



COALESCE



Mind the Gap Report: COALESCE for Support in Ireland

Needs analysis for the integration of migrant female victims of
trafficking for sexual exploitation/abuse

Mind the Gap Report: COALESCE for Support in [Ireland]

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Coalesce project

This report is produced for the EU funded initiative "COALESCE: Legal, Psycho-social and economic empowerment for the integration of women third country nationals (TCN) victims of human trafficking (VoT) for sexual exploitation and abuse" (Coalesce Project EC AMIF: 958133), led by the Mediterranean Institute of Gender Studies (MIGS) (Cyprus), in partnership with the Immigrant Council of Ireland (ICI) (Ireland), Caritas Cyprus, Cyprus Refugee Council, SOLWODI (Germany), Associazione Iroko Onlus (Italy), Association, Marta Centre (Latvia), Klaipeda Social and Psychological Services Center (KSPSC) (Lithuania), and European Network of Migrant Women - a European platform based in Belgium.

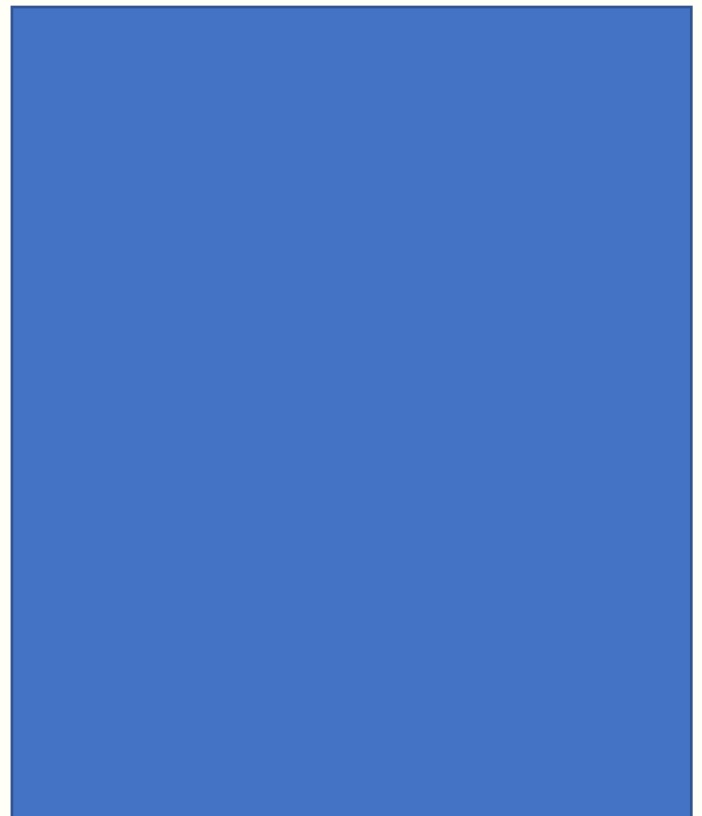
Coalesce works to support to victims of trafficking in human beings: providing gender-specific psycho-social, legal and economic support and assistance to third-country national women victims of sex trafficking, and to develop synergies and complementarities in facilitating needs identification, assistance and support, and improve transnational cooperation among front line professionals and practitioners. Coalesce's aim is to place the voices and authentic opinions of trafficked women at the centre of implementation.

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Needs analysis for the integration of migrant female victims of trafficking for sexual exploitation/abuse

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Introduction

Short overview of the COALESCE project

This report is produced in the framework of a transnational project entitled "COALESCE: Legal, Psycho-social and economic empowerment for the integration of women third country nationals (TCN) victims of human trafficking (VoT) for sexual exploitation and abuse» (Coalesce Project EC AMIF: 958133). The COALESCE Project is funded by the European Union Asylum, Migration and Integration Fund and implemented by a partnership consortium comprising the lead partner [Mediterranean Institute of Gender Studies](#) (Cyprus), [Cyprus Refugee Council](#), [CARITAS Cyprus](#), [IROKO Onlus](#) (Italy), [Marta Centre](#) (Latvia), [European Network of Migrant Women](#), [Immigrant Council Ireland](#), [Solwodi](#) (Germany), [Klapeida](#) (Lithuania).

The objective of the project is to provide support to the female migrant victims of trafficking in human beings for sexual exploitation in Europe. By providing gender-specific psycho-social, legal and economic support and assistance to third-country national women victims of sex trafficking, the project seeks to develop synergies and complementarities in facilitating needs identification, assistance and support, and improve transnational cooperation among front line professionals and practitioners.

There is a well-documented and acknowledged link between the assistance that the victims need and other factors such as their gender, the specific form of exploitation they have suffered, and their residence status (Directive 2011/36/EU). In fact, female victims of trafficking for sexual exploitation often have very complex needs (European Commission, Study on the Gender Dimension of Trafficking in Human Beings, 2016; EIGE, Gender-specific Measures in Anti-trafficking Actions, 2018). Thus, the gendered nature of human trafficking, as a form of gender-based violence, is a fundamental element of COALESCE's conceptualisation and work programme. In responding to the priorities of the AMIF (5), the project focuses on the implications of the migration developments, within a context of protracted uncertainty and exacerbated social inequalities caused by the Covid-19 pandemic that affect the most vulnerable victims of human trafficking, in particular migrant women and children.

Specifically, the workplan of COALESCE project involves:

- The provision of assistance guided by a **Gender Specific Integration Model (GeSIM)** for legal, psycho-social assistance and economic empowerment to enhance integration of women TCN VoT.
- The development of a **practical working toolkit** enhanced by input from affected women, **distilling specialized knowledge and recommendations** for a sustainable gender-specific implementation EU guidelines and tools, **influencing the work of service providers** (including asylum authorities).

- The promotion of **national and transnational knowledge exchange** between relevant actors on the benefits of and commitment to GESIM. Nurturing collaborative approaches benefitting trafficked women.
- The improvement of the **capacity of victim support organisations** across the EU to provide **gender-specific support services** (incl. psycho-social, legal and economic empowerment) tailored to the needs of migrant women victims of trafficking for sexual exploitation/abuse contributing also to their early identification.

Last but not least, taking into consideration all available protection measures in the framework established by the Anti-Trafficking Directive 2011/36/EU, this project seeks to enhance best knowledge exchange on the integration of trafficked victims, among the consortium which brings together a diverse group of feminist organisations with particular expertise in supporting trafficked migrant women recovering from sexual violence and exploitation.

The Mind the Gap Report

The purpose of this report is to present a mapping and analysis of needs for the support to and integration of female third country national victims of trafficking for sexual exploitation (TCN VoTs) in six EU (European Union) Member States: Cyprus, Germany, Ireland, Italy, Lithuania and Latvia. The analysis adopts a victim-centred and gender-specific approach by directly involving those affected in the mapping and assessment of existing local support mechanisms to identify areas of gender-specific intervention within the areas of: 1) psycho-social support; 2) legal support; and 3) building economic independence (economic empowerment).

Specifically, this report aims at providing a state-of-the-art and relevant information with regards the gaps in assistance and support available in the countries under review, from the perspectives of victims of VoTs for sexual exploitation.

The report comprises a short overview of the project, the legal and policy context at EU and national level, followed by an analysis of the key themes and needs identified through in-depth interviews and/or focus groups carried out in [Ireland] with female TCN VoTs for sexual exploitation.

