

Contribution to the 4th Progress Report on the Fight against Trafficking in Human Beings in the European Union

Irish Human Rights and Equality Commission

February 2022



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

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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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Preparation of the Fourth Report on the Progress made in the fight against trafficking in human beings.

Guidance note from the Office of the EU Anti-trafficking Coordinator to the Member States and the EU Network of National Rapporteurs and/or Equivalent Mechanisms on Trafficking in Human Beings for the reports to be submitted by the Member States pursuant to Article 20 of Directive 2011/36.

This guidance note is intended to **facilitate the reporting** of the Commission as defined in Articles 19 and 20 of Directive 2011/36/EU (EU Anti-Trafficking Directive).¹ It aims to ensure a coordinated approach to the Fourth Report on the progress made in the fight against trafficking in human beings.

Article 19 of the EU Anti-Trafficking Directive prescribes that the tasks of National Rapporteurs and/or Equivalent Mechanisms (NREMs):

"shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting".

Article 20 sets out that

"Member States shall transmit to the Anti-trafficking Coordinator the information referred to in Article 19, on the basis of which the Anti-trafficking Coordinator shall contribute to reporting carried out by the Commission every two years on the progress made in the fight against trafficking in human beings."

Articles 19 and 20 should be read in conjunction with Recital 27, which mentions 'regularly reporting'. The **list of tasks for the NREMs is non-exhaustive**.

¹ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combatting trafficking in human beings and protecting its victims, OJ L-101, 15.04.2011, p 1.

The provisions above should be read within the overall context of the EU Anti-Trafficking Directive. They should be implemented with a **human rights-based, victim-focused, child-sensitive and gender-specific approach**. Relevant data protection rules and privacy requirements have to be taken into consideration fully. This must also be the overarching principle of all tasks elaborated in the document below.

The Fourth Progress Report will also feed into the evaluation of the EU Anti-Trafficking Directive, which is a key action of the EU Strategy on Combatting Trafficking in Human Beings (2021-2025). Based on the outcome of the evaluation, the Commission will consider reviewing the Directive. Information provided in the context of the evaluation, including through a public consultation, an online survey and targeted interviews, is also relevant and can be used for the present reporting, **as long as it refers to the appropriate reporting period: 2019-2021**.

Please note the following:

- The period of reporting and assessment is **2019-2021**.
- Please **do not report national statistical data**: the Eurostat data collection launched on 23 November 2021 – covering reference years 2019-2020 – will also feed in the Fourth Progress Report.
- The **deadline** for Member States to send the information to the EU Anti-trafficking Coordinator is **25 February 2022**.
- Please note that, in line with Article 20 of the EU Anti-trafficking Directive, **Member States** shall report to EU Anti-trafficking Coordinator.
- Member States are strongly encouraged to transmit their reports to the EU Anti-trafficking Coordinator in the **format indicated below**.
- The adoption of the Fourth Progress Report is foreseen for the **last quarter of 2022**, together with the evaluation and the possible proposal for a modification of the EU Anti-trafficking Directive.
- Please include **only information that can be made public** by the European Commission in its reporting.

- This guidance note follows the approach of the previous Progress Reports, while taking into account the need for simplification and clarification.
- **Full consideration should be given to the inputs provided in the context of the Third progress report**, including a reflection on how situation/trends have evolved or developed since the last reporting period (2017-2019).
- It is strongly encouraged to submit responses in English.
- Please send your Member State's contribution to:
- HOME-ANTITRAFFICKING@ec.europa.eu

As per article 19 of Directive 2011/36, the Member States are strongly encouraged to work in **close cooperation with civil society organisations** and share their contributions as relevant.

Please note that, as with the three previous Reports, Member States' reports will be shared for information with the participants to the EU Civil Society e-Platform against trafficking in human beings. **Please clearly indicate hereunder whether you agree or disagree to share your Member State's contribution with the participants to the EU Civil Society e-Platform against Trafficking in human beings.**

I agree I do not agree

Civil society organisations may also agree to share their own input to the Fourth Progress Report via the e-Platform of the NREMs.

PLEASE ANSWER TO ALL THE SECTIONS AND QUESTIONS LISTED BELOW

A. ASSESSEMENT OF TRENDS IN TRAFFICKING IN HUMAN BEINGS

- Please provide a comprehensive list and an assessment of the key trends on trafficking in human beings, including elaborating on achievements, progress made, and identified concerns that need to be addressed. These include: figures or estimates on victims and traffickers disaggregated with respect to sex, age and citizenship, various forms of exploitation; new and emerging concerns; changes (if any) in the modus operandi; Organised Crime Groups and links with other forms of crime; criminalisation of the (knowing or not) use of services of victims of trafficking in human beings; trafficking within national borders, including of own nationals; national and transnational trafficking in human beings; involvement of legal persons; means of recruitment of victims and profiles of perpetrators involved (traffickers, exploiters, profit makers, users and abusers, facilitators); high risk sectors; estimates of profit and money flows; demand.
- In order to do so, please consider your input for the Third Progress Report and a reflection on how the situation/trends have evolved/developed since the last reporting period (2017-2019).
- Base your reporting on information from statistical data, (academic) reports, studies, projects, case law, etc., as well as information provided at the local, regional, national, EU and international level, where available.
- Please include information on the dissemination and use of the results as well on assessed results and achievements.

Response

In October 2020, the Irish Human Rights and Equality Commission (IHREC) was established as the National Rapporteur on the Trafficking of Human Beings, in accordance with Article 19 of the EU Directive on preventing and combating trafficking in human beings and

protecting its victims.² IHREC is Ireland's National Human Rights Institution and National Equality Body, established under the *Irish Human Rights and Equality Commission Act 2014*.³ This is IHREC's first report to the EU NREM network, in reference with Article 20 of Directive 2011/36/EU. It should be noted that the National Rapporteur has no statutory access to data which, in practice, limits the response to questionnaires of this nature, especially those inquiring about recent time periods.

Emerging trends

In October 2021, IHREC published a report 'Ireland's Actions against Trafficking in Human Beings', offering an analysis of the legal framework and a synopsis of the data available in the period 2013 to 2021.⁴

Trafficking in human beings in Ireland remains a hidden but pervasive crime that predominantly affects people of migrant backgrounds. Ireland is both a destination and transition country for trafficking in persons. Overall more women than men are trafficked in Ireland, and almost all are migrants. Certain sectors, such as hospitality, fishing, agriculture and construction may rely on the workforce of people (primarily migrant men) who are in a vulnerable situation.⁵ At the same time, victims of trafficking for sexual exploitation are almost exclusively migrant women, who can be hidden within 'mixed populations of independent, exploited and coerced prostitutes and in mixed migration flows.'⁶ Human trafficking is a highly gendered and racial act.

² [S.I. No. 432/2020 - European Union \(Prevention and Combating of Human Trafficking\) \(National Rapporteur\) Regulations 2020](#). See DIRECTIVE 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA.

³ The Commission was established in 2014 as an independent statutory agency, directly accountable to the Oireachtas and with a mandate to protect and promote human rights and equality in Ireland and build a culture of respect for human rights, equality and intercultural understanding in the State. See Irish Human Rights and Equality Commission Act 2014, <http://www.irishstatutebook.ie/eli/2014/act/25/enacted/en/html>

⁴ IHREC (2021) *Ireland's Action against Trafficking in Human Beings*. This report represents a submission to the Council of Europe/GRETA regarding the 3rd evaluation cycle of the State. Available at: <https://www.ihrec.ie/documents/irelands-actions-against-trafficking-in-human-beings-ihrec-submission-to-greta/> This report represents a submission to the Council of Europe/GRETA regarding the 3rd evaluation cycle of the State

⁵ EU (2021), EU Strategy on Combatting Trafficking in Human Beings 2021-2025

⁶ EC (2016), Study of the Gender Dimension of Trafficking in Human Beings. EU: Luxembourg.

The official data reported is likely to underestimate prevalence due to the limitations of the current national referral mechanism for identification of victims of trafficking. According to the available data, the most frequently reported forms of trafficking in Ireland are trafficking for the purposes of sexual exploitation, labour exploitation, and criminal activity.⁷

Trafficking for sexual exploitation

Available official data,⁸ which is supported by independent estimations in a recent report,⁹ indicates that trafficking of women for sexual exploitation is the most encountered form of exploitation, yielding a steady stream of suspected trafficking cases over the years, which appear to have been resilient to the pandemic situation.¹⁰ This primarily involves the trafficking of women into commercial sexual exploitation, which mirrors the information in the EU Strategy on Combatting Trafficking in Human Beings 2021-2025, identifying prostitution as one of the high-risk sectors/environment for human trafficking.¹¹

Trafficking for the purposes of sexual exploitation in Ireland is highly gendered¹² and it affects almost exclusively women and girls. This mirrors the overall statistics presented in the latest European Study on Data Collection on Trafficking in Human Beings.¹³

⁷ See Department of Justice and Equality Blue Blindfold annual reports 2009-2019. Available at <https://www.blueblindfold.ie/about-blueblindfold-and-for-further-information/>

⁸ Department of Justice Annual reports for 2017, 2018 and 2019 supplemented by the US State Department Trafficking in Persons report (2021) covering the statistics for 2020, present a complete reclassified official data for the period 2013-2020 indicating that trafficking for sexual exploitation represents 54% of all cases, while trafficking for labour exploitation and trafficking for criminal activities represent 39% and 7% respectively. See www.blueblindfold

⁹ Breen, M.J., Healy, Amy Erbe, Healy, Michael G. (2021), [Report on Human Trafficking and Exploitation on the Island of Ireland](#), Mary Immaculate Collage, Limerick. In addition to the official 346 cases of human trafficking in 2014-2019, the report uncovers 132 'unofficial' cases. The vast majority of the additional data pertains to female victims (92), while trafficking for sexual exploitation is the prevalent exploitation type (94) among these 132 additional cases.

