



An Roinn Dlí agus Cirt  
Department of Justice

# Trafficking in Human Beings in Ireland

## Annual Report 2021



[www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)

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## INTRODUCTION AND EXECUTIVE SUMMARY

The Department of Justice is pleased to present the thirteenth annual report on Trafficking in Human Beings in Ireland (2021), which covers the period between 1 January and 31 December 2021. The report meets Ireland's reporting obligations under Article 19 of the EU Human Trafficking Directive (2011/36/EU)<sup>1</sup>.

The report is structured in the following way:

- Chapter 1 provides a definition of human trafficking and explains its characteristics
- Chapter 2 provides statistics on the victims of human trafficking identified by Ireland in 2020
- Chapter 3 provides an outline of the extent of trafficking in Europe
- Chapter 4 describes Ireland's State and NGO-led response to the crime of trafficking and the provision of care to its victims
- Chapter 5 notes international assessments of Ireland's efforts to combat trafficking and to provide supports to victims
- Chapter 6 describes notable actions and progress made in 2021 in delivering on the objectives of the National Action Plan against human trafficking.

In Ireland, there were 44 victims of human trafficking identified by An Garda Síochána in 2021. 25 of these were victims of sexual exploitation and 19 were victims of labour exploitation. There were no victims identified trafficked for the purposes of forced criminality and there were no minor victims identified. This represents an increase of 6 identified victims from the 38 victims reported in respect of 2020. As was the case in previous years, in 2021 the majority of incidents of human-trafficking reported in Ireland relate to sexual exploitation.

However, the actual number is likely to be significantly higher as many victims remain undetected. A statistical study on trafficking in human beings in the EU was published by the European Commission which showed that 20,532 men, women and children were registered as victims of trafficking in the EU in 2015-2016.

The first 2 convictions for human trafficking offences in Ireland occurred in 2021. The difficulties in securing convictions against traffickers are well understood. An Garda Síochána continue to vigorously pursue a number of cases where action was initiated prior to 2021, and commenced action on a number of new cases during 2021.

Each year the US Department of State evaluates the actions of countries around the world in combatting human trafficking. Ireland was ranked a Tier 2 Watch List rating in the 2021 Trafficking in Persons Report which denotes that the Irish government "... do not fully meet the Trafficking Victims Protection Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards".

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<sup>1</sup> 'Member States shall take the necessary measures to establish national rapporteurs or equivalent mechanisms. The tasks of such mechanisms shall include the carrying out of assessments of trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting'.

The Second National Action Plan to Prevent and Combat Human Trafficking in Ireland commits the Department of Justice to ensuring the availability of funding to NGOs who are active in the field of human trafficking. This commitment recognises the role played by NGOs in assisting victims of human trafficking to access necessary supports to aid their recovery from their ordeal. Government funding continues to be committed to supporting victims of trafficking and victim support services. The Victims of Crime Grant Scheme allocated €4,104m to these organisations in 2021 and will have a budget of €4,889m in 2022

Since 2020, the Irish Human Rights and Equality Commission (IHREC) have been officially designated as Ireland's independent National Rapporteur for Anti-Human Trafficking under article 19 of the EU Human Trafficking Directive. The National Rapporteur's responsibilities include monitoring the implementation of anti-trafficking policy at the national level and playing a key role in data collection on trafficking in human beings at national level.

In May 2021 Government gave approval for the creation of a new National Referral Mechanism allowing a fundamental shift to our model of identification of victims, where the identification of victims will not solely be the responsibility of An Garda Síochána and instead more central roles will be given to other State agencies. This holistic approach will encourage more victims to come forward and access the supports and protections available and, in time, build up enough trust and self-confidence to give evidence in criminal prosecutions.

Work was also undertaken to draft a new Third National Action Plan to Prevent and Combat Human Trafficking with working groups established with both State and civil society stakeholders. The draft new Plan has been presented to Minister McEntee and will launch by end of 2022.

The Department of Justice have established a forum for victims and stakeholders to examine avenues of improvement in relation to human trafficking. The forum consists of State, agency and civil society organisation stakeholders working together to provide supports to victims of human trafficking with expert members to examine subjects such as the National Referral Mechanism, specialised accommodation, enforced labour and other priority issues.

The Department of Justice also funded a number of NGOs and stakeholders in the anti-human trafficking sector for initiatives focusing on awareness raising and training for frontline staff, state, local authority and civil society with regards to human trafficking - what to watch out for, what to do, where to get help.

The Department continues to maintain the 'Blue Blindfold' website, [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie), which provides a user-friendly overview of how the crime manifests in Ireland, how members of the public can spot and report the signs of trafficking, and how the State supports these victims once identified. The Blue Blindfold website was updated in 2020 with a new user friendly interface, revised and updated information and contact details. Further contact information for NGO frontline service providers in the domestic and sexual violence sector were also added. This report, and its' predecessors are hosted on the website. The 'Blue Blindfold' motif urges the public not to close their eyes to the signs of human trafficking.



# 1. HUMAN TRAFFICKING EXPLAINED

## WHAT IS HUMAN TRAFFICKING?

Human Trafficking is a crime and a human rights violation. For a situation to be one of trafficking, three distinct elements (act, means, and purpose) must be fulfilled:

- The ACT of recruitment, transportation, transfer, harbouring or receipt of persons must be done by...
- The MEANS, such as the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or of a position of vulnerability or the giving or receiving of payments, and it must be for...
- The PURPOSE OF EXPLOITATION i.e. sexual exploitation, labour exploitation, forced begging, forced criminality or organ removal.

### **Child trafficking: an important note:**

A child cannot consent to being trafficked, therefore the MEANS element does not apply to children. In the case of a child, the mere ACT of recruiting, transporting, transferring, harbouring or receiving a child for the PURPOSE of exploitation constitutes trafficking.

Similarly, exploitation of a child in and of itself, without the 'Act' element, while constituting another criminal offence, will rarely amount to human trafficking.