Methodology

The Coalesce consortium have adopted a common methodology to ensure coherence of the mapping and analysis of needs across the partner countries. The results of this context mapping and needs analysis feed directly into the design and development of Gender-Specific Integration Models (GESIM) -(Work Package 3 of the Coalesce Project)- a handbook/guidelines comprising of Psychosocial & legal support model (PLM) and Economic empowerment model (EEM) for TCN women VoTs. The interlinkage of this needs analysis with the Gender-Specific Integration Models (GESIM) ensures consistent inclusion of VoT voices

and perspectives in the integration interventions that will be produced, implemented and evaluated in the course of the Coalesce Project.¹

The methods used for this research report include:

Desk research, including a) legislation, b) policies, c) academic and other research reports, and d) government reports and reports published by EU and other international institutions, in order to collect up-to-date information on current support and integration provisions available for women TCN VoTs affected by trafficking for sexual exploitation in the different national/local contexts. The analysis will build upon existing EU analysis of gender-specific measures on trafficking to help merge the micro with the macro level (Yonkova et al., 2017).

In-depth interviews and focus groups with female TCN VoTs for sexual exploitation to gain insight into their first-hand experiences and opinions on existing support and integration measures, and how VoTs can be best supported.

For the purposes of this project, the identification of the gender-specific needs and areas of intervention focus on economic, legal and psychosocial empowerment.

In this regard, the available knowledge to date was incorporated through the screening of the EU legislation and policies, EU studies, EIGE studies, EU Anti-Trafficking website library, relevant project reports and build on the findings of our colleague practitioners – such as SOLWODI and ICI that worked in the ASSIST project that identified best practice principles in delivering gender-specific assistance (Thomson and Yonkova, 2020).

Psychosocial and legal support indicators

The provision of gender-specific psycho-social, legal services aiding the integration of TCN victims of trafficking include holistic psychological and social support, as well as legal representation. These forms of support are linked to the experiences of women victims of human trafficking for sexual exploitation and other forms of violence against women. Specifically, these indicators as adapted from the ASSIST Project (Assist Project, 2020; Yonkova, N. et al., 2020) involve: “the identification and recognition as a victim of trafficking; obtaining and/or renewal of the necessary immigration permits; international protection related matters; any other immigration related matters, as well as criminal matters.” Specific focus is added but not limited to: “family related matters; securing access to appropriate housing (provision of shelters and protected flats); medical assistance; compensation; access to material assistance; psychological support; other integration initiatives” (p.36).

Economic independence indicators

The concept of women’s economic independence recognises that women are economic actors who contribute to economic activity and should be able to benefit from it on an equal

¹ This approach also facilitates transnational knowledge exchange and learning, as well as the promotion of the GESIM and its direct benefits for women TCN VoTs for sexual exploitation.

basis with men, and that financial independence can have an important role in strengthening the position of women in society and within the household. Economic independence refers to a condition where women and men have their own access to the full range of economic opportunities and resources – including employment, services, and sufficient disposable income – so they can shape and exercise control over their lives, meet their own needs and those of their dependants, and make conscious choices (Pesce and Christodoulou, 2017).

Economic empowerment is understood within the framework of enabling economic independence and includes but is not limited to these indicative themes and indicators: employment opportunities; education and professional training (job orientation training and access to entrepreneurship, business plans, access to resources); resource mobilisation and funding schemes (start-ups, small business); access to technology / digital skills; mentoring; care services; welfare and social benefits; housing and transportation services; direct or indirect financial services.

To conclude, the three pillars of intervention – psychosocial, legal and economic empowerment – are understood as taking place in complementarity with counselling which is defined as follows:

Counselling is a multidisciplinary approach in which refugee women who have been victims of gender-based violence are offered a multitude of support, including psycho-social counselling, information on their rights and assistance in fulfilling their everyday needs. The aim of counselling is to support clients in different areas of life, not just with incidents connected with gender-based violence. The counselling process can take months or even years and it intersects with several other processes to which asylum seekers and victims of violence can be part of: the asylum process, criminal process and civil law processes such as divorce, family unification or custody of children. Counselling is in practice a series of one-on-one sessions where refugee women are given an opportunity to be heard and to tell their story. Together with the counsellor a spectrum of opportunities are jointly discovered. Women are informed about their rights as victims of crime and as asylum seekers. Their practical needs such as sustenance, housing and medical needs are mapped and, when needed, they are referred to other service providers. At a more in-depth level, counsellors describe counselling as a process of moving from shame, fear and self-blame to building confidence, empowerment and integration (Lilja, 2019: 43).

EU Policy Context

Trafficking in human beings (THB) in the EU is a major problem, which shows no signs of decreasing (EC second progress report, 2018). Trafficking continues to be a key threat in the European Union (EU), while trafficking of women and girls for the purposes of sexual exploitation is the most widely spread form of exploitation (Europol, 2021). Female victims represent 77% of all victims, while trafficking sexual exploitation represents 65% of the overall

registered trafficking crime (based on EU stats excluding the UK data, EC progress report, 2018). The statistics available mandate particular attention to trafficking of women on the one hand and trafficking for the purposes of sexual exploitation on the other. THB, which is a form of violence against women (EU/29/2012, Istanbul Convention 2012), is a highly gendered crime not only due to the statistical information available but also due to facts surrounding the severe, long-term consequences and harms to women who have been exploited for the purposes of sexual exploitation, according to the Study on the Gender Dimension of THB (EC, 2016). Their recovery needs require significant investment and may take extended periods of time, therefore planning for and organising the efficient recovery and re-integration programmes are of paramount importance.

The recommendations of the Study on the gender dimension of THB (EC, 2016), the report Gender-specific measures in Anti-Trafficking actions (EIGE, 2018) and the Anti-Trafficking Directive 2011/36/EU, the assistance offered to such women must be appropriate to their gender, age and the form of exploitation. To that effect, the Commission commits to support efforts geared at 'comprehensive and accessible protection and help the reintegration of victims of trafficking, taking account of the specific needs of each gender' (EC Communication, 2017). Therefore, programmes utilising the latest advancement in the knowledge of the gender-specific integration needs and efficient approaches to supporting the recovery of trafficked women represent a clear rationale for action in present times in the EU.

The phenomenon of human trafficking has been greatly shaped by and entangled with significant migration flows into and within the EU. In 2018 for example, Europol reported that organised criminal groups involved in THB often exploit existing migratory routes to traffic victims into and within the EU (Europol, 2018). Similar to the Commission Staff working document (EC, 2018), the same Europol report exposes the nexus between asylum and human trafficking, which has been also in the focus of the European Asylum Support Office (EASO) for the last few years. Frontex (Risk analysis report, 2018) finds a significant increase in the number of Nigerian women and girls (increasingly minors) in mixed migration flows to Italy, intended for supply to the European sex market. Similarly, the IOM reported a 600% increase, in a three-year period, of the number of potential female victims primarily from Nigeria, with an estimated percent of victims of trafficking among them reaching 80%. Despite of these facts and knowledge, trafficking of women for sexual exploitation has not become a priority in many EU Member States and many women remain not identified (EC, 2018). Despite the insufficient identification efforts, including in the asylum process, it is clear that a sizeable proportion of the sex-trafficking victims registered in the EU are TCN women. This adds a layer of complexity in the response to them due to their immigration status, cultural specificity, limited eligibility to general state-funded services, lack of support networks, increasing racism and xenophobia, making the integration assistance demanding and simultaneously requiring gender-specificity, violence against women expertise as well as intersectional competence.