¹⁰ See also Breslin, R (2020), *Exploitation as usual: Emerging evidence on the impact of Covid-19 on Ireland's sex trade*, Dublin: UCD, SERP.

¹¹ European Commission (2021), [Communication from the Commission to the European Parliament, the Council, The European Economic and Social Committee and the Committee of the Regions on the EU Strategy on Combatting Trafficking in Human Beings 2021-2025](#), COM(2021) 171, p. 6.

¹² Department of Justice and Equality (2019), [Trafficking in Human Beings in Ireland: Annual Report 2019](#), p. 11. See www.blueblindfold.ie; It is noted that over the years, there is one transgender person identified as a victim of trafficking for sexual exploitation in 2015.

¹³ European Commission (2020), [Data collection on trafficking in human beings in the EU](#), p. 17.

The European Economic Area (EEA), Africa, Latin America and to a lesser extent Asia are the relevant regions of origin of victims of trafficking of women for the purposes of sexual exploitation in Ireland, based on the data available for the period 2013-2018.¹⁴ The trend of increased trafficking of third country national women from the African continent is easily detectable from the available data. In recent EU research trafficking for sexual exploitation has also been identified as the type of exploitation associated with the highest economic, social and human costs.¹⁵

The online nature of trafficking for the purpose of sexual exploitation has also meant it has proven resilient to restrictions placed on society during the course of the Covid-19 pandemic.¹⁶ IHREC notes the particular challenges facing law enforcement and policy makers in addressing the online dimension of trafficking in human beings.

Trafficking for labour exploitation

On the basis of the data available, it would appear that trafficking for the purposes of labour exploitation sees notable, sporadic surges linked to the operations of various production and service sectors.¹⁷ The attention these sectors attracted over the years as a result of the detected cases, has prompted greater scrutiny and adoption of specific measures aimed at suppressing trafficking in human beings within them. A notable example of such measures taken, are the efforts to address the detection of suspected human trafficking of third country nationals on Irish fishing vessels.¹⁸ IHREC notes that the degree to which human

¹⁴ IHREC (2021), [Ireland's Actions against Trafficking in Human Beings. Submission by the Irish Human Rights and Equality Commission to the Council of Europe Group of Experts on Action against Trafficking in Human Beings \(GRETA\)](#)

¹⁵ European Commission (2020), [Study on the Economic, Social and Human Costs of Trafficking in Human Beings within the EU](#), p27: The costs are EUR 364 474 for sexual exploitation, compared to EUR 232 923 for labour exploitation. This is largely driven by the larger costs to health associated with sexual violence rather than physical violence or threat. There are higher costs for female rather than male victims (disproportionately experienced by women and linked to greater utilisation of health and social protection) (p.27).

¹⁶ Breslin, R (2020), *Exploitation as usual: Emerging evidence on the impact of Covid-19 on Ireland's sex trade*, Dublin: UCD, SERP.

¹⁷ For instance, the data surge in 2015 was due to victims discovered in temporary Romanian car wash businesses, yet 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. Overall, the identification of suspected victims of trafficking in the fishing industry was a recurring trend over a period of time from 2015-2018.

¹⁸ Department of Justice – INIS (2016) "Atypical working scheme: Non-EEA crew in Fishing Fleet", available at:

trafficking represents a problem within the industry is under dispute.¹⁹ IHREC notes that notwithstanding this, further scrutiny of the industry and its treatment of migrant fishermen would be necessary in order to identify and redress any instances of labour exploitation, including in cases where it is deemed to amount to human trafficking, an opinion that is supported by a recent academic study.²⁰

In terms of regions of origin, it appears that men from Asia and Africa are targeted for the purposes of forced labour in the fishing industry. Available data suggests that EEA Nationals are primarily featured in the national statistics on trafficking for labour exploitation in the sectors of construction, car washing and waste recycling²¹.

Trafficking for the purposes of labour exploitation is also gendered but to a lesser extent, yet there are specific forms of labour exploitation that disproportionately affect one gender. For example, trafficking for exploitation in the domestic sphere affects mainly women, while trafficking within the fishing industry affects mainly men. In its engagement with the US State Department in the preparation of its 2020 Trafficking in People report, the Irish Government observed that the issue of forced labour is growing in the country, with

<http://www.inis.gov.ie/en/inis/pages/atypical-scheme-fishing-crew>. For further discussion of the atypical working scheme, and the oversight and inspection of fishing vessels, see Murphy, C., Doyle, D. M., and Murphy, M., "Still Waiting for Justice: Migrant Workers' Perspectives on Labour Exploitation in Ireland." *Industrial Law Journal*, online (2019), available at: doi.org/10.1093/indlaw/dwz023.

¹⁹ In response to the release of the 2021 US State Department Trafficking in Persons report, Minister of State for Criminal and Civil Justice Hildegard Naughton stated "No evidence has been found to support the allegations of widespread human trafficking in the fishing industry and it is worrying that the State Department chose to place weight on one voice and not to take account of the balance of stakeholder assessment – including assessment by NGOs active in Ireland in tackling human trafficking – that these accusations are without foundation." Department of Justice Press Release, 1 July 2021, '[Department of Justice disappointed Ireland's ranking not upgraded in latest 'Trafficking in Persons' Report](#)'. ; In its own press release, the union body International Transport Federation -Ireland responded "... Minister saw fit to make specific claims about the fishing industry where she asserts that reports of human trafficking are 'without foundation'...If the reports, which were made to the Gardaí by the ITF and have to date resulted in over 30 fishers being admitting into the National Referral Mechanism were 'without foundation' by dint of the DPP refusing to act on them it should then follow that every single other referral that was initiated by others on behalf of sex workers, agricultural workers, nail bar workers and domestic servants were equally 'without foundation', International Transport Federation Ireland Press Release, 2 July 2021, 'Minister of State Naughton's response to Trafficking In Person's report highly damaging to the cause of migrant fisher rights'.

²⁰ Murphy, C. and Daoye, D (2021) *Experiences of Non-EEA Workers in the Irish Fishing Industry: Working Conditions, Immigration Status and Enforcement*; University of Maynooth.

²¹ IHREC (2021) [Ireland's Actions Against Trafficking in Human Beings. Submission by the Irish Human Rights and Equality Commission to the Council of Europe Group of Experts on Action against Trafficking in Human Beings \(GRETA\)](#), p. 9

traffickers exploiting victims of forced labour in sectors such as domestic work (particularly au pairs), the restaurant industry, waste management and car washing. It was also observed that women from Eastern Europe who are forced into marriage in Ireland are at risk of sex trafficking and forced labour.²² There are concerns in the CSO specialising in this type of exploitation that there is an under-identification.

Trafficking for forced criminal activities

Judging by the limited available data, trafficking for forced criminal activities has become a steady feature of the criminal landscape and while at a much lower level than trafficking for sexual and labour exploitation, it is the third most frequently detected form of exploitation in Ireland. This form of trafficking manifests itself primarily in trafficking of Asian nationals for the purposes of cannabis production and to a lesser extent in trafficking for sale of illegal substances. There is insufficient information for more specific observations. Traditionally, more male victims (63%) are detected than female (30%), which indicates a gendered character in the trafficking for criminal activities,²³ even though such disaggregation for 2020 and 2021 is not available. The presence of minors among the victims captured by the Department of Justice annual reports in 2014 and 2015, and references in the annual reports of the Special Rapporteur on Child Protection,²⁴ indicates that the issue must not be overlooked.

Statistical trends

The analysis of the emerging trends for the current reporting period 2019-2021 is somewhat limited by the fact that official data on 2021 has not yet been published or communicated

²² To note, Eastern European countries are further broken down in the assessment of Northern Ireland, where young women and girls from Albania, Bulgaria, and Romania, including ethnic Roma, were identified as remaining vulnerable to sex trafficking. Furthermore, in 2019 the Police Service in Northern Ireland added five new detectives to the anti-trafficking unit to help manage the potential increase in cases as a result of the UK leaving the EU, in light of Northern Ireland's land border with the EU. See US State Department Report (June 2020): [Trafficking in Persons Report 20th Edition](#) p. 514.

