

# **IOM Submission on Ireland's third review under the Universal Periodic Review mechanism**

**A submission by IOM Ireland to the Office of the United  
Nations High Commissioner for Human Rights**

**October – November 2021**

## 1. Strengthening support services available to [vulnerable] migrant women

During the first UPR examination, it was recommended that Ireland undertakes necessary measures to strengthen its response to domestic violence<sup>1</sup>, and fully implement relevant laws and policies aimed at combating domestic violence (135. 71).<sup>2</sup> It was also recommended that Ireland continue its efforts on implementing human rights education towards children and women's rights (135. 77)<sup>3</sup>, and providing training to officials (135. 79).<sup>4</sup>

In response the Government, ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (also known as the Istanbul Convention), in 2019. There also continue to be free confidential supports services<sup>5</sup> available to victims through Tusla, the Child and Family Agency. Civil societies have however been reporting that **migrant women face additional barriers in accessing domestic violence-related support and services, especially in cases where women are undocumented.**<sup>6</sup> Among others, these include linguistic and cultural barriers, lack of access to timely and corroborated information, social isolation and issues relating to their right to live and remain in Ireland. Many times, visas have been used by the perpetrator as a tool for coercive control, where the victim's immigration status is heavily dependent on the perpetrator.<sup>7</sup>

- 1.1 Increase funding and resources to specialized or domestic violence service providers that mainstream the specificities of migrant communities;*
- 1.2 Provide timely corroborated information, at early stages of entry into the State and in areas that intersect with migrants' lives*

<sup>1</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Rec. 135. 98 available at < <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/157/18/PDF/G1615718.pdf?OpenElement> > [accessed on 15 February 2021]; See also submissions by Committee on Economic, Social and Cultural Rights, available at

<sup>2</sup> Ibid., Rec. 135. 71 available at < <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/157/18/PDF/G1615718.pdf?OpenElement> > [accessed on 15 February 2021].

<sup>3</sup> Ibid., Rec. 135. 77 available at < <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/157/18/PDF/G1615718.pdf?OpenElement> > [accessed on 15 February 2021].

<sup>4</sup> Ibid., Rec. 135. 79.

<sup>5</sup> Among others these include, emergency shelter, legal advocacy, support groups and domestic violence education.

<sup>6</sup> European Commission, available at <<https://ec.europa.eu/migrant-integration/news/ireland-undocumented-migrant-women-fear-reporting-domestic-violence>> [accessed on 12 February 2021].

<sup>7</sup> European Commission, available at <<https://ec.europa.eu/migrant-integration/news/ireland-we-are-here-too-campaign-for-migrant-women-victims-of-domestic-violence>> [accessed on 11 February 2021]. See also <https://www.irishbusinessfocus.ie/the-irish-voice/migrant-women-seek-greater-inclusion-in-the-state-efforts-of-tackling-domestic-violence/>

- 1.3 *Adopt immigration legislation that is clear, fair and just that places provisions for independent status for victims of domestic violence on a statutory footing and provides for granting of immigration permission with full access to education and the labour market*
- 1.4 *Ireland to opt-in to the EU Directive on Family Reunification<sup>8</sup> and introduce implementing legislation which provides for autonomous residence permits. In addition to this the protection of undocumented women from domestic violence should also be regarded as a priority in immigration reform*
- 1.5 *Amend the current Domestic Violence legislation and ensure migrant survivors are able to access protection equally regardless of immigration status*
- 1.6 *Promoting cultural competency within organisations working with victims of domestic violence within the migrant community*

## **2. Social and Economic Integration**

It was recommended that Ireland implements public awareness campaigns to promote tolerance and respect for cultural diversity (135.81),<sup>9</sup> including promoting and protecting the space of civil societies (135. 23).<sup>10</sup>

