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

COUNCIL OF EUROPE
1949 - 2024
CONSEIL DE L'EUROPE

CP(2024)15

Report submitted by the authorities of Ireland on measures taken to comply with Committee of the Parties Recommendation CP/Rec(2022)09 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings

Third evaluation round

Received on 27 November 2024

Ce document n'est disponible qu'en anglais

An Roinn Dlí agus Cirt
Department of Justice

Ms. Petya Nestorova

Executive Secretary

Council of the European Convention on Action against Trafficking in Human Beings

(GRETA and Committee of the Parties)

Council of Europe

Dear Ms. Nestorova,

Re: Follow up to the Recommendations of the Committee of the Parties of the implementation of the Council of Europe Convention on Action against Trafficking in Human beings by Ireland.

I am pleased to enclose Ireland's response to the recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA) in the Third Report on Ireland's implementation of the Convention against Human Trafficking – published in December 2022. GRETA provided a number of recommendations to guide Irish authorities in our provision of a comprehensive and robust response to human trafficking, and to ensure victims' access to justice and effective remedies.

The Irish Government continues to be committed to tackling the issue of human trafficking, supporting victims, and pursuing traffickers. The role undertaken by GRETA in monitoring the implementation of the Convention in Ireland has been an important contribution in the development of our policies and practices to combat this most heinous human rights abuse.

The Government of Ireland is aware that vulnerable people are trafficked into Ireland for exploitation reasons including sexual exploitation, forced labour and forced criminality. Ireland is determined to combat this insidious crime and to support those who are victims of it. We have progressed significant and several measures to combat trafficking, to create a more victim-centered approach to identifying and supporting victims, to raise awareness and provide training.

A significant milestone in the Irish context has been the recent revision of the National Referral Mechanism (NRM) and its widening to include 'trusted partners' as authorised referral partners which will allow for more victims of trafficking to come forward and receive the supports they require. This will in turn allow for more investigations and files being prepared for the Director of Public Prosecutions to prosecute. The Criminal Law (Sexual Offences and Human Trafficking) Act 2024, which provides the legislative basis for the revised NRM framework was enacted on 17 July 2024.

The new NRM is a key component of the renewed National Action Plan to prevent and combat Human Trafficking 2023-2027, published in November 2023. Key features of the plan include, the development of a training framework for all who come into contact with potential victims of trafficking; awareness raising and information dissemination; and actions which seek to improve supports for victims. The Third National Action builds on the progress achieved under the first and second action plans and incorporates Ireland's increased knowledge, and increased understanding of the complexities involved in trafficking in human beings.

I wish to acknowledge the role of GRETA in contributing to the development of Irish policy in this area. We will continue to give careful consideration to GRETA's recommendations into the future, and we welcome their report issued in light of the RoundTable meeting with Irish stakeholders earlier in September.

Yours sincerely,

_____

Suzanne Gunn
Head of Economic, Transnational and Organised Crime Policy
Department of Justice

By Email, Bears No Signature

An Roinn Dlí agus Cirt
Department of Justice

Ireland's Reply to the Recommendation of the Committee of the Parties to the Council of Europe Convention on Action against Trafficking in Human Beings

November 2024

Glossary of Terms

AGS	An Garda Síochána (Ireland's national police force)
AHTT	The HSE Anti Human Trafficking Team
AW	Atypical Working Scheme
CAB	Criminal Assets Bureau
CICT	Criminal Injuries Compensation Tribunal
ODPP	Office of the Director of Public Prosecutions
EMPACT	European Multidisciplinary Platform against Criminal Threats
ESOL	English for Speakers of Other Languages
ETB	The local Education and Training Board
EUROPOL	European Union Agency for Law Enforcement Co-operation
FET	Further Education and Training
Garda / Gardaí	Member(s) of An Garda Síochána
GNBCI	Garda National Bureau of Criminal Investigation
GNCCB	Garda National Cyber Crime Bureau
GNCSIS	Garda National Crime and Security intelligence Service
GNECB	Garda National Economic Crime Bureau
GNDOCB	Garda National Drugs and Organised Crime Bureau
GNIB	Garda National Immigration Bureau
GNPSB	Garda National Protective Services Bureau
HTGSG	Human Trafficking Governance and Strategy Group
HTOG	Human Trafficking Oversight Group
HSE	Health Service Executive
HTICU	Human Trafficking Investigation and Coordination Unit
IHREC	The Irish Human Rights and Equality Commission
IOM	International Organisation for Migration
IPAS	International Protection Accommodation Service
JIT	Joint Investigation Team

NAP	National Action Plan
NGO	Non-governmental organisation
NRM	National Referral Mechanism
NSIO	The HSE National Social Inclusion Office
OAP	Operational Action Plan
OCG	Organised Crime Group
ODPP	Office of the Director of Public Prosecutions
OPIU	Organised Prostitution Investigation Unit
PLC	Post-Leaving Certificate Course
PSNI	Police Service of Northern Ireland
PULSE	Garda Criminal Database
Ruhama	Non-Governmental organisation assisting those within the sex trade
THB	Trafficking of Human Beings
The Act 2024	The Criminal Law (Sexual Offences and Human Trafficking) Act 2024
The Committee	NRM Operational Committee
VOT	Victim of Trafficking
WRC	Workplace Relations Commission

A. [GRETA] Recommends that the Government of Ireland take measures to address the following issues for immediate action identified in GRETA's report[1]

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 (paragraph 57);**

The Legal Aid Board ("LAB") is an independent Irish national body responsible for providing civil legal aid and advice, family mediation services, and administering three ad-hoc legal aid schemes connected with criminal matters.

Once LAB is aware a person has been identified as a potential victim of trafficking, an appointment is provided by LAB to the individual expeditiously and within a reasonable timeframe**.**

Identified potential victims of human trafficking are provided with free legal advice from a solicitor from LAB in relation to the following:

- The victim's status in Ireland which provide for recovery and reflection and temporary residence, as well as applications for leave to remain in the State;
- Where the victim is seeking redress through the employment protection legislation (legal advice only);
- Information on what is involved in a criminal trial for a victim/witness;
- Information on compensation;
- Information on voluntary return home; and
- Criminal matters related to the trafficking offence.

Furthermore, the State funds Non-Government Organisations ("NGOs") to provide advice, including legal advice, to victims who are not ready yet to engage with State agencies.

In the National Action Plan to prevent and combat Human Trafficking 2023-2027 ("NAP"), the Department of Justice has re-committed to providing victims of trafficking with enhanced access to full information and legal advice in a timely manner through LAB and state-funded NGOs.

- **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);**

[1] 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

Currently, there is no provision for representation in judicial and administrative proceedings in Ireland. LAB provide representation of victims in sexual assault cases, where prior sexual history is raised by the defence, however this is limited to that section of the trial related to this issue.

There is a dedicated unit in LAB for the provision of expert legal advice, the members of which receive specialist training. In recent years this legal advice has been provided by the Principal Managing Solicitor of the Unit that also deals with International Protection cases. In October 2024, this was expanded to include the services of another dedicated solicitor who will handle the casework under the supervision of the Principal Managing Solicitor. The Managing Solicitor will continue to deal with external interactions with related agencies and policy matters.

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; (paragraph 87);**

The collection of evidence on the harm suffered by the victim is done as a matter of course by members of Ireland's national police force, An Garda Síochána ("AGS") during investigations into trafficking in human beings. The allocation of compensation following conviction is a matter for the Courts and Criminal Injuries Compensation Tribunal ("CICT"). CITCT is a non-statutory body established on an administrative basis under the Scheme of Compensation for Personal Injuries Criminally which operates under the aegis of the Department of Justice. The Scheme came into operation on 8 May 1974 and was retrospective to 1 October 1972

- **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**; **(paragraph 87)**

In Ireland, the Criminal Assets Bureau ("CAB") is an independent statutory body, established in 1996, and has proven to be a vitally important tool in the fight against organised crime, using civil asset forfeiture to disrupt and dismantle criminal enterprises. Under the provisions of the Criminal Assets Bureau Act 1996 and the Proceeds of Crime Act 1996, CAB conducts investigations to identify, freeze and ultimately confiscate assets derived from the criminal conduct, including human trafficking. In addition, CAB conducts tax investigations into those engaged in criminal conduct, including, where appropriate, human trafficking. In the former regard, CAB seeks to ensure that, insofar as is possible, frozen assets, which have been obtained through criminal conduct from identifiable injured parties,

are returned to them. CAB works closely with its colleagues in AGS and the Office of the Director of Public Prosecutions ("ODPP") in this regard.

