

Buan-Mhisean na hÉireann chuig na Náisiún Aontaithe agus
Eagraíoch idirnáisúnta eile | An Ghinéiv
Permanent Mission of Ireland to the United Nations and
Other International Organisations | Geneva
Mission Permanente de l'Irlande auprès de l'Office des Nations Unies et
des autres organisations internationales | Genève



TPN/071/2023

The Permanent Mission of Ireland to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and has the honour to submit the enclosed response to communication AL IRL 1/2023 from Tánaiste and Minister for Foreign Affairs, Mr Micheál Martin T.D., on behalf of the Minister for Children, Equality, Disability, Integration and Youth, Mr Roderic O'Gorman T.D.; the Minister for Justice, Ms Helen McEntee T.D.; the Minister for Housing, Local Government and Heritage, Mr Daragh O'Brien T.D.; and the Minister for Health, Mr Stephen Donnelly T.D.

The Permanent Mission of Ireland to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.


Geneva, 23 August 2023



To: The Special Rapporteur on trafficking in persons, especially women and children; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

21 August 2023

Re: Joint Communication from Special Procedures; Ref.: AL IRL 1/2023

Dear Special Procedures Mandate Holders,

I wish to acknowledge your Joint Communication of 27 June 2023 (ref. AL IRL 1/2023). Ireland welcomes engagement from the Special Procedures and appreciates the opportunity to provide observations.

In consultation with my colleagues the Minister for Children, Equality, Disability, Integration and Youth, Mr Roderic O’Gorman; the Minister for Justice, Ms Helen McEntee; the Minister for Housing, Local Government and Heritage, Mr Daragh O’Brien; and the Minister for Health, Mr. Stephen Donnelly, I wish to provide the following information in relation to the five matters raised in your communication, namely:

(1) The specific allegations concerning Ms. [REDACTED] how Ireland ensures that victims of trafficking have access to adequate housing, including before the completion of criminal proceedings against the alleged perpetrators, regardless of whether they come from EEA and non-EEA countries in line with the principle of non-discrimination, (3) Ireland’s approach to assessments to victims of trafficking because of their increased vulnerabilities in order to safeguard them protect and prevent them from being re-trafficked, (4) the justification of Ms. [REDACTED] placement in Direct Accommodation, and (5) further information on the eventual positive resolution of Ms. [REDACTED] application for housing supports.

Summary

The Irish Government is committed to responding to the needs and concerns of all victims of trafficking, including through housing provision. Cooperation with criminal proceedings against suspected people traffickers is not an eligibility requirement for victims of trafficking to receive accommodation within the International Protection Accommodation Service or to receive social housing support, in policy or practice. There is no provision in Ireland’s housing legislation that requires applicants for social housing to cooperate with criminal investigations as part of assessment for social housing support.

Ms. [REDACTED], a non-EEA national who has not made an application for International Protection under domestic legislation, availed of a temporary residence permission through engagement with a specific form of Administrative Immigration Arrangement (AIA). The AIA is afforded to victims of trafficking who agree to aid in an investigation into or prosecution for trafficking to avail of a temporary residence permission. Under the AIA applicants are able to continue to remain resident in Ireland while their case is ongoing. Ms. [REDACTED] was granted social housing support once it was deemed that the applicant had 5 years' reckonable residence in the State, which is the eligibility requirement for Social Housing.

A response to each of the five specific matters is set out in the remainder of this letter.

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.

Ms. [REDACTED] Case

1.1 On 20 May 2019, Ms [REDACTED] was formally identified as an alleged victim of trafficking. Ms [REDACTED] entered IPAS accommodation as part of a 60-day “recovery and reflection” period afforded to victims of alleged trafficking in the Irish State (further information on this programme below).

1.2 As a victim of trafficking, Ms [REDACTED] was appointed a Health Service Executive (“HSE”) Anti Human Trafficking Team (“AHTT”) and Women’s Health Service caseworker and a caseworker from the Garda¹ Human Trafficking Investigation & Co-Ordination Unit.

