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GRETA(2016)24



**Reply from Ireland
to the Questionnaire for the evaluation of the implementation of
the Council of Europe Convention on Action against Trafficking in
Human Beings by the Parties**

**Second evaluation round
(Reply submitted on 20 July 2016)**



Introduction

In accordance with Article 38, paragraph 1, of the Convention on Action against Trafficking in Human Beings, GRETA evaluates the implementation of the Convention following a procedure divided into rounds. At the beginning of each round, GRETA selects the specific provisions on which the evaluation procedure is based.

GRETA has decided that the second evaluation round of the Convention will start on 15 May 2014. For the second evaluation round, GRETA has adopted a questionnaire to be sent to all states parties which have undergone the first round of evaluation, following a timetable approved by GRETA. States parties are requested to transmit to GRETA a reply to this questionnaire within five months from the date it was sent.

Following a first round of monitoring, which provided an overview of the implementation of the Convention by each state party, GRETA has decided to examine during the second evaluation round the impact of legislative, policy and practical measures on the prevention of trafficking, the protection of the rights of victims of trafficking, and the prosecution of traffickers. The adoption of a human rights-based approach to action against trafficking in human beings remains at the centre of this new evaluation round. In addition, particular attention is paid to measures taken to address new trends in human trafficking and the vulnerability of children to trafficking. GRETA has selected provisions of the Convention which are mainly related to these issues.

The reply to the questionnaire should be submitted in one of the official languages of the Council of Europe (English and French), and preferably also in the original language. The reply to the questionnaire should contain all the relevant information on the implementation of the Convention since GRETA's first evaluation report. Particular emphasis should be put on the practice and impact of legislative and other measures taken. Where appropriate, in order to avoid unnecessary repetition, the reply may refer to information contained in the report submitted by the national authorities on measures taken to comply with the Committee of the Parties' recommendation concerning the implementation of the proposals made in GRETA's first evaluation report.

States parties should provide copies or extracts of relevant legislation, regulations and case law mentioned in the reply to the questionnaire (as an appendix to the reply). These copies/extracts should be supplied in the original language and, wherever possible, also in one of the official languages of the Council of Europe.

A variety of stakeholders and civil society representatives should be effectively consulted in the preparation of the reply to the questionnaire, to ensure that the information provided is as comprehensive as possible.

Response to GRETA questionnaire

A. Follow-up questions

1. Please provide information on developments since GRETA's first evaluation report on your country in the following areas:

- the main forms of trafficking in human beings (THB) and emerging trends observed in your country (for example, any new types or sectors of exploitation, recruitment methods, countries of origin or destination of the victims);
- any changes in your country's laws and regulations relevant to action against THB;
- the institutional framework for action against THB, in particular: any changes in respect of the composition and functions of the bodies responsible for co-ordinating national action against THB, the involvement of NGOs in co-ordinating bodies, the entities specialised in the fight against THB, and the establishment of a national rapporteur or other mechanism for monitoring the implementation of anti-trafficking strategies, policies and activities;
- an overview of the current national strategy and/or action plan to combat trafficking in human beings (duration, objectives and main activities, bodies responsible for its implementation, budget, monitoring and evaluation of results).

Response

Main forms of trafficking and emerging trends

The extent of human trafficking discovered in Ireland having remained fairly static for a number of years has shown a significant increase in 2015. In 2015, 91 new human trafficking related investigations were initiated. Four (4) of these have been completed and cannot be progressed. Seventy eight (78) suspected victims of human trafficking were identified in 62 of these investigations. The number of victims identified in 2015 shows a major increase in comparison with the 46 victims identified in 2014. During the period, the State has continued in its efforts to eliminate human trafficking, utilising the provisions of the Criminal Law (Human Trafficking) Act 2008 and the Criminal Law (Human Trafficking) (Amendment) Act 2013 for the purpose of doing so. Other legislative instruments have also been used to fight the phenomenon of human trafficking. In 2015 co-operative efforts engaged in by the States Law Enforcement Authorities, Government Officials and Non- Governmental Organisations, has resulted in uncovering incidents of human trafficking and its victims, leading to the undertaking of investigations and to prosecutions and convictions, in some cases.

In 2015, the numbers of suspected victims identified who are from Romania, Ireland and Nigeria has increased significantly.

The predominant trend is that traffickers are often from the same country as their victims. The number of victims identified has increased significantly from Romania, Ireland and Nigeria in 2015.

The vast majority of victims for sexual exploitation from outside Ireland are exploited by being put into prostitution. Young women are recruited in their home country and brought to Ireland by traffickers who are also from the victim's home country. In some cases Irish nationals may become involved by controlling or directing the prostitution of the suspected victims.

Romanian Organised Crime Gangs (OCGS) running pop-up car washes have been responsible for 11 of the victims identified for labour exploitation in 2015. Vulnerable young men from poor circumstances are being recruited in their home country with the promise of a well paid job by Romanian criminals. They are brought to Ireland and exploited for their labour in these car washes which are run by Romanian OCGs. They are subjected to harsh conditions, sometimes physical abuse, poor living conditions and very low wages. In some cases they are held under control by a debt bondage situation.

Operation Fulchrum is an operation set up by An Garda Síochána to look at possible human trafficking in cannabis growhouses and the possible exploitation of gardeners in these growhouses. This is a complex area as on the face of it the person in the growhouse is caught often with very large amounts of Cannabis Herb plants. There is often very strong evidence found of serious offences contrary to the Misuse of Drugs Acts but there may be indicators of human trafficking present as well. However, these are exceptional cases where suspected victims of human trafficking are also suspected of being involved in criminal activity. There were a number of recommendations made in the P v the Chief Superintendent of the Garda National Immigration Bureau High Court Case as to how these cases should be dealt with. Currently the Department of Justice and Equality in collaboration with An Garda Síochána are compiling a set of guidelines to assist Gardaí in investigating these type of cases. There is some information to suggest that the perpetrators of this type of crime involve both Irish and Asian persons.

In 2015, three victims were identified as having been exploited for forced begging. These people who were from the Roma Community were being exploited by other persons from the Roma Community.

The Irish children identified as victims of sexual exploitation have been exploited by Irish nationals. These children are groomed and recruited by sexual predators for the purposes of sexual exploitation. In some cases the internet, including social media forums, is used as a recruitment tool.

There have been significant increases in the number of victims identified in both sexual exploitation and labour exploitation. The number of victims identified for sexual exploitation has increased from 32 in 2014 to 48 in 2015. Labour exploitation victims have increased from 7 in 2014 to 23 in 2015. Two (2) people have been identified as victims in 2015 for both sexual and labour exploitation. The major increase in the number of labour exploitation victims is attributed in large part to targeted operations focusing on the pop-up car washes which are run by Romanian OCG's in Ireland.

The increase in the number of identified victims can be attributed, in part to the continued close liaison between An Garda Síochána in partnership with the State Agencies and Civil Society. The continued programme of training and awareness raising carried out by the Human Trafficking Investigation & Co-ordination Unit (HTICU) within An Garda Síochána and its partners is also believed to be a contributory factor in raising awareness of human trafficking. In particular raising awareness of human trafficking within An Garda Síochána. This is reflected in the fact that victims are being identified all over the country and not just in major urban centres. The increase in the number of victims being identified for sexual exploitation can also be attributed to some degree to the fact that Operation Quest is working closely with the Human Trafficking Investigation and Co-Ordination Unit.

Operation Quest investigates prostitution and the criminality that surrounds prostitution. Since March 2015 both Operation Quest and the Human Trafficking Investigation and Co-Ordination Unit have been part of the newly formed Garda National Protective Services Bureau (GNPSB). The GNPSB was established in 2015 and brings issues relating to human trafficking as well as child protection, domestic and sexual violence and general supports to victims under the command of a Chief Superintendent. The inclusion of HTICU within GNPSB instead of the Garda National Immigration Bureau (GNIB) where it was formerly situated means that HTICU has now been placed under a structure that is separate from immigration control, a suggestion which was made in report of the first GRETA evaluation round of Ireland in 2013.

New legislation

As reported in the last GRETA evaluation of Ireland, the main law in relation to trafficking in Ireland is The Criminal Law (Human Trafficking) Act 2008. The 2008 Act commenced in June 2008 of that year and specifically prohibits trafficking for sexual and labour exploitation, including sex trafficking and forced labour, and is applicable to both men and women. The 2008 Act also criminalises trafficking for the purpose of exploitation consisting of the removal of human organs. The exact text of the Act can be accessed at the attached link

<http://www.irishstatutebook.ie/2008/en/act/pub/0008/index.html>

In addition the Act provides for other matters unconnected to human trafficking (for example, registration of sex offenders).

Since the last GRETA evaluation of Ireland an Amendment to the 2008 Act was enacted on 9 July 2013. The Criminal Law (Human Trafficking) (Amendment) Act 2013 was enacted to facilitate full compliance with the criminal law measures 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*. The 2013 Amendment Act:

- broadens the scope of the definition of ‘exploitation’ in the 2008 Act to include exploitation consisting of forcing a person to engage in criminal activities (inside or outside the State);
- expands the definition of the term ‘labour exploitation’ to include forced begging;
- for clarity, defines the term ‘forced labour’ in line with the definition is based on that set out in International Labour Organisation (ILO) Convention No. 29 of 1930 on Forced or Compulsory Labour;
- provides that where a trafficking offence (for sexual or labour exploitation) is committed by a public official during the performance of his/her duties, that fact shall be treated as an aggravating factor for the purpose of determining sentence; and
- amends child evidence rules by increasing, from 14 to 18 years, the upper age threshold for out-of-court video recording of a complainant’s evidence and makes provision for video recording the evidence of a child witness (other than an accused) who is under the age of 18 years.

The exact text of the 2013 Amendment Act can be accessed at:

<http://www.irishstatutebook.ie/2013/en/act/pub/0024/index.html>

In addition to the 2013 Amendment Act, there were also some other changes in legislation and regulations which are relevant to the fight against human trafficking

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 and there have been a number of contacts from embassies about this and the dangers of trafficking of their nationals for the purpose of sham marriages to non-EEA nationals. The provision gives Civil Registrars the power to ask questions and to inform immigration authorities or An Garda Síochána if they have reason to believe a marriage is a sham. A Superintendent Registrar will also offer advice, ensure clarity and make the determination. The decision may be appealed to the Circuit Court. The provision also applies to civil partnerships. The full text of the Act may be found at the following link:

<http://www.irishstatutebook.ie/2014/en/act/pub/0034/index.html>

The Criminal Law (Sexual Offences) Bill 2015 was moved at Second Stage in Dail Éireann on 29 January 2016. The Bill was the most comprehensive and wide ranging piece of sexual offences legislation to be introduced in almost a decade. It strengthens existing law to combat child pornography, the sexual grooming of children, incest, exposure and other offensive conduct of a sexual nature. Part 2 of this Bill addresses the sexual exploitation of children. Part 3 of the Bill contains two sections providing for the criminalisation of the purchase of sexual services. The two offences contained in the Bill – the first a general offence of paying to engage in sexual activity with a prostitute and the second the more serious offence of paying to engage in sexual activity with a trafficked person – are the result of considerable and extensive public consultation by the Department of Justice and Equality but, primarily, by the Joint Oireachtas Committee on Justice, Defence and Equality which recommended similar proposals in 2013.

Under the Bill It will be an offence for a person to pay, offer or promise to pay, a person for the purpose of engaging in sexual activity with a prostitute. The person providing the sexual service – the prostitute – will not be subject to an offence. The purpose of introducing these provisions is primarily to target the trafficking and sexual exploitation of persons through prostitution. The Bill fell with the dissolution of the 31st Dáil in February 2016.

The International Protection Act 2015 was enacted 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 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 application will make only one application, and will have all grounds for seeking international protection and to be permitted 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 straight forward and timely fashion and 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 into which Ireland has opted.

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 has commenced on preparing for the implementation of the new Act during 2016.

In January 2016 the Minister for Justice and Equality launched the Second National Strategy on Domestic, Sexual and Gender based violence. As part of this strategy there are plans to introduce a specific offence of forced marriage into Irish legislation. It is intended that the new offence will target the intentional conduct of luring an adult or a child into the territory with the purpose of forcing them to enter into a marriage.

On 12 September 2014, the Minister for Foreign Affairs and Trade, Charlie Flanagan, TD, announced the introduction of 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. The guidelines are available in full on the Department of Foreign Affairs and Trade website: <https://www.dfa.ie/media/dfa/alldfawebstemedial/newspress/publications/FINAL-GUIDELINES-RELATING-TO-THE-EMPLOYMENT-OF-PRIVATE-DOMESTIC-EMPLOYEES-BY-ACCREDITED-MEMBERS-OF-THE-MISSION.pdf>

Framework

The Department of Justice and Equality's Anti-Human Trafficking Unit (AHTU) has the lead on all policy issues on human trafficking in Ireland and works in close collaboration with other Irish government agencies, including An Garda Síochána, Health Services Executive (HSE), the Child and Family agency (TUSLA), the Office of the Director of Public Prosecutions (DPP), Legal Aid Board and the Irish Naturalisation and Immigration Service (INIS). Other agencies active in combating human trafficking include the Department of Jobs, Enterprise and Innovation; Department of Health; Department of Children and Youth Affairs, and the Victims of Crime Office.

The AHTU has developed a close working relationship with the Human Trafficking Investigation and Coordination Unit in An Garda Síochána and staff of both units maintain day to day contact and cooperate on a range of issues in relation to human trafficking.

There are three dedicated government organisations that focus directly on trafficking: the Human Trafficking Investigation and Coordination Unit in An Garda Síochána; the Anti-Human Trafficking Team in the Health Service Executive (HSE) and the specialised Human Trafficking Legal Team in the Legal Aid Board. Dedicated personnel are also assigned to deal with the prosecution of human trafficking cases in the Office of the Director of Public Prosecutions (DPP). The Department of Social Protection has personnel working on human trafficking issues in its New Communities and Asylum Seekers Unit.

An inter-departmental high level group on human trafficking (based on the OSCE model) was established in 2007 to inform the Justice Minister on key trafficking issues. Representatives from this group meet with senior personnel from civil society and International organisations by way of a Roundtable Forum chaired by the AHTU. The AHTU also chairs five interdisciplinary working groups. These working groups are comprised of government, civil society, and

international organisation representatives to discuss matters at a working level and report results to the high level group. The working groups meet two to three times per year. The groups deal with: 1) Development of a National Referral Mechanism; 2) Awareness Raising and Training; 3) Child Trafficking; 4) Labour Exploitation Issues; 5) Sexual Exploitation Issues. More than 70 different organisations participate in these working groups. These consultative structures are currently under review with a view to streamlining them to ensure their continued effectiveness and that they are utilised in the most efficient ways possible. The 2nd National Action Plan contains a commitment to examine the current structures to ensure they remain relevant and work in relation to this is already underway.

Human trafficking continued to be one of the top policing priorities for An Garda Síochána in 2015. In An Garda Síochána Policing Plan for 2015 the stated priority in relation to human trafficking is “To combat serious crimes in all its forms, in particular violent crime, organised crime, including human trafficking, and white collar crime”. Human trafficking is also mentioned as a priority in An Garda Síochána Strategy Statement 2013 – 2015 as follows “An Garda Síochána is committed to protecting the public from serious harm. Working with our partners we will develop targeted policing operations to reduce crime and ensure safety on our roads, target organised crime, human and drug trafficking networks”.

In 2015 the Garda Commissioner directed the establishment of a new Garda National Protective Services Bureau. The new unit’s operational responsibilities include Child Protection, the Domestic Violence and Sexual Assault Investigation Unit and Human Trafficking Investigation and Co-Ordination Unit (previously attached to the Garda National Immigration Bureau). Following the ratification of EU Directive 2012/29, the Victims Directive, the newly established Garda National Protective Services Bureau has also assumed overall responsibility for victims of crime. It is staffed by specialists in each respective area and An Garda Síochána is in the process of setting up Divisional Protective Service Units. These Protective Service Units will also be staffed by specialists in the areas of victims, sexual crimes and human trafficking. This is part of the ongoing Garda Síochána Transformation Programme.

National Strategy

A second National Action Plan (NAP) to Prevent and Combat Human Trafficking in Ireland has been developed. This new Plan seeks to build on progress made to date and to address issues raised in independent international evaluations of Ireland’s response to this important issue. The new National Action Plan outlines both the Government’s strategic approach to this issue as well as setting out a clear work programme for the relevant state authorities to collaborate with civil society and agencies in other jurisdictions in advancing the fight against trafficking and enhancing the protection of victims. Among the significant proposals contained in the Plan 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 Spectrum to inform and better coordinate the role that can be played by all stakeholders in this key area.
- Specific measures in relation to enhancing 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.

The draft Plan was issued for consultation to civil society organisations active in this field in mid-2015. Submissions from 13 organisations and one individual were received by the Anti Human Trafficking Unit (AHTU) of the Department of Justice and Equality during this consultation phase. In October 2015 a Roundtable meeting was held with NGOs active in the field to discuss the issues raised in the written submissions and priorities for implementation in the second NAP. This forum facilitated an engaged discussion concerning NGO priorities and led to the emergence of consensus on actions that would be given greater weight and precedence in early stage implementation.

The draft Plan was further developed and finalised in early 2016 to take into account the outcome from the public consultation and forum. AHTU is currently in the process of seeking Government approval for the Plan and it is expected to be published in the coming months.

Roundtable on Identification Process

Building on the work of the GRETA Roundtable held in May 2015 and the Consultation process on the Second National Action Plan during the Summer and Autumn, it was agreed with State and NGOs that Identification was the key issue to be addressed in the National Action Plan. Responding to this broad consensus it was agreed to prioritise early work on the identification process and funding was sought from the Council of Europe for a facilitated discussion on this important issue. The roundtable on victim identification was convened as a joint initiative by the Irish Department of Justice and Equality and a NGO coalition comprising of the Migrant Rights Centre Ireland (MRCI), the Immigrant Council of Ireland (ICI) and Ruhama with funding provided by the Council of Europe. The aim of the meeting was to examine multi-agency models of victim identification from other EU countries and their applicability in the Irish context, to explore gaps as well as identify what is currently working in the Irish system, and to design a potential new framework for identification and referral to assistance to victims of trafficking in Ireland.

The roundtable was a timely opportunity for all key anti-trafficking stakeholders to meet, discuss and agree on what works and doesn't work in the current system of identification and to generate a consensus on key elements (actors, process, standards) of a new multi-agency framework or other model for the identification of victims of trafficking. The event also presented an opportunity for participants to familiarise themselves and learn from good practice and challenges in Scotland and the Netherlands with representatives from the Legal Services Agency in Scotland as well as from the Dutch Ministry of Security and Justice and the Dutch NGO CoMensha presenting their work and experience.

The roundtable aimed at providing an inclusive and constructive forum to discuss and jointly design a potential framework for the identification of victims of human trafficking in Ireland, which in turn would inform new policy in this area, and in particular feed into the review of the

current identification system and the development of a new model which is taking place in the context of the development of the Second National Action Plan. The roundtable was held under the Chatham House rules and in an atmosphere of openness, cooperation and constructive dialogue to find common effective strategies and solutions towards a more effective and adequate mechanism for victim identification and assistance in line with Ireland's commitments in the fight against human trafficking.

Following on from this roundtable event, the next step in reviewing the current identification processes is to arrange a study visit for State officials and representatives of civil society to another jurisdiction to examine and discuss the procedures they have in place and to learn from best practice. The Council of Europe has already indicated that it would be willing to fund such study visit. Initial contact has been made with the Home Office in this regard and work is underway to progress a study visit to the UK later this year.

In addition, a number of NGOs have made a joint proposal to the Department of Justice and Equality in relation to a new victim identification procedure and this proposal is currently being considered by AHTU. However, it is worth noting that the NGOs involved in the proposal are divided in opinion as to the approach which should be taken in relation to making substantive decisions on victim identification. It is proposed by the NGOs to await the outcome of pilot projects currently taking in the UK in relation to victim identification before taking a final decision on the model which should be used in Ireland and on the level of involvement with civil society.

B. Cross-cutting questions

Gender equality (Articles 1.1.b, 5.3 and 17)

2. What specific measures are taken in your country to address the gender dimension of THB and incorporate gender equality into the policies to prevent and combat THB and to protect and promote the rights of victims, including through the empowerment of women and girls?

Response

Ireland is to the fore in its promotion and protection of the principles of equality and freedom from discrimination. There is a suite of equality legislation in place designed to ensure equality for all, including gender equality.

Government procedures also require all substantive proposals submitted to Cabinet to take account of the impact on gender equality, on persons with disabilities, and on vulnerable groups. The National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009-2012 was gender proofed in advance of its publication and it is intended that the 2nd National Action Plan will also be subject to the same gender proofing procedures.

The National Women's Strategy (NWS) 2007–2016 is an all-of-Government strategy which was launched by the then Taoiseach in April 2007. Its preparation was undertaken by a cross-Departmental Committee steered by the then Department of Justice, Equality and Law Reform, pursuant to the Government's commitments under the Beijing Platform for Action. 175. The NWS has as its vision: "An Ireland where all women enjoy equality with men and can achieve their full potential, while enjoying a safe and fulfilling life". The Strategy, which contains 20 key objectives and over 200 actions, has three principal sub-themes: to equalise socio-economic opportunity for women; to ensure their well-being and to engage women as equal and active citizens. More specifically, the strategy aims to combat violence against women through

improved services for victims together with effective prevention and prosecution and to address the issue of trafficking of women and children.

During 2015 the AHTU and Ruhama (an NGO supporting women who are victims of trafficking for sexual exploitation) successfully completed the REACH project. This project was co-funded by the European Commission and its aim was to raise awareness of trafficking as a form of violence against women and girls and improve responses to this issue across the whole island of Ireland. REACH is the first 'all island of Ireland' initiative of its kind.

In February 2015 the first initiative of the Project was launched. The aim of this campaign was to reach out to women and girls in both the Republic of Ireland and Northern Ireland who have been trafficked, or are at risk of being trafficked into prostitution. The targeted awareness raising activities sought to inform women and girls on the island of Ireland (who find themselves in a difficult situation in the sex trade) of the support that is available to them and where they can seek help. This campaign was developed following a unique consultation process with women who have had a variety of experiences within the sex trade. This consultation facilitated the development of the message of the campaign and the most effective modes of delivery to reach the women and girls most in need of support.

Non-discrimination (Article 3)

3. What measures are taken to ensure that trafficked persons who are members of ethnic minorities have access to the rights specified in the Convention?

Response

Public bodies in Ireland are under clear statutory and constitutional obligations in relation to the treatment of individuals from a human rights and equality perspective. A large number of rights are specifically provided for in the Constitution of Ireland.

They are principally, although not exclusively, to be found in the chapter headed "Fundamental Rights" which comprises articles 40–44. These articles refer, amongst others, to the right to equality before the law and the right to liberty. In addition, the European Convention on Human Rights has been indirectly incorporated into Irish domestic legislation by the European Convention on Human Rights Act 2003. The Act provides that every organ of the State shall perform its functions in a manner compatible with the State's obligations under the Convention's provisions.

Ireland also has specific equality legislation, namely the Employment Equality Act, 1998 and the Equal Status Act, 2000 which prohibit both direct and indirect discrimination in the areas of employment and access to goods and services, including housing, healthcare and education, on nine grounds: gender, civil status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. This legislation is applicable to victims of trafficking in human beings in terms of their access to rights specified in the Convention.

The Irish Human Rights Commission (IHRC) promotes human rights in law, policy and practice. They review draft legislation, publish policy statements on human rights issues in Ireland and make recommendations to Government. The views of the Commission were considered carefully when drafting and developing Ireland's Second National Action Plan to Prevent and Combat Human Trafficking.

Awareness raising training has been offered to ethnic liaison in both An Garda Síochána and the Police Service Northern Ireland to enable them to identify and refer victims of human trafficking and to deal with prosecutions.

4. What specific measures are taken to ensure that trafficked persons who are irregular migrants or migrant workers are identified as victims of THB and have access to the rights provided for in the Convention?

Response

Training is provided to a wide range of frontline personnel including those working at borders and in the Office of the Refugee Applications Commissioner, who are expected to come into contact with vulnerable groups, including migrants. Such training covers modules on how to identify potential victims of human trafficking and how to respond to their needs in a sensitive manner.

Under the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking, persons who have no legal basis to remain in the State are granted a 60 day recovery and reflection period to allow them access to a full range of supports and services. Victims of trafficking may also be granted a 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 provision of services however, to migrant victims of human trafficking is not dependent on their co-operation with An Garda Síochána. General medical, social and accommodation services are offered to all victims of trafficking regardless of the immigration status and of their willingness or reluctance to co-operate with a Garda investigation.

AHTU also provides grants to NGOs working with migrants to fund the provision of frontline services to victims of trafficking. In 2015 the Migrants Rights Centre Ireland received funding of €40,000 under the Dormant Accounts Funding (DAF) for a three stranded project involving (a) the prevention of trafficking for labour exploitation in restaurant, domestic work by assisting migrants to move from precarious work situations to decent employment, (b) a safe house initiative for victims of forced labour in cannabis production and (c) addressing the knowledge gap in relation to trafficking for forced begging. A further €43,000 was provided to Doras Luimni, also under the DAF Scheme to employ a support project worker to work with migrants affected by trafficking in the mid-west region of Ireland to provide the support required to help them rebuild their lives.

UN Human Rights Council

At the 29th Session of the UN Human Rights Council in June/July 2015, Ireland acted as co-sponsor on the resolution on Protection of the human rights of migrants: migrants in transit. The resolution recognises the vulnerability of migrants, particularly women and girls to human trafficking, and calls upon States to take active measures to prevent and punish human traffickers and to reinforce cooperation and coordination at all levels.

5. What measures exist to ensure that male victims of trafficking are identified and provided with assistance and protection, including safe accommodation, as provided by the Convention?

