



IHREC
National Rapporteur
National Rapporteur on the
Trafficking of Human Beings

Trafficking in Human Beings in Ireland

Third Evaluation of the Implementation of the EU Anti-Trafficking
Directive - A Digest



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

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Foreword

The Commission, in its role as Ireland's Independent National Rapporteur on the Trafficking of Human Beings¹ is delighted to present 'Trafficking of Human Beings in Ireland: Third Evaluation of the Implementation of the EU Anti-Trafficking Directive in Ireland', which reports on the progress made and actions undertaken by the State to address and combat trafficking, in all its forms.

The Commission's task as Rapporteur is to provide effective, independent and meaningful oversight of the State's actions to combat human trafficking and protect victims. We continue to do this by highlighting the strengths and gaps, as well as identifying trends in the overall anti-trafficking response. The Commission's values are underpinned by a holistic, equality, human rights, victim-oriented, gender-specific and child-centred approach to human trafficking.

This Report builds on the detailed analysis of the First and Second National Evaluation Reports, assessing the actions and outcomes which occurred during 2023,² with reference to Articles 1-18 of the EU Anti-Trafficking Directive.³ This year's Report also undertakes an evaluation of the new minimum standards introduced by the recently adopted recast (amended) EU Anti-Trafficking Directive.⁴

The Commission was designated National Rapporteur on the Trafficking of Human Beings in 2020 and has been fulfilling this mandate since. We have strived to positively inform and contribute to the work towards full compliance with modern human rights standards, ensuring a proactive response to emerging challenges in the area of anti-human trafficking. Given the constant evolution of trends in the field and the aim of producing relevant and applicable knowledge, we have complemented our analysis of the implementation of the EU Anti-Trafficking Directive with additional thematic research.

¹ In October 2020 the Commission was designated as Ireland's Independent National Rapporteur on the Trafficking of Human Beings. This accords with the obligation set forth in Article 19 of the EU's Anti Trafficking Directive 2011 which introduced a legally binding requirement for all EU Member States to establish National Rapporteurs or equivalent mechanisms.

² While this Report is focused on 2023, key developments up to and including May 2024 have been included. Further important pieces of legislation have been enacted in Summer 2024, we have ensured that the findings of our analysis and recommendations remain valid.

³ 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

⁴ Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims

In particular, this year's Report examines emerging trends in trafficking, including the challenges presented by human trafficking for criminal activities in Ireland, the exploitation of surrogacy as one of the most concerning novel and emerging forms of trafficking, and the role of business and migrant employment regulation in the prevention of human trafficking. With our thematic research and analysis of emerging issues related to human trafficking from a national perspective, the Commission aims to increase the knowledge base and to provide an informed response to the ever-evolving crime of human trafficking, with a special focus on its victims/survivors. The proactive prevention of the crime of human trafficking remains a priority for the Commission as National Rapporteur.

This year's Report also coincided with a number of significant national and international developments during the reporting period (2023). These include the recast of the EU Anti-Trafficking Directive⁵ noted previously, the Third National Action Plan to prevent and combat Human Trafficking 2023-2027 ('NAP'),⁶ and the Criminal Justice (Sexual Offences and Human Trafficking) Bill 2023.⁷

The Commission welcomes these national and international developments, and believes that they will greatly improve the State's overall anti-trafficking response and, most importantly, the protection and assistance to victims/survivors of human trafficking.

The recast EU Anti-Trafficking Directive sets out new strengthened minimum standards of response, including by explicitly recognising novel forms of exploitation and the online dimension of trafficking, adding mandatory sanctions against legal persons, the criminalisation of the knowing use of exploited services, and establishing the obligation of yearly collection of statistics.

The publication of the NAP in November 2023 was welcomed by the Commission. In particular, we welcomed the concrete timings, responsibilities, and evaluation processes committed to in the Plan. However, we also highlighted the need to address some gaps that remain, calling for the NAP to be properly budgeted for, and for a clear allocation of resources for the commitments contained within it and flagging the absence of reference to age assessments.

Both the recast EU Anti-Trafficking Directive and the NAP will shape the anti-trafficking measures, policies, legislation, and actions in the upcoming years.

The Criminal Justice (Sexual Offences and Trafficking) Act 2024 now places on a statutory footing the new National Referral Mechanism ('NRM') for the Identification and Assistance of

⁵ [Directive \(EU\) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)

⁶ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#) (October 2023)

⁷ [Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023](#);

Victims of Trafficking, which is a first-of-a-kind in Europe and aims to improve the identification of victims in Ireland. The Act marks an important and significant step in ensuring a victim-centred NRM in law; a mechanism that includes a multidisciplinary approach and cooperation between State bodies and independent expert organisations. The Commission reiterates the need for the equal treatment of victims, regardless of their nationality, immigration circumstances or international protection claims. While the removal of references to IPAS in the Bill is welcomed, the new NRM must incorporate explicit provisions to ensure that International Protection can be sought at any moment in time – prior to, during, or after identification as a victim of trafficking. While we welcome the increased provisions for child victims and the inclusion of a presumption of minority, we remain concerned about the absence of a child specific identification process and the absence of any age-estimation assessment in the legislation. Mindful that the mechanism is intended to provide for both for identification and assistance of victims, the Commission has repeatedly called for more specifics on assistance and supports to be provided in the legislation. We remain concerned that too many important matters surrounding assistance are omitted from the statute.

The Commission looks forward to evaluating the implementation and results of these national and international developments as they reshape the State's response to human trafficking.

This Third National Evaluation Report would not have been possible without the unreserved support, commitment and open collaboration of survivors, Civil Society Organisations, policy makers, researchers, and essential cooperation from State Agencies. We, as a Commission, extend our sincere gratitude to all those who worked with us to bring this Report to fruition. We would like to thank particularly: the Health Service Executive, the Workplace Relations Commission, the International Protection Accommodation Services - Department of Children, Equality, Disability, Integration and Youth (DCEDIY), the International Protection Office, the Child and Family Agency Tusla, and the Legal Aid Board. Our gratitude also goes to the excellent Civil Society Organisations working in the field who support victims and raise awareness to prevent human trafficking in Ireland: AkiDWA, Doras, the Immigrant Council of Ireland, the International Transport Workers Federation (ITF), MECPATHS, the Migrant Rights Centre of Ireland (MRCI), Ruhama, the Sexual Violence Centre in Cork, and the International Organization for Migration (IOM). Special thanks go to Ruhama, MRCI, and the ITF for their invaluable assistance to the Commission in consulting survivors.

Our particular and special appreciation goes to the survivors who shared their time, insights and experiences of protection and assistance with the Commission. A recurring theme over the last three years of the Commission's direct consultation with survivors has been the vital role that CSO's play in the recovery of survivors. Survivors whom we have had the privilege to consult with generously shared their opinions and lived experiences so as to help improve the State's response to human trafficking and to protect others from experiencing what they have. We reiterate and underscore the need to employ a trauma-informed and victim-centred approach, and to involve survivors' voices in consultations on the development of policy and

legislation. Survivor engagement remains a central tenet of the Commission's work as National Rapporteur.

We hope this Report will invigorate everyone involved in anti-trafficking efforts to continue our united fight against this heinous crime. The Commission has provided analysis that not only critically assesses the gaps in the anti-trafficking response, but also recognises the important achievements which have occurred in the reporting period. We must continue our work together against the harms of human trafficking. We hope that this Report will build on the previous two reports, acting as an evidence base and catalyst for change, contributing to informing the progression of work in Ireland to prevent human trafficking, and to provide protection and support to those who need it most. We must continue to work together to combat the pervasive harm and violence of human trafficking.

A handwritten signature in black ink, appearing to read 'Lucy Michael', with a stylized, flowing script.

Dr. Lucy Michael

Member of the Commission

August 2024

Executive Summary

This Report, covering the period from January to December 2023, is the Commission's Third National Evaluation Report since its designation as Ireland's Independent National Rapporteur on the Trafficking of Human Beings. The Commission has adopted the tasks as set out under Article 19 of the EU Anti-Trafficking Directive,⁸ including the assessment of trends, the measuring of results of anti-trafficking actions, the gathering of statistics, and reporting.

By producing and publishing National Evaluation Reports, we aim to provide a comprehensive review and evaluation of the binding provisions of the EU Anti-Trafficking Directive, which serves as the framework for addressing trafficking in human beings in Ireland.

Following the format of the First and Second National Evaluation Reports, we review each Article of the EU Anti-Trafficking Directive, we provide any relevant updates, we identify positive developments, and we highlight any gaps. All of this informs our most up-to-date recommendations to the State.

This year's Article analysis has been enriched by two seminal documents – the recently agreed recast EU Anti-Trafficking Directive⁹ and the Third National Action Plan to Prevent and Combat Human Trafficking 2023-2027 ('NAP').¹⁰ The Directive is setting new minimum standards of response, which Ireland is obliged to transpose by June 2026. Both documents will be shaping anti- trafficking measures, legislation, and actions in the upcoming years.

We are delighted to be able to supplement our standard Report in Chapter 1 with three thematic chapters, which explore the issues of: trafficking for the purpose of criminal activities, exploitative surrogacy, and business and employment regulations as a method of prevention, respectively. In identifying areas of additional research, we are often guided by considerations, such as the novelty of the phenomenon, changes in trends, existing gaps in knowledge and a dearth of research, or expected significant changes in such areas.

This Report would not have been possible without the invaluable cooperation of State agencies and specialist Civil Society Organisations ('CSO'), which we are honoured to have received each year since our designation as Ireland's National Rapporteur on the Trafficking of Human Beings. We are also honoured to again have had the privilege to consult with survivors of human trafficking, who have been recovering in the State from their ordeal. We

⁸ [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](#)

⁹ [Directive \(EU\) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)

¹⁰ Government of Ireland (2023) [National Action Plan to Prevent and Combat Human Trafficking 2023-2027](#)

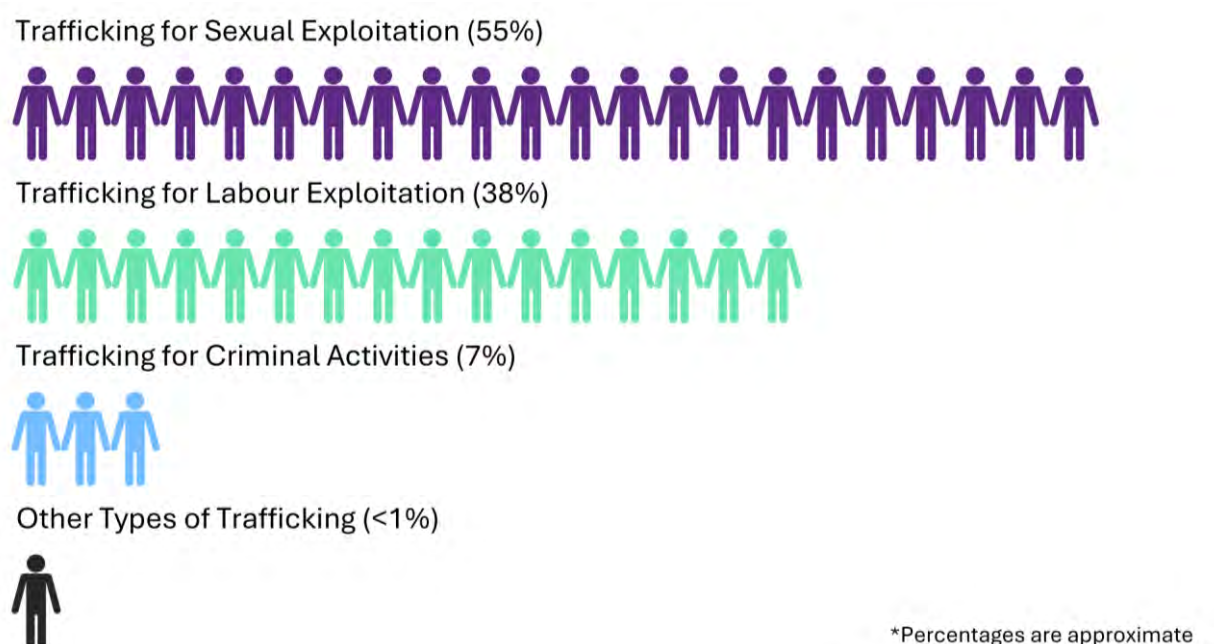
have been humbled and privileged to listen to their experiences and to incorporate their opinions on anti-trafficking into our analysis.

With our Reports we endeavour to provide a snapshot of the current anti-trafficking efforts and to offer analysis that adds value to the national response, by assisting policy makers and practitioners working in the field in making informed decisions. We try to highlight good practice and interesting approaches that could be of assistance to professionals working on combatting human trafficking and protecting victims. Finally, we are hoping that the Report will contribute to the general public awareness of the despicable crime of human trafficking and the serious multifaceted efforts required to tackle it

While this Report is focused on 2023, key developments up to and including May 2024 have been included. Further important pieces of legislation have been enacted in Summer 2024, we have ensured that the findings of our analysis and recommendations remain valid.

Multiannual Trends

Figure 1: Victims of Human Trafficking 2013-2023



The data trends have remained largely consistent over the last eleven years (2013-2023). Ireland remains primarily a destination for trafficking in persons. In total, 566 people have been identified as victims of trafficking since 2013. The most frequently detected forms of trafficking in Ireland continue to be trafficking for the purpose of sexual exploitation ('TSE'), trafficking for the purpose of labour exploitation ('TLE'), and trafficking for the purpose of criminal activities ('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 of a migrant background. Africa and the European Economic Area ('EEA') and, to a lesser, extent

Asia, Europe (non-EEA), and Latin America, are the most common regions of origin for victims of trafficking in Ireland. Most victims of TSE are from the African continent, while the EEA and Asia are represented in TLE. TCA mainly affects people from Asia and the EEA.

Multiannual data from the National Referral Mechanism ('NRM') for the identification and assistance of victims of trafficking shows that TSE accounts for 55% of all identified cases, followed by TLE (38% of all identified cases), and TCA (7% of all identified cases). It is important to remind that about 40% or more of the cases are never identified.