In 2017 the Government of Ireland adopted a National Migrant Integration Strategy 2017-2020<sup>11</sup>. Among others the Strategy addresses key barriers such as long term residency, access to public services, social inclusion and employment pathways. In recent years<sup>12</sup> there have been three publicly funded<sup>13</sup> awareness campaigns to promote tolerance and respect for cultural diversity. Despite the efforts, there continue to be barriers for migrants in securing employment, housing, and people of the African descent remain seriously disadvantaged.<sup>14</sup>

- 2.1 *Carry out more research to identify migrants' particular needs and barriers to social and economic integration, with the core aim of informing policy*
- 2.2 *The next integration strategy also needs to include clear monitoring and evaluation indicators so as to be able to measure the programme*
- 2.3 *Promoting intercultural awareness through expanding funding on public awareness campaigns to promote tolerance and respect for cultural diversity in*

<sup>8</sup> Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, available at <<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32003L0086>> [accessed on 17 February 2021].

<sup>9</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Rec. 135. 81, available at < <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/157/18/PDF/G1615718.pdf?OpenElement>>

<sup>10</sup> Ibid. Rec. 135.23

<sup>11</sup> The National Migrant Integration Strategy 2017 – 2020, available at, <<http://www.justice.ie/en/JELR/The%20Migrant%20Integration%20Strategy%202017-2020.pdf/Files/The%20Migrant%20Integration%20Strategy%202017-2020.pdf>>

<sup>12</sup> Between the years 2017 and 2020.

<sup>13</sup> A significant number of Government departments including public authorities of Ireland have made funding available to civil society bodies.

<sup>14</sup> Economic and Social Research Institute, Migrant groups have higher levels of education, but some experience higher unemployment than people born in Ireland, 4 June 2020, available at <<https://www.esri.ie/news/migrant-groups-have-higher-levels-of-education-but-some-experience-higher-unemployment-than>> [accessed on 15 February 2020].

*Ireland*

- 2.4 Providing timely, accessible and corroborated information to migrants on services available to them in the State*
- 2.5 To achieve an accessible society for all, there is need for more funding towards adequate social integration support services*
- 2.6 Provide adequate timely and corroborated social integration support services*
- 2.7 Fostering the integration of migrants into the labour market by recognising and validating educational qualifications, including professional skills acquired abroad. In addition to this, provide bridging training and/or courses where applicable.*
- 2.8 Encourage policies, mechanisms, migrant training and employer support schemes, including frameworks that promotes inclusion of migrants in the labour market*
- 2.9 Active citizenship through political engagement*
- 2.10 Promoting the contribution of migrants within public campaigns and events*
- 2.11 Promoting cultural competency amongst public and private services*

### **3. Refugees, international protection applicants and irregular migrant**

#### **A. Refugee community sponsorship**

In response to the migration crisis in central and southern Europe, the Government of Ireland established the Irish Refugee Protection Programme (IRPP), in 2015. There remain very limited post arrival and integration support services available to refugees relocated into Ireland (136. 56).<sup>15</sup>

- 3.1 Increase funding towards community integration for resettled refugees*
- 3.2 Facilitate post arrival supports which includes needs assessments, refugee backgrounds, cultural profiles, and provide information sessions on entitlements and basic rights pre and post arrival*
- 3.3 Increase the length of time refugees engage with resettlement worker and provide cultural training to caseworkers in direct and constant contact with refugees.*

#### **B. Detention of migrants on immigration related matters**

The current existing legislative framework allows for detention of persons on immigration related matters<sup>16</sup>, prior departure or upon entry into the State. In line with the current practices, it was recommended that Ireland takes necessary measures to avoid detention of asylum-seekers and to avoid situations which may equate the condition of immigrants to that of offenders (135. 125).<sup>17</sup> It was further recommended that detention of international protection applicants should be a last

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<sup>15</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Rec. 136. 56 available at < <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/157/18/PDF/G1615718.pdf?OpenElement> > [accessed on 10 February 2021].