Chapter One - Psychological Support

Supports provided by statutory bodies:

Within the jurisdiction of the Republic of Ireland, there is a framework of roles and responsibilities between the main statutory and NGO bodies involved in responding to the needs of victims of trafficking. This framework is described on the website of the dedicated Department of Justice campaign against human trafficking, 'Blue Blindfold'².

Governmental stakeholders: The main governmental stakeholder with overall policy coordination responsibility is the Community Safety Policy Unit of the Department of Justice. The main investigation unit of An Garda Síochána (the Irish national police force) is the Human Trafficking Investigation and Coordination unit (HTICU), at the Garda National Protection Services Bureau (GNPSB). The Human Trafficking Investigation and Coordination Unit (HTICU) is a specialised human trafficking unit within the Garda National Protective Services Bureau (GNPSB)³ of An Garda Síochána which works closely with the Garda National Immigration Bureau (GNIB)⁴, the state's competent authority, to identify victims of trafficking. All reports, suspicions or concerns in regard to potential victims of human trafficking must be addressed to HTICU, which can authorise access to state-provided services. The Health Service Executive (HSE) hosts a unit of social workers and medical professionals in charge of development of individual plans for suspected victims, the Anti-Human Trafficking Team (HSE AHTT)⁵. In relation to state provided care for minor victims of trafficking, the Tusla team for Separated Children Seeking Asylum SCSA⁶ has primary responsibility to make all necessary provisions for any unaccompanied children identified as potential or suspected victims of trafficking.

The International Protection Accommodation Service (IPAS)⁷ is generally tasked with provision of accommodation to applicants for international protection, and also houses suspected/alleged victims of trafficking. The IPAS runs a system of mixed-gender accommodation centres operating on the principle of full board, i.e. offering three meals a day and a bed in shared rooms. The Legal Aid Board (LAB)⁸ offers legal information to detected victims. Legal support for victims of human trafficking will be discussed in detail in Chapter Two. It is notable that suspected and confirmed victims of trafficking, similar to all asylum seekers, have free access to the public health system in the state. Through this, the provision of psychological counselling, even though theoretically available, is of limited availability due to insufficient supply and staffing resources within the health service as a whole.

² Blue Blindfold: www.blueblindfold.ie

³ GNPSB <https://www.garda.ie/en/About-Us/Specialist-Units/Garda-National-Protective-Services-Bureau-GNPSB/>

⁴ GNIB: <https://www.garda.ie/en/About-Us/Specialist-Units/Immigration-GNIB/>

⁵ HSE: <https://www.hse.ie/eng/services/list/5/sexhealth/whp/anti-human-trafficking-team.html>

⁶ Separated Children Seeking Asylum at Tusla, the Child & Family agency: <https://www.tusla.ie/services/alternative-care/separated-children/>

⁷ IPAS: <http://www.ria.gov.ie/>

⁸ <https://www.legalaidboard.ie/en/>

Non-governmental organisations: There are several established independent non-governmental organisations supporting international protection applicants and migrant communities in general within the jurisdiction of the Republic of Ireland, including the following:

- Africa Centre
- AkiDwA
- Clare Immigrant Support Centre
- Crosscare Migrant Project Service
- Doras
- Immigrant Council of Ireland
- Irish Refugee Council
- Jesuit Refugee Service Ireland
- NASC (Irish Immigrant Support Centre)
- Spirasi

Additionally, there are also a number of specialist non-governmental organisations with expertise in trafficking in human beings. The organisations involved in the national response and referred to on the designated state Anti-Trafficking website 'The Blue Blindfold'⁹ are as follows:

- Immigrant Council of Ireland Independent Law Centre¹⁰
- Ruhama¹¹
- Migrant Rights Centre Ireland¹²
- Sexual Violence Centre Cork
- Doras¹³
- Dublin Rape Crisis Centre¹⁴

Overall, while the above infrastructure exists both at a statutory and non-governmental level, the psychosocial care for victims of trafficking within the international protection system is much impacted by the fragmented and partial system of rights and entitlements which applicants experience. This situation is further compounded by lack of accessibility to state provided psychological support and counselling due to staffing and resource limitations within the public health system. Barriers of this nature have been further entrenched by the severe impact of the COVID-19 pandemic on Irish public health services, resulting in the

⁹ Official anti-trafficking website of the State: http://www.blueblindfold.gov.ie/en/bbf/pages/state_services

¹⁰ Immigrant Council of Ireland: www.immigrantcouncil.ie

¹¹ Ruhama: www.ruhama.ie

¹² Migrant Rights Centre Ireland: www.mrci.ie

¹³ Doras: www.doras.org

¹⁴ Dublin Rape Crisis Centre: www.drcc.ie

development of significant backlogs of cases, longer waiting times for appointments and much reduced capacity overall.

Analysis of interviews with victims

Four victims of trafficking for sexual exploitation participated in the interview process, carried out in four separate interviews conducted through Zoom by an Immigrant Council of Ireland staff member in March and April 2021. Their ages ranged from 25 to 41 years and two of the women were mothers whose children were still residing in their countries of origin. The interviewees have not been formally identified as victims of human trafficking by the Irish authorities, as they had made applications for international protection, which made them ineligible for victim identification in Ireland. It is the policy of the Irish government not to allow international protection applicants to benefit from the administrative immigration arrangements which form part of the National Referral Mechanism governing responses to victims of human trafficking. The overall context of the poor levels of rights and support provided to applicants for international protection can be seen as detrimental to the overall psycho-social wellbeing of the interviewees and victims of human trafficking in general. Formal identification of such applicants as victims of trafficking and their timely entrance into the National Referral Mechanism would greatly increase their ability to access rights and supports. It should be noted that in the area of accommodation, both international protection applicants and victims of trafficking are housed within the same setting, described below.

Issues arising included:

1. *Accommodation*

As applicants for international protection, rooms in the accommodation centres in which they reside are shared, with up to four occupants per room. This results in a total lack of privacy for reflection and recovery for victims. Up until recently, when a limited number of self-catering centres were introduced, international protection applicants and victims of trafficking residing in accommodation centres have had no choice over their food and were required to eat what they were served three times a day, which has been widely criticised as being detrimental for trafficked women in that it severely limits their ability for autonomy and individual decision making. The interviewees reported that they feel that accommodation centre staff do not have sufficient training or understanding of gender-based violence and sexual violence trauma. This assessment echoes the findings of previous research pieces carried out by the Immigrant Council of Ireland¹⁵ which found that accommodation centre staff on the whole do not have expertise on issues that are relevant for the special needs of trafficked victims in the asylum process. In isolated cases, minors applying for international protection (who may be age disputed by the authorities) are accommodated in adult

¹⁵ <https://www.immigrantcouncil.ie/sites/default/files/2017-10/TRACKS%20Immigrant%20Council%20National%20Country%20Report%20Ireland%20OCT17.pdf>

accommodation centres for international protection applicants, which are mixed gender and without appropriately trained personnel. This creates significant risk of re-trafficking.

