

Department of  
Justice & Equality



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS  
DEPARTMENT OF JUSTICE AND EQUALITY



October 2016

## Second National Action Plan to Prevent and Combat Human Trafficking in Ireland





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## FOREWORD BY TÁNAISTE AND MINISTER FOR JUSTICE AND EQUALITY



FRANCES FITZGERALD, T.D.

The Government of Ireland recognises that trafficking in human beings undermines the principles of human rights and dignity of the person, it will not tolerate persons who engage in any part of trafficking.

This Second National Action Plan seeks to build on the work carried out to date and set out our strategy for the coming years. It was drafted with the co-operation of our partners, both national and international, and was informed by our experience in this area over recent years. It also has regard to our commitments under international agreements including the *Council of Europe Convention on Action against Trafficking in Human Beings*, the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children*, supplementing the *United Nations Convention against Transnational Organised Crime* and *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*.

Through the EU Directive on human trafficking, EU States have demonstrated their commitment to work together to

drive up standards across the Union in tackling human trafficking. We will continue to support this important work at international level.

Ireland has the benefit in recent years of international evaluations of our practices and policies in this area. This Second National Plan seeks to build on areas of strength identified in these evaluations and, importantly, to improve and enhance our approach where necessary.

Delivery on the commitments in this Plan is reliant on a range of bodies across Government and State Services. It is also important to recognise the role played by civil society in responding to this issue; they too have a crucial role to play. Partnership between the State and civil society will continue to be central to our approach to tackling this heinous crime and supporting its victims.

A handwritten signature in blue ink that reads "Frances". The signature is written in a cursive, flowing style.

## INTRODUCTION

Ireland has a strong record in taking measures to tackle human trafficking. That is something we must build on. This Second National Action Plan outlines in Part 1 the structures and policies we have put in place to address human trafficking and support its victims and the developments and evaluations that have informed the drafting of this second Plan. Part 2 of the Plan outlines the priorities we have identified to further address this issue and sets out clear targets for delivery.

This Second National Action Plan builds on our current responses and commitment to work together with our partners to prevent and combat this disturbing crime. It leverages and builds on international and domestic experience to date and provides for new initiatives in order to address human trafficking in all its forms. This National Action Plan complements our commitments under Ireland's Second National Action Plan on UNSCR 1325 on Women Peace and Security and those set out in the Working Outline of the National Plan on Business and Human Rights.

Human trafficking is a complex issue with a diverse range of victims and circumstances. In Ireland, we have seen instances of trafficking for sexual

exploitation and labour exploitation. We have seen both Irish victims and foreign national victims. We have seen men, women, and children fall prey to this terrifying reality.

The hidden nature of trafficking makes it difficult to gain an accurate picture of its true scale and nature. While it is impossible to truly know the full scope and impact of this problem at the international or domestic level, we do know from our experience to date that women and children are the primary victims – overwhelmingly so for sexual exploitation but also for forced labour – however, men are not immune to this crime.

Victims of trafficking are some of the hardest to reach and most vulnerable victims. Hidden away, deceived, exploited and frightened, victims are deprived of their normal lives and are exploited through a variety of coercive practices all for the direct profit of their perpetrators. Exploitation often occurs through intimidation, force, sexual assault and threats of violence to themselves or their families. Victims need to be found and provided with a tailored response that fits their vulnerability, addresses the impact

this crime has had on them and helps us to bring their abusers to justice.

In many cases, victims are brought to Ireland from abroad. Victims may travel to Ireland willingly, in the belief that they are destined for a better life, including paid work, and may start their journey believing they are economic migrants, either legally or illegally. They may also believe that the people arranging their passage and papers are merely facilitators, helping with their journey, rather than people who aim to exploit them. In other cases, victims may start their journey independently and come to rely on facilitators along different stages of their journey to arrange papers and transportation.

While public perception may focus on transnational trafficking, we know that trafficking also occurs within Ireland. In recent years the phenomenon of internal trafficking of children has been increasingly disclosed. It is important to note that the vast majority of these cases involving children do not relate to prostitution but to other forms of sexual exploitation. Human trafficking is very broadly defined in Irish legislation and offences relating to child pornography, for example, may often contain the elements of human trafficking – such as recruitment and sexual exploitation – that will bring

such actions within the legal definition of human trafficking.

The Criminal Law (Human Trafficking) (Amendment) Act 2013 has provided for new forms of exploitation in human trafficking cases. These are trafficking for the purposes of ‘forced begging’ and trafficking for the purposes of ‘forced criminal activities’. These new forms of trafficking will be assessed to determine the extent to which they are present in Ireland. Trafficking for the purposes of ‘forced criminal activities’ may present particular challenges that will require careful examination; such cases can be extremely complex, involving the investigation of criminal offences carried out by victims as a result of their being trafficked. We must also guard against any attempts to improperly claim the status of being a victim to avoid responsibility for criminal activities that have been freely undertaken. Such illegitimate use of victim status draws upon Garda resources that would otherwise be dedicated to investigating human trafficking.

The National Referral Mechanism provides a way for all agencies, both State and civil society, to co-operate, share information about potential victims, identify those victims and facilitate their access to advice, accommodation and support. This Plan

provides for an examination of our current processes in this regard. We want to ensure that the processes and policies we have in place are proportionate to the

issue we must address and provide a context in which victims of trafficking come forward or are discovered, and that they are supported in doing so.

## SOME COMMON QUESTIONS ABOUT HUMAN TRAFFICKING

### What is human trafficking?

Trafficking in human beings consists of a combination of three basic components or constitutive elements - action, means and exploitation:

- the action of: “recruitment, transportation, transfer, harbouring or receipt of persons”;
- by means of: “the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person or providing accommodation or employment”;
- for the purpose of exploitation, which includes at a minimum, sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, the removal of organs, forced begging or forced criminal activities engaged in for financial gain.

Trafficking in human beings is a combination of these constituents and not the constituents taken in isolation. For instance, “harbouring” of persons (action) involving the “threat or use of force” (means) for “forced labour” (purpose) is conduct that is to be treated as trafficking

in human beings. Similarly, the recruitment of persons (action) by deceit (means) for exploitation in prostitution (purpose) is trafficking.

For there to be trafficking in human beings, ingredients from each of the three categories (action, means and purpose of exploitation) must be present together. There is, however, an important exception regarding children; in cases involving children there is no requirement for ‘means’ to be present.

### What is the difference between trafficking and smuggling?

Trafficking in human beings is to be distinguished from smuggling of migrants. While the aim of smuggling of migrants is the unlawful cross-border transport in order to obtain, directly or indirectly, a financial or other material benefit, the purpose of trafficking in human beings is exploitation. Furthermore, trafficking in human beings does not necessarily involve a transnational element; it can exist at national level.

Trafficking means much more than mere organised movement of persons for profit. The critical additional factors that distinguish trafficking from migrant smuggling are use of one of the means listed (force, deception, abuse of a

situation of vulnerability and so on) throughout, or at some stage in the process, and use of that means for the purpose of exploitation.

### **What are the causes of human trafficking?**

A set of interrelated, “push” and “pull”, factors contribute to transnational human trafficking. “Push” factors include extreme poverty, unemployment, lack of education, inadequate social programs, gender-based inequality, corruption, war and conflict situations, and political unrest in countries of origin. It has also been argued that uneven global economic development, unfavourable trade agreements and restrictive labour migration policies towards third countries are other contributory push factors. “Pull” factors include the perceived financial rewards of cheap, exploitative labour practices in some economic sectors and the commodification of women and girls, often involving the early sexualisation of minors, in sex industries. Victims may also be ‘pulled’ into trafficking through the promise of money and what is portrayed as or believed to be a better life.

### **Why is human trafficking so difficult to detect?**

The extent of human trafficking, either in Ireland or internationally, is difficult to

assess due to the hidden nature of these offences, the reluctance of victims and witnesses to come forward to law enforcement and the difficulty of identifying victims in practice. Moreover, these cases often go unnoticed and unreported due to manipulation, fear, threats from traffickers, shame, language barriers or mistrust of authorities.

### **Why do more victims not come forward?**

Victims may:

- Fear for their own lives;
- Not understand that they are victims of human trafficking;
- Be taught to distrust outsiders, especially law enforcement and other government authorities;

Foreign victims may:

- Be afraid they will be detained and deported, or they may have limited language skills;
- Be completely unaware of their rights or may have been intentionally misinformed about their rights in Ireland;
- Fear for their families and/or loved ones;
- Feel threatened that traffickers will harm their families if they report their situation to, or co-operate with, law enforcement.

## **PART ONE**

### **BACKGROUND AND ACTIVITIES TO DATE**

## 1.1 NATIONAL ACTION PLAN 2009 -2012

Trafficking in human beings violates a variety of human rights and is itself a heinous crime which has no place in modern society. The efforts to tackle this crime in Ireland intensified in 2008 with the establishment of a dedicated Anti-Human Trafficking Unit in the Department of Justice and Equality. This led to the drawing up of the first ***National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland***, which was published in June 2009.

One of the stated aims of the ***National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009 – 2012***, was to ensure the protection of the human rights of the victims of this crime. That National Action Plan provided a blueprint for Ireland's efforts to tackle trafficking in human beings and to support and protect victims. The Plan detailed the process by which victims of trafficking could be identified. It also set out a comprehensive framework of supports for

victims through which their rights to residence permission, suitable accommodation, legal advice, medical and psychological care, language and vocational training and security could be secured. The Plan has led to the development of a consultative framework (between Government agencies, non-governmental organisations, civil society and expert international organisations) which has impacted on the development and enhancement of these support frameworks.

The first National Action Plan set out the structures to be put in place to ensure that Ireland had the appropriate legislative and administrative framework which enabled it to ratify all relevant international instruments. The Plan contained a total of 144 Actions, many of which were completed during its lifetime. A number of the Actions are on-going and will continue to feature in the new National Action Plan and beyond.

## 1.2 RELEVANT DOMESTIC LEGISLATION AND ADMINISTRATIVE ARRANGEMENTS

Ireland has in place a comprehensive range of legislative measures to combat human trafficking and support its victims as follows:

### **Criminal Law (Human Trafficking) Act 2008**

The Criminal Law (Human Trafficking) Act 2008 commenced operation on 7 June 2008. This legislation creates an offence of recruiting, transporting, transferring to another person, harbouring, or causing the entry into, travel within or departure from the State of a person or providing the person with accommodation or employment for the specific purpose of the trafficked person's sexual or labour exploitation or removal of his or her organs. It provides for penalties of up to life imprisonment and, at the discretion of the court, a fine for persons who traffic or attempt to traffic other persons for the purposes of labour or sexual exploitation or for the removal of a person's organs.

### **Criminal Law (Human Trafficking) (Amendment) Act 2013**

The Criminal Law (Human Trafficking) (Amendment) Act 2013 was enacted on 9 July 2013. The purpose of this Amendment is to facilitate full compliance with the

criminal law measures set out in **Directive 2011/36/EU of the European Parliament and of the Council on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA** by criminalising trafficking for the purpose of forced begging and trafficking for other criminal activities. This legislation also defines the term 'forced labour' as used in the 2008 Act. The definition is based on that set out in the International Labour Organisation (ILO) Convention No. 29 of 1930 on Forced or Compulsory Labour. In addition, the Amendment Act contains provisions to better facilitate children giving evidence in criminal prosecutions by increasing from 14 to 18 years the upper age threshold for out-of-court video recording of a complainant's evidence and by making provision for video recording the evidence of a child (other than an accused) who is under the age of 18 years.

### **Child Trafficking and Pornography Act 1998**

This Act makes it an offence to organise or knowingly facilitate the entry into, transit through, or exit from Ireland of a child for the purpose of the child's sexual

exploitation or to provide accommodation for the child for such a purpose while in Ireland. It is also an offence to take, detain or restrict the personal liberty of a child for the purpose of the child's sexual exploitation, to use a child for such purpose or to organise or knowingly facilitate such taking, detaining, restricting or use.

Section 1 of the Criminal Law (Human Trafficking) Act 2008 amends the 1998 Act by extending the definition of a child from a person under the age of 17 years to a person under the age of 18 years. The maximum penalty on conviction is raised from 14 years to life imprisonment.

#### **Illegal Immigrants (Trafficking) Act 2000**

Under this Act it is an offence for a person to organise or knowingly facilitate the entry into Ireland of another person whom that person knows or has reasonable cause to believe is an illegal immigrant. The penalty on conviction on indictment for this offence is a maximum of 10 years imprisonment or an unlimited fine or both.

This Act is used to prosecute offences which occurred before the enactment of the 2008 Act.

#### **Sexual Offences (Jurisdiction) Act 1996**

This Act allows for the prosecution of an Irish citizen, or a person ordinarily resident in the State, who commits an act in another country which is a sexual offence against a child in that other country and if done within the State, would constitute a sexual offence against a child in the State. The penalties, on conviction on indictment, are a maximum fine of £10,000, a maximum of 5 years imprisonment, or both.

#### **Civil Law (Miscellaneous Provisions) Act 2011/Civil Legal Aid Act 1995 as amended**

The Civil Law (Miscellaneous Provisions) Act 2011 amends the Civil Legal Aid Act 1995, and allows the Legal Aid Board to provide victims with legal advice in criminal matters and in particular all through the criminal justice process to ensure that the victim is protected and advised of his/her role as witness. (The 1995 Act permits the Legal Aid Board to give advice in relation to civil matters.)

### **International Protection Act 2015**

The International Protection Act 2015 was signed into law on 30 December 2015. The new law is a reforming measure and arises from a Government commitment to 'fast track' the enactment of the 'Protection' part of the previously published Immigration, Residence and Protection Bill. The principal purpose of the Act is to reform the system for examining and determining applications for international protection in Ireland through the introduction of a single application procedure. Under the single procedure, an applicant will make only one application, and will have all grounds for seeking international protection permission to remain in the State examined and determined in one process. The single procedure will replace the current multi-layered and sequential protection application system and is intended to achieve the desired balance in treating asylum seekers with humanity and respect, whilst also ensuring that we have more efficient asylum and immigration procedures and safeguards in place. This reform will simplify and streamline existing arrangements and provide applicants with a final decision on their protection application in a more straightforward and timely fashion. It will also, as a consequence, reduce the length of time that applicants spend in the direct

provision system. The Act is in compliance with the United Nations Convention relating to the Status of Refugees and with the related EU Directives on asylum procedures and qualification, which Ireland has opted into.

The 2015 Act repeals the Refugee Act 1996, as significantly amended, and contains a small number of key amendments to the Immigration Acts of 1999, 2003 and 2004. The Office of the Refugee Applications Commissioner is replaced by an International Protection Office within the Department of Justice and Equality and the Refugee Appeals Tribunal is replaced by a newly constituted and independent appeals body to be known as the International Protection Appeals Tribunal. Work on preparing for the implementation of the new Act is continuing.

### **Administrative Immigration**

#### **Arrangements for the Protection of Victims of Human Trafficking**

In circumstances in which persons have no legal basis to remain in the State, protection may be granted under the Administrative Immigration Arrangements for the Protection of Victims of Trafficking through the granting of a 60 day recovery and reflection period and/or 6 month renewable temporary residence

permission, where the trafficked person wishes to assist An Garda Síochána or other relevant authorities in any investigation or prosecution in relation to the alleged trafficking. The Administrative Arrangements were established in June 2008 to coincide with the enactment of the Criminal Law (Human Trafficking) Act 2008. These will be put on a statutory basis in future Immigration and Residence legislation.

Following a review, a number of changes were made to the Administrative Immigration Arrangements namely:

- (a) a procedure to allow a person make an application to change to a longer term permission to remain in the State after 3 years of Temporary Residency Permissions or when the investigation/prosecution is complete (whichever is the shorter);
- (b) arrangements to issue a recovery and reflection period for persons under 18 years for periods in excess of 60 days having regard to the arrangements in place for the care and welfare of the child;
- (c) clarification that there is no right to family re-unification while on temporary residence permission (each case will be considered on its merits);
- (d) a provision for those victims of human trafficking who have been refused asylum, to allow them to have the fact that they have been identified as a suspected victim of human trafficking to be taken into account in any consideration as to whether they may remain in the country under various immigration permissions. In such cases temporary residence permission under the Administrative Immigration Arrangements will automatically issue, pending consideration of any other forms of immigration permission of which the person may wish to avail.