Over the last three years, from 2021 to 2023, there were 139 victims of trafficking identified in Ireland, which is up by 12% compared to the previous three-year period (2019-2021),¹¹ which shows significant increase.

The total number of victims of trafficking in 2023¹² represents a 20% increase from 2021, which is a significant increase that has occurred within a relatively short period of time. This also demonstrates that the capacity to identify victims of trafficking in Ireland has increased.

Over the last three years, TSE and TLE show a slight increasing and decreasing trend, respectively. The more notable change has occurred in respect of TCA identified victims of trafficking, which has risen from 0 (in 2021) to 9 (in 2023). TCA represents 17% of all victims of trafficking identified in 2023, which is significant. We have included a special overview of TCA in [Chapter 2](#) of this Report.

The national multiannual official data demonstrates the highly gendered aspect of human trafficking, which proves to be a consistent trend in Ireland (as well as overall in the EU). Overall, more women (68%) are victims of human trafficking than men (32%). Over the years, there has been only one case of a transgender victim of human trafficking officially recorded.

Figure 2: Victims of Trafficking by gender 2013-2023



¹¹ Three annual periods are a timeframe for assessment of human trafficking trends in the European Union.

¹² 53 officially identified/accepted into the current national referral mechanism

The gender dimension of human trafficking is particularly evident in TSE, where over 96% of victims are women. TLE is also gendered, but to a lesser extent, and it affects more men (69%).

Figure 3: Trafficking for Labour Exploitation 2013-2023, by Gender

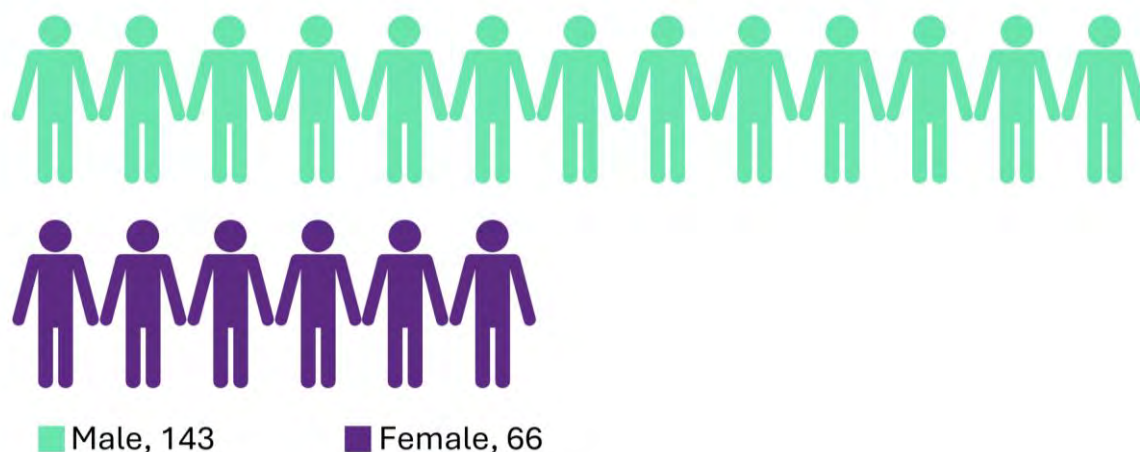


Figure 4: Trafficking for Sexual Exploitation 2013-2023, by Gender

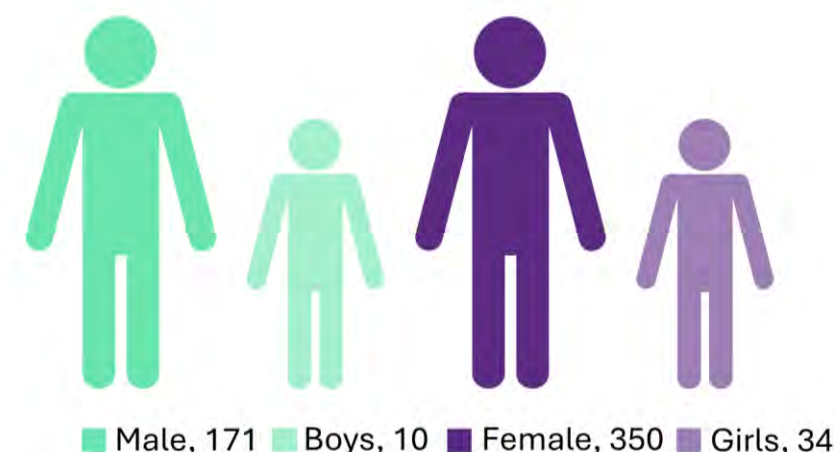


Children represent 8% of all victims of trafficking in Ireland. 44 children have been officially recognised as victims of trafficking in Ireland since 2013 (among a total of 566 victims identified). This is significantly less than the most recent EU average (15%).¹³ Similarly to the gender demographics in adults, the data shows that more girls than boys are trafficked at 9% and 5% of all victims identified, respectively. 77% of child victims of trafficking identified are

¹³ Directorate-General for Migration and Home Affairs (2024) '[Newly released data show an increase of trafficking in human beings](#)' European Commission (28 February)

girls. No child victims of trafficking were identified in 2020 and 2021. In 2022 and 2023, 5 child victims of trafficking were identified each year as suspected victims of trafficking – 8 girls and 2 boys. The majority of these were victims of TSE (6), followed by TCA (3), and TLE (1).

Figure 5: Victims of Trafficking by gender and age 2013-2023



Data shows that prostitution is a high-risk environment for sexual exploitation in Ireland. The EU identifies prostitution, escort agencies, the pornography industry, massage parlours, and bars and nightclubs as high-risk environments for sexual exploitation. Agriculture, construction, seasonal work, food processing, hospitality, carwashes, and cleaning and domestic work are some of the high-risk sectors identified for TLE. Further information on trends and statistics is provided in [Appendix 2](#).

National Anti-Trafficking Response: Progress and Gaps

During the reporting period from January to December 2023, there have been some significant developments at national level. In [Chapter 1](#), the Commission is happy to direct attention to a range of matters in which national progress has been made. These include but are not limited to:

1. the publication by the Government of the Criminal Law (Sexual Offences and Human Trafficking) Bill 2023, which has adopted important improvements from the pre-legislative stage;
2. the release of the Third National Action Plan to prevent and combat Human Trafficking; and
3. the opening of the first gender-specific pilot shelter for victims of trafficking.

We greatly welcome these developments as they have the potential to significantly improve the overall anti-trafficking response, and crucially, they will improve the necessary protections and supports victims/survivors need to restore their human rights.

Perhaps the most significant development, not just in the reporting period, but also in the last 15 years, has been the publication of the **Criminal Law (Sexual Offences and Human Trafficking) Bill 2023**.¹⁴ The Commission welcomes the significant advances contained within the Bill as well as the improvements since the pre-legislative stage, in particular:

- › The multidisciplinary decision making body, also including independent organisations;
- › The two stage procedure which triggers assistance to victims early;
- › The inclusion of an independent appeal mechanism, which the Commission considers a best practice approach;
- › The provisions for people with reduced capacity to consent and children within the identification process;
- › The removal of the additional test of ‘credibility’ in the assessment of the identification of victims of trafficking; and
- › The inclusion of a presumption of minority.¹⁵

Despite these developments, there are areas of great concern that persist, such as the need for: the provision of detailed assistance in law; immigration permits provided as a key part of assistance to third-country nationals who need it; equity of treatment of victims; special identification procedures for child victims of trafficking; and statutory measures for protection against prosecution. The Commission will follow closely how these matters are addressed in the design of the Operational Guidelines under the new National Referral Mechanism.

Chapter 1 also extensively references the new **Third National Action Plan to prevent and combat Human Trafficking 2023-2027**,¹⁶ which has been welcomed for its clear timelines, objectives, responsibilities, and evaluation processes. Especially welcome in the Plan are: the commitment to engagement with survivors, the commitment to developing a comprehensive training framework for professionals likely to encounter victims, the commitment to engage with the findings of the review of the Law Reform Commission on Compensation to ensure that victims of all forms of trafficking have realistic chances of compensation, the commitment to study the approach to trafficking for forced labour, and the commitment to provide expungement of past criminal convictions in regard to prostitution, to name a few. There are still outstanding matters that must be considered within the lifetime of this Plan, such as age estimation procedures, the designation of appropriate budget for

¹⁴ [Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023](#)

¹⁵ This is in line with the EU Directive: 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 “Where the age of a person subject to trafficking is uncertain, and there are reasons to believe it is less than 18 years, that person should be presumed to be a child and receive immediate assistance, support and protection.”

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

implementation, and the need to review and amend the Plan in accordance with the new standards introduced by the transposition of the recast EU Anti-Trafficking Directive.

An extremely positive development within the reporting period is the opening of the **first gender-specific shelter**. This shelter has already attracted positive feedback, and one of the key recommendations of the Commission is that this shelter be replicated in sufficient numbers (current capacity is just 8 beds) so as to eradicate the need for the accommodation of victims of trafficking within the International Protection (Direct Provision) system.

While there have been significant and positive national developments that could lead to tangible advances in victims' assistance, the prosecution efforts in the reporting period have not resulted in any successful convictions. However, of note is the increased number of investigations and prosecutions for trafficking-related offences and the first prosecution of traffickers for forced labour, which is commendable.

The prevention work undertaken has been extensive, even though no one uniform national public awareness campaign can be singled out by the Commission in the reporting period. In this area, the NAP has the potential to provide a much needed synchronicity in terms of efforts and allocation of resources.

Chapter 1 identifies many other positive initiatives and commitments undertaken in Ireland with reference to the implementation of various provisions of the Directive. Any outstanding matters or areas of opportunity have been addressed by the Commission, followed by the usual dedicated recommendations.

Trafficking for Criminal Exploitation: What do we know?

In this [Chapter](#), we provide a better understanding of Trafficking for Forced Criminality (or trafficking for criminal activities (TCA)), which is a somewhat overlooked subsection of human trafficking, by exploring several pertinent aspects. We analyse the existing legal and academic definitions, demonstrating their broadness and conceptually incomplete development. The phenomenon of criminal exploitation existing without the trafficking concept was highlighted by the Greentown intervention project.¹⁷ We then review the limited academic, grey and media literature on the prevalence and structure of criminal exploitation within Irish drug markets, focussing on its prevalence and mechanisms. We highlight how 'there is a dearth of official information' in Ireland, and that specialist CSO and media reports focus predominantly on cannabis cultivation,¹⁸ and how little has changed, although there has been greater focus on exploitation within local drug markets. Key findings include the continued need for non-

¹⁷ Redmond, S. (2020) ['How Irish crime gangs are a hidden threat to child well-being'](#) RTÉ (21 January)

¹⁸ RACE (2014) [Trafficking for Forced Criminal Activities and Begging in Europe: Exploratory Study and Good Practice Examples](#)

prosecution principles to be put into statute, which is of particular importance for victims of TCA; and the need for further efforts to ensure early identification of suspected TCA to avoid victims being incarcerated and prosecuted. We call for: a national taskforce to help define the issue and for its findings to feed up to European level; an awareness campaign; the development of systematic data collection across all State agencies who may encounter victims; a training programme to assist practitioners with identification of victims, including advanced interview techniques for vulnerable people/suspects; independent Department of Justice funded research; and the convening of local and national operational taskforces to share formal data, informal knowledge, and intelligence.

Surrogacy, an Emerging Form of Trafficking Exploitation

Recently, the recast EU Anti-Trafficking Directive included exploitative surrogacy as a form of human trafficking exploitation, in light “of the gravity of those practices, and in order to tackle the steady increase in the number and relevance of offences.”¹⁹ The global surrogacy industry is expected to grow ten-fold within the coming decade to approximately \$130 billion.²⁰ Relevant legislative framework in this area is currently under development in Ireland, in the form of the Health (Assisted Human Reproduction) Bill 2023 (‘AHR Bill’). The Bill as initiated, was for domestic altruistic surrogacy²¹ but was later supplemented with very significant proposed amendments regulating international surrogacy. These are aimed at providing a route to formal recognition by the State of prospective surrogacy arrangements undertaken by Irish residents in other jurisdictions.²² Part 8 of the AHR Bill also contains measures aimed at upholding and safeguarding the rights of the parties in international surrogacy agreements.

This [Chapter](#) considers whether the proposed amendments are compatible with the obligations of the recast Anti-Trafficking Directive’s provisions to combat and prevent trafficking for exploitation of surrogacy and to protect its victims:

“More specifically, as regards trafficking for the exploitation of surrogacy, this Directive targets those who coerce or deceive women into acting as surrogate mothers.”²³

The Chapter presents the Commission’s concerns that there had not been sufficient time and regard given to the State’s obligation to prevent and combat exploitative surrogacy as a form of human trafficking.

¹⁹ Recital 6 of the recast [Directive \(EU\) 2024/1712 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims](#)

²⁰ The Economist, “What’s driving the baby-business boom?” (21 September 2023).

²¹ [Health \(Assisted Human Reproduction\) Bill 2022 as initiated](#), Section 54 and Section 55

²² https://www.oireachtas.ie/en/debates/debate/select_committee_on_health/2024-03-06/2/

²³ [Recast EU Anti-Trafficking Directive](#), Recital 6 and Article 2(5)

It points at the benefit of ensuring a minimum standard of ethics and protection between domestic surrogacy and international surrogacy arrangements, questioning the role of intermediaries within the market reality. It recommends that the State examine whether the situation requires further synchronisation between the AHR Bill and the national human trafficking legislation. Taking into account the complexity and novelty of the issues involved – and their importance to the parties to surrogacy as well as to the State’s obligations to fight human exploitation - the Commission recommends that the Government allows sufficient time for the input of all relevant stakeholders to be sought and for the provisions of the Bill as they relate to human trafficking to be properly debated.

Business, Employment Rules and Trafficking

This [Chapter](#) aims to support understanding of the role that business and migrant employment regulation can play in combatting trafficking for the purpose of labour exploitation. Business decisions, such as outsourcing and subcontracting for the purposes of product cost reduction, and the restrictive regulations of the employment of third-country nationals, potentially contribute to labour exploitation.

