

That they may have life

Action to Prevent Trafficking in People in Ireland

Introduction

Jesus' mission declaration in John 10, 10, "I have come so that they may have life and have it to the full", comes achingly to mind when we read about and see images of events that show utter disregard for quality of life and even life itself. The huge drugs hauls that frequently take place throughout the country, the gangland shootings and the cruel murder of innocent people highlight the extent to which trafficking in drugs and the lethal use of guns have become endemic in Irish life. There is, however, another equally terrible threat to human life and dignity present in Ireland but one of which there are few visible signs. Nevertheless, it is now hardly possible for anyone to deny that trafficking in people (TIP), one of the most disturbing consequences of economic globalisation, exists in our country. If it is not to escalate beyond control, determined action to eradicate it must be taken. This point was made forcefully by Prof Liz Kelly, a UK expert on trafficking and violence against women in an address to the Immigrant Council of Ireland and the Migrant Rights Centre. She said: "The longer you don't act and say it's not really a big problem, the more space you are giving to traffickers to operate under the radar."¹

In a previous article in *The Furrow*, (2006), I gave a general overview of the phenomenon of human trafficking, its magnitude, how traffickers operate, its causes and effects, and the difficulties in detecting it. I also dealt briefly with the situation as it appeared to be in Ireland at the time. There was a seeming lack of awareness about its existence among large sections of the population, and even civil and religious authorities. There was no legislation to combat the evil, nor did the Church have any pastoral response to it. I drew attention to the Instruction, *Erga Migrantes Caritas Christi*², produced by the Pontifical Council for Migrants and Travellers, in which concern is expressed for the dangers faced by migrant women of becoming victims of trafficking, especially for sexual exploitation. Another important document I referred to was one issued in July 2005 after an International Meeting on Pastoral Care for the Liberation of Women of the Street, organised by the same Council³. In it, the issues of prostitution and sex trafficking were directly addressed. More

¹ New offences for sex trafficking urged, Eithne Donnellan, Irish Times, Saturday, 6 September 2008

² Instruction produced by the Pontifical Council for Migrants and Travellers, 2004.

³ http://www.vatican.va/roman_curia/pontifical_councils/migrants/documents_1/rc_pc_migrants_doc_20210605_inc-past-don-strada-findoc_en.html

importantly, it set out clear and detailed guidelines and suggestions for Bishops Conferences and Religious Institutes for the pastoral care of survivors of trafficking. The purpose of this article is to examine how the human trafficking scene has changed over the past few years in Ireland and consider what still needs to be done.

Rising Awareness and Concern in Ireland

The Irish media has given a great deal of coverage to human trafficking in recent years⁴ and a number of conferences and studies⁵ have also dealt with it. Politicians from all parties have raised the matter in the Dáil and outside. It is high on the priority list of NGOs and Organisations that protect human rights, such as the Immigrant Council of Ireland (ICI), the Irish Refugee Council (IRC), the Migrant Rights Centre, and the International Organisation for Migration (IOM). A group formed out of the Cork Sexual Violence Centre also focuses attention on the issue of trafficking. *Ruhama*, the organisation founded to work with and for women in prostitution, is well placed to be able to identify victims and quantify the scale of trafficking in Ireland. *Ruhama's* experience and expertise in helping women in prostitution to reintegrate into society are invaluable resources to be drawn on by the Gardaí and those requiring advice about the needs of survivors of trafficking. In 2006, an organisation called *Act to Prevent Trafficking (APT)* was established. The aim of this new agency is to complement the work of *Ruhama*. Over the past two years APT has been quietly influential in bringing the issue to the notice of legislators, to sections of the public and to the Bishops Conference.

In spite of all this, TIP remains a crime of which many people are only vaguely aware. This is understandable to a certain extent because it is such a hidden, underground criminal activity and very hard to detect. We do not see the evidence on the streets as we do with drugs and gun crime. In addition, it has only recently been criminalized in Ireland. Prior to the passing of the Criminal Law (Human Trafficking) Act on 7 June 2008 traffickers in human beings knew they could act with a degree of impunity as there was no legal mechanism to prosecute and punish them for their activities.

⁴ Notably, two excellent Prime Time investigations aired on RTE on 28 May 2006 and 2007, and many newspapers and magazine articles.

