

Report of
Department of Justice, Equality and Law Reform
and An Garda Síochána Working Group on
Trafficking in Human Beings

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Chapter 1 Terms of Reference

1.1 Terms of Reference

The terms of reference of the working group were:

- To examine the extent and nature of trafficking into Ireland of human beings for the purposes of sexual exploitation by reference to the UN definition of human trafficking;
- To identify and examine the immigration controls in place to combat the phenomenon;
- To identify and examine other law enforcement measures to combat the phenomenon, including measures to tackle organised criminal groups involved in human trafficking;
- To identify and examine the legislation required to deal with human trafficking; and
- To report and make recommendations to the Secretary-General, Department of Justice, Equality and Law Reform.

1.2 UN Definition of Trafficking in Persons

Article 3 of the protocol to prevent, suppress and punish trafficking in persons, especially women and children, which supplements the UN Convention on Transnational Organised Crime defines “trafficking in persons” as follows:

- (a) “Trafficking in persons” shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if

this does not involve any of the means set forth in subparagraph (a) of this article;

(d) “Child” shall mean any person under eighteen years of age.

1.3 Membership of the Working Group

Details of the membership of the working group are in the Appendix to this report.

Chapter 2 Context of Human Trafficking in Ireland

2.1 The Global Situation

The considerable growth in smuggling of persons and human trafficking are reflections of globalisation and both phenomena have become major global businesses of organised crime groups and networks. It is estimated that between 600,000 and 800,000 persons are the victims of trafficking throughout the world each year and that 100,000 women are the victims of trafficking in Europe. The US State Department Trafficking in Persons (TIPS) Report 2004 disaggregated the US Government's trafficking data by age and gender for the first time. This analysis indicated that of the estimated 600,000 to 800,000 men, women and children trafficked across international borders each year, approximately 80 per cent are women and girls and up to 50 per cent are minors. The analysis also showed that the majority of transnational victims are trafficked into commercial sexual exploitation.

The Council of Europe Organised Crime Situation Report 2005 confirms that, in Europe, most victims of trafficking are women and girls who are exploited for sexual purposes. The report states that 'the market for commercial sexual services is considered a major force driving trafficking' and that 'in a number of countries, prostitution or the "red light milieu" serve as an entry point for organised crime groups and networks in a given area'. The report adds that it is 'no coincidence that the large majority of victims are found in the prostitution sector, and the share of migrant sex workers appears to be ever increasing'.

According to the Europol EU Organised Crime Report 2005, all the indications, to date, are that trafficking in human beings takes place on a much smaller scale than illegal immigration. However, the report acknowledges that the nature of human trafficking is such that it is harder to identify and consequently, quantify. The report also recognises the greater harm to victims from the exploitation, intimidation and violence associated with human trafficking. There are also cases where illegal migrants, who have been smuggled rather than trafficked, later find themselves the victims of exploitation - exploitation made easier by their illegal status.

Three principal elements contribute to the growth in the phenomenon of human trafficking - vulnerability, demand and organised crime.

In countries of origin there is no shortage of supply of victims. As pointed out in the US TIPS Report 2005, this supply is encouraged by many factors including poverty, the attraction of higher standards of living elsewhere, lack of employment opportunities, violence against women and children, discrimination against women, government corruption, political instability and armed conflict.

Constantly growing sex markets sustain demand. In the main, traffickers send women from countries in the south to countries in the north and from east to west, where demand from purchasers of sex is strongest. Europeans spend billions of euro every year on prostitution and other commercial sexual services. Sex tourism and child

pornography have become worldwide industries, facilitated by technology such as the internet, and virtual sex is an expanding market. Global revenue of the pornographic industry has been estimated at 57 billion US dollars, with adult videos (20 billion US dollars) accounting for the largest share, and the internet generating some 2.5 billion US dollars. The Council of Europe Organised Crime Situation Report 2005 indicates that search engines are used for an estimated 68 million requests for pornography daily and that it is mainly women trafficked from central and eastern Europe who are exploited for the production of pornography.

Organised crime groups and networks have no scruples about exploiting the vulnerable situation of women and children in many countries in order to make substantial profits from market opportunities for sexual services (and cheap labour). Trafficked Lithuanian women are currently traded for between €2,200 and €6,000 and women are resold up to 7 times along the way (Europol EU Organised Crime Report 2005). UN and International Organisation for Migration (IOM) estimates put the annual profits generated by organised crime groups at between 7 billion US dollars and 10 billion US dollars globally. Criminals become involved because of the attraction of high profits and perceived low risk. Also, the profits from human trafficking finance other criminal activities, including drug trafficking, money laundering, document forgery and people smuggling.

