

Contribution to the European Commission's 5th Progress Report on the Fight against Trafficking in Human Beings in the European Union

Irish Human Rights and Equality Commission

February 2024



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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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

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".

Please note the following:

- **The period of reporting and assessment is 2021-2023.**
- **Please do not report national statistical data: the Eurostat data collection launched on 30 May 2023 for 2022 statistical data (not yet published), and the statistical data for 2021 (published by Eurostat on 9 February 2023²) – will feed in the Fifth Progress Report.**
- **The deadline for Member States to send the information to the EU Anti-Trafficking Coordinator is 29 February 2022.**
- **Please follow and only use the format indicated below when replying to the questions.**
- **The adoption of the Fifth Progress Report is foreseen for the last quarter of 2024.**
- **Please include only information that can be made public by the European Commission in its reporting.**
- **Please send your Member State's contribution to:**

HOME-ANTITRAFFICKING@ec.europa.eu

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.

² European Commission Directorate-General for Migration and Home Affairs (2023) '[Trafficking victims in Europe, a rise by 10% and the share of EU nationals among the victims increased to 59%](#)'

Please clearly indicate hereunder whether you agree or disagree to share proactively your Member State's contribution with the participants to the EU Civil Society e-Platform against Trafficking in human beings and other NREM.

I agree ☒ I do not agree ☐

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

1. Assessment 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 on the sex, age, citizenship of victims and traffickers, and the forms of exploitation (e.g. sexual exploitation, labour exploitation, forced begging, forced criminality, forced marriage, illegal adoption, organ removal); new and emerging concerns; changes (if any) in the modus operandi; Organised Crime Groups, nationality of their members 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; observed trafficking routes towards your Member State; involvement of legal persons; means of recruitment of victims (off and online) and profiles of perpetrators involved (traffickers, exploiters, profit makers, users and abusers, facilitators); high risk sectors; estimates of profit and money flows; links with other forms of serious crime (e.g. migrant smuggling, drug trafficking, corruption, money laundering, child sexual abuse); demand.*
- *In order to do so, please consider your input for the Fourth Progress Report and a reflection on how the situation/trends have evolved/developed since the last reporting period (2019-2021).*
- *Base your reporting on 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.*

Response

As reported in our Fourth Progress Report,³ 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, in October 2020.⁴ IHREC is Ireland's National Human Rights Institution and National Equality Body, established under the Irish Human Rights and Equality Commission Act 2014.⁵ This is IHREC's second contribution to the EC Coordinator, in reference to Article 20 of Directive 2011/36/EU. It should be noted that although the National Rapporteur has no guarantee in law that it will receive access to data, State Agencies and departments have been collaborative and forthcoming with providing us with information and data.

The trends in the data have remained consistent with the previous reporting period. Ireland remains both a destination and transition country for trafficking in persons. In line with existing trends, the most frequently detected forms of trafficking in Ireland continue to be trafficking for the purposes of sexual exploitation ('TSE'), labour exploitation ('TLE'), and criminal activity ('TCA'). Human trafficking continues to be a highly gendered and racial act; more women than men are trafficked in Ireland, and almost all identified victims are from a migrant background.⁶ Africa and the European Economic Area ('EEA') and, to a lesser, extend Asia and Latin America remain the most common regions of origin for victims of trafficking in Ireland.⁷

Over the last three years, there were 139 victims of trafficking identified in Ireland, which is up by 12% compared to the previous reporting period (2019-2020-2021).

³ IHREC (2022) [Contribution to the 4th Progress Report on the Fight against Trafficking in Human Beings in the European Union](#).

⁴ S.I. No. 432/2020 - European Union (Prevention and Combating of Human Trafficking) (National Rapporteur) Regulations 2020; 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.

⁵ 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*

⁶ Walby, S., et. al (2016) *Study of the Gender Dimension of Trafficking in Human Beings*

⁷ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), Appendix 4 - 2021 – 20 Africa, 3 EU, 0 Asia, 1 Lat. America; 2022 16 Africa, 12 EEA/ Europe, 5 Asia, 0 Lat. America; 2023 – 27 Africa, 13 EEA, 8 Asia and 2 Lat. America

The total number of victims in 2023 represents a 20% increase from 2021, which is a significant increase that has occurred within the current reporting period.

On average, TSE remains the most often identified form of exploitation, accounting for 55%, while TLE accounts for 36% of all victims in the reporting period. TSE and TLE show a slight increasing and slight decreasing trend, respectively. The more notable change has occurred in respect of *all other forms of human trafficking, including TCA*⁸, which have risen from zero (in 2021) to nine (in 2023) victims in the reporting period which represents 9% of all victims in the reporting period.

Gendered character of the crime

Trafficking in human beings has remained highly gendered in the reporting period, with female victims accounting for 70% of all victims. There is a marked increase in identified female victims overall. For illustration, the increase of the number of female victims between year 2021 and year 2023 is 50%. In 2023 alone, female victims represent almost 80% of the identified victims. This trend was understandably accompanied by a slight decrease in male victims identified.

Based on the profile of identified victims, TSE remains the most gendered type of human trafficking exploitation, affecting over 97% female victims. In *all other forms of exploitation, including TCA*, female victims were the majority (58%). By comparison, TLE is more evenly distributed in terms of gender, with 53% male victims and 47% female.

Child victims

In the reporting period, children accounted for little more than 7% of all victims of trafficking. The vast majority of children were found in a situation of suspected TSE (80%), all of which were females, while 20% in TLE were boys. In 2021, there were no children identified as victims of human trafficking. Over 2022 and 2023, there were five child victims identified each year, representing 12% and 9% of all victims in each year, respectively. This is below the EU average presented in the last EU data report.

Regions of origin

There have been no notable changes in the regions of origin of the identified victims in the reporting period. Africa remains the prevalent source region, accounting for 55% over the three-

⁸ The Rapporteur has not been provided with disaggregated data on TCA for 2023.

years, followed by the EEA and Asia, accounting for 19% and 14%, respectively. Overall, there was an increase in victims from EEA and Asia in the reporting period, both in absolute numbers and, as a proportion of the annual number of victims identified. The importance of the EEA as a region of origin of victims is rising. Based on the available data for 2021 and 2022, it could be assumed that Africa is the prevalent region of origin for victims of TSE, while the EEA is where most of the victims of TLE originate. Asia is also significant in terms of TLE, but to a lesser degree than the EEA.

Trafficking and migration

On average, one quarter of the identified victims were EEA citizens and the rest were third-country nationals (TCN). Within the 75% TCN overall, three quarters were from African countries. Among the EEA victims over the reporting years, three victims were Irish.

Ukraine

Since the Russian war against Ukraine, there have been a small number of Ukrainian victims identified, one in 2022 and two in 2023.

Changes in the Modus Operandi of Traffickers

Undoubtably, the most evident change to the *modus operandi* of traffickers has been the continued increase in the use of technology to further facilitate their criminal operations. Examples can include tech-enabled exploitation, such as cyber or online fraud operations or livestreamed commercial sex acts, or non-tech enabled labour or sex trafficking following use or abuse of other tech tools.

Technological developments have considerably changed the means of recruitment of victims. Global data indicates that technology has provided an unprecedented opportunity for traffickers to profit from the recruitment and supply of victims to be exploited.⁹ By proxy (or directly) Internet and web-based companies are themselves profiting from this expansion into the online space.¹⁰ Plainly, prostitution advertising websites have become the main conduit for advertising to

⁹ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 76

¹⁰ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 76

meet the diverse demands of buyers of sex with no regard for the levels of vulnerability, coercion, exploitation and trafficking these women have been subjected to.¹¹

Service providers working to assist victims of trafficking in Ireland identify deception as an important element in the means of recruitment of many victims who are trafficked in Ireland “trafficking is often linked to recruitment and deception which then lead to exploitation.”¹² A common theme is the way in which online means are used to deceive victims of trafficking into travelling across borders or within the jurisdiction to pursue the promise of a ‘better life’ including a legitimate job or accommodation.¹³ Technology provides groomers and recruiters with highly accessible, but also relatively discreet means to build a relationship of trust with their victims, to tap into their vulnerabilities and offer them what appears to be a way out of a difficult situation in their lives.¹⁴

It is not yet clear if and to what extent, the new Media Commission,¹⁵ established to implement the EU Digital Services Act, will be involved in combatting human trafficking involving the use of technologies.

¹¹ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 76

¹² Breen, M., Healy, A.E., and Healy, M.G. (2021) [Report on Human Trafficking and Exploitation on the Island of Ireland](#). Mary Immaculate College, Limerick, Ireland

¹³ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), pp. 222-223

¹⁴ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 223

¹⁵ Coimisiún na Meán, established March 2023.

2. Measuring Results of Anti-Trafficking Actions

- *Please list anti-trafficking actions carried out in your Member State in the context of the implementation of the Anti-trafficking Directive and the EU Strategy on Combatting Trafficking in Human Beings (2021-2025), analyse their results, and provide an assessment of their impact in the areas listed below.*
- *In this context, please reply to the questions below as to the anti-trafficking measures carried out in the reporting period 2021-2023, assessing, to the extent possible, the respective result and impact of such measures, as well as the challenges identified.*

National Coordination Against Trafficking in Human Beings

(1) Does your Member State have dedicated action plans and strategies?

Over the reporting period, in November 2023, the State published the Third National Action Plan to Prevent and Combat Human Trafficking 2023-2027 ('NAP'). This followed a consultation process with relevant stakeholders and replaced the previous NAP that was operating for a considerable length of time (since 2016). The Commission welcomed this important development, and, in particular, the inclusion of clear timeframes, responsibilities, and a commitment to an evaluation processes. This is a notable improvement from the Second NAP in that it offers an improved strategic approach to addressing human trafficking. The Commission also welcomed the greater alignment of the Third NAP with the actions contained in the Third National Strategy on Domestic, Sexual and Gender Based Violence, especially, in the areas of conceptualisation, demand reduction, and safe accommodation for victims. Importantly, the Third NAP also commits to alignment with other national policies on anti-racism, national minorities, migration, and the National Strategy on Women and Girls. Additionally, the Commission welcomes the Third NAP's commitment to:

- Engagement with survivors of trafficking (for the first time);¹⁶
- The proactive identification of victims, in cooperation with specialist organisations;¹⁷

¹⁶ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), Action 4.6

¹⁷ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), p.18; Action 1.2 and 1.10

- The development of a training framework for those likely to encounter trafficking victims;¹⁸
- Ensuring that all victims of trafficking have access to compensation,¹⁹ including engagement with the findings of the Law Reform Commission's review of Compensation;²⁰
- Enhanced access to legal services;²¹
- The introduction of legislation to provide for the expungement of convictions for prostitution prior to the commencement of the 2017 Act;²² and
- Increasing supports for child victims of trafficking.²³

Notwithstanding these positive deployments, the Commission is of the view that gaps remain, which must be addressed to better protect and support victims. In particular, the Commission has expressly called for clear budgeting and resource allocation for the implementation of the Third NAP. Relating to substantive matters, we are concerned by the lack of reference to 'age assessments' for unaccompanied and separated minors - outside of the system for international protection ('IP'). Furthermore, the Commission notes the lack of any references to the Vulnerability Assessments undertaken by the International Protection Accommodation Service ('IPAS'), which the Commission sees as a viable tool for early identification of potential victims of trafficking. More broadly, in regard to the IP system, we remain concerned by the continued reliance on this system for provision of vital accommodation and material assistance to victims of trafficking, including for those who do *not* seek IP. The Commission has called for an end to the problematic conflation between the two distinct legal frameworks of IP and Human Trafficking.²⁴

¹⁸ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), p.16; Action 1.1, 1.2 and 1.3

¹⁹ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), Action 2.8

²⁰ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), Action 2.8.2

²¹ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), Action 2.11

²² Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), Action 3.5.2

²³ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), p.21; Actions 1.10, 2.14, 2.15, 3.7 and 3.8

²⁴ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 5

The Commission notes that the Third NAP does not make reference to the current amendment process of the EU Anti-Trafficking Directive, which may impact on the implementation of the Third NAP.