⁵ The Nature and Extent of Trafficking of Women into Ireland for the Purposes of Sexual Exploitation 2000 - 2006: a report from findings, Dr. Eilís Ward (Department of Political Science and Sociology, NUIG) and Dr. Gillian Wylie (Irish School of Ecumenics, Trinity College, Dublin)

Strategies to Prevent Trafficking

Act to Prevent Trafficking (APT), already mentioned, is a group set up specifically to do what its title states. It is composed of men and women belonging to Religious Congregations or Missionary Societies all of which are members of the Conference of Religious of Ireland (CORI) and the Irish Missionary Union (IMU). The Director General of CORI and the Secretary General of the IMU are members of APT. Concerned about the growing problem of the trafficking of women and children for sexual exploitation, and convinced that religious women and men must always be at the cutting edge, - taking up issues that the State and civil society are not yet confronting - they came together to explore ways of working together to prevent this evil. Because of their international contacts through their members in every part of the world they are ideally placed to know what is happening on the ground, particularly in countries of origin. They can inform, alert, and provide emergency help when required.

They formulated a vision:

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 to enslave another for the purposes of sexual gratification or financial gain.

APT has two main aims: to raise awareness of the issue of trafficking in persons and to work in collaboration with others for the prevention of the trafficking in women and children for sexual exploitation. Its three main activities are, therefore, centred on achieving these aims.

Awareness Raising

An important preventive measure when dealing with trafficking is public information so that the general population is alerted to the existence of the crime and its support mobilised to help eradicate it. Since APT was established its members have been trying to reach out to as many people as possible. They speak in parishes, in schools and to various groups, mainly women's, to politicians in Leinster House and have given radio interviews. On one occasion, members were invited to speak to priests at a deanery meeting. An informative brochure, prepared by APT, is widely distributed on these occasions. Convinced that the early education of young people concerning the sacredness of human life and the inalienable human rights of each individual is a preventive measure in tackling TIP, APT is giving its support to a group that is preparing a kit for schools on this topic. Members also approached a number of bishops, a move that resulted in the organisation being invited to a meeting with the chair of the Commission for Justice and Social Affairs (ICJSA)

of the Irish Bishops Conference (IBC). The Advisory Board of this body now has a member, who also happens to be a member of APT, to speak to the issue of human trafficking.

Legislation

APT also monitors legislation concerning trafficking and migration with a view to making submissions for amendments where the law seems inadequate. There are two main international instruments for dealing with TIP, the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2003)*, supplementing the *UN Convention against Transnational Organised Crime (2000)* and the *Council of Europe Convention on action against Trafficking in Persons (2005)*. Ireland has signed both, but has not yet ratified them. They have, however, come into force because they have been ratified by a sufficient number of states. From its inception, APT, in common with other organisations already mentioned, has lobbied for legislation to be passed that would enable Ireland to ratify these documents. The Bill passed in June 2008 “defines the crime of TIP, provides severe penalties for traffickers, criminalizes the buying and selling of people, criminalizes soliciting and importuning of trafficked individuals while decriminalising the victims of the crime”⁶.

There is much to commend in this Bill. However, it is not sufficient just to punish traffickers. The victims, those who survive the awful trauma of being bought and sold as commodities, must be protected and enabled to rebuild their lives. In Ireland the Justice Ministry claims to be making provision for this in the Immigration, Residence and Protection Bill 2008, now in its committee stage. The document has been analysed by APT, the Immigrant Council of Ireland and other bodies and found to be deficient in some important aspects.⁷

A major concern is that there is, as yet, no provision for safe houses where women can be accommodated in a secure environment as they recover from their experience, where they can receive medical and therapeutic care and have time to reflect on their future. At present they can be imprisoned until their status as survivors of trafficking is established, after which they may be housed in hostels for asylum seekers. *Ruhama*, with the support of religious communities, has a number of safe houses that give shelter on a temporary basis to women who are waiting to know if they are to be allowed to stay in the country. The problem with this arrangement is that it is

⁶ ICI Roundtable on Identification of Victims of Trafficking and National Referral Mechanism, 1 October 2008.

⁷ A full account of what these concerns are can be had on the websites: www.aptireland.org,
http://www.immigrantcouncil.ie/media/pp_trafficking.pdf
http://www.irishrefugeecouncil.ie/press08/immigration_bill.html

temporary and means that the woman may change residence quite a few times during the waiting period.

