



DÁIL ÉIREANN

AN BILLE UM AN DLÍ COIRIÚIL (GÁINNEÁIL AR DHAOINE) 2007 CRIMINAL LAW (HUMAN TRAFFICKING) BILL 2007

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM AN DLÍ COIRIÚIL (GÁINNEÁIL AR DHAOINE) 2007 —AN TUARASCÁIL

CRIMINAL LAW (HUMAN TRAFFICKING) BILL 2007 —REPORT

Leasuithe Amendments

1. In page 4, line 2, to delete “person;” and substitute the following:

“person, or

- (d) exploitation for financial gain;”.

—Aengus Ó Snodaigh.

2. In page 4, between lines 34 and 35, to insert the following new section:

“Protection of
victims of
trafficking.

- 3.—The Minister shall promulgate a code of victim’s rights in respect of victims of trafficking which shall address the following issues:

- (a) protection of private life of victims;
- (b) appropriate medical assistance to victims;
- (c) secure accommodation;
- (d) recovery and reflection period (minimum 30 days);
- (e) temporary Residence permit (minimum 6 months);
- (f) translation and interpretation facilities where necessary;
- (g) access to counselling and information services, in particular, as regards legal rights, in a language that can be understood;
- (h) access to legal aid;
- (i) right of access to education for children;
- (j) right to access social welfare benefits as necessary;
- (k) voluntary repatriation and return of victims;
- (l) facilitating access to the asylum process;
- (m) special protection measures for child victims;
- (n) family reunification;
- (o) right to work;
- (p) right to access vocational training and education;
- (q) compensation and facilitating legal redress against traffickers.”

—Pat Rabbitte.

“Protection of victims of trafficking.

3. In page 4, between lines 34 and 35, to insert the following new section:

3.—The Minister shall promulgate a code of victim’s rights in respect of victims of trafficking which shall address the following issues:

- (a) protection of private life of victims;
- (b) appropriate medical assistance to victims;
- (c) secure accommodation;
- (d) recovery and reflection period (minimum 30 days);
- (e) temporary Residence permit (minimum 6 months which may be renewed);
- (f) translation and interpretation facilities where necessary;
- (g) access to counselling and information services, in particular, as regards legal rights, in a language that can be understood;
- (h) access to legal aid;
- (i) right of access to education for children;
- (j) right to access social welfare benefits as necessary;
- (k) voluntary repatriation and return of victims;
- (l) facilitating access to the asylum process;
- (m) special protection measures for child victims;
- (n) family reunification;
- (o) right to work;
- (p) right to access vocational training and education; and
- (q) compensation and facilitating legal redress against traffickers.”

—Aengus Ó Snodaigh.

4. In page 5, line 3, after “child,” to insert the following:

“or

- (c) supplies or avails of the services of the child which the child has been trafficked to provide, knowing or having reasonable grounds to believe that the child was trafficked,”.

—Pat Rabbitte.

5. In page 5, to delete lines 9 to 11 and substitute the following:

“(5) A person guilty of an offence under this section shall be liable upon conviction on indictment—

- (a) to imprisonment for life or a lesser term, and
- (b) at the discretion of the court, to a fine.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

6. In page 5, to delete lines 9 to 11 and substitute the following:

“(5) A person guilty of an offence under this section shall be liable upon conviction on indictment to imprisonment for life or a lesser term of imprisonment, or to such imprisonment and a fine, or, in the case of a body corporate, to a fine.”
—Pat Rabbitte.

7. In page 5, between lines 11 and 12, to insert the following:

“(6) When sentencing, the Judge may also, where appropriate, issue an order mandating the payment of compensation to the victim.”
—Aengus Ó Snodaigh.

8. In page 5, to delete lines 19 to 22 and substitute the following:

“(1) A person who trafficks a child for the purposes of the sexual exploitation of the child shall be guilty of an offence and shall be liable upon conviction on indictment—

(a) to imprisonment for life or a lesser term, and

(b) at the discretion of the court, to a fine.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

9. In page 5, to delete lines 28 to 30 and substitute the following:

“shall be guilty of an offence and shall be liable upon conviction on indictment—

(i) to imprisonment for life or a lesser term, and

(ii) at the discretion of the court, to a fine.”,

and”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

10. In page 5, to delete lines 33 to 40 and substitute the following:

“(3) A person who causes another person to commit an offence under subsection (1) or (2) shall be guilty of an offence and shall be liable upon conviction on indictment—

(a) to imprisonment for life or a lesser term, and

(b) at the discretion of the court, to a fine.

