



*IDENTIFICATION OF TRAFFICKED
INTERNATIONAL PROTECTION BENEFICIARIES'
SPECIAL NEEDS*

TOOLBOX IRELAND



Coordinated by**Co-funded by****Implemented by****Disclaimer**

This document is produced as part of the project TRIPS – *identification of TRafficked International Protection beneficiaries' Special needs*. This report was funded by the European Union's Asylum, Migration and Integration Fund.

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Partnership

The project TRIPS – *identification of TRafficked International Protection beneficiaries' Special needs* is a two years project implemented by Forum réfugiés-Cosi, the project coordinator, and its European partners Churches' Commission for Migrants in Europe (CCME), Italian Council for Refugees (CIR), Immigrant Council of Ireland (ICI), Organization for Aid to Refugees (OPU). The French Office for the Protection of Refugees and Stateless persons (OFPRA), the French Office of Immigration and Integration (OFII), the Council of Europe (Secretariat of the Group of Experts on Action against Trafficking in Human Beings - GRETA), and Amicale du Nid are associated to this project as European experts.

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Introduction

THE TRIPS PROJECT

The TRIPS project 'Identification of trafficked international protection beneficiaries' special needs', in which the Immigrant Council of Ireland partners with Forum réfugiés-Cosi and other organisations across Europe¹, is a European Union funded project that explores the identification of trafficked international protection beneficiaries' special needs. The impetus for the project comes from the shared understanding among Anti-Trafficking organisations in Europe regarding the particular vulnerabilities of victims of trafficking who are seeking or who have obtained international protection. The partners recognise that acquiring international protection status does not eliminate the integration challenges for victims of human trafficking. The European Qualification Directive (recast) of 2013, grants specific rights to beneficiaries of international protection. The project seeks to explore the practical aspects surrounding the providing to and availing of rights stipulated in the EU framework, keeping in focus beneficiaries of international protection who have been affected by human trafficking.

The Immigrant Council of Ireland is a charitable non-governmental organisation and an Independent Law Centre. We provide information, legal advice and representation to migrants and their families, while we prioritise vulnerable groups, in particular, migrant women experiencing gender-based violence and unaccompanied children. Of specific relevance to the TRIPS project, we provide legal services and lead integration and policy campaigns benefitting migrant victims of human trafficking, in particular victims trafficked for the purposes of sexual exploitation. 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 activities.²

The Immigrant Council of Ireland has been exploring the important link between human trafficking and international protection for a number of years. This is due to the fact that some of our clients are applicants for international protection and a small number are beneficiaries of such protection. In 2011, we investigated the difference in the level of assistance and rights afforded to victims of trafficking who apply for protection and those who do not, respectively. The resulting report *Asylum seeking victims of trafficking: Legal and practical challenges* exposes the discriminatory treatment of some victims of trafficking in Ireland.³ Later on, with Forum Refugie France and other partners in the EU, we explored the special needs of asylum seeking victims of trafficking (TRACKS project⁴), which used the framework established by the EU Reception Directive (2013/33/EU), which Ireland adopted in 2018.

WHY THIS TOOLBOX?

This toolbox provides advice and guidance for frontline integration practitioners who may encounter the issue of human trafficking among beneficiaries of international protection.

This toolbox tries to clarify some of the concepts and practical aspects of human trafficking within the wider international protection and integration context. It offers references which can be useful for developing an understanding of trafficking and responding to the needs of victims.

1..... The project TRIPS is co-funded by the European Commission and led by Forum réfugiés-Cosi (France) with Consiglio Italiano Per I Rifugiati (Italian Council for Refugees - CIR) from Italy, Immigrant Council of Ireland from Ireland, Organizace pro Pomoc Uprchlíkům (Organization for Aid to Refugees - OPU) from Czech Republic, and Churches Commission for Migrants in Europe (CCME). For more information: <https://www.immigrantcouncil.ie/news/new-trans-european-project-seeks-improve-ments-trafficking-victims>

2..... ICI (2015) led the EU-funded project Early Legal Intervention for victims of trafficking. Available at: <http://www.earlylegalintervention.eu/>. See also, 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>

3..... ICI (2011) UN.GIFT-funded project report. Available at: <https://www.immigrantcouncil.ie/sites/default/files/2017-11/AT%202011%20Asylum%20Seeking%20Victims%20of%20Human%20Trafficking%20-%20Legal%20&%20Practical%20challenges.pdf>

4..... TRACKS EU project (identification of Trafficked Asylum seekers' Special Needs, HOME/2014/AMIF/AG/ASYL/7849. Available at: <https://www.immigrantcouncil.ie/sites/default/files/files/ICI%20Trafficking%20Report-A4-WEB-FA.pdf> More information on the report and deliverables: [European report, European summary report, European toolbox](#)

WORTH NOTING: TRACKS TOOLBOX ON TRAFFICKED ASYLUM SEEKERS' SPECIAL NEEDS

With regard to the identification of trafficked asylum seekers' special needs during the asylum procedure, the user can also refer to the [TRACKS toolbox](#) facilitating the detection of such victims, their needs and to guide practitioners in supporting them appropriately.

User Guide

WHO IS THE TOOLBOX INTENDED FOR?

This toolbox is intended to assist integration/international protection professionals encountering trafficked beneficiaries of international protection (BIPs) (i.e. persons granted refugee or subsidiary protection status) in their daily work or for those who are in charge of designing and managing integration assistance, including both State and civil society organisations (CSO). The toolkit could assist frontline workers requiring guidance to identify trafficking signs and to make referrals to appropriate services. It can equally be used by other professionals working in the field of integration.

In **Ireland**, examples of those who will benefit from this toolkit are:

- Irish Naturalisation and Immigration Service Border Management Unit
- International Protection Office
- International Protection Appeals Tribunal
- An Garda Síochána, including Garda National Protective Services Bureau and Garda National Immigration Bureau
- Legal practitioners assisting asylum seekers and victims of human trafficking
- Non-Governmental Organisations assisting asylum seekers and victims of human trafficking
- Civil Legal Aid Board
- Health Service Executive Women's Health Project/Anti Human Trafficking Service
- International Protection Accommodation Service (IPAS)

WHAT IS ITS PURPOSE?

The toolbox will help to:

- Raise awareness and improve knowledge on human trafficking and its consequences on the beneficiaries of international protection and their special needs.
- Advise integration practitioners on how to identify victims of trafficking in the integration process, how to react when such suspicions arise and to offer suggestions for referring victims to appropriate support.

- Provide a harmonized approach on the identification of special needs of victims of trafficking who have been granted an international protection status as well as how to address their needs.
- Propose guidance and a way forward to better include human trafficking issues in the integration support for beneficiaries of international protection.
- Facilitate improved cooperation between relevant stakeholders who provide support to victims of trafficking in the integration process.
- Understand the context of international protection and trafficking, as well as existing practices in other countries, for example.

EXAMPLE OF SITUATIONS, IN WHICH THE TOOLKIT COULD BE HELPFUL?

- You want to improve your knowledge on human trafficking and its relation to the international protection.
- You want to improve your capacity to identify victims of trafficking and to react when confronted by suspicious cases.
- You have identified a victim or the victim has self-identified as such and you want to know what the person might need in order to ask the appropriate and relevant questions to identify their needs.
- If the needs have been clearly identified by the victim or yourself, you want to know what you could do to support the victim and how to take their needs into account.

This toolkit mainly covers the special needs of adult victims of trafficking who have been granted international protection, and who have experienced any kind of exploitation as defined in the EU Anti-Trafficking Directive. Although it does not specifically address the needs of children, there are some considerations on their special situation of vulnerability.

ADVICE AND WARNINGS

This tool will not provide you with all the answers to your questions regarding human trafficking. It provides, however, introductory information and guidance on this issue and its impact on the integration of beneficiaries of international protection.

It is designed as an easy-to-use tool and will need to be regularly updated or additional information to be added, contact addresses, etc. This toolbox was last updated in May 2021.

This tool will not replace formal training and exchanges with experts. It will provide a support in your daily work to remind you of key information on human trafficking, guidance to identify victims,

help to address suspicious cases and respond to their needs, and also a way forward to improve your practices in the longer-term. In addition, you should consult anti-trafficking professionals who will provide additional advice which is adapted to each personal situation.

Each section of the toolbox can be used separately or together as a learning process. The checklist at the beginning of the toolbox may help you in this process.

Abbreviations

BIP	Beneficiaries of International Protection
CEAS	Common European Asylum System
EASO	European Asylum Support Office
EU	European Union
GRETA	Group of Experts on Action against Trafficking in Human Beings, Council of Europe
IOM	International Organization on Migration
NGO	Non-governmental organization
NRM	National Referral Mechanism
THB	Trafficking in human beings
UNHCR	United Nations High Commissioner for Refugees
UNODC	United Nations Office on Drugs and Crime

Glossary⁵

Asylum seeker:

In the EU context, a person who has made an application for protection under the Geneva Convention in respect of which a final decision has not yet been taken. It generally refers to all who apply for protection on an individual basis, irrespective of whether they lodge their application on arrival at an airport or land border, or from inside the country and irrespective of whether they entered the territory legally or illegally.⁶

Beneficiary of international protection:

A person who has been granted a refugee status or subsidiary protection status.

Detection of a victim of trafficking in human beings:

The process of identifying a possible situation of human trafficking.

Exploitation in the context of trafficking in human beings:

According to Article 2 and recital 11 of Directive 2011/36/EU (Anti-Trafficking Directive), it is the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs [...] as well as, for instance, other behaviour such as illegal adoption or forced marriage in so far as they fulfil the constitutive elements of trafficking in human beings.⁷

Identification of victims of trafficking in human beings:

A process, in which the authorised authority in a given EU Member State (most commonly the law enforcement) identifies signs of trafficking and having reasonable grounds to believe that a person could be a victim of trafficking, issues a statement to that effect, which leads to assistance and treatment of this person as a victim of such crime.

