed, personal choice about whether to engage in sex work or not.

Coercing women out of sex work is just as invasive and abusive as coercing them into it, and can be just as cruel and destructive, not just to the individual but also to her family.

Despite any protests to the contrary, perhaps made largely for marketing purposes, the majority of sex workers, like the majority of other workers, are driven into work they would not choose freely by economic imperatives. The only difference being that, in the case of a sex worker those economic imperatives are often far more pressing and extreme.

Sex workers usually tend to be people with fewer economic alternatives than other people but it would be a fallacy to suggest that, in the current economic climate, there are many people with any realistic choice to their current employment, however they feel about it, nor, indeed to any offer of future employment however distasteful, and even distressing it may be to them.

Many sex workers are people who find dependency on welfare and/or the NGO sector traumatic and devastating to their self worth.

⁵ E.G. Prostitution Research and Education <http://www.prostitutionresearch.com> – a website under the sole control of Melissa Farley, a well known US based fanatic dedicated to demanding the blanket abolition of sex work since 1995. She is currently under investigation by the APA after a formal complaint by Dr. Calum Bennachie asking that her membership be revoked due to her numerous violations of ethical research standards and deliberate misrepresentations of data. A full copy of this complaint can be found here <http://cybersolidaires.typepad.com/files/complaint-to-apa-against-mfarley.pdf>

⁶ Housing Needs for Women in Prostitution in Tower Hamlets, 2006.

http://www.toynbeehall.org.uk/core/core_picker/download.asp?id=923

⁷ The SAVI Report: Sexual Abuse and Violence in Ireland, 2002. <http://www.drcc.ie/about/savi.pdf> (The experiences of women with intellectual disability or mental health issues were submitted using different, but equally shabby, inaccurate and invalid methodology.)

Welfare provisions are often totally inadequate to the needs of individuals and families in quite normal circumstances let alone in any state of extraordinary crisis, and current levels of welfare provision can no longer be sustained into the future.

Alternatively, the voluntary and community sector has become an overpriced leviathan largely dedicated to self perpetuation and grant harvesting with little, if any, regard for the real needs and wishes of its supposed user groups.

Sex work is self reliance, and, as a society, at this time we need to encourage and support any form of self reliance. If we do not, around the fringes of society, a certain proportion of people will begin failing to survive, because, in real terms, we no longer have the resources to maintain them in circumstances they can tolerate.

We may be able to legislate to remove or reduce the income of a sex worker, but we will never be able to legislate to remove the economic imperatives that drive her.

When we legislate against sex work, in any way, the tangible affect on sex workers is entirely negative with no positive aspects at all.

Our current legislation against coercion and trafficking⁸ stands alone as more than adequate, with harsh penalties that can often also be applied to the exploitation of minors which has its own, separate, comprehensive and equally adequate legislation⁹. Legislating to destroy the income and lives of sex workers will be of no tangible benefit to either circumstance.

Public order issues are very real and deserve special consideration as those most affected by them are not volunteers and have no choice in the matter. However, there is no prospect of long term resolution to public order issues without legislation that leaves room for regulation.

There is an issue regarding those who purchase sex. Most sex work clients are, indisputably, men. I am a woman, and despite many years of sexually liberated heterosexuality, I still do not fully understand the internal difference between a male sex drive and my own, though I am aware of the external manifestations of it. I do, however, know that it is a biological imperative for which no one should feel any shame or be subject to any kind of censure.

Conversely, whatever legislation was drawn to demand it, however harsh the penalties, gender equality would never be able to cross the threshold of the labour ward.

⁸ The Criminal Law – Human Trafficking 2008 act

<http://www.justice.ie/en/JELR/Pages/WP09000005>

⁹ Criminal Law (Sexual Offences) Act 1993, Criminal Law Act 1997, The Child Trafficking and Pornography Act 1998, Sex Offenders Act 2001, The Children Act 2001, Criminal Law (Sexual Offences) Act 2006

I submit that the only realistic way to legislate for gender equality is to offer equal rights, not unreasonable restrictions under law.

We have adequate legislation against coerced sex of any kind. Once consent is given it is a private matter between individuals whether the motivation for that consent is financial or arousal.

I do not believe that there is any tangible benefit to anyone in taking measures against the use of modern technology in facilitating sex work. There would rather be significant tangible disadvantages:

- Street work would increase as sex workers were obstructed in more private alternative approaches.
- Sex workers would be isolated at far greater risk of harm if their use of mobile phones (which were originally introduced into Irish Sex work in the late 80s as a, highly effective, safety measure) were in any way curtailed.
- Sex workers would have no choice but restrict all their activities to heavily populated areas.
- Sex workers, and their families, would suffer a severe reduction in income

I believe any current restriction on advertising and the use of modern technology should be lifted in favour of appropriate and constructive, regulation.

I believe that, in empirical terms, sex work is, of its nature, of considerable economic benefit to the wider society.

One problem that exacerbates recession and delays recovery is the defensive tendency people develop to hoard wealth. When a sex worker chooses to resolve her own economic imperatives directly through selling sexual services she is often, incidentally, bringing some of that hoarded wealth back into the wider economy for the benefit of all.

RESPONSE TO: CHAPTER 5 - FOUR APPROACHES FOR DISCUSSION ON LEGISLATIVE POLICY

[1] TOTAL CRIMINALISATION:

1. How should the criminal law define 'prostitution' and prostitution-related activities?

See page 50 - How should the criminal law define 'prostitution' and prostitution-related activities?

2. What objectives should the new law serve?

I feel that I am too heavily biased against any form of criminalisation to have any useful input to make on this question in this context.

3. Why should the criminal law have a role in regulating the purchase and sale of sexual services where the transaction is conducted in private between consenting adults?

I honestly cannot conceive of any tangible benefit that can be derived from criminal law regulating the purchase and sale of sexual services, nor indeed any transaction or activity conducted in private between consenting adults.

4. How will total criminalisation comply with (a) Ireland's international obligations, and (b) the Constitution?

See page 51 - Obligations Under Constitutional Law and by International Agreement

5. How will this legislative approach:

(a) reduce the numbers engaged in prostitution?

See page 54 - Reducing the Numbers Involved in Sex Work

(b) reduce the demand for prostitution?

See page 57 - Reducing the Demand For Sex Work

(c) reduce the abuse and exploitation of prostitutes?

See page 59 - Reducing Harm, Vulnerability to Abuse and Exploitation of Sex Workers

(d) help prostitutes to enforce their rights, including their rights to equality and access to health?

See page 61 - Sex Work, Stigmatisation Discrimination, Rights and Equality

(e) avoid the stigmatisation of and discrimination against prostitutes?

See page 61 - Sex Work, Stigmatisation Discrimination, Rights and Equality

(f) address issues regarding prostitution and crime?

See page 64 - Sex Work, Crime and the Dangers of Prohibition

(g) address concerns regarding public health and HIV transmission?

See page 65 - Addressing Concerns Regarding Public Health and HIV Transmission

(h) help to create an environment in which prostitutes feel comfortable about leaving prostitution?

See page 67 - Making Sex Workers Feel Comfortable about Leaving Sex Work

(i) avoid driving prostitution further underground and making life more dangerous for sex workers?

See page 64 - Sex Work, Crime and the Dangers of Prohibition

6. How should the law deal with the issue of having a criminal record for prostitution in respect of sex workers who leave prostitution and seek alternative employment?

Because of the huge stigma attached to sex work and, in no small part the subliminal image of sex workers as weak willed, feeble minded and morally incapable of adulthood and personal autonomy, currently being promulgated by the relevant NGOs a criminal record for sex work is an insurmountable barrier to ever obtaining other employment. This situation is just a cruel irony of no tangible benefit to anyone.

No one should ever have to live with a criminal record because society failed them (however unavoidably) to the extent they were left with no viable alternative to selling sex, much less because they had the love and courage to sell sex to protect their children from hardship and distress.

7. Could an outright ban on prostitution be enforced and would enforcement represent an effective use of scarce police resources?

I am sure it could be enforced, humanity is notoriously effective, not to say enthusiastic when it comes to the legally sanctioned persecution of vulnerable and harmless people, but I cannot, for the life of me think of one tangible benefit that has ever resulted from giving them the tools with which to indulge in that on any level.

But I do not think enforcing such a law would prevent sex work, it would just harm sex workers.

I would have thought the prevention of actual harm would be a better policing priority.

8. Would enforcement of a ban on prostitution divert Garda resources from targeting organised crime, including human trafficking and gang-controlled prostitution?

I think that is for the Chief Commissioner alone to say, what is certain is that he would have to divert resources from somewhere, or fail to enforce the law, which would render it into yet another senseless sword of Damocles to be wantonly dangled over the lives of sex workers, many of whom already work under tremendous stress, to no real purpose at all.

[2] PARTIAL CRIMINALISATION:

CURRENT IRISH MODEL OF LEGISLATION

1. How must prostitution be defined?

See page 50 - How should the criminal law define 'prostitution' and prostitution-related activities?

2. How can the criminal law best protect the health, safety, human, civil and labour rights of sex workers, without undermining the rights of communities and society?

See page 70 - Systems and Procedures That Should be Set Up For Regular Consultation with all Stakeholders

There must be regular consultation, but we need to define who are the real stakeholders, obviously the gardai, and anyone directly affected by the sex industry, whether actively or passively.

Any consultation must deal directly with sex workers. They are the primary stakeholders here. There is a serious problem with facilitating that. Since the days when sex worker representatives felt confident enough to demand the right to speak to government on their own behalf, their confidence has been undermined and their sense of anomie and alienation from society has been exacerbated to the extent that it is almost impossible to persuade any of them to trust and engage with this consultation process.

It is not that they have nothing to say, they have plenty to say.

It is not that they are not articulate enough to express themselves, they are usually singularly articulate people.

It is certainly not that they regard the relevant NGOs as accurately representing their views, Nothing could be further from the truth.

They are riddled with internalised prejudice, which is subliminally reinforced by the attitudes promoted by the relevant NGOs.

It hurts, and harms, on a very deep level, to be talked over, dehumanised and discussed as though you are some kind of child or animal, without the competence to speak for yourself.

It is really disorientating to see your reality, even regularly portrayed in the media as something completely different to what it is. It is like having your identity disenfranchised. It leaves you in an impossible position where there is no point in approaching any discussion until you find a way to somehow debunk the ongoing mythology and present your reality as it is.

I have found myself being instructed, by people young enough to be my children, who have sometimes never even met a sex worker face to face, on what sex work is, how it affected me, what I need and even what my clients were like. It is like walking into a wall of cognitive dissonance that leaves you wondering how you are giving the impression that you are so mentally defective that you are not even capable of recalling and evaluating your own experiences and feelings.

It hurts when you tell people what you need and they use that against you, after a while it hurts too much for you to try and tell anyone again.

The anger that you feel inside at being invalidated this way becomes overwhelming,

stifling, and a barrier forms between you, and the rest of the world, that you may never be able find a way to surmount.

It is impossible to find a way to have any kind of faith in humanity again after that.

Many sex workers do have PTSD, but not from sex work, rather from whatever situation left them with sex work as their only solution in the first place.

In 1981 sex workers wanted to speak for themselves badly enough to demand it.

Thirty years on, sex workers are afraid to speak for themselves in case that leads to being exposed, or in case by “rocking the boat” they make things even worse for themselves. But more than that, they cannot see any point in speaking for themselves, because for so long people have pretended to listen, then taken every word they have said and distorted it to some agenda that is often against their wishes and best interests.

It will take a long time, and a lot of patient, impartial outreach, to overcome that much anomie. I believe that reining in, and being seen to rein in, the NGOs that are at least partly responsible for it would be a good beginning. It is too much to ask that sex workers have any confidence in the state when the state lavishly funds NGOs to work against their wishes and best interests, and, adding insult to injury, to do it in the name of “support”.

There is a desperate need for an impartial and confidential supervisory body within the framework of government. This must not, under any circumstances, come from, or be within, the NGO sector. The NGO sector has consistently, without any exception that I am aware of, routinely abused, misrepresented and excluded sex workers (This is, sadly, not limited to “Turn Off the Red Light” member organisations). Sex workers are the primary stakeholders, and must not be discouraged from participation in the smallest way.

Perhaps this is the right place to commend Kenneth Maher of the Department of Justice and Alan Guidon, Clerk of the committee, as well as Pat Neary. Dealing with them, by phone and email at times during the course of this consultation has been like dealing with a different species of sentient being, from a different planet to the NGO sector. They have been warm, pleasant and courteous, without a trace of anything resembling judgement or condescension. It has been a pleasure to deal with all of them. Others have said the same. Just that different attitude has made it possible for several people to face dealing with this consultation at all.

I believe it is realistically possible to set up a supervisory body in a similar spirit.

Additional Proposals for Legislative Reform

3. *Should the current approach, whereby the purchase and sale of sexual services are not illegal be continued so as not to harm those who have made an informed choice to become involved in prostitution?*

There is no excuse for any legislation that harms people who have made an informed choice to become involved in sex work, but current legislation harms street workers, who are the most disadvantaged group of independent sex workers, unnecessarily and forces them to either work for agencies at crippling rates of commission or risk a criminal record. This situation could easily be resolved through the creation of exemption zones.

See page 72

(i) Exemption Zones for On Street Workers

4. *Would other measures that do not undermine the harm-reduction rationale underpinning the current approach be more appropriate?*

See page 70 - Systems and Procedures That Should be Set Up For Regular Consultation with all Stakeholders

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Additional Proposals for Legislative Reform

5. **For example, are the penalties for the public solicitation offence at section 7 of the 1993 Act adequate in terms of addressing demand?**
See page 57 - Reducing the Demand For Sex Work
6. **Should the penalties for the public solicitation offence be restructured to impose higher penalties on third parties, such as pimps?**
See page 64 - Sex Work, Crime and the Dangers of Prohibition
See page 74
(i) Exemption Zones for On Street Workers
7. **Should the penalties for organising prostitution be increased in line with the penalty for organising begging? Section 5 of the Criminal Justice (Public Order) Act 2011 created the offence of directing or organising begging. The maximum penalty for the offence is a fine not exceeding €200,000 or a prison term not exceeding 5 years, or both.**
See page 64 - Sex Work, Crime and the Dangers of Prohibition
8. **Should the penalties for living on the earnings of prostitution be increased in line with the penalties for living off the proceeds of begging - maximum fine of €5,000 or imprisonment for a term not exceeding 12 months, or both?**
See page 64 - Sex Work, Crime and the Dangers of Prohibition
9. **How will this legislative approach:**
 - (a) **reduce the numbers engaged in prostitution?**
See page 54 - Reducing the Numbers Involved in Sex Work
 - (b) **reduce the demand for prostitution?**
See page 47 - Reducing the Demand For Sex Work
 - (c) **reduce the abuse and exploitation of prostitutes?**
See page 59 - Reducing Harm, Vulnerability to Abuse and Exploitation of Sex Workers
 - (d) **help prostitutes to enforce their rights, including their rights to equality and access to health?**
See page 61 - Sex Work, Stigmatisation Discrimination, Rights and Equality
 - (e) **avoid the stigmatisation of and discrimination against prostitutes?**
See page 61 - Sex Work, Stigmatisation Discrimination, Rights and Equality
 - (f) **address issues regarding prostitution and crime?**
See page 64 - Sex Work, Crime and the Dangers of Prohibition
 - (g) **address concerns regarding public health and HIV transmission?**
See page 65 - Addressing Concerns Regarding Public Health and HIV Transmission
 - (h) **help to create an environment in which prostitutes feel comfortable about leaving prostitution?**
See page 67 - Making Sex Workers Feel Comfortable about Leaving Sex Work
 - (i) **avoid driving prostitution further underground and making life more dangerous for sex workers?**
See page 64 - Sex Work, Crime and the Dangers of Prohibition

SWEDISH MODEL OF LEGISLATION

1. ***Should the criminal law have a role, at all, in regulating the purchase (or sale) of sexual services where the transaction is conducted, in private, between consenting adults?***

There is no excuse for applying criminal law to a private transactions for sexual services between consenting adults. It is preposterous that any act that is perfectly legal in its own right should be criminalised if it becomes a financial transaction.

2. ***What social policy objective(s) would support such intervention by the criminal law?***

There is no valid social policy objective to be achieved by such intervention by the criminal law.

See page 54 - Reducing the Numbers Involved in Sex Work

See page 57 - Reducing the Demand For Sex Work

3. ***Would such a policy be clearly justifiable on objective grounds? If yes, what are those grounds?***

There is no clear justification on objective grounds and no tangible benefit to anyone to be derived from such a law. All the criminalisation of the purchase of sex achieves is to indirectly persecute sex workers by reducing their combined earning capacity (that is often desperately needed to avert severe hardship) and placing them at far greater disadvantage and danger.

4. ***What benefits might ensue from a ban on purchasing sexual services?***

There is no tangible benefit to anyone from a ban on the purchase of sexual services. The only arguments in favour of it are either ideological or completely irrational. It is impossible to “protect” a sex worker from anything by exposing her to greater danger and reducing her earning capacity.

