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Detective Superintendent Noel J. Clarke
Human Trafficking Investigation & Co-Ordination Unit
An Garda Siochana
Ireland

Working group II

It is a great honour to be one of the introducers for this session titled Criminalisation, punishment and redress – Effective investigation, prosecution and adjudication of trafficking: Establishing an appropriate institutional framework. It is perhaps even more daunting for me as it appears that I am possibly the only law enforcement officer that has been provided with an opportunity to introduce a topic at this seminar. In the course of my introduction I will not be able to reach every point that I might otherwise wish to speak about. Therefore I will limit myself to the three or four matters.

The legislation criminalising human trafficking is relatively new in Ireland and only came into force in June 2008. As a response to the decision on enactment of the legislation the Government establish a dedicated unit – the Anti Human Trafficking Unit within the Department of Justice. A key element of the strategy of the AHTU is the National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012. The Plan was developed under four main headings

- Prevention and Awareness Raising
- Prosecution of Traffickers
- Protection of Victims, and
- Child Trafficking

The Action Plan also sets out the structures which enabled Ireland to comply with the relevant international instruments. The National Action Plan contains 144 actions. At

the end of 2011 a total of 78 actions had been completed, 26 have been significantly progressed and 40 are ongoing actions. We are currently completing a mid-term review of the Action Plan and work will commence shortly on the development on the next Plan.

The Consultative Structures are modelled on those set out in the OSCE National Referrals Mechanism Handbook. There is a High Level Group made up of senior representatives of the various Government Departments and Agencies. This group engages with the senior representatives of the NGO's at intervals during each year in a Roundtable Forum.

There are then five interdisciplinary Working Groups comprising representatives from Government Agencies, NGO's and International organisations. The Working groups progress matters at a practical "on the ground" level and report to the High Level Group. The working groups are as follows:

- Development of a National Referral Mechanism
- Awareness Raising and Training
- Child Trafficking
- Labour Exploitation
- Sexual Exploitation

In total 70 different Government, NGO and International Organisations are involved and have an input into the various anti-trafficking initiatives.

The NGO's input is invaluable and in the cases that they are involved either at the outset or later in the process we make every effort to make use of the very practical services that they can provide. Over the last while the amount and quality of the information provided on each referral from many of the NGO's has improved considerably. One of the things that we in law enforcement do is to allow a care worker, support worker or a legal representative to be present for all of the interviews with the victim. This has and continues to be extremely beneficial to the investigative process.

The law enforcement response in Ireland is based on the principles of the three P's and we have adopted them in the order of:

Prevention, Protections and Prosecution
- a victim centred approach.

The unit which I head, the Human Trafficking Investigation and Co-ordination Unit takes a lead role in all aspects of human trafficking. I oversee all investigations where there is any element of human trafficking and we also provide advice, guidance and operational support to investigations. I should mention that there is a statutory obligation on each police officer to investigate any crime that is reported to him or her.

To give you some idea of the scale of the problem in Ireland I will briefly refer to the figures for recent years bearing in mind that we are a small nation so the scale of the problem must be viewed in that context. In 2009 we commenced investigations into cases of human trafficking that involved 66 potential victims. In 2010 we commenced investigations that involved 78 potential victims and in 2011 we commenced investigations into cases that involved 57 potential victims of human trafficking. Of the 57 potential victims in last year 11 were referred to us by an NGO's and the remaining victims were encountered by law enforcement or referred to us by another State agency.

In the cases where the potential victim was not legally in the State and there were reasonable grounds to suspect that crime had occurred they were granted a Recovery and Reflection period and a subsequent Temporary Residence Permission. At the initial time that a person is encountered by us or referred to us then that potential victim is provided with a range of services including accommodation, health and legal advice and they often in receipt of the assistance even before the process to consider their status as a victim has commenced. In 2011 only one of the 57 potential victims did not have a permission to be in the State and that individual was granted a Recovery & Reflection period and a subsequent Temporary Residence Permission.

The data collected over the last number of years has shown some significant trends which are worthy of further discussion but time does not allow for that at this juncture

but we may get an opportunity to discuss the trends at another stage in the seminar. The data is provide by all of the agencies and NGO's active in the area of human trafficking and we are of the view that is it an accurate portrayal of the extent and nature of the problem in Ireland. The one significant trend emerging from the data is that in approximately two-thirds of the cases and after a detailed investigation no evidence of human trafficking has been disclosed. In some instances other crimes were disclosed and where possible we sought to bring prosecutions for those crimes.

The other significant trend that has been disclosed from the investigations is that no two cases – circumstances or victim - are the same and this is a matter that we all need to be conscious of when we are trying to develop a response to human trafficking – the idea of trying to make one size to fit all will be problematic.

In conclusion in Ireland we have recognised the necessity for ensuring that all of those that interact with a victim of human trafficking – law enforcement, State agencies, NGO's, and others in the judicial process have an understanding and awareness of the phenomena. In Ireland the responsibility for the investigations is solely within the remit of the Police. The Director of Public Prosecutions who is statutorily independent of the State determines if the is sufficient evidence to warrant a prosecution. It goes without saying that the Judiciary in exercising their functions are independent of all others involved in the process. My experiences both in Ireland and in many other instances including the US, the United Kingdom along with many jurisdictions that we have had interaction with is that those involved in the process have an excellent understanding of human trafficking including the interpretation of the law and how to ensure that the victim is dealt with in a compassionate way taking full account of his or her human rights. In saying this I do acdept that there are some exceptions to this rule and it will be difficult to establish a process to atke account of such exceptions. On two recent occasions I have had an opportunity to address the Judiciary and outline the challenges we, as law enforcement, encounter in our efforts to gather evidence. We should not lose sight of the fact that the prosecution authorities and the Judiciary deal with victims of a range of crime on a daily basis.

I would like to thank you for you attention and I hope that this short introduction will in some way help to inform the discussion that will follow.

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