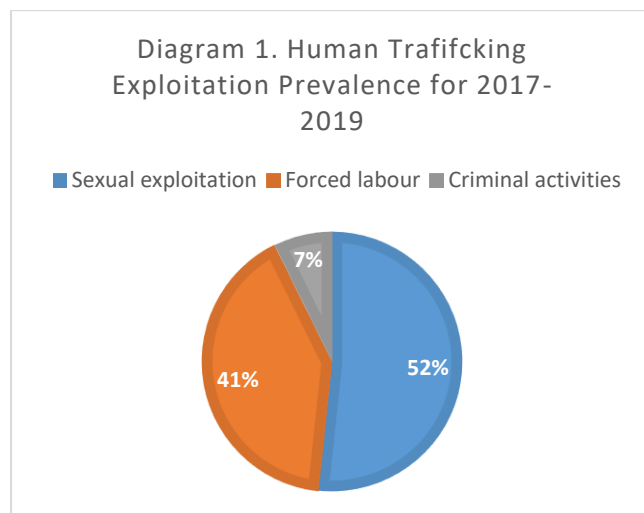
²³ IHREC (2021) [Ireland's Actions Against Trafficking in Human Beings. Submission by the Irish Human Rights and Equality Commission to the Council of Europe Group of Experts on Action against Trafficking in Human Beings \(Greta\)](#)

²⁴ O'Mahony, C.(2021) Annual Report of the Special Rapporteur on child Protection 2021, (p.p 11 & 25), Available at: [file:///C:/users/yonkovan/downloads/214234_9e893871-ecb7-4a28-879a-d0a83d5bc7e2%20\(1\).pdf](file:///C:/users/yonkovan/downloads/214234_9e893871-ecb7-4a28-879a-d0a83d5bc7e2%20(1).pdf)

with IHREC by the State. The data for 2019 and 2020 is available, with the exception of some standard disaggregation.

There have been a number of media reports which have quoted official sources for 2021. These reports suggest that the number of identified victims in the State in 2021 is either 28 (including 18 female and 10 male victims)²⁵ or 44 (including 28 female and 16 male victims, 25 victims of trafficking for sexual exploitation and 19 for forced labour).²⁶ Presuming that the second source is more accurate, in light of the fact that it was more detailed, IHREC has prepared an overview of the trends in the reporting period 2019-2021.

It is important to note however that the number of the actual cases identified in any given year, could be an underestimation of at ca.38%, according to a recent independent study.²⁷



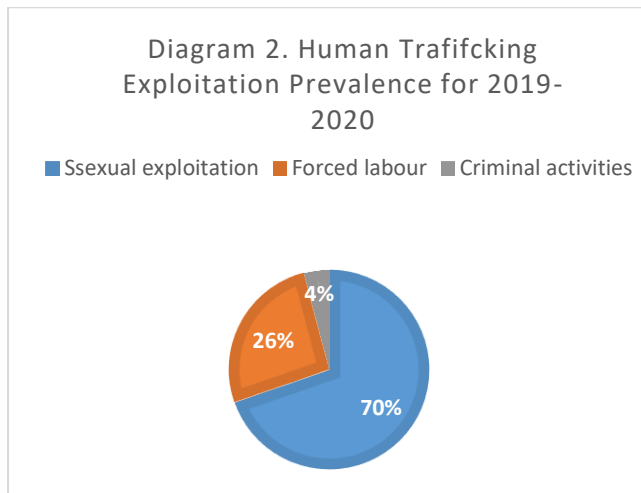
With the above provisos, the number of victims of trafficking exhibit a decreasing trend from the previous reporting period. During 2017-2019 there were 181 victims of trafficking detected, in 2019-2021 their number was 124, a decrease of ca.31%. The overall drop in cases could be attributed to the decreased movement and travel as well as limited

²⁵ Conor Lally, [‘More than 100 cases linked to trafficking and slavery being investigated, gardaí say’](#), *Irish Times* (Dublin, Dec 8, 2021)

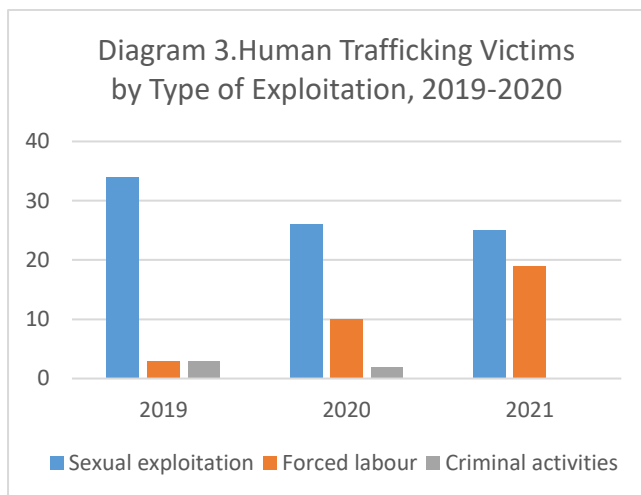
²⁶ Cormac O’Keeffe, ‘Gardaí target Brazilian human trafficking gang exploiting sex workers in Ireland’, *Irish Examiner* (Dublin, 25 Jan, 2022) <https://www.irishexaminer.com/news/arid-40793136.html>

²⁷ Breen, M.J., Healy, Amy Erbe, Healy, Michael G. (2021), [Report on Human Trafficking and Exploitation on the Island of Ireland](#), Mary Immaculate Collage, Limerick. In addition to the official 346 cases of human trafficking in 2014-2019, the report uncovers 132 ‘unofficial’ cases.

operations/interactions that could lead to identification of potential victims during Covid-19.



Compared to the previous reporting period, trafficking for labour exploitation in this period accounted for a reduced share in identified cases (from 41% in 2017-2019 to 26% in 2019-2021), similarly to trafficking for forced criminal activities which dropped from 7% to 4%. (Diagrams 1 & 2) Trafficking for sexual exploitation, however, increased from 52% in 2017-2019 to 70% of all victims in 2019-2021.



As evident in Diagram 3,²⁸ the three forms of trafficking in human beings – for the purposes of sexual exploitation, forced labour and forced criminal activities – continue to be

²⁸ It is noted that all data in the provided diagrams is based on the absolute number of registered potential victims of trafficking in the State. The categories 'sexual exploitation', 'forced labour' and 'criminal activities'

represented in Ireland in the reporting period. While we have seen human trafficking for the purposes of labour exploitation accounted for a lower share in this period as a whole, compared to the previous period, its share increased year on year within the current reporting period, while trafficking for the purposes of criminal activities is declining, even though the numbers are too small to draw any definitive conclusions.

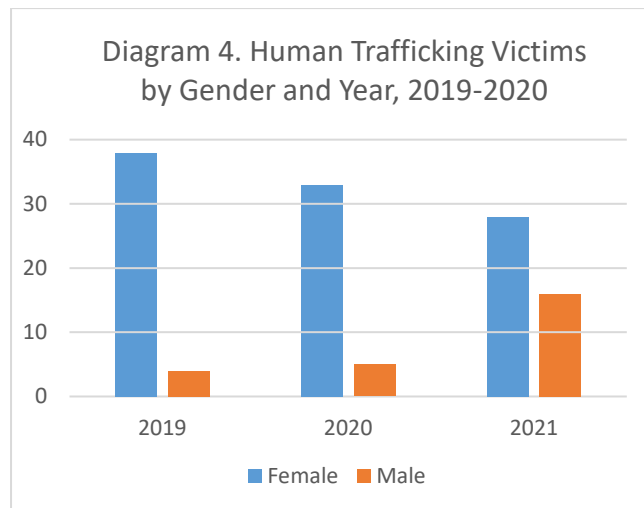


Diagram 4, shows that trafficking continues to display a gendered character throughout the reporting period, with a significant divergence between the number of female and male victims in 2019 and 2020, which has become milder in 2021, reflecting the higher share of victims of labour exploitation in that year. The ratio of female to male victims was 90:10 in 2019, 87:13 in 2020 and 64:36 in 2021, respectively.

Overall, the proportion of female victims has grown from 64% in 2017-2019 to 80% in 2019-2021, while the proportion of male victims in these same periods has fallen from 36% to 20%. The gender disaggregation within the specific types of exploitation reflects some trends in the recent EU Study on Data Collection 2020 showing high number of female victims within trafficking for sexual exploitation (97% in 2019 and 92% in 2020). At this stage, fuller analysis comparing the 3rd with the 4th reporting period cannot be conducted, due to lack of similar disaggregation for 2021.

denote the formal terms ‘trafficking for the purposes of sexual exploitation’, trafficking for the purposes of labour exploitation and trafficking for the purposes of forced criminal activities, respectively.

No victims of trafficking, other than female and male have been recorded over the reporting period, according to the available data. Following the 9 cases of suspected child trafficking in 2019, no child victims were registered in 2020 (information for 2021 was not available).

From the data available for 2019 and 2020, it is evident that Africa features as the primary region of origin for victims of trafficking in Ireland. This is followed by the EEA and South America. Since 2018, the data about the region of origin is no longer disaggregated by type of exploitation in the annual reports of the Department of Justice, therefore trends cannot be established in that respect. The previous reporting period, 2017-2019, was marked by an increase from year to year in victims from Africa (35%, 55%, 74%), while EEA featured in the second place over the three years (29%, 30%, 19%). Between 2019 and 2020, there is some increase in victims from the EEA (19% to 24%), while the number of victims from Africa has fallen (74% to 60%), which given the travel situation during Covid-19 could be expected. South America continues to be the third most represented region since 2018. Data on 2021 is not available to IHREC.