<sup>16</sup> Immigration Acts 1999, 2003 and 2004, and the Illegal Immigrants Trafficking Act 2000 and the Refugee Act 1996.

<sup>17</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Rec. 135. 21.

resort.<sup>18</sup>

*3.4 Use detention facilities as a measure of last resort and where there is threat to State security*

*3.5 Where detention is used as a temporary measure, there is need to separate irregular migrants from offenders and place them in specialized facilities, having regard to their gender and health related issues.*

**C. Regularisation of undocumented migrants**

In 2014 it was reported that there were an estimated 26,000 – 30,000 undocumented migrants<sup>19</sup>, and that Ireland continues to rely on the workforce of many undocumented migrants that are working in its essential services.<sup>20</sup>

*3.6 Implement a coherent regularisation scheme and process*

*3.7 Carry out assessments to understand the profiles and needs of irregular migrants prior to implementing the regularization operation*

*3.8 Ensure that irregular migrants, along with their dependents, have access to long term residency pathways*

*3.9 Engage cultural mediators to support throughout the regularisation process*

**D. Separated and unaccompanied migrant children in State care**

Migrant children placed in State care find it difficult to adopt to different cultural and religious settings, which may in turn affect their development and well-being. It is notable that there remain huge barriers in validating their immigration status, as in most cases they have to wait to turn the age of 18 years old.<sup>21</sup>

*3.10 Enact laws that protect adequately the rights and the well-being of separated and unaccompanied minors including, but not limited to, those seeking international protection, in conformity with standards established under international laws.*

*3.11 Encourage the migrant community and provide incentives for them to foster migrant children, and provide cultural awareness training to foster parents where migrant community foster parents are not available*

*3.12 Widen the scope of the existing immigration legislative framework to include migrant children in long term state care.*

<sup>18</sup> JS2, paras. 3–6.

<sup>19</sup> MRCl, 'Facts about migrant workers in Ireland', p. 7.

<sup>20</sup> The industries that most undocumented migrants secure employment in include: that include but not limited to: healthcare; retail; food processing; agriculture and; cleaning. Please refer to The Irish Times, 'Undocumented workers', May 5, 2020, available at, <https://www.irishtimes.com/opinion/letters/undocumented-workers-1.4244679?mode=sample&auth-failed=1&pw-origin=https%3A%2F%2Fwww.irishtimes.com%2Fopinion%2Fletters%2Fundocumented-workers-1.4244679> [accessed on 15 February 2021].

<sup>21</sup> Immigrant Council of Ireland, Child Migration Matters Children and Young People's Experiences of Migration, 2016, available at <https://www.immigrantcouncil.ie/sites/default/files/2017-10/CMM%202016%20Child%20Migration%20Matters.pdf> [accessed on 17 February 2021].

#### **4. Equality and Non-Discrimination**

##### **A. Racism and incitement of hatred**

During Ireland's first UPR examination, the need to renew the national plan of action against racism or elaborate a new one was noted, always in collaboration with the civil society (135. 103),<sup>22</sup> to combat racism, xenophobia, and intolerance especially against the Muslim community and people of African origin (135. 106).<sup>23</sup>

As it currently stands Ireland has a legislative framework that is designed to protect people from discrimination on nine specified grounds, including race, and religion,<sup>24</sup> including the Prohibition of Incitement to Hatred Act 1989<sup>25</sup>. In 2019, Ireland announced a new Antiracism Committee in an attempt to further strengthen its legislative framework. In acknowledging the limitations associated with the Hatred Act,<sup>26</sup> in 2020, the government of Ireland launched a public consultation in a further attempt to develop better legislative proposals to deal effectively with hate speech and hate crime.<sup>27</sup> Prior to this, in December 2019, Ireland had introduced an online safety and media regulation Bill aimed at addressing matters relating to hate incitement as well as speech.<sup>28</sup>

Despite Ireland's efforts, it is notable that there continue to be racial discrimination, profiling and attacks at alarming rates targeted at people of African descent, Roma and the Travellers community.<sup>29</sup> The EU-FRA reported that evidence of discriminatory ethnic profiling was found in Ireland.<sup>30</sup> Furthermore, the Irish Network Against Racism (INAR) in its 2019 report, documented that there were 530 reports received, 112 reports related to criminal offences excluding incitement to hatred, and 111 reports related to discrimination.<sup>31</sup> Among others, the Committee on the Elimination of Racial Discrimination also expressed its concern about the

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<sup>22</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Rec. 135. 103.

