



## **Ruhama Submission re: Fourth Report on the Progress being made in the fight against trafficking in human beings**

### **A. ASSESSMENT OF TRENDS IN TRAFFICKING IN HUMAN BEINGS**

Over the period of 2019 – 2021, Ruhama worked with 381 presumed victims of human trafficking for sexual exploitation. 95 of these presented to the service for the first time in the reporting period. Most victims of human trafficking presenting during this period were women. While Ruhama works exclusively in the area of human trafficking for sexual exploitation, some service users may be subjected to multiple different forms of exploitation through human trafficking. Following assessment, a potential service user who shows indicators of other forms of human trafficking, will be referred to the relevant organisation. Please note, considering Ruhama's focus is on human trafficking for sexual exploitation, the answers below will reflect data only in respect of this form of human trafficking.

As in the last reporting period, the crime of human trafficking for sexual exploitation continues to be a highly organised criminal activity. In 2021, Ruhama extensively supported three women throughout a court case that resulted in Ireland's first conviction for human trafficking under the prevailing human trafficking legislation. In addition to the convictions handed down for human trafficking, additional convictions were also handed down for other offences such as money laundering that would indicate a more interconnected criminal network associated with the crime of human trafficking. This is congruent with Ruhama's frontline experience in the area and presumed victims of human trafficking's accounts of their experiences.

Additionally, similar to the last reporting period, the issue of the prevalence of human trafficking for sexual exploitation and its relationship to the selling of sexual services online remains very pronounced and was exacerbated by the COVID-19 pandemic. Many Ruhama service users reported a need to sell sexual services online as a means of survival during the pandemic when no other option was available to them. Some Ruhama service users were also forced to meet up with sex buyers in person throughout the social distancing public health measures. This put Ruhama service users at even greater personal risk to meet the demand of sex buyers in the pandemic.

While socioeconomic vulnerability has continuously played a part in coercing women into commercial sexual exploitation, for women who experience human trafficking for sexual exploitation, there is no question that the key vulnerability of insecure migration status is a prevalent trend. The majority of Ruhama service users come from migrant backgrounds.

Significant progress has been made by the Irish state in the reporting period to address some of these trends – these actions will be discussed in greater detail in section B. Some examples include reform of the National Referral Mechanism, the development on a new National Strategy on Domestic, Sexual and Gender Based Violence, and state funding of awareness raising campaigns and training of frontline professionals.

## **B. RESULTS OF ANTI-TRAFFICKING ACTIONS**

### **1. What measures (e.g. legislation, action plans, institutional or organisational measures, increase of human or financial resources) have been taken in order to intensify efforts to address trafficking for all forms of exploitation in the national context, taking into account in particular sexual exploitation, forced labour, forced criminality, forced begging and child trafficking? Please elaborate on the results and impact.**

#### **a. Legislation**

- i. No new legislation was introduced between 2019 and 2021 to address human trafficking. However, the Department of Justice intends to introduce new legislation in relation to the reform of the National Referral Mechanism (NRM) in Q1 2022.
- ii. A review process for the Criminal Law (Sexual Offences) Act 2017 commenced in 2020. This is the prevailing legislation in relation to combatting sexual exploitation in Ireland. As part of the review the Sexual Offences Act will include a new human trafficking bill.
- iii. During the reporting period, efforts were made by the Irish government to align national policies with EU regulations and guidelines for safe reporting of sexual violence regardless of legal status.
- iv. The Minister for Justice announced the expungement of historic convictions for the selling of sex which can act as a barrier to accessing employment and educational opportunities for victims of human trafficking.

#### **b. Action Plans**

- i. The National Human Trafficking Stakeholders Forum was set up in 2020.
- ii. Department of Justice Action Plan 2021 outlines a series of actions associated with the reform of the NRM.
- iii. Consultation conducted over 2021 in relation to the development of the 3<sup>rd</sup> National Strategy on Domestic, Sexual and Gender Based Violence. The Strategy is due to be published in April 2022.
- iv. Work has been ongoing throughout the reporting period on “Mapping a Victims Journey” as part of a recommendation from the O’ Malley Report (Review of Protections for Vulnerable Witnesses in the Investigation and Prosecution of Sexual Offences). This work entailed mapping the experiences of a victim’s journey from the time a crime is committed through the criminal justice system as a vulnerable witness. Implementation of the recommendations from the gaps identified in this process is under way.
- v. A new action plan on Human Trafficking is due to be developed in 2022.

#### **c. Institutional/Organisational Measures**

- i. In the reporting period, Ruhama’s statutory funding in support of the delivery of services to victims of commercial sexual exploitation increased. This resulted in a more diverse offering of frontline services, increased capacity to train frontline responders, and increased awareness raising campaigns on commercial sexual exploitation. The state also increased funding to other NGO’s working with victims of crime.