B. MEASURING RESULTS OF ANTI-TRAFFICKING ACTIONS

- Please list anti-trafficking actions carried out in your Member State, analyse their results, and provide an assessment of their impact in the areas listed below.
- In order to do so, please respond specifically as to whether/how the findings of the Third Progress Report have been addressed at the national level. The list of topics below is not exclusive. Feel free to include further areas, should you wish to.
- Please, be as precise and thorough as possible with respect to the timeframe of the assessment period, objectives, actors involved, impact, and financial resources allocated (from national, EU and other instruments) to carry out the actions.

In this context, please reply to the questions below as to the anti-trafficking measures carried out in the reporting period 2019-2021, assessing, to the extent possible, the respective result and impact of such measures, as well as the challenges identified.

1. What measures (e.g. legislation, action plans, institutional or organisational measures, increase of human or financial resources) have been taken in order to intensify efforts to address trafficking for all forms of exploitation in the national context, taking into account in particular sexual exploitation, forced labour, forced criminality, forced begging and child trafficking?
Please elaborate on the results and impact.

In the reporting period, the State continued its effort to fight all forms of exploitation.

Notable developments include:

- (a) designation of IHREC as an independent national rapporteur;
- (b) plans for a new National Referral Mechanism (NRM);
- (c) plans for a new National Action Plan (NAP);
- (d) delayed plans for changes in the approach to accommodation;
- (e) some advances in the rights to employment for asylum seeking victims of trafficking;
- (f) a novel approach to decriminalisation of potential victims of trafficking;
- (g) progress in the prosecution of traffickers for sexual exploitation;
- (h) new Victim Charter;

- (i) ratification of the Protocol of 2014 to the Forced Labour Convention, 1930;
- (j) increased funding for services to victims and awareness & training work.

Progress was made in 2021 with the announcement of Government approval for a new NRM for victims of trafficking, to identify victims and facilitate their access to advice, accommodation and support.²⁹ The proposed new mechanism would expand the role of ‘competent authority’ for the identification of victims of trafficking beyond An Garda Síochána, to also include several other state agencies.³⁰ In addition, it is proposed that certain non-governmental organisations will be designated as ‘trusted partners’ for the referral of victims, and that the new mechanism will be overseen by an Operational Committee comprised of representatives from the competent authorities. Approval has also been given for the drafting of legislation to place this new mechanism on a statutory footing. This particular commitment by the State, considered to be of utmost priority to the national response to THB by many, remains yet to be fulfilled.

In 2020, the Department of Justice began initial discussions regarding the development of a new NAP. However, IHREC understands that such discussions remain at the development stage and the drafting process is ongoing. The 2016 National Action Plan to Prevent and Combat Human Trafficking in Ireland was not bound by any specific timeline and it remains the current strategy in operation, by default. IHREC is of the view that, while a new National Action Plan is required, this should be without prejudice to meeting the urgent targets of the current plan, and prioritising their completion in the interim. This commitment by the State is at a development stage.

The State’s commitment to establish a specialised shelter with gender-specific services for victims has been repeatedly delayed and remains unfulfilled to date. In 2020, the State announced a pilot accommodation service for victims of trafficking under the aegis of two Civil Society organisations. This pilot appears to have been abandoned, since the

²⁹ Department of Justice (Press Release 11 May 2023), [‘Government approves proposal for a revised National Referral Mechanism to make it easier for human trafficking victims to come forward and receive supports’](#).

³⁰ These include: the Department of Justice Immigration Service; Department of Social Protection; the HSE; Tusla; Department of Children, Equality, Disability, Integration and Youth; International Protection Accommodation Services (IPAS), Workplace Relations Commission.

responsibility for accommodation of victims of trafficking was transferred from the Department of Justice to the new Department of Children, Equality, Disability, Integration and Youth (DCEDIY). The DCEDIY indicated that it intends for such a service to be operational by autumn 2021,³¹ which did not materialise. IHREC is particularly concerned that the accommodation of victims of trafficking continues to be provided within the system of Direct Provision (DP) – the system of accommodation for the general asylum seeking population, managed by the International Protection Accommodation Service under DCEDIY. The lack of tangible steps of improvement regarding the accommodation of victims of trafficking remains a chronic problem in the overall response to human trafficking.

As of January 2021, applicants for international protection can now apply for permission to access the labour market 6 months from the date of their first application for international protection, and permissions are subject to renewal every 12 months (an improvement from the original measures adopted in June 2018).³² These measures would benefit some victims of trafficking but the divergence of rights based on whether or not a victim seeks asylum remains in place and continues to be problematic.

Strengthening further the legal framework that ended the criminalisation of individuals selling sex in Ireland, the Minister for Justice has announced plans for legislation to retrospectively expunge over 600 convictions obtained for ‘sale of sex’ under the preceding 1993 legislation. In her [statement](#), the Minister linked the measures explicitly with the plans to end the unnecessary criminalisation of potential victims of trafficking.³³ While limited only to victims of trafficking for sexual exploitation, this novel approach is welcome and it sets an example of how the principle of non-punishment of victims must be pursued in the context of other types of trafficking exploitation.

³¹ Sorcha Pollack, [‘Dedicated housing unit for trafficking victims to open in autumn’](#), (*Irish Times*, Dublin, 31 May 2021)

³² Department of Justice (Press Release, 28 January 2021), [‘Minister McEntee announces reduced 6 month waiting period for international protection applicants to access work’](#).

³³ [Statement by Minister McEntee](#), Department of Justice, 25 of April 2021.

In June 2021, the first conviction under the relevant human trafficking legislation was secured,³⁴ with two women found guilty of trafficking women from Nigeria to Ireland for the purpose of sexual exploitation.³⁵ IHREC welcomes this conviction as it demonstrates the capacity of the system to penalise human trafficking crimes in Ireland.

In 2020, a new (redeveloped) Victim Charter was adopted, guaranteeing enhanced communications with victims, both in terms of provision of important information and in terms of interpretation and translation service, where the language of the victims requires. On 4 February 2019, Ireland ratified the Protocol of 2014 to the Forced Labour Convention, 1930, which ensured that the State is aligned with the most advanced international standards in this area.

In the reporting period, the Department of Justice steadily increased the funding for service provision to victims of trafficking as well as the investment in awareness raising and training efforts, which is welcome (See Table 1 and Table 2). As the tables below indicate, the increase in 2021 compared to 2020 has been significant, which is an indication of a growing commitment for an enhanced response to victims of trafficking.

³⁴ Criminal Law (Human Trafficking) Act 2008, as amended.

³⁵ Department of Justice (Press Release, 11 June 2021), [‘Minister Naughton welcomes the first convictions for Human Trafficking handed down today’](#). The women were also found guilty of money laundering and organisation of prostitution offences. The offences occurred between September 2016 and June 2018. The victims were recruited from Nigeria, and on arrival in Ireland were forced into prostitution. The victims testified to having been issued false IDs, having their earnings withheld, suffering threats, and being moved around the country. Seán McCárthaigh, [‘Two women guilty of human trafficking in first conviction of its type’](#) (The Irish Times, Dublin, 11 June 2021)

Table 1: Department of Justice funding to specialist NGO providing services to victims of THB³⁶

Services to victims of trafficking	2019	2020	2021	Comments
Ruhama	€350,000	€433,060	€609,868	Services to victims of trafficking for sexual exploitation ³⁷
MRCI	€84,500	€88,754	€83,500	Services to victims of trafficking for forced labour and criminal activities
Immigrant Council of Ireland ³⁸	0	0	€120,000	Legal aid to victims of trafficking and GBV ³⁹
IOM Ireland	unknown	unknown	€250,000	Cultural mediator service ⁴⁰
	Total for 2019 (known)	Total for 2020	Total for 2021	
	€434,500	€521,814 Increase of 17%	€1,063,368 Increase of 50%	

³⁶ Information obtained from Parliamentary questions

³⁷ An additional funding of €27,620 was granted for provision of Exit Pathways from the sex trade.

³⁸ For legal services

³⁹ The funding also includes legal services to migrant victims of domestic violence.

⁴⁰ The funding provided to IOM is to build the capacity of State professionals who work with or for migrants, to identify and address the needs of victims or potential victims of gender based violence and trafficking more effectively and to provide culturally sensitive support to them. It will also provide victims of gender based violence and trafficking better access to information and allow them to effectively engage with support and referral services. It will also promote a culturally sensitive approach to victims, through the use of cultural mediators.

Table 2: Department of Justice funding distributed for awareness raising and frontline training⁴¹

Awareness raising and Frontline training	2021	Description of training/awareness
Ruhama	57,500	Delivering training sessions of knowing the signs of human trafficking and trauma informed practices (€6,500) and an awareness raising campaign entitled Get the Full Picture (€51,000)
MRCI	28,754	developing information resources and training on awareness of Human Trafficking for labour exploitation
ICI	35,000	development and delivery of introductory and advanced online training modules on awareness raising of human trafficking in Ireland
MECPATHS	20,398	development and delivery of online education and awareness raising of human trafficking in Ireland to frontline professionals and students within the hospitality and services sectors and now for the aviation sector
DORAS	23,552	development and delivery of training and information resources on awareness raising of human trafficking aimed at frontline staff and volunteers to build capacity
IOM	30,000	Awareness campaign
Total for 2021:	€195,204	

⁴¹ Information obtained from combination of Parliamentary questions and CSOs reports

2. How has trafficking in human beings been addressed in the context of international migration, taking into account patterns such as the disproportionate targeting of women and girls trafficked for the purpose of sexual exploitation, as well as the link with smuggling of migrants? Please elaborate on the results and impact.