(2) Can you please describe the institutional and organisational structures in your Member States, e.g. in relation to the National Rapporteur and/or Equivalent Mechanism and/or National Coordinators?

The overall responsibility for coordination of the trafficking response rests with the Department of Justice (as the designated National Coordinator). An important aspect of this role is ensuring that relevant State departments, agencies and bodies are fulfilling their obligations as part of the overall implementation of the EU Anti-Trafficking Directive. In October 2020, the Commission was designated as Ireland's Independent National Rapporteur on the Trafficking of Human Beings. The Department of Justice's National Anti-Trafficking Stakeholder's Forum is comprised of interagency and Civil Society stakeholders. A specially established subgroup of the Forum met on multiple occasions to consult on, and review draft versions of the Third NAP. The Commission is of the view that forums of this kind are essential to the effective coordination and delivery of the Anti-Trafficking response, and as such must be regularly convened.

It is welcome to see that the Third NAP establishes a new monitoring and evaluation structure to oversee the implementation of the NAP itself:

- Governance and Strategy Group ('GSG') to guide the implementation of the NAP and to provide a strategic direction;
- Human Trafficking Oversight Group ('HTOG') consisting of key agencies informing the work of the above; and
- Human Trafficking Stakeholders' Forum ('HTSF') involving community and voluntary workers.

The Commission has recommended that the National Coordinator 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.

(3) What measures (e.g. legislation, action plans and strategies, 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 since the last reporting period?

During the reporting period, there were a number of legislative developments of note. Seminal pieces of legislation were published during this time, including the Bill²⁵ establishing a comprehensive National Referral Mechanism ('NRM'), described below. Different legal approaches to addressing all forms of exploitation were similarly explored and some progressed. Relevant developments include:

Legislative Measures

- i) In the reporting period, the Court of Appeal provided sentencing guidance for trafficking offences. In the cases of the *DPP v. Edosa & anor* [2023] IECA 38, the Court ruled that in the most serious and egregious trafficking cases, the maximum headline sentence should be set in the range of 18-20 years, and that headline sentences cannot be less than 10 years. The Commission welcomed this important sentencing guidance.²⁶ The case concerned the appeals of the first successful human trafficking convictions in Ireland whereby both of the appeals by the respondents (Alicia Edosa and Edith Enoghaghase) were dismissed, while the DPP's appeal on the basis of undue leniency was upheld. The Court imposed sentences of seven years and five months for Edosa and seven years and one month for Enoghaghase, an increase of nearly two years for each defendant.
- ii) In 2022, the Government engaged in pre-legislative efforts and subsequently published the Criminal Law (Sexual Offences and Human Trafficking) Bill 2023, which will, *inter alia*, establish the statutory NRM. The Commission welcomed this effort and engaged fully with this important Bill at every stage of the legislative process. In December 2022, we provided a number of recommendations specifically on Part 3 (the NRM provision) of the General Scheme of the Bill²⁷ and in October 2023, we published recommendations and suggested amendments to the Bill in its entirety.²⁸ The Commission cited five crucial areas requiring amendments, namely: the inclusion of a 'credibility' threshold in identification of victims; an appeal process;

²⁵ Criminal Law (Sexual Offences and Human Trafficking) Bill 2023

²⁶ IHREC (2023) ['Commission welcomes sentencing guidelines for trafficking offences'](#); IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#)

²⁷ IHREC (2022) [Submission on Part 3 of the General Scheme of the Criminal Justice \(Sexual Offences and Human Trafficking\) Bill 2022](#)

²⁸ IHREC (2023) [Submission on the Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023](#)

the need for trafficking-specific assistance and supports, separate from the IP framework; the need to provide for age-estimation assessments in statute; and the need for a statutory defence for victims of trafficking where they have committed crimes as a direct consequence of them being trafficked.²⁹ Chief among these is the need to have equal and unconditional access to assistance for all victims of trafficking, irrespective of their immigration status and nationality. We therefore recommended, *inter alia*, that the Bill be amended to provide for immigration permissions for presumed and identified victims of trafficking who are TCN. At the Committee Stage of the Bill, two of these recommendations (the removal of the ‘credibility’ threshold and an introduction of an appeal) were accepted by the Minister, which was welcomed by the Commission.

- iii) The General Scheme of the Criminal Justice (Exploitation of children in the commission of offences) Bill 2020 was published by the Government in January 2021,³⁰ pre-legislative scrutiny concluded in May 2021,³¹ and the re-titled Criminal Justice (Engagement of Children in Criminal Activity) Bill was published in January 2023.³² The Bill seeks to address, discourage and protect against the grooming, recruiting and exploitation of children into criminal activity by adults.³³ According to the Department of Justice, the new legislation will give An Garda Síochána (‘AGS’) the power to intervene locally to prevent offences taking place. It will also break the link between gangs and youths they try to recruit. The sentences available under this Bill are up to five years in prison for grooming children into crime. In October 2021, we provided detailed observations and recommendations on the General Scheme of the Bill.³⁴ In addition to our recommendations, it is important to raise particular concerns that relate to the interplay between this proposed law and the overall aim of combatting child trafficking. The Commission recalls that there are a number of protections, assistance and supports designed

²⁹ IHREC (2023) [‘IHREC Publish Submission on Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023’](#)

³⁰ Department of Justice (2021) [Bill to outlaw the grooming of children into crime announced by Ministers McEntee and Browne](#) (15 January)

³¹ Joint Committee on Justice (2021) [Report on Pre-Legislative Scrutiny of the General Scheme of the Criminal Justice \(Exploitation of children in the commission of offences\) Bill 2020](#)

³² Department of Justice (2023) [Minister Harris Secures Cabinet approval for new Bill criminalising the grooming of children into crime](#) (18 January)

³³ The purpose of the proposed legislation, according to the press release which accompanied its publication, is to outlaw the grooming of children into crime. See Department of Justice (2021) [Bill to outlaw the grooming of children into crime announced by Ministers McEntee and Browne](#) (15 January)

³⁴ IHREC (2021) [Observations and Recommendations on the General Scheme of the Criminal Justice \(Exploitation of Children in the Commission of Offences\) Bill 2020](#)

for identified child trafficking victims that are not, *prime facia*, available or owed to child victims of other crimes – especially when they are themselves involved in criminality.

- iv) In 2022, the Government published the Employment Permits Bill 2022. The Joint Committee on Enterprise, Trade and Employment, in their pre-legislative scrutiny of the Bill issued a number of recommendations³⁵ relevant to preventing human trafficking. The Commission has raised concerns regarding workers' sectoral mobility and standards of seasonal work permits, which have not been sufficiently reflected in the draft legislation, however the legislative process is ongoing.
- v) Proposed reforms of housing legislation through a Housing (Miscellaneous Provisions) Bill (not yet published) proposes to put the policy position as set out in Circular 41/2012 – relating to access to social housing supports for non-Irish nationals – into statute. As with the application of the Circular at present, this piece of legislation will have a direct negative impact on the accommodation of victims of trafficking, in the absence of specialised short and medium-term accommodation, which is explained further in section (20).
- vi) In April 2021, the Minister for Justice announced an initiative to expunge over 600 convictions obtained for 'sale of sex' under the preceding 1993 legislation.³⁶ In our First National Evaluation Report, we welcomed this announcement.³⁷ However, to our knowledge, this initiative has not yet come to fruition.³⁸ Furthermore, and in line with the recommendations relating to the application of the non-prosecution principle,³⁹ we have called for the retrospective expungement of criminal offences for crimes beyond just prostitution-related offences, where the person is a victim of trafficking convicted of a crime committed as a direct consequence of them having had been trafficked.⁴⁰ We note that the Third NAP commits to progressing legislative amendment for the expungement of convictions relating to the sale of sexual services in action 3.5.2, which is welcome.⁴¹

³⁵ Joint Committee on Enterprise, Trade and Employment (2021) [Report on the Pre-Legislative Scrutiny of the General Scheme of the Employment Permits \(Consolidation and Amendment\) Bill 2019](#)

³⁶ Department of Justice (2021) [Minister McEntee announces initiative to expunge previous convictions for 'sale of sex'](#) (25 April)

³⁷ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), pp. 63-64

³⁸ Despite being reported so in the US State Department (2022) [Trafficking in Persons Report](#), pp. 298-302
Despite being reported so in the US State Department (2022) [Trafficking in Persons Report](#), pp. 298-302
[implementation of the EU Anti-Trafficking Directive](#), p. 80

⁴⁰ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), pp. 80-81

⁴¹ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), p. 33

Policy Measures

- i) In the reporting period, the Law Reform Commission commenced a review of Compensation to Victims of Crime. The Commission as a National Rapporteur made a submission to this process from the perspective of compensation to victims of trafficking.⁴² To the Commission's knowledge, no victim of trafficking has received compensation for the harms of trafficking, either in criminal or tortious action over the reporting period or in general.⁴³ The current compensation mechanisms for victims of trafficking are inadequate.⁴⁴ There is a lack of compensation for pain and suffering in the Criminal Injuries Compensation Scheme, which sets Ireland apart from other countries.⁴⁵ Victims in the State continue to face obstacles to obtaining compensation, due in part to a lack of awareness of their rights,⁴⁶ a lack of understanding of the criminal and civil compensation proceedings,⁴⁷ and the lack of legal representation.⁴⁸ Lack of support to pursue compensation (as distinct from legal advice) represents a major barrier for victims in Ireland.⁴⁹ In relation to obtaining compensation from the perpetrator, it should also be borne in mind that successful criminal prosecutions are rare and traffickers often spend or transfer the proceeds of their crimes out of the country. Therefore, it is important to consider the utilisation of the confiscation and seizure of alleged perpetrator assets early in the criminal investigation process;⁵⁰
- ii) In 2021, the Minister for Justice, Helen McEntee, T.D., published the revised Criminal Injuries Compensation Scheme. This is a long-standing State mechanism that provides compensation to victims of violent crime. The significant changes included increased capacity and the

⁴² IHREC (2023) [Submission on Compensating Victims of Crime to the Law Reform Commission on their Fifth Programme of Law Reform](#); IHREC (2023) [Trafficking in Human Beings in Ireland; Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 340

⁴³ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 115

⁴⁴ OSCE (2020) *Conclusion and recommendations for Ireland following the visit by OSCE Special Representative and Co-ordinator for Combatting Trafficking in Human Beings, Valiant Richey*, p. 8

⁴⁵ European Commission (2022) [Commission Staff Working Document Evaluation of the Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/36/EU on preventing and combatting trafficking in human beings and protecting its victim](#), p. 40

⁴⁶ During the Survivors' Consultation performed in 2021-2022, the National Rapporteur learned that survivors were not informed about their right to compensation.

