



**Submission to
The U.S. State Department
Trafficking in Persons Report 2017**

January 2017

The Immigrant Council of Ireland welcomes the opportunity to participate in the review of Ireland's anti-trafficking activities, conducted by the U.S. State Department as part of the annual Trafficking in Persons Report.

OVERVIEW OF THE COUNTRY'S TIP SITUATION: IRELAND

By the Immigrant Council of Ireland, 16 January 2017

This information, which is outlined in the first paragraphs of a TIP Report country narrative, describes the trafficking situation in the country. This information is used to describe the scope of the problem, not government efforts to address the problem, and does not contribute to the tier ranking determination. The government's response to human trafficking, not the scope or magnitude of the problem within its boundaries, primarily determines a ranking. In an effort to ensure this overview is current, sources and details should generally be no older than five years.

-- A. PROFILE: As trafficking trends typically do not change dramatically from year to year, the beginning of each narrative uses the previous year's text as a basis to describe the country's trafficking situation. Using the 2016 narrative TIP profile as the starting point, please describe significant changes, if any, in the country's TIP situation since last year. Provide information on sex and labour trafficking occurring within the country (where citizens and/or foreigners are victims), as well as characteristics of citizens exploited in sex or labour trafficking abroad. (A country is considered a source country even if its victims do not travel abroad but are exploited solely within the country.) Note whether there has been an evolution in how citizens or non-citizens are subjected to trafficking, including forced or bonded labour, forced begging or forced criminal activity (e.g., drug smuggling), prison labour that is not the product of a conviction in a court of law, and/or sex trafficking (including the prostitution of children under 18 years of age). Indicate whether there is an identified problem of child sex tourists traveling to the country and note their countries of origin. Has there been a change in the countries/regions from which trafficking victims are recruited or where the exploitation of the country's citizens occurs abroad?

Trafficking in persons in Ireland remains a largely gendered phenomenon. Trafficking for sexual exploitation, which disproportionately affects women, is still the most prevalent form of the practice. Most victims originate from EU Member States, with Romania being the main country of origin. Additional forms of trafficking which exist in Ireland include for labour exploitation,

criminal activities (particularly the cultivation of cannabis and some reports of exploitation in the fishing industry), and for the purpose of sham marriages, as recently highlighted in a [report](#) of the Immigrant Council.

-- B. VULNERABILITY TO TIP: Please report any changes in the identified groups of persons who are at risk of sex trafficking and labour trafficking (e.g., women and children, boys versus girls, specific ethnic groups, refugees, internally displaced persons, migrants, persons with disabilities, stateless populations, lesbian, gay, bisexual, or transgender individuals or individuals or communities living in conflict or crisis settings).

Roma are a high risk group and appear to be susceptible to trafficking primarily for prostitution, exploitative sham marriages and forced criminal activities such as pick-pocketing.

-- C. TRAFFICKERS AND THEIR METHODS: Have the profiles of traffickers changed in the last year? Is any new information available on this topic?

N/A

15. (U) CONTEXT OF THE GOVERNMENT'S ANTI-TIP EFFORTS: This information is used throughout the TIP Report country narrative to provide context for the government's anti-trafficking efforts.

-- A. POLITICAL WILL AND ACKNOWLEDGMENT OF THE PROBLEM: Did government officials demonstrate political will to combat human trafficking? Was this political will demonstrated at the highest levels of government, at working levels, or both? During the reporting period, did the government newly acknowledge that sex trafficking and/or forced labour are problems in the country? Please only report if the acknowledgments are new.

-- B. MAJOR ACCOMPLISHMENTS: What were the government's major accomplishments in addressing human trafficking over the reporting period?

The Criminal Justices (Sexual Offences) Bill 2015 passed through almost all stages of the legislative process in 2016. This constitutes a major achievement in Ireland's response to human trafficking as it contains provisions for targeting the demand that fuels the practice, including unconditional penalties for the purchase of sex from any person and severe penalties for purchasing of sexual services from a trafficked person. In respect of the latter offence, the burden of proof has been shifted to the accused person, who must prove they were unaware that the person was trafficked. The Bill also includes measures against child grooming and decriminalizes people involved in street prostitution, which will benefit some victims of trafficking.

The Government also published the second National Action Plan (NAP) on Trafficking in Human Beings, which is a welcome development, particularly considering that Ireland has been operating in the absence of any national strategy since completion of the first National Action Plan in 2012. The Immigrant Council welcomes, in particular, the Plan's commitment to a review of the current system for identifying victims in Ireland; to develop and introduce a comprehensive policy document outlining all protection and assistance measures available to victims in Ireland; to improve, where necessary, the provision of services to victim; to examine the existing scheme for

compensation and make any necessary recommendations for change; and to consider establishment of an independent National Rapporteur.

There has also been an increase in cooperation between State authorities and NGOs in Ireland. Following adoption of the NAP, consultations were held with representatives from civil society at the end of 2016, which indicates that dialogue between the different actors involved in the area could be restored to its past levels. In addition, the Department of Justice, Equality and Law Reform Anti-Human Trafficking Unit (AHTU) organized a study trip to the UK for State as well as NGO representatives, aimed at exploring the UK model for victim identification, and its best and transferrable practices. Thus, although the identification of victims remains hugely problematic in Ireland, this must be acknowledged as a positive move. Similarly, while the accommodation of trafficking victims within the direct provision system remains extremely problematic and unsuitable, it must be noted that some efforts have been made in this regard. For example, the Department of Justice, Equality and Law Reform Dormant Account Fund awarded funding to a consortium of NGOs to develop training materials for the staff of RIA centres (hostels for asylum seekers also used for accommodation of victims of trafficking) and for improving the chances for reintegration of formally identified victims who need to move on and live independently. Furthermore, the Gardaí Síochána (police authorities) endorsed a project led by the Immigrant Council of Ireland, Disrupt Demand, which received funding in 2016 from the European Commission Internal Security Fund, to look at effective implementation of legislative measures targeting demand for victims of trafficking.

