Report on Human Trafficking and Exploitation on the Island of Ireland

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The idea of a world society whereby all people enjoy the same set of rights is a hallmark of contemporary globalization. This involves a universal ideal of human rights, equality of all people regardless of ethnicity, age, sex, nationality, or sexual orientation, and responsibility for said rights and equalities falling to individual countries under the threat of penalties, often severe penalties, from the international community. In practice, globalization means increased freedom of movement – of money, of work, of people, of ideas. Indeed, most people rest comfortably thinking that the world increasingly accepts basic standard of human rights and creates the conditions by which people are able to live healthy and prosperous lives.

The dark side of globalization is the continuity, if not exacerbation, of human trafficking. To be clear, people have been moved unwillingly or forced to work under conditions not of their own choosing for centuries. But the nature of modern globalization provides both new markets and new technologies for the trafficking of people and thus human trafficking continues to be a scourge of humanity. This report "Human Trafficking and Exploitation on the Island of Ireland" is a path-breaking study of human trafficking and exploitation that makes a pivotal contribution to capturing the size and scope of the problem, to understanding the mechanisms and dynamics at work, and to identifying what can be done to address the problem. Through particularly broad and rigorous investigation, the study concludes that there are far more victims of human trafficking than are officially known to the authorities and that they often deviate in important ways from conventional wisdom on who they are and where they come from.

This report is the outcome of a long-running dialogue, consultation, and collaboration as part of the Human Trafficking and Exploitation Project on the Island of Ireland (HTEPII) led by Professor Michael Breen and colleagues in Mary Immaculate College. The report is particularly timely. In October 2020, the Irish Human Rights and Equality Commission was designated as Ireland's Independent National Rapporteur on human trafficking and is now responsible for monitoring Ireland's overall performance in relation to trafficking guidelines and expectations of the EU and other members of the international community. The value of the report is its contribution to the research-, knowledge-, and evidence-bases necessary for effective monitoring and policy development.

A key conclusion of the report is that many victims of trafficking are going unidentified and unsupported – conclusions backed by multi-faceted and robust data. In particular, it brings together information from the National Referral Mechanism (NRM) with records held by other knowledgeable entities including NGOs, support organizations, and other frontline entities. The result is a remarkably inclusive methodology that allows one to see how human trafficking is seen from the vantage point of

different actors within the environment and where and why gaps in identification and support emerge. Ultimately, this produces a much more complete picture of the problem on both sides of the border and does so in a way that both reflects and informs international best practices.

The study is also important in informing our understanding of the barriers – economic, psychological, and social – that prevent victims of trafficking from engaging with authorities. Analysis of data from multiple agencies is instrumental in showing both how victims remain invisible and how they may fall between the cracks. The report's recommendations go a long way in articulating changes in policy and practice that would limit such problems. At the same time, the multi-agency data speak volumes about the nexus of poverty, a lack of citizenship and standing, and social exclusion that more broadly produce the conditions for coercion and exploitation and compound unmeasurable psychological trauma that both foster human trafficking and impact upon victims' ability to engage with state authorities.

With rigorous research as its spine, the report highlights the long road ahead. It states a clear need for both stronger mechanisms to identify victims of human trafficking and to articulate better supports, supports that span economics, politics, health, welfare, well-being, and myriad other things that are fundamental to the global goal of a fair, fruitful, fulfilling, and free existence. That the recommendations reflect attention to the needs of victims rather than the punishment of offenders and the amelioration of harm rather than vague notions of just desserts is crucial. It ultimately settles on the idea of doing more for those who need it most. This is remarkably refreshing in a context where quick, dirty, often sound-bite solutions are often privileged over tangible results.

As a final issue, the all-island approach is particularly beneficial as it highlights the unique position of Ireland in world society and the fact that it is one of the few countries in the world with a "borderless border". At the same time, there is value in comparisons between the North and the Republic as the two areas have different histories, different cultures, and different governments. Still, this does not detract from Ireland's unique commitment to globalization and world society and the important role that it can play in global efforts to combat human trafficking.

Clearly, challenges remain. But in providing a remarkably thorough cross-border analysis of what human trafficking is and what human trafficking does on the Island, the report moves us forward, aggressively forward, in applying basic ideas around human rights and the responsibilities of responsible governments to the problem. At minimum, the report serves as a reminder that no country is immune from the responsibility for vigilance and highlights the need for a better understanding of the problems of human trafficking. Undoubtedly, this moves us two steps forward, even if we end up moving one step back.

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The Human Trafficking & Exploitation Project on the Island of Ireland (HTEPII) is the culmination of a cooperative project involving several collaborators. This unique mixed-methods research project brings together senior academics at Mary Immaculate College with senior personnel from An Garda Síochána, the Police Service of Northern Ireland, the Irish Department of Justice & Equality, and the Department of Justice Northern Ireland to review and re-assess the scale and scope of human trafficking in Ireland.

Conceptually, the project is located within the Santa Marta North Atlantic Maritime Project, an inclusive partnership of the police, clergy, state and civil society in Ireland, England, Scotland, Spain and Portugal. In particular, this report is concerned with reaching an informed consensus on human trafficking data, especially the 'dark figure' of unregistered victims of human trafficking that is not formally known to the Police / Justice systems north or south on the island of Ireland. Specifically, this report shines a light on that dark figure, illustrating that there are substantially more 'invisible' victims in Ireland than are officially known to the authorities. Concomitantly, it contributes to substantiation of this issue within the broader theme of social exclusion and poverty, as well as equality, diversity, inclusion and interculturalism that are at the heart of creating a more just, equitable and fair Irish society for the coming decades.

The report examines key questions such as: why are the victims of this crime invisible? How is this possible 'in plain sight'? What data exist in the 'official' record? What additional data can be added to improve understanding of the scale and scope of human trafficking in Ireland? What facilities are available currently, and what is needed to enable victims to seek support and help? Whose awareness is critical? Whose awareness is insufficient? How can this be addressed and rectified?

These questions are tackled both through the lens of official records such as the two National Referral Mechanisms and through other filters, in particular the experience of support organisations / NGOs that provide a variety of 'unofficial' services to trafficking victims who are not presenting formally to the Justice / Policing authorities. This report demonstrates that the work of victim support organisations and NGOs can help with understanding the barriers that prevent victims from engaging with the statutory authorities, as well as highlighting the inadequacies in State support for those who have been trafficked. These organisations offer particular potential to access information on potential victims of trafficking outside of the NRMs, thus allowing more complete statistics on the numbers of victims of trafficking in Ireland and justifying improved assistance and services for these victims of crime.

The report reveals that there is a substantial gap in the public-domain numbers between official figures recorded for victims of human trafficking in Ireland north and south and unofficial figures compiled from evidence provided by victim support organisations and NGOs. The full extent of this gap remains uncertain. However, the approach adopted by the HTEPII in generating a new inclusive methodology for data collection, incorporating 'official' and 'unofficial' records as presented in this report, provides considerable potential for generation of new data to improve the accuracy of the statistics recorded in relation to victims of trafficking in Ireland north and south.

The HTEPII project was directed by a Project Executive Board, chaired by Kevin Hyland OBE, and composed of senior representatives of the sponsoring organisations as well as a number of independent members and academics with expertise in human trafficking. Funding for the project was provided by the main collaborating organisations, the police services north and south, and the Justice Departments north and south, as well as Mary Immaculate College. The principal investigators were Professor Michael Breen (Dean of Arts) and Professor Michael Healy (Vice President Research), both senior managers and academics at Mary Immaculate College with extensive experience in research and research governance.

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rt 1 Context and Background

The Global Context

No one knows exactly how many trafficking and slavery[1] victims there are in the world. Given the nature of the crimes involved, it is unsurprising that data are scarce. There are official estimates from police authorities in some countries but only for a minority. It is generally recognised by such authorities that the figures represent only a fraction of actual victims and the scale of the problem is relatively unknown. There have been various attempts to quantify the issue, mostly on a national or regional basis. One attempt to estimate the global number of slaves worldwide in the Global Slavery Index (GSI). The GSI research, methodology and resulting reports produced are explained in detail by GSI and the source of the information is known and credible, but the methodology is questioned and disputed by some. We will examine this later in this report. According to the GSI, modern slaves worldwide number about forty million people. One in four of them are children. Almost three quarters are women and girls. The exploitation of human beings as slaves involves forced labour, sexual exploitation, domestic servitude, forced criminality, and organ harvesting. The procurement, trafficking and economic exploitation of slaves is one of the gravest crimes confronting the international community. The scale of the problem ranks it in the top three most profitable worldwide criminal enterprises, along with illegal arms and drug trafficking.

Human trafficking is not the preserve of any single nationality or any region: it is, rather, a worldwide phenomenon of major proportions. Almost every country in the world both produces and receives individuals who are trafficked. Figure 1 shows the estimated prevalence of human trafficking per 1,000 population by country, in deciles.
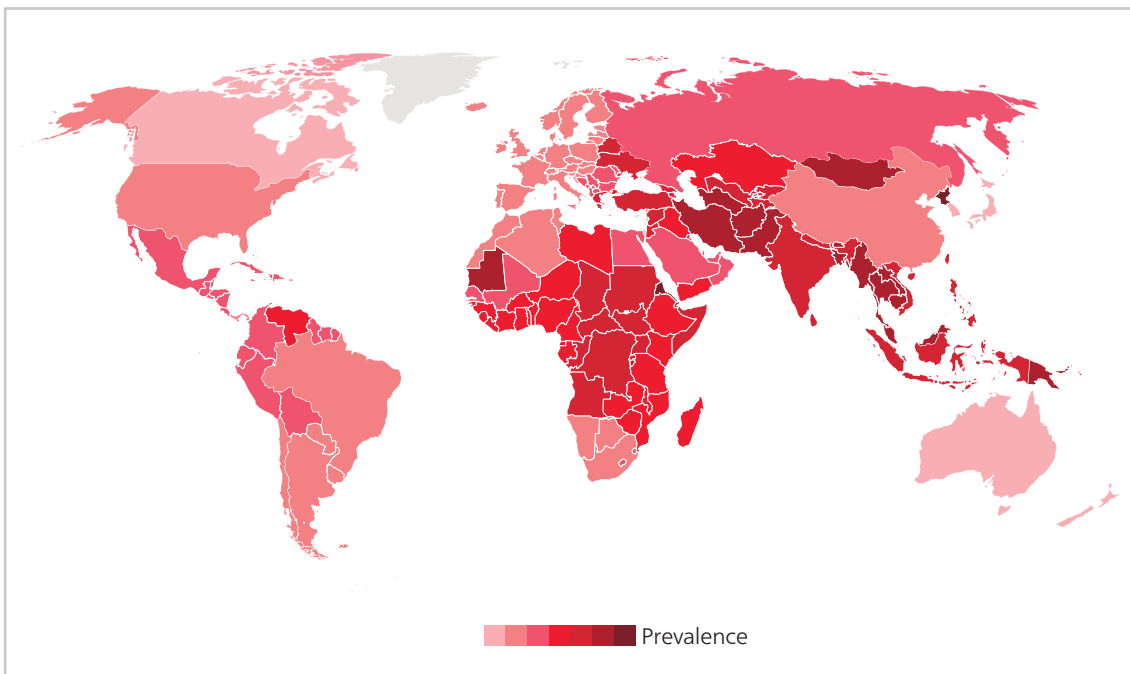
Figure 1. Estimated prevalence of human trafficking by country per 1000 population in deciles, based on detected trafficking victims - 2017 (Source: United Nations Office on Drugs and Crime, https://dataunodc.un.org/data/TIP/Detected%20trafficking%20victims).

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[1] The terminology associated with modern slavery and human trafficking is complex, conflated, and contested. The terms 'trafficking' and 'modern slavery' are commonly used to refer to both sex and labour trafficking. The term modern slavery is generally taken to include forced labour, debt bondage, hereditary slavery, enslavement of children, and forced or early marriages, as well as people who are trafficked. Throughout this report, the authors use the term 'human trafficking' except where directly citing published material or referencing other types of human enslavement.

In 2014, the ILO estimated that the crime of human trafficking on a global scale is a business generating US$150 billion annually from forced labour alone (ILO, 2014). The United Nations recognises the scale of the problem of human trafficking. The aim of Sustainable Goal #8 is 'to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all'. Furthermore, SGD 8.7 states its aim 'to take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour including recruitment and use of child soldiers, and by 2025 end child labour in all its forms' (United Nations General Assembly, 2015, p. 24).

There has been some progress toward this aim since the adoption of the Palermo Protocols in 2000. As can be seen in Figure 2, the trends in the total number of detected trafficking victims overall and the total number of reported trafficking victims per country has increased over time. The average number of detected victims per country has risen from a low point of 150 in 2010 to a record of 254 in 2016, while the number of reporting countries has risen to 104 in 2015 from a baseline of 39 countries in 2003. But total number of detected trafficking victims is still below 25,000 per annum, a tiny amount compared to the current estimates. Trafficking is on the increase, and so is detection of trafficking victims, but the rise in this crime has vastly outpaced its detection rate.
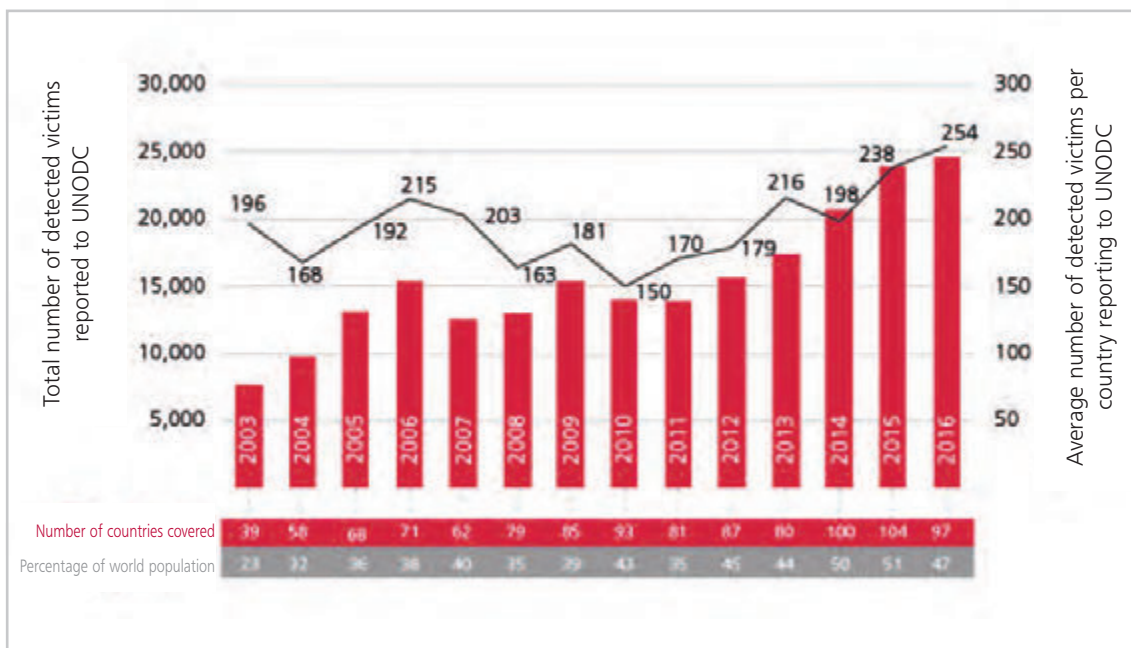
Figure 2. Trends in trafficking detection and reporting, 2003-2016 (United Nations Office on Drugs and Crime Global Report, 2018)

Establishing the scale of human trafficking leading to modern slavery is particularly problematic. This is illustrated effectively by the graphic (Figure 3) published by Tyldum & Brunovskis (2005) which shows the difficulty of establishing the numbers of known victims of trafficking as a sub-set of the potential overall number within over-lapping segments of human activities. Critically, it is also difficult to disentangle its individual elements, differentiating between trafficking and other forms of exploitation.
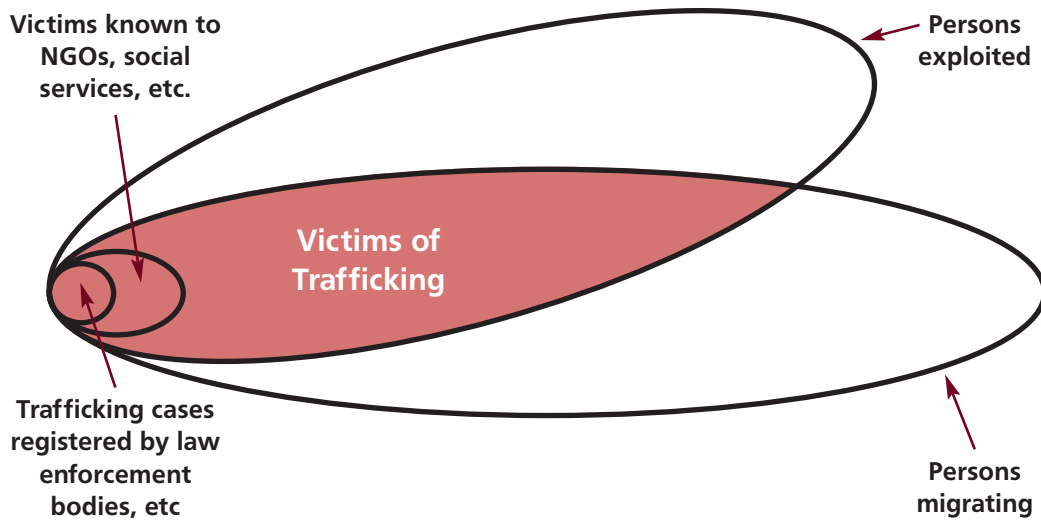
Figure 3. The scale of human trafficking, known and unknown (after Tyldum & Brunovskis, 2005). As Tyldum and Brunovskis put it

these are populations where victims of trafficking make up a subpopulation (i.e., persons migrating or crossing borders), or populations that in themselves are subpopulations of victims of trafficking (i.e., victims of trafficking registered by law enforcement agencies). The ratio of assisted victims to the number of victims at large is unknown, as is the biases associated with the subpopulation. Furthermore, both the ratios and the biases are likely to vary strongly between regions and over time, making it very difficult to make inferences to the overall population (op. cit., p. 22)

The same point is advanced by de Vries & Dettmeijer-Vermeulen (2015, p. 18) who propose a fourfold typology of human trafficking, as shown in Table 1. They conclude that standard methods of estimation are problematic, and they point to some of the difficulties arising with the Global Slavery Index. Specifically, they reference the possibility that 'positions are sometimes taken on the basis of unverifiable, unreliable or inaccurate data' and suggest that 'lower level of aggregation' may be more useful than an unreliable global estimate *(ibid.)*. This issue arises in detail later in this report.

Table 1 Fourfold typology of human trafficking (de Vries & Dettmeijer-Vermeulen, 2015).

Dark figure:	Human trafficking that is unknown;
False negatives:	Human trafficking that is known to the relevant authorities but is not registered;
False positives:	Victims or perpetrators who have been registered but, in the end, may not be victims or perpetrators;
Registered human trafficking:	Visible human trafficking that is registered by authorities.

Furthermore, many authorities refer to the looseness in the use of the term 'modern slavery' as an umbrella term (encompassing for example - commercial exploitation, domestic servitude, forced labour, forced marriage, criminal exploitation, trafficking of both adults and children, smuggling) without clear distinctions (Taplin, 2007; Aronowitz, 2013). This is particularly true in terms of media coverage conflating trafficking and smuggling. Smuggled persons may be subject to coercion or force during the transportation phase but not necessarily upon entry into the destination country and/or not by the persons who facilitated their passage. Table 2, after Aronowitz (2013), illustrates some key differences between these activities.

Table 2 Differences between Human Trafficking and Smuggling (after Aronowitz, 2013)

Trafficking	Smuggling
The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those 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 of 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.	Facilitating the illegal crossing of a border or entry to a country.
Forced labour and/or exploitation	There is generally no actual or implied coercion but smuggled persons can be highly vulnerable to subsequent trafficking, e.g., to pay the costs of being smuggled
Is a crime against individuals	Is a crime against a state
Persons trafficked are victims	Persons smuggled are violating the law; by law they are not victims
Enslaved, subjected to limited movement or isolation, documents may have been confiscated	Persons are free to leave, change jobs, etc.
Need not involve the actual or physical movement of the victim	Facilitates the illegal entry of person(s) from one country into another
No requirement to cross an international border; trafficking can occur within a country	Smuggling always crosses an international border
May involve crossing a border	Always involves crossing a border illegally
Persons are exploited in labour/services, commercial sex acts, ,forced criminality, benefit fraud, for example.	Person must be attempting illegal entry or only be in country illegally

The UK Anti—Slavery Commissioner's Vietnam Report 2017 describes the relationship between smuggling and trafficking very succinctly:

Trafficking and smuggling are criminal offences, and it is the criminal organised networks that profit from both. Trafficking is however, a crime against an individual, often without his/her consent, when a person is transported for the purpose of exploitation. Whereas smuggling is a crime against the State, as it involves the illegal crossing of borders, with the consent of the person who is smuggled. It ends when a journey is complete, often as soon as the border is crossed, and the migrant reaches his/her destination. It is important to highlight that human trafficking can happen across borders, where borders can be crossed both legally and illegally, but also within a single country.

To summarise, legally there are clear distinctions between those who are smuggled and those who are trafficked and end up in modern slavery. However, when one unpicks the biographies of those on the move, it is not uncommon for them to experience both smuggling and trafficking. Amid this complexity it is important to be clear however, that when determining whether a child (under 18) is a victim of trafficking, his or her consent to being trafficked is irrelevant and the means by which they are trafficked is also irrelevant. Therefore, it is not necessary for any of the following to be present: threats, use of force, fraud and deception, inducement, abuse of power or a position of vulnerability, or use of debt bondage. Rather, it is enough to show only movement and purpose (2017, p 19)

The 2018 figures from the Global Slavery Index estimate that less than 1 per cent of all victims of human trafficking/modern slavery come to be identified and referred into recognised National Referral Mechanism frameworks through which State bodies fulfil their obligations to protect and promote the human rights of trafficking victims.

The European Context

The EU Report in 2020, Data Collection on Trafficking in Human Beings in the EU, reported on figures from 2017-2018. It stated that[2]

- 26 268 victims of trafficking were registered.
  Nearly half (46 %) of all registered victims were trafficked for sexual exploitation and nearly a quarter (22 %) were trafficked for labour exploitation.
- 58 % of all registered victims were female, whereas 39 % were male.
- EU citizens accounted for nearly half (49 %) of all registered victims.
- Children formed nearly one third (32 %) of the victims.
- The majority of children trafficked within the EU-28 were EU citizens (57 %), mostly trafficked within their own country.
- Nearly half (49 %) of the child victims registered were girls, the other half being boys.
- Girls represented almost three quarters of child victims with non-EU citizenship (69 %).

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[2] The report cites data for both the EU-27 and the EU-28, the UK having left the EU on January 31st, 2020. The data here are for the EU-28.

The EU defines registered victims as being composed of two categories:

In line with earlier data collections, victims are referred to as 'presumed' when they meet the criteria of Directive 2011/36/EU but have not been formally identified by the relevant authority as victims of trafficking in human beings or who have declined to be formally or legally identified as trafficked. Victims are considered 'identified' for persons who have been formally identified as victims of trafficking in human beings by the relevant formal authority in Member States', this is to say after a process that establishes that they are victims; often, but not always, involving the police. 'Identified' and 'presumed' victims are referred together as 'registered victims' (op. cit., p.9).

Table 3 below shows the data on victims across for the EU for 2017 and 2018.

Table 3 Registered Victims in the countries of the EU, 2017-2018 (Source: EU)

	2017	**2018**	**2017-2018**
Czech Republic	:	:	:
Sweden	:	:	:
UK	5,138	6,985	12,123
France	1,321	1,525	2,846
Italy	1,062	926	1,988
Netherlands	956	668	1,624
Germany	773	607	1,380
Romania	662	497	1,159
Hungary	415	519	934
Austria	390	391	781
Poland	453	222	675
Spain	220	238	458
Cyprus	134	156	290
Belgium	140	134	274
Greece	144	129	273
Portugal	103	121	224
Denmark	98	97	195
Ireland	**101**	**81**	**182**
Finland	85	88	173
Slovenia	66	101	167
Slovakia	88	56	144
Croatia	29	76	105
Lithuania	60	44	104
Latvia	25	23	48
Malta	5	35	40
Luxembourg	17	14	31
Bulgaria	19	9	28
Estonia	10	12	22
EU-28	**12,514**	**13,754**	**26,268**

It is abundantly clear that trafficking remains an issue in the EU with virtually half of registered victims being citizens of the EU. The issue of victim identification (registration) is a EU-wide one:

In the EU-28, the police registered nearly three quarters of identified victims (69 %) and around a quarter of presumed victims (26 %) in the years 2017-2018. In the same years, NGOs registered more presumed victims (12 %) than identified ones (9 %). The share of presumed victims registered by 'other' organisations accounted for 33 % of the total of registered presumed victims, as compared to 19 % for identified victims (op. cit., p.15).

The US 2020 Trafficking in Persons Report (TIP) reported the following summary table for trafficking in Europe, based on estimates provided by governments and other sources. The numbers in parentheses in Table 4 are those of labour trafficking prosecutions, convictions, and victims identified.

Table 4 Summary table for trafficking in Europe

Year	Prosecutions	Convictions	Victims Identified	New or Amended Legislation
2013	3,223 (275)	2,684 (127)	10,374 (1,863)	35
2014	4,199 (197)	1,585 (69)	11,910 (3,531)	5
2015	4,990 (272)	1,692 (245)	11,112 (3,733)	8
2016	2,703 (201)	1,673 (40)	13,349 (3,192)	3
2017	2,548 (179)	1,257 (53)	12,750 (3,330)	0
2018	2,394 (234)	1,379 (80)	16,838 (2,675)	1
2019	2,896 (106)	1,346 (41)	17,383 (1,369)	2

Prosecutions and convictions have generally declined over this period, which saw an increase in all categories of identified victims.

The Regulatory Context

Appendix 1 of this report shows the relationship between the Palermo Protocol and domestic law in the Republic and in Northern Ireland. The internationally accepted definition of human trafficking appears in the United Nation's Palermo Protocol of 2004, located at www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf.

Article 3 states:
  (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 of 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.

The Council of Europe (2005) adopted the Convention on Action against Trafficking in Human Beings on 16 May 2005 and it entered into force on 1 February 2008. It is a comprehensive treaty addressing all forms of human trafficking, focusing on the protection of victims and the safeguarding of their rights as well as on preventing trafficking and prosecuting those responsible for it. It is the most important piece of legislation for guiding police forces in the EU.

The stated purpose of the convention is threefold[3]:

- to prevent and combat trafficking in human beings, while guaranteeing gender equality;
- to protect the human rights of the victims of trafficking, design a comprehensive framework for the protection and assistance of victims and witnesses, while guaranteeing gender equality, as well as to ensure effective investigation and prosecution;
- to promote international cooperation on action against trafficking in human beings.

A mechanism for its implementation (Article 36) establishes the 'Group of experts on action against trafficking in human beings' (GRETA), which monitors the implementation of the Convention and anti-human trafficking measures taken under its auspices.

There are five other seminal documents which are central to the regulatory context on the Island of Ireland. These are:

- Council of Europe Convention on Action against Trafficking in Human Beings (2005)[4]
- Irish Criminal Law (Human Trafficking) Act (2008)[5]
- Directive 2011/36/EU of the European Parliament and of the Council on Preventing and Combating Trafficking in Human beings and Protecting its Victims (2011)[6]
- UK Modern Slavery Act (2015)[7]
- Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) (2015)[8]

A briefing note on how the Palermo Protocols have been incorporated into law in the Republic of Ireland and in Northern Ireland is provided in Appendix 6.

