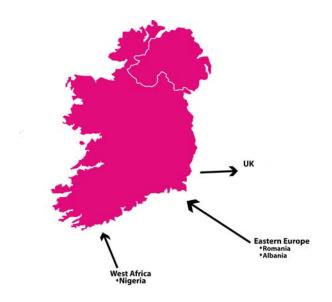


# [IRELAND] COUNTRY PROGRESS CARD











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# 1. PROGRESS TOWARDS STOPPING SEX TRAFFICKING OF CHILDREN AND YOUNG PEOPLE IN IRELAND

The Stop Sex Trafficking of Children and Young People global campaign conducted in partnership between The Body Shop and ECPAT seeks to inspire long-term change to strengthen the protection offered to children and young people and guarantee their rights to be protected from all forms of exploitation, including trafficking for sexual purposes.

Through this campaign, The Body Shop and ECPAT are mobilising the public of countries around the world to engage actively to improve child protection against sex trafficking and join together in calling on governments to take action to fulfil three specific goals related to the prevention and protection of children against child sex trafficking and for the care of child victims. The goals identified are deemed crucial for the protection of children everywhere. Progress made by the states towards fulfilling these goals is being assessed through an innovative tool which provides information for each country using a 'Progress Card' that summarises the level of achievement on four specific actions that significantly contributes to realisation of the main goals identified in the campaign.

In Ireland, The Body Shop has joined hands with the Children's Rights Alliance, Ireland on this campaign. The Children's Rights Alliance is a coalition of over 90 non-governmental organisations (NGOs) working to secure the rights and needs of children in Ireland, by campaigning for the full implementation of the UN Convention on the Rights of the Child (UNCRC). It aims to improve the lives of all children under 18, through securing the necessary changes in Ireland's laws, policies and services.

Over the past number of years, the Alliance has consistently raised our serious concerns about the level of care being provided to separated children and the alarmingly high number of children who have gone missing. It has been advocated for improvement to the protection and care of victims of trafficking and those at risk of trafficking, in particular separated children. It raised its concerns in relation to child trafficking in Ireland with the UN Committee on the Rights of the Child in 2006, and urged the Government to strengthen the protection afforded to victims of trafficking.<sup>1</sup> Furthermore, it has joined forces with Barnardos, the Irish Association for Youth People in Care (IAYPIC), the Irish Refugee Council and Irish Society for the Prevention of Cruelty to Children (ISPCC) as *Action for Separated Children in Ireland* to campaign on a number of issues concerning separated children, including trafficking.

In many countries around the world, civil society and other actors have made significant contributions in combating child sexual exploitation. However, the protection of children from sex trafficking is primarily a state's responsibility. The information provided in this card describes the situation of child trafficking in Ireland and presents the key measures implemented by the government to address the problem. Colour coding is used to differentiate the level of action to combat child sex trafficking taken such as: notable efforts (**GREEN** colour representing adequate specialised policy or services for child victims of trafficking); some progress (**YELLOW** colour usually representing some level of activity to prevent and combat trafficking in persons in general with limited focus on children as a specific target group, or services that are not adequately protecting child victims of trafficking); or a low level of progress (**RED** colour, highlighting inexistent or largely inadequate policy or services for child victims of trafficking).<sup>2</sup> The information presented is followed by relevant recommendations assessed as essential to Stop Sex Trafficking of Children and Young People.









# 2. GLOBAL OVERVIEW OF STATES' EFFORTS TO COMBAT CHILD TRAFFICKING

Whilst the progress towards stopping sex trafficking of children and young people is monitored and assessed on a country by country basis against specific indicators, this is contributing to the global call to action addressed to all states of the world to uphold the child's right to protection from all forms of sexual exploitation, as reiterated by over 3,000 participants and 137 States at the World Congress III against the Sexual Exploitation of Children and Adolescents held in late 2008 in Brazil. ECPAT International and The Body Shop are calling globally for all states to ensure more accelerated and concerted action on their existing commitments, by 2012, to prevent and stop child trafficking for sexual purposes.

In order to present a general overview of states' efforts to combat child trafficking, Figure 1 (below) shows the percentage of countries for each of the four categories: 'notable efforts,' 'some progress,' 'limited measures' and 'slow progress.' 'Notable efforts' correspond to adequate measures taken by the state to combat child trafficking. 'Some progress' represents that states have taken measures and initiatives against human trafficking in general but these may not adequately protect child victims of trafficking. 'Limited measures' signifies that there is an inadequate effort by the state to combat human trafficking and little or no efforts to combat child trafficking. 'Slow progress' is for states with minimal or no initiatives against human trafficking or child trafficking. More information on the research methodology can be found on page 19.

Figure 2 lists the countries that fall into each of the four categories previously mentioned; they are ranked according to the state's actions for each indicator.

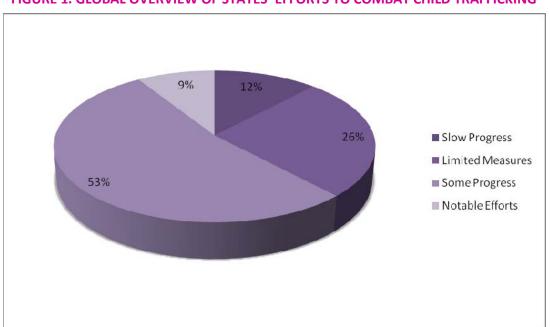


FIGURE 1. GLOBAL OVERVIEW OF STATES' EFFORTS TO COMBAT CHILD TRAFFICKING









### FIGURE 2. STATES' EFFORTS TO COMBAT CHILD TRAFFICKING

This publication provides an updated grading and ranking of states' efforts to combat child trafficking as of June 2010.