⁴⁷ European Commission (2022) [Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Report on the Progress made in the Fight against Trafficking in Human Beings \(Fourth Progress Report\)](#), p. 15

⁴⁸ GRETA (2022) [Evaluation Report Ireland. Third Evaluation Round. Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings](#), p. 24

⁴⁹ OSCE/ODIHR (2022) [National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons](#), p. 230

⁵⁰ OSCE/ODIHR (2022) [National Referral Mechanisms. Joining Efforts to Protect the Rights of Trafficked Persons](#), p. 230

publication of decisions. The monetary threshold has also been increased. It is also positive that the prohibition of the granting of awards where members of the same household committed the crime have been removed. Still of concern to the Commission is the fact that the Criminal Injuries Compensation Scheme only provides compensation for ‘verifiable expenses’ and not for ‘pain and suffering’. This continues to render the Scheme unusable for 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, reduced the time period available to victims for applications. While the two-year time limited remains the rule, following the judgement in *Bowes and Brophy v Criminal Injuries Compensation Tribunal & Ors* [2022] IEHC 703 the Minister for Justice amended the Terms of Reference of the Scheme. Wherein paragraph 20A now reads ‘Without prejudice to the principle laid down in the first sentence of paragraph 20, in the case of claimants criminally injured after 30 June 2005 and before 20 April 2021, no application may be accepted by the Tribunal after 30 January 2025’;⁵¹ and

- iii) In June 2022, the Minister for Justice announced the review of Civil Legal Aid Scheme and established a Review Group chaired by retired Chief Justice, Frank Clarke, with membership drawn from those who work with marginalised groups, legal practitioners, academics, department officials and representatives from the Legal Aid Board, which administers the current Scheme to undertake this review. This review has been of great interest to the National Rapporteur due to the insufficient legal assistance to victims of trafficking. We have welcomed the review and have provided the group with a number of recommendations for their consideration.⁵²

International Law and Monitoring

- i) The Third-Round Evaluation Report was published in September 2022, by⁵³ the Group of Experts on Action against Trafficking in Human Beings (‘GRETA’). In it, they welcomed Ireland’s improved legislative and policy approaches to better combat trafficking, but called for

⁵¹ Department of Justice (2024) [Terms and Conditions of the Criminal Injuries Compensation Scheme: Proposed Revised Scheme of Compensation for Personal Injuries Criminally Inflicted](#)

⁵² IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 351 (Appendix 3: Civil Legal Aid for Victims of Trafficking)

⁵³ GRETA (2022) [Evaluation Report Ireland. Third Evaluation Round. Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings](#)

strengthened implementation - in particular, in terms of victims' access to justice and effective remedies.⁵⁴ Our Second National Evaluation Report⁵⁵ further details the specific recommendations and evaluates the progress made, noting the considerable overlaps with the recommendations of GRETA;⁵⁶

- ii) In September 2022, we welcomed the opportunity to submit to the Committee on the Rights of the Child ('the Committee') on Ireland's combined fifth and sixth periodic reports (further detailed below). Following the proposed enactment of the new NRM, the Department of Justice has announced their commitment to ratify the UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography.⁵⁷ We welcome this important step⁵⁸ as a means of strengthening the prevention and protection of child victims of trafficking;⁵⁹
- iii) In December 2022, we submitted a parallel report to monitoring body of the Council of Europe Convention on preventing and Combating Violence Against Women and Domestic Violence - GREVIO, the group of Experts on Action against Violence against Women and Domestic Violence. Our submission made a number of recommendations to better combat trafficking, as a recognised form of Gender-Based Violence in the EU Victims of Crime Directive⁶⁰ and the National Strategy on Domestic, Sexual and Gender Based Violence ('DSGBV'). Together with the longstanding recommendations around the need for gender-specific accommodation and effective disaggregated data gathering, we called for mandatory requirement for human rights due diligence for all businesses. Further, we called for sufficient resources to be made available to ensure that national Helplines can proactively recognise, respond to and refer

⁵⁴ GRETA (2022) [Evaluation Report Ireland. Third Evaluation Round. Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings](#), pp. 12-14

⁵⁵ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#)

⁵⁶ Council of Europe Convention on Action against Trafficking in Human Beings 2005

⁵⁷ Department of Justice (2023) [Written answer to Parliamentary Question: International Agreements](#) (20 April); [UN Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child prostitution and Child Pornography \(2002\)](#)

⁵⁸ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 40

⁵⁹ 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](#), p. 5

⁶⁰ IHREC (2022) [Ireland and the Council of Europe Convention on Preventing and Combatting Violence against Women and Domestic Violence](#)

potential or suspected victims of human trafficking. We welcomed the Concluding Observation of GREVIO published in 2023;⁶¹ and

- iv) In July 2022, the Commission welcomed the Concluding Observations issued by the UN Human Rights Committee,⁶² which sets out urgent actions for Ireland's commitments to human rights issues, as set out in the International Covenant on Civil and Political Rights. The Commission submitted to the Committee as the independent national human rights institution.⁶³ The Committee raised a number of issues relating to trafficking in their Concluding Observations: (a) the barriers in the criminal justice system and the low rate of identification of victims, especially child victims, as well as the very low rate of investigations, prosecutions and convictions for the crime of trafficking; and (b) the lack of gender-specific accommodation for victims, especially sexually exploited, trafficked women and girls (Articles 7–8 and 24 of the International Covenant on Civil and Political Rights).

Prevention, Awareness Raising and Reducing Demand

(4) What information and awareness campaigns, education and trainings have been conducted to prevent trafficking in human beings and adapt to the prominent role of technology? Please describe their aims and outreach.

There have been a number of awareness raising campaigns, education and training programmes undertaken during the reporting period.⁶⁴ In our Second National Evaluation Report, we detailed a number of recommendations to increase understanding and raise awareness of the role played by technology in facilitating trafficking. These included, although were not limited to:

⁶¹ GREVIO (2023) [Baseline Evaluation of Ireland](#)

⁶² GREVIO (2023) [GREVIO's \(Baseline\) Evaluation Report on Legislative and other Measures Giving Effect to the Provisions of the Council of Europe Convention on Preventing and Combating Violence Against Women and Domestic Violence \(Istanbul Convention\)](#)

⁶³ IHREC (2022) [Ireland and the International Covenant on Civil and Political Right Submission to the Human Rights Committee on Ireland's Fifth Periodic Report](#)

⁶⁴ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), pp. 145-163; IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), pp. 179-201

- The development of a public awareness and educational programme for young people, especially girls, to highlight the risks on social platforms of being groomed and recruited into the sex trade;⁶⁵
- The development of national State-led campaigns targeting demand, in particular, addressing young men as potential buyers of sexual services;⁶⁶
- The establishment, by the Department of Justice of 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 NGOs;⁶⁷ and
- The development, by the Department of Justice in collaboration with other experts, of detailed guidance on how the current legislation is applicable to the online dimension of human trafficking for sexual exploitation.⁶⁸

To tackle the demand that drives trafficking, we, as a Commission have called for the inclusion of a human trafficking module to be included in the reformed second level *Social, Personal and Health Education* ('SPHE') and *Relationships and Sexuality Education* ('RSE') programmes.⁶⁹ We have called for the curriculum to expressly include education and awareness of the demand that drives various types of exploitation, as well as the risk factors that make people vulnerable to becoming a victim of this crime. In recognition that further training for professionals is necessary to increase the identification of potential victims, and to ensure better support for victims, the Third NAP includes a number of key actions relating to awareness raising, training and education on human trafficking. In particular, Action 1.1 provides for training for all who might encounter victims across relevant departments. Within these training actions, there are sub-actions, which provide for specific training for all members of AGS, employment Inspectors, staff at ports of entry and health,

⁶⁵ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 241

⁶⁶ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 241

⁶⁷ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 241

⁶⁸ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 241

⁶⁹ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 149; IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 190

and social care professionals. The Third NAP commits to the development of a training framework that will be coordinated via an Implementation Plan.⁷⁰ While the Commission supports these important aims, we reiterate our recommendation that *accredited* trafficking training be embedded into professional education programmes of relevant courses such as medicine, social work, and law, at a minimum.⁷¹

Specialist frontline organisations, funded by the State, contributed significantly to the overall awareness-raising efforts to combat trafficking. There were a number of trafficking-specific national campaigns run during the reporting period.⁷²

Funded by the State and other sources, the Civil Society Organisations ('CSO') in Ireland undertook considerable training efforts during the reporting period. While there have been a notable increases in training provided by CSO during the reporting period - especially to State Agencies - all organisations have informed us that demand for training continues to exceed their capacity.