In Article 20, the Directive specifies when implementing the Chapter VII, the Member States shall take into account the specific situation of vulnerable persons including the victims of human trafficking after an individual evaluation of their situation.

Informal identification:

Identification process, which has been carried by an entity or a person other than the authorised authority in an EU Member State with the assistance of an organization.

Integration process:

For the purpose of this study, it has been agreed that the focus is on the following period: from the acquisition of the international protection status to the moment where the beneficiaries are eligible for citizenship in the hosting country. Nevertheless, partners acknowledge that the integration process is very long and can take several years.

International protection:

According to Article 2(a) of Directive 2011/95/EC (Recast Qualification Directive), it means the granting of refugee status and subsidiary protection status.

National Rapporteurs or Equivalent Mechanisms:

Statutory or independent entities or nominated individuals responsible for inter alia monitoring the implementation of anti-trafficking laws, policies, and practices at a national level, and play a key role in data collection on trafficking in human beings at a national and EU level.

National Referral Mechanism:

Mechanism aimed at identifying, protecting and assisting victims of trafficking in human beings, through referral, and involving relevant public authorities and civil society.

Presumed victim of trafficking in human beings:

A person who has not been formally identified by the authorised authorities (e.g. police) as a victim of trafficking or has declined to go through the formal identification process, but whose case shows the indicators of trafficking in human beings.

Refugee status:

According to Article 2(e) of Directive 2011/95/EU (Recast Qualification Directive), it means the recognition as a refugee by a Member State of a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country. Ireland does not participate in the recast Directive but refugee status is provided for under national law in the International Protection Act 2015.

Self-identification:

The recognition by victims themselves that they have been subject to the crime of trafficking in human beings and have reported their suspicions to the specialist organisations or authorities.

Self-reporting:

When a victim of trafficking in human beings reports the exploitation/abuse they have experienced/they experience without being aware that it constitutes a form of trafficking in human beings.

Special needs of victims of trafficking:

According to Article 11(7) of the Directive 2011/36/EU (Anti-Trafficking Directive), the special needs of victims can derive from a victim's pregnancy, health, a mental or psychological disorder they have, or the seriousness of the psychological, physical or sexual violence they have suffered. Member States are required to attend to the special needs of such victims.

Specific rights granted to beneficiaries of international protection:

Persons who have been granted a form of international protection in an EU Member State can benefit from a range of rights and benefits linked to this status. EU standards are laid down in Chapter VII of the recast Qualification Directive: protection from refoulement, information, maintaining family unity, residence permits, travel documents, access to employment and education, access

⁵..... The glossary is based on the European Migration Network definitions and the expertise of national partners and European experts of the TRIPS project.

⁶..... In the EU context, asylum application may result in different protection status including refugee status, subsidiary protection, or humanitarian protection according to the national framework.

⁷..... Definition of the EU Directive 2011/36/EU, Article 2(3) and Recital 11.

to procedures for recognition of qualifications, social welfare, healthcare, support provided for unaccompanied minors, access to accommodation, freedom of movement within the Member State, access to integration facilities and repatriation. Ireland does not participate in the recast Directive but remains bound by the previous 2004 Directive and provisions of national law, namely section 53 of the International Protection Act 2015, provide for the rights of protection beneficiaries.

Subsidiary protection status:

According to Article 2(g) of Directive 2011/95/EU (Recast Qualification Directive), it means the recognition as a person eligible for subsidiary protection by a Member State of a third-country national who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin to his or her country of former habitual residence, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country. Ireland does not participate in the recast Directive subsidiary protection is provided for under national law in the International Protection Act 2015.

Trafficking in human beings:

According to Article 2 and recital 11 of Directive 2011/36/EU (Anti-Trafficking Directive), the recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs [...] as well as, for instance, other behaviour such as illegal adoption or forced marriage in so far as they fulfil the constitutive elements of trafficking in human beings.⁸ The consent of the person to exploitation is irrelevant where the means are present, while the means are irrelevant in cases of children.

Victim of trafficking in human beings:

Person formally identified by the authorized competent authority (the police in most cases) in an EU Member State as a victim of trafficking in human beings based on a 'reasonable grounds' standards, as required by Article 10 of the Council of Europe Convention on Action against Trafficking in Human Beings.

Vulnerable persons:

According to Article 21 of Directive 2013/33/EU (Recast Reception Conditions Directive), vulnerable persons in the asylum process are minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation.

8..... This definition is to a large extent inspired by the definition of the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children adopted by the General Assembly of the United Nations, the first international instrument to define trafficking in 2000.

Checklist: WHAT ARE YOU LOOKING FOR?

This checklist may be useful in guiding newcomers. There is no "one size fits all" list. The following list and answers are therefore neither exhaustive nor compulsory – consider what is most appropriate according to your situation.

If you tick "No", click on the arrow → to be referred to the relevant section below.

1. Do you know what trafficking in human beings is?	Yes	No
2. Are you aware of the different forms of exploitation that victims of trafficking might be subjected to?	Yes	No
3. Do you feel you've had enough training on what is human trafficking?	Yes	No
4. Do you feel you've had enough training to identify victims of trafficking?	Yes	No
5. Do you know the indicators of trafficking?	Yes	No
6. Are you aware of the procedure for the formal identification of victims of trafficking?	Yes	No
7. Do you know what rights victims of trafficking have with regards to the asylum procedures and the integration process?	Yes	No
8. Do you feel equipped enough to lead an adequate interview with trafficked beneficiaries of international protection?	Yes	No
9. Do you feel equipped enough to identify the needs related to integration with trafficked beneficiaries of international protection?	Yes	No
10. Do you feel adequately equipped to provide guidance to trafficked beneficiaries of international protection to meet their special needs?	Yes	No
11. Do you feel adequately trained to provide an appropriate support to trafficked beneficiaries of international protection regarding their legal support needs?	Yes	No
12. Do you feel adequately equipped in your organisation to offer comprehensive support to trafficked beneficiaries of international protection in their accommodation, financial and employment needs?	Yes	No
13. Do you feel adequately equipped with partners to provide a coordinated support to trafficked beneficiaries of international protection in their overall integration?	Yes	No

HUMAN TRAFFICKING AND INTERNATIONAL PROTECTION

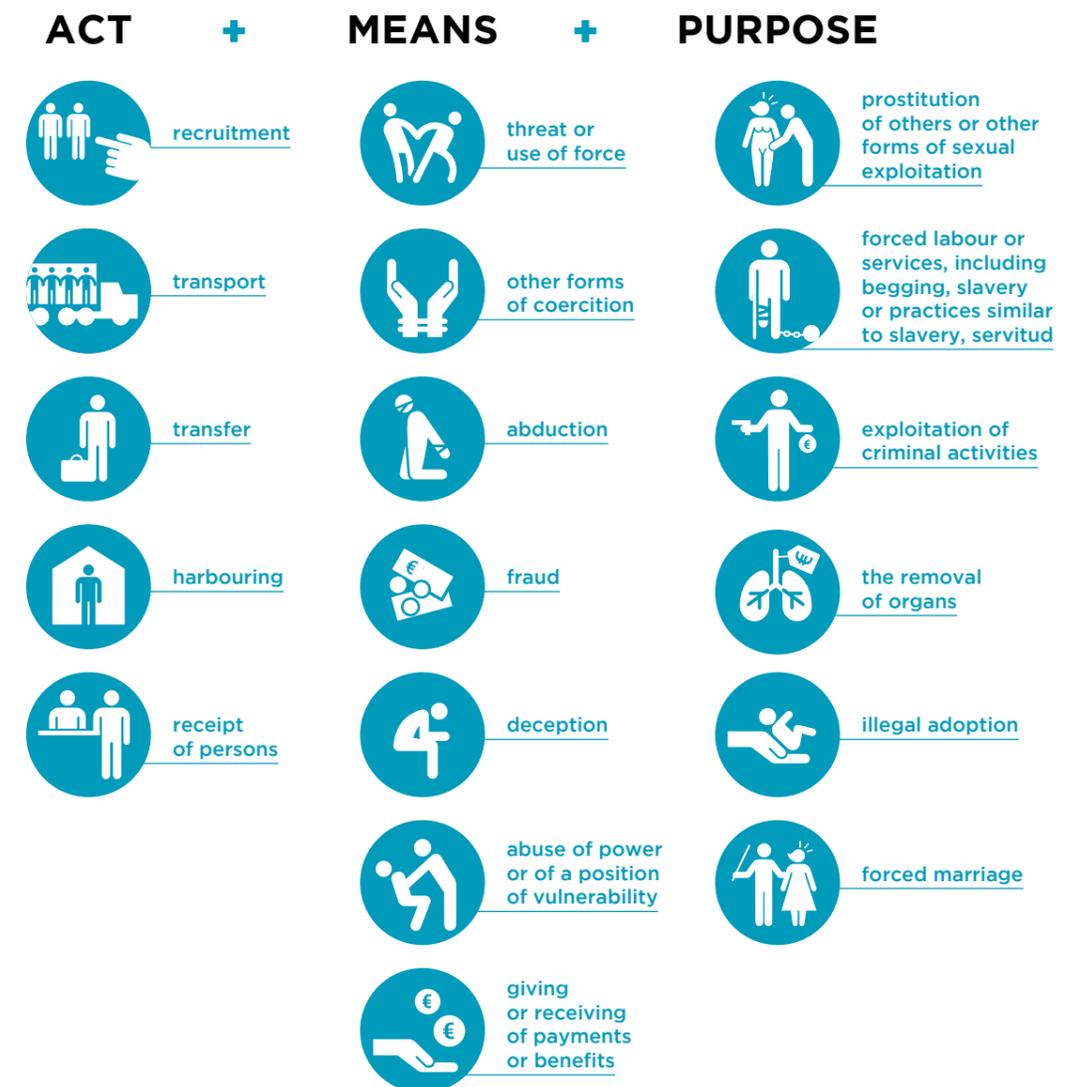
1.1 UNDERSTANDING HUMAN TRAFFICKING

1.1.1 Definition and forms of exploitation

The relevant definition of trafficking in human beings in an EU context is according to Article 2 and recital 11 of Directive 2011/36/EU (Anti-Trafficking Directive),

The recruitment, transportation, transfer, harbouring or reception of persons, including the exchange or transfer of control over those persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, including begging, slavery or practices similar to slavery, servitude, or the exploitation of criminal activities, or the removal of organs [...] as well as, for instance, other behaviour such as illegal adoption or forced marriage in so far as they fulfil the constitutive elements of trafficking in human beings.”