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[3] Article 1 of the Convention of the Council of Europe Convention on Action against Trafficking in Human Beings
[4] Convention on Action against Trafficking in Human Beings
[5] Criminal Law (Human Trafficking) Act 2008
[6] Directive 2011/36/EU of The European Parliament and of The Council
[7] Modern Slavery Act 2015
[8] Human Trafficking and Exploitation Act (Northern Ireland) 2015

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Identifying Victims of Human Trafficking

National Referral Mechanisms – General Principles

'The National Referral Mechanism (NRM) is the framework for identifying victims of human trafficking or modern slavery and ensuring they receive the appropriate support in compliance with the Council of Europe Convention on Action against Human Trafficking. This is distinct from a duty to investigate an allegation of modern slavery' (Independent Anti-Human Slavery Commissioner, 2015:9). No two countries will have identical NRMs in place for identification of victims and provision of services. However, some basic components are necessary to comply with the Convention on Action against Human Trafficking. Specifically, the victim has the right to identify as a victim, and is entitled to receive protection, assistance, a recovery and reflection period of at least 30 days, a renewable residence permit, and compensation for any damages suffered.

According to GRETA, best practice in victim identification for human trafficking should include a multi-agency approach. This means that relevant organisations - statutory, non-statutory, and specialised non-governmental organisations (NGOs) - that work with victims of trafficking should be able to refer potential victims of trafficking into an NRM without the requirement that that individual be identified by, or work with, law enforcement officials (GRETA, 2016 & 2017).

This victim identification system is not in place in the Republic of Ireland, and, while it applies in some parts of the United Kingdom (i.e., in England and Wales), it is not in place in Northern Ireland either. (Plans are currently under consideration for multi-disciplinary teams, including representatives from NGOs, to make NRM decisions across the UK. These plans are not at an advanced stage in Northern Ireland.) During the operation of the HTEPII project, unless an individual was willing to be referred into the NRM and work with either *An Garda Síochána* (AGS) in Ireland or specific statutory organisations within Northern Ireland including the Police Service of Northern Ireland (PSNI), a potential victim of human trafficking could not access services through the NRM in either country. Similarly, such cases do not appear in the national statistics of either country as victims of trafficking. The operation of the respective NRM services in the Republic of Ireland and Northern Ireland feature in more detail below.

The National Referral Mechanism - Republic of Ireland

In Ireland, identification as a victim of human trafficking and referral into the NRM is the responsibility of An Garda Síochána (AGS) as the national police force. Any member of AGS who believes that there are 'reasonable grounds' can designate someone as victim of trafficking (on PULSE, the crime recording system of AGS) and thereby make available services through the NRM if the potential victim agrees to the referral. Additionally, outside organisations or members of the public who suspect cases of human trafficking can provide information to the Garda National Protective Services Bureau (GNPSB) within the AGS.

According to the DOJE (2012), 'reasonable grounds' means 'a standard for what is fair and appropriate under usual and ordinary circumstances; that which is according to reason; the way a rational and just person would have acted'. As no specific requirements are attached to a 'reasonable grounds decision', there is no formal victim identification process in place. While some publications (DOJE, 2012 and 2015a) state that AGS use internationally recognised indicators for human trafficking (e.g., Delphi indicators; the UN Global Initiative to Fight Human Trafficking; the International Labour Organisation) to make their 'reasonable grounds decisions', this is not a formalised procedure.

Once designated as a victim of trafficking within the NRM, the Human Trafficking Investigation and Co-ordination Unit (HTICU) then has the responsibility to refer the victim to a variety of services during a 60-day recovery and reflection period. These services include the Reception and Integration Agency (RIA) for accommodation, the Anti-Human Trafficking Team (AHTT) within the Health Services Executive (HSE) for services related to health and well-being, and to the Legal Aid Board (LAB) to avail of free legal aid.

In the case of an EEA citizen who is a potential victim of trafficking, the Garda National Immigration Bureau (GNIB) within AGS will intervene in these proceedings only if there is an EU removal order. The GNIB will designate on PULSE that the EEA citizen can remain in the Republic of Ireland for the duration of the trafficking investigation. These cases can take quite a long time, sometimes a number of years, subject to the complexity of the case and, often, the multi-country nature of the crime.

In the case of a non-EEA citizen, the GNIB is involved in the decision-making process as the 'competent authority'. A competent authority is any individual, agency or other organization that has the legally delegated or invested authority, capacity, or power to perform a designated function. In respect of human trafficking, the phrase applies to those individuals, agencies or other organisations with the powers of formally designating an individual as a victim of trafficking.

The GNIB decides whether there is 'conclusive evidence' of human trafficking. This in turn determines if the person can remain in Ireland should the victim wish to remain. Non-EEA potential victims of trafficking have the right to remain in the Ireland during the recovery and reflection period. If supporting evidence for the crime of trafficking against them is corroborated (or if no evidence is discovered that undermines their claim of being trafficked), they will be given permission to stay in Ireland for a further six months. During this period, more investigations take place and they are provided with the possibility of education and/or work if possible and available during this time. If the person opts for repatriation, the International Organisation of Immigration (IOM) will facilitate their return to their country of origin, and the criminal investigation will continue in Ireland.

Where a possible victim of trafficking applies for asylum within the Republic of Ireland instead of claiming the status of a victim of trafficking, then they may no longer enter the NRM as a potential victim of trafficking. Instead, if their asylum claim is successful, they receive the state benefits applicable to asylum-seeker status. An individual cannot claim asylum and be recognised as a victim of trafficking at the same time.

All non-EEA children who are entering the Republic of Ireland as unaccompanied minors come under the care of TUSLA (Ireland's Child and Family Agency). Under the Child Care Act, they automatically have the right to remain in the Republic of Ireland as long as they are in TUSLA's care. TUSLA screens all such children as potential trafficking victims, and each has a social worker assigned to their case. If TUSLA believe that a child has been trafficked, they provide the child with a legal guardian, an appropriate care / services plan and write a letter notifying the GNIB. No dedicated accommodation exists for trafficked children. Instead, they share residences with unaccompanied minors seeking asylum. TUSLA does not gather or produce national statistics regarding trafficking of children in the Republic of Ireland.

Criticisms of the NRM in the Republic of Ireland

The Republic of Ireland's NRM has been criticised by GRETA and by participating organisations within Ireland for aspects of the victim identification process. The three broad areas commonly mentioned are:

(i)   Specialised NGOs cannot place a victim into the NRM.
Victims afraid of working with authority figures within the police (or who are not ready to work with the AGS) have no alternative route to enter the NRM. This links the victim identification process directly with the police investigation of the trafficker, something that many argue should be kept separate (GRETA, 2017). There is general agreement across the AGS, HSE, TUSLA and specialised NGOs in Ireland that victim identification and referral to the NRM ought to be the function of a different organisation, leaving AGS to focus on criminal investigation of the traffickers.

(ii) The lack of transparency in decision-making by the AGS.
GRETA has called upon the Republic of Ireland to specify the criteria by which they make their 'reasonable grounds decisions' and the rights that accompany these decisions (GRETA, 2017, p. 60). Members of a 2015 Roundtable on Identification of Victims of Human Trafficking including Ruhama, the Migrant Rights Centre of Ireland (MRCI), and the Immigrant Council of Ireland (ICI) concluded that a formal identification process would improve consistency of identification, transparency of the identification process, legal security for victims, and service provision from NGOs (DOJE, 2015a).

(iii) Inconsistency in treatment by citizenship status.
GRETA (2017) and some participating organisations interviewed for this project highlight inconsistency in processes for non-EEA, EEA and Irish citizens. They recommend that the same processes and services (e.g., appropriate housing) are available to all victims of trafficking, regardless of citizenship.

The National Referral Mechanism - Northern Ireland

The PSNI's Modern Slavery and Human Trafficking Unit (MSHTU) is a specialised police unit that assesses cases of suspected victims of slavery in Northern Ireland. Based on intelligence, they also carry out 'safeguarding visits', targeting locations where they believe they will find victims of trafficking (DOJNI, 2019). The MSHTU encounters many possible victims, but only those who agree to be referred into the NRM and work with the PSNI have access to the NRM. Other 'first responders' who can place a potential victim into the NRM include the Health and Social Care trusts (HSCTs), UK Border Force (UKBF), UK Immigration Enforcement (UKIE) or the Gangmasters Labour Abuse Authority (GLAA). Specialised NGOs may not be 'first responders'.

Most referrals come either from the PSNI or through the Home Office. An NRM form is completed digitally by the 'first responder' which includes questions regarding basic information about the person (age, gender, country of origin, contact details, etc.) and relevant indicators associated with all types of human trafficking, (see Appendix 3 - Northern Ireland NRM Referral Form for Adults). The form allows addition of supporting evidence, if available. The potential victim is required to provide their consent by signing the NRM form, which is submitted directly to the Single Competent Authority who, in turn, should provide a 'reasonable grounds' decision within 5 days. Once submitted, a copy should be forwarded to the

MHSTU. All NRM referrals have a crime report raised and a modern slavery/human trafficking investigation initiated.

Previously in Northern Ireland, the competent authorities were the Home Office for non-EEA individuals (within the UKIV) and the National Crime Agency (NCA) for all others; these authorities have now been combined into one competent authority – the Single Competent Authority - based in the Serious & Organised Crime Group within the Home Office. If the competent authority believes that there are 'reasonable grounds' to believe that an individual is a potential victim of trafficking, that individual is given a 45-day reflection and recovery period and access to specialised services, though the DOJ has the option of extending support for a longer period of time. 'Reasonable grounds' in this instance means a competent authority suspects that someone has been a victim of trafficking but does not yet have the proof to support this (Home Office 2017, p. 8).

Once a potential victim enters the NRM, one of two organisations immediately begin to assist the individual in accessing services based on the gender of the victim. Migrant Help is an organisation entirely funded by the DOJNI to assist male victims of trafficking who are in the NRM and their families. Migrant Help also assist women victims of trafficking for labour exploitation, but only if they are in a mixed gender partnership; support is also provided to any child dependents/family units. If at any point, the competent authority decides that there are not conclusive grounds to support the claim of trafficking, services from Migrant Help will stop within 48 hours. If reasonable grounds exist, Migrant Help can work with victims for up to two weeks after that, though sometimes this may be longer with the approval of the DOJNI. Potential victims of trafficking receive subsistence payments while in the NRM.

Belfast & Lisburn Women's Aid assists all other women who are victims of trafficking. Services for all suspected victims of trafficking include accommodation, living expense allowance, health care, legal advice/representation, and other types of services (e.g., pregnancy care, language, education). These supports are provided automatically for up to 45 days, or until a conclusive decision is made.

Accommodation can be within a Women's Aid shelter, if appropriate, or in approved accommodation in the community. Given that Women's Aid also works with female victims of exploitation and/or abuse who are not trafficking victims, they may be able to continue providing some types of assistance to a woman and her family even if there are no conclusive grounds of trafficking.

EEA citizens who claim they have been trafficked can experience problems with accessing welfare if they cannot prove residency status, something that is difficult in trafficking cases. The PSNI can write a letter to establish date of arrival in Northern Ireland for victims of trafficking; they can also show the Benefits Office that there is a confiscated passport. Other voluntary organisations also provide support services. The charitable organisation Solas Trust provides a safe house for potential female victims of trafficking, and the charitable organisation Flourish works with victims of trafficking who may or may not be in the NRM, assisting them with accessing welfare, accommodation and any other services, including assistance in bringing family members to Northern Ireland.

Once there is enough proof to show that a person is a potential victim of trafficking, then 'conclusive grounds' to support the claim of trafficking exist. At that point, a victim may receive permission to stay up to a year afterwards to help with criminal investigations. This may also apply based on a victim's personal circumstances, including possible extensions. In addition, within Northern Ireland, it is possible for a victim of trafficking to apply concurrently for asylum, unlike the situation in the Republic.

Like the Republic, trafficking cases in Northern Ireland can take a long time, sometimes years, subject to the complexity of the case. A senior technical specialist goes through the decision-making process and reviews negative decisions. Within the UK, it is planned that this review process will move to multi-agency assurance panels that will also include representatives from NGOs, but the plans for this new model have only recently been introduced into Northern Ireland. All potential victims of trafficking receive formal notification regarding the outcome of their case.

Regarding children, under child protection legislation, all unaccompanied minors are in the care of corporate parenting in the HSCB, and they do not need to go through the NRM to get help. However, if the care team believe that a young person has been trafficked, they will refer the child into the NRM, and the child need not consent to this as the state is acting in loco parentis. Such children have appointed an independent guardian (social worker) to help them through the legal process. Younger children have foster care accommodation provided for them. There is also specific residential accommodation for older children (13-17) who are potential victims of trafficking. Not all children stay in Northern Ireland, with some going back to their families, or joining extended family elsewhere. A child can stay with a foster family after the age of 18, if they wish, with state support until the age of 21. Alternatively, aftercare to the age of 21 is also a possibility.

Criticisms of Northern Ireland's National Referral Mechanism

Northern Ireland's NRM has been criticised by GRETA for the lack of involvement by representatives of specialised NGOs in the victim identification process. GRETA suggests that the service providers – Migrant Help and Women's Aid – should be able to place victims of trafficking into the NRM. They also suggest that other key organisations that identify potential victims of trafficking (such as prison staff and medical and legal professionals) could do the same (GRETA 2016). Overall, GRETA supports a multi-disciplinary approach and the inclusion of specialised NGOs in the identification process. At the time of writing, there are plans to move the NRM decision-making process to multi-disciplinary teams that include representatives of relevant NGOs throughout the UK. This process has not been implemented in Northern Ireland.

Statistics for Human Trafficking

Part 5 of this report provides the NRM statistical data for both Northern Ireland and the Republic of Ireland along with human trafficking data drawn from HTEPII participating organisations.

Pa

rt 3 Literature Review

PART 3: Literature Review

Review of Selected Approaches Employed in Human Trafficking Research

The citation databases on the topic of human trafficking/modern slavery yield c. 1100 research articles using the associated terms in their titles, while there are an additional 1,000 articles using the terms in the abstract or as topic descriptors. Human trafficking is a growing area of research interest among a broad range of professionals including health, social science, law, politics, humanities, justice, education and other fields. As illustrated in Figure 4 below, there is a marked increase in the topic frequency in the mainstream media, such as major world newspapers, 2010-2019. This rise in interest coincides with efforts to assess the number enslaved worldwide, and as this number has grown, so too has public interest.
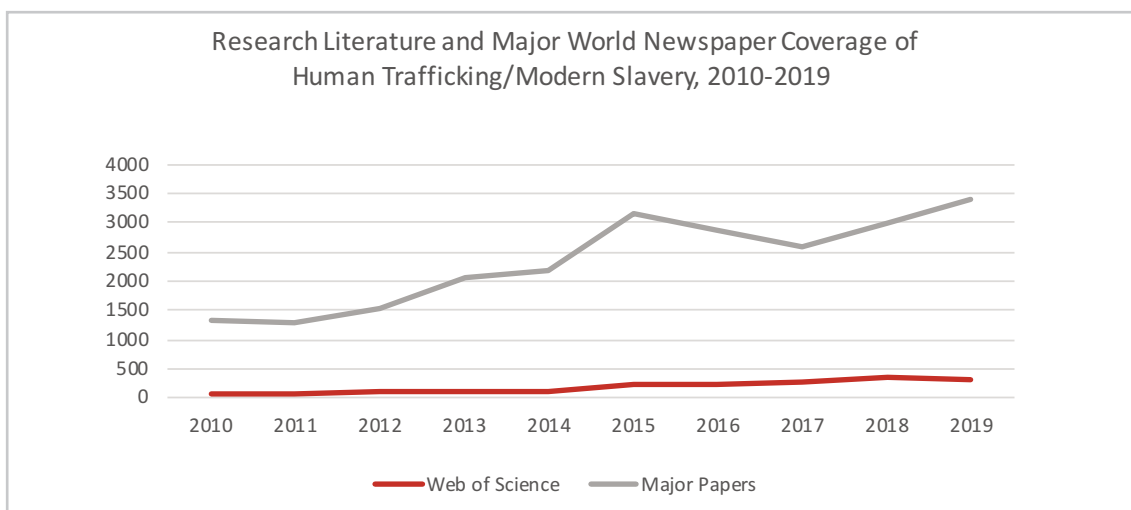
Figure 4. Growth in coverage of human trafficking, 2010-2019 (Source: Nexis-Lexis, Web of Science)

Conducting research on human trafficking poses practical challenges. As discussed by Laczko (2005), trafficking is a clandestine activity, where traffickers are criminals and are part of a hidden population. Victims of trafficking too are largely hidden from view; they may be reluctant or unable to come forward due to fear – of their trafficker, of imprisonment - or lack of knowledge. This makes it difficult to establish a complete sampling frame or a representative sample. Using official data to measure prevalence instead is also problematic (Andrees & van der Linden, 2005; Kelly, 2005; Laczko, 2005; Patterson & Zhuo, 2018 among others). While existing official data is valuable, it is also reflective of local/national definitions and practices, both official and unofficial, which affect legal and institutional frameworks. For instance, law enforcement may give trafficking a low priority because of the challenges in proving cases of trafficking; instead, trafficking crimes may sometimes be categorised and reported as other crimes that are easier to prosecute. Similarly, resources to assist trafficking victims may be scarce and channelled towards more 'deserving victims', prioritising victims of sexual exploitation instead of labour exploitation, for instance, or prioritising cases where a victim has been transported against their will, while not acknowledging that some smuggling cases clearly become trafficking situations (Kelly, 2005). These practices place an additional burden of requirement to establish trafficking beyond what is necessary under trafficking legislation. Ultimately, this reduces the numbers of trafficking victims reflected in official statistics. Tyldum & Brunovskis (2005) suggest that official statistics should only be used as a minimum estimate, while van Dijk (2015) claims they should not be used at all; instead, they should be seen as a performance indicator of national policies aimed at countering trafficking.

Given the nature of human trafficking and the difficulties in collecting accurate data, many different methodologies emerged over time. Populations of interest range from very specific groups, reflecting a particular type of exploitation within a specific geographical area, to estimates that aim to capture the scale of trafficking globally. This overview reflects on some of the methodologies used to date and discusses related research within the Republic of Ireland and Northern Ireland. The literature reviewed here relates only to representative research and is not a complete or comprehensive review of all research on human trafficking.

Establishing prevalence of trafficking

Surveying / interviewing potential victims

Many researchers attempt to access victims of trafficking by working with groups who have a higher-than-normal risk of being victimised, such as undocumented migrant workers and returning migrants in countries that are considered source countries for victims of trafficking. This includes research by Andrees & van der Linden (2005), Barrick et al. (2015), Brennan (2005), Le (2014), Huschke *et al.* (2014), Tyldum & Brunovskis (2005) and Zhang (2012). In addition to gauging prevalence, this research illustrates the experience of trafficking and the impact of trafficking on victims in the aftermath, as shown by Andrees & van der Linden (2005), Brennan (2005), Le (2014), and Tyldum & Brunovskis (2005), for instance[1].

Zhang's (2012) research and Barrick et al. (2015) both aim to establish prevalence through this type of methodology. Given the nature of the methodology, though, it addresses prevalence of a particular type of trafficking (labour) within a specific geographical location. Zhang uses respondent-driven sampling to estimate the number of trafficked migrant labourers in San Diego County in the USA. Barrick *et al.* (2015) created a database of migrant workers using surveillance and geo-mapping (see section to follow on covert research and geo-mapping) that allowed them to find and interview nearly 400 migrant workers. Of these, they concluded that 25% were trafficked with a further 39% experiencing labour exploitation but not trafficking.

Establishing prevalence within the island of Ireland has to date proved equally problematic. For example, Huschke et al. (2014) gathered baseline information about sex work in Northern Ireland through surveys with sex workers, and expert interviews. Sex worker participants were found through a variety of methods, including advertising on relevant websites and snowball/respondent-driven sampling. Of those participating in the survey, 3% said that they had been trafficked in the past. However, given that victims of trafficking for sexual exploitation was not a sub-population targeted in the sampling for this research, no conclusions about prevalence of trafficking emerge from it. The authors state that '...the social arenas of prostitution on the one hand, and trafficking for sexual exploitation on the other do not necessarily overlap. Thus, interviewees (i.e., sex workers and clients) may have only very limited knowledge of the conditions under which people are forced into the sex industry against their will and may be able to offer little information' (p. 30). However, while a later paper (Huschke & Ward 2017) based on the same research concludes that the majority of sex workers in Northern Ireland are not victims of trafficking, it postulates that many sex workers may have had experiences that meet some of the criteria of trafficking, including debt (bondage), exploitation, and abuse.

Other Irish publications which provide estimates of likely trafficking victims include published reports

based on client data and outreach work from NGOs who work with victims of trafficking. Ruhama produces an annual report with information on the number of trafficked women they have worked with, including the number of new clients per year. Doras Luimní produced a report in 2015 – No Choices No Chances – which looked at trafficking cases in Limerick, highlighting possible cases that seemed to have 'fallen through the cracks' (Stapleton 2015). The numbers indicated in these reports do not match statistics from the DOJE, suggesting that there are victims of trafficking in Ireland who are not included in official statistics because they are outside of the NRM.

Acquiring data from NGOs and service providers

Because of issues of access to victims of trafficking and the ethics of asking a victim of trafficking to recount their experiences, some researchers have chosen instead to acquire data from organisations that work with victims of trafficking. For example, Brennan (2005) collected qualitative data by attending support sessions for trafficking victims delivered by a service provider. Other research yielding quantitative data to estimate prevalence of trafficking through service providers includes Dudley (2006), Estes & Weiner (2002), Kelleher *et al.* (2009), Martynowicz *et al.* (2009), and Ward & Wylie (2007).

Dudley's research (2006), conducted in Northern Ireland, aimed to provide initial information about human trafficking, including prevalence. It involved acquiring information from representatives from up to twenty organisations that were likely to have been in contact with a victim of trafficking during the previous three years. This included human rights organisations, church groups, trades unions, statutory and non-governmental organisations. The respondents' answers to the survey were grouped into categories including definitions of trafficking and signs of trafficking. Dudley cautions about using her data to make any conclusions about prevalence in Northern Ireland given that the answers provided are 'not scientific or comprehensive', (p. 32), and ultimately chooses not to make any estimates from the data. While not a conclusive study, the report clearly indicates how challenging the identification process has been, especially with lack of common knowledge of indicators associated with trafficking. Without a common 'known' definition, it was simply not possible to assess prevalence.

Martynowicz *et al.* (2009) conducted what they termed as a 'scoping study' of human trafficking in Northern Ireland to determine its nature and extent. They interviewed 24 representatives of groups that were likely to have encountered victims of trafficking including social services, law enforcement, trades unions, legal aid and other types of organisations that may provide advice or support. They concluded that there were 'significant gaps in knowledge about the extent and nature of trafficking showing that a system of data collection in Northern Ireland is virtually non-existent' (p. 7). They also discuss the issues of conflation of terminology (e.g., smuggling / trafficking; prostitution / sex exploitation / trafficking), and how this can present challenges in data collection. Ultimately, while they assembled some data on the nature of trafficking in Northern Ireland, the study did not present numbers regarding the extent of human trafficking there.

Ward & Wylie's (2007) research set out to examine the nature and prevalence of human trafficking for sexual exploitation in the Republic of Ireland for the period 2000-2006. Their sample included representatives from organisations participating in Ireland en Route, a group of organisations – statutory and NGOs - concerned with the issue of trafficking in women for sexual exploitation. They gathered estimates from each organisation for that period as a means of calculating a baseline figure for the Republic of

Ireland. Their research concludes that a minimum of 76 women were trafficked into the Republic of Ireland for sexual exploitation in these years. However, because participant organisations used their own definition of human trafficking in determining the numbers of victims that they had worked with or known, the results are not fully clear and conclusive.

Kelleher *et al.* (2009) also wished to establish the numbers and experiences of women trafficked into the Republic of Ireland for sex by using information from service providers. All service providers who participated in the research used the Palermo Protocol to establish whether trafficking had taken place (though the survey did not clearly ask about each of the three criteria of the Palermo Protocol; instead, one open-ended question asked the respondent to provide whatever information they believed to be relevant regarding their means of recruitment). Kelleher et al. estimated that between January 2007 and September 2008, 102 women were trafficked for sexual exploitation according to information received from ten service providers. Of those 102 women, 26 were aware of 64 other women who they also believed had been trafficked, bringing the possible total to 166 women over an 18-month period.

The much larger-scale international research study by Estes & Weiner (2002) is an example of a multi-method research design that also used service providers to supply data on human trafficking. The research aimed to assess commercial sexual exploitation of children across Canada, Mexico and the United States. The project gathered data from a representative sample of governmental and non- governmental organisations to estimate prevalence across all three countries. Guth et al. (2014) and Laczko (2005), among others, have critiqued the use of data from NGOs who work with trafficking victims. As with official data, there are concerns with consistency of definitions, biases, and comprehensiveness of the data. Specific to Northern Ireland, Huschke et al. (2014) felt that this type of data was limiting in researching sex work in Northern Ireland because there was only one NGO - the Belfast Commercial Sex Worker Service – who worked specifically with sex workers.

Surveying buyers of sex that may encounter potential victims of trafficking

Some studies have surveyed buyers of sex as a means to gauge the prevalence of trafficking within a sample. This is not, however, with the intention of inferring findings to the larger population of sex buyers, due to issues surrounding sampling and representativeness. Related information can also emerge from this approach, such as how a buyer would respond if they encountered someone who seemed controlled or who seemed unwilling/unhappy to do sex work. However, users who have purchased sex with victims of trafficking may be reticent to admit to it or answer questions about it.

Related research includes Huschke et al. (2014) (see also Huschke & Schubotz (2016)) in Northern Ireland and Keegan & Yonkova (2018) from the Immigrant Council of Ireland which includes data from the Republic of Ireland, Finland, Bulgaria and Lithuania. Both studies claim that they were not attempting to measure prevalence of encountering a victim of human trafficking across the population of sex buyers. However, both studies asked buyers of sex within their samples questions to establish the number who had encountered a victim of trafficking.

Keegan & Yonkova (2018) were unable to get any Irish buyers to volunteer for interview in person and,

ultimately less than 60 Irish buyers participated in their on-line survey. To ascertain whether or not buyers had experiences which would suggest that they were buying sex from victims of trafficking 'buyers were asked whether they had ever changed their mind because a seller appeared 'scared'; 'unwilling'; 'frightened'; 'controlled'; 'unhappy'; 'intimidated'; 'hurt or injured'; or 'too young'' (p. 48). Keegan & Yonkova report that six buyers believed that the seller appeared 'controlled' which is approximately 10% of those who participated in the survey. Five buyers thought that the seller appeared 'unhappy', (p. 53). Huschke et al. (2014) were more successful. Their sample included more than 400 buyers (though it is possible that some respondents were outside of Northern Ireland, given that this was an on-line survey). Only 2% of the respondents to the buyer survey said that a sex worker had told them that they had previously been trafficked into Northern Ireland (p. 134).

Covert research and geographic mapping

There have been no Irish studies using covert research and geo-mapping. However, at least two separate studies, one by Steinfatt *et al.* (2002) in Cambodia and another by Barrick *et al.* (2015) in the USA have used this method as a means to estimate particular types of trafficking within specific geographical areas. Steinfatt *et al.* (2002) sought to count the number of trafficked women in Phnom Penh, Cambodia. First, sex work establishments across the city were found using drivers of motorcycle taxis. Then locals trained as research assistants visited these establishments posing as potential buyers to find out how many trafficking victims were present in each (see also Steinfatt *et al.* 2015).

Barrick *et al.* (2015) used geo-mapping in a different way. First, the researchers used geographic data related to farming practices in North Carolina to identify where workers may live in order to create a database of migrant workers. Next, mobile devices gathering digital images and Global Positioning System coordinates to locate likely locations of migrant workers were utilised. Ultimately, the researchers were able to interview nearly 400 migrant workers; they estimated that 25% might be victims of trafficking, with a further 39% experiencing labour exploitation but not trafficking. While both studies are innovative and gathered relevant data, this type of research in resource intensive, requiring a research team and sufficient funding for success. The covert nature of part of the methodology (e.g., the approach of Steinfatt *et al.,* 2002) also raises some ethical concerns.