Response

The Criminal Law (Human Trafficking) Act 2008 and the Criminal Law (Human Trafficking) (Amendment) Act 2013 is applicable to both men and women.

Training courses, particularly those undertaken by members of An Garda Síochána highlight the fact that male victims are less likely to accept victimhood and may be less likely to report the fact that they are victims of human trafficking. This reflects the increasing number of male victims of trafficking being identified in pop up car washes in particular.

All available assistance and protection measures, including safe accommodation are offered to all victims of trafficking, regardless of gender.

Training of relevant professionals (Articles 10 and 29)

6. Please describe how the needs for training of professionals in the area of action against THB are identified and met, with an indication of the categories of staff that receive such training, whether the training is obligatory or optional, the content and focus of the training, and the funding provided for training activities. If the impact of training has been assessed, please provide details.

Response

The training courses for members of An Garda Síochána have been developed and delivered by the Human Trafficking Investigation and Co-Ordination Unit (HTICU) with the assistance of the International Organisation for Migration (IOM). Representatives from NGO's including Migrant Rights Centre of Ireland, Immigration Council of Ireland, Ruhama and State Agencies such as the Workplace Relations Commission, Health Service Executive, TUSLA and the Department of Justice and Equality all contribute to this training programme. All of these participants deliver focused victim centred presentations as part of this training

HTICU has devised a 3-day human trafficking course in conjunction with the IOM. This course takes place at the Garda Síochána College. It is titled 'Tackling Trafficking in Human Beings, Prevention, Protection, Prosecution & Partnership'. All of the organisations mentioned above present at this training course. Human Rights issues as they pertain to human trafficking are a fundamental component of the course and international experts on human trafficking also make presentations. In 2016 69 members of An Garda Síochána of all ranks received this intensive three-day training course as well as 5 others including 2 Military Police, 1 officer from the British Embassy and 2 individuals from the UK Home Office. In total, 1113 members of An Garda Síochána have now been trained on this course. In addition, 5 members of the Police Service of Northern Ireland have attended this course. A senior police officer from Lithuania, who was visiting the Garda College, also attended part of this course.

In 2015, 70 Senior Garda Managers from Chief Superintendent to Commissioner level received awareness raising training on human trafficking at the Garda College as well as eighty four (84) Senior Investigating Officers (SIOs). These are senior officers of at least Inspector rank who lead investigations into serious crime. 50 new probationer Gardai also received awareness raising training in human trafficking in 2015. In total 3,246 members of An Garda Síochána have now received this basic awareness training.

In addition to the above, during the course of 2015, 50 members of An Garda Síochána who work on immigration duties at Dublin Port and 56 Immigration Control Officers who work at Dublin Airport received awareness training in Human Trafficking and members of the Human Trafficking Investigation & Co-Ordination Unit attended at seminars for Juvenile Liaison Officers and for prospective detectives to conduct awareness raising on human trafficking. INIS civilian

immigration officers, as a standard part of their induction training, receive awareness training in human trafficking.

HTICU continues to assist the Anti-Human Trafficking Unit (AHTU), Department of Justice and Equality, in its programme of awareness raising training to a variety of targeted focus groups. These include third level students, visiting international experts on domestic violence, representatives of European State Agencies on human trafficking and the role of Women, social workers, secondary school students and Irish diplomats going to posts overseas. In 2015, members of the Human Trafficking Investigation & Co-Ordination Unit (HTICU) continued to receive human trafficking training both in Ireland and abroad. In this regard training has been received through CEPOL (European Police College), European Commission, Europol and Eurojust.

A two-day seminar for Senior Garda on the Management of Human Trafficking to mark EU Anti-Trafficking Day 2014 was addressed by the Minister for Justice and Equality and the Garda Commissioner and involved a broad range of experts, both national and international. The purpose of the Conference, attended by approximately 120 of the most senior Garda management in the country, as well as senior officers from the PSNI and a Romanian police representative, 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 this crime and protecting its victims. The conference emphasised the need to ensure that the full range of resources are targeted at human trafficking investigations with a focus on intelligence, international cooperation and 'following the money'.

Training is also provided for other frontline personnel apart from members of An Garda Síochána. Inspectors of the Workplace Relations Commission (WRC - formerly NERA) have been trained in the identification of indicators of trafficking. Labour inspections focus on employment sectors where employees are at most risk of labour exploitation and may encounter cases of forced labour/trafficking which can be notified to Garda. Officers of the WRC have also been involved in briefing Garda officers on the issues of employment rights and labour exploitation.

Personnel from the Child and Family Agency (TUSLA) have also 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.

Officials from AHTU and HTICU of An Garda Síochána deliver training on tackling trafficking in human beings to Department of Foreign Affairs and Trade officials and to Irish diplomats prior to them being posted to Irish embassies and consulates abroad at the Department of Foreign Affairs and Trade. The training also included a section on the expectations placed on diplomats by the Guidelines related to the employment of private domestic employees.

AHTU and HTICU participated in the National Advisory Committee on the delivery of early legal intervention (ELI) to victims of human trafficking for sexual exploitation. The project, entitled Early Legal Intervention for Victims of Human Trafficking was led by the Immigrant Council of Ireland (ICI) involving organisations from 6 EU Member States and was funded by the European Commission. (ICI are an independent law centre providing legal services to victims of human trafficking for sexual exploitation in Ireland). The ICI has partnered with organisations in England, Scotland, Croatia, Bulgaria and Lithuania. The project started in 2014 and a comparative report entitled 'Upholding Rights: Early Legal Intervention for Victims of Trafficking' was published earlier in 2015. The project has resulted in the development of a Training Toolkit, "Upholding Rights! Early Legal Intervention for Victims of Human Trafficking", for practitioners.

Furthermore, one of the outputs from the REACH Project is a training module and APP designed for professionals likely to come into contact with victims and/or potential victims of sex trafficking in the course of their work which can be applied on an 'all island' basis.

The 2nd National Action Plan to Prevent and Combat Human Trafficking which is due for publication in 2016, addresses the area of training and aims to ensure that frontline personnel are trained in the identification and protection of victims. The Plan aims to explore training opportunities in new sectors such as trade unions, emergency services, local authorities and Chambers of Commerce. The Plan also commits to conducting a training needs analysis in collaboration with stakeholders, to facilitate the roll out of targeted training.

Finally, the Legal Aid Board is committed to raising awareness and alerting frontline and professional staff in all its law centres to recognising victims of human trafficking. A training event for staff and Private Practitioners took place on 23rd May with presentations on the topics of the International Protection Act and human trafficking. Applicants may present at centres seeking legal aid and advice in relation to family law, child care or civil matters and never raise the issue of having been "trafficked". The Board already has a specialised dedicated unit advising victims who are referred by the Gardaí. The training of all staff on a country wide basis to exercise vigilance and to recognise the indicators of modern day slavery can only improve detection and support victims in making disclosures.

Special measures concerning children (Articles 5, 10, 11, 12, 14, 15, 16, 28 and 30)

7. Please describe whether and how trafficking in children is specifically addressed in your country. If there are institutions responsible for taking the lead in combating trafficking in children and a specific national referral mechanism for child victims of trafficking, please provide details.

Response

At present child victims of trafficking are notified to the Child and Family Agency (TUSLA) by the Gardaí under the Childcare Act 1991. TUSLA was established on the 1st January 2014 and is now the dedicated State agency responsible for improving wellbeing and outcomes for children. It has a primary responsibility to promote the safety and well-being of children.

TUSLA will issue a full care order on child victims of trafficking 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. Foreign 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.

TUSLA also has responsibility for unaccompanied minors under various sections of the Child Care Act 1991. All unaccompanied children (aged 17 years and under) are placed in the care of TUSLA. They are allocated a professionally qualified social worker on arrival who, together with the social care staff, undertakes a multi-disciplinary assessment and oversees the implementation of an individualised care plan. Many children are placed in foster care. It should be noted that children who present as part of a family unit will tend to remain in the care of the parent. All services are tailored to the victim's individual needs. Ireland has specialised health and residential care facilities for male and female victims.

An Garda Síochána also 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 and crimes against children. 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 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. In addition, 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.

An Garda Síochána 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 second National Action Plan to Prevent and Combat Human Trafficking, setting out Ireland's anti human trafficking strategy for the coming years has been drafted and is due for publication in mid 2016. The Plan contains specific measures in relation to responding to child victims of trafficking, including a commitment to addressing the possibility of establishing a specific identification mechanism which takes into account the special circumstances and needs of child victims of trafficking. The Plan also includes measures in relation to providing assistance to underage minors, to reviewing data collection systems for child victims, to developing training in child trafficking, to supporting access to education, to ensuring best practice in age assessment procedures, to ensure effective protection for children in their dealings with the criminal justice system and finally to ensuring best interest of the child is the primary consideration.

8. What practical measures are taken to reduce children's vulnerability to trafficking and create a protective environment¹ for them, including through:

¹ The concept of a protective environment, as promoted by UNICEF, has eight key components:

- protecting children's rights from adverse attitudes, traditions, customs, behaviour and practices;
- government commitment to and protection and realisation of children's rights;
- open discussion of, and engagement with, child protection issues;
- drawing up and enforcing protective legislation;
- the capacity of those dealing and in contact with children, families and communities to protect children;
- children's life skills, knowledge and participation;
- putting in place a system for monitoring and reporting abuse cases;
- programmes and services to enable child victims of trafficking to recover and reintegrate.

- a. ensuring registration of all children at birth, in particular from socially vulnerable groups;**
- b. raising awareness of THB through education**
- c. training professionals working with children.**

Response

Ensuring registration of all children at birth, in particular from socially vulnerable groups

There is a legal requirement to register the birth of a child within 3 months of the birth.

A birth may be registered in the office of any Registrar of Births, Marriages and Deaths, regardless of where it took place. A Birth Notification Form is usually completed with the parent(s) by hospital staff (in the case of hospital births) or by a doctor or midwife (in home births) to guarantee that correct and accurate information is recorded. This form outlines the information to be recorded in the Register of Births. The form is forwarded to the Registrar's office letting the Registrar know that a birth has occurred.

The registration of the birth is carried out based on information provided by a qualified informant who is required to attend at the office of the Registrar to sign the Register of Births. The mother and father of the child are the main qualified informants and, where possible, must attend personally for the registration of the birth. They must bring photo identification, for example a passport or driving licence, and their Personal Public Service Numbers (PPS Number)

If the parents of a child are not married to each other, there is no presumption in law as to who is the father of the child, unless the father's name is on the birth certificate. The Civil Registration (Amendment) Act 2014 now makes it compulsory for the father's name be placed on the birth certificate of any child born in Ireland.

Raising awareness of THB through education

The Anti Human Trafficking Unit of the Department of Justice and Equality (AHTU), in conjunction with relevant Government agencies and NGOs, frequently undertakes initiatives to raise awareness of human trafficking through education both at second and third level. Some of the initiatives held to date include:

- A resource pack for the Civil Social and Political Education (CPSE) curriculum for secondary schools was developed and circulated to all schools. CSPE is a Junior Certificate course in active citizenship based on human rights and social responsibilities. The Universal Declaration of Human Rights and the United Nations Convention on the Rights of the Child are the two key documents which underpin this course. The resource pack contained leaflets, a poster, a booklet entitled "Don't Close Your Eyes to Slavery" and information cards which facilitate a group learning activity for students in the junior cycle,
- AHTU ran a Secondary School Art competition (for Transition Year, 5th and 6th 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.

In addition, AHTU regularly gives presentations at secondary and third level aimed at raising awareness of human trafficking and the work of the unit. Presentations have been given to secondary schools around the country as well as various third level colleges and universities. Presentations at third level have been targeted specifically at students undertaking courses in social work and social care, legal studies and migration studies.

Training professionals working with children.

Ireland endeavours to achieve best practice in its victim centred approach to combating human trafficking. For this purpose, the relevant authorities in Ireland fund and deliver a variety of specialised anti-human trafficking training to State Officials. Particular emphasis in this training is placed on the identification of and the provision of appropriate assistance to suspected victims of human trafficking. An Garda Síochána plays a leading role in this process.

The training courses have been developed and delivered by the Human Trafficking Investigation and Co-Ordination Unit with the assistance of the International Organisation for Migration. Representatives from NGO's including Migrant Rights Centre of Ireland, Immigration Council of Ireland, Ruhama and State Agencies such as the Workplace Relations Commission, Health Service Executive, TUSLA and the Department of Justice and Equality all contribute to this training programme. All of these participants deliver focused victim centred presentations as part of this training.

An Garda Síochána and TUSLA personnel have also 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.

The National Education Welfare Board (NEWB) is the national agency with responsibility for encouraging and supporting regular school attendance. The NEWB was established to ensure that every child attends school regularly or otherwise receives an education or training. The work of the NEWB is crucial in supporting children attending school and in ensuring that children do not drop out of school and so become vulnerable to traffickers. Under the National Action Plan to Prevent And Combat Trafficking of Human Beings in Ireland 2009-2012, contact was established with the NEWB to explore the role it can play in supporting child victims of trafficking in the education setting. Presentations were made to staff of the NEWB in relation to human trafficking, particularly trafficking of children.

The Second National Action Plan to Prevent and Combat Human Trafficking contains specific measures regarding training for frontline personnel who may encounter child victims. The Plan will 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 resources.

9. Please explain what methods are used to verify the age of a presumed victim of trafficking where the age is uncertain and there are reasons to believe that the person is a child. Would such a person be presumed to be a child until the age verification is completed?

Response

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 a child protection risk assessment, is considered by the child protection services 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 form an opinion as to the age of the child. Where it appears to an authorised officer of the Office of the Refugee Applications Commissioner (ORAC), 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.

10. What steps are taken in your country to ensure that the rights of the child and his/her best interests² are duly taken into consideration, in particular when it comes to:

- a. identification of child victims of trafficking; appointing a legal guardian, organisation or authority which shall act in the best interest of unaccompanied minors identified as victims of trafficking; Courts service?
- b. locating the child's family;
- c. ensuring that the identity or details allowing the identification of a child victim of trafficking are not made publicly known through the media or by any other means;???
- d. access to appropriate and secure accommodation, education and health care; TUSLA, RIA?
- e. issuing residence permits for child victims of trafficking; Administrative arrangements?
- f. providing counselling and information in a language that the child can understand, legal assistance and free legal aid prior, during and after legal proceedings, including to claim compensation; TUSLA? Legal Aid Board?
- g. carrying out best interests determination, including risk assessment, prior to any decision on the return of child victims to their country of origin, and ensuring the child's safe return in accordance with the best interests of the child;

Response

² "The best interests of the child" means that any situation should be looked at from the child's own perspective, seeking to take the child's views into consideration and with the objective of ensuring that his/her rights are respected. Any decision concerning a child should therefore be guided by what is objectively best for that child, given her/his age and maturity.

All organisations in Ireland including Government Departments and agencies that are in contact with or providing services to children have an overall corporate duty and responsibility to safeguard children. Children First is National Guidance that promotes the protection of children from abuse and neglect. It states what organisations need to do to keep children safe, and what different bodies and the general public should do if they are concerned about a child's safety and welfare. The Guidance sets out a number of key messages relating to the duty to protect children. Among these are that the safety and welfare of children is everyone's responsibility, that children will have safer lives where everyone is attentive to their wellbeing and that people who work with children across a range of areas understand their responsibility for safe practice and the reporting of concerns. It provides greater clarity and guidance for individuals and organisations in identifying and responding appropriately to child abuse and neglect and sets out specific protocols for Social Workers in the Child and Family Agency, Gardaí and other front line staff in dealing with suspected abuse and neglect of children.

The Guidance sets out definitions of abuse and signs for its recognition. It explains how reports should be made by the general public and by professionals. However, it also emphasises the importance of multi-disciplinary, interagency working in the management of concerns about children's safety and welfare. Key to this is the sharing of information between agencies and disciplines in the best interests of children and the need for full co-operation to ensure better outcomes.

Child victims of trafficking may be encountered by An Garda Síochána, The Child and Family Agency (TUSLA), NGOs, as Separated Children or as part of the Asylum system. All child victims of trafficking are then notified to the Children and Families Service by the Gardaí under the Childcare Act 1991.

TUSLA acts in *Locum Parentis* for all child trafficked victims in relation to their status within the State and also in relation to their claim as trafficked victims. TUSLA 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. Child victims are primarily the responsibility of TUSLA child protection services and are afforded the full protection of the Childcare Act 1991. This involves receiving the child into the care of the social work service and support with any interviews they might need to attend even after they are 18. Initially the child will be provided with a placement that ensures their immediate safety and their immediate needs are addressed e.g. a child who has been sexually abused will be referred to the relevant sexual assault service and also for psychological assessment/trauma counselling. A more holistic assessment is then done over a number of weeks and a placement option is identified. Several options are available including foster care, children's residential homes and supported lodgings. The option selected will be informed by the assessment of the individual child's needs and their safety requirements. An individual care plan is formulated based on the child's needs and a social worker is allocated. Services accessed in the case of a child victim of trafficking include: Assessment and treatment services for sexual assault, a full medical screening, psychological and counselling services.

TUSLA has responsibility for unaccompanied minors under the Child Care Act 1991. All unaccompanied children (aged 18 years and under) are placed in the care of TUSLA. They are allocated a professional social worker on arrival who, together with the social care staff, undertakes a multi-disciplinary assessment and oversees the implementation of an individual care plan. Many children are placed in foster care. It should be noted that children who present as part of a family unit will tend to remain in the care of the parent. All services are tailored to the victim's individual needs. Ireland has specialised health and residential care facilities for male and female victims.

All young people in the care of TUSLA have an AMP (absence management plan) and all new young people are accompanied outside of the units until a review takes place and contacts with others (phone or in-person) are strictly monitored until the agency are satisfied as to the nature of the relationship.

TUSLA has a specific social work service for separated children seeking asylum (SCCA). The SCCA has two service streams: Unaccompanied Minors and Family Reunification (these overlapping streams each carry risks for trafficking of children). The staff of the service are specifically dedicated and responsible for meeting the statutory and ethical obligations regarding separated children in care of the State with a 0% staff turnover rate for the past 5 years.

The social work team for separated children acts, *in loco parentis* and has responsibility for:

- Child protection risk assessment (includes screening for any trafficking indicators) including a dimension on age, identity issues and exploration of any contacts in Ireland;
- Exploring and assessing appropriateness of possible family reunification within Ireland, a voluntary return home to country of origin or including a third country where the family may be, such as another EU member state or not;
- Providing accommodation in standardised, regulated, monitored and registered children's home (with not more than six children) or a fostering/supported lodgings placement;
- Providing educational, social, emotional, religious/spiritual, psychological and medical needs.
- If and when appropriate, entering the child into the asylum process
- Attending all interviews and any appeal hearings and any court appearances related to asylum or legal status in the country, even post 18 years.
- When appropriate, making representations on the child's behalf to support their application for protection or permission to remain in the country.
- Interdisciplinary and inter-agency planning and follow up and referral to any specialist services if required.

A child who has been received into the care of the State as an unaccompanied child victim of trafficking would not subsequently be made subject to a deportation order. However, having investigated and assessed the child's circumstances in his/her country of origin, and only if reassured that it is in the best interest of the child and guarantees his/her safety, the social work service may decide to repatriate a child. In these circumstances the investigation will be carried out by the HSE in collaboration with the Garda National Immigration Bureau and the International Organisation for Migration. The victim's legal representative will provide advice on this option. A social worker accompanies the child to their destination and delivers them into the protection of the social work service in their country of origin. The social work service can also use the IOM network to check up on a repatriated child.

11. What practical measures are taken in your country to identify victims of trafficking among unaccompanied foreign minors, including asylum seekers? What measures are taken to prevent their disappearance? Have there been cases of non-voluntary return of child victims of trafficking?

Response

In Ireland the Refugee Act 1996 provides that where it appears to an immigration officer or an authorised officer that a child under the age of 18 years, who has either arrived at the frontiers of the State or has entered the State, is not in the custody of any person, the officer shall, as soon as practicable, inform the Child and Family Agency (TUSLA). The provisions of the Child Care Act 1991 apply in relation to the child. The purpose the Refugee Act 1996, as amended, is twofold: to ensure the protection of unaccompanied minors by bringing them to the attention of the relevant statutory body in the State and, to enable them to make an asylum application via the Child and Family Agency (TUSLA) if deemed appropriate by that body. The services provided include multi-disciplinary assessment of need resulting in an individual Care Plan, the implementation of which is overseen by a Social Worker.

Concerning asylum seeking, the Office of the Refugee Applications Commissioner (first instance determining body) has procedures in place for the determination of applications from unaccompanied minors which take into consideration any specific factors and circumstances arising in such cases. In developing these guidelines, account was taken of past experience, UNHCR guidelines and advice and the EU Children First Programme. Under the International Protection Act 2015, ORAC will be replaced by a dedicated unit within the Department of Justice and Equality, to be known as the International Protection Office. The caseworkers making the decisions under the new structure will continue to be the same staff as in ORAC and will therefore be specialists in the processing of protection cases and are trained to UNHCR standards.

A group of experienced interviewers has received additional specialised training to assist in cases involving unaccompanied minors. In the interests of adopting a multi-agency approach, this training programme is also attended by the Child and Family Agency (TUSLA), Refugee Appeals Tribunal and the Refugee Legal Service.

All young people under the care of TUSLA have a strong AMP (absence management plan), all new young people are accompanied outside of the units until a review takes place and contacts with others (phone or in-person) are strictly monitored until we are satisfied as to the nature of the relationship.

Ireland does not generally return unaccompanied minors unless they have been reunited with their family in Ireland and are all subject to Deportation Orders. There have been a very small number of cases where Ireland has returned minors. Immigration Act 1999 sets out procedures in relation to deportation orders. When deciding on whether or not to make a deportation order in relation to a person, the Minister has regard to a number of factors, including the age of the person. In relation to subsidiary protection or permission to remain as a result of a consideration under section 3 of the Immigration Act 1999, the fact that someone is an unaccompanied minor will be taken into account if their claim is processed while they are still a minor.

Missing Children

The Health Service Executive (HSE) became increasingly concerned at the increase in missing children that began in the latter months of 2008 and continued up to the summer of 2009; many of whom were suspected by social workers to be potential victims of trafficking. The level of interagency cooperation between the HSE and the Garda National Immigration Bureau (GNIB) has been consistently high and was intensified in the face of the increase in missing children that presented in late 2008 and early 2009. To address this situation a Joint National Protocol on Children who go missing from care has been agreed between the Gardaí and the HSE. The following measures were agreed:

- Collaborative interviewing at the ports or other appropriate location between social workers and Gardaí.
- Fingerprinting of persons presenting as underage at the ports, for tracking missing children purposes.
- Planned Garda surveillance of those at risk of going missing from the point of presentation at ports to the initial placement period in hostels (now, children's residential units).
- Monitoring of the notification system of missing persons to local Gardaí to be closely monitored by Garda Inspectors.
- joint training of TUSLA staff and Gardaí/GNIB staff in relation to children at high risk of going missing.
- Sharing of photographic evidence between the TUSLA and Gardaí.
- Links between local Garda stations in whose areas the hostels were located and HSE/hostel staff were strengthened.

The GNIB mounted several surveillance operations with the collaboration of social workers on the high risk group as profiled and successfully tracked some children who went missing.

12. What programmes and services exist in your country for the (re)integration of child victims of trafficking? What solutions are provided if the reintegration of the child into his/her family is not in the child's best interests?

Response

Family reunification services for any unaccompanied minor are provided by the Separated Children Service. If it is not deemed to be in the best interest of the child to be reunited with their family, either in Ireland, the family's country of origin or a third country, the Irish childcare legislation is used to provide care and protection for that child until the young person turns 18 or the safety issues with the family are resolved. Follow up in the child's country of origin can often be difficult to facilitate, but support is offered. TUSLA often interact with the International Social Services in the country of origin to provide local support following a family reunification.

C. Questions related to specific articles

Definitions (Article 4)

13. Have any difficulties been experienced in your country in identifying and prosecuting cases on the ground of trafficking for the purpose of forced labour or services, slavery and practices similar to slavery or servitude? If so, please provide details.

Response

A review of the adequacy of Irish legislation in relation to the criminalisation of forced labour was undertaken in 2012 with a view to establishing the nature and extent of the problem in Ireland and examining whether or not Irish legislation was sufficient to criminalise forced labour. As part of the review, twenty nine cases were examined by the Human Trafficking Investigation and Coordination Unit (HTICU) of An Garda Síochána on foot of a Questionnaire prepared by the Anti-Human Trafficking Unit (AHTU) of the Department of Justice & Equality. Out of the

twenty nine cases, fifteen related to allegations of forced labour occurring solely after the introduction of the Criminal Law (Human Trafficking) Act, 2008.

The analysis of cases indicated that An Garda Síochána have been willing to initiate investigations into any allegations of ill treatment that may amount to trafficking for forced labour coming to their attention in all sectors including domestic service in private households and not just in the formal economic sector. Furthermore, there was no information in the sample which highlighted that a case was not investigated or prosecuted due to a gap in the 2008 Act.

Issues that were identified by An Garda Síochána in relation to the investigation of trafficking for forced labour, related to more practical issues that arise in investigations and in the implementation of the Criminal Law (Human Trafficking) Act 2008, rather than with the provisions of the 2008 Act itself. Issues identified by An Garda Síochána included:

- complainants claiming to be traumatised and unable to make formal complaints to the Gardaí.
- complainants coming from countries where they have an inherent mistrust of the Police force.
- complainants seeking immunity from prosecution usually for minor immigration offences before they will make a formal complaint.
- complainants working for embassy employees/persons who are on the diplomatic list, (Vienna Convention applies).
- that while often it is clear that the person is being exploited for labour purposes, in that they often work long hours for low pay, it may be unclear if their situation amounts to human trafficking for forced labour.

