

CP(2015)18

**Report submitted by the Irish authorities
on measures taken to comply with
Committee of the Parties Recommendation CP(2013)9 on
the implementation
of the Council of Europe Convention
on Action against Trafficking in Human Beings**

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Council of Europe Convention on Action against Trafficking in Human Beings
(GRETA and Committee of the Parties)
Directorate General II - Democracy
Council of Europe
67075 Strasbourg Cedex, France

Your ref DG-II /PN/DD/mc

Dear Ms Nestrova,

Re:- Follow up to the recommendation of the Committee of the Parties on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland

I am pleased to forward a report on the measures taken by Ireland to implement the proposals of the Group of Experts on Action against Trafficking in Human Beings (GRETA).

For the information of GRETA the first document (appendix 1) sets out a brief overview of recent significant developments in our response to this issue, which have occurred since the GRETA report in September 2013.

As you will be aware we have recently published a draft of the Second National Action Plan for consultation purposes. The key priorities of Ireland's Anti-Trafficking Strategy are reflected in this Plan where the approach to its implementation will, first and foremost, be victim-centred. Allied to that will be the aim of ensuring an effective criminal justice response to the perpetrators of this evil 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 the Plan.

This new Plan seeks to build on progress made to date in this area and address issues raised in GRETA's and other recent independent international evaluations of Ireland's response. Among the significant proposals contained in the draft Plan issued for consultation are:

- A fundamental re-examination of the victim identification process and the role to be played in that process by all stakeholders including non-governmental organisations

- A related review of the National Referral Mechanism to ensure that it remains fit-for-purpose and is adequate to address the complexity of both well understood and more recently identified forms of trafficking.
- Examination of the ongoing appropriateness and efficacy of all victim support services.
- Examination of criminal justice measures, including Garda investigative methodologies.
- Enhanced data analysis systems, including proposals based on *Multiple Systems Evaluation* to examine the feasibility of determining the undetected level of human trafficking in Ireland.
- The development, in conjunction with civil society, of a Training & Awareness Needs Analysis to inform and better coordinate the role that can be played by all stakeholders in this key area.
- Specific measures in relation to enhance the effectiveness of anti-trafficking policy and practice concerning labour exploitation.
- New evaluation methodologies for examining the effectiveness of the Plan implementation, including consideration of the role of standing independent evaluation.

Submissions received during the consultation process on the new Plan are now being considered; it is expected that the new Plan will be finalised and approved by the Irish Government in the coming months. For ease of reference, Appendix 2 attached outlines how the GRETA recommendations have been incorporated into the draft National Action Plan.

I look forward to continued engagement with GRETA during the next round of the evaluation process.

Yours sincerely,



David Gilbride
Anti-Human Trafficking Unit

October 2015

Appendix 1

Significant developments in Ireland's response to human trafficking

Legislation

- On 27 November 2014 the Minister for Justice and Equality published the Heads and General Scheme of the Criminal Law (Sexual Offences) Bill 2014. Heads 10 & 11 of the Bill include amendments to the Criminal Law (Sexual Offences) Act 1993 which will create new offences of purchasing sexual services, in the context of prostitution. The first is a general offence of purchasing sexual services and the second is the more serious offence of purchasing a sexual service from a trafficked person. In both cases, the persons selling the sexual service will not be subject to an offence. Unlike the existing offences relating to prostitution such as soliciting, loitering or brothel keeping, this offence will specifically target the demand for prostitution.
- The proposals included in the Heads of Bill have been developed following extensive consultation, initiated by the Department of Justice and Equality, dating back to 2012 and which includes a recommendation from the Joint Oireachtas Committee on Justice, Equality and Defence to introduce such an offence.
- In September 2014, the Minister for Foreign Affairs and Trade introduced guidelines for members of diplomatic missions in Ireland who intend to employ private domestic workers. As a guiding principle, diplomatic staff of embassies or consulates in Ireland who wish to employ private domestic workers are expected to demonstrate respect for Irish laws and good employment practice. The guidelines clearly set out the expectations regarding payment, employment records, health insurance, and social security.

Awareness raising

- The State has conducted a number of **awareness raising initiatives** aimed at increasing public awareness of the issue of human trafficking. The State has held specific awareness raising and training events to create awareness of human trafficking among those who could encounter potential victims of human trafficking in the course of their work e.g. labour inspectors and students at second and third level institutions. Specific detailed training has been provided to members of An Garda Síochána, staff in both the Office of the Director of Public Prosecutions and the Legal Aid Board.
- The State undertakes a number of presentations to social science and law students in 3rd level institutions e.g. TCD, UCD, DCU and DIT. The purpose of the presentations was to make students aware of the issues surrounding human trafficking as these students will be the workforce of the future.
- To mark EU Anti-Trafficking Day 2014, a banner was placed on Liberty Hall as part of continued public awareness raising efforts in relation to human trafficking. The use of this

iconic Dublin landmark recognised that the public are a vital tool in the fight against trafficking in human beings. The placing of the banner was facilitated by Dublin City Council and SIPTU (the union who own the building).

