



Coimisiún na hÉireann um Chearta
an Duine agus Comhionannas
Irish Human Rights and Equality Commission

Trafficking in Human Beings in Ireland

Second Evaluation of the Implementation of
the EU Anti-Trafficking Directive: A Digest



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The Irish Human Rights and Equality Commission was established under statute on 1 November 2014 to protect and promote human rights and equality in Ireland, to promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

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Foreword

The Commission, as independent Rapporteur on trafficking, is delighted to present the second Evaluation Report on the progress made and actions undertaken by the State to address and combat human trafficking, in all its forms.

The Commission'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. We do this by highlighting the strengths, gaps, and identifying trends in the overall response. The Commission's values are underpinned by a holistic, equality, human rights, victim-oriented, gender-specific and child-centred approach to human trafficking.

This report builds on the detailed analysis of the first national evaluation report through assessment of actions and outcomes undertaken during the reporting period (2022) with reference to each of the Directive articles. In addition to this analysis, this year's report goes further by examining the pressing and emerging trends in trafficking. Namely, how technology is facilitating trafficking, the increase in labour exploitation, and the impact of the war in Ukraine on increasing the risk of trafficking.

The Commission has been fulfilling the task of a National Rapporteur, since 2020 when it was designated this role. In addition to gathering data and measuring results, the Commission endeavours to contribute to the positive developments in the area aimed at achieving full compliance with modern human rights standards, as well as proactively responding to emerging and unforeseen issues. For this reason, we have supplemented the overview of the implementation of the Directive provisions with important thematic analysis.

With our targeted research and analysis in areas affecting human trafficking, the Commission aims to expand the knowledge base and to provide an informed response to the crime of human trafficking and its victims in Ireland. The Commission remains focused on the proactive prevention of trafficking. Which, in light of the increased use of the technology, must necessarily involve corporate partners alongside State structures and the wider public. The Commission hopes that this report will provide an impetus for debate and swift action to target the online technologies used in this heinous crime.

In parallel to this evaluation report, the European Union began its consultations on amending the EU Anti-trafficking Directive. Among the important issues raised was the need to include novel forms of exploitation (such as forced marriages, illegal adoption and related phenomena) in the definition of trafficking, the need for strengthened penalties for private users of services from trafficked victims as well as mandatory penalties against legal entities implicated in human trafficking. Owing to the importance of such proposed reforms we have included these in the relevant sections of our report.

The Commission's evaluation work captured in this report also coincided with a number of significant developments in Ireland. The drafting of a new anti-trafficking National Action Plan, the launch of the Third Domestic, Sexual and Gender-Based Violence Strategy - which recognises human trafficking as a form of gender-based violence - and, of course, the long-awaited publication of the General Scheme Criminal Justice (Sexual Offences and Trafficking) Bill establishing a new National Referral Mechanism (NRM). The Commission welcomes these undertakings of the State, and believes their combined action will greatly improve the State's overall anti-trafficking response.

The new NRM is an essential part of the anti-trafficking framework. Providing for a victim-centred identification pathway with clear assistance and supports to victims in statute is significant. In this regard, the Commission will continue to advocate for the equal treatment of victims, regardless of their nationality, immigration circumstances or international protection claims. The Commission calls for an end to the unhelpful and erroneous conflation between two distinct legal frameworks - International Protection and Human Trafficking.

This Evaluation Report would not have been possible without the unreserved support, commitment and open collaboration of survivor activists, support organisations, policy makers, researchers, and essential cooperation from State agencies. We, as a Commission, extend our sincere gratitude to all those who have worked with us to bring you this report. We would like to thank specifically: the Health Service Executive, the Workplace Relation Commission, the International Protection Accommodation Services (DCEDIY), and International Protection Office, the Child and Family Agency Tusla and the Legal Aid Board. Our gratitude goes also to the excellent independent organisations working in the field: Akidwa, Doras in Limerick, DRCC, Immigrant Council of Ireland, the International Transport Federation, MECPATHS, the Migrant Rights Centre of Ireland, Ruhama and Sexual Violence Centre in Cork. We would like to acknowledge the input of the International Organisation for Migration, and special thanks go to Ruhama and the International Transport Workers Federation (ITF) their valuable assistance to the Commission in consulting survivors.

The extraordinary resilience shown by survivors reaffirms the need to employ a trauma- and survivor-informed approach, and to involve survivors' voices in consultations on policy formation. Survivors' engagement continues to be a policy priority and central tenet of the Commission's work.

We hope this report acts as a catalyst for change and we look forward to bringing about that change. We must prevent trafficking. We must prosecute the perpetrators. We must protect and support victim/survivors. We can, and we must work together to combat the pervasive harm and violence of human trafficking.



Sinéad Gibney
Chief Commissioner

Executive Summary



“Trafficking in human beings is a gross human rights violation and a crime generating high returns that fuel organised criminal activities. Trafficking is highly gendered and highly racialised, and affects migrant women and girls disproportionately. Trafficking often targets people living in poverty, or those fleeing situations of armed conflict or persecution.”¹

Sinéad Gibney, Chief Commissioner

The 2023 Annual Evaluation Report of the National Rapporteur on Trafficking in Human Beings focuses on the period of January - December 2022, and is the second national report since the Commission was appointed in this role. In line with our role as the independent National Rapporteur, this report centres on the implementation of the European Union (EU) Anti-Trafficking Directive. Article 19 of the Directive obliges EU Member States to establish national rapporteurs (or equivalent mechanisms) to assess trends, measure results of anti-trafficking actions, gather statistics and report. The Directive itself provides a comprehensive legal framework covering all aspects of trafficking – criminalisation of the offences, prevention, as well as protection in the criminal justice process, assistance and support. It offers an advanced system of protection of victims that remains unmatched by other international legal instruments.

Following the approach from the First Evaluation Report, this document includes a detailed evaluation of the State’s implementation efforts, alongside updated recommendations and important priority areas for the States’ consideration. We provide an overview of human trafficking trends, supplemented by a collation of the available statistics to date. We also lay out thematic chapters dedicated to the use of technology for trafficking in sexual exploitation, the trends in trafficking for labour exploitation and the implications of the war in Ukraine.

By producing annual evaluation reports, we intend to provide a credible baseline for external evaluations. We expect that these reports would underpin effective monitoring and policy developments. The main purpose of this report is to provide a

1 Chief Commissioner of the Irish Human Rights and Equality Commission, Sinéad Gibney, 2022

resource for national policy makers, practitioners and researchers, and to inform the general public about the human trafficking situation in Ireland.

Trends

Multiannual data from the National Referral Mechanism for identification of victims of trafficking shows that trafficking for sexual exploitation (55%) is the most common form of exploitation that we encounter followed by trafficking for labour exploitation (38%) and to a lesser extent by trafficking for criminal activities (6%).

— Victims of Human Trafficking 2013-2022

Trafficking for Sexual Exploitation (55%)



Trafficking for Labour Exploitation (38%)



Trafficking for Criminal Activities (6%)



Other types of Trafficking (1%)

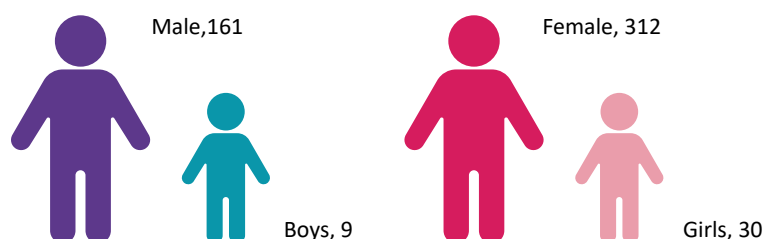


In 2022, trafficking for criminal activities ceased its declining trend and re-emerged with two new cases, both cases pertaining to exploitation in grow houses. In 2022, for the first time a suspected trafficking for organ removal was recorded, which mirrors the trends in the European Union where novel forms of exploitation are picking up.

Human trafficking in Ireland is highly gendered, which is a lasting trend in Ireland as well as in the EU. Overall, more women (67%) fall victims of human trafficking than men (33%). Over the years, there has been only one case of a transgender victim recorded. The gender dimension is particularly evident in trafficking for sexual exploitation, where over 96% of the victims are women. Trafficking for Labour Exploitation is also gendered but to a lesser extent and affects more men (60%).

Africa represents the prevalent source region for victims of trafficking in Ireland. Asia and countries from the European Economic Area are also notable regions of origin of victims. A few cases of trafficking of Irish nationals have also been identified.

— Victims of Trafficking by Gender and age, 2013—2022



Children represent 8% of all victims in Ireland. This is significantly less than the EU average (23%). Similar to gendered demographics in adults, data shows that more girls are trafficked than boys at 9% and 5% respectively. No child victims were identified in 2020 and 2021. In 2022, five child victims were identified as suspected victims of trafficking. The majority of these were trafficked for sexual exploitation.

National Anti-Trafficking Response: Progress and Gaps

Following the examination and monitoring of the State's compliance with each of the EU Directive Articles in the First Evaluation Report, in Chapter 1, we adopt a systematic approach to build upon the First Report, providing updates and a detailed analysis of each Article. We note that significant efforts by the State are evident and progress has been made in important areas, namely:

- ▶ the publication of the General Scheme of the Criminal Justice (Sexual Offences and Human Trafficking) Bill (National Referral Mechanism), which has been highlighted in the EU Anti-Trafficking 4th Progress Report as a 'good practice' example for its proposal to formally include Civil Society Organisations;
- ▶ the (expected) publication of the Third National Action Plan to Combat Trafficking; and
- ▶ judicial guidance on sentencing in trafficking cases.

Other welcome developments with direct relevance to human trafficking include, but are not limited to the:

- ▶ Review of the Civil Legal Aid Scheme;
- ▶ Review of the Compensation for Victims of Crime;
- ▶ removal from the Trafficking in Persons Tier II Watch list; and
- ▶ inclusion of “trafficking” within the Third National Domestic, Sexual and Gender-Based Violence Strategy.

The increased levels of State funding to NGO’s providing assistance to victims from 2021 is also welcome, but with significant increases in the ‘cost of living’ this is still an area to be watched.

However, the need for further improvements remains. Chief among these is the failure to provide safe and appropriate accommodation for victims. This chronic weakness of the State’s response is predicated on the erroneous conflation of two distinct frameworks – International Protection and Human Trafficking. The current National Referral Mechanism (‘NRM’) breeds inconsistencies in the assistance and support victims receive based on, amongst other things, their immigration status. The training of frontline staff levels and the trauma-informed approaches to assistance remains problematic. It remains the case that there is no child-specific identification and assistance system, child trafficking is still absent from national child protection policies, and there is still no *age* estimation assessments procedure, all of which falls far below what is required. There is also no formal engagement forum for survivor input.