⁷⁰ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#), p. 16

⁷¹ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 190

⁷² *Know the Signs* – The campaign is part of the overall Blue Blindfold Campaign that is coordinated by the Department of Justice. The campaign aims to raise awareness of trafficking in Ireland; *We Don't Buy It* - The 2020 campaign was the combined effort of Ruhama, SPACE International, the Sexual Violence Centre Cork, and the Men's Development Network. This campaign challenged the myths surrounding prostitution and the justifications made by those who buy sexual services; *Get the Full Picture* - The campaign was launched by Ruhama in 2021. This is an innovative campaign that has been developed in collaboration with survivors of human trafficking. It aims to highlight the prevalence of human trafficking for sexual exploitation throughout Ireland and tells the stories of those who are impacted by it. Using outdoor advertising, national radio advertisements, digital media and regional workshops to raise awareness and tell survivor stories; *Beyond Exploitation* - Launched in 2021 Beyond Exploitation is Ireland's Civil Society Campaign for equality and freedom from sexual exploitation. The campaign is led by the National Women's Council and supports the most vulnerable and silenced people in prostitution to have a voice and a choice. The campaign focusses on the need for exit pathways out of prostitution; *Cork Against Human Trafficking* (CAHT) – An ongoing campaign led by a consortium of partners, including Cork Sexual Violence Centre, NASC, MECPATHS, The Gardaí, the Legal Aid Board, HSE, UCC and Kevin Hyland (Irish expert to the Council of Europe GRETA). This campaign raises awareness of the signs of human trafficking focussing, in particular, on the raising awareness amongst the general public of the scale of human trafficking in Ireland; *'Anyone'* - As part of the PROTECT II funding from the Department of Justice, the International Organization for Migration (IOM) continued the 'Anyone' awareness raising campaign on Human Trafficking in 2023. The original campaign 'Anyone Deceived' a media awareness raising campaign launched 18th October 2022. The overall objective of the initiative is to raise public awareness around the reality of human trafficking in Ireland, and to alert the public to its signs and indicators, as well as the different types of exploitation that exist from sexual exploitation to child trafficking, forced begging and forced labour. The website www.anyonetrafficked.com - part of the same project - continues to operate and also provides information on the range of support services available to victims of trafficking - both State and non-state supports. The campaign and a short film reached approximately 1.13 million people through newspaper media (approximately 75% readers) and TV (approximately 25% viewers). Social media including Twitter, Facebook, Instagram, and LinkedIn was also utilised for the campaign. and ; *'In Our Own Words'* – 2023 campaign. Ruhama produced a series of short social media videos released during the 16 days of activism against violence against women in November 2023.

Despite these constraints, there has been a considerable increase in training undertaken by State Agencies.

During 2022, the Immigrant Council of Ireland delivered anti-trafficking and gender-based violence awareness sessions/training to frontline personnel, communities and the general public with almost 600 participants.⁷³ MRCI and MECPATHS provided awareness raising/training in child, labour and criminal exploitation to more than 80 members of the ICON network⁷⁴ in North Inner City Dublin. Ruhama raised awareness/trained several frontline professionals in 44 sessions with over 900 participants.⁷⁵ MECPATHS delivered numerous workshops, awareness sessions, conference presentations, and community group workshops that resulted in over 8,500 people educated on child trafficking in 2022.⁷⁶

In 2023, MECPATHS continued to increase their collaboration and partnerships with State Agencies, organisations, and third level institutions; this continues to grow year on year. Importantly, their partnership with Tusla (the Child and Family Agency) remains strong and they are a member of the Child Trafficking Working Group, the Training Sub-Group, and Practice Guidance Sub-Group. Also in 2023, MECPATHS launched an online learning course for the Private Security Authority, which was the first Statutory Agency to mandate anti-child trafficking training. Froebel Department of Education at Maynooth University launched a formal partnership with MECPATHS and have also mandated this awareness raising training for all current and future students. MECPATHS delivered training on child trafficking to 3,869 Frontline Professionals (including Tusla (574)), the Health Service Executive ('HSE'), Crosscare, Inner City Organisation Network, HIQA, Kerry Diocesan Youth Services, Archways, Sexual Violence Centre Cork, Private Security Authority, and Mercy University Hospital Cork). Additionally, they trained 695 Emerging Professionals (Shannon College of Hotel Management, Trinity College Dublin, University College Dublin, Mary Immaculate College Limerick, University College Cork, South East Technical University, and Maynooth University).

⁷³ IHREC (2023) [*Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*](#), p. 182

⁷⁴ For more information <https://www.iconnetwork.ie/about/>

⁷⁵ IHREC (2023) [*Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*](#), p. 182

⁷⁶ IHREC (2023) [*Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*](#), p. 182

Ruhama provided training on trafficking and the commercial sex trade to frontline professionals including AGS, health service workers, social workers, and Direct Provision centre staff. Specific child trafficking training was provided to social workers. A total of 30 training sessions were run over the course of the 2023 in which over 1,000 people participated, including 39 members of AGS. During the reporting period, Ruhama expanded its outreach and training programmes and set up a regional base in Limerick and had an increase in new referrals of victims of human trafficking in 2023.

In addition to the Department of Justice funded activities, other State Agencies have also contributed to prevention efforts. For example, in 2022, the Workplace Relations Commission ('WRC') provided information on employment rights via phone to almost 60,000 people (increase of 11% compared to 2021)⁷⁷ and more than 700,000 people visited their website.⁷⁸ Their website provides information on employment rights and redress options in 132 languages.⁷⁹ In 2022, the WRC resumed their outreach activities and provided information sessions on employment rights to relevant groups – 31 and 44 in 2022 and 2023 respectively. Following the identification of seasonal work as a high-risk sector for exploitation, the WRC has created a dedicated webpage,⁸⁰ a leaflet on 'Employment Rights of Seasonal Workers in Ireland',⁸¹ and has participated in information campaigns for fair and safe conditions for seasonal workers employed in the EU #Rights4AllSeasons Campaign.⁸² Additionally, the WRC also participated in the EU-wide campaign 'Road to Fair Transport' in late 2022, supporting fair and safe working conditions for transport workers.⁸³ As a response to the mass displacement caused by the Russian war against Ukraine, a

⁷⁷ Workplace Relations Commission (2023) [Annual Report 2022](#), p. 13

⁷⁸ Workplace Relations Commission (2023) [Annual Report 2022](#), p. 7

⁷⁹ There were 5,544 referrals from Twitter (increase of 93% from 2021) and 3,474 from LinkedIn (increase of 78% from 2021).⁷⁹ Those at most risk of exploitation such as fishers or domestic workers have access to specific guidance in the most common language of the workers. Workplace Relations Commission (2023) [Annual Report 2022](#), p. 15. the Workplace Relations Commission website continues to provide a comprehensive range of information on employment rights and redress options, and was visited by over 1.1 million users in 2023. This information can now be provided to users in 132 languages by utilising inbuilt translation technology. Specific vulnerable groups (including fishers and domestic workers) have bespoke information relevant to their sector and this is available in the predominate languages of the workers in these sectors.

⁸⁰ Workplace Relations Commission – [Seasonal Workers](#)

⁸¹ Workplace Relations Commission (2021) [Employment Rights of Seasonal Workers in Ireland](#)

⁸² For more information <https://www.ela.europa.eu/en/campaigns/rights-for-all-seasons>

⁸³ Workplace Relations Commission (2023) [Annual Report 2022](#), p. 15

leaflet with information on employment rights and employment law for Ukrainian nationals in both Ukrainian and Russian is also available on their website.⁸⁴

WRC Inspectors received training on indicators of human trafficking as opportunities to detect indicators of trafficking. All Inspectors who commenced employment with the WRC prior to 2023 have received training from the Garda National Protective Services Bureau ('GNPSB') and have participated in refresher training in 2022. All staff of the HSE Anti-Human Trafficking ('AHTT') team undertake mandatory training as part of their employment and personal and professional development.⁸⁵ In 2023, the HSE National Social Inclusion office developed a programme of DSGBV training modules, which includes awareness raising on Human Trafficking. Module 1 is available on the HSE ELearning www.hseland.ie. The Legal Aid Board actively engages with available training in the area and in-house training is ongoing within the Legal Aid Board. They are currently in the process of implementing a plan to ensure the solicitors dealing with any IP application for the person who is also a victim of human trafficking are provided with advice about trafficking.

In conjunction with the Ukraine Response Team and the GNPSB, the International Protection Office ('IPO') ran a number of seminars in 2023. The IPO also arranged for the Dublin Rape Crisis Centre to provide training on gender-based violence to panel members and caseworkers during 2023. In 2023, the IPAS Assessment Officers and the majority of the Resident Welfare Team and IPAS personnel attended a presentation delivered by the Anti-Human Trafficking Unit in AGS in October 2022. In late 2023, a repeat of this presentation was arranged with AGS, as a refresher for existing staff and to ensure new staff were given the opportunity to attend. This presentation was delivered in January 2024.

During the reporting period, the State continued the Blueblindfold campaign that includes a dedicated website (<https://www.blueblindfold.ie/>) containing awareness raising information,

⁸⁴ For more information see Workplace Relations Commission – [Employment Rights in Ireland – Information for Ukrainian Nationals](#) [website]

⁸⁵ Staff of the HSE AHTT undertook training in: *Address human trafficking risks in light of military attack on Ukraine*. Three AHTT staff members attended this training for civil society and frontline responders facilitated by OSCE ODIHR in 2023; Sexual Health Foundation course. Four AHTT staff attended in 2023; *Screening and Brief Intervention for Alcohol and substance SAOR (Support, Ask and Assess, Offer Assistance, Refer)*. Three staff members attended this course in 2023: step-by-step guide for practice, to guide workers in using a person-centred approach throughout their conversation, encounter or engagement with a person using their service; *Understanding young people and pornography*. One staff member attended this course in 2023, delivered by the National Youth Council; Children First -mandatory training, online on HSE Land (training every 3 years).-Children First for Mandated Persons. Two staff members attended in 2023 – note, Children First does not specifically include child trafficking.

resources for training, and available services for victims. This also includes a dedicated email address that is monitored by An Garda Síochána Human Trafficking and Investigation and Coordination Unit ('HTICU'). While not exclusively trafficking-related, there is also a confidential hotline number where anyone can report crime anonymously also monitored by law enforcement and available for 12 hours per day.

(5) 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?

Ireland's legislative measures to tackle demand remain decisive but focused on targeting demand for sexual exploitation. Article 18.4 of the Anti-Trafficking Directive has been transposed into national law through the Criminal Law (Sexual Offences) Act 2017, which criminalises the paying for sexual services with a person that is in prostitution or is a victim of human trafficking. Importantly, the Act also decriminalises the selling of sexual services. The provisions contained in Part 4 of the Act have the potential to disrupt the demand for such services and increase the State's ability to tackle organised prostitution. The findings of the review of Part 4 of the 2017 Act are awaited.

Another mechanism that has the potential to disrupt demand is the recently enacted Online Safety and Media Regulation Act 2022. This Act may be an effective means of tackling technology-facilitated crime by assisting in the investigation, prosecution and conviction of human trafficking offences; crimes that increasingly involve technological and digital elements.

(6) What efforts have been made to cooperate with private businesses to combat trafficking in human beings?

(7) What measures in the area of corporate sustainability due diligence have been taken to address the risks of trafficking in human beings in value chains?

The responsibilities owed by companies and businesses as legal persons in the prevention and reduction of demand for human trafficking within their activities and supply chains is being considered, but there have been no substantive developments in this regard during the reporting period. The European Commission's proposal for a Directive on Corporate Sustainability Due

Diligence and the proposal for a Regulation prohibiting products of forced labour in the EU⁸⁶ have the potential to significantly bolster the anti-trafficking response.