Ireland is committed to ensuring proceeds of crime legislation is effective to deter criminal activity, and to disrupt criminal enterprises. In this regard, the Proceeds of Crime Amendment Bill proposes to amend the 1996 legislation that introduced the civil non-conviction-based model used in Ireland for the confiscation of the proceeds of crime. Under this new legislation, once the Court determines property is the proceeds of crime, immediate action can be taken to ensure that the holder immediately loses the benefit of it. Another key measure of this Bill is the reduction from 7 years to 2 years in the time between an order being made that assets are the proceeds of crime and a final disposal order being available in respect of those assets. The Minister of Justice secured Cabinet approval for the Bill at Cabinet in January 2024. Drafting of the Bill is at an advanced stage and the Department is working towards publication by the end of 2024.This legislation will be a vital tool in the fight against organised criminal networks.

In the criminal courts, following a conviction in human trafficking cases, the ODPP will seek to pursue assets for confiscation and compensation where possible. In this context, Ireland is recognised as being a destination country, meaning the profits of the illegal activity are invariably repatriated abroad to the source country, thereby complicating efforts to obtain compensation for a victim in the absence of realisable assets being located in this State.

In human trafficking cases, the ODPP pro-actively assists in locating and seizing realisable property in order to facilitate the making of a compensation order under s. 6 of the Criminal Justice Act 1993. Under this legislation, a victim can avail of a court ordered Compensation Order requiring the convicted person to pay compensation in respect of any personal injury or loss resulting from the offence the individual was convicted of to any person who has suffered such injury or loss. To note, in October 2024, the High Court granted a s. 24 Freezing Order in relation to a property in Nigeria following a human trafficking conviction.

- **enabling victims of trafficking to effectively exercise their right to compensation, by ensuring access to legal assistance and free legal aid; (paragraph 87)**

Ireland's provision of compensation to all victims of crime, including victims of trafficking, is through the Scheme of Compensation for Personal Injuries Criminally inflicted, administered by the Criminal Injuries Compensation Tribunal. Section 7(1) of the Criminal Justice (Victims of Crime) Act 2017 specifies the right of victims of crime to apply for compensation under this scheme.

Applications to the scheme are not dependent on residence status, nationality and, in the majority of cases, the nature of the offence. It is possible for persons who have experienced injury from a reported violent crime committed against them, regardless of their nationality, to seek State compensation under the Scheme of Compensation for Personal Injuries Criminally Inflicted. State compensation does not depend on the outcome of the criminal case and/or the failure to obtain compensation from the offenders. Victims may seek compensation under both a civil action court

order and the Tribunal's Scheme of Compensation. Criminal cases where a compensation order may be awarded may be taken regardless of the victim's participation or current jurisdiction.
Victims of trafficking can file civil suits against trafficking offenders. It is also possible to initiate a civil claim for damages and compensation from their country of origin. General damages and special damages can be awarded. LAB provides comprehensive advice on a victim's right to compensation to the greatest extent, provided by Irish law.

- 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;(paragraph 87)

Training for professionals to identify and provide support for victims of trafficking is a key aspect of the National Action Plan, and will continue to be prioritised in Ireland's response to prevent and combat human trafficking, including in relation to the area of compensation. The Scheme itself operates independently and outside of any court ordered compensation process already provided for under the Criminal Justice Act 1993 or in civil proceedings.

A principle of no duplication of compensation being provided under the scheme, if such has already been provided to applicants via separate court processes, does apply. Training of LAB staff is ongoing and covers various themes including a recent training seminar in relation to children. This is typically offered to solicitors in the International Protection Unit and also to members of external private panels.

With respect to the consideration of compensation in criminal proceedings, in Ireland compensation is not a victim's right in the context of criminal proceedings.

Compensation may be granted by the judge as a sentencing option, however, this is discretionary and depends on the individual facts of each case. There is no statutory obligation on a sentencing judge to provide reasons for not imposing a compensation order as part of a sentence.

- **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; (paragraph 87)**

The future provision of non-pecuniary damages under the Criminal Injuries Compensation Scheme is currently being considered as part of work being done to advance more fundamental reform of the Scheme currently underway.

The Workplace Relations Commission ("WRC") is a tribunal governed by statute. The WRC Remedies Table - Workplace Relations Commission sets out the different types of awards the WRC can make in the adjudication of over 200 different types of employment and equality rights. In some cases, these are limited to, for example, two years' salary in unfair dismissal cases, but in others the compensation can reflect injury to feelings.

Recent cases such as *Kaur v Bombay House*, ADJ-00045992 - Workplace Relations Commission illustrates the level of awards available, which can be considerable. In this instance, it included (amongst a number of different subheads of compensation) €30,000 (one year salary) for unfair dismissal, €7,540 for breach of the Payment of Wages Act 1991 along with the award of €7,248 under

the National Minimum Wage Act 2000. . The following WRC report gives an overview of the average awards and types of directions and corrective action, which may be ordered: Review of WRC Adjudication Decisions & Recommendations - Workplace Relations Commission.[2]

- **reviewing the lack of recourse to mechanisms for the recovery of unpaid wages in cases of undocumented workers; (paragraph 87)**

The eligibility criteria for compensation to victims under the State's Criminal Injuries Compensation Scheme is currently being considered as part of work being done to advance more fundamental reform of the Scheme currently underway.

The WRC's Inspection and Enforcement remit is governed by statute and therefore the recovery of unpaid wages for workers must be conducted in accordance with the parameters of the existing statutory framework. There is currently provision within the Employment Permits legislation which allows the State to initiate civil proceedings to recover unpaid wages from an employer in circumstances where an undocumented worker was employed without a valid employment permit or immigration permission to work. The Employment Permit (Amendment) Act, commenced on 1 September 2024, provides a defence for a foreign national charged for 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.

- **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)**

The eligibility criteria for compensation to victims under the State's Criminal Injuries Compensation Scheme is currently being considered as part of work being done to advance more fundamental reform of the Scheme currently underway

In addition, Ireland's Law Reform Commission's (LRC's) fifth programme of work, which was approved by the Government in March 2019, includes a project on compensating victims of crime, with a particular focus on the Criminal Injuries Compensation Scheme. As a key element in informing the project, the LRC carried out a comprehensive public consultation in 2022 on the issue of compensating victims of crime.

Officials from the Department of Justice continued to liaise with the LRC on the project, in particular keeping them apprised of Scheme changes and further planned reforms. The Commission's report is expected to be delivered in 2025.

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 material, documentary, financial and digital evidence,**

[2] Review of WRC Adjudication Decisions & Recommendations - Workplace Relations Commission

and not having to rely exclusively on testimony by victims or witnesses; (Paragraph 114)

Various forms of exploitation are proactively and promptly investigated by AGS and various forms of evidence are collected as part of any human trafficking investigations in Ireland, whether conducted by the specialist and dedicated Human Trafficking Investigation and Co-ordination Unit ("HTICU") within the Garda National Protected Services Bureau ("GNPSB"), or personnel within AGS who undertake relevant investigations at a local level. All relevant evidence is gathered during the course of investigations, whether documentary, financial, digital or otherwise, and victim testimony is not exclusively relied upon. Offences that are prosecuted without the need for victim testimony include: organised crime offences, organised prostitution, brothel keeping, money laundering and immigration offences.

Furthermore, the introduction of body worn cameras by Garda members, pursuant to the Garda Síochána (Recording Devices) Act 2023, will prove useful in the collection of digital evidence, which may offset the reliance on the testimony provided by a witness.

Enforcing the rights of the victim and bringing perpetrators to justice is the overarching goal of the Prosecution Pillar 3 of the Department's National Action Plan 2023-2027.

At an operational level, HTICU engages in wide consultation with a number of agencies such as the Health Service Executive ("HSE"), the WRC, and the child and family agency, TUSLA. This collaboration is crucial to ensure different forms of exploitation are made known and investigated accordingly.