The consent of the person to exploitation is irrelevant where the means are present, while the means are irrelevant in cases of children.



The forms of exploitation can be varied and victims can be subjected to sexual exploitation in prostitution, labour exploitation, forced begging, exploitation of and coercion into criminal activities (e.g. pick-pocketing, shop-lifting, and drug production or trafficking), removal of organs, illegal adoption, sale of babies and forced marriage.

1.1.2 Root causes of trafficking

The European Commission Third progress report identifies poverty, weak social and economic structures, corruption, lack of employment and equal opportunities, violence against women and children, discrimination, unresolved conflicts, forced displacements as major factors exposing victims to the risk of trafficking.⁹ The particular situation and vulnerability of the potential victims expose them to higher risks of exploitation, including the desire to migrate in order to improve their circumstances. **For example, migrant populations may be at a higher risk of exploitation since “the destabilization and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labour”.**¹⁰ Root causes can be found in the countries of origin, during the migration process and in the countries of destination, while in some states, social and cultural practices can contribute to the operations of trafficking networks. Human trafficking is a highly gendered crime, which affects disproportionately women and girls, and therefore requires gender-specific responses.¹¹ Adopting a gender perspective in responding to human trafficking is critical, as a major part of the victims identified are women and young girls (reaching an astonishing 90% in trafficking for the purposes of sexual exploitation¹²).



KEEP IN MIND: Differences between smuggling and trafficking

Smuggling of migrants is defined by the Protocol Against the Smuggling of Migrants supplementing the United Nations Convention against transnational organised crime and differs from human trafficking. The protocol defines it as “*the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident*”. The differences between migrant smuggling and human trafficking are important. While smuggling is a crime against the State, trafficking is a human right violation against a person. Human trafficking does not necessarily require the irregular crossing of a border. Half of the victims in the EU are EU nationals who can be trafficked within their own Member States. Others are trafficked to other Member States, legally crossing the inner EU borders. Not all non-EU victims arrive to the EU through irregular migration routes.

1.1.3 Available data on human trafficking THB

The collection of data on human trafficking is an important challenge regularly faced by researchers when assessing the scale of the phenomenon. In its most recent publication on trafficking data published in 2018, the United Nations Office on Drugs and Crime (UNODC) underlines that “*although there have been tangible improvements in the availability of data and information on trafficking in persons, relevant gaps in knowledge affect large parts of the world*”.¹³

Relevant reports include:

European Commission → [Data collection on trafficking in human beings in the EU, 2018](#)

European Commission → [Data collection on trafficking in human beings in the EU, 2020](#)

Europol → [4th Annual Activity Report – 2020](#)

UNODC → [Global Reporting on Trafficking in persons, 2018](#)

IOM → [Migrant Vulnerability to Human Trafficking and Exploitation: Evidence from the Central and Eastern Mediterranean Migration Routes, 2017](#)

In 2020, the European Commission published updated statistics on human trafficking in the EU.¹⁴ 26,268 were registered in the 28 EU Member States for 2017 and 2018, which is a higher number compared to the previous reporting period. 46% were victims of sexual exploitation and 22% of labour exploitation. 59% of the victims registered were third-country nationals. Women and young girls remain the first impacted by human trafficking (58%), and 32% of the victims are minors. The main Member States with the largest registered victims were the United-Kingdom¹⁵ (12,123), France (2,846), Italy (1,988), Netherlands (1,624), and Germany (1,380). The main third-countries of origin were Nigeria (3,112), Albania (1,814), Vietnam (1,525), China (1,064), and Sudan (603).

In **Ireland** the official State website¹⁶ on trafficking in human beings, publishes annual reports with statistics. These statistics, however, do not contain any information about victims who are successful applicants for international protection. The data mainly presents how many people have been referred to the national referral mechanism, including some data on how many sought international protection. Information about the outcome of such claims is not available. Therefore, no meaningful conclusions could be extracted for the situation with BIPs affected by human trafficking from the official sources.

The most recent available statistical data shows that trafficking of women and girls for the purposes of sexual exploitation is the prevalent form of human trafficking in Ireland.¹⁷ This trend is followed by trafficking for the purposes of labour exploitation, which is followed by trafficking for the purposes of forced criminal activities and others. The trafficking for the purposes of labour exploitation mostly concerns individual businesses, where a number of victims are identified at once, e.g. 16 in 2018 in the fishing industry, while in some years a very small number of victims are discovered due to a lack of a prominent exploitative business, e.g. in 2019 – 3 suspected victims. On the other hand, trafficking for the purposes of sexual exploitation represents a steady stream of identified victims, mostly women. Women are primarily trafficked for the purposes of sexual exploitation, while men are primarily trafficked for labour exploitation. These trends mirror the situation in other EU Member States, as outlined in the Eurostat Data on Trafficking in Human Beings in the period 2017 - 2018.

In the past, there was information provided on how many of the suspected victims had pending applications for international protection. For example, the departmental data showed that in 2015, 12 out of the 78 victims had pending applications for asylum, and respectively, 16 out of 95 victims in 2016 and 17 out of 47 victims in 2017. Unfortunately, there is no information concerning victims of trafficking who might have successfully obtained international protection.

14 European Commission, Data collection on trafficking in human beings in the EU, 2020
10 UNODC, Global Reporting on Trafficking in persons, 2018.

15 It must be noted, that the UK definition of the crime centring on the notion of ‘modern slavery’ and ‘forced labour’ markedly differs from the EU-27 definition of trafficking in human beings in line with Directive 2011/36/EU. As a result, the inclusion or exclusion of the UK statistics in the overall EU statistics leads to significant differences. This is highlighted throughout the EC data report.

16 Blue-blind-fold website, official statistics: www.blueblindfold.gov.ie

17 [Department of Justice, Trafficking in Human Beings in Ireland, Annual Report 2019](#)

9 European Commission, Third report on the progress made in the fight against trafficking in human beings (2020) as required under Article 20 of Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, 20 October 2020.

10 UNODC, Global Reporting on Trafficking in Persons, 2018.

11 European Commission, Study on the gender dimension of trafficking in human beings, 2016.

12 European Commission, Data collection on trafficking in human beings in the EU, 2020.

13 UNODC, Global Reporting on Trafficking in Persons, 2018.

1.1.4 International and European legal frameworks

► European framework relevant to Ireland

Over the last two decades, Ireland has used its freedom to participate in a range of EU measures, while the Common Travel Area with the United Kingdom has informed at least some of the decisions regarding participation. The relevant EU Directives and Regulations that Ireland has opted in or out are outlined below.

Regarding international protection, Ireland does not, therefore, participate fully in the Common European Asylum System (CEAS). Ireland exercised its right to participate in the original Asylum Procedures Directive¹⁸, the Dublin III Regulation¹⁹ and the original Qualification Directive (2004/83/EC)²⁰. Initially, Ireland did not opt into the (recast) Asylum Procedures Directive, the (recast) Qualification Directive, or either the original Reception Conditions Directive (2003/9/EC) or the (recast) Reception Conditions Directive.²¹ More recently, in 2018, Ireland has opted into the (recast) Reception Conditions Directive, 2018 and transposed with national regulations.²² Following transposition, eligibility to access the labour market is provided for after six months.²³

Regarding trafficking in human beings, Ireland began its participation in the relevant EU measures in the last ten years, following the introduction in 2008 of national legislation to address the crime of trafficking in human beings.²⁴ Thereafter, Ireland opted into the EU Trafficking Directive²⁵ and the Victim's Right Directive.²⁶ In doing so, Ireland joined the EU Member States in developing and applying measures for identification, protection and assistance of victims of trafficking in human beings. There are a range of notable benefits delivered through this framework that positively impact on victims, in particular those linked to the victims' special needs, to responding from a gender-specific angle and to keeping the best interest of the child paramount in responding to minor victims.

► Irish national legislation and policy

The following outlines relevant aspects of the two national legal and policy frameworks existing in the areas of international protection and trafficking in human beings, respectively.

International protection

The original international protection system in Ireland, incrementally adopted in response to the increased number of asylum applications in the early 2000's, was overhauled in 2015 with the enactment of the International Protection Act (IPA) 2015.²⁷ The IPA introduced a number of substantive changes to international protection law in Ireland. The Act repealed and replaced the Refugee Act 1996²⁸, and amended the Immigration Acts 1999²⁹, 2003³⁰, 2004.³¹

More notably, the IPA introduced a single procedure for international protection applicants. If the applicant receives a negative recommendation for protection under the IPA from the International Protection Office at first instance, applicants may appeal the refugee and/or subsidiary protection element of the recommendation to the International Protection Appeals Tribunal.

