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# Escorts and the Law

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The following sections are designed to provide an overview of the law within the Republic of Ireland as regards people involved in the sex trade; that is female, male, transsexual and transvestite escorts providing sexual services in exchange for money. This document provides an overview of what is legal and illegal in the Republic of Ireland as regards sex workers and outlines your legal rights should you be harassed, threatened or arrested. It is divided into a number of sections covering:

- Escorts and Age
- Streetworking
- Escorting on Your Own
- Premises / Location of Business
- Premises Being Searched
- Working for Escort Agencies or Others
- Advertising
- Arrest
- Suggestions

## Escorts and Age

**Legal Situation:** The legal age in Ireland to have consensual sex is 17 years. If you are under 17 years of age and arrested for having sex for money it is a very serious situation for you, customers and, if operating via an agency or brothel, the person operating the business.

It is legal to provide sexual services for money if the provider is aged 17 or over and it is legal for a customer to obtain sexual services for money from a person aged 17 or over, who is not mentally impaired. There are restrictions on how and where these services are provided that are covered in the following sections.

## Streetworking

**Legal Situation:** It is an offence to solicit another person in a street or public place for the purposes of prostitution. That offence applies to everyone, whether male or female, prostitute or client, or even a pimp.

### Your Rights:

**Ordered to leave the area:** A member of the Garda who suspects that a person is loitering in a street or public place for the purposes of selling sex or trying to buy sex, may order the person to leave the area immediately. If the Garda is in plain clothes you have the right to ask for his/her identification but once his/her identity has been confirmed as a Garda you must obey his/her order. Loitering also includes waiting in a car or any form of motor vehicle.

**Name and Address:** If the Garda suspects that an offence such as solicitation or loitering has been committed, they may arrest that person or require that person to give their correct name and address. If the Garda suspects that the name and/or address are false they may arrest that person. If a person refuses to give their name or address or gives a false name and/or address they may be arrested and fined.

**Search:** If the Garda suspects that you have committed an offence they have the right to search you with or without your consent and before you have been arrested. The Garda should inform you as to why you are being searched and under what law. You have the right to be searched in a fair and respectful way, and not to be treated in any degrading manner. If the search is more than just a basic search of pockets for example, it should be conducted by a Garda member of the same sex.

**Garda Station:** A Garda may 'request' you to go to a Garda Station. In this case you can

refuse. If arrested you are obliged to accompany the Garda to a Garda Station.

**Arrested:** The Garda should inform you of the reason for the arrest and under what law they suspect an offence has been committed. If arrested for an offence of soliciting or loitering please see the section on Arrest.

## Escorting on Your Own

**Legal Situation:** It is **legal** in Ireland to work on **your own** as an escort. It is also legal to work alongside someone who provides other, non sexual services, such as answering the phone, maid or security.

**Your Rights:** If working on your own or with someone else not connected with providing sex, no offence has been committed. You should explain this situation to the Gardai as best you can. If two or more escorts are found working together from the same premises and arrested, you will most likely be charged with running a brothel. In the case where a Garda calls to the premises you have specific rights as regards searching the premises and allowing Garda access.

If arrested please see section on Arrest.

## Premises / Location of Business

As per the previous section, it is **legal** in Ireland to work on **your own** as an escort. These services can be provided at any indoor location e.g. hotel room, apartment, house, regardless of whether the premises are owned or rented by either the escort or the customer. The key here is that the escort is operating by themselves, so the escort service is legal. Outcalls by an escort operating on this basis are also legal.

It is **not legal** for **two or more people** to be offering sexual services from the same apartment, house, hotel room etc. In such cases the location is deemed to be a brothel.

If there are a number of escorts operating from the same building, for example an apartment block, the premises may be considered a brothel if it can be proven that keys for apartments are shared or other aspects shared between escorts e.g. shower or bathroom facilities.

It is also the same if two escorts or more are operating from the one hotel room i.e. it is considered a brothel so is illegal in Ireland.

If operating from separate rooms, be they apartments or hotel rooms, as long as there is no sharing of facilities or phones, laptops etc, the escort will be considered as operating on their own.

In the case where phone calls are answered on behalf of a number of escorts, this may be considered part of running an Escort Agency which is illegal in Ireland.

In the case where two or more escorts provide outcall services to a house, hotel, apartment etc, the location is technically considered a brothel, so this is illegal.

If arrested please see section on Arrest.

## Premises Being Searched

Regardless of whether the location is classed as a brothel or not, the same rights apply to escorts working on their own or at locations where two or more escorts are operating from.

### Your Rights:

**Warrant:** Generally a Garda cannot enter your home or place of work without your consent. A search warrant is needed in most circumstances except where a Garda has an arrest warrant for someone occupying the premises or if in pursuit of a suspect. If a Garda asks to enter the premises you should confirm their identity and the Garda station they are based at. Gardai will provide this information for you to check before admitting them. You should ask the nature of their visit and if they have a warrant. If you cannot speak English or read the details of the warrant you should try and explain this as best you can. If the Gardai have no warrant you are not obliged to grant them access.

**Search Hotel rooms:** A Garda has a right to search an hotel room if they believe an offence has been committed or is about to be committed.