As has been described by research and analysis at a national and international level (by the Immigrant Council of Ireland¹⁶, the Council of Europe Committee of Experts on Trafficking in Human Beings (GRETA)¹⁷ and the U.S. Department of State annual Trafficking in Persons Report¹⁸) the accommodation of victims of human trafficking in the setting of shared room, mixed gender accommodation centres is a wholly inappropriate setting for trafficked women and severely limits their capacity for recovery. One interviewee reported that, at a time when she was pregnant, her dietary needs could not be met by the food provided in the accommodation centre. She described how a friend had to deliver more suitable food for her from outside. The interviewee reported that this situation became untenable and she felt she had no other choice but to leave the accommodation centre and seek alternative accommodation. Financial assistance is not provided by the state in the circumstances where an international protection applicant leaves state provided accommodation, so this interviewee relied on her friends for support.

Progressing to independent living is very difficult for victims, even if they successfully achieve formal recognition as a refugee or formal identification as a victim of trafficking. In theory those persons now have the right to leave the accommodation centre and seek independent accommodation in the rental market, but this can be a very difficult and lengthy process, exacerbated by an overall shortage of rental accommodation and other housing options in Ireland. One interviewee reported feeling abandoned since moving into a private apartment, and that it is difficult for her to navigate her integration into the community. Landlords and letting agencies usually require documents such as a letter of employment and a reference from a previous landlord – both documents which victims of trafficking will invariably struggle to provide. Interviewees describe that they perceive that they are persistently racially profiled when seeking accommodation. Many queries for accommodation go unanswered, and in the instance where they do get a response from letting agencies the answer is most often in the negative. One interviewee described how she waited for nearly a year to get private accommodation, even though she was actively supported by an NGO in the process. She stated that she is now eligible to register for Local Authority housing but that this process can take years before an allocation of housing is made due to insufficient supply of housing at a national level.

¹⁶ <https://www.immigrantcouncil.ie/sites/default/files/2020-05/2020SubmissionfortheIndependentGrouponDirectProvisionHousingTraffickedWomen.pdf>

¹⁷ <https://www.coe.int/en/web/anti-human-trafficking/-/publication-of-greta-s-second-report-on-ireland>

¹⁸ <https://www.state.gov/reports/2020-trafficking-in-persons-report/ireland/>

2. *Education/training*

Adult asylum seekers in Ireland are not permitted to engage in training and education funded by the state. Victims of trafficking in the asylum process (as opposed to those formally identified within the National Referral Mechanism) suffer the same limitations. However, courses run by independent NGOs are available to international protection applicants and victims of trafficking, and a small number of scholarships are made available by third level institutions in Ireland on an annual basis. Following successfully achieving a decision in their application with the immigration authorities, the options available to individuals increase with applicants often being able to apply for education and training possibilities on par with Irish citizens. However, this is dependent on the type of residence permit granted, as those granted statuses less than full refugee status are excluded from many possibilities. One of the interviewees pursuing a nursing course reported that she is struggling to pay the tuition fees because her residence permit excludes her from all third level grants available to other students. Another interviewee reported that it was her desire to return to third level education but that she is unable to do so because she does not have sufficient support overall, compounded by the fact that she is the parent of a child with special needs.

3. *Psychological assistance/ medical*

Psychological support and counselling provided by the state is an area in which much development and investment is needed, with waiting times for applicants often running into months and years. One interviewee stated that support of this nature is needed at the very beginning and not after the person has well recognised and established needs. This interviewee stated that when she was in a state of high vulnerability, she had no psychological support. The only support available to her was informal support from a fellow female resident in the accommodation centre.

Aside from state provided care and the limitations which exist in accessing it, one interviewee stated that various NGOs such as Ruhama and the Dublin Rape Crisis Centre provided support to her through her most difficult period, and that they continued to assist her until she felt that she was strong enough to handle things on her own.

4. *Childcare assistance*

In the international protection system, victims of trafficking cannot access any free childcare services. One interviewee stated that she has a child with autism spectrum disorder and cannot leave this child unattended even for a short while, which impacts on her own mental wellbeing.

The public health process of assessing autism in children in Ireland and the care and support which accompanies a positive diagnosis is lengthy, often taking years to navigate. Without formal assessment of the nature of the autism spectrum disorder impacting her child, the interviewee stated that she cannot access child/medical care, which the applicant stated is

very frustrating and detrimental to her own psychological recovery. The interviewee stated that an NGO in the area in which she is presently living in independent accommodation is helping her with these issues and that she is grateful for the support she receives from this service.

5. Interviews with the police/ identification as victim

Interviewee interactions with police services varied in nature but were usually marked by negative experiences in the initial stages. One interviewee reported that the police treated her with an apparent disbelief and as a 'time waster' until they received documentation from another EU Member State substantiating her account. After this the police officers handling her case apologised and, she stated, treated her case seriously and treated her with greater respect. Following on from this, when she needed protection from the traffickers who were attempting to reinitiate contact with her, she stated that she felt greater confidence in the Irish police and turned to them for help.

One interviewee reported that she was 'talked down to' by the Irish police regarding the urgent scheduling of an interview, requested at a time when she was pregnant and unwell. She stated that she was informed that 'Ireland is a country of law and that she should do what she is told'. The manner of interaction reported in this instance reinforced negative perceptions of policing which she had experienced in her country of origin, and undermined her faith and trust in the Irish police service. The interviewee stated that the authorities insisted that the rescheduled interview take place, even though she was visibly ill and vomiting during the interview. The interviewee stated that she had a persistent headache throughout the interaction, resulting in her being generally forgetful and unfit for coherent conversation.

While it is the experience of the Immigrant Council of Ireland that the majority of police personnel in Ireland with stated responsibility in this area exhibit compassion and professionalism in supporting victims of human trafficking, the experiences outlined above demonstrate that there are instances where apparent distrust or lack of cognisance of the needs of the women in question, particularly those within the international protection system, inhibit appropriate support being provided and overall can have detrimental effects on the psychological state of the applicant.

6. Family Reunification

Family reunification issues were reported by interviewees with children as being among the most difficult issues they were facing and one of the major obstacles to their psychosocial wellbeing. One interviewee stated that she has three minor children in her country of origin, in unstable settings with a woman who is no longer willing to provide care for them. At the same time, the application for family reunification which the interviewee is pursuing often takes more than a year to process. Additionally, if the applicant is still residing within the state provided accommodation centre and not in privately rented accommodation, she is not

eligible to reunite with her children as the immigration authorities view such accommodation as not being suitable for an applicant being joined by dependant family members. Another interviewee stated that she had not seen her children for several years and that the children are now over the age permissible for them to be brought as dependants. The interviewee stated that this greatly saddens her and severely impacts her mental wellbeing.

In summary, while much positive engagement and some best practice exists in the psychosocial care of victims of trafficking in the international protection system, the overall experience, as described above by interviewees, is one of isolation, where many barriers exist to the recovery of a sense of psychological wellbeing for the women interviewed. These barriers are significant in nature, and are as much a consequence of limited resources, training and capacity as they are of a fragmented and partial system of rights and entitlements for those impacted. As will be seen in Chapter Three, the issues described above also serve to undermine the economic empowerment of victims of human trafficking.