In the reporting period, the Government provided increased funding for gender-specific services to victims of human trafficking to an NGO that specialises in work with women affected by or exiting the sex trade, the vast majority of whom have been of migrant background in the last decade. Additional funding was provided to frontline services to ensure that NGOs could respond to their clients' needs during the Covid-19 pandemic. This was a welcome relief to migrant women affected by human trafficking for sexual exploitation.

For the first time, the Government provided funding to a migrant organisation and an independent law centre that specialises in assistance to migrant women affected by gender-based violence and has a particular interest in victims of human trafficking.

However, the lack of gender-specific accommodation and a specialised shelter for victims of trafficking, has an especially negative impact on migrant women victims of trafficking who have experienced sexual violence.

IHREC has recommended that the new National Strategy on Domestic, Sexual and Gender-Based Violence takes account of human trafficking as a form of GBV in accordance with Directive 2012/29/EU, as well as other forms of exploitation such as trafficking for forced marriages and illegal adoptions that primarily affect migrant women and girls and could amount to human trafficking as per recital of Directive 2011/36/EU. The publication of this document is imminent.

3. Which measures have been taken for the early identification of victims of trafficking, including through national referral and asylum systems? Please elaborate on the results and impact.

There appears to have been progress made in 2021, with the announcement of Government approval for a new National Referral Mechanism for victims of trafficking, to identify victims and facilitate their access to advice, accommodation and support⁴². The proposed new mechanism would expand the role of ‘competent authority’ for the identification of victims of trafficking beyond An Garda Síochána, to also include several other state agencies⁴³. In addition, it is proposed that certain non-governmental organisations will be designated as ‘trusted partners’ for the referral of victims, and that the new mechanism will be overseen by an Operational Committee comprised of representatives from the competent authorities. Approval has also been given for the drafting of legislation to place this new mechanism on a statutory footing.

IHREC welcomes these proposals, which, if delivered upon, have the potential to significantly enhance the State’s ability to identify and support victims of trafficking. IHREC is of the view that implementation of these proposals is a matter of utmost urgency. The IHREC also notes that during its informal engagement with some of the State agencies proposed to make up the Mechanism, there was a lack of clarity regarding their respective obligations under the proposed Mechanism. Timely progress on these matters therefore remains a high priority on IHREC’s monitoring agenda.

⁴² Department of Justice (Press Release 11 May 2021), [‘Government approves proposal for a revised National Referral Mechanism to make it easier for human trafficking victims to come forward and receive supports’](#).

⁴³ These include: the Department of Justice Immigration Service; Department of Social Protection; the HSE; Tusla; Department of Children, Equality, Disability, Integration and Youth; International Protection Accommodation Services (IPAS), Workplace Relations Commission.

4. What efforts have been made to ensure that all victims identified are provided with assistance, support and protection, taking into account gender and child-specific needs? Please elaborate on the results and impact.

Gender-specific needs

As has been noted above, in a positive development, the Government has increased funding for gender-specific services for all forms of gender-based violence which includes increased funding to an NGO that specialises in supporting victims of trafficking for sexual exploitation. In addition, funding has been provided to an independent law centre that specialises in gender-specific legal assistance to victims of trafficking.

The Health Service Executive Anti Human Trafficking Team, which provides individual care plans to victims of trafficking, is similarly based within a framework that has expertise in gender-specific needs of vulnerable individuals.

At this time, the State does not provide a gender-specific shelter for victims of human trafficking and has decided against the use of the existing domestic violence shelters for this purpose, which sets the country's response apart from other EU Member States in both respects. However, there have been formal announcements by the Ministers responsible (firstly by the Minister for Justice and later, after the reorganisation of the government departments, by the Minister for Children, Equality, Disability, Integration and Youth) that such a shelter will be provided.

The International Protection Accommodation Service (IPAS, formerly the Reception and Integration Agency) continues to be responsible for the provision of accommodation and material assistance to all victims of human trafficking, which is in addition to IPAS's main function to accommodate people seeking asylum in general. The system is known as Direct Provision and has been formally accepted as unsuitable for applicants for international protection as well as for victims of trafficking.

Of particular note, the Joint Oireachtas Committee investigation of Direct Provision in 2019 as well as the High Level Group review conducted in 2020, both recommended the

establishment of gender-specific shelters for victims, separate from DP.⁴⁴ The Government White Paper published on the basis of these findings makes some reference to victims of trafficking but their situation in the 4-year process of implementation remains unclear and precarious. The Commission has warned that the accommodation of victims of trafficking must not be treated as a secondary issue in the process of implementation of the Government White Paper. However, the reality of 2021 showed that the gender-specific accommodation of victims of trafficking remains a neglected matter.

Child-specific-needs

As reported by a number of monitoring bodies, Ireland is both a destination and source country for child victims of sex trafficking and forced labour, albeit no child victims have been identified in 2020 and 2021.⁴⁵ There were three reports of child trafficking in 2017, five in 2018, and nine in 2019. Tusla (the Child and Family Agency) is entrusted with the delivery of services to child victims of trafficking and responding to their child-specific needs. The annual report of the organisation for 2019 contains one reference on child trafficking (a quotation), while the report for 2020 makes no mention.

Data on 2021 is not yet available. However, the Rapporteur has been informed that Tusla and An Garda Síochána have been meeting to ascertain whether there are any potential links between young people in Tusla's care who have been identified as vulnerable to Child Sexual Exploitation - which includes a process of reviewing information reported that a number of children have been collected at hotels - with a particular focus on whether there are any concerns regarding human trafficking for the purpose of sexual exploitation.

⁴⁴ Houses of the Oireachtas Joint Committee on Justice and Equality Report on Direct Provision and the International Protection Application Process December 2019, at 50, available: https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_justice_and_equality/report_s/2019/2019-12-12_report-on-direct-provision-and-the-international-protection-application-process_en.pdf; Report of the [Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process September 2020](#), at 74

⁴⁵ ECPAT, [Country Overview: Ireland – A report on the scale, scope and context of the sexual exploitation of children](#) (November 2018) and US State Department, [2018 Trafficking in Persons Report](#) (June 2018) at 237. See also Europol (2018), [Criminal Networks involved in the Trafficking and Exploitation of Underage Victims in the EU](#).

Recent years in Ireland have seen the exacerbation of a housing and homelessness crisis, which has had a significant impact on families and children. The Government-appointed Special Rapporteur on Child Protection has highlighted the link between homelessness and child neglect, abuse, exploitation and trafficking.⁴⁶

In addition to its commitment to carry out a fundamental review of the formal identification process for victims of trafficking in its 2016 Second National Action Plan to Prevent and Combat Human Trafficking in Ireland, the Government committed to:

“addressing the possibility’ of establishing a specific identification mechanism for child victims of trafficking”

informed by a review of the data collection systems in place.⁴⁷ IHREC has criticised the use of such prospective and exploratory language, regarding it as representing a weak commitment on the part of the State.⁴⁸ While the recent proposal for a new NRM, outlined in earlier sections, does not explicitly address establishing a specific identification mechanism for child victims of trafficking, it is to be noted that TUSLA, the Child and Family Agency, is listed as one of the prospective ‘competent authorities’ that would make up the new mechanism.

In the reporting period, there has been further scrutiny of the gaps in the identification and protection of child victims of trafficking. The OSCE has noted the lack of information and clarity around child trafficking in Ireland.⁴⁹ IHREC, in its engagements with civil society has learned of a more general gap in knowledge and expertise amongst social workers in how to

⁴⁶ Geoffrey Shannon (2020), [Annual Report of the Special Rapporteur on Child Protection 2020. A Report Submitted to the Oireachtas](#). The Commission has also raised concerns regarding the particular impact of the homelessness crisis on children, as well as the potential harm caused to children’s wellbeing by emergency accommodation measures. See IHREC (2017), [The provision of emergency accommodation to families experiencing homelessness](#).

⁴⁷ Department of Justice and Equality, [Second National Action Plan to Prevent and Combat Human Trafficking in Ireland](#) (2016) at p. 72.

⁴⁸ Irish Human Rights and Equality Commission, [IHREC submission to GRETA in advance of its Second Evaluation Round of Ireland](#) (September 2016) at p. 18.

⁴⁹ OSCE (2020), Conclusion and recommendations for Ireland following the visit by OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey.

identify and appropriately respond to evidence of child trafficking encountered during the course of their work.⁵⁰

The UN Special Rapporteur on the Sale and Sexual Exploitation of Children, including child prostitution, child pornography and other child sexual abuse material concluded in her report on Ireland from November 2019⁵¹ that there is a “lack of a dedicated and integrated strategy to respond to sexual violence against children.