- Also to mark EU Anti Trafficking Day 2014 the Minister for Justice and Equality and the Garda Commissioner hosted a Conference on human trafficking for 80 senior Garda Officers. The purpose of the Conference was to ensure that the senior management of An Garda Síochána are fully supported in fulfilling their obligations in this area. It also provided an important opportunity for those working at the frontline providing services to victims to meet informally with the senior management of An Garda Síochána.
- Two joint Department of Justice Northern Ireland and Department of Justice and Equality Cross-border Conferences on human trafficking have been held. The first in October 2013 looked at trafficking for sexual exploitation in particular locating potential victims and demand reduction measures. In January 2015 a conference on Forced Labour considered how to address the common challenges and opportunities in both jurisdictions in combating forced labour.

REACH project

The Anti-Human Trafficking Unit, in partnership with Ruhama, is currently running a project called REACH. This project, which is co-funded by the EU Commission, seeks to contribute to efforts to combat the trafficking of women and girls into prostitution through a range of awareness raising measures, taking a whole island of Ireland approach. REACH has three key target audiences:

1. women and girls who have been trafficked into prostitution and those who are vulnerable to being trafficked (this can include Irish and migrant women and girls who may not have crossed international borders but have been 'internally trafficked' within Ireland);
2. men and boys who purchase sex from women and girls who have been trafficked into prostitution and/or those who are vulnerable to being trafficked;
3. professionals likely to come into contact with victims and/or potential victims of trafficking in the course of their work.

Further information on the project is available on www.reachproject.eu.

Criminal Justice

- Prevention and detection of human trafficking and the protection of its victims has been a **policing priority for An Garda Síochána** since 2009 and it remains a priority in 2015.
- Pope Francis invited police chiefs from around the world to a Conference on Human Trafficking in the Vatican in 2014. Following this conference, an international group of senior law enforcement chiefs – the “Santa Marta Group” An Garda Síochána will be participating in a specific project under the auspices of this Group. The proposed project, which will involve collaboration between Ireland, the UK, Spain and Portugal, is focused on the potential for human trafficking in the maritime industry.

NGO funding

- During 2015 the State provided funding to two NGOs for the purpose of assistance to victims of human trafficking. A total of €225,000 was provided to Ruhama and €9,564 to the Migrants Rights Centre of Ireland.
- The Dormant Accounts Action Plan 2014 provides for funding for projects which will address the educational and economic disadvantages experienced by persons who have been trafficked or are vulnerable to trafficking. In 2015 funding has been provided to three organisations for projects which will make a demonstrable difference to the lives of participants, allowing them to move on with their lives and take part in mainstream educational and training opportunities.

Sham Marriages - EU funded Research Project entitled "Preventing human trafficking and sham marriages: A multidisciplinary solution"

AHTU is a partner in an EU funded project entitled "Preventing human trafficking and sham marriages: A multidisciplinary solution" being led by Latvia. The project will serve to bring clarity and resolution to the sometimes conflated issues of trafficking and sham marriages.

The project's stated aims are:

- to obtain and record the perspectives on the current situation from all stakeholders in partner countries (Latvia, Slovak Republic, Finland, Estonia, Lithuania and Ireland) working with the groups vulnerable to trafficking, sham or forced marriages and victims themselves and
- secondly, to map current and planned multidisciplinary cooperation among participants and their institutions,
- to prepare training materials and implement pilot training of multidisciplinary specialist groups working with people vulnerable to human trafficking, sham and forced marriages and
- to develop policy recommendations at national and EU level.

The Civil Registration (Amendment) Act 2014 was enacted on 4 December 2014. The Act contains a provision at section 18 to make it more difficult to broker a marriage of convenience thereby protecting vulnerable persons, usually women, from trafficking for the purpose of sham marriages. This provision is designed to counter the abuse of Irish marriage laws to gain an automatic right of residency in Europe. A key feature of this provision is to protect the safety of women, particularly vulnerable young women

Appendix 2

GRETA Recommendations and corresponding actions in the Draft Second National Action Plan

Comprehensive approach and co-ordination

1. GRETA considers that the Irish authorities should take further steps to ensure that national action to combat THB is comprehensive, and in particular to:

- further involve NGOs and other members of civil society in the development and implementation of anti-trafficking policy, including evaluation of anti-trafficking efforts;
- strengthen action to combat THB for the purpose of labour exploitation, in particular in the sectors of domestic service, construction, entertainment, hotels and restaurants, care homes and agriculture;
- pay increased attention to prevention and protection measures addressing the particular vulnerability of children to trafficking and ensuring that the best interests of the child are fully taken into account.

