

Statement of roles and responsibilities for State Organisations, Non-Governmental Organisations and International Organisations in Ireland engaged in cooperation regarding the prevention, protection of victims and prosecution of trafficking in human beings

1. Purpose of the Statement

The purpose of this Statement is to outline the roles and responsibilities of all the relevant parties referred to throughout this document that are involved in (a) protecting potential and suspected victims of human trafficking and (b) combating trafficking in human beings. The intention is that the Statement will provide greater clarity in terms of the following

- the process of identification,
- the range of available services and assistance measures,
- how these services may be accessed and
- the part played by the relevant organisations at each of these stages.

This Statement will also

- assist in safeguarding the human rights of potential and suspected victims,
- help ensure that potential and suspected victims receive the appropriate support and assistance,
- help promote a greater and more transparent exchange of relevant information between the relevant parties¹ and
- assist in ensuring that those responsible for perpetrating these crimes are brought to justice.

2. Definition of THB

For the purpose this statement, trafficking in human beings is defined in terms of the definition as set out in the Criminal Law (Human Trafficking) Act 2008.

For the purposes of this statement

- a. A potential victim of human trafficking means a person who has identified himself or herself as a victim of trafficking or in respect of whom there is a view formed by persons such as other State Organisations, NGOs, International Organisations etc that indications of trafficking are apparent but for whom reasonable grounds for believing he or she is a victim of trafficking have yet to be determined by An Garda Síochána. All persons who are referred to An Garda Síochána as potential victims shall be offered the protections and assistance set out in the National Action Plan to Prevent and Combat Trafficking of Human Beings in Ireland 2009-2012 for this group.

¹ See Appendix 1 for details of the legislation concerning the sharing of personal data.

- b. A suspected victim of human trafficking means a person who has been assessed by An Garda Síochána and for whom a member of An Garda Síochána not below the rank of Superintendent in GNIB has reasonable grounds to believe that he/she is a victim of trafficking in human beings. While 'reasonable grounds' are not the same as evidence, in the context of contemplation of any criminal offence, in order for reasonable grounds to exist that a person is a suspected victim of human trafficking, the Garda Superintendent must be in possession of sufficient information to afford reasonable grounds for that belief. The standard of reasonable grounds as traditionally defined is 'a standard for what is fair and appropriate under usual and ordinary circumstances; that which is according to reason; the way a rational and just person would have acted'. An Garda Síochána will endeavour to identify suspected victims within a maximum period of 31 days. This timeframe is subject to (a) the potential victim providing all necessary and relevant information to An Garda Síochána to enable them to make a decision based on reasonable grounds and (b) the availability, at the time in question, of any other required information that is necessary for such a decision to be made. The State's position is that a person will not be removed from the State during the identification process to determine if there are reasonable grounds to believe that the person may be a victim of human trafficking.

3. Statement of roles and responsibilities of Governmental Organisations

An Garda Síochána is the Irish national police force. It has responsibility for carrying out all policing duties in the Irish State including investigations regarding trafficking in human beings. Within An Garda Síochána, the Human Trafficking Investigation and Co-ordination Unit of the Garda National Immigration Bureau (GNIB) has particular expertise in regard to trafficking in human beings. A member of An Garda Síochána not below the rank of Superintendent in the office of GNIB is the State's competent authority in regard to the formal identification of victims of trafficking. While the GNIB has primary responsibility for the investigation of immigration crime and human trafficking, the GNIB also is part of the National Support Services which is comprised of other national units including the National Bureau of Criminal Investigation, the Criminal Assets Bureau, the Garda Bureau of Fraud Investigation, the Garda National Drugs Unit, the Garda Technical Bureau and the Operational Support Unit. All of the above units and the specialist services within them are available to the Garda National Immigration Bureau or any other District or Division in the course of an investigation.

An Garda Síochána have sole responsibility for the investigation of all cases involving or related to trafficking in human beings which come to their attention either directly through targeted investigations, investigations of a more general nature or through reports and referrals from other sources such as other State Agencies, NGOs, International Organisations and members of the public.