2.2 Europe - Countries of Origin/Destination, Organised Criminal Groups and Modi Operandi

The most recent organised crime situation reports produced by Europol and the Council of Europe indicate the following:

- In the EU, most women and girls are trafficked from the Russian Federation, Ukraine, Bulgaria, Romania, Lithuania and Moldova.
- In some countries of South-Eastern Europe, 50% or more of victims are below the age of 18. Greece is the primary destination of children trafficked from Albania.
- The regions of the Czech Republic bordering Germany and Austria have been targeted by child traffickers from other eastern European countries. The victims serve as prostitutes for clients from Austria, Germany and other western countries.
- In the Baltic Sea region, Estonia, Lithuania and Russia are reportedly countries of origin for child trafficking. Germany, Sweden, and the United Arab Emirates are reported to be destination countries. Most victims appear to be girls aged 13-17 years who are trafficked for prostitution.
- In Germany in 2003, 4.8% of trafficking victims were aged 14-17 years.
- In the UK, sex offences against children, including on-line child abuse, is considered one of the main threats of organised crime. It is assumed that most child sex offenders act alone but that there is “extensive criminal networking”

to exchange images or gain access to victims. Such networks are hierarchical and secretive and shield their activities. Many children enter the UK as unaccompanied minors and asylum seekers, or through fostering arrangements or arrangements for the contracting of domestic staff. Some of these are then exploited through prostitution.

- The most active traffickers or trafficking networks operating in Europe have very good links to the major source countries. They are either indigenous groups or have close historic or cultural connections with the country of origin and may work in close collaboration with other criminal networks - Albanian, Kosovo-Albanian, Serbian and Macedonian.
- In the Netherlands, a recent analysis of suspected traffickers indicated that 30% were Dutch and 22% Turkish nationals. It is believed that trafficking from Bulgaria and Romania, in particular, will be a continuous threat in the coming years.
- In Sweden, fictitious marriages of foreign criminals with Swedish women are used to settle down and create a platform for the trafficking business there. Trafficking operations in Stockholm are run mostly by criminals from the former Soviet Union.
- In Germany, recent analyses indicate that 45% of victims had been deceived about the purpose of their migration, while 32% had agreed to work in prostitution and, of suspected traffickers, 39% were Germans and 31% were from central and eastern Europe. 21% of suspects were female, often former prostitutes. They now recruit victims in their home countries and broker them to or supervise them in brothels.
- The active involvement of females in trafficking networks is a growing trend.
- A prevalent modus operandi of criminal groups in Albania and Kosovo involves the recruitment of women with offers of marriage. After the women have been moved from the home country, the offer transpires to be a sham and the victims are coerced into prostitution. In Kosovo, corruption is widely used to facilitate border crossings.
- Typically, women respond to various job advertisements for babysitters, models, waitresses, dancers, etc., or are recruited by friends or relatives. Transport and papers are arranged by organised criminal groups and networks but identity documents are taken away on arrival. The women are then confronted with a large debt owed to traffickers which is to be repaid through prostitution.
- Violence may be used to coerce women into prostitution. There are numerous reports of women kept in isolation or beaten or raped in order to “break” them.
- Victims are resold or exchanged between criminal groups and countries.

2.3 The Situation in Ireland

In common with other EU countries, to date, all the indications are that, in Ireland, trafficking in human beings takes place on a much smaller scale than illegal immigration. However, Ireland is at risk from the same threats as those facing its EU partners and, in particular, our nearest neighbours. Garda operations have uncovered a small number of trafficking cases. These indicate the involvement of eastern European nationals, in particular nationals of Bulgaria, Romania and Lithuania, in trafficking and attempted trafficking activity. The Gardai have encountered a small number of cases of eastern European women being trafficked to Ireland for the purpose of sexual exploitation within their own ethnic communities. Two Chinese nationals (previously resident in the Republic of Ireland) have been charged with serious offences in Northern Ireland in connection with alleged trafficking for the purposes of prostitution and An Garda Síochána co-operated closely with the Police Service of Northern Ireland during the course of the police investigation.

Chapter 3 Immigration Controls

3.1 Border Controls

Border control procedures are essential in the prevention of trafficking. The establishment of the Garda National Immigration Bureau (GNIB) in 2000 brought a new focus to the border control function and additional resources have been put into the GNIB to strengthen its activities in this area.

Immigration Officers are present at all air and sea ports within the State but border control activity is not confined to Ireland. The GNIB works with its counterparts in immigration authorities in other jurisdictions to share information and intelligence on trafficking activity. The GNIB also works with carriers to ensure that only people who are legitimately entitled to travel to Ireland are allowed to do so. This work helps to disrupt the activities of traffickers and smugglers seeking to bring people to Ireland.