Any individual who finds selling sexual services harmful or traumatic is capable of determining and fully aware of this, and also capable of determining, and fully aware that she has no reasonable alternative. To criminalise the purchase of sex will only take away her income and place her in even greater hardship without any hope of resolution at all. That is simply cruel and arbitrary.

See page 54 - Reducing the Numbers Involved in Sex Work

See page 57 - Reducing the Demand For Sex Work

5. ***Would it deter demand for sexual services?***

Yes it would initially, at a terrible cost to sex workers and their families, but as time went on it would simply provide organised crimes with opportunities to profit from circumventing the law and re-establishing the demand.

See page 57 - Reducing the Demand For Sex Work

6. ***Would a ban deter human trafficking?***

No, such a ban is more likely to increase human trafficking and coercion as clients seek ongoing assurances of protection from prosecution and blackmail, and organised crime steps in to meet that demand in a way individual, and free, uncontrolled, sex workers cannot hope to match.

7. *Might a ban on the purchase of sexual services drive prostitution further underground and make life more dangerous for sex workers?*

Exactly as the 1993 sexual offences act did, such a ban will drive most sex workers under the control of organised crime and away from any form of legitimate protection and regulation under any circumstances.

See page 64 - Sex Work, Crime and the Dangers of Prohibition

8. *In view of the constitutional requirement to hold all citizens equal before the law, could the purchase of sexual services be criminalised without also criminalising the sale of such services? Would the law deny the purchasers of sex basic rights to a fair trial?*

Unfortunately, as far as I can see there is no conflict with the constitutional requirement to hold all citizens equal under the law. I can see no way that such a law would particularly deny the purchasers of sex their right to a fair trial.

See page 51 - Obligations Under Constitutional Law and by International Agreement

9. *Would immunity from prosecution for sellers expose the purchasers of sex to a risk of blackmail?*

Unfortunately, there is no doubt in my mind that it would expose not only the purchasers of sex, but any man, to a serious risk of blackmail, if not from bona fide sex workers, then from criminals organising specifically to abuse such a law for gain or advantage (Remember, blackmail is not always fiscal – it can take other forms too, particularly in the context of organised crime.)

10. *Would a Swedish style ban impact on the rights and interests of persons who are voluntarily involved in selling sexual services and, if yes, how can those rights be protected?*

However it is rationalised on the surface, a Swedish style ban is intended to have a tremendous negative impact on the rights and interests of persons who are voluntarily involved in selling sexual services. It is intended to take away their market and their income against their will. To do that at any time is to deny them their basic human rights, to do that in the current economic climate, with no realistic alternatives available to most, if not all of them, is monstrous and inhuman.

This response constantly makes reference to the wide variety of less obvious forms of negative impact such a ban, or indeed and form of criminalisation, will inevitably have on the rights and interests of sex workers, but the only real, adequate answer to this question is a full, impartial negative impact assessment that is made with sex workers directly, completely independent of all the various vested interests in this issue.

The only way to protect their rights and interests would be to create commensurate zones, and situations, of exemption from the provisions of such a ban.

Also see page 70 - Systems and Procedures That Should be Set Up For Regular Consultation with all Stakeholders

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I believe it is realistically possible to set up a supervisory body in a similar spirit.

Additional Proposals for Legislative Reform

- 11. *Given the stigma associated with convictions for solicitation, could a Swedish style ban have undesirable social consequences for persons convicted of an offence (which would be minor) of purchasing sexual services?***

In most cases, life, as they knew it, would be over for such a person if they were identified in such a context. This is a totally disproportionate and socially counterproductive. The stigma is so severe that, in effect, you would be taking a functioning taxpayer and making him into an unemployable pariah, and all because he offered to pay a freely agreed price for a service from a consenting adult.

- 12. *Would it have unacceptable knock-on effects on innocent parties, for example, the spouses or children of defendants?***

The effects of such prosecution could easily have just as bad an effect on innocent parties such as spouses, children and business partners (just as the prosecution of sex workers has always had) this is neither acceptable nor justified. The only way to protect innocent parties in case of any prosecution in connection of the sale of sexual services is to exempt such those prosecuted from identification or criminal record.

- 13. *Would criminalising the purchase of sexual services discourage buyers from reporting suspicions that a sex worker has been trafficked or otherwise coerced into prostitution?***

It would probably prevent buyers from making any attempt to seek intervention in any situation of coercion or trafficking. They would be far too afraid of identifying themselves and prosecution.

- 14. *Would there be difficulties proving an offence of purchasing sexual services?***

I have no idea how anyone intends to prove such an offence beyond reasonable doubt without coercing the accused into confession, or coercing a sex worker into giving evidence against the same person she freely chose to sell sex to (which could, at times, place the sex worker in serious danger). Not only is this a ridiculous irony it would also set a precedent in law that defies all the finer principles and protections enshrined within law, both civil and criminal, for the benefit of all. With this in mind I doubt if such proceedings could be constructed to stand up to challenge from within the legal system itself for long.

- 15. *Could a ban on the purchase of sexual services be comprehensively and consistently enforced by the Garda Síochána?***

I am sure it could be enforced, humanity is notoriously effective, not to say enthusiastic when it comes to the legally sanctioned persecution of vulnerable and harmless people, but I cannot, for the life of me think of one tangible benefit that has ever resulted from giving them the tools with which to indulge in that on any level. But I do not think enforcing such a law would prevent sex work, it would just harm sex workers.

- 16. *Were it possible, would such enforcement be an efficient and cost-effective use of scarce Garda resources?***

I very much doubt it. I would have thought the prevention of actual harm would be a better policing priority.

17. *Would enforcement of a ban on the purchase of sexual services divert the Gardaí from operations targeting serious and organised crime, including human trafficking and organised prostitution?*

I think that is for the Chief Commissioner alone to say, what is certain is that he would have to divert resources from somewhere, or fail to enforce the law, which would render it into yet another senseless sword of Damocles to be wantonly dangled over the lives of sex workers, many of whom already work under tremendous stress, to no real purpose at all.

18. *How will this legislative approach:*

(a) reduce the numbers engaged in prostitution?

See page 54 - Reducing the Numbers Involved in Sex Work

(b) reduce the demand for prostitution?

See page 57 - Reducing the Demand For Sex Work

(c) reduce the abuse and exploitation of prostitutes?

See page 59 - Reducing Harm, Vulnerability to Abuse and Exploitation of Sex Workers

(d) help prostitutes to enforce their rights, including their rights to equality and access to health?

See page 61 - Sex Work, Stigmatisation Discrimination, Rights and Equality

(e) avoid the stigmatisation of and discrimination against prostitutes?

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(f) address issues regarding prostitution and crime?

See page 64 - Sex Work, Crime and the Dangers of Prohibition

(g) address concerns regarding public health and HIV transmission?

See page 65 - Addressing Concerns Regarding Public Health and HIV Transmission

(h) help to create an environment in which prostitutes feel comfortable about leaving prostitution?

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(i) avoid driving prostitution further underground and making life more dangerous for sex workers?

See page 64 - Sex Work, Crime and the Dangers of Prohibition

[3] DECRIMINALISATION

1. *What systems and procedures should be set up for regular consultation with all stakeholders on matters relating to prostitution?*

See page 70 - Systems and Procedures That Should be Set Up For Regular Consultation with all Stakeholders

2. *Should there be a prostitution supervisory body, representing the stakeholders to review the prostitution regime and make recommendations*

to government on a regular basis?

There is a desperate need for an impartial and confidential supervisory body within the framework of government.

See page 70 - Systems and Procedures That Should be Set Up For Regular Consultation with all Stakeholders

3. *How should the law protect the rights of prostitutes to at any time, refuse to provide or to continue to provide, a sexual service to any other person?*

Enforced properly, existing law is already adequate in this context, “No” means “no”.

However there needs to be a clear procedure defined in terms of civil law to deal with the transactional aspects of the withdrawal of any previously given consent prior to the completion of the agreed contract. This would serve to underline a sex worker’s right to withdraw consent to sex within the meaning of criminal law, as well as discouraging any abuse of that right.

4. *Should the law exclude persons from running a prostitution business if they have been convicted of specific offences?*

I think this requires closer examination as a possibility. My current answer is that I am not sure. I am not sure whether someone should be excluded because they have committed specific offences, and I am not sure which offences.

Even objectively that could be very tricky.

Should the law exclude people convicted of offences that have been rescinded by new legislation? What kind of precedent would that set within other licensing legislation?

There seems to be no reason to exclude a former sex worker who has been convicted of brothel keeping because she shared premises for company and safety, as has happened under existing legislation, but every reason to exclude a coercive pimp convicted of identical charges .

It might better serve the public good to adopt an approach to licensing based on existing planning and licensing laws.

5. *Should the law provide an amnesty to prostitutes with a criminal record for prostitution and prostitution related offences who wish to leave prostitution?*

Absolutely, as without that amnesty they will, not only, never be able to find other work, but will also never be able to live a normal life without constant fear of exposure to stigma.

6. *How should law and policy promote safer-sex practices in prostitution?*

See page 65 - Addressing Concerns Regarding Public Health and HIV Transmission

7. *How should the law ensure the enjoyment of human rights by prostitutes and their customers?*

The law can ensure this by rescinding any and all prohibitions and provisions that prevent them from enjoying the same human rights as others, while striving to incorporate them under existing legislation either as an addendum to the category of “sexual orientation” or by creating a new category to assist to send a clear message that sex workers are equal

human beings and their unequal treatment and stigmatisation is no longer acceptable within our society .

8. What would be the objectives of the new law?

The new law should focus on separating sex work from crime and increasing interdependent rights and responsibilities for sex workers, with the emphasis on facilitating independent sex workers, discouraging exploitation and eradicating coercion.

9. To what extent can these objectives be achieved through the law?

I believe that these objectives are fully achievable, as history has repeatedly shown they are not through any form of persecution.

See page 70 - Systems and Procedures That Should be Set Up For Regular Consultation with all Stakeholders

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I believe it is realistically possible to set up a supervisory body in a similar spirit.

Additional Proposals for Legislative Reform

10. Are there further matters that need to be addressed in such a law?

See page 70 - Systems and Procedures That Should be Set Up For Regular Consultation with all Stakeholders

There must be regular consultation, but we need to define who are the real stakeholders, obviously the gardai, and anyone directly affected by the sex industry, whether actively or passively.

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Additional Proposals for Legislative Reform

11. How will this option comply with (a) Ireland's international obligations, and (b) the Constitution?

See page 51 - Obligations Under Constitutional Law and by International Agreement

12. How will this option

(a) reduce the numbers engaged in prostitution?

See page 54 - Reducing the Numbers Involved in Sex Work

(b) reduce the demand for prostitution?

See page 57 - Reducing the Demand For Sex Work

(c) reduce the abuse and exploitation of prostitutes?

See page 59 - Reducing Harm, Vulnerability to Abuse and Exploitation of Sex Workers

(d) help prostitutes to enforce their rights, including their rights to equality and access to health?

See page 61 - Sex Work, Stigmatisation Discrimination, Rights and Equality

(e) avoid the stigmatisation of and discrimination against prostitutes?

See page 61 - Sex Work, Stigmatisation Discrimination, Rights and Equality

(f) address issues regarding prostitution and crime?

See page 64 - Sex Work, Crime and the Dangers of Prohibition

(g) address concerns regarding public health and HIV transmission?

See page 65 - Addressing Concerns Regarding Public Health and HIV Transmission

(h) help to create an environment in which prostitutes feel comfortable about leaving prostitution?

See page 67 - Making Sex Workers Feel Comfortable about Leaving Sex Work

(i) avoid driving prostitution further underground and making life more dangerous for sex workers?

See page 64 - Sex Work, Crime and the Dangers of Prohibition

[4] LEGALISATION AND REGULATION

1. Would legalisation/regulation be appropriate in an Irish context and how far could such legalisation/regulation extend? Is there a demand for it?

This is where I feel under obligation to sacrifice my own agenda to honesty. Though there certainly is some demand for legislation and regulation I am by no means certain that it is sufficient to justify and support such legislation at this time.

Though I am by no means certain, and feel that there should be a proper assessment rather than assumption, I fear that any public representative who voted in favour of full legalisation and regulation would be at risk of failing the mandate he holds from his constituents, and this would create a just reluctance to vote in favour of it. It is for this reason alone that I would consider decriminalisation and limited regulation (perhaps in the form of regulated exemption from legislation) to be a more valid option.

2. What social policy objectives would underpin such an approach? What benefits would it bring?

It would give a couple of thousand people, who, for the most part, have no realistic alternative, for the foreseeable future, to selling sex, the same rights, protections and freedoms as any other member of our society, and, by extension, at least a partial claim on the aspects of life most of us can afford to take for granted, and a degree of social inclusion that they are, at present, denied. That should be enough for any civilised society, any further benefits are just a bonus.

3. *Would legalisation/regulation create safer working conditions for prostitutes?*

There is no doubt in my mind that it would create far safer working conditions for sex workers.

4. *Would legalisation/regulation be acceptable to the public? What impact would such a policy have on communities and society?*

I believe there would be a problem with public acceptability of legalisation and regulation and I am certain that there is no infrastructure in place to attempt to address that. I am also convinced that certain elements within the NGO sector will strive constantly to reinforce and exacerbate negative attitudes.

However, I believe the actual (rather than ideological) impact on communities and society could be exclusively beneficial if the legislation is handled sensitively with stringent assessment and consultation processes.

5. *Would such an approach lead to an expansion of the sex industry? In particular, would it attract the very young and vulnerable into prostitution?*

I think it might lead to an expansion of the more legitimate aspects of the sex industry, with a commensurate increase in revenue from taxation. I am not sure that is a bad thing at all.

As to what would happen to the other aspects, I am not sure. Disregarding propaganda and mythology, the sex industry only expands in accord with the number of people who need to make an income by selling sex. Like any stressful and hazardous occupation (coal mining would be an example) the sex industry attracts very few people in its own right. People become sex workers because it pays well, and they need the money. The less people in that position, the smaller the sex industry becomes, the more people in that position, the larger the sex industry becomes. However, that does necessarily apply directly to national figures. Once a person chooses to enter the sex industry they can also make personal choices to work in a jurisdiction that pays better, or that offers them more legal protection. So the numbers of people working in the sex industry in a particular country and the citizens of that same country involved in sex work can be at significant variance. So it is very hard to predict the influence of legislation on the numbers involved in the sex industry throughout the country. Though those numbers do seem to be remarkably stable over the past 30 years through changes in legislation, the state of the economy and market forces.

The only thing that ever “attracts” young and vulnerable people into sex work is a

situation where family, state, voluntary and community sector is failing them consistently on all counts and leaving them with no viable or better alternative. Some others are driven to crime instead. That is a situation that needs examination overall in its own right. There are far too many organisations and departments sucking up funding for services they do not provide in any realistic, accessible and/or appropriate form. The young people driven into sex work or crime are just the co-lateral damage that nobody really cares about. A real purge, and additional re-examination of the relevant services, in every possible sense, would do far more to prevent young and vulnerable people from being “attracted” into sex work, or crime than any form of legislation.¹⁰

6. *In an expanded sex industry, would the line between legal and illegal prostitution become blurred? Could voluntary and involuntary prostitution be distinguished?*

If the law was drafted and defined carefully, taking all factors into account, I cannot even imagine how, or why, this would happen

7. *Would legalisation/regulation act as a magnet for organised crime and sex tourism?*

It is unlikely to act as a magnet for organised crime, historically it is criminalisation that tends to do just that. I do not see why it would become a market for sex tourism either, unless it was formally promoted as such. There are far larger, more easily accessible, legalised markets for sex tourism on the European mainland. Of course, if Ireland *did* become a market for sex tourism there would be a lot of spin off benefits in terms of revenue and job creation in other, tourism related, service industries.

8. *Would such a policy enable human traffickers?*

Of course not, a legalised and regulated sex industry would be empowered, and motivated to monitor any suggestion of sex trafficking. Evidence is constantly emerging that coerced and involuntary sex trafficking is nowhere near as widespread as abolitionist would like us to believe, and may barely exist at all, not just in Ireland but in many other international locations. We live in a communication age, the numbers of voluntarily migrant sex workers has increased dramatically, because, like any other entertainment industry, novelty has a tangible value, and migratory sex work is also one way to avoid exposure and harassment for a sex worker and her family. The constant attempts to misrepresent this as some form of “trafficking” are very wrong, and should be heavily discouraged.

9. *Which conditions should be imposed on prostitutes and prostitution-related businesses:*

(a) Licensing requirements?

¹⁰ I know, I have lived a whole lifetime as a vulnerable person in desperate need of support and help that does not exist in any appropriate, or even harmless, form, despite an obscene amount of people being funded on the false pretence of providing it. That is, real, large scale, exploitation of the vulnerable in a way that the sex industry never has, and never will, be.

Yes *See page 70 - Systems and Procedures That Should* **be Set Up For Regular Consultation with all Stakeholders**

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Additional Proposals for Legislative Reform

(b) Zoning under Planning and Development legislation?