Aspects of the Poppy Project in the UK might serve as a model for the Irish government. “The POPPY Project was set up in 2003. It is funded by the Office for Criminal Justice Reform (reporting to the Ministry of Justice) to provide accommodation and support to women who have been trafficked into prostitution. It has 35 bed spaces in houses throughout London. The POPPY Outreach Service works to improve the safety and well-being of women from all over the UK who have been trafficked and who are in need of short term support and advocacy.”⁸ However, in order to qualify for longer term assistance women are ‘encouraged’ to co-operate with the authorities by giving information to the police or agreeing to give evidence in court. Human rights groups involved in helping survivors of trafficking object to the granting of assistance being conditional on their willingness to do this. So many factors, such as fear of reprisals from traffickers on themselves and their families and stigmatisation in the home country, can make it impossible and dangerous.

A welcome move in the struggle against TIP was the establishment of the Anti Human Trafficking Unit (AHTU) in the Department of Justice, Equality and Law Reform in February 2008 under the stewardship of an Executive Director. The Unit is working to ensure that the State’s response to trafficking in human beings is co-ordinated and comprehensive. It is engaging constructively with the NGOs and other anti-trafficking groups. Shortly after its formation APT was invited to give a briefing on its work in this area; and contact is continuing through its executive.

Networking

As TIP is a global problem, contact and collaboration with other similarly committed organisations, nationally and internationally, is an indispensable means for combating it. APT focuses on developing links with religious congregations and societies worldwide. Efforts in this regard are facilitated by the International Union of Superiors General (UISG), for women religious, which has taken it as a priority, urging its members worldwide to play an active role in this area of ministry. APT now has named contact persons in many countries of origin. It has also established contacts with organisations such as the European Ecumenical Network against Human Trafficking (COATNET), the Global Alliance Against Trafficking in Women, and the Dutch Foundation against Trafficking in Women (SRTV). The latter (SRTV) was begun in 1991 by a number of women religious who, having returned from ministering abroad, discovered the horrors of what was

⁸ http://www.eaves4women.co.uk/POPPY_Project/POPPY_Project.php

then known as “white Slavery”. Determined to do something about it, they formed a group with aims and actions similar to those of APT. It developed into a Foundation and now has lay people as well as religious on its Board, and as co-workers.

Demand: the driving force behind the global sex trade

While bearing in mind that public awareness and criminal legislation are essential means for tackling TIP, it is important to realise that they are only part of the struggle. They have to be complemented by focussing on demand. The link between prostitution and sex trafficking is undeniable. The root cause of both is the male demand for women and girls who can be bought and sexually exploited. It is also a fact that almost invariably where large groups of men are gathered together prostitution, as a form of rest and recreation for them, flourishes. World Cup venues are examples, as are places where foreign military (including UN peacekeeping forces) and male civilian personnel are gathered. In a commendable initiative, the Anti Human Trafficking Unit (AHTU) inserted a full page advertisement on the Blue Blindfold Campaign⁹ in the programme of the recent rugby match with the All Blacks where Croke Park was packed to capacity; and it also had a full page advertisement in the Rugby magazine.

As in any industry, without the demand the supply would not be necessary and the market would collapse. The demand aspect of sex trafficking is the least visible and the least analysed. We need to remember that people are trafficked into the ‘sex industry’ to satisfy the demands of the purchasers who are mostly male. Paul Reynolds, RTÉ crime correspondent, has this to say about prostitution:

Prostitution is essentially about the sexual exploitation of women and men for the financial gain of the operators and the gratification of customers. Prostitutes are essentially damaged people who have drifted or been forced into an illegal activity. They are used and abused. ... The fundamental truth is that prostitutes would not be able to operate without demand. Women would not walk the streets or hang around brothels if men who are prepared to pay for sex didn't show up.¹⁰

Most organisations working for and with prostitutes and survivors of trafficking argue that prostitution is incompatible with human dignity and is a form of gender-based violence. There is a sense in which all prostitutes are trafficked people. That is why groups that hold this view oppose the legalisation of prostitution “Legalising prostitution creates a legitimate business front for the most brutal exploitation of women,” said Mark Lagon, the U.S. ambassador-at-large to combat human trafficking. “It is the demand that draws a flow of people and a dark underground sex

⁹ For information log on to www.blueblindfold.gov.ie.