A number of legislative gaps also remain; including:

- ▶ the continued confusion around the classification of child sexual exploitation;
- ▶ no statutory protection from prosecution of victims; and
- ▶ the continued exclusion of sexual exploitation victims from the criminal justice protections measures for victims of sexual violence.

Despite increased operations and investigations, there were no successful trafficking convictions in 2022. The lack of access to adequate legal assistance also continued to be a serious issue with no victims receiving any form of compensation.

Lifting the Lid on Tech-Facilitated Sex Trafficking

In this Chapter, we examine the significant roles technology plays in the crime of trafficking in persons, both challenges and opportunities created by such advancements. Traffickers use technology and the internet to recruit victims, advertise services, communicate with clients, and coordinate their operations. The need to keep pace with a constantly changing landscape of online platforms and technologies presents a significant challenge to law enforcement agencies, governments, and NGOs in their efforts to detect and investigate human trafficking activity. We examine how not only traffickers, but multiple actors are implicated in this criminal distribution chain, including recruiters, pimps, prostitution agencies, and websites advertising the ‘products’ to the consumers, who are profiting from the sexual exploitation of others. It also explores how the revolution in technology has enabled these profiteers to expand their business and maximise their profits, with fewer risks incurred in the virtual environment than in the offline market, which allows them to operate, for the most part, with impunity. Specific to Ireland, we examine how technology has facilitated the expansion of the indoor commercial sex trade, including via sex trafficking, and has created the opportunity for a variety of profiteers to co-operate in the chain of distribution. We show that commercial sex trade websites, also known as sexual exploitation advertising websites (‘SEAs’)² are deeply implicated in promoting the demand that fuels trafficking for sexual exploitation. Despite these challenges, the use of technology also provides opportunities to support the investigation and ultimately the successful prosecution of sex trafficking cases. We include case-study examples demonstrating the role technology plays in the online Irish sex trade. We conclude the chapter by outlining the States’ obligations under the various human rights and trafficking instruments that underpin the responsibility of the Irish State to address prostitution advertising websites, and outlines a number of recommendations to further meet these obligations.

Key findings include the need for:

- ▶ increased specialist knowledge and increased resourcing of the Garda National Protective Services Bureau to ensure that they can continue to tackle organised crime in the sex trade;
- ▶ greater monitoring of websites and platforms to identify indicators of vulnerability, control, organising and trafficking;
- ▶ targeted law enforcement measures to disrupt the business model and profits of exploiters;
- ▶ comprehensive research on the online dimension of human trafficking for sexual exploitation in Ireland;

² Cross-Party Group on Commercial Sexual Exploitation (2021) [Online Pimping – An Inquiry into Sexual Exploitation Advertising Websites](#)

- ▶ guidance on how the current legislation is applicable to the online dimension of human trafficking for sexual exploitation;
- ▶ the establishment of a Forum to examine ways to disrupt demand and combat technology-facilitated trafficking;
- ▶ accession to the Budapest Convention on Cybercrime; and
- ▶ an examination of ways to use our unique position as EU host of headquarters of the biggest social media companies to enforce minimum standards to protect its users against exploitation.

The Need to Know and Do more about Labour Exploitation

In this chapter, we provide a better understanding of trafficking for the purposes of labour exploitation in Ireland by exploring several pertinent aspects of this phenomenon. We examine the prevalence, current processes of investigation, prosecution, and redress for victims of trafficking for labour exploitation in Ireland. We then analyse the interplay between the terms ‘forced labour’, ‘slavery’, ‘servitude’ and ‘trafficking for labour exploitation’ in the Irish judicial and administrative systems. We consider the lack of slavery, servitude and forced labour offences and the pressure this omission places on the human trafficking assistance and identification system as the sole avenue for support of individuals exploited through labour. For the purposes of this analysis, we have reviewed academic publications, court case reports, official publications and grey literature. We also provide case study analysis of high-risk environments for labour exploitation (nail/hair and beauty salons, agriculture, hospitality industry, fishing industry, domestic work and others), including the misuse of technology. Our case-study analysis includes labour inspections undertaken by the Workplace Relations Commission (‘WRC’) and An Garda Síochána (‘AGS’), highlighting the potential barriers to detection of potential victims of human trafficking of labour exploitation. We conclude by outlining a number of recommendations for effective legislative, administrative and other reforms to better combat trafficking for the purposes of labour exploitation, slavery, servitude and forced labour in Ireland. Key findings include the continued need for a standalone offence of holding a person in slavery, servitude or forced or compulsory labour. We highlight the need to develop a national ‘Anti-Trafficking Technology Strategy/Forum’ and a research strategy to help fill knowledge gaps related to human trafficking, including the experience of victims of trafficking, in the Irish context. Reinforcing the recommendations in Chapter 1, we call for opting in to the EU Employers Sanctions Directive, and for abandoning the plans for a domestic version of a seasonal permit. We argue that the State should follow international good practice and introduce a “migrant exploitation protection visa” to enable migrant victims to leave exploitative situations without delay.

The War in Ukraine – Implications for Trafficking and Exploitation

In this chapter, we explore the risk and measures against trafficking and exploitation in the context of the war.

This includes the:

- ▶ implications of the war for children’s peace and security;
- ▶ EU response to the war, in particular the Common EU Anti-Trafficking Plan;
- ▶ national measures taken, including the quick activation of the Temporary Protection Directive;
- ▶ information spreading and reception strategies, also involving voluntarism on a significant scale;
- ▶ impressively quick consolidation and the active role played by civil society; and
- ▶ challenges that have been faced and suspected cases of trafficking of Ukrainian war refugees detected in Ireland.

The invasion of Ukraine by the Russian Federation on February 24th 2022 created a significant and ongoing humanitarian crisis. According to analysis by the UNODC,³ the vulnerabilities of those exposed to human trafficking emanate from lack of income generation opportunities, interruption in provision of essential services, issues with rule of law, internal displacement and risk of exploitation in armed conflict. At European level, an estimated 90% of Ukrainians displaced are women and children.⁴ Thus, the demographics of those who have sought refuge abroad, coupled with the sudden and traumatic nature of the invasion, creates a situation of high needs, high vulnerability and potential risks of exploitation and abuse for those who have fled. We conclude by detailing a number of practical actions to protect and respond to these risks.

These include the need for:

- ▶ a persistent nationwide targeted anti-trafficking campaign raising awareness of the specific risks for those fleeing Ukraine;

3 United Nations Office on Drugs and Crime (UNODC) (2022) [Conflict in Ukraine: Key Findings on Risks of Trafficking in Persons and Smuggling of Migrants](#)

4 Ibid

- ▶ increased resources to Civil Society Organisations who provide support to Ukrainian war refugees;
- ▶ direct resources toward community-based services such as Family Resource Centres and local women groups;
- ▶ overall increase of long-term, stable and safe accommodation;
- ▶ psychological assistance; and
- ▶ development of a long term integration strategy.

In line with our statements in chapter 2, in this chapter, we echo the call for greater monitoring of the pornography, sex and 'escort' websites, where Ukrainian women have traditionally been objectified.

Recommendations

Recommendations: Introduction and Policy Context

Sustainable Development Goals Implementation (SDG)

The Commission recommends that all recommendations detailed in this report be viewed as working towards the fulfilment of achieving SDG 5 and 8 and should be incorporated into the overall SDG framework.

Recommendations Chapter 1: Implementation of the Anti-Trafficking Directive

National Coordination of the Anti-Trafficking Response

The Commission recommends that the Department of Justice resumes its national consultation forums.

The Commission recommends that the State establishes a statutory National Referral Mechanism for the identification and assistance of victims of human trafficking without delay.

The Commission recommends that the Criminal Justice (Sexual Offences and Trafficking) Bill, once published, fully incorporates the recommendations of the Joint Committees Pre-Legislative Scrutiny Report and those made in the Commission's submission.

Gender Perspective (Article 1)

The Commission reiterates its recommendation that the new National Action Plan on Trafficking in Human Beings, incorpo-

rates concrete actions to strengthen the gender-specific approach to services, in particular regarding the urgent need for safe, gender-specific accommodation.

The Commission reiterates its recommendation that the State provides sufficient funding to Gender-Based Violence organisations that enables them to participate in the delivery of trafficking-specific services to victims who have experienced domestic, sexual or gender-based violence, and particularly for victims of sexual exploitation.

Criminalisation of Human Trafficking (Article 2-10)

The Commission recommends that the interplay between the offences contained in the Criminal Justice (Engagement of Children in Criminal Activity) 2023 Bill and the trafficking offences outlined in the 2008 Trafficking Act are recognised as forming part of a continuum of the exploitation of children for criminal gain and not as distinct and separate offences. Irrespective, the children must receive protection, assistance and non-punishment for the offences they were forced to commit.

The Commission recommends that the State continues to vigorously investigate and prosecute trafficking cases and that the judiciary takes note of the sentencing clarity provided by the Court of Appeal.

The Commission reiterates its recommendation that the State must increase its efforts to punish legal entities implicated in human trafficking by criminal and non-criminal sanctions.

The Commission recommends that at a minimum, statute should be introduced to include the full range of Directive sanctions:

- a. exclusion from entitlement to public benefits or aid;
- b. temporary or permanent disqualification from the practice of commercial activities;
- c. placing under judicial supervision;
- d. judicial winding-up;
- e. temporary or permanent closure of establishments which have been used for committing the offence must be included

The Commission calls on the State to re-examine the possibility of establishing a dedicated compensation fund for victims of trafficking, including a contribution from any proceeds confiscated in the course of criminal proceedings against perpetrators of human trafficking.

The Commission recommends that An Garda Síochána commit to a process whereby every member of An Garda Síochána involved in any aspect of an investigation relating to sexual exploitation is trained to a high and accredited standard, and that a sufficiently senior and trained Garda supervises and oversees all such operations.

The Commission recommends that specialist support workers accompany Gardaí on all organised prostitution raids to ensure a victim-centred approach.

The Commission reiterates its recommendation that to adhere fully to the non-punishment principle, the Criminal Justice (Sexual Offences and Trafficking) Bill should amend the Criminal Law (Human Trafficking) Act 2008 to include a specific statutory defence for victims of trafficking where they have committed crimes “as a direct consequence of them being trafficked.”

The Commission reiterates its recommendation that the State extends the expungement of criminal convictions to all victims of human trafficking where such crimes were committed as a direct consequence of them having had been trafficked.

The Commission recommends that victims and their experiences are at the centre of the Review of the Criminal Justice approach to trafficking.

The Commission supports the recommendation from the US State Department Trafficking in Persons Report that a family liaison officer is assigned to every trafficking victim cooperating with law enforcement to advocate for the victim and help prosecutors.

The Commission recommends that there is sufficient oversight by GNPSU or GNPSB members of *all* trafficking cases, given the potential negative impact that a lack of training may have on a trafficking investigation.

