

Department of
Justice & Equality



AN ROINN DLÍ AGUS CIRT AGUS COMHIONANNAIS
DEPARTMENT OF JUSTICE AND EQUALITY



Executive
Summary

Second National Action Plan to Prevent and Combat Human Trafficking in Ireland



FOREWORD BY TÁNAISTE AND MINISTER FOR JUSTICE AND EQUALITY

FRANCES FITZGERALD, T.D.



The Government of Ireland recognises that trafficking in human beings undermines the principles of human rights and dignity of the person, it will not tolerate persons who engage in any part of trafficking.

This second National Action Plan seeks to build on the work carried out to date and set out our strategy for the coming years. It was drafted with the co-operation of our partners both, national and international, and was informed by our developing experience in this area over the past years. It also has regard to our commitments under international agreements including the *Council of Europe Convention on Action against Trafficking in Human Beings*, the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children* supplementing the *United Nations Convention against Transnational Organised Crime* and *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims*.

I also strongly welcome the EU Directive on human trafficking, which demonstrates the commitment of all EU States to work

together to drive up standards across the Union in tackling human trafficking. We will continue to support this important work at international level.

Ireland has the benefit in recent years of international evaluations of our practices and policies in this area. This Second National Plan seeks to build on areas of strength identified in these evaluations and, importantly, to improve and enhance our approach where necessary.

Delivery on the commitments in this Plan is reliant on a range of bodies across Government and State Services. It is also important to recognise the role played by Civil Society in responding to this issue; they too have a crucial role to play. Partnership between the State and Civil Society will continue to be central to our approach to tackling this heinous crime and supporting its victims.

A handwritten signature in blue ink that reads "Frances". The signature is written in a cursive, flowing style.

EXECUTIVE SUMMARY

Trafficking in human beings is a heinous crime which violates basic human rights and has no place in a modern and civilised society. It is a complex issue that cuts across many sectors of life and affects a diverse range of victims. Yet the hidden nature of trafficking makes means that its victims are some of the most vulnerable and hardest to reach victims and that many instances of trafficking go unreported or undetected.

While common understanding of trafficking may be based on the idea that trafficking involves the movement of human beings from one place to another, it is important to raise awareness that human trafficking is not the same as people smuggling. Human trafficking is an action carried out through abusive means for the purposes of exploitation of human life. While Ireland is mainly a destination country for people traffickers, human trafficking also occurs within Ireland, often involving the sexual exploitation of children.

Ireland has a strong record in taking measures to tackle human trafficking. Efforts to combat human trafficking in Ireland were intensified in 2008 with the

establishment of a dedicated Anti Human Trafficking Unit in the Department of Justice and Equality. This was followed by the publication of the first ***National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland in 2009.***

The first Plan aimed to ensure the protection of human rights of victims of trafficking. It detailed the process by which victims of human trafficking could be identified and set out a comprehensive framework of supports for victims through which their rights to residence permission, suitable accommodation, legal advice, medical and psychological care, language and vocational training and security could be secured.

This Second National Action Plan aims to build on the framework put in place by the first Plan and on the actions contained therein. This second Plan sets out the strong legislative and administrative framework which has been put in place and developed since the publication of the first Plan to combat the phenomenon of human trafficking. This framework includes domestic legislation such as the ***Criminal Law (Human Trafficking) Act 2009*** and the Criminal Law (Human Trafficking) (Amendment) Act 2013 as well

as international legislation such as ***Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims.***

The Plan also outlines the prevalence of human trafficking in Ireland from 2009 to 2015 and sets out some of the initiatives which have been undertaken to date to prevent human trafficking in Ireland, raise awareness of this evil crime and support and victims.

This 2nd National Action Plan builds on our current responses and reaffirms our commitment work together with our partners to prevent and combat this disturbing crime. It leverages and builds on international and domestic experience to date and provides for new initiatives in order to address human trafficking in all its forms. The Plan was drafted in consultation with our stakeholders; both Government and civil society and takes into account the recommendations and outcomes of various international evaluations of Ireland which have taken place over the past number of years.

This second National Action Plan aims to:

- Prevent trafficking in human beings;

- Identify, assist, protect and support victims of trafficking in human beings;
- Ensure an effective criminal justice response;
- Ensure that Ireland's response to human trafficking complies with the requirements of a human rights based approach and is gender sensitive;
- Ensure effective co-ordination and co-operation between key actors, both nationally and internationally;
- Increase the level of knowledge of emerging trends in the trafficking of human beings; and
- Continue to ensure an effective response to child trafficking.

The 2nd National Action Plan has been drafted under the following headings:

- Prevention;
- Protection;
- Criminal Justice Response / Prosecution;
- Partnership;
- Response to Child Trafficking; and
- Monitoring and evaluation.