When undertaking investigations relating to human trafficking, depending on the complexity of the investigation, the assistance of other Bureaus within An Garda Síochána may be sought for their expertise in particular areas of crime. As appropriate, HTICU liaises with the CAB, the Garda National Crime and Security intelligence Service ("GNCSIS"), the Garda National Drugs and Organised Crime Bureau ("GNDOCB"), the Garda National Bureau of Criminal Investigation ("GNBCI"), the Garda National Cyber Crime Bureau ("GNCCB") and the Garda National Immigration Bureau ("GNIB"), amongst others.

The revision of the National Referral Mechanism ("NRM"), and its widening to include 'trusted partners' as authorised referral partners will allow for more victims of trafficking to come forward, and in turn allow for more investigations and files being prepared for the DPP to prosecute. As noted in the National Action Plan, this revision will also facilitate AGS in focusing on investigation and prosecution.

- **Systematically carrying out financial investigations in order to identify perpetrators' assets; (Paragraph 114)**

GNPSB, through their investigations into organised criminal networks, remove and seize assets. With the assistance of the Garda Economic Crime Bureau ("GNECB"), the GNPSB also 'follow the money' in investigations of this nature, tracing the movement of funds through various financial transactions and records to uncover the source and destination of illicit funds. The GNECB is a specialist bureau that investigates serious and complex cases of commercial fraud, cheque and payment card fraud, counterfeit currency, money laundering, and computer crime

CAB is a vitally important tool in the fight against organised crime and is highly effective in seizing the ill-gotten gains of criminals through their non-conviction based confiscation model. CAB is statutorily empowered through s. 4(c) of the Criminal Assets Bureau Act 1996 to conduct such investigations as are required to identify assets derived from criminal conduct, including human trafficking with a view to freezing and ultimately confiscating such assets.

Investigative teams in GNECB and CAB include specialist financial crime investigators, including forensic accountants.

- **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; (Paragraph 114)**

On completion of an investigation into a serious crime, AGS prepares a file for the ODPP, which then decides what charges, if any, to direct. The ODPP delivers a fair, independent and effective prosecution service on behalf of all the people of Ireland. All prosecutors within the ODPP have a general caseload, however human trafficking cases are assigned to one of the specialist prosecutors in the office within the Human Trafficking team.

The ODPP Human Trafficking team and the Human Trafficking Investigation Unit of An Garda Síochána have a positive and close working relationship, significant during complex human trafficking investigations. This work often necessitates and involves effective collaboration between prosecutors and investigators, to consider the evidence in each case, in advance of the submission of a file, or the making of a charging decision. Particular human trafficking files will be assigned in advance to specific members of the Human Trafficking team at the ODPP, which facilitates a decision as to prosecution being made at short notice, for example over weekends, if required**.**

Prosecutors from the Human Trafficking specialist team also currently participate in the following working groups with AGS: the Human Trafficking High Level Working Group; the Department of Justice Human Trafficking Oversight Group; the Department of Justice Human Trafficking Stakeholders Forum (together with a labour exploitation subgroup).

- **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;(Paragraph 114)**

In accordance with Ireland's common law legal system, which involves an adversarial criminal process in which cross examination of witnesses is a component of the prosecution, the ability to use pre-recorded evidence is not always possible. With the exception of s. 15 of the Criminal Evidence Act 1992, which is only applicable to child witnesses, there is no statutory provision in Ireland to use pre-recorded evidence.

The Criminal Evidence Act 1992, which has been amended extensively since its enactment including by way of the Criminal Justice (Victims of Crime) Act 2017, contains a range of 'special measures' designed to assist vulnerable witnesses, including the giving of evidence by video link. Applications for video-link evidence are not granted automatically by the Court and are at the discretion of the trial judge, who must have regard, in exercising his or her discretion, the need to protect the victim from secondary and repeat victimisation, intimidation or retaliation, taking into account the nature and circumstances of the case and the personal circumstances of the victim.

Furthermore, prosecutions will facilitate victims of human trafficking, where necessary, to travel to Ireland to give evidence at trial.

- **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; (Paragraph 114)**

The Judicial Council in Ireland, an independent body whose members are all of the judges in Ireland and who constitute a separate and independent branch of Government, engages with Non-Government Organisations ("NGOs") in relation to the design and delivery of education and training for the judiciary as regards human trafficking. Currently there are several programmes, which focus on victim-centred and trauma-informed approaches in the areas of coercive control, sexual and domestic violence. Education and training programmes have also been provided in the voice of the child. While these may not be directly related to human trafficking cases, the underpinning skills are transversal and are applicable when judges are dealing with human trafficking cases. The Judicial Council has planned a series of short seminars on human rights in early 2025 to include employment rights.

A series of vulnerable victims workshops were run for prosecutors in ODPP in August and September 2024 to assist prosecutors with adopting a victim centred and trauma informed approach. Members of the ODPP Human Trafficking Working Group together with HTICU recently met with Crown Prosecution Service's Director of Legal Services to discuss cases and statutes of mutual relevance. The Human Trafficking team are seeking out further opportunities for potential joint training

initiatives. Furthermore, the Human Trafficking in the ODPP team currently participate on a number of international specialist forums and training including the following:

- Eurojust Focus Group on Human Trafficking;
- Eurojust Focus Group on Migrant Smuggling;
- Council of Europe Network of Prosecutors on Migrant Smuggling;
- McCain Institute Global Consortium of Prosecutors in Human Trafficking

- **ensuring that prosecutions of human trafficking cases lead to effective, proportionate and dissuasive sanctions for those convicted (paragraph 114);**

There were nine cases with 12 individuals prosecuted for human trafficking related offences in Ireland in 2023, and two convictions were obtained.

Notably, in the case of *DPP v. Endosa* [2023] IECA 38, the ODPP appealed pursuant to s. 2 of the Criminal Justice Act 1993, against the undue leniency of sentences imposed. Sentences on appeal in this case were seven years and five months for one accused, and seven years and one month for the other accused. This was an increase of nearly two years imprisonment for each accused. The duration of this sentence is notable, even in the broader European context.

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; (Paragraph 187)**

The Workplace Relations Commission ("WRC") is an independent statutory office under the aegis of the Department of Enterprise, Trade and Employment. The WRC's main functions include inspecting employer records for employment law compliance, providing adjudication, mediation, conciliation and information services.

Ireland is committed to ensuring that the WRC has adequate resources to enable it to carry out its important functions. The WRC is staffed by 214 civil servants, which includes sanctioned allocation for 80 WRC inspectors.

WRC Inspectors are also authorised officers for the purposes of the Employment Permits Act 2024.

Currently the WRC has 69 inspector posts (including eight Inspection Team Managers) organised in five regional offices across Ireland. Sanction has been obtained for 11 additional inspector posts in 2024. This will bring the total allocation to 80 posts. There are currently a number of existing inspector vacancies (in addition to the 10 new inspector sanctions) to fill from the competition and

this should result in a proportional staffing increase to each region. A recruitment competition currently ongoing and a panel will be in place towards the end of 2024.

Training in the identification of the indicators of trafficking in human beings is provided to all inspectors by the Garda National Protective Services Bureau. Further training in this area will be provided to all inspectors as part of the WRC's statutory role as a competent authority in the new National Referral Mechanism. The WRC also regularly updates Inspectors on trends and new developments relating to labour exploitation.

- **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;**

The WRC is a partner in the State's response to trafficking in human beings and will be a designated Competent Authority under the new National Referral Mechanism and a member of the NRM Operational Committee. As part of its role as a competent authority, the WRC will have the authority to designate an applicant a "presumed victim of human trafficking", which enters that applicant into the National Referral Mechanism, and automatically refers the application to the Operational Committee for decision. This will enable more potential victims to come forward, be recognised, and receive the necessary services they need.

- 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)

The Atypical Working Scheme ("AWS") for non-EEA Crew in the Irish Fishing Fleet was established in 2016. This Scheme, operated under the remit of the Department of Justice, facilitated the recruitment of non-EEA fishers to work onboard certain fishing vessels. A review of the scheme was undertaken in 2022, which recommended closure of the Scheme and normalisation via the General Employment Permit System run by the Department of Enterprise, Trade and Employment. Government approved the outcome of the Review and its implementation. .

An implementation group was established to oversee the transition from the Atypical Scheme to the Employment Permits System. The cross-departmental group comprised of senior officials in relevant departments and agencies including the Department of Transport, the Workplace Relations Commission and an Bord Iascaigh Mhara, and was co-chaired by the Department of Agriculture, Food and the Marine and the Department of Enterprise, Trade and Employment.