1.3 The Department of Housing, Local Government, and Heritage have consulted with Dublin City Council on this case, and Dublin City Council note that Ms. [REDACTED], a non-EEA national, originally applied for social housing support to Dublin City Council in August 2019.

1.4 The Department of Housing, Local Government and Heritage is responsible for provision of long-term social housing. Social Housing provided under the aegis of the Department (and in this case, by Dublin City Council) is not a direct support for victims of human trafficking. Policy in respect of social housing is focused on providing housing to those with a long-term need. The supports themselves are provided indefinitely² and are long term in nature.

1.5 As part of her application, Ms. [REDACTED] submitted documentation to confirm that she had been granted temporary permission to remain in the state. The permission to remain in the state was for a period of 6 months on stamp (i.e. ‘permission to remain’) conditions subject to the conditions outlined in Administrative Arrangements, issued by the Department of Justice.

1.6 Ms. [REDACTED] application for social housing support was not accepted by Dublin City Council as it was not in line with [Department Circular 41/2012](#).

1.7 Department of Housing Circular 41/2012 sets out eligibility requirements for non-Irish nationals, including UK citizens, refugees and other persons with leave to remain, EEA

¹ Irish Police Force

² As housing legislation does not provide for the withdrawal of social housing support once granted (other than for tenancy breaches, anti-social behaviour etc.), it is, in effect a long – term support.

nationals and other non-nationals from outside the EEA. In practice, local authorities have been applying Circular 41/2012 and operating on the basis that an applicant must have a long term right to reside in the State which is in line with Department of Housing, Local Government and Heritage's policy.

1.8 Therefore, In June 2020, Ms [REDACTED] was informed that her application for social housing support with Dublin City Council was cancelled as she did not meet the eligibility requirements.

1.9 Ms [REDACTED] re-applied for housing support with Dublin City Council in November 2021. Ms. [REDACTED] application remained deferred as at that time she was still in receipt of temporary permission to remain in the state.

1.10 Subsequently in December 2022, representation was received from the HSE in relation to Ms. [REDACTED] housing application. After several correspondences between Dublin City Council and the HSE, in March 2023 documentation was received confirming that Ms. [REDACTED] had been granted a change of status under Paragraph 20, of the Administrative Immigration Arrangements with permission to remain for 2 years from the date of the letter i.e. 06 July 2022.

1.11 Consequently, Ms [REDACTED] housing application was reassessed and deemed that the applicant had 5 years' reckonable residence, as she had received a 2-year permission to remain until July 2024, the first stamp was dated June 2019.

International Protection Accommodation

1.12 The International Protection Accommodation Service (IPAS) of the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) is responsible for the provision of accommodation and related services to people in the International Protection process. Under EU and International Law, Ireland is obliged to examine the claim of any person who arrives into the country and claims International Protection

1.13 While that claim is being examined by the Department of Justice, IPAS offers accommodation and related services to International Protection applicants who wish to accept the offer of accommodation from the Irish State. Ireland provides these reception conditions through domestic regulation under the European Communities (Reception Conditions) Regulations 2018.

1.14 These conditions include all meals and utilities. Full access to public medical services are provided and a weekly personal allowance is also paid to each person (€38.80 for adults and €29.80 for children). After six months, International Protection applicants can be granted permission to work if they have not received a first decision on their application and are co-operating with the international protection process.

1.15 IPAS offers accommodation and related services to International Protection applicants who wish to accept the offer of accommodation from the Irish State. Living in IPAS accommodation is completely voluntary and residents may leave at any time and source their own accommodation.

1.16 IPAS has no role in the processing of International Protection applications or in the application decision-making process. The International Protection Office (IPO) within the Department of Justice is responsible for examining and processing applications for International Protection.

1.17 In 2022, over 13,000 people arrived in Ireland seeking International Protection and were accommodated in IPAS accommodation centres. The numbers of new arrivals remain elevated. Since the beginning of 2023 to date, over 5,150 people have arrived seeking International Protection and have been accommodated by IPAS.

1.18 These arrivals are in addition to over 75,000 Ukrainian Beneficiaries of Temporary Protection (BoTP) being accommodated in Ireland since the Russian invasion of Ukraine in February 2022.