As noted above, in 2018, Ireland enacted the Reception Condition Regulations.³² The standards for the reception of international protection applicants, including accommodation, were placed on a statutory footing for the first time in Ireland. These standards include

specific provisions for vulnerable applicants³³, including suspected victims of trafficking.³⁴ The Regulations provide that the Minister for Justice shall assess, within 30 days of an application, whether an applicant has special reception needs and, if so, the nature of those needs. However, in practice, to date the Department of Justice has not yet published a specific procedure which either assesses whether an individual is a vulnerable applicant or provides for needs arising from that vulnerability.³⁵

Trafficking in human beings

The [Criminal Law \(Human Trafficking\) Act 2008](#) introduced the crime of human trafficking into Irish criminal law for the first time. 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 purposes of sexual or labour exploitation or for the removal of a person's organs. To give effect to the EU Trafficking Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, the Act was amended to expand the definition of forced labour by including forced begging, to include forced criminal activities in the forms of exploitation and to add an aggravating factors in cases, where the crime is committed by a public [official during](#) his/her duties.

The [Child Trafficking and Pornography Act 1998](#), which already contained provisions for trafficking of children for the purposes of sexual exploitation was amended by the 2008 Act 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 2017](#)³⁶ updates laws combatting the sexual exploitation and sexual abuse of children, including new offences relating to child sexual grooming and new and strengthened offences to tackle child pornography. The Act also criminalises the purchase of sexual services and introduces new provisions regarding the giving of evidence by victims in sexual offence trials.

The [Criminal Justice \(Victims of Crime\) Act 2017](#) gives effect to EU Victims Directive. The Act provides support to victims in criminal proceedings by placing them at the centre of the criminal justice process. Under the Act, certain rights are guaranteed to victims through a criminal justice investigation and later through various criminal justice processes. The Act ensures that victims receive information, support and protection and are treated in a respectful and professional manner. Victims of human trafficking are given particular consideration.

It is worth noting that the rights of victims of trafficking, with the exception of any rights as witnesses in court proceedings, are not provided for by domestic legislation. Instead, under the National Referral Mechanism (NRM) details the available services and the [Administrative Immigration Arrangements \(AIAs\) for the Protection of Victims of Human Trafficking 2011](#), an administrative policy document, covers the issuing of 'recovery and reflection' permission and temporary residence permission to non-EEA migrant victims of human trafficking that are cooperating with a human trafficking criminal investigation. These administrative arrangements do not apply to victims of trafficking who have applied for international protection and are examined in greater detail in the section below dedicated to the NRM in Ireland.

18..... Asylum Procedures Directive 2005/85/EC

19 [Dublin III Regulation](#)

20 [Qualification Directive 2004/83/EC](#)

21..... [Recast Reception Conditions Directive 2013/33/EU](#)

22..... [European Communities \(Reception Conditions\) Regulations 2018](#)

23..... [INIS Information on Permission to Access the Labour Market](#)

24 [Criminal Law \(Human Trafficking\) Act 2008](#)

25..... [EU Trafficking Directive 2011/36/EU](#)

26 [EU Victims Directive 2012/29/EU](#)

27..... [International Protection Act 2015](#)

28..... [Refugee Act, 1996](#)

29 [Immigration Act, 1999](#)

30 [Immigration Act, 2003](#)

31..... [Immigration Act, 2004](#)

32..... [European Communities \(Reception Conditions\) Regulations 2018](#)

33..... Regulation 8, Reception Condition Regulations 2018

34 Regulation 2(5), Reception Conditions Regulations 2018

35..... See the detailed analysis of the position in [Asylum Information Database Ireland Country Report 2019](#)

36 [Criminal Law \(Sexual Offences\) Act 2017](#)



KEEP IN MIND: How international protection status can apply to victims of human trafficking

Applicants for international protection who are victims of trafficking may claim asylum on different grounds provided under the 1951 Geneva Convention or the subsidiary protection criteria. They may be at risk of persecution if they return to their country of origin due to their exploitation regardless of the location of the trafficking. The social group criteria may apply in this case. These grounds are not applied systematically and it may depend on the specific groups of victims based on their country of origin or the form of exploitation. If there is a risk of unhuman or degrading treatment upon return, subsidiary protection may be granted. Victims of trafficking may also apply for asylum on any other grounds provided for in the Geneva Convention and Protocols when relevant, regardless of their trafficking situation.

1.2 TRAINING AVAILABLE

Different training modules are available on human trafficking and are critical to improve the identification of victims, as well as to provide adequate support and protection.

A multidisciplinary approach to training adds extensive value to comprehensively address the multiple issues related to human trafficking. Moreover, undertaking training courses with different organisations and institutions provides an added-value in terms of perspective and long-term cooperation.

You will find below several helpful links and tools:

- [EASO Guidance on membership of a particular social group](#)
- [EASO ISPN tool \(identification of person with special needs\)](#)
- [EASO practical tools](#)
- [EASO's activities related to vulnerable groups](#)
- [Group of Experts on Action against Trafficking in Human Beings \(GRETA\) of the Council of Europe - HELP Online Training Course](#)
- [UNODC, Human Trafficking Knowledge Portal](#)
- [UNHCR, Principles and Guidelines on Human Rights and Human Trafficking](#)
- [TRACKS Training Toolkit](#)
- [WHO Ethical and Safety Recommendations for Interviewing Trafficked Women](#)
- [Blue Blindfold - Irish national campaign against Human Trafficking and National Hotline](#)
- [Immigrant Council of Ireland 'Early Legal Intervention' for Victims of Trafficking Training Toolkit](#)
- [MECPATHS training on recognising child trafficking](#)
- [Ruhama training - Know Sex Trafficking](#)

1.3 CHALLENGES RELATED TO VICTIM IDENTIFICATION

1.3.1 Formal and informal identification of a victim

One of the main challenges of the anti-trafficking measure relates to victim identification. There are two kinds of identification.

Formal identification occurs when a competent authority recognises the person as a victim of human trafficking crime. This may depend on establishing 'reasonable grounds' under the national legal framework. Formal identification is the key element in the victim's protection as it may result in access to services that may not be provided otherwise. According to Article 10.1 of the Council of Europe Convention on Action against Trafficking in Human Beings "each Party shall provide its competent authorities with persons who are trained and qualified in preventing and combating trafficking in human beings, in identifying and helping victims, including children, and shall ensure that the different authorities collaborate with each other as well as with relevant support organizations, so that victims can be identified in a procedure duly taking into account the special situation of women and child victims and, in appropriate cases, issued with residence permits under the conditions provided for in Article 14 of the present Convention". In **Ireland**, a formal identified victim of trafficking is most commonly referred to by the authorities as a 'suspected' victim who is entered into the National Referral Mechanism (NRM) and who may then avail of a range of measures/services depending on their individual circumstances.

Informal identification or detection occurs when any practitioner identifies a person as a victim of human trafficking without this being confirmed by the relevant competent authorities. This is usually the result of the practitioner having corroborated evidence around an initial suspicion. Self-identification can also occur when the victim recognises himself/herself to be a victim of human trafficking, but this detection also remains informal. In Ireland, an informally identified victim of human trafficking is most commonly referred to as a 'potential' victim. Potential victims do not have access to the measures/services that are provided for under the NRM.



KEEP IN MIND: Differences between a temporary residence permit and the international protection system

It is important to note that in Ireland a victim of trafficking who has applied for international protection will be issued with the same Temporary Registration Certificate that is issued to all asylum seekers. This is not the same as the temporary Stamp 4 residence permit issued to suspected victims of trafficking under the Administrative Immigration Arrangements (AIAs) who have not applied for international protection. It may be appropriate to inform applicants for international protection about the differences between these systems.

1.3.2 Indicators of human trafficking

Several tools and indicators have been developed to support practitioners and authorities to detect potential cases of human trafficking. Such indicators, without being exhaustive, can suggest that the person might be exploited and a victim of human trafficking.

A number of tools can be used to facilitate this process:

- [The European Commission Guidelines for the Identification of Victims of Trafficking in Human Beings](#) highlights existing documents and projects on the identification of victims, and in particular those targeting consular services and border guards and thus encourages their systematic use by the respective officials.
- EASO has also developed the [ISPN tool](#), an online platform with indicators to assess persons with special needs in the asylum procedure, looking at among other issues, the special needs of trafficked persons.
- [The UN Office on Drugs and Crime's \(UNODC\) list](#) of trafficking indicators. While some of them are general ones, others are related to different forms of exploitation. It also includes specific indicators regarding children.
- [The International Organization for Migration's](#) lists key trafficking indicators which should enable frontline actors to refer the victim to specialized services for formal identification; as well as common misconceptions about trafficking that should be avoided.
- ['Know the Signs'](#) – the Irish Government Blue Blindfold website identifies the indicators of trafficking most relevant to the Irish context and legislation.

According to EU law, victims of trafficking have the right to be formally identified and recognised as such even if they are already involved in the integration process. This right should be guaranteed even in cases where the victim refuses to cooperate with the authorities in the criminal proceedings. However, in Ireland, identification is dependent on cooperation with a criminal investigation.



KEEP IN MIND: Cross-cutting categories among victims of trafficking

Practitioners should keep in mind the **important intersections between different exploitation and vulnerable situations**. This is not an exhaustive list and other special needs categories might be relevant to consider. Victims of trafficking may have been also subjected to rape, other forms of violence, persons with gender-related special needs, accompanied and unaccompanied minors, pregnant persons, LGBTQI, disabled persons. Persons with mental health issues should also be taken into consideration because of the traumatic experience of human trafficking or due to previous incidents that happened in the country of origin.

Needs of victims will differ and they remain related to each personal situation depending on the victim's age, sex, gender identity, family situation, physical and/or psychological state, form of exploitation they have suffered, migration route and support provided during the asylum procedure.