-- C. KEY DEFICIENCIES: What were the greatest deficiencies in the government's anti-trafficking efforts over the reporting period? What areas require increased government attention?

There are a number of concerns relating to the identification of trafficking victims in Ireland which represent a considerable obstacle to any further progress in this area due to its fundamental importance for victims' protection and assistance and, by extension, witnesses' protection. In spite of critical reports from international monitors working in the area and Irish Court rulings criticizing the current approach to identifying victims, there remains an urgent need for improvements in the area.

In this regard, there is a need to ensure that authorities identify all victims without discrimination, regardless of their immigration status or nationality, particularly EU victims and asylum seeking victims of trafficking who are both excluded from the current identification system; use a low threshold for identifying victims rather than investigation standards when establishing their victimhood; ensure the Identification process is time-bound with all decisions issued without delay; include first responders and NGO staff in decisions concerning the formal identification of victims; and ensure that the decision is formally issued in writing to the victim and their legal representative. In addition, greater clarity is required as to the role of the different agencies involved in the identification of victims. Following establishment of the Garda National Protective Services Bureau, responsibility, for investigating alleged cases of human trafficking, no longer lies with the Garda National Immigration Bureau (GNIB), which is welcome. Yet, the GNIB are still identified in the Administrative Immigration Arrangements (AIA) as the authority

responsible for identifying victims. Furthermore, where victims are referred for identification, this can lead to the involvement of both agencies to establish and recognize victimhood, creating unnecessary delays and confusion.

The AIA remains the only document providing for identification of victims in Ireland. This document, however, is hopelessly outdated and applies only to undocumented third country nationals (originating outside of the EU). Consequently, the identification process is not on a legislative footing and excludes a large number of victims from the possibility of being identified, including Irish/EU nationals/documented third country nationals.

While the recently published Second National Action Plan commits the State authorities to improvements in the identification process, it remains to be seen what measures will be taken for this purpose.

In addition, significant problems remain in the accommodation of trafficking victims. In spite of previous criticism from international monitors and national NGOs, particularly the Immigrant Council of Ireland, trafficking victims are still accommodated in centres originally established for the short-term residency of asylum seekers. These centres are unsuitable for victims and expose them to prolonged poverty and undermine their ability to recover. Such centres have further been criticized in general for their lack of gender sensitivity and safety among other issues. Although the new NAP does contain a general commitment to improve the services available to trafficking victims, there unfortunately are no specific commitments relating to the accommodation of victims.

In addition to the above, there is a lack of viable avenues to compensation for the majority of trafficking victims, particularly those affected by the prevalent form of crime, sexual exploitation. To our knowledge, no victim of sexual exploitation has received compensation in Ireland. The existing avenues put victims trafficked for sexual exploitation at a particular disadvantage because, as in the vast majority of cases, they do not have verifiable expenses or employment losses to present and thus cannot avail of the Criminal Justice Compensation Tribunal or any of the work related bodies. Unfortunately, there is no firm commitment in the Second NAP to improving access to compensation beyond improving access to guides on the current system for compensating victims.

-- D. GOVERNMENT ANTI-TRAFFICKING LEADERSHIP AND COORDINATION: During the reporting period, which agency, if any, had the lead in government anti-trafficking efforts? Is there a designated lead anti-trafficking official and/or a national coordinating body? In what ways was this body effective or ineffective? What results did this body produce in the reporting period? Which government agencies were involved in efforts to combat sex trafficking and forced labour?

In addition to the established institutional framework on human trafficking in Ireland, there has been an increase in the frequency of Working Group meetings, established to provide a platform for consultation and cooperation between State authorities and civil society, which had previously been discontinued in practice, with two meetings being held in late 2016 to discuss the consultation process under the new NAP.

-- E. OBSTACLES AND RESOURCE LIMITATIONS: What were the limitations on the government's ability to address human trafficking problems in practice? Were there circumstances during the course of the reporting period that hindered government efforts, such as a natural disaster or civil unrest? Were there other bureaucratic or systemic limitations, such as inadequate institutions or inadequate funding for police? Did the government lack the resources to aid victims?

N/A

--F. OFFICIAL COMPLICITY IN TRAFFICKING CRIMES: What was the extent of official complicity in trafficking crimes? Were officials operating as traffickers in facilitating the exploitation of persons in forced labour and/or sex trafficking offenses or take actions which may facilitate trafficking (e.g., allowing an illegal brothel to operate, accepting bribes to allow undocumented border crossings, or suspending active investigations of suspected traffickers)? Were there examples of trafficking involving state institutions (e.g., prisons, child foster homes, institutions for people with mental or physical disabilities)? Was official involvement in trafficking crimes part of a national directive or policy? What measures has the government taken to prevent official complicity in trafficking in persons crimes? How has the government responded to reports of complicity that arose during the reporting period?