Yes, at least for street workers *See page 70 - Systems and Procedures That Should be Set Up For Regular Consultation with all Stakeholders*

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Additional Proposals for Legislative Reform

(c) Registration of individual prostitutes?

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Additional Proposals for Legislative Reform

(d) Mandatory health testing for HIV and other Sexually Transmissible Infections of all adult prostitutes?

I think this would be invasive and totally unnecessary, better to offer more, and better, HIV testing facilities for everyone. At present it is ridiculously difficult to access a confidential HIV clinic unless you live in central Dublin.

See page 65 - Addressing Concerns Regarding Public Health and HIV Transmission

(e) Mandatory health testing for HIV and other Sexually Transmissible Infections of all customers of adult prostitutes?

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See page 65 - Addressing Concerns Regarding Public Health and HIV Transmission

10. If you are of the opinion that licensing requirements should be imposed, please indicate whether prostitution-related businesses should be subjected to the same requirements as other business establishments or should additional requirements specific to prostitution be imposed?

For the most part, I think so. Though there may well be additional requirements, as there are with any other business.

11. If additional requirements should be imposed what should these requirements entail?

This is not an area I know enough about to have any useful comment to make

12. Should the granting of licenses be dealt with on the level of local government or central government?

Licences to static businesses are best dealt with at local, or joint local and national level. Licences to nationwide businesses are best dealt with at national level and licences to individual sex workers are best dealt with at national level with an option on them being administered at local level.

See page 73 - (iv) Licence indoor sex workers in a similar manner to hackney drivers

13. If you are of the opinion that zoning requirements should be imposed, please indicate:

(a) Should prostitution-related businesses be subjected to the same zoning requirements as other businesses or should prostitution be limited to specific streets or areas (so-called 'redlight' districts)?

I really do not know enough about this subject to have much useful comment to make, but I am not sure that the same zoning requirements as other businesses would always be a good fit and I feel creating "Red light districts" for businesses related to sex work might well prove to be a very unfortunate choice that does not work in Ireland

(b) Should outdoor prostitution be allowed within the demarcated zones?

It is imperative to provide exemption zones from restrictions on outdoor street workers but I seriously doubt if the best locations for outdoor street work and the best locations for other sex work related businesses will always be the same. I think the two require careful consideration as separate issues.

See page 72 - (i) Exemption Zones for On Street Workers

14. If you are of the opinion that adult prostitutes should be subject to registration, please indicate:

(a) What the purpose of registration should be?

See page 73 - (iv) Licence indoor sex workers in a similar manner to hackney drivers

(b) Which official body or institution should be responsible for the management of the registration system?

I think it should be administered within the civil service in a similar manner other forms of licencing.

See page 73 - (iv) Licence indoor sex workers in a similar manner to hackney drivers

15. Should registration be conditional on compliance with specific requirements?

That is a possibility worth exploring, I believe that combining obligation with rights is a very effective factor in social inclusion.

See page 73 - (iv) Licence indoor sex workers in a similar manner to hackney drivers

16. Which measures should be taken to protect the privacy of persons registered as prostitutes?

See page 73 - (iv) Licence indoor sex workers in a similar manner to hackney drivers

17. If you are of the opinion that mandatory health testing requirements should be imposed, please indicate:

(a) What the purpose of such testing requirements should be?

(b) To whom such testing requirements should apply (the prostitute or the customer)?

18. Specify any additional conditions that should be imposed under a legalised system.

19. How will this option comply with (a) Ireland's international obligations, and (b) the Constitution?

See page 51 - Obligations Under Constitutional Law and by International Agreement

20. How will this option:

a. reduce the numbers engaged in prostitution?

See page 54 - Reducing the Numbers Involved in Sex Work

b. reduce the demand for prostitution?

See page 57 - Reducing the Demand For Sex Work

c. reduce the abuse and exploitation of prostitutes?

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d. help prostitutes to enforce their rights, including their rights to equality and access to health?

See page 61 - Sex Work, Stigmatisation Discrimination, Rights and Equality

e. address issues regarding prostitution and crime?

See page 64 - Sex Work, Crime and the Dangers of Prohibition

f. address concerns regarding public health and HIV transmission?

See page 65 - Addressing Concerns Regarding Public Health and HIV Transmission

g. help to create an environment in which prostitutes feel comfortable about leaving prostitution?

See page 67 - Making Sex Workers Feel Comfortable about Leaving Sex Work

h. avoid driving prostitution further underground and making life more dangerous for sex workers?

See page 64 - Sex Work, Crime and the Dangers of Prohibition

21. Must the following be criminal offences:

- **selling and buying of unlawful prostitution?**
- **procuring for the purposes of buying unlawful prostitution?**
- **living on earnings of unlawful prostitution?**
- **False imprisonment for purposes of unlawful prostitution?**
- **non-compliance with the regulatory system?**

I think that whether any, or all of the above are criminalised depends on what form the legalisation and regulation takes.

If it is general legalisation and regulation then it is hard to see what would be achieved by specific criminalisation. Offences such as “false imprisonment” are already criminal offences in their own right under separate legislation.

If, however, legalisation and regulation takes the form of exemption from some form of criminalisation, which might be perceived as more palatable to the electorate it may be desirable to operate a policy of “zero tolerance” outside the terms of regulated exemption.

22. How must the following be regulated:

- **safe sex practices?**
Sex workers are competent adults with considerable experience of and a vested in safe sex practices, regulation would be superfluous, insulting and demeaning.
- **sex education?**
Sex workers are competent adults with considerable experience and knowledge of sex and sexuality in their own right that far exceeds the norm, regulation would be superfluous, insulting and demeaning.
- **advertising of prostitution?**

It should be regulated in the same way as other advertising, with the possibility that a few additional specific regulations may be deemed necessary.

- ***implementation by An Garda Síochána or other law enforcement agencies?***

I would imagine existing general regulation to be adequate.

- ***Garda access to venues where prostitution takes place?***

I would imagine existing general regulation for licensed premises and entertainment venues to be adequate.

- ***legal mechanisms and procedures for the closing down of illegal venues?*** This is an area in which I have insufficient knowledge to make useful comment.

HOW SHOULD THE CRIMINAL LAW DEFINE 'PROSTITUTION' AND PROSTITUTION-RELATED ACTIVITIES?

I feel strongly that it is time that society as a whole, and legislation in specific, ceased to use a demeaning pejorative such as "prostitution" to define sexual services and those who provide them. Law should be neutral and have no place for subjective terminology of any kind. Such a change would also serve to aid clarity of definition under law, and expedite it's application.

Wendy Lyon (Prohibitory Prostitution Laws and the Human Right to Health, 2011)

"There is no universally-accepted definition of 'prostitution'. Attempts to establish one have been problematic for a variety of reasons, ranging from simple practical differences over how to draw lines through grey areas, to whether or how to exclude phenomena (such as pornography, 'lap dancing' or under certain conditions, marriage) that might fall within a literal interpretation but do not fit within most legal or popular ideas of 'prostitution', to bitter ideological disputes."

Dictionary definitions of "prostitution" leave law wide open to interpretation of every kind, including the spurious and vexatious.

Oxford Dictionary Definition of "Prostitution":

"the practice or occupation of engaging in sexual activity with someone for payment: the sale of captives into slavery and prostitution, the unworthy or corrupt use of one's talents for personal or financial gain."

If a law is directed at, for example, the sale or purchase of sexual services it is surely far clearer and far more definitive for the law to just state that?

I would even go so far as to say that the law should not use the term "sex worker" but rather specify a "person providing sexual activity in return for money". Likewise other subjective ill-defined terms like "pimp" should never be used, but rather refer to a person engaged in the specific activity that the law seeks to address, for example "a person engaged in coercing another person or persons into sexual activity for gain".

In these terms the law has no need to define "prostitution" and "prostitution-related activities", but can rather stipulate it's actual intention combined with an overall definition of sexual activity.

I feel I am too heavily biased against any form of criminalisation to have any useful input to make into what that definition should be.

OBLIGATIONS UNDER CONSTITUTIONAL LAW AND BY INTERNATIONAL AGREEMENT

OBLIGATIONS UNDER CONSTITUTIONAL LAW

Ruhama 1 June 2012¹¹

“Possibly the most ridiculous argument for prostitution was flexible working hours so women can b there 4 their kids”

The Constitution of Ireland might disagree.

The Constitution of Ireland:

Article 41

2.

1° In particular, the State recognises that by her life within the home, woman gives to the State a support without which the common good cannot be achieved.

2° The State shall, therefore, endeavour to ensure that mothers shall not be obliged by economic necessity to engage in labour to the neglect of their duties in the home.

One of the single most significant factors compelling women into sex work is the need to make adequate provision for their children, not only materially, but also physically, emotionally and psychologically. Even if they can find alternative work adequate to meeting the material needs of their families, they have no access to affordable childcare of any kind, let alone that will meet their other, equally important, needs.

Mothers of special needs children are perhaps the worst affected as even the cost of the most basic evening babysitting is routinely in excess of €15 an hour.

Recent changes in the welfare provision for single mothers have only served to exacerbate this situation to crisis proportions.

Even a street worker can make the equivalent of minimum wage in a single evening. Which not only represents a dramatic reduction in the hours of childminding required, but also in the quality of care required to meet her children’s physical, emotional and psychological needs for such a short period of time when her children are likely to be sleeping.

¹¹ Posted by Ruhama, publicly, on Twitter.com in reference to points made in a discussion with Vincent Browne on TV3 the previous night in which CEO Sarah Benson participated.

Many indoor sex workers are making more than the industrial wage in 4 or 5 days a month, using full time care for those days (similar to the respite care routinely provided for special needs children) and devoting the rest of their time to “their duties in the home” and providing the best possible care for their children.

Until the state can provide, quality, affordable, childcare for all who need it to be able to take up work and still meet the needs of their families I believe any obstruction to a mother resorting to sex work in the default to be clearly, and unambiguously, unconstitutional. I believe this includes the relevant provisions of the 1993 Sexual Offences Act, and subsequent amendments unless exemption zones are provided to protect the constitutional rights of mothers driven to resort to street work, in order to balance economic imperatives with providing the best possible care for their children. It seems clear that the same principle would apply to any legislation aimed at reducing the demand for sexual services.

Article 41.2 is, of course in urgent need of revision to gender neutrality, but once that is done, holds considerable relevance in terms of the best interests of the child and the rights and obligations of parents.

EQUALITY ISSUES

In terms of equality honesty forces me to concede that if we are legislate for a gender equal society then the onus must be on conferring equal rights, not manipulating the presumed gender bias in the future exercise of those rights. The criminalisation of the purchase or sex by a person of any gender in combination with the decriminalisation of the sale of sex by a person of either gender does not seem to me to be in serious conflict with any constitutional obligation to gender equality.

OBLIGATIONS BY INTERNATIONAL AGREEMENT

“A number of international legal instruments address prostitution in the context of deterring and punishing child prostitution.”

Obligations in the context of deterring and punishing child prostitution, whether by international agreement or common decency, can and should be addressed independently of the sex industry and legislation in respect of the provision of sexual services..

It needs to be stated on record that adults within the sex industry, not just sex workers, but also those who derive profit from them, find child abuse and child prostitution as abhorrent as anyone in the wider society (and perhaps even more so because of their more comprehensive insight into the factors involved). The difference is that there are times when they may be considerably better placed to identify where such offences may occur. However willing they may be to assist in such instances, the criminalisation of sexual services creates a dilemma whereby they may find themselves having to chose between the welfare of a severely abused child and the best interests of their own children, a dilemma that may leave them with no option but take the law into their own hands with potentially disastrous consequences.

Existing legislation in the specific area of child abuse and sexual exploitation offers harsh penalties and seems adequate.

“Other instruments require action on prostitution in the particular context of human trafficking for the purposes of sexual exploitation.”

This area seems to be adequately covered by the Criminal Law (Human Trafficking) Act 2008 (which fully complies with Prevention measures outlined by Article 18 of the European Union Directive 2011/36/EU).

However having read the act I am concerned that, as it stands, the concept, and offence of trafficking, perhaps unintentionally, lacks any clear or specific definition and could, in terms of the letter of the law, be taken to refer to situations well outside the scope of the intent of the law, leaving the act open to both abuse and challenge.

It is essential to make a clear distinction between human trafficking and sex work particularly in a the current climate where a well funded international industry has sprung up determined to falsely conflate the two to further the aims of specific ideological agenda determined upon the unrealistic goal of eradicating sex work and coercing sex workers into ideologically conditional recovery programs independent of reality, their personal belief systems and best interests.

In all of my contact with, and involvement, in the sex industry, that spans decades and 3 countries, I have never, personally come across one single instance of commercial trafficking or coercion. I must have known and met hundreds of sex workers, but the worst I have seen are a very few predatory and abusive personal relationships that would have been no different however the individual concerned earned her living.

REDUCING THE NUMBERS INVOLVED IN SEX WORK

The number of people who engage in sex work is primarily determined by the number of people who need the money badly enough to overcome a plethora of personal and cultural imperatives, social mores and stigma as well as formal and informal obstructions to do it. That is a figure that criminalisation will never play a part in reducing.

The 1993 sexual offences act was aimed at reducing the incidence of street prostitution. Initially it served to drive former street workers indoors, under the control of organised crime at anything up to three times the rate of commission that indoor workers would have paid prior to the act. Sex Workers had no choice, because they still needed to maintain their source of income with just as few alternatives as in 1992.

Those who stayed on the streets began to accumulate criminal records and substance abuse issues to cope with the increased anxiety of criminalisation. The rapid decay in formerly excellent relations with the Gardai led to an increasing need to depend on third parties for safety with a dramatic increase in vulnerability and violence as a direct result of the new law.

The New Law – its Effects¹²

“For the majority of the women interviewed the new legislation has meant a decline in their working conditions. Because they are constantly being moved on by the Gardai they are having to work longer hours to make the same amount of money as previously. Also, because of greater Garda presence there has been a decline in the number of clients seeking services. Thus many of the women have experienced a drop in their income. For some this has meant increasing pressure with regard to payment of bills etc. Only the two women working in parlours did not feel their working conditions had altered. However, one did say that there was now an atmosphere of tension in the parlour.

This increased pressure to maintain a certain level of income is leading to greater risk taking on the part of the women. Two women who normally work during the day are now having to work later in the evenings in an area of the city which is particularly unsafe, thus placing themselves in greater danger. Risks are also being taken in relation to choice of clients in that women are getting into cars more quickly with no time to study prospective clients. Seven (38%) of the women felt that this was a dangerous effect of the new law. “Before you only had to look out for the clients, now you are looking out for the Gardai as well”.

Three (17%) of the women felt very strongly that the new law is leading to the emergence of pimps (male protectors) and therefore, an increase in violence and intimidation on the streets. One said “anyone with enough money to rent an apartment and a mobile phone can go into business as a pimp. These men are offering protection and a “safe house” to women who are working. “They leech (latch) onto the women providing protection and paying bail, that’s when the violence comes in”.

¹² “The Health Needs of Women Working in Prostitution in the Republic of Ireland” A Report prepared for EUROPAP and the Eastern Health Board (Women’s Health Project) 1994 <http://www.lenus.ie/hse/bitstream/10147/45642/1/8528.pdf>

Another effect of the law predicted by 3 (17%) women was that increasing numbers of women would be unable to pay fines and would end up in prison. Until the new legislation fines ranged from between £2 and £7, the fine is now £250 for a first offence, with a maximum fine of £500 for further offences. Alternatively women would have to work harder to pay the new fines and therefore would be charged more often by the Gardai thereby appearing in court and facing more fines.

Twenty years on even figures produced by Ruhama tend to confirm that the number of street workers has not decreased since the 1993 act.

"I recently went back to the streets where I worked for 6 years until 1993 to see what had changed. My impression is that the numbers and locations of street workers is uncannily similar to the way I remember it. The only difference is that they come out to work far later at night, in less safety, and seem far more anxious."

For some reason nobody ever bothers to check what actually becomes of anyone who is "reduced" out of sex work by criminalisation.

"Let me tell you what I did.

*In 1993 I didn't even know if I could claim welfare or not (incidentally, I am "STILL" waiting for Ruhama to get back to me with information on that...any day now, I am sure...they are, after all, VERY busy people). I saw the elderly clients who suddenly developed *needs* they had not had since they were teens.*

OF COURSE they could have just given me money (and would probably have rather just given me money) but they knew me well enough to know that I needed my self esteem and a sense of entitlement to that money as badly as I needed the money itself...and I loved them for knowing that.

...an old client who had become a platonic friend (and is now the nearest thing to real family I have) gave me all his savings (over time) and a fair bit of his income too. He was not a wealthy man (I guess now that is "out" they will cancel his membership of the Rapists Association?). I still feel desperately ashamed of myself because of that.

Switzers became "Brown Thomas" and Mastercard took a shot at finangling me, with carefully chosen words, into believing that if I did not sign up for one of their cards the full amount of my store card would immediately be due. IMHO this was truly begging for it, so I complied, and, to my astonishment, was give a £1200 limit, which I used very carefully. I also had a £500 limit on my Marks & Spencer card.