**Links to all the relevant legislation and the Administrative Immigration Arrangements for the Protection of Victims of Trafficking are available on [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)**

### 1.3 INTERNATIONAL DEVELOPMENTS

In addition to the ratification by Ireland of two key international agreements namely, the ***Council of Europe Convention on Action against Trafficking in Human Beings*** and the ***UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children*** supplementing the ***United Nations Convention against Transnational Organised Crime*** there have been a number of other developments at EU and international level which will impact on our national strategy over the coming years.

The key developments include:

An [Action Oriented Paper on strengthening the EU external dimension on action against trafficking in human beings](#) was approved by the JHA Council in December 2009. The aim of this initiative is to strengthen co-ordination and co-operation with third countries. The main issues provided for in the Paper are:

- the establishment of an EU Anti Trafficking Co-ordinator;
- the setting up of an EU anti-trafficking website and
- the establishment of a data collection template to collect harmonised data across all

Member States to enable scoping of the problem.

In 2010 the European Court of Human Rights found in the [case of Rantsev](#)<sup>1</sup> that trafficking in human beings is a violation of Article 4 of the European Convention on Human Rights which prohibits slavery/servitude and forced labour. The Court emphasised that, accordingly, States have a positive obligation to put in place an appropriate legal and administrative framework against trafficking, to take measures to protect victims and to investigate acts of trafficking, including through effective co-operation on criminal matters with other States.

Also in July 2010, the [UN Global Plan of Action against Human Trafficking](#) was adopted. The Global Plan of Action refers not only to the prosecution of the offenders and criminal law aspects of the fight against trafficking in human beings, but also includes provisions to foster prevention of the crime and to increase protection of and support to victims.

In April 2011 [Directive 2011/36/EU on preventing and combating trafficking in](#)

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<sup>1</sup> Rantsev v Cyprus and Russia no.25965/04 ECHR 2010

[human beings and protecting its victims, replacing Framework Decision 2002/629/JHA](#) was adopted. This Directive takes a victim centred approach, including a gender perspective, to cover actions in different areas such as criminal law provisions, prosecution of offenders, victim support and victim rights in criminal proceedings, prevention, and monitoring of the implementation. Member States (including Ireland) had two years in which to transpose this Directive, i.e. by April 2013. The provisions of the Directive were fully transposed in Ireland by way of legislation (including the Criminal Law (Human Trafficking) Act 2008; the Criminal Law (Human Trafficking) (Amendment) Act 2013 and the Child Trafficking and Pornography Act 1998) and by way of administrative measures in accordance with Article 22 of the Directive.

Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime considerably strengthens the rights of victims and their family members to information, support and protection as well as their procedural rights when participating in criminal proceedings. It also includes provisions to ensure that professionals are trained on victims' needs, and to encourage co-operation between Member States in relation to awareness-raising on victims' rights. Work

is continuing on legislation to transpose the Victims' Directive into Irish law.

In October 2012 the EU launched its [Strategy towards the Eradication of Trafficking in Human Beings 2012- 2016](#). The stated aim of this document is to set out concrete measures which will support the transposition and implementation of Directive 2011/36/EU and bring added value to and complement the work done by governments, international organisations and civil society in the EU and third countries. In drawing up this Second National Action Plan we have looked to the EU Strategy, amongst other sources, as a roadmap for the future direction of our national anti-trafficking strategy.

A post 2016 EU strategy on trafficking in human beings is currently being developed by the Commission and will be drafted following a widespread consultation process with Member States and civil society. The Anti-Human Trafficking Unit (AHTU) is already participating in this consultation process and will take into account this new strategy while implementing the actions and activities contained in this Plan.

The European Commission published a booklet entitled [The EU Rights of Victims of Trafficking in Human Beings](#) in May 2013

(during the Irish Presidency of the European Union). This document is provided for in the EU Strategy towards the Eradication of Trafficking in Human Beings (2012-2016) as mentioned above. Action 4 of that Strategy concerns the Provision of Information on the Rights of Victims. The purpose of this booklet is to

ensure that the rights of victims that already exist are set out clearly and, insofar as possible, in simple language that can be understood by victims themselves. It also provides for the first time in a single document details of all the relevant EU legislation in this area.

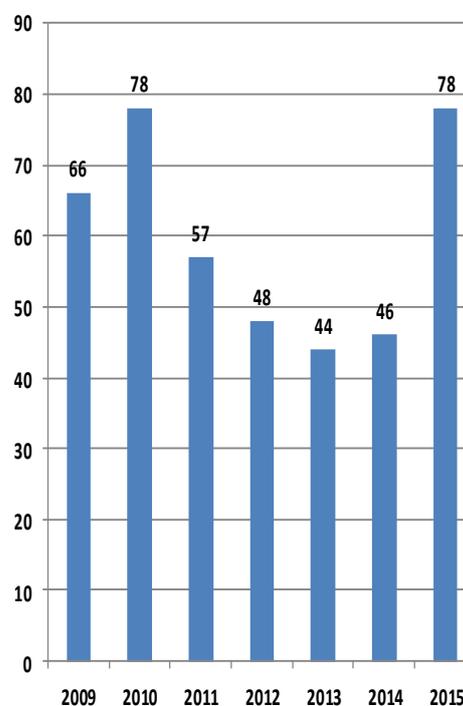
## 1.4 EXPERIENCE OF TRAFFICKING IN IRELAND FROM 2009 TO 2015

On 1 January 2009, the Anti-Human Trafficking Unit initiated a pilot data collection strategy. The purpose of the exercise was to gain a more informed view of the nature and extent of trafficking of human beings in Ireland in terms of what was being encountered by both governmental and non-governmental organisations. The strategy functions by collecting depersonalised information in a standardised format from different sources (Government and non-Government) and then collating and analysing this data centrally in the Anti-Human Trafficking Unit. The data collection system has been designed to better facilitate the reporting of data to Eurostat for the purposes of compiling statistics at the EU level on human trafficking. The following is a brief overview of the data collected. Further detailed information is available in the Annual Reports on Trafficking in Ireland for each of the years from 2009 to 2014 which are available on [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie). Data provided for 2015 is provisional and may differ from the final figures included

in the 2015 Annual Report which will be published later in 2016.

Between January 1 2009 and December 31 2015, a total of 417 alleged<sup>2</sup> victims of human trafficking (henceforth referred to as alleged victims) were reported to or detected by An Garda Síochána. When divided according to each of the 7 years for which data is available, 66 persons were reported in 2009; 78 in 2010; 57 in 2011, 48 in 2012, 44 in 2013, 46 in 2014 and 78 in 2015.

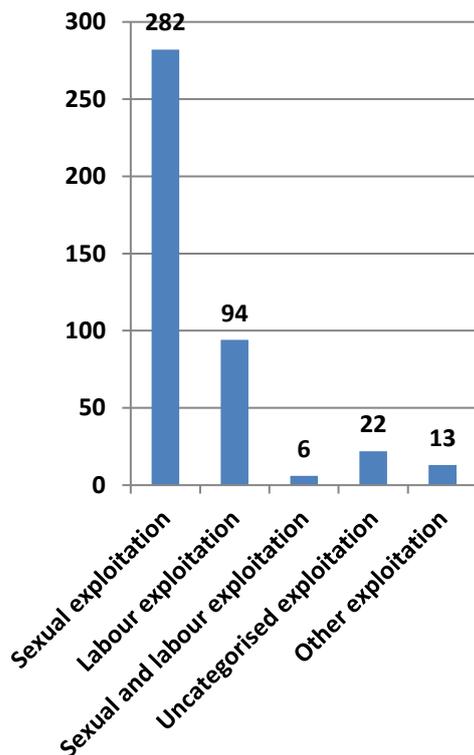
### Number of victims per year



<sup>2</sup> Reference to alleged victims includes potential victims and suspected victims.

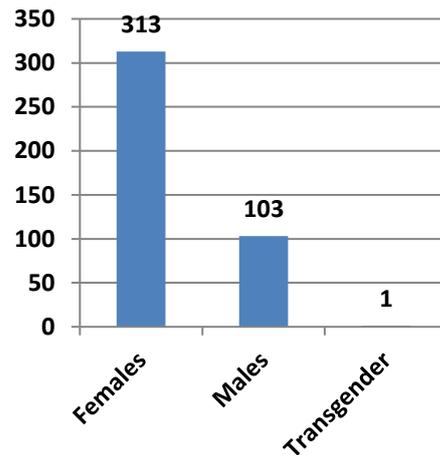
### Types of Trafficking

In terms of the types of human trafficking reported the largest group were alleged victims of sexual exploitation (282 persons). The second largest group were alleged victims of labour exploitation (94 persons). Other groups included those who reported experiencing uncategoryed exploitation<sup>3</sup> (22 persons), a small number (6 persons) who reported experiencing both labour and sexual exploitation and those (13 persons) who experienced other forms of trafficking, including for forced begging and forced criminality.



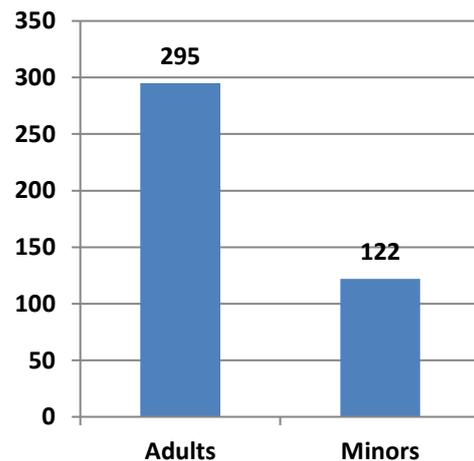
### Victims by gender

Concerning the gender of alleged victims the majority were female (313 persons) with males accounting for a smaller proportion (103 persons). One transgender person was also detected.



### Victims by age group

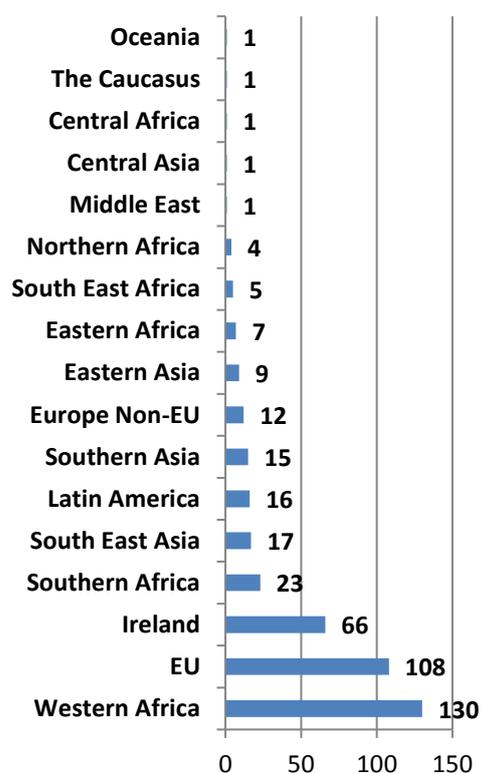
Regarding the age of those reported, while the majority were adults (295 persons), a significant number of minors (122 persons) were also detected.



<sup>3</sup> Uncategoryed exploitation signifies there were general concerns that these persons could be victims of human trafficking however there were no firm indications as to the type of trafficking involved at the time of reporting.

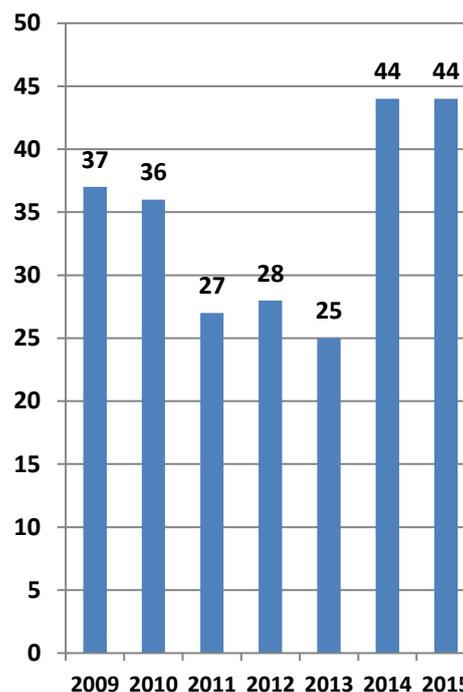
### Victims by region of origin

As regards the origin of alleged victims, those from Western Africa, principally Nigeria, constituted the largest regional group (130 persons). The second largest regional group were those from the EU (108 persons). The third largest group were those from Ireland (66 persons).



### Year of reporting

When divided according to each of the 6 years for which data is available, 37 persons were reported in 2009 compared with 36 in 2010; 27 in 2011; 28 in 2012, 25 in 2013 and 44 in both 2014 and 2015.



### Reporting by Non-Governmental Organisations (NGOs)

Between January 1 2009 and December 31 2015, a total of 234 alleged victims were reported by NGOs to the AHTU. NGOs came into contact with alleged victims either directly as first responders or by way of referral from Governmental or other organisations.

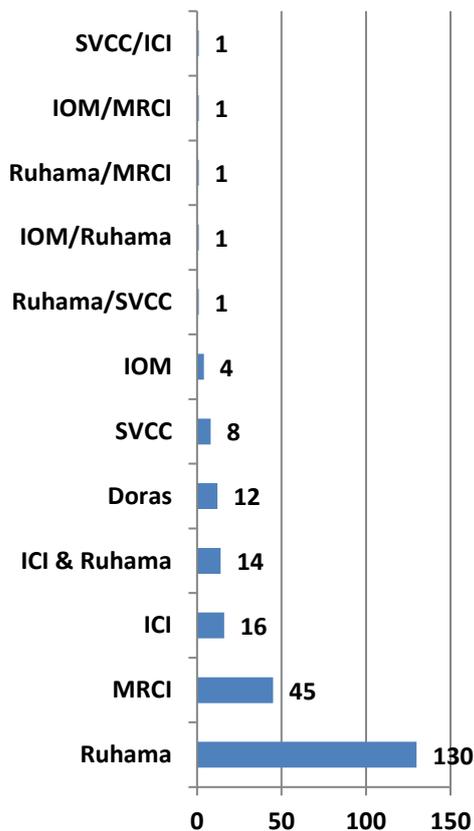
### Reporting Organisations

In terms of the number of reports received from NGOs between the beginning of 2009 and the end of 2015 Ruhama provided 130, the Migrant Rights Centre of Ireland (MRCI) provided 45, the Immigrant Council of Ireland (ICI) provided 16, the Sexual Violence Centre Cork (SVCC) provided 8, Doras Luimní provided 12, the International Organisation for Migration (IOM) provided four. Where more than one organisation provided a report of victim, this is provided for in the graph.

**Please note:**

**The data provided above is subject to change. Finalised data will be available in the 2015 Annual Report on Human Trafficking in Ireland.**

**The Annual Reports provide greater statistical detail on victims of trafficking in Ireland, and are published on [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)**



## 1.5 CURRENT STRUCTURES

### Administrative Units

To ensure a co-ordinated and comprehensive response to human trafficking in Ireland the State has four dedicated units. These are:

- The **Anti-Human Trafficking Unit (AHTU) in the Department of Justice and Equality**. This has both a co-ordinating and implementation role in relation to the State's response to trafficking in human beings. A key function of this Unit is to assist in resolving any issues which may arise between State agencies providing services to victims.
- The **Human Trafficking Investigation and Co-ordination Unit (HTICU)** in An Garda Síochána has particular expertise in regard to trafficking in human beings. This Unit is now under the operational command of the Detective Chief Superintendent, National Protective Services Bureau. However, pending a review of the current processes, the State's competent authority under the Administrative Immigration Arrangements remains with the Detective Chief Superintendent, Garda National Immigration Bureau.
- There is also a specialised **Human Trafficking Legal Team** in the Legal Aid Board (LAB) established in 2009 providing legal aid and advice to victims, and
- The **Anti-Human Trafficking Team** in the Health Service Executive (HSE), established in 2010, provides an individual care plan for each potential or suspected victim of human trafficking.
- There are also dedicated personnel in the **Asylum Seekers and New Communities Unit** in the Department of Social Protection who assist those who have been granted temporary residency (renewable) in transiting from accommodation provided by the State's Reception and Integration Agency (RIA) to mainstream services.

The **Office of the Director of Public Prosecutions (DPP)**, which is independent in the exercise of its functions, has a specific unit to deal with cases referred by An Garda Síochána with a view to initiating a prosecution.