SLOW PROGRESS	LIMITED MEASURES	SOME PROGRESS	NOTABLE EFFORTS
CAMBODIA	CYPRUS	BELGIUM	ROMANIA
MEXICO	GREECE	NORWAY	TAIWAN
PAKISTAN	INDONESIA	AUSTRALIA	DENMARK
MALAYSIA	SWEDEN	CANADA	UK
SINGAPORE	INDIA	ESTONIA	
	TURKEY	SPAIN	
	CZECH REPUBLIC	THAILAND	
	HONG KONG	SOUTH AFRICA	
	RUSSIA	FRANCE	
	USA	ITALY	
		JAPAN	
		NETHERLANDS	
		PHILIPPINES	
		SWITZERLAND	
		AUSTRIA	
		FINLAND	
		GERMANY	
		IRELAND	
		LUXEMBOURG	
		NEW ZEALAND	
		POLAND	
		PORTUGAL	
		SOUTH KOREA	









### 3. THE SITUATION OF IRELAND

# Ireland is among the 53% of countries reviewed which have made some progress to stop sex trafficking of children and young people.

The Republic of Ireland has made important steps in combating child trafficking, particularly through the publication of a *National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012* and has strengthened its legal framework against trafficking. However, special attention should be paid with regard to the ratification of international legal standards addressing child trafficking; and to the improvement of accommodation, care and protection services provided for separated children and child victims of trafficking.<sup>3</sup>

### **Child Sex Trafficking in Ireland**

Depending on the reason for trafficking, some countries may be 'sending' or 'origin' places (from where the child victims originate); 'transit' (where the children might be moved through and temporarily kept on the way to their final destination); or 'receiving' or 'destination' (where the children finally end up). Some countries can be all three. Ireland is considered primarily as a destination for child trafficking, while it has also been identified as a transit point for children trafficked to the UK.<sup>4</sup>

Traffickers are finding getting through the "classic" routes into Britain – ferries from France or through the larger London airports – increasingly difficult due to heightened security, so they are now looking to other points of entry, with the border crossing between Northern Ireland and the Republic being used, <sup>5</sup> as well as the Ireland-Wales ferry crossings. <sup>6</sup> It is not possible to provide reliable estimates of the number of children trafficked through, and to, Ireland for sexual exploitation. The US State Department report refers to trafficking in persons in Ireland generally as "a potential problem" and state that there are "only a small number of cases". <sup>7</sup> However, the experience of agencies working with victims of trafficking on the ground suggests that trafficking is a growing problem involving a significant number of people, including children. <sup>8</sup> According to the Immigrant Council of Ireland, 11 children were trafficked over a 21-month period in 2007 to 2008 using the internationally agreed definition. <sup>9</sup> NGOs working on anti-human trafficking in Ireland have expressed their concerns that victims of human trafficking are not being identified by authorities and that among the victims referred to the Gardaí (police), few are granted protective measures. <sup>10</sup> The Ombudsman for Children, the Special Rapporteur on Child Protection and opposition politicians have all raised concerns about missing children and child trafficking. <sup>11</sup>

Children between three and seventeen years of age are trafficked to Ireland for a variety of reasons, including for exploitative purposes, such as sexual exploitation, domestic servitude and as forced brides. <sup>12</sup> Children trafficked for labour exploitation are also vulnerable to sexual exploitation and abuse. Research from the IOM Dublin from late 2005 noted that "The Dublin unit of the Health Service Executive (HSE) for separated children seeking asylum estimate that approximately 20 children in their care in 2005 were trafficked, the majority of









these for the purpose of sexual exploitation."<sup>13</sup> This trend has been corroborated by reports appearing in the Irish media and by research conducted in the area.

Separated children are at particular risk of being trafficked.<sup>14</sup> According to a senior Garda source, human trafficking gangs are increasingly organising the trafficking of separated children who are taken into the care of the HSE on arrival in Ireland.<sup>15</sup> 503 separated children have gone missing from their care placement since 2000, of whom 441 remain missing.<sup>16</sup> The placement of separated children in privately run hostels which lack the necessary adult supervision and care has been directly linked to instances of children going missing. There is evidence that some of these children have ended up in the sex trade in Ireland and abroad.<sup>17</sup>

The demand for sex drives child sex trafficking globally, while poverty, domestic violence and abuse, discrimination and the desire for a better life makes children vulnerable to exploitation. Children are especially vulnerable to being trafficked as they are often poorly educated, easier to overpower or can be coerced by an adult. Children may also feel obliged to help support their families, have run away from difficult family situations, and may be sold or travel abroad in search of livelihood opportunities. Children living on the streets, children in refugee camps, children whose family and community life has been disrupted and do not have someone to look out for them are all especially vulnerable to human trafficking.

Traffickers prey on children and young people to meet the sexual demands of people who pay for sex; any person who patronises the commercial sex market may end up sexually exploiting a child. In Ireland, rather than being visible, prostitution usually occurs within apartments and the Internet is used by traffickers to advertise sex services.<sup>18</sup>

Traffickers can be a stranger or someone the child knows, such as a relative or an acquaintance. Moreover, they are often part of an organised criminal network that 'recruits' children and supplies them with fake identification. A 2006 human trafficking report of the Working Group for the Department of Justice, Equality and Law Reform revealed that Garda operations had uncovered a small number of trafficking cases. <sup>19</sup> In 2008, the Government investigated 96 cases of potential trafficking but there was no prosecution or convictions. <sup>20</sup> In 2009, there were 68 investigations relating to human trafficking, 52 of which involve a direct investigation. Also, in 2009, there was one conviction in relation to a minor under the Child Trafficking and Pornography Act 1998. The Alliance understands that there is at least one other child trafficking case pending.