Assistance and Support of Victims of Trafficking (Article 11)

The Commission reiterates its recommendation that the HSE Anti-Human Trafficking Team plays a clear role in the National Referral Mechanism, due to its victim-centred approach, with increased importance and responsibilities given to the identification and assistance of victims of human trafficking.

The Commission recommends that the HSE Anti-Human Trafficking Team is appropriately staffed and that its expertise across all forms of human trafficking is maintained and expanded, where necessary.

The Commission recommends that as part of its role in the National Referral Mechanism, the HSE Anti-Human Trafficking Team is entrusted with maintaining clear disaggregated data.

The Commission reiterates its recommendation that a ‘road-map’⁵ is established to track the support and integration needs of each victim and how these are met both by the State and NGOs services.

— Conditions of Assistance

The Commission reiterates its recommendation that the State ensures that all victims have access to the rights and assistance measures put in place for victims of human trafficking, regardless of their nationality/citizenship, or a pending International Protection claim.

The Commission reiterates its recommendation that the proposed new National Referral Mechanism incorporates explicit provisions to ensure that International Protection can be pursued at any moment in time – prior to, during, or after identification as a victim of trafficking.

The Commission reiterates its recommendation that the new National Referral Mechanism is urgently introduced in law and implemented, with a view to quickly relieving An Garda Síochána of the duty to act as a central reference point for early provision of assistance and support to victims.

5 Similar to that of a Department of Justice’s ‘Supporting Victims Journey’, which tracked the support need of victims of sexual crimes. See Department of Justice and Equality (2021) [Supporting a Victim’s Journey: A Plan to Help Victims and Vulnerable Witnesses in Sexual Violence Cases](#)

The Commission reiterates its recommendation that the State ensures that all specialist support services, both statutory or non-governmental, are in a position to provide recommendations to the Irish Immigration Service relating to the extension (or continuation) of trafficking-specific supports, and that these recommendations be taken into consideration for the renewal of Temporary Resident Permits, where necessary.

The Commission recommends that the Department of Social Protection explicitly exempt all victims of human trafficking from the Habitual Residence condition to access statutory assistance.

The Commission recommends that Part 3 of the law providing for the National Referral Mechanism explicitly states that access to assistance and support, and the necessary immigration status for third country national victims that underpins it, are not conditional on cooperation with criminal investigations and proceedings.

The Commission recommends that Part 3 of the law providing for the National Referral Mechanism clearly sets out assistance and support for suspected victims of trafficking providing equity of care for all victims.

— Mechanism for Early Identification

The Commission reiterates its recommendation that the establishment of a new National Referral Mechanism is progressed as a matter of utmost priority for the State.

The Commission reiterates its recommendation that the identification procedure (that is the centre of the referral mechanism) is made applicable to all suspected victims of trafficking in

the State and that it involves transparent decision making with timely confirmation of victim status to the individual and their legal representative. Such a procedure must include an appeals process.

The Commission reiterates its recommendation that the new National Action Plan should include the development of a trafficking-specific screening tool that can be adapted and used by all relevant State agencies and frontline services.

The Commission reiterates its recommendation that the new National Action Plan should include a strategy for mandatory trafficking-specific training (including in cultural competency) to be systematically rolled out to all competent authorities and trusted partners likely to come into contact with victims of trafficking.

— Screening for Victims of Trafficking for Labour Exploitation

The Commission recommends that the State continues to resource the Workplace Relations Commission to enable it to reach the target levels ⁶ and to the extent necessary to allow it to fulfil its new role as a Competent Authority in the new National Referral Mechanism.

The Commission recommends that the Workplace Relations Commission continues to ensure all inspectors are trained on trafficking in human beings and identification of victims, to the level necessary to allow them to carry out their functions as a Competent Authority.

⁶ For example in the [‘Towards 2016. Ten-Year Framework Social Partnership Agreement 2000-2016’](#), a total number of 90 labour inspectors were agreed, which probably requires an upwards revision corresponding to the improved economic climate and higher employment levels in 2020s in Ireland.

The Commission recommends that the Workplace Relations Commission uses special care and adopts innovations in maintaining firewalls between immigration enforcement and labour inspections, to ensure that potential victims of trafficking are empowered to report exploitation, remaining protected against immigration and/or employment related offences in line with Article 8 of the Anti-Trafficking Directive.

The Commission recommends that at a minimum, the Workplace Relations Commission keeps disaggregated data on the potential victims of trafficking that they uncover and report to An Garda Síochána; and keeps data regarding any efforts to provide redress and compensation to such victims of trafficking.

— **Screening For Victims of Trafficking Within The International Protection System (Vulnerability Assessment)**

The Commission reiterates its recommendation that IPAS ensures that the relevant staff involved in Vulnerability Assessments are specifically trained on human trafficking.

The Commission recommends that the DCEDIY designates sufficient resources to IPAS to allow them:

- ▶ to carry out quality Vulnerability Assessments with a sufficient spread as a meaningful screening strategy for the identification of potential victims;
- ▶ to organise an efficient referral of suspected victims to the specialised human trafficking framework; and
- ▶ to participate as a Competent Authority in the upcoming National Referral Mechanism reforms.

— **Proactive Child Victim Screening**

The Commission reiterates its recommendation that Tusla must adopt a trafficking-specific systematic screening strategy to facilitate the detection of potential and at risk child victims of trafficking. Particular attention must focus on vulnerable populations, such as unaccompanied, separated children, children in the International Protection system, children in residential care as well as in resident (local) communities where the risk for child exploitation in all its forms is known to be high.

— **Informed Consent**

The Commission reiterates its recommendation that the referring pathway within the new National Referral Mechanism is centred on health and support, rather than criminal justice. All referrals must be underpinned by the informed consent of the victim.

— **Safe and Appropriate Accommodation**

The Commission recommends that the Department of Children, Education, Disability, Integration and Youth utilise the designated ring-fenced investment and establishes a gender-specific shelter for victims of trafficking without any delay.

The Commission recommends that the State designates resources for expansion/replication of the shelter for victims, as necessary, to meet the needs of victims of trafficking within the State (including providing spaces for women with children and in Domestic Abuse shelters for emergency periods).

The Commission recommends that the Department of Children, Education, Disability, Integration and Youth involves specialised and established NGOs in the provision of gender-specific accommodation for victims of trafficking.

The Commission reiterates its recommendation that the Department of Children, Education, Disability, Integration and Youth should treat the accommodation of victims of trafficking as an issue of utmost priority within the process to end Direct Provision, to ensure that victims of trafficking no longer reside under such arrangements.

The Commission reiterates its recommendation that all national (IPAS) and Local Authority housing policies be reviewed to ensuring the specific needs of victims of trafficking are recognised and that the interplay of such policies does not adversely impact on victims of trafficking.

The Commission reiterates its recommendation that all Local authorities cease the application of Circular 41/2012 to refuse housing assistance to victims of trafficking on short-term residence permits, with immediate effect.

The Commission reiterates its recommendation that the National Coordinator (the Department of Justice), foster regular exchanges between relevant State actors involved in the assistance of victims to ensure that any change in existing policies does not adversely affect them.

The Commission recommends that the National Coordinator establishes a mechanism for raising concerns of potentially incompatible policies between different State authorities.

The Commission recommends that the National Coordinator initiates consultation with relevant Departments on rapid policy directional change ensuring victims of trafficking are provided with accommodation assistance that is separate and distinct from the International Protection framework.

The Commission recommends that the State assigns the duty of providing refuge-type accommodation for victims of trafficking who have been subjected to gender-based violence to the Authority on Domestic, Sexual and Gender Based Violence. Once established, this Agency will oversee funding, determine standards and coordinate the provision of shelter-type services.

The Commission recommends that the new National Referral Mechanism explicitly exempts identified victims of trafficking from habitual residency and reckonable residence requirements for the purposes of accessing social housing supports.

The Commission recommends that the State strongly considers relieving the IPAS of the duty to provide accommodation services to all victims of trafficking. For as long as IPAS remain the primary housing assistance provider to victims of trafficking, and having reviewed its availability and use of capacity, the Commission issues the following recommendations, until an appropriate resolution for housing victims of trafficking is found:

- ▶ IPAS should review its capacity and devise a better strategy for accommodating victims of trafficking.
- ▶ IPAS should utilise its single gender accommodation for victims of trafficking who are recovering from sexual violence, giving consideration to geographical proximity of specialised Anti-Trafficking services.
- ▶ IPAS should use the resettlement teams of the contracted housing specialists (i.e. Peter McVerry Trust and De Paul Charity) to support all victims of trafficking moving on from Direct Provision, without conditions.

— Material Assistance

The Commission recommends that the General Scheme Criminal Justice (Sexual Offences and Human Trafficking) Bill 2022 clearly sets out assistance and supports for suspected victims of trafficking. Particularly, to third country national and EEA national victims, through express provisions for:

- ▶ social welfare (free of any habitual residence condition tests, or pending applications, which must be irrelevant);
- ▶ housing assistance (that includes a specialised shelter and/or private arrangements);
- ▶ medical and psychological care; and
- ▶ immigration status, where necessary to facilitate the entitlement to the above listed assistance, before, during and after the formal identification process subject of this scheme.

The Commission reiterates its recommendation for a clear and transparent approach to material assistance of victims of trafficking that is independent from the International Protection system.

The Commission reiterates its recommendation regarding the equal treatment of victims regarding their nationality or whether or not they claim International Protection.

The Commission recommends that the Department of Justice (as the lead department on Domestic, Sexual and Gender-Based Violence) be tasked with integrating victims of trafficking who have suffered gender-based violence into their overall Domestic, Sexual and Gender-Based Violence response.

— Medical and Psychological Assistance

The Commission recommends that victims of trafficking are prioritised for access to the public psychological support system.

The Commission recommends that everyone providing psychological support to victims should be suitably qualified in supporting trafficking victims and that there should be a geographical spread of medical and mental health assistance for all victims of trafficking.

The Commission reiterates its recommendation that increased funding is made available to frontline organisations who are providing psychological support to victims, including additional funding for clinical supervision of support staff.

The Commission recommends that the Drop-in Psychological support clinic offered on pilot-basis with the HSE Anti-Human Trafficking Team be established permanently.

— Translation and Interpretation

The Commission reiterates its recommendation that the State should expand the translation and interpretation services to all specialist NGOs who support victims of trafficking.

The Commission reiterates its recommendation that as part of the reformed National Referral Mechanism, a Standard Operation Procedure be drawn up that will ensure effective and accessible access to translation, interpretation and cultural mediation services to all NGOs and victims.

— **Information on International Protection**

The Commission reiterates its recommendation that the International Protection Office database be used by other State agencies as an example of good practice of data keeping, as it allows easy extraction of relevant statistics, including on victims of trafficking seeking International Protection.