*Victims of trafficking are often invisible to the public eye*

The presence of the three distinct elements is observed in the definition of human trafficking as set out in both the **Council of Europe Convention on Action against Trafficking in Human Beings** and the **UN Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the UN Convention Against Transnational Organised Crime**:

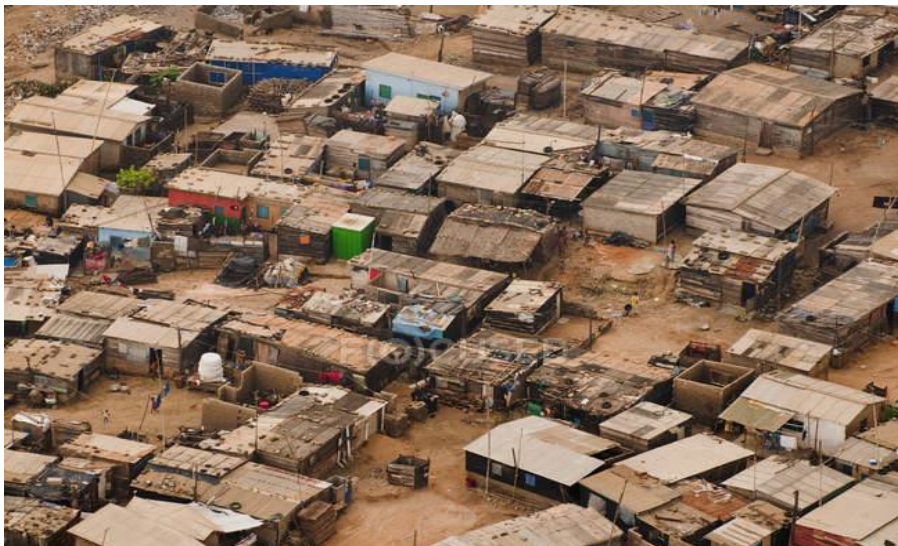
“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving 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.”

In Ireland, these definitions have been incorporated into the **Criminal Law (Human Trafficking) Act 2008** and the **Criminal Law (Human Trafficking) (Amendment) Act 2013**.

## WHY DOES IT HAPPEN AND WHERE DOES IT HAPPEN?

Trafficking in human beings is a high profit–low risk crime based upon the principles of supply and demand. Criminal networks or individuals take advantage of a series of what are known as ‘push and pull’ factors, which explain why vulnerable individuals who lack opportunities and seek better living conditions in their own or a foreign country, end up being part of a human trafficking chain. This, in combination with the demand for cheap labour and sexual services, fuels human trafficking.



*Poverty is a risk factor for people becoming victims of trafficking*

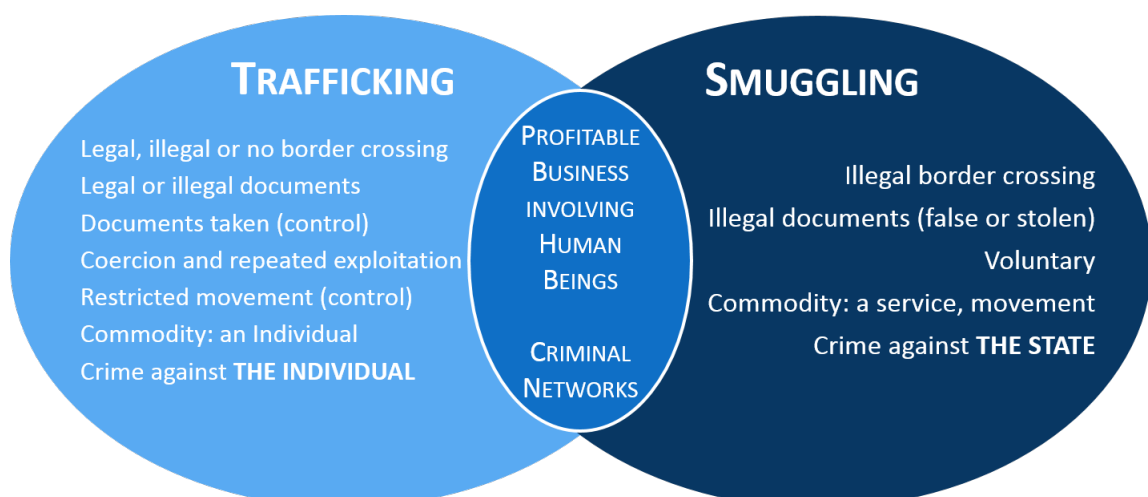
People can be trafficked into different types of work in agriculture, in the manufacturing sector and in the service industry. This can include restaurant and hotel work, domestic work, construction, agriculture and entertainment. They can be trafficked into prostitution, forced begging and forced criminality, sometimes in the form of cultivating or dealing in illegal drugs.

## PEOPLE SMUGGLING VS. HUMAN TRAFFICKING

It is important to note the distinction between people trafficking and people smuggling. The relevant distinction is that being **trafficked is involuntary**, whereas people smuggling involves the consent of the individual being smuggled.

What begins as smuggling may become a trafficking situation when a person who has been smuggled is then subjected to exploitation through force, coercion, deception, etc., during or after the smuggling event.

- People smuggling involves migrants being facilitated with entry into a State through illegal means whereas trafficking must have the threat or use of force, coercion or deception against a (adult) victim.
- People smuggling facilitates an individual’s illegal entry into the State whereas victims of trafficking can enter into the State both legally and illegally.
- People smuggling must take place across international borders but there is no requirement that a person must have crossed a border for trafficking to take place – it can and does take place within national borders.
- People smuggling, while often undertaken in dangerous or degrading conditions, involves migrants who have consented to the smuggling. Trafficking victims, have either never consented or, if they initially consented, that consent has been rendered meaningless by the coercive, deceptive or abusive actions of the traffickers.
- People smuggling ends with the arrival of the migrants at their destination; unlike trafficking it does not involve the ongoing exploitation of victims.





## 2. EXTENT OF HUMAN TRAFFICKING IN IRELAND

### A note on statistics:

Estimating the prevalence of trafficking is difficult due to the low numbers of identified victims each year, and the characteristics of human trafficking, including its clandestine nature and its overlap with other illegal activities. In addition, due to the relatively small number of victims in a given year, one-off incidents involving large numbers of victims can have a significant impact on the overall figures.

Therefore the statistical reports in this section provide a detailed analysis of the information that is available to authorities, rather than a precise account of the extent of the phenomenon in Ireland.

The 2021 annual report follows the approach to classification from the previous years in relation to victims of crimes prosecuted under section 3(2) of the Child Trafficking & Pornography Act 1998 (as amended by Criminal Law (Human Trafficking) Act 2008). Based on international best practice, these victims are not counted as victims of trafficking.

### 2021 OVERVIEW

There were 44 victims of human trafficking identified by An Garda Síochána in 2021. 25 of these were victims of sexual exploitation and 19 were victims of labour exploitation. There were no victims identified trafficked for the purposes of forced criminality and there were no minor victims identified.

	No.	% Total
Total Victims Identified	44	100%
Adult	44	100%
Minor	0	0%

In relation to victims for whom the crime occurred outside of Ireland, these people were admitted to the system of State supports known as the National Referral Mechanism and provided with the same services as if the crime had occurred within the country.