An Garda Síochána have responsibility in regard to the following

- informing the Minister of Justice and Law Reform (a) where there are reasonable grounds for believing that a person is a victim of an offence under

sections 2 or 4 of the Criminal Law (Human Trafficking) Act 2008 or section 3 (other than subsections (2A) and (2B)) of the Child Trafficking and Pornography Act 1998 and (b) that a person is assisting the authorities with an investigation or prosecution in relation to their trafficking and that their continued presence in the State is necessary for the purposes of carrying out the investigation or prosecution.

- informing the HSE that potential or suspected child victims of human trafficking have come to their attention.
- advising potential or suspected victims of human trafficking of the availability of accommodation and supports by the Reception and Integration Agency (RIA) during the identification process to determine if there are reasonable grounds to believe that the person may be a victim of human trafficking and during any subsequent recovery and reflection period. This information is provided at the point of first contact between the person and the authorities.
- informing (a) potential and suspected victims of the availability of legal services as provided by the Legal Aid Board and informing (b) the relevant staff within the Legal Aid Board that a potential or suspected victim of human trafficking has come to their attention.
- informing (a) potential and suspected victims of the availability of care planning services as provided by the HSE and informing (b) the relevant staff within the HSE, through agreed channels, that a potential or suspected victim of human trafficking has come to their attention.
- providing information regarding trafficking in human beings to the Minister for Justice and Law Reform.
- attending the relevant working group meetings chaired by the Anti-Human Trafficking Unit (AHTU) and for engaging in general communication with other stakeholders as appropriate and necessary for the purpose of the discharge of their of their duties.

An Garda Síochána will

- take account of all information that is available to them at the time a determination is being made in regard to whether or not there are reasonable grounds to believe that a person is a suspected victim of human trafficking. In doing so, An Garda Síochána will take account of whatever information is provided by the potential or suspected victim. An Garda Síochána will also take into account information provided by Governmental, Non-Governmental and International Organisations, in addition to any other relevant sources of information. Determinations will be made at the earliest possible date following the provision of all information necessary to enable a determination to be made. The determination process will be in line with that recommended in the IOM Handbook on Direct Assistance to Victims of Trafficking which is a two part process involving an assessment of the indications of trafficking and an in-depth interview with the person. In addition, as part of the

determination process, An Garda Síochána will utilise other internationally recognised indicators of human trafficking such as those published by the United Nations Global Initiative to Fight Human Trafficking and the International Labour Organisation. The methods used in the determination process will be kept under review and modified as necessary.

- provide all potential and suspected victims of human trafficking with a copy of the 'Victim's Charter and guide to the criminal justice system.'
- take whatever measures they deem appropriate to ensure the safety of potential and or suspected victims which have come to their attention, insofar as this is possible and advise such persons regarding measures they may wish to take concerning their personal safety. Any issues in this regard will be dealt with by Crime Prevention Officers of An Garda Síochána.
- inform all potential and suspected victims of trafficking in human beings of the implications of providing a statement to them in regard to potential crimes.

The Reception and Integration Agency (RIA) of the Department of Justice and Law Reform will provide potential and suspected victims with accommodation, on the basis of a direct referral by An Garda Síochána, in one of its accommodation centres during the identification process to determine if there are reasonable grounds to believe that the person may be a victim of human trafficking and during any subsequent 60 day recovery and reflection period. This will include full board accommodation which includes all meals. Potential and suspected victims who are in the asylum process will remain in RIA accommodation while a determination is being made in relation to their claim for asylum and associated processes (e.g. application for Leave to Remain or Subsidiary Protection).

The following services are provided to potential and suspected victims in RIA accommodation:

- Potential and suspected victims will receive a weekly 'direct provision' allowance as well as any Exceptional Needs Payments for immediate once off material needs as assessed by a Community Welfare Officer assigned to that accommodation centre.
- The HSE will facilitate health screening performed by medical professionals employed by the HSE.
- Potential and suspected victims will be given 'House Rules' and other information outlining the services provided upon their arrival at a centre.
- Potential and suspected victims granted a 60 day recovery and reflection period will after 50 days be requested in writing to contact the New Communities and Asylum Seekers Unit 77 Upper Gardiner Street, Dublin 1 (01 8585100) for the purposes of facilitating their transfer from RIA accommodation to mainstream services as provided by Department of Social Protection and the HSE in the event temporary residence permissions to remain in the State are granted.