There is no common profile of perpetrators who sexually exploit children – they may be young, old, married or single; they come from all types of socio-economic backgrounds and work in all kinds of professions. Ireland has also been identified as a source country for tourists seeking sex with children, travelling to destinations such as the Philippines and Thailand.<sup>21</sup>









#### **CASE STUDIES:**

**Operation Pentameter:** In 2006, a four-month police crackdown to identify women and girls trafficked into the sex industry rescued 84 people, including a girl of 14 years. The so called Operation Pentameter involved all 55 police forces in the UK, Ireland and the Channel Islands. It led to 232 arrests. In all, 12 children aged 14 to 17 years were rescued. Officers executed warrants in 515 brothels, massage parlours, private homes and other premises across the UK and Ireland. About half of the rescued women and girls came from a range of Eastern European countries, with the other half from the Far East, Africa and South America. A Pentameter spokeswoman said there was an "emerging trend" of child victims from Africa and South America.

Teen missing from care forced to work in the sex industry: In 2007, a missing teenage asylum-seeker who had disappeared from the care of Health Services Executive (HSE) was found enslaved and forced to work in the sex industry in Sligo. The Nigerian girl, aged 17 years, was arrested when detectives raided a brothel in the town. She had been placed into the care of the HSE after arriving in Ireland unaccompanied six months before. She ran away shortly afterwards. Garda found the girl after they raided premises in Sligo town that they suspected was a brothel being run by non-Irish nationals. The girl was the second underage girl to be found involved in the sex industry in Sligo. In 2006, detectives highlighted the case of another 17-year-old African girl who was being exploited in prostitution<sup>ii</sup>.

Trafficked from Romania: C. is a 16-year-old Romanian girl, who was raised and lived with her mother and two siblings. When the mother remarried, her stepfather abused her sexually. The girl decided to leave, persuaded by a girlfriend who was working as a prostitute. She thought that prostituting herself abroad was a chance to raise money. She was taken to France and Italy, and ended up in Ireland. There she was taken under the control of a group of traffickers who locked her in a flat, together with other girls. She was forced to prostitute herself from 12 pm until 4 am. After a police raid she was repatriated to Romania. She has since been supported by Save the Children and has returned to the education system, successfully passing her exams.<sup>iii</sup>

Suspected Victim from China Trafficked via Barcelona to Cork: A Chinese girl, aged 17 years, arrived to Cork Airport from Barcelona. The Garda identified correctly that the girl did not have correct identification papers. The HSE placed the girl in an emergency foster care placement in Carrigaline, Co. Cork, over the weekend. Approximately 24 to 48 hours later, the HSE removed the girl from the emergency foster care family and placed her in a HSE funded supported lodgings accommodation in the small town. It is reported that the girl was highly distressed when she was told she was leaving the foster family. Four days after her arrival in Ireland, the girl disappeared during the day when walking down the street in Carrigaline.iv

#### Sources:

- "84 rescued in Anglo-Irish sex trafficking police operation". Ireland On-Line. 21 June 2006. http://breakingnews.iol.ie/news/?c=ireland&jp=cwgbeycwidql
- ii. "Teen missing from care working as a prostitute". Irish Independent. 1 April 2007. http://www.independent.ie/nationalnews/teen-missing-from-care-working-as-a-prostitute-123826.html
- iii. This case study is included in Nalinie Mooten, Making Separated Children Visible. Irish Refugee Council. 2006.
- iv. Irish Examiner ('Unaccompanied Chinese girl goes missing from HSE care' published 11.3.2010) and Statements by Deputy Alan Shatter and Deputy Simon Coveney in Dáil Éireann on 11 March 2010.









# 4. DETAILS OF PROGRESS TO COMBAT CHILD SEX TRAFFICKING IN IRELAND

### A. Community-Based Prevention Measures on Child Trafficking

Preventing children from falling prey to sex traffickers is the first step that must be taken in the range of comprehensive measures needed to guarantee the protection of children from trafficking. Prevention encompasses a broad range of multi-dimensional interventions from mobilisation and awareness building among families and the general public to more targeted and specific interventions that reach children at risk and vulnerable due to specific conditions in their lives.

Comprehensive prevention programmes to combat child trafficking have to encompass measures at different levels to address the specific vulnerabilities of children and reinforce the families' abilities to care for and protect their children; to mobilise all stakeholders in the community and at the State level to establish strong protection systems for children, including social welfare and justice systems, but also to target the traffickers and curb the financial profits they are making through these criminal activities.

The adoption of strategies and policies to address the issue of trafficking in children is essential to ensure that measures are developed in an integrated way, based on the national priorities identified and to provide directives for action to the relevant stakeholders involved in the prevention of child trafficking in the country. The adoption of a National Policy also demonstrates the State's commitment to prioritize the issue and allocate efforts and resources to guarantee the rights of the child to be protected from sexual exploitation and trafficking.