“The UN Rapporteur further noted gaps in data gathering, barriers within the criminal justice system and the “need for care and recovery services to be bolstered around the country so that the services available to child victims are timely and continuous.”⁵²

With regard to mapping the scope and scale of the sale and exploitation of children, the UN Rapporteur made a number of recommendations, including to:

“develop a methodology for collecting uniform and reliable data on the scale and different forms of sexual abuse and exploitation of children, including data on the outcome of efforts to combat them.”⁵³

IHREC is of the view that the agency remains in the early stages of developing trafficking-specific systems, manuals and expertise in this area and that similarly to all other agencies with proposed roles in the new National Referral Mechanism, will require adequate staffing,

⁵⁰ This is a gap that organisations such as MECPATHS are seeking to address through the provision of training in collaboration with Maynooth University and University College Cork, to educate undergraduate and post-graduate students in the fields of Social Work and Social Policy on Child Trafficking. See <https://mecpaths.com/our-work/>

⁵¹ UN Human Rights Council (15 November 2019), [Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. UN Doc: A/HRC/40/51/Add.2.](#)

⁵² UN Human Rights Council (15 November 2019), [Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. UN Doc: A/HRC/40/51/Add.2.](#) Para. 75.

⁵³ UN Human Rights Council (15 November 2019), [Report of the Special Rapporteur on the sale and sexual exploitation of children, including child prostitution, child pornography and other child sexual abuse material. UN Doc: A/HRC/40/51/Add.2.](#) Para. 78. In February 2022 RCNI published the [Breaking the Silence](#), which defines 27 key terms, covering different acts of sexual violence, harassment, exploitation, and abuse against children, and key information that should be included about the child and the perpetrator.

funding and capacity building to ensure that they can contribute effectively to the new mechanism.

5. Which measures have been taken to tackle the digital business model of traffickers, including to improve the identification and removal of online material associated with the exploitation and abuse of trafficked victims?
Please elaborate on the results and impact.

The most notable measures that have been taken (or are awaited) in response to tackling the digital business model of traffickers have largely been legislative. While these specific measures are important, there is an urgent need for a coordinated response to digitally assisted trafficking.

The *Online Safety and Media Regulation Bill* offers a very real opportunity to better detect, investigate, prosecute and counteract trafficking in persons both within Ireland and, potentially across the EU.⁵⁴ The Media Commissioner will govern a new framework through binding online Safety Codes and robust compliance, enforcement and sanction powers. Online safety codes will deal with a wide range of issues, including measures to be taken by online services to tackle the availability of illegal and harmful online content (which would include trafficking) on their services⁵⁵. Given the proven nexus that exists between trafficking and digital communication platforms, the Bill and subsequent Safety Codes *could* have the potential to seriously disrupt the operations of traffickers online.

The *Criminal Law (Sexual Offences) Act 2017* introduced a number of new offences relating to child sexual exploitation and child sexual abuse. In particular, the Act introduces a specific offence relating to the use of communications technology to facilitate the sexual

⁵⁴ The Bill will also transpose the revised Audiovisual Media Services Directive into Irish law, including the regulation of video-sharing platform services as part of the regulatory framework for online safety <https://www.gov.ie/en/publication/88404-publication-of-the-online-safety-and-media-regulation-bill/>

⁵⁵ IHREC, Submission to the Joint Committee on Media, Tourism, Arts, Culture, Sport and the Gaeltacht on the General Scheme of the Online Safety and Media Regulation Bill, (March 2021), available at: <https://www.ihrec.ie/app/uploads/2021/03/IHREC-Submission-to-the-Joint-Committee-on-Media-Tourism-Arts-Culture-Sport-and-the-Gaeltacht-on-the-General-Scheme-of-the-Online-Safety-and-Media-Regulation-Bill-FINAL.pdf>

exploitation of a child which, if robustly applied, has the potential to disrupt the digital business model of child traffickers. Similarly, the introduction of Coco's Law (*Harassment, Harmful Communications and Related Offences Act 2020*)⁵⁶ marks another important legislative change in regards to tackling online abuse and harm by criminalising the non-consensual sharing of intimate images.

Hotline.ie⁵⁷ receives reports from the public relating to online child sexual abuse material and non-consensually shared images. The 2020 Annual Report noted that 42% of child sexual abuse reports related to content that was indicative of being commercial in nature with Hotline.ie believing that it had been produced or was being used for the purpose of financial gain by the distributor. Last year, the organisation traced child sexual abuse material to 31 countries worldwide, with 56% of the content hosted in Europe.⁵⁸

A new Garda Unit was established in 2019 to investigate organised crime linked to the illegal sex trade. The Unit has been established within the Garda National Protective Services Bureau and was formerly known as Operation Quest. It would appear that progress is being made to tackle organised prostitution (both online and offline), with a number of confirmed cases against prostitution organisers before the courts at the end of 2019,⁵⁹ alongside a series of recent operations led by CAB targeting those involved in many forms of organised criminality, including organised prostitution.⁶⁰

⁵⁶Harassment, Harmful Communications and Related Offences Act 2020

⁵⁷ Founded in 1999, Hotline.ie is the Irish national centre of expertise combatting online child sexual abuse material and activities relating to the sexual exploitation of children, i.e. child grooming. Hotline.ie works with a diverse mix of Government and inter-governmental agencies, law enforcement, online service providers and NGOs. Hotline.ie a founding member of INHOPE (the International Association of Internet Hotlines) and work in collaboration with 46 other hotlines worldwide to ensure the swift removal of CSAM from the Internet, irrespective of where in the world the content is hosted. Hotline.ie's operational procedures are approved and overseen by the Department of Justice; and they work in close collaboration with An Garda Síochána and their members. Hotline.ie is also an integral part of the Irish Safer Internet Centre alongside Webwise, ISPCC Childline and NPC.

⁵⁸ Hotline Annual Report 2020, available at <https://www.hotline.ie/library/annual-reports/2021/2020-hotline-ie-annual-report-webready.pdf> Also see, <https://www.irishtimes.com/news/crime-and-law/large-increase-in-number-of-child-abuse-images-investigated-by-organisation-online-1.4655100>

⁵⁹ See: Dáil Debate, Criminal Prosecutions Data (3 December 2019) available at: <https://www.oireachtas.ie/en/debates/question/2019-12-03/274/>

⁶⁰ See, SERP, Shifting the Burden (2020), https://www.ucd.ie/geary/static/serp/Shifting_the_Burden_Report.pdf

Alongside traditional investigative and detection tools, new innovative technologies are emerging to tackle trafficking in the online space. One such example is the Galway based company that has created the Anti-Human Trafficking Intelligence Initiative (ATII) that uses the company's investigative intelligence platform to try to identify traffickers and reduce human trafficking. The platform is being provided free of charge as part of Siren's Data for Good initiative.⁶¹

6. What efforts have been considered in order to criminalise the knowing use of services provided by victims of trafficking? Have any efforts been considered in order to criminalise any use of services provided by victims of trafficking? Please elaborate on the results and impact.

The *Criminal Law (Sexual Offences) Act 2017* decriminalised the selling of sexual services, and introduced a new offence of purchasing of sexual services.⁶² The legislation also strengthened the national legal framework on trafficking in human beings with regard to online grooming of children for sexual exploitation and by strengthening the provisions penalising the use of sexual services from trafficked victims. This saw the shifting of the burden of 'knowledge' from the State to the accused person (the user).

Decriminalisation of the sale of sexual services has the potential to support the principle of non-punishment, protecting potential victims of trafficking against solicitation-related offences. With a view to strengthening the implementation of the legal provisions that ended the criminalisation of individuals selling sex, the Minister for Justice has recently announced plans for legislation to retrospectively expunge over 600 convictions obtained for 'sale of sex' under the preceding 1993 legislation. In her [statement](#), the Minister linked

⁶¹ Ciara O'Brien, Galway-based Siren answers the call to join fight against human trafficking Data company to provide investigative platform for use by anti-trafficking organisation (Irish Times, Dublin, Thu, Feb 17, 2022)available at: <https://www.irishtimes.com/business/technology/galway-based-siren-answers-the-call-to-join-fight-against-human-trafficking-1.4805199>

⁶² Part 4, amending the Criminal Law (Sexual Offences) Act 1993 to make it an offence, liable for a class E or D fine, for a person to pay, offer or promise to pay a person for the purpose of engaging in sexual activity.

the measures explicitly with the plans to end the unnecessary criminalisation of potential victims of trafficking:

“Given what we know about the levels of exploitation and human trafficking in the sex trade, it is very likely that many of those convicted in the past fall into the exploited category for a number of reasons, including because they were victims of trafficking. These vulnerable victims should also benefit from the legislative change regarding the sale of sex and be able to move forward and rebuild their lives.”⁶³

This is a novel approach that is welcomed by IHREC. Data from May, 2020 indicates that since this law came into effect, the number of prosecutions for the purchase of sex increased from ten (10) to ninety-two (92) between 2018 and 2020.⁶⁴ The National Rapporteur has no further information at this stage.