1.3.3 Identification of victims during the asylum procedure and the integration process

With regards to the international protection system, EU and national law provides the framework for EU Member States, including Ireland, **for policies and practices to assessing the asylum claim and the integration of beneficiaries of international protection**. Special needs and vulnerability have also been addressed in this system, including for victims of human trafficking. Member States, including Ireland, are required to identify and assess the special needs of the applicant and to take them into account in the provision of reception conditions. The [Dublin III Regulation](#)³⁷ also foresees specific rules for victims of trafficking but only those who are minors.³⁸

In **Ireland**, a distinction is made between how victims of trafficking are responded to, depending on whether or not they have made an application for international protection. While applicants for international protection are not excluded from the National Referral Mechanism (NRM) per se, they are excluded from the AIA's and access to temporary residence permission, which effectively exclude victims of trafficking that apply for international protection from accessing the social protections and other benefits envisaged for victims of such crime.

Access to the NRM is contingent upon a victim self-presenting to Gardaí and/or being referred by the authorities or a third party to the Human Trafficking Investigation and Coordination Unit of An Garda Síochána. Access to the NRM and supports provided thereunder are exclusively dependent on cooperation by a victim of trafficking with a criminal investigation.

The Criminal Law (Human Trafficking) Act 2008 does not provide for the identification of victims of trafficking. Overall, the rights of victims of trafficking to support and protection have not been placed on a statutory footing.

The AIAs provide for the issuing of a sixty day recovery and reflection period, a six month renewable temporary residence permission on condition of cooperation with authorities in an ongoing investigation, voluntary repatriation and/or changes of status to longer term immigration status, after certain conditions have been met. Suspected victims of trafficking who have not applied for protection are issued with a temporary residence permit, which enables them to access social protections and benefit payments, employment and education/training.

Consequently, several points of relevance can be noted:

- Firstly, applicants for international protection are not formally identified by way of the issuing of a temporary residence permission under the AIAs.
- Secondly, the establishment of 'conclusive evidence of trafficking' does not lead to protection applicants gaining access to accommodation in mainstream services or access to study or work, while the application for international protection is pending (other than restricted labour market access as provided for all international protection applicants who are still waiting for a decision on their application after a period of six months).
- For asylum seeking victims of trafficking, only the outcome of the international protection application determines their progress to independent living and integration, and not the victim identification process or any other assessment of the special needs they may have.

³⁷..... [Regulation](#) (EU) No 604/2013

³⁸ Article 6(3)c : « In assessing the best interests of the child, Member States shall closely cooperate with each other and shall, in particular, take due account of the following factors: safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking".

- Despite the introduction of a ‘single application procedure’, the international protection application process remains lengthy, often involving a wait of at least twelve months for the initial interview to be conducted and, potentially, a number of years for a final recommendation or decision to be issued. Therefore the integration process for such victims is significantly delayed.

1.4 WHAT RESPONSE AND GUARANTEES FOR VICTIMS IN RELATION TO INTERNATIONAL PROTECTION?

As detailed above, EU and national law provides a framework for EU Member States’, including Ireland, policies and practices to assess the asylum claim and the integration of beneficiaries of international protection. Special needs and vulnerability have been also addressed in this system, including victims of human trafficking.

In **Ireland**, the International Protection Act 2015 provides the following integration measures for beneficiaries of international protection:

- The **right to reside** for a specified period of not less than three years. Family members also have permission to reside in Ireland for a specified period of not less than one year and, in case of renewal, of not less than two years.
- The **right to travel** in/out of the State and to access to **travel documents** for refugees and their family members. This also applies to subsidiary protection holders who are unable to obtain national passports.
- Access to **education and training** (including SUSI student supports), **employment**, including self-employment.
- Access to **medical care and social welfare**, including housing supports.
- **Family reunification** rights are also provided for in respect of certain qualifying family members.

The eligibility of BIPs to family reunification is only provided in respect of limited categories of family members and applications must be submitted within twelve months of a grant of protection status. If the sponsor is an adult, they are entitled to apply for reunification with their spouses /civil partners and their unmarried minor children. If the sponsor was an unaccompanied minor at the time of the application for international protection, they are permitted to apply for their parents and their parents’ unmarried minor children. Discretionary visa applications may also be made for non-qualifying family members.³⁹

Upon arrival, family members generally enjoy the same rights as the BIP, although a residence permit is issued for a shorter period of time. The legislation does not provide for the rights and entitlements of family members to remain in the State in the event of future changes arising from, for example, relationship breakdown, the death or departure of the BIP from the State. Such matters are dealt with on a discretionary basis by the Minister for Justice.

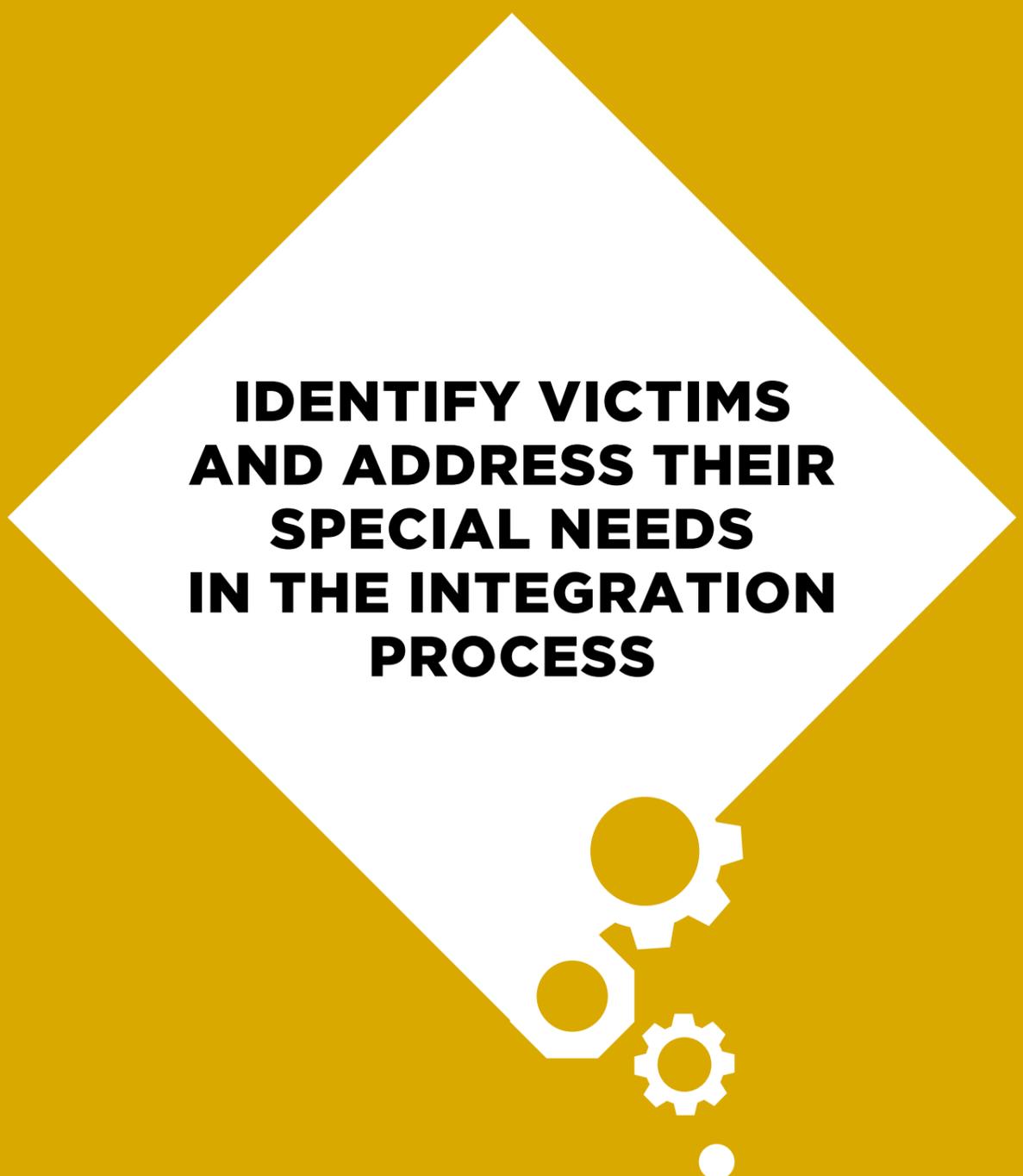


KEEP IN MIND: Obligations of assistance to victims of human trafficking

Article 12 of the Council of Europe Convention on Action against Trafficking in Human Beings states that each Party shall adopt such legislative or other measures as may be necessary to assist victims in their physical, psychological and social recovery.

Such assistance shall include at least:

- standards of living capable of ensuring their subsistence, through such measures as: appropriate and secure accommodation, psychological and material assistance;
- access to emergency medical treatment;
- translation and interpretation services, when appropriate;
- counselling and information, in particular as regards their legal rights and the services available to them, in a language that they can understand;
- assistance to enable their rights and interests to be presented and considered at appropriate stages of criminal proceedings against offenders;
- access to education for children;
- the victim’s safety and protection needs shall be taken into account;
- necessary medical or other assistance to victims lawfully resident within its territory who do not have adequate resources and need such help shall be provided;
- access to the labour market, to vocational training and education shall be authorized.



IDENTIFY VICTIMS AND ADDRESS THEIR SPECIAL NEEDS IN THE INTEGRATION PROCESS

2.1 INTERVIEW GUIDANCE OF TRAFFICKED INTERNATIONAL PROTECTION BENEFICIARIES' SPECIAL NEEDS

2.1.1 Existing tools and training

You can refer to the following supporting tools and guidance for interviewing the victims and identifying their special needs in a safe environment.

- [UNODC's ethical and safety recommendations for interviewing trafficked women and children](#)
- [WHO ethical and safety recommendations for interviewing trafficked women, 2003](#)
- [Project "Time for needs: Listening, Healing, Protecting. A Joint Action for an Appropriate Assessment of Special Needs of Victims of Torture and Violence"](#)

In addition, while not specific to international protection seeking victims of trafficking, many of the best practices described by the Immigrant Council of Ireland's ASSIST project [Best Practice Guide](#) offer guidance on gender specific care for victims of trafficking.

