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IRISH COMMISSION FOR JUSTICE AND SOCIAL AFFAIRS

Protecting Women from the Violence of Trafficking

'The alarming increase in the trade in human beings is one of the pressing political, social and economic problems associated with the process of globalisation; it presents a serious threat to the security of individual nations and a question of international justice which cannot be deferred.'

(Pope John Paul II, *Letter to Archbishop Jean-Louis Tauran on the Occasion of the International Conference "Twenty-First Century Slavery – The Human Rights Dimension to Trafficking in Human Beings*, 15 May 2002)

The United Nations has declared 25th November International Day for the Elimination of Violence against Women. Gender-based violence is devastating the lives of millions of women throughout the world, as their rights and dignity are denied and violated in horrific ways that include rape and sexual violence, domestic violence and the denial of their freedom and right to participate in society. This year, on the International Day for the Elimination of Violence against Women, the Irish Commission for Justice and Social Affairs (ICJSA), a Commission of the Irish Catholic Bishops' Conference, wishes to highlight in a particular way the issue of human trafficking and the devastating impact this is having on the lives of its victims here in Ireland and throughout the world. Trafficking in people is now one of the most widespread forms of international organised crime after the global trade in illegal arms and drugs. This crime is all the more serious because its hidden nature frequently allows the traffickers to operate undetected. The Conference of European Justice and Peace Commissions, of which ICJSA is a member, has chosen 'Working Together to Stop Human Trafficking' as the theme for its Concerted Action for 2009, in recognition of the need for international cooperation to end this form of modern slavery.

The term 'human trafficking' encompasses a range of human rights abuses, including labour exploitation, sexual exploitation, forced begging and the theft of organs. What they all have in common however is a blatant disregard for the human person and the de-humanising of the victims, regarded as commodities that can be bought and sold. It is a crime that exploits the vulnerability and insecurity of those who find themselves without access to education or employment, those who are victims of violence, either at home or as a result of armed conflict, or those who are unable to provide for their families in their own country and are prevented by legal barriers from accessing employment in another state.

This statement, while acknowledging that there are victims of many different types of trafficking in Ireland today, will focus in a particular way on the trafficking of women and girls for sexual exploitation, which recent research has revealed to be a serious problem, and one that is no longer confined to major cities, but is now spreading throughout the country. The consequences of this horrific crime are devastating not only for the individuals concerned and their loved ones, but also for the communities in which it takes place. We need to take urgent action to ensure that those responsible are successfully prosecuted, that the victims receive the help and support they need and that preventative measures are put in place to prevent women and girls being subjected to this type of exploitation.

Victims of Trafficking in Ireland

Due to the hidden nature of this crime, it is difficult to state with certainty the number of victims. Recently published research, however, provides compelling evidence of the trafficking of women and girls into Ireland for sexual exploitation. A report from the Immigrant Council of Ireland (ICI) identified 102 female victims of trafficking in Ireland who had received assistance. The report argues, however, that this figure does not accurately reflect the total number of victims as 'many women who are trafficked remain invisible. It is mainly women who escape, are rescued, or who have paid off their indentured 'labour' that come to the attention of services' (*Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland*, 2009 ICI). It is often difficult to detect a victim of trafficking upon arrival in the country as many believe themselves to be travelling here to take up employment and consequently trust those who are accompanying them on their journey. These people may even be known to them personally. By the time the reality of their situation becomes clear to them, they are already hidden from sight and frequently subjected to violence, with threats of further violence against both themselves and their families if they do not comply with the traffickers. Their identification documents may be taken from them and they may be unable to speak the local language.

Sadly, even for those who manage to escape, their ordeal is often not yet over. A further reason why it is difficult to accurately quantify the victims of trafficking is that trafficking is frequently classified as a migration issue, rather than one of organised crime. This results in a situation where the victims are re-victimised when they seek help through being treated as "illegal" immigrants and detained, compounding the traumatic experiences they have already undergone.

The Council of Europe's Convention on Action against Trafficking in Human Beings (2005) obliges states to provide a minimal level of services that include safe accommodation, material and psychological support, counselling and legal advice as well as training and educational possibilities. Furthermore, a mechanism for collaboration between the identifying authorities and the various NGOs, commonly referred to as a National Referral Mechanism, has to be established in order to ensure that as many victims of human trafficking as possible are identified and supported. Even though efforts are being made presently for the creation of a National Referral Mechanism in Ireland, there is a need for greater cooperation between An Garda Síochána and other agencies with specialised knowledge in this area to ensure that the victims of trafficking are identified and able to access the range of supports they need to recover. Adequate provision has not been made to date for providing the necessary services for victims of trafficking, and the issue of safe housing remains unresolved.