The Chapter offers a review of legal instruments with a distinct focus on protection measures. First, it examines a selection of relevant national and EU-level legislation - the *Employers Sanctions Directive*²⁴, the *Seasonal Workers Directive*²⁵, and the *Employment Permits Bill 2022*²⁶, with a view to exploring the role it can play in protecting workers and potential victims of trafficking and closing exploitation niches. We also present the Private Members’ Labour Exploitation and Trafficking (Audit of Supply Chains) Bill²⁷, as a national legislative development of relevance. The second section briefly examines the recently agreed *Corporate Sustainability Due Diligence Directive*²⁸ and the *Regulation enabling the EU to prohibit the sale, import, and export of goods made using forced labour*²⁹, and the role that these can play in preventing exploitation.

Key findings include the continued need for a standalone offence of labour exploitation and how this is a gap in the approach towards tackling forced labour in Ireland.³⁰ We highlight the

²⁴ [Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards and measures against employees of illegally staying third-country nationals](#)

²⁵ [Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers](#)

²⁶ [Employment Permits Bill 2022](#)

²⁷ [Labour Exploitation and Trafficking \(Audit of Supply Chains\) Bill 2021](#)

²⁸ [Texts adopted - Corporate Sustainability Due Diligence - Wednesday, 24 April 2024 \(europa.eu\)](#)

²⁹ [Texts adopted - Prohibiting products made with forced labour on the Union market - Tuesday, 23 April 2024 \(europa.eu\)](#)

³⁰ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#)

potential benefits of the State opting into relevant EU legislation with a view to tracking the minimum standards in the protection of migrant workers. EU-wide efforts towards large businesses' responsibilities to human rights in terms of their business activities and supply chains, and the agreements achieved in this regard are presented, while the opportunity for greater synchronicity with the human trafficking framework has been found to be missing.

Recommendations



Recommendations Chapter 1- Implementation of the Anti-Trafficking Directive

Subject Matter – Focus on Gender and Disability (Article 1)

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

The Commission recommends that the State engages with the early transposition of the recast EU Anti-Trafficking Directive, which benefits potential victims of trafficking with disabilities.

The Commission recommends that the State:

- › develops a human trafficking data system that includes the possibility to account for disabled victims/survivors; and,
- › mandates all State agencies and bodies involved in the response to human trafficking (especially the State Departments and Agencies designated as Competent Authorities under the revised National Referral Mechanism) to take steps to ensure that their respective data systems capture disaggregated data on human trafficking, including data on disabilities.

The Commission recommends that the State fully implements the rights of persons with disabilities contained in the United Nations Convention on the Rights of Persons with Disabilities.

The Commission recommends that the State consider the particular needs of victims of human trafficking with disabilities in their anti-human trafficking response, including but not limited to, ensuring services (such as shelters) for victims are fully accessible to disabled people and designed considering diverse needs, in line with Article 9 of the UN Convention on the Rights of Persons with Disabilities.

Criminalisation of Human Trafficking (Article 2-10)

The Commission recommends that to achieve definitional clarity, the Criminal Law (Human Trafficking) Act 2008 (as amended) be amended to include the offence of trafficking of children for sexual exploitation, with all necessary consequential amendments to the 1998 Act.

The Commission reiterates its recommendation that the interplay between the offences contained in the Criminal Justice (Engagement of Children in Criminal Activity) 2024 Act and the trafficking offences outlined in the 2008 Trafficking Act (as amended) are recognised as forming part of a continuum of the exploitation of children for criminal gain and not as wholly distinct and separate offences. Irrespective of the offences charged, the children involved must receive protection, assistance and non-punishment for the offences they were forced to commit, either as identified victims of trafficking and/or as victims of crime.

The Commission recommends that the State ensures that children of migrant background (irrespective of their status and guardianship situation), also benefit from the preventive programmes and resources invested by the State.

The Commission recommends that detailed analysis of the relevant national legislation is undertaken by the State to ensure that transposition of the recast Directive fully meets the objective and purpose of this new Directive including its expanded definitions. Furthermore, that the Third National Action Plan is amended to reflect the actions needed, and that all legislation enacted during the transposition period fully respect the doctrine of consistent interpretation of EU law.

Penalties (Article 4)

The Commission recommends that work is undertaken to examine the most effective way of ensuring that where a perpetrator of trafficking has facilitated or committed, by means of information and communication technologies, the dissemination of images or videos or similar material of a sexual nature involving the victim, that such circumstances be regarded as aggravating factors in sentencing.

The Commission recommends that the State use every available avenue to address technology-facilitated trafficking through penalties that exceed the minimum requirements of the recast Directive, for example, by making the use of internet-based tools in the commission of the crime of human trafficking an aggravated offence.

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

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

The Commission reiterates its recommendations on addressing the online dimension of trafficking contained in the Second Evaluation Report that:³¹

- › the State develops extensive public awareness and educational programmes for young people, especially girls, to highlight the risks on social platforms of being groomed and recruited into the sex trade;

³¹ Irish Human Rights and Equality Commission (2023) [Trafficking in Human Beings in Ireland. Second Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), pp. 240-241

- › national State-led campaigns are developed, targeted at demand, in particular, addressing young men as potential buyers;
- › An Garda Síochána are resourced to allow for the monitoring of prostitution advertising websites to identify vulnerability, control, organising and trafficking;
- › An Garda Síochána develops specific law enforcement measures to disrupt the business model and profits of prostitution advertising websites;
- › the Department of Justice develops a long-term legal and enforcement framework for prosecuting sites such as Escort Ireland for advertising the sale of controlled and trafficked women and minors and for profiting from the prostitution of others;
- › in the light of the war on Ukraine, trends in the marketplace are monitored, paying particular attention to increases in advertisements for Ukrainian, East European/Slavic or ‘new’ persons selling sex; increases of content related to Ukrainian/Eastern European/Slavic women on pornographic websites; and increases in online searches for Ukrainian pornography or ‘escorts’, and Ukrainian women or girls for sex/marriage/dates;
- › sex buyers’ review forums are monitored by law enforcement, NGOs, and academics in order to identify trends related to sexual exploitation;
- › specialist services are resourced to meet the needs of women and provide pathways and support for exiting the sex trade;
- › the Garda National Protective Services Bureau are resourced to ensure that it can continue to tackle organised crime in the sex trade, to prosecute buyers and to protect women and girls who are being sexually exploited;
- › the Department of Justice, as National Coordinator, develops, in collaboration with other experts, detailed guidance on how the current legislation is applicable to the online dimension of human trafficking for sexual exploitation;
- › the Government procures wide and comprehensive research on the online dimension of human trafficking for sexual exploitation in Ireland, including an extensive analysis of data contained in online environments available for traffickers, from prostitution advertising websites such as Escort Ireland to social media platforms;

- › the capacity and knowledge of those responsible for investigating cases of prostitution and trafficking for sexual exploitation be increased, through the inclusion of the latest technologies;³²
- › the National Coordinator develops and chairs a Forum to examine ways to disrupt demand and combat technology facilitated trafficking. This Forum must be multi-disciplinary, bringing together technology experts, law enforcement, legal experts, data analysts, social scientists, health professionals and NGOs;
- › Ireland examines ways to use its unique position as EU headquarters for the biggest social media companies to enforce minimum standards to protect users against exploitation and human trafficking; and
- › legislative reforms that have been effective in disrupting the operations of prostitution advertising websites in other jurisdictions – e.g. France, US, Sweden are examined to see how they are disrupting the market.

Sanctions on Legal Persons (Article 6)

The Commission reiterates its recommendation that the State steps up its efforts to punish all legal entities implicated in human trafficking by criminal and non-criminal sanctions. This includes civil and criminal liability of online platforms, including websites, as well as their administrators, for complicity in human trafficking, e.g. facilitating or allowing exploitative acts – such as recruitment or advertising of trafficking victims – when such platforms knew or had reason to know of the exploitation.

The Commission reiterates its recommendation that the Department of Justice develops a long-term legal and enforcement framework for prosecuting platforms and websites that advertise the sale of controlled and trafficked women and minors and for profiting from the prostitution of others. An Garda Síochána must be fully resourced to allow them to monitor these advertising websites to identify vulnerability, control, organising and trafficking.

³² The GNSB team has secured a place for an ICT/digital content officer to be recruited in 2024, which is very practical and necessary in light of the increased use of internet technologies within the sex trade and in general in human trafficking. The

The Commission recommends that at a minimum, statute should be introduced to include the full range of the recast Directive optional criminal or non-criminal sanctions or measures:

- (a) exclusion from entitlement to public benefits or aid;
- (b) exclusions from access to public funding, including tender procedures, grants, concessions and licences;
- (c) temporary or permanent disqualification from the practice of business activities;
- (d) withdrawal of permits and authorisations to pursue activities which have resulted in committing the offence;
- (e) placing under judicial supervision;
- (f) judicial winding-up;
- (g) closure of establishments used for committing the offence; and
- (h) where there is a public interest, publication of all or part of the judicial decision that relates to the criminal offence committed and the sanctions or measures imposed, without prejudice to rules on privacy and the protection of personal data.

Seizure and Confiscation (Article 7)

The Commission recommends that the State re-examines the decision to opt-out of the Directive on Asset Recovery and Confiscation as this may be an opportunity to further strengthen efforts to harmonise the approach across Europe to better target and combat the pan-European and organised crime nature of human trafficking.

Non-Prosecution of Victims (Article 8)

The Commission again reiterates its recommendation that to adhere fully to the non-punishment principle, the Criminal Justice (Sexual Offences and Trafficking) Bill 2023 should amend the Criminal Law (Human Trafficking) Act 2008 to include a specific statutory defence for victims of trafficking where they have committed crimes “as a direct consequence of them being trafficked.

The Commission reiterates its recommendation for the wider application of the retrospective expungement of criminal records of victims of trafficking where they have been forced to commit such crimes as a direct result of them having been trafficked.

Investigation and Prosecution (Article 9)

The Commission recommends that the Third National Action Plan 2023-2027 is amended to include detailed actions to expand, support, and enhance the development and knowledge of An Garda Síochána and the Office of the Director of Public Prosecutions to fully integrate technological solutions to better investigate and prosecute trafficking offences.

The Commission reiterates its recommendation that victims' rights and their experiences be at the centre of all efforts – both legal and policy – to combat trafficking, and that every potential victim be appointed a Garda Liaison Officer from the beginning of the investigation.

The Commission reiterates its recommendations for:

- › increased specialist knowledge and increased resourcing of the Garda National Protective Services Bureau to ensure that they can continue to tackle human trafficking and organised crime;
- › 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;
- › guidance on how the current legislation is applicable to the online dimension of human trafficking;
- › the establishment of a Forum to examine ways to disrupt demand and combat technology-facilitated trafficking;
- › accession to the Budapest Convention on Cybercrime; and
- › an examination of ways to use its unique position as EU host of headquarters of the biggest social medial companies to enforce minimum standards to protect its users against exploitation.

Assistance and Support of Victims of Trafficking (Article 11)

Conditions of Assistance

The Commission recommends that the State ensures that all victims receive specialised assistance for victims of human trafficking, reiterating that this assistance must be provided regardless of their origin, nationality, statelessness, immigration status or a pending International Protection claim, as the recast Directive obliges.

The Commission recommends that State Agencies and specialist organisations nominated as ‘Competent Authorities’ or likely ‘Trusted Partners’ are entitled to trigger or extend the provision of assistance, including by making recommendations for immigration status that allows access to assistance, where the victim’s circumstances so require.

The Commission reiterates its recommendation that the proposed new National Referral Mechanism incorporates explicit provisions to ensure that International Protection can be pursued at any moment in time – prior to, during, or after identification as a victim of trafficking. The Commission additionally recommends that this is without impact on the victim’s access to specialised assistance designed for victims of trafficking.

The Commission recommends that access to International Protection is provided without any impact on the victim’s access to specialised assistance designed for victims of trafficking.

The Commission reiterates its recommendation that the HSE Anti-Human Trafficking Team is entrusted with a clear role in the new National Referral Mechanism and resourced for wide geographical reach, due to its victim-centred, disability-sensitive and gender-specific approach.

Mechanism for Early Identification

The Commission recommends that the State develops National Referral Mechanism Guidelines for centralised uniform data-collection, and launch a data system to which all Competent Authorities and Trusted Partners must contribute information, and which will facilitate the State in its new annual reporting obligations under Article 19b of the recast Directive.

The Commission recommends that all government Agencies and Departments who are part of the new National Referral Mechanism develop data systems that are:

- › designed to meet the requirements of the new National Referral Mechanism, including the Operational Guidelines;
- › fully compatible with other Competent Authority and Trusted Partner systems;
- › capturing and disaggregating data with ease; and
- › user-friendly.

The Commission reiterates its recommendation that the National Referral Mechanism legislation clearly sets out the specialised assistance and support for suspected victims of trafficking, providing equity of care for all victims.

The Commission recommends that the National Referral Mechanism legislation clearly sets out the necessary immigration provisions for third-country national victims and stateless persons allowing access to the specialised measures for all victims.

The Commission reiterates its recommendation that the National Referral Mechanism legislation explicitly states that assistance and supports are not conditional on cooperation with criminal investigations and proceedings.

The Commission reiterates its recommendation that the Department of Social Protection explicitly exempts all victims of human trafficking from the Habitual Residence Condition to access statutory assistance.

The Commission recommends that the State invests in the adoption of the OSCE Simulation Training (the creation of which was supported and co-funded by the Irish State) designed for testing and improved implementation of National Referral Mechanisms, which particularly benefits countries that are implementing new mechanisms, as is the case in Ireland.

The Commission reiterates its recommendation that the identification procedure is made applicable to all suspected victims of trafficking and that it involves transparent decision making with timely confirmation of victim status to the individual and their legal representative. Such a procedure must include an appeals process.