**Laptop / Mobile phones:** The Gardai can seize anything that they consider may be

used as evidence to aid any prosecution case, this includes condoms, lubricants, phones, laptops, cash etc. They can request the password to computers, laptops and PIN numbers for phones or they can request that you show them information contained on any electronic equipment.

**Passport or ID Cards:** If you are a foreign national the Garda can ask you to produce your passport, ID card, VISA or certificate of registration. If you cannot produce any of these documents you may be detained.

## Working for Escort Agencies or Others

It is illegal in Ireland to control or direct the activities of prostitution and as such Escort Agencies are illegal.

An escort working for an agency, by accepting bookings through the agency for example, but who operates on her own, as per section Escorting on Your Own is working legally. It is useful to make this point again that one escort operating alone can legally provide sexual services in exchange for money.

If the agency is accepting payments on behalf of escorts from customers, or taking a fee from escorts for providing bookings, this is considered to be living off the earnings of prostitution so is illegal in Ireland.

An escort can legally work for someone else who organises her bookings etc, as long as this other person does not engage in providing sexual services for money. It is illegal for the other person to live off any earnings made via the escort though.

## Advertising

It is an offence in Ireland for escorts to advertise the escort services they provide, it is also an offence for people or companies to knowingly print or distribute such material.

It is worth noting that escort adverts can be used as evidence to establish that an offence such as brothel keeping has been committed.

## Arrest

If arrested for an offence of prostitution or running a brothel, which is the more likely offence, you have a number of rights. A Garda does not need an arrest warrant in all cases and even the offence of a non national not providing the necessary ID documents can result in your arrest. You cannot be arrested if a Garda believes you may assist in the investigation of another person e.g. a pimp, unless that person is being investigated for the more serious crime of an offence against the state. More than likely you will be brought to and detained at a Garda station.

### Your rights:

**Notice:** A Garda must tell you that you are under arrest and the reason for your arrest. Do not resist when told that you are under arrest even if there has been no offence committed. If you are told that you have been arrested, even for questioning you should immediately ask to speak to the Member in charge.

**Solicitor:** You have the right to contact a solicitor. If you do not know a solicitor you should ask the Member In Charge to nominate or call one for you. This right should be pointed out to you when you first arrive at the station. You do not have the right to have your solicitor with you while you are being questioned. You have the right to speak to your solicitor privately when your solicitor arrives in the Garda station. If something happens during questioning and you think you need legal advice, you should ask that the interview be stopped so that you can take advice from your solicitor.

**Friend or family member:** You are entitled to a member of your family or a friend being told that you have been detained and the location of where you are being held. You are entitled to a visit from a member of your family or a friend or other person.

**Search:** You may be searched, but you must be told of the reason for the search and the search must be carried out in a respectful manner. You should not be searched by a person of the opposite sex (other than a doctor).

**III:** If you feel unwell you should immediately inform the Member in charge or Garda and ask to see a Doctor. If you are on medication you should inform the Member in charge immediately.

**Food, drink and sleep:** If you feel hungry or thirsty you should ask for something to eat or drink. You are entitled to be provided with meals, at least 2 light meals and 1 main meal in a 24 hour period. You are also entitled to a reasonable time for sleep or rest. Please note if you opt to sleep your period of detention will be increased by this amount of time e.g. if you sleep for 6 hours you may be kept 6 hours more.

**How long can I be kept in custody:** Usually the initial period is 6 hours but this may be extended for a further 12 to 18 hours if necessary and it also depends on the charge involved. You can only be interviewed for a maximum of 4 hours at any 1 time.

**Garda interview:** Only two Garda may interview you at any time and there should be no more than four Garda in the room at any time. Questioning can take different approaches. You have the right NOT to answer any questions but this may be later taken as evidence against you. Please speak to a solicitor before deciding whether to answer questions or not.

**Statement:** Your evidence will be recorded and read back to you at the end of any questioning so you can correct any mistakes. If you agree with the statement it should be signed, but ONLY after you have consulted

with the Solicitor assigned to you. You do not have to sign anything.

**English:** If you do not understand or speak English well, you have the right to an interpreter. Under no circumstances should you sign or engage in any conversation when under arrest if you do not understand what is being said. Always ask to speak to your appointed solicitor or interpreter if anything is unclear.

**Court:** You may be charged and brought to court. Your solicitor and Public Defence Counsel will represent you here. You have the right to plead Guilty or Not Guilty. If convicted, the sentence will depend on previous convictions etc. You will not be entered on any Sex Offenders Register but you will have this conviction logged against you in Ireland.

## Suggestions

Try and work on your own but for safety reasons try and work with someone who can answer the phone, tidy up etc. This is legal in Ireland.

If charged with something, e.g. running a brothel, you will be brought to court, whether you agree to the charge or not. If you plead guilty that is it, a sentence will be imposed and publicity may follow. If you do not agree with the charge, enter a not guilty plea.

Always ask for a solicitor and always consult your solicitor before signing anything

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### About Escort-Ireland.com

Escort-Ireland.com (E-I) is Ireland's most popular escort website. For further information see <http://www.escort-ireland.com>.

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