At the time of the review investigation into 17 of the 29 cases was ongoing. In 1 case the directions of Director of Public Prosecutions (DPP) were awaited and 1 case was still under enquiry. In 2 cases the injured party declined to cooperate with the Gardaí. In 8 cases the DPP proffered no charges. However, only 3 of these cases related solely to allegations of exploitation occurring after the commencement of the Criminal Law (Human Trafficking) Act 2008. The other 5 cases related to incidents which occurred before the 2008 Act came into effect on the 7/6/2008.

The review concluded that a case had not been made that the Irish legislation was inadequate to criminalise the offence of forced labour. Nevertheless an amendment to the 2008 Act was enacted on 9 July 2013 – the Criminal Law (Human Trafficking) (Amendment) Act 2013 - the purpose of which was to facilitate full compliance with the criminal law measures 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*. The Amendment Act expands the definition of the term “labour exploitation” to include forced begging. For clarity, it also defines the term ‘forced labour’ in line with the definition set out in the International Labour Organisation (ILO) Convention No. 29 of 1930 on Forced or Compulsory Labour.

14. How does your country’s law define “abuse of a position of vulnerability” and what are the criteria for evaluating the vulnerability of a person subjected to THB? Please provide any relevant examples where the means used in THB offences involved an abuse of a position of vulnerability.

Response

The legislative framework in relation to trafficking contains no specific definition of a “vulnerable person” or “abuse of a position of vulnerability”. However, this leaves the Courts with the discretion to determine what constitutes “vulnerability” in individual cases. Judges are free to take a range of various factors into account when deciding on cases and to consider abuse of a position of vulnerability as an aggravating factor. In this regard, a Court may be guided by the definition of “vulnerable person” contained in other legislative measures.

The Criminal Justice (Withholding of Information on Offences Against Children and Vulnerable Persons) Act 2012 defines a “vulnerable person” as a person who (i) is suffering from a disorder of the mind, whether as a result of mental illness or dementia, or (ii) has an intellectual disability, which is of such a nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person, or a person who is suffering from an enduring physical impairment or injury which is of such nature or degree as to severely restrict the capacity of the person to guard himself or herself against serious exploitation or abuse, whether physical or sexual, by another person or to report such exploitation or abuse to the Garda Síochána or both.

The National Vetting Bureau (Children and Vulnerable Persons) Act 2012 defines a vulnerable person as a person, other than a child who is suffering from a disorder of the mind. Whether as a result of mental illness or dementia, has an intellectual disability, is suffering from a physical impairment, whether as a result of injury, illness or age, or has a physical disability, which is of such a nature or degree as to restrict the capacity of the person to guard himself or herself against harm by another person or that results in the person requiring assistance with the requirements of daily living including dressing, eating, walking, washing and bathing.

An example of where the means used in THB for sexual exploitation involved an abuse of a position of vulnerability is as follows:

A Nigerian minor presented at a local Airport using a false document. She was refused leave to land and was placed into the care of the Health Service Executive where she claimed Asylum. She subsequently came to the attention of An Garda Síochána when documentation in relation to her was found during a search carried out by An Garda Síochána.

It is alleged that the trafficker brought her to Ireland under the pretence that she was a child of a friend and she was allowed to travel on that basis. She found herself contacting the trafficker and working in prostitution in order to pay a debt of €100,000 which the trafficker alleged was incurred bringing her and her sister to Ireland.

Using a Voodoo ritual, it is alleged that the trafficker marked her with a razor on her chest, told her that he had power over her and if she reported the trafficker to police, the ‘native doctor’ would deal with her. Semi naked photographs were taken of her for use on the internet. This increased the fear this minor had of her trafficker. She believed that she would have a better life in allowing herself to be brought to Ireland. This minor is from a poor background with little education, she was young and naive. She followed the instructions of her trafficker and did what she was told; she was scared, physically and verbally abused by her trafficker and eventually beaten into submission.

An example of where the means used in THB for labour exploitation involved an abuse of a position of vulnerability is as follows:

An Garda Síochána, in conjunction with the Romanian Authorities are working on an investigation into suspected human trafficking for forced labour. This involves the recruitment of Romanian nationals in Romania, trafficked to Ireland and exploited for their labour while working in car washes in various locations in Ireland. The persons, from the same area, poorly educated, were in their early to late 20's with little English. They stated that they were told by their trafficker that the Police in Ireland were corrupt. The modus operandi used by their trafficker included going to the area where they lived, with a bible, purporting to be a man of God and offering a trip to Europe which would be paid for, accommodation and work would also be provided. After recruitment, they travelled for a number of days by bus from Romania to Ireland where they were put straight to work in the car wash before receiving any food, accommodation or a chance to rest. The control that was used was both physical and verbal, they were moved around a lot which was very disorientating and resided in very poorly equipped accommodation located underneath where the trafficker himself resided. They were paid an allowance of €4 a day of which they had to pay food and all other living expenses. One of the persons rescued in this case had been in Ireland for 3 years; the others had been in Ireland for 3 weeks.

Enquiries were co-ordinated through the Romanian Police Attaché based at the Romanian Embassy in Dublin, Ireland. An Garda Síochána used and continue to utilise a number of other State Agencies including the Workplace Relations Commission to assist in this investigation. As a result of this operation, 11 Romanian men suspected of being victims of human trafficking were rescued and have received the support of the State Services and Non Governmental Organisations. A number of suspects have now been arrested and files are being prepared for the directions of the Director of Public Prosecutions.

An example of where the means used in THB for forced criminality involved an abuse of a position of vulnerability is as follows:

A member of An Garda Síochána while on plain clothes duties observed a person dealing heroin to known drug users. On searching this person 2 more bags of heroin were found. Subsequent to this, this person was identified as a victim of human trafficking. He had been recruited at a train station in Lithuania, to come to Ireland; he was a drug addict himself and needed to support himself and his habit. He was offered work in the United Kingdom so he agreed. He was told that travel, passport and accommodation would be supplied. Within a week he was approached again and given all the documents and arrangements. While en route, he was told he was actually going to Ireland. On arrival he was met by another member of the OCG and handed a phone and told to wait for a call. He was now being controlled by the OCG and told he owed them for the cost of travel, documents and accommodation. He himself was severely addicted heroin and this addiction was used by the OCG to control and exploit him. He could not earn much money because although he was earning €2.50 per deal, the amount of deals he was allowed sell was limited and controlled by the OCG. He felt vulnerable because he could not afford his own accommodation, he owed a lot of money, he had little of his own, he was afraid of the organisers and he had no way of contacting anybody because the phone was controlled. .

15. To what extent does your country's law recognise the relevance of forced marriage and illegal adoption to THB offences? Please provide any examples from case law where forced marriage and illegal adoption were considered in the context of THB

Response

Trafficking for forced marriage may be an offence under the Criminal Law (Human Trafficking) Act 2008 or Criminal Law (Human Trafficking) (Amendment) Act 2013 once all the necessary elements for the offence of human trafficking are present.

Victims of human trafficking for forced marriage can avail of supports and accommodation within the national referral mechanism for victims of human trafficking.

The Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021 was published on 20 January 2016. Action number 2.39 of the Strategy Implementation Plan undertakes to create a specific offence of forced marriage by Quarter 4, 2017.

There is no registration system for monitoring judicial investigations or court cases prosecuting forced marriage. The Anti-Human Trafficking Unit produces an Annual Report on Trafficking in Human Beings in Ireland each year including statistics on trafficking investigations and prosecutions but at present, no data collection takes place to assess the prevalence and trends of forced marriage. Human Trafficking statistics for 2015 do not show details related to trafficking for forced marriage.

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 and there have been a number of contacts from embassies about this and the dangers of trafficking of their nationals for the purpose of sham marriages to non-EEA nationals. The provision gives Civil Registrars the power to ask questions and to inform immigration authorities or An Garda Síochána if they have reason to believe a marriage is a sham. A Superintendent Registrar will also offer advice, ensure clarity and make the determination. The decision may be appealed to the Circuit Court. The provision also applies to civil partnerships.

In 2014 the European Commission provided funding under the ISEC funding Programme for a research project on sham marriages and possible links to trafficking. The resulting initiative "HESTIA Preventing Trafficking and Sham Marriages: a multi disciplinary solution" developed a research framework for the production of comparable reports from Latvia, Lithuania, Estonia, Slovak Republic and Ireland.

The research project was led by the Latvian Ministry of the Interior in partnership with, inter alia, the Immigrant Council of Ireland. The Department of Justice and Equality is named in the project as an associate partner. As part of the research project the Immigrant Council of Ireland (ICI) have produced a report on the links and cross over between sham marriages and human trafficking in Ireland. The report provides some useful insight into the issues of human trafficking for sexual exploitation, exploitative sham marriages and forced marriages in Ireland and has greatly contributed to our understanding of these separate but interlinked complex phenomena.

The Adoption Act 2010 commenced on 1st November 2010. This coincided with Ireland's formal ratification of the Hague Convention on Protection of Children and Co-operation in Respect of Inter-country Adoption. The Adoption Authority was also established on that day. The purpose of the Adoption Act, 2010, is to improve standards in both domestic and Inter-country adoption. The regulatory framework governing adoption has been strengthened in an attempt to ensure that the best interests of children are protected at every step throughout the adoption process. With effect from 1 November 2010 inter-country adoptions can be effected with other countries

which have ratified the Hague Convention or with which Ireland has a bilateral agreement.

From the 1st November 2010 anyone wishing to effect an adoption from a Hague country must be satisfied that the adoption is in compliance with the rules set out in the Hague Convention. The key rules to be adhered to are:

1. The adoption must comply with all the terms and conditions of the Hague Convention
2. The agent/agency handling the adoption is properly accredited by the Central Authority of the sending State
3. The agent/agency can produce a valid Article 23 Certificate from a competent authority of the sending State in respect of the adoption

16. Can forced begging be considered as a purpose of THB according to your country's law? Have there been any cases of child trafficking for forced begging with the involvement of the child's family or legal guardian?

Response

An Amendment to the Criminal Law (Human Trafficking) 2008 Act was enacted on 9 July 2013 – the Criminal Law (Human Trafficking) (Amendment) Act 2013 - the purpose of which was to facilitate full compliance with the criminal law measures 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*. This Amendment Act criminalises trafficking for the purposes of forced begging by expanding the definition of the term “labour exploitation” to include forced begging.

An example of forced begging with the involvement of a child is as follows:

In 2014 a 16 yr old Romanian girl and her infant son were identified as victims of human trafficking for forced begging. Both were found begging on a street in a provincial town in Ireland. They were rescued from this situation, received the support of the services provided for victims of human trafficking and also from the Health Service Executive. An interesting facet of this case was that the 16 year old girl was from Tandarei in Romania where it is reported that a lot of children have gone missing as a result of trafficking and smuggling. It seems that there is a family dimension to this case as the young girl allegedly was sold off to marry an 18 yr old male who may have been involved in the trafficking act. Both victims were taken from the exploitative situation and placed in foster care. An investigation was conducted into this case; however there was insufficient evidence to sustain a prosecution against any person in this case.

17. Can the exploitation of criminal activities be considered as a purpose of THB according to your country's law? Please provide any examples from case law.

Response

An Amendment to the Criminal Law (Human Trafficking) 2008 Act was enacted on 9 July 2013 – the Criminal Law (Human Trafficking) (Amendment) Act 2013 - the purpose of which was to facilitate full compliance with the criminal law measures 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*. This Amendment Act criminalises trafficking for the purposes of criminal activities by broadening the scope of the definition of “exploitation” in the 2008 Act to include exploitation consisting of forcing a person to engage in criminal activities (inside or outside the State).

In 2014, 3 adults and 1 minor, all male, were reported as being victims of human trafficking for the purposes of criminal activities. In 2015 there were 5 investigations relating to trafficking for the purposes of criminal activity. One example of where the means used in THB for forced criminality involved an abuse of a position of vulnerability is as follows:

A member of An Garda Síochána while on plain clothes duties observed a person dealing heroin to known drug users. On searching this person 2 more bags of heroin were found. Subsequent to this, this person was identified as a victim of human trafficking. He had been recruited at a train station in Lithuania, to come to Ireland; he was a drug addict himself and needed to support himself and his habit. He was offered work in the United Kingdom so he agreed. He was told that travel, passport and accommodation would be supplied. Within a week he was approached again and given all the documents and arrangements. While en route, he was told he was actually going to Ireland. On arrival he was met by another member of the OCG and handed a phone and told to wait for a call. He was now being controlled by the OCG and told he owed them for the cost of travel, documents and accommodation. He himself was severely addicted heroin and this addiction was used by the OCG to control and exploit him. He could not earn much money because although he was earning €2.50 per deal, the amount of deals he was allowed sell was limited and controlled by the OCG. He felt vulnerable because he could not afford his own accommodation, he owed a lot of money, he had little of his own, he was afraid of the organisers and he had no way of contacting anybody because the phone was controlled.

Prevention of THB (Article 5)

18. Is the impact of awareness-raising campaigns and other measures to prevent THB evaluated and how are the results taken into account? Please provide copies of any impact evaluation reports.

Response

There is a recognised difficulty in determining the impact of awareness raising initiatives. The most recent awareness raising campaign carried out in Ireland in relation to human trafficking was an EU co-funded Project entitled REACH. The project which commenced in December 2013 ran for a period of 2 years.. The AHTU and Ruhama were lead partners along with the HSE ATT, An Garda Síochána, PSNI, Women's Aid Northern Ireland and the Department of Justice in Northern Ireland.

This Project had three objectives each aimed at achieving the ultimate goal of raising awareness of trafficking as a form of violence against women and girls and improving responses to this issue across the whole island of Ireland. The three goals of the Project were:

- to increase access among hard to reach victims/potential victims of human trafficking, especially women and girls to the supports that are available to them and to equip such persons with sufficient information to allow them to assert their rights guaranteed under national and EU law,
- to encourage zero tolerance of this form of violence against women and girls by raising awareness of the harms caused by the demand for sexual services amongst potential buyers of sex,
- to raise greater awareness of the indicators of human trafficking among professionals likely to encounter victims/potential victims and setting out the appropriate course of

action to be taken should they encounter a victim of trafficking.

The key results/outcomes from all three strands of the REACH Project were as follows:

Women and Girls campaign

The aim of this campaign was to reach out to women and girls in both the Republic of Ireland and Northern Ireland who have been trafficked, or are at risk of being trafficked into prostitution. The targeted awareness raising activities sought to inform women and girls on the island of Ireland (who find themselves in a difficult situation in the sex trade) of the supports that are available to them and where they can seek help. This campaign was developed following a unique consultation process with women who have had a variety of experiences within the sex trade. This consultation facilitated the development of the message of the campaign and the most effective modes of delivery of the message to reach those women and girls in need of supports. This campaign was poster-based and the posters were distributed in key locations based on the womens' recommendations including commuter points, immigration offices, direct provision centres and health settings. The free phone text number set up as part of the campaign will be in place for another two years. The message from this campaign was simple – to let all women and girls on the island of Ireland, who find themselves in a difficult situation in the sex trade, know that free, safe and confidential support is available specifically for them and to encourage them to access it.

Men and Boys campaign

This campaign's main objective was to target men, the majority of whom do not buy sex, and to encourage them to make a stand against prostitution and sex trafficking. The campaign slogan 'We don't Buy it' was selected as a brand for this campaign with the intention of giving the majority a voice and a way of reclaiming the 'norm for men'. The campaign was delivered by way of a multi-media mix (outdoor, radio, public relations, online and social media) which combined both traditional and digital forms to ensure targeted reach and maximum attention. The campaign achieved very wide reach both online – www.wedontbuyit.eu website, #wedontbuyit trending on Twitter and support on Facebook with over 1,800 page 'likes' and in the traditional media – featured on the Luas, Dart, buses in Northern Ireland, telephone boxes on both sides of the border along with 'Ad Mobiles' which drove around Dublin and Belfast on the day of the launch, and was well received by the target audience. Feedback from the campaign suggests that this audience particularly liked the positive approach that the campaign took in encouraging men to collectively make a stand against prostitution and sex trafficking.

The campaign was launched in April 2015 and lasted a period of 6 weeks and achieved an awareness level of 9% amongst the general public in circumstances where the industry standard would be 3% or 4% for a campaign of this nature and duration. The reception and interest that the campaign received has been overwhelmingly positive both nationally and indeed internationally – attracting attention from places as close as Scotland and as far away as Australia and Pakistan. What has been especially welcomed is the positive but firm tone of the campaign.

Frontline professionals - Training module / the 'APP'

The third strand of the Project involved the development of an 'APP' aimed at frontline professionals. The aim of this strand was to develop clear, plain English information materials targeting professionals who are not experts in trafficking but who may encounter a person who has been or is vulnerable to trafficking. Training courses entitled 'Introduction to good practice in Identifying and Responding to Victims of Sex Trafficking' were delivered to frontline professionals (multi-disciplinary audiences) in both jurisdictions on the island of Ireland and these sessions served to inform the material/information for the APP. This information will be

accessed through a user-friendly APP which is available to professionals working with vulnerable persons including those in health, social work, law enforcement and immigration. Having access to the APP professionals will be equipped to respond to disclosures/signs of trafficking or exploitation in an appropriate manner and guide potential victims to the relevant services and supports available. The APP has been developed, tested and the final product has been submitted for uploading to the various platforms i.e. Android, Windows and Apple. Approval to upload to the various platforms can take some time, however it is currently available on the Android platform. The APP addresses four simple, but key, questions that professionals often asked themselves when faced with a potential/suspected case of sex trafficking –

1. What is sex trafficking?
2. What are the signs?
3. What should I do?
4. Who should I contact?

There is also an accompanying booklet for the APP which is being and will continue to be widely disseminated to relevant frontline professionals over the coming months and which is available on the REACH Project website www.reachproject.eu.

The campaign was independently evaluated and a report measuring the impact and success of the project was produced in 2015. The REACH Campaign, and particularly its second stage, Men and Boys, or as the campaign was better known, We Don't Buy It, was designed from the start to be measureable using benchmarking awareness before and after the campaign period. The evaluation of the campaign found that the increase in awareness was 9%, starting from a pre-campaign awareness level of 8% to a post-campaign awareness level of 17%. This means that awareness of the campaign after just one, relatively short run of 4 weeks stood at 9%. The awareness rate was higher in Dublin where there was also a greater concentration of outdoor advertising because of the concentration of the target audience. Awareness in Dublin after four weeks reached 22% (from starting position of 12%). This compares with an expected increase of up to a top end target of 4% ordinarily.

The evaluation of social media results was also positive. For REACH I or Women and Girls, nearly 46,500 impressions were achieved with a click through rate of 1.41%, well above average. This is particularly significant because this campaign was attempting to reach a small, very controlled, very isolated target group. For REACH II Men and Boys, there were over 2.5 million impressions generated over the four week campaign resulting in a click through rate to the We Don't Buy It website of 0.11%, which is also above average. On the day of the launch, We Don't Buy It generated widespread media coverage and enough discussion and attention to be trending on Twitter.

The evaluation report concluded that although it was hard to assess the impact after just one short campaign period, it would seem reasonable to suggest that initial social media results for Women and Girls indicated that a vulnerable target audience had been reached. The full impact of this strand of the campaign will rely on ongoing promotion using the strategically placed posters and post-its. The Men and boys campaign had a more immediate impact. It showed that, even in a short period of time, controversial and complex issues can be communicated, understood and supported by the general population

Ireland has been identified in the Global Slavery Index 2014 as the country with the second lowest prevalence of modern slavery in the world; Iceland being the lowest. Ireland has received a BBB rating; the general characteristics of a country that has received a rating of BBB are as follows:

- The government has implemented key components of a holistic response to modern slavery, with victim support services,
- a strong criminal justice response,
- evidence of coordination and collaboration, and protections in place for vulnerable populations,
- Governments may be beginning to address slavery in supply chains of government procurement, or of businesses operating within their territory,
- There may be evidence that some government policies and practices may criminalise and/or cause victims to be deported.

Of note, the Report finds that:

- Ireland is among the top ten countries whose governments are taking the most action to end modern slavery.
- Ireland sits at number 166 of the 167 countries in the 2014 index with the lowest prevalence of modern slavery. While the estimated proportion of the population in modern slavery is small, (approximately 7 in every 100,000 persons), the Report estimates there to be 300 people in modern slavery in Ireland.
- The Irish government is recognised as one of the top three in terms of running regular and systematic training for first responders on how to identify victims.
- Ireland is ranked sixth globally in terms of Government Response ratings, a ranking combining a series of measurements including Survivor Support; Criminal Justice; Coordination and Accountability; Attitudes, Social Systems and Institution; and Business and Government.

19. How does your country promote and fund research on THB and use its results in the development of anti-trafficking policy? Please provide examples of recent research.

Response

Since 2009, in order to provide reliable and useful data on the nature and extent of trafficking on an on-going basis, the AHTU has implemented a data strategy based on systems developed at the EU level. The goal of Ireland's data strategy is to collect information on cases of suspected trafficking by means of a standardized template from a variety of different sources, including NGOs, government agencies, and law enforcement. Reports are issued annually and are available on the Unit's website www.blueblindfold.gov.ie.

In 2014, AHTU participated in research being conducted by University College Dublin Applied Research Centre (ARC) on behalf of the European Union Agency for Fundamental Rights (FRA): ***Participative action research on severe forms of labour exploitation***. (The purpose of this research is to provide policy makers, practitioners and the civil society at both EU and national level with country specific information and data on the situation of migrant victims of criminal forms of labour exploitation, aiming to identify, among other things: the forms and frequency of incidents of labour exploitation; economic areas affected; common risk factors; prevention measures aimed to reduce the risks of labour exploitation and the obligations of specific organisations in this area. The report was published in October 2015.

AHTU contributed to a study conducted by Trinity College Dublin on behalf of the EU Commission/DG Justice on trafficking in human beings for labour exploitation. (The study seeks to gather information regarding the extent of the phenomenon of trafficking for forced labour across the member states of the EU with a particular focus on prosecutions of traffickers in such cases).

AHTU and the Human Trafficking Investigation and Coordination Unit (HTICU) of An Garda Síochána participated in the National Advisory Committee on the delivery of early legal intervention (ELI) to victims of human trafficking for sexual exploitation. The project, entitled Early Legal Intervention for Victims of Human Trafficking was led by the Immigrant Council of Ireland (ICI) involving organisations from 6 EU Member States and was funded by the European Commission. (ICI are an independent law centre providing legal services to victims of human trafficking for sexual exploitation in Ireland). The ICI has partnered with organisations in England, Scotland, Croatia, Bulgaria and Lithuania. The project started in 2014 and a comparative report entitled 'Upholding Rights: Early Legal Intervention for Victims of Trafficking' was published earlier in 2015. The project has resulted in the development of a Training Toolkit, "Upholding Rights! Early Legal Intervention for Victims of Human Trafficking", for practitioners.

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.

Representatives from the Anti-Human Trafficking Unit have facilitated interviews with students conducting research in the area of human trafficking and a number of presentations have been made to third level law and social science students on this issue. The government systematically monitors its anti-trafficking efforts on all fronts and its assessment is available online. In addition, the Justice Minister responded to a total of 19 parliamentary questions [official questions with on-the-record responses], 16 of which related solely to human trafficking with the remaining 3 questions bearing an element of human trafficking.

REACH Project Research: Reaching women & girls vulnerable to or experiencing trafficking for sexual exploitation by Dr Monica O'Connor, August 2015

The REACH project recognises the critical importance of survivors and women in prostitution as key informants in developing these awareness raising mechanisms and effective strategies to reach victims of trafficking and women and girls at risk. Consequently, a consultation process with women affected by prostitution and sex trafficking in Ireland and Northern Ireland was commissioned in order to hear their own experience of accessing services and to ascertain their views on the most effective ways to reach women who need protection and support. Dr Monica O'Connor conducted a small, qualitative study consisting of semi-structured interviews and one focus group with women directly affected by prostitution and trafficking for sexual exploitation.

Conclusions

- For trafficked women, accessing services for the most part arose from police intervention and solicitors who referred them to specialist services. The knowledge of police officers in recognising indicators of trafficking was critical.
- Similarly, early legal intervention and the capacity of legal practitioners to identify VOT was a major access route to specialist services.
- On an individual level, the respect and kindness of individual officers and legal advocates was particularly appreciated and remembered. However, police interventions and procedures varied in relation to the identification of victims of trafficking. In some cases there was an immediate recognition of the indicators of trafficking leading to appropriate measures and referral and in others women were arrested and imprisoned which resulted in profound distress.
- Legal practitioners played a critical role as advocates in recognising the indicators of trafficking, but it is difficult to know from such a small qualitative study how many trafficked women in the Asylum system may have been missed in the legal process.
- The testimony of trafficked women once again reveals the level of control and violence which traffickers exert upon their victims, and highlights the challenge of reaching such an isolated and vulnerable group of people.
- For migrant women in prostitution, the interviews indicate the importance of the role played by the WHS sexual health clinics and harm reductions services. It would appear that they are, in many cases, the only contact migrant women may have with services where they can disclose being in prostitution. Whilst the provision of condoms and sexual health screening is vitally important for women's health, it was also clear that women appreciated the non-judgemental service and the availability of emotional support when needed. At a time when women were distressed, in crisis and seeking ways out of prostitution, the WHS was the link into exit routes and legal advocacy.
- The commitment of front line staff in all the specialist services to building safe, trusting relationships cannot be underestimated. Throughout the focus group and the interviews it is the words, kindness, care and trust which emerge as the most critical in helping women to disclose initially and to recover from the sexual exploitation and abuse they have experienced. It is perhaps not sufficiently valued at a policy level that for frightened and traumatised people these are critical relationships, which make it possible for women to disclose the truth of their experience, remain connected to services and build a new life after trafficking and prostitution.
- The model being developed in Northern Ireland where women are physically safe in a refuge and receive a holistic support service is particularly worth noting as one providing an integrated model of service provision for victims of trafficking.