The Department of Enterprise, Trade and Employment invited submissions from representative bodies, government departments, agencies, and other interested parties to a consultation to review the eligibility of occupations for employment permits. Submissions were received from the fishing sector and the Department of Enterprise, Trade and Employment had a series of engagements with representatives from this sector, migrants rights advocates and unions concerning access for non-EEA fishers through the General Employment Permit System.

Arising from the recommendations of the cross-departmental implementation group,=since July 2024the role of sea fisher in the Irish fishing fleet is now eligible for a General Employment Permit with a minimum salary requirement of €34,000, up to a quota of 150 permits.

Additional criteria to ensure the safeguarding of fishermen include compliance with the Terms of Employment (Information) Act 1994, the European Union (International Labour Organisation Work in Fishing Convention) (Crew List and Fisherman's Work Agreement) Regulations 2020 and sectoral training in accordance with the Fishing Vessel (Basic Safety Training) Regulations 2001.

The non-EEA fisherman may take up employment with one employer in the sector, however new provisions introduced through the Employment Permits Act 2024 now provide the option for the permit holder to apply to move from their employer to another employer in the sector, in the same role.

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);

The Criminal Law (Sexual Offences and Human Trafficking) Act 2024 ("the Act of 2024"), which provides the legislative basis for the revised NRM framework was enacted on 17 July 2024. The text of the Act of 2024 can be found here: Criminal Law (Sexual Offences and Human Trafficking) Act 2024

Prior to its commencement, only AGS could refer victims for identification as victims of trafficking. The revised NRM provides for a more streamlined response, encompassing additional competent authorities and a further role for key NGO stakeholders.

Section 20 of the Act of 2024 has established the following agencies as Competent Authorities under s. 20(3):

(a) An Garda Síochána,
(b) the Minister for Justice
(c) the Minister for Children, Equality, Disability, Integration and Youth
(d) the Minister for Social Protection,
(e) the Child and Family Agency,
(f) the Health Service Executive, or
(g) the Workplace Relations Commission;

Section 21 provides that a civil society organisation or body that works with or provides services to victims of trafficking may apply to the Minister to be designated as a Trusted Partner.

Section 22 makes provision for an NRM Operational Committee ("the Committee") with the competent authorities and trusted partners as members to be established. The Committee, as a multi-disciplinary team, will make decisions on the formal recognition of victims based on the recommendations of the individual competent authorities or authorised referral partners.

Section 34 makes provision for an applicant whose application for identification as a victim of human trafficking is refused by the operational committee to appeal the decision and request the committee to arrange for his or her application to be reviewed by an appeals officer appointed by the Minister for Justice. The Department of Justice will shortly seek expressions of interest for appointment to the position of Appeals Officers.
Preparatory work is currently being finalised in advance of the relevant provisions of the act being commenced. This preparatory work includes drafting detailed operational guidelines in consultation with state and civil society stakeholders. A draft of these guidelines was submitted to IHREC and to the Departments and state agencies which will become competent authorities for their observations. Members of the Human Trafficking Stakeholders' Forum will also have an opportunity to discuss the NRM guidelines at a meeting in December 2024.

Ireland continues to ensure that the right to seek and enjoy international protection does not impede identification as a victim of trafficking. The International Protection Office places a strong emphasis on watching for the signs of human trafficking in applicants for International Protection and has an ongoing training programme in place**.** The Act of 2024 provides that a victim of human trafficking will not be deported for immigration offences committed whilst being trafficked.

The establishment of a revised NRM Framework is the most significant development reflected in the Third National Action Plan to Prevent and Combat Human Trafficking 2023-2027 with a number of corresponding actions.

All the new competent authorities are committed to assisting with and implementing all elements of the NRM. In order to prepare for the anticipated increase in numbers accessing the HSE Anti Human Trafficking Team ("AHTT") service, the HSE National Social Inclusion Office ("NSIO"), in agreement with HSE Community Healthcare East, prepared and submitted a business case to the Department of Health for funding for the provision of additional resources

The HSE NSIO has established a HSE Human Trafficking sub-group with multi-disciplinary staff to guide, support and monitor the implementation of the HSE actions within the Third National Action Plan to prevent and combat Human Trafficking. The HSE NSIO has carried out a training needs and resource analysis with staff and conducted a mapping of existing training. A national HSE DSGBV training programme has been launched and module 1 awareness includes introductory information on Human Trafficking. A HSE Human Trafficking Training working group has been established. The HSE NSIO and HSE AHTT are currently developing a Human Trafficking Awareness session for HSE staff and staff in HSE funded services.

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);

In November 2023, IPAS opened a dedicated accommodation centre for victims of trafficking who are international protection applicants. It is an 8-bed accommodation unit for women who are identified as victims of trafficking, including those trafficked for the purpose of sexual exploitation. Each service user has an assigned case manager providing individualised assessment and support planning. The centre is currently operating as a pilot programme.

The pilot is overseen by a steering group which include representatives from the Department of Children, Equality, Disability, Integration and Youth; the HSE; An Garda Síochána and the DePaul Trust. Representatives of other organisations may join the group as required.

Section 32 of the Act Of 2024 outlines the services that may be made available to a presumed victim of human trafficking or an identified victim of human trafficking:

The services listed are:

- social welfare benefits;
- assistance with accommodation;
- civil legal aid within the meaning of the Civil Legal Aid Act 1995;
- supports for access to education, training and employment opportunities
- the services of the Child and Family Agency under the Child Care Acts 1991 to 2022 and the Child and Family Agency Act 2013 where the victim of trafficking is a child
- information and advice from a competent authority or trusted partner, or both, including information on the victim's rights and entitlements; and
- assistance with voluntary return to his or her country of origin, at the request of the victim.

The services listed may be provided by a competent authority, a trusted partner, or a relevant body.

7. **Step up efforts to combat child trafficking, including through: (Paragraph 211)**

The identification and protection of child trafficking victims in Ireland is a key priority of our anti-trafficking efforts. The NAP has a number of child-specific measures included under each of the pillars. For example, in the prevention pillar of the NAP, Ireland has committed to ensuring that all professionals in contact with children, and working on child-related matters, are aware of the indicators of human trafficking. This is paramount as a first step to identifying child victims and will be embedded into our human trafficking training efforts. In addition, in the protection pillar of the

NAP there is an action to review, plan and implement an enhanced and coordinated operational response from Tusla and AGS. This will build further on the multi-agency provision of support for child victims.

Section 14 of the Criminal Justice (Victims of Crime) Act 2017 applies to all victims including children. A child is presumed to have protection needs and any assessment carried out shall take into account the best interests of the child. Special measures during investigations may include interviews being conducted by a specially trained person, by the same person and in premises designed for the purpose of conducting interviews.

- **putting in place a robust child protection system capable of enabling the identification of trafficking indicators amongst Irish and EU children; (Paragraph 211)**

Ireland, unlike many other countries, has a dedicated agency for children – TUSLA, the Child and Family Agency. Established in 2014, it is the dedicated State agency responsible for improving wellbeing and outcomes for children. Its establishment represented the most comprehensive reform of child protection, early intervention and family support services ever undertaken in Ireland.

Children without a legal guardian are placed in the care of an appropriate state agency (foster family) with an assigned social worker who is specifically trained to assist and support child victims of trafficking. A statutory care plan is developed and if appropriate, an application for international protection will be made on behalf of the child. The Court has the power to appoint a legal guardian to act for the child who can establish the wishes and feelings of the child

There is ongoing collaboration between AGS and Tusla to raise awareness of the indicators of child trafficking victims. Tusla has established a multiagency working group to coordinate a Tusla response to responsibilities under the National Action Plan to combat human trafficking.
The group includes AGS (which provides support and advice to Tusla as it has considerable experience in this area), the Irish Human Rights and Equality Commission (“IHREC”), and MECPATHS (an NGO who provide training on awareness of child trafficking), in addition to Tusla professionals.

This working group has three sub- groups, one of which is tasked with developing staff guidance to assist staff in identifying potential child victims of trafficking. This guidance will include indicators which assist in identifying presumed child victims of trafficking. The group is also developing a national procedure setting out how staff should respond to presumed child victims within the current child protection system. Tusla has a policy and procedure setting out how staff should respond to presumed victims of child sexual exploitation and the new procedure will build on this to include all types of child trafficking.

