

**Committee of the Parties
to the Council of Europe Convention
on Action against Trafficking in Human Beings**

**Recommendation CP/Rec(2022)09
on the implementation of the Council of Europe Convention
on Action against Trafficking in Human Beings
by Ireland**

*adopted at the 31st meeting of the Committee of the Parties
on 25 November 2022*

The Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings (hereinafter referred to as "the Convention"), acting under the terms of Article 38(7) of the Convention;

Having regard to the purposes of the Convention to prevent and combat trafficking in human beings, while guaranteeing gender equality, protect the human rights of victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, ensure the effective investigation and prosecution of the offences related to trafficking in human beings, and promote international co-operation;

Bearing in mind the provisions of Article 36(1) of the Convention concerning the monitoring role of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the implementation of the Convention;

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Ireland on 13 July 2010;

Recalling Committee of the Parties' Recommendation CP(2017)29 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland and the report of the Irish authorities on measures taken to comply with this recommendation, submitted on 15 October 2018;

Having examined the third report concerning the implementation of the Convention by Ireland, adopted by GRETA at its 44th meeting (27 June - 1 July 2022), as well as the comments of the Irish Government received on 8 September 2022;

Bearing in mind the focus of the third evaluation round of the Convention on access to justice and effective remedies for victims of trafficking;

Considering the conclusions and proposals contained in Appendix I of GRETA's third report on topics related to the third evaluation round and follow-up topics specific to Ireland;

Welcoming the measures taken and progress achieved by the Irish authorities in implementing the Convention, and in particular:

- the additional protections for victims of human trafficking introduced by the Criminal Justice (Victims of Crime) Act 2017;
- the designation of the Irish Human Rights and Equality Commission (IHREC) as National Rapporteur for trafficking in human beings;

- the steps taken since the second evaluation round to prevent and combat trafficking for the purpose of labour exploitation;
- the measures taken to raise awareness of human trafficking and discourage demand for the services of trafficked persons;
- the increased state funding provided to anti-trafficking NGOs;
- the efforts made in the area of international co-operation against human trafficking.

A. Recommends that the Government of Ireland take measures to address the following issues for immediate action¹ identified in GRETA's report:

1. Take further steps to facilitate and guarantee access to justice for victims of human trafficking, by ensuring that:

- legal assistance is provided systematically as soon as there are reasonable grounds for believing that a person is a victim of trafficking, before he/she has to decide whether or not they want to co-operate with the authorities and/or make an official statement;
- trafficking victims are appointed a lawyer with specialised knowledge of human trafficking to represent them in judicial and administrative proceedings, including to claim compensation (paragraph 57);

2. Make efforts to guarantee effective access to compensation for victims of human trafficking, in line with Article 15 (4) of the Convention, including by:

- ensuring that the collection of evidence about the harm the victim has suffered, including the financial gain from the exploitation of the victim, is part of the criminal investigation, with a view to supporting compensation claims in court;
- making full use of the legislation on the freezing and forfeiture of assets, as well as international co-operation, to secure compensation to victims of human trafficking, and ensure that recoverable property which is seized in criminal proceedings is returned as soon as possible to the victim or used to compensate the victim;
- enabling victims of trafficking to effectively exercise their right to compensation, by ensuring access to legal assistance and free legal aid;
- including compensation in the training programmes of legal practitioners, prosecutors and the judiciary, encouraging them to use all the possibilities the law offers to uphold compensation claims by victims of human trafficking, and requiring courts to state, where applicable, why compensation is not considered;
- ensuring that the right to compensation is not limited to pecuniary costs and that non-pecuniary damages are eligible for compensation in criminal and civil proceedings as well as under the state compensation scheme;
- reviewing the lack of recourse to mechanisms for the recovery of unpaid wages in cases of undocumented workers;
- reviewing the eligibility criteria for state compensation with a view to making it available in practice to victims of trafficking, and ensuring that eligibility is not affected by the failure of the victim to inform the authorities of the crime or to co-operate with them (paragraph 87);

3. Take measures to strengthen the criminal justice response to human trafficking, including by:

- ensuring that human trafficking offences for different forms of exploitation are proactively and promptly investigated, making use of special investigation techniques in order to gather

¹ The number of the paragraph setting out GRETA's proposals in the report is indicated in brackets.