1.19 The number of both International Protection applicants and Ukrainian BoTPs in recent months has placed an unprecedented pressure on the Irish State in terms of providing adequate reception conditions.

1.20 The State has responded by engaging a number of private accommodation providers in order to source accommodation for individuals arriving to Ireland, including hotels, college campus accommodation, repurposed vacant office spaces, and tented accommodation.

1.21 Finally, it should be noted that significant strain has already been placed on the Irish private housing stock as the State suffers from deficit of available properties, with a deficit of approximately 250,000 homes at present. This in turn results in a substantial pressure placed on the State when seeking to assist International Protection applicants in finding private accommodation as they transition out of IPAS accommodation and the International Protection Process.

Accommodation for Victims of Trafficking

1.22 Victims of human trafficking are also accommodated in IPAS services as part of a 60-day “recovery and reflection” period afforded to victims of trafficking in the Irish State. Identification of a person as a victim of human trafficking may occur before their application for international protection, or after a person has made an application and is accommodated in IPAS services. In some cases, victims of human trafficking are not eligible to make an application for international protection or choose not to do so.

1.23 In all cases, due to lack of alternative accommodation options, IPAS accommodates people identified as victims of trafficking within its accommodation portfolio. Cooperation with criminal proceedings against suspected people traffickers is not an eligibility requirement for accommodation within IPAS.

1.24 Ms [REDACTED] has not made an application for International Protection under domestic legislation.

1.25 As a person who has not applied for international protection, Ms [REDACTED] is not eligible for supports intended for international protection applicants and refugees. These include supports outlined in European Communities (Reception Conditions) Regulations 2018 and transition supports to housing after accommodation in IPAS services ends.

1.26 As a victim of human trafficking, Ms [REDACTED] is eligible for alternative supports from the Irish State, outlined below.

1.27 As noted previously, on 20 May 2019, Ms [REDACTED] was formally identified as an alleged victim of trafficking. Ms [REDACTED] entered IPAS accommodation as part of a 60-day “recovery and reflection” period afforded to victims of alleged trafficking in the Irish State.

1.28 As a victim of trafficking, Ms [REDACTED] was appointed a Health Service Executive (“HSE”) Anti Human Trafficking Team (“AHTT”) and Women’s Health Service caseworker and a caseworker from the Garda³ Human Trafficking Investigation & Co-Ordination Unit.

Housing Legislation and Criminal Investigations

1.29 The Department of Housing have confirmed that there is no provision in Ireland’s housing legislation that requires applicants for social housing to cooperate with criminal investigations as part of assessment for social housing support. Under no circumstances should a local authority link a positive response for social housing support with a criminal investigation.

1.30 The Department of Housing, Local Government and Heritage has spoken with officials from Dublin City Council who dealt with Ms. [REDACTED] application and they have categorically denied that eligibility for social housing support was in any way linked to her testifying at the criminal investigation.

2 Please provide information on how Ireland ensures that victims of trafficking have access to adequate housing, including before the completion of criminal proceedings against the alleged perpetrators, regardless of whether they come from EEA and non-EEA, countries in line with the principle of non-discrimination.

2.1 As above, the Department of Housing, Local Government and Heritage is responsible for provision of long-term social housing. Social Housing provided under the aegis of the Department is not a direct support for victims of human trafficking. In line with Government Policy, social housing is not provided to victims of human trafficking solely on the basis of their status as Victims of Human Trafficking, as policy in respect of social housing is focused on providing housing to those with a long-term need. The supports themselves are provided indefinitely⁴ and are long term in nature. Further details with regard to eligibility and need criteria are set out below.

2.2 Any household, including victims of trafficking may apply for social housing support. Applications are assessed by the relevant local authority, in accordance with the eligibility and need criteria [as set down in [Section 20 of the Housing \(Miscellaneous Provisions\) Act 2009](#) and the associated [Social Housing Assessment Regulations 2011, as amended](#) and relevant Department circulars].