Table 2 Source Countries	No.	% Total Approx.
Nigeria	17	39%
Slovakia	6	14%
Ghana	5	11%
Egypt	3	7%
Vietnam	2	5%
Romania	2	5%
Albania	1	2%
Brazil	1	2%
Kenya	1	2%
Latvia	1	2%
Botswana	1	2%
South Africa	1	2%
Zimbabwe	1	2%
Pakistan	1	2%
Ireland	1	2%
Ireland (abroad)	0	0%
<b>Total</b>	<b>44</b>	<b>100%</b>

Table 3 Trafficking by Exploitation Type	No.	% Total
Trafficking for sexual exploitation	25	57%
Trafficking for labour exploitation	19	43%
Trafficking for forced criminality	0	0%
<b>Total</b>	<b>44</b>	<b>100%</b>

## 2017-2021 DATA

The tables that follow outline the number of victims that have been identified in Ireland over the last 5 years, the nature of the exploitation they have been subject to and their region of origin.

### VICTIMS BY YEAR, AGE AND GENDER

Table 4 shows the number of suspected victims of human trafficking identified by An Garda Síochána by year of detection, age and gender. There have been 263 victims detected over the last 5 years with 44 victims identified in 2021.

Table 4 Suspected victims by year, age and gender					
Year	Age	Female	Male	Transgender	Total
2017	Adult	42	30	-	72
	Minor	3	-	-	3
	Total	45	30	-	75
2018	Adult	30	29	-	59
	Minor	3	2	-	5
	Total	33	31	-	64
2019	Adult	31	2	-	33
	Minor	7	2	-	9
	Total	38	4	-	42
2020	Adult	33	5	-	38
	Minor	-	-	-	-
	Total	33	5	-	38
2021	Adult	28	16	-	44
	Minor	-	-	-	-
	Total	28	16	-	44
Total	Adult	164	82	-	246
	Minor	13	4	-	17
	Total	177	86	-	263

Over the last 5 years there has been a downward trend in the number of victims detected annually. However, given the relatively small numbers of victims detected in Ireland, one off incidents where a large number of victims are detected in one instance can influence any given year.

There was a shift in the gender breakdown of victims of human trafficking in Ireland from 2018 to 2021. In 2018, males accounted for 49% of victims and females accounted for 51% of victims. This drastically changed in 2019 where males accounted for only 6% of victims and females accounted for 94% of victims and in 2020 where males accounted for only 13% of victims and females accounted for 87% of victims. In 2021 males accounted for 36% of victims and females accounted

for 64% of victims.

## VICTIMS BY REGION AND EXPLOITATION TYPE

Table 5 provides a breakdown of the 263 victims of human trafficking by region of origin.

Table 5 Suspected victims by year and region of origin		
Year	Region of Origin	Total
2017	Africa	28
	EEA	22
	South America	4
	Asia	19
	Ireland	2
2018	Africa	35
	EEA	19
	South America	2
	Asia	6
	Non-EEA Europe	1
	Ireland	1
2019	Africa	31
	EEA	8
	South America	1
	Asia	2
2020	Africa	23
	EEA	9
	South America	2
	North America	1
	Middle East	1
	Non-EEA Europe	2
2021	Africa	29
	EEA	9
	Non-EEA Europe	1
	South America	1
	Asia	3
	Ireland	1
	<b>Total</b>	<b>Africa</b>
	<b>EEA</b>	<b>67</b>
	<b>South America</b>	<b>10</b>
	<b>North America</b>	<b>1</b>
	<b>Middle East</b>	<b>1</b>
	<b>Asia</b>	<b>30</b>
	<b>Non-EEA Europe</b>	<b>4</b>
	<b>Ireland</b>	<b>4</b>
	<b>Total</b>	<b>263</b>

In the last 5 years, 25% of suspected victims came from the EEA region, with 56% from the Africa region and 11% from the Asia region.

## VICTIMS BY YEAR, EXPLOITATION AND GENDER

The Criminal Law (Human Trafficking) (Amendment) Act 2013 came into effect in August 2013 and expanded the definition of human trafficking to include exploitation of a person for the purpose of forced begging and for forced participation in criminal activities for financial gain. These specific categories of alleged exploitation were previously recorded as ‘uncategorised exploitation’ or ‘labour exploitation’.

Table 6 below illustrates the trend in exploitation type in Ireland.

Table 6 Victims by year, exploitation and gender					
Year	Exploitation	Female	Male	Transgender	Total
2017	Sexual	28	3	-	31
	Labour	11	24	-	35
	Forced Criminality	5	3	-	8
	Forced Begging	1	-	-	1
2018	Sexual	26	1	-	27
	Labour	7	28	-	35
	Forced Criminality	-	2	-	2
2019	Sexual	33	1	-	34
	Labour	2	1	-	3
	Other*	3	2	-	5
2020	Sexual	24	2	-	26
	Labour	8	2	-	10
	Forced Criminality	1	1	-	2
2021	Sexual	24	1	-	25
	Labour	4	15	-	19
Total	Sexual	135	8	-	143
	Labour	32	70	-	102
	Forced Criminality	6	6	-	12
	Forced Begging	1	-	-	1
	Other	3	2	-	5

\*Other denotes a mixture of Forced Criminality and Labour and Sexual exploitation

### 3. EXTENT OF HUMAN TRAFFICKING IN EUROPE

The latest major statistical study<sup>2</sup> on trafficking in human beings in the EU was published by the European Commission in December 2018. It presents a compilation of statistics at the EU Member State level on trafficking in human beings. This data collection exercise approached all 28-Member States and covers the years 2015 and 2016 and updates the 2014 data collection as relevant.

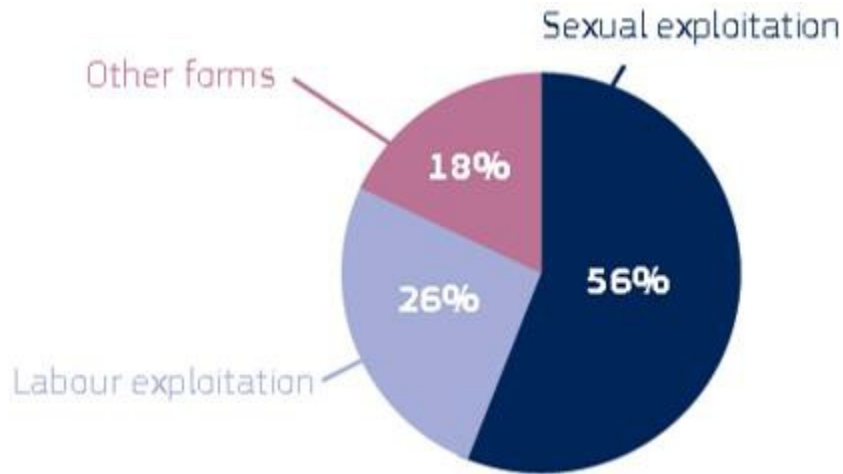
The report showed that 20,532 men, women and children were registered as victims of trafficking in the EU in 2015-2016. However, the actual number is likely to be significantly higher as many victims remain undetected.