The introduction of carriers' liability in the Immigration Act 2003 placed a greater onus on carriers to check the documents of persons seeking to travel to Ireland. This is important in the fight against trafficking as traffickers and smugglers often seek to use false documents to facilitate the movement of people between countries. In the future, the use of advance passenger information will be an important development in combating human trafficking.

3.2 Document Security

Document checks are conducted by Immigration Officers on all persons detected entering the State. Since the enlargement of the EU in May, 2004 a significant increase in the use of forged and falsified passports by non-EEA citizens has been discovered. Passports subject to abuse are mainly Lithuanian, Latvian and Estonian, in particular, the supply of Lithuanian passports by Lithuanian nationals. These documents are often used to fulfil the requirements of money laundering legislation when transmitting money outside the State and as a means of identification to facilitate unrestricted travel.

A number of initiatives have been taken or are planned to improve the security of travel and residence documents and to prevent their misuse by traffickers. The GNIB registration system established in 2001 produces secure registration documents for non-EEA nationals resident in Ireland for more than 3 months. It is proposed to incorporate biometric data in these documents in the future which will increase their security.

Immigration Officers receive training at a national and international level in the detection of forged and altered documents. A dedicated document and intelligence unit has been established within the GNIB and this unit continues to conduct investigations relating to the source and distribution of such documents.

3.3 Treatment of Victims of Trafficking

The current immigration system in Ireland allows the authorities to deal with the victims of trafficking in a sympathetic and pragmatic way. It is recognised that it is in the interests of both the victims of trafficking and the authorities to co-operate with a view to ensuring the protection of victims and the prosecution of perpetrators.

Women reporting that they have been trafficked are always treated sympathetically by the Gardai. The GNIB has an investigation unit which investigates the trafficking of human beings. Gardai attached to this unit have attended relevant international courses aimed at enhancing the skills of law enforcement agencies in the investigation of human trafficking, including the identification of victims. These courses are organised by Europol and the European Police College (CEPOL) on an EU wide basis. Also, the Garda College in Templemore will shortly be rolling out a programme of in-service training for members of An Garda Síochána.

During the course of Garda investigations the Gardaí liaise, as necessary, with governmental, intergovernmental and non-governmental agencies which can provide assistance to women involved in or seeking to exit prostitution.

3.4 Voluntary Return

Victims of trafficking who wish to return to their countries of origin may be assisted through the voluntary return programmes operated by the International Organisation for Migration (IOM), which has been operating a number of voluntary return programmes in Ireland since 2001. While emphasising the dignity and security of the return, the IOM ensures that all returnees have appropriate transit and post-arrival assistance from IOM missions in countries of transit and destination, and, in some cases, assistance in reintegrating in the destination country. The IOM in Ireland currently runs a voluntary assisted return and reintegration programme for non-EEA nationals. This programme offers assistance for reintegration in the country of origin (or habitual residence) with a view to assisting sustainable return.

Chapter 4 The Legislative Response

4.1 Current Trafficking Legislation

Under current Irish criminal law it is an offence, punishable by up to life imprisonment, to traffic a person under 17 years of age, male or female, into, through or out of Ireland for the purpose of that person's sexual exploitation. This is provided for in the Child Trafficking and Pornography Act 1998.

Under the Illegal Immigrants (Trafficking) Act 2000, it is an offence for a person to organise or knowingly facilitate the entry into Ireland of another person whom that person knows or has reasonable cause to believe is an illegal immigrant. The penalty on conviction on indictment for this offence is a maximum of 10 years imprisonment or an unlimited fine or both.

In trafficking cases, it is also possible for the prosecuting authorities here to bring charges for a range of offences covered by our criminal law, including sexual offences, false imprisonment, possession of false documents, etc.

4.2 Proposed Trafficking Legislation

Legislation is currently being prepared to provide, primarily, for compliance with two EU Framework Decisions - the Framework Decision on Combating Trafficking in Human Beings (for the purpose of labour and sexual exploitation) and the Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography. These Framework Decisions replaced the 1997 EU Joint Action concerning measures to combat trafficking in human beings and sexual exploitation of children.

To comply with the EU Framework Decision on Combating Trafficking in Human Beings, a new offence of trafficking in persons for the purpose of their sexual or labour exploitation will be created. In the case of trafficking in children (persons under 18 years of age), it will not be necessary to show that use was made of coercion, force, threat, deceit or fraud etc. for the purpose of exploitation.

The legislation will also take into account the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, the Optional Protocol to the United Nations Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and the Council of Europe Convention on Action against Trafficking in Human Beings.

The draft legislation is expected to be published before the end of the year.

4.3 Prostitution

Many women trafficked throughout the world for the purpose of sexual exploitation are forced, coerced or deceived into prostitution. Therefore, in the following

paragraphs, the laws in Ireland relating to prostitution and brothels are outlined. Before doing that, it is emphasised that prostitution itself is not an offence under Irish law. What the law seeks to do in this area is to protect society from the more intrusive aspects of prostitution, such as soliciting in the streets, and to protect prostitutes from exploitation by pimps or persons who organise prostitutes or control prostitution.