³ Irish Police Force

⁴ As housing legislation does not provide for the withdrawal of social housing support once granted (other than for tenancy breaches, anti-social behaviour etc.), it is, in effect a long – term support.

2.3 Department of Housing Circular 41/2012 sets out eligibility requirements for non-Irish nationals, including UK citizens, refugees and other persons with leave to remain, EEA nationals and other non-nationals from outside the EEA. In practice, local authorities have been applying Circular 41/2012 and operating on the basis that an applicant must have a long term right to reside in the State which is in line with Department of Housing, Local Government and Heritage's policy.

2.4 The Circular provides guidance to local authorities when considering whether to accept an application for social housing support from EEA and non-EEA nationals, in line with Department of Justice immigration rules and EU directives, which have been transposed into Irish law.

2.5 For non-EEA nationals, in keeping with current policy in Circular 41/2012, the right of residence must be of a long term nature and enable them essentially to be present in the State long enough to obtain permanent residency e.g. 5 years' reckonable residence. The policy to link eligibility for social housing to "5-year reckonable residence", as defined by Department of Justice immigration rules, because it is after this period that a person usually can apply for citizenship and acquire a permanent right to live in Ireland.

2.6 Policy in respect of social housing has always been to provide housing to those with a long-term need. The supports themselves are provided indefinitely (i.e. as housing legislation does not provide for the withdrawal of social housing support once granted (other than for tenancy breaches, anti-social behaviour etc.)). It is, in effect, a long – term benefit in nature.

2.7 In order to qualify for social housing support, the household must be deemed eligible for and in need of support before being placed on a housing waiting list.

2.8 There are three key stages in the assessment process:

- i) An assessment of the qualification of the household for support based primarily on four main eligibility criteria:
 - Income;
 - Residency status;
 - Previous Rent Arrears; and
 - Availability of Alternative Accommodation
- ii) An assessment of the household's 'need' for social housing support which is based primarily on the condition or stability of tenure of the applicant's current accommodation;
- iii) A classification of the household's accommodation needs to determine the nature of the accommodation to be provided. This includes the identification of any specific requirements needs that the household may have.

2.9 Generally, an EEA national may be considered for assessment for social housing support from housing authorities if they have the status of worker.

2.10 If an EEA citizen ceases to be employed or self-employed they may retain worker status and be deemed lawfully resident for the purposes of social housing where they are:

- temporarily unable to work as the result of an illness or accident, or
- duly recorded as being involuntarily unemployed having been employed or self-employed for more than one year and has registered as a job-seeker with the Department of Social Protection, or
- duly recorded as being involuntarily unemployed after completing a fixed-term employment contract for less than a year, or after having become involuntarily unemployed during the first year, and has registered as a jobseeker with the Department of Employment Affairs and Social Protection. (The right of residence on this basis continues for just six months where employment or self-employment has lasted less than 12 months).

2.11 Generally, a non-EU/EEA national (who is not a programme refugee or who has not been granted international protection or subsidiary protection) can qualify for social housing support if they have five-years reckonable residence with a current valid stamp, issued by the Department of Justice, or they have any length of previous reckonable residence and a current valid stamp that extends to potentially permit five years' residence. The key determinant is the length of residency as opposed to citizenship status.

2.12 As stated above, policy in this area is currently guided by Department Circular 41/2012. It is intended to bring forward primary legislation in 2023 that will underpin this policy position.

3. Please provide information about any systematic assessments to victims of trafficking because of their increased vulnerabilities in order to safeguard them protect and prevent them from being re-trafficked.

3.1 The Health Service Executive (HSE) Anti Human Trafficking Team (AHTT) recognises the importance of adequate housing for the welfare, wellbeing, health and integration for a victim of human trafficking.

3.2 The AHTT assesses the housing situation of a (potential) victim of human trafficking (VoT) as part of the initial assessment and ongoing reviews are conducted as part of the quarterly reviews of the care plan.

3.3 The AHTT has quarterly meetings with International Protection Accommodation Service, (IPAS) where issues affecting VoT's in IPAS accommodation are discussed. When VoT's remain resident in accommodation centres without access to social housing supports the team can contact IPAS outlining particular needs and vulnerabilities that may be met in certain accommodation centres requesting transfers etc. where appropriate.