Women and girls continue to be most vulnerable to trafficking at 68% while children alone represent 23% of registered victims.



Sexual exploitation is the most common form of exploitation, accounting for over half (56%) of registered victims of trafficking in human beings. Labour exploitation was the purpose of trafficking for around one quarter (26%) of the registered victims. 'Other' forms account for 18%.

<sup>2</sup> Full report available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204\\_data-collection-study.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_data-collection-study.pdf) ; factsheet available at: [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204\\_agenda-on-security-factsheet-report-thb\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-security/20181204_agenda-on-security-factsheet-report-thb_en.pdf)



The level of prosecutions and convictions are low, with 5,979 prosecutions and 2,927 convictions reported. Only 18 reported convictions for knowingly using services provided by victims.

The Commission noted that while the judgement of experts was that there were no discernible trends, they did note the continuing stability in some data, e.g.: 95% of the victims of sex exploitation are female and 75% of prosecutions relate to sex trafficking.



## 4. IRELAND'S RESPONSE TO HUMAN TRAFFICKING

### INTERNATIONAL LAW

Ireland's national legislation has its foundation in the global and European commitment to fight human trafficking. The key international instruments are:

- The UN **Palermo Protocol** of the year 2000: A Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime<sup>3</sup>.
- The **Council of Europe Convention** against Human Trafficking: A 2005 Council of Europe Convention on Action against Trafficking in Human Beings ratified July 2010<sup>4</sup>.
- **EU Directive 2011/36/EU**

### THE LEGAL FRAMEWORK IN IRELAND

Ireland's legislation, combined with administrative measures for victim support, fully implements these international treaties.



The key legal instruments in Ireland are:

- The Criminal Law (Human Trafficking) Act 2008<sup>5</sup>. This is the main human trafficking Act which defines the crime and its penalties, with the exception of child sex trafficking. The Act criminalises: the trafficking of adults; child trafficking for purposes other than sexual exploitation (dealt with by 1998 Act – see below); prostituting a trafficked person; and the payment for sex with a trafficked person.
- Child Trafficking and Pornography Act, 1998<sup>6</sup>. This Act covers child trafficking, child sex abuse and child pornography. In relation to human trafficking, the legislation criminalises child trafficking for sexual exploitation.
- The Criminal Law (Human Trafficking) (Amendment) Act 2013<sup>7</sup>. The 2013 amending Act modified the definition of Labour Exploitation to bring it into line with ILO definitions of forced labour and gave effect to the EU Directive 2011/36/EU.

<sup>3</sup> <https://www.ohchr.org/en/professionalinterest/pages/protocoltraffickinginpersons.aspx>

<sup>4</sup> <https://rm.coe.int/168008371d>

<sup>5</sup> <http://www.irishstatutebook.ie/eli/2008/act/8/enacted/en/print.html>

<sup>6</sup> <http://www.irishstatutebook.ie/eli/1998/act/22/enacted/en/print.html>

<sup>7</sup> <http://www.irishstatutebook.ie/eli/2013/act/24/enacted/en/print.html>



## STATE SUPPORTS FOR VICTIMS

### IDENTIFICATION OF VICTIMS

A victim of trafficking may access help in a number of ways. They may come forward themselves to An Garda Síochána or another State service. They may be rescued by An Garda Síochána in a police operation. They may approach an NGO (some of which are State-funded), such as Ruhama or the Migrant Rights Centre Ireland. These NGOs also provide ongoing support to victims of human trafficking. Victims may also be encountered by the Health Service Executive, Tusla, the Workplace Relations Commission, embassies and members of the public. The importance of public awareness is crucial to recognising potential victims of trafficking. More information on the indicators of human trafficking may be found on the Blue Blindfold website ([www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie)).

Potential victims are referred to An Garda Síochána to be identified as such, and to enter the National Referral Mechanism, the name given to the State supports.

### NATIONAL REFERRAL MECHANISM AND ADMINISTRATIVE STRUCTURES FOR SUPPORT

Ireland provides a victim-centred system of State supports for victims of human trafficking that have been identified by An Garda Síochána. These supports are available through the National Referral Mechanism, which is a framework through which the State fulfils its obligations to protect and promote the human rights of trafficking victims, working in partnership with civil society. These include accommodation, medical services, legal aid and advice, amongst other supports.

Where victims of trafficking, or those acting on their behalf, do not wish to engage with An Garda Síochána, they do not enter the National Referral Mechanism and cannot avail of all services provided directly by the State. However, the Department of Justice recognises the reluctance that some victims may have in coming forward, and so provides funding to several NGOs to provide support and services to potential victims outside the National Referral Mechanism.

Progress has been made to improve the access of victims to State supports (the National Referral Mechanism). On 5 May 2021 Government approval was granted for development of a revised National Referral Mechanism for the identification of victims of human trafficking and provision of supports. This will be discussed in greater detail in Chapter 6: Progress in 2020 - Projects under the National Action Plan.

At any stage of the process, or if the victim is a non-EEA national without an investigative or personal need to remain in the State, their return home is facilitated by the International Organisation for Migration. The International Organisation for Migration runs assisted voluntary return and reintegration programmes. This assistance is available to victims of trafficking regardless of nationality who wish to return home voluntarily but do not have the means,

including the necessary documentation, to do so. The Organisation for Migration has offices in many countries, most of which have developed a strong network of support ranging from housing facilities, to medical assistance, all aiming to support victims in the difficult process of reintegration.

Full details on the National Referral Mechanism may be found at [www.blueblindfold.gov.ie](http://www.blueblindfold.gov.ie), where formal written procedures are published to guide public officials in the identification and protection of victims of trafficking such as:

- A Statement of Roles and Responsibilities<sup>8</sup> is in place outlining the roles and responsibilities of State agencies and NGOs. The Statement describes the process of identification, the range of available services and assistance measures, information on access to these services, and the part played by relevant organisations at different stages.
- Administrative Immigration Arrangements<sup>9</sup> are in place to provide a means to remain in the State pending a trafficking investigation for Non-EEA suspected victims of trafficking who do not otherwise have such permission. This temporary protection can evolve into permanent residence.
- A Guide to Procedures for Victims of Trafficking in Ireland<sup>10</sup> provides information to victims of trafficking in relation to their rights.

## PARTICIPATING ORGANISATIONS

The close co-operation between stakeholders in the fight against trafficking is recognised internationally as a key element of a successful anti-trafficking strategy. Four dedicated State bodies focus directly on human trafficking and support for victims.