The Plan contains a total of 65 non exhaustive actions to be continued or implemented in the coming years. The Plan is intended to be a flexible document

which will be adapted to reflect the growing experience in this new area and new challenges which may arise. Implementation of the Plan will continue to be monitored by the Interdepartmental High Level Group on Combating Trafficking

in Human Beings which was established under the first Action Plan in 2008.

LIST OF ACTIONS IN SECOND NATIONAL ACTION PLAN

Number	Action	Activities/Indicators
1	To identify training needs	Conduct a training needs analysis including an evaluation of existing training.
2	Explore awareness-raising/training opportunities in new sectors	Development of an awareness-raising and training strategy including the identification of problematic sectors. Take steps to increase knowledge of the role played by recruitment agencies and the role of online recruitment methods in the targeting of vulnerable persons.
3	Continue awareness-raising with educational institutions at all levels	Distribution of educational packs on trafficking to second level institutions. Provision of seminars at third level institutions with specific focus on disciplines that may have frontline roles.
4	Explore the use of the internet and/or social media as a preventive measure	Monitor activities in this regard by the European Commission and take on board recommendations.
5	Examine the possibility of developing projects with international partners aimed at awareness-raising and training on aspects of trafficking in human beings	Make applications to the EU for funding for projects in collaboration with EU partners and civil society and other relevant international organisations. Continue existing EU-funded projects.
6	Support the media to uncover trafficking stories and communicate them in a sensitive and responsible manner	As appropriate, issue guidelines to the media regarding the sensitivity of reporting cases of trafficking and the provisions in legislation regarding same.
7	Include evaluation mechanisms in awareness raising campaigns or training initiatives	Await EU Commission guidelines and implement in any future evaluation mechanisms employed.
8	Continue to run specific events on EU Anti-Human Trafficking Day to enhance public awareness of trafficking	Develop appropriate proposals for events to mark EU Anti-Human Trafficking Day.
9	Partnership programme between Irish Aid and the ILO	Consideration of continued support for programmes to assist persons subject to forced or child labour.

Number	Action	Activities/Indicators
10	Continue to implement the “Guidelines on the employment of private domestic employees by diplomatic staff”; review as required including examining the area of permitting family members to join the employee for the duration of their posting. Engage actively in international discussions on this topic	Interviews conducted in a timely manner; regular consultation with relevant partners; active participation in and contribution to international discussions in this area.
11	Continued efforts to ensure that the border remains a strong line of defence against traffickers while ensuring human rights standards for migrants are maintained	Develop and implement education, training and monitoring programmes as appropriate.
12	Develop international co-operation	Develop links with FRONTEX and with countries of origin of trafficking victims.
13	To continue to collect and analyse data on trafficking in human beings	To link in with State and NGOs to promote effective and reliable data collection. Collection and timely publication of annual national reports.
14	To contribute to European Data Collection Systems, as appropriate	To respond to requests for data from recognised European Institutions e.g. Eurostat.
15	Examine methodologies to improve assessment of the potential scale of undetected human trafficking	Assess potential use of Multiple Systems Estimation methodology.
16	Examine methodologies aimed at providing longitudinal information in relation to human trafficking investigations	Development of ‘attrition model’ of human trafficking investigations from identification onwards. Data collection supported by development of a database on victims including outcomes.
17	Conduct and encourage research in the area of trafficking in human beings	Collect and analyse data and engage with researchers on labour exploitation and sexual exploitation, preventative measures employing community participation methodologies as appropriate.
18	Examination of the current consultative structures.	Discussion with relevant stakeholders on the potential redesign of current consultative structures and participants.

Number	Action	Activities/Indicators
19	Work with civil society, trade unions and business representatives to explore effective methodologies to reduce the demand for all forms of trafficking.	Ongoing discussion with relevant stakeholders and monitoring of developments at international level to identify potential best practice models on demand reduction for labour exploitation and sexual exploitation. Action points, goals and timelines to be identified in work plans.
20	Take legislative measures to reduce the demand for the services of trafficking victims in prostitution.	Criminal Law (Sexual Offences) Bill. Consider any alternative legislative proposals.
21	Carry out a fundamental review of the formal identification process for victims of human trafficking with time-bound outcomes to ensure that we have in place a process that meets international best practice as soon as possible	Review and development of any new process, to be undertaken as a priority in consultation with the full range of State and civil society organisations active in this field. To re-examine the process for the allocation of Recovery and Reflection to victims of human trafficking.
22	To examine methodologies to improve the level of detection of human trafficking victims with a focus on problematic sectors.	Examination to be carried out in consultation with the full range of State and civil society organisations active in this field having regard to positive obligations to prevent, prosecute and punish human trafficking.
23	Maintain the provisions of the full range of services to victims of trafficking.	Continuing provision through the National Referral Mechanism of services to victims e.g. <ul style="list-style-type: none"> - Accommodation - Legal Advices - Psychological and Health services - Immigration permissions as required Development and introduction of a comprehensive policy document outlining the measures for protection and assistance to all victims, particularly to victims with special needs.
24	To monitor and examine the adequacy of, and where necessary, make recommendations to improve, the services provided to victims of trafficking in human beings	Monitor the provision of services to victims. Identify areas for improvement including identifying the most effective framework and work towards making those improvements. Monitor the implications of the EU Victims of Crime Directive for victims of trafficking.