3.4 From receiving the referral notification of potential VoT from An Garda Síochána, the HSE AHTT endeavours to make contact with the person within 3 working days. This contact is usually by telephone by the social care leader allocated to the case. During this conversation, AHTT service is briefly introduced and the person's current circumstances and any urgent assistance needs are queried/discussed briefly. An in-person initial assessment is then carried out as soon as possible at a time and location suitable for both parties. Urgent issues can be addressed quickly and remotely prior to the face-to-face meeting if necessary.

3.5 The holistic support that is provided by the AHTT, in conjunction with other agencies of the National Referral Mechanism and NGOs, seeks to safeguard the person as far as practicable against the risk of re-trafficking.

3.6 In relation to the specific case mentioned, this person was assessed in line with the above procedures following a referral. In addition, following a referral from a psychologist in 2021 this client was assessed by the AHTT psychologist and received support.

4. Please explain how Ireland justified the placement in Direct Accommodation of vulnerable women victims of trafficking in human beings, and their children; and whether it considers this to be adequate, appropriate and safe housing given their specific vulnerabilities, including the risk of re-trafficking.

Victims of Trafficking in the IPAS System

4.1 Once An Garda Síochána has identified a person as a potential victim of trafficking, it makes the necessary referrals under the National Referral Mechanism, including requesting initial accommodation from IPAS for the 60 day “recovery and reflection” period. This procedure applies to all victim of trafficking regardless of their nationality or immigration status.

4.2 Victims of trafficking are appointed a HSE Anti Human Trafficking Team and Women’s Health Service caseworker and a caseworker from the Garda Human Trafficking Investigation & Co-Ordination Unit.

IPAS endeavours to meet accommodation related needs identified by the HSE Women’s Health Service and Gardaí.

4.3 A specific form of Administrative Immigration Arrangement (AIA) is afforded to victims of trafficking who agree to aid in an investigation into or prosecution for trafficking to avail of a temporary residence permission. Under the AIA applicants are able to continue to remain resident in Ireland while their case is ongoing.

4.4 The placement of victims of trafficking in IPAS accommodation for 60 days allows for an appropriate space from which the victims can determine whether they wish to engage with the aforementioned AIA programme.

4.5 The HSE Anti Human Trafficking Team assists victims of trafficking on a practical level with accessing the appropriate resources and signposting to the appropriate local authority housing bodies so that victims of trafficking may source their own accommodation following the 60 day “recovery and reflection” period.

4.6 It is the position of IPAS that, following the 60 day “recovery and reflection” period, victims of trafficking who have not made an application for international protection should be accommodated outside IPAS services, as these services are intended for persons seeking international protection in Ireland.

4.7 In recognition of the lack of alternative accommodation options, IPAS continues to offer accommodation services to victims of human trafficking until appropriate alternatives are found.

4.8 In the case of Ms [REDACTED], the State Party notes that despite the 60-day policy, Ms [REDACTED] has never been asked to leave IPAS accommodation after a period of over 4 years as a resident.

Other safeguards for Victims of Trafficking

4.9 Suitable cross-government safeguards are available in light of the specific vulnerabilities associated with victims of trafficking. IPAS liaise on a continuous basis with the HSE Anti Human Trafficking Team and the Garda Human Trafficking Investigation & Co-Ordination Unit to provide the best available service for victims of trafficking, while they are resident in IPAS centres.

4.10 In recognition of the differing needs of victims of human trafficking and lack of alternative accommodation options, the State has commissioned a dedicated accommodation unit which will provide enhanced supports to victims of trafficking as part of the responsibilities that exist under the 60-day rest and reflection period. The service is due to become operational in August 2023, on a pilot basis.

4.11 The pilot service is operated by an experienced non-governmental organisation, DePaul Ireland.

IPAS will provide follow on accommodation for any person who applies for international protection before, during or after the 60 -day rest and reflection period.