Recommendations

- The study highlights that targeted operations aimed at the sex trade in Ireland and Northern Ireland need to be on-going in order to reach victims of trafficking who are highly vulnerable, controlled and isolated. The continued training of police officers to recognise indicators of coercion and trafficking is vital, in order that potential victims are recognised immediately, leading to appropriate responses and referrals for victims of trafficking.
- Legal practitioners, in particular those practicing in the Asylum system, have a critical role to play in ensuring that VOT are identified as soon as possible and have access to appropriate legal remedies and specialist services
- Inter-agency co-operation is already evident between the different specialist services and the police in both jurisdictions, which have resulted in ensuring immediate support and protection for many victims of trafficking. However, this needs to be fully resourced and

formalised to ensure that more women are identified and that immediate contact with specialist services is always sought at the critical point of identification and disclosure.

- The specialist services in both jurisdictions have already developed best practice in their responses to trafficked and prostituted women. The invaluable expertise, professional skill and emotional commitment of front line staff needs to be recognised and resourced before campaigns are initiated which lead to more women coming forward. This specialised work is intensive, particularly at the beginning of women's interaction with services, and demands highly skilled responses to multiple and complex needs. Targeted campaigns which offer women immediate and long term support must be able to deliver on those promises.
- Sexual health clinics are an essential part of the response to women in prostitution providing free access to condoms, blood tests, screening and general medical health. They also provide emotional support and a gateway to exiting when women are distressed and seeking to leave prostitution. It would appear that information regarding the WHS is available on the Escort Ireland website but there is a need to promote the WHS widely in order to reach as many women as possible who are currently in prostitution. The WHS should also be resourced to build on existing links around the country and establish a formal referral/outreach service in the major towns and cities. WHS could provide training and placements for nurses interested in developing specialist expertise.
- Advertising campaigns need to be targeted at the locations named by participants as the ones women most frequent in particular, public services such as general and maternity hospitals and health centres. The preference for posters rather than leaflets in relation to anonymity should be taken into account. Companies such as Boots pharmacies and hairdressing salon chains might be possible sponsors of a campaign to reach women. All direct provision hostels should have adequate information available. Notices for the back of bathroom doors in the above named locations should be designed.
- Posters and notices need to reflect the diversity of languages spoken by migrant and trafficked women in prostitution in Ireland. Participants of this study have suggested the main languages they believe should be prioritised and this information could be enhanced by an analysis of origin countries of the clients who have attended the specialist services during the previous year.
- The content of the posters and notices should specifically state that support is available for women affected by prostitution and trafficking. The message should emphasise safety, confidentiality and indicate that a caring, non-judgmental service is free and accessible for all women, Irish, migrant and trafficked.

The learnings, conclusions and recommendations outlined above have formed a key part in the development of Ireland's second National Action Plan.

20. How do your country's migration legislation and policies seek to prevent THB by enabling lawful migration?

Response

The vast majority of migration into Ireland is legal migration. There are numerous schemes in place which aim to facilitate legal migration into the country and thereby preventing human trafficking, for example atypical working schemes, family reunification scheme, highly skilled job interview authorisation scheme, humanitarian admission scheme, investor and entrepreneur scheme and student visa scheme to name but a few.

The principal legislation governing the entry and residence of non-nationals in the State is the Aliens Act, 1935 and the Aliens Order 1946 as amended, together with the regulations implementing the EU Rights of Residence Directives. In addition, the Immigration Act, 1999 sets out the principles and procedures which govern the removal of non-nationals from the State. This legislative framework provides that all non-EEA nationals require the permission of the Minister for Justice and Equality to reside in the State.

Certain non-EEA nationals require a visa prior to entering the State and it is the function of the Irish Naturalisation and Immigration Service (INIS) to process visa applications both in the Visa office, Dublin and Visa offices staffed by staff of the Department of Justice in London, Moscow, Beijing, Abuja, New Delhi, Ankara and Abu Dhabi. The Department of Foreign Affairs has been granted delegated sanction to decide on certain categories of applications but others are referred to the Department of Justice and Equality for decision.

All non-EEA nationals, whether visa required or not, are subject to Immigration controls upon arrival in the State. A non-national arriving by air or sea is required to present to an immigration officer on arrival. Generally speaking, a person can be granted up to 90 days permission to remain as a visitor upon arrival, provided they can satisfy an Immigration Officer that they have sufficient funds to support themselves, that they have a valid visa if one is required and that they will not breach Irish immigration or other laws. EEA nationals and qualifying non-EEA dependants are subject to the provisions of EU free movement Regulations.

Non-EEA nationals seeking permission to enter in order to take up employment will generally require a Work Permit. Work Permit applications are processed by the Department of Enterprise, Trade and Innovation and non-possession of a permit if intending to take up employment is grounds for refusal of entry.

Persons who wish to reside in the State for longer than 90 days must register with their local Garda Registration Officer and apply for further permission to remain before their initial leave to enter expires. The main grounds upon which further permission to remain can be obtained are: for the purposes of employment, to study, to operate a business or as a dependant family member of an Irish or EEA national residing in the State. Certain other categories of person are also granted permission to remain, including persons granted humanitarian leave to remain by the Minister. Particular criteria must be satisfied in order to obtain permission to remain in any of the above mentioned categories and, in the case of visa required nationals, further permission to remain will generally not be extended to persons who entered on short visit category visas.

Some additional remarks on recent policy developments are detailed below.

Employment Rights

The Department of Jobs Enterprise and Innovation notes that Ireland's employment permits regime continues to affirm the importance of protecting vulnerable migrants, who often do not have the personal support networks or the familiarity with employment practices in Ireland to protect their own interests, for example:

- both employers and foreign nationals are held to a series of standards in relation to the particulars of the employment and rights guaranteed to the permit holder in the context of the employment.
- there is a clear definition of what is meant by remuneration and how it is to be provided, in relation to all categories of employment permit.

- the Reactivation Employment Permit assists those migrants who have fallen out of the employment permits system through no fault of their own to regularise their situation and return to employment. [SEE: <https://www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Employment-Permits/Permit-Types/Reactivation-Employment-Permit>]

The Workplace Relations Act came into force in 2015 and is of relevance to victims trafficked for the purposes of forced labour. The National Employment Rights Authority (NERA) was integrated into the Workplace Relations Commission (WRC) under the Workplace Relations Act 2015.

[SEE: https://www.workplacerelations.ie/en/WR_Bodies/WRC/WRC.html]. Labour inspectors in the WRC carry out workplace inspections to ensure compliance with all aspects of employment law. The Workplace Relations Commission employs 57 State Labour inspectors who carried out over 5,100 workplace inspections in 2015 (over 2,800 of these were unannounced). 69 employers were prosecuted for employment law offences in 2015 and over €14 m in outstanding wages were recovered for employees.

Expansion of Atypical Working Scheme: Non-EEA crew in Irish Fishing Fleet

The Atypical Working Scheme (AWS) was introduced in September 2013 as a mechanism for streamlining entrance to the State for non-EEA nationals for the purpose of legitimate short term work or to provide a specialised/high skill to an industry/business in the State which would not otherwise be covered by the normal arrangements under the Employment Permit Acts 2003 – 2014. Immigration permission issued from the Department of Justice and Equality (INIS) instead allows such persons to enter the State in order to work/provide a service without the requirement for an employment permit. Over time the scheme has expanded to include different employment categories for which special arrangements are required.

In November 2015, following reports of alleged abuses of migrant workers on board Irish fishing vessels, the Government established a Task Force on non EEA workers in Irish fishing industry. The high level Task Force was chaired by the Minister for Agriculture and also involved the Minister of State for Business and Employment and senior officials from relevant Government Departments and Agencies. It received presentations and submissions from a number of relevant stakeholders. The Report of the Task Force was published on 14 December 2015.

[SEE:

<http://www.agriculture.gov.ie/media/migration/publications/2015/TaskForceReport141215.pdf>]

Following the recommendations of the Task Force, the Atypical Worker Scheme was expanded to enable employers in specific parts of the Irish Fishing fleet, under a structured and transparent framework, to source and employ workers from non-EEA countries. Since February 2016, the Scheme allows crew members from outside the EEA to apply to work in the Irish "whitefish fleet" and provides that employees will be guaranteed, at a minimum, the national minimum wage and statutory terms and conditions in accordance with national law, which will be underpinned by the requirement for employers to provide a legally binding contract of employment.

An MOU on the issue of enforcement has been finalised between the different agencies having a role in the oversight of the industry. The Parties to the Memorandum of Understanding for the Monitoring and Enforcement of the terms of employment of non-EEA crewmen in parts of the Irish commercial Sea Fishing Fleet pursuant to the establishment of the Atypical Worker Permission Scheme are: Department of Jobs Enterprise and Innovation; Department of Justice & Equality / INIS; Department of Transport Tourism and Sport/Marine Survey Office; Department of Defence (Irish Naval Service); An Garda Síochána (national police force); Bord Iascaigh Mhara (Irish Sea Fisheries Board); Health and Safety Authority; Office of the Revenue

Commissioners; Sea Fisheries Protection Authority; Workplace Relations Commission; and the Department of Agriculture, Food and the Marine (insofar as the Central Depository is concerned). [SEE: <https://www.agriculture.gov.ie/press/pressreleases/2016/february/title,95081,en.html>]

Protection of International Students

From October 2015, Ireland implemented a series of reforms aimed at addressing misuse of the student route to migration. These reforms restricted the list of eligible educational programmes for immigration purposes and also included measures for the protection of international students. The measures include an obligation on education providers to observe compulsory learner protection arrangements and maintain a separate account facility to safeguard student advance payments, as well as a requirement for students to sit one of the exams specified in the guidelines. Furthermore, Ireland introduced changes in 2015 to the student work concession, standardising the periods open for students to work full-time in order to tackle abuse of the existing scheme.

21. Please describe the measures taken in your country to prevent THB for the purpose of the removal of organs, and in particular:

- a. the legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;**
- b. the institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;**
- c. the guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims**

Response

The legislation and regulations on organ transplantation and removal of organs, including requirements for the living donation procedure (information/consent, evaluation/selection, follow-up and registry) and criteria for authorising centres for living donation;

The European Union (Quality and Safety of Human Organs intended for Transplantation) Regulations 2012 (S.I. No. 325 of 2012) give effect to Directive 2010/53/EC of the European Parliament and of the Council of 7 July 2010 on standards of quality and safety of human organs intended for transplantation

Under these Regulations:

- it is an offence to traffic an organ;
- Organs cannot be procured in the case of a living donor unless the donor has given informed consent to the donation or the donation is otherwise permitted by law;
- Procurement organisations must —
 - (a) take all necessary measures to ensure the highest possible protection of living donors in order to fully guarantee the quality and safety of organs for transplantation and

- (b) ensure that living donors are selected on the basis of their health and medical history, by suitably qualified or trained and competent professionals.
- The Health Service Executive and transplantation centres must —
 - (a) ensure that a register or record of the living donors is kept, in accordance with European Union and national provisions on the protection of the personal data and statistical confidentiality,
 - (b) endeavour to carry out the follow-up of living donors, and
 - (c) implement and maintain a system in order and to identify, report and manage any event potentially relating to the quality and safety of the donated organ, and hence of the safety of the recipient, as well as any serious adverse reaction in the living donor that may result from the donation.

The Health Products Regulatory Authority is responsible for granting an authorisation under the Regulations to a procurement organisation or a transplantation centre to carry out any prescribed activity under the legislation, having satisfied itself that such prescribed activity is carried out by persons complying with the requirements of the Regulations and the Directive.

b. The institution(s) in charge of overseeing and monitoring the medical care and recovery of donors and recipients and managing or supervising any waiting lists for organ transplantations;

The Living Kidney Donor Programme at Beaumont Hospital, Dublin 9 oversees and monitors the medical care and recovery of donors and recipients and manages the waiting list for kidney transplantations until such time as they are discharged back to their referring nephrologist.

c. The guidance and training provided to relevant professionals to prevent this form of THB, to report cases and to identify and assist victims.

Currently, no formal guidance and training is in place.

Measures to discourage the demand (Article 6)

22. What preventive measures to discourage demand that fosters different forms of exploitation has your country adopted, in particular in the areas of:

- a. educational programmes;
- b. information campaigns and involvement of the media;
- c. legislation (including in the areas of public procurement, disclosure requirements and anti-corruption);
- d. involvement of the private sector.

Response

Awareness raising measures to discourage demand

AHTU regularly undertakes a range of activities with a view to raising awareness about the phenomenon of human trafficking in order to discourage demand. Such activities have included:

- In May 2016, AHTU distributed awareness raising material at the Santa Marta Conference held in Mary Immaculate College, Limerick.

- Representatives from AHTU had an information stand at the Public Service Executive Union meeting which is the trade union for middle ranking civil servants, in April 2016. In March 2016, AHTU attended the Irish Congress of Trade Unions Women's Conference where they also had an information stand and distributed awareness raising material.
- AHTU delivered a presentation on human trafficking to students of Dublin Institute of Technology in February 2016 and to junior certificate year students of Wesley College Dublin in January 2016.
- In November 2015 AHTU gave a presentation to the Sisters of RENATE (Religious in Europe Against Trafficking and Exploitation) at All Hollows College Dublin.
- AHTU manned an information stand in Blanchardstown Shopping Centre in October 2015 and distributed awareness raising material.
- In October 2015 AHTU visited the 2 Sister Food Group, one of the biggest food production companies in the UK and Ireland and spoke to the staff directly to raise awareness of human trafficking and the measures being taken to combat it in Ireland.
- AHTU attended manned information stands and distributed awareness raising material at the Irish Nurses and Midwives Organisation Annual Delegates conference in May 2015 and at the PSEU Conference in April 2015.
- AHTU presented to students of Social Work studies in Trinity College Dublin and to students of Dublin Business School in March 2015.
- The AHTU, TUSLA and An Garda Síochána undertook a number of presentations to social science and law students in third level institutions e.g. Trinity College, University College Cork, Dublin City University, Dublin Institute of Technology among others during 2014. 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 and was aimed at encouraging research in this area.
- The Law Society of University College Cork adopted the topic of Modern Slavery and Human Trafficking for their Annual Conference and a representative from AHTU addressed the Conference with representatives of Irish NGOs and Aidan McQuade, Director of Slavery International.
- In 2014, AHTU provided material for articles on human trafficking in Ireland for the Irish Defence Forces magazine 'An Cosantoir', 'The Researcher' a publication by the Legal Aid Board and for the magazine of the Irish Nurses and Midwives Organisation, 'World of Irish Nursing'
- AHTU also had an information stand at the annual conferences of the Irish Nurses and Midwives Organisation and the Irish Small and Medium Enterprises Association.
- As part of the Civic, Social, and Political Education curriculum of Irish second level schools, students learned how they could combat human trafficking in Ireland and to facilitate this AHTU responded to many requests from second level schools for the information pack entitled 'Don't Close your Eyes to Slavery' which was designed to raise awareness of modern slavery.
- In April 2014 AHTU gave a presentation and manned an information stand on human trafficking at a Sexual Health Awareness Day in Tallaght IT.
- Blueblindfold leaflets, bookmarks and information cards were distributed to every library in the country for display.
- Blueblindfold material was also sent to all Garda Superintendents for display in Garda stations.
- The UNHCR distributed Blueblindfold material at their Fair Play Football Cup 2014 – to mark World Refugee Day in July 2014.
- The AHTU continued to circulate a quarterly newsletter containing news and events from all our stakeholders.

- The Anti-Human Trafficking Unit Facebook page is regularly updated and now has 800 likes.
- To mark EU Anti-Trafficking Day, 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).
- As part of the international 16 Days opposing violence against women campaign, AHTU gave a presentation to the Dublin 15 Domestic Violence Working Group conference entitled "The Life Cycle of Abuse" on Friday 28th November 2014.
- AHTU had an information stand at an LGBT event organised by the INMO in November.

Information campaigns and involvement of the media

During 2015 the AHTU and Ruhama successfully completed the REACH project. This project was co-funded by the European Commission and its aim was to raise awareness of trafficking as a form of violence against women and girls, improve responses to this issue across the whole island of Ireland and to reduce demand for prostitution, particularly by targeting men and boys. The campaign consisted of three strands with the Men and Boys aiming specifically to reduce demand.

The men and Boys campaign was launched in April 2015. The campaign's main objective was to target men, the majority of whom do not buy sex, and to encourage them to make a stand against prostitution and sex trafficking. The campaign slogan 'We don't Buy it' was selected as a brand for this campaign with the intention of giving the majority a voice and a way of reclaiming the 'norm for men'. The campaign was delivered by way of a multi-media mix (outdoor, radio, public relations, online and social) which combined both traditional and digital forms to ensure targeted reach and maximum attention. The campaign achieved very wide reach both online and in traditional media, and was well received by the target audience. Feedback from the campaign suggests that this audience particularly liked the positive approach that the campaign took in encouraging men to collectively make a stand against prostitution and sex trafficking.

Legislation

In 2015 the Minister for Justice and Equality published a Criminal Law (Sexual Offences) Bill which provided for the creation of offences of purchasing sexual services in the context of prostitution and trafficking. Unlike the existing offences relating to prostitution such as soliciting, loitering or brothel keeping, these will specifically target the demand for prostitution. The purpose of the legislation was to criminalise the purchaser of sexual services and it was intended to operate in a manner that would reduce the demand for them. The Bill is currently before the Oireachtas (Irish Parliament) for consideration. Enactment of this legislation is a priority for the Government.

Involvement with Private Sector

Building on the cross Border Conference focused on Human Trafficking for Labour Exploitation (held in January 2015) the Government brought renewed focus to engagement with industry; AHTU has engaged with the 2nd largest food production company in the UK and Ireland (2 Sisters Food Group) with a focus on supply chain issues. AHTU also conducted THB awareness raising sessions in two of the Group's sites in Longford and Naas in October 2015.

The 2016 Cross Border Conference, jointly hosted by the Department of Justice and Equality and the Department of Justice Northern Ireland was held on 22 June in Armagh City and again addressed the issue of forced labour and aimed in particular to raise companies' awareness of their supply chain and to reduce demand for suppliers who use forced labour. The focus of the 2016 conference was 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. The conference was attended by around 100 business representatives from across Ireland. Speakers at the conference included the UK Anti Human Slavery Commissioner, the Director of the Recruitment and Employment Confederation Northern Ireland, The Work Place Relations Commission, the Gangmasters' Licensing Authority, Migrant Rights Centre Ireland, the Northern Ireland Law Centre, Interpol and the Dutch Ministry of Security and Justice.

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 which is currently working together as part of this project. 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 at the Mary Immaculate College in Limerick. There have been a number of operational interventions during 2015, one of which led to the identification of a victim of human trafficking in the fisheries industry in Ireland. This matter is currently under investigation and this person has received the supports and services from the State and also from NGO's.

23. Please describe the measures taken in your country to prevent trafficking for forced labour or services, *inter alia*, by means of labour inspection and labour administration, monitoring of recruitment and temporary work agencies, and monitoring of supply chains.

Response

In relation to forced labour, Ireland signed the Protocol and Recommendation to the ILO Convention on Forced Labour No. 29 at the International Labour Conference in June 2014. Ireland ratified the ILO Maritime Labour Convention 2006 on 21 July 2014. Ireland also ratified the ILO Domestic Workers Convention 2011 on 28 August 2014.

Legislation of relevance to victims trafficked for the purposes of forced labour include the following:

- The Criminal Law (Human Trafficking) (Amendment) Act 2013
- The Organisation and Working Time Act 1997
- The National Minimum Wage Act 2000
- The Unfair Dismissals Acts 1977 to 2001
- The Employment Equality Act 1998 and 2004
- The Equal Status Act 2000 and 2004
- The Employment Permits Act 2003
- The Terms of Employment (Information) Acts 1994 and 2001
- The Payment of Wages Act 1991

- The Protection of Employee's (Part-time) Work Act 2001
- The Employment Permits (Amendment) Act 2014
- The Workplace Relations Act 2015

Inspectors of the Workplace Relations Commission (WRC) (formerly the National Employment Rights Authority NERA) have been trained in the identification of indicators of trafficking. Labour inspections focus on employment sectors where employees are at most risk of labour exploitation and may encounter cases of forced labour/trafficking which can be notified to the Garda Síochána. Officers of the WRC have also been involved briefing Garda officers on the issues of employment rights and labour exploitation. In 2015 Inspectors of the Workplace Relations Commission encountered 6 cases which raised suspicions and which were notified to An Garda Síochána for further investigation.

Migrant workers are a particularly vulnerable class of people. Language difficulties, cultural differences and lack of social networks can disadvantage migrants and increase the potential for abuse by unscrupulous employers. As outlined above, Ireland has a very thorough employment rights legal framework. Careful consideration is given to the potential for abuse and many of the criteria in evaluating employment permits applications focus on the bona-fides of the employer and the protection of the employee. The law is clear on the matter of employment of 3rd country nationals - it is illegal for such a 3rd country national to be employed without the State's permission and it is an offence for both the 3rd country national and the employer concerned.

Illegal employment of 3rd country nationals creates a serious problem for the employees concerned in that they do not have a legally binding contract of employment and cannot therefore rely on such a contract in asserting their rights under the contract and under the wide spectrum of employment rights legislation. The Employment Permits (Amendment) Act was enacted on 27 July 2014. The Act seeks to address the deficiency identified by the case of *Hussein v The Labour Court* where a foreign national could not enforce his employment rights because the High Court found that his contract of employment was unlawful, due to his failure to have any employment permit. The Act provides that it is a defence for the foreign national to the charge of having being without an employment permit where the foreign national can show that all reasonable steps to comply with the requirement to have an employment permit were taken by him/her. The Act also states that the Minister may take a civil action on the foreign national's behalf for compensation for work done or services rendered as well as responsibility for the cost of such action. The text of the Act can be accessed through the link below.

Under the Employment Permits Acts, anyone convicted of employing an illegal immigrant can be fined up to €350,000 and sentenced to a maximum of ten years in jail. The purpose of the Employment Permits Act is to ensure that third country nationals, employed in Ireland with an Employment Permit, have their employment rights protected. Penalties range from fines of up to €70,000, imprisonment for five years, or both. In 2015 69 employers were convicted of employing workers without employment permits.

Ireland also has laws in place that provide penalties to punish labour recruiters who use fraudulent or deceptive offers for the purposes of forced labour or forced prostitution. It is illegal in Ireland to confiscate a worker's passport or travel documents. Withholding the payment of workers' salaries is illegal in Ireland. These acts are punishable by law. The Workplace Relations Commission employs 57 State Labour inspectors who carried out over 5,100 workplace inspections in 2015 (over 2,800 of these were unannounced). 69 employers were prosecuted for employment law offences in 2015 and over €14.M in outstanding wages was recovered for employees.

There is a growing awareness of the various types of labour exploitation in both the North and South of Ireland. A Cross Border Conference on Forced Labour jointly organised by The Department of Justice Northern Ireland and the Anti-Human Trafficking Unit of the Department of Justice and Equality was held at the Dromantine Retreat Centre, Newry Co. Down on 21 January 2015. This was the second cross border conference on human trafficking and it focused on three overarching themes:

- Challenges for law enforcement in particular cross border investigative challenges;
- Prevention and identification challenges in trying to locate and remove victims from abusive situations and ensuring they are supported and informed of their rights;
- Awareness raising and training –approaches to raising awareness of this issue on a cross border basis.

The audience were made up of approx. 90 people from State agencies, NGOs, and international bodies from both sides of the border and was addressed by UK experts as well as representatives from Non Governmental Organisations and State agencies providing supports to victims of trafficking for labour exploitation and forced labour in both jurisdictions. A third Cross Border is currently being planned for June 2016 and will focus on forced labour in the supply chain.

Atypical working scheme: Non-EEA crew in Irish Fishing Fleet

In November 2015, following reports of alleged abuses of migrant workers on board Irish fishing vessels, the Government established a Task Force on non EEA workers in Irish fishing industry. The high level Task Force was chaired by the Minister for Agriculture and also involved the Minister of State for Business and Employment and senior officials from relevant Government Departments and Agencies. It received presentations and submissions from a number of relevant stakeholders.

The Task Force recommended a new sector specific Atypical Worker Permission system to enable employers in specific parts of the Irish Fishing fleet, under a structured and transparent framework, to source and employ workers from non-EEA countries. The Atypical Working Scheme was launched in February 2016 and provides that employees will be guaranteed, at a minimum, the national minimum wage and statutory terms and conditions in accordance with national law, which will be underpinned by the requirement for employers to provide a legally binding contract of employment. The Scheme allows crew members from outside the EEA to apply to work in the Irish "whitefish fleet".

Cross Border Conference

On 22 June 2016 a Cross Border Conference, jointly hosted by the Department of Justice and Equality and the Department of Justice Northern Ireland was held in Armagh City and addressed the issue of forced labour and aimed in particular to raise companies' awareness of their supply chain and to reduce demand for suppliers who use forced labour. The focus of the 2016 conference was 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. The conference was attended by around 100 business representatives from across Ireland. Speakers at the conference included the UK Anti Human Slavery Commissioner, the Director of the Recruitment and Employment Confederation Northern Ireland, The Work Place Relations Commission, the Gangmasters' Licensing Authority, Migrant Rights Centre Ireland, the Northern Ireland Law Centre, Interpol and the Dutch Ministry of Security and Justice.

Border measures (Article 7)

24. Please describe the specific measures taken in your country to strengthen the capacities of border guards to prevent and combat THB, in particular as regards:

- a. identification of possible victims of THB in the context of border control;
- b. identification of possible perpetrators of THB offences;
- c. gathering of first-line information from victims and perpetrators;
- d. identification of vulnerable persons in need of international protection among possible victims of trafficking.