Secondary data analysis of unofficial statistics

This involves analysis of data collected by others for a different primary purpose from that of the current research project, such as research by Reid (2018) and the MRCI (2014). Reid (2018) used existing case files of girls who had been trafficked for sexual exploitation in Florida (USA) to determine if girls with intellectual disability were more likely to be trafficked than girls without. Based on a review of psychological assessments conducted by psychologists working with the girls, she was able to conclude that girls with intellectual disability had a much higher chance of being trafficked than girls without.

Within the Republic of Ireland, the MRCI (2014) analysed reports from the Central Statistics Office, the Courts Service, the Irish Prison Service, the EU Drug Market Report and media articles seeking information

on convictions for cannabis cultivation in the Republic of Ireland. The researchers argued that, based on the characteristics of those convicted, they were likely to be victims of trafficking, even though investigations into trafficking for criminal exploitation were, and remain, rare.

The Global Slavery Index

Estimates on trafficking internationally are scarce. Those that exist are often critiqued due to the challenges of quantifying trafficking. For example, Laczko (2005) argues that the methodology used to produce some human trafficking estimates is not always clear. As Cameron (1963, p.13) puts it, 'not everything that counts can be counted and not everything that can be counted counts'. The first problem is defining what is to be counted and the second is discovering and finding that which is to be counted when it not readily accessible. There is no doubt that it is critically important to get as accurate a picture as possible of the scale of human trafficking so that society can tackle the issue comprehensively. That said, even with the most precise definitions, human trafficking is particularly difficult to measure. Craig *et al.* (2019) describe this as 'a fight over who can generate the best, largest and most comprehensive figure for the problem - and thereby define what the problem is' (p. 90).

The Global Slavery Index (GSI) estimates on human trafficking are widely quoted in the literature, but they have also been the subject of criticism. Bales has been influential in the work done on the Global Slavery Index. Bales (2012), in his landmark work *Disposable People,* proposed 27 million as his best estimate of the number of slaves in the world today. His figure includes 'perhaps 15 to 20 million represented by bonded labour in India, Pakistan, Bangladesh, and Nepal' (p. 9). In 2013, the GSI estimated that there were 28.9 million modern slaves, raising it to 35.8 million in its 2014 report. The most recent GSI website data in 2018 suggest a number in excess of 40 million. However, this is somewhat problematic, not least in terms of its use of the term 'slavery'. As O'Connell-Davidson (2015, p. 8) points out 'Since slave is no longer anywhere a legally recognised status, the index relies on data and a series of proxy categories (forced labour, trafficking, forced marriage, worst forms of child labour, bonded labour and so on).

O'Connell-Davidson's primary concern is that the GSI is using the term 'slave' somewhat loosely and in particular that the proxies used for slavery are really poverty indicators that do not, of themselves, measure the prevalence of slavery. This may result in a significant over-estimation of the number of people enslaved worldwide. She is not alone in her criticism. Gallagher (2017) claims that the GSI's authors have modified the definition of 'modern slavery' from one iteration to the next and points out that the term as used in the GSI is expansive, ranging from Boko Haram abductees, to abused maids in diplomatic households, to orphanage tourism in Cambodia, to child soldiers in conflict zones (p. 93).

The GSI (GSI Index, 2018, p. 9) published a detailed account of its methodology in a series of appendices, detailing how it creates estimates for vulnerability to slavery, prevalence of slavery, and a government response index. For its prevalence estimate, the GSI lays out four steps:

(1) Identification of individual and country-level risk factors to build a model that predicts modern slavery, drawing on data from the GSI Vulnerability Model and nationally representative surveys.
(2) Aggregation of individual predictions into country-level risk scores.

(3) Allocation of regional-level population estimates of modern slavery from the 2017 Global Estimate to individual countries in the region, proportionate to each country's relative risk.

(4) Estimation of the number of victims by applying the country prevalence estimate to population data for each country and estimates of state-imposed forced labour added to arrive at the final estimate of all forms of modern slavery.

Given that the country prevalence estimates were based on extrapolation from 54 national probabilistic surveys measuring incidences of forced labour (excluding sex work) it indicates that not all country estimates are based on the same measures, nor are they necessary comparable when the accuracy of those estimates remains problematic.

Guth *et al.* (2014) are critical of the GSI, not least in the variability of the understanding of the term 'slave' as well as sharing many of the methodological concerns cited by Gallagher (2017). Methodological transparency is also a concern due to the lack of replicability in the research estimates. Sharing the desire of the GSI's creators to have the best possible estimates, they recognise the complexity of the exercise involved. Acknowledging the benefit of 'primary data collection at the country level' with subsequent aggregation to regional and world levels, they stress the 'the difficulty in estimating the size of a global problem' which they see as 'often exacerbated by pressures on researchers to produce numbers ... in order to allocate funds and implement policy' (p. 19).

Dottridge (2003) points out that 'insisting on rigorous data collection and analysis helps ensure that gains made through quick action are not lost in the long term to misunderstanding and ineffectual policies' (p. 47). But Gallagher raises an even more critical question, pointing out that the GSI implies that 'countries with the highest proportion of 'slaves' are the worst, and countries with the lowest proportion are the best' it fails to reveal where this exploitation is happening and to whose benefit (2017, p. 118). She is highly critical of 'philanthropic colonialism', not least because it marginalises governments as the primary responsible agents of change. She quotes Rieff (2015, p. 229)

For the first time in modern history, it has become the conventional wisdom that private business—the most politically influential, the most undertaxed and least regulated, and, most importantly, the least democratically accountable sector among those groups that dispose of real power and wealth in the world—are best suited to be entrusted with the welfare and fate of the powerless and hungry. No revolution could be more radical, no expectation could be more ... counterintuitive, more anti- historical, or require a greater leap of faith.

Multiple Systems Estimation of Human Trafficking Prevalence

An alternative approach to tackling the problem of accuracy of estimates of the prevalence of human trafficking is multiple systems estimation (MSE). Bird & King (2018) provide an in-depth description and analysis of this technique, giving an account of MSE dating back to 1802 when Laplace used this method to assess the total population of France using birth records across all of France and census data for several municipalities. Silverman (2014, p. 4) describes the basic idea behind the method using a simple analogy:

Suppose you want to estimate the number of fish in a pond. You catch a number of fish (say 100), mark them in some way, and then release them. Sometime later, you take a new catch (say another 100) and see how many of the second catch were part of the original first catch. If the overlap between the two catches is 20, for instance, the natural estimate of the whole population size is 500.

MSE has been adapted for the study of hidden populations, including studies of victims of trafficking, by using independent recording systems that partially list members of the population of interest, and the system features in the academic literature (Fienberg & Manrique-Vallier, 2009; Lum *et al.,* 2013). In this context, each register or list is a database. MSE provides an estimation of the number of individuals not recorded on any register. The five sources of UK data used in Silverman (2014) were local authorities; non-governmental or voluntary, organisations and charities; police forces; the National Crime Agency; government organisations other than the police or NCA; and the UK general public. The findings show that the estimated true figure for victims of trafficking in the UK was between 10,000 and 13,000 suggesting that the authorities are only aware of 20-30% of victims of trafficking. Silverman (ibid., p. 6) stresses that these are 'tentative conclusions, because the model is based on assumptions that (while sensible) cannot be easily verified and inevitably uses data that has some limitations'. In a commentary on this research, Bales, Hesketh & Silverman (2015, p. 21) state that the use of MSE is important because it is the only method not relying on extrapolation from secondary sources, has proved to be robust, and may assist in providing an evidentiary base for better resourcing.

The United Nations Office on Drugs and Crime (UNODC), in partnership with Walk Free Foundation, engaged in studies utilising MSE in the Republic of Ireland, Romania, and Serbia. The Irish data feature in van der Heijden (2017). The research drew on data provided by the DOJE Anti-Human Trafficking Unit (AHTU), which (at that time) was the lead anti-trafficking agency in the Republic of Ireland. Three lists were used. List G was a list from *An Garda Síochána;* List M was a combination of the Migrant Rights Centre of Ireland (MRCI), the Immigrant Council of Ireland (ICI), and the International Organisation for Migration (IOM); and List R was a combination of Ruhama, the Sexual Violence Centre Cork (SVCC), and Doras Luimní (DL). The research reported an estimated 94 victims of trafficking in 2014, 153 in 2015, and 179 in 2016, suggesting a rate in 2015 of 3.3 per 100,000 population (van der Heijden, 2017, p. 4). Using MSE, on the basis of the data provided by the AHTU, 'the Irish data over 2014, 2015 and 2016 show that the estimated numbers of presumed victims are 50 per cent larger than the recorded numbers (a ratio of 1.5 in 2015)' (van der Heijden, 2017, p. 4). The report cites 'the Police (AGS), the Border Police and other government agencies and NGOs (Ruhama, SVCC and DL)' as the sources for its data (ibid., p. 6). One anomaly in the Irish data was the inclusion of 'cases of sexual abuse of minors, often not amounting to trafficking in persons as defined in the United Nations Trafficking in Persons Protocol' (ibid., p. 2) which is dealt with elsewhere in this report.

Clearly, MSE is only as good as the data sources provided. The methodology is based on the assumption that the lists used for analysis are independent of each other. Highly correlated data derived from the lists will result in low estimates of the number of cases unknown (the 'dark figure'). For Ireland, all the Irish data came via once source, namely the AHTU. The lists consist only of data that were submitted to the AHTU, suggesting that they may not have been independent lists, and therefore that the estimates produced for Ireland from UNODC are low. The report also includes summaries of UK and Netherlands research using MSE, in which the UK resulted in a 'dark figure' of 7,000 to 10,000 and the Netherlands a 'dark figure' of 3,900 to 5,100 (ibid., p 17).

Human Trafficking Estimates for the UK using Natural Language Processing

A recent study published by the Centre for Social Justice and Justice & Care in the UK (2020) uses data from the UK West Midlands Police Force from 2017 to estimate modern slavery numbers for the entire UK. Estimations use multiple types of data. Events already tagged as modern slavery (for example, 312 victims identified for the West Midlands in 2017) were the starting point for the estimation.

Using artificial intelligence technology called Natural Language Processing to identify key words within documents, crime reports that were not originally designated as relating to modern slavery were scanned for 'modern slavery elements from within the case records' (ibid., p. 76). An additional 374 victims emerged in this way, although the report is non-specific on search terms and how it determined whether all criteria to designate someone as a victim of modern slavery existed.

Following this, scanning of intelligence logs (not tagged as being associated with modern slavery) for modern slavery criteria took place. A further 4,810 references to potential victims of trafficking were discovered in this way. However, some of these records relate to perpetrators, not victims. Based on averages from existing modern slavery crime reports, it was estimated that 73% of those identified in the intelligence logs were victims of trafficking, thereby adding a further 3,511 victims to the estimate. Combining the numbers, the report estimates that 4,197 potential victims of trafficking existed within the West Midlands in 2017, as opposed to the 312 victims originally identified. To estimate the actual number of potential victims of trafficking /modern slavery in 2017 for the entire UK, the researchers compared the population of the West Midlands to the population of the whole country, which was 23.7 times larger. This yielded the final estimate for the UK of 99,469 victims for 2017. The authors suggest, based on the system used to analyse the data, that this is a conservative estimate. They recommend that this methodology be 'scaled up' for an annual assessment of modern slavery in the UK (ibid., p. 71). Though not mentioned in the report, the same process could be used in a different region of the UK. Then, estimates could be compared to determine if the methodology is robust. This would provide a stronger argument for using this system in other countries as a means to estimate the 'dark figure' of human trafficking.

Conclusion

There are significant problems with estimating the number of potential victims of trafficking /modern slaves worldwide. Large discrepancies between the estimates provided by NRM official government figures on one hand and NGOs / charitable support organisations on the other are evident internationally among all nations. Some countries combine statistics from multiple sources on connected topics such as migration, smuggling, sex workers, and trafficking without differentiation among these categories. There is agreement among police forces, statutory agencies, and NGOs that human trafficking will only attract the necessary and appropriate level of resources for its suppression if robust, accurate statistics are available. It is important to note, however, that human trafficking is sometimes diagnosed and observed without taking other factors into consideration such as the general issues such as the human rights dimension. Trafficking is a global phenomenon which requires a global/multinational response: the prosecution of individual cases of trafficking, while entirely necessary is not sufficient of itself.

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PART 4: Methodology

Introduction

The overarching aim of the HTEPII project is to provide the best data possible as to the scale, scope, extent and nature of human trafficking and exploitation on the island of Ireland. In doing so, the project sets out to better quantify the number of trafficking victims across both jurisdictions in Ireland. The new information required to fulfil the purpose of the project will incorporate what is already officially known regarding victims of trafficking within the NRMs, along with new information assembled by the HTEPII project from records held by a variety of support organisations that work with potential victims of trafficking. All of the data relating to victims of trafficking reported by the HTEPII come within the definitions of the Palermo Protocol, including those data outside of the official statistics recorded in the NRM in both the Republic of Ireland and Northern Ireland. The report generally refers to those outside the NRMs as potential victims of trafficking. In the course of gathering these data, it was also possible for the HTEPII researchers to gain additional qualitative information about particular groups who were more likely to be outside of the NRM than others and present the reasons why as presented by representatives of participating organisations.

Ethical Considerations and Approvals

The HTEPII received ethical approval for the research project from Mary Immaculate Research Ethics Committee (MIREC). The Health Service Executive and the Garda Research Unit in Ireland also granted official approval. In Northern Ireland, the PSNI granted approval for access to data through the MHSTU, as the project required only anonymised data.

For the purposes of this project, the researchers decided that it was not appropriate to ask victims of trafficking for data regarding their experiences of trafficking for a number of reasons. Firstly, there was the possibility of re-traumatising a victim by asking them about their experiences. Secondly, given the nature of the data required to answer the research question, it was clear that asking victims for data was impractical (in terms of sampling) and unnecessary, at least for this stage of the research. Instead, based on previous similar research (for example, Estes & Weiner, 2002; Dudley, 2006; Kelleher et al., 2009; Ward & Wylie, 2007), anonymised data were accessed from service providers based on their research files or, in cases where there was limited documentation, on working memory of service provider representatives. The time-period for examination by the HTEPII was January 1, 2014 to September 30, 2019.

Assembling Data from Participating Organisations

The HTEPII utilised purposive sampling of certain 'Participating Organisations' in the Republic and Northern Ireland to generate data on potential victims of trafficking. The AGS in the Republic and the PSNI in Northern Ireland are familiar with the work of these organisations as service providers for victims of trafficking, and these organisations have the trust of the police forces in identifying potential victims of trafficking. Within Northern Ireland, the DOJNI contacted organisations who are part of their engagement group that provide services relating to human trafficking and asked which organisations

would be willing to participate in the HTEPII research project. Then the researcher also used snowball sampling to gain additional participants; representatives of those organisations that agreed to participate suggested other organisations within Northern Ireland who would be able to help. The HTEPII PEB approved inclusion of these groups. Organisations who were part of the engagement group who did not agree to participate through the DOJNI were not included.

Within the Republic of Ireland, there was no readily available list of organisations known to be service providers for victims of trafficking. Instead, the HTEPII researcher contacted the organisations that were included in AHTU annual reports (DOJE, 2014 – 2018) and requested contact from the appropriate spokesperson / representative for their organisation. Interviews were then organised if the organisation agreed to participate. Again, snowball sampling was used to find other organisations within the Republic who would be able to help provide data. The HTEPII PEB approved the inclusion of these groups. Table 5 shows these organisations that agreed to participate in this project.

Table 5 HTEPII participating organisations and their functions

Belfast & Lisburn Women's Aid	Provide confidential support, information & emergency accommodation for women and children affected by domestic violence
Community Intercultural Programme (Portadown)	Promotes integration between communities and works towards the creation of a society in which all are respected regardless of race/nationality
Doras Luimní (Limerick)	Promotes and protect human rights; core areas of work include Direct Support, Advocacy & Campaigns and Integration Planning
Flourish (NI)	Provides long term tailored survivor centred support for victims of human trafficking to overcome trauma and rebuild lives
Friendship Clubs, Belfast	Safe space for people from all over the world and for Belfast's long-term residents to: meet in a diverse, supportive and relaxed atmosphere, get information, get involved in activities and events, make friends and help each other
GOSHH (Limerick)	Focus on the promotion of equality and wellbeing of all with a positive and respectful approach to sexual orientation and gender diversity
Immigrant Council of Ireland	Support and advocate for the rights of immigrants and their families and act as a catalyst for public debate, legal and policy change
International Organisation for Migration (IE)	Provides services and advice concerning migration to governments and migrants, including internally displaced persons, refugees, and migrant workers (UN affiliation)
International Transport Workers Federation	Improve working lives, connecting trade unions from 147 countries that may otherwise be isolated and helping their members to secure rights, equality and justice

Table 5 Cont'd

Invisible Traffick (IE & NI)	Provide awareness, education and active support to promote a clearer understanding of the signs and dangers of Human Trafficking
MECPATHS (IE)	Anti-child trafficking training across the hospitality industry
Migrant Help	Providing advice, guidance and support to asylum seekers, refugees and victims of modern-day slavery and human trafficking
Migrants' Rights Centre, Ireland	Working for justice, empowerment & equality for migrant workers
Ruhama (IE)	Offers nationwide support to women affected by prostitution, sex trafficking and other forms of commercial sexual exploitation
Sexual Violence Centre, Cork	Working towards the elimination of sexual violence in society; to provide the highest quality of service provision to victims of sexual violence
Solas Trust, (Banbridge)	Provide refuge, restoration and rehabilitation for women who have been rescued out of human trafficking, particularly those who have been subjected to sexual abuse
Women's Health Project/HSE (IE)	Sexual health clinic services and outreach support to women/trans women involved in sex industry
Workplace Relations Commission (IE)	Core services include the inspection of employment rights compliance, the provision of information, the processing of employment agency and protection of young persons (employment) licences and the provision of mediation, conciliation, facilitation and advisory services

Selected members of the HTEPII PEB and representatives of other organisations that work with potential victims of trafficking across the island of Ireland were also included in this research. These include representatives of the PSNI, AGS, the DOJE, the DOJNI, the GNIB, the Home Office (NI), the HSE (IE), the Health & Social Care Board (NI), and TUSLA (IE). Their participation was crucial to understanding the context of trafficking across the island of Ireland.

Finally, as discussed by Guth et al. (2014) in the broader context, it is plain that the sampling strategy of the HTEPII cannot provide a completely accurate picture of the numbers of victims of trafficking on the island of Ireland. Participating organisations will only know about those potential victims of trafficking with whom they have worked or who have crossed their paths. Inevitably, this will leave unknown numbers of potential victims 'uncounted'.

Methodological Approach

The HTEPII employed a mixed methods approach, as illustrated in Figure 5. Qualitative methods were used to determine what data existed in relation to potential victims of trafficking outside of the NRM, in particular data recorded by participating organisations in the HTEPII project. Interviews with these organisations yielded valuable basic information about the NRM and participants' experiences of interacting with the NRM.

Figure 5. Research methodology for the HTEPII project
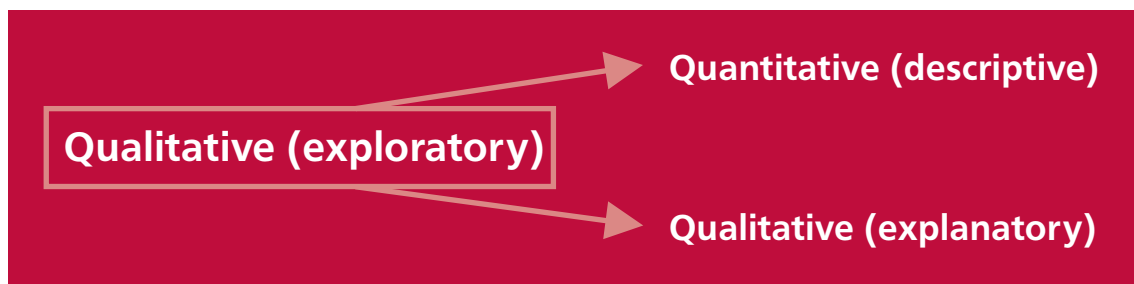
Once it was ascertained that relevant data were available from the participating organisations, each organisation was asked to provide descriptive data on each potential victim of trafficking known to them who was not included in the official statistics of the NRM. This was to consist of anonymised information regarding the potential victim of trafficking and the details of the trafficking as known to the organisation. The HTEPII used 'Qualtrics' (online tool to build and distribute surveys and analyse responses) to collect relevant information by means of on-line surveys. The survey format was initially designed based on the UK's NRM form and various templates that were used/created by participating organisations and shared with the project (for example, Ruhama and the Health and Social Care Board of Northern Ireland (HSCB NI) were especially helpful in this regard). The survey instrument was reviewed and revised a number of times, first by some representatives of the participating organisations in Northern Ireland and the Republic of Ireland, and then by members of the PEB from the HTICU (AGS) and the MSHTU (PSNI). The entire PEB approved the final version of the survey prior to its use in the field (see Appendix 4 for the HTEPII Survey Instrument).

Organisations that held appropriate data and had provided a signed informed consent form (Appendix 5 - HTEPII Informed Consent Form for Survey Participants) received a link to the HTEPII survey. Most organisations provided data only on victims of trafficking who were outside of the NRM, though some provided data on victims both within and outside of the NRM with whom they had worked. In the Republic of Ireland, instead of completing the survey, some organisations chose to provide copies of templates that they had sent to the AHTU in the DOJE each quarter for several years, which had formed the basis for the information the AHTU had included in their annual reports about numbers of trafficking victims outside of the NRM. However, much of the data from these templates is unpublished. Information from these templates was included in the Qualtrics database.

Of the non-statutory organisations interviewed for this research (see Table 5), 13 said that they had, or could provide, relevant data for the HTEPII. Specifically, these organisations said that they had information on previous cases who, they believe, were victims of trafficking based on the Palermo Protocol. These, however, were never referred into the NRM and, therefore, were not included in official trafficking statistics for the Republic of Ireland or Northern Ireland. Information of this kind provided by participating

organisations depended almost entirely on working memory of their representatives and/or access to case files. In some cases, participating organisations within the Republic of Ireland had retained, and were willing to share, templates of cases sent to the DOJE over the years.

Many organisations expressed the opinion that if they had resources to review historical files they may have been able to provide data on more cases. However, most felt it was not possible to look for cases outside of working memory due to lack of resources. Even if an individual met the criteria of the Palermo Protocol, many organisations simply would not have designated a case as a victim of trafficking within his/her file unless that person had self-identified or was willing to enter the NRM. In these instances, unless a caseworker remembered additional information beyond the content of a case file, then there was no easy way to identify a victim of trafficking outside of the NRM. Personnel changes in many organisations, some even during the course of the research project, compounded the difficulties with records for potential victims outside the NRM. For these reasons, one of the 13 participating organisations that had indicated that they had relevant data for this project did not provide any quantitative data, feeling they did not have adequate resources to find the data because the information in their case files was organised in a way which didn't facilitate accessing the data required.

The HTEPII survey of participating organisations assembled basic, anonymised descriptive data on the potential victims of trafficking and on their trafficking experience(s), during the period January 1, 2014 to September 30, 2019. The HTEPII project sought the following information for each potential victim of trafficking case:

- referring organisation and date

- victim's demographic information (gender, age, nationality, immigration status),

- route and means of trafficking

- indicators related to Palermo Protocol (act, means and purpose of trafficking)
- sector exploitation occurred in

- other known organisations who had worked with victim (including AGS and PSNI)

- referral into NRM (NRM status) and, if not in the NRM, reasons for not entering NRM (if known)

The surveys recorded sufficient case information to determine whether the same individuals might be attending multiple support organisations, thus avoiding double counting. Excel and SPSS software were used to analyse the data collected through the Qualtrics surveys. This process yielded significant new information regarding additional potential victims of human trafficking consistent with the Palermo Protocols.

The MHSTU/PSNI also records data from screening interviews for potential victims of human trafficking. These are individuals who were not willing to come forward to enter the NRM or to identify as a victim of trafficking. Basic descriptive data on those interviewed is kept on record; in addition to this basic data (e.g., gender, DOB, type of exploitation, nationality), this spreadsheet also includes information as to whether or not there was other intelligence that indicated that the person had been trafficked. Within the quantitative data presented in Part 5, these cases appear in this report as 'Possible' victims of trafficking.

Most of the information on the screening spreadsheet comes from screening form, with the exception of identification as a trafficking victim, (i.e., there is no question on the form that asks the officer to designate trafficking status). While these forms (nearly 1000) were made available to the HTEPII near the end of the data collection period, it was not possible to review the majority of the forms due to time constraints. Review of a sample of these forms found no additional cases of trafficking. As such, no additional potential victims of trafficking were identified from the forms that were reviewed.[9]

It was not possible to gather similar data in the Republic of Ireland, as the AGS does not record data on those people they suspect to be victims of trafficking who do not agree to work with them.

All data were verified – to the extent possible – through comparisons with anonymised official data to ensure that the NRM status associated with each case were still correct, (e.g., an organisation may have not referred an individual, but that person may have been referred by another organisation at a later date). The HTEPII researchers compared each case put forward by a participating non-statutory organisation as a victim of trafficking to 'official' lists in order to confirm NRM status in the Republic of Ireland. Within the Republic, the Anti-Human Trafficking Team (AHTT) in the Health Service Executive provided a complete anonymised list of victims of trafficking within the NRM. The AHTT is the service coordinator for all trafficking victims in the Republic of Ireland. Their data included gender, date of referral, birthdate, nationality and type of exploitation. The DOJE provided similar data (gender, adult/minor status, nationality and type of exploitation). If there was a discrepancy between the DOJE list (which included AGS data) and the AHTT list, the DOJE list became the de facto official list of victims of trafficking within the NRM. The reasoning for this is that the DOJE was the organisation with responsibility for NRM statistics in the jurisdiction. To avoid the risk of replication or 'double-counting', the DOJE also included information on all organisations known to have worked on various cases. This clarified the cases that DOJE/AGS already recognised as victims of trafficking, allowing the remaining cases to be categorised separately. All cases who had worked with relevant service providers and met the criteria of the Palermo Protocol, but who were not in the NRM, are therefore categorised as 'Probable' victims of trafficking. The researchers used a similar process to deal with data provided by participating organisations in Northern Ireland, involving anonymised data from the PSNI for those in the NRM.

The anonymous nature of the data means that it was not always possible to reach conclusions about whether cases were inside or outside of the NRM. For example, in any given year, many victims of trafficking from certain countries may appear (Nigeria or Romania, for instance). Where several individuals matched on basic demographics but not NRM status, it was not always possible to confirm whether any particular individual was inside or outside the NRM. These cases are categorised as 'Possible' victims of trafficking outside of the NRM. Along with these 'Possible' new victims of trafficking, another category of cases is included for the purposes of this project. This consists of cases outside of the NRM which were designated by a participant in the research as victims of trafficking, but have missing data for one or more of the three indicators of the Palermo Protocol. Given that much of the data for this project is composed of historical cases not officially designated as victims of trafficking at the time, records available to the HTEPII project were not necessarily always complete, or fully available.