4.4 Soliciting

Under section 7 of the Criminal Law (Sexual Offences) Act 1993, it is an offence to solicit or importune another person in a street or public place for the purposes of prostitution. That offence applies to everyone, whether male or female, prostitute or client, or third party (such as a pimp) and includes kerb crawling.

4.5 Loitering

Under section 8 of the 1993 Act, a member of the Garda Síochána may direct a person in a street or public place to leave the vicinity if he or she has reasonable cause to suspect that the person is loitering in order to solicit or importune another person for the purposes of prostitution. It is an offence for a person without reasonable cause to fail to comply with such a direction.

4.6 Living on Earnings of Prostitution

Under section 10 of the 1993 Act, any person who knowingly lives in whole or in part on the earnings of the prostitution of another person and aids and abets that prostitution is guilty of an offence. The aiding and abetting provision protects from prosecution innocent dependants of a prostitute, such as a child or parents.

4.7 Organisation of Prostitution

Under section 9 of the 1993 Act, any person who controls or directs the activities of a prostitute in respect of prostitution, organises prostitution or compels or coerces a person to be a prostitute commits an offence. This offence can be tried on indictment and carries a maximum prison sentence on conviction of 5 years.

4.8 Procuration

Procuring a woman or girl to become a prostitute, to leave the country to become a prostitute, or to leave her usual place of abode to become a prostitute in a brothel, here or abroad, is an offence under section 2 of the Criminal Law Amendment Act 1885.

4.9 Causing or Encouraging Prostitution of a Child

It is an offence under section 249 of the Children Act 2001 for a person who has the custody, charge or care of a child to cause or encourage, inter alia, the prostitution of the child.

4.10 Brothel Keeping

It is an offence under section 11 of the 1993 Act to keep, manage or assist in the management of a brothel. It is also an offence to be the tenant, lessee or occupier or person in charge of a premises and to knowingly permit the premises to be used as a brothel or, if the landlord or lessor of a premises, to let the premises knowing that it is to be used as a brothel.

4.11 Detention of a Female in a Brothel

It is an offence under section 8 of the 1885 Act to detain any woman or girl against her will in a brothel. A woman or girl is deemed to have been detained in a brothel where, inter alia, property belonging to her is withheld.

4.12 Advertising of Brothels and Prostitution

Section 23 of the Criminal Justice (Public Order) Act 1994 prohibits the advertising of brothels and prostitution. It created the offence of publishing or distributing an advertisement which advertises a brothel or the services of a prostitute in the State or any premises or service in the State in terms, circumstances or manner which give rise to the reasonable inference that the premises is a brothel or that the service is one of prostitution.

4.13 Immigration and Residence Bill

In April, 2005, the Minister for Justice, Equality and Law Reform published a discussion document on "Immigration and Residence in Ireland" which set out a range of proposals being considered in the development of the Immigration and Residence Bill. Proposals contained in that document which are of relevance in the fight against trafficking include:

- a review of the legislative provisions concerning border controls, including carriers' liability provisions, to ensure they are operating effectively;
- increased use of active border controls, including advance passenger data;
- provisions for action to be taken to protect children seeking to travel to Ireland unaccompanied or travelling with adults in suspicious circumstances;
- consideration to be given to compulsory registration of non-national children resident in Ireland (currently those under 16 years are exempt);
- residence permits and visas to include biometric features; and
- the position of victims of trafficking to be safeguarded to assist them and get their co-operation in the prosecution of perpetrators.

The draft legislation is expected to be published later this year.

Chapter 5 Law Enforcement Measures

5.1 Garda Operations

An Garda Síochána take a proactive approach and are ever vigilant to ensure that any allegations relating to the trafficking of women for sexual exploitation are vigorously investigated.

While evidence of the involvement of criminal gangs in the trafficking and/or smuggling of non-nationals into the State is scarce, a number of specific operations have been put in place with a view to the prevention and detection of such activity. These operations, which are ongoing, are also designed to determine the extent to which organised criminal groups are involved in human trafficking in Ireland.

'Operation Hotel' was established in November, 2005 by the Assistant Commissioner, National Support Services to target the trafficking of females from eastern Europe to work in the sex industry in Ireland. Personnel from the various bureaus within National Support Services, including the Garda National Immigration Bureau (lead unit), the Garda Bureau of Fraud Investigation, the Garda National Drugs Unit, the National Bureau of Criminal Investigation and the Criminal Assets Bureau work together in the form of a national task force for the purpose of undertaking criminal investigations of this nature.