Response

All immigration officers are trained in the indicators of trafficking and routinely screen for them. Targeted intelligence and surveillance led operations continue to be used to identify and rescue suspected victims of human trafficking at the borders into Ireland. These operations are carried out usually in co-operation with the authorities in the country of departure or by using the Europol and Interpol channels. In addition, carbon dioxide detectors have been deployed for use at four sea ports, namely, Dublin, Dun Laoghaire, Cobh and Rosslare.

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.

Ireland's Reception and Integration Agency (RIA) supplies secure accommodation and board to both alleged human trafficking victims and asylum seekers. Asylum seekers housed in the RIA system are screened to determine if they may have been a TIP victim. This screening is done initially at the Office of the Refugee Applications Commissioner (ORAC) as part of initial processing. In addition, staff at RIA accommodation, HSE staff and others do monitor for signs that a person may have been trafficked. Irish immigration officials also have received training to help identify any TIP victims they may encounter.

Prior to being posted abroad, Irish Diplomatic and Consular staff receive training on how to recognise indicators of human trafficking and what measures to take based on the Handbook for Diplomatic and Consular Personnel on How to Assist and Protect Victims of Human Trafficking (IOM & Council of the Baltic States) and EU Guidelines for the Identification of Victims of THB for Consular Services and Border Guards. The training equips Consular staff to do a risk analysis on visa applications, identify questionable documents or to act on suspicions of 3rd party control over visa applicants. Consular staff are trained to identify a potential victim, inform the person of their options, make contact with specialised agencies or other embassy and to know the legal framework. In short, they are a link in a chain of assistance involving Consular officers / social services / NGOs / police / border guards / health workers / lawyers. Department of Justice and Equality staff are seconded to Visa Offices in the Irish embassies in London, Moscow, Beijing, Abuja, New Delhi, Ankara and Abu Dhabi.

25. What measures have been taken to ensure that the personnel employed by commercial carriers, including airline attendants and staff working on other means of transportation by land and sea, are able to detect possible victims of THB and inform relevant bodies in due course?

Response

The Immigration Act 2003 is the legal framework in Ireland for carrier liability. The Act imposes certain requirements on carriers operating aircraft, ferries or other vehicles bringing persons to

Ireland, including a requirement to ensure that passengers are in possession of any necessary immigration documentation – passport, travel document or if required, a visa. There is ongoing enforcement of the carrier liability provisions contained in the Immigration Act 2003. In 2013 there were 606 alleged breaches of the provisions with 282 dealt with by way of caution and a fine imposed in 324 cases. The figures for 2014 are 846 alleged breaches, 524 dealt with by way of caution and a fine imposed in 322 cases. In 2015 there were 1010 alleged breaches with 583 dealt with by way of caution and a fine imposed in 393 cases.

The National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland identified the need to establish links with airlines to develop awareness among staff of the issue of human trafficking. In 2012 the Anti-Human Trafficking Unit, in consultation with their counterparts in the United Kingdom, developed a training resource for airline staff to be incorporated into their existing training programme and this is available on the Department's dedicated anti-human trafficking website www.blueblindfold.gov.ie. The training module features information on the indicators of human trafficking, case studies, the steps to take if you suspect a person might be a victim and useful contacts. Since that time, joint communications by the Irish and United Kingdom authorities have been made with airlines flying into and out of both jurisdictions seeking their support to help in the fight against human trafficking by providing training to airline staff on the indicators of human trafficking. A key priority under the second National Action Plan will be the development of a training needs analysis and the further development of training for these professionals will be considered in that context.

26. What measures have been taken to promote co-operation between border control agencies as regards the establishment and maintenance of direct channels of communication? How have these channels been used for detecting transnational THB? Please provide examples of cases in which these channels were used and any difficulties encountered by border control agencies in this context.

Response

An Garda Síochána contribute to and receive information from international organisations such as Interpol, Europol and Frontex. Members of An Garda Síochána from the Garda National Immigration Bureau have been appointed as Airline Liaison Officers at various hub airports and are a source of intelligence for An Garda Síochána.

The Human Trafficking Investigation and Coordination Unit (HTICU) of An Garda Síochána is a member of the EU Policy Cycle EMPACT Human Trafficking Group in Europol which aims to disrupt organised crime gangs involved in intra-EU human trafficking and human trafficking from the most prevalent external source countries for the purposes of labour exploitation and sexual exploitation; including those groups using Legal Business Structures to facilitate or disguise their criminal activities. Membership of the EMPACT Group ensures effective cooperation between Member States law enforcement agencies, EU Institutions, EU Agencies and relevant third parties and further facilitates close cooperation between European police forces on human trafficking matters

In addition there is ongoing formal liaison between INIS, An Garda Síochána and the UK Home Office and UK Border Force. The exchange of information is governed by Memoranda of Understanding developed under the Common Travel Area cooperation arrangements and, in particular, a MOU on data sharing signed at Ministerial level in October, 2014.

Co-operation between Gardaí and customs officers is ongoing. Senior Investigators in the Revenue Commissioners attended presentations on human trafficking at cross border crime

conferences in 2009 and 2010. The new national automated fingerprinting system (AFIS) is being rolled out to the majority of Garda Divisions.

INIS and GNIB have built up close working relationships with carriers at Dublin airport where regular contacts through fora such as the Airlines Operating Committee and the National Facilitation Committee (comprised of key stakeholders in the aviation sector) chaired by the Department of Transport, Tourism and Sport, provide an opportunity to discuss issues such as this.

Identification of the victims (Article 10)

27. Is there a national referral mechanism (NRM) or an equivalent system for identification and referral to assistance of victims of trafficking, both nationals and foreigners, for any form of exploitation? If so, please specify the bodies involved in it and their responsibilities. If an NRM existed in your country at the time of the first evaluation, please indicate any changes that have been made to it in the meantime.

Response

There are formal written procedures that guide public officials in the proactive identification of trafficking victims among any high-risk individuals they may come into contact with. There are also formal written procedures guiding service provision through the National Referral Mechanism. The National Referral Mechanism Working Group has outlined the responsibilities of government officials in identifying potential human trafficking victims. GNIB has a standard operating procedure in place for best practices for interviewing victims after the conclusion of the recovery and reflection period.

Potential human trafficking victims are referred to the Human Trafficking Investigation & Co-Ordination Unit of An Garda Síochána (HTICU) for identification and investigation into their allegations; HTICU is part of the National Protective Services Bureau. Referral to HTICU gives the human trafficking victim the right to State-supplied food and board. Referrals to HTICU can come from NGOs, the AHTU, law enforcement agencies or private citizens. HTICU will accept referrals from any concerned individual or agency.

HICTU maintains an electronic information document about human trafficking on the police website. This document outlines what human trafficking is, how to identify potential victims and how to access the national referral mechanism as outlined in the National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009 – 2012.

The Office of the Refugee Applications Commissioner (ORAC), in cooperation with UNHCR and AHTU, introduced updated and comprehensive Guidelines on Human Trafficking in 2014 to be used by ORAC deciding officers in their international protection application (asylum, subsidiary protection, leave to remain) determinations. Guidelines on human trafficking were also circulated to frontline staff in the Department of Social Protection. These guidelines outline the signs of human trafficking which staff may come across in their day to day work and how concerns are to be reported.

The Office of the Director of Public Prosecutions issued guidelines for prosecutors in its office. The guidelines are designed to assist the prosecutor determine which factors should be considered when assessing whether or not to commence or continue with a prosecution. These include a consideration of whether the public interest is served by a prosecution of the suspect

where there is information to suggest that the suspect is a victim of crime. These guidelines are available on the website of the Director of Public Prosecutions.

Ireland's Reception and Integration Agency (RIA) supplies secure accommodation and board to both alleged human trafficking victims and asylum seekers. Asylum seekers housed in the RIA system are screened to determine if they may have been a trafficking victim. This screening is done initially at the Office of the Refugee Applications Commissioner (ORAC) as part of initial processing. In addition, staff at RIA accommodation, HSE staff and others do monitor for signs that a person may have been trafficked. Irish immigration officials also have received training to help identify any trafficking victims they may encounter.

A copy of the agreed Roles & Responsibilities document is attached. This document is currently being updated to reflect changes in organisational names and a revised copy will be made available to GRETA prior to the Country Visit.

28. Are there any formalised indicators for the identification of victims of THB for different forms of exploitation and how is their use by different professionals ensured in practice in your country?

Response

The identification of suspected victims of human trafficking is undertaken in Ireland by a member of An Garda Síochána not below the rank of Superintendent. In determining if a person is a suspected victim of human trafficking An Garda Síochána takes account of all information that is available to them at the time the case is being considered. An Garda Síochána applies the model recommended by the International Organisation for Migration (IOM) – an international inter-governmental organisation – which acknowledges that the screening process to determine if a person is a victim of human trafficking consists of two stages:

- An assessment of the varying indicators that can be evaluated before an interview can take place; followed by
- Detailed interview with the individual.

The types of indicators utilised by An Garda Síochána in making a determination are based on the general indicators published in the Delphi study undertaken by the ILO and the European Commission and those published by the United Nations Global Initiative to Fight Human Trafficking.

The procedures for victim identification were raised as an issue requiring attention in responses to the draft 2nd National Action Plan which was published for consultation in September 2015. The issue was also raised by GRETA. The Irish government has recognised the need for 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. An enhanced victim identification process is being developed within the framework of the 2nd National Action Plan.

29. What is considered as "reasonable grounds" to believe that a person is a victim of THB and which bodies have competence to identify victims upon "reasonable grounds"? Please provide examples from practice

Response

Suspected victims of human trafficking identified by An Garda Síochána or referred to them by other services through the National Referral Mechanism are assessed on a “reasonable grounds” basis. The test to be applied therefore is a reasoned one, whether a reasonable person having regard to the information available would conclude that there are reasonable grounds to believe the individual has been trafficked. It is important to note that a decision on whether a ‘Reasonable Grounds Indication’ exists is not a determination that the individual is a victim of human trafficking. Rather it is a determination made with a low threshold of proof to allow potential victims to access services and supports as quickly as possible.

In practice, where a victim of human trafficking becomes known to An Garda Síochána, that victim is treated as such, i.e. they are given access to all appropriate services, until there are compelling reasons to believe the person is not a victim and the case is closed. An individual is considered to be a suspected victim of human trafficking, once they, or someone acting on their behalf, makes a claim of having being trafficked to An Garda Síochána.

30. What measures are taken in your country to encourage self-identification of victims of THB?

The AHTU carries out frequent awareness raising campaigns with the aim of providing information to victims of human trafficking. AHTU also produces awareness raising materials which are widely distributed and provide victims with information on their rights and how and where they get seek help. In particular, AHTU produced an accordion style leaflet entitled “Would You Know the Signs” which lists possible signals or indicators of human trafficking and includes case studies and contact information of services that can help victims.

The Workplace Relations Commission has also produced a leaflet on the rights of Domestic Workers. This leaflet is available in a number of foreign languages.

The most recent awareness campaign that included measures to encourage self-identification of victims was the REACH campaign

This Project had three objectives each aimed at achieving the ultimate goal of raising awareness of trafficking as a form of violence against women and girls and improving responses to this issue across the whole island of Ireland. The three goals of the Project were:

- to increase access among hard to reach victims/potential victims of human trafficking, especially women and girls to the supports that are available to them and to equip such persons with sufficient information to allow them to assert their rights guaranteed under national and EU law,
- to encourage zero tolerance of this form of violence against women and girls by raising awareness of the harms caused by the demand for sexual services amongst potential buyers of sex,
- to raise greater awareness of the indicators of human trafficking among professionals likely to encounter victims/potential victims and setting out the appropriate course of action to be taken should they encounter a victim of trafficking.

The key results/outcomes from the REACH Project were as follows:

Women and Girls campaign

The aim of this campaign was to reach out to women and girls in both the Republic of Ireland

and Northern Ireland who have been trafficked, or are at risk of being trafficked into prostitution. The targeted awareness raising activities sought to inform women and girls on the island of Ireland (who find themselves in a difficult situation in the sex trade) of the supports that are available to them and where they can seek help. This campaign was developed following a unique consultation process with women who have had a variety of experiences within the sex trade. This consultation facilitated the development of the message of the campaign and the most effective modes of delivery of the message to reach those women and girls in need of supports. This campaign was poster-based and the posters were distributed in key locations based on the women's recommendations including commuter points, immigration offices, direct provision centres and health settings. The free phone text number set up as part of the campaign will be in place for another two years. The message from this campaign was simple – to let all women and girls on the island of Ireland, who find themselves in a difficult situation in the sex trade, know that free, safe and confidential support is available specifically for them and to encourage them to access it.

Film project

The AHTU is supporting a film project called 'Osato'. This person centred, often harrowing story depicts the plight of a nineteen year old Nigerian girl named Osato, who finds herself trafficked to Ireland for the purposes of prostitution. She is tricked into this situation by a family friend who promises Osato's mother, that she can provide her with passage to a better life abroad. Loosely based upon the experiences of a woman who endured years of sublimation and abuse at the hands of her tormentors, the aim is to challenge the sometimes preconceived public attitudes towards those in the sex trade, and of those who procure the services of sex workers. In addition, the film strives to also dispel the myths and beliefs held by those who are either targeted and/or engaged as sex workers. The film is now complete and we understand from the production company that the film will be widely distributed in Nigeria and Ireland in the coming months. The AHTU attended a conference in November 2015 at which the film was launched. The film is due for general release in summer 2016.

Other awareness raising activities

In October 2015, to mark EU Anti-Trafficking Day, the AHTU contributed an article on human trafficking to METRO Eireann, Ireland's largest multi cultural newspaper and also had an information stand in one of Dublin's major shopping centres.

During the year the AHTU provided information stands at a number of events / conferences including the PSEU (a public sector union) annual conference, the Irish Nurses and Midwives Organisation conference and the ICTU Women's Seminar in Belfast.

31. What measures are taken in your country to identify victims of THB during the examination of asylum applications and during return of persons whose applications are rejected? How is communication ensured between the authorities responsible for identification of victims of trafficking and immigration and asylum authorities when there are reasonable grounds to believe that a person who is irregularly staying in the country is a victim of trafficking?

Response

The Office of the Refugee Applications Commissioner (ORAC) in investigating asylum applications have regard to four sets of operational indicators of trafficking (adults and children for labour and sexual exploitation) which were developed by a joint European Commission-

International Labour Organization (ILO) project. ORAC has an internal guidance paper developed with the assistance of UNHCR and AHTU which, inter alia, helps ORAC staff/Panel members to understand the basic concepts of human trafficking, to consider the various phases of human trafficking and to understand the causes and consequences of human trafficking.

In line with a protocol in place between ORAC and An Garda Síochána, ORAC officials interviewing asylum seekers who have reason to believe that there may be indicators of human trafficking notify An Garda Síochána of allegations and/or indicators of human trafficking through their ORAC Managers.

Under the International Protection Act 2015, ORAC will be replaced by a dedicated unit within the Department of Justice and Equality, to be known as The International Protection Office. The caseworkers making the decisions under the new structure will continue to be the same staff as in ORAC and will therefore be specialists in the processing of protection cases and are trained to UNHCR standards.

Protection of private life (Article 11)

32. What measures are taken by relevant professionals to protect the confidentiality of information and protect the personal life and identity of victims of THB, including as regards storing of their personal data? Are there any conflicts of interest between professional ethics, on the one hand, and the obligation to report an offence, on the other hand? If so, how are these conflicts resolved in practice?

Response

The Office of the Data Protection Commissioner has produced Guidance on Data Sharing in the Public Sector to ensure that best practice guidelines are considered and applied as appropriate by public sector bodies. Personal data must be obtained and processed “fairly and lawfully” and only the minimum amount of personal data should be shared. Enhanced access controls and security requirements should apply to personal data shared and received as part of an approved data sharing arrangement. Access to such data should be limited to a very small number of officials and public sector bodies should employ a ‘need to know’ basis thereby ensuring that other organisations should only have access to the data if they need it, and that only relevant staff within those organisations should have access to the data. Arrangements in this respect should also address any necessary restrictions on onward sharing of data with third parties. Personal data provided as part of an approved data sharing arrangement should be securely destroyed when no longer required.

Assistance to victims (Article 12)

33. When assistance to victims is provided by non-state actors, how do your country’s authorities ensure compliance with the obligations under Article 12 of the Convention, in particular when it comes to:

- a. funding;
- b. victim’s safety and protection;
- c. standards of assistance and their implementation in practice;
- d. access to medical treatment, psychological assistance, counselling and information;
- e. translation and interpretation, where appropriate?

Response

Assistance to victims is primarily provided by State bodies. However, AHTU does fund a number of Non Governmental Organisations (NGOs) to assist them in providing front line services to victims. In particular detailed Service Level Agreements are in place with Ruhama (which supports women affected by prostitution and other commercial forms of sexual exploitation) and with the Migrants Right Centre of Ireland which stipulates the conditions under which both NGOs receive the funding and the services for victims which they are expected to carry out with the said funding. In 2016 Ruhama was allocated €275,000 the Migrants Right Centre of Ireland was allocated €40,000.

The Service Level Agreements are co-ordinated in order to avoid duplication of provision of services. The Service Level Agreements set out in detail exactly what is required and expected of the respective NGO and what their obligations are in terms of reporting and also in terms of having insurance and a tax compliance certificate in place, how the grant will be paid and under what conditions and how the NGO will be audited. Each Service Level Agreement contains detailed schedule setting out the target group of the service to be provided, the objectives of the service, the expected output and outcomes, the costs involved and the reporting requirements.

In addition to funding provided directly by AHTU, funding for NGOs is also provided through the Dormant Accounts Funding (DAF) Scheme. The DAF provides that dormant funds and unclaimed life assurance policies may be disbursed for the purposes of assisting the personal, social and educational development of economically, socially or educationally disadvantaged as well as persons with a disability. In 2015 a total of €99,225 was dispersed to NGOs under the DAF Scheme. €40,000 was granted to the Migrants Right Centre Ireland (MRCI) for a project strengthening prevention and protection measures for trafficking for forced labour. Doras Luimni received a total of €43,000 for an anti human trafficking floating support project and finally Ruhama were granted €16,225 to run two training courses.

In 2016 €120,000 is being made available from the DAF Scheme to address the social, economic and educational disadvantages of victims of trafficking and persons/groups at risk of human trafficking. AHTU has invited NGOs working in the sector to make an application for funding for projects that are innovative and additional to current measures addressing the needs of victims of human trafficking or persons vulnerable to human trafficking. Projects will be expected to address the personal and social development needs of this group. These projects will be expected to have a significant impact on the lives of the participants. This new initiative will provide additional support to non governmental actors in this field who are recognised as being well placed to develop new and innovative on the ground interventions which otherwise would not be undertaken and which will greatly assist this disadvantaged group.

When victims are either encountered by either State bodies or NGOs they are provided with a wide range of victim care services by both the government and NGOs through the National Referral Mechanism. These include health services (mental, emotional, and physical care), immigration permissions, legal services, accommodation, material assistance (supplementary welfare allowance, rent), access to the labour market, vocational training and education, police services, repatriation, translation/interpretation services, and access to education for dependent children.

34. What specific measures are taken to ensure that the provision of assistance to victims of THB who have been issued a residence permit for the purpose of their co-operation in the investigation or criminal proceedings is not made conditional on their willingness to act as a witness?

Response

Suspected victims of human trafficking may be issued with temporary residence permission in accordance with the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking. In circumstances where the Minister is satisfied that the person has severed all contact with the alleged perpetrators of the trafficking, and that it is necessary for the purpose of allowing the suspected victim to continue to assist the Garda Síochána or other relevant authorities in relation to an investigation or prosecution arising in relation to the trafficking, the Minister will grant to the person concerned a temporary residence permission valid for a period of 6 months. A temporary residence permission may be granted during the recovery and reflection period, on foot of a written request to the Irish Naturalisation and Immigration Service (INIS), or following the expiry of that period as the Minister considers appropriate. A temporary residence permission will be renewed in circumstances where the Minister is satisfied that the person has not renewed contact with the alleged perpetrators of the trafficking, and it is necessary for the purpose of allowing the suspected victim to continue to assist the Garda Síochána or other relevant authorities in relation to an investigation or prosecution arising in relation to the trafficking.

Such provision of assistance to the Gardaí may or may not include acting as a witness. However the provision of a 60 day recovery and reflection period and of support services to the victim is not conditional on the victim assisting the Gardaí and does not require that the victim co-operate with the Gardaí. A victim will continue to receive mainstream social supports, and a care plan irrespective of whether they co-operate with the Garda investigation or not.

35. What accommodation is available for victims of THB (women, men and children) and how is it adapted to the victims' needs?

Response

The government offers all victims of human trafficking in Ireland free accommodation and supports. The Health Service Executive (HSE) provides these services to Irish nationals who are victims of human trafficking. For foreign nationals in the asylum system, the Reception and Integration Agency (RIA) provides accommodation (i.e. free room and board along with a small weekly stipend) in one of its 34 centres. Foreign (including EEA) nationals who are not in the asylum system, are provided with accommodation by RIA (i.e. free room and board along with a small weekly stipend) for the period pending decision as to whether the victim is to be granted a 60-day Recovery and Reflection period and during that period if/when it is granted. Accommodation facilities also include recreation services, internet, and life-skills courses as well as on-site counsellors, security, and medical/mental care providers. Victims granted 6 months (renewable) temporary residence permissions receive mainstream housing supports and social protection payments.

The second National Action Plan contains a commitment to re-examine the full range of services to victims of trafficking, including accommodation. In this regard, Initial discussions have recently taken place with RIA with a view to exploring the possibility of designating at least part of a current direct provision centre in Dublin as a dedicated accommodation unit for victims of human trafficking. AHTU together with the HSE and the Human Trafficking Investigation and Co-ordination Unit (HTICU) of An Garda Síochána will examine the feasibility of this project in more detail over the coming weeks.

NGOs do not house any human trafficking victims through the National Referral Mechanism (NRM) although they may do so independently of the NRM. In addition to the funding provided by AHTU, Ruhama has been funded by the HSE to assist human trafficking victims and provide counselling and social support and short term informal training courses and career guidance.

The Asylum Seekers/New Communities Unit of the Department of Social Protection links in with potential and alleged victims of human trafficking on exiting the RIA accommodation. It has nominated a liaison officer to link in with the Anti-Human Trafficking Team in relation to the social welfare assistance entitled to individual victims in different parts of Ireland.

Child Victims of Trafficking

At present the Child and Family Support Agency (Tusla) which was established in early 2014 has responsibility for unaccompanied minors under Section 5 of the Child Care Act 1991. All unaccompanied children (aged 18 years and under) are placed in the care of Tusla. Child victims of trafficking are notified to Tusla under the 1991 Act and a full care order is taken out providing child victims with the full protection of the State. They are allocated a professional social worker on arrival who, together with the social care staff, undertakes a multi-disciplinary assessment and oversees the implementation of an individual care plan which 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. Many children are placed in foster care. It should be noted that children who present as part of a family unit will tend to remain in the care of the parent. 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.

All services are tailored to the victim's individual needs. Ireland has specialized health and residential care facilities for male and female victims.

All young people in the care of TUSLA have a strong AMP (absence management plan), all new young people are accompanied outside of the units until a review takes place and contacts with others (phone or in-person) are strictly monitored until the agency are satisfied as to the nature of the relationship.

36. What measures are taken to ensure that services are provided to victims on a consensual and informed basis?

Response

All victims are informed of their rights and offered assistance, support and services on a consensual basis. Victims are not under any obligation to avail of services and are free to refuse assistance if they so wish.

37. Is there any follow-up provided after the termination of assistance programmes? Can victims continue to receive assistance, where necessary and taking into account their specific needs resulting from the type of exploitation (including the removal of organs), after the termination of criminal proceedings, and if so what type of assistance?

Response

Access to mainstream social service supports may be provided in such instances.

Recovery and reflection period (Article 13)

38. Please specify in which cases a recovery and reflection period can be granted and who is entitled to it (nationals, foreign nationals). Please describe the procedure for granting a recovery and reflection period, the assistance and protection provided during this period, and any difficulties encountered in practice.

Response

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking have been in place since June 2008. Under the administrative arrangements victims who do not have subsisting immigration permissions are provided with a 60-day period of recovery and reflection and a 6 months period of temporary residence which may be renewed. Alleged victims of trafficking are given temporary relief from deportation, pending an investigation into their claims as part of the Administrative Arrangements. This temporary protection can evolve into a permanent residency status in Ireland. Residency benefits are not linked to the successful outcome of a human trafficking prosecution in Ireland. Furthermore, the Justice Minister has stated that possible victims of human trafficking will not be removed from Ireland while an investigation into their circumstances is taking place. An Garda Síochána may request an extension of a temporary residence permission by writing to INIS directly and extensions are granted within 24-48 hours.

The administrative arrangements apply where a foreign national is identified as a person suspected of being a victim of human trafficking and the Minister for Justice and Equality is required to consider that person's immigration status in the State. The document sets out the process whereby such a person may be granted a period of recovery and reflection in the State and may also, in certain circumstances, be granted one or more periods of temporary residence in the State.

In accordance with the Administrative Arrangements, a member of An Garda Síochána not below the rank of Superintendent in the Office of the Garda National Immigration Bureau (GNIB) must make an assessment as to whether there are reasonable grounds for believing that a person is a suspected victim of the crime of human trafficking under the Criminal Law (Human Trafficking) Act 2008. In doing so, An Garda Síochána applies the model recommended by the IOM which acknowledges that the screening process to determine if a person is a victim of trafficking consists of two stages. The first is an assessment of the varying indicators that can be evaluated before an interview can take place, followed by a detailed interview with the individual. An Garda Síochána is sensitive to the needs of the individual during this process and such persons are also entitled to avail of the full range of services (i.e. accommodation, medical and legal). Such persons will not be removed from Ireland during this process.