To identify cases appearing in both Northern Ireland and Republic of Ireland data, the researchers cross-checked available records from both jurisdictions: screening interview data from Northern Ireland and AHTT/HSE NRM data on trafficking victims from the Republic of Ireland . Both datasets held information on gender, nationality and birthdate. Four possible cases of overlap emerged based on those three variables; two of these cases were individuals not referred (possibly because they chose not to be referred) into the NRM post- screening in Northern Ireland, despite intelligence that the person was a potential

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[9] Representatives from the PSNI estimate that between 20-30% of those screened for trafficking are actually trafficking victims who do not enter the NRM.

victim of trafficking. Within the Republic, possible overlap cases appeared on the AHTT NRM list but not on the AGS NRM list, and therefore do not figure officially in the NRM. With separately recorded data for each jurisdiction, one case (i.e., one person) may appear in both the Republic and Northern Ireland as a new victim, thereby seeming to be two cases. (Note: It was not possible to compare AHTT NRM data with PSNI NRM data because of lack of data on a key variable for matching: the PSNI NRM data only provided information on age, not birthdate. Age was not specific enough to identify possible overlap cases).

Interviews with participating organisations addressed questions as to why some potential victims of trafficking were not included in the NRM. As part of normal procedure when collecting qualitative data, the researcher recorded interview notes for subsequent transcription. Interviewees were given the opportunity to review the notes/transcripts and make changes where they found this necessary. All data were analysed thematically using NVivo (qualitative data analysis software to analyse qualitative data like interviews, open-ended survey responses) arising from the research questions of central concern to the HTEPII project.

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Quantitative Findings on the Extent of Human Trafficking in Ireland

PART 5: Quantitative Findings on the Extent of Human Trafficking in Ireland

NRM Official Statistics for Human Trafficking – Northern Ireland and the Republic of Ireland

All EU countries are obliged to collect and report official statistics related to human trafficking in accordance with Article 19 of Directive 2011/36/EU ('the human trafficking directive'). In the Republic of Ireland, that task was, until 2020, the responsibility of the (defunct) Anti-Human Trafficking Unit (AHTU) within the DOJE. Responsibility now rests with the Community Safety Policy Section of the Criminal Justice Division of the DOJE. In the UK, the Single Competent Authority (SCA) within the Home Office is responsible for NRM statistics for Northern Ireland since April 2019 as well as other parts of the UK. Prior to that, it was the responsibility of the National Crime Agency (NCA).

For the Republic of Ireland and Northern Ireland, official annual statistics of the NRM in each jurisdiction represent the number of suspected trafficking victims who have agreed to referral into the NRM as per police/Garda databases. Within the Republic of Ireland, inclusion requires a commitment from the individuals concerned to assisting in criminal proceedings against their traffickers and working with police force in their territory. Within Northern Ireland, it is not a requirement that a victim testifies or appears as a witness in a criminal prosecution. Official statistics do not include suspected potential victims of trafficking who have not agreed to referral into the NRM.

In their annual reports (through 2017), the AHTU in the Irish Republic also reported the number of 'potential victims of trafficking' based on information known to NGOs and non-statutory organisations and reported formally to the DOJE. These data were presented separately from the official statistics and included a proviso to the effect that some records may be replicated (i.e., appearing in both the NRM and NGO records). For this reason, it was not appropriate to add the numbers together to get a better sense of the extent and pervasiveness of trafficking in Ireland. Northern Ireland does not provide this information in its annual reports, and the DOJE in the Republic of Ireland has discontinued the practice since 2018.

NRM Human Trafficking Data for Northern Ireland

The NCA publishes quarterly summarised annual UK statistics on victims of trafficking within the NRM (Home Office, 2019a, 2019b; National Crime Agency 2015, 2016, 2017, 2018, 2019a, 2019b). Table 6 summarises these statistics for Northern Ireland for 2014-2019 (2019 figures are through September 30, 2019). The report for 2017 notes that due to changes to 'NRM recording methodology', figures from previous years are not directly comparable to statistics from 2017 onwards (NCA, 2018: p. 3).

Table 6 Official statistics for human trafficking in Northern Ireland, January 2014 – September 30, 2019

Year	Age	Female	Male	Total
2014	Adult	13	24	37
	Minor	3	5	8
	Total	16	29	45
2015	Adult	20	20	40
	Minor	5	8	13
	Total	25	28	53
2016	Adult	15	12	27
	Minor	2	4	6
	Total	17	16	33
2017*	Adult	12	9	21
	Minor	2	8	10
	Total	14	17	31
2018	Adult	23	12	35
	Minor	9	8	17
	Total	32	20	52
2019**	Adult	21	24	45
	Minor	1	8	9
	Total	22	32	54
Total	Adult	104	101	205
	Minor	22	41	63
	Total	126	142	268

(*Methodology for counting in the NRM changed; **2019 statistics only through September 30)

NRM Human Trafficking Data for the Republic of Ireland

As of the writing of this report, the latest official statistics published for the Republic of Ireland were the AHTU's Trafficking in Human Beings in Ireland Annual Report 2018, (DOJE, 2019). Statistics for 2017 and a revision of statistics for prior years (2014-2016) appear in their 2017 report (DOJE, 2018). Since there were no published data for 2019 and we needed data only through September 30, 2019, the HTEPII data for 2019 came directly from the AGS to the HTEPII. Table 7 includes the NRM statistics for the Republic of Ireland from January 1, 2014 through to September 30, 2019.

Table 7 Official statistics for human trafficking, Republic of Ireland, January 2014 to September 30 2019

Year	Age Group	Female	Male	Trans	Total
2014	Adult	26	8		34
	Minor	2	2		4
	Total	28	10		38
2015	Adult	35	19	1	55
	Minor	6	1		7
	Total	41	20	1	62
2016	Adult	38	36		74
	Minor	1	0		1
	Total	39	36		75
2017	Adult	42	30		72
	Minor	3	0		3
	Total	45	30		75
2018*	Adult	30	29		59
	Minor	3	2		5
	Total	33	31		64
2019**	Adult	25	1		26
	Minor	5	1		6
	Total	30	2		32
Total	Adult	196	123	1	320
	Minor	20	6		26
	Total	216	129	1	346

(*Methodology changed (per TIP report (U.S. Department of State, 2019, p.251); 2018 figures not comparable to previous years; **Statistics for 2019 are only through to September 30 2019).

In addition to the annual official statistics for 2017, the annual report for that year (published in 2018) gives revised official statistics on minors for the prior four years. Based on a decision by the Director of Public Prosecutions (DPP), statistics relating to minors, who had previously been included in trafficking statistics under section 3(2) of the Child Trafficking & Pornography Act 1998 [amended by Criminal Law (Human Trafficking) Act 2008], no longer featured in human trafficking statistics and became reclassified as victims of sexual exploitation. As explained in the AHTU 2017 annual report, the DPP decided that minors did not meet the criteria of trafficking because: 'Generally, the offence has been committed against an Irish child, without the involvement of a 3rd party and without any commercial element. Furthermore, the offender is usually somebody known to the victim, and the offence has occurred without any significant movement or 'Act' as outlined above,' (DOJE, 2018: p. 5). Prior to that time, all offences relating to child sexual exploitation and pornography that resulted in charges under Section 3 (2) of the Criminal Law (Human Trafficking) Act 2008 were counted as trafficking cases, making Irish statistics a bit of an anomaly in comparison with other statistics across Europe.

Table 8 illustrates the impact of removing minors from the official statistics of the NRM. It shows both the original numbers from previous AHTU annual reports for 2014, 2015 and 2016 (DOJE, 2015-2017) and the revised figures for minors (DOJE, 2018). This reduces the number of victims of trafficking identified by the state by 44 individuals (c. 80%). When queried about this in the Oireachtas (Irish Parliament), the then Minister for Justice & Equality stated, 'my Department's Annual Report on Trafficking in Human Beings in Ireland 2017, due to be published shortly, will no longer include these statistics as child trafficking cases. This is intended to provide a more accurate picture of the extent of trafficking in Ireland, while making Irish data more comparable to that of other jurisdictions. At the same time, we recognise the value in maintaining data on child sexual exploitation offences, and will continue to provide information on this crime, separately to information provided on human trafficking' (Oireachtas, 2018). Figures published for 'Sexual offenses: defilement of a boy or girl under the age of 17' are currently listed as 158 for 2016 in the Central Statistics Office (CSO) crime statistics data (CSO, 2017).

Table 8 Official statistics for minors, Republic of Ireland. 2014-2016 pre- and post-revision of classification. Data Source: AHTU's annual reports for 2014, 2015 and 2016 (DOJE, 2015-2017)

Year	Female	Male	Trans	Total
2014	5	7		12
revised 2014	2	2		4
2015	17	6		23
revised 2015	6	1		7
2016	12	9		21
revised 2016	1	0		1

In addition to the official data supplied to the DOJE by AGS, the AHTU also published data from NGOs and other organisations on the number of 'potential' victims of trafficking that are known, and whether or not these individuals were referred to the AGS for inclusion in the NRM. Table 9 shows these data 2014 to 2018. The AHTU stopped publishing this data, so comparable data for 2019 are not available.

Table 9 Unofficial statistics supplied to AHTU on potential victims of trafficking, 2014-2018

	2014	2015*	2016*	2017*	2018**	Total
Doras (Luimní)	5	3	3	5		16
ICI	1	16	7	12		36
IOM		2	30	5		37
MRCI	8	8	4	14	10	44
Ruhama	20	11	26	28	24	109
SVCC		4	7			11
ICI & Ruhama	4					4
IOM & Ruhama	1					1
MRCI & Ruhama	1					1
Ruhama & SVCC	4					4
Total	44	44	77	64	34	263
Cases referred to AGS	37	30	25	15	8	115
Cases not referred to AGS	7	14	52	49	26	148

Data from Non-statutory Participating Organisations for Human Trafficking – Northern Ireland and the Republic of Ireland

While this report provides significant additional information on the number of potential victims of trafficking across the island of Ireland beyond the official statistics, the findings are not definitive. Instead, these data provide an indication of the types of victims who accessed services through specialised support organisations across the island of Ireland, but who ultimately did not enter the NRM in jurisdiction. Table 10 presents the number and types of data that were included and excluded for the data analysis.

Table 10 Data included and excluded for the data analysis

Data collected - Total number of cases	**287**
Total number of cases from participating organisations	249
Number of relevant PSNI screening cases	38
Total number of excluded cases	**101**
Number of cases outside of time period of interest (pre-2014 and post- 30/9/2019)	29
Number of cases of replicated records*	3
Number of cases not trafficked (based on information provided)**	4
Number of cases already known within NRM in either IE or NI	65
Data analysed	**186**
Number of relevant PSNI cases***	38
Number of cases not in the NRM in IE or NI	123
Possible additional cases who may not be in NRM****	25

* Where the same potential victim features in records of more than one NGO, these appear as one case in the analysis. Such replication of records applied in only three cases altogether.

** Two were victims of sham/forced marriages. Two were vulnerable individuals who were not exploited.

*** Two PSNI cases match Republic data on gender, birthdate and nationality; these may be the same person.

Tables 11-20 show the outcomes of the HTEPII research survey with participating organisations relating to the period January 1, 2014 to September 30, 2019 only. 'Probable Victims of Trafficking' refers to cases who meet the definitions of the Palermo Protocol as victims of trafficking, whereas 'Possible Victims of Trafficking' refers to cases who meet some of those requirements. The 'Combined' column shows the total of 'Probable' and 'Possible' added together.

Table 11 shows the number of 'Probable' and 'Possible' victims of trafficking by age, by gender and by year for the Republic of Ireland. Of 132 cases, 109 are 'Probable' additional victims of trafficking outside of the NRM and 23 are 'Possible' additional victims of trafficking. Females predominate in both groups, with 116 females and 15 males. One 'Probable' victim of trafficking is transgender. In terms of age, 11 were minor females at the time they presented to the participating organisations (though we do not know the age of 18 of the cases, 6 of whom are male). Table 12 shows parallel data for Northern Ireland. Of the 54 cases shown, 38 are female, and 16 are male. One is a minor female. The mean number of additional potential victims of trafficking annually in the Republic of Ireland was 22, with 9 in Northern Ireland.

Tables 13 and 14 show additional 'Probable' and 'Possible' victims of trafficking by region of origin by gender by year for the Republic of Ireland and Northern Ireland respectively. Table 13 for the Republic of Ireland indicates that of the 132 additional victims of trafficking, 67 originated in Africa, 15 in Asia, 25 in the European Economic Area (EEA), 13 in South America, 7 in non-EEA Europe, 4 in the Republic of Ireland and/or the UK and 1 from another part of the world. Parallel data for Northern Ireland in Table 14 show that of the additional 54 victims of trafficking, 4 originated in Asia, 43 in the EEA, 1 in non-EEA Europe, and 6 in Africa. Taking the cases in Northern Ireland and the Republic together, 39% originate in Africa, 36.5% in the EEA, 10% in Asia, 7% in South America, and 4.5% in non-EEA Europe. Just over 2% were victims who originated in either the Republic of Ireland or the UK.

Tables 15 and 16 display the categories of exploitation of 'Probable' and 'Possible' victims of trafficking by gender and by year in the Republic of Ireland and Northern Ireland respectively. Table 15 shows that for the Republic of Ireland, combining 'Probable' and 'Possible' cases, 17 females and 10 males were victims of labour exploitation. Further, 84 females, one transgender victim, and one male were victims of sexual exploitation (with five additional females threatened with sexual exploitation). One male and one female were victims of forced criminality; one female was a possible victim of forced begging; and the remaining 8 females and 3 males were victims of more than one type of exploitation. Similarly, Table 16 for Northern Ireland shows 24 females and 1 male were victims of sexual exploitation, 7 females and 13 males were victims of labour exploitation, with the remaining 7 females and 2 males being victims of forced criminality, servitude, or multiple forms of exploitation.

Tables 17 and 18 present data for 'Probable' and 'Possible' additional victims of trafficking in the Republic of Ireland and Northern Ireland for regions of origin by type of exploitation by year respectively. For the Republic of Ireland (Table 17) those trafficked solely for labour exploitation consisted of 27 individuals, with 10 people from Africa, 9 from Asia, 5 from the EEA, 1 from non-EEA Europe, and 2 from South America. Those trafficked solely for sexual exploitation involved 86 individuals, with 49 from Africa, 4 from Asia, 16 from the EEA, 3 from non-EEA Europe, 4 from the Republic of Ireland/United Kingdom, 9 from South America and 1 from a country outside of those regions. Corresponding data for Northern Ireland in Table 18 shows 20 cases of labour exploitation, 25 of sexual exploitation, 4 with multiple types of exploitation, and 5 of other types of exploitation (e.g., servitude).

Table 11 'Probable' and 'Possible' victims of trafficking by age, by gender and by year for the Republic of Ireland

Year	Sex	Probable				Total	Possible				Total	Total				Total
		Age					Age					Age				
		Adult	Minor	Minor at time of trafficking	DK		Adult	Minor	Minor at time of trafficking	DK		Adult	Minor	Minor at time of trafficking	DK	
2014	Female	20		1		21	1				1	21		1		22
	Male	2			1	3						2			1	3
	Other															
	Total	22		1	1	24	1				1	23		1	1	25
2015	Female	16	1	1		18	7				7	23	1	1		25
	Male	3				3						3				3
	Other															
	Total	19	1	1		21	7				7	26	1	1		28
2016	Female	18		2		20	1				1	19		2		21
	Male				1	1									1	1
	Other															
	Total	18		2	1	21	1				1	19		2	1	22
2017	Female	11	1	3	2	17				3	3	11	1	3	5	20
	Male	1				1				3	3	1			3	4
	Other															
	Total	12	1	3	2	18				6	6	12	1	3	8	24
2018	Female	17		1	3	21	2	1		3	6	19	1	1	6	27
	Male	3				3						3				3
	Other	1				1						1				1
	Total	21		1	3	25	2	1		3	6	23	1	1	6	31
2019	Female									1	1				1	1
	Male									1	1				1	1
	Other															
	Total									2	2				2	2
	Total	**92**	**2**	**8**	**7**	**109**	**11**	**1**	**0**	**11**	**23**	**103**	**3**	**8**	**18**	**132**

Table 12 'Probable' and 'Possible' victims of trafficking by age, by gender and by year for Northern Ireland

Year	Sex	Probable Age Adult	Probable Age Minor	Probable Total	Possible Age Adult	Possible Age Minor	Possible Total	Total Age Adult	Total Age Minor	Total
2014	Female	1		1				1		1
	Male									
	Total	1		1				1		1
2015	Female		1	1					1	1
	Male									
	Total		1	1					1	1
2016	Female				17		17	17		17
	Male				13		13	13		13
	Total				30		30	30		30
2017	Female	1		1	7		7	8		8
	Male	2		2				2		2
	Total	3		3	7		7	10		10
2018	Female	5		5				5		5
	Male	1		1				1		1
	Total	6		6				6		6
2019	Female	4		4	2		2	6		6
	Male									
	Total	4		4	2		2	6		6
	Total	**14**	**1**	**15**	**39**	**0**	**39**	**53**	**1**	**54**

Table 13 Probable' and 'Possible' victims of trafficking by region of origin by gender by year for the Republic of Ireland

Year	Region of origin	Probable			Total	Possible			Total	Total			Total
		Sex				Sex				Sex			
		Female	Male	Transgender		Female	Male	Transgender		Female	Male	Transgender	
2014	Africa	9			9	1			1	10			10
	Asia	4			4					4			4
	EEA	2	3		5					2	3		5
	South America	5			5					5			5
	Other	1			1					1			1
	Total	21	3		24	1			1	22	3		25
2015	Africa	9	2		11	4			4	13	2		15
	Asia	2	1		3					2	1		3
	EEA	5			5					5			5
	Non-EEA Europe	1			1					1			1
	South America	1			1	3			3	4			4
	Total	18	3		21	7			7	25	3		28
2016	Africa	10			10	1			1	11			11
	Asia	1			1					1			1
	EEA	5			5					5			5
	Irish/Northern Irish/British	1	1		2					1	1		2
	Non-EEA Europe	2			2					2			2
	South America	1			1					1			1
	Total	20	1		21	1			1	21	1		22
2017	Africa	7			7					7			7
	Asia	1	1		2	1	2		3	2	3		5
	EEA	7			7					7			7
	Irish/Northern Irish/British	2			2					2			2
	Non-EEA Europe					1			1	1			1
	South America					1	1		2	1	1		2
	Total	17	1		18	3	3		6	20	4		24
2018	Africa	15	2		17	5			5	20	2		22
	Asia	1	1		2					1	1		2
	EEA	2			2	1			1	3			3
	Non-EEA Europe	3			3					3			3
	South America			1	1							1	1
	Total	21	3	1	25	6			6	27	3	1	31
2019	Africa					1	1		2	1	1		2
	Total					1	1		2	1	1		2
	Total	**97**	**11**	**1**	**109**	**19**	**4**	**0**	**23**	**116**	**15**	**1**	**132**

Table 14 'Probable' and 'Possible' victims of trafficking by region of origin by gender by year for Northern Ireland

Year	Region of origin	Probable Sex Female	Probable Sex Male	Probable Total	Possible Sex Female	Possible Sex Male	Possible Total	Total Sex Female	Total Sex Male	Total Total
2014	Asia	1		1				1		1
	Total	1		1				1		1
2015	EEA	1		1				1		1
	Total	1		1				1		1
2016	Africa				2		2	2		2
	EEA				15	13	28	15	13	28
	Total				17	13	30	17	13	30
2017	Africa		1	1					1	1
	Asia				1		1	1		1
	EEA	1	1	2	6		6	7	1	8
	Total	1	2	3	7		7	8	2	10
2018	Africa	3		3				3		3
	Asia	1		1				1		1
	EEA	1	1	2				1	1	2
	Total	5	1	6				5	1	6
2019	Asia	1		1				1		1
	EEA	3		3	1		1	4		4
	Non-EEA Europe				1		1	1		1
	Total	4		4	2		2	6		6
	Total	**12**	**3**	**15**	**26**	**13**	**39**	**38**	**16**	**54**

Table 15 'Probable' and 'Possible' victims of trafficking by gender, by year, and by type of exploitation in the Republic of Ireland

Year	Type of exploitation	Probable				Possible				Total			
		Sex			Total	Sex			Total	Sex			Total
		Female	Male	Transgender		Female	Male	Transgender		Female	Male	Transgender	
2014	Labour exploitation	6	3		9	1			1	7	3		10
	Sexual exploitation	13			13					13			13
	Forced criminality and sexual exploitation	2			2					2			2
	Total	21	3		24	1			1	22	3		25
2015	Labour exploitation	1	2		3					1	2		3
	Sexual exploitation	15			15	7			7	22			22
	Forced criminality and sexual exploitation	1			1					1			1
	Forced criminality and labour exploitation		1		1						1		1
	Labour exploitation and sexual exploitation	1			1					1			1
	Total	18	3		21	7			7	25	3		28
2016	Forced criminality	1			1					1			1
	Labour exploitation	1			1					1			1
	Sexual exploitation	15	1		16	1			1	16	1		17
	Labour exploitation and sexual exploitation	2			2					2			2
	Threat of sexual exploitation	1			1					1			1
	Total	20	1		21	1			1	21	1		22
2017	Forced begging					1			1	1			1
	Forced criminality						1		1		1		1
	Labour exploitation	3	1		4	2	2		4	5	3		8
	Sexual exploitation	14			14					14			14
	Total	17	1		18	3	3		6	20	4		24
2018	Labour exploitation		1		1	2			2	2	1		3
	Sexual exploitation	16		1	17	3			3	19		1	20
	Forced criminality and labour exploitation		2		2						2		2
	Labour exploitation and sexual exploitation	2			2					2			2
	Threat of sexual exploitation	3			3	1			1	4			4
	Total	21	3	1	25	6			6	27	3	1	31
2019	Labour exploitation					1	1		2	1	1		2
	Total					1	1		2	1	1		2
	Total	**97**	**11**	**1**	**109**	**19**	**4**	**0**	**23**	**116**	**15**	**1**	**132**

Table 16 'Probable' and 'Possible' victims of trafficking by gender, by year, and by type of exploitation in Northern Ireland

Year	Type of exploitation	Probable			Possible			Total		
		Sex		Total	Sex		Total	Sex		Total
		Female	Male		Female	Male		Female	Male	
2014	Forced criminality	1		1				1		1
	Total	1		1				1		1
2015	Multiple forms of exploitation	1		1				1		1
	Total	1		1				1		1
2016	Labour exploitation				5	12	17	5	12	17
	Sexual exploitation				12	1	13	12	1	13
	Total				17	13	30	17	13	30
2017	Forced criminality		1	1					1	1
	Labour exploitation	1		1	1		1	2		2
	Sexual exploitation				6		6	6		6
	Multiple forms of exploitation		1	1					1	1
	Total	1	2	3	7		7	8	2	10
2018	Labour exploitation		1	1					1	1
	Sexual exploitation	3		3				3		3
	Servitude	2		2				2		2
	Total	5	1	6				5	1	6
2019	Forced criminality	1		1				1		1
	Sexual exploitation	1		1	2		2	3		3
	Multiple forms of exploitation	2		2				2		2
	Total	4		4	2		2	6		6
	Total	12	3	15	26	13	39	38	16	54

Table 17 'Probable' and 'Possible' additional victims of trafficking for regions of origin by type of exploitation by year in the Republic of Ireland

Year	Region of origin	Probable				Total	Possible				Total	Total				Total
		Labour	Sexual	Multiple	Other		Labour	Sexual	Multiple	Other		Labour	Sexual	Multiple	Other	
2014	Africa	2	7			9	1				1	3	7			10
	Asia	4				4						4				4
	EEA	3	2			5						3	2			5
	South America		3	2		5							3	2		5
	Other		1			1							1			1
	Total	9	13	2		24	1				1	10	13	2		25
2015	Africa	2	6	3		11	4				4	2	10	3		15
	Asia	1	2			3						1	2			3
	EEA		5			5							5			5
	Non-EEA Europe		1			1							1			1
	South America		1			1	3				3		4			4
	Total	3	15	3		21	7				7	3	22	3		28
2016	Africa		9	1		10	1			1			10	1		11
	Asia				1	1									1	1
	EEA		4	1		5							4	1		5
	Irish/Northern Irish/British		2			2							2			2
	Non-EEA Europe	1			1	2						1			1	2
	South America		1			1							1			1
	Total	1	16	2	2	21	1			1		1	17	2	2	22
2017	Africa	1	6			7						1	6			7
	Asia	1	1			2	2			1	3	3	1		1	5
	EEA	2	5			7						2	5			7
	Irish/Northern Irish/British		2			2							2			2
	Non-EEA Europe						0			1	1				1	1
	South America						2				2	2				2
	Total	4	14			18	4			2	6	8	14		2	24
2018	Africa		13	3	1	17	2	3			5	2	16	3	1	22
	Asia	1	1			2						1	1			2
	EEA				2	2				1	1				3	3
	Non-EEA Europe		2	1		3							2	1		3
	South America		1			1							1			1
	Total	1	17	4	3	25	2	3		1	6	3	20	4	4	31
2019	Africa						2				2	2				2
	Total						2				2	2				2
	Total	18	75	11	5	109	16	4		3	23	27	86	11	8	132

Table 18 'Probable' and 'Possible' additional victims of trafficking for regions of origin by type of exploitation by year in Northern Ireland

Year	Region of origin	Probable					Possible					Total				
		Labour	Sexual	Multiple	Other	Total	Labour	Sexual	Multiple	Other	Total	Labour	Sexual	Multiple	Other	Total
2014	Asia				1	1									1	1
	Total				1	1									1	1
2015	EEA			1		1								1		1
	Total			1		1								1		1
2016	Africa							2			2		2			2
	EEA						17	11			28	17	11			28
	Total						17	13			30	17	13			30
2017	Africa			1		1								1		1
	Asia						1				1	1				1
	EEA	1			1	2		6			6	1	6		1	8
	Total	1		1	1	3	1	6			7	2	6	1	1	10
2018	Africa		1		2	3							1		2	3
	Asia		1			1							1			1
	EEA	1	1			2						1	1			2
	Total	1	3		2	6						1	3		2	6
2019	Asia		1			1							1			1
	EEA			2	1	3		1			1		1	2	1	4
	Non-EEA Europe							1			1		1			1
	Total		1	2	1	4		2			2		3	2	1	6
	Total	**2**	**4**	**4**	**5**	**15**	**18**	**21**			**39**	**20**	**25**	**4**	**5**	**54**

Table 19 Countries of origin of all 'Probable' and 'Possible' victims of trafficking in the Republic of Ireland and Northern Ireland.

Albania	Kenya	Serbia
Angola	Latvia	Sierra Leone
Bangladesh	Lithuania	Slovakia
Brazil	Malawi	Somalia
Bulgaria	Moldova	Spain
China	Mongolia	Thailand
Colombia	Mozambique	United Kingdom
DR Congo	Nigeria	Venezuela
Egypt	Pakistan	Vietnam
Ghana	Philippines	Zimbabwe
Hungary	Portugal	Other*
India	Romania	
Ireland	Rwanda	

*excluded to protect anonymity

Table 19 shows the countries of origin of both the 'Probable' and 'Possible' victims of trafficking outside of the NRM in the Republic of Ireland and Northern Ireland.

Table 20 Why respondents think an individual is not in the NRM - 'Probable' and 'Possible' victims of trafficking* for the Republic of Ireland & Northern Ireland.

	Frequency
Person does not trust or will not work with police/ Gardaí / first responder(s)	17
Not ready	16
Person does not self-identify as a victim of trafficking	13
Person will not testify against trafficker or cut ties with trafficker	12
Historical case of trafficking and victim does not want to go into the NRM	11
Fear of repercussions from trafficker	6
Person can access the same/similar services to those in the NRM without entering the NRM	5
Police/Gardaí deny claim	4
Fear of arrest	3
No exploitation - only threat of exploitation	2
Police/Gardaí would not take statement	1

(*Answer not provided for all cases; multiple reasons can be given for the same person.)

Table 20 gives reasons why survey respondents in the participating organisations think 'Probable' and 'Possible' victims are not in the respective NRMs. This information was not available for all cases, and each case could involve more than one reason. There were 91 responses relating to 63 cases. Of the listed reasons, four related to statutory authorities: a person did not trust or would not work with police, Gardaí, and/or first responder(s); the police/Gardaí denied the claim; the person feared arrest; and police/Gardaí would not take a statement. These covered 25 of the 91 responses. Refusal to testify

against or cut ties with the trafficker, and fear of repercussions from the trafficker accounted for a further 18 responses. Some 16 respondents indicated a lack of readiness to engage, while 13 individuals did not identify themselves as victims of trafficking.