### **Consultative Structure**

Ireland has also put in place a consultative structure involving over 70 different Governmental, Non-Governmental and International Organisations. The method of consultation is based on that recommended by the Organisation for Security and Co-operation in Europe (OSCE) in the context of developing National Referral Mechanisms on human trafficking and includes:-

- An **Interdepartmental High Level Group** established by the Minister for Justice and Equality in late 2007 to recommend to him the most appropriate and effective responses to trafficking in human beings. The High Level Group comprises senior representatives from the key Government Departments and Agencies.
- Members from the High Level Group engage with NGOs and International Organisations by way of a **Roundtable Forum**.
- In addition, **five interdisciplinary Working Groups** chaired by the Anti-Human Trafficking Unit and comprising representatives from the relevant Government Agencies, NGOs and International Organisations progress matters at a practical 'on the ground' level and, in turn, report to the High Level Group. The Working Groups address:
  1. Development of a National Referral Mechanism
  2. Awareness-Raising and Training
  3. Child Trafficking
  4. Labour Exploitation issues
  5. Sexual Exploitation issues.

These meetings provide a useful opportunity for frank and open discussions between those representing victims and those responsible for investigating and prosecuting alleged traffickers. This has led to a greater understanding of each others' point of view and increased co-operation on the ground.

## 1.6 AWARENESS-RAISING AND TRAINING

### Awareness-Raising

A number of awareness-raising and training initiatives have also taken place since the establishment of the Anti-Human Trafficking Unit (AHTU) in 2008, some of which include:

- The Blue Blindfold campaign, the central message of which is “*Don't Close your Eyes to Human Trafficking*”. The campaign was initially launched in 2008 and re-launched as an all-island campaign in 2011 for the purpose of reinforcing its central message.
- Articles and/or advertisements have been placed in a variety of publications such as the *Judicial Studies Journal*, *Irish Taxi Drivers Federation Yearbook*, GAA sport programmes, *Informatia* – a Romanian newsletter, the *Public Sector Journal*, *Forum* – a magazine for GPs, etc.
- Representatives from AHTU and HTICU have made a number of presentations on human trafficking to a variety of people including university students, secondary school students, health professionals, education professionals and hotel staff.
- AHTU printed Blue Blindfold branded bookmarks, leaflets and information cards for widespread distribution.
- AHTU organised a film festival on Human Trafficking to coincide with EU Anti-Trafficking Day on 18 October 2010. Two films were shown, one in the afternoon which had a theme of labour exploitation and one in the evening which had a theme of sexual exploitation. In excess of 650 persons received tickets to attend either the afternoon or evening event. In excess of 250 secondary school students (Transition Year and higher) attended the afternoon event. Each film was followed by a discussion of the issues raised.
- An educational pack for the Civic, Social and Political Education (CSPE) curriculum in secondary schools was developed and sent out to all schools in the first week of September 2011. Each pack contained leaflets, a poster, a

booklet entitled 'Don't Close your Eyes to Slavery' and information cards to facilitate a group learning activity for students in the junior cycle.

- To mark EU Anti-Trafficking Day 2011 radio ads on human trafficking were broadcast over 7 days on 3 national radio stations.
- A photo exhibition 'Not Natasha', an initiative of the ICI co-financed by the Department of Justice and Equality and Dublin City Council, was held in 2011.
- AHTU ran a **Secondary School Art competition** (for Transition Year, 5<sup>th</sup> and 6<sup>th</sup> years) in late 2011 with the awards ceremony in 2012. Students were asked to design the cover of a Guide being developed by AHTU for Service Providers who may encounter victims of child trafficking. The Guide covers such topics as the indicators of child trafficking, the services available to victims, the impact of trafficking on children, etc.
- To mark EU Anti-Trafficking Day on 18 October 2012 the Department of Justice and Equality joined forces with the Northern Ireland

Department of Justice to raise awareness of human trafficking throughout Ireland by holding a photography and video competition on the subject. The competition was open to all third level students on the island of Ireland. The idea of the competition was to encourage students to become aware of the issue of human trafficking and to consider what human trafficking really means, while at the same time showcasing their huge creative talents. A three person judging panel accounted for 80% of the overall marks with entries being voted for through Facebook making up the remaining 20% of the marks.

- To mark EU Anti-Trafficking Day 2013 a cross border forum on human trafficking was held in Newry, Co. Down. The aim of the forum, which was attended by both Ministers for Justice along with representatives from State, Law Enforcement, Non-Governmental and International Organisations representing the island of Ireland and delegates from other jurisdictions, was to examine human trafficking in

- terms of victim location and demand reduction.
- The AHTU circulate a quarterly newsletter to all stakeholders with updates on activities and key developments in relation to the prevention of human trafficking.
  - Human Trafficking information stands have been provided by the AHTU at a number of events including conferences and college information days.
  - To mark EU Anti-Trafficking day 2014, a large ‘Blue Blindfold – Don’t Close Your Eyes to Human Trafficking’ banner was placed on Liberty Hall in Dublin.
  - In January 2015, AHTU and the Department of Justice, Northern Ireland (DOJNI) jointly organised a cross-border forum on forced labour on the island of Ireland in the Dromentine Centre, Newry.
  - AHTU participated in a number of EU funded research projects;
    - a) the REACH project which involved,
      - (i) a Women and Girls campaign to reach out to women who have been trafficked or who are at risk of being trafficked into prostitution on the island of Ireland, (ii) a Men and Boys campaign encouraging them to take a stand against prostitution and sex trafficking using the “*We don’t buy it*” campaign slogan and (iii) creating a mobile app aimed at aiding the training of front line professionals;
      - b) the project entitled: ‘Preventing Human Trafficking and Sham Marriages; a Multidisciplinary Approach’ which was led by Latvia and
      - c) AHTU and HTICU participated on the national advisory committee on the delivery of early legal intervention for victims of human trafficking for sexual exploitation. The Project was led by ICI and involved organisations from 6 EU Member States. The Project has resulted in the development of a Training Toolkit, “*Upholding Rights. Early Legal Intervention for Victims of Trafficking in Human Beings (THB)*” for practitioners.
    - In June 2016 the Department of Justice and Equality and the Department of Justice Northern Ireland co-hosted a cross border

conference on modern slavery and trafficking for labour exploitation. The focus of this event was on engagement with the private sector to raise awareness of the indicators of serious labour exploitation and to advise them on how they can prevent it in their businesses and supply chains.

**Full details of the awareness-raising work undertaken to date can be seen on [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie).**

**Information leaflets, posters and merchandise for individuals or groups to support awareness-raising in relation to human trafficking are available on request to [ahtudivision@justice.ie](mailto:ahtudivision@justice.ie)**

### Training

The International Organisation for Migration (IOM) secured a contract in 2009 to develop, design and deliver a 'Train the Trainers' programme which was subsequently rolled out to personnel in Government agencies likely to encounter victims of trafficking. The idea of the programme was that participants on the course would train others in their organisations on the issues associated with human trafficking. Three 'Train the Trainer' courses were completed with 40

participants from 13 different organisations.

The Immigrant Council of Ireland Law Centre provided training on legal representation of victims of trafficking to the Legal Aid Board (LAB).

### Awareness-Raising Training

139 people participated in basic awareness training which was provided by IOM with input from NGOs, An Garda Síochána and the Anti-Human Trafficking Unit.

**Training Material is available to download from the dedicated anti-trafficking website [blueblindfold.gov.ie](http://blueblindfold.gov.ie).**

**Requests for assistance with training and awareness-raising in relation to human trafficking can be made to [ahtudivision@justice.ie](mailto:ahtudivision@justice.ie)**

### Garda Síochána Training

An Garda Síochána has placed particular importance on ensuring that its members receive training which will equip them to tackle the phenomenon of human trafficking. A continuous professional development training course entitled '*Tackling Trafficking in Human Beings: Prevention, Protection and Prosecution*' has been designed by An Garda Síochána. The IOM, AHTU and the Health Services Executive (HSE) together with NGOs such

as Ruhama, Migrants Rights Centre Ireland (MRCI) and the Immigrant Council of Ireland (ICI) assist in the delivery of this training. The training, which is delivered to frontline members of An Garda Síochána and in the Garda Training College in Templemore in Co. Tipperary, focuses on victim identification through recognition of trafficking indicators and the investigation of trafficking in persons.

The aim of the course is to alert operational personnel within An Garda Síochána to the existence of the phenomenon of trafficking and to empower them to identify victims so as to provide for their wellbeing and to ensure initiation of criminal investigations, where appropriate. Members of the Police Service of Northern Ireland (PSNI), UK Borders Agency and London Metropolitan Police have attended this training and the former Head of the United Kingdom Human Trafficking Centre, who is now working with the United Nations on measures to address human trafficking, has presented at each of these training courses emphasising the need for international and cross-border co-operation between police forces.

Up to the end of March 2016, 1113 operational Garda personnel have received this detailed training to enable

them to identify and refer victims of human trafficking for support and deal with prosecutions, if appropriate. Awareness-raising training on human trafficking has also been delivered to probationer Gardaí during their final phase of training, members of the Garda Reserve, Immigration Officers, Ethnic Liaison Officers (of whom 4 were PSNI Liaison Officers) and Senior Investigating Officers.

A web based portal is now available on the Garda computer system. Every Garda Officer can access a step-by-step guide on what to do if s/he suspects a person to be a victim of human trafficking.

A Conference on Human Trafficking was held for Senior Garda Officers in the Garda training College, Templemore in October 2014. The purpose of this Conference, which was attended by approximately 120 of the most senior Gardaí in the country, was to bring together senior management of An Garda Síochána with international experts, other State authorities and national non-governmental organisations to discuss best practice in combating the crime of human trafficking and protecting its victims. Training is also provided by members of An Garda Síochána to staff of the Irish Naturalisation and Immigration Service (INIS) who are engaged in front line point of entry duties at Dublin Airport.

The range of assistance and support services provided under Ireland's National Referral Mechanism<sup>4</sup> to both foreign and domestic victims of human trafficking, depending on their individual circumstances are, as set out beneath:

- Accommodation, where necessary
- Medical care/care planning
- Psychological assistance
- Material assistance e.g. Supplementary Welfare Allowance, Rent Supplement
- Legal aid and advice
- Access to the labour market, vocational training and education, where appropriate
- Police services, including crime prevention advice
- Voluntary Return, where appropriate
- Permission to be in the State and/or non-removal pending a determination of whether there

## 1.7 SUPPORTS FOR VICTIMS

are reasonable grounds to suspect human trafficking has occurred, where appropriate and a Temporary Residence Permission if assisting with an investigation or prosecution

- Asylum services, where appropriate
- Translation and interpretation, when appropriate
- Access to education for children.

**An information booklet in relation to Supports and Services for Victims, is available on the dedicated anti-trafficking website**  
**[www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)**

**A specific information booklet on Services for Child Victims of Human Trafficking is also available on this site.**

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<sup>4</sup> A National Referral Mechanism is a framework through which State bodies fulfil their obligations to protect and

promote the human rights of trafficking victims, working in partnership with civil society.

## 1.8 INTERNATIONAL RECOMMENDATIONS AND EVALUATIONS

Ireland's anti-trafficking measures are subject to international evaluation. Recent evaluations include:

### **Visit of OSCE Special Representative on Trafficking – January 2012**

The OSCE Special Representative and Co-ordinator for Trafficking in Human Beings, has comprehensive tasks in relation to combating human trafficking, including assisting OSCE participating States in the implementation of the OSCE Action Plan to Combat Trafficking in Human Beings; providing technical assistance to participating States; co-operating with National Rapporteurs and Equivalent Mechanisms, etc.

One of the ways in which the Special Representative fulfils the co-ordination and monitoring tasks is to undertake a country visit to participating States. The aim of the country visits is to map out the existing mechanisms, achievements and challenges of the different participating States. The then Special Representative, Ms. Maria Grazia Giammarinaro visited Ireland in January 2012 and arising from that visit she prepared a Report in which she included a number of recommendations. These have been

carefully considered during the development of this National Action Plan.

### **US Department of State Trafficking in Persons Report**

The U.S. Congress, under the 2000 Trafficking Victims Protection Act as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. Countries considered as being countries of origin, transit or destination for victims of severe forms of trafficking are included in what is known as 'the TIPS Report'. They are assigned one of three tiers. Countries assessed as meeting the '*minimum standards for the elimination of severe forms of trafficking*' set out in TVPA are classified as Tier 1. This is the highest rating a country can receive.

In the last seven US "TIPS" Reports (2010, 2011, 2012, 2013, 2014, 2015 and 2016) Ireland received a Tier 1 rating (i.e., Ireland has met the minimum standards for the elimination of severe forms of trafficking). The US State Department in its narrative on Ireland in the Report has set out a number of recommendations and these have been considered during the development of this National Action Plan.

### **Council of Europe Evaluation – GRETA**

GRETA is the body responsible for monitoring implementation of the [Council of Europe Convention on Action against Trafficking in Human Beings](#) by the States Parties to the convention. GRETA regularly publishes Reports evaluating the measures taken by the Parties and those Parties which do not fully respect the measures contained in the Convention will be required to step up their action.

When evaluating a country GRETA prepares a Report on the measures taken in the country. These Reports are compiled from a variety of information sources including a questionnaire and a country visit to meet with the relevant actors (governmental and non-governmental).

The first evaluation process for Ireland commenced in February 2012. A country

visit took place in November 2012 and GRETA published its Report on Ireland in September 2013. These findings have been carefully reviewed during the development of this National Action Plan.

The second evaluation of Ireland by GRETA is currently underway and the results of the subsequent GRETA report on Ireland will also be carefully considered.

**Copies of the Council of Europe (GRETA) Evaluation and the OSCE Special Representative Report, and Ireland's responses, are available on the dedicated anti-trafficking website [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)**

## 1.9 REVIEW OF THE 2009 - 2012 NATIONAL ACTION PLAN

During 2011 a structured mid-term review of the implementation of the 2009 - 2012 National Action Plan was carried out. This involved a consultation process with relevant stakeholders. A series of meetings of the Roundtable Forum and the five Working Groups were held during the year and written submissions received from a number of organisations were also considered. The Review document outlined the progress to date in implementing the 144 actions in the first National Action Plan and issues raised during the consultation process. These concerned, inter alia, the use of Reception and Integration Agency (RIA) accommodation; the absence of a formal identification process for victims who do not require a recovery and reflection

period and temporary residence, the provisions of legal supports to victims and the compensation arrangements for victims. Submissions were also made regarding the policing structures and the lack of prosecutions. A number of issues regarding child victims of trafficking including the need for a joint protocol on child trafficking between An Garda Síochána and the HSE; age assessment procedures and additional supports for the placement of separated children around the country were also raised.

**The Report on the Review is available  
on [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)**

## **PART TWO**

### **NEXT STEPS – PRIORITIES 2016 ONWARDS**

## 2.1 GOAL OF THE NATIONAL ACTION PLAN

The goals of this Second National Action Plan are to:

- Prevent trafficking in human beings
- Identify, assist, protect and support victims of trafficking in human beings
- Ensure an effective criminal justice response
- Ensure that Ireland's response to human trafficking complies with the requirements of a human rights-based approach and is gender-sensitive.
- Ensure effective co-ordination and co-operation between key

actors, both nationally and internationally

- Increase the level of knowledge of emerging trends in the trafficking of human beings
- Continue to ensure an effective response to child trafficking.

These goals will be achieved by developing and maintaining the structures which have been put in place to identify and support victims and to detect and prosecute those who seek to ply this evil trade in Ireland.

## 2.2 PRIORITIES OF IRELAND'S ANTI-TRAFFICKING STRATEGY

The key priorities of Ireland's Anti-Trafficking Strategy are reflected in the actions set out in this Plan. Central to the identification of priorities, will be ensuring that our approach is, first and foremost, victim-centred. Allied to that will be the aim of ensuring an effective criminal justice response to the perpetrators of this heinous crime. The partnership structure, which was put in place under the first National Action Plan, will continue to be

supported. It is recognised that children who are victims of trafficking or who may be vulnerable to traffickers require a high level of protection and this too is a key focus of this Plan.

This Action Plan is a flexible document which will be adapted to reflect the growing experience in this area and the new challenges which may arise. The targets set out in this Plan are not

proposed as an exhaustive list of all activities that will take place or that may be required. The consultative structures will be utilised to develop Annual Work Plans

that may seek, in addition to the targets in this Plan, to address emerging needs.