The Administrative Arrangements only apply where a foreign national is identified as a person suspected of being a victim of human trafficking and the Minister for Justice and Equality is required to consider that person's immigration status in the State, i.e. where that person has no other permission to remain in the State. It is a fundamental principle of the immigration system that permission to remain in the State is binary. A person either has a permission or does not and it is not possible to have two permissions at the same time. Therefore, applicants for international protection already have permission to remain in the State under Section 16 of the International Protection Act 2015 and a temporary residence certificate in accordance with Section 17 of this Act.

Having regard to the free movement rights of EEA nationals, such nationals do not require an immigration permission to facilitate a period of recovery and reflection nor do they require a temporary residence permission.

In 2015, 5 people were granted a 60 day recovery and reflection period and a further 6 people were granted 6 months Temporary Residence Permission without a period of R&R as they did not require it. 28 people were granted 6 months temporary residence permission.

The place and role of the Recovery and Reflection period is being considered in the context of the review of the overall identification process.

Residence permit (Article 14)

39. If there is a provision in your country's law that provides for the possibility of issuing a residence permit owing to the victim's personal situation, how is this interpreted in practice? Please provide examples.

Response

Under the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking, persons who have no legal basis to remain in the State may be granted a 60 day recovery and reflection period and/or a 6 month renewable 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 also include a procedure to allow a person to 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 investigations/prosecution is complete.

Under Section 3 of the Immigration Act 1999, in determining whether to make a deportation order in relation to a person, the Minister shall have regard to, inter alia, humanitarian issues and/or any representations duly made by or on behalf of the person.

40. When a residence permit is issued for the purpose of co-operation with the competent authorities, how is "co-operation" interpreted and what does it consist of in practice?

Response

Under the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking, persons who have no legal basis to remain in the State may be granted a 60 day recovery and reflection period and/or a 6 month renewable 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 also include a procedure to allow a person to 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 investigations/prosecution is complete.

"Co-operation" with or "assistance" to An Garda Síochána is not defined in the Administrative Arrangements. In practice cooperation is given a broad understanding and does not, for example, require the giving of formal witness statements for prosecutions etc.

41. What measures are taken to ensure that a residence permit is provided to victims of THB in compliance with the obligation under Article 12.6, which states that the assistance to a victim of trafficking should not be made conditional on his or her willingness to act as a witness?

Response

Services are provided to victims from their first encounter with either State or non Governmental Organisations. The provision of such services is not dependent on the victim's willingness to act as a witness. Under the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking, persons who have no legal basis to remain in the State may be granted a 60 day recovery and reflection period and/or a 6 month renewable 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 also include a procedure to allow a person to 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 investigations / prosecution is complete.

Compensation and legal redress (Article 15)

42. Please indicate any measures taken since the first evaluation report to promote effective compensation of victims of THB, in particular when it comes to:

- a. access to information on the relevant judicial and administrative proceedings in a language the victim can understand;
- b. access to free legal assistance and legal aid during investigations and court proceedings;
- c. compensation from the perpetrator;
- d. compensation from the state;
- e. compensation for unpaid wages to victims of trafficking.

Please provide examples of compensation awarded and effectively provided to victims of THB.

Response

The Legal Aid Board (LAB) provides legal assistance and advice to potential and suspected victims referred to them by An Garda Síochána, from the initial point of contact with An Garda Síochána, on the options open to them including their right to compensation both criminal and civil.

There are a number of methods of obtaining compensation currently available to victims of crime in Ireland. There is a general power in Irish legislation which allows a court to order the payment of compensation to a victim. Section 6 of the Criminal Justice Act 1993 sets out the power of the Court to order the offender to pay compensation to an injured party. Section 6 states that on conviction of a person for an offence, the court may make a compensation order requiring that person to pay compensation in respect of any personal injury or loss resulting from the offence, or any other offence taken into consideration by the court in determining sentence, to any person who has suffered such injury or loss. When calculating the amount of compensation to be paid consideration is given to the means of the perpetrator and should not be more than would be awarded in a civil action. This compensation is not paid into the court but is dealt with by the Garda Síochána.

Suspected victims of trafficking may also take a civil action to obtain damages. These can be taken under a variety of legislative or common law rules which may relate to an employment situation or personal injuries, e.g. sexual assault, false imprisonment, kidnapping and other offences. The amount of compensation is dependent on the court in which the case is heard. The District Court can make awards up to €6,348.69 in damages, the Circuit Court can make awards up to €38,092 in damages and the High Court has unlimited power to award damages.

Persons who have been trafficked for the purposes of labour exploitation can seek legal redress and compensation through a number of State bodies which deal specifically with work related rights and entitlements. These include the Employment Appeals Tribunal (EAT), the Labour Relations Commission (LRC), the Labour Court and the Equality Tribunal. There are no fees charged for claims taken to the aforementioned employment rights bodies nor is it necessary to be legally represented at hearings.

Compensation is also available through the Criminal Injuries Compensation Tribunal which administers a scheme called the Scheme of Compensation for Personal Injuries Criminally Inflicted. The scheme is funded by the Department of Justice and Equality. No legal representation is necessary when applying for compensation and normally applicants do not

need to come before the Tribunal in person. The scheme pays compensation for expenses and losses (out of pocket expenses and bills) suffered as a direct result of a violent crime or while assisting or trying to assist in preventing a crime or saving a life. There is a time limit of three months between the crime and making a claim to the Tribunal. However, this time limit may be extended if the victim can provide a reasonable explanation for the delay. A report from An Garda Síochána is required to progress the application for compensation. It is important therefore, that the crime is reported as quickly as possible. The amount of compensation paid can vary for a number of reasons including the amount of social welfare or salary received while on sick leave, if applicable and the amount of compensation paid on behalf of the assailant. The type and extent of injury the victim receives is also important in determining the amount of compensation awarded to the victim. No compensation is paid if the loss is a very small amount, if the claimant and the author of the crime were living together as part of the same household when the injury happened and no compensation is paid for the pain and suffering experienced by the victim.

The Criminal Injuries Compensation Tribunal Scheme has been designated by the State as a “cash-limited grant scheme”. This means that the Tribunal has no capacity or authority to pay out more funds in any one year than has been voted by the Dáil, (Irish Parliament). Thus, if the Tribunal’s funding becomes exhausted before the end of a financial year it has to wait until the next financial year, when it is again put in funds, before making any further payments to applicants.

The Tribunal compensates victims based on loss of earnings and expenses. When calculating the amount of compensation to be awarded, a victim may be asked to provide evidence to demonstrate their previous earnings. In situations where this is not appropriate, for example in the case of a student, then consideration is given to the potential future earnings of the victim which may be calculated on the basis of their exam results. In some cases where the claimant is a foreign national then consideration may be given to their earnings or educational achievements in their country of origin.

The type and extent of the injury the victim receives is also important in determining the amount of compensation awarded to the victim. These types of injury can be divided into three different categories

(i) Personal Injuries with Short-Term Effects.

The victim will be paid for their actual loss of earnings, actual medical expenses (including dentist's expenses), reasonable travelling expenses (e.g., going to and from the doctor), medication and eyeglasses.

(ii) Personal Injuries with Long-Term Effects

The victim will be paid for their estimated future loss of earnings, estimated future medical expenses, estimated future expenses as a result of the disability (e.g., future care or special equipment) and estimated future loss of earning potential.

(iii) Death of the Victim due to Criminal Injury

The family of the victim will be paid the actual loss of earnings and expenses that may have been incurred before the death, future loss of support or maintenance for anyone who was dependent on the victim, funeral and burial expenses and mental distress money for immediate family members.

When awarding compensation to victims who are minors (-18 years old) the Tribunal may decide to invest the money until the victim is 18 years.

In November 2014, 3 Filipina domestic workers were awarded €80,000 each by the Employment Appeals Tribunal on the basis of an unfair dismissals claim they took against the United Arab Emirates Ambassador to Ireland and his wife. Neither the Ambassador or his wife

were represented at the Tribunal hearing where the 3 women alleged that they worked 15 hours per day, seven days per week for €170 per month (roughly €2 per hour) and that they were constantly on call, their passports were taken and they never had a day off. The 3 women have received support under the National Referral Mechanism. The Ambassador and his wife have returned to the UAE.

Legal Assistance

A specialist unit within the Government's Legal Aid Board (LAB) provides legal assistance to victims to help with ongoing cases, asylum issues or a range of other legal issues as needed. Victims are referred to the LAB at their first encounter with An Garda Síochána. (It is not the case that victims only receive legal support when they are formally identified.) In the reporting year, (1 January 2015 to 31 December 2015) there were 24 new human trafficking registrations with the LAB and their cases are ongoing. 14 are female, 10 are male; 9 relate to sexual exploitation, 7 to labour exploitation, 7 to forced criminality and 1 to forced criminality and sexual exploitation. 23 are adults, 1 is a minor. The LAB provides free legal advice to the alleged victims of trafficking. Victims may decline these services; in some cases they may already have access to appropriate legal support.

43. What specific measures are taken to make available the assets of traffickers to provide compensation (for example, effective financial investigations resulting in seizure of assets of perpetrators with the view to their confiscation)?

Response

In our wider criminal law, there is comprehensive legislation covering seizure and confiscation of instrumentalities, including the following:

Criminal Justice Act 1994:

- Section 9(1): Conviction based confiscation for persons "sentenced or otherwise dealt with" for offences as provided therein;
- Section 61: forfeiture of instrumentalities of crime;
- Section 24(9): Seizure of property to prevent removal from the State;
- Section 38: A Garda (police officer) or officer of the Revenue Commissioners may seize cash representing proceeds of crime or where reasonable grounds for suspecting that it indirectly represents the proceeds of crime or is intended by any person for use in any criminal conduct; and
- Section 39 provides for forfeiture.

In addition, Ireland has proceeds of crime legislation (civil forfeiture):

Proceeds of Crime Acts 1996 and 2005: These are equivalent to confiscation. They enable seizure and disposal of property obtained through criminal conduct - (civil standard of proof) – without the necessity of a criminal conviction.

The Criminal Assets Bureau (CAB) was established in 1996. The Bureau's statutory remit is to carry out investigations into the suspected proceeds of criminal conduct.

CAB identifies assets of persons which derive, (or are suspected to derive), directly or indirectly from criminal conduct. It then takes appropriate action to deprive or deny those persons of the assets and the proceeds of their criminal conduct. The legal basis for this action is the Proceeds of Crime Act 1996, as amended by the 2005 Act, and Social Welfare and Revenue legislation.

CAB uses a multi-agency, multi-disciplinary partnership approach in its investigations into the suspected proceeds of criminal conduct, drawing its staff from An Garda Síochána, the Revenue Commissioners, the Department of Social Protection and the Department of Justice and Equality. It works closely with international crime investigation agencies, and has successfully targeted proceeds of foreign criminality from countries such as the US and the UK.

CAB also works with international bodies such as the European Commission and Camden Assets Recovery Inter-agency Network (CARIN). CARIN is an informal network of law enforcement agencies, who share knowledge and information on how to trace assets in a member's country. Significant benefits accrue in the international arena from this multi-agency approach.

A significant feature of the work of CAB is the civil non-conviction based approach it applies in targeting the proceeds of crime. Ireland is one of a small number of countries who have adopted this approach and the CAB model is widely regarded, both nationally and internationally, as good practice in this field.

Part 4 of the Criminal Justice (Mutual Assistance) Act 2008 provides for freezing, confiscation and forfeiture of property, including freezing and enforcement of co-operation orders, and methods for dealing with "external confiscation orders" etc. ("Property" includes (inter alia) instrumentalities or objects of an offence.)

The Criminal Justice (Mutual Assistance) Act 2008 provides for the confiscation and seizure of assets which are proceeds of crime, based on freezing or confiscation orders issued by a court in this State (where the assets are located abroad) or in another state (where the assets are located in Ireland).

44. Is there a possibility for victims of THB to claim damages and compensation in the country of destination after their return to the country of origin? Please provide any relevant examples.

Response

Victims of trafficking may still initiate a civil claim for damages and compensation from their country of origin.

Being a foreign national does not exclude a victim from making an application to the Criminal Injuries Compensation Tribunal. However, the Tribunal would need to discuss this matter further if the person in question was not legally resident in the country, although it would also take into consideration the fact that the victim was trafficked into the country.

Repatriation and return of victims (Article 16)

45. What steps are taken to ensure that the return of victims of THB from your country to another country is carried out preferably voluntarily and in full observance of the duty to ensure their rights, safety and dignity, including the obligation not to return a person to a country where his or her human rights are at risk of being violated (*non-refoulement* principle)? How is risk assessment carried out when deciding upon return and repatriation of victims of THB? What is the procedure and what are the modalities of co-operation with the authorities of the receiving state?

Response

Under the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking, the Minister will make arrangements to facilitate a person in returning to his or her country of origin at the end of any period of residence granted under the Administrative Arrangements or before that period expires if the person so wishes. Assistance in this regard can also be arranged through the offices of the International Organisation for Migration.

IOM Ireland provide a Voluntary Return programme for those who wish to return home voluntarily but do not have the means, including the necessary documentation, to do so. (www.ireland.iom.int) IOM Ireland can assist with obtaining the necessary travel documentation, as well as covering the financial costs of the travel from Ireland to the country of origin. In addition, a small reintegration grant is available to all returnees to help cover the costs of an income generating activity, such as education; professional training and/or business set-up.

46. Has any victim of trafficking who is a citizen or permanent resident of your country been returned against their will? If yes, what steps, if any, were taken to assist them after their return?

Response

No

Corporate liability (Article 22)

47. Have there been any developments in your country's law regarding corporate liability for THB offences? Does corporate liability apply to legal persons involved in THB for the purpose of forced labour or services, including by their sub-contractors throughout the supply chain? Please provide examples of any relevant cases and the sanctions imposed.

Response

The Criminal Law (Human Trafficking) Act 2008 contains a provision dealing with offences by bodies corporate. Section 6 of the Act provides that where an offence under the Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Aggravating circumstances (Article 24)

48. Have there been any prosecutions and convictions for THB with the aggravating circumstance of involvement of public officials in the exercise of their functions? Please provide any relevant examples.

Response

No public officials have been investigated, prosecuted or convicted for involvement in trafficking or trafficking related activities.

Section 2 of the Criminal Law (Human Trafficking) (Amendment) Act 2013 provides that trafficking offences committed by a public official during performance of his/her duties is determined as an aggravating factor and attracts a sentence that is greater than what would have been imposed in the absence of such a factor (except where the sentence imposed was life imprisonment or where the court considers that there are exceptional circumstance justifying its not doing so).

Non-punishment provision (Article 26)

49. Is the non-punishment provision incorporated in law and/or prosecution guidelines? If so, please provide the relevant texts. Please give details, including references to case law where relevant, of cases where the non-punishment principle has been applied and the outcome of such cases.

Response

The Office of the DPP has issued guidelines for prosecutors outlining this prosecutorial discretion, particularly in cases where the suspect may be themselves a victim of crime. The Guidelines state that in assessing whether the public interest lies in commencing or continuing with a prosecution, a prosecutor should exercise particular care where there is information to suggest that the suspect is a victim of crime. The Guidelines use as an example a hypothetical case where it is suggested that the suspect is a victim of human trafficking. The Guidelines state that such a person may be suspected of a range of offences from breaches of immigration law to offences relating to prostitution. In a case where there is credible information that a suspect is also a victim of crime, the prosecutor should consider whether the public interest is served by a prosecution of the suspect.

The High Court decision in *P v Chief Superintendent GNIB, DPP, IRE & AG*, delivered on 15 April 2015 is relevant in regards to the application of Article 26 of the Convention. This judgment does not however change the current position that status as a victim of human trafficking is not a bar to prosecution. Judge O'Malley noted at paragraph 177 that:

"If such an application [for victim status] is successful, the person concerned does not gain any automatic right not to be prosecuted or to be granted bail in the event of prosecution, but as a matter of reality his or her position in relation to these issues would improve significantly."

At paragraph 200, the Judge states:

"In the circumstances of a case such as this, there are two further interests to be considered, being the interest of the State in investigating and potentially prosecuting an applicant for criminal activities and the interest of the applicant as a suspect or accused person. The Directive enjoins the State to provide for prosecutorial discretion but does not require a particular outcome. It does not, therefore, confer an enforceable right on a victim of trafficking not to be prosecuted. It does however confer a right to "assistance and support" to persons recognised as victims, whether or not they are prosecuted."

Ex parte and ex officio applications (Article 27 in conjunction with Article 1.1.b)

50. Does your country's law provide for the possibility of investigating a THB case in your country if the offence was committed on your territory, but the complaint was submitted in the country of residence of a foreign victim of THB? Please provide any relevant examples.

Response

Yes this is provided for in the laws of Ireland.

International Police Co-Operation is carried on through the Interpol Channel whereby An Garda Síochána has the facility to send and receive information from other Police Forces throughout the world who are members of Interpol.

Evidence can be transferred by An Garda Síochána and transferred to An Garda Síochána. Under the provisions laid down in the Criminal Law (Mutual Assistance) Act 2008.

This has happened on a number of occasions with regard to human trafficking investigations.

In 2014 the National Crime Agency in the United Kingdom alerted An Garda Síochána about allegations of alleged serious offences including human trafficking which allegedly occurred in Ireland. The victim in this case, an African woman, is currently in the United Kingdom and is being cared for there by a non-governmental agency. The alleged offences include sexual and labour exploitation. As a result of the transfer of information from the United Kingdom to Ireland, An Garda Síochána initiated an investigation into two identified suspects in this case. During the course of this investigation An Garda Síochána are continuing to liaise with the National Crime Agency in the United Kingdom on a regular basis and are progressing their investigation with the assistance of the United Kingdom authorities. This investigation which commenced in 2014 is continuing. As a result of trauma suffered by the victim, progress is slower than anticipated, however the victim is receiving the appropriate care and attention in the United Kingdom. Investigators from An Garda Síochána have travelled to the United Kingdom and met with the victim. Information has been shared on a police to police basis between the two jurisdictions and an application for a mutual assistance request has been made from Ireland to the United Kingdom under the Criminal Law (Mutual Assistance) Act 2008 for the transfer of evidence from the United Kingdom to Ireland. This is an ongoing investigation.

51. Please describe the measures taken in your country to ensure compliance with the obligation of effective investigation into THB cases, in particular as regards:

a. setting up specialised investigation units and the number of staff involved;

The Human Trafficking Investigation and Co-ordination Unit (HTICU) in An Garda Síochána has particular expertise in regard to trafficking in human beings. In January 2009 the Garda Commissioner established the Human Trafficking Investigation and Co-ordination Unit (HTICU). In March 2015, the Garda Commissioner established a new Division entitled the Garda National Protective Services Bureau, a bureau that has a particular emphasis on victims and the needs of victims of crime. The HTICU is part of the Garda National Protective Services Bureau. This

Bureau is currently driving the programme to incorporate the requirements of the Victims Directive 2012/29/EU.

The HTICU is now under the operational command of the Detective Chief Superintendent, Garda National Protective Services Bureau.

The role of HTICU is to provide advice, support and where necessary operational assistance to investigations undertaken at District level as well as conducting investigations into human trafficking. It also deals with policy issues with regard to human trafficking and interacts on behalf of An Garda Síochána with the Anti Human Trafficking Unit (AHTU) which is based at the Department of Justice and Equality. Provision of training on a national basis is another function this Unit fulfils as well as international liaison and representation with organisations such as Europol and Interpol.

An Garda Síochána is currently in the process of establishing Protective Services Units in Garda Divisions throughout the country. This will provide a high level of expertise in dealing with victims at a Divisional level. These units will work closely with the Garda National Protective Services Bureau, and in human trafficking cases, with the Human Trafficking investigation and Co-Ordination Unit.

- The Anti-Human Trafficking Unit 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, 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
- 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 who assist those who have been granted temporary residency (renewable) in transiting from accommodation provided by the State's Reception and Integration Agency to mainstream services.
- The Office of the Director of Public Prosecutions, who is independent in the exercise of her functions, has a specific unit who deal with cases referred to them by An Garda Síochána with a view to initiating a prosecution.

b. exchange of information with, and obtaining evidence from, other parties;

From a policing perspective, the Interpol/Europol and Mutual Legal Assistance Channels are utilised for sharing and exchange of information and obtaining evidence from other parties.

A representative from the Human Trafficking Investigation and Co-Ordination Unit sits on an Organised Crime Task Force (OCTF) Immigration and Human Trafficking Sub-Group which meets in Belfast, Northern Ireland on a quarterly basis. This group involves consultation between representatives from the Northern Ireland and the Republic of Ireland administrations. This allows for regular analysing and sharing of information between the Police Service of Northern Ireland and An Garda Síochána.

Ireland joined the current EU Cycle 2014 – 2017 EMPACT Group for Human Trafficking. The EMPACT Group meets at Europol in The Hague and is the Multidisciplinary Platform against Criminal Threats. It is part of the intelligence led policing approach to tackling organized crime, identifying priorities and establishing an international teamwork approach to bring down criminal groups that threaten the security of the European Union. EMPACT priorities have been selected by the Council of Europe. Human Trafficking is one of these priority areas. Ireland continued to be a member of and contributed to the activities of this Group in 2015 as part of the co-ordinated European Union approach to combat human trafficking.

Ireland is a member of Interpol which facilitates the exchange of information between Police Forces throughout the world. An Garda Síochána regularly uses the Interpol Channel to share information with and to receive information from other jurisdictions throughout the world with regard to human trafficking investigations.

Under the Data Protection Acts in Ireland, information can be shared and obtained from various parties where it is believed to be required for the purpose of preventing, detecting or investigating criminal offences including human trafficking.

c. use of special investigative techniques (such as informants, cover agents, wire-tapping, controlled deliveries), with an indication of how their use is regulated and whether they can also be applied in cases not related to organised crime;

In order to effectively tackle crime and criminality, it is sometimes necessary for An Garda Síochána to employ covert methods of intelligence gathering. This is particularly so in relation to the management and handling of Covert Human Intelligence Sources (CHIS). These activities are conducted with high standards of integrity, ethically, and in a secure and professional manner. Authority to recruit, handle and manage these CHIS will only be given by the Assistant Commissioner at Crime and Security at Garda Headquarters. These CHIS are strictly managed in accordance with a well established Code of Practice within An Garda Síochána. This term CHIS is all embracing to incorporate three distinctly separate but related categories of person who provide information to police, i.e. – casual contacts, informants and agents. An Garda Síochána has a duty to protect the identity of a CHIS and as such a duty of care to individuals. The handling of informants under CHIS is overseen by a High Court Judge in Ireland.

The Criminal Justice Surveillance Act 2009 applies and controls surveillance carried out by An Garda Síochána. Members of An Garda Síochána are authorised to carry out surveillance in accordance with the provisions of this Act for serious offences including human trafficking.

d. investigation of THB offences committed through the Internet, including the possibility of blocking websites which are used to facilitate the recruitment of trafficking victims or the dissemination of child pornography;

In relation to the investigation and prevention of crimes of trafficking and child pornography/exploitation, a dedicated Unit at the Garda National Protective Services Bureau, the Paedophile Investigation Unit has the national remit to investigate/prevent crimes on this nature that occur on the Internet, the role of the Unit is defined as

- Enforcement of the provisions of the Child Trafficking and Pornography Act, 1998.
- Investigation and co-ordination of cases relating to the possession, distribution and production of child pornography, and any related sexual abuse of children.
- Proactive investigation of intelligence concerning paedophiles and their use of technology.
- The online targeting of suspects for the production, distribution, and possession of child abuse images on the internet.

The Unit also lends its expertise to investigations which include Child/ Adult Trafficking, Cyberbullying, live streaming cases, travelling Sex Offenders and extortion cases with an online. The Unit lends assistance to other Units within GNPSB in their investigations.

The Unit actively deals with internet service providers to block websites that distribute Child Pornography and utilises the Interpol Worst of List to establish a base of blocked sites. Other services providers that operate out of Ireland like Google utilise their own lists for redirection when persons within Ireland seek out Child Abuse Material. Currently alongside the Office of Internet Safety within the Department of Justice the Unit is endeavouring to bring all service providers operating within our jurisdiction to adopt the Worst of List in blocking.

e. financial investigations to disrupt criminal money flows and ensure asset recovery;

Ireland has the legal framework to use financial investigations to disrupt criminal money flows and facilitate asset recovery. The Criminal Assets Bureau (CAB), a statutory body set up in 1996, enjoys extensive powers to target criminal assets and ask the court to freeze them prior to conviction. The Bureau's statutory remit is to carry out investigations into the suspected proceeds of criminal conduct. CAB identifies assets of persons which derive, or are suspected to derive, directly or indirectly from criminal conduct and takes appropriate action to deprive or deny those persons of the assets and the proceeds of their criminal conduct. The legal basis for this action is the Proceeds of Crime Act 1996, as amended by the 2005 Act (which allows CAB to target assets from crimes committed abroad), and Social Welfare and Revenue legislation. CAB also works with international bodies such as the European Commission and Camden Assets Recovery Inter-agency Network (CARIN), an informal network of law enforcement agencies who share knowledge and information on how to trace assets in a member's country. All seized assets go to the central Exchequer. CAB has been active in a number of human trafficking investigations.

An Garda Síochána have also built partnerships with private monies transfer companies with a view to combating the financial flows emanating from human trafficking.

In 2015 Ireland were part of and contributed to Eurojust and Europol initiatives regarding financial investigations and human trafficking. A number of conferences were held at Eurojust and Europol and focusing on the financial aspect of human trafficking continues to be a priority for Ireland.

In 2015 two members of the HTICU were trained in Financial Investigative Techniques.

f. use of joint investigation teams (JITs)?

To date Ireland has not participated in Joint Investigation Teams (JITs) but has used the Mutual Assistance and Interpol/Europol channels to co-operate in investigating human trafficking offences with other countries.

The use of JITs is currently under consideration by the authorities in Ireland.