2. Further, GRETA invites the Irish authorities to introduce an independent evaluation of the implementation of the National Action Plan as a tool for assessing the impact of the activities and for planning future policies and measures to combat human trafficking, and to consider the establishment of an independent National Rapporteur or other mechanism for monitoring the anti-trafficking activities of State institutions (see Article 29, paragraph 4, of the Convention and paragraph 298 of the Explanatory Report).

Actions in Draft Second National Action Plan

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| 18 | Examination of the current consultative structures. | Discussion with relevant stakeholders on the potential redesign of current consultative structures. Reaching of agreement on any new structures. |
| 24 | To monitor and examine the adequacy of services and, where necessary, make recommendations to improve upon the services provided to victims of Trafficking in Human Beings | Monitor the provision of services to victims. Identify areas for improvement and work towards making those improvements. |

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| 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. |
| 42 | Continue to foster close collaborative working relationship with Civil Society in developing and delivering response to human trafficking. | Monitor ongoing effectiveness of consultative structures. Identify opportunities for joint working on projects. |
| 55 | 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 |
| 49 | Address the possibility of establishing a specific identification mechanism which takes into account the special circumstances and needs of child victims of trafficking | As party of the review of the overall victims identification process, specific consideration will be given to systems for identification of child victims. |
| 61 | 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 Rappporteur. | Examination of options for independent oversight, including the possibility of a National Rappporteur, will be undertaken. |

Training of relevant professionals

3. GRETA invites the Irish authorities to continue improving the knowledge and sensitivity of relevant professionals about human trafficking and the rights of victims. Future training programmes should be designed with a view to improving the knowledge and skills of relevant professionals which enable them to proactively identify victims of trafficking, to assist and protect them, to facilitate compensation for victims, and to secure convictions of traffickers.

Actions in Draft Second National Action Plan

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| 1 | To identify Training Needs | Conduct a Training Needs Analysis |
| 38 | Continued provisions of training in investigation of human trafficking to Garda Officers. | Specialised Investigation Training provided. Comprehensive review of training methods undertaken. |
| 57 | 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 |
| 58 | 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. |

Data collection and research

4. GRETA invites the Irish authorities to continue to ensure that statistical data are collected from all the main players and recalls that the data collection should be accompanied by all the necessary measures to ensure respect for the rights of data subjects to personal data protection, including when NGOs working with victims of human trafficking are asked to provide information to feed into the national database.

5. GRETA invites the Irish authorities to continue conducting and supporting research on THB issues, including when such studies are carried out by civil society, as an important source of information for future policy measures. Areas where research is needed in order to shed more light on the extent of human trafficking in Ireland include trafficking within the country, trafficking for the purpose of labour exploitation and trafficking in children.

Actions in Draft Second National Action Plan

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| 13 | To continue to collect and analyse data on Trafficking in Human Beings | To link in with State and non-Governmental organisations to promote effective and reliable data collection. |
| 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. |

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| 17 | Conduct and encourage research in the area of trafficking in human beings | Collect and analyse data and engage with researchers as appropriate. |
| 25 | To consider the implementation of a victim service database/case management system | Consult with State Agencies and Civil Society to determine the most effective and appropriate way to implement this database/case management system. To examine the use of a unique identifier for victims of human trafficking. |

International co-operation

6. GRETA commends the efforts made by the Irish authorities in the area of international co-operation and invites them to continue developing the aspect of international co-operation with a view to preventing human trafficking, assisting victims of trafficking, and investigating and prosecuting human trafficking offences, including through exploring further possibilities for co-operation with governmental and non-governmental actors in the main countries of origin of trafficking victims.

Actions in Draft Second National Action Plan

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| 9 | Partnership programme between Irish Aid and the ILO in the area of both forced and child labour | To continue to support programmes to assist persons subject to forced or child labour |
| 12 | Develop International co-operation | Develop links with FRONTEX and with countries of origin of trafficking victims with a view to preventing the trafficking of human beings. |
| 39 | To maintain police cooperation at international level focused on the prevention and prosecution of human trafficking offences. | Maintenance of relationships with: <ul style="list-style-type: none"> - CEPOL - EUROPOL - INTERPOL - EMPACT - FRONTEX and attendance at relevant fora. |
| 46 | 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. |

Measures to raise awareness

7. GRETA considers that future actions in the area of awareness raising should be designed in the light of the assessment of previous measures and be focused on the needs identified. Particular attention should be paid to raising awareness of human trafficking for the purpose of labour exploitation and child trafficking. Awareness-raising campaigns should target among others foreign nationals coming to work in

Ireland, employers and employers' associations, trade unions, as well as labour and tax inspectors and medical professionals.

