

Call for victims of trafficking to get extra protections

NGOs say human traffickers in Ireland 'use threats of arrest and deportation'

Seven organisations call for forthcoming Criminal Justice Bill to contain new laws

MARK HILLIARD

Victims of human trafficking should be offered immigration protections that encourage them to come forward and seek help, a number of migrants groups have said.

To mark EU Anti Trafficking Day, seven non-governmental organisations (NGOs) have called for specific laws to be included in the forthcoming Criminal Justice (Sexual Offences and Human Trafficking) Bill 2023.

"Many traffickers use threats of arrest and deportation to control their victims," they said in an open letter to Minister for Justice Helen McEntee.

"Therefore, the provision of immigration permission is critical, encouraging more people to come forward and enabling access to services."

Ireland has had a poor international record on human trafficking, which the Department of Foreign Affairs defines as occurring when someone is exploited after being "recruited, transported, transferred, harboured or received" and "threatened, forced or coerced in some way, through abduction, fraud, deception, the abuse of power or of a position of vulnerability or through the giving or receiving of payments".

A report sent to the United Nations last month by the Irish Human Rights and Equality Commission noted a "chronic deficiency" in dealing with the issue as well as "exceedingly low" prosecution levels.

Earlier this year, Ireland once again found itself in "tier two" of the US State Department's 2023 Trafficking in Persons report.

During 2022, five children were among 42 cases formally recorded by the Department of Justice, a figure which is widely believed to understate the issue.

However, changes in law that would provide status assurances to trafficking victims, helping them identify themselves and receive services, could shed greater light on the problem.

“A person can be in a completely normal situation workwise and suddenly . . . they don't have control anymore

The open letter, calling for immigration permission, was signed by the Migrant Rights Centre Ireland (MRCI); Immigrant Council of Ireland; Act to Prevent Trafficking; Doras; Ruhama; the International Transport Workers' Federation; and AkiDWA. They point out there have been just two criminal convictions in Ireland for the crime of human trafficking and note the national rapporteur on the trafficking of human beings has also recommended the inclusion of immigration permission for victims in primary legislation.

The nature and profile of

trafficking cases vary considerably. The MRCI uses the Delphi method, a set of 67 indicators by which they can assess whether a person's situation amounts to trafficking.

"A person can be in a completely normal situation workwise and suddenly conditions can deteriorate," said Isabel Toolan, the MRCI's anti-trafficking lead, of the complexities of the issue.

"And [suddenly] they don't have control any more and they're being exploited. And the person is using the means of trafficking, like deception, abuse of vulnerability, coercion to exploit them. So they are taking control of them and these deceptive means are being used to exploit them."

Because a person can often be threatened with the withdrawal of work permission, they can feel powerless to escape their predicament or to seek help, an issue the NGOs believe could be greatly relieved with legislation.

There are also undocumented workers who can be threatened with the prospect of arrest and deportation.

Recent reporting at both EU and UN level has shown a decrease in the amount of trafficking detections. A progress report published by the European Commission last December said trafficking was a core organised crime activity and "is set to remain a threat for the foreseeable future". It found that in some European member states, including Ireland, trafficking victims from non-EU countries can be forced to work in places such as nail salons or cannabis farms to pay their debts.

A spokesman for the Department of Justice said a provision under the forthcoming legislation would prevent anyone identified as a victim of trafficking, or who has applied to be recognised as such, from being deported.



Case study 'He was expected to treat the employer like a master'



Mark Hilliard

Asian worker Joe was promised good money, only to be ruthlessly exploited

As with so many victims of human trafficking, Joe quickly found the reality of his job in rural Ireland to be very different from what he had been promised. Despite paying money upfront, he soon learned that he owed considerably more and earned less. Joe is using an alias to tell his story given the sensitivities around his situation, and much of the detail cannot be reported. However, after months of exploitation, manipulation and coercive control, he found a way out with the help of the Migrants Rights Centre Ireland (MRCI). So many others, he realises, will not and he offers

story as an example of hope. While he was working legally, Joe was tied to a specific employer. He was promised good money and assistance to bring his family over to join him. However, his debt continued to grow, and he was paid a tiny wage for undertaking the most difficult labour in his place of work, over more days and hours than his colleagues. "When he came here, the employer said, 'The seven to eight hours [working day] is for other people, for Irish people, not for you'," his interpreter says. At one point, Joe decided to

return to his home country in Asia, but was told that he could not do so until he had paid off his debt.

"He had no friends, and the employer continued to make a promise that 'if you pay up all the debt then I will help you to bring your family here'. [He

“Joe was very fearful of whether he had the right to live here and work here

told him] don't think too much and keep working and everything will be fine," says the interpreter.

"It was very, very difficult because his employer treated him like a slave, and he was expected to treat the employer like a master."

■ Joe (not his real name) was told he could not return to his homeland in Asia until he had paid off his debt. PHOTOGRAPH: DARA MAC DONAILL

Over time, as well as debt mounting, the work conditions disimproved. Realising that there was something badly wrong with his situation, Joe decided to seek the help of MRCI and managed to escape his employer while protecting his working rights.

This move in itself was stressful, as Joe's employer had threatened to cancel his work permission and, by extension, his ability to stay in Ireland. As with many other victims of trafficking, this was another source of anxiety. "He was very fearful of whether he had the right to live here and work here when he came out to look for help," says the interpreter.