



# ***Permanent Mission of Ireland to the OSCE***

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## **TRAFFICKING IN HUMAN BEINGS Country report of Ireland Report to the Informal Group on Gender Equality and Anti-Trafficking**

*NB: Many of the issues raised by the ODIHR Anti-Trafficking Unit template are currently being examined by the relevant Irish authorities. The answers provided in this document are therefore of a preliminary and non-definitive nature.*

### **Research/media coverage**

*What information is available about trafficking? Are there any reliable studies or statistics on the issue? How does the media cover the issue?*

Illegal immigration is a recent phenomenon in Ireland and it is only in recent years that Ireland has become a destination for trafficked persons.. As a result, legislation creating offences relating to the trafficking of human beings was only introduced as recently as September 2000. The discovery of the number and modus operandi of trafficking networks operating in Ireland is therefore at an early stage, as is the compilation of relevant information / studies / statistics etc.

Since September 2000, about fifty persons suspected of committing a breach of section 2, Illegal Immigrants (Trafficking) Act, 2000, have been arrested. To date, three people have been charged, one of whom has been convicted while the other two cases are pending before the Courts.

Ireland is the destination country for a significant number of illegal immigrants. However, evidence to-date indicates that many other illegal immigrants attempt to use Ireland as a gateway to travel to their preferred country of destination, namely the United Kingdom.

The preferred mode of transport appears to be commercial flights or by public or private transport travelling across the land border with Northern Ireland. However, it is a matter for particular concern that in recent times a growing number of people have entered the State in the back of articulated lorries - a very dangerous method of travelling which has resulted in a number of tragic fatalities on the part of those being trafficked. (During the current year there have been roughly eight investigations into the trafficking of human beings using such methods.)

Another point of serious concern is that in a number of the investigations currently being conducted by the Garda (Police) National Immigration Bureau, it is suspected that a significant number of children are smuggled in to Ireland. In some cases, the motive behind the trafficking of children is not clear. However, in the cases where arrests have taken place, no evidence has been disclosed to indicate that the children in question were trafficked for sexual exploitation.

## **Major cases**

The most important investigation commenced last year surrounding the arrival of thirteen people in a container at Waterford Port on 8th December 2001, having travelled from Zeebrugge in the Netherlands. Eight of the trafficked persons died in the course of the one hundred and one hour journey. A separate investigation involves the arrival of twenty-five Indian nationals at Shannon Airport in June 2002.

## **Awareness-raising**

*Are there any awareness raising programs? What issues are most important to stress in your country? Who is the target audience?*

A conference entitled “Preventing the Organised Sexual Exploitation of Women and Children - a Practitioners Response” was held in Dublin on the 11th September 2002 as part of the E.U.’s ‘Stop Programme’. The European Union’s Stop Programme was established in 1996 as an exchange programme for persons responsible for combatting trafficking in human beings and sexual exploitation of children. It is jointly funded by the European Union and participating Member States. The conference was attended by Irish State Agencies and NGO’s working in the area as well as representatives of law enforcement agencies from Germany, the Netherlands and the United Kingdom. The conference looked at a range of issues arising in the field of trafficking of women and children.

## **Legal framework/legislative review and reform efforts**

*How does the current legal framework prevent and address trafficking and related violations? How are victims identified and how are their rights protected? Has your country ratified the UN Convention Against Transnational Organised Crime and its protocols? Is there review and reform of relevant legislation under way?*

The Illegal Immigrants (Trafficking) Act, 2000 was enacted in September 2002. Section 2 of that Act creates the offence of trafficking in illegal immigrants. This Act targets professional traffickers in human beings by creating an offence of trafficking in illegal immigrants and asylum seekers and providing a framework by which those engaging in such trafficking can be dealt with under the law. The penalty on conviction on indictment for the offence of trafficking under the Act is an unlimited fine, or up to 10 years imprisonment, or both

The Child Trafficking and Pornography Act, 1998, made it an offence to organise or knowingly facilitate the entry into, transit through or exit from the State of a child for the purpose of the child’s sexual exploitation, or to provide accommodation for such a child while in the State. The penalty on conviction on indictment for that offence is a maximum of life imprisonment, a reflection of the seriousness of this type of crime.

The United Nations Convention on Transnational Organised Crime and the Protocol to the Convention to Prevent, Suppress and Punish Trafficking in Person, Especially Women and Children, were signed by Ireland in December 2001. The legislative change required in order to ratify the protocols is currently being prepared. The Convention calls for the use of carriers' liability legislation to prevent trafficking in persons, especially women and children and the smuggling of migrants.