16. (U) INVESTIGATION, PROSECUTION, CONVICTION, AND SENTENCING OF TRAFFICKING CASES:

Overall, not applicable to the ICI

Background note: On May 29, 2015, the U.S. Congress passed the Justice for Victims of Trafficking Act (JVTA), which amended the definition of sex trafficking such that trafficking in persons includes cases where persons knowingly solicit or patronize a sex trafficking victim – including a child – to perform a commercial sex act. Please share information on: 1) whether countries have laws that prohibit this crime, and 2) investigations, prosecutions, and convictions of such suspects as separate tallies in the law enforcement data portions below.

For questions 16A-D, posts should highlight new legislation; if there have been no changes, please respond "No Change" to each question.

-- A. EXISTING LAWS AGAINST TIP: Does the country have a law or laws specifically prohibiting trafficking in persons? Does the law prohibit sex trafficking and forced labour of men, women, and children? (Criminal prohibitions of forced labour are considered prohibitions of labour trafficking.) If so, cite the name of the law(s) and date(s) of enactment. (Please provide copies of the law(s) and an English translation, if possible.) Please note whether these laws also cover offenses other than human trafficking, such as buying and selling of human organs, prostitution, and migrant smuggling. If the country does not have a specific TIP law, under what other laws can traffickers be prosecuted? For example, are there laws against slavery or the exploitation of women in prostitution by means of force, fraud, or coercion? Does the government use these laws to prosecute trafficking cases? Please include non-criminal statutes that provide penalties for trafficking crimes (e.g., violations of a labour code). Does the law criminalize the knowing solicitation or patronizing of a sex trafficking victim – including a child – to perform a commercial sex act? Does the law define this crime as trafficking? Please cite the name of the law(s) and date(s) of enactment, and provide a copy and English translation, if possible.

N/A

-- B. PENALTIES FOR SEX TRAFFICKING OFFENSES: What are the penalties prescribed under the law for sex trafficking, including the forced prostitution of adults and the prostitution of children by a third party? What are the prescribed penalties for persons found guilty of knowingly soliciting or patronizing a trafficking victim – including a child – to perform a commercial sex act?

N/A

-- C. PENALTIES FOR FORCED LABOR AND RELATED OFFENSES: What are the penalties prescribed under law for forced labour? If the host country is a source country for labour migrants, are there laws that criminalize labour recruiters who contract workers using fraudulent or deceptive offers for the purpose of subjecting workers to forced labour or forced prostitution in the destination country? [NOTE: See PREVENTION section for efforts addressing fraudulent recruitment of workers in which the purpose of subjecting workers to forced labour is not evident. END NOTE.] If the country is a destination for labour migrants, are there laws prohibiting employers or labour agents from confiscating workers' passports or travel documents, switching contracts without the workers' consent, or withholding payment of salaries as a means of keeping workers in a state of compelled service?

N/A

-- D. COMPARISON TO PENALTIES FOR OTHER CRIMES: What are the penalties prescribed under law for rape? [NOTE: This is necessary to evaluate a foreign government's compliance with TVPA Minimum Standard 2, which reads: "For the knowing commission of any act of sex trafficking... the government of the country should prescribe punishment commensurate with that for grave crimes, such as forcible sexual assault (rape)." END NOTE.]

N/A

-- E. LAW ENFORCEMENT STATISTICS: Statistics should cover April 1, 2016 - March 31, 2017, or other consistent, annual cycle used by the host government, such as the calendar year. Please ensure the data submitted for the 2017 TIP Report is consistent with the cycle used in the 2016 TIP Report country narrative. Where possible, please disaggregate numbers of traffickers by type of trafficking (forced labour vs. sex trafficking), whether the victims were children or adults, and whether the victims were nationals of the country or foreigners.

N/A

1) INVESTIGATIONS: Provide the number of forced labour and sex trafficking case investigations initiated during the reporting period (rather than ongoing cases). Please note any investigations that were ultimately prosecuted as non-TIP crimes. Please note separately investigations of individuals suspected of knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act. Please describe any notable investigations.

N/A

2) PROSECUTIONS: Provide the number of individual defendants newly prosecuted for alleged TIP crimes. Please also note the number of defendants involved in ongoing prosecutions begun in

previous reporting periods. Please indicate the specific law(s) (and sections, if applicable) under which suspected traffickers were prosecuted. Please note separately the number of suspects prosecuted for knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act. Please describe notable cases.

N/A

3) **CONVICTIONS AND SENTENCES:** Provide the number of individuals convicted for trafficking crimes. Please indicate the specific law(s) (and sections, if applicable) under which traffickers were convicted. Please note the length of jail sentences imposed on each convicted trafficker (as well as fines and plea bargains, if applicable). Please note how many, if any, convicted traffickers received no jail time or fully or partially suspended sentences. Please describe notable cases. Report appellate courts' affirmations or reversals of convictions by lower courts and provide details or share court documents explaining case dismissals and acquittals. Please list separately the number of offenders convicted for knowingly soliciting or patronizing a sex trafficking victim to perform a commercial sex act.

N/A

4) **LAW ENFORCEMENT ACTION AGAINST GOVERNMENT COMPLICITY:** Describe allegations of trafficking involving complicit officials or government entities – including diplomats and peacekeepers – specifically the allegedly complicit actions taken by such officials or entities and the sources of these allegations. Please indicate the number of government officials (including diplomats or peacekeepers deployed abroad) investigated, prosecuted, and/or convicted for involvement in trafficking or criminal activities linked to TIP. What penalties were imposed, including prison time, suspended sentences, fines and/or administrative sanctions? Has the government implemented a system for penalizing complicit government officials? See the implementation guidelines for Minimum Standard 4(7) for further instructions on reporting on allegations of official complicity. Also, please report any allegations or prosecutions of foreign diplomats posted in the country on charges of sex or labour trafficking (such as compelling work by household employees).