4.12 The pilot will be overseen by a steering group and will include representatives from the Department of Children, Equality, Disability, Integration and Youth; the HSE; An Garda Síochána and the DePaul Trust Representatives of other organisations may join the group as required.

5. Please explain whether the eventual positive response to Ms. [REDACTED]' application for housing support was contingent upon cooperation with a criminal investigation into her experience of trafficking, and / or on the successful criminal prosecution of those accused of trafficking.

5.1 A victim is not required to cooperate with a criminal investigation to be eligible for support. While it is highly desirable to prosecute offenders and secure convictions, the first priority is always to protect vulnerable victims. The new National Referral Mechanism (see Annex I) will make this even clearer by including a range of Departments and agencies as competent authorities, and NGOs as trusted partners, meaning that victims will have several different routes to come forward and seek protection.

5.2 Importantly, there is also no provision in Ireland's housing legislation that requires applicants for social housing to cooperate with criminal investigations as part of assessment for social housing support. Under no circumstances should a local authority link a positive response for social housing support with a criminal investigation.

5.3 Dublin City Council has carefully reviewed the notes relating to this case and spoken to staff that were in direct contact with Ms. [REDACTED] and there is no evidence to suggest that there was ever any reference to Ms. [REDACTED] application for social housing support being contingent on cooperation with a criminal investigation into her experience of trafficking, and / or on the successful criminal prosecution of those accused of trafficking. The decision to accept Ms. [REDACTED] onto Dublin City Council's Housing List was solely made on the basis of eligibility under Housing (Miscellaneous Provisions) Act 2009, Social Housing Regulations 2011 and accompanying Guidelines, specifically Circular 41/2012.

5.4 Thereafter, the allocation of social housing support to qualified households is a matter for the local authority concerned, in accordance with its allocation scheme made in accordance with Section 22 of the Housing (Miscellaneous Provisions) Act 2009 and associated Social Housing Allocation Regulations 2011, as amended. This legislation requires all local authorities, as a reserved function, to make an allocation scheme which specifies, among other things, the manner of, and the order of priority for, the allocation of dwellings to households on the housing and transfer lists.

5.5 The local authority assesses housing applicants, taking into account factors such as the condition and affordability of existing accommodation, medical and compassionate grounds, etc. The authority then prioritises the needs of approved applicants in accordance with its allocation scheme.

5.6 Dublin City Council under Section 6 of their allocation scheme detail the categories of households that may be awarded priority need for social housing support. Among the categories listed, a priority status may be given to certain households under "exceptional social grounds". The City Council, in making lettings of dwellings where priority is claimed on exceptional social grounds shall consider a recommendation from the Chief Housing Welfare Officer. Decisions will be made by the Chief Housing Welfare Officer on the basis of the exceptional nature of the case.

5.7 Local authorities may also provide for exceptional or emergency cases, allowing immediate housing outside of normal waiting lists priorities, should circumstances require.

5.8 Decisions on the allocation of social housing support are a matter solely for the local authority concerned. Each application must be considered on its own merits and the individual circumstances taken into account.

5.9 To reiterate, there is no provision in housing legislation that requires applicants for social housing to cooperate with criminal investigations as part of assessment for social housing support. Under no circumstances should a local authority link a positive response for social housing support with a criminal investigation and in this case, Dublin City Council categorically deny the allegation made.

Conclusion

The Irish Government is committed to responding to the needs and concerns of all survivors of trafficking, including through housing provision. As referenced previously, in recognition of the differing needs of victims of human trafficking and lack of alternative accommodation options, the State has commissioned a dedicated accommodation unit which will provide

enhanced supports to victims of trafficking, which is due to become operational in August 2023, on a pilot basis.

Furthermore, in line with this commitment, Ireland has also published legislation to establish a new National Referral Mechanism (NRM), which is the framework through which State bodies fulfil their obligations to protect and promote the human rights of trafficking victims, working in partnership with civil society. This includes access to accommodation, medical services, legal aid and advice, amongst other supports. The Criminal law (Sexual Offences and Human Trafficking) Bill 2023 can be found at: [Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023 – No. 62 of 2023 – Houses of the Oireachtas](#).