**2. What measures have been taken in order to prevent trafficking in human beings, to enhance specialised training for officers and all practitioners likely to come in contact with victims and to adapt to the prominent role of technology? Please elaborate on the results and impact.**

- a. The Department of Justice provided funding to Ruhama and other NGO's to deliver specialised training to frontline workers including An Garda Síochána (Irish police force).
- b. Over the reporting period, Ruhama participated in several different studies relating to human trafficking and sexual exploitation at national and international level over the course of the reporting period. These predominantly centred on the development of key data on the impacts of human trafficking for sexual exploitation on the wellbeing of survivors.
- c. Additionally, Ruhama participated in best practice information sharing on an international basis for the development of various trainings. Some examples include:
  - i. Ruhama contributed to the development of the InHere training toolkit designed to improve inclusive, holistic care for migrant victims of sexual violence by strengthening the capacity of multi-sector frontline professionals.
  - ii. Ruhama and An Garda Síochána (Irish Police) contributed to the TAIEX workshop on the implementation of the law prohibiting the consumption of prostitution. This involved a European level exchange of expertise on the policy, legislative and frontline tools involved in implementing effective laws in relation to commercial sexual exploitation.

**3. How has trafficking in human beings been addressed in the context of international migration, taking into account patterns such as the disproportionate targeting of women and girls trafficked for the purpose of sexual exploitation, as well as the link with smuggling of migrants? Please elaborate on the results and impact.**

- a. During the reporting period, the only method of formal identification of victims of human trafficking was as part of the asylum seeking and criminal justice systems. This presents two key issues. It meant that EEA nationals who were subjected to human trafficking were not registered under the NRM and also any victim of human trafficking who was unwilling or unprepared to engage with the criminal justice system were also not registered. During 2021, reform of the NRM was developed by the Department of Justice in consultation with civil society actors in the area. These reforms aim to expand the identification process to include a series of trusted partners to create a more trauma informed and victim centred system of identification.
- b. Towards the end of the reporting period, the Department of Justice announced a series of impending reforms of the immigration system that would allow many individuals in the migration system an opportunity to regularise their status in Ireland. Given insecure immigration status is a clear socioeconomic vulnerability that can lead to potential sexual exploitation, these reforms are very welcome in the context of addressing the issue of human trafficking.

**4. Which measures have been taken for the early identification of victims of trafficking, including through national referral and asylum systems? Please elaborate on the results and impact.**

As noted in previous answers, the NRM as it exists in Ireland currently presents issues to the early and more encompassing identification procedures. In light of that,

work has been ongoing throughout the reporting period in relation to the reform of the NRM. This work is due to be completed in early 2022. At the time of the submission of this document, the only competent authority for formal recognition of victims of human trafficking in Ireland is An Garda Síochána (the Irish police). This can prove problematic for victims of human trafficking who may have experienced state collusion or corruption in the police forces in their native countries. It can also serve to re traumatize victims who are forced to engage in the criminal justice system potentially before they are mentally and emotionally ready to do so. Having a police force as the only competent authority in this matter would not be considered a trauma informed best practice model for referral.

**5. What efforts have been made to ensure that all victims identified are provided with assistance, support and protection, taking into account gender and child-specific needs? Please elaborate on the results and impact.**

- a. Victims of Trafficking are housed in Ireland's direct provision system and given 60 days recovery and reflection period as part of the administrative arrangements. Upon formal identification, victims of human trafficking are provided with details of various NGOs and state agencies that provide support to victims of human trafficking. Ruhama provides support to victims in a range of areas including counselling and trauma therapy, advocacy casework, education and development programme, support in accessing employment & training opportunities where applicable and practical supports such as emergency accommodation and material assistance.

During the reporting period, the provision of a gender specific accommodation for victims of trafficking remains outstanding. The lack of provision of this type of accommodation remains a persistent criticism of Ireland's supports to victims of human trafficking. Victims of human trafficking are currently housed in Ireland's direct provision system which is totally unsuitable and re traumatising. At the time of this submission, the provision of this service is due to be put out to tender in 2022.

**6. Which measures have been taken to tackle the digital business model of traffickers, including to improve the identification and removal of online material associated with the exploitation and abuse of trafficked victims? Please elaborate on the results and impact.**

- a. The Organised Prostitution Investigation Unit (OPIU) and the Garda Anti-Human Trafficking Unit (AHTU) work closely together to investigate and respond to the evolving business model of human traffickers online. The development of these specialised units has meant that a specific skillset around the digital space as it relates to human trafficking is being developed in law enforcement. This inevitably results in the improvement of the identification and removal of online material associated with the exploitation and abuse of trafficked victims.
- b. Research relating to the digital trends relating to commercial sexual exploitation in the pandemic and online advertising was undertaken by SERP and participated in by Ruhama staff and service users during the reporting period. On-going research of this nature provides important data points in the assessment of the digital business model of traffickers.