Chapter Two - Legal Support

The Immigrant Council of Ireland is a charitable non-governmental organisation and an Independent Law Centre. The organisation provides information, legal advice and representation to migrants and their families, while prioritising vulnerable groups, in particular migrant women experiencing gender-based violence and unaccompanied children. Relevant to the COALESCE project, the Immigrant Council is the most prominent non-governmental agency providing free legal services to victims of human trafficking; predominantly, but not exclusively, those trafficked for the purpose of sexual exploitation. In addition, the Immigrant Council undertakes research, policy work and advocacy on the supports needed for victims of trafficking. We are gender-specific in our work and have accumulated extensive expertise in direct legal representation of trafficked women and girls, including strategic litigation, and broader policy and law reform activities¹⁹. Another notable civil society support organisation is Ruhama, which works exclusively with women in prostitution in Ireland, the majority of whom are women from a migrant background.

This section outlines the legal, policy and institutional context that is relevant or potentially relevant to individuals affected by human trafficking. In outlining these, attention is given to the participation of Ireland in the existing EU framework, Irish national legislation and policy papers, referral mechanisms and programmes for assistance, resettlement and reintegration approaches, as well as relevant statutory and independent stakeholders involved in the integration process of victims of trafficking.

Relevant European Framework

Over the last number of years, Ireland has participated in a range of EU measures concerning the issue of migration, victim support and human trafficking. The more relevant EU Directives and Regulations that Ireland has opted into or out of are outlined below.

Concerning international protection, Ireland exercised its right to participate in the original Asylum Procedures Directive (2005/85/EC)²⁰, the Dublin III Regulation²¹ and the original Qualification Directive (2004/83/EC)²². Initially, Ireland did not opt into the (recast) Asylum

¹⁹ ICI (2015) led EU-funded project Early Legal Intervention for victims of trafficking . Available at: <http://www.earlylegalintervention.eu/> ; ICI (2016) EU-project HESTIA: Exploitative Sham Marriages and Human Trafficking. Available at: <https://www.immigrantcouncil.ie/sites/default/files/2017-10/AT%202016%20Exploitative%20Sham%20Marriages%20European%20Report%20HESTIA.pdf>

²⁰ COUNCIL DIRECTIVE 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status

²¹ Regulation EU No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-Country national or a stateless person

²² COUNCIL DIRECTIVE 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted

Procedures Directive²³, the (recast) Qualification Directive²⁴, or either the original Reception Conditions Directive (2003/9/EC)²⁵ or the (recast) Reception Conditions Directive²⁶ (ESRE, 2018). Ireland does not, therefore, participate fully in the European Asylum Acquis.

Ireland opted into the (recast) Reception Conditions Regulations, 2018.²⁷ The decision to opt in was taken following consideration of and in response to a Supreme Court judgment²⁸, which declared the existing absolute prohibition on asylum seekers' access to the Irish labour market to be unconstitutional (ESRE, 2018). Following the judgment, until the formal transposition of the Directive, asylum seekers were permitted to access the labour market under the existing and highly restrictive employment permit system for third country nationals²⁹. Following transposition, eligibility to access the labour market is currently limited to applicants for international protection who have not received a first instance recommendation within 9 months.³⁰ This policy was updated in 2021, with the length of time reduced to 6 months.

Regarding trafficking in human beings, following the introduction of the 2008 national legislation to address the crime of trafficking in human beings, Ireland began its participation in relevant EU measures in the last ten years. Subsequently, of note is the state's decision to opt into the EU Trafficking Directive³¹ and the Victim's Right Directive³². In so doing, Ireland joined EU Member States in developing and applying measures for identification, protection and assistance of victims of human trafficking. Several notable benefits are intended through this framework that can positively impact the support of victims, in particular those linked to

²³ Directive 2013/32/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 on common procedures for granting and withdrawing international protection (recast)

²⁴ Directive 2011/95/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)

²⁵ COUNCIL DIRECTIVE 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers

²⁶ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast)

²⁷ European Communities (Reception Conditions) Regulations 2018 S.I. No. 230/2018

²⁸ N.H.V. –v- Minister for Justice and Equality and Ors [2017] ISEC 35

²⁹ Employment Permits Acts 2003-2014. In practice, this meant that applicants could only apply for jobs with a salary equal to or higher than €30,000 per year and only after a labour market test establishing that no citizen of the EEA is available to take up this position. Further, in excess of 60 different professional areas were excluded for work permits, including many traditionally taken up by migrants, such as hospitality, childcare, senior care, housekeeping and construction, among others. In addition, a prohibitive €1000 application fee for one year permit was required from the successful applicants. Not surprisingly, these unrealistic requirements were met with serious criticism from civil society organisations. See: <https://www.irishtimes.com/news/social-affairs/limited-right-to-work-for-asylum-seekers-horrific-joke-1.3385329>.

³⁰ INIS Information on Permission to Access the Labour Market: <http://www.inis.gov.ie/en/INIS/Pages/labour-market-access#eligibility>

³¹ Directive 2011/36/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA

³² Directive 2012/29/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA

victims' special needs, to responding from a gender-specific angle and to keeping the best interests of the child paramount in responding to minor victims. In reality, shortcomings of the victim identification process have been highlighted by agencies such as the Immigrant Council of Ireland, as well as international bodies such as GRETA and the U.S. Department of State annual Trafficking in Persons Report. These shortcomings serve to undermine the overall intended impact of Ireland's participation in the abovementioned EU level mechanisms.

It is worth noting that the Irish Supreme Court judgment in 2017 regarding asylum seekers' labour market access, mentioned earlier, was of some importance to victims of trafficking claiming asylum, as it enabled labour market access eventually, given the exclusion of trafficked protection applicants from the Administrative Immigration Arrangements for Victims of Human Trafficking (AIAs 2011)³³.

Ireland Legal/Policy Context

There are several pieces of legislation that are of relevance to the cohort of trafficking victims who are the focus of the COALESCE project. Of primary importance is the Criminal Law (Human Trafficking) Act 2008³⁴ as amended in 2014³⁵. There is a law pertaining to the compensation of victims of crime, the Criminal Justice (Victims of Crime) Act 2017³⁶, which is also of relevance to victims of trafficking, even though the avenues for compensation are extremely limited and have rarely been applied. There is no specific legislation relating to the residence rights of victims of trafficking, however the allocation of recovery and reflection periods for victims, as well as temporary residence permits, are issued under administrative arrangements set out under the discretion of the Minister for Justice.

Trafficking in human beings

As set out above, the crime of human trafficking was introduced into Irish criminal law for the first time by the Criminal Law (Human Trafficking) Act 2008. The legislation provides for penalties of up to life imprisonment and, at the discretion of the court, an unlimited fine for trafficking of persons for the purpose of sexual or labour exploitation or for the removal of organs. The Act was amended to allow for the expansion of the definition of forced labour to include forced begging, forced criminal activities in the form of exploitation and to add an aggravating factor in cases where the crime is committed by a public official during his/her duties. This was necessary to give effect to EU Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting victims. Though this Act defines and criminalises trafficking in human beings it does not offer rights to assistance for victims.