— **Attending To Victims With Special Needs**

The Commission reiterates its recommendation to establish a dedicated Survivor Council to ensure that survivor voices inform the overall Anti-Trafficking response, in particular, the new National Referral Mechanism and National Action Plan.

The Commission reiterates its recommendation that the HSE Anti-Human Trafficking Team retains its gender-specific expertise, in the provision of care for victims of trafficking with special needs, especially those arising as a result of trafficking exploitation involving gender-based violence.

The Commission recommends that funding and resources are made available to the HSE Anti-Human Trafficking Team to allow them to operate a 24/7 support services to victims. Increased funding must also be made available to NGO's who already provide this 'round the clock' assistance to further support this important work.

The Commission reiterates its recommendation to the State to develop trafficking and gender-specific pathways of care that are victim centred, ensuring that specialist NGOs with expertise of trafficking are fully supported and their role formalised within the reformed National Referral Mechanism.

The Commission recommends that the State explores avenues for providing family reunification to victims of trafficking.

Protection of Victims in the Criminal Justice System (Article 12)

The Commission reiterates its recommendation that the Legal Aid Board is adequately resourced to ensure that waiting times are reduced.

The Commission recommends that the State subsidises legal representation for victims of trafficking by providing dedicated expert services within the Legal Aid Board, and increasing funding for established independent law centres with trafficking expertise.

— Improved Early Legal Assistance

The Commission recommends that the Legal Aid Board offers legal assistance to potential and self-identified victims of human trafficking, including in cases where they have not been formally referred by An Garda Síochána. This must align fully with the new National Referral Mechanism.

The Commission recommends that the Civil Legal Aid Act be amended to provide separate legal representation for victims under section 4A of the Criminal Law (Rape) Act 1981 (in circumstances where an application is made to question a victim about other sexual experiences) be extended to victims of sexual exploitation offences committed under section 4 of the Criminal Law (Human Trafficking) Act 2008.

The Commission recommends that the necessary reforms of the compensation avenues available to victims, along with the

proposed expansion and reform of the Civil Legal Aid Scheme are fully incorporated into the reformed National Referral Mechanism, once enacted.

The Commission recommends that all potential victims of trafficking are proactively provided with adequate, early legal support. This is especially important in order to guard against criminal prosecution for offences that have been committed as a consequence of a person having been trafficked, and to ensure that victims can avail of an effective remedy and appropriate redress for any harm caused to them.

The Commission recommends that all State agencies working on trafficking maintain up to date websites with trauma-informed,⁷ accurate information and working links, to assist and enable victims of trafficking to navigate the complex immigration process.

Child Victims of Trafficking (Articles 13-16)

— Prevalence of Child Trafficking

The Commission reiterates its recommendation that the Department of Justice disaggregates data on child victims of trafficking by type of exploitation, in all future Annual Reports.

The Commission reiterates its recommendation that the State works with An Garda Síochána and Tusla to develop a methodology for collecting uniform and reliable data on the scale and different forms of exploitation of children, in line with the recent recommendations of the UN Special Rapporteur on the sale and sexual exploitation of children.

⁷ Including quick 'exit buttons', careful consideration of images (do not use stock images that portray violence and can be triggering), ensuring that safety alerts and support services are unmissable, design with mobile and touchscreen capabilities such as 'call' buttons.

The Commission reiterates its recommendation that the Department of Justice (as National Coordinator on Human Trafficking) achieves clarity on reporting of offences under Section 3(2) of the 1998 Act by distinguishing between cases that involve trafficking of children for sexual exploitation and those which involve sexual exploitation of children simpliciter (i.e. without any element of trafficking), as this is essential for allowing greater accuracy in recognising and reporting on child trafficking cases.

— Identification of Child Victims

The Commission recommends that the National Referral Mechanism include a child-specific identification and assistance process.

The Commission reiterates its recommendation that all ‘Competent Authorities’ and ‘Trusted Partners’ undertake mandatory child trafficking training and that this be explicitly included in the Procedural Guidelines.

— Operational Response to Child Trafficking

The Commission recommends that Tusla’s new case management system includes specific fields, outcomes and indicators that will allow for accurate reporting and case tracking on all forms of child trafficking, disaggregated by, at a minimum, age, nationality, and form/s of trafficking.

The Commission reiterates its recommendation to include human trafficking in the Child First Guidelines to ensure that those responsible for the care of children have the necessary understanding of trafficking.

The Commission recommends that the State urgently investigates the co-ordinated grooming of children, especially girls, under the care of Tusla.

The Commission reiterates its recommendation that Tusla is provided with adequate staffing and expertise to ensure it can fulfil its obligations to detect and prevent the trafficking of children, and to participate effectively in the new National Referral Mechanism.

The Commission reiterates its recommendation that a dedicated child-trafficking and exploitation team should be established by Tusla. This service should not only focus on third-country national children but all children who may be at risk.

— **Unconditional Assistance, Best Interest of The Child**

The Commission recommends that Tusla develop separate procedures for the provision of assistance, support and protection to child victims of trafficking, irrespective of their country of origin and/or application for International Protection, taking into account their gender and the type of exploitation they were subjected to.

The Commission reiterates its recommendation that the State considers the need for a legislative amendment to remove the reference to trafficking in section 3 of the 1998 Act, and the insertion into section 2 of the 2008 Act to include trafficking for sexual exploitation.

— Age Assessment

The Commission reiterates its recommendation that the term ‘age estimation assessment’ is included and defined in the National Referral Mechanism Bill.

The Commission reiterates its recommendation that age estimation assessments are carried out by Tusla and supported by strict policy-guidelines that are child-centred and adapted to the person’s specific needs (cultural, gender, etc.). They should not be based on a medical test and should include an appeal process.

The Commission reiterates its recommendation that the presumption of minority (unless and until an age estimation assessment proves otherwise) should be included in statute.

— Assistance and Support to Child Victims

The Commission reiterates its recommendation that Tusla develops an up-to-date child trafficking specific policy and procedures that capture the Directive’s obligations to child trafficking victims in sufficient detail, either in a stand-alone document or as clear and distinct part of the existing policies and procedures.

The Commission recommends that every child victim be appointed a ‘Children’s Legal Advisor’ at the earliest stage of the referral to the National Referral Mechanism to ensure that the identification, assistance and protection during the process respects the views and best interest of the child.

The Commission reiterates its recommendation that Tusla must ensure that any professionals (including guardian ad litem, social

workers, guardians, intermediaries, lawyers, judges) who come into contact with a child victim of trafficking are trained to work with child victims of trafficking.

The Commission reiterates its recommendation that child victims of trafficking are afforded the same access and supports to education, training and employment as Irish Nationals.

The Commission reiterates its recommendation that specific guidelines on the criterion officers use to determine when a person may be a child and when an adult is entitled to 'take responsibility' for a child are drawn up to provide clarity on sections 14 and 15 of the International Protection Act 2015. This guidance must be circulated to all relevant persons and accompanied by regular child and trafficking-specific training.

The Commission reiterates its recommendation that any appointed guardian to children who are potential victims of trafficking are specifically and regularly trained, as well as availing of professional supervision.

The Commission recommends that specific rights be extended to the family of child victims, as an integral part of child victim assistance.

— Protection of Child Victims in Criminal Proceedings

The Commission recommends that adequate resources are allocated for the full and prompt implementation of the Child Care (Amendment) Act 2022, to establish a child-centred, rights-based, independent, accessible and sustainable Guardian ad litem service and ensure that children's views and best interests are fully considered in child care proceedings.

The Commission reiterates its recommendation that Tusla amends its policies to ensure the engagement of legal professional for legal advice and representation in cases of suspected child victims *without delay*, as required in the Directive, including for the purposes of claiming compensation.

The Commission reiterates its recommendation that Tusla considers the mandatory appointment of a Children's Legal Advisor to every child suspected of being a victim of trafficking at the earliest stage.

The Commission reiterates its recommendation that all child trafficking victims, irrespective of the form of exploitation they were subjected, are included in the 'Barnahus model' already operating in the State.

— Measures for Unaccompanied Minors

The Commission recommends that the State ensures that vulnerability assessments for all unaccompanied children are conducted in a child-friendly manner by trained professionals, within 3-days of their arrival, and that applications for legal residency are promptly processed.

The Commission recommends that section 24 (2) (c) of the International Protection Act 2015 is amended to allow for multi-disciplinary assessments of unaccompanied persons' maturity and level of development to determine their age, and in cases of doubt ensures respect for the principle of the benefit of the doubt.

The Commission recommends that the State develops national guidelines on ensuring the rights of unaccompanied children.

The Commission recommends that the State reviews its system of family reunification involving unaccompanied children, with a view to broadening the definition of “family member”, simplifying application procedures to ensure that the best interests of the child are a primary consideration in all related decisions.

The Commission reiterates its recommendation that the new National Referral Mechanism removes the need for unaccompanied child victims of trafficking (15 years of age or younger) to wait three years prior to their application for a more durable residence status, in the spirit of the Directive.

The Commission reiterates its recommendation that Tusla ensures that any decision regarding application for International Protection on behalf of a minor unaccompanied trafficking victim is taken only after a consultation with a qualified lawyer/ Children’s Legal Advisor.

Prevention of Human Trafficking (Article 18)

The Commission recommends that the Government explores the feasibility of establishing a dedicated 24/7 hotline to report all forms of human trafficking crimes, including seeking information and support. One such way may be through expanding and resourcing an existing 24/7 services to meet this need.

The Commission recommends that the Department of Justice develops annual, nationwide campaigns that are directed to hard-to-reach sectors and vulnerable groups such as children, young people and migrants.

The Commission recommends that dedicated multi-annual funding is made available to Civil Society Organisations to develop

awareness raising campaigns in their areas of expertise and/or encourage the utilisation of their expertise in the development of such campaigns.

The Commission reiterates its recommendation that the State must proactively implement the relevant provisions of the Criminal Law (Sexual Offences) Act 2017 to reduce the demand that fosters trafficking for sexual exploitation, alongside increased support for exit pathways for people affected, including potential victims of trafficking. This must include as a minimum:

- ▶ Legal, psychological and medical support;
- ▶ Access to exit programmes;
- ▶ Emergency and social housing;
- ▶ Financial assistance;
- ▶ Regularised immigration status with the right to work;
- ▶ Access to training and employment.

The Commission reiterates its recommendation that accredited trafficking training must be embedded into professional education programmes of relevant courses such as medicine, social work, and law.

The Commission recommends that the actions that correspond to the SPHE and RSE programmes proposed in the Third National Action Plan are urgently progressed and implemented.

The Commission reiterates its recommendation that awareness raising campaigns aimed at younger audiences within educational institutions are developed and rolled out nationwide.