- Where a potential and suspected victim of human trafficking is an asylum seeker, they will remain in RIA accommodation. Where the person is not an asylum seeker, they are no longer entitled to remain in RIA accommodation.
- Where potential and suspected victims of human trafficking are citizens of certain EU Member States and wish to return home, but lack the means to do so, assistance will be provided in this regard by RIA in accordance with the current procedures pertaining to the repatriation of destitute citizens from certain EU Member States².

RIA will liaise and communicate with the person concerned and the relevant State organisations in relation to any issues that may arise in respect of RIA accommodation provision.

The Asylum Seekers and New Communities Unit (ASNCU) of the HSE manages the transition of immigrants into the community. The primary responsibility of the ASNCU in regard to suspected victims of trafficking in human beings is to assist in the transition from direct provision accommodation as provided by RIA to accessing the mainstream services as provided by the Department of Social Protection and the HSE, including Supplementary Welfare Allowance and rent allowances.

The ASNCU also has the responsibility of assigning a Community Welfare Officer to assist suspected victims of trafficking in accessing state services such as those provided by FÁS and the Vocational Educational Committees.

The ASNCU has responsibility for engaging in general communication with other stakeholders as appropriate and necessary for the purpose of the discharge of their functions.

Legal Aid Board (LAB) is the statutory body responsible for the provision of civil legal aid and advice in accordance with the provisions of the Civil Legal Aid Act, 1995. Its mission is to provide a professional, efficient, cost-effective and accessible legal aid and advice service.

In regard to trafficking in human beings, the Legal Aid Board provides legal services on certain matters to persons notified to them by the An Garda Síochána as potential or suspected victims of human trafficking under the Criminal Law (Human Trafficking) Act 2008, if engaged by the person.

There are no merits or means tests involved for potential or suspected victims prior to accessing the available services nor are applicants required to make a financial contribution to the Legal Aid Board. All relevant services are provided by solicitors who have received specific training in issues related to human trafficking.

² See appendix 2 for details of RIAs role in assisting with the return of destitute citizens of EU Member State.

The Legal Aid Board has responsibility for providing free legal advice in relation to

- i. potential and suspected victims of trafficking immigration status in the State
- ii. the measures set out in the Administrative Immigration Arrangements for the protection of Victims of Trafficking which provide for recovery and reflection and temporary residence,
- iii. potential or suspected victims seeking asylum,
- iv. seeking redress through the employment protection legislation,
- v. information regarding what is involved in a criminal trial for a victim/witness,
- vi. information regarding compensation – criminal and civil,
- vii. voluntary return home.

The Legal Aid Board will, if necessary, provide legal representation in court³ to persons who require such services. The Legal Aid Board has responsibility for providing services to potential and suspected victims of whom they have been informed by An Garda Síochána.

The Legal Aid Board have responsibility for attending the relevant working group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary for the purpose of the discharge of their functions.

Health Service Executive (HSE) has responsibility for delivering health and personal social services through medical professionals and hospitals and through a network of Local Health Offices, health centres and clinics at community level.

Potential and suspected adult victims of THB

The HSE will offer services to potential and/or suspected victims of trafficking in human beings who have been notified to them by An Garda Síochána if requested to do so by the person.

- General medical/sexual health
- Mental and psychological health
- Relationship and family
- Accommodation⁴
- Education, training and employment⁵
- Financial management⁶
- Social and spiritual needs
- Legal and immigration⁷
- Criminal investigation⁸

³ The provision of legal representation for persons acting as a witness for the prosecution only arise in situations in which the individual is being questioned in regard to their past sexual history.

⁴This applies to persons other than those in the asylum process.