## 2.3 PREVENTION

Ireland has a broad-based prevention strategy which focuses on

- Training for frontline personnel
- Awareness-raising activities
- Vulnerability reduction
- A data collection system designed to ensure knowledge of emerging trends
- Enhanced co-ordination and co-operation among stakeholders
- Reduction in the demand for services of victims of human trafficking

The training of frontline personnel on the indicators of human trafficking will continue under this National Action Plan with the extension of this training beyond traditional sectors, e.g. An Garda Síochána, Labour Inspectors, etc. to frontline personnel in social services, emergency services, etc. Raising public awareness of the importance of preventing human trafficking is an important part of the prevention strategy. This National Action Plan will continue these efforts and will tailor awareness-raising activities to

various audiences for example, by creating an awareness among the general public of the harm caused by the demand for the types of goods and services which fuels trafficking in human beings and awareness-raising among vulnerable communities. An Awareness-Raising and Training Strategy will be developed over the lifetime of this National Action Plan which will encompass an evaluation mechanism for proposed awareness-raising and training initiatives.

Data will continue to be collected and research conducted into emerging trends and the experiences of trafficked persons in Ireland. Under Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims there is a requirement for the production of assessments of trends of anti-trafficking actions, including the gathering of statistics in close co-operation with relevant civil society organisations active in the field.

As in the last National Action Plan efforts will continue to support projects which contribute to a reduction in the vulnerability of certain people to human trafficking. Due recognition will be given to the importance of effective co-ordination and co-operation between key

actors working to prevent trafficking in human beings and to the need for ensuring coherence in related policies, for example immigration, asylum and labour market policy.

### 2.3.1 Training

*Aim: To continue to ensure that frontline personnel are trained in the identification and protection of victims.*

Training for frontline personnel is a key element of the prevention strategy as they are often the first to encounter victims and can refer them to appropriate supports. This National Action Plan will continue these efforts but will also explore awareness-raising /training opportunities in new sectors such as trade unions, emergency services, local authorities and Chambers of Commerce. In addition to a focus on sexual exploitation in sectors such as clubs, lap-dancing clubs, massage parlours and nail varnish salons, hotels, private letting companies and international language schools, there will

also be a particular focus on combating trafficking in human beings for the purpose of labour exploitation in sectors such as domestic service, construction, entertainment, hotels and restaurants, care homes and agriculture. In collaboration with stakeholders a training needs analysis will be conducted which will facilitate the roll out of targeted training. This training will improve the knowledge, sensitivity and skills of relevant professionals to enable them to proactively identify victims of trafficking to assist and direct them towards further support.

### 2.3.2 Awareness-raising and evaluation

*Aim: To continue to raise public awareness and thereby reduce demand for all forms of trafficking.*

Under this Action Plan, continued efforts will be made to raise public awareness of the issue of trafficking in human beings using the already known **Blue Blindfold** brand. A particular focus will be the business community who have a key role to play in reducing the demand for trafficking and disrupting the activities of traffickers. New methods of raising awareness with the public will be examined. Efforts will be made to work with relevant industry bodies, particularly in high risk areas such as agriculture, construction and tourism, to ensure that business remains aware of its social responsibility in reporting suspected incidences of trafficking and eliminating human trafficking from supply chains.

Awareness-raising opportunities targeting vulnerable groups such as migrant communities, unaccompanied children and foreign domestic workers will also be explored. Furthermore, a priority under this Plan will be to increase knowledge of the role played by recruitment agencies and the role of online recruitment methods in the targeting of vulnerable migrants in line with proposals in the EU

Strategy towards the Eradication of Trafficking in Human Beings 2012-2016.

The evolving developments of cyberspace result in the internet and social media providing new avenues for traditional forms of crime. For instance, the internet enables organised crime groups to access a large pool of potential victims, obscure their activities and carry out a diverse range of criminal acts in a shorter period of time and on a much larger scale than ever before. The use of the internet and social media as prevention mechanisms will be explored as a means of effectively raising awareness in a targeted manner.

Over the lifetime of this National Action Plan continued supports will be provided to the media in their efforts to uncover trafficking stories and communicate them to the public in a sensitive and responsible manner in order to promote and foster dialogue around this issue.

### **Evaluation of the impact of prevention campaigns**

Assessing the outcome of preventative measures such as public awareness-raising campaigns on the issue of human trafficking is widely recognised as a particularly challenging task. To conduct a meaningful assessment one must have regard to the parameters to be used in such an assessment and the likely costs involved. Depending on the nature of the campaign these costs can often prove prohibitive. The EU Commission proposal

in the *EU Strategy towards eradication of trafficking in human beings 2012 – 2016*

to analyse existing prevention initiatives and based on this to develop EU-wide guidance on future prevention measures and gender-sensitive information campaigns is a very welcome development. This guidance, when it becomes available, will prove beneficial in assisting with the inclusion of evaluation mechanisms in the design and development of future awareness-raising campaigns.

### **2.3.3 Reduction of vulnerability**

*Aim: To continue to support projects which contribute to a reduction in the vulnerability of certain people to human trafficking.*

Addressing the root causes which make people vulnerable to trafficking is imperative in any prevention strategy. Ireland is primarily a destination and transit country but measures are in place through the Irish Government's Overseas Development Programme, Irish Aid, to support activities that reduce vulnerability to human trafficking in countries of origin and promote the protection of human rights.

Another area of focus is the implementation of guidelines developed

for diplomatic staff for private domestic employees in diplomatic households. Controls at Irish borders are monitored to ensure that frontline personnel in these areas are alert to potential victim and/or trafficker scenarios.

#### **Irish Aid/International Labour**

#### **Organisation (ILO) Programme**

Irish Aid and the International Labour Organisation (ILO) have a longstanding partnership. Irish Aid currently supports a programme through the ILO which works to eliminate child and forced labour,

promote the inclusion of people with disabilities and support women's entrepreneurship. An evaluation is currently underway to assess the impact of this programme and inform future initiatives with the ILO.

#### **Migrant domestic workers in diplomatic households**

Issues relating to the treatment of a number of private domestic workers employed by diplomats emerged towards the end of the last National Action Plan. New guidelines on the employment of domestic workers in diplomatic households were launched by the Minister for Foreign Affairs and Trade in September 2014 following extensive consultations with the relevant stakeholders. The implementation and review of these guidelines will be monitored within the framework of the Second National Action Plan.

Exploitation of vulnerable persons in other areas such as forced criminality, forced begging and trafficking for forced or sham marriages will also be addressed in the Second National Action Plan.

Ireland will continue to actively engage with international colleagues on best practice in this area.

#### **Measures at the border**

Since the publication of the first National Action Plan measures have been taken to ensure that the Irish border is secure and that the opportunities which may arise at the point of entry to identify victims and their traffickers are taken. These measures include ongoing training for immigration officers at border control points and increasing use of new technology.

The Irish Government has recently mandated the relevant agencies to proceed with the implementation of enhanced passenger screening systems including international links and checks against watchlist information, and INTERPOL's Lost and Stolen documents databases.

In addition, Ireland will implement the recently adopted EU Passenger Name Record Directive and develop systems for the collection and processing of this data. In June 2015 INIS civilian immigration officers assumed responsibility for frontline immigration checks in Terminal 1 of Dublin Airport on a 24/7 basis. In October 2015 civilian staff took over the Transit desk operation in Terminal 2 and it is intended that civilian staff will take over frontline immigration checks in the remainder of Terminal 2 by the end of 2016. Appropriate training in tackling

human trafficking has been provided for the INIS personnel in this role. This training employed the FRONTEX training package for European Border Guards, the FRONTEX Handbook on Risk Profiles on Trafficking in Human Beings and the FRONTEX manual designed to equip officials at air borders with the necessary tools needed to tackle

issues which arise regarding unaccompanied minors particularly the possibility that they may be victims of human trafficking. Throughout the lifetime of this National Action Plan continued efforts will be made to ensure that the border remains a strong line of defence against traffickers.

### 2.3.4 Data collection

*Aim: To continue to collect data and conduct research on changing trends in trafficking in human beings.*

Ireland has developed a comprehensive data collection system whereby all allegations of human trafficking (which are made to NGOs active in the anti-human trafficking field and to An Garda Síochána) are reported to the Anti-Human Trafficking Unit in a standardised format. This data strategy provides a useful framework for information in relation to the nature and extent of human trafficking in Ireland. The standardisation of data collection systems, particularly across the EU, would go some way to providing an evidential basis for broad based future interventions. It is noted that the European Commission, together with Member States including Ireland, has developed an EU-wide system for the collection and publication of data

broken down according to age and gender to cover the years 2011 and 2012; this was published in 2014.

A key element of any prevention strategy is to be able to understand and respond to the ever changing trends, patterns and working methods of traffickers. It is important to understand these trends and ensure an effective response. While the Annual Reports on Trafficking in Ireland provide vital information on the number of cases of human trafficking encountered on a yearly basis, they contain little by way of narrative substance regarding the experiences of trafficked persons and victims' interaction with the State. To obtain a better understanding of the experiences of victims of human

trafficking, AHTU aims to carry out a detailed analysis of the experiences of a subset of such victims of human trafficking using information collected since 2009. AHTU also intends to conduct research on the disparity between the number of human trafficking allegations on the one hand, the number of victims recognised and the relatively small number of convictions on the other. As this is a trend that is evident in many countries it is hoped that this research may be of relevance at an international level. Other research initiatives include examining the extent of human trafficking within Ireland, trafficking for the purpose of labour exploitation, sexual exploitation and trafficking in children.

It is important to recognise that data collection in relation to human trafficking is complex; it is clear that any data

collection strategy will, because of the covert nature of trafficking, almost invariably underestimate the extent of trafficking that is actually occurring. The so called 'dark figure', that is the true extent of trafficking, while certainly higher than that recorded, is exceptionally difficult to estimate. However, certain innovative approaches have been utilised in other jurisdictions to attempt to do this; notably Multiple Systems Estimation. While the relatively small data set available in this jurisdiction presents difficulties, the potential to use such methodologies to estimate the 'dark figure' of trafficking in Ireland will be examined.

The publication of data concerning human trafficking will also support the carrying out of research by other interested parties and such work will continue to be facilitated and encouraged.

### 2.3.5 Enhanced co-ordination and co-operation

*Aim: To support and enhance the established consultative mechanisms.*

Ireland has a well established consultative framework involving State Agencies, NGOs and International Organisations. As a result of the discussions which have taken place in these forums there is a high level

of awareness of the different roles and responsibilities in the provision of supports to victims among key actors in the anti-trafficking field. An examination of the consultative structures will be undertaken

to ensure that the various working groups remain relevant; to review operations on the ground; and to monitor differences between policy and practice, where they arise. The consultative framework also supports co-ordination and co-operation among key State stakeholders and ensures that related policies, such as immigration and labour market policy, incorporate anti-trafficking policy.

In addition to local co-operation, Ireland will strive to develop its cross-border and international co-operation with a view to preventing human trafficking, assisting victims of trafficking and the investigation and prosecution of human trafficking offences by way of further possibilities for co-operation with governmental and non-governmental organisations in the main countries of origin of trafficking victims.

### 2.3.6 Demand reduction

*Aim: To support efforts to reduce the demand for the services of Victims of Human trafficking.*

Efforts to reduce the demand for the services of victims of trafficking are vitally important. If the demand for the services of victims can be reduced, and hopefully eliminated, the business model of traffickers can be dismantled.

There are a number of differing types of demand that can be identified, they include:

- Individuals who purchase sexual services from people trafficked into prostitution.
- Both individuals and businesses that employ persons who have been trafficked by others or whom

they directly exploit for their labour.

- Businesses with a supply chain that includes trafficked labour.
- Consumers who purchase products made by enslaved labour.

These differing forms of demand may require differing responses and, in a globalised economy, certain initiatives may only be effective through measures at an international level. We will continue to work with civil society, trade unions and business representatives to explore effective methodologies to reduce the demand for all forms of trafficking. We will

continue to support the examination of measures at EU and international level specifically to address the demand for labour exploitation.

Trafficking for the purpose of sexual exploitation is the most common form of trafficking that is detected in this State and specific measures to reduce demand for these services were brought forward in a Criminal Law (Sexual Offences) Bill. The Bill provided for the creation of offences of purchasing sexual services in the context of prostitution and trafficking. The Criminal Law (Sexual Offences) Bill 2015

was published on 23 September 2015 and is currently before the Oireachtas (Irish Parliament) for consideration. Enactment of this legislation is a priority for the Government.

Measures to reduce the demand for trafficking for sexual exploitation in prostitution through public awareness campaigns have also been taken. Working in partnership with State and civil society, a campaign has been undertaken promoting a message of zero tolerance of human trafficking for sexual exploitation as a form of violence against women.

**Actions**

<b>Number</b>	<b>Action</b>	<b>Activities/Indicators</b>
<b>1</b>	To identify training needs	Conduct a training needs analysis including an evaluation of existing training.
<b>2</b>	Explore awareness-raising/training opportunities in new sectors	Development of an awareness-raising and training strategy including the identification of problematic sectors.  Take steps to increase knowledge of the role played by recruitment agencies and the role of online recruitment methods in the targeting of vulnerable persons.
<b>3</b>	Continue awareness-raising with educational institutions at all levels	Distribution of educational packs on trafficking to second level institutions.  Provision of seminars at third level institutions with specific focus on disciplines that may have frontline roles.
<b>4</b>	Explore the use of the internet and/or social media as a preventive measure	Monitor activities in this regard by the European Commission and take on board recommendations.
<b>5</b>	Examine the possibility of developing projects with international partners aimed at awareness-raising and training on aspects of trafficking in human beings	Make applications to the EU for funding for projects in collaboration with EU partners and civil society and other relevant international organisations.  Continue existing EU-funded projects.
<b>6</b>	Support the media to uncover trafficking stories and communicate them in a sensitive and responsible manner	As appropriate, issue guidelines to the media regarding the sensitivity of reporting cases of trafficking and the provisions in legislation regarding same.
<b>7</b>	Include evaluation mechanisms in awareness raising campaigns or training initiatives	Await EU Commission guidelines and implement in any future evaluation mechanisms employed.
<b>8</b>	Continue to run specific events on EU Anti-Human Trafficking Day to enhance public awareness of trafficking	Develop appropriate proposals for events to mark EU Anti-Human Trafficking Day.

Number	Action	Activities/Indicators
9	Partnership programme between Irish Aid and the ILO	Consideration of continued support for programmes to assist persons subject to forced or child labour.
10	Continue to implement the “Guidelines on the employment of private domestic employees by diplomatic staff”; review as required including examining the area of permitting family members to join the employee for the duration of their posting. Engage actively in international discussions on this topic	Interviews conducted in a timely manner; regular consultation with relevant partners; active participation in and contribution to international discussions in this area.
11	Continued efforts to ensure that the border remains a strong line of defence against traffickers while ensuring human rights standards for migrants are maintained	Develop and implement education, training and monitoring programmes as appropriate.
12	Develop international co-operation	Develop links with FRONTEX and with countries of origin of trafficking victims.
13	To continue to collect and analyse data on trafficking in human beings	To link in with State and NGOs to promote effective and reliable data collection.  Collection and timely publication of annual national reports.
14	To contribute to European Data Collection Systems, as appropriate	To respond to requests for data from recognised European Institutions e.g. Eurostat.
15	Examine methodologies to improve assessment of the potential scale of undetected human trafficking	Assess potential use of Multiple Systems Estimation methodology.
16	Examine methodologies aimed at providing longitudinal information in relation to human trafficking investigations	Development of ‘attrition model’ of human trafficking investigations from identification onwards.  Data collection supported by development of a database on victims including outcomes.

Number	Action	Activities/Indicators
17	Conduct and encourage research in the area of trafficking in human beings	Collect and analyse data and engage with researchers on labour exploitation and sexual exploitation, preventative measures employing community participation methodologies as appropriate.
18	Examination of the current consultative structures.	Discussion with relevant stakeholders on the potential redesign of current consultative structures and participants.
19	Work with civil society, trade unions and business representatives to explore effective methodologies to reduce the demand for all forms of trafficking.	Ongoing discussion with relevant stakeholders and monitoring of developments at international level to identify potential best practice models on demand reduction for labour exploitation and sexual exploitation.  Action points, goals and timelines to be identified in work plans.
20	Take legislative measures to reduce the demand for the services of trafficking victims in prostitution.	Criminal Law (Sexual Offences) Bill.  Consider any alternative legislative proposals.

## 2.4 PROTECTION

The protection of victims of trafficking in human beings is paramount. The Government is committed to securing the safety and protection of individuals who have been exploited as commodities for profit by criminals. Existing measures will be maintained and, where appropriate, developed to ensure that victims of this awful crime feel empowered to make viable options about their future to help in their long-term recovery.

