

Dé Máirt, 17 Samhain, 2009
Tuesday, 17th November, 2009

2.30 p.m.

GNÓ COMHALTAÍ PRÍOBHÁIDEACHA
PRIVATE MEMBERS' BUSINESS

Fógra i dtaobh leasú ar Thairscint : Notice of Amendment to Motion

76. “That Dáil Éireann:

notes with alarm that:

- a minimum of 102 women and girls have been clearly identified in a recent report as sex trafficked in 2007 and 2008, 11 of whom were children when they arrived in Ireland and that none of these women knew they were destined for the Irish sex trade;
- up to 97% of the 1,000 women involved in indoor prostitution in Ireland at any given time are migrant women;
- victims of trafficking are identified by this Government as illegal immigrants first and consequently imprisoned and identified as victims second; and
- this Government offers no independent accommodation or support services to victims of trafficking;

considering that:

- several European countries have successfully tackled human trafficking and forced prostitution by the introduction of legislation criminalising the buying of sex; and
- the UK is introducing legislation to reduce prostitution and human trafficking which will directly impact on the Republic of Ireland;

calls on the Government to:

- end the policy of placing victims of human trafficking in asylum centres and introduce independent accommodation, support and protection services;
- extend the ‘period of recovery and reflection’ as defined in the Immigration, Residence and Protection Bill 2008 now before Dáil Éireann;
- move the focus on human trafficking from Garda National Immigration Bureau to the Garda Organised Crime Unit;
- extend the remit of the Department of Justice, Equality and Law Reform’s Anti-Human Trafficking Unit to include migrant women in prostitution; and
- establish a High Level Group to examine our prostitution laws with a view to

preventing the proliferation of sex trafficking.” — *Denis Naughten, Enda Kenny, Bernard Allen, James Bannon, Seán Barrett, Pat Breen, Richard Bruton, Ulick Burke, Catherine Byrne, Joe Carey, Deirdre Clune, Paul Connaughton, Noel J. Coonan, Simon Coveney, Seymour Crawford, Michael Creed, Lucinda Creighton, Michael D’Arcy, John Deasy, Jimmy Deenihan, Andrew Doyle, Bernard J. Durkan, Damien English, Olwyn Enright, Frank Feighan, Charles Flanagan, Terence Flanagan, Brian Hayes, Tom Hayes, Phil Hogan, Paul Kehoe, George Lee, Pádraic McCormack, Shane McEntee, Dinny McGinley, Joe McHugh, Olivia Mitchell, Dan Neville, Michael Noonan, Kieran O’Donnell, Fergus O’Dowd, Jim O’Keeffe, John O’Mahony, John Perry, James Reilly, Michael Ring, Alan Shatter, Tom Sheahan, P. J. Sheehan, David Stanton, Billy Timmins, Leo Varadkar.*

Leasú:

Amendment:

1. To delete all words after “Dáil Éireann” and substitute the following:

- “ — welcomes the establishment of a dedicated Anti-Human Trafficking Unit in the Department of Justice, Equality and Law Reform prior to the enactment of the Criminal Law (Human Trafficking) Act 2008, which involves wide-ranging consultation with governmental, non-governmental and international organisations and the establishment in 2009 of a dedicated Human Trafficking Investigation and Co-ordination Unit in the Garda National Immigration Bureau;
- welcomes the penalty provisions in the Criminal Law (Human Trafficking) Act 2008, which go beyond the minimum period provided for in international instruments;
- welcomes the Minister’s decision to alter the Administrative Immigration Arrangements for the Protection of Victims of Human Trafficking and the provisions in the Immigration, Residence and Protection Bill to increase the provision of a 45 day recovery and reflection period to a 60 day period for recovery and reflection as a precursor to a six months temporary period of residency in the State, which is renewable;
- notes that the 60 day recovery and reflection period goes beyond the minimum period of 30 days provided for in the Council of Europe Convention on Action Against Trafficking in Human Beings and is longer than that offered by many EU Member States;
- welcomes the publication in June 2009 of the comprehensive National Action Plan to Prevent and Combat Trafficking in Human Beings in Ireland 2009-2012 which was prepared under the auspices of a High Level Group and provides a blueprint for the State’s response to human trafficking;
- acknowledges the range of legislative and administrative supports and services in terms of health care, legal services, anonymity, giving of evidence by video link etc. which have been put in place to assist potential and suspected victims of trafficking;
- recognises that the Reception and Integration Agency has a wide range of accommodation available in which the needs of victims can be addressed;
- acknowledges that the Garda Síochána is the sole authority within the State vested with the power to undertake an investigation into a claim that an offence of human trafficking has been perpetrated and having regard to such powers reaffirms that the Garda Síochána is the appropriate authority to consider if there are reasonable grounds for believing that an offence may have been committed;
- acknowledges the deployment of Garda resources is a matter for the Garda Commissioner based on his professional assessment of the operational requirements;
- commends the concerted efforts of the Garda Síochána in regard to the provision of

training, the identification and protection of victims and in the determined fight against trafficking in human beings in Ireland and notes the progress being made in this regard;

- acknowledges the supporting role that organisations and individuals engaged in this area can provide to potential victims of human trafficking; recognising the importance of those organisations in encouraging and supporting such persons when engaging with the state authorities to assist in the fight against human trafficking and in supporting early identification of potential victims of human trafficking;
- recognises the provision in the Criminal Law (Human Trafficking) Act that made it an offence to solicit a trafficked person, in any place, public or private, for the purpose of prostitution;
- notes that the Report commissioned by the Immigrant Council of Ireland, entitled ‘Globalisation, Sex Trafficking and Prostitution - The Experiences of Migrant Women in Ireland’ has been referred by the Minister for Justice, Equality and Law Reform to the Anti-Human Trafficking Unit of his Department for examination; and
- welcomes the ongoing review by the Minister for Justice, Equality and Law Reform of the laws on prostitution including the monitoring the operation of prostitution laws in other countries so that any changes to those laws which might be proposed in Ireland would be in the best interests of society.” — *An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.*