⁵ This applies to persons other than those in the asylum process.

⁶ This does not apply to person residing in accommodation provided by RIA who receive 'direct provision' cash allowance as well as Exceptional Needs Payments.

⁷ This applies to referrals to services provided by the Department of Justice and Law Reform, An Garda Síochána and the Legal Aid Board.

⁸ This applies to accompanying a client to interviews if requested to do so by the client and if acceptable to An Garda Síochána.

The aim is to enable the person concerned to gain independence thus empowering him/her to make decisions in a safe and supportive environment whilst guiding him/her through all the stages of the trafficking process. Information will be shared on a need to know basis with other organisations in the field and only with the written consent of the client.

Potential and suspected child victims of THB

In regard to potential and suspected victims the HSE has responsibility, under the Child Care Acts, to make all necessary provisions for any unaccompanied children identified as potential or suspected victims of trafficking. Where an unaccompanied child is identified as a potential or suspected victim of trafficking he/she will be immediately referred to the Social Work Team for Separated Children Seeking Asylum.

Potential and suspected child victims, who are still in the asylum process upon turning 18 years of age, will be transferred from the care of the HSE to RIA accommodation. These persons may however remain in HSE care if they are deemed as vulnerable by a professionally qualified Social Worker in the HSE Child Care Services. A process is in place whereby a HSE Social Worker Team meets with RIA staff on a monthly basis to discuss such placements. At these meetings information regarding the young person's social, educational and clinical needs is shared with the RIA team and appropriate placements planned. In the case of a young person attending school, up to and including second level, a transfer to RIA accommodation will not take place until the end of the current academic year. In such cases, every effort is made to facilitate the young person's preference as to location and, where possible, access to schools where his/her choice of school subjects is available. Once a transfer takes place to a RIA accommodation centre, appropriate links to local support services are made.

Services provided by the HSE to potential or suspected child victims of trafficking include :-

Initial counselling and debriefing provided by an experienced HSE psychologist.

An advocacy/support service to assist them in dealing with other services.

A multidisciplinary assessment of children's needs which will be conducted over time; this will be adapted to the child's individual experience and capacity. This assessment will typically involve input from social workers, psychologists and medical professionals. The input of other organisations will also be included, where relevant. A Care Plan will be generated on the basis of this assessment and will incorporate all the services required to meet the child's needs, including the most appropriate placement recommended.

The allocation of a social worker to oversee and implement individual Care Plans. A range of placement options will be made available and the protection level and care required will be taken into account when deciding on placement options.

Full medical screening with referral to more specialist medical services, if required.

Assessment in relation to immigration status and linkage to the asylum process and advice regarding all options available.

The HSE have responsibility for attending the relevant working group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary for the purpose of the discharge of their functions.

The Irish Naturalisation & Immigration Service (INIS) is responsible for the administrative functions of the Minister for Justice and Law Reform in relation to asylum, immigration (including visas) and citizenship matters. The INIS also facilitates a whole of government approach to immigration and asylum issues which enables a more efficient service to be provided in these areas.

In regard to potential and suspected victims of trafficking in human beings, INIS is responsible for the issuing of (a) periods of recovery and reflection and (b) renewable six month temporary residence permissions, granted by the Minister for Justice and Law Reform.

INIS is responsible for the issuing of (a) periods of recovery and reflection (b) temporary residence permissions and other specified permissions set out in the Administrative Arrangements for the Protection of Victims of Trafficking⁹, on behalf of the Minister for Justice and Law Reform.

INIS is also responsible for considering other forms of leave to remain if such permissions are sought or necessary.

INIS is responsible for notifying the relevant State organisations of the issue of notices confirming that periods of recovery and reflection and temporary residence permissions have been granted to suspected victims of human trafficking.

INIS have responsibility for attending the relevant working group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary for the purpose of the discharge of their functions.

FÁS, Ireland's National Training and Employment Authority, anticipates the needs of, and responds to, changes in the labour market. FÁS operates training and employment programmes; provides a recruitment service to jobseekers and employers, an advisory service for industry, and supports community-based enterprises.