The Labour Exploitation and Trafficking (Audit of Supply Chains) Bill 2021 is a Private Members' Bill, which was introduced to the Oireachtas (the Irish Parliament). This Bill is currently at an advanced legislative stage. Under this Bill, businesses would be required to report annually on the measures taken to, *inter alia*, guarantee products are free from human trafficking (including the exploitation of children). It provides for *"to provide for transparent reporting by undertakings in relation to the risk of labour exploitation and human trafficking occurring in their supply chains or in any part of their business and of the steps taken by them to ensure such activities do not take place; and to provide for connected matters."*⁸⁷

Law Enforcement and Judicial Cooperation

(8) 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 recruitment, advertisement, exploitation and abuse of trafficked victims?

Chapter 2 of our Second National Evaluation Report uses case-study examples to demonstrate 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. There is extensive evidence that traffickers are using technology at all stages of their criminal activity, including recruitment, movement, control, advertising and exploitation of victims. The Internet is a much faster and more efficient way than traditional offline means to target and recruit vulnerable people, especially girls and women, to market them in destination countries and to reach a large number of potential buyers.⁸⁸ In Chapter 2, we demonstrate how

⁸⁶ European Commission (2022) [Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Report on the Progress made in the Fight against Trafficking in Human Beings \(Fourth Progress Report\)](#), p. 10

⁸⁷ Houses of the Oireachtas Dáil Éireann Debates (2021) [Labour Exploitation and Trafficking \(Audit of Supply Chains\) Bill 2021: First Stage](#) (1 April 2021)

⁸⁸ OSCE Office of the Special Representative and Co-ordinator for Combating Trafficking in Human Beings and Tech Against Trafficking, (2020) [Leveraging innovation to fight trafficking in human beings: A comprehensive analysis of technology tools](#). Vienna

commercial sex trade websites, also known as sexual exploitation advertising websites ('SEAs')⁸⁹ are deeply implicated in promoting the demand that fuels trafficking for sexual exploitation in Ireland. At the sentencing in the Edosa and Enoghaghase case⁹⁰, the judge noted the seriousness of the offences against the victims, who he said had been treated like 'indentured slaves', that 'they coerced the victims into a sustained and degrading period of prostitution which did great harm to all victims for financial gain.'⁹¹ The judge also called for the better regulation of prostitution advertising, and referring to Escort Ireland (website) noted that 'It makes it ridiculously easy to advertise the services of people who are compelled to engage in prostitution against their will.'⁹²

Despite these challenges, the use of technology also provides opportunities to support the investigation and ultimately the successful prosecution of sex trafficking cases. Chapter 2 outlines the State's obligations under the various human rights and trafficking instruments that underpin the responsibility of the Irish State to address prostitution advertising websites, and includes a number of recommendations to further meet these obligations.

Key recommendations of Chapter 2 include the need for:

- increased specialist knowledge and increased resourcing of the GNPSB 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;

⁸⁹ Cross-Party Group on Commercial Sexual Exploitation (2021) [Online Pimping – An Inquiry into Sexual Exploitation Advertising Websites](#)

⁹⁰ *DPP v. Edosa & anor* [2023] IECA 38

⁹¹ It was reported that Enoghaghase had been sexually exploited in prostitution as child in Ireland, while Edosa, according to press reports 'began working in prostitution in 2017 with Escorts Ireland when she felt it was the only way to earn a living after her residency permit to remain in Ireland had expired. McCárthaigh S. (2021) ['Two women given jail sentences in excess of five years for human trafficking offences'](#), *The Journal* (28 September)

⁹² Dillon E. (2022) ['Sex-slave traffickers who forced migrants into prostitution in Ireland appeal sentences'](#) Sunday World (3 January)

- 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;
- ratification of the Budapest Convention on Cybercrime; and
- an examination of ways to use its unique position as EU host of headquarters of the biggest social media companies to enforce minimum standards to protect its users against exploitation.

(9) Which measures have been taken to ensure the efficiency and effectiveness of investigations and prosecutions, including with respect to relevant techniques allowing to follow the money and the profits generated throughout the trafficking chain (e.g. financial investigations), and taking into account the online dimension?

In the reporting period, the State secured the first prosecutions for trafficking offences against adult traffickers.⁹³ 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 identification documents, having their earnings withheld, suffering threats, and being moved around the country.⁹⁴ Alicia Edosa (44) and Edith Enoghaghase (31), both Nigerian nationals, were each found guilty on two counts of trafficking women into Ireland, on dates between September 2016 and June 2018, contrary to the provisions of section 4 of the Criminal Law (Human Trafficking) Act 2008, following a six-week jury trial at Mullingar Circuit Criminal Court. Alicia Edosa and Edith Enoghaghase were also each convicted of one offence of organising prostitution contrary to the provisions of section 9 of the Criminal Law Sexual Offences Act 1993. Alicia Edosa was also convicted in respect of a total of thirty-eight (38) counts of money laundering, contrary to the provisions of section 7 of the Criminal Justice (Money Laundering and Terrorist Financing) Act 2010. While Edith Enoghaghase was convicted in respect

⁹³ Department of Justice (2021) [Minister Naughton welcomes the first convictions for Human Trafficking handed down today](#) [press release] 11 June. The women were also found guilty of money laundering and organisation of prostitution offences.

⁹⁴ McCárthaigh, S. (2021) [‘Two women guilty of human trafficking in first conviction of its type’](#) The Irish Times, 11 June [accessed 22 April 2022];

of four counts of the said section 7 of the Act of 2010, Edith Enoghaghase's husband, Omonuwa Desmond Osaighbovo (30), a Nigerian national, was found guilty of four money laundering offences. Also in the reporting period, the Court of Appeal in Ireland provided sentencing guidance for trafficking offences (detailed in Section (3), above).

(10) What efforts have been made to improve the capacity of labour inspectorates and/or social partners to identify cases of trafficking in human beings as well as cooperation between law enforcement authorities and labour inspectorates?

The overall capacity of the WRC has increased over the reporting period. In 2021, there was an increase of seven Inspectors, bringing the total to 60. In 2022 the number of Inspectors was 63 with an additional 10 positions approved for recruitment. At year-end 2023, the WRC employed 63 Inspectors (including 8 Inspection Team Managers) organised in five regional offices across Ireland.

The participation of AGS in the European Multidisciplinary Platform Against Criminal Threats ('EMPACT'), was also important to the proactive screening for potential victims and preventative actions.⁹⁵ Joint operations were carried out in massage parlours, nail bars, car washes, and agricultural sectors including forestry, fruit and vegetable farms, livestock farms (animals and poultry), involving the GNPSB and The Garda National Immigration Bureau, WRC Inspectors, the Department of Social Protection, and the Revenue Commissioners. The increase from two-days of joint action in 2021 (2 and 3 June) to the two-weeks in 2023 (10-17 June, 13-20 September) demonstrates increased efforts. While significant numbers of employment law breaches were reported, it is unknown if any potential victims of trafficking were identified through such operations.

In 2023, Ruhama commenced a pilot initiative with AGS to accompany OPIU ('Organised Prostitution Investigation Unit') Officers on welfare checks in suspected brothels. Ruhama outreach workers accompanied Officers in Dublin, Limerick, and Galway on welfare check visits to assist potential victims of trafficking, inform them of their rights, offer supports and reassure them that they can access support services without engaging with AGS. We have been informed that

⁹⁵ EMPACT (European Multidisciplinary Platform Against Criminal Threats) is a security initiative driven by EU Member States to identify, prioritise and address threats posed by organised and serious international crime. Human trafficking is a priority crime area within EMPACT. GNPSB participate in the Human Trafficking Group. Personnel assigned to GNPSB attend EMPACT meetings relating to various human trafficking projects.

this initiative will continue in 2024 and is hoped to become an integrated part of the welfare checks nationally. To the Commission's knowledge, this is the first formalised partnership between a specialist NGO and AGS.

(11) What measures have been taken to address the responsibility of legal persons for committing trafficking offences, including sanctions?

In Ireland, offences by legal persons or bodies corporate are provided for in section 6 of the Criminal Justice (Human Trafficking) 2008 Act. The body corporate is capable of being convicted of any of the offences set out in the 2008 Act and section 6 of the Act creates what is, in effect, a secondary liability offence.

There is no express provision in the 2008 Act for non-criminal sanctions, such as the winding up of the establishments/companies that have been used for committing the offence. However, such acts may fall to be considered within the 'circumstances in which company may be wound up by the court' set out in Section 569 of the Companies Act 2014.

There is no provision in Irish law for 'judicial supervision' or temporary or permanent disqualification from the practice of commercial activities - save in the context of a winding up, where a director can be disqualified in certain circumstances. On the 'exclusion from entitlement to public benefits or aid', according to the Trafficking in Persons ('TIP') 2023 Report:

"the government prohibited convicted traffickers from being selected for public contracts."⁹⁶

Importantly, the Report also states:

"the Irish authorities have [previously] indicated that as part of recent investigations into human trafficking for the purpose of labour exploitation, AGS has interviewed corporate office holders connected to recruitment processes and those involved with procurement of services to establish the level of awareness, if any, of exploitative practices taking place within supply chains".⁹⁷

The Council of Europe's monitoring body GRETA urged Ireland to keep:

⁹⁶ US State Department (2023) [2023 Trafficking in Persons Report: Ireland](#)

⁹⁷ US State Department (2023) [2023 Trafficking in Persons Report: Ireland](#)

“under review the application of the legal provisions concerning corporate liability for THB [trafficking in human beings] with a view to ensuring that the sanctions or measures are effective, proportionate and dissuasive”.⁹⁸

As of 29 February 2024, to the Commission’s knowledge no legal person has been held liable for committing human trafficking offences and therefore no sanctions have been applied.

(12) What measures have been taken to seize and confiscate instrumentalities of, and proceeds obtained from, trafficking in human beings? Please elaborate on the results and impact. If available, please indicate the (estimated) amount of seized and confiscated proceeds.

To the Commission’s knowledge, there has been no change to the operating laws governing the confiscation and seizure of instruments and proceeds acquired from trafficking offences.⁹⁹ Ireland continues to have a robust mechanism to freeze and seize assets where these can be shown to be the proceeds of criminal conduct. As noted in the First National Evaluation Report, Section 9 confiscation orders¹⁰⁰ may also be seen as coming within the remit of Article 7 ‘confiscation and seizure’. Such Orders allow a court to order a convicted person to pay such sum as the court thinks fit to the Exchequer (to be used at the discretion of the Minister for Finance).

According to publicly available data, €3,000 and \$500 was seized from a male in the south eastern region who is suspected of being involved in organised prostitution.¹⁰¹ While this is welcomed, it must be noted that this is a significantly small amount considering the tremendous profits associated with commercial sexual exploitation industry. As of 29 February 2024, we are not aware of the seizure of proceeds from other forms of exploitation beyond the sex industry.