Community-based prevention programmes in Ireland			
1.1. Provision for prevention programs on child trafficking	1.2. Wide multi-stakeholder collaboration	1.3. Implementation of awareness raising programs	1.4. Provision for teacher training curriculum on CSEC
		*	
The Government of Ireland has adopted the National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012. This National Action Plan includes specific provisions to address child trafficking. The challenge now, however, is to ensure that these commitments are delivered upon.	The National Action Plan seeks to foster multi-stakeholder partnership between government agencies and civil society. Five Working Groups have been established including one on child trafficking. However, collaboration is still developing and further work is needed to improve its effectiveness.	Two State run awareness campaigns have been carried out. However these campaigns raised awareness broadly on human trafficking without a specific focus on children.  There have been some initiatives (supported by NGOs) which addressed child trafficking specifically. More needs to be done to raise awareness of child trafficking.	The Department of Education and Science has facilitated the involvement of teachers and students in raising awareness of human trafficking. However, despite this progress, the issue of child trafficking is not yet systematically included in all teachers training curriculum. The challenge now is mainstreaming these activities.

Having a current national policy on child trafficking outlining key community-based prevention measures (*indicator 1.1*) signals a state's prioritization of this specific agenda and provides clear and comprehensive directives for action to the relevant implementing bodies to be transformed into fully resourced and accountable national programs or projects. A collaborative approach in designing and implementing these programs specifically addressing child trafficking (*indicator 1.2*) is essential to ensure a greater relevance and wider reach of the prevention measures and would imply that, at a minimum, partnership is established









between two ministerial agencies with at least two other partners (including NGOs, inter-governmental organizations, private sector, children, academia or others). Comprehensive public education and awareness about the existence of child trafficking (*indicator 1.3*) is crucial to engage the public in counteraction and should encompass a multi-media approach using audio-visual products (via various communication channels) to effectively and sustainably reach the largest possible section of the target population. As school is one of the most direct channels to educate children and inform them of the risks of child trafficking, prevention activities in schools need to be integrated through the systematic capacity-building of teachers as part of their training curriculum (*indicator 1.4*). A policy provision ensures that all new teachers have received all essential information for facilitating the implementation of preventive activities to school children.<sup>22</sup>

The Irish Government recently adopted a National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012.<sup>23</sup>

- 1.1 Prevention programs on child trafficking: The National Action Plan includes measures on prevention and awareness raising, prosecution of traffickers, and protection of victims. It also includes a specific section on child trafficking, containing measures on general awareness raising and training, and on fostering bilateral, multilateral and international cooperation across governmental and non-governmental sectors. However, these measures are still quite general and effective community-based preventive activities within specifically at-risk groups will only be 'explored' during the Plan's timeframe which runs till 2011. These provisions should, therefore, be strengthened to ensure the implementation of effective interventions for the most vulnerable children.
- 1.2 Wide multi-stakeholder collaboration: The Anti-Human Trafficking Unit was established in February 2008 within the Department of Justice, Equality and Law Reform, to ensure that the State's response to trafficking is co-ordinated, comprehensive and holistic. It engages with governmental and non-governmental bodies (including the Human Trafficking Investigation and Coordination Unit in the Garda Síochána) as well as with international agencies and other EU members states, especially in the UK.

The Unit is responsible for co-ordinating and facilitating the implementation of the *National Action Plan*. The *National Action Plan* calls for a strengthened partnership approach at national and international level, with more collaborative initiatives focused on child trafficking. Three structures have been developed to progress the implementation of the *National Action Plan*. There are five interdisciplinary **Working Groups**, comprising representatives from various governmental and non-governmental agencies, which focus on National Referral Mechanism; Awareness Raising and Training; Child Trafficking; Labour Exploitation; and Sexual Exploitation Issues. There is also a **Roundtable Group on Combating Trafficking in Human Beings** who consider the views of stakeholders in relation to combating trafficking; receive updates from working groups; and, make recommendations to the third structure, an Interdepartmental High Level Group. The **High Level Group** makes recommendations to the Minister of Justice, Equality and Law Reform on the most appropriate and effective responses to trafficking in human beings. This three tiered structure is now operational, and whilst it is has proven useful for sharing ideas, ongoing work is needed to improve its effectiveness, and ensure that the inputs at the working group level are indeed impacting on the High Level Group and at Ministerial level.

1.3 Implementation of awareness raising programs: Ireland is part of the European G6 Trafficking Initiative which was launched in 2008. This initiative involves five other European countries: UK, Poland, Italy, Spain and the Netherlands. It is supported by Europol, Europust and Interpol, who have joined together in their efforts to combat trafficking in the EU. Under this initiative, the Irish Government adopted the "Blueblindfold









– don't close your eyes to human trafficking campaign" aimed at raising awareness on the issue of human trafficking and to encourage individuals to report any suspicions of trafficking.<sup>24</sup>

In addition, the Garda National Immigration Bureau's (GNIB) was involved in the "Pentameter 2" operation aimed at raising awareness of the scale of human trafficking for sexual purposes in Ireland and the UK. As part of the Pentameter initiative, a poster-campaign was launched to encourage victims of trafficking to report their plight to relevant State authorities.<sup>25</sup>

These state-run campaigns made valuable progress in raising awareness on human trafficking. Although they did reference the fact that human trafficking includes child trafficking, the campaigns did not have a specific focus on the issue of child trafficking. However, in 2007 a forum of NGOs and intergovernmental and statutory agencies, under the En Route campaign, ran an awareness raising campaign on the prevention of child trafficking. The Awareness Raising Working Group of the Anti Human Trafficking Unit has been mandated to examine approaches to awareness raising on human trafficking.