Number	Action	Activities/Indicators
25	To consider the implementation of a victim service database/case management system	<p>Consult with State agencies and civil society to determine the most effective and appropriate way to implement this database/case management system.</p> <p>Examine the use of a unique identifier for victims of human trafficking.</p>
26	To continue to disseminate information to raise awareness of the indicators of human trafficking to facilitate the identification of victims	Update guides and leaflets already developed on various aspects of human trafficking and disseminate widely.
27	To ensure that victims of trafficking in the asylum process are recognised, provided with safe, secure and appropriate support without prejudice to their right to seek asylum	<p>Continue delivery of training to agencies involved in the asylum process to ensure victims in that process are appropriately identified and referred on to National Referral Mechanism.</p> <p>Monitor the implications of the International Protection Act 2015 for victims of trafficking.</p>
28	Keep under review the adequacy of all measures, including legislation, aimed at the protection of individuals from labour exploitation	<p>Progress the outstanding recommendations in the “Report on the Adequacy of current Irish legislation in relation to the criminalisation of forced labour”.</p> <p>Keep under review all protective mechanisms.</p>
29	Strengthen the role of trade unions and employers’ representative bodies in preventing trafficking for labour exploitation	Use the consultative structures in the National Action Plan to strengthen and support the role of trade unions and employers’ representative bodies in preventing trafficking for labour exploitation.
30	Work to enable Ireland’s ratification of the Protocol to the ILO Convention on Forced Labour, No. 29	Use the consultative structures to facilitate the ratification of the Protocol to the ILO Convention on Forced Labour, No. 29.
31	Take measures to enhance knowledge base in relation to trafficking for forced begging and forced criminal activities.	<p>Ensure data strategy is developed to encompass these forms of trafficking.</p> <p>Development of knowledge base in relation to countries of origin of victims of trafficking for forced criminal activities.</p> <p>Enhance intelligence sharing and collaborative working in relation to these forms of trafficking.</p> <p>Facilitate awareness in the legal profession and criminal justice system.</p>

Number	Action	Activities/Indicators
32	Develop guidelines to assist all State authorities in addressing complex cases where persons who have been found engaged in criminal activities may be victims of trafficking.	Guidelines developed and adopted.
33	To ensure that victims of human trafficking are aware of and have access to existing compensation schemes which are available to victims of a crime	Ensure that guides for victims of human trafficking contain information outlining rights including the right to compensation and ensure a wide distribution of these guides.
34	To ensure that all avenues are explored in the provision of compensation to victims of human trafficking	To examine existing schemes of compensation to victims of human trafficking and make any necessary recommendations.
35	Continue to assist the voluntary return of victims of human trafficking	Ensure that victims of human trafficking are aware of the option to avail of the voluntary return home and the reintegration assistance that is available.
36	To further develop and enhance the enforcement response for all forms of human trafficking	Review of enforcement measures undertaken. Specific enforcement measures related to trafficking for forced labour, forced begging and forced criminal activities examined.
37	Keep under review the adequacy of legislation to support the prosecution of traffickers	Ongoing monitoring of the efficacy of current legislation to be undertaken and appropriate consultation with An Garda Síochána maintained.
38	Ensure the full range of specialist Garda are utilised in the prevention and prosecution of trafficking	Full range of specialist Garda resources to be utilised, as appropriate, to target the prosecution of traffickers and the targeting of their criminal gains.
39	Establishment of new Garda Unit with responsibility for Human Trafficking	New Unit with responsibility for human trafficking established. Links between new Unit and full range of State and civil society organisations active in the field developed.
40	Continued provisions of training in investigation of human trafficking to Garda Officers	Specialised investigation training provided. Comprehensive review of training methods undertaken.