N/A

-- F. **TRAINING:** Describe specialized anti-TIP training the government provided during the reporting period for police, investigators, prosecutors, judges, and/or other law enforcement officials on identifying and assisting victims of trafficking and/or investigating and prosecuting human trafficking cases. Specify the government's role in the training (including financial or in-kind contributions), when the training(s) took place, and the number of persons trained. If NGOs, international organizations, and/or the USG were involved, identify the organizations and describe the support they provided (e.g., led training seminars, funded and organized trainings). Only training funded by the government or with tangible government contributions will be included in the country narratives.

The bi-annual training of An Garda detectives in the Garda Training College Templemore continued and involved specialized NGOs, such as the ICI. This is a very welcome practice in Ireland.

-- G. DEFICIENCIES IN APPLYING LAW: Is there any evidence that the government failed to apply laws fairly in trafficking cases based on thorough investigations and due process protections for the accused?

N/A

-- H. INTERNATIONAL INVESTIGATIONS AND EXTRADITION: Provide the number, if any, of cases in which the government cooperated with one or more other countries in international investigations and/or prosecutions of trafficking crimes. Describe the current status of those cases. Indicate if the government entered into any new bilateral, multilateral, or regional law enforcement cooperation and coordination arrangements with other countries and if existing arrangements have resulted in concrete and measurable outcomes. Did the government extradite persons who were charged with trafficking in other countries? If so, how many and to which countries?

N/A

17. (U) PROTECTION AND ASSISTANCE TO VICTIMS:

-- A. VICTIM CARE SERVICES OVERVIEW: What types of care services were available to trafficking victims? Were these services provided by the government, NGOs, or jointly? Were these services dedicated to TIP victims or shared with other types of victims (e.g., domestic violence, sexual assault, refugees, etc.)? Please specify the kind of assistance, including medical and psychological services, the government provided to foreign and domestic TIP victims. Which foreign embassies, if any, provided shelter or protective services to their nationals who were trafficking victims? Are protection services time-limited or conditional upon victims' cooperation with law enforcement on prosecution?

In order for victims to receive assistance it is first necessary that they make contact with the police, who can then refer them into the National Referral Mechanism.

At this stage, accommodation and assistance is provided to victims through the direct provision system. This means that victims are housed in reception centre for asylum seekers, operated by a State agency on direct provision principle (full board and negligible amount of weekly pocket money). Alternative facilities, such as specialised shelter for women and children, dealing with domestic and sexual violence are off limits for victims of trafficking. The conditions in the above reception centres are inappropriate for victims of serious violations, in that they are gender blind, have no trained personnel to respond to trauma, lack privacy and expose their residents to risks and prolonged poverty. Therefore in fulfilling its two main obligations regarding safety and recovery these accommodation arrangements fall dramatically short.

Where an official statement has been made by a victim, they may be formally identified as a suspected victim of trafficking. In such cases, an avenue to privately rented accommodation is open. Current procedures for the identification of victims, however, are contained under Administrative Arrangements which only apply to victims lacking legal residency to remain in Ireland. Consequently, those who claim asylum or hold any other immigration permit to be in the State are precluded from this possibility. Furthermore, victims of trafficking originating from other EU Member States have only conditional

access to state welfare and in almost all cases fail to meet the habitual residence condition, which would allow them private accommodation and subsistence.

For the small number of victims who fall within the Administrative Arrangements, the identification process is overly cumbersome and confusing, for victims, service providers, and those involved in the process. Specifically, there are a number of state agencies involved in the process, including the Garda National Immigration Bureau, the Garda National Protective Services Bureau, and Irish Naturalization and Immigration Services, whose exact roles are unclear. In practice, this can lead to duplication and delays, as the decision making process is not bound by any timeline. There is further a lack of transparency surrounding decision-making in the process and often a lack of contact with victims concerning their status.

Detected victims of human trafficking are also referred to the Health Service Executive, whose specialized team of social workers develop a Care Plan and promote referrals to other services. While this is very welcome, the existing policies limiting access to services *per se* inevitably interfere with the intentions of the care plans.

Medical care is available to all victims of trafficking and asylum seekers and this remains the most appreciated feature of the present response to victims of trafficking by the State. Access to psychological counselling is possible, although limited.

Legal advice (legal information) is provided by the Legal Aid Board (LAB) to “alleged” victims of trafficking in relation to “any matter connected with the commission of the human trafficking offence”. In order to be considered an alleged victim and access such advice/information a victim must be referral by An Garda Síochána (the police), and have already disclosed (to the police) basic details about their situation and identity. This advice is limited to the provision of advice on certain matters including regularising immigration status, seeking redress through employment protection legislation, and to the provision of information on other matters such as seeking compensation. The ICI law centre (not funded by the state) legally represents a number of victims of trafficking in the state, and has raised on many occasions the need for expanding the functions of the LAB to holistic legal representation which can be accessed at the earliest opportunity and prior to engaging with an Garda Síochána.

Other material services are provided by Ruhama, in cases of female victims of sex trafficking and the MRCI in cases of victims of labour exploitation, with both agencies being partially funded by the state. While in the West of Ireland, Doras Luimni responds to the victims of both sex and labour trafficking.