In regard to suspected victims of human trafficking, FÁS has responsibility for offering access to vocational training and employment programmes to persons

⁹ See <http://www.inis.gov.ie/en/INIS/Pages/PB08000021> for the text of the Administrative Immigration Arrangements for the Protection of Victims of Trafficking

referred by the HSE as fit to engage in and benefit from vocational training following the granting of six month renewable temporary residence permission.

FÁS have responsibility for engaging in general communication with other stakeholders as appropriate and necessary for the purposes of the discharge of their functions.

The Office of the Refugee Applications Commissioner (ORAC) has two primary responsibilities which are

- investigating applications from those who seek a declaration for refugee status and to issue appropriate recommendations to the Minister for Justice and Law Reform on such applications, and,
- investigating applications by refugees to allow family members to enter and reside in the State and report to the Minister for Justice and Law Reform on such applications.

The Refugee Applications Commissioner derives his mandate from the Refugee Act, 1996 which provides that the Commissioner shall be independent in the exercise of his functions which are of a statutory and non-statutory nature.

In terms of ORAC's responsibilities towards potential victims of trafficking, ORAC notifies the GNIB of any trafficking related claims made by applicants for refugee status.

ORAC have responsibility for attending the relevant Working Group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary for the purposes of the discharge of their functions.

The **Refugee Appeals Tribunal (RAT)** decides appeals of those asylum seekers whose applications for refugee status has not been recommended by the Office of the Refugee Applications Commissioner.

In terms of RAT's responsibilities towards potential or suspected victims, RAT notifies An Garda Síochána of any trafficking related claims made by those appealing an asylum determination.

RAT has responsibility for engaging in general communication with other stakeholders as appropriate and necessary for the purposes of the discharge of their functions.

The National Employment Rights Authority (NERA) provides information to employees and employers through its information unit, monitors employment conditions through its inspection services and can enforce compliance and seek redress.

In regard to potential victims of trafficking in human beings, NERA's primary responsibility lies in notifying An Garda Síochána of instances of possible trafficking in human beings for the purposes of labour exploitation which may come to its attention.

NERA have responsibility for attending the relevant working group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary for the purposes of the discharge of their functions.

The Anti-Human Trafficking Unit's (AHTU) has primary responsibility for coordinating government policy and actions to maximize the effectiveness of national and international efforts. It does so in conjunction with a variety of governmental, non-governmental and international organisations.

In regard to suspected and potential victims of trafficking in human beings, AHTU has primary responsibility for collecting standardised information on such persons from a variety of governmental and non-governmental stakeholders for the purposes of providing an evidence base for policy development.

The AHTU have responsibility for convening, coordinating and chairing relevant Working Group meetings and for engaging in general communication with other State service providers, NGOs, international organisations and any other relevant organisations for the purposes of the discharge of their functions.

4. Definition of roles and responsibilities of the principal Non-Governmental Organisations assisting victims of trafficking in human beings involved in the consultative process with the AHTU

The Immigrant Council of Ireland (ICI) is an independent human rights organisation and a licensed law centre in Ireland. The ICI advocates for the rights of immigrants and their families and acts as a catalyst for public debate and policy change. Through its Specialist Immigration Advocacy Service, the ICI provides legal aid and representation to immigrants at particular risk, such as victims of domestic and sexual violence, unaccompanied minors and victims of trafficking for sexual exploitation.

In regard to potential and suspected victims of trafficking in human beings, the ICI will carry out an internal identification procedure, apart from any cases referred directly by An Garda Síochána, and where necessary, will issue a submission to An Garda Síochána outlining the basis for a recovery and reflection permit.

The ICI will advise potential and suspected victims on the process involved in making a claim of trafficking to An Garda Síochána and the implications involved in so doing.

ICI will refer potential and suspected victims of trafficking to Ruhama in cases of complex personal vulnerability and educational/training needs to be met by Dignity FÁS training programme.

ICI will forward the completed national data template form to the AHTU, and notify the relevant partners involved in the individual case in order to avoid repetition of data.