Addressing the issue of demand

The demand fuelling the market that drives the crime of human trafficking is an area that requires particular attention. The mentality that views human beings as a commodity that can be bought and sold has no place in our society and needs to be challenged. In the case of women and girls trafficked for the purpose of sexual exploitation, the underlying attitudes that lead some men to believe that they have the right to "purchase" another human being for their own gratification needs to be addressed both culturally, through educational programmes, and in legislation. While it is currently a crime to purchase "sexual services" from a minor or a known victim of trafficking, this does not go far enough. Ruhama and the ICI, amongst other organisations, have called for Ireland to follow the example of Sweden, where the criminalisation of men purchasing sexual services has resulted in a significant decrease in demand (*Ruhama Biennial Report* 2007/2008 and *Globalisation, Sex Trafficking and Prostitution: The Experiences of Migrant Women in Ireland*, 2009). Norway and Iceland have recently replicated the Swedish model while the UK is currently discussing legislation that will include punishment for purchasing sex from controlled persons, including women who are controlled by pimps and traffickers. If this law is passed, Ireland will turn into a relative zone of tolerance for clients who seek to purchase "sexual services".

There is also a need to introduce stronger measures to address this problem by investigating the specific environments in which it thrives in Ireland. The increasing use of modern technology, such as the internet and mobile phones, has made these crimes less visible, and consequently more difficult to detect. This greatly increases the danger to the victims. Ruhama has also called for the establishment of a national vice squad in An Garda Síochána. The existing squad covers only the Dublin region, yet the latest figures published by Ruhama clearly indicate that the traffickers have developed centres and networks throughout the country (*Biennial Report* 2007/2008). Earlier this year, the ICI called for a specialised Garda unit to specifically identify victims of trafficking and investigate traffickers and the criminal organisations involved in human trafficking. In this regard the ICJSA welcomes the establishment of the Human Trafficking Investigation and Coordination Unit at the Garda National Immigration Bureau, which has been recently set up to provide a targeted approach to policing of human trafficking. International cooperation aimed at securing successful prosecutions of the criminals who control the trafficking of human beings on an international level should form an important dimension of their work.

Protecting Human Dignity and Human Rights

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

(Vision statement of the Act to Prevent Trafficking – an organisation associated with the Conference of Religious in Ireland and the Irish Missionary Union)

In a message to a conference in Rome in June 2009 on the theme of human trafficking, Pope Benedict XVI stressed the importance of bringing about 'a renewed awareness of the inestimable value of life and an ever more courageous commitment to the defence of human rights and the overcoming of every type of abuse' (*Zenit*, 15 June 2009). There is a clear need for Ireland's legislation in the area of human trafficking to reflect our commitment, as a society, to the defence of human dignity and the rights that stem from that dignity.

Currently, however, our legislation does not go far enough. Although commendable steps have been taken towards the establishment of the legal frameworks necessary for the punishment of traffickers, in the form of the *Criminal Law (Human Trafficking) Act 2008*, which has been in force since 7 June 2008, much more needs to be done to ensure that the victims of trafficking are adequately protected and assisted. There is an absence in the proposed Immigration Residence and Protection Bill of an avenue for the granting of residence permits on humanitarian grounds to victims of human trafficking. Although Ireland has signed up to the two most important international instruments for dealing with human trafficking: the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000) and the *Council of Europe Convention on Action against Trafficking in Human Beings* (2005), neither has yet been ratified. This legislation would provide the necessary framework to ensure that victims of trafficking receive the support to which they are entitled.

It is not only the legislation directly relating to trafficking that needs to be addressed, however, but also our immigration laws. The barriers that prevent migrants from legally entering Ireland for work are a significant contributory factor to the problem of trafficking. Faced with no possibility to provide for themselves or their families in their home countries, many people feel they have no option but to attempt to enter illegally into other states in order to access employment.

Our obligation to defend human dignity does not stop at the borders of our own land. We also have a responsibility to contribute to long-term measures aimed at addressing the problem of human trafficking on a global scale. This includes not only international cooperation leading to the arrest and prosecution of the perpetrators of these abuses, but also making a contribution to political, economic, social and cultural initiatives that tackle the root causes of this problem. Foremost amongst these are the factors in the home countries that cause people to fall victim to trafficking, such as poverty, unemployment and violence. As Pope John Paul II rightly noted: 'Who can deny that the victims of this crime are often the

poorest and most defenceless members of the human family, the "least" of our brothers and sisters?' (*Letter to Archbishop Jean-Louis Tauran*).

Cutbacks in our Overseas Development Aid are thus a serious cause of concern. Organisations such as Trócaire have highlighted the devastating impacts of these cuts on their work, forcing them to reduce the number of programmes in which they are involved, arguing that the small saving made on a national level is far outweighed by the damage that results from these reductions in the developing world. Programmes that support economic development, promote employment, peace-building and educational programmes that address attitudes that contribute to violence against women and gender discrimination in general make a significant contribution to the prevention of trafficking.

Recommendations

The ICJSA calls on the Irish Government to:

- Ratify international legislation, specifically the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (2000) and the *Council of Europe Convention on Action against Trafficking in Human Beings* (2005), that would enshrine our commitment as a nation to providing the highest possible level of protection and support for the victims of trafficking.

- Put in place stronger measures, as advocated by Ruhama and the Immigrant Council of Ireland, to address the demand for "sexual services" that drives the trafficking of women and young girls into Ireland for sexual exploitation. Those who purchase "sexual services" should be criminalised, while the women and girls found to be providing such "services" should be offered support and assistance.

- Protect the existing programmes in developing countries, supported by Irish Aid, that address the factors that cause women and girls to fall victims to traffickers. Consideration should also be given to the possibility for further expansion of this work in programmes specifically targeted at the prevention of trafficking.