Table 21 The 'Act' associated with trafficking - Known, 'Probable' & 'Possible' Victims of Trafficking (Republic of Ireland & Northern Ireland)

	Frequency	Percentage
Transported	138	78%
Recruited	114	64%
Harboured	21	12%
Received	16	9%
Transferred	11	6%

Multiple answers allowed; 177 cases had relevant information.

Table 21 summarises the mechanism, or the 'act' employed by traffickers to 'traffick' individuals who would subsequently become 'potential victims of trafficking'. Information in this regard was available for 177 cases of the 258 total. This included information for some known victims of trafficking who were in the NRM in the Republic of Ireland and Northern Ireland as well as 'Probable' and 'Possible' cases. Data for known cases has been included because this type of information has not generally published with the official statistics. Respondents were given the opportunity to provide more than one answer, to list multiple 'acts' related to the trafficking incident, if appropriate. As such, of those who had data provided for this question, 78% were transported, 64% recruited, 12% harboured, 9% received, and 6% transferred.

Table 22 Means of trafficking – 'Known', 'Probable' & 'Possible' victims of trafficking for the Republic of Ireland & Northern Ireland.

	Frequency	Percentage
Deception	125	71%
Threat	90	51%
Use of force	57	32.5%
Abuse of position of vulnerability	42	24%
Coercion	36	20.5%
Abuse of power	15	8.5%
Abduction	11	6%
Giving or receiving of payments or benefits	9	5%
Fraud	7	4%

Multiple answers allowed; 175 cases provided information.

Table 22 shows data relate to the 'Means' of trafficking used. Again, these data include information for those in the data set that are known and in the NRM as well as 'Probable' and 'Possible' cases because this type of information has not generally been published with official statistics. As with the other questions, respondents were allowed to provide more than one answer if appropriate.

Information was provided for 175 cases. By far the most common means used was deception which applied in 71% of the cases. Threats were used in 51%, use of force in 32.5%, abuse of position of vulnerability in 24%, coercion in 20.5%, abuse of power in 8.5%, abduction in 6%, giving or receiving of payments or benefits in 5%, and fraud in 4% of cases.

Table 23 Status as asylum seeker or other- 'Known', 'Probable' & 'Possible' victims of trafficking from non-EEA countries for the Republic of Ireland & Northern Ireland

Republic of Ireland	Probable VOTs				Possible VOTs			
	Asylum Seeker	Other status	Don't Know	Total	Asylum Seeker	Other status	Don't Know	Total
Africa	38	8	8	54	6	2	5	13
Asia	3	1	8	12	0	0	3	3
Non-EEA Europe	4	0	2	6	0	0	1	1
South America	1	7	0	8	0	3	2	5
Other	0	1	0	1	0	0	0	0
Total	46	17	18	81	6	5	11	22
Proportion	0.57	0.21	0.22	1.00	0.27	0.23	0.5	1.00
Northern Ireland								
Africa	4	0	0	4	0	0	2	2
Asia	0	3	0	3	0	0	1	1
Non-EEA Europe	0	0	0	0	1	0	0	1
Total	4	3	0	7	1	0	3	4
Proportion	0.57	0.43	0	1.00	0.25	0	0.75	1.00

Table 23 shows Known, 'Probable' and 'Possible' victims of trafficking cases who are also asylum seekers in Northern Ireland and the Republic. In total, roughly half of all victim of trafficking cases in both jurisdictions were also asylum seekers. However, nearly 30% of cases provided no information on their immigration status. Within the Republic of Ireland, an individual cannot be designated as an asylum seeker and a victim of trafficking; they need to choose which designation they seek. In those cases, while a service provider may realise that an asylum seeker (or someone granted asylum) is also victim of trafficking, that individual would not be in the NRM. Within Northern Ireland, it is possible to seek asylum and to be recognised as a victim of trafficking concurrently.

Pa

rt 6

Qualitative Findings: The Nature of Human Trafficking

PART 6: Qualitative Findings: The Nature of Human Trafficking

Introduction

The quantitative data presented in this report indicate that the current official statistics on human trafficking under-represent the incidence of human trafficking in the Republic of Ireland and Northern Ireland. While not a complete representation of the total number of trafficking victims for the island of Ireland, the HTEPII data add substantially to the state of knowledge on the extent of human trafficking in Ireland. However, these data alone do not fully explain the nature of human trafficking. Neither do they explain why some potential victims of trafficking do not feature within official statistics. Interviews conducted with all participating organisations -statutory, non-statutory and non-governmental - form the basis of this section on the HTEPII Qualitative Findings.[10] Interviewees were asked to explain their understanding of reasons which may negatively impact engagement with the NRM by victims of trafficking. It emerged from the interviews that three primary types of factors were important, namely (i) victim-related reasons; (ii) system-related reasons; and (iii) types of victims of trafficking not recognised by the NRM. The interviews also examined a variety of other characteristics that contribute to understanding the nature of human trafficking across the island of Ireland. These findings form the broad backdrop as to why victims of trafficking mostly remain hidden and do not always readily engage with structures, facilities and services of the NRMs in Northern Ireland and the Republic.

Quotations reproduced from interviews with representatives of participating organisations conform to the ethical approval for the HTEPII. Each participating organisation has been designated a unique random number specifically for attributing quotations. These numbers do not correspond to any lists, tables or other ordinal presentation of participating organisations in this report. In certain instances (such as the Women's Health Project (WHP) at the HSE that requested that it be cited as the source of statistical information on sex work and trafficking in the Republic of Ireland) the source of information is given.

Victim-related reasons for lack of engagement with NRMs[11]

There may be many reasons why a victim of trafficking does not self-identify as a victim or seek help through a NRM. These reasons may relate to a general sense of defencelessness, fear, psychological trauma, or feelings of responsibility and culpability. This section of the report describes some victim-related reasons for lack of engagement with NRMs that arose from interviews with participating organisations. Commonly arising reasons are as follows:

Vulnerability

Victims of trafficking are highly vulnerable, irrespective of their background. Many are trafficked initially by deception, with 'push' factors (e.g., lack of basic resources such as money, skills, language, opportunities, home/accommodation) that may inhibit victims from seeking help even when severely exploited. A parallel set of 'pull' factors (e.g., belief that they will work or receive an education in their destination country) may lead someone to accept risky opportunities that ultimately lead to exploitation.

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[10] Data used for each section is supplied in following footnotes.
[11] For this section, data comes from Organisations 1, 2, 3, 5, 6, 9, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, & 23.

Poverty

Many victims of trafficking have financial difficulties, while some are destitute and live in extreme poverty. They may have had little or no opportunity to earn money in their home countries. Where work is available, pay rates tend to be low relative to the amount promised in the destination country, even though they will often receive just a fraction of what they are entitled to earn. Frequently victims of trafficking end up in debt, either to pay off expenses in their country of origin (e.g., medical bills, gambling debts) or to finance their transport to their destination country to start a 'new life'. As a means to repay debt, traffickers 'provide' work opportunities in the country of destination as a means whereby someone in debt (i.e., debt bondage) can repay those debts. Traffickers 'expect' and demand repayment. Entering the NRM does not erase such debt.

Skills Deficits

'They have little to contribute in terms of work either there (their country of origin) or in their destination country', (Organisation 2).

A victim of trafficking may be lacking in many skills that are necessary to secure or maintain ordinary employment. Once trafficked, there can be language issues, and a victim of trafficking may not be able to communicate in the language of their country of destination. Lack of confidence in their own communication skills can inhibit a trafficking victim from asking for help.

Victims of trafficking are often exploited into sectors – regulated and unregulated - that are labour intensive but require few skills, (e.g., agriculture, car washes, domestic servitude). However, the job that someone is trafficked into may be one of the only means they have to earn money. Some trafficking victims go back to the industry they were trafficked into as a means of surviving post-trafficking. They have no other skills that can be used in their country of residence to earn money. As one interviewee suggested, 'they are stuck in survival mode', (Organisation 3).

Capacity to Engage

Some victims of trafficking have disabilities, such as undiagnosed learning disabilities. This can hamper help-seeking behaviour. One interviewee called this a 'capacity issue'. While many victims do not recognise that they are victims of trafficking, it was suggested that some victims simply do not have the capacity to comprehend that they were trafficked or to engage with the NRM (Organisation 12). However, a few others interviewed for this research suggest that victims have and do use varying levels of agency in determining the nature of their engagement with the NRM process, figuring out how to engage with the NRM system to improve their situation without creating problems for themselves, (Organisation 2, 5, 15, & 16).

Repatriation Concerns

While some victims of trafficking seek to be repatriated to their country of origin, others are not able to return or do not want to do so. For those legally residing in Ireland, they do not need to enter the NRM to remain here. They survive outside of the NRM. 'Some people don't want to be helped', (Organisation 1). At a very basic level, trafficking victims are usually given a place to live while trafficked, even if it is terribly substandard. It might be the only option they have for accommodation.

Some victims of trafficking do not wish to return home. Sometimes this is because they are ashamed of behaviours or activities forced on them by the traffickers, and they do not want to bring shame to their families at home. Returning can also mean facing a trafficker if someone has been trafficked by a neighbour or an acquaintance at home. Going back without paying off debt bondage could also mean danger to the victims and their families, as well as the risk of vulnerability to re-trafficking.

Sexuality may also be an issue were victims of trafficking repatriated. LGBTQ victims of trafficking may face real dangers in their home countries if they return, including death. Examples given by participating organisations of LGBTQ victims from South American, African and Asian countries who were under threat of violence if they return to their countries of origin illustrate this (Organisations 13, 16 & 18).

Distrust, fear & psychological trauma

Being part of the NRM requires victims to work with authority figures, usually police in the PSNI or AGS, in order to file a criminal suit against their traffickers. According to the evidence from interviews with participating organisations, victims of trafficking, particularly victims of sexual trafficking are afraid.

> *'These women do not trust people'* (Organisation 13).

They are afraid of people, especially their trafficker, and this may stem from violence and threats of violence to themselves and their families. They also often fear authority figures, usually due to bad previous experiences, a continuum from disbelief or lack of understanding by a police officer, to dealing with corrupt 'authorities' (e.g., in one case, a woman was trafficked by a 'police officer' in her home country) (Organisation 16)).

Distrust may also relate to fear of disclosure, deportation, and the possibility of going to jail depending on what their trafficker has forced them to do (e.g., stealing, cannabis cultivation), which is a real and present risk for certain victims of trafficking.

> *'If someone has been trafficked for criminal activity, that person will serve time'* (Organisation 2).

Traffickers threaten victims, reminding them that they will end up in jail if they try to get help (Organisations 6, 11, 13, 16, 18, 20, 21, & 23, for instance) . Similarly, if a victim has criminality in their background, even something minor, they will not go to the police for help for fear that those in authority do not consider them credible (Organsations 1, 5, 6, 16, & 23). Many NGOs mentioned the very real possibility of a victim of trafficking ending up in jail, even though they were forced into criminal activity by their trafficker. One explanation offered was that trafficking is extremely difficult to prove, but crimes like shoplifting and cannabis cultivation are not, (Organisation 1, 2, 14, 16 & 18).

Additionally, given the psychological trauma trafficking victims experience, it can take a very long time to build enough trust and develop the ability to communicate about a trafficking experience with a care provider.

> *'It takes a long time to build trust. (For a victim of sexual trafficking) it can take three weeks before a woman will sleep alone. They often hang out with the night staff. They need support 24/7'* (Organisation 16).

A victim of trafficking may have lapses in memory. *'Either they can't remember, or they don't want to remember'* (Organisation 12).

They may not be able to explain what has happened to them. Others do not want to relive their experiences. Those victims regard the NRM as a last resort if they could not regularise their status in any alternative way.

Many participating organisations who work with victims of trafficking can offer or refer cases free of charge to NRM-type services (e.g., counselling, medical, legal) without requiring that a victim must enter the NRM. (An exception is Migrant Help in Northern Ireland that requires NRM status to provide services). While they all provide information on the NRM to clients, their focus is on helping victims.

According to these organisations (Organisation 1, 2, 3, 6, 15 & 17, for instance), victims of trafficking who can legally remain in Ireland or who have alternative ways of normalising their status in the Republic of Ireland or Northern Ireland are not likely to enter the NRM system voluntarily.

Responsibility, culpability & denial

While common representations of human trafficking may portray it in terms of abduction and the use of force (Uy, 2011), trafficking is often linked to recruitment and deception which then lead to exploitation. Many trafficking victims agreed to come to Ireland for a reason (e.g., work or education); some come knowingly as sex workers. In situations of trafficking, individuals discover that they have been deceived, that what they agreed to is different from the reality they experience. Generally, working and living conditions are poor, the victim experiences abuse (verbal and/or physical) and they receive less pay than they expected. In prostitution, victims of trafficking may realise that they have little or no control over working conditions, the number of clients, the acts that they are required to perform, or the use of protection. What started as prostitution therefore becomes sexual exploitation (Organisations 2, 5, 6, 13 and 16, for instance).

However, given that these victims of trafficking have consented to be in Ireland for work, even if the work is very different from what they imagined, some may feel somewhat responsible for their situation (Organisations 6 & 13). Most traffickers do not lock people in rooms and keep all of the money. On a certain level, a victim may appear to be free to come and go. Ultimately, however, the trafficker is controlling the victim – controlling their work, their working environment and the money that they receive. If a trafficking victim, especially one in debt bondage or under threat of violence, has no control over their work situation, no other place to live and no other means to make money, then realistically they have no freedom. Some traffickers groom victims so that they will deny that they have been trafficked. This is prevalent in certain cultures, such as Roma. Similarly, Asian women will not disclose. They view their trafficking situation as a 'legitimate' means to get out of a bad situation, often related to

debt, without bringing shame to their families because it is happening far away from home, (Organisations 13 and 17).

Many victims are unaware of what trafficking is and do not consider themselves as trafficking victims. All of the participating organisations in this research believe that awareness of trafficking and trafficking indicators is lacking at all levels, from the victims themselves to broader society, and even to the service providers who work with victims.

System-related reasons for lack of engagement with NRMs

Some reasons that victims of trafficking do not engage with the NRM are system-related. In reviewing the qualitative interview data issues[12] with the NRM seemed to fall into one of three categories: uncertainties and inconsistencies in the NRM; difficulties in proving trafficking; and burdens on the victims of trafficking.

Uncertainties and inconsistencies in the NRM

Many victims of trafficking survive outside of the NRM, as there is no guarantee that entering into the NRM will improve their situation. Victims will only enter the NRM if they can see benefits such as access to welfare, legal rights or permission to stay in Ireland. (Organisation 3, 5, 6, 12, 13), However, 'being designated as a victim of trafficking does not bring any automatic right to criminal injury compensation or indeed permanent residency for non-EU nationals' (Organisation 11). Along with uncertainties about the benefits within the NRM, there are inconsistencies in the NRM process, especially in the Republic of Ireland, where there is no formalised identification process. A few participating organisations felt strongly that the fate of a victim was very much dependent on the police working on the case and whether the officers asked relevant questions about indicators that would establish trafficking at interviews (Organisation 15 and 18).

There are inconsistencies in the Republic of Ireland stemming from citizenship of victims of trafficking. At present, there is no formal outcome notification issued by the competent authority (Garda National Immigration Bureau – the GNIB) in relation to Irish and EEA citizens within the Republic of Ireland, only to non-EEA citizens. Interviewees from participating organisations believe that it would provide closure for the individual, and much needed information for service providers working with the potential victim of trafficking, if a written notification of both positive and negative decisions was forthcoming, (Organisation 2 & 6). For example, it is challenging to appeal a negative decision without information as to why the case was not successful. A few organisations mentioned having questioned the negative decision of the competent authority and engaging independent experts to review the case independently (Organisations 9 & 21).

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[12] Data for this section comes from Organisations 1, 2, 3, 5, 6, 9, 11, 12, 13, 14, 15, 16, 17, 18, 21, & 23.

Difficulties for the victim in proving trafficking

Representatives from NGOs in both countries said that victims of trafficking are fearful and reluctant to come forward and incriminate their trafficker (Organisations 1, 13, 14, 15, & 16). In addition, trafficking can be extremely difficult to prove even with a victim's testimony. Many examples exist of cases that had been under investigation for years but ultimately failed due to lack of proof, according to participating organisations (Organisations 1, 6, 14 & 16). While it may be relatively straightforward to prove exploitation, a few organisations brought up the difficulty of proving the means used for trafficking, specifically coercion and coercive control.

'If someone in a village has a bad reputation, a violent reputation, then they don't actually have to make specific threats – it is understood. Makes it very difficult for victims of trafficking to prove their case', (Organisation 14).

'Women are always asked questions regarding physical control and violence. However, threats to family and children are very real and just as effective, for example, 'I know where your children are'. Women can be too scared to even mention these threats (to police/Gardaí)', (Organisation 16).

Burdens on the victims of trafficking

In the case of children and adult victims experiencing psychological trauma, there can be large holes in the story of a typical victim of trafficking. They may not know what country they were in when the exploitation happened. In a situation where there has been a chain of smugglers/traffickers, the abuse may have happened anywhere along the line. There may be no names, no evidence as such. While children who enter the Republic of Ireland and Northern Ireland as unaccompanied minors will go into care if they remain on the island of Ireland regardless of the credibility of their story, these lapses in memory can cause challenges for adult victims of trafficking. There is expectation from the competent authority that the victim's story should make sense. If new/contradictory information emerges in a second interview with a potential victim, the competent authority may not deem the case credible. Women of certain nationalities will not describe instances of exploitation to men or to individuals from different social classes than their own. Answers to some questions posed at sequential interviews may change over the course of their case, and so their story may change. Many of those interviewed felt that the authorities sometimes placed too great a burden on potential victims of trafficking to be 'credible' and to prove their case, (Organisation 2, 3, 14, 15 & 16, for instance)).

Potential victims of trafficking in Ireland and Northern Ireland feel they are 'left in limbo' while investigations are being conducted, (Organisations 2, 3, 6, 14 & 16),. As long as the investigation is proceeding, a potential victim of trafficking receives permission to stay temporarily in the jurisdiction. This is renewable every 6 months, but cases can take years. During that time, the potential victims of trafficking may not leave the country. Some have given up trying to prove their case because they do not have the time or the money to continue. One suspected victim suggested to her caseworker that the system was 'corrupt' ... She felt that cases were prolonged for the 'monetary gain of the solicitor', while she, the victim, was left waiting. (Organisation 14).

Hidden in plain sight

'In terms of finding victims of trafficking that are not in official statistics, 'if you look, you will find'', (Organisation 2);

'No one is looking', (Organisations 9 and 15).

Throughout the interviews with participating organisations conducted for this research[13], there were many discussions of people who actually meet the criteria as potential victims of trafficking but are never classified as such. Generally, this occurred either because of conflation and a bit of fuzzy- ness (as in cases of smuggling that turned into trafficking), or because some types of trafficking had historically been dealt with as a type of exploitation which, depending on the sector and the age group involved, may not even be treated as a criminal case.

Participating organisations suggest that more attention in relation to certain (often unrecognised or under-recognised) categories of trafficking within the criminal justice system to quantify human trafficking on the island of Ireland is required. These categories include trafficking of children by criminal networks; criminal exploitation generally; sexual exploitation through forced prostitution; and labour exploitation.

Conflation

Questions about conflation/confusion of terminology, process and impact arise frequently regarding traf- ficking. For instance, when does smuggling become trafficking? If someone suffers exploitation when being smuggled, does the process of smuggling then become trafficking? When does exploitation become trafficking? While prostitution is not trafficking, when/how does prostitution become trafficking? Delays in NRM processing of cases are often due to resolving these types of challenges.

Smuggling or trafficking?

It seems clear how smuggling can become trafficking.

'Victims of trafficking from the asylum process often originate as people being smuggled into the UK. Along the way (from Somalia, Sudan, Libya, Eritrea, for example), criminal gangs discover that they are migrants and traffick them for labour, moving sand bags, for instance. Gangs may fight each other over who has control over the migrants. It is happening quite a bit in Syria. Most of the victims we work with are not EU citizens. They often report serious physical and sexual abuse at the hands of the perpetrators when being exploited', (Organisation 11).

Classifying such cases as trafficking is not always clear-cut. For example, if a person who was smuggled borrows from a smuggler to fund the trip, that person may end up working for years to pay back that debt. That may or may not be deemed to be trafficking depending on the victim. If they do what the

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[13] Data for the following section came from Organisations 1, 2, 5, 6, 7, 9, 11, 12, 13, 15, 16, 17, 20, & 23.

smuggler/trafficker asks in return for money to pay off the debt and they do not come forward for help from the PSNI or the Gardaí – even if they are being exploited and threatened/abused (they have already been recruited), then this will not be counted as trafficking.

Labour exploitation or trafficking for labour exploitation?

In the context of HTEPII interviews with participating organisations, labour exploitation came up repeatedly as an under-recognised and under-prosecuted dimension in human trafficking.

Interviewees frequently identified certain business sectors, many related to food (like mushroom picking, food take-aways, and fishing) as culpable, but so also were other types of industries such as car washes and nail bars. Interviewees generally agree that proof of trafficking for labour exploitation is challenging unless intelligence, like surveillance, is available. In terms of labour exploitation, *'There is a high level of complicity'* (Organisation 17).

Stories were told of inspections and screening visits that were targeted at finding labour exploitation and trafficking; workers generally did not come forward for help. (Organisations 1, 7, 12, & 17) They would even sign paperwork saying that they were getting the minimum wage, though they were not. In these instances, proving trafficking is challenging unless there are other types of intelligence, like surveillance. And, really, there is very little incentive to gather that additional evidence. At present, there is nothing that can be done in either country to help a victim of trafficking unless that person comes forward and agrees to cooperate.

The MRCI focused particularly on exploitation in the fishing industry in their publication Left High and Dry: The Exploitation of Migrant Workers in the Irish Fishing Industry, (2017). While the publication is entitled 'exploitation' as opposed to 'trafficking', it describes migrant workers who have been recruited, deceived, and exploited. These workers have contracts under the Atypical Working Scheme which specify minimum wage for a thirty-nine hour week, yet the majority work over 100 hours per week with average pay at €2.82/hour. One in four had experienced verbal and/or physical abuse. For these fishermen, their work experience meets the criteria for trafficking. And, while there are some fishermen in the NRM, it has been suggested that those recognised as trafficking victims are really only the tip of the iceberg. Depending on the source, there is an estimate of between 100 and 250 Atypical Work Scheme permits currently in circulation, and there are 170-200 eligible boats in Irish seas. Each has a crew, on average, of about 6 men. If only one worker per ship has a permit, what is the status of the rest of the crew? It has been suggested that the potential number of non-EEA crew on board these ships is at least 500, meaning at least half if not more are undocumented (MRCI 2017). This group is particularly vulnerable to trafficking.

TextBox 1 MRCI and the Fishing Industry

Criminal exploitation

Many participating organisations believe that trafficking for criminal exploitation is an area where potential victims of trafficking are often not recognised. As stated by a representative from Organisation 2, *'If someone has been trafficked for criminal activity, that person will serve time'*

The MRCI published a report titled Trafficking for Forced Labour in Cannabis Production: The Case of Ireland (2015). In it they argue that even though it is acknowledged that international gangs are primarily responsible for forced labour and cannabis production in the Republic of Ireland, those arrested generally have been the workers who are the victims of criminal exploitation. The case studies presented situations where such workers live in squalor with no identification, often locked into 'grow houses' with no means of exiting, yet they are charged with the crime of illegal drug production and put in prison. Doras Luimní, in their 2015 report No Chance, No Choices: Human Trafficking and Prostitution in Ireland: Key Issues & Challenges, make a similar argument, as reported by Stapleton (2015). Here the focus is on criminal exploitation for drug distribution. Their case study shows that the potential victims of trafficking are those who serve time for drug distribution, rather than the criminals responsible.

TextBox 2 MRCI and Cannabis Production

Potential victims of trafficking not recognised by the NRM

'Yes, why aren't certain types of trafficking victims showing up in Ireland? Are they not here or are they simply not recognised?' (Organisation 5).

HTEPII interviews with participating organisations included discussion about types of exploitation that meet the criteria for human trafficking set by the Palermo Protocol, but do not feature as trafficking cases in Ireland or Northern Ireland. Often, it appears that this is because they are categorised as something else other than human trafficking cases (examples quoted by participating organisations include, forced prostitution, sexual abuse of an Irish child, labour exploitation of a non-Irish child, or criminal exploitation of an Irish child through criminal networks).

Forced/Controlled Prostitution and Human Trafficking

Definitions of human trafficking often conflate prostitution with human trafficking (Augustín, 2007; Uy, 2011). While this is not accurate, experiences of prostitution can be exploitative and, at times, meet the criteria for human trafficking. The criminal justice system often does not treat forced prostitution as human trafficking, especially where a woman had initially agreed to work in prostitution (Demleitner, 1994). One NGO with experience in this area described a situation in which they were trying to alert local police officers to some migrant sex workers who seemed to be controlled. The response was, 'That's only forced prostitution. That's not trafficking', (Organisation 5). During interviews for this research, participating organisations suggested that from 10-20% to 50- 60% of sex workers are 'controlled' (i.e.,

sex workers are unable to control their work environments, number of clients, the types of acts that they were asked to perform or the use of sexual protection). While it may be possible to show a Means (control) and a Purpose (sexual exploitation) associated with trafficking, it was difficult in these cases to prove the Act of trafficking.

There is particular concern at the Women's Health Project (WHP) about the 15-25% of sex workers of no fixed abode. These women are usually non-nationals with no rent history and no immigration status. They rent accommodation without documentation, making them vulnerable to exploitation (WHP interview). The WHP in Dublin have files for 1805 sex workers (pers. comm. WHP e-mail). The organisation estimates that the real number is much larger, possibly closer to 3000 in the Republic of Ireland. In Northern Ireland, according to research by Huschke et al. 2014 and Ellison et al. 2019, there are about 300-350 sex workers advertising on any given day. In a timespan similar to the period of this project, Ellison et al. 2019 found advertisements for 4717 sex workers in Northern Ireland between January 2012 and December 2018. Given that many sex workers 'tour' (i.e., travel between the Republic of Ireland, Northern Ireland and other parts of the UK), this might be used as a high-end estimate for the island of Ireland as a whole, though it also could include sex workers resident in other countries who occasionally travel to Ireland for work. At present, however, participating organisations do not collect systematic data that would make it possible to determine an accurate number of trafficked sex workers in Ireland and Northern Ireland.

Child Sexual Exploitation

Children also are arguably under-represented in human trafficking statistics. In terms of sexual exploitation, children have all but disappeared from Irish trafficking statistics. Despite this, a MECPATHS report by O'Sullivan (2018) shows that there is a real and ongoing risk the sexual exploitation of children within the hospitability sector in the Republic of Ireland. Some argue that all forms of child sexual exploitation involve human trafficking, as recruitment and physical transportation must occur in some way to facilitate such abuse. For these reasons, advocates argue that child sexual abuse meets the Palermo Protocol for trafficking.

Originally in the Republic of Ireland, the matter of child sexual exploitation came under Section 3(2) of the Child Trafficking and Pornography Act 1998, as amended by the Criminal Law (Human Trafficking) Act 2008 (and associated inchoate offences under section 3(3) and section 3(4) of the same Act. However, it was decided in 2018 that child sexual exploitation offenses were not the same as trafficking offenses for child sexual exploitation that are covered under Section 3(1) of the same Act. The justification advanced was that the types of child sex exploitation covered by Section 3(2) were not consistent with international trafficking cases. This alteration changed the official number of child trafficking cases for the Republic of Ireland, which fell from 70 to 26 for the 5-year period covered by this research (January 1, 2014 – September 30, 2019). The cases that were no longer recognised as trafficking cases involved the exploitation of Irish children.