I sat for 7 or 8 months, compulsively reading my way through the thickest library books I could find, trying not to think of what would happen when my friend's money ran out (in

the back of my mind I was accepting there would be nothing left but to take my own life, and I was PETRIFIED, really, seriously, gutwrenching petrified), trying to think of some way I could make some money for myself.

This was 1993, there were no jobs, even for people with good CVs. I had nothing...

Now, put down anything you are eating or drinking or you will choke...because...

I became a seamstress. It is something I had done before. I hate it (as much as sex work, but in different ways), and I have no talent for it, but I used my intelligence and punitive hours to make up for that. I worked 18 hour days and 7 day weeks just to get as much as welfare would have been, doing something I hated...

...I did that until my body gave way under the strain. My physical health is now permanently damaged.

As for the problems that impelled me into sex work in the first place, I have never found one iota of help or support with any of them, and, even before the internet I used spend day after day, ringing around, trying to find a line on SOMETHING that might help me put together a real life. There is still absolutely nothing available to me today.

Lately, I have come to realise the truth...the very best thing for me would have been if, in 1993, someone had sat me down and counselled me firmly and realistically that, like it or not, and we can't always do the things we like, my best option was to stay in sex work and try to find a way to work independently even if I had to travel to another country to do that.

Maybe it would not have been much of a life, but it would have been far more of a life than I had this way, and I would have far more self respect, security, and future now."

No civilised society has the moral right to aspire to reduce the numbers involved in sex work until it has a realistic alternative, with at least a tolerable quality of life, to offer.

REDUCING THE DEMAND FOR SEX WORK

Having established that the majority of sex workers are driven by otherwise irresolvable economic imperatives I am at a complete loss for what tangible benefit there is to anyone in reducing the market available to meet that need.

Norma Jean Almodovar, August 2012

“So if you go to a hotel and need your room cleaned, if the housekeeping staff isn't 100% in love with cleaning up the urine, feces and vomit of hotel guests, would you be taking advantage of them if you asked them to come up and clean YOUR room? Bring you clean towels? How about the waiter/ waitress at the restaurant? If they are doing that minimum wage job as a last resort, how could you ask them to bring you food and beverages like they were some lowly servant?”

Prostitutes are like any other workers in any other job- some love their work, some hate it, but unless you are born into wealth, you have to earn a living somehow, and making \$100 or \$500 or more an hour is a faster way to pay your bills than cleaning up after a bunch of rowdies in a cheap motel! “

The greater the market the more empowered the sex worker to operate on their own terms, restrict the services available, increase prices and meet their needs by seeing fewer clients if they choose.

Most of the demand for sexual services is driven by the inherent biological difference in male and female sexuality.

Miriam Lapp (Amish: A secret Life, BBC2, 2012)

“I feel us women do not quite realise men's battle with...it's just god made them with that nature...they have this lustful nature. I never knew about that battle until my husband told me. He had a battle with women with a lot of leg exposed, or even low necklines. I had no idea he had that battle.”

That difference is such that women are less driven to seek purely sexual release, and when they do it is far easier for a woman to find a selection of men willing to meet that need with an equivalent need of their own. The reverse is, however, not the case.

This difference is a healthy, naturally occurring phenomenon. The suggestion that it must be regarded as a threat to gender equality in urgent need of containment and redirection is absolutely ridiculous.

Gender equality in law is not about striving to artificially equalise healthy biological imperatives, it is about providing equal rights under law.

The right to choose to sell sex, particularly when all other realistic options are exhausted, always equate to the right to choose and can often equate to the right to survive. The right to buy sex should be deemed to exist only in a form conditional on someone being willing to sell it.

As a woman, I demand the right to purchase any lawful sexual activity that another adult consents to sell to me.

REDUCING HARM, VULNERABILITY TO ABUSE AND EXPLOITATION OF SEX WORKERS

See also page 37 - Reducing the Numbers Involved in Sex Work

The 1993 legislation, criminalising street work, had a dramatic negative impact on harm, vulnerability to abuse, and the exploitation of sex workers.

We need to confront this reality, undo it, and insure that it can never happen again.

I was a street worker during the decriminalised period between 1983 and 1993. People would often ask:

“But who protects you? Who takes care of you?”

I would point to a squad car and say:

“They do”

I meant it, I believed it, and I was constantly aware of it. If I felt I was at any kind of risk I just had to flag down a squad car. Everybody knew that, and I did not feel at risk very often.

But how can you possibly feel that way when the guys in the squad car are under orders to stop you earning a living or even arrest you and expose you in a way that means you may lose everything you are working so hard to protect; your home, friends, family...what kind of life do they think you have left without those things?

It was worse for the women who had children, if they were arrested and exposed the bullying was brutal. Wait until you have had to calm down a distraught little boy who can't face going to school because the kids make his life hell and call his mum a “brazzer”, watch his face when he tries to tell you the words they call her, before you criminalise a sex worker.

When the police represent that serious a risk to the life and family of a sex worker in their own right, a beating, or a pickpocket, seems a very small thing in comparison, and guess what? It doesn't take the guys who pick pockets or get a kick out of beating up women very long to figure that out and realise it is open season.

If you criminalise the clients then a sex worker can't even make the money she needs, and that is usually a lot worse, and more harmful, than a beating or a pickpocket too. People don't seem to have a clue how harmful and dangerous not being able to get the money you need to live can be. Perhaps they need to spend a couple of weeks in that condition and learn before they decide to take away someone else's livelihood and claim that it is “for their own good”.

The greater the unmet need, the more vulnerable we are to exploitation.

During the decriminalised period, between 1983 and 1993, because sex workers had no exceptional unmet need for protection, personal security, recourse to justice, and legal, if not social, validation,

there was no more exploitation, abuse and harm to sex workers than to any equivalent business, for example taxi drivers.

The only instances of exploitation and abuse related entirely to unmet emotional needs¹³ that are largely outside the scope of legislation.

When you criminalise a person's livelihood, directly or indirectly, you deny them the protection of society, and leave them vulnerable to anyone who can offer some semblance of that protection outside society.

¹³ for a real and typical example that survived through the decriminalised period see [page 75 - GLORIA](#)

SEX WORK, STIGMATISATION DISCRIMINATION, RIGHTS AND EQUALITY

Unfortunately, it is not possible to legislate to control the way people feel.

Distaste for sex work is as old as sex work itself.

Sex workers have always been resented for the relative freedom they are perceived to have, and their high earning potential without commensurate qualification or experience.

Sex work has always represented a challenge to the institution of marriage on one hand, and the subjugation of women on the other. For thousands of years, with very little regional variation, if you were born female you had three choices:

1. Marriage and a life of childrearing, subjugation and servitude
2. Devotion to some form of priesthood
3. Sex Work

This situation was not remotely fair, but there was no way to escape or challenge it, even in the most privileged classes any woman who did, drew the connotations of sex work to her reputation and the esteem in which she was held.

Male, homosexual¹⁴, sex workers may have had different origins but were effectively “in loco femina” in terms of cultural challenge¹⁵.

This only became truly redundant with the widespread availability of contraception, compounding the new, and less dependent roles imposed upon women through two world wars and galvanising the feminist movement into demanding universal social and vocational equality.

The role of women, today, is a world away from the role of women in the early 60s. Because of that other attitudes have changed too. Once reviled, homosexuality has (rightly) become a matter of personal choice. We do not need all the men we can get to provide for our women, and our women are no longer paupers or priestesses unless they accept sexual intercourse with any man that will have them.

We need to redefine sex work, and our attitude to it, in terms of that change. This is difficult because, traditionally, the market for sex work is exclusively male and not readily reconcilable with aspirations to gender equality. But gender equality is about conferring equal rights, not dictating what need those they are conferred upon should have, or use they should make of those rights.

In addition, there is a growing market of women seeking sexual, or combined social and sexual services from younger men. This has already taken on a commercial element and seems likely to

¹⁴ There seems to be no evidence of the widespread existence of male, heterosexual sex workers throughout history, let alone a clear definition or analysis of their social and cultural role. This is not to say that they do not exist.

¹⁵ “Contextualizing the Construction and Social Organization of the Commercial Male Sex Industry in London at the Beginning of the Twenty-First Century,” Justin Gaffney, Kate Beverley, 2001

continue to do so in the future. The market in sexual services for women is significantly different to the market in sexual services to men, to meet gender different needs but then, so is the fashion industry.

The social and cultural motivation for our stigmatisation of sex workers no longer exists within the framework of an equal society.

The neo feminist NGO response to this change has been to strive to present sex work repackaged with all the attributes that still regularly stigmatise disability instead:

1. Infantilised and incapable of adult autonomy
2. Incapable of self definition
3. Lacking in self awareness
4. Mentally incompetent
5. In need of direction and rescue
6. Helplessly victimised by their “condition”

This is no more an accurate representation of sex workers than it is of persons with disability, and, unfortunately, sex workers do not even share the same, limited, protections under existing equality legislation. There is a need to explore the possibility of incorporating sex work, and similar special cases under the auspices of that legislation. Currently while it is unlawful to treat and present a person less than equal because they have a disability or are of a different race, it seems perfectly legal to treat and present an adult sex worker as a mentally incompetent child.

Many of the current strategies employed by the, self appointed, and predominantly abolitionist NGO sector mimic the process of denormalisation routinely used to decrease tobacco consumption¹⁶ by artificially stigmatising tobacco and the tobacco industry, by aggressively conflating them with every conceivably relevant negative concept.

Sex workers are presented as abused children, helpless white slaves and victims of mental illness. The sex industry as a whole is presented as a collective of paedophiles, white slavers and pimps, and anyone who challenges the image presented of either is presented as a minion of the sex industry.

In reality the majority of sex workers are over 25, female, intelligent, independent and mothers, and, as such, away from work, remarkably difficult to distinguish from the rest of the population, in terms of their needs and aspirations as well as their presentation.

Behind the scenes, most of the sex industry is remarkably difficult to distinguish from and other service industry, as well as thoroughly hostile to paedophiles, white slavers, and pimps.

Denormalisation is a subliminal incitement to revulsion and contempt. It is one thing to incite revulsion towards a tube of tobacco, but quite another to turn the same strategy on a hardworking mother.

¹⁶ Markers of the denormalisation of smoking and the tobacco industry, S Chapman, B Freeman, 2007

We need to stop giving state support and funding to any NGO that stigmatises its own user group, whether deliberately or otherwise. Sadly, the phenomenon is not in any way limited to sex work, but because of its unique position as the voluntary pursuit of a solution to disadvantage rather than disadvantage in itself, sex work may well be an ideal platform to explore ways of eradicating the culture of state funded stigmatisation by (frequently self appointed) NGOs. NGO involvement in sex work as such (trafficking, coercion and violence are separate issues requiring equal resolution with, or without sex work) is non-essential, and in its present form largely superfluous. It is unlikely that there would be any significant negative impact to sex workers (at least nothing on the scale of the negative impact of “The Swedish Model” the NGO sector are demanding) if all state funding were withdrawn from any organisation that:

1. stigmatises sex workers in any way
2. usurps the voices of sex workers without a clear mandate
3. cannot show that its policies are strictly user defined and user lead
4. does not have sex workers at executive and decision making levels

As well as going a long way towards ending formal reinforcement for the continuing stigmatisation and inequality of sex workers this could serve a low impact pilot scheme for similar revision of the entire NGO sector towards a far more beneficial and cost effective model than at present.

Sex work is financially rewarding but it is also extremely hard to live and cope with and can be traumatic. It will never be an occupation that can be imposed upon anyone under threat of the withdrawal of benefits, but it is not unique in this, the same could be said of embalming, animal slaughter, mining, any work involving heights and even the armed forces, all of which are both legal and respectable.

You can argue that sex work is “disgusting” but I cannot help wondering how it stacks up compared to extracting abscessed teeth or nursing the incontinent.

All these perceptions are entirely subjective, and the further a society can move away from acting out subjective feelings through social stigmatisation, the higher the level of moral development that society can lay claim to.

All of this can be presented through the various media towards the de-stigmatisation of sex work with every change of success as long as there is no longer a counter campaign of de-normalisation running parallel to it, much less a raft of legislation that discriminates against sex work and sex workers.

Without at least decriminalisation, of themselves and their occupation, sex workers can never have protection from stigmatisation and discrimination or the same rights and equality as the rest of the population.

SEX WORK, CRIME AND THE DANGERS OF PROHIBITION

San Francisco artist turned Drug Dealer:

"I will tell you why I need to carry a gun. For me drugs are, primarily, my business. Everything I have is invested in it, and a lot of cash is involved in every deal. What am I going to do if I get ripped off or a deal goes bad? I can't call the cops. I can't take it to 'Judge Judy' ", so, even though I have hated violence all my life, I carry a gun, and there is no point in carrying a gun unless you are mentally ready to use it."

Prohibition, of its nature, excludes all possibility of fair and impartial regulation at the hands of the state. As it does not equally exclude the factors that require regulation, unless the law of the jungle fully asserts itself in the form of widespread bullying and that ensures only the survival of the biggest and most vicious, bullies and the ongoing abuse of just about everybody else, that function invariably falls into the hands of organised crime.

I very much doubt if there has ever been an example of prohibition having a different affect. Of course, in instances like class "A" drugs, the disastrous consequences of prohibition must be balanced with the tangible benefits to the wider society, and, on the whole, the benefits seem to outweigh the ill effects.

I cannot identify one single tangible benefit to the wider society through the prohibition of sex work that could not be better achieved through decriminalisation and regulation. The stark truth is that, in real terms, sex work has very little tangible affect on the wider society, one way or the other, at all, and, perhaps, an increased awareness of that is long overdue.

It is a very poor excuse for denying a couple of thousand, often already hard pressed, adults the same rights, protection, legitimacy and regulation as the wider society, thrusting them into the hands of organised crime, then creating legislation aimed at taking their only adequate source of income away in a recession.

Claiming that sex work damages sex workers as a justification is insulting and degrading. They are intelligent adults who have already worked out that the benefits outweigh the cost perfectly well for themselves. Or if not, have erred as a result of separate, secondary issues that do not fall within the scope of sex work legislation, for example personality disorder or substance abuse.

Independent of criminalisation, sex work does not, in and of itself, generate any more crime than any other occupation or circumstance. Any associated crime should be dealt with as a separate issue, in exactly the same way as it would be in the wider society.

A zero tolerance approach to any form of associated crime would actually assist in the de-stigmatisation and normalisation of sex workers and their families in the public perception.

ADDRESSING CONCERNS REGARDING PUBLIC HEALTH AND HIV TRANSMISSION

We need to recognise that most sex workers are fully aware of safer sex practices and have always done more to promote them themselves than anyone else. In that light it has always been condescending in the extreme for anyone to suggest they need education in this respect¹⁷. What we should be doing is encouraging sex workers to participate in the formulation of policy promoting safer sex practices to the wider population.

For the rest of my submission on this topic, because this is a complex, medical issue, rather than crudely “reinventing the wheel” I would like to refer you to an expert opinion I fully concur with:

Prohibitory Prostitution Laws and the Human Right to Health, Wendy Lyon 2011 Law School, Griffith College, Dublin¹⁸

Abstract - Wendy Lyon 2011:

“This paper demonstrated that laws that criminalise sex work or aspects thereof are associated with negative outcomes for sex workers’ right to health under international law. It also showed that the right to health is an underused mechanism in judicial challenges to these laws.

The objective was to analyse, at practical and judicial levels, the relationship between prohibitory prostitution laws and the right to health. International treaties were examined to establish the relevant content of the right. Studies of the health-related effects of these laws, in various jurisdictions, were reviewed. Existing research into the effects of legalising prostitution under specified circumstances, and the effects of decriminalisation, was also examined. Case law was reviewed of judicial challenges to prostitution laws, and health-related aspects of relevant cases were discussed. The reasons that each court did or did not reach a decision protecting sex workers’ right to health were also considered.

The dissertation found that prohibitory laws lead to negative consequences for sex workers’ health by increasing their risk of violence and sexually-transmitted infections; adversely affecting their mental health, through these risks and through stigmatisation; denying them occupational health

¹⁷ At its inception, in 1993, the Europap project paying people who had little or no practical experience of the factors involved in safer sex practices to educate sex workers who already knew pretty much everything, and certainly far more than they did, was absolutely inexplicable. They should have been paying sex workers to teach them about safe sex instead. The ridiculous bias of the whole project played a huge part in creating a degrading and dangerous new myth of sex workers as mentally defective, infantilised, people incapable of autonomy or contribution to society that reinforces their sense of voicelessness and disenfranchisement.

¹⁸ http://gcd.academia.edu/WendyLyon/Papers/1013040/Prohibitory_Prostitution_Laws_and_the_Human_Right_to_Health

and safety; and excluding them from the process by which health-affecting decisions are made. It found positive health outcomes from removal of these laws, although excessive regulation of legal prostitution can have negative effects. It also found insufficient justification for health-based arguments in favour of prohibitory laws.

It showed that only a small number of challenges to these laws have highlighted their relationship to health, and the basis of these challenges has not been the right to health itself, although a breach of a derivative right has sometimes been asserted. Health has also, at times, served as a defence to these laws.