1.4 Teacher training curriculum on CSEC: The Department of Education and Science has facilitated the involvement of teachers and students in raising awareness of trafficking in human beings. To this end, sample case studies supplied by IOM and the Migrants Rights Centre of Ireland have been made available to the Coordinator of the Civil, Social and Political Education (CSPE) course in secondary schools. These materials have been distributed to teachers in selected schools on a trial basis with a view to having the topic of human trafficking addressed as part of the 'Human Rights' module of the CSPE programme. It was anticipated that the module can then be rolled out in the CSPE curriculum for the 2009–2010 academic year in a series of three to four lessons over the course of the year.<sup>27</sup> The Anti Human Trafficking Unit has also provided articles for inclusion in an e-journal for circulation to teachers and will draft material for inclusion in teachers' union magazines. However, despite this progress, the issue of child trafficking has yet to be systematically included in all teacher training curricula to ensure the mainstreaming of these activities.

#### CALL TO ACCELERATED ACTION TO PREVENT CHILD TRAFFICKING IN IRELAND

- The Government should implement the specific provisions of its *National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012* with the aim of preventing child trafficking;
- More synergies involving government agencies and civil society stakeholders should be developed to design and implement joint child trafficking prevention initiatives;
- The Government should support awareness raising programmes on child trafficking for front line staff who work directly with children;
- The Government should include (as mandatory) new modules on child trafficking in the training programmes of teachers and in the CSPE curriculum.









# **B. National Legal Framework Harmonisation with International Standards**

Strong laws in line with international instruments, together with effective enforcement procedures which are child sensitive, are of crucial importance to protect children from all forms of sexual exploitation, including child trafficking for sexual purposes. Progress made towards this goal is assessed through a tripartite framework of international/national standards and their enforcement through a child and gender sensitive process which avoids any possible re-traumatisation or re-victimisation of the child.

International and Regional Conventions/Laws	Date of Ratification – Ireland
United Nations Convention on the Rights of the Child (CRC)	1992
Optional Protocol on the sale of children, child prostitution and child	Signed in 2000 but not yet
pornography (Optional Protocol to the UNCRC)	ratified
United Nations Protocol to Prevent, Suppress and Punish Trafficking in	Signed in 2000 but not yet
Persons, Especially Women and Children (Trafficking Protocol)	ratified
International Labour Organisation (ILO) Convention No. 182 on the	1999
Worst Child Labour	
Council of Europe Convention on Action against Trafficking in Human	Signed in 2007 but not yet
Beings	ratified
Council of Europe Convention on the Protection of Children against	Signed in 2007 but not yet
Sexual Exploitation and Sexual Abuse	ratified

Legal Framework in Ireland			
2.1. Ratification of the Optional Protocol on the Sale of Children	2.2. Ratification of the Trafficking Protocol	2.3. Harmonization of the national legislation	2.4. Special Police Units to combat crimes against children
Ireland signed the UNCRC Optional Protocol on the sale of children, child prostitution and child pornography (Optional Protocol to the UNCRC) in 2000 but has not yet ratified it.	Ireland signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol) in 2000 but has not yet ratified it.	Under the 1988 Child Trafficking and Pornography Act; the 2000 Illegal Immigrants (Trafficking) Act; and the 2008 Criminal Law (Human Trafficking) Act, it appears that Irish legislation is generally in line with the Trafficking Protocol. <sup>28</sup> However, not all provisions of the Trafficking Protocol are reflected in the Irish law, in particular there is an absence of statutory support for victims of trafficking.	There are no special Garda (police) units dealing with child trafficking in Ireland. There is, however, a Human Trafficking Investigation and Coordination Unit. The policing model adopted focuses on cooperating on specific human trafficking police operations led by An Garda Síochána (police service) rather than establishing a special child trafficking police unit. More training is needed of police officers to investigate, in a child-friendly manner, commercial sexual exploitation of children (CSEC) crimes and proactively identify child victims of trafficking.

Once an international convention has been ratified by a state, it becomes a legally-binding instrument for that state. When a state has ratified the Optional Protocol on the sale of children, child prostitution and child pornography (*indicator 2.1*) it is required to fully cover under its criminal or penal law the necessary obligations set forth in the Optional Protocol and to submit within 2 years a comprehensive report detailing its implementation reviewed by the independent UN Committee on the Rights of the Child which publishes its recommendations and suggestions on how to improve the condition of children within the country. Once a state has ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (*indicator 2.2*) it is obliged by its provisions to criminalize all acts related to the trafficking process (*indicator 2.3*). This creates a common ground for counter-trafficking activities among ratifying states and









provides an essential international framework to guide national action on the issue. In order to support adequate enforcement of the national legislation, states are obliged to establish special police units with trained officers (*indicator 2.4*) to investigate and prosecute sexual and trafficking crimes against children with a child-sensitive approach which will minimize the traumatic experience of judicial proceedings for the child victim.<sup>29</sup>

The Government of Ireland has signed all relevant international legal instruments related to child trafficking, however, it has yet to ratify UNCRC Optional Protocol on the Sale of Children and the UN Trafficking Protocol. In relation to legislation and policing, some progress has been made but more could be done.

