

10th September 2020

Samaritans Ireland Submission to the Review of the Operation of Part 4 of the Criminal Law (Sexual Offences) Act 2017

Samaritans Ireland is the only charity offering free 24/7 emotional support for anyone who needs someone. We believe everyone should have the opportunity to speak to someone without fear of prejudice or rejection and be met with undivided attention and empathy. This type of support meets a fundamental emotional need and reduces distress and despair and should be available to anyone.

While there is limited information available about the mental health and wellbeing of sex workers, especially in relation to the impact of evolution of legislation/models of regulation, Samaritans Ireland knows there are risk factors that can impact the likelihood that an individual suffers from mental ill health including but not limited to poverty, unemployment, homelessness, substance misuse, sexuality, gender, isolation, etc. Sex workers often face poverty, inequality, and discrimination and may be especially vulnerable to mental ill health due to poor working conditions. The World Health organisation also recognises the impact “social, cultural, political, and environmental factors such as national policies, social protection, living standards, working conditions, and community social supports,” could have as determinants of mental health. The WHO also notes that “mental disorders often affect, and are affected by, other diseases such as cancer, cardiovascular disease and HIV infection/AIDS.”¹

While there is still much to understand about the overall mental health and wellbeing of sex workers and the implication of other determinants of health have within the same scope, current studies suggest there is a negative correlation between criminalisation and the overall mental health and wellbeing of sex workers.

A systematic review and meta-analysis of quantitative and qualitative studies was done in 2018 by member of faculty from the London School of Hygiene & Tropical Medicine, John Hopkins Bloomberg School of Public Health, the University of Leicester, the University of Toronto, and a health rights activist based in Nairobi Kenya.²

They searched databases between 1 January 1990 and 9 May 2018 for qualitative and quantitative research involving sex workers of all genders and terms relating to legislation, police, and health. They produced a detailed review of 40 quantitative and 94 qualitative studies. It should be noted however that “few studies included trans- and cisgender male sex workers, and little evidence related to emotional health and access to healthcare beyond HIV/STI testing.”

¹ World Health Organisation, 2013. *Mental Health Action Plan 2013-2020*. Geneva: World Health Organisation, p.7.

² Platt L, Grenfell P, Meiksin R, Elmes J, Sherman SG, Sanders T, et al. (2018) Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies. *PLoS Med* 15(12): e1002680. <https://doi.org/10.1371/journal.pmed.1002680>

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Samaritans Ireland is a charity registered in the Republic of Ireland (20033668) and incorporated as a company limited by guarantee (450409). Samaritans Ireland’s registered office is located at 4-5 Usher’s Court, Usher’s Quay, Dublin 8, D08Y223. CHY number: CHY11880. The directors/trustees of Samaritans Ireland are as follows: E Farrell, K Flood, P James (United Kingdom), D O’Criodan, B Rojack, C Skelly, D Walsh (United Kingdom), A Woodworth.



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Overall, the review found some key findings:

- Meta-analyses suggest that on average repressive policing practices of sex workers were associated with increased risk of sexual/physical violence from clients or other partners across 9 studies and 5,204 participants.
- Sex workers who had been exposed to repressive policing practices were on average at increased risk of infection with HIV/STI compared to those who had not, across 12,506 participants from 11 studies. Repressive policing of sex workers was associated with increased risk of condomless sex across 9,447 participants from 4 studies.
- The qualitative synthesis showed that in contexts of any criminalisation, repressive policing of sex workers, their clients, and/or sex work venues disrupted sex workers' work environments, support networks, safety and risk reduction strategies, and access to health services and justice. It demonstrated how policing within all criminalisation and regulation frameworks exacerbated existing marginalisation, and how sex workers' relationships with police, access to justice, and negotiating powers with clients have improved in decriminalised contexts.
- The quantitative evidence clearly shows the association between repressive policing within frameworks of full or partial sex work criminalisation—including the criminalisation of clients and the organisation of sex work—and adverse health outcomes.
- Qualitative evidence demonstrates how repressive policing of sex workers, their clients, and/or sex work venues deprioritises sex workers' safety, health, and rights and hinders access to due process of law. The removal of criminal and administrative sanctions for sex work is needed to improve sex workers' health and access to services and justice.
- More research is needed in order to document how criminalisation and decriminalisation interact with other structural factors, policies, and realities (e.g., poverty, housing, drugs, and immigration) in different contexts, to inform appropriate interventions and advocacy alongside legal reform.