In reality, this legal change made little or no difference to the children who were potential victims of human trafficking. The criminal justice system had never processed child sexual exploitation offenses as trafficking cases before this legal change anyway. The NRM did not deal with child sexual exploitation cases, nor were these cases subject to Administrative Immigration Arrangements for human trafficking

victims. Children who were non-EEA unaccompanied minors who remained in the Republic of Ireland were under the care of TUSLA regardless of their trafficking status.

Child Labour Exploitation

While fulfilling trafficking criteria, the justice system rarely deals with child labour exploitation as a form of trafficking offense (see AHTU annual reports). As per interviews with participating organisations, typical scenarios of child labour exploitation involve children sent by their families to the Republic of Ireland and Northern Ireland to work and send money back to their families. This is most common in poorer EEA countries, with children sometimes sent to stay with extended family who already reside on the island of Ireland. Commonly they experience underpayment for too much work, with little attention to health and safety. By definition, this constitutes trafficking, because these children have been transported and exploited. However, these cases do not meet what could be considered the 'traditional' definition of trafficking (Organisation 13 & 23) and are under- represented in trafficking statistics.

Child Criminal Exploitation

Children recruited and forced to commit crimes on behalf of a criminal network meet the definition for trafficking under the Palermo Protocol. However, neither Ireland nor Northern Ireland includes these children in their official statistics for trafficking. As stated by a representative of the PSNI, their statistics are in accordance with respective legislation. There is no requirement that they use the Palermo Protocol. In both jurisdictions, the statutory authorities have deemed it more appropriate to deal with the criminal exploitation of children under legislation other than that related to trafficking.

Research conducted by the Research Evidence into Policy, Programmes and Practice (REPPP) project at the University of Limerick, (through access to data from AGS and interviews with Juvenile Liaison Officers), claims that one out of eight children who commit crimes in the Republic of Ireland are part of criminal networks which include adults (Naughton et al., in prep.). They estimate that this includes approximately 1000 children across the Republic of Ireland. This is also an issue in Northern Ireland where young people, including some aged between 12 and 18, have been recruited to criminal enterprises (Morrow et al., 2016).

TextBox 3 Research Evidence into Policy, Programmes and Practice

Pa

rt 7 Discussion of Main Findings

PART 7: Discussion of Main Findings

Introduction

This research sets out to provide the best data possible on the extent and nature of trafficking and exploitation of human beings in the Republic of Ireland and Northern Ireland. The twin strands of the project consist of assembling officially recorded data compiled and reported through the respective NRMs of Northern Ireland and the Republic of Ireland, side by side with gathering unofficial data recorded by a large number of participating organisations that support potential victims of human trafficking. The definitions vested in the Palermo Protocols guide both strands of the project in its methods, approaches and consideration of the data. In parallel, the HTEPII research aims to provide insights of value in understanding the phenomenon of human trafficking, particularly about potential victims of trafficking in Northern Ireland and the Republic of Ireland who do not feature in the official statistics in either jurisdiction.

This discussion is a reflection on the quantitative and qualitative data and findings presented in the HTEPII report, as well as the nature and characteristics of the phenomenon of human trafficking as manifested among its victims in the Republic of Ireland and Northern Ireland. It deals with specific aspects of the findings, describes the limitations of the project, and offers several recommendations dealing with the formal recording, identification, and treatment of victims of trafficking that come to the notice of the statutory authorities. It also addresses the role of the NGO sector and some possible mechanisms for improving overall support systems for victims.

Implications of the HTEPII Research Findings

The sections that follow represent the main implications arising from human trafficking and exploitation in the Republic of Ireland and Northern Ireland. These suggest that a stronger, consistent, and more thoroughly documented overall system of response to victims is required, such that these highly vulnerable groups and individuals can be encouraged to come forward to the statutory authorities and support organisations without fear of unwanted and/or unintended consequences.

The Official Data

This report presents the officially recorded figures for human trafficking in the Republic of Ireland and Northern Ireland from January 1, 2014 to September 30, 2019. While there have been changes in the mechanisms for counting the numbers of trafficking victims in both jurisdictions, these figures represent the official understanding of the extent of the problem from a quantitative perspective.

Over this five-year and 9-month period, the Republic of Ireland reported 346 victims of trafficking, 26 of whom were minors. Of the 320 adults, 196 were female. In the same timeframe in Northern Ireland, the total was 268 victims of trafficking, 63 of whom were minors. Some 104 of the 205 adults were female. The total for the island of Ireland was 614 victims of trafficking, 89 of whom were minors. Females make up 300 of the 525 adults.

The Un-official Data

This project reports additional data from participating organisations in relation to both 'probable' and 'possible' victims of trafficking in both jurisdictions, additional to the official figures. For the Republic of Ireland these represent an additional 109 probable and 23 possible victims, and for Northern Ireland some 15 probable and 39 possible victims. The summary data for the official statistics and the project's data appear in Tables 24 and 25.

Table 24 Comparative data Republic of Ireland: Official, Probable, & Possible Victims, Summary for 2014-2019 (30 September 2019)

	Republic of Ireland								
	Officially recognised victims (346)			Probable Victims (109)			Possible Victims (23)		
	Male	Female	Transgender	Male	Female	Trans	Male	Female	Trans
Adult	123	196	1	9	82	1		11	
Minor	6	20			10			1	
DK				2	5		4	7	
Total	129	216	1	11	97	1	4	19	0

Table 25 Comparative data Northern Ireland: Official, Probable, & Possible Victims, Summary for 2014-2019 (30 September 2019)

	Northern Ireland					
	Officially recognised victims (268)		Probable Victims (15)		Possible Victims (39)	
	Male	Female	Male	Female	Male	Female
Adult	101	104	3	11	13	26
Minor	41	22	0	1	0	0
Total	142	126	3	12	13	26

Adding in both probable and possible victims leads to an increase of 38% for the Republic of Ireland, representing an increase of 132 victims on top of an official count of 346 victims. Counting only probable victims, this would become 31.5%. The corresponding figures for Northern Ireland are 20% and 5.5%, respectively.

Forced Prostitution

Table 15 shows that 83 of 109 probable victims and 11 of 23 possible victims between 2015 and 2019 were victims of sexual exploitation in the Republic of Ireland. Likewise, in Northern Ireland the corresponding figures from Table 16 were 8 out of 15 probable victims and 21 out of 39 possible victims. The issue of forced prostitution is examined earlier in this report. The Women's Health Project estimates the

number of sex workers in Ireland as 3000 while Ellison et al. give an estimate of 4717 sex workers in Northern Ireland between January 2012 and December 2018. Even estimating that 10% of these individuals are living under the control of others and using the lower estimate of 3000 as appropriate to both jurisdictions, there could be c. 300 additional individuals trafficked for forced prostitution who do not appear in the official statistics.

Non-Entry of Victims into the NRM

The research reveals multiple reasons for non-entry of victims into the NRM in both jurisdictions. Trafficking victims are highly vulnerable, frequently fearful, lacking resources, and generally traumatised by their experience. The fear of prison looms large for those who have been trafficked for criminal activity, such as cannabis cultivation or shoplifting. Trauma has a significant impact on individuals, and victims may require substantial support before they feel ready to declare themselves to the authorities. Some victims were trafficked after travelling to Ireland for work or education, only to end up exploited because of a lack of resources, language limitations, and inability to find work of a legal nature. In many instances, individuals do not see themselves as victims, and do not self-identify as such.

Communication

There is a self-fulfilling narrative among victims of trafficking about problems arising in attempting to access the NRM in the Republic of Ireland. The absence of a formal accessible victim identification process does not help the situation. A documented and consistent approach would be of benefit to all involved, victims and authorities alike. The lack of written formal notification from the competent authority for EEA citizens is also problematic, making it difficult to appeal a negative decision. The authorities sometimes view victims' cases negatively due to a lack of understanding of the sensitivities involved. For example, female victims may be disinclined to disclose their full history to a male for many reasons, e.g., cultural or religious. Subsequent disclosure to a female officer may result in queries regarding the credibility of the victim who had withheld information from the male officer and supports withheld due to poor communication and consequent lack of trust.

Conflation of Status

Conflation of various kinds also raises difficulties. Smuggling and trafficking are clearly different, but some who are smuggled into the country may subsequently become trafficked. Statutory authorities can sometimes view trafficking simply as exploitation. Victims who have been trafficked for criminal purposes, e.g., to operate cannabis grow houses, can find themselves prosecuted and subsequently imprisoned for the criminal behaviour despite strong indications of having been trafficked.

Limitations of the HTEPII Project

The limitations of the HTEPII research relate mainly to the sample of participating organisations collaborating in the project and data availability as consequence of the broader context of the project. These applied primarily to those elements of the project involving the collection of data from participant organisations, a key element in providing an enhanced representation of human trafficking and exploitation on the island of Ireland.

Sampling for Participating Organisations

The research design used purposive sampling to select participant organisations for inclusion in the project who were service providers / support organisations for victims of trafficking and had familiarity with the Palermo Protocols. Not all such organisations could participate. Since this research needed to be efficient and to target those organisations who potentially had the most comprehensive information, other organisations that work with victims of trafficking, like hospitals and prisons, were not included. For this reason, the sample included in this research is not illustrative and inclusive of all organisations across the island of Ireland who work with trafficking victims. Instead, it includes those organisations who agreed to collaborate and were in a position to participate at the time the researchers conducted the project.

Data Availability

The second key limitation in this research relates to data availability within the participating organisations. Only a few organisations possessed historical records that showed if a client was a victim of trafficking outside of the NRM, records that the DOJE collected from some specialised NGOs in Ireland for a number of years. Outside of this, most other organisations did not record a designation of 'victim of trafficking' in a client's file unless that individual had agreed to enter the NRM. As a result, to provide data on victims outside of the NRM, participating organisations relied on the working memory of case workers who then had to find data in case files that may (or may not) have recorded criteria associated with human trafficking. While all participating organisations believed that they had relevant data to share, many did not have sufficient staff resources, especially time, to find all of these data. Therefore, while many organisations participated in this research, quite a few did not have time to find and share information for all of the possibly relevant, historical cases. Consequently, while this research provides significant additional data on the prevalence of trafficking, it is not a comprehensive representation of the full picture for the island of Ireland.

Pa

rt 8 HTEPII Conclusions and Recommendations

Introduction

There is a significant gap between the official figures for victims of trafficking across the island of Ireland and unofficial figures compiled from evidence provided by the HTEPII participating organisations.

Engagement with victim support organisations has provided a rich harvest of information about the twin issues of barriers to co-operation and best practice in supporting victims of trafficking. Of particular interest is that these organisations are in a position to provide information on potential victims of trafficking that do not enter the NRM. The DOJE has informed the HTEPII that more complete statistics on the numbers of victims of trafficking in Ireland would help in justifying assistance / services for victims of trafficking.

Recommendations

To take maximum advantage of the substantial additional data, information and knowledge that has emerged from the HTEPII project, the following recommendations are proposed as a first step to address the shortcomings in official and unofficial approaches currently used for managing and supporting all victims and potential victims of trafficking in Ireland north and south.

Recommendation 1

That the Department of Justice and Equality (IE) and the Department of Justice (NI) publish a clear and detailed eligibility protocol for entry into the NRM in both jurisdictions.

(1) Victims of trafficking and potential victims of trafficking need to be recognised first and foremost as victims. Provision of appropriate health, legal, protective, and welfare services for victims is an essential first response.

(2) A comprehensive and unambiguous published protocol for referral of known victims of trafficking and potential victims of trafficking into the respective NRMs needs to be established by the Department of Justice and Equality (IE) and the Department of Justice (NI).

(3) This protocol must address the fears and concerns of the many potential victims of trafficking who do not come forward to the authorities.

(4) The protocol must incorporate a formal identification process (currently missing in the Republic of Ireland) with due protection for the individual victim. Such formal identification should incorporate regular liaison and feedback to the victim throughout the process.

(5) The protocol must formally record the reasons for all decisions reached under its purview.

(6) Eligibility for entry to an NRM should be considered irrespective of any other legal considerations, such as asylum applications or potential criminal charges.

Recommendation 2

That the authority to refer a victim of trafficking into the NRM be expanded.

(1) The authority to refer a victim or potential victim of trafficking into the NRM must be expanded to incorporate additional organisations / service providers as registrars (or 'first responders'). This is vitally important given the essential knowledge of individual cases of potential victims of trafficking held by victim support organisations.

(2) The responsible Minister in each jurisdiction should ensure that the list of registrars is as wide as possible, taking cognizance of the vulnerability of the victims and the need for confidentiality.

(3) HTEPII recommends that the list of registrars for the NRM should include the primary agencies (e.g., policing and health services), and relevant statutory agencies as well as selected, authorised organisations that work with victims (e.g., NGOs, charitable organisations, victim-support organisations).

(4) In the Republic of Ireland, this process is underway under the remit of the working group set up by the D.O.J.E., incorporating An Garda Síochána and other statutory and non- statutory bodies. In Northern Ireland there have been discussions about the possibility of widening the First Responder function to NGOs and consultation is ongoing in this regard.

Recommendation 3

That a dynamic all-island database be developed to record cases of human trafficking on the island of Ireland, which would be readily accessible to the Justice Departments and others within the respective justice systems, including those with responsibility for reporting to the Houses of the Oireachtas / the Northern Ireland Assembly.

(1) Addressing provision of services to victims of trafficking depends on the availability of reliable, high-quality data documenting the scale and scope of this crime.

(2) Such a database would support the recommendation of the Council of Europe regarding the appointment of National Rapporteurs for monitoring the anti-trafficking activities of State institutions (CETS 197:29(4)) through facilitating the gathering of all relevant data. In Ireland this role will be carried out by the Irish Human Rights and Equality Commission (IHREC) which has been designated as Ireland's independent national rapporteur on human trafficking, for the purposes of EU anti-human trafficking legislation. In NI, the Inter-Departmental Ministerial Group on Modern Slavery carry out this function.

(3) All data, including data on potential victims of trafficking outside of the NRM, must be collected, collated, and reported within the dynamic database on a rolling basis and consolidated into annual reports which would be laid before the respective legislative bodies in each jurisdiction.

(4) This database should include all information arising from persons who come into contact with the authorities on suspicion of having been trafficked even if they choose not to go into the NRM, such that all screening data is available for subsequent analysis.

(5) The database must be overseen in each jurisdiction by the respective Justice Departments.

(6) Mechanisms to resource non-statutory organisations (i.e., funding, personnel, opportunity) to consol-idate and register the data they assemble on potential trafficking cases must be put in place. These data must be considered for inclusion in the dynamic national database.

(7) Given the interplay between the two jurisdictions on the Island of Ireland in respective of human trafficking, consideration should be given to the creation of a shared database for use by all relevant parties.

Recommendation 4

That a strategy be developed for the creation and roll-out of expert, bespoke education and training for all individuals and organisations involved in the identification, management and support of victims and potential victims of trafficking.

(1) Specialised education and awareness training must be broadened and enhanced for all individuals likely to come into direct contact with human trafficking victims, e.g., accident and emergency personnel, sexual violence clinics, and transportation personnel.

(2)   Appropriate, extensive, continuing and integrated education and training must be delivered by experts to all statutory and non-statutory personnel who deal with individuals suspected of being trafficked, so as to ensure insofar as possible that any individual presenting to such personnel as a potential victim of trafficking can be directed to prompt, competent and documented guidance appropriate to their needs.

(3) The same education and training must also be available to the ancillary services, the courts, frontline medical services and others working in this field.

(4) Education and training must be gender-appropriate and sensitive to individual circumstances and cultural contexts.

(5) The scope of this training should encompass, as appropriate, all of the following groups insofar as they are involved with trafficking victims: statutory and non-statutory agencies, social workers, solic-itors, barristers, judges, prosecutors, media personnel, as well as NGOs who request it. With regards to identification, frontline service providers who can be key in identifying potential victims also need to be trained including nurses, doctors, Gardai and social workers.

(6) Revisions to the NRMs should be backed up by education and training such that those who are involved in the decision-making process, whether as a designated authority or referring agency, are fully trained to prevent delays in decision making but also to provide fair decisions.

Recommendation 5

That a widespread public communication and information campaign be developed and rolled out in both jurisdictions, preferably as an all-island initiative, to raise awareness among the public on indicators of trafficking as they can play a critical role in identification.

Previous campaigns have had some success in this regard (e.g., EU anti- trafficking, Blue Blindfold, REACH campaign, UN Gift Box, Anti-Slavery UK, Stop the Traffik). Particular attention must be focused on industries that are more likely to use victims of trafficking (e.g., fisheries, car washes, agricultural labouring, nail bars) without losing sight of the fact that trafficking is multifaceted and across all sectors of the economy. A refreshed, sustained, and widespread public service campaign can achieve three main objectives. These are:

(1) increased awareness of the reality of human trafficking on the island of Ireland;

(2) stimulation of public engagement with the statutory authorities where trafficking is suspected; and

(3) rendering the exploitation of trafficked individuals or their labour both socially and morally unacceptable.

Future Work for HTEPII

Should future funding allow it, it would be possible to extend the current HTEPII project to conduct additional work on processing WHP / Health Services data on sex workers in the Republic of Ireland. This work will provide more accurate estimates of the extent of sexual exploitation in Ireland. The Annex to this report titled 'Migrant sex workers and migrants trafficked for sexual exploitation on the island of Ireland' presents initial work in this regard.

Similarly, the PSNI made nearly 1000 screening forms available to the HTEPII, most of which could not reviewed within the time constraints of the current project. A more thorough review of all screening forms may provide more quantitative and qualitative information on all types of trafficking in Northern Ireland. Additional interrogation of these data will also assist development of a stronger training basis as recommended by this report for those working with victims of trafficking, particularly in light the research findings to date about of the reasons for non-disclosure by victims of trafficking.

A further area for research involves better understanding of the venues, industries and practices that allow trafficking to develop or actually support or permit its existence in Ireland & Northern Ireland. In line with the TIP reports (Trafficking in Persons, US State Department), such additional research may be of assistance in prosecuting suspected offenders of both sex and labour trafficking, in better training of relevant personnel, in increasing victim identification, and in proposing an improved referral mechanism in coordination with various official and unofficial actors. Given the critical role that support organisations may play as a source of information about trafficking beyond the official records, it is anticipated that this work is worthy of a significant investment of time and energy across the Island of Ireland.

Another source of data which has been unexplored is on-line criminal reports from the AGS and PSNI. With access to on-line, anonymised crime reports, Natural Language Processing could be used to scan reports for terminology related to human trafficking (see related research by the Centre for Social Justice and Justice & Care (2020)). This would be a way of highlighting cases that meet some or all of the criteria for human trafficking, but that have 'fallen through the cracks'. It would also provide another means to estimate numbers of possible cases of human trafficking that did not enter the NRM (or official statistics). To gain more information about the experiences of being trafficked, it would be necessary to interview trafficking victims. There are a few individuals within Ireland who have made themselves publicly known as former victims of trafficking. Starting with interviews of known individuals who have been trafficked from different sectors and then asking them to refer to other trafficking victims (i.e., snowball sampling, chain-referral sampling and/or respondent-driven sampling), it would be possible to gain more in-depth information about the process of trafficking across sectors and the experiences of being trafficked.

An

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Annex to the HTEPII Report Migrant Sex Workers and Migrants Trafficked for Sexual Exploitation on the Island of Ireland

Annex: Migrant Sex Workers and Migrants Trafficked for Sexual Exploitation on the Island of Ireland

Introduction

This annex to the main HTEPII report presents the results of additional analyses of quantitative and qualitative data specifically in relation to migrant sex workers and migrants trafficked for sexual exploitation.[14] The main HTEPII report presents substantial and significant new data on the nature and extent of human trafficking across the island of Ireland. However, as acknowledged and discussed in the concluding passages of the main report, gaps remain in 'official' knowledge related to trafficking and exploitation of human beings in Ireland, both north and south of the border.

In the main HTEPII report, representatives of participating organisations express concerns about particular types of exploitation. In particular, much of the quantitative trafficking data gathered for the purposes of the HTEPII project actually relates to migrants trafficked for sexual exploitation.

However, sexual exploitation (as a purpose in and of itself) does not necessarily constitute trafficking. Legal recognition of sexual exploitation as trafficking must involve an act (e.g., recruitment or transport) and a means (e.g., deception or use of force) related to the legal definition of trafficking.

Since the HTEPII project collected data on trafficking victims only as defined in the Palermo Protocols, data for other migrants involved in sex work (but not identified by a participating organisation as potential trafficking victims) are not included in the main HTEPII report.

Many of the participating organisations in the HTEPII project work with both sex workers and trafficking victims. As a result, qualitative data provided by them for the HTPII project also includes information regarding prostitution across the island of Ireland. Arising from this, two issues are evident: (i) the conflation of prostitution and trafficking for sexual exploitation, including how organisations identify trafficking victims for sexual exploitation; and (ii) the nature of specific migrant groups and their experiences and perceptions of both prostitution and trafficking for sexual exploitation.

This annex to the main HTEPII report consists of two parts. The first part provides a summary of current additional quantitative data regarding migrants trafficked for sexual exploitation. The second summarises qualitative data about prostitution across Ireland with an emphasis on particular migrant groups who participate in prostitution, both voluntarily and involuntarily.[15] While in the main report examined the Republic of Ireland and Northern Ireland separately, they are analysed together here, given that sex workers often 'tour' and victims of trafficking for sexual exploitation move over and back across the border.[16]

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[14] Additional funding for the HTEPII project was secured post-data collection and used, inter alia, to conduct further analysis of HTEPII data focusing on migrants in prostitution and migrants who were victims of sexual exploitation.
[15] See section 6 of the HTEPII report for methodology
[16] As per Organisations 1, 5, & 16; see also Huschke et al. 2014

Trafficking of migrants for sexual exploitation: Quantitative data

Data on Sexual Exploitation

This section presents quantitative data on migrants who were victims of trafficking for sexual exploitation, and the data incorporates potential victims of trafficking not included in NRM statistics as well as victims within the NRMs. Of the 173 cases analysed here, 56 (32%) had been recognised as victims of trafficking within the NRMs and 117 (68%) had not.[17] For each case, information (as defined by the Palermo Protocol) is presented on: country of origin / destination, the nature of the 'act' of trafficking, route of travel, mode of transport, relationship of victim to trafficker, reasons for migrating, the 'means' used for trafficking the victim, and indicators associated with sexual exploitation, specifically, and trafficking, generally. Reasons for omission of victims of trafficking from the NRM are summarised in the main HTEPII report. Tables A.1-A.11 present the data on victims of trafficking for sexual exploitation collected using Qualtrics. These data go beyond those presented in the main report.[18]

Origin and Destination of Victims of Trafficking for Sexual Exploitation

Table A.1 shows that not all victims of trafficking for sexual exploitation residing on the island of Ireland were originally trafficked into the jurisdictions. Of the 165 cases that provided information on destination of trafficking, nearly 74% were trafficked into the Republic of Ireland, Northern Ireland or another part of the UK. Distinguishing by regions of origin, while the majority of victims of African origin were trafficked into the Republic of Ireland or the UK, 41% were trafficked to other parts of the world including Asia (1%) and the EEA (13%) while nearly 27% were trafficked within Africa. Of those whose trafficking originated in Asia, about half were subsequently trafficked into the Republic of Ireland or the UK, and half were trafficked elsewhere. Victims of trafficking from Non-EEA countries were most likely to have been trafficked into other EEA countries besides the Republic of Ireland or the UK. All migrants whose trafficking originated in South America had the Republic of Ireland or the UK as their final destination. Similarly, those migrants trafficked after they had migrated into the Republic of Ireland or the UK also had the Republic of Ireland or the UK as their final destination.[19]

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[17] Trafficking victims who were not migrants were not included in this analysis. This excludes Irish and British victims of trafficking from the analysis.

[18] All anonymised data were provided by case workers based on historical case files, if available, and working memory. As such, it may not include all information for all cases given that the data collected were not originally collected or stored for use in this research project. Purposive sampling was used to gather the data (non-probability sampling). Therefore, the data are not representative of all trafficking cases across the island of Ireland.

[19] Given that this section is only about migrants trafficked for sexual exploitation, those originating in the Republic of Ireland or the United Kingdom in this section are all migrants; one individual was a citizen of an African country and the other two were citizens of South American countries. Their trafficking began after they had migrated.

Table A.1 Origin and Destination of Victims.

Region of origin		Region of destination					
		Africa	Asia	EEA	Rep. of Irl /UK	Non-EEA Europe	Total
Africa	Count	21	1	10	47		79
	Percentage	26.6	1.3	12.7	59.5		100.0
Asia	Count		4		5	1	10
	Percentage		40.0		50.0	10.0	100.0
EEA*	Count			2	54		56
	Percentage			3.6	96.4		100.0
Republic of Ireland/UK**	Count				3		3
	Percentage				100.0		100.0
Non-EEA Europe	Count		1	3	1		5
	Percentage		20.0	60.0	20.0		100.0
South America	Count				11		11
	Percentage				100.0		100.0
Other	Count				1		1
	Percentage				100.0		100.0
Total*	Count	21	6	15	122	1	165
	Percentage	12.7	3.6	9.1	73.9	0.6	100.0

*Two of these cases have citizenship in a South American country.

**One case has African citizenship, while the other two have South American citizenship.

***Seven cases did not have information for trafficking destination.

'Act' associated with trafficking

Table A.2 summarises the 'Act' associated with trafficking as defined by the Palermo Protocol. As with many indicators reported here, cases could have experienced more than one act of trafficking. The trafficker transported over 80% of victims. Two-thirds of victims were recruited. Between 5% and 15% were harboured, received, and/or transferred during trafficking.

Table A.2: 'Act' associated with trafficking of victim.

How did this person become trafficked? Were they_____ by someone?
(fill in sentence with relevant term)

	Count	%
Transported	116	82.9%
Recruited	93	66.4%
Harboured	20	14.3%
Received	10	7.1%
Transferred	7	5.0%

(Some 140 of 173 cases had information for this indicator; cases could have more than one indicator associated with the act of trafficking.)

Modes of Transportation used for Victims of Trafficking

Tables A.3 and A.4 summarise the modes of transportation used for victims of trafficking to their destination. While Table A.3 presents a summary of the data for all cases that provided this information, Table A.4 is specific to those victims of trafficking who were trafficked into either the Republic of Ireland or the United Kingdom (UK). According to these tables, air transport was used for the majority of victims (72% and 75%, respectively). If those who were transported by multiple modes of transport including an airplane are also included, then the percentages of victims transported by airplane increases to 83% and 86%, respectively.

Table A.3 Mode of transport used for trafficking victim.

Transport	Count	%
Airplane	90	72
Boat/ferry	3	2.4
Bus	3	2.4
Car	2	1.6
Truck	4	3.2
Multiple modes of transport	21	16.8
No mode of transport	1	0.8
Train	1	0.8
Total	125	100
Missing	48	
Total	**173**	

* Includes: 14 Airplane, 7 Boat/ferry; 9 Bus; 11 Car; and 3 Train

Table A.4 Mode of transport used for trafficking victim if final destination is the Republic of Ireland or the UK / Northern Ireland.

Transport	Count	%
Airplane	58	75.3
Boat/ferry	1	1.3
Bus	3	3.9
Car	1	1.3
Truck	3	3.9
Multiple modes of transport*	10	13
No mode of transport	1	1.3
Total	77	100
Missing	45	
Total	**122**	

* Includes: 8 Airplane, 2 Boat/ferry; 5 Bus; 7 Car; and 3 Train

Regions Traversed During Trafficking

For those trafficked into either the Republic of Ireland or the UK, 26 provided information on other regions that they travelled through to reach the trafficking destination as shown in Table A.5. Of the 20 cases of African origin, 13 transited through an EEA country or the UK before arriving at their final destination. Of the remaining six cases (EEA or South American origin), all transited through either an EEA country or the UK during their trafficking journey.