In recent years, the Embassies of Latvia and other EU countries such as Estonia, Bulgaria have been involved in catering for their respective nationals, who are victims of trafficking for the purposes of sham marriages. This assistance primarily consists of organizing temporary stay in Ireland and repatriation with referral to specialized shelter in the country of origin.

-- B. VICTIM CARE QUALITY: What was the overall quality of victim care? Please consider the following questions in this assessment: Did foreign victims have the same access to care as domestic trafficking victims? Where were child victims placed (e.g., in shelters, foster care, or juvenile justice detention centres) and what kind of specialized care did they receive? Could adult victims leave shelters unchaperoned and at will? Did the government provide shelter and specialized care for male as well as female victims? Did the government provide services that were accessible for victims with disabilities (e.g., physical access for wheelchair users, sign language interpretation for people with hearing impairments, etc.)?

The actual assistance and services available to trafficking victims is conditional on their immigration status and nationality. The Administrative Immigration Arrangements (AIA) are the only available document relating to the identification and provision of assistance to trafficking victims. These, however, only apply to those victims who lack any basis for legal residency, applying only to undocumented third country nationals. This excludes the vast majority of victims, which mostly comprise EU nationals and asylum seekers. Only those victims who fall within the AIA are identified as suspected victims of trafficking and thus can access recovery and reflection periods, temporary residency permits, and the assistance available under each, including the possibility for recovery in a private accommodation and with subsistence.

In terms of the quality of services available to victims, there are particular issues arising from their placement within the direct provision system during the initial period when their application is under consideration, in cases where victims simultaneously claim international protection, and during the recovery and reflection period for those few who are formally recognized as victims of trafficking.

The reception centres where victims are housed during this period have previously been criticized on ground including that they have no trained personnel to respond to trauma, lack privacy and expose their residents to risks and prolonged poverty. In addition, there is no specialized care for female victims of crime, including those who have suffered sexual abuse and trauma. The services gravitate around the direct provision centres for asylum seekers, which are gender neutral.

There are no specific measures for supporting victims with special needs, arising from personal vulnerabilities such as gender, pregnancy, health, a disability, a mental or psychological disorder they have, or a serious form of psychological, physical or sexual violence they have suffered. The ICI recommends that special attention is designated to these cases and that they are ear-marked for special services and concessions as the needs of the victim dictate, in line with EU law. In 2016, the ICI was invited to partner in an EU funded project together with Red Cross and other organizations to explore the identification of the special needs of asylum seeking victims of trafficking.

-- C. VICTIM IDENTIFICATION, REFERRAL, AND ASSISTANCE STATISTICS: What was the total number of trafficking victims identified by the government during the reporting period (where possible, indicate whether labour or sex trafficking, male or female, and child or adult)? Of these, how many victims did the government refer to care facilities for assistance? How many victims were identified during the reporting period by NGOs or other non-governmental entities (including through self-

identification)? How many trafficking victims in total (whether referred by the government or other entities) did facilities assist during the reporting period?

N/A

-- D. VICTIM IDENTIFICATION PROCEDURES: Did the government's law enforcement, immigration, and social services personnel have formal written procedures to guide officials in proactive identification of victims of trafficking, especially for use when in contact with vulnerable groups (e.g., undocumented migrants and persons arrested for prostitution)? If so, please describe the system, note if it was newly established, and assess whether it worked in practice. For countries with legalized prostitution, what kind of mechanism did health officials, labour inspectors, or police have to identify trafficking victims among persons involved in the regulated commercial sex trade?

The identification procedure for victims of human trafficking is outlined in the Administrative Immigration Arrangements (AIA), which only applies to undocumented migrants. As there is no identification process that applies to all victims, it is unclear, which, if any, procedure guides the competent authority (An Garda Síochána) when identifying victims who possess some form of legal residency.

Furthermore, there is confusion surrounding the actual agency responsible for identifying those victims who fall within the scope of the AIA. Following establishment of the Garda National Protective Services Bureau, responsibility, for investigating alleged cases of human trafficking, no longer lies with the Garda National Immigration Bureau (GNIB). Yet, the GNIB are still identified in the AIA as the authority responsible for identifying victims. Furthermore, where victims are referred for identification, this can lead to the involvement of both agencies to establish and recognize victimhood, creating unnecessary delays and confusion.

The current approach to identifying victims in Ireland has been the subject of criticisms by international monitors and Irish stakeholders alike. It precludes the vast majority of victims from its benefits by operating a nationality and immigration status led categorization approach, and among other things interferes with the right of victims of trafficking to seek and enjoy asylum. It generally lacks timeframe or transparency and it is delegated entirely to An Garda Síochána high ranking officers, thus denying the NGOs any formal or meaningful participation.

The ICI welcomes the commitment in the Second National Action Plan to review the identification process in Ireland. The ICI calls for an identification procedure that applies to all victims without exception. Where victims are identified as such they should receive formal acknowledgement of that status in writing along with the offer of a recovery and reflection period. Where applicable, this should also be sent to the victim's legal representatives. It is further necessary, in line with international best practice, that NGOs be given a formal role in the identification process. There is also a need for a low threshold approach in the identification of victims. The evidentiary standard for identifying victims must not be the same as that for initiating investigations. And finally, there should be reasonable time limits over the process.

The ICI recommends that the fundamental review of the identification system is completed as speedily as possible. The ICI further supports the idea for a specific identification procedure and

guidelines for minor victims of trafficking, and welcomes the commitment in the Second National Action Plan to give “specific consideration ... to systems for identification of child victims.”