It concluded that sex workers' right to health can best be protected through a legal framework that decriminalises consensual commercial sex and explicitly protects their occupational health and safety rights. This must be accompanied by efforts to ameliorate stigmatisation. Judicial action can play a role, although it may require the assertion of a derivative right rather than the right to health itself."

MAKING SEX WORKERS FEEL COMFORTABLE ABOUT LEAVING SEX WORK

Also see page 87 - **RECOMMENDATIONS** (from "Girls on the Street; The need for a 'Welcome'" Jim Finucane, 1981)

When a sex worker has followed the life plan and achieved the goals she has set herself and reached the point where she is ready to leave then she does not need anyone to make her feel comfortable. A little recognition of her reality, her capability and all that she has achieved, and will go on to achieve, for herself and perhaps also her family is long overdue and has been withheld too long.

It is offensive and insulting to inform her that she is a traumatised victim in need of definition and guidance from "her betters" (who are frequently clueless and lacking an adequate moral compass), disregard anything she has to say unless she agrees.

When a sex worker has not been so successful and yet still wants to leave sex work there is nothing comfortable about a situation in which she is an autonomous, capable and competent adult as long as she is a sex worker but must embrace the role and aspirations of an inadequate and infantilised victim, incapable of thought, judgement or self definition in order to be given any help to leave. Yet this is all that has been available to people seeking to leave sex work for more than 20 years. Before that there seems to have been nothing at all, apart from destitution in a Legion of Mary Hostel or worse, a Magdalene Laundry.

Almost every sex worker represents a compound failure, on the part of the society, to meet the needs of an individual who deserved better. She deserves compensation, but instead we condemn her, we legislate to make her life as difficult as possible, and if she tries to leave all we will offer her is disempowerment, invalidation, infantilisation and submission to exploitation by the same organisations that misrepresent her and campaign against her best interests while ignoring and shouting down her objections.

That is far from comfortable, in fact, it more closely resembles abuse.

Whatever the legislation that is put in place, we owe it to every sex worker in the country, and every person likely to become a sex worker to dismantle that travesty and replace it with something better.

There is no justification for continuing a situation where the only resources available to sex workers are under the control of organisations that dedicate most of their energy and resources to misrepresenting and eradicating sex work.

The first step is to submit the existing organisations to full VFM audit and all their claims to thorough impartial scrutiny and strict rules of evidence and corroborated by widespread direct consultation with sex workers, because most of these claims have no substance at all in reality let alone relevance. (I am just one, very vulnerable, woman, I do not have anything like the resources to prove that, but it remains an outstanding responsibility to all the people whose lives and livelihoods are constantly under attack by the very organisations funded to support and assist them.)

The next step is a proper, impartial, direct assessment of the real needs of sex workers in terms of ongoing support as well as exit resources, however hard that is, however alienated they have become because of the abnegation of duty, and abuse of resources, within existing resources.

Who knows what comes next?

“PIMPING”, “LIVING OFF” AND “ORGANISATION”

The only good pimp is a dead pimp - that is what I have been conditioned to believe since I was 13¹⁹. As a legal principle there are 4 problems with that philosophy:

1. It is unconstitutional
2. It confers no tangible benefit on anyone
3. It is unrealistic
4. We have no real definition of pimping as a concept.

There is no room for prejudice in legislation, even when it is my own.

Current legislation criminalises anyone who provides essential services to a sex worker, and anyone who knowingly rents property to a sex worker. As it stands, the law even criminalises any child a sex worker supports. No-one intends to enforce that, but what is the point in having laws on statute whose compliance with the expectations of any reasonable person depend upon not enforcing them? Why not have the laws we need and intend to enforce in the first place?

When I abandon my own prejudice and subjective thinking, it seems clear to me that every act there is tangible benefit to anyone in enforcing criminal legislation against could be dealt with under the auspices of other laws against more general extortion, that already carry harsh penalties²⁰ with no more than very minor adjustments and without any conflict with the possibility of direct taxation that would otherwise occur.

Serious consideration needs to be given to whether any act of abuse (such as coerced labour) that requires harsh legislation in every general sense also require separate legislation specific to sex work at all. It might be better to establish a principle that gives a sex worker equal rights and worth to any other person under law, without regard to their occupation, and vice versa.

¹⁹ This principle was instilled into me by the 39 year old man I lived with, age 13, as “survival sex”, the only alternative available to sex work (of which I had a morbid fear) . I had already tried begging to be taken into care for my own protection and been ignored. I needed to eat. I needed a roof over my head. I had a right to survive. The man had no idea how young I was. I did not sell sex until I was 24 and once again asserting my right to survive in the face of absolute desperation. When I did I found myself far more personally, as well as financially, empowered than I ever had been in my life and, as a plus, I was no longer required to provide fake orgasms and anal sex to survive.

²⁰ Criminal Justice act 1994 “on conviction on indictment to a fine or to imprisonment for a term not exceeding 14 years or to both.”

SYSTEMS AND PROCEDURES THAT SHOULD BE SET UP FOR REGULAR CONSULTATION WITH ALL STAKEHOLDERS

There must be regular consultation, but we need to define who are the real stakeholders, obviously the gardai, and anyone directly affected by the sex industry, whether actively or passively.

Any consultation must deal directly with sex workers. They are the primary stakeholders here. There is a serious problem with facilitating that. Since the days when sex worker representatives felt confident enough to demand the right to speak to government on their own behalf²¹, their confidence has been undermined and their sense of anomie and alienation from society has been exacerbated to the extent that it is almost impossible to persuade any of them to trust and engage with this consultation process.

It is not that they have nothing to say, they have plenty to say.

It is not that they are not articulate enough to express themselves, they are usually singularly articulate people.

It is certainly not that they regard the relevant NGOs as accurately representing their views, Nothing could be further from the truth.

They are riddled with internalised prejudice, which is subliminally reinforced by the attitudes promoted by the relevant NGOs.

It hurts, and harms, on a very deep level, to be talked over, dehumanised and discussed as though you are some kind of child or animal, without the competence to speak for yourself.

It is really disorientating to see your reality, even regularly portrayed in the media as something completely different to what it is. It is like having your identity disenfranchised. It leaves you in an impossible position where there is no point in approaching any discussion until you find a way to somehow debunk the ongoing mythology and present your reality as it is.

I have found myself being instructed, by people young enough to be my children, who have sometimes never even met a sex worker face to face, on what sex work is, how it affected me, what I need and even what my clients were like. It is like walking into a wall of cognitive dissonance that leaves you wondering how you are giving the impression that you are so mentally defective that you are not even capable of recalling and evaluating your own experiences and feelings.

²¹ - Meeting with Prostitutes' Representatives. Tuesday, 13 November 1979
<http://debates.oireachtas.ie/dail/1979/11/13/00049.asp>

It hurts when you tell people what you need and they use that against you, after a while it hurts too much for you to try and tell anyone again.

The anger that you feel inside at being invalidated this way becomes overwhelming, stifling, and a barrier forms between you, and the rest of the world, that you may never be able find a way to surmount.

It is impossible to find a way to have any kind of faith in humanity again after that.

Many sex workers do have PTSD, but not from sex work, rather from whatever situation left them with sex work as their only solution in the first place.

In 1981 sex workers wanted to speak for themselves badly enough to demand it.

Thirty years on, sex workers are afraid to speak for themselves in case that leads to being exposed, or in case by “rocking the boat” they make things even worse for themselves. But more than that, they cannot see any point in speaking for themselves, because for so long people have pretended to listen, then taken every word they have said and distorted it to some agenda that is often against their wishes and best interests.

It will take a long time, and a lot of patient, impartial outreach, to overcome that much anomie. I believe that reining in, and being seen to rein in, the NGOs that are at least partly responsible for it would be a good beginning. It is too much to ask that sex workers have any confidence in the state when the state lavishly funds NGOs to work against their wishes and best interests, and, adding insult to injury, to do it in the name of “support”.

There is a desperate need for an impartial and confidential supervisory body within the framework of government. This must not, under any circumstances, come from, or be within, the NGO sector. The NGO sector has consistently, without any exception that I am aware of, routinely abused, misrepresented and excluded sex workers (This is, sadly, not limited to “Turn Off the Red Light” member organisations). Sex workers are the primary stakeholders, and must not be discouraged from participation in the smallest way.

Perhaps this is the right place to commend Kenneth Maher of the Department of Justice and Alan Guidon, Clerk of the committee, as well as Pat Neary. Dealing with them, by phone and email at times during the course of this consultation has been like dealing with a different species of sentient being, from a different planet to the NGO sector. They have been warm, pleasant and courteous, without a trace of anything resembling judgement or condescension. It has been a pleasure to deal with all of them. Others have said the same. Just that different attitude has made it possible for several people to face dealing with this consultation at all.

I believe it is realistically possible to set up a supervisory body in a similar spirit.

ADDITIONAL PROPOSALS FOR LEGISLATIVE REFORM

In the light of all the above I would like to propose the following approaches which focus on increasing interdependent rights and responsibilities for sex workers, with the emphasis on facilitating independent sex workers, discouraging exploitation and eradicating coercion.

(i) EXEMPTION ZONES FOR ON STREET WORKERS

On street work is the only independent sex work realistically accessible for [crisis sex workers and survival sex workers](#). To set up as an indoor independent escort requires investment and commitment that they are unlikely to possess, and so, being denied legitimate on-street work, they are left with no alternative to being exploited indoors by a pimp or a madam (if they can find one) or must risk arrest and persecution.²²

If these individuals had a better alternative to meet their critical financial needs it is unlikely that they would be considering sex work at all, and anyone who suggests otherwise is being remarkably insensitive and obtuse.

On street work is usually far less elaborate and demanding than indoor work and, as such, is a positive preference for many sex workers, who could not cope with the pressures associated with indoor sex work.

The only real objections to on street sex work are public order issues which the introduction of such exemption zones, with a zero-tolerance policy to street crime within that zone and to solicitation outside of that zone could considerably address. As noted earlier, criminalisation has a detrimental effect on the welfare of sex workers and often places those most in need, outside the reach of support from both the State and the voluntary sector.

It is my belief that An Garda Síochána, in co-operation with the relevant Local Authorities, would be the most suitable agency given their existing public order enforcement role to designate such areas as is consistent with the prevailing local and environmental circumstances. The zero tolerance approach would ensure that unlike the case in the Netherlands with full legislation, the responsibility gave with the rights associated with the designated zone.

While operational policing is a matter for An Garda Síochána, one suggestion with some merit would be the locating of such designated zones within the coverage of the existing Garda Closed Circuit Television (CCTV) schemes operating in cities and towns throughout the country.

(ii) ALLOW SEX WORKERS TO SHARE PREMISES FOR SAFETY, ECONOMY AND COMPANY

Amend existing legislation to allow sex workers to share premises for safety, economy and company. Also to remove any sanction against private landlords who rent residential property to sex workers as long as they are fully compliant with the PRTB and other legislation not least regarding reasonable rents (ie legalise renting premises to a sex worker but not for the purposes of profiteering and

²² This has been demonstrated by the dramatic change in the sex industry brought about by the enactment of the *Criminal Law (Sexual Offences) Act 1993* that became, in effect a “Pimps Charter” almost immediately.

exploitation). Ensure that suitable business premises may be rented to a sex worker in the same manner as to any other business. Zero tolerance of abuse of premises or tenants.

(III) ALLOW ADVERTISING SERVICES TO OPERATE LEGALLY WITHIN IRELAND, SUBJECT TO IRISH REGULATION

Amend existing legislation to allow advertising services to operate legally within Ireland, subject to Irish regulation. Zero tolerance for non-compliance, and full co-operation with the identification and prosecution of coercive profiteers demanded and expected.

(IV) LICENCE INDOOR SEX WORKERS IN A SIMILAR MANNER TO HACKNEY DRIVERS

Licence at least indoor sex workers in a similar manner to hackney drivers.

There is no benefit in imposing formal commitments on street workers as, for many of them, it is a question of crisis resolution and the less lingering ties to the sex industry they must have sooner, and more fully, they will be able to leave the sex industry.

The licence could take the form of a laminated photo ID with just a registered number and a photo ID (there are many excellent reasons why a sex worker might not wish to share her name within the sex industry, all of which should be respected). Once licenced in this way it would be possible to restrict legal advertising to licenced sex workers with the side effect of weeding out fake profile and scams and assisting the advertising services in excluding and exposing coercion and trafficking which they have indicated a willingness to do.

A similar restriction could be applied to any provider of services to sex workers such as landlords.

In this way the more elective, and committed a sex worker is the more likely she is to be licensed and regulated without interfering with the use of sex work for personal crisis resolution at all. The provision of licences would also mean that changes in existing legislation could be presented, almost uniformly, in the form of exemptions from prosecution for either licensed sex workers and specific services or on-street sex workers within exemption zones.

(V) PROVISION OF NEUTRAL KEY WORKERS WITHIN STATE SYSTEM

Provide at least one key worker, within DSP, MABS or similar, with responsibility for ensuring that sex workers have access to full information on their available options within the system at all times. Existing NGOs are not suitable for this as they are too rigidly aligned with abolitionist ideologies that create an unacceptable conflict of interest. In addition the majority of sex workers feel too threatened and intimidated by them to be comfortable interacting with them. It is far better value for money to provided key workers within the more neutral environment of the public service than to explore the more costly possibility of funding counterbalancing NGOs²³.

²³ There seems to be a need for a value for money audit of NGOs receiving funding to support sex workers as a cursory glance at earlier accounts suggest the over 2/3 of funding is going on overheads rather than projects or service provision, and the main purpose of some of these organisations appears to have changed course from supporting sex workers to lobbying for the abolition of sex work. In an economic climate where services to disabled children are being cut back this does not seem to represent the best use of public funds.

FURTHER INFORMATION

INTRODUCTION

I am appending the following report as additional information with the full permission of the author, Jim Finucane, then National Chairman of Young Fine Gael and research officer to Michael Keating TD. as well as being, in my opinion, a young man of remarkable intelligence, sensitivity and insight.

Written in 1980 it was the first time that government found a way to consult sex workers directly, and impartially. It would also seem to be the last.

At first glance, you may feel that many of his recommendations have been followed since. But in truth they have been followed in name only, and used as an excuse to exploit the women they affect to serve towards other agenda, often under the auspices of the same religious orders that were still trafficking and abusing women as a slave labour force in the notorious Magdalene Laundries until 1996, seven years after they founded Ruhama..

There are 3 signatories to “**Girls on the street: the need for a ‘Welcome’**”, at least one of them, Lyn Madden, was an active street worker at the time she signed it. You will find no active sex workers being given an equal role, or even the power of veto, in the preparation of any report produced by Ruhama. Former sex workers are only allowed very limited input, conditional upon blindly endorsing Ruhama’s Agenda, which is so far removed from the reality of sex worker’s lives that no-one could sincerely endorse it at all. If you disagree with them, whatever means are necessary will be used to silence you and keep you silent. As I have learned, to my cost over the years.

Another core component of the recommendations in “**Girls on the street: the need for a ‘Welcome’**” was the involvement of former sex workers in any provision. This was also a core principle of the Europap project²⁴ from which current provision supposedly originated. For the duration of the Europap project, Ireland distinguished itself by being the only country in Europe to refuse to consider the employment of peer counsellors and educators or the inclusion of sex workers and former sex workers at decision making levels. Any attempt at challenging this was stonewalled.

“I went to Ruhama in 1997, trying to get a little computer time. I left school too young to have ever had a chance to learn the basics and it made me feel, and appear, illiterate in the jobs market, without that skill I have no chance of suitable work. I was living on the dole with no rent allowance at the time. Ruhama refused, but told me they were starting computer classes in September as soon as they had some computers. September was several months away. The implication seemed to be that I should go back to sex work for the first time in 4 years while I waited.”

²⁴ Hustling for Health, 1998 Europap/Tampep http://www.tampep.eu/documents/hustling_for_healthEN_1998.pdf

I tried to tell them that I could not wait, and that I do not learn well in classes(I have a learning disorder) but can learn things very fast and could easily master the basics left to teach myself for a couple of hours, but they would not help, nor even suggest anything.

A year later I found out, by chance that the computer classes had never even begun, because they still had no computers. Having found access to computers to teach myself in the meanwhile I wanted other women to have the same chance to learn as soon as possible, so I went to great trouble to locate 3 redundant, but useable, office computers to donate to them, with an option on buying more at a ridiculously low, wholesale price. I called and left messages, with reception, and on the answer machine, many, many times in the course of 3 days, before I gave up. I assumed they already had computers now and did not need them and did not have the manners to say so.

I was appalled to hear, months later, that there were still no computer classes “because we cannot afford computers”.

1997 is a very long time ago, but the same person who refused to return my calls, or take a gift of free computers from a former sex worker is still on the board today ”

Within the current provision, sex workers are treated like a cash crop to be disenfranchised, controlled and exploited for funding and agenda.

In 1981, after extensive research, Jim Finucane came under the very different impression that they were sentient, adult human beings, with minds and voices of their own, and should be treated as such.

That is a huge difference.