Samaritans Ireland's approach is to be there for anyone, to listen without judgement or pressure. We believe mental health and wellbeing of a person is a human right and everyone should have direct access to safe health care, as well as healthy occupational and environmental conditions, and freedom from discrimination. It is imperative everyone has their mental health and wellbeing looked after and are provided with the best possible situations and opportunities to foster good mental health.

We know the Samaritans Ireland freephone number is signposted by organisations who work more directly and regularly with sex workers as a service to reach out to should they need to talk or be struggling to cope. Samaritans Ireland services are confidential – our number does not show up on a phone bill and incoming caller numbers are not visible. Additionally, callers are not required to share their names, or what they do for a living and the conversations are led by the callers.

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However, anecdotal evidence from our volunteers (listeners) who have knowingly taken calls from sex workers within the past 3-years, suggest that the callers generally feel high levels of distress and mention feeling alone, fearful, unsafe, and may be victims of abuse by clients and/or partners. One caller in particular expressed a huge fear around being identified and explained her distress was not so much the nature of her work, but the threat of violence from those controlling her. Another listener remembers a call from someone who was ‘foreign’ who said they were brought to this county and felt scared and alone.

Evidence from our volunteers supports findings from IHREC’s Submission to GRETA in 2016 which notes concern that ‘increasing the penalty for the offence of brothel keeping will continue the criminalisation of people working together for safety, and place them in greater danger as they may opt to work alone despite the risks involved.’³ Additionally, research also indicates that the brothel keeping offence causes sex workers to distrust the policy, resulting in a reluctance to report abuse or other incidents due to a fear of prosecution.⁴ The correlation between criminalisation and reluctance in formally reporting abuse is further supported by first-person experiences reported on UglyMugs.ie. UglyMugs.ie is an app that allows sex workers to confidentially report incidents of abuse and crime. It has around 6000-7000 active members per annum across Ireland. UglyMugs.ie reported an 53% increase in crime and a 75% increase in violent crime being reported to the app. Additionally UglyMugs.ie reports that less than 1% of sex workers will report to the Gardaí and is reflective of the “extremely poor relationship between sex workers and An Garda Síochána.”⁵

Overall, Samaritans Ireland knows some of the most common reasons individuals ring our help line are with concerns around mental health/illness (which includes anxiety and depression), isolation/loneliness, family, relationship problems, and physical health/illness which all can have serious impacts on a person’s wellbeing. In 2019 approximately 8% of our calls concerned violence/abuse. Evidence suggests sex workers are being faced with decisions that have direct implications on their safety and wellbeing – such as fear around working in numbers for safety or mistrust in the Gardaí which results in incidents of abuse going unreported. These concerns have been echoed in calls received from sex workers by our listeners over the last three years.

Samaritans Ireland values the input and knowledge that comes from lived experiences. Sex workers themselves are not always fully and appropriately engaged before legislative changes are introduced that can have swift and significant impact on their livelihoods, mental health, and wellbeing. The Government needs to ensure thorough consultation and direct input from individual sex workers and all sex worker advocacy organisations in Ireland, who are the ones most impacted by legislative changes within the *Criminal Law (Sexual Offences) Act 2017*, occurs and critically informs the outcome of this review.

³ [IHREC \(5 September 2016\), Submission to GRETA in Advance of its Second Evaluation Round of Ireland, p.12](#)

⁴ L. A. Sweeney and S. FitzGerald (2017), ‘A case for a health promotion framework: the psychosocial experiences of female, migrant sex workers in Ireland’, *International Journal of Migration, Health, and Social Care*, 13(4), pp.419–443

⁵ [UglyMugs.ie, Statement on Crime Incidents 26.03.2019.](#)

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