<sup>23</sup> Ibid., 135. 103, pp.

<sup>24</sup> The Employment Equality Acts (1998-2015); The Equal Status Acts (2000-2018); The Irish Human Rights and Equality Commission Act 2014 and; National Migrant Integration Strategy (2017-2020).

<sup>25</sup> The legislation specifically addresses matters relating to hate speech and xenophobic attacks. Please see, Prohibition of Incitement to Hatred Act 1989, available at <http://www.irishstatutebook.ie/eli/1989/act/19/enacted/en/html> [accessed on 15 February 2021].

<sup>26</sup> Interim Report, 2020, p. 29.

<sup>27</sup> The Department of Justice, Legislating for Hate Speech and Hate Crime in Ireland Report on the Public Consultation 2020, pp. 1 – 54.

<sup>28</sup> Online safety and media regulation, available at [file:///C:/Users/kmushaya/Downloads/76727\\_29d4436a-5ef8-40a4-92af-821e3fe1e8e9.pdf](file:///C:/Users/kmushaya/Downloads/76727_29d4436a-5ef8-40a4-92af-821e3fe1e8e9.pdf) [accessed on 15 February 2021].

<sup>29</sup> CERD/C/IRL/CO/5-9, 23 para 15.

<sup>30</sup> EU-FRA, Fundamental rights: challenges and achievements in 2013, Annual Report 2013, part 6.3, p. 155. See also, MRCl, p.2, ICI, paras. 11-13, JS6, p.6, CoE-ECRI, CRI (2013), summary, p.7.

<sup>31</sup> Irish Network Against Racism, available at <https://inar.ie/inars-2019-ireport-ie-reports-of-racism-in-ireland-published/> [accessed on 13 February 2021].



inconsistent collection of statistics on the ethnic composition of the population.<sup>32</sup> It also remains unclear on how the Office for Promotion of Migration Integration used collated statistics on racially motivated incidents to inform policy. It is further noted that there remain an increased need for racial sensitivity training for Government bodies including professionals that are in constant close contact with migrants. It is well documented that in some cases officials use inappropriate behaviour and/or language.<sup>33</sup>

- 4.1 *Incorporation of the CERD into the domestic legal order with a view to ensuring that the Convention is directly invoked before, and applied by, domestic courts*<sup>34</sup>
- 4.2 *Bring the current definition of racial discrimination in line with CERD Article 1*
- 4.3 *Incorporate lessons on peace education and xenophobia into school curriculum and enact reporting protocols for school staff to follow, in the event of a xenophobic attack in school.*
- 4.4 *Carry out research on xenophobic attacks and design anti-xenophobic training programmes which realistically address outcomes and issues identified.*
- 4.5 *Increase nation's awareness of xenophobia, through hosting interactive national television programmes on racism, xenophobia and implicit biases.*
- 4.6 *Advancing specific measures to ensure that the rights of ethnic minority groups are not disproportionately affected*<sup>35</sup>
- 4.7 *Widen the scope of the prohibited grounds of the Equal Status Act, 2000 – 2018*<sup>36</sup>, to include ethnic origin, place of origin, creed and, belief<sup>37</sup>
- 4.8 *Prosecute acts of hate speech, including those committed by politicians*
- 4.9 *Strengthen legislation on racist hate speech with a view to effectively combat racist hate speech in all forms of expression and means of communication*
- 4.10 *Appoint independent investigation panels and compensation of victims*
- 4.11 *Provision of funding for anti-racism projects, and promotion of intercultural understanding and tolerance*
- 4.12 *Effective complaints mechanisms, including accurate recording and collecting of incidents*
- 4.13 *Establishment of a well-diversified anti-racism committee with the task of developing a comprehensive anti-racism strategy*
- 4.14 *Taking effective measures to encourage the reporting of racist hate crime*