⁹⁸ GRETA (2022) [Evaluation Report Ireland. Third Evaluation Round. Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings](#), p. 30

⁹⁹ In accordance with the provisions of the Proceeds of Crime Acts 1996-2016, the *Criminal Justice Act 1994*, as amended, and related statutes, all confiscations relating to the proceeds of crime are transferred to the Minister for Finance to be paid into, or disposed of, for the benefit of the Exchequer. The Criminal Assets Bureau (CAB) is a multi-disciplinary body, made up of members of An Garda Síochána, officials from the Office of the Revenue Commissioners (Taxes and Customs), officials of the Department of Social Protection, together with staff from the Department of Justice, including the Bureau Legal Officer, Forensic Accountants, Financial Crime Analysts, IT experts and Administrative Staff. The Court of Justice of the EU held in ‘Komisia za protivodeystvie na koruptsiyata i za otnemane na nezakonno pridobitoto imushtestvo v, BP and others’ [2019] Case no. C-234/18 that civil proceedings for confiscation (that are unrelated to a finding of a criminal offence) are compatible with EU law

¹⁰⁰ *Criminal Justice Act 1994*

¹⁰¹ McCurry C. (2022) [‘Dublin premises among properties raided in human trafficking sting’](#) *Dublin Live* (1 December)

(13) Which measures have been taken to enhance transnational law enforcement and judicial cooperation within the EU (including capacity building for joint investigation teams), including with the support of the EU Agencies?

(14) What measures have been taken to enhance transnational law enforcement and judicial cooperation with non-EU countries (including capacity building for joint investigation teams), including with the support of the EU Agencies?

The Commission highlights the importance of maintaining a high-level cross-border criminal justice cooperation between the UK and Ireland, particularly in relation to the open border and common travel area, grounding such cooperation in the fundamental rights enshrined in the European Convention on Human Rights and the *EU Charter of Fundamental Rights*.¹⁰²

Joint Investigation Teams ('JIT') exist between AGS and the Police Service of Northern Ireland ('PSNI') since 2019. In the reporting period, the important role of cross-border cooperation became evident in AGS' response to Russian war against Ukraine, where the GNPSB have said that AGS were being updated "on an almost daily basis" by a European multidisciplinary team which is monitoring the threat of trafficking from Ukraine.¹⁰³

Between Ireland and the UK, highly organised and transnational criminal groups operate and traffickers maintain operating bases in both jurisdictions using the extensive air and sea connections between the UK, Ireland and Europe.¹⁰⁴ Irish, Brazilian, Romanian, Egyptian and Nigerian perpetrators have been identified by AGS over the last few years.¹⁰⁵ These perpetrators operate on the island seeing the territory as a single market and taking advantage of the common travel area, including the unique jurisdiction and policing conditions between the countries, trafficking victims for the purposes of sexual and labour exploitation, and forced criminality. In regard to trafficking for sexual exploitation especially, traffickers have expanded their client base

¹⁰² Kramer A., et al. (2019). [Evolving Justice Arrangements Post-Brexit](#). Irish Human rights and Equality Commission and Northern Ireland Human Rights Commission, p. 98

¹⁰³ Kelly O. (2022) '[Gardaí liaise with Europol over potential human trafficking from Ukraine](#)'. *The Irish Times*, 4 April

¹⁰⁴ Chance, A. (2022) [Exploring Serious and Organised Crime across Ireland and the UK: Towards a shared understanding of a shared threat](#). Dublin: The Azure Forum for Contemporary Security Strategy, pp. 26-27

¹⁰⁵ Chance, A. (2022), [Exploring Serious and Organised Crime across Ireland and the UK: Towards a shared understanding of a shared threat](#). Dublin: The Azure Forum for Contemporary Security Strategy, p. 26

across the border through online advertisement, the dark net and the use of legal and well-known holiday accommodation platforms (Airbnb, Booking.com), creating temporary brothels.¹⁰⁶

On a positive note, north-south cooperation on organised crime continues to take place under the Joint Agency Task Force, led by senior officials from AGS, the Revenue Commissioners, the PSNI and United Kingdom Revenue and Customs.¹⁰⁷ The cooperation has remained functioning post Brexit and is of ‘practical value’ in combating organised crime, including trafficking in human beings.¹⁰⁸ Lines of cooperation and communication between AGS and the PSNI are well established.

In June 2022, AGS participated in an action with other 21 countries and INTERPOL that led to the identification of 130 potential trafficking victims and the arrest of several suspects.

As a response to the Russian war against Ukraine, AGS strengthened its cooperation with EU counterparts and EUROPOL for the purposes of preventing and identifying potential cases of human trafficking by sharing daily information and applying a collaboration approach between law enforcement bodies of several countries.¹⁰⁹

Overall, AGS collaborates regularly with the PSNI, sharing identified trends in organised prostitution and human trafficking across the border. Since 2022, both law enforcement bodies, as well as some State Agencies and NGOs participated in the ‘All Ireland Partnership’. One of the thematic areas discussed was sexual exploitation on the island of Ireland.¹¹⁰

Collaboration across the island of Ireland involved the HTICU and the OPIU in the South and the PSNI Modern Slavery and Human Trafficking Unit in the North. Examples include operations conducted in border counties, with a focus on sexual and labour exploitation where several businesses were inspected in March 2022, as well as an operation focused on sexual exploitation linked to massage parlours.¹¹¹

¹⁰⁶ Chance, A. (2022) *Exploring Serious and Organised Crime across Ireland and the UK: Towards a shared understanding of a shared threat*. Dublin: The Azure Forum for Contemporary Security Strategy, p. 26

¹⁰⁷ Parliamentary Questions, [Written Answers by Department of Justice and Equality, Thursday 8 July 2021](#).

¹⁰⁸ Parliamentary Questions, [Written Answers by Department of Justice and Equality, Thursday 8 July 2021](#).

¹⁰⁹ Kelly O. (2022) ‘[Gardaí liaise with Europol over potential human trafficking from Ukraine](#)’ *The Irish Times*, 4 April [Accessed 21 June 2023]

¹¹⁰ Kelly O. (2022) ‘[Gardaí liaise with Europol over potential human trafficking from Ukraine](#)’ *The Irish Times*, 4 April [Accessed 21 June 2023]

¹¹¹ IHREC (2023) *Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive*, p. 88

In October 2022, PSNI officers supported AGS' operation into an organised criminal group responsible for the trafficking of people throughout the Northern Ireland border for sexual exploitation. Two suspects have been arrested on suspicion of human trafficking, controlling prostitution, brothel keeping and money laundering offences.¹¹²

Early Identification, Assistance, Support and Protection of Victims

(15) Which measures have been taken for the detection and early identification of victims of trafficking, such as training of officials and practitioners likely to come into contact with victims, establishment of procedures or development of indicators, including for the detection of potential victims in asylum procedures?

The existing identification arrangements have remained the same during the reporting period;¹¹³ the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking ('AIA')¹¹⁴ is, by default, the core of the current NRM).¹¹⁵ Among its various shortcomings, the AIA is extremely limited in scope as it only applies to undocumented third-country nationals who cooperate with the law enforcement authorities.¹¹⁶ Under the current NRM, AGS continue to be the sole authority who can formally identify whether a persons is a presumed/suspected victim of trafficking.

As mentioned above in relation to 'legislation', a seminal piece of legislation was introduced by Government in 2023 - the Criminal Law (Sexual Offences and Human Trafficking) Bill 2023. Once enacted, this Bill has the potential to fundamentally reform the current identification and assistance processes.

¹¹² IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 88

¹¹³ It is noted that both the AIA and the Guide to Procedures for Victims of Human Trafficking are significantly out of date and do not reflect the latest policy developments, clearly evident in Appendix 4 of the latter.

¹¹⁴ Government of Ireland (2011) [Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking](#)

¹¹⁵ NRM represents a system for identification and referral of victims of human trafficking for the purposes of their escape and recovery, involving various statutory and independent entities with specialised and complementary expertise.

¹¹⁶ The AIAs provide for the issuing of a sixty-day recovery and reflection period; a six-month renewable temporary residence permission conditional upon: (i) the person being a non EEA national (ii) the person cooperates with authorities in an ongoing investigation; more favourable immigration provisions for child victims; provisions voluntary repatriation, and/or changes of status to longer-term immigration status, after certain conditions have been met.

We have welcomed the proposed introduction of the new NRM in law but we have raised areas where protections must still be strengthened.¹¹⁷ We believe that this Bill is the most significant opportunity to establish a new NRM that supports all victims of trafficking equally, regardless of their nationality and immigration status. Through our detailed recommendations we have called for the assistance and supports available for victims to be outlined clearly and unambiguously within the Bill. For full details of our proposed recommendations please see our submission on the General Scheme of the Bill and our Review of the Bill.¹¹⁸

The Commission has called for the development of a trafficking-specific screening tool that can be adapted and used by all relevant State Agencies and frontline services of the State to increase the detection and identification of potential victims of trafficking.

As noted above, the Commission remains keenly interested in the process of Vulnerability Assessments among IP applicants, viewing it as an important early identification mechanism to detect victims of trafficking among the asylum seeking populations.¹¹⁹

The Commission greatly welcomes GNPSB “Operation Cosnaím” – established during the reporting period, to specifically respond to reports of possible Child Sexual Exploitation for children in the care of the Child and Family Agency ‘Tusla’. As part of “Operation Cosnaím” all concerns for suspected child sexual exploitation regarding a child who is in the care of Tusla, must be notified to a centralised point in the GNPSB. This is a significant and important step in improving and reforming the overall anti-trafficking response, especially to guard children (the most vulnerable cohort) against trafficking.

The increased inspections of the high-risk sectors by the WRC, during the reporting period, also contributes to proactive and targeted identification work. Similar activities within the high-risk environment of prostitution, have been conducted by AGS, which focused on the well-being of people involved but also served as a screening strategy for potential victims of trafficking.

¹¹⁷ IHREC (2022) [Submission on Part 3 of the General Scheme of the Criminal Justice \(Sexual Offences and Human Trafficking\) Bill 2022](#); IHREC (2023) [Submission on the Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023](#)

¹¹⁸ IHREC (2022) [Submission on Part 3 of the General Scheme of the Criminal Justice \(Sexual Offences and Human Trafficking\) Bill 2022](#); IHREC (2023) [Submission on the Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023](#)

¹²⁰ IHREC (2023) [Submission on the Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023](#)

(16) What measures have been taken for the establishment or improvement of national referral mechanisms, as well as transnational referral mechanisms?

Comments on the proposed legislation introducing a new NRM are outlined in the section above and under 'legislation' in section (3). While we have raised concerns around specific features of the proposed new NRM, we greatly welcome and support the move by Government to reform and formalise the NRM. Most especially we welcome the recognition of CSO as 'Trusted Partners', which has been highlighted in the 4th Progress Report of the EC but also the inclusion of an appeal process and the reversal of the decision to include 'credibility' in the identification process. We have also raised some areas requiring further attention (i.e. the need for support separate from the IP system, the need for age-estimation assessments, the explicit inclusion of immigration permissions, broadening of the 'non-prosecution' provision). For full details of our recommendations please see our Submission on the Bill.¹²⁰

Putting the NRM into law would accord fully with - and may in fact exceed - the requirements of the proposed amendment to Directive 2011/36/EU which proposes to make it mandatory for Member States to establish national referral mechanisms, and to appoint a national focal point for the referral of victims.¹²¹

To the Commission's knowledge, there have been no actions to establish a transnational NRM in the reporting period. Although, as stated above, AGS collaborates regularly with the PSNI and European colleagues.