The Commission recommends that law enforcement, prosecutors, and judges are trained on a victim-centred, trauma-informed approach to law enforcement efforts and trials, including the sensitization of judges to the severity of human trafficking crimes, as called for by the US State Department.

The Commission reiterates its recommendation that all members of the new National Referral Mechanism Operational Committee receive mandatory Anti-Trafficking training.

The Commission reiterates its recommendation that all statutory bodies with responsibilities towards victims and survivors of human trafficking adopt a formal, coordinated, systematic and mandatory approach to training their staff.

The Commission recommends that the Joint Committee on Enterprise, Trade and Employment Pre-Legislative Scrutiny Report Recommendations are included in the Employment Permits Bill.

The Commission recommends that the State considers all avenues to disrupt, criminalise and target the demand that fuels trafficking, including the measures to address all aspects of technology-facilitated trafficking.

Recommendations Chapter 2: Technologically Facilitated Trafficking for Sexual Exploitation

The Commission recommends that the proposal of the OSCE for strengthened provisions on combating tech-facilitated trafficking in persons and on reducing the demand that fosters trafficking for sexual exploitation is considered by the State. Specifically, the OSCE has identified the following measures:

1. Criminalising the creation and dissemination of explicit material from trafficking victims.
2. Establishing civil and criminal liability for online platforms⁸, including websites, as well as their administrators, for complicity in human trafficking, e.g. facilitating or allowing exploitative acts – such as recruitment or advertising of trafficking victims- when such platforms knew or had reason to know about the exploitation.
3. Mandating online platforms to:
 - a. Implement age and consent verification mechanisms for individuals depicted in sexually explicit content;
 - b. Create content-removal request mechanisms for non-consensual, sexually-explicit materials;
 - c. Conduct due diligence of their operations and systems to identify risks of misuse of their platforms for the purpose of trafficking in human beings, and mitigate those risks;
 - d. Report illegal content to competent authorities, remove it, and preserve it for investigations and prosecutions of illegal acts.

The Commission recommends that the State develops extensive public awareness and educational programmes for young people, especially girls, to highlight the risks on social platforms of being groomed and recruited into the sex trade.

The Commission recommends the development of national State-led campaigns targeted at demand, in particular, addressing young men as potential buyers.

The Commission recommends that An Garda Síochána are resourced to allow for the monitoring of prostitution adver-

8 As defined by Art 2(h) of the Regulation on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC

tising websites to identify vulnerability, control, organising and trafficking.

The Commission recommends that An Garda Síochána develops specific law enforcement measures to disrupt the business model and profits of prostitution advertising websites.

The Commission recommends that the Department of Justice develops a long-term legal and enforcement framework for prosecuting sites such as Escort Ireland for advertising the sale of controlled and trafficked women and minors and for profiting from the prostitution of others.

The Commission recommends that in the light of the war on Ukraine, trends in the marketplace are monitored, paying particular attention to increases in advertisements for Ukrainian, east European/Slavic or 'new' persons selling sex; increases of content related to Ukrainian/Eastern European/Slavic women on pornographic websites; and increases in online searches for Ukrainian pornography or 'escorts', and Ukrainian women or girls for sex/marriage/dates.

The Commission recommends that sex buyers' review forums are monitored by law enforcement, NGOs, and academics in order to identify trends related to sexual exploitation.

The Commission recommends that specialist services are resourced to meet the needs of women and provide pathways and support for exiting the sex trade.

The Commission recommends that the Garda National Protective Services Bureau is resourced to ensure that they can continue to

tackle organised crime in the sex trade, to prosecute buyers and to protect women and girls who are being sexually exploited.

The Commission recommends that the Department of Justice, as National Coordinator, develops, in collaboration with other experts, detailed guidance on how the current legislation is applicable to the online dimension of human trafficking for sexual exploitation.

The Commission recommends that the Government procures wide and comprehensive research on the online dimension of human trafficking for sexual exploitation in Ireland, including an extensive analysis of data contained in online environments available for traffickers, from prostitution advertising websites such as Escort Ireland to social media platforms.

The Commission recommends that the capacity and knowledge of those responsible for investigating cases of prostitution and trafficking for sexual exploitation is increased, through the inclusion of the latest technologies.

The Commission recommends that the National Coordinator develops and chairs a Forum to examine ways to disrupt demand and combat technology facilitated trafficking. This Forum must be multi-disciplinary, bringing together technology experts, law enforcement, legal experts, data analysts, social scientists, health professionals and NGO's.

The Commission reiterates its recommendation that Ireland accede and become party to the Budapest Convention on Cyber-crime to facilitate collaboration with relevant countries on tackling technology facilitated trafficking for sexual exploitation.

The Commission recommends that Ireland examines ways to use its unique position as EU headquarters for the biggest social media companies to enforce minimum standards to protect users against exploitation and human trafficking.

The Commission recommends that legislative reforms that have been effective in disrupting the operations of prostitution advertising websites in other jurisdictions – E.g. France, US, Sweden are examined to see how they are disrupting the market.

Recommendations Chapter 3: Human Trafficking for the Purposes of Labour Exploitation

The Commission reiterates the recommendations proposed by the OSCE for strengthened provisions on combating tech-facilitated trafficking in persons through reducing the demand fostering trafficking for labour exploitation be considered by the State. Measures such as, establishing civil and criminal liability for online platforms and mandating online platforms to conduct due diligence of their operations and systems to identify risks of misuse of their platforms for the purpose of trafficking in human beings, and mitigate those risks; report illegal content to competent authorities, remove it, and preserve it for investigations and prosecutions of illegal acts.

The Commission recommends that the State opts into the EU Employers Sanctions Directive.

The Commission recommends that Seasonal Work permits are not introduced, or at the very least that such permits are used on a limited basis, while the standards are on par with those agreed by the EU Member States.

The Commission reiterates its recommendations that a standalone offence is introduced in Irish law for holding a person in slavery, servitude or forced or compulsory labour.

The Commission recommends that the Employment Permit system is reformed to enable worker mobility, progression and access to redress by issuing occupation-specific work permits.

The Commission recommends that the State considers the introduction of a specific “migrant exploitation protection permit” to enable migrant victims of exploitative employment situations to leave those situations quickly.

The Commission recommends that the State develops a research strategy to help fill knowledge gaps related to human trafficking, specifically the experiences of victims of human trafficking for the purpose of labour exploitation, in the Irish context.

The Commission recommends that a National Strategy/Forum on Technology and Human Trafficking is developed.

The Commission recommends that this Strategy/Forum should contain a roadmap to tackle the abuse of technology by traffickers for the purposes of labour exploitation, including the staffing, training and resources that will be required, the areas of online activity that will be initially targeted for attention, the research agenda that will be conducted and the legislative gaps that will be addressed.

Recommendations Chapter 4: The War in Ukraine – Implications for Shared Resources, Human Trafficking and Exploitation

The Commission reiterates its recommendation that the Department of Justice launches and coordinates a nationwide, targeted Anti-Trafficking campaign raising awareness of the specific risks for those fleeing Ukraine.

The Commission recommends that as part of that campaign, every Ukrainian arriving in Ireland, as well as those already accommodated throughout the state, should be given an information leaflet on Human Trafficking in Ukrainian (and other relevant languages) in simple, easy to understand format with relevant contact points through various modes of communication (telephone, email, online texting etc.).

The Commission recommends that civil society organisations are resourced to provide outreach into accommodation settings where Ukrainians are located to provide information and build trust with Ukrainians on the issue.

The Commission recommends that resources are provided to community based settings such as Family Resource Centres and local women's groups to provide welcoming, family orientated spaces which can be utilised to link with Ukrainians regionally. These settings can then in turn be utilised as information provision settings where talks, leaflets and referrals to support from expert services may be provided.

The Commission recommends that further investment is made available to IPAS and the Department of Housing to increase the provision of long-term, stable and safe accommodation options beyond the use of hotels, hostels, and congregated settings,

with extra attention paid to the gender-specific, age-specific and trauma oriented needs of refugees.

The Commission reiterates its recommendation that material and psychological assistance is offered to eliminate the potential involvement of bogus and exploitative assistance to refugees in Ireland.

The Commission reiterates its recommendation to centralise and coordinate the response by means of national registers, coordination of existing hotlines and central points of contact in appropriate languages through the involvement of resident Ukrainian community and representative groups with deep communication networks such as Ukrainian Action as much as possible.

The Commission reiterates its recommendation that to avoid compounding hardship and trauma, the State ensure Ukrainian families are not separated due to different nationalities.

The Commission reiterates its recommendation that awareness is raised on the employment rights of refugees on temporary permits and to alert the labour inspectors to be vigilant to high-risk sectors, loopholes and all forms of exploitation.

The Commission reiterates its recommendation that pornography, sex and escort websites, where Ukrainian women have traditionally been objectified should be monitored.

The Commission recommends that situations of exploitation (taking advantage) that can leave people, especially women and children, vulnerable to trafficking due to the enhanced vulnerabilities are proactively investigated.

The Commission recommends that a long term and sufficiently resourced integration strategy for Ukrainians in Ireland is developed, paying attention to issues such as English language, education, employment, children's needs, health and mental health and specific issues such as gender based violence and human trafficking.

Factsheet 1. Trends in Human Trafficking 2013 – 2022

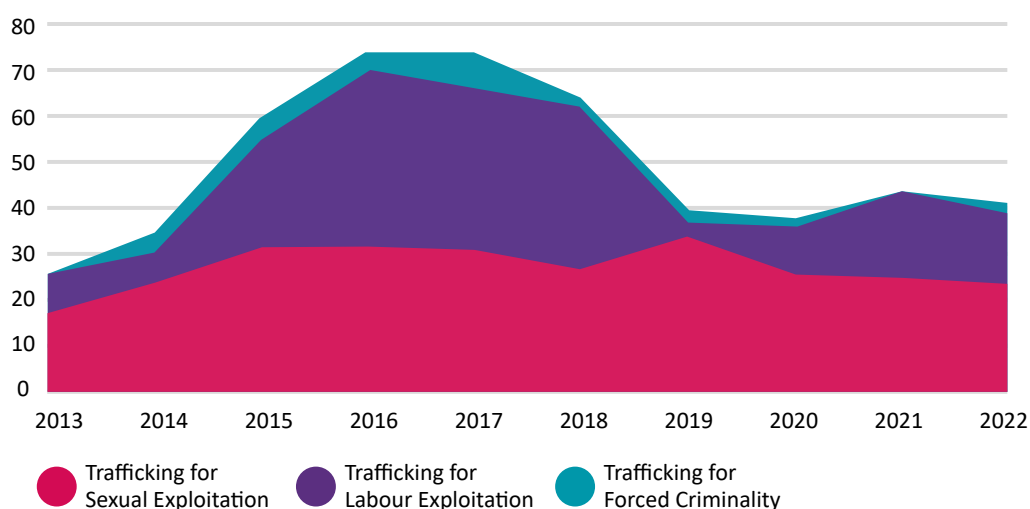
Combined Official Data for 2013-2022 Trends in human trafficking

The diagrams are based on official data regarding victims of trafficking referred into the National Referral Mechanism (NRM). The period includes data from January 2013 to December 2022 in order to align with the case reclassification undertaken by the State. The Department of Justice and An Garda Síochána are the sources of data.