<sup>32</sup> Committee on the Elimination of Racial Discrimination Concluding observations on the combined fifth to ninth reports of Ireland, p. 2, (CERD/C/IRL/CO/3-4, para. 17, available at [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IRL/INT\\_CERD\\_COC\\_IRL\\_40806\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IRL/INT_CERD_COC_IRL_40806_E.pdf)) [accessed on 14 February 2021].

<sup>33</sup> Report launched in January 2015 by Doras Luimní, Dublin City Centre Citizens Information Service (DCCCIS), Crosscare, FLAC, and Nasc, entitled 'Persons or Number? 2', available at <https://www.flac.ie/assets/files/pdf/pon2.pdf?issuusi=ignore> [accessed on 12 February 2021].

<sup>34</sup> CERD/C/IRL/CO/3-4, para. 12.

<sup>35</sup> Irish Human Rights and Equality Commission, Submission to the Universal Periodic Review of the UN Human Rights Council Second Cycle Mid-Term Review, April 2019, available at, <https://www.ihrec.ie/app/uploads/2019/11/UPR-Submission-April-2019.pdf> [accessed on 12 February 2021].

<sup>36</sup> CERD/C/IRL/CO/3-4, para. 11.

<sup>37</sup> Ontario Human Rights Commission, Grounds of discrimination: definitions and scope of protection, available at, <http://www.ohrc.on.ca/en/iii-principles-and-concepts/3-grounds-discrimination-definitions-and-scope-protection> [accessed on 14 March 2021].

- 4.15 Investigation and prosecution of xenophobic and Islamophobic acts*
- 4.16 Promoting intercultural understanding and tolerance between the different ethnic faith groups in the country*

## **B. Right to housing**

The governing legislation is section 20 of the Housing (Miscellaneous Provisions) Act 2009 and the Equal Status Act. Although there remain a nationwide housing crisis in Ireland, the Committee remains concerned about reports that ethnic minority groups such as the Roma, people of African descent and migrant communities, who have limited access to social housing, face serious discrimination and inequality in the competitive private rental sector.<sup>38</sup> It is also well documented that third-country national households are three times less likely to be homeowners, across Europe, including Ireland.<sup>39</sup>

- 4.17 Provide integrated social supports, by making information accessible to migrants on their housing rights and entitlements*
- 4.18 Evaluating and monitoring of policies, including on the housing situation and access for migrants*
- 4.19 Conditions for access to publicly supported and organised housing that do not indirectly discriminate against migrants,*
- 4.20 Provide intercultural training to deciding bodies including social housing officials*
- 4.21 Facilitated access to bank loans and tax incentives for low-income families.*

## **5. Access to Healthcare Services**

Ireland was recommended to set up an inclusive system for access to quality health care for all social categories, particularly disadvantaged and marginalized groups (136. 62).<sup>40</sup> In response, the Government launched the HSE's Second National Intercultural Health Strategy 2018 – 2023, to provide an integrated approach to addressing the support needs of service users of diverse ethnic, cultural and religious backgrounds.<sup>41</sup> Despite the efforts, there remain challenges for migrants, especially the undocumented, in accessing the Irish healthcare system, and negotiating health services. Research reveals that cultural and linguistic barriers contribute to discrepant patient-practitioner interactions, which in turn increases

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<sup>38</sup> CERD/C/IRL/CO/5-9, para 27.