The work of this sub-group is ongoing and will incorporate the practice guidance in relation to the Operational Committee of the NRM once this guidance becomes available. AGS and TUSLA have developed a joint action plan – Missing in Care .This plan looks at both trafficking in state care and

trafficked children who are put in state care. Separated children are recognised as a group, which may be at risk of trafficking and Tusla is working to obtain better information about migrant children who go missing from its care..

Since November 2024, all children who make an application for international protection and who are accompanied by an adult or guardian and require IPAS accommodation, are offered a vulnerability assessment. IPAS offers to assess the vulnerability of all families making an application for international protection, in accordance with Regulation 8 of the European Communities (Reception Conditions) Regulations 2018 (S.I. 230 of 2018).

Under the Regulations, IPAS is obliged to assess —

(i) whether a recipient is a recipient with special reception needs, and

(ii) If so, the nature of his or her special reception needs, this includes a person who has declared themselves a victim of trafficking.

- **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; (Paragraph 211)**

Under the revised NRM framework, government departments and agencies that meet potential victims have, in addition to AGS, become competent authorities for the identification of victims of human trafficking. Tusla and the Department of Children, Equality, Disability, Integration and Youth International Protection Accommodation Services ("IPAS") are among these competent authorities.

Section 23(1)(c) of the Act of 2024 stipulates that the operational guidelines which support the NRM shall have *"(iv) specific procedures for the identification and support of child victims of human trafficking and presumed victims of human trafficking who are children*".

In every case concerning a child who has been trafficked, Tusla must be notified as soon as practicable. Section 26 of the Act of 2024 provides for a presumption of child status, ensuring that when a victim says that they are under 18, they will be treated as a child and the full suite of child protection mechanisms is engaged from the outset.

All Competent Authorities must take full cognizance of the Children First Act 2015 (Children First Act 2015) and the National Guidelines for the Protection and Welfare of Children 2017 (gov.ie - Children First: National Guidelines for the Protection and Welfare of Children 2017). At the preliminary identification stage of the NRM, each competent authority or trusted partner will be charged with making a decision as to whether or not there are reasonable grounds to conclude that a child applicant is a victim of human trafficking, based solely on the information before it, but including any additional information which may have been shared by another competent authority or trusted partner, or by the Operational Committee.

- **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**; **(Paragraph 211)**

Ireland has taken measures to ensure that those who may come into contact with child victims of trafficking have undergone specific training.

- The Tusla working group referenced above has a second sub-group to coordinate the Tusla Training programme, to provide education and awareness training to all Tusla staff who may encounter a potential child victim of trafficking. Tusla has partnered with MECPATHS to provide training to Tusla staff. This training, providing awareness of presumed victims of child trafficking is currently underway and a significant number of staff have received this level of training. Once the Tusla guidance and procedure is complete a training plan will be developed to support the implementation of both the guidance and the procedure to ensure staff have the necessary skills to identify, respond to and support presumed child victims.

- TUSLA's team for Separated Children Seeking International Protection ("SCSIP") has specialised training on trafficking and this team has received training on child sexual exploitation procedures via an eLearning module. They have had team training events, provided for example by AGS Anti-Human Trafficking unit.

- The HTICU of the GNPSB have specifically trained officers to investigate and assist child victims of trafficking to ensure that access to justice is child-sensitive.

- Divisional Protective Services Unit ("DPSU"), which are located within every AGS division, have been provided with a bespoke training course consisting of a number of modules addressing issues such as: investigation of sexual crime; child protection; investigation of domestic abuse; online child exploitation and sex offender management.

- Solicitors and legal clerks of the Legal Aid Board who deal with victims of trafficking receive specific training to assist in the delivery of legal services to children, minors and vulnerable individuals.

- All staff working in IPAS centres where children reside are required to complete Children's First Training and are offered training from IPAS which includes signs and indicators of child abuse. If there is a concern raised that a child residing in IPAS accommodation is a potential victim of trafficking, this matter would be referred to Tusla and AGS.

- IPAS currently provide training to IPAS and Centre Management staff, which includes information on victims of trafficking, the AGS Blue Blindfold campaign and working with adults and children who may be at risk of abuse. IPAS Staff and centre managers are open

to working alongside Tusla, AGS, DOJ and the HSE to ensure that staff working directly with child victims or potential victims of trafficking have access to training where they are able to identify and respond to indicators of child trafficking.

B. [GRETA] Recommends that the Irish authorities take measures to implement the other proposals for action listed in Appendix 1 of GRETA's third evaluation report (2022).

Right to information

- **While welcoming the range of information materials available to victims of THB on their rights, GRETA considers that the Irish authorities should ensure the availability of qualified interpreters/translators who are sensitised to the issue of human trafficking and the vulnerabilities of victims, at all stages of the victim identification process and criminal proceedings, and that the costs of interpretation are covered by the authorities (paragraph 46).**

All Government Departments and agencies comply with statutory requirements and provide translation for victims of trafficking with whom they engage. The state pay for interpretation and wherever possible, ensure continuity of interpreter. The Criminal Justice (Victims of Crime) Act 2017 introduced statutory rights for all victims of crime which includes entitlement to information about the system and their case, supports, and special measures during investigation and court proceedings. Section 22(4) of this legislation provides for assistance by way of interpretation and translation which shall be provided to a victim as soon as practicable.

The Department of Justice has committed in the Criminal Justice Sectoral Strategy, to conduct a systematic review of the provision of translator, interpreter within the criminal justice system. A researcher has been hired to review and analyse the current provision and supply of these services within the criminal justice system. It will contain research around best practices within other jurisdictions and make recommendations for improvements where possible.

Furthermore, the Victims Charter brings together all of the information a victim of crime might need to know about their rights, and about what to expect from their engagement with the criminal justice system. It presents the information in an easily accessible and user-friendly way, to allow victims of crime to easily find the information they need. It also provides details of all the different supports that are available both when engaging with the criminal justice system, and more generally for when people just need support recovering from what has happened to them. It is available in print, and online at victimscharter.ie. The Victims of Crime – Know Your Rights campaign was launched in April of 2023. The campaign directs people to the VictimsCharter.ie website and has a particular emphasis on reaching minority and harder-to-reach communities.

The Department of Justice currently funds the International Organisation for Migration ("IOM") Ireland for cultural mediators through the Protect Project. These mediators are professionals who facilitate the communication (including interpretation) between people speaking different languages and with different cultural backgrounds and are used to support vulnerable victims and

witnesses of migrant backgrounds. Their function is to bridge the gap between Irish service providers and migrant and ethnic minority service users. The service is free to use and, in addition to vulnerable migrants, is available to any State or non-State agency working with vulnerable migrants.

In the National Action Plan to prevent and combat Human Trafficking 2023-2027, the Department of Justice has committed to expanding the funding, use and awareness of cultural mediators and accompaniment services.

Psychological assistance

- **GRETA considers that the Irish authorities should take further steps to ensure that victims of THB are provided with long-term psychological assistance, to help them overcome the trauma they have been through, and to achieve a sustained recovery and social inclusion (paragraph 60).**

The HSE Anti Human Trafficking Team ("AHTT") is part of the national health service ("HSE") providing public health and social care services for everyone living in Ireland.

The AHTT currently receives referrals for all identified victims of human trafficking in the state. The service is responsible for care planning and supporting trafficked people of all forms of exploitation.

The team is multidisciplinary. The Principal Psychologist provides assessment and treatment to victims of trafficking and identified victims of trafficking are offered psychological support. Psychological input comprises an assessment of the individuals' needs and subsequent intervention and/or onward referral to other suitable services. Treatment in this service is evidence-based and is provided in line with clinical guidelines e.g. NICE guidance, WHO guidelines. Following assessment, treatment typically follows a stepped-care approach and is offered in three phases:

- Phase 1: Stabilisation (up to 6-8 sessions),
- Phase 2: Psychological therapy (10-12 sessions),
- Phase 3: Integration (this phase often runs in parallel to phases one and two). Appointments are accessed in person and by video link. Interpreting services are available as required. Onward referrals are made to other HSE and non-statutory agencies where required.

The HSE is currently seeking to increase the capacity of the AHTT to support an increase in Human trafficking identifications across the HSE when the revised NRM becomes operational.