GIRLS ON THE STREET: THE NEED FOR A 'WELCOME' – JIM FINUCANE (1981)

INTRODUCTION

In this report I interviewed a number of girls who make their living 'off the street'. These are their stories or more aptly their lives. The least they deserve is understanding and help. What they do is nothing more than a job to them. They provide a service which is widely availed of. All they gain from such an occupation is some money, along with the risks of being beaten up and abused. There is no satisfaction in what they do either physical or otherwise. It is said that the difference between man and animal is that man is supposedly able to control his natural instincts. Of course there are quite a few amongst us who would not qualify for such a distinction. They need an outlet and these girls provide the necessary service which, if not provided, would surely lead to more serious crime.

FOREWORD

Adults are no more than oversized children. Children overbound in honesty, sincerity and sensitivity. Adults for their part develop their traits of avarice, greed, ambition and selfishness at a rate which leaves their better qualities swamped. One can have faith in the young but so little in the old. Children represent all that is good, innocent and pure no matter what type of devilment we often find them in. Yet in our society we glare and shudder at children who don't come from the same backgrounds, go to different schools and even eat different food. We don't allow our children to play with these children in case they would prove to be a bad influence. We disturb and interfere in a child's world, unreal as it is, it is often a far happier one than our's. We judge people by the area or district they live and this dictates what type of schools and hospitals they will have.

On one occasion, in fashionable Nassau street, I came upon a little itinerant girl crying furiously on the pavement. She had been badly beaten about the feet. But the busy fashionable people just walked over her, annoyed that they should be inconvenienced in any way. But that little girl was used to being walked upon, beaten and ignored. She is not alone.

The girls I met are tired of being trampled on, used and abused in a careless fashion. From the street to the courts from the courts to the institutions and from the institutions back to the streets. A stinking whirlpool of abuse and ignorance. They have heard the politicians social workers and all the other vocalists. As Yeats once said "the catch cries of the clowns". The women's groups and movements and associations and tea parties all uttering the same artificial and unreal nonsense. Confusion seems to be their main characteristic. Sects and splinter groups all so fragmented that when they do cry out, it is usually an infinite deal of nothing. This problem seems to be so intangible and unmanageable that it is left in the hands of the semi-religious fanatics. My God, if only religion would be practised and not preached. But then again, if it was we would have a perfect society.

If this report is to achieve anything it will give recognition to a problem that has been so distasteful to so many for so long. Perhaps eventually people will be treated as people.

LINDA

Linda was born in Cork city. Her parents were unhappily married which led to a bad family atmosphere. She does not remember much of her early childhood and perhaps that is a good thing. Her father is a vague figure except for the times he used to beat her mother. These beatings, which

were savage and regular, terrified Linda and stand out clearly in her mind. When she was seven her mother ran away to England taking both Linda and her younger sister with her and placed them in separate children's homes.

Linda's new home was an institution run by an order of nuns in Hammersmith. The atmosphere was forbidding and cold. Strict rules and regulations were the order of the day and they were vigorously enforced. Misdemeanours were punished by beatings. Although she managed to read and write, she got little formal education here. Bright and creative, she never got the opportunity to develop her own talents. Nor did she develop any friendships with the other children, quite a few of whom were Irish. A sensitive child, she felt different and lost and, unlike others, she had no one to relate to in the outside world except her mother. Even her younger sister was kept totally apart from her.

Six years later her mother took Linda back. By this time she had remarried, but this marriage was not to last long. Her new relationship with Linda was formal, uncertain and mistrustful. After a short period, she was placed in another home. A year and a half later she went back to her mother who had meanwhile left her husband and gone to live with another man. In her new home Linda's position changed little until one day her real father appeared and sought custody of her. Shocked and confused, she tried to run away but was picked up by the police and returned like lost property to her mother and guardian. Still determined to escape, she managed at the age of seventeen to get back to Ireland and to an aunt in Dublin. This was her first attempt to find her true self and make a fresh start. Her aunt was unconcerned however, and once more Linda was to feel worthless and unwanted.

Alone, one day in O'Connell Street she made friends with a girl who seemed to understand and care about her. Unknown to Linda however, her new friend, Patsy was 'on the beat' in Dublin. Patsy persuaded her to go to Belfast, where life would be better. With nothing else to do and nowhere to go, Linda embarked on a journey that would prove to be the turning point of her life. Promises of better times in Belfast faded and it was then that Patsy revealed what she did in order to survive. Linda felt trapped. Existence at the cost of selling one's body daily would label her with a brand she would find extremely difficult to shake off. But how else could she survive? Confused, uncertain and even more alienated than before she found herself on the side of the street one night performing 'an act of love'. Her bitterness was deepened by a prison sentence in Armagh gaol. Here in the company of girls who had spent many years on the streets, she was forced to accept the new roles which had been thrust upon her. On her release she was deported once more back to England. She had to resort to shoplifting to keep above the breadline. For Linda crime certainly did not pay. Caught shoplifting, she was placed in a detention centre similar to Loughan House and the only privilege she had there was access to a library. The inmates were again the 'hard cases' and they instilled in her the determination to work the more lucrative areas and so make supposedly tremendous amounts of money. This advice was not to be of much benefit to her.

Only four weeks after her release, she was again arrested and this time sent to a special women's prison which was devoid of any educational facilities whatsoever. At the ripe age of 19, she had nothing to take her mind off a lifetime spent in a grim triangle of orphanages, prostitution and imprisonment.

It was on her release three years later that she met the man who was to dominate most of her life. It would prove to be a long, unhappy relationship. He was an unstable, insecure type, already married,

but separated from his wife. Linda and he began living together and for a while it seemed that she had found some degree of security at last. Unfortunately however, he was sentenced to six months imprisonment for a driving offence and Linda found herself on her own again. Not quite on her own because she now had a child to support. With no income whatsoever and no one to turn to for help, what was she to do? The answer was simple and dreadful, as she had been off the streets for two years. It was around this time that she discovered she was expecting her second child. Her common law husband was also released around this period. Instead of helping her recover from her ordeal he forced her back on to the streets impressing on her the obligation to make some real money. He assumed the position of her 'ponce' or 'pimp' – both of which terms refer to a specific form of animal. Her situation became a living hell. Several times she tried to escape but he always managed to trace her. He would then punish her. Each punishment meant a savage beating. Not only did she fear for herself, she also came to fear for her two children.

Her hours on the street usually started at seven and ended at one in the morning. The hours extended when they moved to Ireland and the red light district of Dublin. Her area was Baggot Street where she was forced to earn up to £100 a night. This meant some very long hours but there was always a large and eager clientel about. Her clients were among the most eminent of Dublin's elite – most of them in prominent and responsible positions, the kind everybody looks up to. Perhaps everybody should look a little bit closer.

The whole vice scene in the Dublin of that period exploded when certain allegations were made by a Dublin newspaper. The activities of a number of people were made public and Linda's pimp, one of the more noted ones, was forced to flee the country. She then had to commute between Ireland and England to deliver her 'earnings'. She eventually plucked up the courage to leave and went into hiding in Dublin.. He came over twice to try and trace her, but was sent back each time to face other charges. She was finally left alone and so was at peace with herself.

Linda is still in Baggot Street but hopes to give it up fairly soon and buy a house for herself.

DOLORES

When Dolores was younger she became friendly with a girl who had already started on the streets. She was gradually persuaded to do likewise. The opportunity to make what seemed easy money appealed to her and for a while money had her in its control. Over the years, her outlook changed and she now wishes that her life had not turned out the way it had. A lot of people, she feels, have only one chance and this chance should be guarded and watched. But how can you get some people to listen when they are bent on learning the hard way?

She is acutely aware of how society regards her and the other girls. The stigma attached to her way of life offends her deeply. She admits she had made mistakes but do other people have to be so anxious in reminding her? A notable exception was the legendary Det. Sgt. (Lugs) Brannigan. He respected the girls at a time when nobody else would. 'An understanding and kind man' she describes him, and 'a thorough gentleman'.

Dolores neither dislikes men nor bears any grudge against them. She feels quite sorry for some of her clients because they are unhappy and on several occasions has spent time with them talking over family problems and giving advice when she can. In an out of court many times, she has on

more than one occasion seen a familiar face on the Bench. But that is life and life has its ironic twists in showing people up in a different light.

Dolores has been on the streets for nine years now although there are scars on her face to remind her of rough times, she has retained a strong sense of humour. Looked upon as a bit of a veteran, she helps and advises the younger girls, she feels that she has a responsibility towards them.

ANN

On meeting Ann for the first time it was difficult to associate her with prostitution. Attractive in a quiet, unassuming way, she is sensitive and almost unbelievably gentle for the harsh and unprotecting society she finds herself in. She had a happy and protected childhood. It ended at the age of thirteen when she had to work to help support her family. With little education she got a badly paid job in a textile factory. All she wanted out of life was to get married and have lots of children.

It was her fiance who made her take to the streets. Her nature was too trusting and she was very easily led by him. He is still her pimp. He takes all her earnings and if the sum is unsatisfactory she receives a beating. Her life is one of constant fear and depression and she has been hospitalised a few times. She often thinks about suicide.

She remembers her first night on the street and how upsetting it was. In deep distress she went for help to the Legion of Mary but the only thing she received was a lecture on the immorality of what she was doing. All she can do now is to shrug her shoulders. Every night of the week she spends ten minute intervals with a number of different men – mostly middle aged officials, politicians and priests. There aren't many people left to believe in although the idea of a help-centre run by girls who had themselves been on the streets but escaped from it, appeals to her. Girls might actually get the advice and concern she never got.

Already twenty-eight she feels she will never fulfill her ambition of marriage and children. But she hopes to escape from her present situation at some future stage. The only time she has to herself at present is when she visits churches and graveyards.

TINA

Tina, the daughter of an unmarried mother, had a disturbed childhood. Expelled from school and sent to a special institution at Killmacud, she was in frequent trouble with the law. Her first appearance in the children's court was at the age of seven. Lacking a real home and family she became something of a loner with an affection for all kinds of animals. She smiles now when she talks of joining the I.S.P.C.A. while still very young.

Her own collection of stray animals was quite extensive and unique.

Life didn't improve when her mother got married. It got considerably worse. Her new father took no interest whatsoever in Tina's welfare and refused to support the family. With her mother out at work all day it became Tina's responsibility to bring up and provide for the younger children. This adult role was further moulded when she lost her virginity at the age of 12. Three years later and still only 15, she was introduced to the streets by a friend who later committed suicide.

Tina has been 'on the game' for a long time now. Working on her own she puts all her earnings into the care of her young daughter and the flat they live in. With the exception of taxi-drivers, whom she finds understanding and helpful, she dislikes men intensely, yet shrugs her shoulders at any talk of giving up the streets. After one such attempt she was evicted from her flat for falling behind with the rent so she had to go back to the only way she knew of making money. Most of her clients are politicians, civil servants and priests. With such a clientele she feels she can't turn to anybody for help or advice. She hasn't a high regard for the Legion of Mary, who in her opinion are 'a bunch of do-gooders doing more harm than good'. Harshly critical of the vice squad, she relates stories about certain detectives who use the girls themselves and charge a fee which supposedly protects them from being picked up.

Tina's only friends now are those on the street. They are mostly illiterate and tend to drink heavily though her own form of escape is through the use of drugs like valium. She isn't optimistic about the future. She can only think of it as a miserable extension of the present. Her only hope is that her daughter will not end up like herself.

GLORIA

When Gloria was 17 she was viciously raped. This horrifying experience stands out explicitly in her mind and even to talk about it now, more than a year later, relives the nightmare. No amount of comforting or advice from friends could console her and she turned away from other people. Her mental anguish gave her little peace of mind and feeling dirty and unclean she constantly washed and bathed herself in a vain attempt to rid herself of a feeling of violation. Learning to mix with other people again wasn't easy. Tormented by the memory of what she had experienced she found it difficult to trust or believe in anybody. For a 17 year old girl to go through such an experience and then to be humiliated and degraded by the complete lack of understanding shown by those who investigate such crimes must surely tax one's level of endurance. Reflecting on her present life, she often thinks that she is saving someone from experiencing the kind of ordeal she went through.

Gloria insists that she has no pimp. She is in love with a man to whom she frequently gives money. He knows that she is on the street but regards it as a mere job. Whenever she is with him she feels it is all worthwhile. Her times with him seem to be her means of escape. He has never harmed her in any way. But sometimes she has doubts about what she is doing. Being branded as a prostitute offends her. Young, intelligent and attractive, her friends are anxious that she puts her life in order. As she is only eighteen they feel she has a chance. Whether or not she succeeds remains to be seen.

LISA

Lisa was five and a half years of age when her mother and father split up. Herself and her three brothers were put into the custody of their grand-parents. By all accounts their grand parents proved to be as good as any father and mother could be. But Lisa's grand-father suffered from cancer and required a lot of attention and care. Lisa could see that her grand-mother was fully occupied in caring for her grand father, so she decided not to infringe and to go to England. She was fourteen when she arrived at the doorstep of her mother who had since married again. Her re-unification with her mother was marred by her step-father, whom she despised. After some time she decided to leave and travel to the bright lights of London, she was fifteen years of age just then. A spectator at a football match, she met Ken. Ken was older than her and did not seem as silly or as dull as the other boys she had met. Ken was a drug addict. After a while with him, Lisa began to take

light drugs herself. It seemed to ease the tension and make her relax in a way she never thought possible. Her trips took her into a kind of dreamland, away from the hard real world she was used to. She began to sleep with Ken and it wasn't long before she found herself pregnant. All this time she was sure she loved Ken and that he loved her. Now she grinds her teeth and smokes in a hurried fashion when she thinks of him. She went back to her mother not telling her that she was pregnant, but her mother soon found out and forced her to leave. From here she went to Manchester and worked in a bar. Lonely and with her world collapsing around, she tried to kill herself by taking an overdose of drugs. Ken learned of her ordeal and went to see her in Manchester. They decided to get married. 'Christ' and she shakes her head in disbelief now. Her married bliss was to last two years. Her first little girl was just four months old when she realised she was pregnant again. One night Ken came barging in doped with drugs and drink and proceeded to give her a beating which left her senseless. Following this she had a miscarriage and lost her child. One day whilst out shopping she returned to find Ken in bed with a friend of her's. She threw both of them out and decided to go to Birmingham. Placing her daughter with an aunt she left but returned after a short while because she missed her little girl. She rented a house and soon found herself pregnant for the third time. She went into hospital and gave birth to her second baby girl. Returning to her house with her second child she began to wonder how she would manage and considered placing her children up for adoption. She was now seventeen years of age and alone with two young babies. One of Ken's friends, Tony, helped her out frequently, and gave presents to the children. He wanted her to forget about Ken and live with him. A bit confused, she still thought she loved Ken. Her mother finding out about her trouble and her drug habit wrote to her and asked her to come to Dublin. Lisa did not know that her mother was now on the street in Dublin. Selling her furniture and anything she could not carry, she, along with her two children, moved to Dublin. Her mother explained to her that she had a job at night and worked long hours. Lisa got suspicious and so she followed her mother one night. She followed her to the banks of the canal when she realised what her mother did for a living. One night, alone with her mother, she said she intended to go on the street. Her mother advised her that 'it was up to herself'. Prospects of easy money and the opportunity of providing her children with all the things she never had, persuaded her to take this step. She is now nineteen and has been on the streets for some months. She works for herself, but has been approached by pimps and so far she has been able to ward them off. Hoping to give up this way of life after two years she would like to have a house of her own. Vowing never to marry again, she reflects on how she would like to work with mentally retarded children or children in need. To this day she smokes hash, takes acid, and drinks heavily. One must have some escape.

PIMPS

Pimps or ponces are the men who effectively control the lives of most of the girls on the street. The relationship between the prostitute and pimp is rather strange, and often difficult to understand. Most of the girls in question feel inadequate and insecure and very often they will cling to anyone who offers them a sense of belonging to something. Then, trapped in the control of the pimp, they lose what little freedom they had.

When people spend most of their lives drifting from one institution to another their lives are completely controlled by those who often don't have their best interests at heart. Then when left to their own resources they are unable to cope and so flounder in their own inexperience. This usually happens when they are young and at an impressionable stage and are willing victims for men who

pretend to care. At first pimps can be quite nice to their girls to build them up for the time when they become money making machines and nothing else. Given targets to meet in their earnings, life becomes very hard and unbearable. Failure to meet these targets can mean severe beatings which often require hospitalisation. Scared and alone it is only a question of resignation to a life of living hell.

Pimps strive to gain the fullest control over their victims and often get engaged or married as evidence of their “caring”. Marriage, which is often the only ambition of these girls, takes on a new light for them and so perhaps their only dream or ambition has been destroyed. Disillusioned and trapped they become resigned to their fate. Beatings, abuse and fear further force acceptance of their role in life.

There are 98 girls on the street in the Upper Baggot Street and Canal area. Approximately only 8 of these work without a pimp. Those who do have to work for pimps, usually have to earn £80 per night before they are allowed to leave their beat. Only the monies they make above the £80 mark are they allowed to keep for themselves, about £30 or £40 a week. With this they have to feed and clothe themselves along with paying for their accommodation. Some land-lords who would know of what they are involved in often charge exorbitant rents.