Efforts for Proactive Detection

The Commission recommends that the Labour Inspectorate capacity is increased as planned, and maintained at levels allowing the Workplace Relations Commission to fulfil its functions as Competent Authority in the new National Referral Mechanism in the anti-trafficking area, and a key body in preventing labour exploitation in Ireland.

The Commission recommends that the newly recruited labour inspectors receive mandatory training on human trafficking as early as possible to allow them to contribute to the efforts around early detection of possible victims and that the Workplace Relations Commission ensures all inspectors are sufficiently trained in accordance with the agency's role in the new National Referral Mechanism.

The Commission recommends that the Workplace Relations Commission considers and plans for strengthened and clearly communicated fire-walls between immigration enforcement and labour inspections, deriving from the role of the Workplace Relations Commission as a Competent Authority in the National Referral Mechanism, which in addition to facilitating reports of possible exploitation, has to protect the principle of non-punishment of detected victims of trafficking.

The Commission recommends that the targeted inspections of high-risk sectors for human trafficking become a permanent practice of the Workplace Relations Commission, as a tool towards screening and early detection of possible cases of human trafficking.

The Commission recommends that the State uses its bilateral and international connections to seek and establish clarity regarding the responsibility in reported cases of exploitation and potential human trafficking on foreign-flagged vessels operating in Irish waters.

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

The Commission recommends that the State takes urgent measures to move from pilot arrangements to Vulnerability Assessment Screening of international protection applicants as the Recast Reception Condition Directive international commitment requires.

The Commission recommends that Vulnerability Assessments are resumed as quickly as possible and deployed widely as a viable tool for early detection of trafficking cases among the applicants for International Protection.

Accommodation and Other Assistance

The Commission reiterates its recommendation that assistance and support for victims is enshrined in primary legislation.

The Commission recommends that the Operational Guidelines supplementing the revised National Referral Mechanism make it explicitly clear that all victims of trafficking are entitled to assistance, which is based on their individual needs but does not prejudice their choices, including their right to seek and enjoy International Protection.

The Commission recommends that the envisaged Housing (Miscellaneous Provisions) Bill 2024 is drafted in a way that ensures the five years reckonable residency requirement does not apply to victims of trafficking in a manner that is contrary to the EU Anti-Trafficking Directive.

The Commission recommends that the pilot shelter is swiftly evaluated and replicated in sufficient numbers to accommodate, in a gender-specific manner, victims of trafficking recovering from gender-based violence trauma.

The Commission recommends that the State plans for, and invests in, a sufficient number of gender-specific shelters and appropriate interim accommodation to satisfy the need for accommodation of victims of trafficking, in line with the required standards in the recast EU Anti-Trafficking Directive.

The Commission recommends that gender-specific shelters are afforded the facilities to cater for victims who are mothers with children, given the significant proportion of female victims accompanied by children.

The Commission recommends that specialised shelters also be opened for male victims of trafficking, as well as for entire families, whenever such needs arise.

The Commission recommends that the actions of the Third National Action Plan 2023-2027 are implemented independently and irrespective of the transformations envisaged for the International Protection Accommodation Service as a whole.

The Commission recommends that the State makes provisions to ensure medical and psychological assistance to victims in all areas of Ireland, due to the present geographical dispersal of victims.

The Commission recommends that the funding of the HSE Anti-Human Trafficking Team service is enhanced to ensure branching out and geographical coverage throughout the country.

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

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

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

The Commission recommends that the State provides sustainable funding to specialist Civil Society Organisations providing services for victims of trafficking.

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

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

The Commission reiterates its recommendation that the Legal Aid Board is sufficiently resourced to meet the EU Anti-Trafficking Directive obligations. Along with an increase in permanent staff, this must also include clerical and administrative assistance to support the coordination with outside stakeholders, maintenance of the case management system, and data collection.

The Commission recommends that the Legal Aid Board invests in an improved data system that meets the needs of the legal case work and data analysis, in order to better track and assess the investment in the provision of legal services to victims of trafficking by the State.

The Commission reiterates its recommendation that survivors' legal needs must be a priority issue in the Review of Civil Legal Aid. The Review must consider the legislative reforms needed to expand the remit of the Legal Aid Board to offer legal advice, assistance and, where necessary, representation to victims of human trafficking in all relevant matters, both criminal and civil, including compensation, and before the Workplace Relations Commission.

The Commission reiterates its recommendation that the State must provide increased, multiannual funding to established independent law centres.

The Commission recommends that the State considers supporting independent law centres that wish to provide legal service to victims of trafficking outside of Dublin to ensure geographical spread of this vital type of assistance.

The Commission reiterates its recommendation that on the need for all State Agencies working on trafficking to maintain up-to-date websites that are trauma-informed³³ and that provide accurate information with working links to assist and enable victims of trafficking to navigate these complex processes.³⁴

The Commission recommends that victims/survivors, and/or their legal representative are given regular updates on their cases, without delay.

The Commission recommends that State Agencies continue to develop and implement Standard Operating Procedures for cross-department coordination. It is essential that there are processes in place while the new National Referral Mechanism Operational Guidelines are being drafted and implemented.

The Commission recommends that the Minister for Justice considers the introduction of both Trafficking and Exploitation Risk Orders and Trafficking and Exploitation Protections Orders as

³³ Including quick 'exit buttons', careful consideration of images (do not use stock images that portray violence and can be triggering), ensuring that safety alerts and support services are unmissable, designed with mobile and touchscreen capabilities such as 'call' buttons.

³⁴ The Commission welcomes the inclusion in the NAP of a specific Action (1.3.5) to 'Ensure that all resources on human trafficking issues are available to relevant Government websites so they can be kept up-to-date'.

part of the review of the criminal justice approach to trafficking contained in the Third National Action Plan to Prevent and Combat Human Trafficking 2023-2027.

The Commission recommends that all Intermediary Panel members undertake trafficking, and child-trafficking-specific, training and that their role be clearly outlined and integrated within the Operational Guidelines that will accompany the new National Referral Mechanism.

The Commission reiterates its recommendation that an effective response to combatting trafficking for sexual exploitation and other sexual exploitation offences requires that these offences are categorised as sexual offences. Victim/witnesses of these crimes must be entitled to protections that include, at a minimum: access to legal advice (without a prosecution being initiated), exclusion of the public from trials, and anonymity.³⁵

The Commission reiterates its recommendation that the right to separate legal representation for victims under section 4A of the Criminal Law (Rape) Act 1981 (in circumstances where an application is made to question a victim about other sexual experiences), should be extended to victims of offences committed under section 4 of the Criminal Law (Human Trafficking) Act 2008.

³⁵ Exclusion of the public from trial and anonymity are available for offences of trafficking for sexual exploitation, but are not available for other sexual exploitation offences, which may involve potential victims of trafficking

Child Victims of Trafficking (Articles 13-16)

Prevalence of Child Trafficking

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

The Commission recommends that the State develops a separate mechanism for identification, referral and assistance of child victims of trafficking that implements the distinct legal obligations of Article 2(5), Article 2(6), and Articles 13-16 of the EU Anti-Trafficking Directive, corresponding to the modified definition of the offence and the enhanced set of measures for child victims.

Unconditional Assistance, Best Interest of The Child

The Commission welcomes the inclusion of the best interest of the child principle within the Third National Action Plan to Prevent and Combat Human Trafficking 2023-2027 and calls for this principle to be embedded in every policy, action and strategy involving child victims of trafficking, and children at risk of trafficking within the national child protection system, in regard to prevention, assistance and protection in the criminal justice process. In particular, the Commission recommends that the best interest of the child principle is explicitly included in the child-specific National Referral Mechanism Operational Guidelines, as well as in the policy being developed by Tusla's Working Group on Child Trafficking.

The Commission recommends that the Best Interest of the Child assessment framework³⁶ is used to assess children at risk, potential child victims of trafficking, and identified victims of trafficking, including age-disputed minors, irrespective of their immigration status.

³⁶ OSCE/ODIHR (2022) [National Referral Mechanisms: Joining Efforts to Protect the Rights of Trafficked Persons](#). Warsaw: OSCE Office for the Democratic Institutions and Human Rights, pp. 340–371

The Commission recommends that, in addition to the child trafficking specific response, the State undertakes steps to strengthen the general child protection system response to children at risk of human trafficking.

Age Assessment

The Commission agrees with the recommendations issued by the Joint Committee on Children, Equality, Disability, Integration and Youth in their Report on Refugees and Integration³⁷ and calls for:

- › the allocation of additional resources to Tusla to assist in their response to the unprecedented increase of young people in need of care, assistance and protection in Ireland, including for separated and unaccompanied age-disputed minors;
- › the establishment of a shelter for age-disputed people where they are treated as minors and not adults, and to end the placement of age-disputed minors in adult accommodation;
- › healthcare professionals to be provided with guidance around their role and pathways of advocacy, support and treatment of age-disputed minors;
- › age-disputed minors to be allocated an advocate or Tusla social worker with capacity to ensure their access to child-specific and appropriate services, including but not limited to education and mental health support.

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

³⁷ Joint Committee on Children, Equality, Disability, Integration and Youth (2023) [Report on Refugees and Integration](#), pp. 80–81

Assistance and Support to Child Victims

The Commission reiterates its recommendation that Tusla develops a child trafficking-specific procedure which contains short-term and long-term assistance measures to ensure the physical and psychosocial recovery of all child victims of trafficking, in sufficient detail.

The Commission recommends that the State provides the necessary support for Tusla to reduce their reliance on Special Emergency Arrangement accommodation and ensures access to safe and appropriate accommodation that is child-centred for presumed and identified child victims of trafficking.

The Commission recommends that the Health Information Quality Authority performs an urgent audit of all the State care residential centres to assess the risk of exploitation and human trafficking, as recommended by the Sexual Exploitation Research Programme 'Scoping Study on the Exploitation of Children and Young People in Ireland'.³⁸

The Commission recommends that the State develops specific strategic plans aimed at preventing the trafficking of all children in Ireland, especially trafficking of children in State care accommodation, without regard to their country of origin or immigration status.

The Commission reiterates its recommendation that every child victim is appointed a 'Children's Legal Advisor' at the earliest stage of their referral to the National Referral Mechanism to ensure that the identification, assistance and protection during the process respects the views and best interest of the child.

The Commission recommends that Tusla supports child victims of trafficking in their emancipation and adulthood with aftercare plans that specifically protect them from being re-trafficked, as mandated by the recast EU Anti-Trafficking Directive.

The Commission recommends that the child victims of trafficking are afforded access to the full range of aftercare services, irrespective of the duration or the legal basis upon which they

³⁸ Canning, M., Keenan, M. and Breslin, R. (2023) [*Protecting Against Predators: A Scoping Study on the Sexual Exploitation of Children and Young People in Ireland*](#). Dublin: SERP

have entered the care of the Tusla – the status as a child victim of trafficking should satisfy all eligibility requirements.

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

The Commission recommends that the State guarantees access to Student Universal Support Ireland for identified victims of human trafficking who wish to pursue tertiary education, regardless of the immigration permission they hold.

The Commission recommends that the social workers allocated to child victims of trafficking should be trained and fully aware of the full suite of support services and statutory entitlements that child victims should have access to, including health support and immigration permissions.

The Commission reiterates its recommendation that any appointed guardians or social workers allocated to children who are potential and identified victims of trafficking are regularly trained, as well as availing of professional supervision.

The Commission reiterates its recommendation that specific rights are extended to the family of child victims, as an integral part of child victim assistance, and that the access to this assistance is clearly outlined in the National Referral Mechanism Operational Guidelines.

Protection of Child Victims in Criminal Proceedings

The Commission recommends that every child who is identified or presumed to be a victim of trafficking and is in the care of Tusla is appointed a social worker who has received specialist and accredited training in child trafficking.

The Commission recommends that the Operational Guidelines that accompany the new National Referral Mechanism include a specific obligation and procedures that require the child victim's appointed social worker to arrange that the child receive legal advice from the Legal Aid Board, without delay.

The Commission recommends that funding is made available to the Legal Aid Board to enable them to establish a system of Children's Legal Advisors. This is essential to ensure that child victims of trafficking receive age-appropriate and trafficking-specific legal advice and support, on all criminal matters and for the purposes of claiming compensation.

The Commission recommends that reform of Civil Legal Aid extend the provisions in section 26(3A) of the Civil Legal Aid Act 1995 to the (safe) parent/guardians of child victims of trafficking.

The Commission reiterates its recommendation that all child trafficking victims, irrespective of the form of exploitation they were subjected to, are included in the ‘Barnahus model’ already operating in the State, as well as the roll out of the model nationwide.

The Commission reiterates its recommendation that an ‘appropriate adult scheme’ is introduced, modelled on the UK National Appropriate Adult Network to ensure that all children, including child victims of trafficking, are protected and accompanied at every stage of the criminal investigation and prosecution. This is in addition to the appointment of a Children’s Legal Advisor.

The Commission recommends that specialist support organisations with expertise in supporting child victims of trafficking must be provided with sufficient, multiannual funding to ensure children receive the support they need to recover from what they have endured.

Measures for Unaccompanied Minors

The Commission recommends that Tusla ensures that all internal policies on human trafficking are legally accurate, and that the new child trafficking policy is rolled out equally across the whole organisation, including, but not limited to unaccompanied and separated children.

The Commission recommends that the State ensures that intake assessments for all unaccompanied children are conducted in a child-friendly manner, by trained professionals, and that applications for legal residency, when applicable, are promptly processed.

The Commission reiterates its recommendation that the State develops national guidelines on ensuring the rights of unaccompanied children.

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

The Commission reiterates its recommendation that the new National Referral Mechanism removes the need for unaccompanied child victims of trafficking of 15 years of age or younger

to wait three years prior to their application for a more durable residence status, in the spirit of EU Anti-Trafficking the Directive.

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

The Commission recommends that the State sufficiently resource and staff Tusla's Separated Children Seeking International Protection Team, in order to ensure they are capable of addressing children's specific needs.