³³ Administrative immigration Arrangements for the Protection of Victims of Human Trafficking, available at <http://www.inis.gov.ie/en/INIS/Pages/PB08000021>

³⁴ <http://www.irishstatutebook.ie/eli/2008/act/8/enacted/en/print.html>

³⁵ <http://www.irishstatutebook.ie/eli/2013/act/24/enacted/en/print.html>

³⁶ <http://www.irishstatutebook.ie/eli/2017/act/28/enacted/en/html>

However, it introduces provisions for protections and anonymity during criminal proceedings and in media reporting as well as measures requiring sensitivity in relation to facing and identifying an accused perpetrator.

The Child Trafficking and Pornography Act 1998³⁷, which contained provisions targeted at the trafficking of children for the purpose of sexual exploitation, was equally amended by the above act in 2008 to define a child as a person under the age of 18 and by raising the maximum penalty on conviction to life imprisonment.

The Criminal Law (Sexual Offences) Act 2017³⁸ updates laws combating the sexual exploitation and sexual abuse of children, including new offences relating to child sexual grooming, and strengthens offences to tackle digital child abuse materials. In addition, this Act criminalises the purchase of sexual services, decriminalises those in prostitution and introduced new provisions regarding the giving of evidence by victims in sexual offence trials.

The Criminal Justice (Victims of Crime) Act 2017 gives effects to EU Directive 2012/29/EU, establishing minimum standards on rights, supports and protections regarding victims of crime. The Act provides support to victims in criminal proceedings by placing them at the centre of the criminal justice process. The Act seeks to ensure that victims are informed, supported, protected and are treated in a respectful and professional manner. Under the Act, certain rights are guaranteed to victims throughout criminal justice investigations and afterwards through several criminal justice processes. Victims of human trafficking are given particular consideration. The rights of victims of trafficking (except for their rights as witnesses in court proceedings) are not provided for by domestic legislation. Instead this is governed by administrative guidelines providing for the identification of and the issuing of recovery and reflection permits and temporary residence permissions to non-EEA migrant victims of human trafficking who are cooperating with a human trafficking criminal investigation.

EEA and Irish nationals are not subject to the administrative arrangements mentioned above. International protection seeking victims of trafficking are also excluded from consideration under these administrative arrangements.

The Immigrant Council of Ireland provides legal assistance irrespective of the victim's immigration status or the exploitation experienced, while specialising in trafficking for the purposes of sexual exploitation or other form of gender-based violence, i.e. forced marriages.

³⁷ <http://www.irishstatutebook.ie/eli/1998/act/22/enacted/en/html>

³⁸ <http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html>

Identification

The identification of victims of trafficking remains very problematic in Ireland, an issue which has been recognised by Irish courts and various international monitoring reports. The system of victim identification is in the process of reform, with a new model likely to be introduced in 2022. In the absence of the revised model being enacted, no applicable positive changes have occurred since the introduction, in 2016, of the second national action plan on human trafficking³⁹.

Under the current approach to victim identification, a police officer whose rank is not below that of Garda Superintendent must issue a written notification that he/she has reasonable grounds to believe that the individual is a suspected victim of the crime of human trafficking. In practice, this provision imposes a significant level of bureaucracy by necessarily involving the sanction of a high-ranking police officer. In addition, the current national action plan still requires that the specialised immigration police (Garda National Immigration Bureau) play a central role in the identification process, indicating that the immigration status of the victim remains of significant importance.

National Referral Mechanism (NRM)

Access to the NRM in Ireland has been contingent upon a victim self-presenting to the Irish police and/or a referral being made by the authorities or a third party to the Human Trafficking Investigation and Coordination Unit of An Garda Síochána (the Irish police). The NRM is extremely complex for victims to understand and navigate as it is often the case that victims of trafficking are treated in differing ways according to their nationality and residence status. Access to the NRM and supports provided thereunder are exclusively dependent on the cooperation by a victim of trafficking with a criminal investigation. It is important to note once more that the 2008 Act does not provide for the identification of victims of trafficking, therefore the identification procedure remains an administrative and policy-based approach which lacks clarity and certainty for the applicant or their legal representative if they have one. Equally of importance is that gender-based violence support services established to address the wider issue of violence against women (such as women's shelters and counselling supports for women recovering from sexual abuse) have not been incorporated (or referred to) in the NRM for victims of trafficking. It is also of note that the national strategy on domestic, sexual and gender-based violence in Ireland is developed separately from the anti-trafficking response, which does not appear to recognise trafficking as a form of gender-based violence, in line with the ratified international and EU law.

³⁹http://www.justice.ie/en/JELR/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf/Files/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf

Overall, clarity regarding the rights of victims of trafficking to support and protection have been directly undermined by their not having being placed on a statutory footing. Provisions for victims made in the AIAs were originally intended as a temporary solution, pending the enactment of the Immigration Residence and Protection Bill 2010. That draft legislation did not progress and the AIAs remain valid to this day. However, anti-trafficking stakeholders have welcomed the recent announcement by government that approves plans for a revised National Referral Mechanism, which is intended to simplify the process for victims to come forward and be officially recognised as victims of trafficking, and in turn to activate appropriate support. More importantly the proposed approach includes approval for draft legislation which would put the future revised NRM model on a statutory footing and for other state bodies and NGOs to have an active role in identifying victims of human trafficking and referring them as part of the National Referral Mechanism.

Legal Aid Board (LAB)⁴⁰

The LAB is a statutory agency that provides civil legal aid services to applicants for international protection and limited supports to victims of trafficking. In respect of applicants for international protection, the LAB provides legal services⁴¹, including:

- legal assistance and advice in support of their application;
- advice in relation to the completion of the International Protection Questionnaire including any grounds for requesting that the Minister should grant permission to remain in Ireland;
- assistance in the preparation for the international protection interview and with any written representations to the Minister;
- in the case of a negative recommendation, provision of legal representation in any appeal to the IPAT.

In comparison, the legal service offered by the LAB to victims of trafficking is limited to provision of free legal advice and/or information on immigration status in Ireland and the measures set out in the AIAs, information on criminal trials, possibility for compensation, voluntary return and criminal matters relating to the trafficking offence.⁴²

Rights to Information

Immigrant Council of Ireland research has repeatedly pointed to the fact that the right to information for victims of trafficking in Ireland remains a significant challenge overall and is

⁴⁰ Civil Legal Aid Board <https://www.legalaidboard.ie/en/>

⁴¹ See further: <https://www.legalaidboard.ie/en/our-services/legal-aid-services/services-for-international-protection-applicants/>

⁴² Legal Ad Board website: <https://www.legalaidboard.ie/en/our-services/legal-aid-services/common-legal-problems/human-trafficking/>

currently not adequately met. Victims of human trafficking are only provided with formal access to legal information and assistance by the relevant state body (the Legal Aid Board) once they have already made initial contact with state authorities and have been referred through the National Referral Mechanism. From a non-governmental support perspective, the Immigrant Council of Ireland Independent Law Centre provides expert legal information and holistic representation to victims of human trafficking at any stage in their journey, including prior to their interaction with police. The support needs of victims of human trafficking are invariably complex, and are among the most time intensive and lengthy cases supported by the Immigrant Council legal team. Additional costs such as interpretation needs are sometimes met by the multilingual Immigrant Council staff, or an interpreter is hired and paid for by the organisation.