52. Have you had any cases or suspected cases of THB for the purpose of the removal of organs? How did investigations take place in such cases and what special investigation techniques were used?

Response

No this phenomenon has not been seen by the authorities to date in Ireland.

Protection of victims, witnesses and collaborators with the judicial authorities (Article 28)

53. What measures are taken to protect victims, witnesses and NGOs assisting victims during criminal proceedings from potential retaliation or intimidation during the investigation and during and after the criminal proceedings? In how many cases have special protection measures been used in respect of victims and witnesses of THB? Please specify any difficulties in providing victim/witness protection and creating a safe environment for their participation in investigations and court proceedings.

Response

There are a number of protection measures in place designed to protect suspected victims and witnesses during the criminal justice process. These include legislative provisions and the crime prevention advice offered to all potential and suspected victims.

Section 41 of the Criminal Justice Act 1999 creates offences which are aimed at protecting victims of crime, those who report crime, witnesses who give testimony concerning criminal offences and families of victims and witnesses from retaliation and intimidation. An Garda Síochána provides measures to protect people who fall into these categories. The risk or perceived risk is assessed and protection measures commensurate with the risk involved are put in place. 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 said person's family. The offence is punishable upon indictment by a fine or a term of imprisonment of up to ten years.

Since 1997, the 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 WSP is available to persons where the risk is deemed to require it. The effectiveness of the

legislative provisions, as they relate to trafficking cases, is monitored on an ongoing basis. Discussions in the existing consultative fora are helping to identify any issues which may arise on the ground in relation to these provisions.

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.

Section 10 of the Criminal Law (Human Trafficking) Act, 2008 provides for exclusion of members of the public from court proceedings to protect witnesses and victims willing to testify. It gives the Judge power to exclude persons from the court (other than officers of the court, persons directly concerned in the proceedings and such other persons as the Judge may determine), during proceedings for trafficking related offences. This measure serves to limit publicity in cases where persons are alleged to have been trafficked in circumstances where publicity might place them and/or their families at risk. It is intended to protect trafficked persons, who can be very vulnerable and traumatised, from the traffickers and their criminal associates who may wish to harm the victims or prevent them from giving evidence.

Similarly, Section 11 provides for a guarantee of anonymity of alleged victims of trafficking unless the judge fully or partially waives anonymity in the interests of justice. Failure to provide for anonymity could have serious consequences for an alleged victim, affecting social and psychological recovery, or even physical security. Consequently, any person who, contrary to a Court direction, publishes or broadcasts any information likely to enable an alleged victim to be identified is liable upon conviction on indictment to a fine, or imprisonment for a term of up to 10 years, or both.

Section 12 of the 2008 Act amends the Criminal Evidence Act 1992 to allow an alleged victim of trafficking 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.

In 2010 an advisory note was issued by the Press Ombudsman and the Department of Justice and Equality Press Office reminding the media that when covering court cases they should abide by the legislative provisions in relation to the protection of the identity of victims of trafficking.

54. What other measures are taken to promote the participation of victims and witnesses in criminal proceedings and to give testimonies which accurately reflect their experiences and assist courts in establishing the truth? Can a victim of THB be assisted by a social worker, psychologist and/or NGO representative during the investigation and court hearings?

Response

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 Criminal Law (Human Trafficking) (Amendment) Act 2013 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.

Victims are given information and advice by the Legal Aid Board as to how a criminal case will be conducted. The Legal Aid Board also provides legal representation to victims of sexual offences in criminal prosecutions where an application is made to the Court to adduce evidence about or cross-examine the complainant's past sexual history.

Jurisdiction (Article 31)

55. Please outline the measures taken by your country to establish and exercise jurisdiction over the offences set out in the Convention, in particular with regard to offences committed outside the jurisdiction of the state (including in cases where your national is a victim of THB committed abroad).

Response

The Criminal Law (Human Trafficking) Act 2008 contains provisions relating to the jurisdiction of offences. Section 7 provides for extra-territorial jurisdiction where an Irish citizen or person ordinarily resident in the State commits a trafficking offence outside the State. Extra-territorial jurisdiction also applies where a person commits an offence against an Irish citizen in a place other than in the State.

The Sexual Offences (Jurisdiction) Act 1996 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 are a maximum of 5 years imprisonment on conviction on indictment.

International co-operation (Article 32)

56. Please provide examples of international co-operation initiatives with other states in preventing and combating THB, as well as an assessment of the impact of such initiatives, including any difficulties you have experienced in this area. Please also indicate any bilateral or multilateral agreements concluded by your country concerning mutual legal assistance and how such assistance is provided in the absence of an agreement.

Response

A pan-European operation to combat trafficking in human beings from West Africa coordinated by Europol was carried out by law enforcement agencies in fourteen European countries including Ireland on 11/12 June 2014. As part of the operation places of prostitution were checked in Austria, Belgium, Denmark, Germany, Luxembourg, The Netherlands, Portugal, Spain, Sweden, Czech Republic and Ireland. Checks were also conducted in Ireland at airports and ports. During the course of searches in Ireland evidence of human trafficking including

evidence of the movement of money believed to be the proceeds of crime was found. In Ireland, two human trafficking Organised Crime Groups were targeted. Two persons of Nigerian origin were arrested for human trafficking related offences in relation to the suspected trafficking of seven Nigerian persons into Ireland, all of whom were considered victims of human trafficking.

A further operation targeting a criminal group involved in organised prostitution, brothel-keeping and other associated criminal activity was carried out by An Garda Síochána on 4/5 December 2014 in close cooperation with Europol as part of an initiative against mobile organized crime groups active throughout Europe. An Garda Síochána searched a total of 22 premises including apartments and houses at locations in Letterkenny, Dundalk, Clonmel, Waterford, Cavan, Mullingar, Limerick, Ballina, Ennis, Newbridge and Cork along with 11 locations in the Dublin area. During the searches, Gardaí seized documentation, mobile phones, computers and money. A number of women present at these locations were interviewed by Gardaí and offered support and advice. A man arrested on suspicion of money laundering was released without charge pending a file to the Director of Public Prosecutions.

Ireland co-operated in a number of human trafficking related investigations which had an international dimension in 2015. Human trafficking related enquiries involving an input from Interpol and Europol are carried out by An Garda Síochána on a regular basis. The mutual assistance channel is utilised by An Garda Síochána for this purpose on a regular basis also. Specific examples of such co-operation include the following:

- An Garda Síochána continues to work with the Romanian Authorities with regard to an investigation into suspected human trafficking for forced labour. These cases involve the recruitment of Romanian nationals in Romania who are being trafficked to Ireland and exploited for their labour while working in car washes in a number of different locations in Ireland. This investigation is continuing and enquiries are being co-ordinated through the Romanian Police Attaché based at the Romanian Embassy in Dublin. An Garda Síochána are utilizing a number of other State Agencies including the Workplace Relations Commission to further this investigation. As a result of these investigations 11 Romanian people suspected of being victims of human trafficking have been rescued and have received the support of the State Services and NGO's. A number of suspects have now been arrested and files are being prepared for the directions of the Director of Public Prosecutions.
- The National Crime Agency, UK has alerted An Garda Síochána to allegations of serious offences which occurred in Ireland over a number of years. The victim in this case, an African woman, is currently in the UK and being cared for there by a non-governmental agency. The alleged offences include sexual and labour exploitation. An Garda Síochána have initiated an investigation into the two suspects in this case under the Criminal Law (Human Trafficking) Act 2008. The main suspect in this investigation is now a naturalized Irish Citizen. He is a professional man and his wife is also a suspect for physically abusing the victim. An Garda Síochána continue to liaise with the National Crime Agency in the UK on a regular basis and are progressing their investigation with the assistance from the UK authorities. This investigation which commenced in 2014 is continuing. As a result of trauma suffered by the victim, progress is slower than anticipated.
- A request from the Slovakian Authorities through Europol that a 17 yr old Slovakian girl had been trafficked into Ireland was the catalyst for a human trafficking investigation in Portlaoise, Co Laois in July 2015. Following an urgent investigation the 17 yr old girl was rescued in the Portlaoise District. She was taken into care where she received help and support of TUSLA, the child care agency. It was revealed that her brother sold her for €300 in Slovakia. It was the intention of her traffickers to force her into a marriage with an

older man. When she refused to take part in the marriage she was held prisoner at the premises where the Gardaí found her. Three suspects were identified, all were arrested and interviewed and a file is being prepared in this case.

- The Human Trafficking Investigation & Co-Ordination Unit is currently investigating the claims of a transgender person who claims they were trafficked into Ireland for sexual exploitation. It is alleged that this person was forced into prostitution. A suspect who is from Brazil has been identified but is not believed to be in Ireland at the moment. The investigation however is continuing and the HTICU is currently conducting investigations alongside the Brazilian Authorities through the Interpol Channel in an effort to progress this case.
- Operation ETUTU: Ireland is part of the Europol EMPACT group on Human Trafficking. This group contains representatives from EU Member States and is co-ordinated through Europol in The Hague. Ireland joined this project in early 2014. This project was set up to combat human trafficking from West Africa into the EU. During the course of 2015 further meetings were held in relation to this project which included planning for a European Day of Action in 2016 and the development of a manual of best practice on how to deal with human trafficking involving Nigerian Organised Crime. As part of the activities during 2015 the Irish delegate along with delegates from other European Member States met with the Head of NAPTIP with a view to further enhancing co-operation between European Union Members States including Ireland and Nigeria.
- A Nigerian woman is currently awaiting Trial for organising prostitution and trafficking an illegal immigrant into Ireland. This Trial is due to take place on 27th June 2016. Currently and as part of this overall investigation the Human Trafficking Investigation & Co-Ordination Unit are conducting enquiries through the Interpol channel with Switzerland, United States and the United Kingdom.
- The Human Trafficking Investigation and Co-Ordination Unit have been investigating a Brazilian OCG who has been involved in bringing young Brazilian women to Ireland for the purpose of being involved in prostitution. These investigations have identified 4 suspects and 8 suspected victims. All of the victims continue to receive both the services of the State and support from NGO's. Investigations are continuing into the activities of this OCG.
- Operation Grof is an investigation in which Ireland is working with the authorities from the Czech Republic into human trafficking for sexual exploitation. This investigation is being co-ordinated through Eurojust and a number of co-ordination meetings have taken place at this stage. As a result of close co-operation with the Czech Authorities through the Europol Channel one victim of human trafficking was rescued from premises in Monaghan. Five suspects have been identified and these suspects are moving between Ireland, United Kingdom and the Czech Republic. Investigations into this matter are continuing led by a specialist unit targeting sham marriages in Ireland codenamed Operation Vantage.

Other International Activity is as follows::

- Santa Marta Group – North Atlantic Fisheries Project. The Santa Marta Group 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. This

group was set up as a result of a Papal initiative in 2014. 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 which is currently working together as part of this project. 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 at the Mary Immaculate College in Limerick. In 2015 there have been a number of cross border operational interventions with regard to the fisheries industry, in particular with the United Kingdom. In October 2015 An Garda Síochána was represented at the Santa Marta Group Conference in Madrid by Deputy Commissioner Operations, Assistant Commissioner National Support Services and members of the Human Trafficking Investigation & Co-Ordination Unit.

- A representative from the Human Trafficking Investigation and Co-Ordination Unit sits on the Organised Crime Task Force (OCTF) Immigration and Human Trafficking Sub-Group which meets in Belfast on a quarterly basis. This group involves consultation between representatives from the Northern Ireland and the Republic of Ireland administrations.
- At the Annual Cross Border Policing Conference held in Sligo in October 2015 human trafficking again featured as a theme of the conference with a presentation by An Garda Síochána on human trafficking. This conference was attended by Police and State Authorities from both sides of the border in Ireland.
- Ireland joined the current EU Cycle 2014 – 2017 EMPACT Group for Human Trafficking. The EMPACT Group meets at Europol in The Hague and is the Multidisciplinary Platform against Criminal Threats. It is part of the intelligence led policing approach to tackling organized crime, identifying priorities and establishing an international teamwork approach to bring down criminal groups that threaten the security of the European Union. EMPACT priorities have been selected by the Council of Europe. Human Trafficking is one of these priority areas. Ireland continued to be a member of and contributed to the activities of this Group in 2015 as part of the co-ordinated European Union approach to combat human trafficking.
- Interpol Task Force on Human Trafficking (ITHT): Ireland continued to be a member of and contributed to the Interpol Task Force on Human Trafficking in 2015. This is an international working group for law enforcement specialists dedicated to preventing and fighting trafficking in human beings at a global level. Through shared intelligence, research, education and learning, the Task Force aims to be the voice of the national specialised trafficking in human beings officers. This is carried out via recommendations, resolutions and presentations to Interpol's regional conferences and its General Assembly. Ireland is an active member of this expert group. A member of the Human Trafficking Investigation & Co-Ordination Unit advises regularly on this group.
- In 2015 Ireland were part of and contributed to Eurojust and Europol initiatives regarding financial investigations and human trafficking. A number of conferences were held at Eurojust and Europol and focusing on the financial aspect of human trafficking continues to be a priority for Ireland.
- In 2015 Operation Vantage was set up to investigate marriages of convenience in Ireland. As part of this investigation some human trafficking issues have arisen and are

being actively pursued in partnership with other member states including the United Kingdom and the Czech Republic.

Extradition

Ireland extradites persons charged with human trafficking crimes in other countries, where a request is made to undertake such a course of action and the Courts deem it appropriate to do so. Ireland has extradition treaties with the United States and Australia. As an EU Member State, Ireland adheres to the provisions of the European Arrest Warrant Programme.

In 2015 one European Arrest Warrant was received by Ireland from Lithuania for human trafficking offences. The Lithuanian national named in this EAW was arrested and is currently in custody before the High Court awaiting extradition to Lithuania.

Ireland issued one European Arrest Warrant to the United Kingdom in October 2015. This was to do with a suspect wanted for an offence contrary to Section 2 of the Illegal Immigrants (Trafficking) Act 2000. In November 2015 the subject was arrested on foot of this warrant and is currently awaiting extradition back to Ireland.

At the 29th Session of the UN Human Rights Council in June/July 2015, Ireland acted as co-sponsor on the resolution on Protection of the human rights of migrants: migrants in transit. The resolution recognises the vulnerability of migrants, particularly women and girls to human trafficking, and calls upon States to take active measures to prevent and punish human traffickers and to reinforce cooperation and coordination at all levels.

The Department of Foreign Affairs funds an organisation called ECPAT to combat child trafficking and exploitation in a number of developing countries. Since 2010, Irish Aid has funded ECPAT (End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes) a global network, with its International Secretariat based in Thailand. The ECPAT network is composed of ECPAT groups based all over the world. It works in 74 countries globally including 15 in sub Saharan Africa.

ECPAT works closely with inter-governmental organisations such as Interpol, World Tourism Organisation and UN agencies, including UNICEF and ILO. Together with these partners, they aim to improve the implementation of national laws against child trafficking, including through the training of law enforcement officials. ECPAT also coordinates a global network to help identify traffickers and links with national organisations to ensure assistance and support for child victims.

A key strategy of the network is to build collaboration and partnerships among local civil society and the broader community concerned with the rights and wellbeing of children including the private sector to form a global social movement for protection of children from sexual exploitation.

The current Irish Aid funded project was approved for €450,000 over 3 years (€150,000 per year) in 2013. ECPAT received their final year payment for this project toward the end of 2015 and were invited to apply for funding under the 2016 civil society project funding round.

Vietnamese delegation

The AHTU met with a delegation from a Vietnamese/US based NGO - Pacific Links Foundation - in April 2015 to discuss possibilities for future collaboration/linkages on preventative measures in relation to human trafficking.

Sisters of Charity Anti-Human Trafficking Team Irish Visit

AHTU hosted the Sisters of Charity Anti-Human Trafficking Team during their visit to Ireland in July 2015. Participants came from the USA, Zambia, Britain, Scotland, Nigeria, Australia and Ireland.

The REACH Project, which concluded in December 2015, was the first all island of Ireland initiative of its kind and was based on the work and expertise of a unique multi-agency partnership. Partners from Northern Ireland included the Department of Justice, Northern Ireland, Women's Aid Northern Ireland and the Police Service of Northern Ireland.

Working together on the Project Steering Group has led to enhanced understanding of the roles and responsibilities and working methods of those undertaking anti-trafficking work in the two different jurisdictions in Ireland. The awareness raising campaigns, developed as part of the Project, were carried out in both jurisdictions at the same time.

Ireland is party to all the various EU and UN conventions on Mutual Legal Assistance. The Criminal Justice (Mutual Assistance) Act 2008 gives effect to the EU Convention on Mutual Assistance 2000 and a number of related protocols.

Examples of UN and other agreements which Ireland is party to are:

- 1959 COE Convention on Mutual Assistance and its protocols
 - The 2000 UN Convention on Transnational Organised Crime and its protocols
 - 1988 UN Drugs Convention;
 - OECD Convention on Bribery
 - UN Convention on Corruption.
- We have a separate agreement with the USA on Mutual Assistance and the USA have an agreement with the EU also.
 - Ireland has a bi-lateral mutual assistance agreement with Hong Kong
 - EU-Japan agreement was recently given affect to by the Criminal Justice Misc 2015 Act

If a country is not party to a convention we may still assist them on a reciprocal basis (and similarly Ireland can seek assistance from other countries on the basis of reciprocity - for example, Canada assists us on a case by case "administrative" basis).

Measures related to endangered or missing persons (Article 33)

57. What measures are envisaged in your country to transmit information to another party concerning a victim, witness or collaborator with the judicial authorities in a THB case, who your authorities believe is in immediate danger on the territory of another party? What protection measures are envisaged for such persons, should another party to the Convention inform you about their presence on your territory? Please provide examples from practice.

In a number of cases An Garda Síochána have had to transmit information to the authorities in another country regarding the safety and welfare of a victim or indeed a family member of a

victim in another country. This is done by whatever channel is appropriate to the situation. An Garda Síochána have used Interpol, Europol and indeed Bi-lateral contacts with other countries to facilitate the protection of persons in such a situation. In one such case a request from Ireland to South Africa necessitated the South African authorities to take immediate action in relation to the welfare of a child.

An Garda Síochána have the tools and legislative provisions to protect victims of human trafficking in Ireland should such a request be made from another country.

58. Has an early warning system for missing children been introduced in your country and is the harmonised European telephone number for missing children available? What other measures are there for early signalling to other countries about endangered and/or missing children? Has your country concluded any agreements or taken any other measures to reinforce co-operation with other countries in the search for missing people, in particular children, where your authorities have reasonable grounds to believe that missing children may be victims of trafficking or are at risk of becoming victims of trafficking?

Response

Child Rescue Ireland Alert (CRI Alert) is a system that enables An Garda Síochána to seek the assistance of the public where a child has been abducted and there is a reasonable belief that there is an immediate and serious risk to the health or welfare of a child. CRI Alert is an agreement between An Garda Síochána, the media and information broadcasters to alert the public to a child abduction in order to seek their help. Information relating to the Alert will be broadcast via several media, including but not limited to: Radio, Television, Internet and Electronic Road Signs. The primary goal of the CRI Alert is the safe and early recovery of the child unharmed.

A CRI Alert will only be launched when all the following criteria exist:

- The child is under the age of eighteen (18) years
- There is a reasonable belief that the child has been abducted
- There is a reasonable belief that there is an immediate and serious risk to the health or welfare of a child
- There is sufficient information available to enable the public to assist An Garda Síochána in locating the child

The 116000 Number

This number is reserved in each country in the European Union for a Missing Children's Hotline and is operation in 23 countries across Europe. In Ireland the 116 000 Missing Children's Hotline is hosted by the ISPCC. It became operational in December 2012. The number is available to take calls 24 hours a day, every day of the year and is free to the caller. It exists in Ireland to provide emotional support and advice to young people and adults alike in relation to missing children.

The main aim of the hotline is to provide advice and emotional support to missing children and their families. By dialling 116 000 the caller will be linked to someone they can talk to about the issue. This free phone hotline is not an emergency line and all cases of missing children must, in the first instance, be reported to the Garda Síochána. The hotline will be provided to children

and families to offer ongoing support and guidance. This hotline can greatly enhance the emotional and practical support that can be offered to missing children and their families.

Ireland is part of the European Multidisciplinary Platform against Criminal Threats (EMPACT) THB Group which is hosted by Europol in The Hague. In particular Ireland is part of the Child Trafficking initiative and is working closely with other Member States in this regard.

There is a Joint Protocol between An Garda Síochána and TUSLA, Child and Family Agency). Children who are reported missing from care are recognised by An Garda Síochána and TUSLA as being among the most vulnerable in society. Both organisations aim to maximise interagency cooperation in order to promote the safety and welfare of these children.

Co-operation with civil society (Article 35)

59. What steps are taken by your country to encourage state authorities and public officials to co-operate with NGOs and other civil society organisations, including trade unions, so as to involve them in the elaboration and implementation of anti-trafficking policies, programmes and other initiatives to prevent THB? Please provide information on any memoranda of understanding or other agreements concluded between public bodies and NGOs in this field.

Response

The State is one of the main sources of funding for anti-human trafficking NGOs in Ireland. Service Level Agreements are in place with Ruhama (which supports women affected by prostitution and other commercial forms of sexual exploitation) and with the Migrants Right Centre of Ireland which stipulates the conditions under which both NGOs receive the funding and the services for victims which they are expected to carry out with the said funding. The Service Level Agreements are co-ordinated in order to avoid duplication of provision of services. In 2016 Ruhama was allocated €275,000 the Migrants Right Centre of Ireland was allocated €40,000.

The 2016 Dormant Accounts Action Plan provides for the allocation of funding for measures addressing the needs of victims of human trafficking or persons vulnerable to human trafficking. €120,000 has been allocated to these measures.

The 2014-2015 Dormant Accounts Funding Scheme allocated the following funding:

- €43,000 to Doras Luimni to employ a support project worker to work with migrant women affected by forced prostitution and trafficking in the mid-west region of Ireland to provide the support required to help them rebuild their lives.
- €40,000 to Migrants Rights Centre Ireland for a three stranded project involving (a) the prevention of trafficking for labour exploitation in restaurant, domestic work by assist them move from precarious work situations to decent employment, (b) a safe house initiative for victims of forced labour in cannabis production and (c) addressing the knowledge gap in relation to trafficking for forced begging.
- €16,225 to Ruhama for two new innovative training programmes to support women victims of trafficking for sexual exploitation at different stages to advance towards social inclusion and an improved future; from those experiencing Post Traumatic Stress Disorder to those exploring career options.

Ireland has 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 Cooperation 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 approximately three times per year.
- 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 other's point of view and increased co-operation on the ground.

Relationship with other international instruments (Article 40)

60. Please indicate any agreements concluded by your country in accordance with Article 40.2 of the Convention.

N/A

61. Please provide details of cases where victims or possible victims of THB have been granted refugee status or subsidiary/complementary protection.

Response

Whilst the Office of the Refugee Applications Commissioner's IT systems do not reflect the grounds on which a decision is reached, we can confirm that none of the victims encountered in 2015 or 2016 have been granted asylum. However, not all cases have been finalised.

D. Final questions

62. Which bodies and organisations contributed to responding to this questionnaire?

- Anti-Human Trafficking Unit, Department of Justice and Equality
- An Garda Síochána
- Irish Naturalisation and Immigration Service (INIS), Department of Justice and Equality
- Health Service Executive (HSE)
- Department of Health
- The Child and Family Agency (TUSLA)
- Legal Aid Board

63. Who was responsible for co-ordinating and collecting the replies to this questionnaire?

- Anti-Human Trafficking Unit, Department of Justice and Equality

E. Statistics on THB (per year, starting with 2010)

All of the below statistics were provided by An Garda Síochána. It was not possible to breakdown all of the data below by sex, age, nationality, form of exploitation, internal or transnational trafficking, and the body which identified them.

2010

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

During 2010, 69 cases of alleged trafficking in human beings involving 78 alleged victims were reported to An Garda Síochána. These 78 persons were either encountered directly by An Garda Síochána or were referred by other organisations.

Form of Exploitation

Of the 78 persons, 56 were alleged victims of sexual exploitation, 19 were alleged victims of labour exploitation and 3 were alleged victims of an uncategorised exploitation

Gender

Of the 78 alleged victims of human trafficking reported to An Garda Síochána in 2010, 61 were female and 17 were male. When divided according to the type of exploitation reported as experienced, of the 56 who were alleged victims of sexual exploitation, 51 were female and 5 were male. Of the 19 who were alleged victims of labour exploitation, 8 were female and 11 were male. Of the 3 who were alleged victims of uncategorised exploitation, 2 were female and 1 was male.

Age

Of the 78 alleged victims of human trafficking reported to An Garda Síochána in 2010, 59 were adults and 19 were minors. When divided according to the type of exploitation reported as experienced, of the 56 alleged victims of sexual exploitation, 41 were adults and 15 were minors. Of the 19 alleged victims of labour exploitation, 18 were adults and 1 was a minor. Of the 3 alleged victims of uncategorised exploitation, none were adults and 3 were minors.

Region of origin

Of the 78 alleged victims of human trafficking reported to An Garda Síochána in 2010, the majority were from Africa. These persons included 30 from Western Africa, 5 from Southern Africa, 3 from South East Africa, 2 from Eastern Africa and 2 from Northern Africa. Following Africa was Europe. Persons from Europe included 17 from EU Member States (excluding Ireland), 6 from Ireland and 3 from European countries outside of the EU. Following Europe was Asia. Persons from Asia included 5 from Southern Asia, 3 from Eastern Asia and 2 from South East Asia.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. Of the 78 alleged victims of human trafficking reported to An Garda Síochána in 2010, 75 already had some form of immigration status (such as EU and Irish citizens, asylum seekers etc) and therefore recovery and reflection periods under the Administrative Arrangements were not required. Three victims were provided with a 60 day recovery and reflection period and/or renewable 6-month temporary residence permission under the Administrative Arrangements.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

All identified human trafficking victims in Ireland are offered, at no cost, with room and board, as well as a weekly stipend while their claims are investigated. Victims are also offered a range of free services through the National Referral Mechanism. This includes medical care, psychological assistance, legal aid, access to the labour market and training, police services, voluntary return, compensation, asylum services, translation services and access to education and care for their children.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. Of the 78 alleged victims of human trafficking reported to An Garda Síochána in 2010, 75 already had some form of immigration status (such as EU and Irish citizens, asylum seekers etc) and therefore recovery and reflection periods under the Administrative Arrangements were not required. Three victims were provided with a 60 day

recovery and reflection period and/or renewable 6-month temporary residence permission under the Administrative Arrangements.