<sup>39</sup> European Commission, Immigrant Housing in Europe: Overview, 5 September 2016, available at <<https://ec.europa.eu/migrant-integration/intdossier/immigrant-housing-in-europe-overview>> [accessed 18 February 2016].

<sup>40</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Rec. 136. 62.

<sup>41</sup> The HSE National Intercultural Health Strategy 2018 – 2023, available at <<https://www.hse.ie/eng/about/who/primarycare/socialinclusion/about-social-inclusion/news/launch-of-hse-national-intercultural-health-strategy-2018-%E2%80%93-2023.html>> [accessed 12 February 2021].



medical errors.<sup>42</sup> Furthermore, having regard to the fact that conditions surrounding the migration process<sup>43</sup> can exacerbate health vulnerabilities, failure to access the healthcare system in a timely fashion can expose migrants to various risks.

- 5.1 Provide holistic health care support, which includes sexual and reproductive health services and, mental and psychosocial support, with a special emphasis on vulnerable groups, regardless of immigration status*
- 5.2 Promoting cultural competency amongst public health and social services*
- 5.3 Making interpreting services and/or cultural mediation services available*
- 5.4 Ensure that research from the Central Statistics Office mainstreams migrant health vulnerabilities within their health surveys*
- 5.5 Conduct follow-up research and service evaluations for service planning and service provision, which is tailored in line with migrants needs*
- 5.6 Ensure effective and equitable access to health care services for all, regardless of status, and without risk of financial hardship and fear of detention or deportation.*

## **6. Trafficking and all forms of exploitation**

### **A. Trafficking in Persons**

Ireland was recommended to continue its efforts to adopt the National Action Plan to Prevent and Combat Human Trafficking (135. 49 – 50).<sup>44</sup> Also as modify the current administrative provisions on immigration to protect the victims of trafficking of persons and integrate the prevention of trafficking in persons into the policies for asylum seekers.<sup>45</sup>

The current provisions in place to tackle trafficking in persons are the Criminal Law (Human Trafficking) Act, 2008 and the Criminal Law (Human Trafficking) (Amendment) Act 2013. In 2016, Ireland further launched a Second National Action Plan to Prevent and Combat Human Trafficking.<sup>46</sup> Despite the numerous efforts, it is however notable that there continue to be systematic deficiencies in victim identification, referral, and assistance, including lack of convictions. As a result, in

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<sup>42</sup> Reko A, Bech P, Wohler C, Noerregaard C, Csillag C. Usage of psychiatric emergency services by asylum seekers: clinical implications based on a descriptive study in Denmark. *Nordic J Psychiatry*. 2015; 69 (8) :587–93; See also Renata F.I, Meunter, Overcoming language barriers in healthcare: A protocol for investigating safe and effective communication when patients or clinicians use a second language, 2015; 15: 371

<sup>43</sup> For example past history and dangerous journeys.

<sup>44</sup> Human Rights Council, Report of the Working Group on the Universal Periodic Review, Rec. 135. 39 – 50.

<sup>45</sup> Ibid., Rec. 136. 94

<sup>46</sup> Department of Justice, Second National Action Plan to Prevent and Combat Human Trafficking in Ireland, available at

<http://www.justice.ie/en/JELR/Second%20National%20Action%20Plan%20to%20Prevent%20and%20Combat%20Human%20Trafficking%20in%20Ireland.pdf/Files/Second%20National%20Action%20Plan%20to%20Prevent%20and%20Combat%20Human%20Trafficking%20in%20Ireland.pdf>

2019, the US Department of State placed Ireland on its “tier two watch list”. In the same report, the US Department of State issued a comprehensive list of recommendations that Ireland can adopt.<sup>47</sup>