Access to Compensation (Article 17)

The Commission reiterates its recommendation that the Law Reform Commission consider the specific needs of trafficked victims in its review of compensation, for all types of exploitation, and especially in regard to: the inclusion of 'pain and suffering' as a ground for compensation from the Criminal Injuries Compensation Scheme, ensuring provision is made for acquiring expert witness reports to substantiate claims related to these claims.

The Commission reiterates its recommendation that the use of Section 6 Orders³⁹ as a means of compensating victims within the criminal process⁴⁰ needs reform, and an examination of the potential benefits of providing separate legal representation to the victim/witness for this purpose.

The Commission recommends that proceeds from seizure and confiscation orders relating to trafficking activities – both pre and post-conviction orders - are ring-fenced and used to establish a 'Victims of Trafficking Fund', either as a standalone scheme or as part of the reformed Criminal Injuries Compensation Scheme to support victims directly, and for other trafficking-related social supports.

The Commission recommends that civil legal aid is extended to include hearings before the Workplace Relations Commission.

³⁹ Criminal Justice Act 1993

⁴⁰ IHREC (2022) [Trafficking in Human Beings in Ireland. Evaluation of the Implementation of the EU Anti-Trafficking Directive](#), p. 116

Prevention of Human Trafficking (Article 18)

Prevention Measures

The Commission recommends that the Department of Justice, following the mandate of the recast EU Anti-Trafficking Directive and where appropriate, seeks the collaboration of the private sector, especially in relation to trafficking for labour exploitation, to develop awareness raising campaigns.

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

The Commission recommends that the Department of Justice develops and coordinates annual nationwide campaigns focused on the online dimension of trafficking that are directed at hard-to-reach sectors and vulnerable groups such as children, young people, disabled people and migrants.

The Commission reiterates its recommendation that dedicated multiannual funding is made available to Civil Society Organisations to develop awareness raising campaigns in their areas of expertise that highlight the specificities of each form of exploitation and/or encourage the utilisation of their expertise in the development of such campaigns.

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

The Commission recommends that the Government facilitates and encourages research into under-explored forms of exploitation and how they present in Ireland including trafficking for labour exploitation and forced begging, trafficking for criminal activities and trafficking for novel forms of exploitation (illegal adoptions, forced marriages, and exploitative surrogacy) in order to enhance understanding across relevant stakeholders and contribute to its prevention.

The Commission reiterates its recommendation that awareness raising campaigns aimed at younger audiences within educational institutions are developed and rolled out nationwide.⁴¹

Training of Government Officials

The Commission recommends that National Council for Curriculum and Assessment introduce awareness raising training on trafficking in human beings for children aged from 6-18 years old in Primary, and Secondary cycles.

The Commission recommends that professional regulatory bodies for relevant professions including court staff, health and social care professionals, and law enforcement promote and offer regular and specialised training on identifying and preventing trafficking in human beings as part of the professional development curriculum, especially to those likely to encounter victims and potential victims of trafficking.

In addition to the training provided to law enforcement and prosecutors, as committed to in the National Action Plan 2023-2027 to Prevent and Combat Human Trafficking, the Commission reiterates its recommendation that judges are trained on a victim-centred, trauma-informed approach in relation to law enforcement efforts and trials, including their sensitisation to the severity of human trafficking crimes.

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

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

Criminalising Users of Services of Trafficked Victims

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

⁴¹ The Commission welcomes the inclusion of specific Actions on awareness raising campaigns in the National Action Plan

This must include at a minimum:

- › legal, psychological and medical support;
- › access to exit programmes;
- › emergency and social housing;
- › financial assistance;
- › regularised immigration status with the right to work; and
- › access to training and employment.

The Commission recommends that when the State is transposing Article 18a(1) of the recast EU Anti-Trafficking Directive, that the concept of ‘recklessness’ is considered to make the evidential burden more practicable, thus making the offence of the knowing use of services provided by victims of trafficking easier to prove.

The Commission recommends that the State ensures the new offence established by Article 18a(1) of the recast EU Anti-Trafficking Directive is transposed and applicable to all forms of trafficking; it is crucial that the penalties provided for in Article 18a(2) should be sufficiently dissuasive to act as a deterrent to those who may wish to commit the crime established in Article 18a(1) and that this new offence is not transposed in such a way so as to render its impact meaningless.

The Commission recommends that the State introduces the criminal sanctions or measures as provided for in Article 5 and Article 6 of the recast EU Anti-Trafficking Directive with regard to the responsibilities owed by companies and businesses implicated in the use of services of trafficked people, in the context of their activities and supply chains.

Recommendations Chapter 2 - Human Trafficking for Forced Criminality in Ireland: A Rapid Literature Review

The Commission recommends that the Department of Justice establishes and coordinates a national taskforce, composed of academic experts, stakeholders from the state and civil society, and victims/survivors of trafficking.

This taskforce should:

- › Generate discourse around Trafficking for Criminal Activities and clearly define the problem and concept. Competing definitions, and their operational meaning, in national and local contexts and for different offences must be included in the programme of work of the taskforce.
- › Include competing definitions, and their operational meaning, in national and local contexts and for different offences, in the programme of work for the taskforce.
- › Ensure that the findings of the taskforce feed up to the European level. This is essential as Trafficking for Criminal Activities is a national, regional and international issue, requiring international collaboration.
- › Once the issue has been conceptualised, an awareness raising campaign must follow to communicate to practitioners and the public what Trafficking for Criminal Activities is and how to identify it.
- › Develop a systematic data collection strategy be rolled out across all State agencies who may come into contact with victims of Trafficking for Criminal Activities. Not only will this allow estimations of prevalence and scope of the issue, but will support resource allocation and distribution. A multi-agency shared database should be developed.

The Commission recommends that a training programme is developed to assist practitioners in identifying signs of Trafficking for Criminal Activities, and how to respond, and emphasises the need for more specialist training in advanced interview techniques with vulnerable people-suspects. Many victims of Trafficking for Criminal Activities will be afraid to disclose information, may not identify as a victim, may be unaware they were exploited and/or may have experienced significant trauma.

The Commission recommends that the Department of Justice funds independent research to explore: the operation of various iterations of Trafficking Criminal Activities in an Irish context, how victims have experienced Trafficking for Criminal Activities, and evaluate existing programmes. Interviews with both perpetrators and victims should be a focus of such research.

The Commission recommends that both national and local operational taskforces should be convened to share formal data and informal knowledge and intelligence, and undertake joint exercises where needed.

The Commission reiterates its recommendation that the non-prosecution principle be put into statute. This is especially important for victims of Trafficking for Criminal Activities.

The Commission reiterates its recommendation that efforts are made to ensure early identification in cases of suspected Trafficking for Criminal Activities to avoid victims being incarcerated on remand.

Recommendations Chapter 3 - Emerging Forms of Trafficking: Exploitative Surrogacy

The Commission recommends that international surrogacy arrangements are subjected to at least the same minimum standards of ethics and protection as domestic surrogacy. In this regard, the Commission notes in particular the Bill's provisions for international intermediaries and for the payment of reasonable expenses.

Acknowledging the efforts of the legislature to provide significant protections for the parties involved in the Health (Assisted Human Reproduction) Bill 2022, the Commission recommends that the State carefully examines whether those protections are capable of being implemented and/or whether they are sufficient for the reality of the market this Bill seeks to regulate.

The Commission recommends that the State examines the deterrents mandated under the recast EU Anti-Trafficking Directive - including the criminalisation of the knowing use of services of trafficking victims - and how the Health (Assisted Human Reproduction) Bill 2022 and the Criminal Law (Human Trafficking) Act will need to be harmonised.

Taking into account the complexity and novelty of the issues involved – and their importance to the parties to surrogacy and to the State's obligations to combat human exploitation - the Commission recommends that the Government allows sufficient time for the input of all relevant stakeholders to be sought and for the provisions of the Health (Assisted Human Reproduction) Bill 2022 as they relate to international surrogacy to be properly debated. The Commission would welcome an opportunity to consult with our partners in the European Union, and in Private International Law (The Hague Conference) to work towards a harmonised approach to international surrogacy in which all persons involved are protected, especially the most vulnerable in these arrangements – the surrogate mothers and the children born through surrogacy.

If the Bill is passed, the Commission makes the following observations and recommendations:

- › Given the small number of countries that will faithfully be able to meet the requirements of the Health (Assisted Human Reproduction) Bill 2022, the Commission recommends that the Government explore bi-lateral arrangements with countries that meet these requirements. This may ensure greater protection to guard against exploitation, and will better safeguard the rights of surrogates, children born and intended parents in international surrogacy.

- › The review of how the legislation is operating will be critically important. As such, the Commission recommends that a Review Process be established before the commencement of the provision relating to international surrogacy. This review process must be fully independent, sufficiently funded, and given access to all relevant information and data. Annual interim reports, and the final report must be made public.

Recommendations Chapter 4 - The Role of Business and Migrant Employment Regulation in Preventing Trafficking: A Review of Legal Instruments

The Commission reiterates its recommendation that Seasonal Employment Permits are not introduced, or at the least that such Permits are introduced on a limited basis, while the standards are on a par with those agreed by the EU Member States. The Commission recommends that the State observes the minimum standards agreed by the EU Member States.

The Commission recommends that the State considers all the available learning and good practices from the implementation of Seasonal Workers Permits and the Seasonal Workers Directive in the other EU Member States since 2014.

The Commission recommends that the State maintains a closer synchronisation with other matters of regulation of third-country nationals' employment by participating in and opting in to legal agreements of the EU, given that they represent minimum standards that the countries are free to exceed.

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

The Commission recommends that the State moves quickly to operationalise the permits allowing for a simple change of employer.

The Commission recommends that the Employment Permit system is reformed towards greater mobility of migrant workers, for example sectoral work permits, as a means of prevention against abuse and exploitation.

The Commission reiterates its recommendation that the State considers the introduction of a specific "migrant exploitation protection permit" to enable migrant victims of exploitative employment situations to leave those situations quickly.

The Commission reiterates the recommendations proposed by the OSCE for strengthened provisions on combating tech-facilitated trafficking in persons through reducing the demand fostering trafficking for labour exploitation be considered by the State. Measures such as, establishing civil and criminal liability for online platforms⁴² and mandating online platforms to conduct due diligence of their operations and systems to identify risks of misuse of their platforms for the purpose of trafficking in human beings, and mitigate those risks; report illegal content to competent authorities, remove it, and preserve it for investigations and prosecutions of illegal acts.

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

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

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

⁴² As defined by Art 2(h) of the Regulation on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC. Including websites, as well as their administrators, for complicity in human trafficking, e.g. facilitating or allowing exploitative acts – such as recruitment or advertising of trafficking victims - when such platforms knew or had reason to know about of the exploitation. 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

Factsheets



Factsheet 1: Combined Official Data for 2013-2023

Trends in Human Trafficking

The diagrams are based on official data regarding victims of trafficking recorded in Ireland by the State. The period includes data from January 2013 to December 2023 in order to align to the case reclassification undertaken by the State. The Department of Justice and An Garda Síochána are the sources of the data.

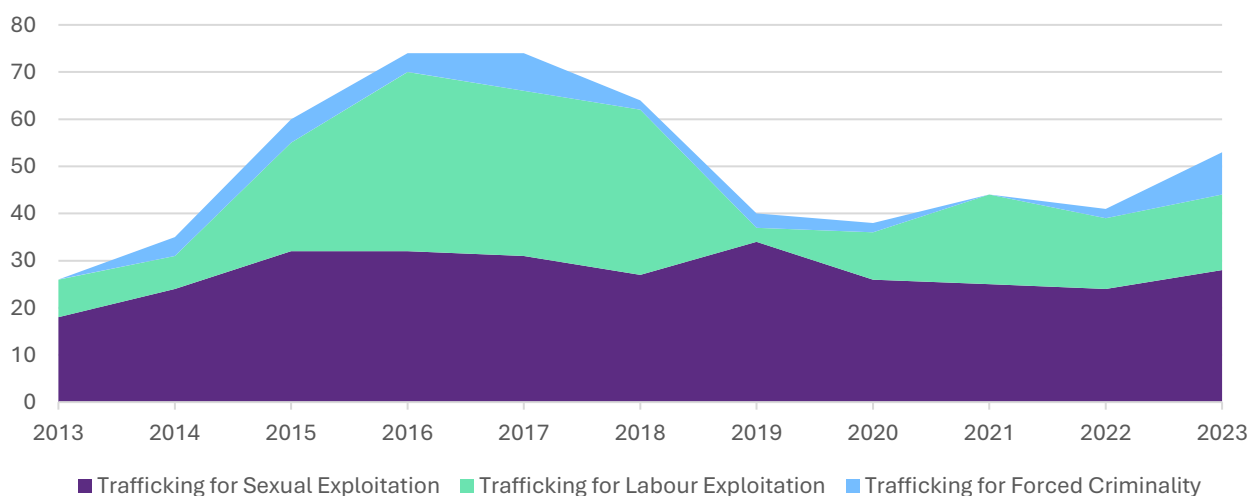
Types of Exploitation over the Years

Data trends have remained mostly consistent over the last eleven years (2013-2023). Ireland remains primarily a destination for trafficking in persons. In total, 566 people have been officially identified as victims of trafficking since 2013.

Multiannual data from the National Referral Mechanism for the Identification and Assistance (NRM) of victims of trafficking shows that the most frequently detected forms of trafficking in Ireland continue to be trafficking for the purpose of sexual exploitation (TSE, 55%), trafficking for the purpose of labour exploitation (TLE, 38%), and trafficking for the purpose of criminal activities (TCA, 7%).