Number	Action	Activities/Indicators
41	To maintain police co-operation at international level focused on the prevention and prosecution of human trafficking offences	Maintenance of relationships with: <ul style="list-style-type: none"> - CEPOL - EUROPOL - INTERPOL - EMPACT - FRONTEX and attendance at relevant fora.
42	To ensure the effective investigation of human trafficking where criminal activities may have been carried out by the potential victim and the appropriate consideration of non-punishment of victims of human trafficking	To continue professional training of members of An Garda Síochána. To conduct information sessions with relevant bodies to address the issue of non-punishment.
43	To continue to ensure the protection of victims and witnesses during the criminal justice process	Provision of security and personal safety advice to victims of trafficking by Crime Prevention Officer.
44	Continue to foster close collaborative working relationship with civil society in developing and delivering a response to human trafficking	Monitor ongoing effectiveness and inclusiveness of consultative structures. Identify opportunities for joint projects.
45	To actively engage with NGOs for the purpose of awareness-raising and project development	To collaborate on awareness-raising events and on applications to the EU for funding for joint projects on human trafficking.
46	To continue to provide funding to NGOs active in the field of human trafficking.	To ensure funding is made available as appropriate and as efficiently as possible.
47	To explore opportunities for funding innovative programmes aimed at victims, or persons at risk, of human trafficking (e.g. Dormant Accounts Funding)	Ensure human trafficking related projects are provided for under the Dormant Accounts Funding Plan.
48	To continue to promote international co-operation between An Garda Síochána and law enforcement agencies in other jurisdictions	Develop international relations between law enforcement organisations in terms of the exchange of information, intelligence and best practices.

Number	Action	Activities/Indicators
49	Maintain close working relationship with Department of Justice Northern Ireland	Development of joint projects (e.g. joint conferences). Explore the possibility of putting in place arrangements for biennial analysis of victim referrals, on a cross-border basis, to identify key learning points and common themes.
50	Participation in relevant EU- level processes	Attendance at EU Networks and EMPACT meetings.
51	To continue to support the work of An Garda Síochána in the Santa Marta Project	Continue to engage with An Garda Síochána on the Santa Marta Project as appropriate.
52	Ensure Irish Defence Forces in International Peacekeeping role are trained in anti- trafficking measures	Promote a 'zero tolerance policy' to sexual exploitation by Irish Defence Forces in International Peacekeeping roles and provide training.
53	Address how to establish the most effective identification mechanism which takes into account the special circumstances and needs of child victims of trafficking	As part of the overall review of the victims identification process, specific consideration will be given to systems for identification of child victims.
54	Carry out a review of the data collection systems specifically for child victims	A review of the current data collection systems will be undertaken.
55	Monitoring of Tusla/An Garda Síochána protocol related to unaccompanied minors arriving at ports	This protocol will be kept under review and amended as necessary.
56	Review of procedures between An Garda Síochána and Tusla in relation to the identification and provision of support to child victims	Monitor practices between An Garda Síochána and Tusla to ensure they are effective and meet the needs of child victims.
57	To continue to promote and develop the Equity in Care Policy	Monitor the operation of the policy and implement improvements as required with timelines and deliverables.
58	To continue with the Aftercare Policy that is currently in place	To monitor the Aftercare Policy and implement improvements where appropriate.

Number	Action	Activities/Indicators
59	To ensure that the best interests of the child victim of human trafficking is a primary consideration in the provision of services	Ensure that all professionals dealing with children are aware of the indicators of human trafficking and act in the child's best interest.
60	To ensure that all child victims of trafficking have access to education and are encouraged in their educational endeavours	To liaise with educational institutions for the purpose of raising awareness of the issue of child trafficking and ensuring they receive appropriate educational placements.
61	Development of training in child trafficking	To put in place a multi-disciplinary and inter-agency form of training on child trafficking and identify relevant actors.
62	To continue a programme for frontline staff liable to encounter child victims of human trafficking	To identify frontline staff who would benefit from training or from refresher courses.
63	To facilitate the monitoring and evaluation of all activities conducted in the area of human trafficking	To put in place the appropriate structure to enable robust monitoring and evaluation to take place by range of international organisations active in this field, such as: <ul style="list-style-type: none"> - Council of Europe - EU Commission - United Nations - Organisation for Security & Co-operation in Europe, and - US State Department.
64	High Level Group to continue to monitor the implementation of this National Action Plan	High Level Group to receive and consider periodic reports on implementation and to take measures, as necessary, to ensure effective implementation. Ensure the appropriate integration of the prevention of human trafficking in the policies for children of immigrant origin, asylum seekers and persons with protection status.
65	Consideration will be given to the establishment of further independent monitoring mechanisms for oversight of anti-trafficking, including the possibility of putting in place of a National Rapporteur	Examination of options for independent oversight, including the possibility of a National Rapporteur, will be undertaken using the consultative structures. The commissioning of an independent review and evaluation of the Second National Action Plan after 2 years should be considered.