- 2.1 Ratification of the UNCRC Optional Protocol on the Sale of Children: Ireland signed the Optional Protocol to UN Convention on the Rights of the Child on the sale of children, child prostitution and child pornography in 2000 but has not yet ratified it.
- 2.2. Ratification of the UN Trafficking Protocol: Ireland signed the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (Trafficking Protocol) in 2000 but has not yet ratified it.
- a. Harmonisation of the national legislation: The legal framework addressing child trafficking within Irish domestic legislation comprises the Child Trafficking and Pornography Act 1998, the Illegal Immigrants (Trafficking) Act 2000 and the Criminal Law (Human Trafficking) Act 2008. Under Irish law, the offence of trafficking includes sexual exploitation, labour exploitation, and removal of organs. The offence can be prosecuted regardless of the means used coercion, fraud, abuse of power or the consent of the child; this is in line with the Trafficking Protocol. The Child Trafficking and Pornography Act 1998 stipulates life imprisonment as the maximum penalty for those who commit the offence of child trafficking for the purpose of sexual exploitation (Article 3 (1)(a)).

However, the provisions of the UN Trafficking Protocol are not adequately reflected in Irish law; for example there is no statutory support afforded to victims of trafficking. Moreover, the legal framework addressing child trafficking does not refer to the best interest of the child, which should be the paramount consideration in all matters affecting the child.

The legal provisions relating to victims of trafficking will be substantially amended by the Immigration, Residence and Protection Bill 2008, which is currently being discussed in the Oireachtas (Parliament). The Alliance is concerned that this Bill does not provide for the renewal of temporary residency on humanitarian grounds for victims of trafficking unless the victim assists the authorities with the investigation and prosecution of their traffickers. The Bill makes no exception to this rule or special provision for child victims of trafficking. The Bill should be amended to allow a child to remain legally in Ireland while they recover from their experience, which is likely to have been traumatic, and decisions regarding the granting and renewal of such residency should be made in the best interest and safety of the child.

2.4. Special Police Units to combat crimes against children: The enforcement of the laws and prosecution of offenders is one crucial aspect of the fight against child trafficking. Investigating and prosecuting crimes against children still pose a number of difficulties in Ireland regarding the gathering of evidence and testimonies, and in identifying victims and ensuring their protection. This is why special police units with trained officers on child-sensitive approaches are particularly essential and required in international standards.









According to the Policing Plan for 2010, investigation of trafficking in Human Beings is a key priority for the Garda Síochána which has established a specific Human Trafficking Investigation and Coordination Unit<sup>30</sup> that has been involved in a range of anti-trafficking operations.<sup>31</sup> There is no police unit dealing specifically with child trafficking in Ireland. In 2007, a specific initiative to target the suspected trafficking of minors, Operation Snow, was established by the Garda National Immigration Bureau. It was designed to prevent the trafficking and smuggling of minors, into, out of, and within the State, to ensure that the welfare of suspected victims of such criminal activity is adequately provided for and to achieve prosecutions where criminal activity has been detected.<sup>32</sup> One particular challenge is to ensure that a sufficient number of Gardaí are adequately trained from a child-friendly perspective to investigate CSEC crimes and proactively identify child victims of trafficking.

The Garda Síochána and the HSE jointly run a number of interview suites around the country. Operating in Ireland for approximately four years and modeled on units operating in other countries, these off-site units enable the interviewing of children who have been sexually abused. Gardaí and HSE staff, including social workers use joint interviewing techniques for children, and could therefore readily be upskilled to also deal with victims of child trafficking for sexual exploitation.

Regarding prosecution of child trafficking cases by Irish courts, it appears that in the recent years only one offender was prosecuted under the Child Trafficking and Pornography Act (1998) for having incited someone to organise child trafficking.<sup>33</sup> Commentators have noted that the weakness in the legislation in that it is almost impossible to prove that a person is a victim of trafficking to begin with.

# CALL TO ACCELERATED ACTION TO ENSURE PROSECUTION OF CHILD TRAFFICKING IN IRELAND

- The Government should take steps to urgently ratify the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography; the UN Trafficking Protocol; the Council of Europe Convention on Action against Trafficking in Human Beings; and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse;
- The Immigration, Residence and Protection Bill 2008 should provide for the statutory provision of comprehensive support for victims of trafficking, in line with the provisions of the UN Trafficking Protocol;
- Specialised units, run jointly by the Garda Síochána and the HSE, to deal with child survivors of sexual
  crimes should be upskilled to enable these units to work with child victims of trafficking. Members of
  An Garda Síochána dealing with cases of child trafficking for sexual purposes should be trained to
  implement the relevant legal framework in a child-sensitive manner.









# C. Specialised Support Services for Child Victims of Trafficking

Children have the right to specific protection from sexual exploitation, including receiving appropriate care and assistance to meet their special needs and requirements. States are obligated to take a systematic integrated approach for the delivery of comprehensive and specialised services to restore the rights of child victims of trafficking for sexual purposes and support their long-term and effective recovery.

Children who have been trafficked have suffered a number of abuses and violations of their rights and the State is responsible to provide them with adequate care and protection delivered in the best interest of the child, in respect of the child's specific needs and without any discrimination based on their origin or immigration status.

States parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

-Convention on the Rights of the Child, Art. 39

Specialized services for child victims of trafficking			
3.1. State-established Helpline	3.2. State established Shelters	3.3. Medical Services offered to child victims of trafficking	3.4. Psychological Counseling Services
There is no specific helpline for victims of trafficking in Ireland. Ireland has not yet activated the 116-000 hotline number for missing children. An independent national Crime Victims Helpline provides helpline services for victims of crimes. In addition, the Garda operate an anonymous telephone hot-line for the confidential reporting of suspicions of trafficking from 9am to 9pm.	There is no specific shelter for child victims of trafficking. Child victims and suspected victims are been placed in Health Service Executive (HSE) care, however, in some cases this care has not offered the child sufficient protections and supports. A worrying number of separated children have gone missing from their HSE care placement, there is grave concern that some of these children have been trafficked.	The 2009 Plan of Action on Trafficking provides for the medical care of trafficked children 'Each child will receive full medical screening with referral to more specialist medical services if required.	Even though the delivery of initial counseling is foreseen in the 2009 <i>Plan of Action</i> , it is unclear whether these services are systematically offered and accessible to child victims and suspected victims of trafficking in a timely manner and specialized enough to recognise the particular support needs of CSEC victims.

A state-operated helpline for child victims of trafficking (*indicator 3.1*) accessible by all children at risk or victims of trafficking for free and staffed by trained personnel is essential to provide assistance and facilitate access to other relevant services for child victims of trafficking. Ideally it should be able to operate in the main languages of countries from where the child trafficked victims originate in cases of transnational trafficking and be promoted nationwide. Children's shelters for trafficking victims (*indicator 3.2*) should be separated from adult shelters and provide a place of safety where specialised care and support services can be given in a structured way. Child trafficked victims have suffered various forms of physical and sexual abuse and require specialised support including comprehensive medical services (*indicator 3.3*) freely offered and available to all child victims of trafficking, and sustained counseling services (*indicator 3.4*) delivered by trained and experienced professionals to assist the child in the full recovery process.<sup>34</sup>

During his or her stay in Ireland, the foreign child victim of trafficking are theoretically entitled to benefit from the same level of assistance and protection as Irish child victims of abuse. However, there is no child specific provision in the Immigration, Residence and Protection Bill 2008 in relation to victims support services. Other weaknesses of the Bill are that it limits protection for victims of trafficking to non-EU/EAA nationals (section 124); and the recovery and reflection period is only from 45 days (section 124). In its submission on the Bill,









the Children's Rights Alliance has raised these and other concerns on how the legislation, if implemented, will impact on children.

However, there have been some recent developments that have the potential to impact positively on victims of child trafficking. Key amongst these is the Government's Ryan Report *Implementation Plan*, which contains specific commitments in relation to separated children, most notably to replace the use of substandard hostels for separated children with equity of care on a par with other children in the care system.<sup>35</sup> In addition, the recent, new appointment of Assistant National Director for Children and Families at the HSE has the potential to impact positively on services for children.

- 3.1. State-established Helpline: There is no specific helpline for victims of trafficking in Ireland. A feasibility study for setting up a regional helpline in Ireland is being completed by the EU Commission, and coordinated in Ireland by the Anti-Human Trafficking Unit.<sup>36</sup> The Commission for the Support of Victims of Crime, which operates under the aegis of the Department of Justice, Equality and Law Reform, provides funding for services and supports to victims of crime, including a national Crime Victims Helpline (which is independent from the Gardaí).<sup>37</sup> In 2007, the European Commission reserves 116-000 as a common telephone hotline across the 27 EU member states for missing children. In Ireland, while this number has been made available by the regulator, the number is not operational and it has not been allocated to any service provider. This leaves Ireland falling behind 11 other EU countries that have activated the number. It is envisaged that the hotline would provide support to parents of missing children but also for children at risk or child victims of trafficking.
- 3.2. State Established Shelters: In Ireland, there are no specific shelters or centres where child victims of trafficking can be accommodated and provided with specific assistance and protection measures. Separated children, who are at high risk of trafficking, have been placed in privately run hostels which did not meet the national standards which govern the mainstream care system. In 2008 the majority of hostels failed the Health Information and Quality Authority (H.I.Q.A) inspections: the care and protection of children within these facilities is not sufficient. Progress was made in 2008 and 2009 when four new residential homes for separated children were opened, which satisfy the required H.I.Q.A standards. Separated children are at particular risk of being trafficked, according to a senior Garda source, human trafficking gangs are increasingly organising the trafficking of separated children who are taken into the care of the HSE on arrival in Ireland. The placement of separated children in privately run hostels or supported lodgings which lack the necessary adult supervision and care has been directly linked to instances of children going missing. There is evidence that some of these children have ended up in the sex trade in Ireland and abroad.

After years of lobbying by NGOs and others, in July 2009 the Government finally committed to a policy of equity of care for separated children in its Ryan Report *Implementation Plan*. It commits to end the use of privately run hostels for separated children and to accommodate them in mainstream care, on a par with other children in the care system (by December 2010); and ensure that all children in care will have an allocated social worker and a care plan, in accordance with the regulations (by December 2010). Much work remains to ensure that these commitments become a reality. As a means to achieve equity of care for separated children, children are being placed in foster families throughout the country. This process must be carefully managed to ensure that it does not disadvantage or endanger a child. For example, the necessary groundwork (trained staff and supports) must be laid down in advance of a child being moved out of a hostel to a foster family outside Dublin. In January 2010, only four hostels continued to operate outside the national standards, and in a positive move, an NGO has been contracted by the State to establish care teams to work in these hostels as an interim measure.









A key concern remains though that the HSE does not have a specific plan to respond to the identification of a child victim of trafficking. A plan for the provision of special care and protection should be developed to meet the needs of identified victims or suspected victims of child trafficking.