It is also important to recognise that the protection of victims may also play an important role in supporting criminal investigations into the activities of traffickers. A victim whose rights have been respected and whose needs have been met is more likely to be a position to help in investigations. This emphasis on victims' rights is a vital support to police work.

### 2.4.1 Identification and support of victims

*Aim: To continue to support and improve the National Referral Mechanism to ensure that it remains responsive to the needs of victims.*

To protect and assist trafficking victims it is of paramount importance to identify them correctly. As part of this National Action Plan we will carry out a fundamental review of our formal identification process for victims of human trafficking to ensure that we have in place a process that meets international best practice. This review, and the development of any new process, will be undertaken in consultation with the full range of State and civil society organisations active in this field.

difficult to reach; often they do not self-identify. The identification of victims of human trafficking is reliant on government personnel, civil society organisations and members of the public knowing the signs of human trafficking. The training and awareness-raising initiatives outlined previously will assist in identifying victims

Persons who are victims of human trafficking are vulnerable and often

and ensuring that they are referred to the National Referral Mechanism (NRM)<sup>5</sup>.

The NRM provides the following support services to victims of human trafficking: accommodation; medical care and planning; psychological assistance; material assistance; legal aid and advice; access to the labour market; vocational training and education; police services – crime prevention; repatriation; compensation; translation and interpretation services, etc. The continued provision of these services is central to our response to the needs of victims.

This National Action Plan will continue to support and monitor the delivery of victim care through the National Referral Mechanism (NRM) to ensure it remains responsive to the needs of victims. In this regard the work being done in the National Referral Mechanism Working Group, which promotes a greater understanding

of the needs of trafficked persons, will be important. It will examine the current systems in place and continue to look for ways to enhance victim identification and the process of referral to services.

Consideration will need to be given to the most effective way to implement a victim service database/case management system and in this context the use of a unique identifier for victims of human trafficking will also need to be considered.

Under the previous National Action Plan a number of leaflets and guides, which provide victims of trafficking in human beings with clear, user-friendly information on their rights and the services available to them, have been developed. This information will be updated and disseminated widely using various methods of communication.

## 2.4.2 Victims of trafficking in the asylum process

*Aim: To continue to ensure that victims of trafficking in the asylum process are identified and given access to the necessary supports and legal advice to enable them to recover from their ordeal.*

The situation of victims of trafficking who are in the asylum process, in particular the

interaction of the asylum process with the supports available to all trafficking victims,

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<sup>5</sup> The National Referral Mechanism is the framework through which State bodies fulfil their obligations to

protect and promote the human rights of trafficking victims, working in partnership with civil society.

was the subject of much comment during the period of the previous National Action Plan. The current position is that asylum seekers who claim, inter alia, to have been trafficked are offered all the necessary supports and advice but otherwise are treated in the same way as other asylum seekers making an application for international protection. Persons seeking asylum, who are identified as suspected victims of trafficking, have an existing permission to be in the State under Section 9(2) of the Refugee Act 1996. However, this permission will expire where an application for a declaration as a refugee and subsidiary protection is rejected. Paragraph 18 of The Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provides for the granting of a temporary residence permission where a valid permission expires, i.e, where the application for international protection is rejected or withdrawn, the individual is provided with immigration permission under the Administrative Arrangements.

Persons in the asylum system who are identified as victims of human trafficking are provided with accommodation in reception centres under the auspices of the Reception and Integration Agency (RIA). They are given access to health screening and psychological care and the Health Service Executive (HSE) draws up a comprehensive care plan. As reception centres are sited in different locations around the country persons in the asylum system who are identified as victims of human trafficking will be placed in accommodation deemed most appropriate to their needs, following consultations between the RIA, An Garda Síochána and the HSE. This could entail a transfer from one centre to another where it is deemed necessary for the health or security of the individual concerned. The protection and support of trafficking victims who are in the asylum process remains a priority under this National Action Plan where the nature and provision of the support services will be further examined.

### 2.4.3 Trafficking for labour exploitation

*Aim: To continue to take specific measures to address trafficking for the purposes of labour exploitation.*

Currently, where breaches of employment legislation are detected, the Workplace Relations Commission (WRC) assists the employer in question to become

compliant. If employers refuse or fail to become compliant, the necessary enforcement activity, including prosecution, will be initiated. WRC

Inspectors have undertaken an awareness-raising training course on human trafficking, a representative from the WRC attended a 'Train the Trainer' course on human trafficking and a representative from An Garda Síochána has made presentations to WRC Inspectors. A referral mechanism is in place between the WRC and An Garda Síochána and joint inspections are undertaken where appropriate. Furthermore, the WRC works with the Department of Social Protection and the Revenue Commissioners on a cross-referral basis, where this is deemed necessary.

Internationally, labour exploitation covers a diverse range of exploitative behaviours. The extent and nature of the phenomenon in this jurisdiction is still emerging.

In a recent publication (resulting from a collaboration of 6 EU Member States) entitled 'Guidelines for the First Level Identification of Victims of Trafficking in Europe', it is stated, *"Not all labour exploitation is trafficking for forced labour. Workers can be found working in poor conditions, for low salaries or in unhealthy environments, for example, without being victims of trafficking. If the person accepted the job freely, knowing what the conditions would be, and if he/she can leave (provided he/she gives reasonable notice to his/her employer) without fear of reprisals, that person cannot be considered*

*to be a victim of trafficking for labour exploitation. This means that workers that endure poor working conditions because of economic necessity and a lack of alternative options cannot be automatically classified as victims of trafficking, even if they are migrant workers."*

However, it is likely that activities constituting labour exploitation could be prosecuted under a range of offences – false imprisonment, blackmail, assault, the coercion offence in the Non-Fatal Offences Against the Person Act, offences under employment law and health and safety legislation, immigration law, etc.

The Criminal Law (Human Trafficking) Act, 2008 provides for penalties of up to life imprisonment and/or an unlimited fine for trafficking of persons for the purposes of labour or sexual exploitation or for the removal of a person's organs. Under the Act, labour exploitation in relation to a person (including a child) means –

- (a) subjecting a person to forced labour,
- (b) forcing him or her to render services to another, or
- (c) enslavement of the person or subjecting him or her to servitude or a similar condition or state.

An examination of the adequacy of current Irish legislation in relation to the criminalisation of forced labour (as defined in the International Labour Organisation's (ILO) Forced Labour Convention 1930) was undertaken within the Department of Justice and Equality. Taking into account an informal opinion on the matter from the ILO and the views of the WRC, a number of recommendations were made, chief among them, being the requirement to define forced labour in legislation. A definition for forced labour was included in the Criminal Law (Human Trafficking) (Amendment) Act 2013. Under this amending legislation, *'forced labour' means a work or service which is exacted from a person under the menace of any penalty and for which the person has not offered himself or herself voluntarily.* There are a number of exclusions to this definition including, inter alia, compulsory military service, normal civic obligations, etc. Other non-legislative recommendations included:

- consideration of the potential implications of ratification of the ILO Convention No. 189 on Decent Work for Domestic Workers in the context of trafficking for labour exploitation;
- consideration of undertaking a review of the implementation of the Code of Practice for Protecting

Persons employed in Other People's homes;

- assessment of measures to address the particular vulnerabilities attaching to domestic workers in diplomatic households to prevent their exploitation;
- enhancement of co-operation between the Workplace Relations Commission and An Garda Síochána in the investigation of forced labour cases (including the development of a manual using international good practices);
- enhancement of the data collection processes;
- continuation of dialogue between governmental, non-governmental, employers and employees' rights organisations on their roles and responsibilities in the prevention and recognition of forced labour.

We will continue to progress the implementation of these recommendations and keep under review the efficacy of all measures, including legislation, to ensure that they operate effectively to protect individuals from trafficking for labour exploitation.

Trade unions and employers' representative bodies are key social partners in preventing trafficking in human beings for the purpose of labour exploitation. The consultative structures in the Second National Action Plan will be used in strengthening and supporting this role.

AHTU and national and international partners will work to enable Ireland's ratification of the Protocol to the ILO Forced Labour Convention No. 29 within the framework of the Second National Action Plan.

## 2.4.4 Trafficking for forced begging and forced criminal activities

*Aim: To develop a greater understanding of trafficking for forced begging and forced criminal activities with a view to ensuring that the specific challenges these forms of trafficking pose are appropriately addressed.*

The EU Directive on Human Trafficking identified emergent trafficking threats in the areas of exploitation involving forced begging and forced criminal activities involving financial gain. The Criminal Law (Human Trafficking) (Amendment) Act 2013 provided for the criminalisation of such exploitation as a form of human trafficking. Despite the entry into force of the EU Directive, there is a dearth of research and awareness on this type of exploitation internationally, with very few cases reported in official statistics.

In other jurisdictions these forms of trafficking are being identified as areas of increasing concern. Cases have been reported of trafficked persons, both children and adults, forced to undertake a range of criminal activities, including: ATM theft, pick-pocketing, bag-snatching, counterfeit DVD-selling, cannabis cultivation, metal theft, benefit fraud, as well as being forced to beg. Forms of 'debt bondage' may also be employed by traffickers in these situations as an extra mechanism to control and subsequently exploit vulnerable victims. Forcing others

to undertake criminal activities can be a lucrative and a low-risk enterprise; if discovered it will most likely be the victim, rather than the trafficker, who is, at least initially, held responsible for the criminal act.

It is important that an enhanced knowledge base in relation to these forms of trafficking is established. We will ensure that data collection strategies are put in place to support the development of appropriate policy responses. Developing an understanding of the situation in countries of origin of victims will assist in ascertaining the possible push and pull factors that lead to their trafficking and subsequent exploitation. Efforts to enhance intelligence-sharing and collaborative working through established international co-operation structures will also be taken.

The situation of persons who have been found engaged in criminal activities asserting that they are victims of human trafficking is one that is recognised both domestically and internationally. Where

such an assertion is made, or for any other reason a suspicion arises, that such a person may be a victim of human trafficking; a full investigation into the potential crime of human trafficking is carried out, in addition to any investigation of the crimes related to other criminal activity.

Investigations of this nature can be extremely complex, comprising as they may do of the investigation of potentially two separate crimes; where the perpetrator of one crime may be the victim of another. Guidelines to assist the authorities in addressing the complex issues raised by such cases will be developed.

## 2.4.5 Compensation and voluntary return

*Aim: To continue to provide assistance to victims of human trafficking by way of compensation and/or voluntary assisted return or reintegration programmes.*

Article 17 of Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA, provides that Member States shall ensure that victims of trafficking in human beings have access to existing schemes of compensation to victims of violent crimes of intent.

There are a number of methods to obtaining compensation currently available to victims in Ireland, as follows:

- Court Order for payment of compensation under Section 6 of the Criminal Justice Act 1993;
- Civil Action to claim damages taken either under legislative or common law rules which may relate to an employment situation or personal injuries;
- State bodies dealing specifically with work-related rights and entitlements;

- Criminal Injuries Compensation Tribunal.

We will take measures to ensure that victims are aware of the processes that are open to them to seek compensation. We will also keep under review the adequacy of current arrangements and make any recommendations as may be necessary.

### **Voluntary Return**

Victims of human trafficking who wish to return to their home country and may require assistance to do so are referred to the International Organisation for Migration (IOM) who, on behalf of the Department of Justice and Equality, facilitates voluntary assisted return programmes for asylum seekers and other irregular migrants in Ireland (including victims of human trafficking). Voluntary return is a cost-effective, humane and planned method of return. Reintegration assistance is also offered to returnees with the aim of assisting in their sustainable return to their country of origin and it is tailored made to the returnee's circumstances.

**Actions**

Number	Action	Activities/Indicators
21	Carry out a fundamental review of the formal identification process for victims of human trafficking with time-bound outcomes to ensure that we have in place a process that meets international best practice as soon as possible	<p>Review and development of any new process, to be undertaken as a priority in consultation with the full range of State and civil society organisations active in this field.</p> <p>To re-examine the process for the allocation of Recovery and Reflection to victims of human trafficking.</p>
22	To examine methodologies to improve the level of detection of human trafficking victims with a focus on problematic sectors.	Examination to be carried out in consultation with the full range of State and civil society organisations active in this field having regard to positive obligations to prevent, prosecute and punish human trafficking.
23	Maintain the provisions of the full range of services to victims of trafficking.	<p>Continuing provision through the National Referral Mechanism of services to victims e.g.</p> <ul style="list-style-type: none"> <li>- Accommodation</li> <li>- Legal Advices</li> <li>- Psychological and Health services</li> <li>- Immigration permissions as required</li> </ul> <p>Development and introduction of a comprehensive policy document outlining the measures for protection and assistance to all victims, particularly to victims with special needs.</p>
24	To monitor and examine the adequacy of, and where necessary, make recommendations to improve, the services provided to victims of trafficking in human beings	<p>Monitor the provision of services to victims.</p> <p>Identify areas for improvement including identifying the most effective framework and work towards making those improvements.</p> <p>Monitor the implications of the EU Victims of Crime Directive for victims of trafficking.</p>
25	To consider the implementation of a victim service database/case management system	<p>Consult with State agencies and civil society to determine the most effective and appropriate way to implement this database/case management system.</p> <p>Examine the use of a unique identifier for victims of human trafficking.</p>

Number	Action	Activities/Indicators
26	To continue to disseminate information to raise awareness of the indicators of human trafficking to facilitate the identification of victims	Update guides and leaflets already developed on various aspects of human trafficking and disseminate widely.
27	To ensure that victims of trafficking in the asylum process are recognised, provided with safe, secure and appropriate support without prejudice to their right to seek asylum	Continue delivery of training to agencies involved in the asylum process to ensure victims in that process are appropriately identified and referred on to National Referral Mechanism.  Monitor the implications of the International Protection Act 2015 for victims of trafficking.
28	Keep under review the adequacy of all measures, including legislation, aimed at the protection of individuals from labour exploitation	Progress the outstanding recommendations in the “Report on the Adequacy of current Irish legislation in relation to the criminalisation of forced labour”.  Keep under review all protective mechanisms.
29	Strengthen the role of trade unions and employers’ representative bodies in preventing trafficking for labour exploitation	Use the consultative structures in the National Action Plan to strengthen and support the role of trade unions and employers’ representative bodies in preventing trafficking for labour exploitation.
30	Work to enable Ireland’s ratification of the Protocol to the ILO Convention on Forced Labour, No. 29	Use the consultative structures to facilitate the ratification of the Protocol to the ILO Convention on Forced Labour, No. 29.
31	Take measures to enhance knowledge base in relation to trafficking for forced begging and forced criminal activities.	Ensure data strategy is developed to encompass these forms of trafficking.  Development of knowledge base in relation to countries of origin of victims of trafficking for forced criminal activities.  Enhance intelligence sharing and collaborative working in relation to these forms of trafficking. Facilitate awareness in the legal profession and criminal justice system.
32	Develop guidelines to assist all State authorities in addressing complex cases where persons who have been found engaged in criminal activities may be victims of trafficking.	Guidelines developed and adopted.

Number	Action	Activities/Indicators
33	To ensure that victims of human trafficking are aware of and have access to existing compensation schemes which are available to victims of a crime	Ensure that guides for victims of human trafficking contain information outlining rights including the right to compensation and ensure a wide distribution of these guides.
34	To ensure that all avenues are explored in the provision of compensation to victims of human trafficking	To examine existing schemes of compensation to victims of human trafficking and make any necessary recommendations.
35	Continue to assist the voluntary return of victims of human trafficking	Ensure that victims of human trafficking are aware of the option to avail of the voluntary return home and the reintegration assistance that is available.

## 2.5 CRIMINAL JUSTICE RESPONSE/PROSECUTION

Human trafficking is a crime which requires a strong law enforcement response. The Government of Ireland recognises the need to create an environment hostile to those who seek to perpetrate this evil crime within the State and internationally. However, the prosecution of human trafficking offences presents a number of challenges. For example, the investigation of trafficking offences is often complicated by the clandestine nature of the criminality. Moreover, the frequent need to rely on evidence collected abroad and the potential for suspected victims and witnesses to be either traumatised by their experience or intimidated, makes the collection of evidence a complex undertaking. These difficulties do not justify inaction and continued efforts will be made to meet these challenges and ensure a robust enforcement response.

Efforts will be made to further develop the enforcement response for all forms of trafficking and particular attention will be paid to areas such as labour exploitation, forced begging and forced criminal activities.

Under this National Action Plan current legislation, including criminal justice and employment legislation, will continue to be monitored to ensure it supports the effective prosecution of traffickers.