-- E. VICTIM REFERRAL PROCEDURES: Did the government have a formal referral process to guide officials in transferring trafficking victims identified, placed in protective custody, detained, or arrested by law enforcement authorities to institutions that provide short- or long-term care (either government- or NGO-run)? If so, please describe the process and whether it worked in practice. If victims were referred to NGO facilities, please describe the NGOs' assessment of the referral process.

N/A

-- F. BENEFITS FOR FOREIGN VICTIMS: Did the government provide, through a formal policy or otherwise, temporary or permanent residency status, or other relief from deportation, for foreign victims of human trafficking who may face retribution or hardship in the countries to which they would be deported? If so, how many victims received deportation relief? Were such benefits linked to whether a victim assisted law enforcement or participated in a trial or whether the trafficker was convicted? Did the government provide, through a formal policy or otherwise, longer-term shelter or residency benefits to victims? If so, were victims given the opportunity to seek legal employment while in temporary or permanent residency status?

With regard to undocumented foreign victims, the state provides recovery and reflection permit of 60 days, which does not entail any residence rights, and the possibility for a 6 months renewable temporary residence permit for victims of trafficking, willing to participate and necessary for trafficking investigations, which in itself confers temporary residence rights. It must be noted that foreign nationals who claim asylum are precluded from obtaining such residence permit. After a considerable time spent in the state on renewable residence permits, victims are entitled to apply for more durable solutions.

-- G. FUNDING: How much funding (in the local currency) did the government spend on trafficking victim protection and assistance (e.g., funds for NGOs operating shelters and payments to victims)? If assistance provided was in-kind, please specify the type and amount of assistance. Please specify if funding for assistance came from a federal budget or from regional or local governments. Please note whether any non-governmental organizations fund victim assistance.

N/A

-- H. PENALIZATION OF VICTIMS: Were trafficking victims (whether or not identified as such by authorities) detained, fined, or jailed for unlawful acts committed as a result of being trafficked (e.g., immigration or prostitution violations, drug-related, or other charges)? Are victims summarily deported without being screened for trafficking victimization? Does law enforcement screen for trafficking victims when detaining or arresting individuals in prostitution, migrants, or other vulnerable groups? Or does the government partner with NGOs to do so? How so? Please contact NGOs and foreign embassies to solicit their input to this question.

There is no rule against the prosecution of trafficking victims in Ireland. The Directorate for Public Prosecutions (DPP), which has been supplied with guidelines for non-

prosecution of victims of trafficking, reserves full discretion on this matter and its decisions are not open to scrutiny.

The Immigrant Council notes that the process for seeking immunity is complex and requires legal representation, in order for the victim to prepare a letter to the DPP detailing all the articles of the law with respect to which immunity is sought.

Furthermore, experiences show that if victims are prosecuted, before they are identified as a victim of trafficking, they appear to hold a criminal record which cannot be expunged following formal identification.

A positive development is the inclusion of decriminalization of people involved in street prostitution, through the Sexual Offences Bill, which could benefit some victims of trafficking exploited in this context.

-- I. VICTIM ASSISTANCE IN INVESTIGATIONS AND PROSECUTIONS/WITNESS PROTECTION: How did the government encourage victims to assist in the investigation and prosecution of trafficking? (Examples of encouragement include immigration relief, witness protection services, victim witness advocates, and funding for transportation and lodging to assist victims' participation. Encouragement is distinct from coercion, such as compelling a foreign victim to testify by not permitting the victim to leave the country until the end of the trial.) Is there a formal policy that encourages victims' voluntary participation in investigations and prosecutions? If so, how many victims assisted an investigation or prosecution during the reporting period? How did the government protect the victims during the trial process? If a victim was a material witness in a court case against a former employer, was the victim permitted to obtain employment, move freely within the country, or leave the country pending trial proceedings? How did the government work to ensure victims were not re-traumatized during participation in trial proceedings? Were victims permitted to provide testimony via video or written statements? Were victims' identities kept confidential as part of such proceedings?

-- J. RESTITUTION AND CIVIL SUITS: Were there means by which a victim could obtain restitution from the government or file civil suits against traffickers for restitution, and did this happen in practice during the reporting period? Please provide details of any such cases.

There is a lack of viable avenues to compensation for the majority of victims of trafficking and especially those affected by the prevalent form of crime, sexual exploitation.

The existing avenues put victims of trafficking for sexual exploitation at a disadvantage because in the vast majority of cases they do not have verifiable expenses or employment losses to present and thus cannot avail of the Criminal Justice Compensation Tribunal (CJCT) or any of the work related bodies. The CJCT does not compensate for pain and suffering but only recovers verifiable losses/expenses.

The Immigrant Council recommends that new possibilities for compensation are explored, such as for example the creation of a specialized fund for victims or the possibility for a direct compensation from the criminal assets confiscation fund.

-- K. REPATRIATION ASSISTANCE: Did the government facilitate and/or fund the repatriation of its nationals exploited in trafficking abroad? Did the government provide access to assistance, such as medical services, shelter, counselling, reintegration support, or financial help to its nationals identified as victims abroad? Please include such details for any assistance provided by diplomatic staff overseas (including labour attachés) while victims remained abroad and that available upon their repatriation.