By comparison, the efforts to tackle the demand that fosters trafficking for the purposes of labour exploitation could benefit from greater attention. The Workplace Relations Commission (WRC) is listed as one of the agencies taking part in the proposed new National Referral Mechanism. While the WRC does not have an express statutory role under Irish Human Trafficking and Forced Labour legislation, WRC Inspectors are trained in the identification of the indicators of Trafficking of Human Beings. In 2020, the inspectorate division of the WRC carried out over 7,000 inspections.⁶⁵ It found 1,760 employers in breach, and recovered €1.66 million in wages. It also conducted 147 joint inspections with An Garda Síochána and other regulatory bodies, and secured the conviction of 81 employers in the District Courts.⁶⁶ As joint inspections with representatives of An Garda Síochána are routinely organised, the exposure of undocumented workers is possible. The WRC is tasked with enforcing employment permit law, governing the situation of third country national workers, which involves taking actions regarding irregularly employed undocumented

⁶³ [Statement by Minister McEntee](#), Department of Justice, 25 of April 2021.

⁶⁴ O'Connor, M. and Breslin, R. (2020) Shifting the Burden: An analysis of the Irish sex trade in the context of prostitution law reform, UCD: Sexual Exploitation Research Programme.

⁶⁵ Dáil Debate, Workplace Relations Commission, March 2021

<<https://www.kildarestreet.com/debates/?id=2021-03-25a.410&s=labour+inspectors#g414>> Accessed 2 June 2021

⁶⁶ Workplace Relations Commission, [Workplace Relations Commission 2020 Annual Report](#), p5 – 17.

migrants. IHREC is not aware of specific firewalls between labour and immigration authorities to ensure that the principle of non-punishment of suspected victims of trafficking is upheld. IHREC notes that the absence of such firewalls between immigration enforcement and other public services has a relevance beyond the arena of human-trafficking. More broadly, the lack of appropriate firewalls can raise questions of access to justice, and can deter irregular migrants from coming forward when they have been the victims of crime or violations of their rights, or when they are seeking services to which they are entitled.⁶⁷

IHREC is of the view that the mechanism for recovery of unpaid wages in cases of undocumented workers, which victims of trafficking often are, requires further scrutiny.⁶⁸

7. What information and awareness campaigns, education and trainings have been conducted? *Please describe their aims and outreach and elaborate on the results and impact.*

IHREC welcomes the State's increased funding of initiatives to prevent and raise awareness of human trafficking by a range of civil society organisations (See Table 2). Funding is being provided in the areas of specialist services, advice and support; awareness raising; and frontline training.⁶⁹ IHREC also notes the commitment to continued provision of this funding and support made by government ministers in recent months, particularly in the context of proposals for a new NRM, which will incorporate several State agencies as well as involving civil society organisations as trusted partners.⁷⁰

⁶⁷ Timmerman, R. I., Leerkes, A., Staring, R., & Delvino, N. (2020). 'Free In, Free Out': Exploring Dutch Firewall Protections for Irregular Migrant Victims of Crime, *European Journal of Migration and Law*, 22(3), 427-455. doi: <https://doi.org/10.1163/15718166-12340082>

⁶⁸ Employment Permit (Amendment) Act 2014, Section 2b. Available at:

<http://www.irishstatutebook.ie/eli/2014/act/26/section/4/enacted/en/html>

⁶⁹ Dáil Éireann Debates, [Written Answers by Minister for Justice, Wednesday 24 March 2021](#)

⁷⁰ Dáil Éireann Debates, [Written Answers by Minister for Justice, Wednesday 24 March 2021](#)

This will, according to recent statements, include funding for a range of supports, including:

“accommodation, medical care, care planning, legal advice and aid, immigration permission, police services, employment and vocational training, translation and interpretation services and voluntary return home.”⁷¹

Increased and sustained investment to ensure organisational preparedness for new functions within the NRM will, in the view of IHREC, be central to the mechanism’s success. Of particular importance will be adequate investment in organisational capacity through upskilling, as well as through recruitment of suitable personnel.

IHREC would also stress the need for capacity and organisational infrastructure for prevention and identification to maintain a nationwide focus, with appropriate investment made in regional capacity outside the Dublin metropolitan area, particularly in Cork and Limerick.

From IHREC’s consultations it is clear there is some disparity in training for frontline staff and personnel who are likely to encounter victims of human trafficking. Of those who encounter victims of human trafficking it is evident that many staff take it upon themselves to avail of training and education opportunities when they arise. This may be through attending conferences and workshops on human trafficking. However, with the exception of An Garda Síochána (DPSU and NPSB), there is no formal requirement that frontline staff and those who are likely to encounter victims complete any accredited or formalised training before or during their work with victims.

An accredited training programme that can be rolled out nationwide to all frontline services that may encounter victims of human trafficking would be a suitable strategy for the future. This could ensure consistency of approach and establish a minimum standard of training for all those who come into contact with victims of human trafficking.

⁷¹ Dáil Éireann Debates, [Written Answers by Minister for Justice, Wednesday 24 March 2021](#)

Due to its recent appointment as a National Rapporteur, IHREC has limited data on the prevention initiatives by statutory agencies in 2020 and 2021, while data for 2019 was obtained from the Annual Report of the Department of Justice published in 2020 and focusing on 2019. Data for 2021 was obtained from the specialist CSOs.

Training and Awareness Raising by Civil Society Organisations

There was a noticeable increase in the range of State-funded training and awareness raising initiatives by civil society organisations across the country in 2021, which was a very welcome development (See Table 2). According to CSOs, multiannual funding would help to improve the impact of prevention work and that improved planning and coordination would also help to increase the impact of prevention work by facilitating communication, sharing resources and learning across stakeholders working in the field of anti-trafficking.

Doras: In 2021, Doras designed and delivered training to people working in frontline services in the Limerick region to raise awareness on human trafficking. This training included an overview of the legal and policy frameworks around human trafficking and practical information on how to recognise, respond to and refer potential or suspected victims of trafficking. A series of information resources were also developed to compliment the training and to serve as a guide for frontline staff following the training sessions. Doras also supported the national IOM campaign on anti-trafficking, as well as contributing to local media and online communication initiatives on anti-trafficking issues.

Immigrant Council of Ireland: In 2021, the Immigrant Council of Ireland (a certified independent law centre) held regular trainings (online due to Covid19 public health restrictions) aimed at frontline professionals in both State and Civil Society organisations. Approximately 200 frontline professionals were trained with demand for training remaining strong in 2022. In addition, the Immigrant Council engaged in two separate EU level projects that have a focus on the integrated support of victims of human trafficking and allowed the Immigrant Council to draw best practice from other European Countries. One of these projects was finalised in 2021, with the resources launched at national level and made available online. While online training sessions and workshops were well attended and in

demand, the level of engagement that is possible online was limited by the medium and the shorter nature of the training that can be provided.

MECPATHS: Their work focuses on delivering training to frontline professionals and emerging professionals. Current training/workshops developed/delivered include those for: Hospitality Staff/Management, Aviation, Security Personnel, Social Workers, Social Care Workers, Private Recruitment, Criminology graduates and Social Policy Professionals. MECPATHS ran general human trafficking awareness workshops in partnership with ICI, and facilitated specific workshops on Child Trafficking for the following audiences: Travel & Tourism students at Shannon College of Hotel Management and TU Dublin. Taught modules on child trafficking to MA of Social Work / Policy students at Maynooth University and UCC. Designed an online training module for the Private Security Authority, as well as those working within the Aviation industry. MECPATHS brought together, for the first time, the anti-human trafficking community for a photo call to mark EU Anti Human Trafficking Day.

Ruhama: Throughout 2021, funded by the Department of Justice, Ruhama delivered 8 training sessions of 'Knowing the Signs of Human Trafficking' and trauma-informed practices in responding to suspected cases. These training sessions were delivered online to a variety of stakeholders and were oversubscribed throughout the year. In addition to the development of expertise amongst frontline responders, the training acts as an awareness-raising tool for attendees about the prevalence of human trafficking, how it can present in various frontline settings and informs how it might be prevented. In 2021, Ruhama received funding to run the trafficking awareness raising campaign *Get the Full Picture*. This was an innovative campaign that was developed in collaboration with survivors of human trafficking. It aimed to highlight the prevalence of human trafficking for sexual exploitation throughout Ireland and told the stories of those who are impacted by it. The campaign focused on raising awareness of the issue by a series of outdoor advertising, national radio ads, digital media and regional workshops. The campaign called on the public to know the signs of human trafficking and to report suspicious activity to the relevant authorities. In addition, the campaign aimed to break the silence around sexual exploitation.

Migrant Rights Centre Ireland (MRCI): They provided content for an e-learning module on trafficking for Citizens Information Centres (CIC). MRCI also trained staff at CIC Dublin South. MRCI are coordinating the Migrants Against Exploitation (MAX) initiative, this is an innovative pilot training model to engage community leaders and connectors to identify and tackle trafficking for labour exploitation. The aim of the MAX project is to prevent and combat human trafficking for labour exploitation by empowering migrants to know more about their rights as workers. This is done by providing relevant information to migrant leaders and supporting them to better understand this phenomenon, how it manifests and how to prevent even the most severe forms of exploitation and trafficking.

International Transport Worker's Federation (ITF): They engage with the media and public representatives on matters related to the welfare and rights of migrant fishers with a specific focus on legislative deficiencies in the case of the latter. The ITF receives no state funding but is instead funded by fees charged to the 700 affiliated unions as well as a capitation paid by the shipping and transport multinational with whom they negotiate global collective bargaining agreements.