IPAS accommodation for International Protection Applicants may include victims of trafficking. Health services for international protection applicants are mainstreamed and applicants access them through the same referral pathways as Irish citizens. For health services, including referrals to psychological and mental health services, this is through primary care, GP referral and emergency services. IPAS has continued ongoing engagement with the HSE National Social Inclusion Office and the HSE Anti Human trafficking team regarding the access to health services including psychological assistance to those who reside in IPAS accommodation.

Compensation

- **Furthermore, GRETA invites the Irish Authorities to consider setting a special compensation fund for victims of THB, funded by the assets confiscated from perpetrators (paragraph 88)**

At present, there is no special compensation fund for victims of trafficking in this jurisdiction. However, in 2021, the Community Safety Innovation Fund was established by the Department of Justice, which reinvests proceeds of crime returned to the Exchequer by CAB back into communities to fund innovative local projects aimed at building stronger, safer communities. The size of this fund was increased to €3.75 million under Budget 2024, reflective of the continued success of AGS and CAB. Putting this money back into the community is a tangible way of showing that there can be a direct link between the activities of law enforcement and building stronger, safer communities.

Access to work, vocational training and education

- **GRETA commends the efforts in the area of further education and training and invites the Irish authorities to ensure effective access to the labour market for victims of THB and their economic and social inclusion through the provision of vocational training and job placement, raising awareness amongst different employers, and the promotion of micro-businesses, social enterprises and public-private partnerships, including through state supported employment programmes, with a view to creating appropriate work opportunities for victims of trafficking (paragraph 66).**

Victims of trafficking can access adult literacy or English for Speakers of Other Languages ("ESOL") through the local Education and Training Board ("ETB"). Adult literacy and ESOL classes are free of charge.

Victims with refugee or subsidiary protection status can access Further Education and Training ("FET") and related financial supports (e.g., training allowances, SUSI grants etc.) on the same basis as Irish citizens. Victims who do not yet have such status, but who have applied for international protection, can apply to the Department of Justice for a Labour Market Access Permission Letter after five months. On receipt of this permission, they can access any FET programme once they meet standard eligibility criteria.

Since 2021, victims of trafficking who are awaiting the outcome of an international protection application and are on a post-leaving certificate ("PLC") course no longer need to pay the international fee. They can also apply for financial support through the International Protection Student Scheme 2024/2025 if they have been continuously resident in the State for a continuous period of three years or more.

Education and Training Boards provide a range of supports, such as psychological services, to learners with additional needs, which victims of trafficking may benefit from.

In addition, there are measures in place within the Department of Social Protection to support a victim of human trafficking. If/when that person has been granted the status to work in the state,

that person would have access to the range of employment supports available within the Department of Social Protection'.

Investigations, Prosecutions, Sanctions, and measures

- **GRETA also considers that the Irish authorities should take steps to ensure that the length of court proceedings in cases of trafficking of human beings is reasonable, in line with the case-law of the European Court of Human Rights (related to Article 6, paragraph 1, of the ECHR) and the standards set by the European Commission for the Efficiency of Justice (CEPEJ) (paragraph 115**)

Irish authorities endeavour to ensure that all cases proceed through the courts in an efficient manner. The Courts Service takes seriously its obligation to support the judiciary in dealing with all criminal matters in a timely fashion and criminal cases are brought before the courts as soon as possible. Priority is sought for cases involving vulnerable victims but higher priority is given by the courts to cases where the accused is in custody and to cases involving juveniles. It can be challenging to get early trial dates in the context of existing case lists, however, ODPP endeavours when possible to highlight reasons for priority listings in HT cases. Delays due to court list pressures did arise during the Covid-19 pandemic, which meant a marginal delay in a trial date being reached. These delays remained a factor in criminal cases generally and were not specific to human trafficking offences.

Non-punishment provision

- **GRETA considers that the Irish authorities should take further steps to ensure consistent application of the principle of non-punishment of victims of THB for their involvement in unlawful activities, to the extent that they were compelled to do so. Such measures should include the development of detailed guidance for police officers and prosecutors on the scope and application of the non- punishment provision. Consideration should also be given to adopting a specific legal provision on the non-punishment of victims of trafficking for their involvement in unlawful activities, to the extent that they were compelled to do so (paragraph 125).**

The principle of non-punishment of victims of trafficking in human beings is considered in every criminal investigation in Ireland as a matter of course. In terms of prosecution, a decision as to whether or not to prosecute a victim of human trafficking will be taken on a case by case basis with the independent oversight of the Director of the ODPP. A fundamental consideration when deciding whether to prosecute is whether to do so would be in the public interest ('the public interest test')Particular attention is drawn to human trafficking victims in the ODPP's 'Prosecutor Guidelines' [3]regarding the application of the Public Interest test. The Prosecutors Guidelines are a central facet

[3] Guidelines for Prosecutors

of training for all Prosecutors in the Directing Division.

This principal of non-prosecution on public interest grounds was applied in Ireland in a case in 2023, in which Vietnamese nationals had been charged with cultivation of cannabis. The AGS investigation uncovered that the accused were potential victims of trafficking and the charges were then withdrawn after engagement with the ODPP and consideration of the public interest test. This is in line with accepted international practice that victims should not be prosecuted for any offences committed as a result of being trafficked.

It is acknowledged that sex workers may be at increased risk of victimisation and trafficking. The purchase of sexual services is an offence in Ireland, but not prostitution itself. Section 25 of the Criminal Law Sexual Offences Act 2017 criminalises the purchase of sexual services, and the 2017 Act decriminalized the selling of such services.

Protection of victims and witnesses

➢ **GRETA welcomes the changes introduced by the Criminal Justice (Victims of Crime) Act 2017 and considers that the Irish authorities should make full use of the available measures to protect victims and witnesses of THB and to prevent their intimidation or re-traumatisation during the investigation and during and after the court proceedings, including through the use of video conferences and other suitable means to avoid face-to-face cross-examination ("direct confrontation") of victims and defendant, and by treating victims of trafficking as particularly vulnerable victims (paragraph 136).**

Applications for Special Measures have been made in human trafficking cases where appropriate and this will continue. It is at the discretion of the Judge whether to grant an application for Special Measures . Applications for videolink evidence have been granted for two human trafficking victims to date.

Specialised authorities and co-ordinating bodies

➢ **GRETA welcomes the existence of investigators specialised in trafficking in human beings and the training provided to them, as well as the beginning of specialisation on THB within the Office of the Director of Public Prosecution, and considers that the Irish authorities should ensure that the training provided is systematic and periodically updated, and should further promote capacity-building and specialisation, with a view to enabling the proactive investigation and successful prosecution of humantrafficking cases (paragraph 142).**

The ODPP continues to build capacity within its Specialist Human Trafficking team and is engaging in extensive external groups, committees and training both domestically and internationally.

International co-operation

➢ **Given the importance of electronic evidence in cases of THB, which is increasingly committed online and with the use of information and communication technology, GRETA encourages Ireland to ratify the Council of Europe Cybercrime (Budapest) Convention (paragraph 148).**

Ireland remains fully committed to ratifying the Budapest Convention. The vast majority of the substantive provisions of the Budapest Convention concerning the creation of criminal offences are already covered in Irish law. In 2024, the Government approved drafting of the General Scheme of *the Criminal Justice (Protection, Preservation and Access to Data on Information Systems) Bill 2024*, which includes provisions that will make substantial further progress towards ratification of the Convention.
Separately, a review of Ireland's interception legislation is currently being conducted with a view to updating existing legislation, including provisions necessary to give effect to the remaining requirements of the Budapest Convention.

➢ **GRETA welcomes the efforts made by the Irish authorities in the area of international co-operation against human trafficking, and invites them to make full use of the available international co- operation tools, including with regard to financial investigations and the enforcement of compensation orders, as well as the setting up of JITs in human trafficking cases and strengthening co-operation with countries to which victims of THB are returned (paragraph 152).**

AGS cooperates with foreign counterparts on law enforcement activities related to human trafficking. In 2023, there were 11 ongoing investigations with international partners in the area of human trafficking. AGS has also participated in Joint Investigation Teams ("JITs") with international law enforcement authorities, Joint Action Days, and are highly engaged in the work of EMPACT in this priority area. EMPACT refers to the European Multidisciplinary Platform Against Criminal Threats. This programme introduces an integrated approach to EU internal security, involving measures that range from external border controls, police, customs and judicial cooperation to information management, innovation, training, prevention and the external dimension of internal security, as well as public-private partnerships where appropriate. For the period 2024 to2025, Ireland is participating in 22 of the EMPACT operational actions in trafficking of human beings and nine in relation to migrant smuggling.