The **Department of Justice** coordinates policy on human trafficking in Ireland and works in collaboration with other Irish government agencies, and non-government organisations.

The **Human Trafficking Investigation & Co-ordination Unit** (HTICU) is part of the **Garda National Protective Services Bureau** (GNPSB) and officers of this Unit have particular expertise in regard to trafficking in human beings.

The **Anti-Human Trafficking Team** (AHTT) of the **Health Service Executive** (HSE) delivers an individual care plan for each victim of human trafficking.

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<http://www.blueblindfold.gov.ie/en/BBF/Statement%20of%20Roles%20and%20Responsibilities.pdf/Files/Statement%20of%20Roles%20and%20Responsibilities.pdf>

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<http://www.blueblindfold.gov.ie/en/BBF/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202011.pdf/Files/Administrative%20Immigration%20Arrangements%20for%20the%20Protection%20of%20Victims%20of%20Human%20Trafficking%20-%20March%202011.pdf>

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<http://www.blueblindfold.gov.ie/en/BBF/Guide%20to%20Procedures%20June%202015.pdf/Files/Guide%20to%20Procedures%20June%202015.pdf>

The **Department of Children, Equality, Disability, Integration and Youth** provide full board accommodation and ancillary services through the **International Protection Accommodation Service (IPAS)** for potential and suspected victims of trafficking on the basis of a referral by An Garda Síochána.

Potential and suspected victims who are in the asylum process remain in IPAS accommodation while a determination is being made in relation to their claim for asylum or associated processes (e.g. application for Leave to Remain or Subsidiary Protection).

Solicitors of the **Legal Aid Board** provide legal aid and advice to trafficking victims.

**Ruhama** is a Dublin-based NGO which works on a national level with women affected by prostitution and other forms of commercial sexual exploitation. Ruhama provides a service to women who are currently involved in on-street and off-street prostitution, women who are exiting prostitution, women who are victims of sex trafficking and women who have a history of prostitution.

**Migrant Rights Centre Ireland (MRCI)** is a national organisation working to promote justice, empowerment and equality for migrant workers and their families. The Migrant Rights Centre Ireland provides information, advocacy and legal support to migrants and their families all over Ireland. The organisation works to identify and support victims of trafficking for labour exploitation and supports the growth and development of a number of action groups that enable vulnerable migrant workers to work together and improve working conditions in specific sectors.

Other organisations active in the provision of services to victims of trafficking include:

**Immigrant Council of Ireland (ICI)** works to secure improvements in the rights and protections of migrants and their families in Ireland through working on policy and awareness on issues of migration, integration and human trafficking. The Immigrant Council of Ireland has an independent law centre and operates a helpline for immigration queries.

**Sexual Violence Centre Cork (SVCC)** is a Cork-based organisation working towards the elimination of sexual violence in society by raising awareness about the prevalence, incidence and dynamics of interpersonal violence within society. Its services include crisis support counselling, advocacy, a telephone helpline and a Sexual Assault Treatment Service (SATS).

**Doras Luimní** is an organisation that works to support and promote the rights of migrants living in Limerick and the wider Mid-West region. The organisation provides specialised direct support to victims of human trafficking and to women engaged in, or exiting from prostitution.

The **International Organisation for Migration (IOM)** is an international organisation whose primary responsibility lies in assisting persons in returning to their country of origin if they so wish. Assistance is provided to both EU and non-EU nationals alike.

## COMBATTING THE CRIME OF HUMAN TRAFFICKING

The first 2 convictions for human trafficking offences in Ireland took place in 2021. The difficulties in securing convictions against traffickers are well understood. Despite best efforts, many of the prosecutions initiated in recent years have collapsed because of issues related to witnesses. An Garda Síochána continue to vigorously pursue a number of cases where action was initiated prior to 2021, and commenced action in 2021 in a number of new cases.

Due to the international nature of this crime, An Garda Síochána also participate in international actions against trafficking and significant activity in this sphere is noted below.

## NATIONAL ACTION PLAN

A Second National Action Plan to Prevent and Combat Human Trafficking in Ireland was published in October 2016 and identified 65 separate actions to combat trafficking and assist victims. These actions were built on the response delivered under the First National Action Plan and on international and domestic experience to date and provides for new initiatives in order to address human trafficking in all its forms.

This National Action Plan complements our commitments under Ireland’s Second National Action Plan on UNSCR 1325 on Women Peace and Security and those set out in the Working Outline of the National Plan on Business and Human Rights.

Work continues to proceed on the implementation of the plan. Many of the actions have been delivered, work to complete others is underway and new policy instruments are continually reviewed and introduced.



## 5. INTERNATIONAL EVALUATIONS AND COOPERATION

### US 'TRAFFICKING IN PERSONS' REPORT 2021

Each year the US Department of State evaluates the actions of countries around the world in combatting human trafficking. The US places each country into one of four tiers. The placement is based on the extent of governments' efforts to meet the standards set by the US Trafficking Victims Protection Act for the elimination of human trafficking, which are generally consistent with the Palermo Protocol. Tier 1 is the highest ranking, the other tiers being Tier 2, Tier 2 Watch List and Tier 3.

The 2021 Trafficking in Persons Report<sup>1</sup> saw Ireland remain on the Tier 2 Watch List rating. The Tier 2 Watch List denotes that the Irish government "... do not fully meet the Trafficking Victims Protection Act's minimum standards but are making significant efforts to bring themselves into compliance with those standards". This ranking reflects the difficulties that Ireland (along with other countries) face when attempting to secure convictions in relation to trafficking. Other international monitors are less critical on this point, reflecting an understanding of the difficulties which arise in relation to prosecutions outside the particular environment of the US.

The Department of Justice publicly noted its disappointment that the US State Department did not acknowledge as sufficient the significant progress that has been made to upgrade Ireland's ranking. This is despite significant advancements over the year 2020 in measures to combat human trafficking and support victims.

The assessment made in relation to the fishing industry in the 2019 TiPs report and reflected again in the 2020 report was found to be particularly concerning. The Department strongly maintain that all accusations of human trafficking are fully investigated by An Garda Síochána and decisions on prosecution are made by the Director of Public Prosecutions who is independent of Government.

No evidence has been found to support the allegations of widespread human trafficking in the fishing industry and the Department found it concerning that the State Department chose to place significant weight on particular voices and not to take account of the balance of stakeholder assessment – including assessment by NGOs active in Ireland in tackling human trafficking – that these accusations are without foundation.

The Department also raised concerns about the lack of consistency in simply applying a year-on-year comparator while the impact of COVID-19 on work in this area had not been adequately represented.