- material, documentary, financial and digital evidence, and not having to rely exclusively on testimony by victims or witnesses;
- systematically carrying out financial investigations in order to identify perpetrators' assets;
 - without prejudice to the statutory independence of the Director of Public Prosecutions, ensuring that there is effective collaboration with An Garda Síochána in the gathering of evidence required to sustain a prosecution;
 - using pre-recorded evidence in cases where victims cannot provide in-person testimony due to having left the country, providing video conference facilities and enabling victims who wish to testify to travel back to Ireland;
 - sensitising prosecutors and judges to the different forms of human trafficking, the rights of victims of human trafficking and the need to adopt victim-centred and trauma-informed approaches, and providing training which includes the relevant case-law of the European Court of Human Rights;
 - ensuring that prosecutions of human trafficking cases lead to effective, proportionate and dissuasive sanctions for those convicted (paragraph 114);
4. Step up efforts to combat trafficking for labour exploitation by:
- reinforcing the human resources and training of the Workplace Relations Commission Inspectorate to enable it to contribute to the prevention and detection of human trafficking for labour exploitation; inspectors should have sectoral expertise, language skills and cultural competences to effectively perform their tasks;
 - encouraging trafficked persons to self-identify as victims of trafficking, including through establishing safe reporting procedures for foreign workers and effective complaint mechanisms, concrete possibilities of regularisation of the trafficked person's residence status and access to the labour market, the provision of targeted and tailored support services;
 - reviewing the Atypical Working Scheme in the fisheries industry with a view to ensuring that it contains sufficient safeguards against trafficking and exploitation of fishermen; in particular, the work permit should be sector-wide and not linked to one employer (paragraph 187);
5. Finalise the introduction of a revised National Referral Mechanism (NRM) which ensures multi-agency involvement in the identification of victims of trafficking and gives a formal role in the identification process to a series of frontline actors, including specialised NGOs and labour inspectors. The reviewed NRM should cover all victims, including EEA and Irish citizens, as well as asylum seekers, paying particular attention to children, and making sure that identification as a victim of trafficking and access to assistance does not depend on the person's co-operation in the investigation (paragraph 201);
6. Set up, as a matter of priority, specialised accommodation facilities for victims of human trafficking and ensure that accommodation is gender-sensitive, appropriate and safe, and that victims are provided with specialised services. Further, enact statutory rights to assistance and protection for possible victims of trafficking, as specified in Articles 10 and 12 of the Convention, regardless of the victims' nationality or immigration status (paragraph 205);
7. Step up efforts to combat child trafficking, including through:
- putting in place a robust child protection system capable of enabling the identification of trafficking indicators amongst Irish and EU children;
 - ensuring that the revised NRM includes specific procedures for children and takes into account the special circumstances of children, involves child specialists and ensures that the best interests of the child are the primary consideration in all proceedings relating to child victims of THB and children at risk;

- provide further training and tools to stakeholders (police, prosecutors, asylum and migration authorities, Tusla staff, social workers, NGOs) on the identification of child victims of THB for different forms of exploitation;
- raising awareness of the risks and mechanisms of online grooming and exploitation of children, and exploring the possible links between online sexual exploitation of children and human trafficking (paragraph 211).

B. Recommends that the Irish authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report.

C. Requests the Government of Ireland to report to the Committee of the Parties on the measures taken to comply with this recommendation by **25 November 2024**.

D. Invites the Government of Ireland to continue the dialogue in progress with GRETA and to keep GRETA regularly informed of the measures taken in response to GRETA's conclusions.