If working with children and young people, refer to [Unlocking Children's Rights](#) training modules, specifically Module 3, Child-Friendly Communication Skills.

2.1.2 Best practice guidance when working with victims of trafficking

The safety and privacy of the victims should be ensured for a range of safeguards. Interview sites should be selected in consultation with victims. A private space should be provided. If the interview is conducted in a public space, confidentiality may be compromised and interviewers should ensure that others are not able to overhear the conversation. If this cannot be guaranteed then the interview should be postponed or another location agreed with the victims. The layout of the room should also be appropriate and provide a safe environment, with tissues and water available. If possible, the individual should be able to face the exit; the room should have a window; chairs should be placed in a circle so that the people in the room are seated in a triangle, and there should not be a computer screen blocking the desk in the middle.

If additional people participate in the interview, their respective role should be clearly explained to the victim. Efforts will be made to consider the preferences of the victim concerning the gender of their interviewer. When this isn't possible, the victim must be given notice of this, and they should be informed that they can withdraw from being interviewed as a result of this, if they so wish. If working with a child or young person, ensure that they are accompanied by any allocated social worker or legal guardian.

The victim should be able to have an interpreter or a cultural mediator of the gender of their choosing. The interpreter must be committed to a confidentiality agreement. Participation of an in-

interpreter or a cultural mediator should be organised in accordance with a victim's wishes. Interviewers should also be aware of the difficulty some people might have disclosing their true situation in front of someone of the same nationality or ethnic group. In this regard, potential conflict with the cultural mediator should be taken into account (e.g. someone from the same country might be from a different, even hostile, ethnicity or religion from the victim). Therefore, the person should be asked what they prefer, before the interview takes place. At the beginning of the interview, make sure that the victim and the interpreter/cultural mediator understand each another. This would mean that they really speak/understand the same language, and also that they have a rapport of trust. If not, the interview should be stopped, the reason why they don't understand each other assessed and postponing the interview considered. It might be important to occasionally check if the interpreter/mediator are indeed impartial and open to the group of potential beneficiaries.

The practice should be underpinned by internal regulations e.g. a code of conduct and a complaints mechanism – if possible this should be explained to all parties. Exchanges of practices between professionals should be considered in order to reinforce identification capacities and interview methodology.

2.1.3 Protect privacy and ensure safety

It is ultimately up to the trafficked person to decide whether or not to discuss their personal situation and experience-related information. Service providers may support individuals in the decision-making process, by providing information on the possible benefits and risks of disclosing the information, so that informed consent is obtained prior to publishing the data.

All information collected during the interview and given by the presumed victim has to be carefully stored and protected. It should be shared only with relevant stakeholders and with the consent of the person.

The presumed victim must be informed on the protective measures.

All professionals should maintain appropriate records and comply with any relevant professional standards, including GDPR obligations.

2.1.4 Do no harm: ensuring emotional and psychological well-being

An interview can be traumatizing if it is not conducted in a positive and empowering manner. Unless necessary, you should avoid asking direct questions about the violence suffered (recounting the violence might lead to reliving past trauma and therefore inhibit communication). Avoid asking leading questions and allow sufficient time to respond. If working with children, adopt a child-friendly tone, language and approach.

In addition to the exploitation experience, it is important to recognise that elements of the asylum procedure and integration process themselves can be a source of trauma. For example, having been held in detention, having been interviewed in a hostile manner, having experienced difficult relationships with the asylum/integration authorities, including at the appeal stage or having suffered abuse whilst in an asylum seeker/BIP accommodation can constitute topics causing anxiety and distress. There may also be victims who

had suicidal thoughts and/or actions triggered by the asylum/integration process.

At the beginning of the interview, **a code word or a code movement** can be agreed between the interviewer and the victim for the latter to indicate when they do not feel comfortable anymore.

A rest break during the interview should be offered to the victim when it is noticed that the situation is distressing. You should be ready to stop the interview at any point – and be prepared with methods for stopping the interview and what to tell the person without them feeling like they have somehow 'failed' during the interview.

Keep in mind that the person may not be aware that he/she is victim of trafficking. It might therefore be ineffective or counterproductive to begin by addressing his/her situation by talking about "human trafficking" or using the word victim.

It is beneficial to end the interview on a positive and lighter note to achieve some level of comfort.

2.1.5 Equal participation and empowerment of the victim

Ethical participation of trafficked persons includes treating them as equals, that is, as agents with power, rather than helpless victims. They are the best positioned to know what their needs are/have been. Survivors of trafficking might manifest the effects of their former situation in the way they handle power relations. Therefore, one has to be careful to set the right power balance in the relationship with the victim. To achieve equal participation, the interviewer must seek a way to empower the victim, to give him/her a form of control over the process of the interview.

You will find below some advice:

- Make sure, at the beginning of any exchange, that you clearly explain the objective, the reason why the applicant is having such an interview, and what you want to achieve. Make sure they agree with it, and remind them of the confidentiality of the interview.
- Do not commit to things outside your remit or for which you don't have the means to achieve, even if based on your good intentions: a victim of trafficking has often experienced multiple instances of lies, false promises, deception, abuse of trust etc. Behaving like this, even if unintentional, might be prohibitive and impede or even sever any relationship of trust.
- Always ask the individual if they have understood what has been said or the information shared. Do not hesitate to repeat and always ask them if they have questions, comments or any concerns.
- At the end of the interview summarise what has been agreed and inform him/her on what will happen next, and who does what. Explain all the options and plan together any further steps.
- Inform the victim of their rights and of any procedures that apply to them.

2.1.6 How to react to an exploitation testimony?

If a presumed victim discloses that they have been trafficked or are currently being exploited, you can refer to the following guiding principles:

- Ensure to have a calm and sensitive reaction, listen carefully to the testimony, and acknowledge the situation.
- Consider the victim's immediate, mid and long-term needs according to his/her individual situation.
- Assess the victim's current safety and whether they can access a safe place (with the victim's consent).
- Assess the victim's needs and how they would like to be supported (with the victim's consent).
- Assess if the victim needs immediate healthcare assistance and make a referral accordingly.
- Contact your line manager and/or the anti-trafficking manager to get support and guidance according to your internal procedure.
- If needed, refer to an organisation specialised in anti-trafficking.

INTERVIEW GUIDANCE - SUMMARY CHECKLIST

Before the interview:

- Interview sites must be selected in consultation with victims.
- The layout of the room should also be appropriate and provide a safe environment.
- The interview should be carried out by somebody who has experience in interviewing vulnerable people. If not, the professional should refer to a human trafficking expert for guidance and advice.
- Efforts will be made to consider the victim's preferences in relation to the gender of their interviewer and eventual interpreter or cultural mediator.
- Respective roles of the participants in the interview should be clearly explained to the victim.

At the beginning of the interview:

- Make sure that the victim and the interpreter/cultural mediator understand one another.
- The presumed victim must be informed on the protective and confidentiality measures.
- Clearly explain the objective of the interview, the reason why the applicant is having such an interview, and what you hope to achieve. Make sure they agree with it.

- A code word or a code movement can be agreed between the interviewer and the victim.
- A rest break during the interview should be offered to the victim when it is noticed that the situation is distressing.
- Unless necessary, avoid asking direct questions about the violence suffered.
- Keep in mind that the applicant may not be aware that he/she is a victim of trafficking.
- Do not commit to things outside your remit or for which you don't have the means to achieve.
- Always ask the victim if they have understood what has been said or the information shared.

After the interview:

- End the interview on a positive and lighter note to achieve some level of comfort.
- At the end of the interview summarize what has been agreed and inform him/her on what will happen next, and who does what. Explain all the options and plan together any further steps.
- Inform the victim of their rights and of any procedures that apply to them.
- Refer them to other appropriate services if required.

2.2 IDENTIFICATION OF TRAFFICKED INTERNATIONAL PROTECTION BENEFICIARIES' SPECIAL NEEDS RELATED TO THE INTEGRATION PROCESS

The table below presents a classification of the needs that trafficked beneficiaries of international protection may have and that were identified during the research work.

There are examples of questions you could ask to help you understand crucial information from and about the beneficiary to identify and address his/her needs. **These questions are suggestions to help you structure initial intake interviews and further interviews. You can also choose to use these questions as a guidance to understand which information you should look for and are useful to identify victims' needs.**



KEEP IN MIND:

Adopt an individualized approach

The list is **neither exhaustive nor compulsory**. You should adopt an individualised approach to the personal circumstances of the person and of the situation; and **ask the relevant questions if there are reasons to explore these issues with them, omitting certain but adding others**.

Over time, you will develop a stronger understanding of which questions are relevant and on which aspects you need more information. The situations in your context (e.g. patterns of trafficking) but also in the countries of origin are likely to change – this should be reflected in the questions you ask.

When asking the questions, you should not only focus on the person as a victim of a crime, but try to understand their aspirations, assets, challenges.... in short everything which will influence how the person in front of you will be able to rebuild his/her life.

An interview with a trafficked person may often be more challenging than other interviews. The stress, exploitation, violence and possible trauma of the trafficking situation is likely to have left a mark on the person you are interviewing and the interview may bring back very painful memories - you might find incoherent statements or it may be difficult to see a clear chronological order in what you are being told. **Often a comprehensive look into the circumstances will be needed to understand more.** Relevant information may be communicated at unexpected points in the interview. And yet, a person who might be very confused in one interview might be crystal-clear in another interview. In addition to an interview schedule with precise questions, ask open and more general questions (“how are you feeling? “Is anything troubling you?” “Where do you see your future?”).