Table A.5 Transit regions traversed during trafficking (final destination Republic of Ireland or the UK)

Region of origin	Africa	Africa & EEA (not UK)	Asia	Asia & UK	EEA (not UK)	UK	Total
Africa	5	2	2	1	6	4	20
EEA					2	1	3
South America					1	2	3
Total	5	2	2	1	9	7	26

Relationship of victim of trafficking to trafficker

Table A.6 summarises data on the relationship of the trafficking victim to the trafficker. 'Stranger danger' often appears as a myth in terms of sexual abuse (Calkins et al., 2015; Cunningham & Cromer, 2014). The majority of trafficking victims knew their trafficker. While 44.4% of the victims were trafficked by an acquaintance, 41.5% were trafficked by a friend, relative, family member and/or partner/spouse. Only 12% of cases that provided this information were trafficked by strangers, with over half of those having answered deceptive job advertisements.

Table A.6 Relationship of victim of trafficking to trafficker.

Relationship of trafficker to victim	Count	%
Partner/spouse/boyfriend	19	14.1
Family member	13	9.6
Other relative	9	6.7
Friend	15	11.1
Acquaintance	60	44.4
Stranger	5	3.7
Strangers/multiple traffickers	2	1.5
Advert for employment / job opportunity	9	6.7
Other	3	2.2
Total	135	100
Missing	38	
Total	173	

Reasons for Migration / Vulnerability to Trafficking

Tables A.7 and A.8 demonstrate that most of the trafficking victims migrated for work, education or in hope of better lives. Table A.7 summarises the reasons that victims migrated regardless of final destination, while Table A.8 focuses on those trafficked to the Republic of Ireland or the UK. As shown in Table A.7, about 8% of victims thought they were travelling for educational opportunities, 7% for work in prostitution, and 41% for other types of job opportunities. Of those travelling for other job opportunities, 12 did not specify the type of work,[20] while four travelled for jobs that are often associated with the sex industry such as exotic/lap dancer, masseuse, or escort (all were recruited via advertisements on the internet or newspaper). Among those destined for the Republic of Ireland / UK, 9% believed they were migrating for educational opportunities, 10% for work in prostitution, and nearly 46% for other work.[7] Of those travelling for other job opportunities, 10 did not specify a type of work, while the same four as previously mentioned travelled for jobs often associated with the sex industry. Seven of the 79 cases that provided this information experienced force and/or kidnap by their traffickers.

Table A.7 Reasons for migration of trafficking victim

Reason for migration	Count	%
Education	10	8.2
To escape persecution, exploitation, or abuse	14	11.5
Forced and/or kidnapped	14	11.5
Job opportunity*	50	41
Minor or vulnerable adult	12	9.8
Seeking better life	2	1.6
Sex work	8	6.6
Travel	4	3.3
Other	8	6.6
Total	122	100
Missing	51	
Total	**173**	

*12 did not specify type of work; four were in jobs associated with the sex industry. Recruitment by advertisements on the internet or newspaper was the most common.

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[20] Of course, it is possible that some of these women were aware they were travelling for work in prostitution but were not comfortable sharing that information with the caseworker (Agustín, 2007).

Table A.8 Reasons for migration of trafficking victim if final destination Republic of Ireland or UK/ Northern Ireland.

Reason for migration	Count	%
Education	7	8.9
To escape persecution, exploitation, or abuse	2	2.5
Forced and/or kidnapped	7	8.9
Job opportunity*	36	45.6
Minor or vulnerable adult	7	8.9
Seeking better life	4	5.1
Sex work	8	10.1
Travel	4	5.1
Other	4	5.1
Total	79	100
Missing	43	
Total	122	

*Of these, four were jobs that are associated with the sex industry and all four were recruited in the Republic of Ireland through advertisements on the internet or newspaper.

Means Used for Trafficking

The main HTEPII report indicates that the most common means of trafficking is deception - 71% of cases included in the main research findings had been deceived as a means of being trafficked. This is almost identical to the 72% reported in Table A.9 that summarises the means used for trafficking these victims for sexual exploitation.[21] Only about 6% listed abduction as the means used by the trafficker (similar to Table A.8), though over 40% had experienced some degree of force or physical violence.

Table A.9 Means used for trafficking.

What means were used to traffick this individual?	Count	%
Deception	104	72.2%
Threat	79	54.9%
Use of force	58	40.3%
Abuse of position of vulnerability	42	29.2%
Coercion	28	19.4%
Abuse of power	10	6.9%
Abduction	9	6.3%
Giving or receiving of payments or benefits	8	5.6%
Fraud	6	4.2%

(Some 144 of 173 cases had some information; cases could have more than one indicator associated with the means used for trafficking).

[21] This analysis includes victims trafficked for sexual exploitation both within and outside of the NRMs

Indicators of Sexual Exploitation and Trafficking

While many victims had hoped for positive experiences at their destination, it is obvious from the data presented in Tables A.10 and A.11 that these victims experienced trauma, injury and exploitation on arrival. Since these data come from caseworkers of trafficking victims, they probably represent minimum values for each indicator reflecting information that clients provided and caseworkers recorded or remembered. Table A.10 presents data on indicators associated with sexual exploitation for 138 of the 173 cases, and Table A.11 presents indicators associated with trafficking generally, for 114 of the 173 cases. As shown in Table A.10, of the cases that included data on indicators associated with sexual exploitation, 92% were forced, intimidated or coerced into providing sexual services; 58% were raped, abducted and/or assaulted; and a third of the cases had resultant health issues, especially sexual health issues. Table A.11 indicates that 70% of cases that included information on general trafficking indicators showed signs of psychological trauma. During trafficking, 52% had experienced restrictions of movement or confinement to a particular workplace or area, and 42% had their identification papers (e.g., passport) taken from them. Both tables indicate that roughly 30% of cases with relevant data did not receive money, had money taken from them, and/or were bonded by debt to their traffickers.

Table A.10 Indicators associated with sexual exploitation

Indicators associated with sexual exploitation	Count	%
Person is forced, intimidated or coerced into providing sexual services	127	92.0
Person is raped, abducted and/or assaulted	80	58.0
Health issues, especially sexual health issues	46	33.3
Person does not directly receive money for services from client - it is given to someone else	40	29.0
Movement of individuals between brothels or working in alternate locations	17	12.3
Signs of ritual abuse and/or witchcraft (juju)	14	10.1
Sleeps/lives on work premises	12	8.7
Can only speak a few words and/or sexual words of language of client group	12	8.7
Substance misuse/abuse	10	7.3
Individual has limited clothing or a large proportion of 'sexual' clothing	6	4.4
Adverts for place of work are for sexual services offered by individuals of particular ethnic or national backgrounds	3	2.2

(*Each case may have multiple indicators; 138 of the 173 cases provided data relevant to at least one these indicators).

Table A.11 Indicators associated with trafficking.

Indicators associated with trafficking	Count	%
Signs of psychological trauma	80	70.2
Restriction of movement or confinement to the workplace or to a limited area	59	51.8
Passports or documents held by someone else	48	42.1
Perception of being bonded by debt	36	31.6
Money is deducted from salary for food or accommodation	35	30.7
Lack of access to medical care	23	20.2
Threats against individuals or family members	20	17.5
Expression of fear or anxiety	17	14.9
Distrustful of authorities	13	11.4
Threat of being handed over to authorities	13	11.4
Evidence of control over movement, either from an individual or a group	9	7.9
Being place in a dependency situation	9	7.9
Injuries apparently as a result of assault or controlling measures	6	5.3
Found in or connected to a type of location likely to be used for exploitation	6	5.3
Limited social contact	6	5.3
The person acts as if instructed by another	3	2.6
No/limited access to bathroom or hygiene facilities	2	1.8
Limited contact with family	1	0.9

(Each case may have multiple indicators; 114 of the 173 cases provided data relevant to at least one indicator).

Trafficking of migrants for sexual exploitation: Qualitative findings

This section presents qualitative data from the island of Ireland with an emphasis on particular migrant groups who participate in prostitution, both voluntarily and unwillingly. It focuses on information regarding migrants working in prostitution in Ireland.[22] Beginning with a section on prostitution in Ireland, it presents differing viewpoints regarding the relationship of prostitution to trafficking, and some of the indicators used to identify potential victims of trafficking who are sex workers. It concludes with a focus on particular migrant communities involved in prostitution across the island of Ireland and differing cultural norms related to what is defined and perceived as exploitation and trafficking amongst those communities.

Characteristics of victims of trafficking for sexual exploitation

Perspectives on the relationship between prostitution and trafficking vary across HTEPII participating organisations. Some are of the view that prostitution and trafficking are different but somehow related activities. Others believe that all prostitution is sexual exploitation, with a high likelihood that migrant sex workers are victims of trafficking. Between these viewpoints are those who refer to a continuum between prostitution and trafficking, depending on the level of control a sex worker has and the degree

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[22] The data presented in this annex are part of the HTEPII survey involving participating organisations relating to trafficking for sexual exploitation, rather than specific data on migrants in prostitution in Ireland. The information comes from HTEPII interviews with Organisations 1, 2, 3, 5, 6, 8, 12, 13, 14, 16, and 18 (see HTEPII methodology in the main report).

and type of exploitation that may have been involved in a particular case. While not all victims of trafficking experience sexual exploitation and not all sex workers are trafficked, there appears to be a crossover between these two groups in Ireland, the degree of which remains un- quantified.

As discussed in the main HTEPII report, it is not clear how many sex workers are currently working across the island of Ireland. While the WHP estimate roughly 3000 for the Republic of Ireland, Ellison et al. (2019) found advertisements for 4717 sex workers operating in Northern Ireland between January 2012 and December 2018. Given that many sex workers cross back and forth over the border, it makes little sense to think of these as two completely separate groups or simply to add the two numbers together. Similarly, in estimating how many sex workers are actually potential victims of trafficking (and/or 'controlled'), there are divergent opinions ranging from 10% to 60% of women/men in prostitution. To explain the difference, one interviewee suggests that at the upper end of that estimate (50-60%), individuals would not meet all three criteria of the Palermo Protocol. While they may be victims of exploitation, they may not legally classify as trafficking victims.

The word 'control' often arises in surveys with the participating organisations as a defining characteristic of sexual exploitation, although not always consistently. In one instance, someone in control is an agent or agency that schedules work and expects a percentage of pay from a sex worker. In other instances, description of the person in control is as a pimp, boyfriend, and/or trafficker who took most or all of the money paid by the client. While in reality these could be alternative interpretations of the same situation, one description suggests a much higher level of control / exploitation than the other does.[23]

Organisations identify certain characteristics to designate someone as 'controlled'. For instance, concerns arise about sex workers who live and work at the same location, as restriction of movement is an indicator associated with trafficking. Concerns for women/men moving around the island of Ireland for prostitution also raise alerts, as well as for those of no fixed abode who are frequently migrants with no immigration status, no housing history, and no access to banks. All of these characteristics make them vulnerable as potential victims of trafficking. However, as discussed by Huschke et al. (2014), for sex workers who 'tour' (frequently changing locations), travelling and short- term rentals are a reality, along with high rents and the possibility that a sex worker may live and work in the same place while on tour. These indicators are not sufficient to classify someone as 'controlled'. Participating organisations suggested that modern traffickers are not obvious in how they control victims anymore. According to one interviewee, 'traffickers are smart; no longer do they take papers and keep all of the money. Instead, they give their (victims) small amounts of money and a place to live. They let them keep their papers. They still cannot leave because they are so dependent on their traffickers. So, while they are not actually physically locked in, they may as well be; it's very hard to leave. The women generally send money home to their families, and the families become dependent on the money. The families don't want the women to return. Even the Western Union trail provides a defence for the trafficker. He can say that she was able to send money home, even if it was only minimal amounts' (Organisation 13). Others agreed that modern trafficking is different to what is often portrayed, and that trafficking was more often based on control through grooming, deception, coercion, abuse of vulnerability and recruitment than on the more traditional kidnapping and violence (Organisation 13).[24]

As the sex industry moves off the streets, those who engage in street outreach work describe increasing difficulty in contacting potential victims of trafficking without a referral. One interviewee observed that advertising on social media could be revealing about the degree of control exerted on prostitutes. 'It is very obvious who is in control of their sex work based on their profile and who is not in control; those

[23] 'Control' includes, but is not limited to, 'compulsion', 'coercion', and 'force'. It is enough that the person acted under instructions or directions. There are various reasons that a person may do as instructed, such as emotional blackmail or lure of gain. There is no requirement for the person to have acted without free will. (R v Massey [2008] 1 Cr. App. R. 28 CA
[24] The HTEPII quantitative data supports this, showing that deception was the most common means of trafficking for these cases

in control are very clear about what they will and will not do and the type of behaviour that they expect from a client'. Those controlled by others indicate no clear boundaries regarding their client's behaviour or their own (Organisation 5). However, another organisation contested this, suggesting it was not that easy to differentiate. By definition, 'control' relates to consent, in that someone who is controlled has not consented. However, according to this interviewee, nothing is clear-cut. 'You get many people who do not define themselves as victims of trafficking. They feel somewhat complicit in their trafficking in that they may have initially agreed to come to Ireland for prostitution. However, once they get here, the conditions are much worse than they imagined. There is a spectrum from trafficked to prostitution. The area in the middle is tricky. They may have consented to certain things but not to the situation they are in', (Organisation 6). Another organisation shares this view 'they feel, somehow, as though they have colluded with the trafficker. While they may have thought that they would be (sex workers) in Ireland, the conditions are much worse than imagined' (Organisation 13).

Of concern to some participants was that many victims of trafficking for sexual exploitation returned to sex work post-trafficking. 'They use sex because that is what they know... it becomes the norm,' (Organisation 8). 'They have found no other way to support themselves. In trying to support themselves, they are stuck in survival mode,' (Organisation 3). 'They can be very clever at finding ways to survive. They 'seduce' people so that they can manage,' (Organisation 15). However, one interviewee was more concerned about the lack of boundaries set by trafficking victims who continue as sex workers, which links back to control. 'Even those who are trafficked who move on and become independent sex workers don't control their work the way that other sex workers do. They hold on to the style of sex work from their days of being trafficked. As opposed to sex workers who are very clear about what they will or will not do, those who were previously trafficked believe that once someone has paid them for a certain period of time, that person (the buyer) has control/can do what they like with the woman's body for that time period' (Organisation 5). This suggests that, even post- trafficking, these victims continue to be highly vulnerable to sexual exploitation.[25]

Migrant groups in voluntarily and involuntarily prostitution[26]

Certain migrant groups frequently mentioned during interviews regarding trafficking and prostitution rarely self-identify as trafficking victims, in particular Brazilians, Chinese, and Roma. Based on the Palermo Protocol, many sex workers from these countries may meet the definition for 'trafficking', but different cultural norms appear to affect their perceptions of exploitation and trafficking, as well as victims' responses to exploitation.

Brazilian migrants involved in prostitution

Interviews suggest that Brazilians living in the Republic of Ireland are perceived as being social and fun-loving, 'less defining' in terms of sexuality, and more tolerant of some activities, such as recreational drug use and prostitution, which are illegal or generally considered immoral within the Republic of Ireland.[15] Brazilians generally like to live embedded within their own communities.

Prostitution is 'normalised' in the Brazilian community. Brazilians do not perceive prostitution as sexual exploitation. A Brazilian who has been trafficked for sexual exploitation will often return to prostitution post-trafficking. According to one interviewee, the history of Brazilians involved in prostitution extends back to the 1960s and 1970s in the Republic of Ireland, when Brazilians with butchering skills immigrated to help with the emerging beef industry. Prostitution featured where the men were working, (Organisation 13).

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[25] Northern Ireland's legislation has a section on assisting exiting from prostitution.

[26] Mentions of Brazilians within prostitution featured only in interviews with organisations operating within the Republic of Ireland, while mentions of Chinese and Roma featured on both sides of the border.

Two groupings of Brazilians appear to engage as sex workers within the Republic of Ireland. The first are transgender women, as discussed in the main HTEPII report. While there is a feeling that many of these women had been attracted to the Republic of Ireland because of its laws on gender recognition (Gender Recognition Act, 2015), as sex workers they often experience extreme violence. One interviewee suggested that due to their sexual identity, they could be easily manipulated/exploited by those who were aware of/acknowledged their identity (Organisation 18). Students form the second group, mentioned frequently by the participating organisations. Interviewees report that young women come to the Republic of Ireland to enrol in language schools via 'agencies' that promise them education, accommodation and the opportunity to work 20 hours per week to support themselves. However, when they arrive, they discover that they cannot get work because they do not speak English well enough. They may have borrowed money to get to Ireland and only have enough to support themselves for a short period, and they may enter prostitution to support themselves after they become destitute. Since the young women feel that it will bring shame on their families if they go back to Brazil without receiving an English-language education, prostitution becomes an acceptable option for them. However, it appears (Organisation 13) that some students may spend so many hours in sex work that they never acquire English language skills and end up moving elsewhere. Others remain in the Republic of Ireland past the time allowed by their student visas and become 'undocumented', a group at high risk of exploitation. The GNIB has been 'cracking down' on language schools to ensure that the education provided meets certain minimum standards and to ensure that the students attend class for a certain number of hours per week. However, as one interviewee said, there are always ways around these systems (Organisation 13).

Chinese migrants: workers or trafficking victims?

While Brazilians are generally discussed in terms prostitution and not necessarily other types of exploitation, Chinese were discussed in terms of exploitation across a variety of sectors, including food (restaurants and take-aways), cannabis cultivation, and the sex industry (massage parlours and prostitution) across the island of Ireland (Organisation 12, 13, 14 & 17). Consistent opinion among all organisations' interviewees was that Chinese workers would not disclose, would not testify and would not provide any information to the support organisations.

Chinese people in debt, or who need to borrow money, may turn to Chinese organised crime for funds. Such people may end up in another country to work off the debt. One possible destination may be Ireland, where a Chinese woman may work in multiple roles, including labour and sex work, to honour the debt. The Chinese person would not perceive this as trafficking. For them, these practices are a legitimate practice that will not bring shame on their families (Organisation 13 & 17. With regard to subservience, one interviewee stated that the Chinese will not 'deviate from their community' (Organisation 13). They do not want help from the Irish state or the International Organization for Migration (IOM) because the Chinese government would find out about them. This would bring shame on their families. From their perspective, it seems that they want to pay off the debt as quickly and as inconspicuously as possible.

Traffickers threaten victims (e.g., that they will turn them over to the police; that they will bring shame on their families in China). Entry into the NRM is dependent on a victim permitting an organisation to refer their case to AGS or the PSNI. As this rarely occurs, it follows that Chinese victims of trafficking are under-represented in official statistics in both jurisdictions. It also means it is extremely difficult to gather evidence to build a case against a trafficker.

Roma: cultural norms that differ from Irish norms

Interviewees in participating organisations portray Roma as having different cultural norms to those inherent in Ireland (Organisation 1, 2, 5, 13 & 23). Roma practices seen as exploitative in Ireland may not carry the same interpretation within Roma culture. As a nomadic people, Roma tend to move in family groups. Assistance from a 'helper' already located in Ireland is common, usually a known person who has English language skills to assist with such things as registration at school and work contacts. Roma girls who travel to Ireland[27] without their family may arrive with a non-relative 'organiser' who controls their money. Within the culture, it is common to pay for all services received. For instance, it is common practice to pay someone your first week's wages if they find you a job (Organisation 1). Those outside of the Roma ethnic group may perceive this practice as exploitative, but it is normal in Roma culture.

Interviewees describe Roma women as being subservient and willing to do as told. According to a case-worker (Organisation 1), some things seem to be considered somewhat acceptable in Roma culture that are not acceptable in Ireland (such as a wife 'getting a slap'). As per Pavee Point's submission to the Joint Oireachtas Committee on Justice, Equality and Defence on the issue of domestic violence (2013), a 'taboo' exists within Roma culture regarding discussing and reporting domestic and sexual violence. Roma women working in prostitution are groomed and loyal to their pimp / trafficker. They generally would not admit to being victims of human trafficking, but appear to be quite vulnerable to exploitation across many sectors (including agriculture, car washes, and prostitution), (Organisation 1, 2, 5, 11, 12, 13, 20). Roma have a strong desire to work to support their families but often lack basic skills (e.g., English language skills) and tend to be low paid.

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[27] Roma migrating to the island of Ireland generally travel through Dublin Airport regardless of destination (i.e., the Republic of Ireland or Northern Ireland) because it costs less.

Conclusion

This annex to the main HTEPII report focuses on the experiences of migrant sex workers, both voluntary and non-voluntary, that have been trafficked on the island of Ireland. It contextualises the challenges faced by support organisations and service providers in identifying trafficking victims for sexual exploitation, especially given that many of those who meet the criteria for trafficking do not self-identify as trafficking victims. It is not representative of migrant sex workers. Rather, it is a snapshot of the experiences of sexually exploited migrants presenting to the HTEPII project participating organisations. It is clear that the experiences recorded for potential victims of trafficking do not necessarily fit the 'perfect victim' image: often this image is a helpless third world woman or child taken across borders and forced to become a 'sex slave' (Uy, 2011). Instead, as described by Feingold (2010, p. 69) '...for most, trafficking is linked to a migration event gone awry'. The data indicates that the majority of potential victims of trafficking knew their trafficker and travelled to Ireland for opportunities such as education, travel or a new job. It is only subsequently, following deception, threats, and sexual exploitation, that they feel obliged to seek the help of support organisations.

The qualitative section of this annex shows that service providers for migrant sex workers try to identify trafficking victims through various indicators that they associate with control by a third party. As most victims do not self-identify, this presents complications; they do not see themselves as victims (Augustin, 2007; HTEPII main report). Of the three migrant groups highlighted here, all have different perceptions of their situations and this relates to trafficking for sexual exploitation. The victims of trafficking crimes are different from victims of other crime. While police have the expertise to work with victims who acknowledge the crime against them and cooperate with an investigation (Farrell & Pfeffer, 2014; Weitzer, 2014), victims of trafficking can present challenges, especially from communities like the Chinese and Roma, who are likely not to self-identify as victims or incriminate their traffickers. These are issues of concern for society and for the statutory authorities. They demand a concerted, well-funded, and targeted response informed by the knowledge base of all organisations who work regularly with victims of trafficking for sexual exploitation.

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Appendix 1: Members of the Project Executive Board

CHAIR

Kevin Hyland OBE (Chair), member of GRETA

AN GARDA SÍOCHÁNA

Declan Daly, Detective Chief Superintendent, Human Trafficking Investigation & Co-Ordination Unit

Derek Maguire, Detective Superintendent, Human Trafficking Investigation & Co-Ordination Unit

John Flaherty, Detective Superintendent, (formerly Human Trafficking Investigation & Co-Ordination Unit)

Claire McKeon, Detective Sergeant, (formerly Human Trafficking Investigation & Co-Ordination Unit)

Ann Marie Cagney, Assistant Commissioner, An Garda Síochána Chief Superintendent (formerly Garda National Protective Services Bureau)

Paul Molloy, Detective Inspector, Human Trafficking Investigation & Co-Ordination Unit (Retired)

Aidan McCarthy, Detective Superintendent, (formerly Human Trafficking Investigation & Co-Ordination Unit)

DEPARTMENT OF JUSTICE NORTHERN IRELAND

Claire Archbold, Acting Deputy Secretary, Safer Communities Directorate

Maureen Tipping, Modern Slavery Strategic Training & Data Co-ordinator, Protection and Organised Crime Division / Modern Slavery & Human Trafficking Unit

Cathy Galway, Head of Organised Crime Branch, Protection & Organised Crime Division, Department of Justice Northern Ireland

Julie Wilson, formerly Head of Organised Crime Branch, Protection & Organised Crime Division, Department of Justice Northern Ireland

Anthony Harbinson, formerly Deputy Secretary, Safer Communities Directorate

POLICE SERVICE OF NORTHERN IRELAND (PSNI)

Gareth Talbot, Detective Chief Inspector, C2, Specialist Investigations Unit.

Mark Bell, Detective Inspector, C2, Modern Slavery Human Trafficking Unit

Richard Campbell, Detective Superintendent, Head of Special Investigations, C2 Serious Crime

Drew Harris, former Deputy Chief Constable

Stephen Martin, Deputy Chief Constable (Retired)

DEPARTMENT OF JUSTICE AND EQUALITY, DUBLIN

Deaglán ÓBríain, Anti-Human Trafficking/Anti-Money Laundering, Department of Justice & Equality

Kevin Ryan, formerly Anti-Human Trafficking Unit

Marie Walker, formerly Anti-Human Trafficking Unit

David Gilbride, formerly Anti-Human Trafficking Unit

Bobby Smith, formerly Anti-Human Trafficking Unit

Paul Gunning, formerly Anti-Human Trafficking/Anti-Money Laundering

UNIVERSITY SECTOR

Dr Gloria Kirwan, Lecturer in Social Work, Maynooth University, NUIM

Dr Rosaleen McElvaney, Lecturer in Psychotherapy, Dublin City University

Dr Carole Murphy, Deputy Director Centre for the Study of Modern Slavery, St Mary's, Strawberry Hill

HEALTH SERVICE EXECUTIVE

Linda Latham, Manager/RGN, HSE Women's Health Service and Anti Human Trafficking Team

MARY IMMACULATE COLLEGE

Prof. Michael Breen, Dean of Arts, MIC (Joint Principal Investigator)

Prof. Michael Healy, Vice President Research, MIC (Joint Principal Investigator)

Dr. Amy Erbe Healy, Post-doctoral Researcher HTEPII (in attendance)

Ms. Kayleigh Swords, Executive Officer Research & Graduate School (secretariat, in attendance)

Appendix 2: List of Abbreviations

AGS	An Garda Síochána
AHTT	Anti-Human Trafficking Team
AHTU	Anti-Human Trafficking Unit
APT	Act to Prevent Trafficking
DETE	Department of Enterprise, Trade and Employment
DoJ&E	Department of Justice and Equality
DPP	Director for Public Prosecution
EEA	European Economic Area
EU	European Union
FRONTEX	European Border and Coast Guard Agency
GLAA	Gangmasters Labour Abuse Authority
GNIB	Garda National Immigration Bureau
GNPSB	Garda National Protective Services Bureau
GOSHH	Gender, Orientation, Sexual Health, HIV
GRETA	Group of Experts on Action Against Trafficking in Human Beings
GSI	Global Slavery Index
HSCB	Health and Social Care Board
HSCT	Health and Social Care trusts
HSE	Health Services Executive
HTEPII	Human Trafficking and Exploitation Project, the island of Ireland
HTICU	Human Trafficking Investigation and Co-ordination Unit
ICI	Immigrant Council of Ireland
IE	Ireland
ILO	International Labour Organization
INIS	Irish Naturalisation and Immigration Service
IOM	International Organisation of Immigration
IPO	International Protection Office
JHA	Justice and Home Affairs Council
LAB	Legal Aid Board
MECPATHS	Mercy Efforts for Child Protection Against Trafficking with the Hospitality Sector
MIC	Mary Immaculate College
MIREC	Research Ethics Committee, Mary Immaculate College
MRCI	Migrant Rights Centre of Ireland
MSHTU	Modern Slavery and Human Trafficking Unit
NCA	National Crime Agency
NERA	National Employment Rights Authority
NGO	Non-governmental organisations
NI	Northern Ireland
NRM	National Referral Mechanism

PSA	Private Security Authority
PEB	Project Executive Board
PSNI	Police Service of Northern Ireland
PULSE	Police Using Leading Systems Effectively
RIA	Reception and Integration Agency
SMG	Santa Marta Group
SPSS	Statistical Package for the Social Sciences
SVCC	Sexual Violence Centre Cork
THB	Trafficking in Human Beings
TIP	Trafficking in Persons
TUSLA	Child and Family Agency
UK	United Kingdom
UKBF	UK Border Force
UKIE	UK Immigration Enforcement
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
VoT(s)	Victim(s) of Trafficking
WHP	Women's Health Project

Appendix 3: HTEPII Survey instrument (Qualtrics)

The Human Trafficking and Exploitation Project, the island of Ireland, aims to provide the best data possible as to the scale, scope, extent and nature of human trafficking and exploitation across the island of Ireland. We will be using official sources of data and the information that we gather from this survey. This is to take account of victims of trafficking as defined by the Palermo Protocols who may not be included in current official statistics.