— Types of exploitation over the years

The most often encountered form of exploitation is trafficking for sexual exploitation (TSE, 55%), followed by trafficking for labour exploitation (TLE, 38%) and to a lesser extent by trafficking for criminal activities (TCA, 6%) (See Diagram 2). TCA ceased its declining trend and picked up with two new cases in 2022, both cases pertaining to exploitation in grow houses. In 2022, for the first time a suspected trafficking for organ removal was recorded. For further information on number distribution, refer to *Comprehensive Data Table* included in Factsheet 4.

— Diagram 2. Trends in type of exploitation 2013-2022

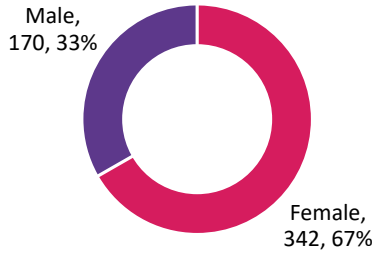


— Gender dimension

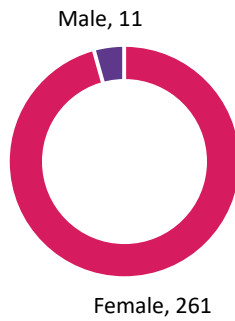
Human trafficking in Ireland is highly gendered, which is a lasting trend in Ireland as well as in the EU. Overall, in Ireland, more women (67%) fall victims of human trafficking than men (33%) (Diagram 3). Over the years, there has been only one case of transgender victim recorded. The gender dimension is particularly evident in trafficking for the purposes of sexual exploitation, where over 96% of the victims are women (Diagram 5). It must be noted that trafficking for the purposes of labour

exploitation is also gendered but to a lesser extent and affects more men (60%). (Diagram 4)

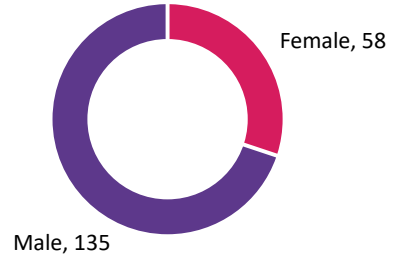
— **DIAGRAM 3. Victims of trafficking by gender 2013-2022**



— **Diagram 4. Trafficking for sexual exploitation in 2013-2022, by Gender**



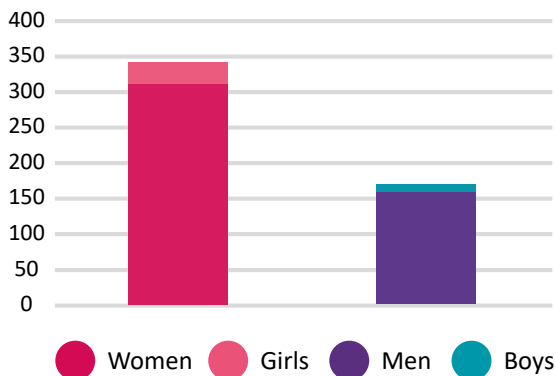
— **Diagram 5. Trafficking for labour exploitation in 2013-2022, by Gender**



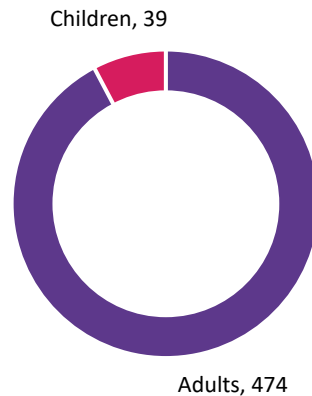
— **Age of victims**

Children represent 8% of all victims in Ireland (Diagram 7). This is significantly less than the EU average (25%). Minors among the women and men in Ireland are 9% and 5% respectively (Diagram 6). In the period 2013 - 2022 the percentage of minors has picked at 21%. No child victims were identified in 2020 and 2021. While in 2022, 5 children victims were identified.

— **Diagram.6 Victims of trafficking by gender and age, 2013-2022**



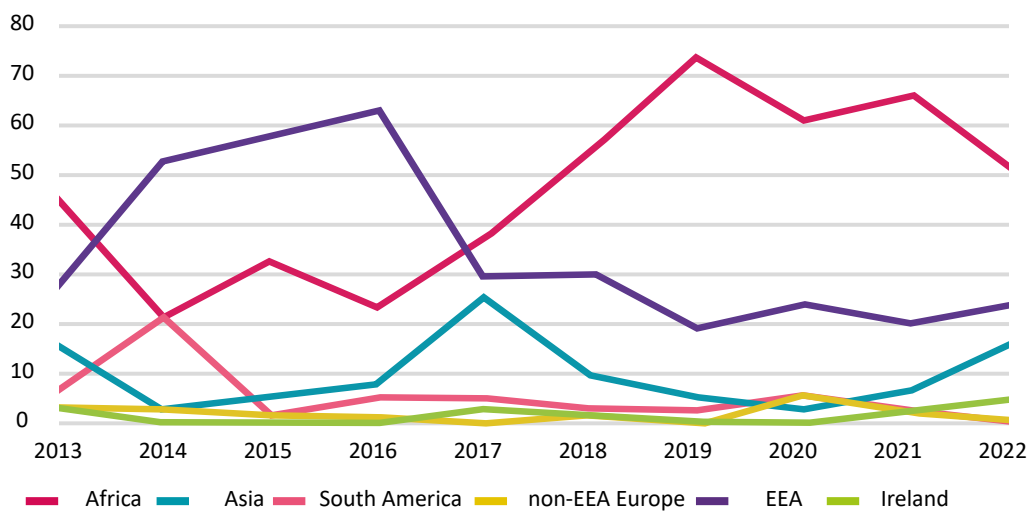
— **Diagram. 7 Victims of trafficking 2013-2022 by age**



— **Origin of victims**

Africa and the European Economic Area (EEA) and to a lesser degree Asia and Latin America represent the main regions of origin for victims of trafficking in Ireland. The region of Africa among victims of TSE shows a prevalent character feature in the last five years while the trafficking of EEA national victims retains a notable trend (albeit not as high as in other EU countries). Asia is clearly present in the national statistics with respect to trafficking for labour exploitation. Isolated cases of Irish nationals are also observed, which includes two cases of child trafficking for sexual exploitation in 2022. (Diagram 8)

— **Diagram.8 Trends in Origin of Victims 2013-2022**



Factsheet 2. Official Data at a Glance in 2022

2022 Official Data at a Glance

The diagrams below (presented in absolute numbers unless stated otherwise) illustrate the official data of the State, based on the victims of trafficking in the National Referral Mechanism (NRM) in 2022. The Department of Justice and An Garda Síochána are the sources of data.

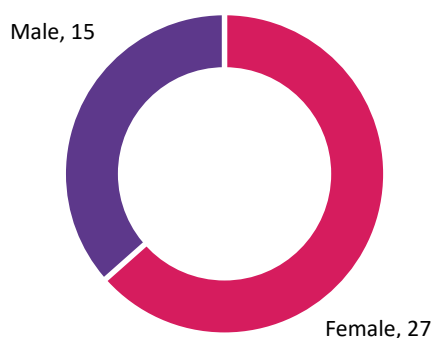
Main statistics

The State reported that there were 42 cases officially accepted in the National Referral mechanism for victims of trafficking in 2022. This represents a small decrease (by 2) compared to 2021 and a small increase compared to 2020 (38 cases), overall it remains in line with the lower trends emerging since 2019. Studies have found that the annual data represents an underestimate of around 39%, which would bring the estimated number for total number of victims over the year as high as 60. The overall number of recorded cases depends on the parameters of the National Referral Mechanism, a system, which is currently under review.

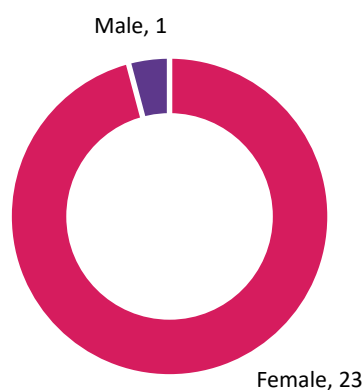
Gender

the majority of victims in 2022 were female (64%), which is in line with the gendered character of the crime (Diagram 9). Trafficking for sexual exploitation is particularly gendered, with the level of female victims exceeding 96% (Diagram 10). Trafficking for labour is also notably gendered in 2022 indicating that more men (80%) are exploited than women.

— **Diagram 9. Victims of trafficking referred to the NRM in 2022, by gender**



— **Diagram 10. Victims of trafficking for sexual exploitation referred to the NRM in 2022, by gender**



Types of exploitation

In 2022, trafficking for sexual exploitation remains the most reported type of exploitation in the National Referral Mechanism (24, 57% of all cases), followed by trafficking for labour exploitation (15, 37%). Trafficking for forced criminal activities (2 cases, 5%) re-emerged in the national statistic, after zero cases in 2021. Of note is the detection of a new type of exploitation, involving a case of suspected trafficking for organ removal. In this regard, the situation in Ireland mirrors the wider EU where novel and less known forms of exploitation, such as forced marriages and illegal adoption/surrogacy are on the rise. (Diagram 11)

— **Diagram.11 Victims of trafficking referred to the NRM in 2022 by, exploitation**