A number of targets have been identified in the course of "Operation Hotel". Following one particular investigation, which arose from searches, two non-nationals were prosecuted and then deported from Ireland after the conclusion of criminal proceedings. In a related investigation, which followed an allegation from a female that she was trafficked to Ireland for the purpose of prostitution by members of the same criminal group, further suspects resident in Ireland have been identified. This investigation is ongoing. In an unrelated investigation, which is also ongoing as part of "Operation Hotel", a number of other suspects and locations have been identified. Following the conclusion of investigations, files on these matters will be forwarded to the Director of Public Prosecutions.

The objective of **'Operation Quest'** is to investigate allegations that non-nationals are being illegally brought into the State for the purpose of employment in the sex industry. The main target of 'Operation Quest' is activity associated with lap dancing clubs. Personnel from district detective units based in Dublin operating under the direction of the Assistant Commissioner, Dublin Metropolitan Region and a number of specialist units operating under the direction of the Assistant Commissioner, National Support Services have amalgamated their resources to conduct these investigations.

In the course of 'Operation Quest', several hundred non-national lap dancers have been interviewed and asked how they came to be employed in the sex industry. During interviews conducted by investigating officers one case was identified where it was suggested that trafficking was a factor. A subsequent investigation resulted in

the identification of a suspect, who is a Bulgarian citizen. It is suspected that he operates throughout Europe using a number of aliases. It is also believed that while he had been in this jurisdiction, he has since left. None of the other girls made any allegations of mistreatment or showed any indications that they were victims of trafficking.

Prosecutions of the owners and management of lap dancing clubs were commenced in all cases where breaches of legislation, for example the Employment Permits Act 2003, have been detected.

Existing legislation does not specifically cover the licensing of lap-dancing clubs. However, the sale and consumption of intoxicating liquor in these clubs is controlled by the licensing Acts 1833 to 2004 and by the Registration of Clubs Acts 1904 to 2004. Therefore, it is open to An Garda Síochána to enter such premises for the purposes of preventing and detecting the violation of any of the provisions of the licensing laws. Where circumstances so warrant, it is also open to An Garda Síochána to object to the grant and/or renewal of licences for the sale of intoxicating liquor in these establishments. In fact, licences for the sale of alcohol must be renewed annually (in September) and it is open to any person, not just a member of An Garda Síochána, to lodge an objection to renewal in any case, e.g., on public order or nuisance grounds. It is also possible to object to the grant of special exemption orders which permit late opening. In a similar way, it is possible to object to renewal of a club's certificate of registration on certain grounds. Consideration of the question as to whether lap dancing clubs should be subject to a licensing regime and/or local authority planning requirements was beyond the terms of reference (and the expertise) of the working group.

'**Operation Poppy**' was established in October, 2005 to investigate allegations that Romanian nationals were being brought to Ireland through European hub airports, facilitated by the use of stolen Irish passports, for the purpose of illegal employment. Some suspects have been identified and investigations are currently ongoing.

In view of the exponential growth in the level of immigration in Ireland in recent years, all members of An Garda Síochána are advised of the need to be mindful of the possibility of trafficking in women for sexual exploitation. If evidence of trafficking for such purposes is disclosed in any case, investigations are conducted.

5.2 Garda Structures

The response of Government to the arrival of the phenomenon of immigration in the Republic of Ireland included the creation, in 2000, of the Garda National Immigration Bureau (GNIB). The number of personnel attached to the GNIB has increased significantly since its creation. While a significant number of its personnel are engaged in immigration control duties, the bureau includes a number of sections that have an investigative role and thus play a significant part in the prevention and detection of both trafficking and smuggling of non-nationals into the State.

The existence of an intelligence unit within the GNIB, where information obtained at a national and international level is collated, analysed and disseminated to personnel

attached to the GNIB and within An Garda Síochána in general, represents a significant tool in the effort to combat all forms of illegality associated with immigration, including human trafficking. Within the intelligence unit, GNIB personnel, who have received advanced training in the examination of documents, help to identify bogus documents being used at any given time by persons engaged in immigration related offences. The unit concerned has a Europol/Interpol desk which is manned by personnel who, on a daily basis, interact with the two organisations - in many cases assisting in the investigation of trafficking offences.

A Garda National Immigration Bureau Information System (GNIBIS) has been developed, which records significant levels of information regarding non-nationals who arrive in, reside in and depart from the State. The information is made available to every Immigration Officer operating at ports of entry to the State.

As stated in section 5.1 above, a joint task force, which pools the resources of specialist Garda units and detective units, has been established for the purpose of undertaking criminal investigations. The GNIB acts as the lead unit for the task force.

5.3 International Co-operation

As stated above, through its links with Interpol and Europol the GNIB provides assistance in the investigation of transnational crime, including trafficking in human beings.