Prior to this year the Immigrant Council of Ireland Law Centre was not funded by the state for the provision of legal services (and interpretation where necessary) for victims of human trafficking, and relied on private or EU-level funding. For example, over 2019/20, the legal services and any associated needs, including interpretation, were funded through the EU-funded ASSIST⁴³ project.

In 2021 the Immigrant Council of Ireland was granted funding by the state fund for Victims of Crime for the provision of services to victims of human trafficking and domestic violence. This is a positive development as the Immigrant Council believes access to gender sensitive early legal advice is essential to facilitate providing a victim of human trafficking with the relevant information prior to making any formal contact with the policing authorities.

In 2017, the Immigrant Council was granted funding under the Dormant Accounts Fund for the design and provision of training and awareness to Direct Provision⁴⁴ staff, to women residing in state run international protection accommodation centres and to victims of trafficking accommodated there. Corresponding information materials were developed by the Immigrant Council for this purpose:

- Leaflet for victims of trafficking⁴⁵
- Leaflet for female residents in Direct Provision⁴⁶
- Leaflet for staff in Direct Provision⁴⁷

⁴³ ASSIST project: Assisting Trafficked Women: <https://www.immigrantcouncil.ie/sites/default/files/2020-11/Assisting-Trafficked-Women-Best-practice-principles-of-gender-specific-assistance-IE.pdf>

⁴⁴ Direct Provision is a system of accommodation hostels around the State for accommodation of asylum applicants, which has been used for victims of trafficking too, which currently is in the process of reform under the International Protection Accommodation Services.

⁴⁵ <https://www.immigrantcouncil.ie/sites/default/files/2019-01/AT%202017%20Moving%20On%20booklet%20for%20victims.pdf>

⁴⁶ <https://www.immigrantcouncil.ie/sites/default/files/2019-01/AT%202017%20Moving%20On%20folded%20leaflet.pdf>

⁴⁷ <https://www.immigrantcouncil.ie/sites/default/files/2019-01/AT%202017%20Moving%20On%20leaflet.pdf>

In 2019, as part of the ASSIST⁴⁸ project, former victims of trafficking were involved in the design of information materials targeting Third Country National (TCN) female victims of trafficking on the availability of gender-specific services to victims of sexual exploitation.

Compensation

The avenues for compensation in Ireland are:

- Court Order under Section 6 of the Criminal Justice Act 1993;
- Civil Action to claim damages;
- State bodies dealing specifically with work-related rights and entitlements;
- The Employment Permits Act 2014 supports unlawfully employed victims of trafficking for forced labour to seek their employment rights;
- Out of pocket expenses can be recovered through the Criminal Injuries Compensation Scheme.

While these measures exist in theory, in practice it is the experience of the Immigrant Council that victims of trafficking for sexual exploitation do not currently have viable avenues to compensation in the majority of cases. Compared to victims of trafficking for forced labour, who in seeking remedies may avail of legal remedies stemming from the employment rights infrastructure of the state, victims of trafficking for sexual exploitation as well as other non-labour based forms of exploitation are significantly disadvantaged.

Analysis of interviews with victims

Legal aid for negotiating IP and THB

The interviewees indicated that legal advice, support and representation are very important and make a significant difference when provided in a timely and appropriate manner for asylum seeking victims of trafficking. This is due to the uniquely complex situation of such victims and the multitude of issues which often require legal representation to be resolved. Among the issues reported that required legal assistance were:

- Challenging deportation and Dublin Regulations transfers
- International Protection application
- International Protection appeals
- Identification interviews with the police
- Challenging age determination by the state
- Family reunification
- Housing issues

⁴⁸[ASSIST brochure - web version EN.pdf \(immigrantcouncil.ie\)](#)

- Compensation

Interview with international protection assessment authorities

One interviewee reported that she was accompanied by a lawyer for her first international protection interview and that, as a result of this, it was her perception that she received a positive decision in a timely manner. The interviewee reported that the presence of the lawyer, even if only in the capacity of an observer, made a huge difference to the overall confidence of the applicant.

Chapter Three - Economic Empowerment

As outlined above, formal assistance offered to victims of trafficking by state bodies is only activated upon referral by the police. This is a limitation and indicates a necessary disclosure to the police in exchange for services on the part the victim.

In practice, this means that the formal identification of eligible victims as suspected victims of trafficking and the entailing recovery and reflection period and temporary residence permit (TRP) are subject to contact and liaison with the police as well as cooperation in criminal investigations. The renewal or termination of the TRP is also conditional on cooperation in an ongoing investigation/prosecution and the existence of such investigation/prosecution.

This position makes the identification of victims and the subsequent receipt of supports highly conditional on their cooperation with the police force in the investigation of the crime committed against the victim. This is challenging and can impede the integration process of the victim, including their economic empowerment.

Social Welfare and Healthcare

As has been mentioned above, to date international protection applicants and victims of trafficking residing in state run accommodation centres have been provided with a subsistence level of support in the form of three meals per day and shared room accommodation. Menus are decided by centre management with occupants having little or no say in their choices. Recently a number of centres introduced communal cooking areas where occupants can prepare their own meals. Additionally, very limited financial assistance from the state is made available to international protection applicants (from April 2019, the weekly expense allowance per adult was increased from €19.10 to €38.80, with €29.80 being provided for each dependent child), which amounts to little more than pocket money for accommodation centre residents. For victims of trafficking within the international protection system, this level of financial support and subsistence living conditions are inadequate for ensuring the recovery of trafficked women, who are essentially in a position of high dependency on the accommodation centre and extremely limited in their options for autonomy and empowerment. For victims of trafficking in the international protection system who are not in centres which have cooking facilities, the inability to prepare their own food or make individual food choices, particularly for women who are mothers with children, is extremely disempowering and limits their recovery and regaining of a sense of normality. This is a frequent reality and a reported challenge for the reintegration of single mothers recovering from trafficking.

In terms of the psychological and physical harms experienced by trafficked women, it is often the case that much time and investment must be undertaken to bring the victim to a sufficient state of recovery to allow their reintegration into economic self-sufficiency. The HSE Anti-Human Trafficking Team prepares individual care plans for victims of trafficking who have

become known to the police (An Garda Síochána). This plan provides women with referrals to state provided healthcare. All victims who report to the police, as well as international protection seeking victims of trafficking, are given a medical card, which is an important benefit as it allows free GP (doctor) access and access to the same range of health services available to the general public. While referrals and capacity of state provided psychological and counselling services can be very limited, victims can sometimes avail of counselling services provided by non-governmental agencies that specialise in working with women recovering from sexual violence. For example, the Dublin Rape Crisis Centre offers psychological services to victims of sexual violence, which can be suitable for trafficked women recovering from sexual exploitation. The Immigrant Council of Ireland sometimes facilitates such referrals for assistance.

Often, any progression to a state of economic empowerment is dependent on these fundamental issues being addressed as a prerequisite. As such, many of the women supported by agencies such as the Immigrant Council struggle to progress to states of independence and recovery from trauma due to the lingering and damaging persistence of psychological trauma, undermined by communal living in accommodation centres.

Employment and education

Since 2019, international protection applicants in Ireland have been granted the right to seek employment under certain conditions. Updated in 2021, the Labour Market Access Permission granted to international protection applicants is activated when the applicant has been waiting six months for their initial decision on their case. This permission allows an option for self-employment and is issued for periods of 12 months. The permission to work is rescinded if the applicant receives a refusal in relation to their application. This permission is of relevance to international protection applicants who are victims of human trafficking.