In this same area there are approximately 40 pimps. Each pimp averaging £480 per six nights of a girl’s work. Taking this figure it would give an average of £19,200 per week of immoral earnings from one district in Dublin.

These girls must surely be the most exploited group in our so called Western Civilization.

In Fitzwilliam Square there are about 20 English girls. This area is their sole ‘beat’. I understand that most of these girls have to earn over £100 per night. Their pimps seem to be mostly Jamaican.

THE LEGION OF MARY

The ‘Legion of Mary’ has a centre for these girls in Herbert Place in the heart of the ‘red light’ district. It seems to be of little benefit to the girls who visit there. The Legion provides neither shelter nor advice, just religion. Preaching but not practising. To these girls, who usually have priests and other religious as clients, religion seems rather meaningless. A lot can be done to help these girls as well as imploring God’s help. Perhaps we just would not like to soil our hands in this fashion.

I was hungry
so they prayed
but my belly still ached.

I was naked
so they prayed
but I still fought with the cold.

I was alone
so they prayed
but I have no friends.

I had no home
so they prayed
but I remained lurching in a doorway.

Dear God
deliver me
from your people.

THE POLICE AND THE LAW

The vice squad consists of different units attached to the stations in and around the “red light” district. It is not the most stimulating work for the detectives in question due to the inadequacy of the present laws and their work proves monotonous and frustrating. Nightly patrols are conducted in the relative areas and the usual arrests are made. Girls are charged and appear in court the following day. A fine or a prison sentence ensures that some of them will be off the street for a short while at least. Sent to Mountjoy, they receive very little help or guidance and when they leave they return to their former activities. It is a question of survival.

With the uncovering of the ‘Johnny Grey’ epic by a Sunday Newspaper a few years ago certain allegations were made which brought the reliability and honesty of a number of police officers into question. The complete story was never unfolded.

Activities which a number of police men have allegedly engaged in includes charging the girls amounts of money to prevent them from being picked up and charged, using the services of the girls for likewise, and also offering pimps protection for a fee.

Nowadays the situation seems somewhat different, but there are no safeguards against these activities occurring. Certainly the present conditions do not provide an ample setting for the police to do their job constructively and without hindrance. Outdated laws and a loosely structured vice-squad are the main ingredients of the present unsatisfactory situation.

Amongst the gardai this type of work is looked upon as ‘unlucky’. Certainly there are never requests to work in this area. Men are picked and usually work in the ‘vice area for up to a year or so.

It is distasteful for detectives to be involved in arresting prostitutes whose most serious crime might be disorderly conduct, or that of being drunk. The ‘pimps’ who are the exploiters and the real ‘gangsters’ go about unhindered. The law dates back to the ‘Criminal Law Act, 1885’ and an amendment Act in 1935.

The bulk of the law is contained in the earlier Act which contains words like “Queens Dominions” “idiot or imbecile woman” (describing a retarded person). The law is Victorian in vintage and certainly Victorian in outlook.

In England, legislation is quite tough:—

Section 30 of the Sexual Offences Act 1956:

1. It is an offence for a man knowingly to live wholly or in part on the earnings of prostitution.
2. For the purpose of this section a man who lives with or is habitually in the company of a prostitute, or who exercises control, direction or influence over a prostitute’s movements in any way

which shows he is aiding, abetting or compelling her prostitution with others, shall be presumed to be knowingly living on the earnings of prostitution, unless he proves the contrary.

31. It is an offence for a woman for purposes of gain to exercise control, direction or influence over a prostitute's movements in a way which shows she is aiding, abetting or compelling her prostitution.

42. Where it is made to appear by information on oath laid before a justice of the peace that there is reasonable cause to suspect that any house or part of a house is used by a woman for purposes of prostitution, and that a man residing in or frequenting the house is living wholly or in part on her earnings, the justice may issue a warrant authorising a constable to enter and search the house and to arrest the man.

43. (1) Where it is made to appear by information on oath laid before a justice of the peace by a woman's parent, relative or guardian, or by any person who in the opinion of the justice is acting in the woman's interests, that there is reasonable cause to suspect:-

(a) That the woman is detained in any place within the justice's jurisdiction in order that she may have unlawful sexual intercourse with men or with a particular man; and...

(b) That either she is so detained against her will, or she is under the age of sixteen or is a defective, or she is under the age of eighteen and is so detained against the will of her parent or guardian, then the justice may issue a warrant authorising a named constable to search for her and to take her to and detain her in a place of safety until she can be brought before a justice of the peace.

(2) A justice before whom a woman is brought in pursuance of the foregoing subsection may cause her to be delivered up to her parent or guardian, or otherwise dealt with as circumstances may permit and require.

(3) A constable authorised by a warrant under this section to search for a woman may enter (if need be, by force) any premises specified in the warrant, and remove the woman from the premises.

Street Offences Act, 1959:-

4. The maximum term of imprisonment to which a person is liable if convicted on indictment of an offence under section thirty (3) of the Sexual Offences Act, 1956 (man living on earnings of prostitution), or under section thirty-one (31) of the Act (woman exercising control over prostitute) shall, for offences committed after the commencement of this Act, be seven years; and accordingly, for offences so committed, in the Second Schedule to the Act, in items 30 and 31, "seven years" shall be substituted for "two years" in the third column.

On the 6 March, 1979, Ms. Maureen Colquhoun M.P. moved a Bill in the House of Commons called the Protection of Prostitutes Bill.:-

"In seeking leave to present a Bill for the protection of prostitutes, I am aware that it will not be a popular issue in the House in general election years but I am convinced that it is a reforming issue that the House should no longer overlook. The Bill seeks to amend the Sexual Offences Act 1956 and the Street Offences Act 1959 and to provide for prostitutes better protection from exploitation and victimisation.

The present laws, which are over 20 years old, have not attacked prostitution, they have merely an invitation to treat all prostitute women unjustly. They have attacked their civil liberties and lost them many human rights, I do not hide the fact that I believe that all prostitution laws must be abolished,

but the amendments are an attempt at this stage to put injustices right quickly and to jog the memory of the House about bad legislation that was introduced in the post-Wolfenden era. The amendments should also ensure that the law applies equally to men and women.

Prostitution has grown since the 1959 Act. With the best intentions, and wishing to deter prostitution, Parliament at that time introduced this appalling legislation, which has prevented women, once convicted from getting away from prostitution. It has given a woman the stigma "common prostitute" for the rest of her life, and forced her back on to the streets to pay the ever increasing fines. The amendment will abolish prison sentences. Women should not be imprisoned for soliciting. That view is supported by probation officers, lawyers, social workers and even the Police Federation;

The Bill will establish one simple offence to cover all persistent street nuisances, not only soliciting, and evidence from the person or persons annoyed will be an absolute requirement. The offence will include kerb-crawling, persistent salesmen, drunks and members of religious sects who attempt to sell people records on the street. I emphasise that it is only the peculiar sexual hypocrisy of the British that would single out prostitution or soliciting as an offence.

The Street Offences Act 1959, which deals with soliciting, was a mistake. It is wrong that a woman can be in danger of a prison sentence without a shred of evidence being produced in court that anyone has been affronted by her actions. Moreover, the present laws ensure that the incompetent prostitute, the working class girl, is the one who gets into trouble. Successful and competent prostitutes operate within the law; it is the immature, inexperienced, ageing or socially inadequate women who are the victims. These women, during a period of police observation, do not succeed in picking up a man, and they are arrested. That is usually followed by a caution or charge, fines and returning to the game to pay them.

It is a totally unjust system that a woman can be twice cautioned on the evidence of a single police officer. On a third occasion, still on the evidence of a single and often the same police officer, she can be charged with loitering with intent for the purposes of prostitution. If she pleads not guilty before court, the same police officer reads out the evidence of his two cautions. Before any offence has been proved, a person innocent in the eyes of the law can be labelled as a 'common prostitute.' There will be provision in the Bill to abolish the term 'common prostitute'.

The Sexual Offences Act 1956 will be amended to delete that part which classifies more than two women living together as a brothel. That law has forced prostitutes into the hands of organised crime, making them totally dependent upon ponces and pimps and part of a terrifying mafia. They must be able to live together to protect one another. The sooner that happens the better for the women concerned.

Finally, I emphasise that prostitutes and prostitution are not a menace. I have spoken with eminent psychiatrists who say that it is accepted in their profession that prostitutes have great therapeutic value in society. In this country the Reichian school of Psychiatrists uses sex therapy. Many psychiatrists accept that prostitutes are the oldest therapists in the world and are practitioners of professional therapy. Indeed, they help people deprived of sex to sort out their problems. Prostitutes deal primarily with all the sexual things that have gone wrong.

The first people to whom men go when they have sexual inadequacies and problems are prostitutes. Therefore, to some people in society there is great respectability in acceptance of prostitution and its social and therapeutic value. It is time that the degradation, the harassment, imprisonment and fining of these women was stopped.

To sum up, this short amending Bill to existing Acts seeks to abolish prison sentences for soliciting, establish one offence to cover all persistent street nuisances with evidence from the person annoyed, abolish the term 'common prostitute' and delete that part of the Sexual Offences Act 1956 which classifies more than two women living together as a 'brothel'. I hope the Bill will have the support of the House.

The Bill was passed in the House of Commons by 130 in favour and those against 50.

EXTRACT FROM DAIL DEBATE 13 NOVEMBER 1979

Mr. Horgan asked the Minister for Justice if he has received a request from representatives of prostitutes in Dublin for a meeting, and if so, the proposed date for such meeting; the number of convictions for soliciting in each of the past five years; and the plans, if any, to change the laws on soliciting or prostitution;

Minister for Justice (Mr. G. Collins):-

I have received correspondence from a woman who purports to be a 'spokeswoman on behalf of the girls who make their living on the streets of Dublin'. A meeting to discuss a particular court case was sought.

It would not, of course, be possible for me to agree to discuss with any person or group any matters connected with a criminal charge which is still before the courts concerned and the woman concerned has been so informed. Indeed, I might add that, because of the independence of the courts in adjudicating in particular cases, it would be inappropriate for me to comment even if the case had been disposed of.

Statistics of convictions for soliciting in each of the past five years are at present being compiled and as soon as they are available I will have them communicated to the Deputy.

I can not say whether or not I may at some stage introduce legislation to make some changes in the relevant laws. As I have already explained to the House (Official Report 27 April 1978, Volume 305, No. 11, Col. 1709), it would be impossible for me, having regard to the range of possible questions, to undertake to indicate at Question Time what legislation I may or may not introduce.

Rehabilitation of Young Prostitutes:—

Mr. Keating asked the Minister of Justice if he will set up a rehabilitation centre or a similar form of rehabilitative process to help young prostitutes who wish to give up this type of life.

Minister for Justice (Mr. G. Collins):-

Prostitution is not in itself a criminal offence. In practice, of course, it frequently involves criminal activity. That however, does not mean that it is for my Department to deal with

the variety of factors which may be said to contribute in some degree to the existence of prostitution, as indeed to some other forms of criminal or anti-social behaviour. Those factors could include various environmental factors, including housing or other accommodation, and also educational and medical – including psychiatric factors. Improvements in those areas are clearly not matters for my Department but are the responsibility of other agencies, public and voluntary. There are, in fact, services which make special provision for for prostitutes – including the provision of hostel accommodation. Some voluntary services for prostitutes are in receipt of funds from my Department to the extent that they cater for some people who have committed offences.

Prostitution Law: —

Mr. Keating asked the Minister for Justice if he will meet a deputation from the Council of the Status of Women, accompanied by a delegation representing prostitutes, to discuss changes in the law governing prostitution.

Minister for Justice (Mr. G. Collins):-

I have not received any request from the Council for the Status of Women for a meeting to discuss changes in the law in relation to prostitution.

Mr. Keating asked the Minister for Justice the number of women charged with the offence of soliciting in each of the last ten years.

Minister for Justice (Mr. G. Collins):-

Statistics relating to prosecutions for the offence of soliciting are compiled on the basis of the numbers of offences where proceedings are taken, and not on the basis of the numbers of persons charged. Moreover, such statistics as are available in Garda Headquarters refer only to the period from 1974 onwards. Prior to that, statistics relating to offences of soliciting, and so on, were not maintained separately but were included, along with other offences, under the heading of breaches of the Dublin Metropolitan Police Acts. The numbers of prosecutions for soliciting during each of the past five years were: 1974*, 70; 1975, 79; 1976, 273; 1977, 475; 1978, 207.

**** The figures for 1974 is in respect of the 12 month period ending 30 September 1974. The figures for each of the other years are in respect of the calendar years.***

RECOMMENDATIONS

1. A complete study to be made in this area as regards the law and proposals to be put forward to update the law and to make it 'workable' and 'effective'.
 2. One central vice squad which would have responsibility for the whole country. This body to be closely controlled and to have all the facilities necessary to monitor the activities of the various syndicates across the channel in conjunction with the English police. It is often the police who first come in contact with a girl about to start on the street. These early days are important and this is the time they are most receptive to help.
- It is difficult to get a girl to change her mind if she has been on the street for any length of time. She

becomes either trapped by a pimp or the attraction of large sums of money proves too much of a temptation. Therefore special training should be given to garda officers in counselling etc. Women police could also be used in this area.

3. With questions and allegations raised against the police and their seemingly reluctant attitude to carry out self investigations, calls for the setting up of an 'INTERNAL AFFAIRS UNIT' whose main responsibility would be the full investigation of all complaints and allegations brought against the gardai by the general public. There is a Disciplinary Superintendent's Office at present. This could be expanded and civilians included on it,

In most cases the gardai are of a high standard but that is not to say that there are not a number of undesirables on the force. These should be cleaned out to preserve the good name of the gardai both at home and abroad. Internal affairs units have proved successful in other police forces around the world and with the ever increasing growth of the gardai, such a squad is now more necessary than ever before.

4. A careful study should be made of all institutions and groups who are already dealing with prostitution, e.g. prisons etc to see how they can be improved and made more beneficial to the girls.

5. Our whole child care services are sadly lacking and their activities seem to be totally fragmented and unco-ordinated. This is a very basic and important area because many problems later on in life can be attributed to an unsatisfactory period spent in care. Poorly financed homes, untrained staff and no individual attention are some of the more common problems. It has long been overdue for the Government to accept it's full responsibilities in this vital area. All such institutions should be under the direct control of the state, staff properly trained, working conditions suitable and properly funded.

The following is taken from Rosita Sweetman's book 'ON OUR BACKS', which is published by Pan Books:—

Prostitution in Ireland is an unattractive business. Most of the women come on the job drunk. Most of them are married, the husband pimps waiting at home, or in a pub. Its justification, according to some, is that it's been around a long time. But so have treachery, murder, slavery. It's an eerie feeling to stand on a rain-soaked pavement in the centre of Dublin at two o'clock in the morning and realize the cars slowing down and the men peering out are assessing you like a piece of meat. Prostitution, surely, is the only crime in which one party to it is deemed a criminal and the other not. As Josephine Butler, the nineteenth century feminist, said 'Trying to stamp out prostitution by criminalizing the prostitute, is like trying to stamp out slavery by making it criminal to be a slave'.

LIZ AGED 34

In the eyes of society we're the lowest of the low. People really look down on you. I don't really care any more. If people say to me now "Oh, you're just a prostitute", I suppose it's defiance, but I just say "Well at least I get paid for it. I don't go around doing it for nothing. They can slag me if they want to, as long as my own friends stick by me."

When I first started as a prostitute it amazed me how ordinary girls they were. You know the way they're portrayed on films as big buxom blondes, dead sexy and all. But most of the girls are real ordinary.

I was amazed at the amount of violence among prostitutes in Ireland. Most of them come on the job drunk. In England you'd never drink, the police are so hot you have to keep your wits about you. But most of the girls here won't go out until they've had a few drinks. Then I used to see them talking to the police. What a load of grasses I thought. In England the police were your natural enemy, but over here when I started the police would stop and chat to you. That's all changed now. I've never been badly beaten up by the cops, but since I went on radio saying I was a prostitute and all they've come down on me really heavy. They feel whatever we get we deserve. They go through the routine of checking if we make a complaint about someone, but really they couldn't give a damn, majority of men who come down to us are upper working-class and middle class. I prefer ordinary working-class people, they don't mess you around. I think they recognize we're all the same working class, even though we've different ways of making a living. About seventy-five per cent of them want a screw, the other twenty-five per cent just a hand job, not for moralistic reasons but because they can't afford the other. I don't think it's all just boredom with their marriage, though most of them are married. I think they just want a bit of strange, you know! They put a tenner a week aside for that. The upper class blokes say they like it because there's no involvement. Prostitutes are straight-forward, if they had a girl friend their wives might find out. I don't think I really hate men, only if they try to abuse me. Every screw I've ever had I just grit my teeth and think 'For fuck sake I wish he'd hurry up'. I pretend I'm completely not there, that it's not happening to me. I think of a book I was reading, or what I'll do tomorrow. I feel a sort of affinity for a lot of them because I feel so hopeless about myself, what a mess I've made of my life. I feel it's kind of sad two complete strangers who think nothing of each other doing what they're doing.