¹⁰ Paul Reynolds, *Sex in the City*. London: Pan Macmillan, 2003 p.xiv.

trafficking industry.”¹¹ People of this mind would not support criminal penalties for prostitution itself but would support the criminalization of those who buy sex and live off the proceeds of prostitution. Sweden was the first country to introduce a law to this effect. It came into force on 1 January 1999. Since then, the level of both prostitution and trafficking are greatly reduced in the country. The Indian government also plans to decriminalise ‘sex workers’ and target clients.¹² In Britain the Home Secretary has published proposals (19 November 2008) aimed at prosecuting men who pay for sex with a woman who has been trafficked or is under the control of a pimp. If they do so knowingly, they could face rape charges and a potential life sentence. The onus would be on the clients to prove they were unaware the person had been trafficked. This is a model for the Irish Government to follow. If it is determined to eliminate the crime of human trafficking, and that seems to be the case now, one way would be to clarify and update Irish legislation around prostitution and brothel-keeping.

Demand: whose responsibility?

In her address to the Immigrant Council of Ireland already mentioned, Prof Liz Kelly said it was the responsibility of the Irish Government to do something about demand, possibly following Sweden’s example. She also said that it was perhaps time that the men, the majority, who do not pay for sex, stand up and say something to those who do. It is clear that any effort to tackle the demand aspect of TIP must include men as well as women since it is an issue that concerns both sexes.

However, I would suggest that ‘demand’ is an area that is ultimately beyond legislation. It requires a complete change of mindset on the part of ‘clients’ who believe that somehow they have a right to buy and sexually exploit women and girls. The church has a leading role to play in facilitating such change. The social teaching of the church addresses the full range of human rights and responsibilities - a special concern for the poor and those on the margins of society, the call to stewardship of the earth and global solidarity. Underpinning all of this and at the very heart of Catholic social thought is the inherent dignity of every individual as a member of the human family. So, one might ask, why are there no homilies, no pastoral letters¹³, few statements from the national hierarchy on the issue of TIP?

¹¹ International Herald Tribune, Saturday-Sunday, 6-7 October, 2007. p. 3

¹² The Guardian, 25 August 2006

¹³ The Southern African Catholic Bishops’ Conference wrote a Pastoral Letter to be read in churches on 14 December 2008, titled, *Fighting Human Trafficking – Our Christian Responsibility*.

The aforementioned document released by the Pontifical Council for Migrants and Travellers has this to say concerning ‘clients’:

The ‘clients’ need both information and formation with regard to gender, respect, dignity, interpersonal values and the whole area of relationships and sexuality. In a society where money and wealth are dominant values, appropriate relationships and sexuality education are necessary for the holistic formation of different groups of people. This type of education can explore the true nature of interpersonal relationships based not on egoistic interest or exploitation but on the dignity of a human person, who should be respected and appreciated as a God given gift. *General Propositions, #16*

The fullness of life offered by Christ is real and can be enjoyed by all if we have the will to confront those evils that are preventing it. A more proactive approach to the grievous issue of sex trafficking on the part of the church, hierarchy, clergy, parishioners, could be effective in stopping the flow of women and girls into Ireland for sexual exploitation.

The work of the Irish Bishops Drugs Initiative (IBDI) is worth taking as an example of what could be done to respond to the evil of TIP. The IBDI was set up in 1997 as a church response to the problem of drugs in Ireland. At a meeting it organised in Maynooth on 4 October 2008, a draft handbook titled “How Parishes can Respond to Alcohol and Drug Issues”, was distributed. It is due for publication in 2009 and is a practical guide for parishes. It “provides information on best practices in responding to the primary and secondary prevention of drugs in parish communities”. In the final paragraph of the preface, Bishop Eamonn Walsh is clear about our common responsibility to prevent alcohol and drug abuse: “If we believe in our unique dignity as sons and daughters of God through baptism and that everyone is precious in God’s eyes, then we cannot stand idly by and allow the bright eyes of youth become glazed and aimless, or allow their freedom and self-worth be swallowed up through drugs or the ‘glamour’ of alcohol.”

If we substitute “prostitution” and “sexual exploitation” for “drugs” and “alcohol” the same statement applies. Perhaps a similar initiative by the Commission for Justice and Social Affairs is what is needed now before human trafficking escalates to the same extent as drug and alcohol abuse.

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