Actions in Draft Second National Action Plan

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| 2 | Explore awareness raising/training opportunities in new sectors | Development of an Awareness Raising and Training Strategy |
| 3 | Continue awareness raising with educational institutions at all levels. | Distribution of educational packs concerning trafficking to 2 nd level institutions. Provision of Seminars at 3 rd 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 |
| 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 THB 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. |

Measures to discourage demand

8. GRETA considers that the Irish authorities should make more efforts to discourage demand for the services of trafficked persons for the purpose of labour exploitation, in partnership with the private sector and civil society. In this context, GRETA invites the Irish authorities to consider establishing as a criminal offence the use of services which are the object of labour exploitation, with the knowledge that the person is a victim of trafficking in human beings.

Actions in Draft Second National Action Plan

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| 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. |
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Economic, social and other empowerment measures for groups vulnerable to THB
9. GRETA considers that the Irish authorities should integrate the prevention of human trafficking in the policies for children of immigrant origin, asylum seekers and persons with protection status.

Actions in Draft Second National Action Plan

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| 60 | High Level Group to continue to monitor the implementation of this National Action Plan. | High Level Group to receive and consider periodic reports on implementation and to take measures, as necessary, to ensure effective implementation. |
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Border measures to prevent THB and measures to enable legal migration
10. GRETA invites the Irish authorities to keep under scrutiny the employment permit system to ensure that it does not facilitate the trafficking of migrant workers.

Actions in Draft Second National Action Plan

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| 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. |
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Identification of victims of trafficking in human beings
11. GRETA urges the Irish authorities to ensure that all victims of trafficking are

properly identified and can benefit from the assistance and protection measures contained in the Convention, in particular by:

- promoting multi-agency involvement in victim identification by formalising the role and input of specialised NGOs and involving other relevant actors, such as labour inspectors, social workers and medical staff;
- amending the relevant regulations to allow asylum seekers, EEA nationals and Irish nationals to be formally identified as victims of trafficking;
- guaranteeing that in practice identification is dissociated from the suspected victim's co-operation in the investigation.

12. As regards children, GRETA considers that the Irish authorities should set up a specific identification mechanism which takes into account the special circumstances and needs of child victims of trafficking, involves child specialists and ensures that the best interests of the child are the primary consideration.

13. GRETA welcomes the attention paid to inspections of private homes and encourages the Irish authorities to continue using such inspections as a tool for preventing and detecting human trafficking cases, alongside inspections by NERA in other sectors at risk (e.g. service sector, construction, entertainment, care homes, agriculture).

14. GRETA invites the Irish authorities to further develop multi-agency training on the identification of victims and to ensure that there is a regular exchange of information.

15. Further, GRETA invites the Irish authorities to consider whether human trafficking identification might not be better placed under structures that do not deal with immigration control.

Actions in Draft Second National Action Plan

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| 1 | To identify Training Needs | Conduct a Training Needs Analysis |
| 2 | Explore awareness raising/training opportunities in new sectors | Development of an Awareness Raising and Training Strategy |
| 21 | 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. | Review and the development of any new process, undertaken 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. | Examination to be carried out in consultation with the full range of State and Civil Society organisations active in this field. |
| 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. |

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| 49 | Address the possibility of establishing a specific identification mechanism which takes into account the special circumstances and needs of child victims of trafficking | As party of the review of the overall victims identification process, specific consideration will be given to systems for identification of child victims. |
| 37 | Establishment of new Garda Unit with responsibility for Human Trafficking | <p>New Unit with responsibility for human trafficking established.</p> <p>Links between new Unit and full range of State and Civil Society organisation active in the field developed.</p> |

Assistance to victims

16. GRETA urges the Irish authorities to review the policy of accommodating suspected victims of trafficking in accommodation centres for asylum seekers and to consider setting up specialised shelters for victims of THB, with the involvement of NGOs as support providers. In the meantime, the authorities should ensure that the services available are adapted to the specific needs of trafficking victims and that minimum standards are guaranteed across the country when victims of trafficking are accommodated in structures not specifically designed for them. Particular care should be taken to ensure the victim care plans, which set out specific medical, psychological and social needs and risk assessment, are implemented in order to minimise further trauma and re-trafficking.