Article 3, paragraph (a) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons defines Trafficking in Persons as 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 of 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.

Please complete this survey to the best of your ability for each person in you care or who you are in contact with who you believe to be a victim of trafficking within the last 5 years, both inside and outside of the National Referral Mechanism (NRM)*. The information that you will provide will help better quantify human trafficking across the island of Ireland and provide information as to the type of victims who are not entering the NRM. Questions regarding basic demographic information and details pertaining to trafficking have also been included to assist in identifying victims who are appearing in data from multiple organisations. All questions related to your organisation and your clients will be kept anonymously. Participation in this research project is voluntary. By completing this survey, you are agreeing to participate in this research. If you have any questions regarding this survey or this research project, please contact Dr. Amy Healy at Amy.Healy@mic.ul.ie or 086 XXX XXXX. *Some organisations may choose to provide a template of their data that is currently submitted for official statistics instead. In this case, this survey should only be completed for victims of trafficking who are not included in current official statistics/reports.

Ethical clearance for this research has been provided by the Mary Immaculate College Research Ethics Committee (MIREC), a formally constituted body of Mary Immaculate College. Data will comply and be managed in accordance with the regulations of GDPR (2018), and this will be overseen by the Data Compliance Office of Mary Immaculate College.

Q1a
Organisation name (select one - please note that this data will not be stored with the final data set or used in any analysis from this research. It will only be used if clarification is needed during data collection regarding double counting of individuals).

Q1b
Type of organisation: (please select one)
Non-governmental organisation
Statutory government organisation
Non-statutory government organisation
Other (please specify): _____

Q2
How did this person first make contact with your organisation? (please select all that apply)
Referred by police/Gardai
Referred by the Home Office Referred by NGO
Referred by another organisation (please specify) _____
Person contacted your organisation on their own
Other (please specify) _____

Q3
Date person first came in contact with your organisation? (please select date from list)
Month/Year
▼ before 2014 ... Dec-19

Q4
Sex (select one)
Female
Male
Other (please specify) _____

Q5
Age of victim (please specify)

Q6
Nationality (please select all that apply - specify country if necessary)
Irish
British
Other EEA country (please specify)
Non-EEA country (please specify)

Q7
Country of residence before trafficking: (please select one)
Same as nationality
Other (please specify) _____

Q8
Competency in spoken English (select one)
None or little spoken English
Basic spoken English
Reasonable spoken English
Not proficient Proficient in English
English is first language

Q9
Employment status (select one)
Employed by someone else
Self-employed Student
Not employed
Other (please specify) _____
Don't know

Q10
Immigration status (select all that apply)
Asylum seeker
Family member of someone legally residing in Ireland
Refugee
Student
Trafficking victim (in NRM)
Undocumented
Work permit holder
Other (please specify) _____
Don't know

Q11a
How many times (that you are aware of) has this person been trafficked (please select one)
Once, single incident
Once, but through sequential incidents of trafficking/'chain of trafficking'
Multiple times, separate incidents of trafficking
Other (please specify) _____
Don't know

Q11b
How many separate incidents of trafficking do you know about? (please specify - you will be asked the next 18 questions for each known incident of trafficking)

Q12
For this incident of trafficking, who was this individual trafficked by? (please select one) - (Note: if you indicated that you are aware of multiple, separate incidents of trafficking, this loop of 18 questions will repeat for each incident.)
One individual
Sequence of individuals
One group/gang
Sequence of groups/gangs
Other (please specify) _____
Don't know

Q13

For this incident of trafficking, the relationship of trafficker(s) to victim: (please tick all that apply) Partner/spouse

Family member (immediate family, not partner or spouse)

Relative (not immediate family)

Friend

Acquaintance

Stranger (individual)

Strangers (group)

Other (please specify) _____

Don't know

Q14

For this incident of trafficking, was the victim trafficked only within a country or moved across borders? (please select one)

Only within country

Across borders

Don't know

Q15

For this incident of trafficking, the location where the trafficking began (please select one; specify country if necessary)

Ireland (Republic)

Northern Ireland

Known other country/countries (please specify) _____

Don't know

Q16

For this incident of trafficking, the final destination of trafficking (please select one; specify if necessary)

Ireland (Republic)

Northern Ireland

Known other country/countries (please specify) _____

Don't know

Q17a

If trafficked across borders, the countries that victim transported through to get to trafficking destination (select all that apply; specify if necessary):

Ireland

Northern Ireland

Known other countries

Don't know

Not applicable

Q17b

For this incident of trafficking, if trafficked within the islands of Ireland or Great Britain, please list all destination counties/cities

Q18
Trafficking incident number: - For this incident of trafficking, the mode(s) of transport used for trafficking? (please tick all that apply; specify if necessary)
Airplane
Boat
Ferry
Bus
Car
Train
Truck
Other (please specify) _____
No transportation involved
Don't know

Q19a
For this incident of trafficking, the year trafficking began (to the best of your knowledge) - (select from list)
Year
▼ 2014 ... don't know

Q19b
For this incident of trafficking, the month trafficking began (to the best of your knowledge) - (select from list)
Month
▼ January ... don't know

Q20
For this incident of trafficking, what was the purpose / type of exploitation? (someone may be trafficked for many reasons, please select all that apply)
Forced begging
Forced criminality
Forced or compulsory labour; labour exploitation
Removal of organs
Securing services by force, threats, or deception (NI)
Securing services from children or vulnerable persons (NI)
Sexual exploitation
Slavery or practices similar to slavery (servitude)
Other (please specify) _____

Q21
Indicators of forced labour/labour exploitation (taken from NRM form for adults in the UK - please tick all that apply; add additional in 'other' if necessary);
Employer/manager unable to produce work documents required for migrant worker
Employer/manager unable to produce record of wages
Poor/non-existent health and safety equipment/notices
Any other evidence of labour law breach
No/limited access to earning or contract
Excessive wage reductions, withholding of wages, or financial penalties
Dependence on employer for a number of services, example work, transport and accommodation
Evidence that worker required to pay for tools, food or accommodation via deductions from their pay
Imposed place of accommodation
Found in poor living conditions
Evidence of excessive working days or hours
Deceived about the nature of the job, location and/or employer
Other (please specify)

Q22
Indicators associated with sexual exploitation (taken from the NRM form for the UK - select all that apply; add additional in 'other' if necessary)
Adverts for place of work are for sexual services offered by individuals of particular ethnic or national backgrounds
Sleeps/lives on work premises
Movement of individuals between brothels or working in alternate locations
Individual has limited clothing or a large proportion of 'sexual' clothing
Can only speak a few words and/or sexual words of language of client group
Has tattoos or other marks indicating ownership by an exploiter
Person is forced, intimidated or coerced into providing sexual services
Person is raped, abducted and/or assaulted
Person does not directly receive money for services from client - it is given to someone else
Health issues, especially sexual health issues
Signs of ritual abuse and/or witchcraft (juju)
Substance misuse/abuse
Other (please specify) _____

Q23
Is there any proof that this person was trafficked for this reason? (please tick all that apply; add detail if available)
Signed NRM form
Yes (please specify) _____
Victim's account
Other (please specify) _____
Don't know

Q24
For this incident of trafficking, what is the sector(s) in which trafficking occurred? (select all that apply)
Agriculture
Au pair
Begging
Car wash
Commercial services (e.g., commercial cleaning)
Domestic services
Factory
Fishing
Forced criminality (please specify criminal activity, e.g., grow house)
General labour (e.g., construction)
Massage Parlour
Nail bar
Restaurant/take-away
Sex industry
Other (please specify)

Q25
Indicators associated with domestic servitude (taken from the NRM for adults in the UK - select all that apply; add any other listed under 'any other')
Living with and working for a family in a private or place of accommodation
Not eating with the family or being given only leftovers or inadequate food
No private space for sleeping or sleeping in shared space (e.g., living room or kitchen)
No private space
Forced to work in excess of normal hours or being 'on-call' 24 hours per day
Employer reports them as a missing person
Employer accuses person of theft or other crime related to the escape
Never leaves the house without permission of employer
Other (please specify) _____

Q26
Trafficking incident number: - For this incident of trafficking, how did this person become trafficked? Were they _____ by someone?: (select all that could complete the previous sentence)
Harboured
Received
Recruited
Transferred
Transported
Don't know

Q27
Is there any proof to show that those activities actually happened? (please select all that apply)
Yes (please specify)
Victim's account
Other (please specify) _____
Don't know

Q28

For this incident of trafficking, what means were used to traffick this individual? - (please tick all that apply)

Abduction

Abuse of position of vulnerability

Abuse of power

Coercion

Deception

Fraud

Giving or receiving of payments or benefits

Threat

Use of force

Don't know

Q29

Trafficking incident number: - Is there any proof to show that those means of trafficking the individual were used? (please select all that apply)

Yes (please specify) _____

Victim's account

Other (please specify) _____

Don't know

Q30

Do you suspect that this person still being trafficked? (select one)

Yes

No

Don't know

Q31

Do you suspect that this person is still at risk of further exploitation? (select one)

Yes

No

Don't know

Q32

Date trafficking ended (select date from list)

Month/Year

▼ before 2014 ... Dec-19

Q33

Has the victim had contact with police and/or Gardai in relation to being trafficked? (please tick all that apply)

Yes, An Garda Síochána

Yes, PSNI (or other police service in the UK)

Yes, police in another country (please specify)

No police contact

Don't know

Q34
Has the victim been in contact with any (other) NGOs or statutory agencies in Ireland/Northern Ireland? (select one)
Yes
No
Don't know

Q35
Which other NGOs/statutory/non-statutory agencies has the victim been in contact with? (please tick all that apply - this information will only be used to check for double-counting between organisations. This information will not be included in the analysis or reporting for this project.)

_____

Q36
Is this person still resident in Ireland or Northern Ireland? (select one)
Yes, Ireland
Yes, Northern Ireland
No
Don't know

Q37
Is or has the victim been referred into the National Referral Mechanism (in Ireland or Northern Ireland)? (select all that apply)
Yes, Ireland
Yes, Northern Ireland
No
Don't know

Q38
Why do you think this person not in the NRM? (please tick all that apply)
Person does not self-identify as a victim of trafficking
Person does not trust or will not work with police / Gardai / first responder(s)
Person will not testify against trafficker or cut ties with trafficker
Person can access the same/similar services to those in the NRM without entering the NRM
Historical case of trafficking and victim does not want to go into the NRM
Other (please specify) _____
Don't know

Q39

General indicators of trafficking (taken from the NRM form for adults, the UK - please select all that apply; add any not listed under 'other')

Distrustful of authorities
Expression of fear or anxiety
Signs of psychological trauma
The person acts as if instructed by another
Injuries apparently as a result of assault or controlling measures
Evidence of control over movement, either from an individual or a group
Found in or connected to a type of location likely to be used for exploitation
Restriction of movement or confinement to the workplace or to a limited area
Passports or documents held by someone else
Lack of access to medical care
Limited social contact
Limited contact with family
Doesn't know work or home address
Perception of being bonded by debt
Money is deducted from salary for food or accommodation
Threat of being handed over to authorities
Threats against individuals or family members
Being place in a dependency situation
No/limited access to bathroom or hygiene facilities
Self-identifies as a victim of trafficking
Other (please specify) _____

Q40

Please provide an organisational e-mail address if you would like a copy of the data provided from this survey. All of the data recorded will be sent along with a Response ID to that address once the survey is completed. The e-mail address and Response ID will only be used by Amy Healy if there are queries related to data clarification (e.g., possible double-counting across organisations). It will not be stored with the data for analysis or used in any other way. Thanks again for your time.

Appendix 4: Consent form

HTEPII – Human Trafficking and Exploitation, the island of Ireland (the Santa Marta Project)

Informed Consent Form

Dear Participant,

As outlined in the **participant information letter** our current project aims to access and assimilate available data on human trafficking within the island Ireland.

The participant information letter should be read fully and carefully before consenting to take part in this research project.

Your anonymity is assured and you are free to withdraw from the project at any time. All information gathered will remain confidential. Participating organisations will be acknowledged in the final report

This data will not be released to any third party. In accordance with the MIC Record Retention Schedule all participant data will be stored for the duration of the project plus three years at which time it will be destroyed. Anonymised research data may be held indefinitely or as required by the Researcher.

Please read the following statements before signing the consent form:

•I have read and understood the **participant information letter**.

•I understand what the project is about, and what the results will be used for.

•I know that my participation is voluntary and that I can withdraw from the project at any stage without giving any reason.

•I am aware that my contribution to the research will be anonymised.

Name (print):   Name (signature):

Organisation: Date:

To note: this form is for all adult cases identified across Scotland and Northern Ireland.

For England or Wales cases please see separate guidance and form.

For referral of potential child victims please refer to the specific child guidance and form.

Throughout the form, items marked with an asterisk should be supported by documentary evidence where possible. This form should be completed with reference to the linked guidance available on gov.uk. Once complete the form should be sent to the NCA Modern Slavery and Human Trafficking Unit via email to nrm@nca.x.gsi.gov.uk or by fax to 0870 496 5534.

Section A: Nature of referral (Indicate the nature of the referral and whether support is required and has been requested, to ensure the case is dealt with efficiently.)

☐ Full NRM referral no support (adults must sign the form prior to referral)

Signed: …………………………………………………...……………Date: ……/......../……....

☐ Full NRM referral with support *(support is optional, If a potential victim wishes to receive support they need to sign the following declaration. You should explain that support can include advice, accommodation, protection and independent emotional and practical help delivered by specialist charities.)*

I consent that my details, including name, date of birth and contact details, may be passed on to Trafficking Awareness Raising Alliance (TARA) or Migrant Help in Scotland or Migrant Help and Women's Aid in Northern Ireland to help with my support needs.

Signed: …………………………………………………...……………Date: ……/......../……....

☐ Individual has been referred to Tara or the Migrant Help in Scotland or Migrant Help (male potential victims) or Women's Aid (female potential victims) in Northern Ireland by First Responder (having signed relevant parts of the form).

Section B: Potential victim personal details

*Last name: ………..…………………………… *First name(s): ………..……........................

Also known as: …………………………..………………………………………………………

*D.O.B: ……/......../…….. Age: ….…… Sex: ……………………...

*Nationality: ………..………………………………….…….. Language(s) spoken: …………………………………..............

Any English spoken: Y or N   Interpreter needed: Y or N   Immigration status (where known): …………………………………….....

Other communication aids required (for example sign language): Y or N Details: …………..……………..……………….....

Home Office (immigration) reference: ……………………………………

UK visa or work permit reference: ……...

Crime reference number: ....

Any other reference numbers (e.g., National insurance number, or your organisation's reference number): ……………...…………………………………………………………………………….……

Safe telephone number on which to contact the potential victim, such as a personal mobile number: …………………………..

Other safe means of contacting the potential victim, such as via legal representative. ………………………...

UK current address..…..................................…............

Can address be used for correspondence relating to victim identification and support? Y / N

 If not, please provide an alternative address for postal communications ....

....…..............................

Section C: Contact details of person making referral

Name: …………………………………………………………………………………………

Job title: ...……………………………………………………………………………………………

Organisation:…………………………………..……… Unit or area..

Tel: ………………..………………………… Mobile: ………….……………………………

Email: …………………………………………………………………………………………

Signature: ……………………………………..……................................Date: ……/......../……....

Location Of Encounter

Date: ……/......../…….... Where was the victim encountered (provide address if different from above): ....
....

Privacy Information Notice
(Please explain the below information to the potential victim and signpost them to the full Privacy Information Notice on gov.uk.)

How and why the Home Office will uses your information

The UK government signed the Council of Europe Convention on Action against Trafficking in Human Beings ('the Convention') on 23 March 2007. The Convention was ratified by the UK on 17 December 2008, and came into force on 1 April 2009. The UK is compliant with its international obligations through the creation of the UK's NRM, the system for identifying and supporting victims of modern slavery, which was established in 2009.

The Home Office in its capacity as the competent authority, under the Convention, is responsible for identifying and supporting victims of modern slavery, in addition to detecting and preventing the commission of modern slavery offences.

More information about the ways in which the Home Office may use your personal information, including the purposes for which we use it, the legal basis, and who your information may be shared with can be found at:

Privacy Information Notice

Personal Information Charter.

Section D: general indicators for human trafficking (mark all that apply and add any not listed under 'other' – this is not an exhaustive list. Record further details of how indicators presented in Section H)
 Please tick all relevant boxes

1. Distrustful of authorities ☐
2. Expression of fear or anxiety ☐
3. Signs of psychological trauma (including post traumatic stress disorder) ☐
4. The person acts as if instructed by another ☐
5. Injuries apparently a result of assault or controlling measures ☐
6. Evidence of control over movement, either as an individual or as a group ☐
7. Found in or connected to a type of location likely to be used for exploitation ☐
8. Restriction of movement and confinement to the workplace or to a limited area ☐
9. Passport or documents held by someone else ☐
10. Lack of access to medical care ☐
11. Limited social contact ☐
12. Limited contact with family ☐
13. Doesn't know home or work address ☐
14. Perception of being bonded by debt ☐
15. Money is deducted from salary for food or accommodation ☐
16. Threat of being handed over to authorities ☐
17. Threats against the individual or their family members ☐
18. Being placed in a dependency situation ☐
19. No or limited access to bathroom or hygiene facilities ☐
20. Self identifies ☐
21. Any other, please provide details in section H ☐

Section E: Indicators of forced or compulsory labour (mark all that apply and add any not listed under 'other' – this is not an exhaustive list. Record further details of how indicators presented in Section H)

Are any of these indicators present? (tick as applicable)
Yes ☐ please tick all relevant boxes in section E
No ☐ continue to section F

1. Employer or manager unable to produce documents required when employing migrant labour ☐
2. Employer or manager unable to provide record of wages paid to workers ☐
3. Poor or non existent health and safety equipment or no health and safety notices ☐
4. Any other evidence of labour laws being breached ☐
5. No or limited access to earnings or labour contract ☐
6. Excessive wage reductions, withholding wages, or financial penalties ☐
7. Dependence on employer for a number of services for example work, transport and accommodation ☐
8. Any evidence workers are required to pay for tools, food or accommodation via deductions from their pay ☐
9. Imposed place of accommodation ☐
10. Found in poor living conditions ☐
11. Evidence of excessive working days or hours ☐
12. Deceived about the nature of the job, location, or employer ☐
13. Any other, please provide details in section H ☐

Where indicators are identified record full details in section H

Section F: Indicators of domestic servitude (mark all that apply and add any not listed under 'other' – this is not an exhaustive list. Record further details of how indicators presented in Section H)

Are any of these indicators present? (tick as applicable)
Yes ☐ please tick all relevant boxes in section F
No ☐ continue to section G

1. Living with and working for a family in a private home or place of accommodation ☐
2. Not eating with the rest of the family or being given only leftovers, or inadequate food ☐
3. No private sleeping place or sleeping in shared space for example the living room ☐
4. No private space ☐
5. Forced to work in excess of normal working hours or being 'on-call' 24 hours per day ☐
6. Employer reports them as a missing person ☐
7. Employer accuses person of theft or other crime related to the escape ☐
8. Never leaving the house without permission from the employer ☐
9. Any other, please provide details in section H ☐

Where indicators are identified record full details in section H

Section G: **Indicators of sexual exploitation** (mark all that apply and add any not listed under 'other' – this is not an exhaustive list. Record further details of how indicators presented in Section H)

Are any of these indicators present? (tick as applicable)
Yes ☐ please tick all relevant boxes in section G
No ☐ continue to section H

1. Adverts for sexual services offering individuals from particular ethnic or national groups ☐
2. Sleeping on work premises ☐
3. Movement of individuals between brothels or working in alternate locations ☐
4. Individuals with very limited amounts of clothing or a large proportion of their clothing is 'sexual' ☐
5. Only being able to speak sexual words in local language or language of client group ☐
6. Having tattoos or other marks indicating 'ownership' by their exploiters ☐
7. Person forced, intimidated or coerced into providing services of a sexual nature ☐
8. Person subjected to crimes such as abduction, assault or rape ☐
9. Someone other than the potential victim receives the money from clients ☐
10. Health symptoms (including sexual health issues) ☐
11. Signs of ritual abuse and witchcraft (juju) ☐
12. Substance misuse ☐
13. Any other, please provide details in section H ☐

Where indicators are identified record full details in section H

Section H: evidence to support reasons for referral (2 pages available)

Please use this section to:
- Expand on the circumstances or details of your encounter or contact with the potential victim, providing background to how the information was provided (for example on first encounter during police operation). Please set out in as much detail as possible exactly what you think has happened to this person that makes them a potential victim of human trafficking, and why you think the story is credible – for example external supporting evidence, or the behaviour and appearance of an individual.
- provide evidence of the indicators that you have identified in sections D to G
- note whether it is likely that further information will be become available at a later date
- provide any other relevant information that you consider may be important and wish to include for example living or working conditions, behaviour, appearance, demeanour
- movements in or to the UK, including dates (if known)
- suspected place of exploitation (if known)
- name of agent, exploiter or trafficker (if known)
- record any action you have taken including referral to other agencies (for example support providers, police, UK Visas and Immigration) where appropriate
- note any immediate concerns regarding the potential victim's health, psychological well-being or safety.

(If a further sheet is required, please indicate that section H is continued and provide with referral)

Section	Indicator

Section	Indicator

Appendix 6: Legal Background

Ireland – Incorporation of the Palermo Protocols

Background

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children to the UN Convention against Transnational Organised Crime, known as the Palermo Protocol, was signed by the State on 12 December 2000 and ratified by the State on 17 June 2010 and entered into force on 17 July 2010.[17] The State maintains a policy of not ratifying international treaties and conventions until domestic provisions are in place to give effect to them.

The first National Action Plan, which sets out the legislative and administrative structures to give effect to the Protocol, was published on 10 June 2009, and the second National Action Plan was published in October 2016.

Administrative and Legislative Domestic Incorporation

Table 1 Relationship between the Palermo Protocols and domestic law, Republic of Ireland

Topic	Palermo Protocols	Domestic Action
Criminalisation of trafficking in persons, attempted trafficking, participation in trafficking and the organisation of trafficking	Articles 3 and 5	Sexual Offences (Jurisdiction) Act 1996 Child Trafficking and Pornography Act 1998 Criminal Law (Human Trafficking) Act 2008 Criminal Law (Human Trafficking) (Amendment) Act 2013 (transposing the changes necessitated by Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA)
Transnational Scope	Article 4	Sexual Offences (Jurisdiction) Act 1996
Assistance to and protection of victims of trafficking in persons	Article 6	National Referral Mechanism Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking Provision of Legal Aid in criminal and civil matters, per Civil Legal Aid Act 1995 as amended by Civil Law (Miscellaneous Provisions) Act 2011 Anti-Human Trafficking Unit, Department of Justice (no longer appears to exist)

[17] Treaty Series 2011 No 27.

Table 1 Cont'd

Topic	Palermo Protocols	Domestic Action
		Human Trafficking Investigation and Co-ordination Unit, An Garda Síochána High Level Interdepartmental Group on Combating Trafficking in Human Beings Governmental and Non-Governmental Roundtable Forum and Interdisciplinary Working Groups
Status of victims of trafficking in persons in receiving States	Article 7	Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking International Protection Act 2015
Repatriation of victims of trafficking in persons	Article 8	Unclear what, if anything, is being done to facilitate Article 8, beyond normal section 3 Immigration Act 1999 process and voluntary return via the IOM.
Prevention of trafficking in persons	Article 9	AHTU Data Collection Strategy (unclear if still continues) Blue Blindfold public awareness Co-operation with relevant NGOs
Information exchange and training	Article 10	Training courses entitled 'Tackling Trafficking in Human Beings: Prevention, Protection and Prosecution' delivered to members of the Garda Síochána and a probationer Garda training module on human trafficking. Awareness raising training for relevant Government officials e.g., HSE, PSA, INIS, IPO, Crime Victims helpline, DETE, NERA, probation service staff, Social welfare inspectors and staff of youth detention schools
Border Measures	Article 11	FRONTEX Handbook on Risk Profiles on Trafficking in Human Beings training to border immigration officers

Northern Ireland – Incorporation of the Palermo Protocols

Background

The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children to the UN Convention against Transnational Organised Crime, known as the Palermo Protocol, was signed by the United Kingdom on 14 December 2000 and ratified by the United Kingdom on 9 February 2006 and entered into force on 9 March 2006.

The primary piece of legislation relating to the combatting of trafficking in Northern Ireland is the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015. Section 12 of that Act provides for an annual strategy, the most recent of which is the 2019-2020 strategy.

Administrative and Legislative Domestic Incorporation

Table 2 Relationship between the Palermo Protocols and domestic law, Northern Ireland

Topic	Palermo Protocols	Domestic Action
Criminalisation of trafficking in persons, attempted trafficking, participation in trafficking and the organisation of trafficking	Articles 3 and 5	Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 Proceeds of Crime Act 2002 Criminal Finance Act 2017 Sexual Offences Act 2003 Asylum and Immigration (Treatment of Claimants) Act 2004
Transnational Scope	Article 4	Sexual Offences Act 2003, as amended by the Criminal Justice and Immigration Act 2008
Assistance to and protection of victims of trafficking in persons	Article 6	Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015 National Referral Mechanism Working Arrangements for the Welfare and Protection of Adult Victims of Human Trafficking Working Arrangements for the Welfare and Protection of Child Victims and Potential Victims of Human Trafficking.

Table 2 Cont'd

Topic	Palermo Protocols	Domestic Action
		Organised Crime Task Force
		PSNI Modern Slavery and Human Trafficking Unit
		Independent Guardian Service for Separated and Trafficked Children
		Modern Slavery Helpline
Status of victims of trafficking in persons in receiving States	Article 7	National Referral Mechanism
		Working Arrangements for the Welfare and Protection of Adult Victims of Human Trafficking
		Working Arrangements for the Welfare and Protection of Child Victims and Potential Victims of Human Trafficking
		Nationality, Immigration and Asylum Act 2002
Repatriation of victims of trafficking in persons	Article 8	Unclear what, if anything, is being done to facilitate Article 8, beyond normal removal process under Schedule 2 of the Immigration Act 1971, and voluntary return via the IOM.
Prevention of trafficking in persons	Article 9	Sex Worker Liaison Group #Five Campaign Department of Justice Multiagency Organised Crime Task Force (OCTF), Modern Slavery Sub-Group
		Department of Justice Multi-Agency and NGO Modern Slavery Engagement Group
		Cross Border Multi-Agency Joint Agency Task Force (JATF)
		PSNI MSHTU Protect and Prevent Officer role
Information exchange and training	Article 10	South Wales Police Organised Crime Modern Slavery Senior Investigating Officers Course
		Attendance and participation at AGS training course entitled 'Tackling Trafficking in Human Beings: Prevention, Protection and Prosecution' delivered to members of the Garda Síochána and

Table 2 Cont'd

Topic	Palermo Protocols	Domestic Action
		a probationer Garda training module on human trafficking. National Modern Slavery Specialist investigators Courses hosted and run by PSNI. DoJ Strategic Data and Training Co-ordinator Wide range of internal and external MSHT training undertaken by PSNI MSHTU
		Joint Investigation Teams with other EU Member States
Border Measures	Article 11	Intergovernmental Agreement on Co-operation on Criminal Justice Matters (July 2005 and April 2010) and the Cross-Border Policing Strategy in 2010 between the PSNI and An Garda Síochána

Table 2 Cont'd