

Terms of reference

Section 27 of the Criminal Law (Sexual Offences) Act 2017 provides that the Minister for Justice and Equality shall, not later than 3 years after its commencement, cause a report to be prepared on the operation of section 7A of the Criminal Law (Sexual Offences) Act 1993 and shall cause copies of the report to be laid before each House of the Oireachtas. The section specifies that the report shall include—

- (a) information as to the number of arrests and convictions in respect of offences under section 7A of the Act of 1993 during the period from the commencement of that section, and
- (b) an assessment of the impact of the operation of that section on the safety and well-being of persons who engage in sexual activity for payment.

Section 27 was commenced on 27 March 2017. Section 7A of the 1993 Act makes it an offence for a person to pay, give, offer or promise to pay or give a person (including a prostitute) money or any other form of remuneration or consideration for the purpose of engaging in sexual activity with a prostitute.

The Department now wishes to commission a review of the operation this provision. The review will:

- describe the objectives of this provision in the 1993 Act;
- quantify the number of arrests and convictions in respect of offences under section 7A since its commencement;
- assess the extent to which the objectives of the Act have been achieved, analysing in that regard the differential impact of the enforcement of the Act and of other public policy interventions and relevant social changes on the extent of achievement;
- assess the extent to which the Act's objectives have not been achieved and make recommendations to address the barriers, if any, uncovered in that regard;
- assess the impact of the Act's operation on the safety and well-being of persons who engage in sexual activity for payment, comment on any risks that the Act's operation poses for the safety and well-being of persons who engage in sexual activity for payment and make such recommendations to strengthen protection for such person as are appropriate; and

- in relation to persons engaged in sexual activity for payment, comment on the risk of such person being victims of human trafficking and make such recommendations in relation to identification and protection of human trafficking victims so engaged as are appropriate.

The review will be undertaken in consultation with An Garda Síochána, other relevant statutory agencies and civil society organisations working with persons engaged in prostitution and with victims of human trafficking. The participation and inclusion of people who are engaged in prostitution and of people who have been victims of human trafficking will be sought.

Methodology

The engagement with many stakeholders may be in the form of submissions, one-to-one interviews, roundtable discussions/workshops, and desktop research as proves necessary as are determined by the expert engaged to carry out the review.

Administration

The Department will provide secretarial support for the review.

The review should be completed within 3 months of being commissioned and of the agreed start date, conditional on an option to extend the delivery date, by agreement, in circumstances where that proves necessary. Such necessary extension would include the availability of primary engagement with critical stakeholders and the time lags that may arise in convening group events.