Role of businesses

- **GRETA welcomes the above-mentioned initiatives, and considers that the Irish authorities should strengthen engagement with the private sector, in line with the UN Guiding Principles on Business and Human Rights and Council of Europe Committee of Ministers Recommendation CM/Rec(2016)3 on human rights and business, with a view to raising awareness of the important role and responsibility of businesses in supporting the rehabilitation and recovery of victims, and to providing access to effective remedies (paragraph 165).**

The Department of Foreign Affairs and the Department of Enterprise, Trade and Employment are working together to develop Ireland's Second National Action Plan on Business and Human Rights. The second Plan will reflect the three-pillar structure of the United Nations Guiding Principles on Business and Human Rights. This includes access to remedy under pillar three.

The new Plan is expected to cover a multi-annual timeframe as was covered in the first Plan. It is intended to build on the achievements of the first National Plan, while reflecting new developments in the international understanding of business and human rights, including new EU instruments. It will also align with the commitment in the Programme for Government to ensure that the National Plan on Business and Human Rights 'is further developed to review whether there is a need for greater emphasis on mandatory due diligence'.

The Corporate Sustainability Due Diligence (CSDD) Directive, which was published in the Official Journal of the European Union on 5 July 2024 and came into force on 26 July 2024 must be transposed into Irish legislation by 26 July 2026.

The CSDD creates legal obligations on companies within scope to manage and monitor their chain of activities, identify potential environmental and human rights risks, take measures to prevent, manage and mitigate risks, and provide effective remedies when harm occurs. This ensures that environmental and human rights are protected not just within the company's operations but also throughout its chain of activities.

The WRC Adjudication Division administers justice exercising limited judicial functions in an impartial manner. Under its founding statute, the Workplace Relations Act 2015, the WRC is independent and whilst it has many relevant functions and could potentially raise such issues at a stakeholder forum with businesses, it could not advise or compel businesses generally to take the sort of action envisaged here. That said, when appropriate on the facts and law, a specific course of action could be directed to an individual respondent business to amend its policies and provide training to reflect GRETA considerations listed here. See WRC remedies table for when a specific course of action can be directed: WRC Remedies Table - Workplace Relations Commission

Measures to prevent and detect corruption

➢ **GRETA considers the Irish authorities should include measures against corruption in a THB context in the general policies against corruption, and effectively implement them; (paragraph 170).**

Ireland's legal and policy framework for combating criminal corruption has evolved to address specific issues such as human trafficking, which often intersects with corruption at various levels. At the heart of Ireland's legal response is the Criminal Justice (Corruption Offences) Act 2018, which criminalises corruption in both public and private sectors. This Act is significant in cases of human trafficking, as it addresses bribery and the abuse of power that may enable trafficking networks to operate. For example, officials who accept bribes to falsify documents or overlook regulatory breaches related to immigration or labour laws are subject to severe penalties, including up to ten years of imprisonment and unlimited fines. The Act also includes provisions for corporate liability, ensuring that companies complicit in corrupt practices linked to trafficking can be held accountable.

The Criminal Law (Human Trafficking) Act 2008, as amended in 2013, specifically targets human trafficking, providing definitions of trafficking offences and severe penalties for perpetrators. The law works in tandem with anti-corruption measures, recognising that corruption within public institutions or private entities can facilitate trafficking crimes. For example, it criminalises the use of deception or coercion to exploit individuals, and any corrupt acts that aid in such exploitation can be prosecuted under both anti-corruption and anti-trafficking laws.

Ireland's approach is also shaped by its international obligations; particularly the Council of Europe Convention on Action against Trafficking in Human Beings and the United Nations Convention against Transnational Organised Crime (and its Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children). These frameworks include comprehensive measures to combat trafficking and corruption, including the prosecution of corrupt officials and the dismantling of trafficking networks that rely on bribery and exploitation.

Policy measures complement Ireland's legal framework. The National Referral Mechanism ("NRM") provides a coordinated approach to identifying and supporting victims of trafficking while ensuring that law enforcement and other agencies work together to detect and address the corruption that often underpins trafficking operations.

The Criminal Assets Bureau is a vitally important tool in the fight against organised crime and is highly effective in seizing the ill-gotten gains of criminals through their non-conviction based confiscation model. CAB plays a critical role in seizing the proceeds of crime, including profits derived from human trafficking, and helps to dismantle the financial structures of trafficking organisations.

The Proceeds of Crime (Amendment) Bill 2024, when enacted, will strengthen the role of CAB to target the proceeds of crime and will improve the efficiency of their processes. The purpose of this Bill is to strengthen the State's ability to target the proceeds of crime. Ongoing review of the

operation of the civil forfeiture regime in Ireland (grounded in the Proceeds of Crime Act 1996) has identified a number of areas of improvement and the Bill will propose refinements to the regime informed by legal and operational developments. Drafting is nearing completion.

An Garda Síochána utilises specialised units such as the Human Trafficking Investigation and Coordination Unit and the National Economic Crime Bureau, which investigate trafficking and associated corruption. These units collaborate with international partners including UK authorities, recognising that trafficking is a transnational crime often facilitated by cross-border corruption.

Ireland's recent National Action Plan on Human Trafficking (2021–2025) emphasises the need to combat corruption as part of its overall strategy to dismantle trafficking networks. The plan includes measures to strengthen the detection and prosecution of corruption related to trafficking and improve international cooperation.

Follow-up topics specific to Ireland

Developments in the legislative, institutional and policy framework for action against human trafficking

➢ **Noting the importance of data collection and research for an objective evaluation of the implementation of anti-trafficking legislation, policy and activities, GRETA considers that the Irish authorities should give the IHREC a statutory remit to request and receive appropriate information from relevant actors (paragraph 19);**

In October 2020, the Irish Human Rights and Equality Commission (IHREC) was designated as Ireland's independent National Rapporteur for Anti- Human Trafficking under Article 19 of the EU Human Trafficking Directive.

IHREC's task as Rapporteur is to provide effective, independent and meaningful oversight of the State's actions to combat human trafficking and to protect victims. By producing annual evaluation reports, IHREC provide a credible baseline for external evaluations. These reports underpin effective monitoring and policy developments. The main purpose of their reports is to provide a resource for national policy makers, practitioners and researchers, and to inform the general public about the human trafficking situation in Ireland.

Information and data sharing between IHREC and relevant actors is working well in practice and a statutory provision is not considered necessary at this time. There are also potential difficulties in drafting a legislative provision that includes requesting data from AGS and the ODPP.

The Third National Action plan to Combat Human Trafficking 2023 - 2027 acknowledges the importance of data collection and has a number of actions focused on improving this.

Action 4.7.1 Collect and analyse data on trafficking in human beings

Action 4.7.2 Agree common data collection protocols, disaggregation and reporting timeframes to ensure a consistent approach across Departments and agencies. Link with Criminal Justice Operational Hub

Action 4.8.1 Agree a data collaboration protocol for revised NRM Framework in line with the data sharing provisions in the Criminal Law (Sexual Offences and Human Trafficking) Bill 2023. This will also support international reporting, e.g. UN, GRETA, Annual HT Report

Action 4.8.2 Consider how best to collect and utilise data from across vulnerable groups identified to be at risk of human trafficking (e.g. individuals impacted by Prostitution, undocumented migrants, unaccompanied children, etc.)

The revised NRM framework and Operational committee will also develop systems to improve data collection.

- **Noting the importance of maintaining co-ordination of anti-trafficking action at national level, GRETA considers that the Irish authorities should take steps to strengthen the work of stakeholders' forum, clarify its status, and ensure that the sub-groups are enabled to make progress (paragraph 20).**

The Department of Justice has lead policy responsibility for monitoring the implementation of the Third National Action plan to Combat Human Trafficking 2023 - 2027 ("NAP"). NAP Action 4.9.1 reiterates the establishment of the Human Trafficking Stakeholders' Forum. This Forum, active since 2020, is chaired by the Department of Justice and members of the Forum are drawn from the community and voluntary sector and other expert stakeholders. Forum members were consulted on the development of the NAP and regularly provide feedback on trafficking responses.