At present, there are Garda Liaison Officers based permanently at embassies in France, Spain, the UK and the Netherlands. In addition, the GNIB commenced deployments of Airline Liaison Officers (ALOs) in 2005 with pilot deployments to Barcelona, Madrid, Charles De Gaulle and Schipol Airports with the objective of reducing the number of improperly documented passengers from these key international transit hub airports. There have been similar deployments to train carriers and their agents with a view to ensuring the proper discharge of carrier liabilities for passengers travelling to Ireland. It has been established that the key to joint pro-active investigation is close co-operation from the outset. Liaison officers have up-to-date knowledge of all the relevant legal and operational issues in the countries concerned. They also link with a network of liaison officers in other jurisdictions.

Members of An Garda Síochána attend relevant international meetings to facilitate the exchange of information and best practice between EU Member States, Europol and Interpol and to devise strategies capable of combating immigration related criminality, including trafficking in human beings. An Garda Síochána has also built up a network of bi-lateral contacts.

The Gardai also participate in the **Interpol Working Group on Trafficking in Women and Children**. This group has developed a best practice manual which provides practical guidelines for investigators. The manual is laid out in a structured way to assist the investigator identify and locate advice on specific issues. Meetings of the working group are attended by members from Garda specialist units.

In 2005, the GNIB secured EU funding to conduct a conference entitled “Forum to improve best practice in the prevention, detection, and investigation of trafficking in human beings and examine best practice in fighting and preventing corruption of public figures in the administration of immigration regulations”. The UK and Hungary partnered Ireland in facilitating the conference, which was attended by representatives from a number of other EU Member States. As a result of the conference a manual of best practice has been published and distributed to all participating countries and to the relevant statutory and non-statutory agencies in this jurisdiction.

‘Operation Gull’ is a joint initiative of the Garda National Immigration Bureau and the Immigration Services of the United Kingdom designed to assist with determining the extent to which the Common Travel Area between the two jurisdictions is used by non-nationals to engage in illegal immigration and criminality. There are plans for the continuation of ‘Operation Gull’ in both Dublin and Belfast for the foreseeable future.

Also, An Garda Síochána has recently had discussions with the UK authorities following the introduction there of **‘Operation Pentameter’**. The objective of this operation is to disrupt the activities of organised criminal gangs suspected of involvement in trafficking of persons. An Garda Síochána is supporting the operation by sharing intelligence and putting in place appropriate enforcement activities to counteract possible displacement to this jurisdiction.

A number of co-operation agreements are in place with Governments and police forces in other jurisdictions, including the Russian Federation and Bulgaria. These cover a range of criminal justice matters, including co-operation in combating drug trafficking, money laundering, trafficking in persons, terrorism and other serious crime. Negotiations are ongoing in relation to proposals for agreements with other jurisdictions.

5.4 Training

A training programme has been prepared for delivery to key Garda personnel throughout the State. This training programme has been designed specifically to enable members of An Garda Síochána identify victims of trafficking whom they may encounter in the course of their duties, ensure that members fully understand the complexity of this phenomenon and ensure that victims receive appropriate assistance from all the relevant agencies.

Members of the GNIB also regularly attend international meetings, seminars and conferences aimed at sharing information and intelligence and devising strategies to combat immigration offences, including trafficking and smuggling of human beings. These facilitate training and keep An Garda Síochána up-to-date concerning international trends. For example, GNIB personnel have participated in a series of EU training seminars in a number of EU Member States entitled “training of border guards, border police and customs officials in identifying of and providing assistance to the victims of trafficking”. The training is provided by the International Organisation for Migration (IOM) and is funded under the EU AGIS programme. In September, 2005, Dublin was the venue for one of these seminars. It brought together representatives of border guards, customs services and immigration liaison officers

from 13 European countries, including Ireland. The Irish delegation also included personnel from the Garda College in Templemore.

5.5 Garda Interaction with Other State Actors and the NGO Sector

The **Health Service Executive (HSE)** provides information to the GNIB on a regular basis arising from suspicions, including suspicions of trafficking for sexual exploitation, surrounding the arrival of unaccompanied minors in the State. In all such cases a full Garda investigation is conducted in accordance with the 'Children First Guidelines'. In the vast majority of the cases referred to the GNIB by the HSE, it has been established that the minor concerned has been brought into Ireland with a view to joining family members who arrived in the State at an earlier time. A small number of Garda investigations of this nature are currently ongoing.

During the course of Garda investigations the Gardaí liaise, as necessary, with **Ruhama**, a non-governmental organisation which assists women involved in or seeking to exit prostitution. This co-operation is of an informal nature and the working relationship between An Garda Síochána and Ruhama is excellent. A GNIB liaison officer has been appointed to Ruhama and other key agencies to ensure a point of contact, consistency of approach and the timely exchange and dissemination of information.