17. GRETA also urges the Irish authorities to enact statutory rights to assistance and protection for possible victims of trafficking, as specified in Articles 10 and 12 of the Convention, regardless of the victim's nationality or immigration status.

18. Further, GRETA invites the authorities to continue providing regular specialised training to all professionals responsible for the provision of assistance and protection measures to victims of trafficking.

Actions in Draft Second National Action Plan

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| 1 | To identify Training Needs | Conduct a Training Needs Analysis |
| 24 | To monitor and examine the adequacy of services and, where necessary, make recommendations to improve upon the services provided to victims of Trafficking in Human Beings | Monitor the provision of services to victims. Identify areas for improvement and work towards making those improvements. |
| 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 | Continuing 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. |

Recovery and reflection period

19. GRETA urges the Irish authorities to ensure, in compliance with the obligations under Article 13 of the Convention, that all possible victims of trafficking, including EEA nationals, are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period. Officers performing identification should be issued with clear instructions stressing the need to offer the recovery and reflection period as defined in the Convention, i.e. not making it conditional on the victim's co-operation and offering it to victims before formal statements are made to investigators.

Residence permits

20. GRETA urges the Irish authorities to ensure that victims of trafficking can fully benefit from the right to obtain a renewable residence permit, particularly when they are unable to co-operate with the authorities.

Actions in Draft Second National Action Plan

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| 21 | 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. | Review and the development of any new process, undertaken 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. |
| 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">- Accommodation- Legal Advices- Psychological and Health services- Immigration permissions as required |

Compensation and legal redress

21. GRETA urges the Irish authorities to take measures to ensure that avenues for compensation are easily accessible to trafficked persons, and in particular to:

- encourage prosecutors to request compensation orders in all relevant cases;
- make the State compensation scheme effectively accessible to victims of trafficking, which would require a review of the current conditions for eligibility. 6 CP(2013)9

Repatriation and return of victims

22. GRETA considers that the Irish authorities should take steps to:

- ensure that the return of victims of trafficking is conducted with due regard for the rights, safety and dignity of the person and the status of legal proceedings; this implies protection from retaliation and re-trafficking;

- make efforts to develop co-operation with countries of origin of victims of trafficking in order to ensure proper risk assessment and safe return of victims, as well as their effective reintegration.

23. Further, GRETA invites the Irish authorities to review the appropriateness of the existing voluntary return arrangements for victims of trafficking as a specific category

Actions in Draft National Action Plan

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| 32 | 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. |
| 33 | 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. |

Non-punishment of victims of trafficking in human beings

24. GRETA considers that the Irish authorities should take further steps to ensure compliance with Article 26 of the Convention through the adoption of a provision on non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so, or by further developing the guidelines for public prosecutors. Public prosecutors should be encouraged to be proactive in establishing if an accused is a potential victim of trafficking and to consider trafficking in human beings as a serious violation of human rights. While the identification procedure is ongoing, potential victims of trafficking should not be punished for immigration-related offences.

Actions in Draft Second National Action Plan

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| 40 | 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. | <p>To continue professional training of members of An Garda Síochána</p> <p>To conduct information sessions with relevant bodies to address the issue of non-punishment</p> |
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Investigation, prosecution and procedural law

25. GRETA urges the Irish authorities to take additional measures to ensure that THB offences are investigated and prosecuted effectively, leading to proportionate and dissuasive sanctions, in particular by:

- continuing efforts to train Garda officials to detect cases of THB and carry out proactive investigations, including through co-operation with other relevant actors in the country and abroad;
- encouraging the Office of the Director of Public Prosecutions to further develop their specialism in THB with a view to successfully prosecuting more traffickers;
- continuing to improve the skills of investigators, prosecutors and judges about the seriousness of THB, the severe impact of exploitation on the victims and the need to respect their human rights.

Actions in Draft Second National Action Plan

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| 30 | 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. |
| 35 | Keep under review the adequacy of legislation to support the prosecution of traffickers. | Ongoing monitoring of efficacy of current legislation to be undertaken and appropriate consultation with An Garda Síochána maintained. |
| 38 | Continued provisions of training in investigation of human trafficking to Garda Officers. | Specialised Investigation Training provided. Comprehensive review of training methods undertaken. |

Protection of victims and witnesses

26. GRETA invites the Irish authorities to make full use of all measures available to protect victims/witnesses of THB and to prevent intimidation during the investigation and during and after the court proceedings.

Actions in Draft Second National Action Plan

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| 41 | 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 |
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