(17) What efforts have been made to ensure that all victims identified are provided with assistance, support and protection, including in criminal proceedings, taking into account gender, child-specific needs and special needs of victims?

Protection in the Criminal Justice System: Victims of trafficking have benefitted greatly from the introduction of the Criminal Justice (Victims of Crime) Act 2017, which has secured their right to protection within the criminal justice system in law. Nonetheless, concerns remain around the levels of understanding of the particulars of human trafficking, including the unique risks and

¹²⁰ IHREC (2023) [Submission on the Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023](#)

¹²¹ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 105

harms associated with this crime. Given the complexities and vulnerabilities created by trafficking, access to legal advice and assistance ‘*without delay*’ is essential for matters such as recovery, reintegration, non-punishment and redress. The Commission remains concerned that the legal assistance offered to victims is by definition limited and insufficient. We have welcomed the review of Civil Legal Aid in 2022 and were pleased to provide the Review Group with a number of trafficking-specific recommendations, which, we hope, informs their work.¹²² Additionally, we have called for the proposed additional protections available to victims of rape and sexual assault be extended to include victims of trafficking for sexual exploitation.¹²³

Assistance and support: While the criminalisation of human trafficking is provided for in law, the assistance and support to victims remains primarily a matter of administrative measures. This approach has implications for the quality and consistency of assistance provided in Ireland. The Commission recommend that the Criminal Law (Sexual Offence and Human Trafficking) Bill 2023 is used as an opportunity for provision of assistance to victims in primary legislation. In October 2022, we presented our analysis and recommendations to the proposed new NRM, urging clarity in assistance and supports to identified victims of human trafficking. Failing to provide, in statute, for specific measures regarding social welfare assistance, housing assistance, immigration permissions for victims of trafficking, will perpetuate the present inconsistent approach and chronic deficiencies in assistance and support. In our First National Evaluation Report, we highlighted the lack of synchronicity between State Agencies and Departments that, in turn, led to divergent decisions with respect to identical cases, and made detailed recommendations regarding these matters. The Commission is of the view that the Bill offers a unique opportunity to define the assistance and support to victims of this crime.¹²⁴

The explicit inclusion of human trafficking as a form of gender-based violence in the new national DSGBV Strategy is an important recognition of the special needs arising from sexual and other forms of gender-based violence. The HSE AHTT created an individual care plan for each formally identified victim, reflecting the specific circumstances of the victim and resulting in referrals to

¹²² IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 351 (Appendix 3: Civil Legal Aid for Victims of Trafficking)

¹²³ IHREC (2022) [Submission on Part 3 of the General Scheme of the Criminal Justice \(Sexual Offences and Human Trafficking\) Bill 2022](#); IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#)

¹²⁴ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 331

other State services or NGOs.¹²⁵ The holistic, gender-specific, trauma-informed, approach of the HSE AHTT is to be commended and is an approach that should be replicated by other State Agencies.

Specialist NGOs with extensive expertise in trafficking also contribute significantly to supporting the needs of victims, through a trauma-informed, gender-specific and victim-centred approach. In particular, Ruhama and Dublin Rape Crisis Centre specialise in supporting victims of sexual exploitation and violence. Similarly, the solicitors in the Immigrant Council of Ireland's law centre have expertise in working with victims of crime with special needs. The Migrant Right Centre of Ireland responds to victims with complex needs as a result of violations and combined types of exploitation.

The Commission has raised concerns around the inadequate child-specific measures available for the youngest victims of trafficking. In our 2022 submission to the UN Committee on the Rights of the Child, we highlighted a number of concerns surrounding the State's lack of response to child trafficking. In particular, we highlighted:

- The inadequate child identification process;
- The delays in progressing the establishment of a child-specific process within the new NRM;
- The persistent issues surrounding the classification of child exploitation cases;
- The insufficient collection of child trafficking data;
- The limited and delayed legal assistance and representation afforded to child victims of trafficking; and
- The inadequate procedures for 'age estimate assessments' for victims of trafficking.¹²⁶

Following the submission, the UN Committee Concluding Observations echoed these concerns¹²⁷ and recommended that Ireland:

¹²⁵ Such as safe accommodation, health, family separation, liaison with Gardaí regarding investigations, PPS numbers, medical card, material assistance and social welfare, referral to legal assistance, education, training, repatriation and other forms of support as necessary.

¹²⁶ IHREC (2022) [Submission to the Committee on the Rights of the Child on Ireland's combined Fifth and Sixth Periodic Report](#), p. 46

¹²⁷ IHREC (2022) [Submission to the Committee on the Rights of the Child on Ireland's combined Fifth and Sixth Periodic Report](#), pp. 46-47

“(a) Establish a national referral mechanism for the identification and referral of children who are victims of trafficking and ensure their access to psychological support, legal assistance and other support services, in line with the recommendations of the National Rapporteur on the Trafficking of Human Beings;

(b) Ensure that guardians ad litem, social workers and other relevant professionals receive training on trafficking;

(c) Investigate and prosecute cases of trafficking of children and ensure appropriate convictions for perpetrators”.¹²⁸

(18) What measures have been taken to ensure tools are in place for victims to access compensation, or to establish specific compensation mechanisms for victims of trafficking in human beings? If available, please indicate the (estimated) amount of compensation awarded to victims and the number of victims who were awarded compensation in the reporting period.

The lack of compensation remains an important area of concern for us, as Rapporteur. We have provided details on this matter in Section (3) Policy Measures (i) and (ii). To date, to our knowledge, *no* victim of trafficking has received any form of compensation. That being said, we have welcomed its inclusion in the Law Reform Commission’s Fifth Programme of Law Reform project ‘Compensating Victims of Crime’. We view this as an opportunity to effect profound positive reform for trafficking victims in regard to their right to compensation. We met with the Law Reform Commission during the reporting period to further discuss the particular challenges faced by victims of trafficking in accessing compensation.

We have made a number of specific recommendations on the reforms necessary to ensure that the right to compensation is practical and effective, not theoretical and illusory. Owing to the importance of this area, analysis and recommendations relating to compensation are detailed in Appendix 2 of the Commission’s Second National Evaluation Report.¹²⁹

¹²⁸ UN Committee on the Rights of the Child (2023) [Concluding Observations on the Combined Fifth and Sixth Periodic reports of Ireland](#), p. 15

¹²⁹ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), Appendix 2

(19) Have measures been taken in order to use recovered assets for compensating victims?

As noted above, the Commission is not aware of any victim of trafficking who has received compensation for the harms of trafficking, either in criminal or tortious action.¹³⁰

Ireland has a robust legislative framework in place allowing for the freezing, seizure and confiscation of assets that derive from criminal conduct.¹³¹ Importantly, a decision of the Court of Justice of the EU held that civil proceedings for confiscation (that are unrelated to a finding of a criminal offence) are compatible with EU law.¹³² As such, the legitimacy of the Criminal Assets Bureau¹³³ is further strengthened.¹³⁴

The confiscation and seizure architecture also includes Section 9 confiscation orders,¹³⁵ which apply to offences other than drug trafficking offences, and allows a court to order a convicted person to pay such sum as the court thinks fit to the Exchequer (to be used at the discretion of the Minister for Finance).¹³⁶

(20) What measures have been taken to ensure adequate capacity of specialised accommodation for victims of trafficking, including through the use of funding under shared management?

In late 2023, the State launched the first pilot of gender-specific accommodation called ‘Rosa’s Place’, which is an eight-bed shelter catering for single women victims of trafficking, including for sexual exploitation. Mothers with children are not permitted in the shelter. The Commission welcomes the establishment of this first specialised shelter but emphasises that the response to

¹³⁰ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 115

¹³¹ In accordance with the provisions of the Proceeds of Crime Acts 1996-2016, the Criminal Justice Act 1994, as amended, and related statutes, all confiscations relating to the proceeds of crime are transferred to the Minister for Finance to be paid into, or disposed of, for the benefit of the Exchequer

¹³² ‘Komisia za protivodeystvie na koruptsiyata i za otnemane na nezakonno pridobitoto imushtestvo v, BP and others’ [2019] Case no. C-234/18.

¹³³ CAB is a multi-disciplinary body, made up of members of An Garda Síochána, officials from the Office of the Revenue Commissioners (Taxes and Customs), officials of the Department of Social Protection, together with staff from the Department of Justice, including the Bureau Legal Officer, Forensic Accountants, Financial Crime Analysts, IT experts and Administrative Staff

¹³⁴ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 59

¹³⁵ Criminal Justice Act 1994

¹³⁶ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 59

the accommodation needs of victims of trafficking remains yet to be developed. Female victims represent the prevalent profile of victims of trafficking in Ireland. In December 2022, there were 103 victims of trafficking residing in Direct Provision, 91 of them female. Over 20% of those victims have been residing in Direct Provision for over 3 years.

The Commission, as a National Rapporteur, takes special interest in the provision of safe and appropriate accommodation for victims of trafficking due to its centrality to the system of assistance. For this reason, the Second National Evaluation Report dedicates separate space and attention to the provision of accommodation. The Commission established failures in this regard predicated on the inappropriate legal framework used for accommodation of victims of trafficking in the State, namely the IP system. This has left victims of trafficking vulnerable to the exceptional difficulties this system experiences due to the increased number of applicants for IP and the insufficient capacity.

The Commission is concerned with the proposed reforms of housing legislation through a Housing (Miscellaneous Provisions) Bill (not published yet). It is envisaged that the policy position as set out in Circular 41/2012, dealing with access to social housing supports for non-Irish nationals, would be put on a statutory footing, and would also introduce a new condition of habitual residency. As with the application of the Circular at present, this upcoming piece of legislation will have a direct impact on the accommodation of victims of trafficking, in the absence of sufficient specialised short and medium-term accommodation. Relatedly, the Commission has been informed in 2022 that Regional Housing authorities reject victims of trafficking because victims have only a short-term permit of 6-months duration and cannot meet the threshold of Circular 41/2012,¹³⁷ requiring five years of continuous residence. Even though the Circular dates from 2012, its recent application to victims of trafficking (in the reporting period of this report) represents a policy development that further curtails the right of victims of trafficking to move on from Direct Provision (IP). The Circular impermissibly creates an exclusion from eligibility from social housing support, which is not found in law, and denies victims lawfully resident in the State accommodation to which as a matter of EU they are entitled to; namely, accommodation that is 'appropriate and safe'.