International Organisation for Migration (IOM) and the Department of Justice: In two consecutive years in October 2020 and October 2021, aligned to the EU Anti-trafficking Day, the Minister for Justice Helen McEntee TD, the Minister of State for Civil and Criminal Justice, Hildegard Naughton TD and the International Organisation for Migration (IOM) announced the launch of an anti-human trafficking public awareness initiative *#Anyone can be exploited campaign*.⁷² The campaign seeks to communicate the message that human trafficking is a crime, that it is happening everywhere, including in Ireland, and that we must all become familiar with the signs of trafficking.⁷³ The campaign was part of a larger project which involved some trainings also. The content created for the campaign focused on sexual and labour exploitation, with two main video assets that were adapted into different formats both online and out of home advertising. The campaign materials were created in

⁷² Department of Justice (2020), [Minister for Justice Helen McEntee TD and the International Organisation for Migration announce launch of an anti-human trafficking public awareness initiative](#)

⁷³ Department of Justice (Press Release 18 October 2021), ['Minister Hildegard Naughton and the International Organisation for Migration launch new anti-human trafficking awareness initiative'](#)

partnership with the Department of Justice and in consultation with civil society organisations. The campaign ran from October 18th to November 30th 2021. The materials were mainly disseminated online with a lower-scale distribution on bus stops, train stations and other commuter points to strengthen the impact of the campaign. The anyone campaign was twice as successful at raising awareness in 2021 than 2020 (623k) with more than double the number of impressions at 1.37 million impressions. Meta (formerly Facebook) ads received 728,000 impressions. The campaign website received 23,000 unique visitors. Consultations were held with the Department of Justice as well as a range of NGOs and CSOs including Ruhama, MECPATHS, MRCI, ICI, IHREC, Doras, Cork Against Human Trafficking and Sexual Violence Centre Cork.

The campaign is still being analysed so not all results are available at this time.

Training Efforts among Statutory Bodies

An Garda Síochána and the Legal Profession: The Human Trafficking Investigation & Co-ordination Unit provides human trafficking related training to probationer members of An Garda Síochána as part of the core training curriculum which is delivered to them at the Garda Training College. By the end of 2019, a total of four thousand, nine hundred and sixty-three members of An Garda Síochána had been provided with core curriculum human trafficking related training. However, due to the Covid-19 pandemic a large number of trainees and instructors were deployed to frontline duties. Beyond core curriculum human trafficking related training, specialised human trafficking training is also provided and as of the end of 2019, one thousand, four hundred and eighty-nine members of An Garda Síochána and others have been provided with this specialised human trafficking training to further empower frontline and operational personnel to identify human trafficking and undertake relevant investigations. Unfortunately, due to the Covid -19 restrictions, this specialised training was also impacted and could not be provided to new members in 2020. The Human Trafficking Investigation & Co-ordination Unit members have received specialist training from Europol, Interpol, CEPOL, the European Commission and the FBI, as well as partaking in joint human trafficking training activities with the UK authorities and the Police Service of Northern Ireland.

In November 2020, the Office of the Director for Public Prosecutions collaborated with the U.S. Embassy for a number of Human Trafficking Webinars hosted by the U.S. Department of Justice's Human Trafficking Prosecution Unit. On the 12th the webinar was designed to address issues related to Department of Justice officials and NGOs in the anti-human trafficking sector while on the 13th the webinar was designed for Department of Justice officials and other agencies in the criminal justice system only (prosecutors, investigators, An Garda Síochána).

In relation to training for the legal profession and the judiciary, we are not aware of any specific training relating to human trafficking that is rolled out systematically or as part of the professional training programmes.

International Protection Accommodation Service: IHREC was informed that IPAS developed and rolled out training on Vulnerability Assessment to the Resident Welfare Team in October 2021. Two non-governmental organisations were contracted to deliver training for staff conducting the Vulnerability Assessments to allow them to ask the questions in a respectful and empathetic way, while also ensuring all necessary and relevant information was obtained. Although, it must be noted that this training did not include any specific training on trafficking. Additionally, it is unknown what training was received before this time and what the intended training programme is going forward. It is also not known what specific training the Social Workers who conduct Stage Two assessments have received.

Workplace Relations Commission (WRC): Inspectors of the Workplace Relations Commission (WRC) were trained in the identification of signs of human trafficking and refer any cases where such indicators are present to the Garda National Protective Services Bureau (GNPSB). Inspectors have been trained in identifying signs of trafficking. Of the 15 remaining inspectors, the majority have or will receive general THB awareness training as part of their induction. The WRC is intending to carry out trafficking in persons training for all inspectors by An Garda Síochána in 2022. The WRC regularly updates Inspectors on trends and new developments relating to labour exploitation. In 2021, no trainings of inspectors in relation to trafficking took place.

Tusla: The Rapporteur has been informed that 945 Tusla staff have completed the Child Sexual Exploitation (which includes trafficking) e- learning module. Tusla reports that it is continuing to raise awareness of trafficking matters amongst its staff and is contributing to discussions with the national coordinator (the Department of Justice) regarding the development of the trafficking strategy and action plan, which will also include a focus on training, including for Tusla staff.

8. What measures have been taken to ensure tools are in place for victims to access compensation, including appropriate training and capacity building of relevant professionals? *Have measures been taken in order to use recovered assets for compensating victims? Please elaborate on the results and impact.*

IHREC is of the opinion that the avenues for compensation have remained unworkable and have not benefitted victims of trafficking. The compensation avenues remain the same: Criminal Injuries Compensation Scheme, Section 6 of *Criminal Justice Act 1993*, civil action and work-related compensation.

Recent developments

In 2021, the Minister for Justice, Helen McEntee, T.D., published the revised Criminal Injuries Compensation Scheme. This is a long-standing State mechanism providing compensation to victims of violent crime. The positive changes were that the capacity of the Scheme to service claims by victims has increased and the decisions of the tribunal will be made known to the victims and publishable in redacted versions. The monetary threshold has also been increased. It is also positive that the text preventing awards being made where a member of the same household committed the crime have been removed.

Still of concern is the fact that the Criminal Injuries Compensation Scheme only provides compensation for verifiable expenses and not for pain and suffering, and thus has remained wholly unusable to victims of trafficking to date. Additionally, the tribunal adjudicating the Scheme will be able to accept applications on an 'exceptional basis' for up to two years after an incident – previously there was no time limit for receipt of consideration on this

exceptional basis therefore the introduction has, in fact, restricted the time period for applications.

In the recent successful conviction of traffickers for the purposes of sexual exploitation, we understand that the provisions of Section 6 of the Criminal Justice Act 1993 were not applied. Therefore, the Judge did not order compensation be paid by the convicted traffickers to the victims.

IHREC has no knowledge if civil legal action has been successfully taken in the reporting period. The access to free Civil Legal Aid is not straightforward, particularly for victims of trafficking. Given the specific of trafficking cases, victims may have difficulties satisfying the 'merit test' to qualify for free Civil Legal Aid⁷⁴. This, coupled with exceedingly long waiting lists, an absence of jurisprudence of civil suits for trafficking harms, the difficulty and fear in facing ones traffickers and the possible re-traumatising effects of entering another legal process all act to impede victims of trafficking. Free Civil Legal Aid for tortious action is not part of the service the Legal Aid Board provides to victims of trafficking⁷⁵. Although, they are entitled to receive free legal advice – as distinct from legal representation- in regards to such matters. If a victim wishes to seek free Civil Legal Aid, they must apply through the regular channels that, as noted above, have a number of barriers for victims and there is no prioritisation of trafficking cases.

Importantly, the Law Reform Commission's Fifth Programme of Law Reform, which was approved by the Government in March 2019, includes a project on Compensating Victims of Crime. This could have a profound positive effect on trafficking victims in regards to their right to compensation

⁷⁴ "Depending on your case, if you want civil legal aid, your case will need to satisfy a "merits test ". The main purpose of the merits test is to see if a person paying for a lawyer out of their own money would be likely to pay for the case, and if a lawyer would advise a person to take a case, knowing that they would be paying for it themselves." See Legal Aid Board <https://www.legalaidboard.ie/en/our-services/legal-aid-services/how-do-i-apply-for-civil-legal-aid/>

⁷⁵ As distinct from free legal advice provided to victims of trafficking by the Legal Aid Board, <https://www.legalaidboard.ie/en/our-services/legal-aid-services/common-legal-problems/human-trafficking/>

The Workplace Relation Commission provides avenues for recovery of unpaid wages. In addition, an upcoming amendment of the Workplace Relation Act will also provide compensation for breaches of the Working Time at Sea Directive.⁷⁶ The recovery of wages remains problematic for undocumented migrants, which victims of trafficking sometimes are, in that it requires an intervention by the Minister under Section 2B(5) Employment Permit Act 2014. In this regard, it is reminded that the State has opted out of EU Directive 2009/52/EC.

⁷⁶ Dáil Éireann Debates, [Written Answers by Minister of State at the Department of Enterprise, Trade and Employment, Tuesday 25 January 2022](#) (Fishing Industry)



Coimisiún na hÉireann um Chearta
an Dulne agus Comhlonannas
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