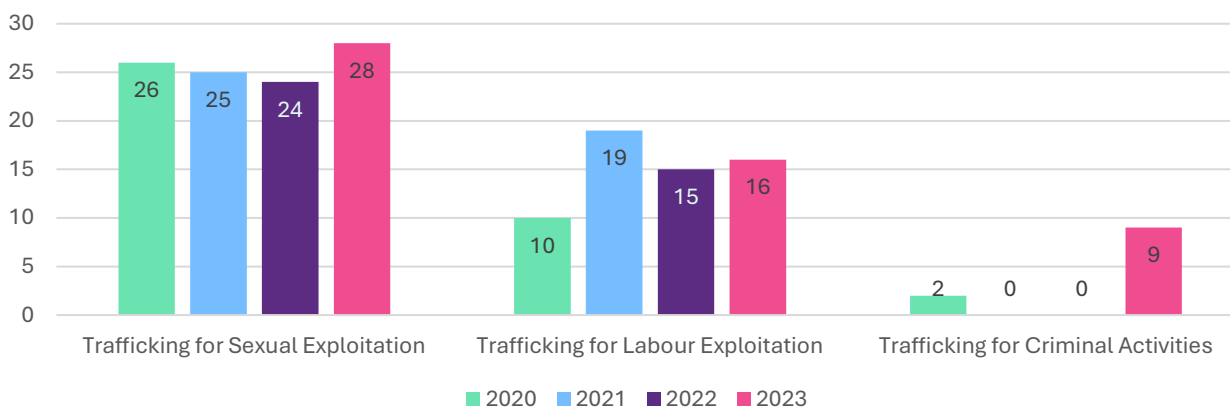
The total number of victims of trafficking in 2023 represents a 20% increase from 2021, and a 26% increase from 2022. This is a significant change that has occurred within a relatively short period of time. This also demonstrates that the capacity to identify victims of trafficking in Ireland has increased lately.

Diagram 1: Trends in Types of Exploitation 2013-2023



Over the last three years, TSE and TLE show a slight increasing and decreasing trend, respectively. The more notable change has occurred in respect of TCA, which has risen from 0 (in 2021) to 9 (in 2023) victims of trafficking. TCA represents 17% of all victims of trafficking identified in 2023, which is significant. We have included a special overview of TCA in [Chapter 2](#) of this Report. For further information on number distribution see the Comprehensive Data Table included in Factsheet 4.

Diagram 2: Types of Exploitation in 2020, 2021, 2022 and 2023

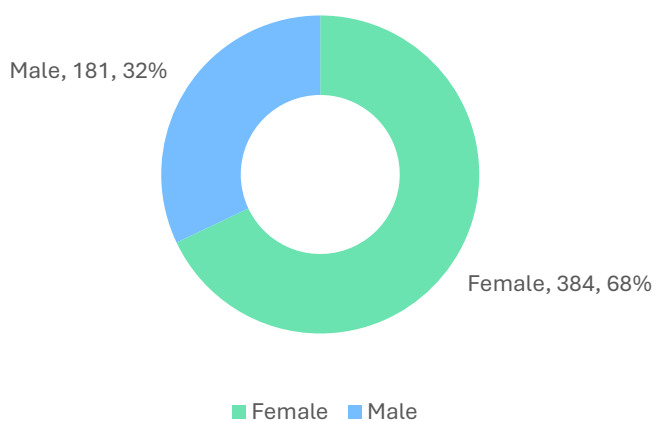


Gender Dimension

Human trafficking continues to be a highly gendered and racial act; more women than men are trafficked in Ireland, and the vast majority of victims are of a migrant background.

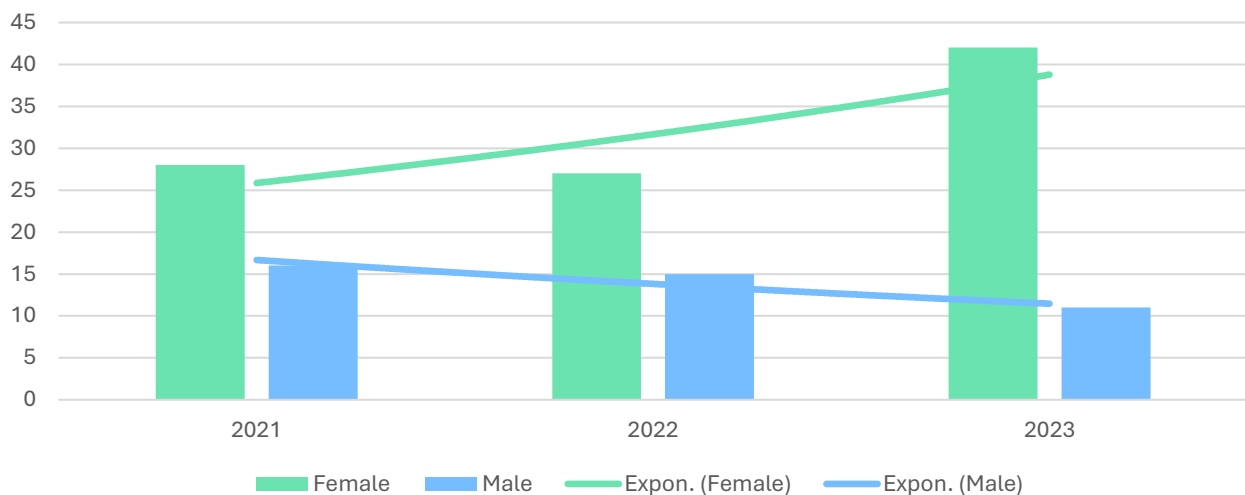
The national multiannual official data demonstrates the highly gendered aspect of human trafficking, which proves to be a consistent trend in Ireland (as well as in the EU). Overall, more women (68%) fall victim of human trafficking than men (32%). Over the years, there has been only one case of a transgender victim of human trafficking officially recorded.

Diagram 3: Victims 2013-2023, by Gender



There is an increase in identified female victims overall. For illustration, the number of female victims between year 2021 and year 2023 increased by one third. **In 2023 alone, female victims represented almost 80% of the identified victims.** This trend was understandably accompanied by a slight decrease in male victims identified.

Diagram 4: Trends in Gender of Victims over 2021, 2022 and 2023



Based on the profile of identified victims, TSE remains the most gendered type of human trafficking exploitation, affecting over 96% female victims. TLE is also gendered but to a lesser extent, with 68% male victims and 32% female. In TCA, female victims are the majority (66%).

Diagram 5: Trafficking for Sexual Exploitation, 2013-2023, by Gender

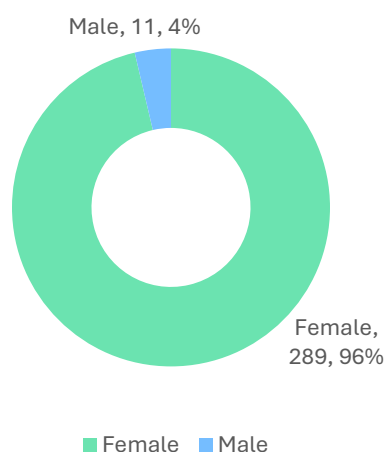
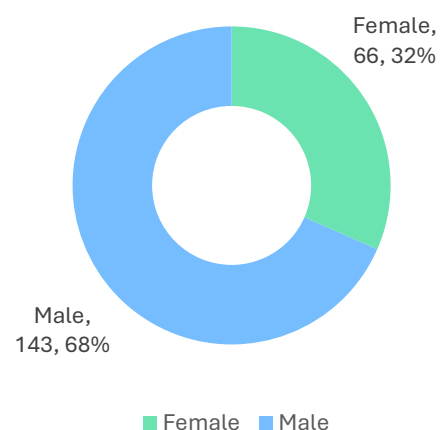


Diagram 6: Trafficking for Labour Exploitation, 2013-2023, by Gender



Age of Victims

Children represent 8% of all victims of trafficking identified in Ireland. 44 children have been officially recognised as victims of trafficking in Ireland since 2013 (among a total of 566

victims identified). This is significantly less than the most recent EU average (15%). Similarly to the gender demographics in adults, the data shows that more girls than boys are trafficked at 9% and 5% of all victims, respectively. 77% of child victims of trafficking are girls. No child victims of trafficking were identified in 2020 and 2021. In 2022 and 2023, five child victims of trafficking were identified each year as suspected victims of trafficking – eight girls and two boys. The majority of these were victims of TSE (6), followed by TCA (3), and TLE (1).

Diagram 7: Victims of Trafficking by Gender and Age, 2013-2023

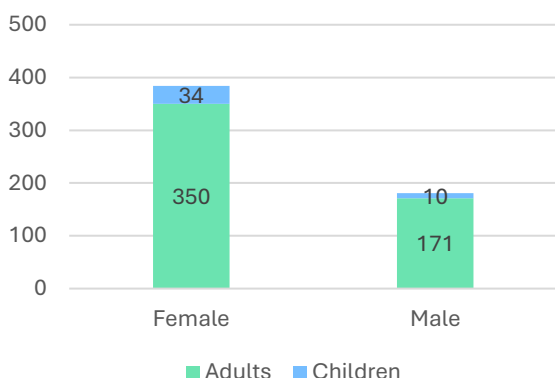
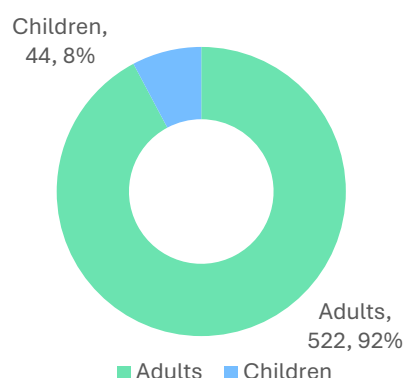


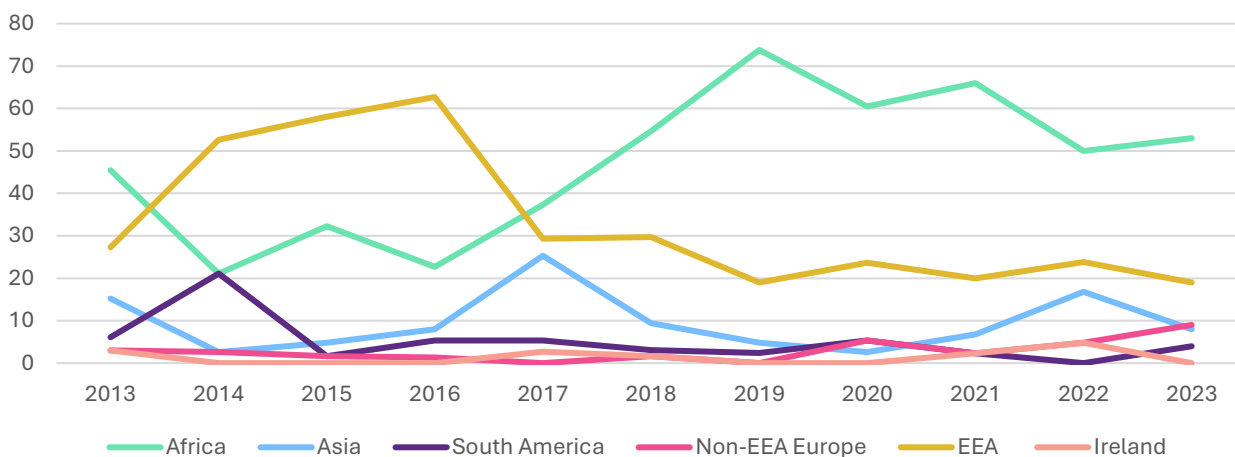
Diagram 8: Victims of Trafficking by Age, 2013-2023



Origin of Victims

Africa and the European Economic Area (EEA) and, to a lesser extent, Asia, Europe (non-EEA), and Latin America, are the most common regions of origin for victims of trafficking in Ireland. Most victims of TSE are from the African continent, while the EEA region is significant in terms of TLE. TCA mainly affects people from Asia and the EEA. Isolated cases of Irish nationals are also observed, which includes two cases of child trafficking for sexual exploitation in 2022. No cases of Irish nationals have been recorded in 2023.

Diagram 9: Trends in Regions of Origin of Victims 2013-2023



Factsheet 2: 2023 Official Data at a Glance

2023 Official Data at a Glance

The diagrams below illustrate the official data of the State, based on the victims of trafficking in the National Referral Mechanism (NRM) in 2023.

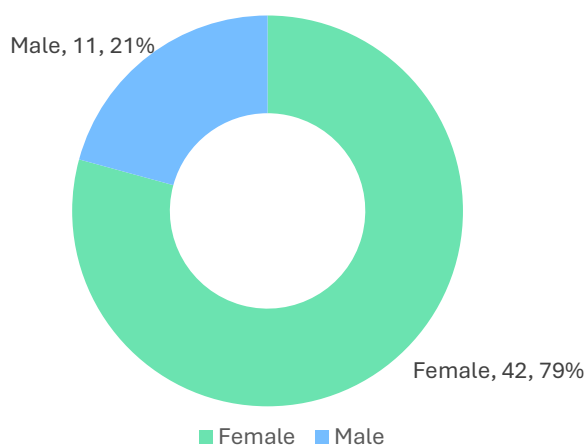
Number of Victims Identified

The State reported that there were 53 cases officially accepted in the National Referral Mechanism (NRM) for victims of trafficking in 2023. This represents a significant increase of 20% compared to 2022. Overall, the number of identified victims has increased in comparison to the preceding years (42 in 2022 and 44 in 2021). Studies have found that the annual data represents an underestimate of around 40%, due to the clandestine nature of the crime and the complexity in detecting and confirming victims. The overall number of recorded cases depends on the parameters of the NRM which is currently under review. It is expected that, once revised and properly implemented, the new mechanism will lead to an increased number of victims bringing us closer to the levels of reality.

Gender

In line with the existing trends, the majority of victims identified in 2023 were female (79%). There was a stark increase (by 33%) in female victims across all forms of trafficking from the previous year (in trafficking for sexual exploitation (TSE) from 24 to 28, in trafficking for labour exploitation (TLE) from three to eight and in and trafficking for the purpose of criminal activities (TCA) from zero to six). There was a slight decrease in male victims identified overall, including in the primarily male-dominated TLE (from 12 to 8).