GNIB personnel also participate in **Ireland En Route (IeR)**, a forum of governmental and non-governmental organisations which work separately and jointly to share information and pool ideas and learning on all aspects of trafficking in women and children for the purpose of sexual exploitation with a view to raising awareness and influencing best practice in each member organisation.

5.6 Proposed Publicity Campaign

A publicity campaign is currently being designed to identify victims of human trafficking by encouraging them to report their plight to the State authorities and also to increase public awareness of the issue. Under the direction of the Assistant Commissioner, National Support Services it is proposed to engage in a publicity campaign to encourage victims of trafficking to come forward in order that State agencies can protect them and ensure that appropriate investigations are conducted. It is recognised by all concerned that trafficking in human beings is a serious crime but to date very few victims have come forward to State agencies. An Garda Síochána along with other State agencies will encourage victims to come forward. A confidential freephone number will be displayed on posters and business cards which will be displayed and distributed in key locations throughout the State, including all approved ports, bus and rail stations. The posters and cards will be available in several different languages.

The UK as part of "Operation Pentameter" have recently launched a similar campaign involving the printing and distribution of posters and business cards in five languages encouraging victims of trafficking to come forward. Fruitful discussions have taken place between senior Garda personnel and members of the UK Police Forces involved in "Operation Pentameter".

An Garda Síochána along with the Department of Justice Equality and Law Reform, the Irish Crimestoppers Trust and the International Organisation for Migration (IOM) will participate in the publicity campaign. It is expected that the campaign will be launched in early May.

Chapter 6 Other Structures and Measures

6.1 Addressing Trafficking in the Context of Violence Against Women

Trafficking is widely recognised as a form of violence against women and a response to the issue also forms part of the work of the National Steering Committee on Violence against Women, which is chaired, at Minister of State level, by the Department of Justice, Equality and Law Reform. A wide range of relevant State and voluntary bodies are represented, including Ruhama. The Committee is in the course of preparing a new strategic plan to chart its work for the next 5-10 years and the risk of trafficking of women into Ireland is one of the issues identified for monitoring and attention over that period.

The principal supports for women experiencing violence in Ireland are delivered by the Department of Health and Children through the Health Service Executive. Funding is also made available to the non-governmental organisations active in this field. The Department of Environment, Heritage and Local Government has a role in respect of the provision of crisis accommodation, including refuges.

6.2 Ireland en Route

Ireland en Route (IeR) is a forum comprised of NGOs, academics, intergovernmental and statutory agencies which work separately and jointly to share information and pool ideas and learning on all aspects of trafficking in women and children for the purpose of sexual exploitation with a view to raising awareness and influencing best practice in each member organisation. IeR aims to highlight and pro-actively respond to the issue of trafficking. IeR also aims to explore the nature and extent of trafficking of women and children for sexual exploitation in Ireland and to promote the development of policies of best practice.

6.3 Funding provided by the Department of Justice, Equality and Law Reform

To date, the Department, from its violence against women budget, has provided funding to the Ireland en Route forum to support its activities and, more recently, to Ruhama for the employment of a trafficking co-ordinator, with a view to building up a better picture of the extent of Ireland's exposure to this problem and to identify means of tackling it.

The Department has also funded a recent conference on human trafficking organised by the Women's Education, Research, and Resource Centre at University College, Dublin.

More generally, in the context of violence against women, the Department makes funding available for awareness-raising programmes and preventative measures, including intervention programmes. The Commission for the Support of Victims of

Crime, which operates under the aegis of the Department of Justice, Equality and Law Reform, provides supports for court-accompaniment services to victims of violence.

Chapter 7 Conclusions and Recommendations

7.1 Conclusions

1. By its very nature, human trafficking is a clandestine activity. It is impossible therefore, to be precise about its extent. Also, owing to the intimidation associated with human trafficking, victims may be reluctant to come forward to the authorities and this can compound problems of quantification. That said, An Garda Síochána is very proactive in this area and from its intelligence gathering, surveillance and investigations to date, there is no evidence to suggest that trafficking of persons into Ireland for the purposes of sexual exploitation is widespread. Smuggling of migrants is a much more significant problem and the Gardai have only encountered a small number of trafficking cases.
2. However, there is no room for complacency on this issue. Great harm is caused to victims of human trafficking from sexual exploitation and the intimidation and violence often associated with such exploitation.
3. On the basis of Garda evidence gathered to date and EU trends, Ireland continues to be at risk of human trafficking especially from Bulgaria, Romania, and Lithuania.
4. Though not believed to be a widespread problem, there is evidence of eastern European women being trafficked to Ireland for the purposes of sexual exploitation within their own ethnic communities.
5. More generally, the market for commercial sexual services, particularly in developed countries where demand from purchasers of sex is strongest, is considered to be a major force driving trafficking. The authorities here must remain alert to the potential threat this poses.
6. Strong and robust border controls are key to the prevention of human trafficking.
7. Our criminal law must fully comply with international best practice, particularly with regard to the criminalisation and prosecution of human trafficking.
8. Protection of victims, consistent with the law, is in the interest of victims and the prosecution of perpetrators by the authorities.
9. International co-operation is essential if Ireland is to continue to be effective in the prevention and repression of human trafficking. In this context, international exchange of information and intelligence is crucial. Moreover, law enforcement activity in one jurisdiction can have a displacement effect elsewhere and international co-operation has the potential to mitigate this effect.

