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**EUROPEAN COMMITTEE OF SOCIAL RIGHTS  
COMITÉ EUROPÉEN DES DROITS SOCIAUX**

**28 February 2014**

**Case Document No. 6**

**Federation of Catholic Family Associations in Europe (FAFCE) v. Ireland**  
Complaint No 89/2013

**FURTHER RESPONSE OF THE GOVERNMENT**

**Registered at the Secretariat on 18 February 2014**





An Roinn Gnóthaí Eachtracha agus Trádála  
Baile Átha Cliath 2

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Department of Foreign Affairs and Trade  
Dublin 2

18 February 2014

Régis Brillat  
Executive Secretary of the ECSR  
Council of Europe  
F-67075 Strasbourg Cedex  
France

*by electronic transmission only*

**Federation of Catholic Family Associations in Europe v. Ireland, complaint no. 89-2013 (Our file ref: 530/1032)**

Dear Mr Brillat

I am writing in connection with the Applicant's response to the Respondent's submission on the merits of their complaint and to seek the permission of the Committee to file additional replying comments, set out below.

**Paragraph 9**

The word "client" is an accepted and widely used term for a person using the services of a social services agency and it is in this context the term is used in the Respondent's submission.

**Paragraph 11**

The commentary on Ireland in the US TIPS Report 2012 contains a number of inaccuracies, an issue which has been raised with the US authorities on numerous occasions. It is not correct to say that there have been no convictions under the Criminal Law (Human Trafficking) Act 2008. It should also be noted that the Child Trafficking and Pornography Act 1998, as amended is the relevant legislation in respect of child trafficking offences. It is also the case that while investigating a suspected case of trafficking, offences under other legislation may be detected and prosecuted. The Annual Reports for 2009, 2010, 2011 and 2012 produced by the Anti-Human Trafficking Unit give information on prosecutions and convictions. These reports are available on [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie).

For ease of reference a table showing convictions is attached at Appendix 1.

**Paragraph 16**

It is important to note that no NGO or trafficking expert has indicated to any of the State agencies including An Garda Síochána that victims are inadvertently deported or

punished for crimes committed while under the coercive control of their traffickers. Once a person states that they consider that they are a victim of human trafficking there is a process within An Garda Síochána to ensure that they will not be deported pending an investigation of their claim. This process takes immediate effect and there is no question that such a person would be deported.

Furthermore no person who has claimed to be a victim of human trafficking has been deported since the enactment of the Criminal Law (Human Trafficking) Act, 2008. There is no evidence that a person who claims to be a victim of human trafficking has been punished for crimes committed while under the coercive control of their traffickers.

As outlined in the Respondent's submission, at paragraph 49, the Child and Family Agency (formerly the Health Services Executive) has responsibility under the Child Care Act 1991 as amended, and the Children First Guidelines to make all necessary provisions for any unaccompanied children identified as potential or suspected victims of trafficking. The Child and Family Agency acts in Loco Parentis for all child trafficked victims in relation to their status within the State and also in relation to their claim as trafficked victims. Child and Family Agency social workers ensure that all child victims have access to legal aid and accompany children to interviews with the Department of Justice and Equality and the Garda National Immigration Bureau as required.

### **Paragraphs 17 and 18**

It is noted that the report referred to was completed in 2009. The current position in relation to the identification and protection of child victims of trafficking, including at points of entry, is outlined in detail in the Respondent's submission. Child victims of trafficking are notified to the children and families service by the Gardaí under the Childcare Act 1991. A full care order is normally taken on child victims who are then provided with the full protection of the State through the child protection service. Child victims are provided with a full and comprehensive multidisciplinary assessment. This assessment is overseen by a social worker and would normally involve medical, psychological and educational services. Arising from this assessment a decision is taken as to the most appropriate and safest placement for the child. Depending on the individual child's circumstances placement options considered can include a return to the birth family or family of origin, placement in a residential home for further assessment or placement with a foster family. Non-national child victims normally remain in care and within the State whilst legal proceedings in relation to their case are ongoing. Should the court's decision indicate that a return to their family and country of origin is acceptable and advisable, contacts are made with the birth family through the Red Cross or the international social services based in Geneva. Social workers from the Irish child protection services normally follow up any contact provided with further visits to the family and country of origin to assess the safety of a return by the child. Social workers and a Guardian ad Litem appointed by the court normally represent the child's interests throughout legal proceedings.

The *Guide for the Provision of Services to Child Victims of Trafficking*, which was referred to in the Government's submission (available on the Blue Blind Fold website), outlines in detail the current position with regard to family tracing and reunification for a child victim of trafficking.

**Paragraph 19**

The hostels have been closed since 2009. As outlined in paragraph 52 of the Government's submission - *Since January 2010 all newly arrived children are placed in a registered children's home where a multi-disciplinary assessment takes place*. These children's homes are compliant with Health Information and Quality Authority standards.

This concludes the Respondent's additional observations. It is our submission that these additional comments will be of assistance to the Committee in assessing the application. In due course, I would be grateful to know if the Committee has acceded to our request to file additional observations.

Yours sincerely



Peter White

Agent for the Government of Ireland