A meeting of this Forum is scheduled twice a year. Most recently, the forum has met in December 2023 shortly after the publication of the Third National Action Plan, and in May 2024, and it will meet again in December 2024. At these Forum meetings, the members are updated on the implementation of the plan and there is scope for discussion of broader Human Trafficking issues. The Human Trafficking Stakeholders' Forum has agreed terms of reference for the group and minutes are maintained.

The NAP also provides for the establishment of two other groups into which the Human Trafficking Stakeholders' Forum links. These are the Human Trafficking Governance and Strategy Group ("HTGSG") and the Human Trafficking Oversight Group ("HTOG"), are responsible for monitoring the implementation of the actions contained within the plan.

The HTOG is a multi-agency oversight group with representatives drawn from key agencies. It has an operational focus and responsibility for the national co-ordination and development of initiatives

to progress the objectives of the action plan. It will meet once a quarter. Members of the HTOG also sit on the Human Trafficking Stakeholders' Forum where they have the opportunity to engage with NGOS and members of the voluntary sector.

The HTGSG comprises senior officials from Departments and Agencies and with relevant expert participation as appropriate. This group, which meets twice a year, has the overall objective of guiding the implementation of the National Action Plan, providing strategic direction on anti-trafficking responses and driving cooperation between key agencies. The work of the HTGSG is itself informed by discussions held at the Human Trafficking Stakeholders' Forum and the HTOG.

The NAP provides that a separate Labour Exploitation Subgroup would be convened. This group has now been established and has met twice since it has been established, in September and November 2024. It draws on membership of the HTOG, IHREC, NGO and also includes Union representation. The members of the group have agreed terms of reference and the meetings are minuted. The meetings give member opportunities to present on particular areas of concern. The members of this subgroup have expressed an interest in developing a research subgroup and the Department of Justice will support this new development.

Measures to prevent and combat trafficking for the purpose of labour exploitation

➢ **GRETA considers that the Irish authorities should take further steps to prevent THB for the purpose of labour exploitation, including by:**

- **putting in place practical co-operation and data sharing agreements between labour inspectors and law enforcement in order to ensure that personal information of workers, whether collected in the course of labour inspections, joint inspections, reporting or complaints mechanisms, is not used for immigration enforcement purposes, but to tackle the organisers of trafficking offences;(Paragraph 188)**

In addition to upholding Irish employment law, the WRC Inspectorate is also responsible for ensuring compliance with the Employment Permits Acts. In order to carry out this role information on the legal right to work by workers is required, including where workers are granted a permission under immigration procedures or the Department of Foreign Affairs Working Holiday Authorisation scheme.

There are significant levels of cooperation and safeguards in place in terms of any joint inspection activity that it carries out in conjunction with the State's immigration enforcement authorities (for example, the Garda National Immigration Bureau).

The WRC implements a policy of not initiating prosecutions against an employee when detected working without a valid employment permit. In such circumstances, any prosecution proceedings are initiated against the employer only.

- **developing a specific protocol on the investigation of trafficking for the purpose of labour exploitation in order to gather all necessary evidence, using special investigative techniques and carrying out financial investigations, in order to decrease reliance on trafficked persons' evidence; (Paragraph 188)**

Given Organised Crime Groups (OCGs) are exploiting victims of human trafficking for the sole purpose of financial gain, AGS adopt a policy of following the money when investigating all incidents of human trafficking including cases of labour exploitation.

To this end, AGS also seek the assistance of GNECB and utilise their forensic accountants to assist in locating illegal movement of money through various methods. Working alongside CAB, AGS also seek to identify, seize and forfeit assets acquired by the OCGs.

- **further developing co-operation with trade unions in the prevention of THB for the purpose of labour exploitation (paragraph 188).**

The WRC conducts extensive engagement with all stakeholder groups including trade unions. During 2023, the WRC Information and Customer Services Team attended 44 external events to inform stakeholders, employers, employees, members of the public and target groups particularly young persons, and migrant workers, of the supports and services available from the WRC. This outreach informs and assists WRC service users, the public, employers and employees of the rights and obligations provided under employment law. The WRC will continue to work with all stakeholder groups including trade unions in terms of providing information and supports to prevent labour exploitation.

Measures to raise awareness and discourage demand

➢ **GRETA welcomes the measures taken since the second evaluation in the areas of awareness raising and discouraging demand for the services of trafficked persons. GRETA invites the Irish authorities to continue making efforts in these areas, in partnership with civil society, trade unions and the private sector, including internet providers and tech companies; (paragraph 195).**

Ireland recognises awareness of the indicators of human trafficking as a fundamental aspect in identifying victims of trafficking – both for victims who may not identify as such and those in close contact with victims who can offer support. Awareness raising and disseminating information are important features of the previous and current action plans. The NAP has a number of actions specific to awareness-raising and discouraging demand for the services of trafficked persons. The

provision of information to migrants in language-appropriate formats is also a key action in the Migrant Integration Strategy

Development of, and making information available to 'hard-to-reach' victims and communities has also been recognised as an important aspect of any efforts to raise awareness and reach victims and the Department of Justice is working to extend our reach into communities. Ireland also targets where this information is made available, such as in health and social care settings.

Specific events (e.g. EU Anti- Human Trafficking Day and UN World Day Against Trafficking in Persons) have been utilised to enhance public awareness of trafficking. The Department of Justice in conjunction with An Garda Síochána has also brought awareness-raising events out to communities. Each year, the Department of Justice in conjunction with members of An Garda Síochána's Human Trafficking Investigation and Co-ordination Unit attend the National Ploughing Championships, Europe's largest outdoor agricultural show. This is a three-day event held in County Laois, Ireland every September which draws over 1,700 exhibitors and in the region of 200,500 visitors. This event is an opportunity to engage directly and in person with people working in the agricultural sector and to raise awareness of human trafficking in Ireland.

In Dublin Airport, periodic operations are carried out in an effort to identify possible victims and to maintain awareness among border management officers of the issue. These periodic operations are evaluated and changes to procedures implemented where necessary.

Ireland also collaborated with IOM to create the 'Anyone Trafficked' campaign which launched in October 2021. This advertisement campaign aimed to raise public awareness around the reality of human trafficking in Ireland and to alert the public to its signs and indicators, as well as the different types of exploitation that exist from sexual exploitation to child trafficking, forced begging and forced labour. To spread the message of the 'Anyone Trafficked' campaign, IOM Ireland participated in the event 'Voices of Migrants: The Challenges of Inclusion and Human Trafficking', in November 2023, as part of Dublin City Council Inclusion and Integration Week. IOM screened the short film 'Anyone: Deceived' as part of their ongoing counter-trafficking campaign.

Many NGOs undertake awareness raising campaigns and the Department of Justice has provided funding in this respect.

Prevention of child trafficking and identification of, and assistance to, child victims of trafficking

- **GRETA considers that the Irish authorities should continue keeping under review the legislative provisions on child trafficking and their consequences for the identification of child victims of trafficking; (paragraph 210)**

The NAP established the High Level HT Governance and Strategy Group which comprises senior officials from Departments and Agencies and with relevant expert participation as appropriate. It is

chaired by the Department of Justice with the overall objective of guiding the implementation of the National Action Plan, providing strategic direction on anti-trafficking responses and driving cooperation between key agencies. In addition, the high-level group consisting of the Department of Justice, AGS and ODPP officials continues to meet. Both these fora keep all trafficking legislative provisions under review as necessary.

Recovery and reflection period and residence permits

➢ **GRETA considers that the Irish authorities should review the place and role of the recovery and reflection period in the context of the review of the NRM, ensuring that, in compliance with Article 13 of the Convention all possible foreign victims of trafficking, including EEA nationals, are offered a recovery and reflection period and all the measures of protection and assistance envisaged in Article 12, paragraphs 1 and 2, of the Convention during this period; (paragraph 215)**

➢ **GRETA invites the Irish authorities to grant temporary residence permits to victims of THB on the basis of their personal situation, in addition to the residence permit on the basis of the victim's co- operation in the investigation or criminal proceedings; (paragraph 216).**

A non-national, identified as a victim of trafficking will first receive a short-term residency permit, known as a recovery and reflection period for a duration of 60 days. This remains unchanged under the revised NRM framework.

The Act provides that a victim of human trafficking will not be deported for immigration offences committed whilst being trafficked.