An important feature of the new model is that NGOs who have been designated as ‘trusted partners’ will become authorised referral partners. They will provide an alternative and trusted pathway to recognition by the NRM. The advantages will be that victims will find it easier to approach an NGO, and that the NGO will apply the same due diligence process that a competent authority would apply in assessing an application for recognition as a victim of human trafficking. More information on the new NRM can be found in Annex I.

Once again, we welcome and deeply value the engagement of the Special Rapporteurs and trust this response is helpful.

Yours sincerely,



Micheál Martin TD
Tánaiste
Minister for Foreign Affairs

Annex I

Additional Information on Ireland's Proposed National Referral Mechanism

Ireland has published legislation to establish a new National Referral Mechanism (NRM), which is the framework through which State bodies fulfil their obligations to protect and promote the human rights of trafficking victims, working in partnership with civil society. This includes access to accommodation, medical services, legal aid and advice, amongst other supports. The Criminal law (Sexual Offences and Human Trafficking) Bill 2023 can be found at: [Criminal Law \(Sexual Offences and Human Trafficking\) Bill 2023 – No. 62 of 2023 – Houses of the Oireachtas](#).

At present, An Garda Síochána are the sole competent authority for formal identification of victims of human trafficking, and the corresponding entry into the National Referral Mechanism. Under the revised model, the Department of Justice Immigration Services, the Department of Social Protection, the Department of Health, the Health Services Agency, the Child and Family Agency, and the Department of Children, Equality, Disability, Integration and Youth will become competent authorities also. These competent authorities already have interaction with potential victims of human trafficking and arrangements are in place to deal with potential victims.

The new NRM will work via an Operational Committee to be established with membership from the Competent Authorities with functions in relation to identification of human trafficking victims, and from NGO that are designed as trusted partners. The Committee as a multi-disciplinary team would make decisions on the formal recognition of victims based on the recommendations of the individual competent authorities or authorised NGO referral partners (see next section).

The multi-disciplinary committee will bring its unique perspective to process of making recognition decisions, with positive decisions to recognise being take on an assessment that, on the balance of probabilities the application is genuine. A decision by the Operational Committee would have the effect that the person is formally recognised as a victim of human trafficking and entered into the NRM framework for appropriate supports, to be provided in an integrated way by the relevant statutory and voluntary service providers.

The Committee will be the forum for sharing of information on victims that have been identified, ensuring that victims are referred between agencies as necessary for access to any services that are needed and that any adverse immigration offences processes are paused. The objective is to reach as many 'hidden' human trafficking victims as possible and ensure they are fully supported.

As each member organisation will have an independent role in identification of victims, the operational committee will act to ensure that each competent authority will have an appropriate internal inquiry/investigation process to satisfy itself that the application is on balance of probabilities genuine: this is separate to the criminal investigation process that An Garda Síochána will undertake in appropriate cases to establish if a prosecution against the perpetrator can be mounted.

An important feature of the new model is that NGOs who have been designated as 'trusted partners' will become authorised referral partners. They will provide an alternative and trusted pathway to recognition by the NRM. The advantages will be that victims will find it easier to

approach an NGO, and that the NGO will apply the same due diligence process that a competent authority would apply in assessing an application for recognition as a victim of human trafficking.

The EU Comparative report shows that several NRMs also incorporate first responders who are the institutions making the initial referral of potential victims (MT, EI, EL, UK, IT, RO). In the United Kingdom, designated 'first responders' which include NGOs make referrals online to the Single Competent Authority in the Home Office.

The NGO referral partners would be selected and formally designated following a rigorous application and assessment process. The process of designation is set out in the Bill that has been published.

Recognition within the new NRM model will continue to be not contingent on a victim being willing to give evidence in a criminal trial, but it is expected that provision of support over a period of time will build up enough trust and self-confidence to facilitate a greater number of victims than at present to give evidence. Ireland will continue to ensure that victims of trafficking have early access to legal practitioners, including by means of funding NGO groups that provide legal assistance.