N/A

18. (U) PREVENTION:

-- A. NATIONAL ACTION PLAN: Did the government have a national action plan to address trafficking in persons? How was it implemented in practice? If the plan was developed during the reporting period, which agencies were involved in developing it? Were NGOs consulted in the process? Did the government allocate resources to implement the national action plan? [NOTE FOR COUNTRIES POTENTIALLY SUBJECT TO AUTOMATIC DOWNGRADE TO TIER THREE BUT ELIGIBLE FOR A WAIVER: Missions in these countries should submit a copy of the current national action plan and a description of resources devoted to its implementation in order for the country to be considered for a waiver of the automatic downgrade provision. Countries eligible for a first waiver include: Bulgaria, Congo (Democratic Republic), Congo (Republic), Costa Rica, Cuba, Gabon, Ghana, Maldives, Malaysia, Saudi Arabia, and Trinidad and Tobago. Countries eligible for a second waiver include: Antigua and Barbuda, Bolivia, China, Laos, Pakistan, Qatar, and Saint Vincent and the Grenadines. END NOTE.]

A Second National Action Plan was released in October 2016. Despite delays which meant that Ireland operated without a National Action Plan between 2012 and 2016, release of the plan has been a welcome development. The plan itself was drafted over a number of years in consultation with NGOs who were given the opportunity to submit detailed submissions. While the Plan contains a number of welcome commitments, including reviewing and improving the identification of victims and the assistance available to them in practice, as well as assessing current approaches to compensation, it remains to be seen how such commitments will be acted upon.

-- B. RESEARCH AND ACCOUNTABILITY: What has the government done to research and assess the human trafficking problem in the country? To what extent did the government systematically monitor its anti-trafficking efforts (prosecution, protection, and prevention) and periodically make public its assessments of these efforts?

N/A

-- C. AWARENESS CAMPAIGNS: Please describe any government-funded anti-trafficking information or education campaigns conducted during the reporting period. Did these campaigns target potential trafficking victims and/or the demand for trafficking (e.g., buyers of commercial sex or beneficiaries of forced labour, such as employers)? Specify whether NGOs, international organizations, trade unions, and/or the USG were involved, and briefly describe the involvement and support they provided (e.g., led awareness campaigns, funded and organized the awareness event).

N/A

-- D. LABOR RECRUITMENT REGULATION AND OVERSIGHT: Describe existing procedures to regulate and oversee labour recruitment agencies and assess their effectiveness in preventing abuse. What efforts did the government make to punish labour recruiters or brokers involved in the recruitment of workers through knowingly fraudulent offers of employment and/or excessive fees for migration or job placement (contributing factors to human trafficking)? What efforts did the government make to raise awareness among potential labour migrants about limits on recruitment fees or their rights while abroad?

N/A

-- E. MIGRATION AND TRADE POLICIES: What efforts did the government make to ensure that its policies, regulations, and agreements relating to migration, labour, trade, and investment did not facilitate forced labour? These would include labour migration and employment programs or trade agreements that govern or create new markets for migrant labour. Bilateral labour agreements between origin and destination governments would only be of anti-trafficking relevance if they contain explicit language on forced labour or sex trafficking. END NOTE.]

N/A

-- F. IDENTIFICATION MEASURES: What new measures did the government take to establish the identity of local populations, including birth registration and issuance of documentation, citizenship, and nationality? Local populations include citizens, foreign nationals, stateless populations, as well as internally displaced peoples, refugees, etc. Over the past year, have there been any legislative changes related to any of these issues?

N/A

-- G. FOREIGN ASSISTANCE: Did the government provide assistance to other governments in combating trafficking in persons through trainings or other assistance programs?

N/A

-- H. REDUCING DEMAND FOR COMMERCIAL SEX OR FORCED LABOR: What measures not mentioned elsewhere did the government take to reduce the demand for commercial sex acts and/or forced labour? Such actions target consumers – not suppliers or facilitators – of commercial sex and forced labour. Efforts to reduce demand for prostitution should target clients and potential clients of the sex trade; law enforcement efforts against brothels or individuals in prostitution are not considered efforts to reduce the demand for commercial sex. Examples of reducing demand for forced labour could include issuing and enforcing regulations to promote transparency and fair labour practices in the supply chains of private sector businesses and in government procurement.

The Criminal Justice (Sexual Offences) Bill 2015 passed through almost all stages of the legislative process in 2016. The Bill represents a major accomplishment in the State's attempts to tackle demand for victims of trafficking for sexual exploitation. It contains penalties for the purchase of sexual services from any person and severe penalties for purchasing sexual services from a trafficking victim. In the latter offence, the burden of proof is shifted to the accused, meaning they must show they were unaware that the person had been trafficked. The Bill also decriminalizes those involved in street

prostitution (those engaged in indoor prostitution are already decriminalized) which will benefit some victims of trafficking (we note that). Furthermore, the Bill introduces provisions against child grooming, which is most welcome. These measures specifically target the most prevalent forms of trafficking in Ireland, trafficking for sexual exploitation and child trafficking.

-- I. CHILD SEX TOURISM: What measures did the government take to reduce its nationals' participation in international and domestic child sex tourism? If the country has an identified problem of child sex tourists traveling to the country, how many foreign child sex tourists did the government prosecute or deport/extradite to their country of origin? If any of the host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws allow the prosecution of suspected sex tourists for crimes committed abroad? If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period for traveling to other countries to engage in child sex tourism?