In February this year, the Government tabled in Parliament the Immigration Bill 2002. This legislation will require carriers operating aircraft, ferries or other modes of transport bringing persons to Ireland from outside the Common Travel area to ensure that those carried are in

possession of the necessary immigration documentation (i.e. a passport and, if required, a visa). The Bill provides for a fine to be imposed in respect of each passenger carried with inadequate documentation.

In addition, at EU level there are a number of legislative proposals which are aimed at combatting trafficking activity. These are

- (i) the Council Directive defining the facilitation of unauthorised entry, transit and residence: and
- (ii) the Council Framework Decision on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.

Both of these instruments build on the Schengen acquis and are designed to assist in combatting illegal immigration by ensuring that all Member States can effectively penalise the individuals and organisations who profit from illegal immigration through the facilitation of unauthorised entry, transit and residence. They provide for the criminalisation of such behaviour, and in particular provides for a minimum/maximum sentence of 8 years. In Ireland, Parliamentary approval for the adoption of these instruments has already been obtained. To give effect to these instruments in Ireland, some changes will be necessary to the Illegal Immigrants (Trafficking) Act, 2000.

### **Government co-ordination**

*Is there a national co-ordinating body within the government to address this issue? Is there a focal point within the government responsible for co-ordinating a response and serving as a liaison for international contacts?*

The Immigration Division of the Department of Justice works closely with the Garda (Police) National Immigration Bureau in combatting illegal immigration. The Garda National Immigration Bureau, which was established in May 2000 has, as one of its primary objectives, the co-ordination and development of strategies to combat trafficking in illegal immigrants. The Bureau has established effective operational co-operation with immigration and police authorities in both the United Kingdom and France (both major transit points for illegal immigration into the State), with a particular focus on trafficking activity. Garda liaison officers have been assigned to London and Paris for the purpose of interacting with local law enforcement authorities on immigration and trafficking matters. The Bureau also liaises closely with carrier companies whose routes have been targeted by traffickers.

The Department of Justice has taken a proactive approach in addressing the issues of carriers sanctions. During 2001, the Irish Road Haulage Association agreed a voluntary Code of Practice with the Department with the aim of encouraging greater vigilance to ensure that covert passengers are not present in vehicles arriving in Ireland.

### **National Plan of Action**

*Is there a national plan of action to prevent and combat trafficking? If so, what are the main components and who is responsible? What resources and co-operation are necessary to implement the plan?*

Although there is no formal national action plan concerned exclusively with the issue of trafficking, the immigration authorities, and in particular the Garda National Immigration Bureau, are involved in a range of activities to combat trafficking.

### **Co-operation with non-governmental and international organisations**

*How does the government co-ordinate and co-operate with NGOs and IOs to prevent and combat trafficking, as well as to assist its victims?*

Co-operation and coordination with NGOs takes place through direct contacts between the state agencies concerned and the relevant NGOs. Conferences such as the “Preventing the Organised Sexual Exploitation of Women and Children - a Practitioners Response” (as mentioned previously), also form an important role in facilitating co-operation between the Irish government, NGOs and IOs.

### **Training of relevant State authorities**

*Are there any programs in place to specifically train state authorities on how to prevent, detect, and address this problem? Are there programs in place to sensitise state authorities to the special needs of trafficked persons and victims of violence?*

As part of their general training as police officers, Gardaí (police officers) receive training in investigative techniques and in dealing with the victims of criminal activity.

### **Aid and development programmes abroad**

*Does your government support anti-trafficking initiatives in other countries? If so, what strategies and priorities are behind these activities?*

Ireland Aid recognises that conflict and poverty are the driving forces behind trafficking. Poverty reduction and Conflict prevention are two core objectives of Ireland’s Aid Policy. Ireland Aid has also funded a number of projects aimed at the victims of trafficking both through International Organisations like the I.O.M. and through various NGOs. Recently an Irish Garda (Police) Officer has been assigned to a temporary project in cooperation with the United Kingdom in assisting the border police in Bosnia-Herzegovina.

### **Bilateral and multilateral agreements and activities**

*Has your government signed any relevant bilateral or multilateral agreements to address this issue? Does your government promote and engage in joint projects and activities with other governments with the aim of preventing and combatting trafficking? How does your government cooperate with other countries to ensure safe repatriation efforts and what mechanism are in place to protect witnesses during the process of investigation and prosecution?*

Ireland has ratified both the Convention on the Elimination of all forms of Discrimination against Women and the Convention on the Rights of the Child. Ireland has also signed the Optional Protocol on the Rights of the Child on the sale of children, child prostitution and child pornography.

As stated previously, the Garda National Immigration Bureau has established effective operational co-operation with immigration and police authorities in both the United Kingdom and France, with a particular focus on trafficking activity.

Ireland has also signed a number of bilateral readmission agreements - with Romania, Poland, Bulgaria and Nigeria.