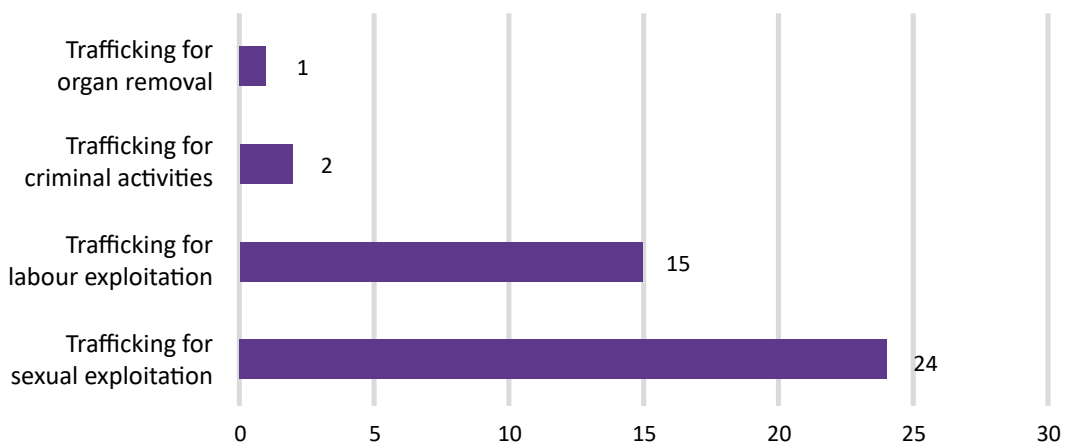
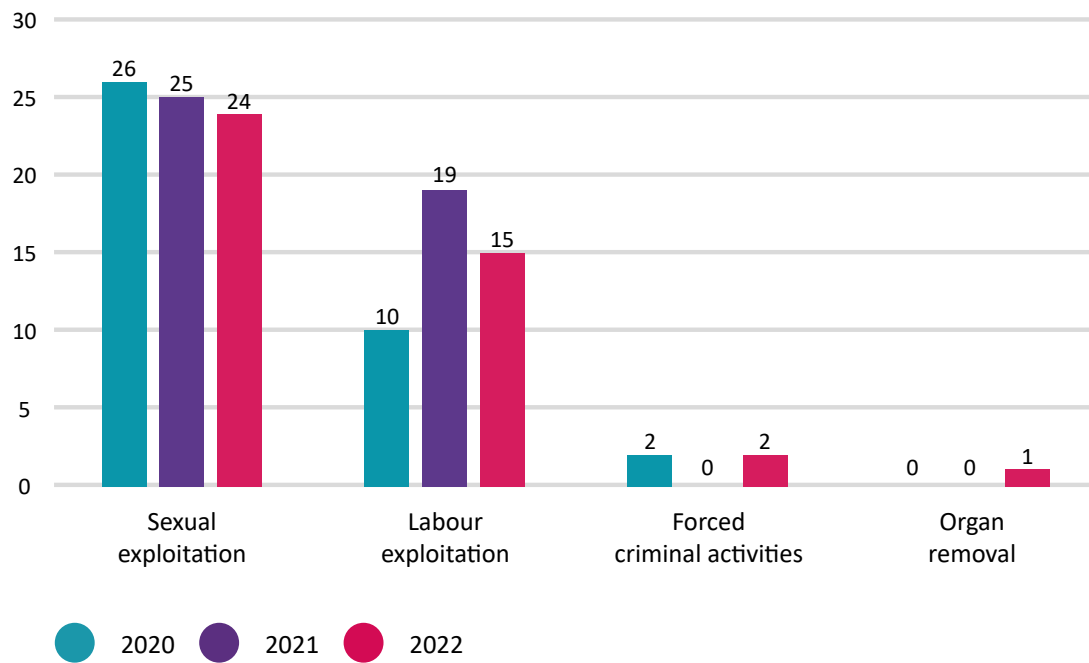


Diagram 12 presents the levels of the different types of exploitation over the years. Trafficking for sexual exploitation shows steady high levels but a slight declining trend over the last three years. On the other hand, trafficking for labour exploitation exhibits fluctuations linked to discovery of greater number of cases in specific employments.⁹

— **Diagram 12. Trends in types of exploitation over the last three years - 2020, 2021, 2022**

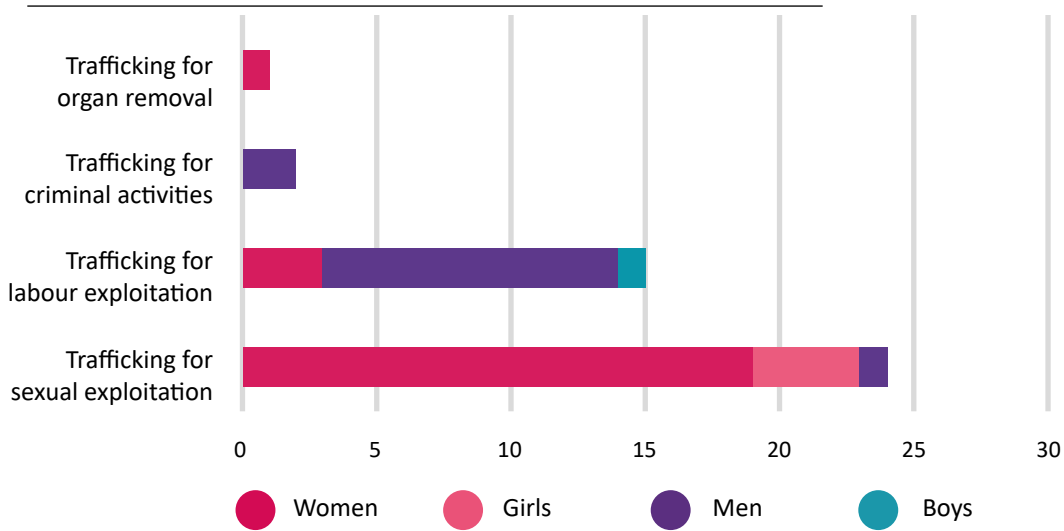


⁹ The Commission has previously concluded that trafficking for the purposes of labour exploitation sees notable, sporadic surges linked to the operations of various production and service sectors. For instance, in the past, a data surge in 2015 was due to victims discovered in temporary Romanian car wash businesses, in 2016 it was linked to a waste recycling business investigation where 23 Romanian nationals were identified as potential victims. Similarly, the higher numbers in 2018 could be accounted for by the suspected trafficking in the fishing and farming industry respectively.

Age of victims

In 2022, we have 5 reported cases of trafficking of minor victims (12% of all victims in 2022). This is a notable report, as it ceased the complete lack of child victims identification over the previous reporting years - 2020 and 2021. Trafficking of children for the purposes of sexual exploitation is prevalent (almost 10% of all victims in 2022) and represents a concerning phenomenon. It entirely affects female children. (Diagram 13)

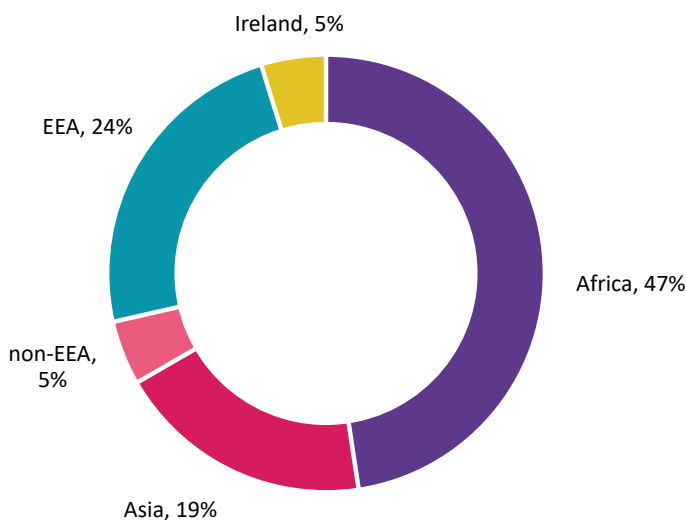
— **Diagram. 13 Victims in 2022 by exploitation, gender and age**



Regions of origin

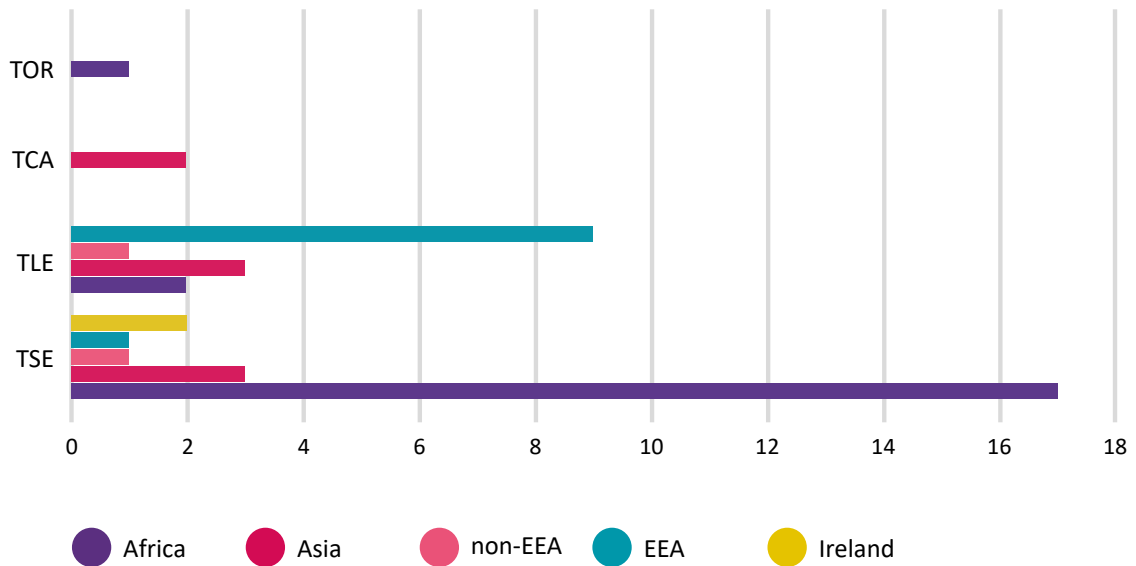
Africa is the primary region of origin for victims of trafficking in Ireland, followed by the EEA and Asia that are also of note. Non-EEA Europe and Ireland are also represented. (Diagram 14)

— **Diagram.14 Victims in 2022, by region of origin**



The data also indicates that Africa is the most important region of origin for trafficking for sexual exploitation, while the EEA is the most represented region in trafficking for labour exploitation. Asia is a notable region of origin for both TSE and TLE, and the sole region for TCA.