When you begin working in the field, it is advisable to have a more experienced colleague assist you and give feedback.

As the job of interviewing persons with trafficking experience is very professionally and psychologically challenging, it is important that you yourself have regular and reliable support (e.g. debriefing with team colleagues/specialists).

CATEGORIES OF NEEDS

SPECIAL NEEDS

QUESTIONS TO ASK

FROM THE ASYLUM PROCEDURE TO THE INTERNATIONAL PROTECTION STATUT

Early identification

- Have you been to the police? What happened?
- Have you been identified by authorities/police or by an NGO as a victim of human trafficking? If yes, why/when/in which circumstance(s)?
- Did you receive any support in this identification process?

Assistance and support provided during asylum procedure

- Who helps you/ has helped you in your integration process (NGO, local or national authorities...)?
- What are they doing/what kind of support/services have you been offered?
- Did they know you were a victim of trafficking? If yes, what did they do to help? If no, why didn't you tell them?
- If you were accompanied during the asylum procedure, has this help continued when you obtained the protection?
- Are you supported by the same people/associations?

Adequate and dignified reception conditions

- Where were you living when you obtained the international protection?
- Do you still live there now?
- From the beginning of the asylum procedure until now, have you been moved from one accommodation to another?
- From one area to another?
- Did you live with your traffickers? If yes, how did you escape?

SOCIAL PROTECTION

Prompt issuance of documents

- Have you received your residence permit? If not, how long have you been waiting?
- Do you know why you have been waiting so long? Is there something we can fix/help with?
- Do you have problems accessing the social services/ /allowances?
- Are you supported in this process?

CATEGORIES OF NEEDS

SPECIAL NEEDS

QUESTIONS TO ASK

Prompt access to social rights

- Do you receive any financial assistance? If yes, from who?
- Is it enough? How do you manage to cover your basic needs?
- How long did you wait? What were the conditions?

Access to social assistance and information provision

- Have you received information on your rights to access social benefits, on administrative procedures?
- Have you received any support to access social benefits?
- If you're still waiting to access social benefits, do you know why? Is there something we can fix/help with?

Being informed and supported about the family reunification procedure

- Have you been informed about the family reunification procedure? If yes, are you supported in this procedure?
- If not, would you like to have more information and/or be supported?

Access to family reunification

- Have you started the process for family reunification? When did you start? How?
- What is the current state of the process?
- Are there some difficulties?
- What could help you concerning the family reunification process?

DURABLE AND SAFE HOUSING

Access to durable housing

- Where are you staying?
- Who are you staying with?
- Who do you live with?

Access and conditions of safe housing

- Do you feel safe in your accommodation? How do you feel about where you sleep/stay?
- Do you go out in the day?
- Do you have a key to the house/apartment?

CATEGORIES OF NEEDS

SPECIAL NEEDS

QUESTIONS TO ASK

- Do you like the city/region where you are?
- Have special measures been taken for you to be distanced from your trafficker? By who? How?
- Do you prefer to be housed with people you know? Or with strangers? Or with national citizens? Why? Why not?
- How is the atmosphere in your accommodation (peaceful/noisy; warm/cold etc.)?
- Has anyone already tried to visit you since you obtained your international protection? How did it go? What was it for? (clarify - whether the visitors were friends, were support workers/professionals or were people who posed a risk to the person)

Benefitting from financial support to access housing

- Do you need support to pay your rent/accommodation?
- Have you asked for support to pay your rent/accommodation?

MEDICAL AND MENTAL HEALTH

Being informed to access medical care

- How are you feeling?
- Do you have any health problems?
- Have you seen a doctor since arriving? If not, why? Would you like to see one now?
- If applicable: Have you seen a gynecologist since arriving?
- Have you been informed about your rights to access medical care?

Benefitting from effective access to medical care

- Are you currently receiving medical care? If yes, what kind?
- Do you have a general practitioner?
- Are you satisfied? Do you feel comfortable with him/her?
- Is any organization or local/national authority helping you in that field? If not, do you need any help?

CATEGORIES OF NEEDS

SPECIAL NEEDS

QUESTIONS TO ASK

Benefitting from mental health support

- How do you feel? What are your feelings right now?
- Do you sleep well?
- Do you have nightmares?
- Are you anxious? Worried?
- Would you like to talk about these issues with someone?
- Are you receiving psychological support? If yes, who provides for this support?
- How did you get it? If not, do you need any psychological support?
- Do you have issues to access psychological support? If yes, which one? Do you need support?

Trustable community of reference

- Can you have friends round?
- Are there people working in the same place you live in?
- How are the meals? Do you cook for yourself/several people?
- If not, what is the food like? Do you normally eat well?
- How are you feeling here/in this country? How are you finding your way around the city?
- Would you like to participate in social, group activities?
- What kind of activities?

Be provided choice in gender of medical professionals

- Could you speak openly about what has happened to you with/in the presence of a man/woman?
- Would you feel more at ease with a man/woman?

EDUCATION AND EMPLOYMENT

Overcoming the language barrier

- Were you able to learn the language of your host country?
- How did you learn?
- If not, what kind of difficulties you are facing in the learning process?
- Do you get support from organizations/authorities in that field? Do you need any?

CATEGORIES OF NEEDS

SPECIAL NEEDS

QUESTIONS TO ASK

Empowering and becoming independent

- Were you able to work during the asylum procedure?
- Did you receive any support from the national labour agency or other national institutions?
- Are they aware of your trafficking background, of your international protection status?
- Do you feel they took into account your situation and your needs?
- Are you currently employed? How did you find your job?
- Do you have a professional/ education project? What would you like to do?
- Are the benefits sufficient to feed and clothe you (particularly if the person has children)?
- Do you send money to your family? Do you manage to put money aside?
- If the question of trafficking is explicit: Do you have a debt to repay? How much? Do you know what the debt is for?
- Who do you have to repay it to? How much have you already paid?
- What would you like to do regarding education/training/ employment in the near future? What would you need particularly?

Providing a safe working environment

- Have you been informed about workers' rights and the risk of labour abuses? How many hours per day do you work?
- Do you have an employment contract? Since when? Do you have payslips? How do you get paid (cash, bank transfer)? Have you received your benefits? No problems in payment?

Accessing vocational training

- Have you received education/ training since you obtained the international protection? If yes, what is it?
- Did you get support to find it? By which organization? If no, why?

**CATEGORIES
OF NEEDS**
**SPECIAL
NEEDS**
**QUESTIONS
TO ASK**

- Do you have a professional/education project? What would you like to do?
- Are there any difficulties that you would like to share in this field?

**Being provided
childcare**

- If the person has children: Do you need childcare? When you go out to your appointments, does someone look after them? If yes, who?
- Do you need support to find childcare?
- How are you feeling about placing your child in a nursery?

**Accessing education
opportunities**

- Have you been to school?
- What level of education did you reach?
- What is your profession?
- What would you like to do/learn?
- Where do you see your life going?
- What would you like to do?
- Would you like to study? Learn a profession?

**Accessing education
opportunities**

- Have you been to school?
- What level of education did you reach?
- What is your profession?
- What would you like to do/learn?
- Where do you see your life going?
- What would you like to do?
- Would you like to study? Learn a profession?

**JUSTICE
AND CRIMINAL
PROCEDURE**
**Being informed
of rights to justice
and compensation**

- Did you start a penal procedure against your trafficker? How?
- Who helped you?
- Have you been given special rights/protection regarding this penal procedure?
- If not, would you like to pursue your trafficker?

**CATEGORIES
OF NEEDS**
**SPECIAL
NEEDS**
**QUESTIONS
TO ASK**
**Being ensured of
appropriate
environment and
support while filling
a complaint**

- Do you understand the term “victim” and what that implies?
- Would you be prepared to file a complaint/report to the police to explain what has happened to you?
- Doing so is not compulsory and you won't be prosecuted for an offence if you do it.

**Being supported in
the legal procedure**

- Would you like more information on the procedure?
- Do you need legal/social/psychological support in this procedure? Would you like us to help you to apply for this protection?
- If the victim has revealed facts of trafficking experience: Do you know that anyone who has hurt you can be punished for this? That you can access compensation? That you should not be punished if you were forced to commit crime?

FOLLOW-UP AND REFERRAL



Following the interview process, the situation may arise where you have identified several special needs of a victim of trafficking and you would like to provide follow-up guidance and/or you would like to inform the relevant authorities and/or support organisations of the situation of that person but you are not sure how to proceed. This part of the Toolbox provides you with the required knowledge to identify and respond to some of the main needs of BIP victims of trafficking.

Due to the very specific characteristics of trafficking and in particular the coercion and influence that traffickers exert on victims, as well as the victim's isolation from the rest of the society, building trust is fundamental to give them the opportunity to self-identify as victims of trafficking and/or tell their true story during the asylum process at the outset or to access suitable supports following a grant of international protection status.

In order to build trust with victims and facilitate disclosures, refer back to Part 2 of this Toolbox.

Below outlines some useful guidance to assist you in identifying relevant local or national services that you may wish to refer individuals to for additional support and assistance. There is an additional Annex providing contact details for relevant organisations. Before referring an individual, it is worthwhile contacting the organisation to find out if there is a specific referral procedure and to ensure that the organisation is in a position to provide the service that is being sought.

3.1 Access to Medical Assistance, Mental Health and Psychological Support

Owing to the trauma connected with trafficking, victims often have complex medical needs, including the need for mental health and psychological support. In particular, trafficking that involves sexual exploitation results in significant harm that involves, but is not limited to, "severe, brutal and long-term, gender-specific physical, gynaecological and mental health harms, risks to life and traumas..."