N/A

-- J. DIPLOMATS: Has the government adopted measures to ensure its diplomats do not engage in or facilitate severe forms of trafficking in persons? These measures could include training, guidance, awareness-raising, or implementing regulations aimed at ensuring that diplomats are not engaged in trafficking in persons, particularly in domestic servitude. If there have been public allegations that a diplomat representing the government abroad engaged in trafficking in persons, what actions has the government taken to address those allegations?

N/A

-- K. (U) PEACEKEEPERS: What measures did the government adopt to ensure that its nationals deployed abroad as part of a peacekeeping or other similar mission did not engage in or facilitate severe forms of trafficking? This information is required of posts in countries that contributed more than 100 troops to international peacekeeping efforts in the reporting period, which as of October 31, 2016, were the following: Argentina, Austria, Bangladesh, Benin, Brazil, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Chad, Chile, China, Congo (Republic of), Djibouti, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, The Gambia, Germany, Ghana, Guatemala, Guinea, India, Indonesia, Ireland, Italy, Japan, Jordan, Kenya, Malawi, Malaysia, Mauritania, Mongolia, Morocco, Nepal, Netherlands, Niger, Nigeria, Norway, Pakistan, Paraguay, Peru, Philippines, Republic of Korea, Rwanda, Senegal, Serbia, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Tanzania, Togo, Tunisia, Turkey, Uganda, Ukraine, United Kingdom, Uruguay, Yemen, and Zambia.

N/A

-- L. (U) OTHER MEASURES: Please describe any other measures the government adopted specifically to prevent trafficking in persons.

N/A

REQUIREMENTS FOR THE CHILD SOLDIERS PREVENTION ACT

19. (U) The Child Soldiers Prevention Act of 2008 (CSPA) requires the Department to list in the TIP Report foreign governments identified as having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defence forces, that use or recruit child soldiers. Listed countries are subject to certain restrictions on assistance, absent a waiver or other exception.

20. (U) Definition of "Child Soldier" under the CSPA: Consistent with the provisions of the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict, the term "child soldier" means (i) any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces; (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces; (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or (iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state. This includes any person described in clauses (ii), (iii), or (iv) who is serving in any capacity, including in a support role such as a cook, porter, messenger, medic, guard, or sex slave.

N/A

21. (U) CHILD SOLDIERS PREVENTION ACT (CSPA) REPORTING: For questions A-I, posts should use the definition of "child soldier" listed at paragraph 20 and the period of April 1, 2016 through March 31, 2017.

A. Describe instances of conscription or forced recruitment of persons under the age of 18 into governmental armed forces; voluntary recruitment of any person under 15 years of age into governmental armed forces; the extent to which any person under the age of 18 took a direct part in hostilities as a member of governmental armed forces; and recruitment (forced or voluntary) of persons under the age of 18 by armed groups distinct from those of the governmental armed forces, including paramilitary forces, militia groups, guerrillas, or other armed groups.

N/A

B. If the government is providing support to an armed group that recruits and uses child soldiers, what is the extent of the support (ex. in-kind, financial, training, etc.)?

N/A

C. Describe efforts to end these practices, including steps and programs the government undertook. Conversely, describe the ongoing or increased tolerance of such practices, including the role of the government in engaging in or tolerating such practices.

N/A

D. Did the government acknowledge that recruitment and use of child soldiers by governmental armed forces and/or government-supported armed groups is a problem in the country? If not, why not?

N/A

E. If the government acknowledges recruitment of child soldiers for use by its armed forces or government-supported armed groups, what steps is it taking to end the problem?

N/A

F. Does the country have a law(s) and/or regulation(s) prohibiting the recruitment and use of child soldiers? Are all parties (at all levels) aware of these laws and are prohibitions enforced, both for governmental armed forces and government-supported armed groups?

N/A

G. Has post informed the government of the CSPA and its restrictions on certain types of military assistance for governments that have governmental armed forces or government-supported armed groups that use or recruit child soldiers?

N/A

H. Describe any specialized training against child soldiering provided by the government. Specify whether NGOs, international organizations, and/or the USG were involved in establishing, supporting, or monitoring training or protection units to address this issue.

N/A

I. Is 18 years of age the legal minimum age for compulsory recruitment? If not, what is the legal minimum age for compulsory recruitment? Are there effective processes to verify the age of new recruits to governmental armed forces? Are these processes subject to independent monitoring and oversight? Are recruiters held accountable for recruiting child soldiers (i.e., fined or penalized in any way)?

N/A

J. If child soldiering is an issue in the country, has the government entered into a joint UN action plan, or developed its own action plan, to address the recruitment and use of child soldiers, and to provide for the reintegration of victims? If yes, describe the government's progress toward full and expeditious implementation, including the opening of training and recruitment facilities to inspection. If no, describe progress toward, and obstacles to, concluding, signing, and implementing an action plan.

N/A

K. Describe the government's efforts to disarm and demobilize child soldiers, and to reintegrate former child soldiers. Describe the government's efforts, if any, to monitor the well-being of such children after their reintegration. In particular, describe what considerations are made for the reintegration and rehabilitation of female child soldiers, who are often at increased risk of ostracism from their families and communities upon return from captivity due to the likelihood that they experienced sexual violence during their time with an armed group.

N/A

L. Report abuse of male and female children recruited by governmental armed forces or government-supported armed groups noted above (e.g., sexual abuse or use for forced labour). Describe the manner and age of conscription, noting differences in treatment or conscription patterns based on gender.

N/A

M. What were the limitations on the government's ability to address the above problems in practice? Who in the government is responsible for oversight on child soldier issues?

N/A