Irishmen are very hypocritical. They're taking you off for an illicit screw and as they pay the Church they bless themselves! Or you get into a car and there's a statue of the Blessed Virgin on the dashboard, miraculous medals strewn everywhere. I'm sure they don't think of God when they're screwing you.

THE MEN IN BLUE:

What is the position of the Gardai vis a vis brothels?

Police: We'll leave that question till later. I'll take your second question first, that is, 'What constitutes a brothel?' The legal definition dates back to the 1895 Act when a brothel was deemed to be the same as a bawdy house, that is, any house kept for the purpose of prostitution, or any place resorted to by people of both sexes for that purpose.

What is the law that makes a brothel illegal? Who is liable for prosecution?

Police: Under Section 13 of the Criminal Law Amendment Act, 1935, brothels are illegal. Those who are liable for prosecution are: a landlord who knowingly allows his premises to be used for such activity; any tenant or occupier who allows, knowingly, the same; any person who manages or keeps a brothel. Finally, any person who appears to be acting as Master or Mistress can be deemed keeper of the brothel.

There is a provision under this Act for the granting of a search warrant by a Justice if he believes there is reasonable grounds for suspicion that a place is being used as a Brothel. A Garda of no less than the rank of Inspector can enter, search and inspect the premises, if needs be by force. And can

be accompanied by whatever number of Gardai he deems necessary. He can ask the names and addresses of all present. There is a penalty of £5 for anyone who refuses their name and address.

How would the Gardai go about investigating these premises? What are the procedures for prosecution?

Police: Prima facie these parlours operate as legitimate business concerns. There is no law controlling or licensing massage parlours. The Gardai would only act if a complaint were made by someone who visited these parlours that a breach of the law was being, or had been, committed. The Gardai would then investigate them under existing law. If direction for procedure was necessary the case would then be referred to the Director of Public Prosecutions.

Are there brothels operating? Or, in your view, is prostitution carried on mostly in the streets?

Police: Brothels as such are not known to us. There have been no prosecutions in recent years so, as far as we are concerned, none are operating. Most prostitution is carried on in the streets, or at least the soliciting or offering of the body is carried on in the street, most of the women then take the men to their flats. What goes on there is unknown.

Has there been an increase in prostitution?

Police: In 1975 there were 79 offences detected. 273 in 1976 and 475 in 1977. That is proceedings brought and prosecutions for the whole country. In 1977 there were 5 prosecutions against men living off immoral earnings, that is pimps.

Mr. A. deGraaf Stichting deals with research, documentation, information and assistance in relation to prostitution in the Netherlands. Underlying the policy of the Stichting (Foundation) is the view that prostitution is a symptom inherent to all societies.

“The extent of prostitution varies according to poverty, inequality, marriage-morality, social pressure. In our opinion the demand for prostitution is caused by tensions between the prevailing sexual morality and the want for sexual freedom. The actual step to prostitution depends in general on a combination of social and mental factors. The step is often taken because of immediate problems: shortage of money; housing problems etc.. Ethical objections play an important part with regard to finding solutions for these problems. In our opinion, conditional acceptance of prostitution would be the most realistic approach. This would imply objective attitudes and acceptance, but also the channelling of prostitution by taking (legal) measures and having regular consultations between all parties concerned, so that undesirable developments will be prevented and that local prostitution as to appearance (and extent) will be kept within (acceptable) bounds. In practice this means that prostitutes work the same labour legislation as everyone else.

The following information is taken from the report published by the International Abolitionist Federation after its “Rome Congress” in 1966.

In Great Britain, Josephine Butler, in the second half of the last century, found the actual formula for social rehabilitation which we apply today. Not being able to receive in her house all the prostitutes who asked for her help, she opened, with the concurrence of some friends, a house of rest where they were received with love, and next a home-workshop where they renewed, or acquired for the

first time, habits of work. To come into possession of such a necessary means of livelihood and to rediscover their psycho-physical balance, she helped to find employment. Today in London and especially in the poorer quarter of Stepney, where over populated slums are to be found, the work is undertaken by the Rev. Joseph Williamson, Chaplain and founder of the “Church House” and “Wellclose Square Fund”, and by his collaborators. Two separate houses receive prostitutes and girls in moral danger; restoration of their self-respect is sought in order to requalify them for employment and then to find them work.

Also in Britain the “Rainer Foundation” carries on preventive work by the provision of clubs and houses for young people who have already been in contact with the court; for the girls this intervention saves them from the pavement; they experience in small houses the atmosphere of family life; and here a limited number of young girls – not more than 28 – can learn to provide for their own subsistence and find peace of mind. Some of these institutions are carried on in rural surroundings. In connection with our objective of promoting the rehabilitation of prostitutes who offer even a slight response to our attempt to help them, it seems to me to be of interest before leaving the United Kingdom to recall a finding which resulted from the Wolfenden Report 3/. It is there noted that the action of women police were more efficacious than that of male police in arresting prostitutes found in the act of solicitation.

In France, the “N.I.D.” founded by the Abbe Talvas supported by young women coming in great part from the Catholic Workers (Y.C.W.). (L.C.C. receives a number of women and young girls from the streets, in a large house surrounded by a woodland garden in the outskirts of Paris — Clichy). In the house, the inmates are grouped in separate families 12 to 15 individuals.

During the course of the last twenty years of activity 1,600 persons have passed through the N.I.D., staying there and receiving help with a view to their reinstatement in normal life. 71% among them have been rehabilitated; 20% have not, at least for the time being; 9% senting a difficult re-adaption, are still being re-educated.

In a study made on the women and girls resident at the N.I.D. in 1963 and 1964, it is noted with regard to age that 73% were 18 to 30 years. As regards their family environment, 17% came of unmarried mothers; 85% came from broken homes which had big difficulties; 40% grew up in joint households. As regards the length of time during which they had practised prostitution, 38% far less than a year, 30% under 5 years, 19% from 5 to 10 years, 13% from 10 to 20 years. As to their state of health, 18% were alcoholics, 16% were tainted with mental maladies.

“Association Dauphinoise for Moral Healthe”; it received a subvention from certain communes; sheltered from 10 to 30 adult prostitutes, who were cared for and redirected into a life of work; about 50% recoveries could be enumerated.

In Paris the “Bienvenue” (Welcome) operates by means of workshop where the women work during the day. It is tolerated that during a preliminary period they continue to practise prostitution. Then the work takes effect by its therapeutic value and numerous women regain their balance and reinstate themselves in normal life.

In Belgium, systematic efforts for assistance are limited, at the present time, to two centres of reception, the “Foyer d’Aiccueil”, of whom the Directress is Dr. Nelly Berbeke, psychotherapist, and the “Maison de Renovation Morale”, directed by Mme. de Schreyner on similar principles.

The “Foyer d’Aiccueil” of Brussels at Wolurve-Saint-Pierre, has some 20 inmates for whom the State pays a modest subsidy. Mothers with children of less than one year are admitted there.

Each boarder receives in the morning a leaflet indicating her tasks; these vary from time to time within the range of household work, cooking and other occupations, as a means of gradually readapting them to the rhythm of an eight-hour working day, in which are included during the afternoon courses of instruction, or of professional training. The majority of the boarders are from 18 to 25 years of age; there is no limit to the age of admission, nor to the length of stay. Once they leave they are followed up by a friend in the organisation. A family atmosphere reigns in the house. The inmates know that they should not talk to each other of their past. They are absolutely free to leave the house if they wish.

The most interesting aspect of this institution is constituted by the psychotherapy which it practises, and which is directed by Dr. Nelly Verbeke. This therapy rests upon a spiritual concept of man, considered as a dynamic being capable of his further realisation, thanks to healthy and constructive forces which he has within him, but which can be blocked by his inclinations, bad education, or negative conditions of life. Therapy tends to unlock these constructive forces, thereby permitting the individual to liberate himself from his conflicts. The educator must accept the other person as she is, in order that she also may accept herself, as she is; she must listen to her, possess the art of “Laiser faire et laisser dire”. In other words here is the technique of support and reflection. The interested party knows that she comes freely, that she can submit her problems; it is she who directs the dialogue. The technique insists in reflecting the thought and the sentiments of the other person, in such a way that our words help her to liberate herself. The educator reformulates what the other person has expressed, or what is subjacent. She makes a catheses of it. She serves as a mirror. The individual should grasp the fact that she is exploring herself, that she learns to know herself, as she herself takes the responsibility for her decisions and her actions. She should come aware that she is reconstructing her personality in some way. “Before I was the trailer, now I steer.” For this work, an attitude of confidence is fundamental; one either believes in the possibilities in man or one does not believe in them.

Life must be protected but inherent in life is human dignity and the spirit. Devoid of dignity and spirit the human form resembles a clinical operation which ceases to exist after a certain period.

Prostitutes, because of what they do, often lose their vital attributes, and in so doing lose hope in the future and very often their will to live. In all the problems I have come up against, this must surely be the saddest and most human. What I feel for these girls is not a hypocritical sympathy, but an understanding in as much as a man can understand. This problem is ignored by women’s groups and they just seem to shrug their shoulders when this problem is mentioned. Looked upon as a bit of a lost cause, they just accept they exist and seem happy to content themselves with this as “just another-sad fact of life”. I have never learned to accept that some people’s problems or some people are “unhelpable”. Our society is becoming more and more dehumanized with bureaucracy and cold factual social workers left to try and assist those who fail in our society in what sometimes appears to be a reluctant fashion. Pressure groups with very vocal individuals cry out and often only

serve to antagonize rather than serve. Very often these “vocalists” use their particular cause for their own advancement. This in itself is a form of prostitution. When all the mumbo-jumbo and speechmaking is over, we are left with the unlucky people who become only a statistic, something to be argued over, even dismissed.

These girls who walk the streets are usually the most “human” of girls. They are very often those who forget about their own troubles to help others who perhaps are worse off than themselves. This report is not meant as a “newsletter”, it is simply an attempt to gain an understanding of what these girls go through and to try and do something to help them. It may be argued that perhaps they do not want help, or that they don’t want to change, but by far the vast majority of girls would like to be doing something else. Stigmatized as a common criminal forces these girls to reject society and all its cumbersome structures and institution.

Afterall, no one dreams of becoming a street walker; circumstances and conditions most often force these girls into a position where they are struggling to survive. To institutionalize these girls would only further society’s rejection of them and also their own rejection of themselves. Our society left them when they were young and provided no outlet for them to develop, so society owes, and it is about time it paid.

It is with this in mind, we hope to establish a centre for the benefit of these girls. The centre would be called the “Welcome” centre.

THE PROPOSED CENTRE

It is clearly evident that, apart from the individual efforts of some concerned people, very little is being done to alleviate the conditions of these girls or prevent others from following a similar path. Most girls become prostitutes because they have little choice and are left with no alternatives. It is time that some alternatives were offered and a little care shown. There must be some outlet of escape provided and a chance to restart a new life. You will never eliminate prostitutes from the streets, but you can prevent others from joining them by helping them when there is no one else to help. For the many young girls sleeping rough, or who have just run away from home, confusion and loneliness are the two very strong factors which often drive them into the hands of eager pimps.

The proposed centre would be relatively small with a social worker and perhaps an ex-prostitute doing the main work. It is usually far more effective to have someone who fully understands the problem due to personal experience and who can therefore give far more effective advice. I know of a number of girls who would be willing to take up this kind of work. Understanding the street like no one else can and learning through beatings and degradation, such help would be invaluable in preventing others from taking the same path. Also knowing the areas and the people involved is terribly important.

The atmosphere of a shelter or refuge, a place of security and peace is vital.

There should be access to medical advice, treatment and also legal aid. These services would be offered on a voluntary basis by those people already anxious to help.

Only those who are genuinely anxious to change their lives would be acceptable at the centre. As such a centre could be open to abuse, the importance of having it staffed by those most capable of differentiating between girls who genuinely need help and girls who don’t. The centre should

expand and try and place people in employment and so gradually encourage a return to a more normal life.

Such a centre is an experiment, a mere gamble, but a gamble where those in question have nothing to lose.

The main objectives of this "Welcome Centre":—

- (1) To provide a homely atmosphere for these girls, to offer them some security and to help them to find themselves and show them what they are capable of.
- (2) To develop any hidden talents which they may have and so provide an alternative way of life.
- (3) To understand the many problems that they have and to provide professional help when required, medical etc.
- (4) To provide shelter and protection if there is danger and coercion being applied to them.
- (5) To provide the girls with activities which aim to build up their confidence and so give them a new outlook on life.
- (6) To provide a relaxed situation where they can come together, discuss their own problems amongst themselves and so help themselves.

This centre should be open so that it does not resemble any institutional form.

Girls who themselves have been on the street should be encouraged to have the responsibility of advising any girls who are about to take to the street.

The girls are to speak for themselves and to plan and carry out the activities of the centre.

Facilities should also be made for the children of the girls. Play school, etc and accommodation if needed.

This centre is to serve these girls and their needs.

Breda Leahy

Lyn Madden

J. Finucane

APPENDIX

First of all I would like to thank all those who spoke to me. They all showed courage and a willingness to help which made my work easier. These include Linda, Dolores, Ann, Gloria, Tina and Lisa.

Special thanks to Mrs. M. Gaj whose individual efforts in helping people never fails to astound me. A dedicated humanitarian.

The Gardai, a force we can be proud of in general.

Rosita Sweetman.

Pan Books.

To all the others who spoke and helped but who would prefer not to be mentioned, I am grateful.

AFTERWORD

I have no idea if anyone will bother to read this far, or indeed, to read any of this at all.

I admit that I am afraid that my entire submission will be discarded, unread, because I am one woman, with no connections, challenging an unscrupulous, and cynically exploitative, multi-million dollar abolitionist industry. There is even an unofficial press embargo on anyone who does not have the backing of the NGO sector and “Turn Off the Red Light”.

The past few months leading up to this have all been an incredible, terrifying, journey, mostly through false accusations, lies, whispered hate campaigns and an ever present fear of exposure that I would probably be too vulnerable to recover from, most of it, apparently, from the general direction of the people who cast themselves as “the good guys”. But I have also come across some wonderful people along the way, who do see what I see, and care the way that I care.

I have everything to lose, and nothing to gain for myself by this, except that I do know the truth, much of it at first hand, and I am far more afraid of my own conscience than of anything else I can think of.

I feel freer today than I have in 30 years. Whatever this costs me, I have been true to myself at last and kept every silent promise I made to myself while I stood on Burlington Road waiting for business, and wondering why the world could not open its eyes and stop being so cruel, selfish and unreasonable to people like me who were just trying to stay alive against the odds, without doing any harm or asking anyone for anything.

I am hoping that this consultation will not only be the turning point for the rights of sex workers in specific, a subject close to my heart for many, many years, I am also hoping, in the more general sense, that this will finally expose the staggering degree of corruption and abuse of influence, funding and user groups that is endemic within the voluntary and community sector.

Sex workers are a special case, because, of choice, they are self supporting and not a burden upon the state in any sense, if they have problems they have chosen to solve them by themselves. This independence limits the moral right of the state to impose upon their lives considerably.

They are no more likely to be mentally, morally or judgementally disabled than any other member of our society, despite the relatively recent determination of the NGO sector to repackage them as a pseudo disability and infantilise them.

Collectively the only common factor is that they are people making money honestly, without abusing others, who need the money they make to support the lives they have chosen and/or are responsible for. That does not exactly distinguish them from the wider society, either.

All of the above pretty much negates every excuse regularly made or implied within the voluntary and community sector to justify:

- *the exclusion of user groups from any level of influence upon decision making*
- *the representation of user groups without even seeking mandate*
- *ignoring the rights and objections of user groups*
- *the systematic suppression and or usurpation of the voices of user groups*
- *the systematic intimidation and demoralisation of user groups*
- *lobbying against the stated wishes and/or best interests of user groups*
- *the absence of proper mechanisms for complaint or challenge by user groups not only within the organisations themselves but also within the bodies responsible for allocating their funding*

Unintentionally, the "Turn Off the Red Light" campaign gathered together several NGOs and gave them the rope with which to hang themselves.

I believe they have now accomplished this.

They have taken advantage of thousands of years of stigma to openly treat the basic human rights and dignity of those they claim to represent with utter contempt.

They have taken advantage of the clandestine nature of the people they claim to represent and reinvented their reality to suit themselves.

They really have become too arrogant and gone too far too openly.

Some of the organisations involved have multiple user groups, none of which are treated with any greater respect. The pattern has become far too obvious for people to go on ignoring it.

Sex work is also a special case in another sense.

For some it is the only alternative crisis resolution when the shortcomings of the NGO sector have served to exacerbate the problem.

There seems to be a collective mentality that if you can corner your user group into submission they will be perceived to benefit from whatever you choose (or find it expedient) to offer them. A modern revision of the same mentality that governed the Magdalene Laundries, the Industrial schools, the mental Hospitals and the poorhouses. All of which we now condemn as inhuman barbarity while the same mentality reasserts itself, more covertly, under our very noses at the expense of the most vulnerable members of our society.

Thank you for your time and consideration.

A former sex worker