— **Diagram 15. Victims in 2022, by region of origin and type of exploitation**



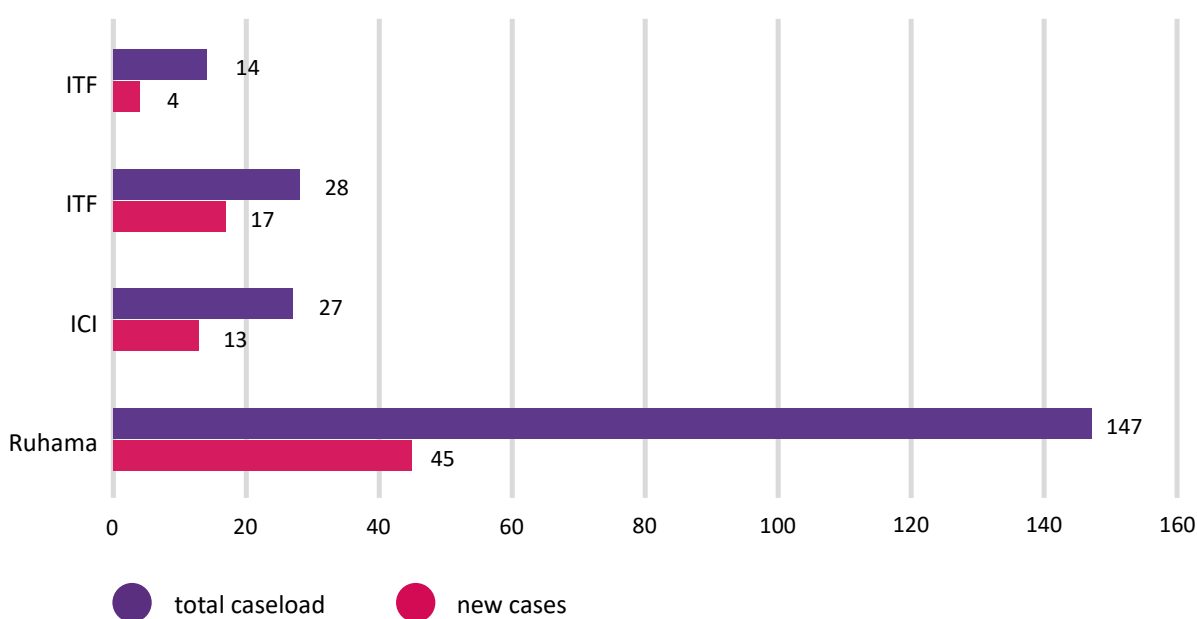
Factsheet 3. NGO Data at a Glance in 2022

NGO data at a glance in 2022

With respect to year 2022, statistical data was provided by four independent organisations, working with victims of human trafficking in Ireland: **Ruhama** (specialising in assistance of victims of trafficking for sexual exploitation and other forms of gender-based violence) , the **Migrant Rights Centre of Ireland (MRCI)** (specialising in assistance to victims of trafficking for labour exploitation and criminal activities), the **International Transport Federation, Ireland (ITF)**(specialising in assistance of victims of trafficking in the fishing industry) and the **Immigrant Council of Ireland (ICI)** (Law centre)¹⁰.

In 2022, the specialised NGOs supported 216 victims of trafficking in total. This is a slight decrease compared to 2021. Of these 79 were new cases and the rest were ongoing cases from previous years, as victims often require multiannual support for their rehabilitation. (Diagram 16)

— **Diagram 16. Victims of Trafficking supported by NGOs in 2023**

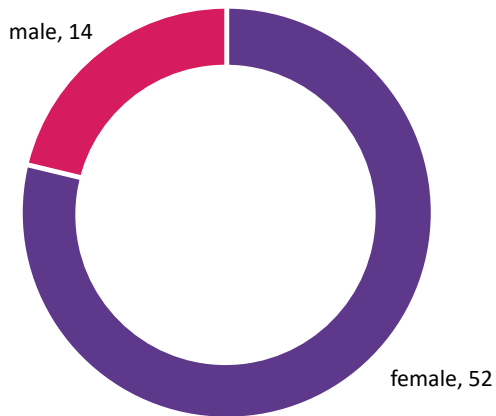


¹⁰ The data provided by the ICI was not segregated and cannot be analysed beyond the number of cases, captured in Diagram 16. ICI reported that the vast majority of casework files related to victims of trafficking for sexual exploitation, with a smaller number related to forced labour including forced cannabis production, domestic servitude, and exploitation in the fishing industry, or other forms of exploitation (not disclosed to protect client identity). The majority were female victims-survivors. Nationalities worked with include Albanian, Brazilian, Pakistani, Nigerian, Zimbabwean, Chinese, Vietnamese, Ghanaian, Filipino and Egyptian.

Gender

The gender breakdown shows that the trend of majority in female victims of trafficking remains unchanged. Female victims represent 79% of all new cases, which indicates an increased gender dimension compared to 2021, when women constituted 64%. (Diagram 17)

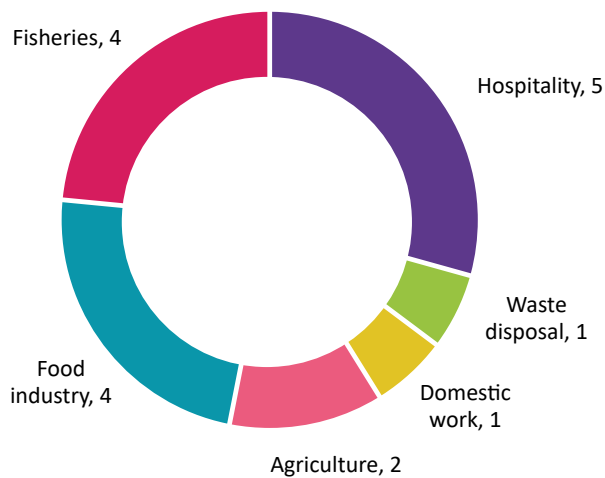
— **Diagram 17. New cases in 2023 reported by NGO, by gender**



Sectors of exploitation

For victims of trafficking for sexual exploitation prostitution represents the relevant environment of exploitation. The sectors where victims of trafficking for labour exploitation are reported by NGO include hospitality, food industry, fishing industry, agriculture and others. The reported sectors for trafficking in labour exploitation mirror the high-risk sectors for trafficking in the EU. (Diagram 18)

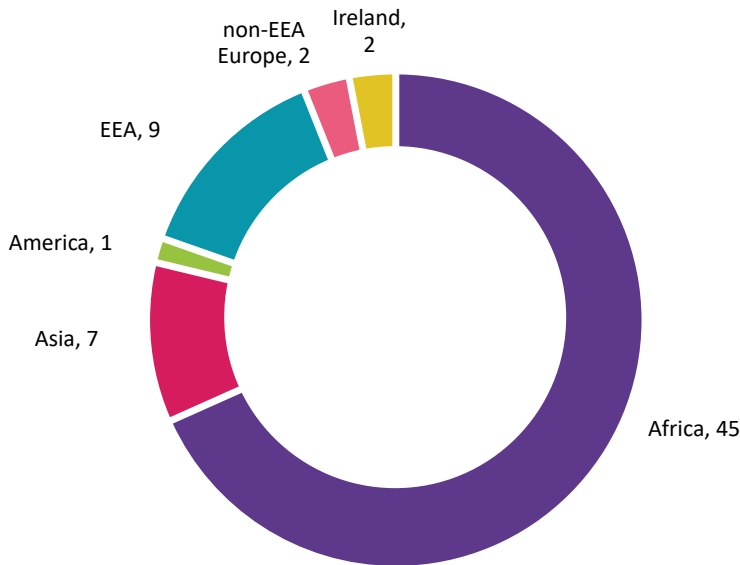
— **Diagram 18. Sectors of Trafficking for Labour Exploitation in 2022, NGO data**



Regions of origin

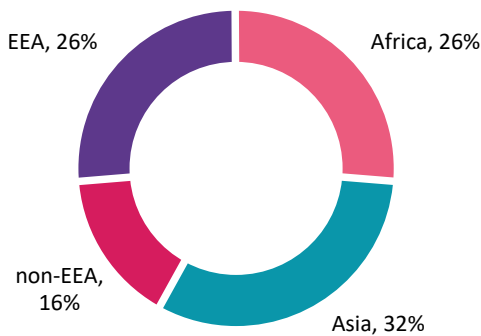
The regions of origin of victims of trafficking in 2022, according to the NGO data, suggest that Africa, Asia and the EEA continue to represent the main source regions for Ireland. This remains largely unchanged from 2021. (Diagram 19)

— **Diagram 19. Regions of Origin of VOT supported by NGOs 2022**

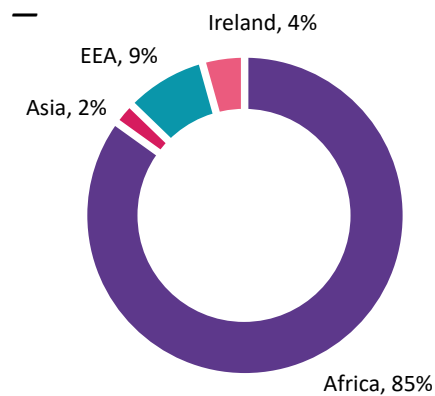


Africa continues to be the primary source regions for victims in Ireland. This is especially so for victims of trafficking for sexual exploitation, where 85% are reported by NGOs as coming originating from Africa. Asia, Africa and the EEA are primary region of origin in trafficking for labour exploitation, where notable number of victims are also from the EEA and Africa. For a second year in a row, small number of Irish nationals are reported as being trafficked for sexual exploitation.

— **Diagram 20. Regions of origin in TLE, NGO 2022**



— **Diagram 21. Regions of origin in TSE, NGO 2022**



Factsheet 4. Comprehensive Data Table 2013-2022

	Victims Adults & Children						TSE/TLE/TCA combined	Unknown Exploitation	Total by Year	Minor Victims		Annual percentage of minors
		TSE	TLE	TFB	TCA	TOR				Girls	Boys	
2013	Female	18	6				1	5	30	Girls	4	
	Male		2					1	3	Boys	1	
	Total	18	8				1	6	33	Total	5	15%
2014	Female	23	3	1				1	28	Girls	2	
	Male	1	4		4			1	10	Boys	2	
	Total	24	7	1	4	1		1	38	Total	4	11%
2015	Female	30	8		1	2			41	Girls	6	
	Male	1	15		4				20	Boys	1	
	Transgender	1							1	Transgender		
Total	32	23		5	2			62	Total	7	11%	
2016	Female	32	6			1			39	Girls	1	
	Male	0	32		4				36	Boys		
	Total	32	38		4	1			75	Total	1	1%
2017	Female	28	11	1	5				45	Girls	3	
	Male	3	24		3				30	Boys		
	Total	31	35	1	8				75	Total	3	4%
2018	Female	26	7						33	Girls	3	
	Male	1	28		2				31	Boys	2	
	Total	27	35		2				64	Total	5	8%
2019	Female	33	2		3				38	Girls	7	
	Male	1	1				2		4	Boys	2	
	Total	34	3		3		2		42	Total	9	21%
2020	Female	24	8		1				33	Girls		
	Male	2	2		1				5	Boys		
	Total	26	10		2				38	Total		0%
2021	Female	24	4						28	Girls		
	Male	1	15						16	Boys		
	Total	25	19						44	Total		0%
2022	Female	23	3			1			27	Girls	4	
	Male	1	12		2				15	Boys	1	
	Total	24	15		2	1			42	Total	5	12%
2013-2022 Total	Female	261	58	2	10	1	5	5	342	Girls	30	9%
	Male	11	135		20		2	2	170	Boys	9	5%
	Transgender	1							1	Transgender		
Total	273	193	2	30	1	7	7	513	Total	39	8%	



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