10. Asset seizure, including international co-operation in this respect, has the potential to disrupt the activities of human traffickers.

7.2 Recommendations

1. The Department of Justice, Equality and Law Reform should bring forward draft legislation to comply with the EU Framework Decision on Combating Trafficking in Human Beings (for the purpose of labour and sexual exploitation) and the EU Framework Decision on Combating the Sexual Exploitation of Children and Child Pornography, and which takes account of other international instruments, at the earliest possible date.
2. The Department of Justice, Equality and Law Reform should bring forward the proposed Immigration and Residence Bill as soon as possible, including provisions in the Bill with the potential to impact positively in the fight against human trafficking, such as those relating to prevention of trafficking and the protection of victims.
3. The Gardai should continue to take a proactive approach to the prevention and detection of human trafficking and the prosecution of perpetrators.
4. This proactive approach should include the continuation of targeted, intelligence-led operations against the illegal sex industry. An Garda Síochána should also seek to ensure that women and children are not illegally employed/being illegally exploited in the legal sex industry and that the management of lap dancing clubs and similar establishments are fully compliant with the law. Also, the Gardai should develop strategic partnerships with other agencies, e.g., the Revenue Commissioners, the Department of Social and Family Affairs, the Office of the Director of Corporate Enforcement, the Private Security Authority, as necessary, with a view to ensuring such compliance.
5. Optimum use should be made of proceeds of crime legislation to deprive persons suspected of human trafficking of the proceeds of their criminal activities.
6. Garda operations to prevent and detect the trafficking of women and children should be kept under continuous review. In particular, given the clandestine nature of human trafficking, Garda strategies should be focused on looking for evidence of the phenomenon.
7. An Early Warning/Alert System to facilitate the timely reporting of emerging trends by An Garda Síochána to the Department of Justice, Equality and Law Reform should be put in place.
8. The Gardai should consider formalising its working relationship/developing working protocols with the NGO sector for mutual benefit. In particular, such arrangements should seek to address the reluctance of possible victims to co-operate with Garda investigations.
9. As human trafficking is a spin-off of illegal immigration, the Department of Justice, Equality and Law Reform and An Garda Síochána should ensure that the adequacy of

border/immigration controls, document checks and carrier obligations is kept under continuous review.

10. The Department of Justice, Equality and Law Reform and An Garda Síochána should seek to maximise international co-operation (including mutual legal assistance and extradition) in the fight against human trafficking. In this context, the Department should endeavour to conclude inter-governmental, bi-lateral agreements with jurisdictions believed to be source and/or transit countries for trafficking to Ireland.

11. The potential for cross-border co-operation in the fight against human trafficking between law enforcement agencies North and South should be fully exploited.

12. In collaboration with the relevant UK authorities, An Garda Síochána should continue to monitor the potential risk in relation to trafficking posed by the common travel arrangements between the two jurisdictions.

13. A standing Garda/Department of Justice, Equality and Law Reform Committee on Human Trafficking should meet at least quarterly to discuss and address human trafficking issues. Such meetings could be particularly useful in assessing the effectiveness of legislation, border controls and the needs of victims on an ongoing basis. If considered necessary, the committee could also recommend changes to enhance legislation and administrative practice. It should also be open to the committee to invite other State actors and NGOs to its meetings.

Appendix Membership of the Working Group

Membership of the Working Group

Ms. Catherine Byrne, Principal Officer, Drugs and Organised Crime Division,
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Mr. Paul Murray, Principal Officer, Criminal Law Reform Division, Department of
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Ms. Breda Walshe, Assistant Principal Officer, Criminal Law Reform Division,
Department of Justice, Equality and Law Reform

Ms. Bridgeena Nolan, Irish Naturalisation and Immigration Service

Detective Sergeant Angela Willis, Garda National Immigration Bureau, An Garda
Síochána

Detective Inspector Eamon O'Grady, National Bureau of Criminal Investigation, An
Garda Síochána

Ms Betty Griffin, Higher Executive Officer, Drugs and Organised Crime Division,
Department of Justice, Equality and Law Reform (Secretary)

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