Criminals view trafficking in humans as a low risk activity which generates huge profits. To circumvent this, a co-ordinated effort is needed to make trafficking in human beings a risky business for the perpetrators of this crime by targeting their profits, thereby disrupting their activities and preventing vulnerable people becoming prey to their methods.

## 2.5.1 Law enforcement response

*Aim: To continue to build on current efforts of An Garda Síochána to disrupt the activities of those involved in this crime and to bring traffickers to justice.*

The first National Action Plan set out the role of the Human Trafficking Investigation and Co-ordination Unit (HTICU) of An Garda Síochána. This important Unit has overseen all investigations where there is an element of human trafficking and provided advice, guidance and operational support for investigations. While the HTICU had primary responsibility for the investigation of immigration crime and human trafficking, the HTICU was also part of the National Support Services which comprised of other national units including the National Bureau of Criminal Investigation, the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation, the Garda National Drugs Unit, the Garda Technical Bureau and the Operational Support Unit. All of the above units and the specialist services within were available to support and assist the HTICU or any other District or Division in the course of an investigation.

In 2015 operational command of the HTICU was moved from the Detective Chief Superintendent Garda National Immigration Bureau to the Detective Chief Superintendent Garda National Protective Services Bureau.

Much work has been undertaken to date to provide extensive training to members of An Garda Síochána on all aspects of human trafficking including indicators, identification, victim support and protection, prosecutions and convictions. Continued efforts need to be made to ensure that all officers, especially those attached to specialist units, receive initial and refresher training.

Where a person found in a situation deemed to be a criminal activity asserts, or if it appears that, they may be a victim of human trafficking, there is an onus on An Garda Síochána to investigate the allegation of human trafficking in an effective and efficient manner. The carrying out of an effective investigation of human trafficking in such cases has an added importance, as the findings of such an investigation may have implications for any potential prosecution of the individual found in such circumstances.

## 2.5.2 International law enforcement/co-operation

*Aim: To continue to work closely with international partners in their efforts to bring those involved in the trafficking of human beings to justice.*

Given the international nature of human trafficking, Ireland has placed considerable importance on co-operating with other EU Member States in combating trafficking in human beings and marked improvements have been evident over the past number of years in the number of those prosecuted and convicted abroad on the basis of evidence collected in Ireland.

Information regarding immigration-related criminality is collated, analysed and disseminated by An Garda Síochána, including such information and intelligence received, on a regular basis, through the Europol and Interpol National Units, based at Garda Headquarters. In particular, personnel from the Human Trafficking Investigation and Co-ordination Unit (HTICU) of An Garda Síochána assist in investigations relating to the suspected trafficking and smuggling of persons, initiated in other jurisdictions, where there is reason to believe that either the suspect(s) or victim(s) have entered this State.

Members of An Garda Síochána, in particular personnel attached to the National Support Services, attend training

courses organised by CEPOL (the European Police college) concerning trafficking in human beings which are targeted at (i) senior police officers who are responsible for prosecution services and/or counter-trafficking cases, (ii) members of lecturing staff in police training and development units and (iii) heads of police forces who deal with questions of human trafficking. Ireland attends the Europol Expert meeting on trafficking in human beings which takes place on an annual basis. This meeting allows Member States to share their experiences and provide operational case examples of trafficking in human beings.

Ireland is also part of a number of Europol Analytical Work Files which provide both strategic and operational support. In this context a trafficking in human beings bulletin is circulated on a quarterly basis which is disseminated to members of An Garda Síochána. Other support provided to Ireland by Europol includes expert advice, intelligence reports, training and information exchange through the Europol Information System/Europol National Unit. Operational support can also include operational analysis of investigations in

Member States, co-ordination of investigations (e.g. organisation of meetings at Europol) and support from other Europol National Units.

A member of An Garda Síochána represents Ireland on the European Multidisciplinary Platform Against Criminal Threats (EMPACT) which consists of a structured multidisciplinary co-operation platform of the relevant Member States, EU Institutions and Agencies along with third countries and organisations (public

and private) addressing a pan-European or regional threat of serious international and organised crime by means of a Multi-Annual Strategic Plan or strategic goal developed by an ad-hoc expert group elaborating concrete problem-oriented solutions to effectively tackle the prioritised threat.

Appropriate relationships are also being developed by An Garda Síochána with FRONTEX and Mutual Legal Assistance is utilised as appropriate.

### 2.5.3 Protection of trafficked persons during the criminal justice process

*Aim: To ensure the protection of suspected victims and witnesses during the criminal justice process*

The first National Action Plan outlines a number of protection measures which are in place for suspected victims of human trafficking. These include legislative provisions aimed at protecting witnesses who give testimony and their families.

The intimidation of witnesses is an offence pursuant to Section 41 of the Criminal Justice Act 1999. Section 41 specifies the offence as harming, threatening or menacing or in any other way intimidating or putting in fear another person who is assisting in the investigation of an offence by An Garda Síochána, with the intention of causing the investigation or course of justice to be obstructed, perverted or interfered with. The offence applies to the intimidation of witnesses, jurors or potential jurors or any member of the person's family. The offence is punishable upon indictment by a fine or a term of imprisonment of up to ten years.

Since 1997, An Garda Síochána has operated a Witness Security Programme (WSP) in response to attempts by criminal and other groups to prevent the normal functioning of the criminal justice system,

including threats of violence and systematic intimidation of witnesses. By virtue of the highly confidential nature of such a scheme it is not appropriate to detail the specifics of its operation, including the identity or numbers of persons admitted to it. However, the WSP is operated in a significant number of cases and it has demonstrably proven its worth over the years in helping to secure the conviction of very serious organised crime leaders.

The risk or perceived risk to a suspected victim of trafficking is assessed and suitable protection measures are then put in place. A Crime Prevention Officer from An Garda Síochána is available to provide potential and suspected victims with advice as regards their personal safety and to discuss their concerns.

Measures to protect the identity of suspected victims are very important both for their personal safety and to ensure that they do not fall back into the hands of traffickers. For this reason there are specific provisions in relation to this matter in the Criminal Law (Human Trafficking)

Act 2008. The judge is authorised to exclude from the court all persons other than officers of the court and persons directly concerned with the proceedings. There is a penalty of up to 10 years imprisonment and/or an unlimited fine for publishing or broadcasting information likely to lead to the identification of a victim. There is also the possibility for an alleged victim of trafficking to give evidence through a live television link, with

the leave of the court in the case of adults, from either within the State or abroad.

The effectiveness of the measures as they relate to trafficking cases is continually monitored and this will continue under this National Action Plan. Discussions in the existing consultative fora will continue to help identify any issues which may arise on the ground.

**Actions**

<b>Number</b>	<b>Action</b>	<b>Activities/Indicators</b>
<b>36</b>	To further develop and enhance the enforcement response for all forms of human trafficking	Review of enforcement measures undertaken.  Specific enforcement measures related to trafficking for forced labour, forced begging and forced criminal activities examined.
<b>37</b>	Keep under review the adequacy of legislation to support the prosecution of traffickers	Ongoing monitoring of the efficacy of current legislation to be undertaken and appropriate consultation with An Garda Síochána maintained.
<b>38</b>	Ensure the full range of specialist Garda are utilised in the prevention and prosecution of trafficking	Full range of specialist Garda resources to be utilised, as appropriate, to target the prosecution of traffickers and the targeting of their criminal gains.
<b>39</b>	Establishment of new Garda Unit with responsibility for Human Trafficking	New Unit with responsibility for human trafficking established.  Links between new Unit and full range of State and civil society organisations active in the field developed.
<b>40</b>	Continued provisions of training in investigation of human trafficking to Garda Officers	Specialised investigation training provided.  Comprehensive review of training methods undertaken.
<b>41</b>	To maintain police co-operation at international level focused on the prevention and prosecution of human trafficking offences	Maintenance of relationships with: <ul style="list-style-type: none"> <li>- CEPOL</li> <li>- EUROPOL</li> <li>- INTERPOL</li> <li>- EMPACT</li> <li>- FRONTEX</li> </ul> and attendance at relevant fora.
<b>42</b>	To ensure the effective investigation of human trafficking where criminal activities may have been carried out by the potential victim and the appropriate consideration of non-punishment of victims of human trafficking	To continue professional training of members of An Garda Síochána.  To conduct information sessions with relevant bodies to address the issue of non-punishment.
<b>43</b>	To continue to ensure the protection of victims and witnesses during the criminal justice process	Provision of security and personal safety advice to victims of trafficking by Crime Prevention Officer.

## 2.6 PARTNERSHIP

Partnership is, and will remain, the fundamental principle underpinning the response to human trafficking in Ireland. International partnership, particularly at European Union level, provides important supports to both operational activities and the development of policy and practices. There exists an exceptionally strong and close relationship with the relevant authorities in Northern Ireland at both policy and operational level and these links will be maintained.

Ireland has had the benefit of a strong and active civil society input into the development and delivery of the response to human trafficking. The development and delivery of the first National Action Plan was significantly enhanced through the active involvement of civil society. Delivering on the Second National Action Plan will equally be reliant on their continuing support and activities.

### 2.6.1 Working with civil society

*Aim: To continue to support Non-Governmental Organisations and work with civil society to prevent trafficking and support victims*

The Irish Government recognises the valuable work being undertaken by all those involved with victims of human trafficking including An Garda Síochána, the health professionals, the educators, civil society and international organisations. It is the collective co-operation of all of these people that enables such a comprehensive and caring response for victims of human trafficking. The Government recognises the work undertaken by civil society on the ground and has provided funding to certain civil

society organisations working with victims of labour exploitation and sexual exploitation to enable them to progress their work to the highest standards possible. Close working relationships between civil society and the State authorities working in this area have been supported through the existing consultative structures and enhanced through the development of joint projects such as conferences related to particular forms of trafficking. Additionally, civil society and State authorities have worked

closely in developing applications for EU funding in this area. The aim is to develop this positive structure for victims of human trafficking over the coming years.

It is also important to recognise that close working relationships of mutual respect have been developed between civil society organisations and operational State authorities working in this area. The open and collaborative relationship between An

Garda Síochána and organisations active in this field is strongly valued.

We will continue to work closely with civil society to advance our response to human trafficking in all its forms. Enhanced collaboration and co-ordination of activities will be a significant focus as will identifying opportunities for joint project working.

## 2.6.2 International co-operation

*Aim: To continue to ensure effective co-operation with our international partners*

International co-operation is an essential prerequisite to combat trafficking in persons. It is well recognised that because of its international dimension and clandestine nature, it is often difficult for a government to effectively counter human trafficking on its own. Informal and formal methods of international co-operation are crucial for the purpose of preventing and combating trafficking; protecting and providing assistance to victims; and the investigation and prosecution of criminal offences.

In recognising the international dimension to the phenomenon of human trafficking

An Garda Síochána is actively participating in a number of anti-human trafficking-related initiatives involving law enforcement agencies in other jurisdictions. Liaison at international level between An Garda Síochána and other law enforcement agencies through the exchange of information, intelligence and best practice, both bilaterally and through Europol, Interpol and FRONTEX, forms part of the approach of An Garda Síochána to tackling this crime. Members of the UK Borders Agency (UKBA), the Police Service of Northern Ireland (PSNI), the London Metropolitan Police, the Hungarian Police and the Romanian Police have participated

in the Garda continuous professional development course entitled "Tackling Trafficking in Human Beings: Prevention, Protection and Prosecution" in the Garda training college in recent years.

Officials from An Garda Síochána and the Department of Justice and Equality have participated in the activities of international organisations such as the EU, Council of Europe, OSCE Alliance against Trafficking, UN and UNGIFT (The United Nations Global Initiative to Fight Human Trafficking), the International Organisation for Migration (IOM) and the Intergovernmental Consultations on Asylum and Migration (IGC) Working Group on Trafficking.

Bilateral co-operation exists at the highest possible level between the Department of Justice Northern Ireland and the Department of Justice and Equality. Building on this history of co-operation, we will explore the possibility of putting in place arrangements for biennial analysis of victim referrals, on a cross-border basis, to identify key learning points and common themes.

There are also strong links between the UK Home Office, the relevant UK police agencies and Irish authorities and also between Irish authorities and the Scottish

Administration. Officials meet regularly to share information and exchange best practices.

Ireland is also an active member of the informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings that is chaired by the EU Anti-Trafficking Co-ordinator. Irish civil society organisations actively participate in the bi-annual EU Anti-trafficking Civil Society Platform. Officials from the Human Trafficking Investigation and Co-ordination Unit (HTICU) also participate in the European Multidisciplinary Platform Against Criminal Threats (EMPACT) – a co-operation platform to address the threat of serious international and organised crime by means of a Multi-Annual Strategic Plan.

### **Santa Marta Project**

The Santa Marta Project is an alliance of International Police Chiefs and Bishops from around the world working together with civil society to eradicate human trafficking and modern day slavery. Within the Santa Marta Group Ireland has agreed to lead in the North Atlantic Fisheries Project with the United Kingdom, Spain and Portugal, to look at human trafficking in the fisheries industry in the North Atlantic. An Garda Síochána has set up a cross-departmental group including representatives from civil society to work on this initiative. Interpol has pledged its support to this project and is actively playing a part in driving it forward. An international conference as part of the North Atlantic Fisheries Project took place in May 2016. There have been a number of operational interventions during 2015 and 2016, one of which led to the identification of a victim of human trafficking in the fisheries industry in Ireland.

### **International Peacekeeping - Role of the Irish Defence Forces in anti- trafficking measures**

All Irish Defence Forces personnel who are in pre-deployment training for peacekeeping missions receive instruction by the Defence Forces Gender, Equality and Diversity Officer. The pre-deployment training gives personnel a brief

background to human trafficking and details of the indicators of trafficking for sexual exploitation and for labour exploitation so that they can report any concerns relating to their area of operation.

The UN Training School Ireland also includes human trafficking as a subject during their pre-deployment briefs and human trafficking is also covered in detail in the International Human Rights course that they conduct. The UN Department of Peacekeeping Operations Human Trafficking Resource Package entitled “Stop Abuse, Keep Out of Off-Limits Locations, Report Abuse” used in the training, comprehensively addresses human trafficking, particularly in a peacekeeping context.

During the deployment, all Defence Forces overseas units are accompanied by a Military Police detachment that is responsible for investigating any breaches by Irish peacekeepers of their Human Rights obligations. Further, the Defence Acts 1954 to 2011 provide at Section 3 and 169 that all Irish peacekeepers are subject to both domestic and military law at all times during their deployment.

All Irish soldiers engaging in Peace Support Operations carry a card entitled “Soldiers

Card: Human Rights Peace Support Operations.” This card details their obligations under international human rights and humanitarian law and includes specific provisions relating to UN Security Council Resolution 1325 (Women, Peace and Security).

The Defence Forces have adopted the *Secretary General’s Bulletin on Special Measures for Protection from Sexual Exploitation and Sexual Abuse* (ST/SGB/2003/13, 9 October 2003) as the Irish standard of conduct as it relates to

Sexual Exploitation and Sexual Abuse (SEA). The Secretary General’s Bulletin is a zero tolerance policy that prohibits sexual relations with the host/dependent population, sex with children (persons under 18 years), and any transactional sex whether it is for money, goods, or favours. Any breach of this ‘zero tolerance policy’ constitutes an offence against military law and renders a perpetrator of SEA liable to prosecution.

**Actions**

<b>Number</b>	<b>Action</b>	<b>Activities/Indicators</b>
<b>44</b>	Continue to foster close collaborative working relationship with civil society in developing and delivering a response to human trafficking	Monitor ongoing effectiveness and inclusiveness of consultative structures.  Identify opportunities for joint projects.
<b>45</b>	To actively engage with NGOs for the purpose of awareness-raising and project development	To collaborate on awareness-raising events and on applications to the EU for funding for joint projects on human trafficking.
<b>46</b>	To continue to provide funding to NGOs active in the field of human trafficking.	To ensure funding is made available as appropriate and as efficiently as possible.
<b>47</b>	To explore opportunities for funding innovative programmes aimed at victims, or persons at risk, of human trafficking (e.g. Dormant Accounts Funding)	Ensure human trafficking related projects are provided for under the Dormant Accounts Funding Plan.
<b>48</b>	To continue to promote international co-operation between An Garda Síochána and law enforcement agencies in other jurisdictions	Develop international relations between law enforcement organisations in terms of the exchange of information, intelligence and best practices.
<b>49</b>	Maintain close working relationship with Department of Justice Northern Ireland	Development of joint projects (e.g. joint conferences).  Explore the possibility of putting in place arrangements for biennial analysis of victim referrals, on a cross-border basis, to identify key learning points and common themes.
<b>50</b>	Participation in relevant EU-level processes	Attendance at EU Networks and EMPACT meetings.
<b>51</b>	To continue to support the work of An Garda Síochána in the Santa Marta Project	Continue to engage with An Garda Síochána on the Santa Marta Project as appropriate.
<b>52</b>	Ensure Irish Defence Forces in International Peacekeeping role are trained in anti-trafficking measures	Promote a 'zero tolerance policy' to sexual exploitation by Irish Defence Forces in International Peacekeeping roles and provide training.