- 3.3. Medical Services offered to child victims of trafficking: According to the National Action Plan, child victims of trafficking are systematically entitled to full medical screening and are linked to appropriate medical services. They have a right to this under Article 39 of the UN Convention on the Rights of the Child.
- 3.4. Psychological Counseling Services: As in 3.3 child victims of trafficking benefit from, and have a right to, counseling and debriefing services. Accessing to psychological services for children and adolescents in the general population can be difficult. There is a lack of information on how child victims of trafficking are treated hence it is unclear if these services are systematically offered and accessible to child victims of trafficking in a manner timely and specialised enough to recognise the particular support needs of CSEC victims. An issue of concern is that victims of trafficking are not being officially recognised, even though professionals may have suspicions, and thus the individual is not being provided with psychological support.

# CALL TO ACCELERATED ACTION TO DELIVER ADEQUATE CARE AND SUPPORT TO CHILD VICTIMS OF TRAFFICKING IN IRELAND

- The Government should fund the establishment of a 116-000 missing children's number, in line with the European Commission recommendation;
- The HSE should develop a special care and protection plan to meet the needs of victims or suspected victims of child trafficking. The HSE should implement an 'equity of care' policy by December 2010, as commitment to in the Ryan Report *Implementation Plan*. This policy must be implemented in a manner that ensures that no child is disadvantaged or placed at further risk;
- The HSE must ensure that all victims and suspected victims of child trafficking are provided with timely and specialist psychological support.









#### 5. CAMPAIGN PETITION IN IRELAND

Since the Stop Sex Trafficking of Children and Young People campaign was launched in August 2009, thousands of customers have already demonstrated their commitment in contributing to this social change to secure a safe world for children. Based on the findings from this Ireland Progress Card, we are calling for immediate action in Ireland to give children and young people the protection that they deserve.

In Ireland we call for greater protection of children and young people against child sex trafficking through urgent proactive implementation and enforcement of protective measures.

### Specifically we call for:

- -The Government should implement the specific provisions of its *National Action Plan to Prevent* and *Combat Trafficking in Human Beings 2009-2012* which aim to prevent child trafficking and to support child victims;
- -The Government should provide equity of care for separated children, in line with the Ryan Report *Implementation Plan* commitment. The link between inadequate accommodation and care for separated children and incidences of trafficking has been clearly established;
- -The Immigration, Residence and Protection Bill 2008 should provide for the statutory provision of comprehensive supports for victims of trafficking, in line with the provisions of the UN Trafficking Protocol;
- -The Government should upskill the specialised units, run jointly by the Garda Síochána and the HSE, which deal with child survivors of sexual crimes, to enable them to work with child victims of trafficking;
- -The Government should urgently ratify the UNCRC on the sale of children, child prostitution and child pornography; the Trafficking Protocol; the Council of Europe Convention on Action against Trafficking in Human Beings; and the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

**Note:** Whilst the national campaign petition is focusing on the specific needs and priorities for Ireland, it is directly contributing to the global ECPAT/The Body Shop call for all states to ensure more accelerated and concerted action on their existing commitments, by 2012, to prevent and stop child trafficking for sexual purposes.









### 6. RESEARCH METHODOLOGY

This campaign utilises an innovative method to analyse the progress of 42 states' efforts to combat child sex trafficking by tracking three key goals and 4 specific indicators for each goal as the campaign progresses.

Data for the Progress Card Booklets was collected through various sources, focusing mainly on ECPAT's experiences in monitoring progress on the implementation of the Agenda for Action against Commercial Sexual Exploitation of Children.<sup>42</sup> Data was also sourced from UN bodies, governmental, non-governmental organisations and other stakeholders involved in anti-trafficking measures. In Ireland, data was sourced though the Children's Rights Alliance as well as documentary sources.

It should be noted that the availability and quality of data in each of the 42 countries included under the monitoring initiative of the campaign is in places uneven. In many countries data on sexual exploitation of children and trafficking are not systematically collected, are localised to project areas rather than having national scope, or fall outside an established management information system and are thus inconsistent. However, every effort to define parameters to minimise differences has been made and ECPAT works with its partners in each of the countries to identify the optimal data sources. Taking these factors into consideration, indicators have been selected on the basis of the following criteria: availability and ease of access to information and level of relevance of the action for achievement of the goal.

It is also necessary to note that these indicators are assessing measures directly undertaken or supported by states and do not necessarily reflect the large amount of work undertaken by many NGOs around the world, often in order to compensate for a lack of adequate action on the part of government. The decision to assess only state-supported measures is based on the fundamental principle that, while the protection of children is a shared responsibility of all actors of society, the obligation to guarantee that children can fully enjoy their fundamental rights is borne by the state.

Due to limited data collection and disaggregation of information on child trafficking for sexual purposes, accurate estimates of the number of children affected worldwide are impossible. This booklet thus assesses Ireland's progress only in relation to certain policies that the government has enacted and not on the basis of estimates of the scale of the problem. As such the ranking does not factor in the extent to which Ireland is a place of origin, transit or destination for child sex trafficking. The existence of policies to combat child trafficking within any given country is considered to be the first fundamental step to trigger allocation of human and financial resources for concrete action as well as providing a tool for the public to call for accountability. Thus it is judged to be a robust base indicator of progress.

A more in-depth explanation of each of the goals and corresponding indicators is provided in Chapter 3 of the official campaign report, "Their Protection is in Our Hands: The State of Global Child Trafficking for Sexual Purposes."

This booklet was produced by ECPAT International and Children's Rights Alliance, Ireland.









#### 7. ENDNOTES

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