- 7. What efforts have been considered in order to criminalise the knowing use of services provided by victims of trafficking? Have any efforts been considered in order to criminalise any use of services provided by victims of trafficking? Please elaborate on the results and impact.**
- a. An Garda Síochána conduct periodic high profile operations targeting sex buyers, pimps and traffickers. This has been heightened and more focused on by the OPIU and the AHTU in the past two years but with limitations due to COVID 19.
- 8. Which measures have been taken to ensure the efficiency and effectiveness of investigations and prosecutions, including with respect to relevant techniques allowing to follow the money and the profits generated throughout the trafficking chain? Please elaborate on the results and impact.**
- a. As noted previously, the OPIU in conjunction with work being conducted with the AHTU in An Garda Síochána in the reporting period has been extremely welcome as a measure to improve the efficiency and effectiveness of investigations and prosecutions.
  - b. In 2021, the first successful prosecution of individuals for human trafficking took place during the reporting period. An Garda Síochána have substantially increased the visibility of their anti-trafficking operations and this has led to further arrests and targeting of financial assets associated with the crime of human trafficking.
- 9. What measures have been taken to seize and confiscate instrumentalities of, and proceeds obtained from, trafficking in human beings? Please elaborate on the results and impact.**
- a. During the reporting period, An Garda Síochána (Irish police force) conducted a series of days of action related to the prevailing legislation concerning prostitution – the Criminal Law (Sexual Offences) Act 2017. These days of action centred around targeting and arresting sex buyers.
- 10. Which measures have been taken to enhance transnational law enforcement and judicial cooperation within the EU (including capacity building for joint investigation teams)? Please elaborate on the results and impact.**
- The Irish police force works transnationally across the EU, we are aware of cases involving service users were several other jurisdictions worked collaboratively on investigating cases(s).
- 11. What measures have been taken to enhance transnational law enforcement and judicial cooperation with non-EU countries (including capacity building for joint investigation teams)? Please elaborate on the results and impact.**
- The Irish police force works transnationally across non-EU countries but cooperation is very limited compared to working within the EU.
- 12. What information and awareness campaigns, education and trainings have been conducted? Please describe their aims and outreach and elaborate on the results and impact.**
- a. During the reporting period, Ruhama delivered an awareness raising campaign entitled ‘Get the Full Picture’. It aimed to highlight the prevalence of human trafficking for sexual exploitation throughout Ireland and told the stories of those who are impacted by it. The campaign called on the public to know the signs of

human trafficking and to report suspicious activity to the relevant authorities. In addition, the campaign aimed to break the silence around sexual exploitation.

- b. Ruhama also contributed to the #anyonetrafficked campaign in conjunction with IOM Ireland and the Department of Justice to highlight the issue of human trafficking in Ireland and to drive the Irish public to report suspected human trafficking.
- c. Ruhama in collaboration with the Sexual Violence Centre Cork, Space International and the Men's Development Network ran the 'We Don't Buy it Campaign', a campaign aimed at men and boys to shine a light on the myths that surround the sex trade and it also aimed to reduce the demand of purchasing sex.
- d. During the reporting period, Ruhama delivered ongoing training to multiple stakeholders on the topic of knowing the signs of human trafficking and trauma informed responses to suspected victims. The regularly oversubscribed training sessions aimed to educate and empower the attendees in relation to supporting suspected victims of human trafficking.

**13. What measures have been taken to ensure tools are in place for victims to access compensation, including appropriate training and capacity building of relevant professionals? Have measures been taken in order to use recovered assets for compensating victims? Please elaborate on the results and impact.**

- a. The criminal justice system continues to be challenging to navigate for victims of human trafficking. The process of being involved in the prosecutions of alleged traffickers can be an isolating and retraumatising process. Ruhama continues to advocate for the training of all parts of the criminal justice system in trauma informed approaches to the sensitive and unique challenges that victims of commercial sexual exploitation face in participating in the system. Practical supports to victims of trafficking participating in investigations such as subsidies for travel and accommodation are provided through some NGOs funded by the state.
- b. Restitution in respect of criminal or civil cases under the Irish legislation continues to be covered by generic legislation. There is no specific legislation in respect of restitution for victims of human trafficking that could take into account the traumatic and long-term impacts of the hideous crime. Ruhama has been working with victims of trafficking since 2004 and in that time, no service user has received compensation. Ruhama is currently working with a service user who is considering an application for compensation with her legal team pursuant to a successful conviction of her traffickers.

**14. What measures have been taken to take maximum advantage of shared management funding and via the available direct grants provided in various Commission funding instruments? Please elaborate on the allocation of resources for victim support services and to fight trafficking as a serious and organised crime. Please elaborate on the results and impact of the measures.**