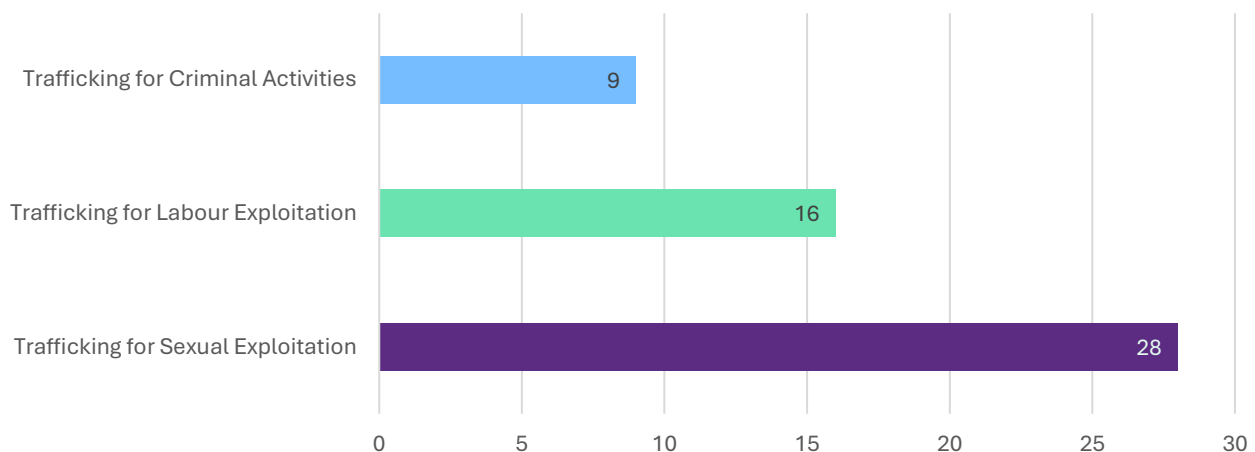
Diagram 1: Victims of Trafficking in 2023, by Gender



Types of Exploitation

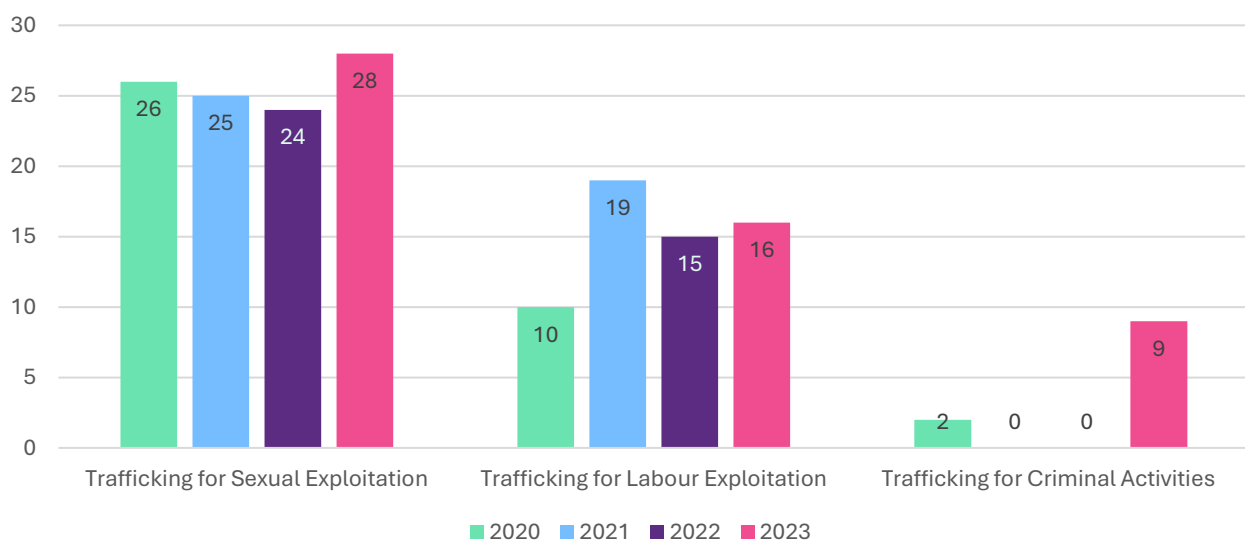
The overall increase in the number of detected victims in 2023, is largely due to an increase in TSE (by 16%) and by the quadrupling of the cases of TCA. Six female victims of TCA were identified, representing the first female victims of this type of exploitation since 2019.

Diagram 2: Victims of Trafficking in 2023, by Exploitation



In 2023, TSE remains the most reported type of exploitation in the NRM (53% of all cases), followed by TLE (30%). Of note is TCA, which from very low levels since 2018, has emerged representing 17% of the cases in 2023. This is illustrated in Diagram 3 below. In this regard, the situation in Ireland mirrors the EU where novel and less usual forms of exploitation, such as forced marriages and illegal adoption are on the rise.

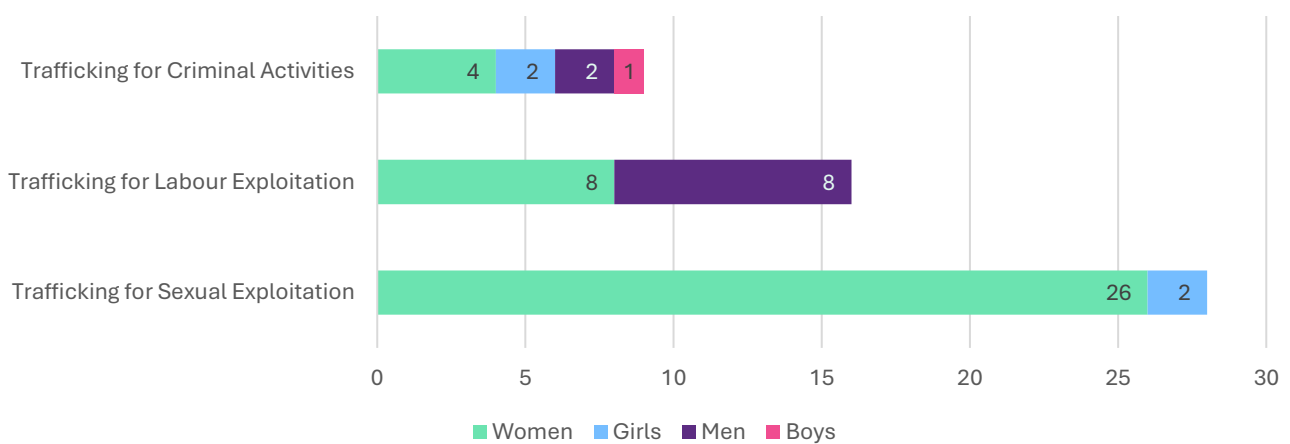
Diagram 3: Trends in Types of Exploitation, 2020-2023



Age of Victims

In 2023, we had five reported cases of trafficking of child victims (9% of all cases) – four girls and one boy. This is the same number of minors and the same gender ratio as last year (2022). The presence of children among the victims is concerning but not surprising. The average rate at which we identify child victims is lower than the EU average. It is expected that this will change with the upskilling of Tusla and its formal inclusion in the new NRM. Increased efforts in training are reported for 2023.

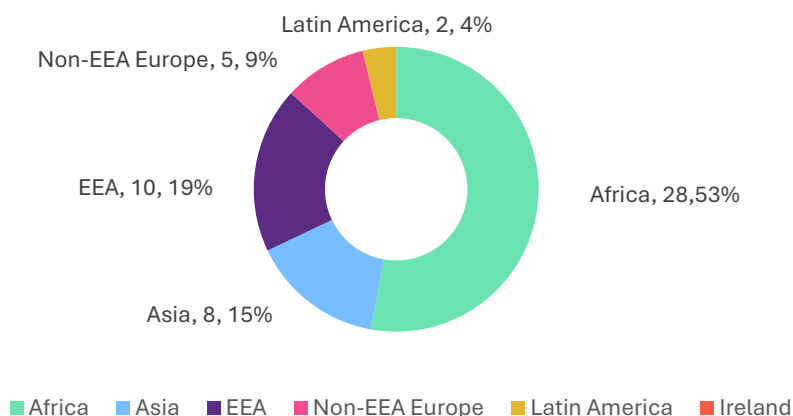
Diagram 4: Victims of Trafficking in 2023, by Exploitation, Gender and Age



Regions of Origin

Africa, the EEA and Asia were the main regions of origin of victims in 2023. Non-EEA Europe and Latin America are also represented. Africa remains by far the most prevalent source region for victims detected in Ireland. No Irish nationals were identified as being victims in 2023.

Diagram 5: Victims of Trafficking in 2023, by Region of Origin



The data consistently indicates that Africa is the most represented region of origin for TSE, while the EEA and Asia are the most represented regions in TLE. Asia is a notable region of origin for both TSE and TLE, and the sole region for TCA. Interestingly, more than half of the victims in TCA were from the EEA.

Diagram 6: Victims of Trafficking for Sexual Exploitation in 2023, by Region of Origin

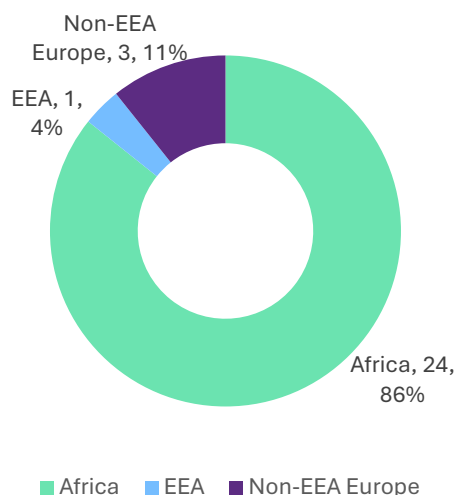
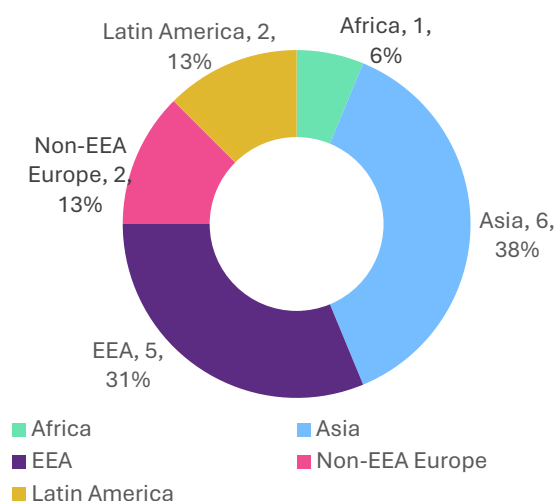


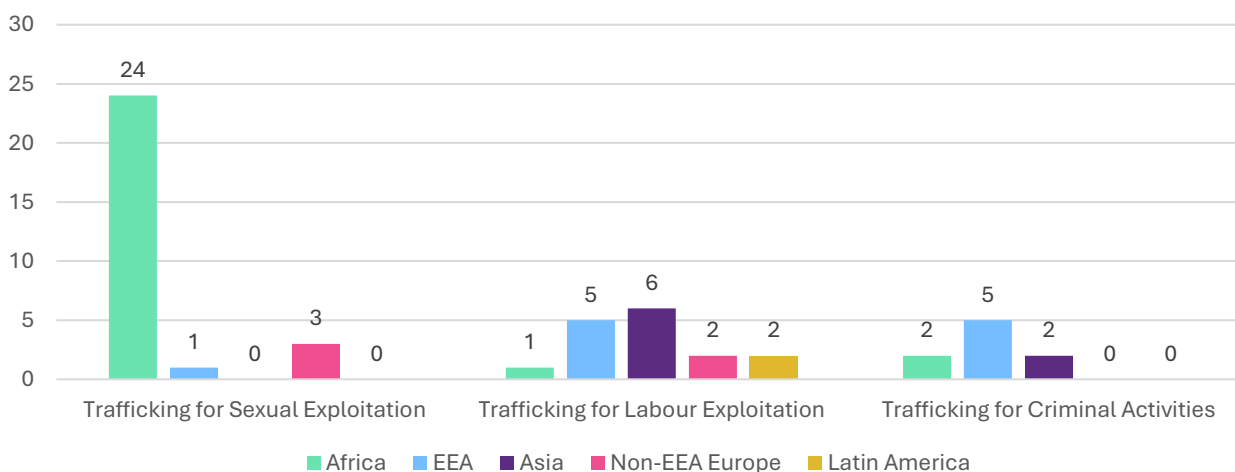
Diagram 7: Trafficking for Labour Exploitation in 2023, by Region of Origin



As in previous years, victims of TSE are predominantly from African countries. Asia and the EEA are the main regions of origin for victims of TLE.

For the first time since the Commission began presenting trafficking data, TCA is dominated by victims from the EEA. TCA presents interesting data that will be worth watching closely in the foreseeable future.

Diagram 8: Victims of Trafficking in 2023, by Region of Origin and Form of Exploitation



Factsheet 3: Specialist Civil Society Organisations' Data 2023

Civil Society Data for 2023

Data for 2023 was provided by four specialist Civil Society Organisations (CSOs) – Ruhama, Migrant Rights Centre of Ireland (MRCI), Immigrant Council of Ireland (ICI) and the International Transport Workers' Federation/Ireland (ITF). These organisations have been consistently contributing to the data collection work of the Commission. This has been vital for the fulfilment of the role of the Rapporteur in line with Article 19 of the EU Anti-Trafficking Directive, mandating the 'gathering of statistics, including in cooperation with CSOs'. The Commission hopes that in the future more CSOs could develop data systems and contribute to the national data collection efforts.

It must be explained from the outset that it is currently impossible to reconcile the official data received from the State with the data provided by specialist CSOs. No central data system exists at present. The Commission has recommended that with the revised NRM (expected to be launched in 2024), a uniform data system be established to capture all suspected cases and to avoid repetition.

Data Analysis

In 2023, the aforementioned four specialist CSOs provided assistance to 212 suspected victims of trafficking, distributed among them as shown on Diagram 1. Of these cases, 76 were new cases. A 'new case' denotes that the victim was encountered by the service for the first time in 2023. The rest, 136, were ongoing cases where the victims have been engaged with the service before 2023 (presented in Diagram 2).