(4) A person who attempts to commit an offence under subsection (1), (2) or (3) shall be guilty of an offence and shall be liable upon conviction on indictment—

(a) to imprisonment for life or a lesser term, and

(b) at the discretion of the court, to a fine.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

11. In page 6, line 36, after “person” to insert “, with or without their consent,”.

—Denis Naughten.

12. In page 6, between lines 40 and 41, to insert the following:

“(a) irrespective of the consent of the trafficked person, engaged in trafficking for any unlawful purpose, or for the purpose of removing an organ of the trafficked person, or for the purpose of arranging for the trafficked person to commit sexual acts with a third party,”.

—Pat Rabbitte.

13. In page 7, between lines 16 and 17, to insert the following:

“(2) In proceedings for an offence under this section it shall not be a defence for the defendant to show that the person in respect of whom the offence was committed consented to the commission of any of the acts of which the offence consists.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

14. In page 7, between lines 24 and 25, to insert the following:

“(c) uses the sexual services of a person with the knowledge that the person is a victim of trafficking in human beings, or

(d) procures the sexual services of a person with the knowledge that the person is a victim of trafficking in human beings,”.

—Denis Naughten.

15. In page 7, line 24, after “person,” to insert the following:

“or

(c) supplies or avails of the services of the person which the person has been trafficked to provide, knowing or having reasonable grounds to believe that the person was trafficked,”.

—Pat Rabbitte.

16. In page 7, to delete lines 30 to 32, and substitute the following:

“(6) A person guilty of an offence under this section shall be liable upon conviction on indictment—

(a) to imprisonment for life or a lesser term, and

(b) at the discretion of the court, to a fine.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

17. In page 7, between lines 32 and 33, to insert the following:

“(7) When sentencing, the Judge may also, where appropriate, issue an order mandating the payment of compensation to the victim.”.

—Aengus Ó Snodaigh.

18. In page 10, between lines 2 and 3, to insert the following:

“12.—(1) Subject to the subsequent provisions of this section, a person who is an alleged victim of an offence under *section 3* or *5*, or *section 3* (other than subsections (2A) and (2B)) of the Act of 1998, shall be given leave to remain in the State by the immigration officer concerned.

(2) Subject to the subsequent provisions of this section, a person to whom leave to remain in the State is given under *subsection (1)* shall be entitled to remain in the State for a period of 6 months which may be renewed.

(3) The Minister shall give or cause to be given to a person referred to in *subsection (2)* a temporary residence certificate stating the name and containing a photograph of the person concerned, stating that, without prejudice to any other permission or leave granted to the person concerned to remain in the State, the

person referred to in the temporary residence certificate shall not be removed from the State before the 6 month period has elapsed.

(4) An immigration officer may, by notice in writing, require the person referred to in *subsection (2)*—

(a) to reside or remain in particular districts or places in the State, or

(b) to report at specified intervals to an immigration officer or member of the

Garda Síochána specified in the notice, and the person concerned shall comply with the requirement.”.

—Denis Naughten.

19. In page 10, between lines 2 and 3, to insert the following:

“12.—A person who is a victim of an offence under *section 3* or *5*, or *section 3* (other than subsections (2A) and (2B)) of the Act of 1998, shall not be liable to prosecution for entry into the State or for their presence within the State where such entry and/or presence was caused by an offence under this Act.”.

—Denis Naughten.

20. In page 10, between lines 2 and 3, to insert the following new section:

“Non-prosecution of victims of human trafficking.

12.—A victim of an offence under this Act shall not be prosecuted for entry into or presence in the State or for carrying out the labour or sexual acts, insofar as such entry, presence or carrying out labour or sexual acts were a consequence of the trafficking of that person.”.

—Pat Rabbitte.