ICI will inform An Garda Síochána of any information that may have an impact on the safety and wellbeing of potential and suspected victims or on further developments in regard to any cases they are involved in.

ICI have responsibility for attending the relevant working group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary for the purposes of the discharge of their functions.

Ruhama is an NGO that works, on a national level, with women affected by prostitution including those who are victims of trafficking for sexual exploitation. Ruhama regards prostitution as violence against women and a violation of women's human rights. Grounded in a Christian perspective which emphasises the value and dignity of every human being, Ruhama works from a position of respect and uncritical acceptance of the women and seeks to actualise belief in their inner capacity to effect change in their own lives.

Ruhama provides a comprehensive range of services to women, tailoring interventions to individual needs. Ruhama provides a range of supports to allow women exit prostitution and reintegrate into mainstream society: including outreach, advocacy, counselling, safe accommodation, education (in-house and external), development/resettlement programmes, befriending, and long-term support until the

woman becomes independent. Ruhama also helps women to access legal services, health care and housing. Victims of trafficking have access to all services listed above.

In addition with the consent of a woman who is a victim of trafficking, Ruhama will:

- refer her to An Garda Síochána.
- accompany and offer emotional support as she engages with the criminal justice system.
- work collaboratively with the HSE on her care as a victim of trafficking.
- refer her to other state and NGO services for specific needs e.g. ICI for legal support, SPIRASI, Rape Crisis Centre.

Ruhama will inform An Garda Síochána of any information that may have impact on the safety and wellbeing of victims or on further developments in any cases they are involved in.

Ruhama will forward the completed national data template form to the AHTU, and notify the relevant partners involved in the individual case in order to avoid repetition of data.

Ruhama have responsibility for attending the relevant Working Group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary for the purposes of the discharge of their functions.

The Migrants Rights Centre Ireland (MRCI) is a national organisation concerned with the rights of migrant workers and their families. Established in 2001 to bridge a gap in support structures and information provision for migrant workers and their families, it has since evolved to become a national organisation concerned with:

- Provision of supports to migrant workers and their families in situations of vulnerability.
- Empowering migrant workers through community work practice.
- Achieving policy change.

In relation to potential and suspected victims of trafficking for the purposes of labour exploitation with who MRCI is primarily concerned the MRCI undertakes the following work:

- Carries out an identification process using the Delphi Indicators with the victims.
- Produces a report on the case based on this initial information and refers the case to An Garda Síochána.
- Submits an application to INIS requesting an immigration stamp for the person.
- Acts as a liaison between the person and the services. For example, MRCI will notify the HSE what support needs are presenting for the victim.

MRCI also provides advice and referral on the following:

- Employment legislation and how it impacts on the case and the remedies available. The MRCI will directly represent victims on employment issues.
- Liaise with INIS regarding any immigration matters that may be involved in the case.
- Liaise with solicitors on personal injury matters.
- Introduce the person to support groups so that they can meet other migrant workers and gain support e.g. MRCI Domestic Workers Action Group

MRCI will provide ongoing liaison and support to victims of trafficking for forced labour.

MRCI will forward the completed national data template form to the AHTU, and notify the relevant partners involved in the individual case in order to avoid repetition of data.

MRCI have responsibility for attending the relevant Working Group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary for the purpose of the discharge of their functions.

5. Definition of roles and responsibilities of International Organisations

The International Organisation for Migration (IOM) is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. In Ireland, IOM Dublin currently runs assisted voluntary return (AVR) and reintegration programmes. The programmes are open to asylum seekers and irregular migrants from non-EEA countries who wish to return home voluntarily but do not have the means, including the necessary documentation, to do so.

In regard to potential and suspected victims of trafficking, IOM's primary responsibility lies in assisting persons from outside the EEA in returning to their country of origin if they so wish.

IOM procedures for return and reintegration of identified victims of trafficking are based on International Best Practices and are centered around the wellbeing of the person and her/his security. Regular AVR procedures are adapted when IOM assists victims of human trafficking.