#### B. Labour and sexual exploitation

Closely linked to trafficking in persons is labour and sexual exploitation. Whilst the area on labour exploitation is governed by a suite of employment rights legislation,<sup>48</sup> Protocol of 2014 to the Forced Labour Convention, 1930<sup>49</sup> and the Domestic Workers Convention, 2011. Sexual exploitation is governed by the Criminal Justice (Sexual Offences) Act of 2017.<sup>50</sup> In addition, the 2008 Human Trafficking Act, amended in 2013, criminalized sex trafficking and labour trafficking. It is however submitted that the current existing legislative framework, does not meet the minimum standards required to fight trafficking in person for labour and/or sexual exploitation.<sup>51</sup> Trafficking for labour and/or sexual exploitation remains on the rise and under reported.<sup>52</sup> Ruhama, in its 2019 report, indicated that there were major gaps in Ireland's identification procedures and the protection of victims.<sup>53</sup>

*6.1 Implement a review of current legislation to see where it can be strengthened/improved in order to facilitate prosecutions and convictions of the crime of human trafficking*

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<sup>47</sup> US Department of State, 2020 Trafficking in Persons Report: Ireland, available at <https://www.state.gov/reports/2020-trafficking-in-persons-report/ireland/>

<sup>48</sup> Section 20 of the Protection of Employment (Part Time Work) Act 2001, available at <http://www.legislation.ie/eli/2001/act/45/section/20/enacted/en/html> [accessed on 12 February 2021]; Employment (Miscellaneous Provisions) Act 2018, available at <http://www.irishstatutebook.ie/eli/2018/act/38/enacted/en/html> [accessed on 12 February 2021]; Workplace Relations Commission.

<sup>49</sup> Protocol of 2014 to the Forced Labour Convention, 1930, available at, [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:P029](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:P029) [accessed on 15 February 2021].

<sup>50</sup> Criminal Justice (Sexual Offences) Act of 2017, available at, <http://www.irishstatutebook.ie/eli/2017/act/2/enacted/en/html> [accessed on 15 February 2021].

<sup>51</sup> US Department of State, available at <https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf> [accessed on 15 February 2021].

<sup>52</sup> The main affected persons are migrant women and girls mainly from Africa, Asia, Eastern Europe and South America remain at the highest risk. Please see, Immigrant Council of Ireland.

<sup>53</sup> Ruhama, US report launched today urgently calls on Ireland to do more to prevent and respond to trafficking in human beings, 20 June 2019, available at <https://www.ruhama.ie/wp-content/uploads/Ruhama-Press-Release-TIP-Report-2019-1.pdf>

- 6. 2 Strengthening the current legislative framework by developing a comprehensive victim identification and protection procedure with the involvement of civil society for the early identification of victims of trafficking*
- 6.3 Issue a revised referral mechanism in coordination with NGOs and in consultation with survivors of trafficking offering formal identification, a recovery and reflection period, and services to all victims*
- 6.4 Allow formal victim identification by and referral from entities other than the police, including civil society, social workers, and healthcare professionals*
- 6.5 Allow all victims to access the national referral mechanism without requiring cooperation with law enforcement*
- 6.6 Provide specialised accommodation and adequate services for victims taking into consideration gender, vulnerability and type of exploitation*
- 6.7 Train law enforcement and prosecutors on developing cases with evidence to corroborate victim testimony and train law enforcement, judges, and prosecutors on a victim-centered approach.*
- 6.8 Discontinue joint inspections between labour inspectors and immigration authorities, which pose a barrier to identification of victims, or ensure immigration authorities receive training in the identification of trafficking victims. If joint inspections are to continue, facilitate the presence of a cultural mediator during inspections.*  
*During police days of action into brothel keeping and prostitution, ensure that cultural mediators and trained interpreters are made available/present*
- 6.9 Adopt a legal provision to exempt victims from inappropriate penalization for unlawful acts traffickers compelled them to commit.*
- 6.10 Increase legal assistance for trafficking victims, in investigations and court proceedings*
- 6.11 Establish a national hotline to report trafficking crimes and provide victim assistance and referral*
- 6.12 Increase efforts to order restitution for victims, particularly for undocumented workers or those involved in sex trafficking*