¹³⁷ Housing Circular 41/2012 (December, 2012) '[Access to social housing supports for non-Irish nationals – including clarification re Stamp 4 holders](#)'

We are deeply concerned about the resulting impact of the deteriorating conditions, exclusion of some trafficked victims from IPAS resettlement assistance, and application of Circular 41/2012, which has essentially left victims of trafficking in inappropriate and unsafe accommodation, with no possibility to move on from Direct Provision.

(21) How has trafficking in human beings been addressed in the context of migration, including trafficking in mixed migration flows, and the link with migrant smuggling as well as regular migration?

The Government continued to provide 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.

The IPO is responsible for processing and coordinating IP applications. In 2022, they reported 19 cases where human trafficking was central or a peripheral aspect of the application for IP. In five of them, a recommendation for IP or Permission to Remain were issued. All cases involving trafficking are referred to the IPO Human Trafficking Liaison Officer, who then refers the case to AGS. The majority of the cases were female (16) and three were male. Most were from Africa (16), one from Asia, one from non-EEA, and one from Latin America. The vast majority (17) of the recorded cases involved trafficking into prostitution, and in two of them labour exploitation was also present. In two further cases, exploitation was solely for labour.

Both the IPO and IPAS play important role in the process of detection of and response to potential victims of trafficking. On the basis of data provided by the IPO and IPAS, we observe that a proportion of victims of human trafficking seek IP in the State. For other victims, this is not a relevant legal framework or avenue to protection and assistance. While considering the IP status to be the highest level of protection a State can offer (benefitting a small proportion of trafficking victims in terms of stable legal status and family rights), we highlight that in terms of assistance, the system put in place for victims of trafficking is separate and distinct, especially designed to support victims of crime, including crimes often committed in the State.

(22)What measures have been taken to address the risks of trafficking in human beings among people fleeing Ukraine and to support the victims in the context of the implementation of the Common Anti-Trafficking Plan?¹³⁸

The Government launched a dedicated webpage aimed at centralising information for concerning Ireland's response to the Russian war against Ukraine.¹³⁹ This portal operating in Ukrainian and other relevant languages, directed offers of support from the general public, and offers of assistance from businesses in Ireland. The information for Ukrainians contains details of what to expect upon arrival in Ireland, and what processes concerning registration for temporary protection, receiving a PPS number and how accommodation may be provided.

As part of the Ukraine Civil Society Forum,¹⁴⁰ the Immigrant Council of Ireland have convened cluster meetings to monitor developments in relation to human trafficking within the context of those who have arrived in Ireland since February 2023. Mirroring the experience at European level, definitive cases where human trafficking occurred and was formally identified by authorities have not presented to support services or been formally identified by relevant authorities to date. However, there have been instances where suspicions of human trafficking have been detailed through media reports. In June 2022, the Department of Justice confirmed that there were two cases of which authorities were aware in which human trafficking was suspected, though not confirmed or formally identified.¹⁴¹ Similarly in July 2022, a case of suspected child trafficking of a Ukrainian minor was brought before the courts, but it is not clear to date if formal recognition of that child as having been identified as a victim of trafficking has occurred.¹⁴²

Widespread provision of accommodation and financial supports by the Irish government, coupled with the clear legal pathway to enter and reside provided by the waiving of entry visas and the provision of temporary protection may in time be found to have created a context where the likelihood of exploitation and human trafficking occurring was significantly diminished. However,

¹³⁸ European Commission Directorate –General for Migration and Home Affairs (2022) [Anti-Trafficking Plan to protect people fleeing the war in Ukraine](#) (11 May)

¹³⁹ See [Ireland's response to the Russian invasion of Ukraine](#) [website]

¹⁴⁰ Founded in March 2022, the Forum is funded by the Community Foundation of Ireland, and hosted by the Immigrant Council of Ireland and. As of May 2023, the forum membership comprised of 84 organisations, while their affiliations magnify the reach to a further 500+ organisations regionally. The objective of the Ukraine Civil Society Forum (UCSF) could be accessed here <https://www.immigrantcouncil.ie/campaign/ukraine-civil-society-forum>

¹⁴¹ Power J. (2022) '[Officials aware of two suspected cases of Ukrainians trafficked to Ireland](#)' *The Irish Times* (21 June)

¹⁴² Power J. (2022) '[Officials aware of two suspected cases of Ukrainians trafficked to Ireland](#)' *The Irish Times* (21 June)

in regard to the international context on this issue, the lack of formal identification of cases where trafficking has occurred in the movement of Ukrainian nationals to Ireland should be treated cautiously, as lack of detection may be evidence of a lag in the issue presenting rather than an absence of it having occurred.

Significant investment is needed to build trust and lines of communication with Ukrainian nationals residing in Ireland to create an environment where disclosures of issues of this nature may occur. Bridging the language barrier, provision of information on what the indicators of human trafficking are, providing environments for support and building trust, and access to mental health and gender-based violence supports are all crucial elements of creating the environment for disclosure and recovery. The detailed plan and recommended actions set out in the EU Anti-Trafficking Plan as articulated by the EU Anti-Trafficking Coordinator set out clear provisions for actions member States should take to respond in this area, and provides a crucial framework which Ireland must continue to incorporate into the national response.

(23) What measures have been taken to prevent and address trafficking in human beings of non-EU victims towards the EU, and protect them (e.g. prevention and awareness raising activities, partnerships with non-EU countries of origin and transit, operational actions, financial support, projects)?

The majority of victims identified in Ireland continue to be from outside the EU. While there are some good examples of measures aimed at protecting non-EU victims (detailed below), and some positive examples of joint investigations with other law enforcement agencies across the EU (detailed above), prevention and awareness raising focussing on non-EU victims is limited.

Given the vulnerability of this cohort of victims, the Commission has criticised the failure to provide for immigration permissions in statute as this seriously undermines the protections available to victims who are TCN, and in so doing, undermines the principle of assistance to victims that is not dependent on their cooperation with the criminal investigation. Moreover, the Commission is of the view that the Criminal Law (Sexual Offences and Human Trafficking) Bill, as currently drafted is not sufficiently clear on the rights and assistance suspected victims of trafficking can rely on before, during and after criminal investigation and proceedings.¹⁴³ This is

¹⁴³ IHREC (2023) [Submission on Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023](#)

compounded by the habitual residence conditions, which create yet additional barriers¹⁴⁴ to services.

We have continuously highlighted the need to have an equal and fair process for all victims of trafficking.¹⁴⁵ A fundamental principle of an NRM is that it must apply equally to all victims, regardless of their nationality, immigration status or pending asylum claims.¹⁴⁶ However, the decision not to place immigration-related measures - an integral part of assistance - in statute, undermines the equal treatment of victims of trafficking based on their backgrounds, origins and circumstances. Most concerning, this oversight will disproportionately affect TCN, who represent the majority of victims of human trafficking.¹⁴⁷ The Bill, as currently drafted, offers (by omission) different protections to victims, with some victims being treated less favourably than others based on their nationality. Failing to recognise the need to place such protections in statute is a serious omission and undermines the object and purpose of EU¹⁴⁸ and international law,¹⁴⁹ leaving victims unprotected and extremely vulnerable to being re-trafficked.

An example of efforts to reach potential TCN victims, is the AGS text message safeguarding campaign, which was launched in November 2022 to offer confidential support to those in the sex trade by sending details of services available in English, Romanian, Spanish and Portuguese. Additionally, AGS have two dedicated telephone numbers which they share with those in the sex

¹⁴⁴ The Department of Social Protection has issued guidelines for some victims covered by the AIA, to be deemed compliant with the HRC, provided such request is made by the HSE and with reference to an ongoing investigation; Gov.ie (2023) [Operational Guidelines: for Deciding Officers and Designated Persons on the determination of Habitual Residence. Right of Residency non EU/EEA nationals](#) [website]

¹⁴⁵ IHREC (2022) [Submission on Part 3 of the General Scheme of the Criminal Justice \(Sexual Offences and Human Trafficking\) Bill 2022](#); IHREC (2023) [Submission on Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023](#)

¹⁴⁶ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 15, 23, 26, and 81; GRETA (2022) [Evaluation Report Ireland. Third Evaluation Round. Access to Justice and Effective Remedies for Victims of Trafficking in Human Beings](#), para. 201

¹⁴⁷ See factsheets 1 and 2 of IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), pp. 178-181

¹⁴⁸ Most especially, Council Decision 2007/125/ JHA "Prevention of and Fight against Crime" which in Article 3(2)(c) and (d) seeks to 'promote and develop best practices for the protection and support of witnesses and for the protection of crime victims'; EU Directive 2004/81/EC regarding the issuing of residence permits to third-country nationals who are victims of trafficking, or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities; EU Directive 2004/80/EC relating to compensation to crime victims; EU Directive 2012/29/ EU establishing minimum standards on the rights, support and protection of victims of crime. It is recognised that Ireland has opted-out of some of these Directives

¹⁴⁹ Council of Europe Convention on Action against Trafficking in Human Beings 2005

trade that can be used to not only report a crime but also seek advice.¹⁵⁰ Over 6,000 text messages had been sent with NGOs reporting a positive reaction from the receivers.

In September 2022, AGS ran a second operation with the WRC focused on organised prostitution and trafficking for sexual and labour exploitation that consisted of four unannounced visits to massage parlours in Dublin, from which extensive intelligence was obtained.¹⁵¹

Funding

(24) What measures have been taken to take maximum advantage of shared management funding and via the available direct grants provided in various Commission funding instruments? Please elaborate on the allocation of resources for victim support services and to fight trafficking as a serious and organised crime.

During the reporting period, the Government continued to provide 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.

The Commission welcomes the increased funding for services to victims and awareness and training work, which has continued to increase year-on-year. A detailed analysis of the funding provided to CSO for the years 2021 and 2022 is available in the First and Second National Evaluation Reports, respectively, and a summary of the funding allocated during the reporting period is presented below.¹⁵²

In 2023, the Department of Justice allocated funding totaling €5.8m for more than 60 organisations for to support victims of crime, which may include victims of human trafficking. The €5.8m is an increase of over 25% on the previous total fund of €4.6m that was made available in 2022. Specifically relating to funding allocated to prevent and combat human trafficking the

¹⁵⁰ HREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#)

¹⁵¹ IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#)

¹⁵² IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 163; IHREC (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), pp. 199-200

following table shows a steady increase in funding that is vital given the recent increases in inflation and ‘cost of living’ crisis.

Organisation Name:	2021	2022	2023 allocation
Immigrant Council of Ireland	€120,000	€120,667	€127,000
Migrant Rights Centre Ireland	€83,500	€114,962	€130,000
Ruhama	€609,868	€705,217	€980,093
Total	705,368	940, 846	1,237,093
The Department of Justice also separately funded the International Organization for Migration (IOM)	€250,000		€535,807 for the PROTECT II project to end June 2023.