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<sup>1</sup> [2021 Trafficking in Persons Report - United States Department of State](#)

## SANTA MARTA GROUP

The Santa Marta Group was established in 2014 and is an alliance of international police chiefs and bishops from around the world working together with civil society to eradicate human trafficking and modern day slavery. Within the Santa Marta Group, Ireland leads the North Atlantic Maritime Project, in which the United Kingdom, Spain and Portugal, also participate. This project relates to human trafficking in the maritime industry in the North Atlantic.

## CROSS BORDER CO-OPERATION

The Irish authorities are working closely with law enforcement colleagues in Northern Ireland to ensure that we have a whole of island approach to organised criminal activity and there is a commitment to progress cross border investigations and cross agency training.

A number of operations which have a cross-border dimension are currently being undertaken by An Garda Síochána, involving participation by the Police Service of Northern Ireland. The relevant investigations involve both Police organisations targeting Organised Crime Groups with strong links to organised prostitution and human trafficking of persons for sexual exploitation, operating on the island of Ireland.

### Joint Agency Task Force (JATF).

In November 2015, the Irish and British governments and the Northern Ireland Executive agreed a series of measures in A Fresh Start, The Stormont Agreement and Implementation Plan, one of which was the creation of a Joint Agency Task Force (JATF) as part of a concerted and enhanced effort to tackle organised and cross-jurisdictional crime.

The JATF is led by senior personnel within An Garda Síochána and the Police Service of Northern Ireland (PSNI), the Revenue Commissioners and HM Revenue and Customs. A number of other organisations including the Criminal Assets Bureau (CAB) and the UK's National Crime Agency are involved in JATF related operational activity.

Based on a strategic assessment of threat risk and harm, six (6) priority areas were identified for targeted activity by the relevant agencies. The Garda National Protective Service Bureau (GNPSB) is responsible for the priority area of human trafficking and participate in operational activity undertaken to tackle relevant criminality where there is a cross border element identified as part of the work of the JATF. Such participation involves the holding of meetings of relevant representatives of An Garda Síochána through the GNPSB and the PSNI.

## INTERPOL TASK FORCE ON HUMAN TRAFFICKING (ITHT)

Ireland continues to participate in an Interpol Task Force on Human Trafficking. This is an international working group for law enforcement specialists dedicated to preventing trafficking in human beings at a global level. Through shared intelligence, research, education and learning, the Task Force seeks to progress and improve investigative methods in relation to human trafficking.

The Task force also makes recommendations, resolutions and presentations to Interpol's regional conferences and its General Assembly. Ireland continues to work with Interpol including through use of its '24/7' Databases, to share information and intelligence relating to particular cases and to assist other law enforcement entities, at an international level.

## EMPACT (European Multidisciplinary Platform Against Criminal Threats).

EMPACT (European Multidisciplinary Platform Against Criminal Threats), is a security initiative driven by EU Member States to identify, prioritise and address threats posed by organised and serious international crime. EMPACT runs in four-year cycles. It is a multidisciplinary cooperation platform of Member States, supported by all EU institutions, bodies and agencies (such as, Europol, Frontex, Eurojust, CEPOL, OLAF, EU-LISA, EFCA and others). Third countries, international organisations, and other public and private partners are also associated. The Assistant Commissioner assigned to Organised & Serious Crime (OSC) within An Garda Síochána, is assigned the role of National EMPACT coordinator for Ireland.

Human trafficking is a priority crime area within EMPACT. The Garda National Protective Service Bureau (GNPSB) participate in the Human Trafficking Group. Personnel assigned to GNPSB attend EMPACT meetings relating to human trafficking projects.

Operational action plans are prepared with regard to each of the EMPACT priorities, designed to enhance the ability of Member States to deal with issues such as, inter regional travelling criminal networks, trafficking routes, international police cooperation, judicial cooperation and specific operations. Funding for such initiatives is provided through Europol, from the European Commission.

## Joint Investigation Team (JIT).

A joint investigation team (JIT) is a team consisting of prosecutors and law enforcement authorities which is established by written agreement between the countries involved; operates for a fixed period, with the power to extend, by consent, and for the purpose of carrying out specific criminal investigations in one or more of the participating countries.

A JIT is described by Eurojust as one of the most advanced tools used in international cooperation in criminal matters, comprising a legal agreement between competent authorities of two or more States for the purpose of carrying out criminal investigations. Made up of prosecutors and law enforcement authorities as well as judges, JITs are established for a fixed period, typically

between 12 and 24 months, such as is necessary to reach successful conclusions to investigations.

Once a JIT is set up, the partners can directly exchange information and evidence, cooperate in real time and jointly carry out operations. Further, JITs allow practitioners to be present during investigative measures on each other's territories, and therefore share their technical expertise and human resources more efficiently. Direct contacts and communication enable the JIT members to build personal relations and trust, leading to faster and more efficient cooperation.

An Garda Síochána participated in its first JIT in November 2019 and a number of further JITs since, at least one of which has a human trafficking aspect to it.

The aforementioned JITs were established under article 20 of the Second Additional Protocol to the European Convention on Mutual Legal Assistance in Criminal Matters. The Second Additional Protocol had previously been given effect in Irish law.

Subsequent legislation, including the Criminal Justice (International Cooperation) Act 2019, made further provision in relation to mutual assistance and to better facilitate the participation of members of An Garda Síochána in JITs.

## European Arrest Warrant (EAW).

Up until 2004 the legal basis for extradition in this State was provided for solely by way of the Extradition Act, 1965. Since 2004, surrenders of persons between the Member States of the European Union have operated on the basis of the European Arrest Warrant Act, 2003, which came into effect on 1 January 2004. Extraditions from non-EU States have remained under the provisions of the Act of 1965.

The European Arrest Warrant (EAW) is a simplified cross-border judicial surrender procedure which is applied in all Member States of the European Union. The EAW is issued by a judicial authority in a first Member State (issuing Member State) to a judicial authority in a second requested Member State (executing Member State) for the purposes of a criminal prosecution or the execution of a custodial sentence.

Introduced in January 2004, the EAW is based on the principle of mutual recognition and is founded on trust and direct contact among the judicial authorities of the Member States. Replacing previous extradition tools that required political involvement, the instrument allows for faster and simpler surrender procedures by setting strict time limits for surrendering suspects and convicted persons, providing practitioners with a single standard form and establishing limited possibilities for refusal by the executing State.