## 2.7 RESPONSE TO CHILD TRAFFICKING

The identification and protection of child trafficking victims in Ireland is a key priority of our anti-trafficking strategy. The measures outlined previously, particularly in relation to training and awareness-raising, will create a protective environment where vulnerable children can be safeguarded and protected. The provision of supports to child victims, as with adult victims, requires a multi-agency approach and under this National Action Plan close co-operation will continue with international and civil society partners to ensure that child victims are identified and protected. The aim is to ensure that a comprehensive child-sensitive protection system is in place which provides for both interagency and multidisciplinary co-ordination in the provision of services to child victims.

Data collection in relation to child trafficking is undertaken as part of the overall data collection strategy and in recent years has indicated that the majority of children reported as victims of trafficking have been sexually exploited; it is also noteworthy that in the majority of cases these children have been identified as being Irish. While a predominance of

sexual exploitation would not be unexpected, that the majority of victims are identified as being Irish requires further explanation. While being victims of sexual exploitation, these children suffered sexual offences relating to child pornography, sexual assault and sexual indecency rather than what might be termed commercial sexual exploitation. These cases involve, generally, charges being brought under the Criminal Law (Human Trafficking) Act 2008 and the Child Trafficking and Pornography Act 1998 as amended by section 3 of the Criminal Law (Human Trafficking) Act 2008. This highlights the fact that the criminal offence of human trafficking for the purposes of sexual exploitation covers a very broad range of exploitative activities and practices.

As part of the overall examination of the victim identification process, we will address the possibility of establishing a specific identification mechanism which takes into account the special circumstances and needs of child victims of trafficking; this will be informed by a review of the data collection systems specifically for child victims.

## 2.7.1 Identification of child victims

*Aim: To ensure potential child victims are identified promptly.*

It is widely recognised that discovering a child who is the victim of human trafficking at the time they enter the State may represent the best opportunity to avoid the exploitation planned for them. Enforcing the relevant provisions of the Refugee Act 1996 (as amended) and the Child Care Act 1991 in respect of minors arriving in the State at ports of entry, has proved to be particularly important in offering protection to minors suspected to be victims of human trafficking. The evidence in Ireland is that a number of child victims of human trafficking have been trafficked internally. Under Section 12 of the Child Care Acts, An Garda Síochána has the authority to remove a child from a family situation where the child is deemed to be at serious risk. In such circumstances An Garda Síochána will liaise with Tusla (The Child and Family Agency). Tusla and HTICU have developed a protocol in relation to unaccompanied minors who arrive at ports of entry in Dublin (usually Dublin Airport). The Protocol covers such areas as co-operative interviewing, joint training

and awareness-raising and the sharing of information.

For the duration of this Plan efforts will continue to be made to tackle the issue of children who go missing from the care of Tusla. A Garda Directive issued in May 2012 introduced a comprehensive policy on the recording, investigation and management of missing persons. The Policy document accompanying the Garda Directive requires that risk assessments be conducted in relation to all missing persons and it makes specific reference to children who are reported missing from care by Tusla. As there is also a requirement on Tusla to conduct a risk-assessment prior to reporting a child as missing, all such children are to be categorised as ‘High Risk’ and such cases investigated accordingly. This, along with the experience and knowledge of those who are charged with looking after the child should ensure that the special vulnerability of separated children who may be at risk of trafficking is considered when dealing with a missing child.

## 2.7.2 Providing assistance to child victims

*Aim: To continue to support the Equity in Care policy.*

The current position in regard to potential and suspected child victims is that the Child and Family Agency (Tusla) has responsibility, under the Child Care Acts and Children First Guidelines, to make all necessary provisions for any unaccompanied children identified as potential or suspected victims of trafficking and for other children identified as potential or suspected victims of trafficking who are in State care or who are the subject of An Garda Síochána investigations into trafficking. Where an unaccompanied child is identified as a potential or suspected victim of trafficking he/she will be immediately referred to the Social Work Team for Separated Children Seeking Asylum.

Prior to 2009 unaccompanied minors in the Irish State were placed in hostel accommodation. This form of placement was highly unsatisfactory and represented an inequitable approach to this cohort of children vis-à-vis their indigenous counterparts who were placed in child-appropriate placements. In 2009 the management of the Social Work Service for Unaccompanied Minors formulated an Equity in Care policy which committed to

treat unaccompanied minors equally in terms of placement and care provision. The plan which underpinned this policy included the closure of the hostels and the provision of a suitable range of child-appropriate placements. The resulting service model consists of a reception and assessment service based in Dublin underpinned by a range of long-term foster and residential placements. The reception service consists of three residential children homes and the main form of placement is now foster care. This represents a huge improvement in statutory care for unaccompanied minors in the State and this service will continue to be supported under this National Action Plan.

Further safeguards for unaccompanied minors will be implemented when the remaining provisions of the Children First Act, 2015 are commenced. Under this Act, reception centres for asylum seekers where children may be accommodated have been designated as relevant services. This means that they will acquire obligations in relation to conducting risk assessments and preparing child safeguarding statements. Furthermore managers of asylum seeker

accommodation will be designated as mandated persons under the Act which means that they will have a statutory

obligation to report concerns of harm over a defined threshold to Tusla.

### 2.7.3 Best interests of the child

*Aim: To ensure that the best interests of the child is the primary consideration when providing services to trafficked children*

The Irish Government accepts that the best interests of the child should be the primary consideration in all actions concerning every child, including victims or presumed victims of trafficking in human beings. When deciding on a child's best interest, Tusla take into consideration the child's age, abilities, resilience, circumstances, needs and family situation. Every situation and every child is different; social workers conducting assessments of a child will listen to that child and take into account the child's wishes when planning for the child's future needs. All decisions are discussed with the child, and if necessary with other services and people that are involved in the child's case. Tusla use the UNHCR best practice principles when determining the best interests of the child.

All separated children, including those who are identified as trafficked, are allocated a dedicated social worker at the point of referral/entry into care. The allocated social worker acts as the key carer and liaises with residential staff and foster parents in relation to the care of the child.

The International Protection Act 2015 incorporates the 'best interests principle' or child positive amendments in Sections 15(4), 20(7), 24, 27, 35, 52-57. This principle is at the heart of the Act and will be embedded in best practice in the protection process arising from the introduction of a new single application procedure.

## 2.7.4 Supporting a child victim by way of education

*Aim: To continue to support child victims' access to education.*

Access to education is crucial to aid a child victim's recovery and re-integration into society. Currently, the City of Dublin Education and Training Board runs an educational assessment and induction course specifically for children presenting to the unaccompanied minors team. All children presenting are sent to this course in order to benchmark their entry into mainstream education and to provide them with initial language and other skills

to access the education system at the most appropriate and beneficial point. Almost all separated children are in education and many have a good record of educational attainment despite the obvious challenges they face. Under this National Action Plan we will continue to ensure that children who have been subjected to trafficking are supported in their education. Awareness-raising initiatives with educational professionals will also assist in this aim.

## 2.7.5 Specialised training for those who may encounter child victims

*Aim: To ensure specialised training for frontline personnel who may encounter child victims.*

The training and awareness-raising initiatives carried out under this National Action Plan will serve to ensure that government personnel who encounter a potential child victim of trafficking during the course of their duties will recognise the signs of trafficking and be able to refer the child to appropriate supports. Tusla staff participate as trainers in these training programmes. Examination of the potential for a more systemic, widespread and consistent form of training in child

trafficking will be undertaken with a view to developing both inter-sectoral and Tusla specific training. There is also agreement that this training should be of a multidisciplinary and interagency form and discussions are underway between Tusla and AHTU to develop and progress this work.

The development and dissemination of child-specific indicators for frontline personnel will continue under this Plan.

## 2.7.6 Age assessment

*Aim: To ensure best practice in age assessment procedures*

At present where the age of a person is uncertain and they claim to be a child Tusla considers them as such initially and provides them with assistance, support and protection as if they are a child. If the person, following assessment, is found not to be a child, then the person is referred to adult services. Where a person is referred to An Garda Síochána as a potential victim of trafficking who appears to be a person under 18 years of age, An Garda Síochána will refer the person to Tusla to make a determination on the age of the child. Where it appears to an authorised officer

of the ORAC (Office of the Refugee Applications Commissioner, soon to be the International Protection Office of INIS), or an Immigration Officer that a person who has arrived in the State is under the age of 18 years, that child is referred to Tusla who will then decide whether or not to make an application for asylum on their behalf.

Regard will be had to the UN Committee on the Rights of the Child General Comment No.6 (2005) on the treatment of unaccompanied and separated children outside their country of origin.

## 2.7.7 Protection of trafficked children in the criminal justice system

*Aim: To ensure effective protection for children in their dealings with the criminal justice system.*

An Garda Síochána has in place a comprehensive policy on the investigation of sexual crime, crimes against children and child welfare (updated in 2013), the aim of which is to combine professionalism with sensitivity and compassion in the investigation of sexual crimes. This policy directs that all such incidents be fully and comprehensively investigated. The policy

results from a review of Garda work practices and methodologies in this area. A Sexual Crime Management Unit has also been established, which assists Gardaí in the investigation of such crimes, promotes best investigative practice and monitors a sample of investigations to ensure they are receiving appropriate attention.

With regard to the provision of training to Gardaí and social workers on the most progressive method of interviewing young children, Garda and Tusla personnel have undergone joint and intensive training in the specialised skills necessary for the interviewing of children at the Garda College since 2007. The Garda College, in conjunction with Tusla colleagues, is constantly reviewing the training to ensure it is in accordance with best international practice.

A countrywide network of dedicated interview suites has been established by the Department of Justice and Equality and An Garda Síochána in six strategically chosen locations throughout the State which are used by the Garda authorities to record interviews with such victims. The rollout and utilisation of these interview suites is a huge step forward in terms of how child victims of sexual and violent abuse are dealt with by the criminal justice

system. For many of them it is the first time they have had such contact. The facilities are designed to help put them at ease and address the trauma they have gone through in a more relaxed atmosphere.

The Criminal Justice (Human Trafficking) (Amendment) Act 2013, extended to human trafficking offences existing rules that make it easier for children to give evidence in criminal prosecutions through the use of video recordings of their interviews with An Garda Síochána.

We will continue to support training and awareness-raising among Garda and Tusla personnel, to ensure that trafficked children who may be found as a result of their involvement in criminal activity are protected and not unnecessarily criminalised.

**Actions**

<b>Number</b>	<b>Action</b>	<b>Activities/Indicators</b>
<b>53</b>	Address how to establish the most effective identification mechanism which takes into account the special circumstances and needs of child victims of trafficking	As part of the overall review of the victims identification process, specific consideration will be given to systems for identification of child victims.
<b>54</b>	Carry out a review of the data collection systems specifically for child victims	A review of the current data collection systems will be undertaken.
<b>55</b>	Monitoring of Tusla/An Garda Síochána protocol related to unaccompanied minors arriving at ports	This protocol will be kept under review and amended as necessary.
<b>56</b>	Review of procedures between An Garda Síochána and Tusla in relation to the identification and provision of support to child victims	Monitor practices between An Garda Síochána and Tusla to ensure they are effective and meet the needs of child victims.
<b>57</b>	To continue to promote and develop the Equity in Care Policy	Monitor the operation of the policy and implement improvements as required with timelines and deliverables.
<b>58</b>	To continue with the Aftercare Policy that is currently in place	To monitor the Aftercare Policy and implement improvements where appropriate.
<b>59</b>	To ensure that the best interests of the child victim of human trafficking is a primary consideration in the provision of services	Ensure that all professionals dealing with children are aware of the indicators of human trafficking and act in the child's best interest.
<b>60</b>	To ensure that all child victims of trafficking have access to education and are encouraged in their educational endeavours	To liaise with educational institutions for the purpose of raising awareness of the issue of child trafficking and ensuring they receive appropriate educational placements.
<b>61</b>	Development of training in child trafficking	To put in place a multi-disciplinary and inter-agency form of training on child trafficking and identify relevant actors.
<b>62</b>	To continue a programme for frontline staff liable to encounter child victims of human trafficking	To identify frontline staff who would benefit from training or from refresher courses.

## 2.8 MONITORING AND EVALUATION

*Aim: To support appropriate ongoing monitoring and evaluation mechanisms of anti-trafficking activities.*

As outlined in Section 1.8, Ireland has in recent years been the subject of comprehensive reviews of our response to human trafficking. In 2012, reviews were carried out by the Special Representative and Co-ordinator for Combating Trafficking in Human Beings of the Organisation for Security and Co-operation in Europe (OSCE) and the Council of Europe Group of Experts on Action to Combat Trafficking in Human Beings (GRETA). Both of these visits involved in-depth discussions with a full range of State and Non-State actors in this area and their reports present an independent overview of our progress to date.

We will continue to engage with all international evaluations of Ireland's activities in this area. Of note in this regard is the ongoing process of examination by GRETA and the developing reporting requirement at EU level.

The terms of reference of the Interdepartmental High Level Group provide for the Group to monitor the implementation of the National Action

Plan. Progress reports on the implementation of the actions are provided to this Group on a regular basis. The consultative structure, which involves civil society, also has a role to play in ensuring that the actions outlined in this Second National Action Plan are implemented effectively. This is in addition to normal parliamentary scrutiny of the State's anti-trafficking measures which takes place by means of Parliamentary Questions, private members debates and topical issue debates.

### **National Rapporteur/Equivalent**

#### **Mechanism**

Article 19 of the EU Trafficking Directive obliges Member States to take the necessary measures to establish a National Rapporteur or equivalent mechanism.

The specific tasks of such mechanisms are stated to include *“the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close co-operation with relevant civil society organisations active in this field, and reporting”*.

Currently the Anti-Human Trafficking Unit of the Department of Justice and Equality is acting as the equivalent mechanism. An examination of domestic measures to support the oversight and monitoring activities in this area will be undertaken;

the question of the appointment of a National Rapporteur and other monitoring mechanisms in respect of reviewing the implementation of this Plan will be specifically considered.

**Actions**

Number	Action	Activities/Indicators
63	To facilitate the monitoring and evaluation of all activities conducted in the area of human trafficking	<p>To put in place the appropriate structure to enable robust monitoring and evaluation to take place by range of international organisations active in this field, such as:</p> <ul style="list-style-type: none"> <li>- Council of Europe</li> <li>- EU Commission</li> <li>- United Nations</li> <li>- Organisation for Security &amp; Co-operation in Europe, and</li> <li>- US State Department.</li> </ul>
64	High Level Group to continue to monitor the implementation of this National Action Plan	<p>High Level Group to receive and consider periodic reports on implementation and to take measures, as necessary, to ensure effective implementation.</p> <p>Ensure the appropriate integration of the prevention of human trafficking in the policies for children of immigrant origin, asylum seekers and persons with protection status.</p>
65	Consideration will be given to the establishment of further independent monitoring mechanisms for oversight of anti-trafficking, including the possibility of putting in place of a National Rapporteur	<p>Examination of options for independent oversight, including the possibility of a National Rapporteur, will be undertaken using the consultative structures.</p> <p>The commissioning of an independent review and evaluation of the Second National Action Plan after 2 years should be considered.</p>

APPENDIX:

FULL LIST OF ACTIONS IN THE SECOND NATIONAL ACTION PLAN

Number	Action	Activities/Indicators
1	To identify training needs	Conduct a training needs analysis including an evaluation of existing training.
2	Explore awareness-raising/training opportunities in new sectors	Development of an awareness-raising and training strategy including the identification of problematic sectors.  Take steps to increase knowledge of the role played by recruitment agencies and the role of online recruitment methods in the targeting of vulnerable persons.
3	Continue awareness-raising with educational institutions at all levels	Distribution of educational packs on trafficking to second level institutions.  Provision of seminars at third level institutions with specific focus on disciplines that may have frontline roles.
4	Explore the use of the internet and/or social media as a preventive measure	Monitor activities in this regard by the European Commission and take on board recommendations.
5	Examine the possibility of developing projects with international partners aimed at awareness-raising and training on aspects of trafficking in human beings	Make applications to the EU for funding for projects in collaboration with EU partners and civil society and other relevant international organisations.  Continue existing EU-funded projects.
6	Support the media to uncover trafficking stories and communicate them in a sensitive and responsible manner	As appropriate, issue guidelines to the media regarding the sensitivity of reporting cases of trafficking and the provisions in legislation regarding same.
7	Include evaluation mechanisms in awareness raising campaigns or training initiatives	Await EU Commission guidelines and implement in any future evaluation mechanisms employed.
8	Continue to run specific events on EU Anti-Human Trafficking Day to enhance public awareness of trafficking	Develop appropriate proposals for events to mark EU Anti-Human Trafficking Day.