Formally identified victims of trafficking (those not seeking international protection who are referred through the NRM) can be granted specialised, temporary residence permits allowing recourse to state welfare, training and employment. Immigration permissions of this nature are issued for six month periods and can be renewed, subject to the existence of a criminal investigation into their trafficker(s), and their cooperation with such an investigation. The type of immigration permission issued (Stamp 4) is of a high standard in terms of the economic empowerment rights it allows the individual, when compared with the minimal rights of victims of trafficking who are international protection applicants, allowing as it does employment, access to social welfare and training possibilities. In practice however, many clients of the Immigrant Council report extreme difficulty in activating these rights. Employment potential can be undermined by the psychological and physical state of the victim, coupled with issues such as limited English language ability, the limited professional qualifications or relevant workplace experience of the individual and limited supports in terms of childcare and childminding options. In addition, many accommodation centres in which the individual is placed are in remote rural locations, often with little access to public transport.

The physical isolation of accommodation centres inhibits the employment capacity of victims of trafficking, especially when combined with the fact that international protection seeking victims of trafficking are prohibited from accessing an Irish driving licence.

One recent positive development however has been the acceptance by banks in Ireland that international protection applicants can open bank accounts. Previously, the inability to open a bank account had acted as a serious barrier in accessing employment as some employers were reluctant to facilitate non-electronic payment of wages to employees.

Racism and discrimination have been documented as issues for many ethnic minority job seekers in Ireland. The Economic and Social Research Institute (ESRI) has documented how black people of non-Irish origin are five times more likely to experience discrimination in accessing employment, and more than two and a half times more likely to experience discrimination in the workplace.⁴⁹

Regarding overall policies to encourage hiring of third country nationals, the Irish Human Rights and Equality Act 2014⁵⁰, Section 42 introduced a 'Public Sector Duty'. All public bodies in Ireland have a responsibility to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans. The Irish Human Rights and Equality Commission has a mandate to give guidance to, and encourage, public bodies in developing policies and good practice in relation to human rights and equality. Where the Commission considers that there is evidence of a failure by a public body to perform its functions in line with the Public Sector Equality and Human Rights Duty it may invite a public body to carry out a review, or to prepare and implement an action plan related to the performance of its functions, or both. Private and public sector employers increasingly have diversity and inclusion policies, including, for example, the Public Appointment Service with responsibility for recruiting across the civil service, including health, child protection and police services, and state boards. The Irish police force has a Diversity and Integration Strategy 2019-2021 and an associated campaign, in six languages, to promote recruitment amongst ethnic minorities, however access to employment in the police force is limited to Irish citizens, EEA and Swiss nationals, and those with refugee status or subsidiary protection.

Overall however, there are no formal specific targeted state programmes regarding access to the labour market for victims of human trafficking which provide tailored individual integration programmes designed to map out their existing qualifications, career objectives and to support access to education programmes designed to recognise existing qualifications, etc. There are, however, ad hoc NGO projects to support employment and diversity initiatives in private businesses, such as EPIC, which is supported by the European Social Fund.⁵¹

⁴⁹ <https://www.esri.ie/news/black-non-irish-five-times-more-likely-to-experience-discrimination-seeking-work-in-ireland-more-than-twice-as-likely-to-experience-workplace-discrimination>

⁵⁰ <http://www.irishstatutebook.ie/eli/2014/act/25/enacted/en/html>

⁵¹ <https://www.bitc.ie/wp-content/uploads/2019/07/BITC-EPIC-leaflet-2019-website-only.pdf>

Education courses, including English language classes, are available only on a part-time basis through the Back to Education Initiative, which is organised by the Vocational Education Committee. The Qualifications and Quality Assurance (Education and Training)(Amendment) Act 2019⁵² established the National Framework of Qualifications and is maintained by the National Qualification Authority of Ireland. However, individuals may have to deal directly with the relevant regulatory body for specific professions. While this formal structure does exist, there are in practice many issues regarding foreign qualification and experience recognition for non-EEA nationals. This can also effectively hinder access to the labour market for victims of human trafficking who obtained qualifications or experience in their country of origin prior to arrival in Ireland.

Analysis of interviews with victims

Several factors were identified by interviewees as being limitations on their ability for economic empowerment. These can range from the practical limitations stemming from their social isolation in accommodation centres with no access to childcare support, to the inability to have their qualifications and experience recognised, to limitations on their rights to access educational progression and skills training. The feedback from interviews with victims of trafficking has been detailed above in the analysis of the psycho-social circumstances of interviewees. These issues also impact their overall potential for economic empowerment and demonstrate how victims of human trafficking are severely curtailed in advancing to positions of self-sufficiency.

In addition to the issues outlined previously, one interviewee stated that even though she has qualifications in the healthcare sector, attaining employment has been very difficult. This has been compounded for her in recent times due to the impact of the COVID-19 pandemic on Irish healthcare provision. Another interviewee described how, while she is now in employment and rented accommodation, her salary level does not meet her needs when combined with the high cost of living and rental prices. As described in an earlier section, another interviewee stated her desire to return to her previous profession of nursing, but as she has a child with autism spectrum disorder and no access to childcare, she is inhibited from doing so.

⁵² <http://www.irishstatutebook.ie/eli/2019/act/32/enacted/en/html>

Conclusions and recommendations

As outlined in the previous sections, a multitude of factors inhibit the integration of victims of human trafficking, which in turn, limit their potential for psycho-social recovery, access to legal support and economic empowerment. These include:

- Differing rights afforded to the individual based on whether they are a formally identified victim of trafficking referred through the National Referral Mechanism or if they are a victim of trafficking who has made an application for international protection.
- Their psychological and counselling needs and limitations on accessing appropriate and timely support.
- The condition of their housing support – most notably the policy of shared accommodation centres for housing of both international protection applicants and victims of human trafficking.
- Lack of appropriate training in the support and care of victims of trafficking and gender-based violence in accommodation centres.
- No access to childcare supports for mothers with dependent children.
- Rights to family reunification with dependant family members outside the jurisdiction.
- Inability to attain an Irish driving licence for international protection seeking victims of trafficking.
- Access to appropriate and timely legal advice and representation.
- Educational limitations such as restriction on access to training, education support grants and inability to pay high level fees.
- Racism and discrimination experienced in various settings, from accessing housing to employment opportunities.

The barriers described above essentially disempower a victim of trafficking and severely inhibit their overall recovery and reintegration into society. There is thus considerable need for a wide array of measures to be implemented which better form a structure of short-, medium- and long-term supports built around the needs of victims of trafficking, with the appropriate allocation of resources (both to state and non-state actors) and overall coordination by the state.

Recommendations:

1. Access to legal assistance.
2. Specialised and gender-specific legal assistance.
3. Attention to motherhood and children.
4. Safe and appropriate accommodation.

5. Psychological support.
6. Medical assistance.
7. Training and education.
8. Incorporating and learning from existing supports available in the broader area of gender-based violence.
9. Empowerment of the voices of victims and survivors (including peer to peer support).
10. Targeted integration support and policy development in the areas of employment and education.

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