Number of victims given refugee status and subsidiary/complementary protection.

Not available

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

None

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

None

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Not available

Number of investigations into THB cases.

In 2010 An Garda Síochána initiated 69 investigations relating to allegations of trafficking in human beings involving 78 alleged victims.

Number of prosecutions of THB cases

In 2010, 5 cases were prosecuted in regard to offences relating to trafficking of human beings.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

In 2010, 5 convictions were secured in regard to offences relating to trafficking of human beings.

Case	Act	Charges	Accused	Sentence
1	Criminal Law (Human Trafficking) Act, 2008	Recruitment and trafficking of a minor for sexual exploitation.	Adult male	
2	Criminal Law (Human Trafficking) Act, 2008	Recruitment and trafficking of a minor.	Adult male	3 years suspended sentence and placed on the Sex Offenders Register for 5 years and entered into a bond to be of good behaviour for a period of 3 years.

Case	Act	Charges	Accused	Sentence
3	Child Trafficking and Pornography Act, 1998	Recruitment and trafficking of a minor for sexual exploitation and production of child pornography.	Adult male	10 years imprisonment and Sex Offender's Register for life and he will be subjected to fifteen years post release supervision.
	Criminal Law (Rape)(Amendment) Act, 1990			
4	Child Trafficking and Pornography Act, 1998	Sexual exploitation through exposure to the child.	Adult male	Eight month suspended sentence.
5	Child Trafficking and Pornography Act, 1998	Incitement to traffic a minor for sexual exploitation and incitement to the possession of child pornography.	Adult male	6 years imprisonment and Post release Supervision Order' for twenty years.

Number of judgments resulting in the confiscation of assets.

None

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

None

Number of convictions for the use of services of a victim of THB.

None

2011

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

During 2011, 53 cases of alleged trafficking in human beings involving 57 alleged victims were reported to An Garda Síochána. These 57 persons were either encountered directly by An Garda Síochána or were referred by other organisations.

Form of Exploitation

Of the 57 persons, 37 were alleged victims of sexual exploitation, 13 were alleged victims of labour exploitation. Two persons were alleged victims of both labour and sexual exploitation and 5 persons were alleged victims of uncategorised exploitation.

Gender

Of the 57 alleged victims of human trafficking reported to An Garda Síochána in 2011, 48 were female and 9 were male. When divided according to the type of exploitation reported, of the 37 persons who were alleged victims of sexual exploitation, 34 were female and 3 were male. Of the 13 alleged victims of labour exploitation, 9 were female and 4 were male. Of the 2 persons who were alleged victims of both labour and sexual exploitation, 1 was female and 1 was male.

Of the 5 persons who were alleged victims of uncategorised exploitation, 4 were female and 1 was male.

Age

Of the 57 alleged victims of human trafficking reported to An Garda Síochána in 2011, 44 were adults and 13 were minors. When divided according to the type of exploitation reported, of the 37 persons who were alleged victims of sexual exploitation, 30 were adults and 7 were minors. Of the 13 alleged victims of labour exploitation, 9 were adults and 4 were minors. Of the 2 persons who were alleged victims of both labour and sexual exploitation, 1 was an adult and 1 was a minor. Of the 5 persons who were alleged victims of uncategorised exploitation, 4 were adults and 1 was a minor.

Region of origin

Of the 57 alleged victims of human trafficking reported to An Garda Síochána in 2011, the majority were from Africa. 23 were from Western Africa, 3 were from Southern Africa, 2 were from Northern Africa and 1 was from Eastern Africa. Persons from Europe constituted the second largest regional group which included 9 from the EU, 6 from Ireland and 2 from European countries outside of the EU. Persons from Asia included 4 from Southern Asia, 3 from South East Asia and 1 from Eastern Asia. Three persons were from Latin America.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. Of the 57 alleged victims of human trafficking reported to An Garda Síochána in 2011, 56 already had some form of immigration status (such as EU and Irish citizens, asylum seekers, etc.) and therefore a recovery and reflection period under the Administrative Arrangements was not required. One person was granted protection from removal under the Administrative Arrangements. No information was available for 9 persons.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

All identified human trafficking victims in Ireland are offered, at no cost, with room and board, as well as a weekly stipend while their claims are investigated. Victims are also offered a range of free services through the National Referral Mechanism. This includes medical care, psychological assistance, legal aid, access to the labour market and training, police services, voluntary return, compensation, asylum services, translation services and access to education and care for their children.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of

the trafficking offence. Of the 57 alleged victims of human trafficking reported to An Garda Síochána in 2011, 56 already had some form of immigration status (such as EU and Irish citizens, asylum seekers, etc.) and therefore a recovery and reflection period under the Administrative Arrangements was not required. One person was granted protection from removal under the Administrative Arrangements. No information was available for 9 persons.

Number of victims given refugee status and subsidiary/complementary protection.

Not available

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

None

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

None

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Not available

Number of investigations into THB cases.

In 2011, An Garda Síochána initiated 53 investigations relating to allegations of trafficking in human beings involving 57 alleged victims.

Number of prosecutions of THB cases.

In 2011, 7 cases were prosecuted in regard to offences relating to trafficking of human beings.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

In 2011, 4 convictions were secured in regard to offences relating to the trafficking of human beings.

Case	Act	Charges	Accused	Sentence
1	Child Trafficking and Pornography Act, 1998	Controlling and sexual exploiting a minor for the purposes of prostitution.	Adult female	4 years imprisonment with the final two years suspended
2	Criminal Law (Human Trafficking) Act, 2008	Sexual exploitation of a minor	Adult male	3 years imprisonment
3	Child Trafficking & Pornography Act, 1998	Controlling and sexual exploiting of a minor for the purposes of creating child pornography.	Adult male	Convicted and fined €100

Case	Act	Charges	Accused	Sentence
4	Criminal Law (Sexual Offences) Act, 1993	Controlling/organizing prostitution	Adult male	2½ years imprisonment with the final fifteen months suspended

Number of judgments resulting in the confiscation of assets.

None

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

None

Number of convictions for the use of services of a victim of THB.

None

2012

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by s, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

During 2012, 37 cases of alleged trafficking in human beings involving 48 alleged victims were reported to An Garda Síochána. These 48 persons were either encountered directly by An Garda Síochána or were referred by other organisations.

Form of exploitation

Of the 48 persons, 39 were alleged victims of sexual exploitation, 6 were alleged victims of labour exploitation. Three persons were alleged victims of uncategorised exploitation.

Gender

Of the 48 alleged victims of human trafficking reported to An Garda Síochána in 2012, 31 were female and 17 were male. When divided according to the type of exploitation reported, of the 39 persons who were alleged victims of sexual exploitation, 26 were female and 13 were male. Of the 6 alleged victims of labour exploitation, 4 were female and 2 were male. Of the 3 who were alleged victims of uncategorised exploitation, 1 was female and 2 were male.

Age

Of the 48 alleged victims of human trafficking reported to An Garda Síochána in 2012, 25 were adults and 23 were minors. When divided according to the type of exploitation reported, of the 39 persons who were alleged victims of sexual exploitation, 16 were adults and 23 were minors. Of the 6 alleged victims of labour exploitation, all were adults. Of the 3 persons who were alleged victims of uncategorised exploitation, all were adults.

Region of Origin

Of the 48 alleged victims of human trafficking reported to An Garda Síochána in 2012, the majority were from Europe. This group include 19 persons from Ireland, 10 persons from the EU and 3 persons from a European country outside of the EU. The second largest group consisted of persons from Africa. This group included 8 persons from Western Africa and 2 from Southern Africa. Persons from Asia included 3 from South East Asia and 1 person from Southern Asia. Two persons were from Latin America.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. All of the 48 alleged victims of human trafficking reported to An Garda Síochána in 2012 already had some form of immigration status (such as EU and Irish citizens, asylum seekers, etc.) and therefore a recovery and reflection period under the Administrative Arrangements was not required in any case.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

All identified human trafficking victims in Ireland are offered, at no cost, with room and board, as well as a weekly stipend while their claims are investigated. Victims are also offered a range of free services through the National Referral Mechanism. This includes medical care, psychological assistance, legal aid, access to the labour market and training, police services, voluntary return, compensation, asylum services, translation services and access to education and care for their children.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. All of the 48 alleged victims of human trafficking reported to An Garda Síochána in 2012 already had some form of immigration status (such as EU and Irish citizens, asylum seekers, etc.) and therefore a recovery and reflection period under the Administrative Arrangements was not required in any case.

Number of victims given refugee status and subsidiary/complementary protection.

Not available

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

Not available

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

Not available

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Not available

Number of investigations into THB cases.

In 2012, An Garda Síochána initiated 37 investigations relating to allegations of trafficking in human beings involving 48 alleged victims.

Number of prosecutions of THB cases.

Eleven cases involved prosecutions before the Courts.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Case	Act	Charges	Accused	Sentence
1	Criminal Law (Rape) (Amendment) Act 1990 Child Trafficking and Pornography Act 1998	Sexual assault and sexual exploitation of a minor as well as child pornography	Irish female	3 years imprisonment
2	Criminal Law (Human Trafficking) Act, 2008. Non Fatal Against Persons Act 1997. Common Law	Restrict the freedom of a female minor for sexual exploitation, assault and the attempted false imprisonment of the minor.	Irish male	12 years imprisonment
3	Criminal Law (Human Trafficking) Act, 2008. Criminal Law (Sexual Offence) Act 1993.	Sexual exploitation of a minor.	Irish male	4 years imprisonment.
4	Criminal Law (Human Trafficking) Act, 2008	Sexual exploitation of a minor.	Irish male	4 years imprisonment to run concurrently on each of two charges of child pornography.
5	Child Trafficking and Pornography Act 1998.	Possession of Child Pornography.	Irish Male	2½ years imprisonment.
6	Illegal Immigrant (Trafficking) Act, 2000 Criminal Law (Sexual Offences) Act 1993.	Smuggling of a female minor illegal immigrant and controlling/directing prostitution.	Nigerian female	3 years imprisonment for the prostitution offences.

Number of judgments resulting in the confiscation of assets.

None

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

None

Number of convictions for the use of services of a victim of THB.

None

2013

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

During 2013, 56 suspected cases of trafficking in human beings involving 44 alleged victims were either reported to or detected by An Garda Síochána.

Form of Exploitation

Of the 44 persons, 29 were alleged victims of sexual exploitation, 8 were alleged victims of labour exploitation 3 were alleged victims of uncategorised exploitation. A further 3 persons were alleged victims of other forms of exploitation and 1 was an alleged victim of both labour and sexual exploitation.

Gender

Of the 44 alleged victims of human trafficking reported to or detected by An Garda Síochána, 33 were female and 11 were male. When divided according to the type of exploitation reported, of the 29 persons who were alleged victims of sexual exploitation, 21 were female and 8 were male. Of the 8 alleged victims of labour exploitation, 6 were female and 2 were male. Of the 3 who were alleged victims of uncategorised exploitation, 1 was male and 2 were female. Of the 3 who were alleged victims of other exploitation all were female. The person reported as a victim of both labour and sexual exploitation was female.

Age

Of the 44 alleged victims of human trafficking reported to or detected by An Garda Síochána, 28 were adults and 16 were minors. When divided according to the type of exploitation reported, of the 29 persons who were alleged victims of sexual exploitation, 16 were adults and 13 were minors. Of the 8 alleged victims of labour exploitation, 7 were adults and 1 was a minor. Of the 3 persons who were alleged victims of uncategorised exploitation, 2 were adults and 1 was a minor. The person who was an alleged victim of labour and sexual exploitation was an adult.

Region of origin

Of the 44 alleged victims of human trafficking reported to or detected by An Garda Síochána, the 3 largest groups included 12 persons from Ireland, 11 persons from Western Africa and 9 persons from the EU. Other smaller regional groups included 3 persons from Southern Africa, 2 persons from South East Asia, 2 persons from Eastern Asia, 2 persons from Latin America, 1 person from a European country outside of the EU, 1 person from Central Africa and 1 person from the Middle East.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. Of the 44 alleged victims of human trafficking reported to An Garda Síochána in 2013, 42 already had some form of immigration status or were no longer present in the state and therefore a recovery and reflection period under the Administrative Arrangements was not required. Two persons were granted protection under the Administrative Arrangements.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

All identified human trafficking victims in Ireland are offered, at no cost, with room and board, as well as a weekly stipend while their claims are investigated. Victims are also offered a range of free services through the National Referral Mechanism. This includes medical care, psychological assistance, legal aid, access to the labour market and training, police services, voluntary return, compensation, asylum services, translation services and access to education and care for their children.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. Of the 44 alleged victims of human trafficking reported to An Garda Síochána in 2013, 42 already had some form of immigration status or were no longer present in the state and therefore a recovery and reflection period under the Administrative Arrangements was not required. Two persons were granted protection under the Administrative Arrangements.

Number of victims given refugee status and subsidiary/complementary protection.

Not available

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

None

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

None

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

Not available

Number of investigations into THB cases.

In 2013, An Garda Síochána initiated 56 investigations relating to allegations of trafficking in human beings involving 44 alleged victims.

Number of prosecutions of THB cases.

Prosecutions in respect of 16 defendants were initiated during 2013 as a result of trafficking related investigations.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Nine offenders were convicted and sentenced during 2013 as a result of human trafficking related investigations.

Case	Charges	Accused	Sentence
1	Multiple breaches of Social Welfare fraud contrary to Section 251 of the Social Welfare Consolidation Act 2005	Adult Female	15 months imprisonment on each charge to run concurrently.
2	One count of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 2 counts of Sexual Assault.	Adult Female	4 years imprisonment with 3 Suspended
3	Two counts of Section 3 of the Criminal Law (Human Trafficking) Act 2008.	Adult Male	3 years imprisonment with 18 Months Suspended
4	Two counts contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008.	Adult Male	2 years imprisonment with 18 Months Suspended
5	One count of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 1 count of Public Decency Offence.	Adult Male	18 Months Probation
6	One count of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 along with 10 counts of rape under Section 4 of the Criminal Law (Rape) Act 1981.	Adult Male	10 years imprisonment on Section 3 charge & 15 years imprisonment on rape charges with final 3 years suspended.
7	Two counts of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 1 count of Section 5 of the Child Trafficking and Pornography Act 1998.	Adult Male	9 years imprisonment
8	A total of 117 charges were brought against the accused, the majority of which were under the Child Trafficking and Pornography Act 1998. Included in the 117 were 4 charges of sexual exploitation contrary to	Adult Male	12 years imprisonment

	Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 1 charge of rape under Section 4 of the Criminal Law (Rape) Act 1981.		
9	One charge of conspiracy under Common Law.	Adult Male	3 years imprisonment suspended on condition the guilty party leaves the State
10	The DPP directed 1 charge of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 1 charge of sexual assault.	Adult Male	

Number of judgments resulting in the confiscation of assets.

None

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

None

Number of convictions for the use of services of a victim of THB.

None

2014

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

During 2014, 79 suspected cases of trafficking in human beings involving 46 alleged victims were either reported to or detected by An Garda Síochána.

Form of Exploitation

Of the 46 persons, 32 were alleged victims of sexual exploitation, 7 were alleged victims of labour exploitation and 4 were alleged victims of forced criminality. Of the remaining persons 1 was an alleged victim of uncategorised exploitation, 1 was an alleged victim of both labour and sexual exploitation and 1 was an alleged victim of forced begging.

Gender

Of the 46 alleged victims of human trafficking reported to or detected by An Garda Síochána, 31 were female and 15 were male. When divided according to the type of exploitation reported, of the 32 persons who were alleged victims of sexual exploitation, 26 were female and 6 were male. Of the 7 victims of labour exploitation 3 were female and 4 were male. Of the 4 persons who were alleged victims of forced criminality all 4 were male. Of the remaining 3 persons, the alleged victim of labour and sexual exploitation was female; the victim of forced begging was female and the alleged victim of uncategorised exploitation was male.

Age

Of the 46 alleged victims of human trafficking reported to or detected by An Garda Síochána, 34 were adults and 12 were children. When divided according to the type of exploitation reported, of the 32 alleged victims of sexual exploitation 23 were adults and 9 were minors. Of the 7 alleged victims of labour exploitation all were adults. Of the 4 alleged victims of forced criminality 3 were adults and 1 was a minor. Of the remaining persons, the alleged victim of labour and sexual exploitation was an adult. The victims of uncategorised exploitation and forced begging were both minors.

Region of origin

Of the 46 alleged victims of human trafficking reported to or detected by An Garda Síochána, 20 were citizens of EU Member States, 8 were from Ireland while a further 8 persons were from Latin America. Of the remaining 10 persons 5 were from Western Africa, 2 were from Southern Africa, 1 was from Eastern Africa, 1 was from Southern Asia and 1 was from a European country outside of the EU.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. Of the 46 alleged victims of human trafficking detected by An Garda Síochána in 2014, 38 already had some form of immigration status or were no longer present in the state and therefore recovery and reflection periods were not required under the Administrative Arrangements. Eight persons were granted protection under the Administrative Arrangements.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

All potential human trafficking victims in Ireland are supplied, at no cost, with room and board, as well as a weekly stipend while their claims are investigated. Victims are also offered a range of free services through the National Referral Mechanism. This includes medical care, psychological assistance, legal aid, access to the labour market and training, police services, voluntary return, compensation, asylum services, translation services and access to education and care for their children.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. Of the 46 alleged victims of human trafficking detected by An Garda Síochána in 2014, 38 already had some form of immigration status or were no longer present in the state and therefore recovery and reflection periods were not required under the Administrative Arrangements. Eight persons were granted protection under the Administrative Arrangements.

Number of victims given refugee status and subsidiary/complementary protection.

Not available

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

None

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

None

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

None

Number of investigations into THB cases.

In 2014, An Garda Síochána initiated 79 investigations relating to allegations of trafficking in human beings involving 46 alleged victims.

Number of prosecutions of THB cases.

Fourteen prosecutions in respect of 13 defendants were initiated during 2014 as a result of trafficking related investigations.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

Nine offenders were convicted and sentenced during 2014 as a result of human trafficking related investigations.

Case	Charges	Accused	Sentence
1	One count of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008, 1 count of sexual assault and 1 count of attempted sexual assault.	Adult Male	2.5 years imprisonment.
2	One count of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 for each of 5 injured parties.	Adult Male	3 charges withdrawn, 4 years imprisonment on remaining 2 charges.
3	1 count of Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 1 charge of possession of child pornography.	Adult Male	3 years imprisonment
4	Two counts contrary to Section 3 of the Criminal	Adult Male	5 years imprisonment, last 3

	Law (Human Trafficking) Act 2008.		years suspended
5	One count of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 1 charge of sexual assault.	Adult Male	3 years imprisonment
6	One count of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008.	Adult Male	18 months imprisonment
7	1 charge of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 1 charge of defilement of a child under 17 years.	Adult Male	3 years imprisonment
8	1 charge of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 1 charge of defilement of a child under 17 years.	Adult Male	3 years imprisonment
9	1 charge of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008	Adult Male	6 years imprisonment concurrent with 9 year sentence for previous offence.
10	One count of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act 2008 and 1 charge of sexual assault.	Adult Male	S.3 CL(HT) Act 2008 charge withdrawn.
11	One charge of sexual exploitation contrary to Section 3 of the Criminal Law (Human Trafficking) Act	Adult Male	Acquitted

Number of judgments resulting in the confiscation of assets.

None

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

None

Number of convictions for the use of services of a victim of THB.

None

2015

Number of victims identified in the sense of having been recognised by a state institution or mandated NGO as deserving any of the rights or entitlements to services provided for by the Convention (with breakdown by sex, age, nationality, form of exploitation, internal or transnational trafficking, and body which identified them).

**Data provided for 2015 is provisional.*

During 2015, 91 cases of alleged trafficking in human beings involving 78 alleged victims were reported to An Garda Síochána. These 78 persons were either encountered directly by An Garda Síochána or were referred by other organisations.

Form of Exploitation

Of the 78 persons, 48 were alleged victims of sexual exploitation, 23 were alleged victims of labour exploitation, 2 were alleged victims of both labour and sexual exploitation and 5 were alleged victims of forced criminality.

Gender

Of the 78 alleged victims of human trafficking reported to An Garda Síochána in 2015, 52 were female, 25 were male and one was transgender.

Age

Of the 78 alleged victims of human trafficking reported to An Garda Síochána in 2015, 56 were adults and 22 were minors.

Region of origin

Of the 78 alleged victims of human trafficking reported to or detected by An Garda Síochána, 37 were citizens of EU Member States, 15 were from Ireland while a further 14 persons were from West Africa. Of the remaining 12 persons, 5 were from Southern Africa, 4 were from South East Asia, 1 was from Eastern Africa, 1 was from South America, 1 was from the South Pacific and 1 was from a European country outside of the EU.

Number of victims granted a recovery and reflection period (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. Of the 78 alleged victims of human trafficking detected by An Garda Síochána in 2015, 66 already had some form of immigration status or were no longer present in the state and therefore recovery and reflection periods under the Administrative Arrangements were not required in those cases. Twelve persons were granted protection under the Administrative Arrangements.

Number of victims who received assistance (if possible, disaggregated by sex, age, nationality, form of exploitation, internal or transnational trafficking).

All identified human trafficking victims in Ireland are offered, at no cost, with room and board, as well as a weekly stipend while their claims are investigated. Victims are also offered a range of free services through the National Referral Mechanism. This includes medical care, psychological assistance, legal aid, access to the labour market and training, police services, voluntary return, compensation, asylum services, translation services and access to education and care for their children.

Number of victims who were granted a residence permit, with an indication of the type of the permit and its duration (if possible, disaggregated by sex, age, nationality, form of exploitation).

Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking provide for a period of 60 days recovery and reflection and for 6 months temporary residence

permission (renewable) if the person chooses to cooperate with the investigation/ prosecution of the trafficking offence. Of the 78 alleged victims of human trafficking detected by An Garda Síochána in 2015, 66 already had some form of immigration status or were no longer present in the state and therefore recovery and reflection periods under the Administrative Arrangements were not required in those cases. Twelve persons were granted protection under the Administrative Arrangements.

Number of victims given refugee status and subsidiary/complementary protection.

Not available

Number of victims who claimed compensation and who received compensation (if possible, disaggregated by sex, age, nationality, form of exploitation), with an indication of whether the compensation was provided by the perpetrator or the state, and the amount awarded.

None

Number of victims repatriated to your country (if possible, disaggregated by sex, age, country of destination, form of exploitation).

None

Number of victims repatriated from your country to another country (if possible, disaggregated by sex, age, nationality, form of exploitation).

None

Number of investigations into THB cases.

In 2015 An Garda Síochána initiated 91 investigations relating to allegations of trafficking in human beings involving 78 alleged victims.

Number of prosecutions of THB cases

In 2015, 17 cases were prosecuted before the Courts which have not yet been finalised.

Number of convictions for THB resulting in penalties involving deprivation of liberty, with an indication of the duration of the penalty and whether effectively enforced or suspended.

In 2015, 12 convictions were secured in regard to offences relating to trafficking of human beings.

Case	Charges	Accused	Sentence
1	One charge of sexual exploitation contrary to Section 3 of Criminal Law (Human Trafficking) Act 2008; two charges of sending offensive messages; one charge of harassment	Adult male	2 years imprisonment
2	Two charges of sexual exploitation contrary to Section 3 of Criminal Law (Human Trafficking) Act 2008	Adult male	3 years imprisonment
3	Four charges of sexual exploitation contrary to Section 3 of Criminal Law (Human Trafficking) Act 2008	Adult male	3 years imprisonment

4	One charge of sexual exploitation contrary to Section 3 of Criminal Law (Human Trafficking) Act 2008 and three charges of defilement of a child under 15 years	Adult male	5 years imprisonment. Nolle prosequi on Sec 3 charge
5	Two charges of sexual exploitation contrary to Section 3 of Criminal Law (Human Trafficking) Act 2008, one of which was withdrawn	Adult male	3 years imprisonment
6	One charge of sexual exploitation contrary to Section 3 of Criminal Law (Human Trafficking) Act 2008. Further charges including sexual assault charges under Section 2 of the Criminal Law (Rape) (Amendment) Act 1990	Adult male Adult female	5 years imprisonment. 3 years imprisonment
7	Charges contrary to Section 3 of Criminal Law (Human Trafficking) Act 2008	Adult male	2 years imprisonment
8	One charge of sexual exploitation contrary to Section 3 of Criminal Law (Human Trafficking) Act 2008		5 years imprisonment suspended for 2 years
9	Charged under Section 3 of Criminal Law (Human Trafficking) Act 2008	Adult male	Awaiting sentence
10	Charged under Section 3 of Criminal Law (Human Trafficking) Act 2008	Adult male	6 months imprisonment
11	Charged under Section 3 of Criminal Law (Human Trafficking) Act 2008	Not available	Suspect committed suicide before sentencing
12	One charge of sexual exploitation contrary to Section 3 of Criminal Law (Human Trafficking) Act 2008	Not available	5 years imprisonment

Number of judgments resulting in the confiscation of assets.

None

Number of judgments resulting in the closure of a business or an establishment which was being used to carry out THB.

None

Number of convictions for the use of services of a victim of THB.

None