Below is a sample list of questions which could be asked relating to the need for medical assistance, including psychological support, in order to establish the presence of any such needs:

- How are you feeling?
- Do you have any health problems?
- Are you in any pain? now? regularly?
- Have you seen a doctor since arriving? If she is woman: A gynaecologist?
- Do you take medication?
- Do you sleep well?
- Do you have nightmares?
- Are you anxious? Worried?
- Would you like to talk about these issues with someone?

Asylum seeking and BIP victims of trafficking in Ireland have a right to a medical card. They can seek medical assistance, mental health and psychological support using this card. If the victim is entered into the NRM, they can receive assistance through their [HSE Anti- Human Trafficking Services](#) care worker.

In addition, there are NGOs providing assistance, including psycho-social support, to victims of trafficking in Ireland (see Appendix for complete list of stakeholders).

3.2 Access to Legal Information, Advice and Assistance

In order to help trafficking victims navigate the complex identification, immigration, and asylum processes, it is important that they are provided with legal support and advice. In order to establish the need for this support, it will be important to gauge the extent to which the person understands the different processes and their rights. For asylum seekers, please refer to the [TRACKS Toolkit](#).

There are a number of avenues through which asylum-seeking victims of trafficking can receive legal support and advice in Ireland.

All asylum seekers are entitled to assistance in relation to their international protection claim from the Legal Aid Board's (LAB) Refugee Legal Services. This service can be sought prior to the asylum interview as applicants should be provided with general information and advice on the completion of the questionnaire. The full levels of service available to asylum applicants are described in the [Legal Aid Board's Best Practice Guidelines](#).

Applicants for international protection can also receive information and, in some cases, legal advice on the asylum process from the [Irish Refugee Council Law Centre](#).

Upon referral by An Garda Síochána, victims of trafficking can obtain legal information from a specialist solicitor in the [Legal Aid Board](#) regarding the rights of victims of trafficking in Ireland.

The [Immigrant Council of Ireland](#) can provide legal support and advice to BIP victims of trafficking with regard to residence permissions, family reunification and citizenship, and, in some cases, can provide comprehensive legal representation.

Helpful immigration related information may also be sought from NGOs active in the area, including the [Migrant Rights Centre Ireland](#), [Nasc](#) and [Doras](#).

3.3 Access to Accommodation, Financial Autonomy and Access to Employment Access to Accommodation

For relevant information on asylum seeking victims of trafficking, please refer to the [TRACKS Toolkit](#).

In order to protect their privacy and contribute towards safety, victims can seek advice and information on personal safety from the Gardaí.

Access to Accommodation: Upon conclusion of the asylum process, and where a victim receives protection status, they will need to seek accommodation outside the allocated RIA accommodation centre. Similarly, if a victim chooses to withdraw from the protection process and to be granted a residence permit under the Administrative Immigration Arrangements, they may need to seek accommodation outside the RIA centre.

The victim's HSE care worker and the Asylum Seekers and New Communities Unit can assist trafficked victims to find accommodation outside the RIA accommodation centre. BIPs are eligible to seek [housing assistance](#) through the local authority.

Financial Autonomy and Employment: Victims of trafficking in the asylum process are vulnerable to re-trafficking and exploitation. Offering victims financial autonomy can protect against re-exploitation. Asylum seeking victims who reside in Direct Provision are entitled to receive [weekly payments](#) of 38.80, including additional payments of 29.80 for each child.

Victims granted protection status are entitled to [medical and social benefits](#) on a like basis as Irish citizens, including Child Benefit.

Victims in the asylum process are permitted to [access the labour market](#), if they have not received a decision regarding their application after six months. Once granted status, they enjoy full access to the labour market as a worker or self-employed person. Some individuals may need assistance to prepare for the labour market and may avail of support through programmes offered by organisations such as [Business in the Community](#).

For possible access to financial compensation as a victim of trafficking, please refer to the [TRACKS Toolkit](#).

3.4 Access to Integration Supports

Prior to obtaining employment, BIPs may wish to study and enjoy access to a wide range of further training and [education](#) supports, including [SUSI](#). Access to free English classes may be available through RIA reception centres or other [voluntary programmes](#).

Many victims require assistance applying for family reunification. Information, support and free legal assistance may be provided by the [Immigrant Council of Ireland](#) or the [Irish Refugee Council](#), as well as other migrant support organisations. It may also be possible to access family tracing services and some limited travel assistance financial support for approved family members through the [Irish Red Cross](#) and [International Organisation for Migration \(IOM\)](#).

Ultimately, BIPs and their family members in Ireland may wish to apply for Irish citizenship by naturalisation. Applications may be made to the [Immigration Service Delivery](#) of the Department of Justice. Free legal assistance may be available through the [Immigrant Council of Ireland](#) and [Irish Refugee Council](#). Information and assistance may also be provided by other migrant support organisations or Citizens Information Centres.

Some victims of trafficking, including those granted protection status, may wish to return home. The International Organisation for Migration (IOM) runs an Assisted Voluntary Return Program for individuals who wish to return to their home country. The [IOM](#) can provide victims with a number of additional supports to help them reintegrate into their home country, including post-arrival reception arrangements, information and referral to local partners if necessary and short and/or medium-term reintegration assistance, such as support in setting up a business, vocational training, formal education, medical assistance and other forms of assistance.

3.5 Appendix: List of Stakeholders

● Advice and Information

CITIZENS INFORMATION BOARD

George's Quay House 43
Townsend Street
Dublin 2
Telephone: 0761079000

DORAS LUIMNI

Central Buildings
51a O'Connell Street Limerick
Telephone: 061310328 or
0830802378

IMMIGRANT COUNCIL OF IRELAND

7, Red Cow Lane, Smithfield
Dublin 7
Telephone: 016740200

IRISH REFUGEE COUNCIL

37 Killarney Street Mountjoy
Dublin 1
Telephone: 017645854

MECPATHS

Telephone: 014673737

JESUIT REFUGEE SERVICE

54-72 Gardiner Street Upper
Dublin
Telephone: 018148644

MIGRANT RIGHTS CENTRE IRELAND

13 Lower Dorset Street
Dublin 1
Telephone: 018897570 or
0830755387

NASC, THE IRISH IMMIGRANT SUPPORT CENTRE

34 Paul Street Cork
Telephone: 0214273594

RUHAMA

30-31 Camden Street Lower
Dublin 2
Telephone: 018360292

● Integration and Repatriation Assistance

BUSINESS IN THE COMMUNITY

3rd Floor Phibsborough Tower
Phibsborough Road
Dublin 7
Telephone: 018747232

CROSSCARE HOLY CROSS COLLEGE

Clonliffe Road
Dublin
Telephone: 018360011

EDUCATION AND TRAINING BOARDS IRELAND

Piper's Hill, Kilcullen Road Naas
Co Kildare
Telephone: 045901070 or
045901698

INTERNATIONAL ORGANIZATION FOR MIGRATION

116 Lower Baggot Street
Dublin 2
Telephone: 1800406406 or
016760655

OFFICE FOR THE PROMOTION OF MIGRANT INTEGRATION

Department of Justice
and Equality Bishop's Square
Redmond's Hill
Dublin 2
Telephone: 014183200

VOLUNTEER IRELAND

Molyneux House 67/69
Bride Street, Dublin 8
Telephone: 016369446

● Legal Assistance

IMMIGRANT COUNCIL OF IRELAND

7, Red Cow Lane
Smithfield
Dublin 7
Telephone: 016740200

IRISH REFUGEE COUNCIL

37 Killarney Street Mountjoy
Dublin 1
Telephone: 017645854

CIVIL LEGAL AID BOARD

Smithfield Law Centre
George's Lane 48/49 North
Brunswick Street
Dublin 7
Telephone: 016469600 or
Freephone: 1800238343

● Psycho-Social Support

DORAS LUIMNI

Central Buildings
51a O'Connell Street Limerick
Telephone: 061310328

HEALTH SERVICE EXECUTIVE ANTI HUMAN TRAFFICKING SERVICES

The Meath Primary Care Centre
1-9 Heytesbury Street
Dublin 8
Telephone: 0766958280

MIGRANT RIGHTS CENTRE IRELAND

13 Lower Dorset Street
Dublin 1
Telephone: 018897570 or
0830755387

NASC

34 Paul Street Cork
Telephone: 0214273594

SEXUAL VIOLENCE CENTRE CORK

5 Camden Place Cork
Telephone: 0871533393 (text) or
Freephone: 1800496496

RAPE CRISIS CENTRES

Located nationwide
Freephone: 1800778888

RUHAMA

30-31 Camden Street Lower
Dublin 2
Telephone: 018360292

SPIRASI

7, 213 N Circular Road,
Phibsborough,
Dublin 7
Phibsboro Shopping Centre
Dublin 7
Telephone: 018389664

● State Agencies

ASYLUM SEEKERS AND NEW COMMUNITIES' UNIT

Upper Gardiner Street
Telephone: 018585100

GARDA HUMAN TRAFFICKING INVESTIGATION AND COORDINATION UNIT

Harcourt Square
Dublin 2
Telephone: 016663423 or
016668853

GARDA NATIONAL IMMIGRATION BUREAU

13/14 Burgh Quay
Dublin 2
Telephone: 016669100

INTERNATIONAL PROTECTION OFFICE

79-83 Lower Mount St.
Dublin 2
Telephone: 016028000

INTERNATIONAL PROTECTION APPEALS TRIBUNAL

6/7 Hanover Street East
Dublin 2
Telephone: 014748400

IRISH NATURALISATION AND IMMIGRATION SERVICES

13-14 Burgh Quay
Dublin 2
Contact details for individual
sections:
www.inis.gov.ie

RECEPTION AND INTEGRATION AGENCY

P.O. Box 11487
Dublin 2
Telephone: 014183200

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*IDENTIFICATION OF TRAFFICKED
INTERNATIONAL PROTECTION BENEFICIARIES'
SPECIAL NEEDS*