Number	Action	Activities/Indicators
9	Partnership programme between Irish Aid and the ILO	Consideration of continued support for programmes to assist persons subject to forced or child labour.
10	Continue to implement the “Guidelines on the employment of private domestic employees by diplomatic staff”; review as required including examining the area of permitting family members to join the employee for the duration of their posting. Engage actively in international discussions on this topic	Interviews conducted in a timely manner; regular consultation with relevant partners; active participation in and contribution to international discussions in this area.
11	Continued efforts to ensure that the border remains a strong line of defence against traffickers while ensuring human rights standards for migrants are maintained	Develop and implement education, training and monitoring programmes as appropriate.
12	Develop international co-operation	Develop links with FRONTEX and with countries of origin of trafficking victims.
13	To continue to collect and analyse data on trafficking in human beings	To link in with State and NGOs to promote effective and reliable data collection.  Collection and timely publication of annual national reports.
14	To contribute to European Data Collection Systems, as appropriate	To respond to requests for data from recognised European Institutions e.g. Eurostat.
15	Examine methodologies to improve assessment of the potential scale of undetected human trafficking	Assess potential use of Multiple Systems Estimation methodology.
16	Examine methodologies aimed at providing longitudinal information in relation to human trafficking investigations	Development of ‘attrition model’ of human trafficking investigations from identification onwards.  Data collection supported by development of a database on victims including outcomes.

Number	Action	Activities/Indicators
17	Conduct and encourage research in the area of trafficking in human beings	Collect and analyse data and engage with researchers on labour exploitation and sexual exploitation, preventative measures employing community participation methodologies as appropriate.
18	Examination of the current consultative structures.	Discussion with relevant stakeholders on the potential redesign of current consultative structures and participants.
19	Work with civil society, trade unions and business representatives to explore effective methodologies to reduce the demand for all forms of trafficking.	Ongoing discussion with relevant stakeholders and monitoring of developments at international level to identify potential best practice models on demand reduction for labour exploitation and sexual exploitation.  Action points, goals and timelines to be identified in work plans.
20	Take legislative measures to reduce the demand for the services of trafficking victims in prostitution.	Criminal Law (Sexual Offences) Bill.  Consider any alternative legislative proposals.
21	Carry out a fundamental review of the formal identification process for victims of human trafficking with time-bound outcomes to ensure that we have in place a process that meets international best practice as soon as possible	Review and development of any new process, to be undertaken as a priority in consultation with the full range of State and civil society organisations active in this field.  To re-examine the process for the allocation of Recovery and Reflection to victims of human trafficking.
22	To examine methodologies to improve the level of detection of human trafficking victims with a focus on problematic sectors.	Examination to be carried out in consultation with the full range of State and civil society organisations active in this field having regard to positive obligations to prevent, prosecute and punish human trafficking.
23	Maintain the provisions of the full range of services to victims of trafficking.	Continuing provision through the National Referral Mechanism of services to victims e.g. <ul style="list-style-type: none"> <li>- Accommodation</li> <li>- Legal Advices</li> <li>- Psychological and Health services</li> <li>- Immigration permissions as required</li> </ul> Development and introduction of a comprehensive policy document outlining the measures for protection and assistance to all victims, particularly to victims with special needs.

Number	Action	Activities/Indicators
24	To monitor and examine the adequacy of, and where necessary, make recommendations to improve, the services provided to victims of trafficking in human beings	<p>Monitor the provision of services to victims.</p> <p>Identify areas for improvement including identifying the most effective framework and work towards making those improvements.</p> <p>Monitor the implications of the EU Victims of Crime Directive for victims of trafficking.</p>
25	To consider the implementation of a victim service database/case management system	<p>Consult with State agencies and civil society to determine the most effective and appropriate way to implement this database/case management system.</p> <p>Examine the use of a unique identifier for victims of human trafficking.</p>
26	To continue to disseminate information to raise awareness of the indicators of human trafficking to facilitate the identification of victims	<p>Update guides and leaflets already developed on various aspects of human trafficking and disseminate widely.</p>
27	To ensure that victims of trafficking in the asylum process are recognised, provided with safe, secure and appropriate support without prejudice to their right to seek asylum	<p>Continue delivery of training to agencies involved in the asylum process to ensure victims in that process are appropriately identified and referred on to National Referral Mechanism.</p> <p>Monitor the implications of the International Protection Act 2015 for victims of trafficking.</p>
28	Keep under review the adequacy of all measures, including legislation, aimed at the protection of individuals from labour exploitation	<p>Progress the outstanding recommendations in the “Report on the Adequacy of current Irish legislation in relation to the criminalisation of forced labour”.</p> <p>Keep under review all protective mechanisms.</p>
29	Strengthen the role of trade unions and employers’ representative bodies in preventing trafficking for labour exploitation	<p>Use the consultative structures in the National Action Plan to strengthen and support the role of trade unions and employers’ representative bodies in preventing trafficking for labour exploitation.</p>

Number	Action	Activities/Indicators
30	Work to enable Ireland's ratification of the Protocol to the ILO Convention on Forced Labour, No. 29	Use the consultative structures to facilitate the ratification of the Protocol to the ILO Convention on Forced Labour, No. 29.
31	Take measures to enhance knowledge base in relation to trafficking for forced begging and forced criminal activities.	<p>Ensure data strategy is developed to encompass these forms of trafficking.</p> <p>Development of knowledge base in relation to countries of origin of victims of trafficking for forced criminal activities.</p> <p>Enhance intelligence sharing and collaborative working in relation to these forms of trafficking.</p> <p>Facilitate awareness in the legal profession and criminal justice system.</p>
32	Develop guidelines to assist all State authorities in addressing complex cases where persons who have been found engaged in criminal activities may be victims of trafficking.	Guidelines developed and adopted.
33	To ensure that victims of human trafficking are aware of and have access to existing compensation schemes which are available to victims of a crime	Ensure that guides for victims of human trafficking contain information outlining rights including the right to compensation and ensure a wide distribution of these guides.
34	To ensure that all avenues are explored in the provision of compensation to victims of human trafficking	To examine existing schemes of compensation to victims of human trafficking and make any necessary recommendations.
35	Continue to assist the voluntary return of victims of human trafficking	Ensure that victims of human trafficking are aware of the option to avail of the voluntary return home and the reintegration assistance that is available.
36	To further develop and enhance the enforcement response for all forms of human trafficking	<p>Review of enforcement measures undertaken.</p> <p>Specific enforcement measures related to trafficking for forced labour, forced begging and forced criminal activities examined.</p>

Number	Action	Activities/Indicators
37	Keep under review the adequacy of legislation to support the prosecution of traffickers	Ongoing monitoring of the efficacy of current legislation to be undertaken and appropriate consultation with An Garda Síochána maintained.
38	Ensure the full range of specialist Garda are utilised in the prevention and prosecution of trafficking	Full range of specialist Garda resources to be utilised, as appropriate, to target the prosecution of traffickers and the targeting of their criminal gains.
39	Establishment of new Garda Unit with responsibility for Human Trafficking	New Unit with responsibility for human trafficking established.  Links between new Unit and full range of State and civil society organisations active in the field developed.
40	Continued provisions of training in investigation of human trafficking to Garda Officers	Specialised investigation training provided.  Comprehensive review of training methods undertaken.
41	To maintain police co-operation at international level focused on the prevention and prosecution of human trafficking offences	Maintenance of relationships with: - CEPOL - EUROPOL - INTERPOL - EMPACT - FRONTEX and attendance at relevant fora.
42	To ensure the effective investigation of human trafficking where criminal activities may have been carried out by the potential victim and the appropriate consideration of non-punishment of victims of human trafficking	To continue professional training of members of An Garda Síochána.  To conduct information sessions with relevant bodies to address the issue of non-punishment.
43	To continue to ensure the protection of victims and witnesses during the criminal justice process	Provision of security and personal safety advice to victims of trafficking by Crime Prevention Officer.

Number	Action	Activities/Indicators
44	Continue to foster close collaborative working relationship with civil society in developing and delivering a response to human trafficking	Monitor ongoing effectiveness and inclusiveness of consultative structures.  Identify opportunities for joint projects.
45	To actively engage with NGOs for the purpose of awareness-raising and project development	To collaborate on awareness-raising events and on applications to the EU for funding for joint projects on human trafficking.
46	To continue to provide funding to NGOs active in the field of human trafficking.	To ensure funding is made available as appropriate and as efficiently as possible.
47	To explore opportunities for funding innovative programmes aimed at victims, or persons at risk, of human trafficking (e.g. Dormant Accounts Funding)	Ensure human trafficking related projects are provided for under the Dormant Accounts Funding Plan.
48	To continue to promote international co-operation between An Garda Síochána and law enforcement agencies in other jurisdictions	Develop international relations between law enforcement organisations in terms of the exchange of information, intelligence and best practices.
49	Maintain close working relationship with Department of Justice Northern Ireland	Development of joint projects (e.g. joint conferences).  Explore the possibility of putting in place arrangements for biennial analysis of victim referrals, on a cross-border basis, to identify key learning points and common themes.
50	Participation in relevant EU- level processes	Attendance at EU Networks and EMPACT meetings.
51	To continue to support the work of An Garda Síochána in the Santa Marta Project	Continue to engage with An Garda Síochána on the Santa Marta Project as appropriate.
52	Ensure Irish Defence Forces in International Peacekeeping role are trained in anti- trafficking measures	Promote a 'zero tolerance policy' to sexual exploitation by Irish Defence Forces in International Peacekeeping roles and provide training.

Number	Action	Activities/Indicators
53	Address how to establish the most effective identification mechanism which takes into account the special circumstances and needs of child victims of trafficking	As part of the overall review of the victims identification process, specific consideration will be given to systems for identification of child victims.
54	Carry out a review of the data collection systems specifically for child victims	A review of the current data collection systems will be undertaken.
55	Monitoring of Tusla/An Garda Síochána protocol related to unaccompanied minors arriving at ports	This protocol will be kept under review and amended as necessary.
56	Review of procedures between An Garda Síochána and Tusla in relation to the identification and provision of support to child victims	Monitor practices between An Garda Síochána and Tusla to ensure they are effective and meet the needs of child victims.
57	To continue to promote and develop the Equity in Care Policy	Monitor the operation of the policy and implement improvements as required with timelines and deliverables.
58	To continue with the Aftercare Policy that is currently in place	To monitor the Aftercare Policy and implement improvements where appropriate.
59	To ensure that the best interests of the child victim of human trafficking is a primary consideration in the provision of services	Ensure that all professionals dealing with children are aware of the indicators of human trafficking and act in the child's best interest.
60	To ensure that all child victims of trafficking have access to education and are encouraged in their educational endeavours	To liaise with educational institutions for the purpose of raising awareness of the issue of child trafficking and ensuring they receive appropriate educational placements.
61	Development of training in child trafficking	To put in place a multi-disciplinary and inter-agency form of training on child trafficking and identify relevant actors.
62	To continue a programme for frontline staff liable to encounter child victims of human trafficking	To identify frontline staff who would benefit from training or from refresher courses.

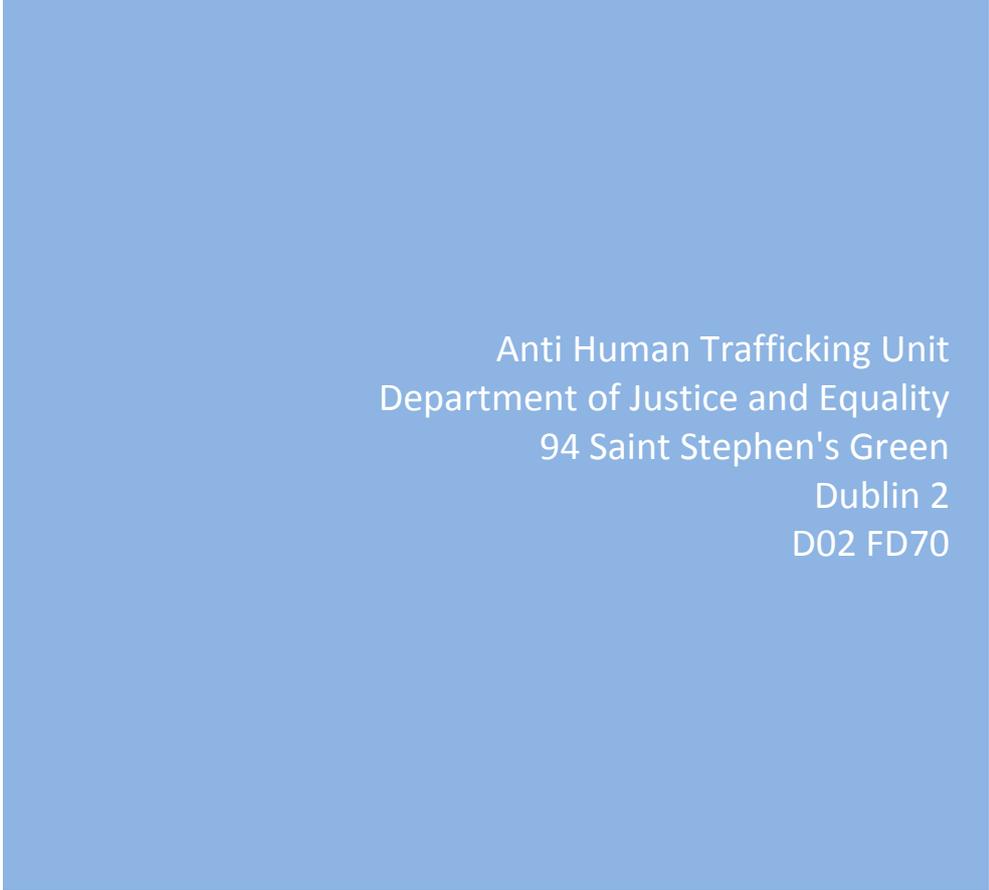
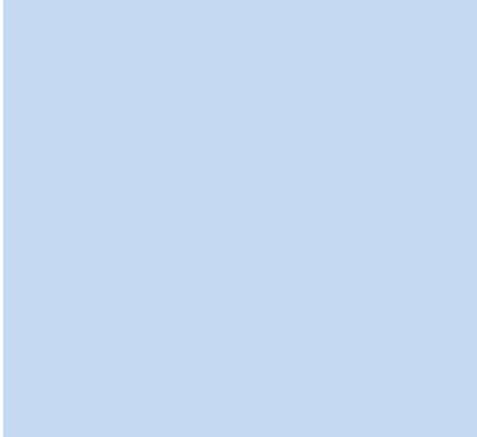
Number	Action	Activities/Indicators
63	To facilitate the monitoring and evaluation of all activities conducted in the area of human trafficking	<p>To put in place the appropriate structure to enable robust monitoring and evaluation to take place by range of international organisations active in this field, such as:</p> <ul style="list-style-type: none"> <li>- Council of Europe</li> <li>- EU Commission</li> <li>- United Nations</li> <li>- Organisation for Security &amp; Co-operation in Europe, and</li> <li>- US State Department.</li> </ul>
64	High Level Group to continue to monitor the implementation of this National Action Plan	<p>High Level Group to receive and consider periodic reports on implementation and to take measures, as necessary, to ensure effective implementation.</p> <p>Ensure the appropriate integration of the prevention of human trafficking in the policies for children of immigrant origin, asylum seekers and persons with protection status.</p>
65	Consideration will be given to the establishment of further independent monitoring mechanisms for oversight of anti-trafficking, including the possibility of putting in place of a National Rapporteur	<p>Examination of options for independent oversight, including the possibility of a National Rapporteur, will be undertaken using the consultative structures.</p> <p>The commissioning of an independent review and evaluation of the Second National Action Plan after 2 years should be considered.</p>







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