## EU NETWORK OF NATIONAL RAPPORTEURS OR EQUIVALENT MECHANISMS ON TRAFFICKING IN HUMAN BEINGS

Senior officials of the Department of Justice attend meetings of the EU Network of National Rapporteurs and Equivalent Mechanisms (NREM). The NREMs' carry out the assessments of



trends in trafficking in human beings, the measuring of results of anti-trafficking actions, including the gathering of statistics in close cooperation with relevant civil society organisations active in this field, and reporting. The network seeks to develop a new EU strategic approach against trafficking in human beings through a comprehensive approach from prevention through protection of victims to prosecution and conviction of traffickers. Measures discussed on a European level to better support the implementation of the Anti-trafficking Directive in Member States, in particular in cross border context, included:

- The support and protection of victims;
- Law enforcement and judicial action and cooperation against the crime;
- Preventing the crime from happening

Other matters discussed included reducing the demand that fosters trafficking, effectiveness of current legislation, breaking the criminal model to supply victims of trafficking for exploitation and protecting and empowering the victims, especially of women and children.

## NATIONAL ANTI-TRAFFICKING CO-ORDINATORS AND RAPPORTEURS

A member of the Department of Justice virtually attended the annual meeting of National Anti-Trafficking Co-coordinators and Rapporteurs or Equivalent Mechanisms which is co-organised by the Council of Europe and OSCE. These meetings are a platform to strengthen cross-border collaboration and build meaningful partnerships and play a pivotal role in the development and implementation of national anti-trafficking responses.

## EUROPEAN NETWORK ON VICTIMS' RIGHTS (ENVR)

Members of the Department of Justice attend European Network on Victims' Rights (ENVR) meetings and workshops covering a broad scope of victim centred topics. The ENVR is a cooperation between Member State experts working under the control of competent government authorities responsible for victims' rights, from all Member States of the EU. The basic aim of the ENVR is to develop sustainable knowledge base especially for professionals and policy makers acting in the field of supporting and protecting crime victims including victims of trafficking.

## 6. PROGRESS IN 2021 - PROJECTS UNDER THE NATIONAL ACTION PLAN

Over the past year significant measures have progressed to combat trafficking, to create a more victim-centred approach to identifying and supporting victims and to raise awareness and provide training. Highlights include:

- First convictions for human trafficking have taken place
- A marked increase in the overall number of files being received by the Office of the Director of Public Prosecutions over the last number of years
- Irish Government approval for the creation of a revised National Referral Mechanism to make it easier for victims of trafficking to come forward, be identified and access support
- Work has commenced on the development of a new National Action plan
- A review is being undertaken of the Atypical Working Scheme for Fishers; Ireland reiterates its concerns in relation to the assumptions made regarding the fishing industry here
- Government funding continues to be committed to supporting victims of trafficking and victim support services. The Victims of Crime Grant Scheme allocated €4,104m to these organisations in 2021 and will have a budget of €4,889m in 2022
- The Department of Justice launched a revised and updated Victims Charter; a Victim's Rights Awareness Raising Campaign is in development and funding has been granted to expand awareness raising activities of victims' rights in 2022
- A review of the Criminal Law (Sexual Offences) Act 2017 is currently being undertaken and is to be completed by end of 2022
- A legislative amendment which will provide for the expunging of convictions relating to the sale of sexual services is currently being drafted within the Department of Justice

### Investigations and prosecutions

2021 saw the first convictions for human trafficking handed down by the Courts and on 28 September 2021 significant sentences were handed down in Mullingar Circuit Criminal Court for these crimes. Of particular importance is the fact that four (4) victims of human trafficking were identified in the course of the relevant investigation, who were removed from circumstances of vulnerability and provided with appropriate supports.

There has been a marked increase in the overall number of files, received by the Office of the DPP

since 2018. The overall number of files received increased by 37% from 2018 to 2021. The most dramatic increase was from 2019 to 2020 when there was an increase of 27% in the number of prosecution files received. An accurate analysis of the figures for 2021 remains to be finalised but it is clear that the file numbers following this dramatic increase has been maintained.

## Revised National Referral Mechanism (NRM)

On 11 May 2021 the Irish Government approved the creation of a revised National Referral Mechanism (NRM) to make it easier for victims of trafficking to come forward, be identified and access support.

At present, An Garda Síochána is the sole competent authority for the purposes of identification of victims of human trafficking. The following agencies will, in addition to An Garda Síochána, become competent authorities for the identification of victims of human trafficking:

- Department of Justice Immigration Services
- Department of Social Protection
- HSE
- Tusla
- Department of Children, Equality, Disability, Integration and Youth International Protection Accommodation Services (IPAS)
- The Workplace Relations Commission

The agencies will together form a National Referral Mechanism Operational Committee, which will make decisions on entry of victims into the NRM. In addition, selected NGOs will be designated as 'trusted partners' will also be able to refer victims to the NRM. This will allow an alternative and trusted pathway to enter the NRM, aside from State agencies. The NGO selection criteria will be set out in legislation and will essentially relate to undertaking the quasi-judicial and due diligence obligations of all NRM partners.

The Criminal legislation function within the Department of Justice are currently in the process of drafting the General Scheme for the legislation to put the NRM on a legislative footing. There is also considerable detailed work to be done to develop operating procedures which will guide the work of the competent authorities in the revised NRM. The Department is committed to working through all the detail in a collaborative spirit with Departments, agencies and with the key NGO partners.

## Development of new Action Plan on Human Trafficking

Included in the Department of Justice Action Plan 2021 is an action to work with public sector and civil society stakeholders to review and strengthen our processes and legislative framework to combat human trafficking

As part of this engagement the Department of Justice established a subgroup of the Human Trafficking Forum with NGO membership. The subgroup was tasked with examining the existing Action Plan and forming a view on the value of developing a replacement and updated Action Plan.

In April 2021, a consultant was engaged to produce a short and focussed analysis of the current position in relation to human trafficking in Ireland. The analysis included a summary of issues in relation to human trafficking that a new National Action Plan should address and lessons for implementation from previous action plans and from other relevant domestic and international experience.

The analysis was presented to the sub-group of the Human Trafficking Stakeholders Forum and the consensus of the group was that a new National Action Plan should be developed rather than a revision of the current plan. Given developments since the Second National Action Plan in 2016, the subgroup and Department see a real value in developing a new National Action Plan now and linking this in with the work being progressed on development of a new National Referral Mechanism.

The current action plan retains many pertinent and worthwhile goals but some new European wide approaches to tackling trafficking had developed in recent years and will be accounted for in particular;

- A greater recognition of a gender element to trafficking and gendered tailored responses.
- A greater focus on integration of identified victims and not just to address the immediate crime itself

The new Action Plan will be published by end of 2022. Buy-in from all Departments and Agencies is imperative and stakeholder and public consultations will also take place.

## Review of Atypical Working Scheme for Fishers

In line with best practice, a review the operation of the Atypical Fishers scheme was conducted in 2021 and 2022. The cross Departmental review determined whether the scheme should continue in its present or an amended form or whether there is a more suitable mechanism for the employment of non-EEA workers on eligible vessels under the current scheme.