Diagram 1: Caseload of Specialist CSOs in 2023 (Number of Victims supported by organisation)

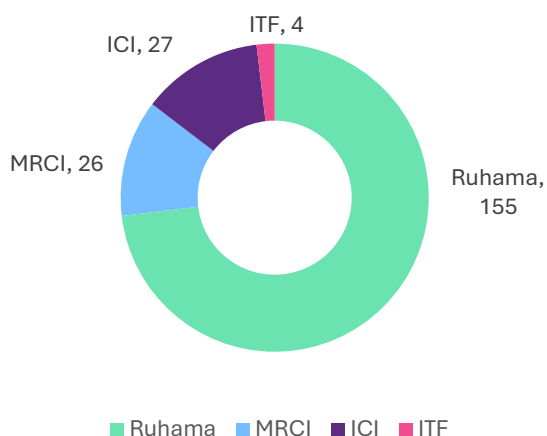
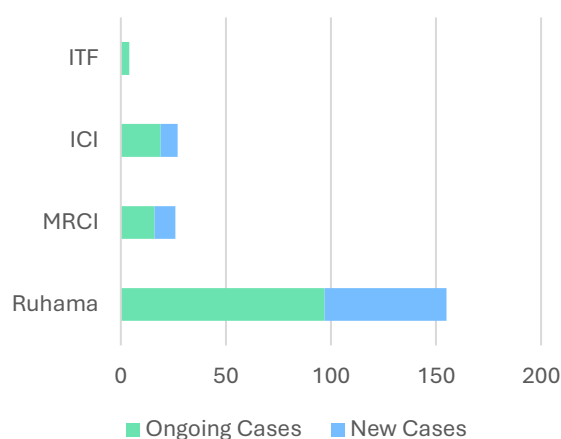


Diagram 2: New and Ongoing Cases of Victims of Trafficking supported by CSOs in 2023



CSOs are taking on increased caseloads: Data indicates that in 2023, the specialist CSOs have increased their caseloads compared to previous years, 13% more than 2022 (188 cases). There is also an increase in the new cases taken on in 2023 as compared to 2022, representing a difference of 15% (66 vs 76 cases). The Commission has welcomed the increased funding by the State to the CSOs and acknowledges the increased commitment to victim support services among CSOs.

Trafficking for sexual exploitation continues to dominate national statistics: Trafficking for sexual exploitation (TSE) is the most often identified form of exploitation, followed by trafficking for labour exploitation (TLE) and other rarer forms such as trafficking for criminal activities (TCA) and trafficking for forced marriages (TFM) (Diagram 3). Increased efforts are needed to detect and support victims of TLE and other types of human trafficking, in addition to TSE.

The data also indicates that increased and sustainable investment in services for victims of trafficking recovering from sexual and gender-based violence is needed.

Diagram 3: All Victims of Trafficking supported by CSOs in 2023 by Type of Exploitation

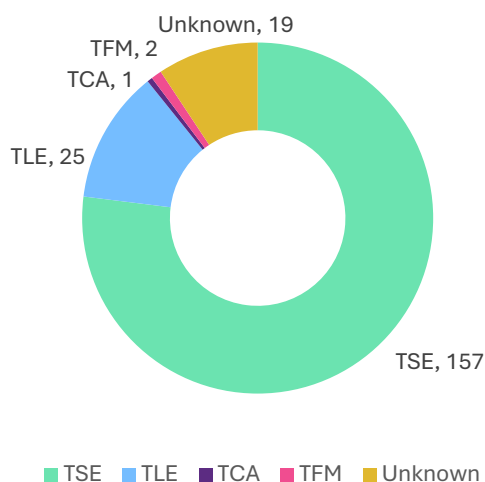
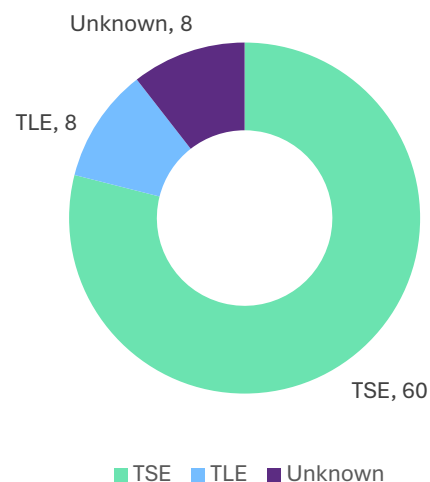


Diagram 4: New Cases of Victims of Trafficking supported by CSOs in 2023 by Type of Exploitation



Significantly more women than men are trafficked in Ireland: In 2023, the cases supported by CSOs show that more women are trafficked than men (based on available data, in 27 out of 212 cases, information on gender was not submitted). A similar ratio applies to the gender breakdown of the new cases taken on in 2023 by the CSOs. **This indicates that the gender-specific services for women require continuous investment.**

Diagram 5: All Victims of Trafficking supported by CSOs in 2023, by Gender

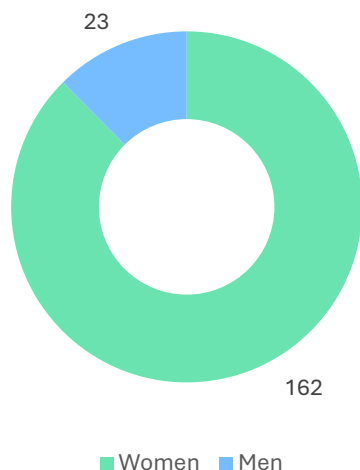
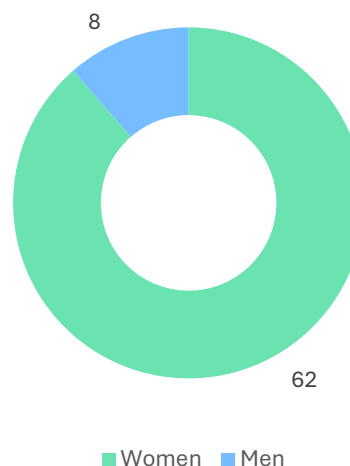


Diagram 6: New Cases of Victims of Trafficking supported in 2023, by Gender



Sectors of exploitation: In TSE, the primary exploitation environment is prostitution (the sex industry). In the case of TLE, there are diverse sectors of the economy present in the data (as shown in the diagrams). **Investment in targeted efforts for screening these sectors could represent a viable strategy to address TSE and TLE.**

Diagram 7: All Victims of TLE supported in 2023, by Sectors of Exploitation

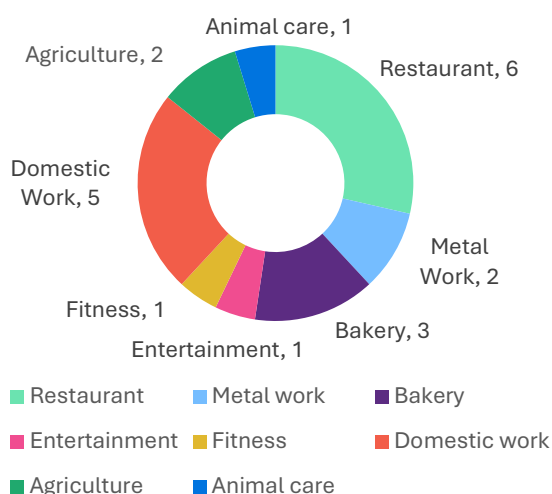
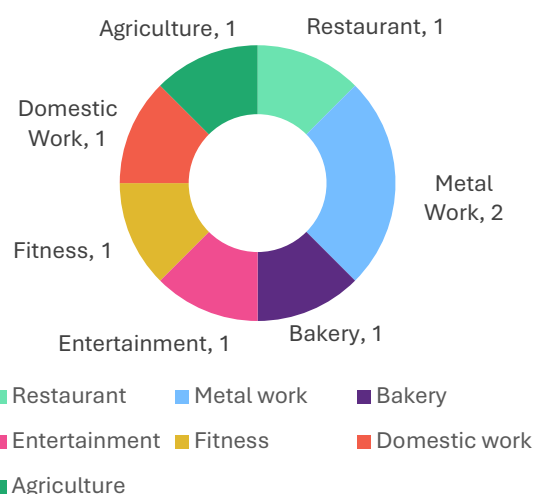


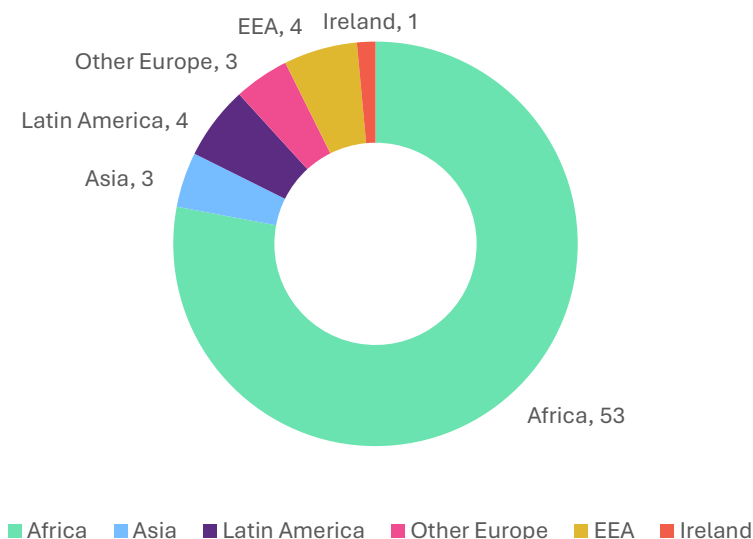
Diagram 8: New Victims of TLE supported in 2023, by Sectors of Exploitation



Regions of origin of victims: Data on new cases collected from the CSOs for 2023 shows that the African continent continues to be the main source region for victims of trafficking in Ireland (based on available data, in eight of the cases, the source region was not known). Other regions of note are the European Economic Area (EEA), Latin America, non-EEA Europe, and Asia.

The proportion of identified victims from Africa has increased significantly in 2023, reaching 78%. By comparison, in 2022, victims from Africa represented 68% of the cases. This is primarily accounted for by the frequent appearance of Africa as a source region in the cases of TSE, as shown below.

Diagram 9: Regions of Origin of the New Cases supported by CSOs in 2023



Regions of origin in Trafficking for Sexual Exploitation and Trafficking Labour Exploitation:

In line with statistics to date, Africa is the most represented source region in TSE, accounting for 88% of these cases. In TLE, Latin America, Asia, and the EEA are represented in 2023.

Diagram 10: Diagram 31. New Cases of TSE supported by CSOs in 2023, by Region of Origin

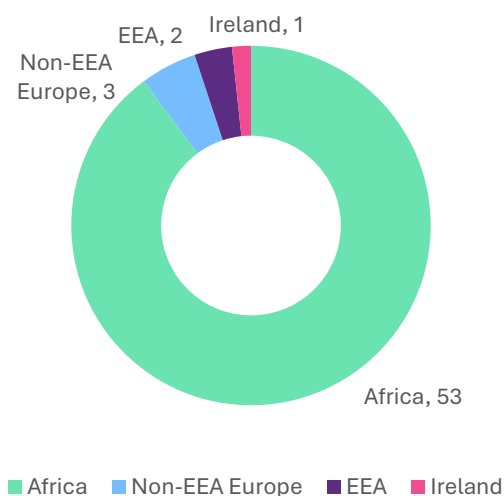
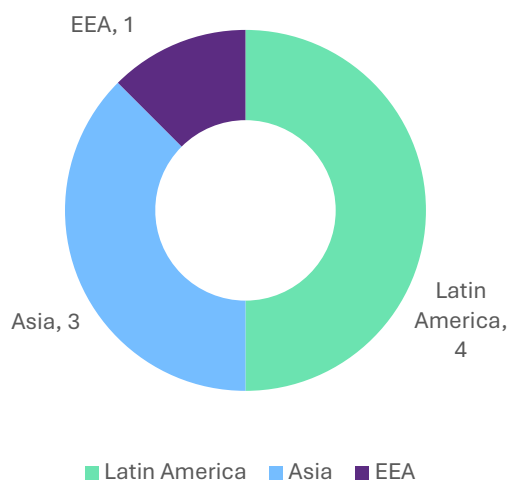


Diagram 11: Diagram 32. New cases of TLE supported by CSOs in 2023, by Region of Origin



Factsheet 4: Comprehensive Data

Year	Victims (adults and children)	TSE	TLE	TFB	TCA	TOR	TSE/ TLA/ TCA combined	Unknown	Total by year	Children	Annual percentage of children
2013	Female	18	6				1	5	30	4	
	Male		2					1	3	1	
	Total	18	8				1	6	33	5	15%
2014	Female	23	3	1			1		28	2	
	Male	1	4		4			1	10	2	
	Total	24	7	1	4		1	1	38	4	11%
2015	Female	30	8		1		2		41	6	
	Male	1	15		4				20	1	
	Transgender	1							1		
	Total	32	23		5		2		62	7	11%
2016	Female	32	6				1		39	1	
	Male	0	32		4				36		
	Total	32	38		4		1		75	1	1%
2017	Female	28	11	1	5				45	3	
	Male	3	24		3				30		
	Total	31	35	1	8				75	3	4%
2018	Female	26	7						33	3	
	Male	1	28		2				31	2	
	Total	27	35		2				64	5	8%
2019	Female	33	2		3				38	7	
	Male	1	1				2		4	2	
	Total	34	3		3		2		42	9	21%
2020	Female	24	8		1				33		
	Male	2	2		1				5		
	Total	26	10		2				38		0%
2021	Female	24	4						28		
	Male	1	15						16		
	Total	25	19						44		0%
2022	Female	23	3			1			27	4	
	Male	1	12		2				15	1	
	Total	24	15		2	1			42	5	12%
2023	Female	28	8		6				42	4	
	Male	0	8		3				11	1	
	Total	28	16		9				53	5	9%
Combined Data 2013 - 2023	Female	289	66	2	16	1	5	5	384	34	9%
	Male	11	143		23		2	2	181	10	6%
	Transgender	1							1		
	Total	301	209	2	39	1	7	7	566	44	8%




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

The Irish Human Rights and Equality
Commission.

16 – 22 Sráid na Faiche,
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