As an International Organisation, IOM benefits from the presence of IOM offices in many countries of origin. Most of these offices have developed a strong network of support ranging from housing facilities to receive victims of trafficking, to medical assistance, all aiming to support victims in the difficult process of reintegration.

IOM provides training in accordance with arrangements agreed bilaterally or multilaterally to State services providers including An Garda Síochána and other organisations involved in front line service provision.

IOM have responsibility for attending the relevant working group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary for the purpose of the discharge of their functions.

United Nations High Commissioner for Refugees (UNHCR), was established in 1950 by the UN General Assembly to provide and coordinate international protection for refugees. The UNHCR is primarily concerned with refugees as defined in the 1951 Refugee Convention. In addition, UNHCR has a mandate to provide protection to stateless persons and a limited mandate to provide assistance in situations where persons are internally displaced or are returning from a situation of refuge or displacement.

UNHCR's responsibility towards victims of human trafficking involves:

- 1) ensuring that refugees, asylum-seekers, internally displaced persons, stateless persons and other persons of concern do not fall victim to human trafficking and
- 2) ensuring that individuals who have been trafficked and who fear being subjected to persecution upon return to their country of origin, or individuals who fear being trafficked whose claim to international protection falls within the refugee definition, are recognized as refugees and afforded the corresponding international protection.

UNHCR have responsibility for attending the relevant working group meetings chaired by the AHTU and for engaging in general communication with other stakeholders as appropriate and necessary in order to help ensure the wellbeing of potential and suspected victims and the efficient functioning of the national referral mechanism.

Appendix 1

Mutual communications of information

All information being retained or and shared between parties must be done so in compliance with individuals right to privacy as set out in the Data Protection Act 1988, the Data Protection (Amendment Act) 2003, Section 11 of the Criminal Law (Human Trafficking) Act 2008, Section 8 of the Immigration Act 2003 and section 11(5) of the Refugee Act 1996. Agencies should also be aware of the provisions of the Recommendation No R (87) 15 of the Council of Europe regulating the use of personal data in regard to law enforcement, the European Convention for the protection of individuals with regard to automatic processing of personal data and with the Convention for the Protection of Human Rights and Fundamental Freedoms in regard to the privacy of the persons involved in trafficking related investigations. Information of a depersonalised nature is not subject to data protection legislation and may therefore be shared without restriction.

Appendix 2

RIA role in assisting with return of destitute citizens of EU States

The Reception and Integration Agency's (RIA) role in assisting with the return of destitute citizens of certain EU States derives from a Government decision of 2 March, 2004 which directed that the Department of Justice and Law Reform support the return of destitute nationals from the 10 States which joined the EU in May 2004 on an agency basis for the Department of Social Protection. This was later extended, on an administrative basis, to include Romania and Bulgaria which joined in January 2007. RIA was assigned this function in the context of the Habitual Residency Condition (HRC) which was introduced by the Department of Social Protection, with effect from 1 May 2004, in relation to access to social welfare payments. This condition applies to all applicants for such payments and is not confined to citizens from Member States of the European Union.

The role of the RIA under this scheme is to provide transport to the persons' home State. If absolutely necessary and subject to availability of accommodation, RIA will also provide accommodation for one or two nights in one of its designated Dublin centres and subsequently provide transport to the persons' home State as soon as practicable.

The protocol for determination of destitution and referral for repatriation involves the Department of Social Protection (and its agents - Community Welfare Service) and RIA. Individuals are assessed by the Department of Social Protection and are then referred to RIA.

In the case of out of hour referrals to RIA, these are made through the Homeless Persons Unit of the HSE and from Garda Stations. Person transferred during out of hours to RIA are referred to the ASNCU on the next working day for assessment of destitution and referred back to RIA if assessed as destitute and if willing to return home.

RIA does not accept direct referrals from Embassies, third parties or by individuals themselves. The RIA does not have responsibility for housing homeless non-Irish nationals - its accommodation role relates to asylum seekers, alleged victims of

human trafficking and temporary accommodation for destitute EU 12 nationals wishing to return home.