The review examined the following:

- Consideration of any commentary made in relation to the scheme in recent years, including allegations relating to human trafficking
- Consultation with relevant stakeholders
- Examination of the extent of the requirement for non-EEA nationals to work on eligible vessels under the current scheme

The Departments of Justice; Agriculture, Food & Marine; and Enterprise, Trade and Employment are represented on the review group. The review group has now produced a concise report containing findings and recommendations which is with senior officials for consideration.

## NGO funding provision during 2021

A key element in combatting human trafficking is to identify potential solutions by working with NGO partners who work with at-risk sectors of the economy and with vulnerable people. These non-profit partners are dependent on State funding to carry out their work in this area. The Department of Justice manages the evaluation of requests by NGOs for Department of Justice funding while monitoring the implementation of Service Level Agreements.

Government funding continues to be committed to supporting victims of trafficking and victim support services. The Victims of Crime Grant Scheme allocated €4,104m to these organisations in 2021 and will have a budget of €4,889m in 2022. In addition, €5,348m was allocated for awareness raising campaigns (ARCs) in 2021 on victim's rights and the protections available to victim. €1,091,655 was awarded specifically to Anti Human trafficking organisations.

Such services continue to provide important information and support to victims of crime, including emotional support, court accompaniment, accompaniment to Garda interviews, accompaniment to sexual assault treatment units, counselling and referral to other services. Victims' services which receive funding include strategic services such as the Crime Victims Helpline, Support after Crime Services and Victim Support at Court as well as specialist services.

The Department of Rural and Community Development allocated €250,000 from the 2020 Dormant Accounts Action Plan for anti-human trafficking efforts to support;

- Victim support projects that address the needs of victims of human trafficking or persons vulnerable to human trafficking
- Projects that raise awareness of the issue of trafficking in human beings

Applications were received from NGOs and stakeholders in the anti-human trafficking sector for financial support for initiatives focusing on awareness raising and training for frontline staff, state, local authority and civil society with regards to human trafficking - what to watch out for, what to do, where to get help. The Migrants Rights Centre Ireland, the Immigrant Council of Ireland, Ruhama, MECPATHS and Doras were approved funding to;

- Develop and deliver a national awareness campaign entitled "Prostitution: We Don't Buy It"
- Develop information resources and training on awareness of human trafficking for labour exploitation
- Develop and deliver introductory and advanced online training modules on awareness raising of human trafficking in Ireland and
- Develop and deliver training and information resources on awareness raising of human trafficking aimed at frontline staff and volunteers.

Details below of Department of Justice allocated funding to NGO's and stakeholders in the anti-human trafficking sector. In some cases this includes funding for the provision of legal advice where the victim wishes not to engage with a Government body.

<b>Department of Justice Funding</b>	
Ruhama including COVID	€609,868
Ruhama Exit Pathways	€27,620
MRCI	€83,500
IOM Cultural Mediation Service Project II	€250,000
Immigrant Council of Ireland	€90,667
<b>Dormant Account Funding</b>	
IOM	€30,000
<b>Total</b>	<b>€1,091,655</b>

## Victims Charter and Victim's Awareness Raising Campaigns

The Department of Justice launched a revised and updated Victims Charter on 4 February 2021 taking into account updates to the existing Charter necessitated by the Criminal Justice (Victims of Crime) Act 2017, involving respective agencies, which come into effect on foot of that Act. The Charter, which is a guiding document for victims of crime, has also needed revision to incorporate any other relevant updates required at this point in time in order to modernise the Charter. The full charter is available at [www.victimscharter.ie](http://www.victimscharter.ie).

Print and digital assets have been created and distributed to public locations around the country, and online. Work continues on the creation of other assets, some of which will also be translated into Irish and other languages used extensively in Ireland, before distribution.

A Victim's Rights Awareness Raising Campaign is in development and funding has been granted to expand awareness raising activities of victims' rights in 2022 with two new initiatives:

1. To work with services that support victims of crime to promote their services locally;
2. To create messaging designed to reach marginalised communities.

A new Annual Victims' Forum for state, social and community groups held its first event in March 2022. Topics moving forward will include subjects relevant to victims' rights advocates and the criminal justice system and invitations will be extended to NGOs funded under the Departments'

Victims of Crime grant scheme.

## Review of Criminal Justice (Sexual Offences) Act 2017

The Criminal Law (Sexual Offences) Act 2017 was enacted on 22 February 2017. The Act enhances and updates laws to combat the sexual exploitation and sexual abuse of children, including new offences relating to child sexual grooming and new and strengthened offences to tackle child pornography. The Act also criminalises the purchase of sexual services, introduces new provisions regarding the giving of evidence by victims in sexual offence trials and introduces a new offence addressing public indecency. Other provisions include maintaining the age of consent to sexual activity at 17 years of age and for a new “proximity of age” defence as well as a statutory statement of the law as regards consent to sexual acts.

A review of this provision, is currently being undertaken. It was expected that the review would be completed in 2021, but is now expected by end of 2022. As well as reviewing the effectiveness of the Act’s implementation, the review will also advise on further actions that could be undertaken to protect those engaged in the sex trade.

Since the introduction of the Criminal Law (Sexual Offences) Act 2017, which decriminalised the sale of sex, potential victims of human trafficking in these cases are more easily identified and non-punishment for these victims is enshrined in law.

## Expungement of Prostitution Offences

A legislative amendment, which will provide for the expunging of convictions relating to the sale of sexual services that were acquired prior to a relevant legislative amendment of 2017 is currently being drafted within the Department of Justice. This initiative is being progressed arising from recognition that persons convicted relating to the sale of sexual services, may have been victims of human trafficking. This amendment will be finalised following the results of the Section 7(2) review to ensure any recommended changes from that are also reflected.

## The Organised Prostitution Investigation Unit (OPIU)

The Garda National Protective Services Bureau formally established in February 2021 the Organised Prostitution Investigation Unit, to police all aspects of organised criminality within the sex trade, including the enforcement of legislation criminalising the purchase of sexual services.

The Organised Prostitution Investigation Unit, formally known as and operating as Operation Quest is attached to the Garda National Protective Services Bureau, under Assistant Commissioner, Organised and Serious Crime based at Harcourt Square.

The establishment of this specialised unit reinforces An Garda Síochána’s commitment to protecting vulnerable persons, including victims of human trafficking involved in prostitution in Ireland. This will be achieved by, tackling crime gangs involved in organisation prostitution, by targeting the demand for prostitution and by safeguarding those persons trafficked for sexual exploitation. The Unit, have been actively targeting organised prostitution and brothel keeping.