

IRELAND (2017-2018)
THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR
Protocol of 2014 (P029) to the Forced Labour Convention

REPORTING	Fulfillment of Government's reporting obligations	Yes.	
	Involvement of Employers' and Workers' organizations in the reporting process	2017-2018 ARs: Yes. In accordance with Article 23 of the Constitution of the International Labour Organisation, copies of this report are sent to the Irish Business and Employers' Confederation (IBEC) and the Irish Congress of Trade Unions (ICTU) who are invited to submit observations to the Government or directly to ILO. ICTU was an active participant in consultations and made a written submission in respect of the 2nd National Action Plan.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Ireland has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2018 AR: The Protocol is likely to be ratified: further to a review of existing national legislation undertaken in Q2 2018, no impediments to ratification have been identified; work is well advanced, in consultation with the social partners, on ratification of the Protocol by the end of 2018. 2017 AR: The Anti Human Trafficking Unit (AHTU) of the Department of Justice and Equality and national and international partners will work to enable Ireland's ratification of the Protocol to the ILO Forced Labour Convention No. 29 within the framework of the Second National Action Plan.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	2018 AR: There is a national policy and/or plan of action for the suppression of forced or compulsory labour as well as for combatting trafficking in persons for the purposes of forced or compulsory labour. There has been no significant change since the last Annual Review. 2017 AR: There are national policies and plans of action aimed at suppressing all forms of forced or compulsory labour as well as setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour. A second National Action Plan (NAP) to Prevent and Combat Human Trafficking in Ireland has been developed.	
	Measures taken or envisaged for systematic and coordinated action	2017 AR: Section 2.4.3 of the second National Action Plan sets out priority measures proposed to deal with Trafficking for labour exploitation. The full text of the Action Plan can be accessed at the following link: http://www.justice.ie/en/JELR/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf/Files/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf This new Plan seeks to build on progress made to date and to address issues raised in independent international evaluations of Ireland's response to this important issue. The new National Action Plan outlines both the Government's strategic approach to this issue as well as setting out a clear work programme for the relevant state authorities to collaborate with civil society and agencies in other jurisdictions in advancing the fight against trafficking and enhancing the protection of victims. Among the significant proposals contained in the Plan are:	

		<ul style="list-style-type: none"> • A fundamental re-examination of the victim identification process and the role to be played in that process by all stakeholders including non-governmental organisations; • A related review of the National Referral Mechanism to ensure that it remains fit-for purpose and is adequate to address the complexity of both well understood and more recently identified forms of trafficking; • Examination of the ongoing appropriateness and efficacy of all victim support services; • Examination of criminal justice measures, including Garda investigative methodologies; • Enhanced data analysis systems, including proposals based on Multiple Systems • Evaluation to examine the feasibility of determining the undetected level of human trafficking in Ireland. • The development, in conjunction with civil society, of a Training & Awareness Needs Spectrum to inform and better coordinate the role that can be played by all stakeholders in this key area. • Specific measures in relation to enhancing the effectiveness of anti-trafficking policy and practice concerning labour exploitation. • New evaluation methodologies for examining the effectiveness of the Plan implementation, including consideration of the role of standing independent evaluation. <p>Trade unions and employers’ representative bodies are key social partners in preventing trafficking in human beings for the purpose of labour exploitation. The consultative structures in the Second National Action Plan will be used in strengthening and supporting this role, in particular, through continued engagement with these organisations as part of training and awareness-raising activities. Efforts will be made to further develop the enforcement response for all forms of trafficking and particular attention will be paid to areas such as labour exploitation, forced begging and forced criminal activities. Under this National Action Plan current legislation, including criminal justice and employment legislation, will continue to be monitored to ensure it supports the effective prosecution of traffickers. A review of the adequacy of Irish legislation in relation to the criminalisation of forced labour was undertaken in 2012 with a view to establishing the nature and extent of the problem in Ireland and examining whether or not Irish legislation was sufficient to criminalise forced labour. As part of the review, twenty nine cases were examined by the Human Trafficking Investigation and Coordination Unit (HTICU) of An Garda Síochána on foot of a Questionnaire prepared by the Anti-Human Trafficking Unit (AHTU) of the Department of Justice & Equality. Out of the twenty nine cases, fifteen related to allegations of forced labour occurring solely after the introduction of the Criminal Law (Human Trafficking) Act, 2008. The analysis of cases indicated that An Garda Síochána have been willing to initiate investigations into any allegations of ill treatment that may amount to trafficking for forced labour coming to their attention in all sectors including domestic service in private households and not just in the formal economic sector. Furthermore, there was no information in the sample which highlighted that a case was not investigated or prosecuted due to a gap in the 2008 Act. Issues that were identified by An Garda Síochána in relation to the investigation of trafficking for forced labour, related to more practical issues that arise in investigations and in the implementation of the Criminal Law (Human Trafficking) Act 2008, rather than with the provisions of the 2008 Act itself. Issues identified by An Garda Síochána included:</p> <ul style="list-style-type: none"> • complainants claiming to be traumatised and unable to make formal complaints to the Gardaí. • complainants coming from countries where they have an inherent mistrust of the Police force. • complainants seeking immunity from prosecution usually for minor immigration offences before they will make a formal complaint. • complainants working for embassy employees/persons who are on the diplomatic list, (Vienna Convention applies). • that while often it is clear that the person is being exploited for labour purposes, in that they often work long hours for low pay, it may be unclear if their situation amounts to human trafficking for forced labour.
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	<p>Measures taken or envisaged to prevent forms of forced labour</p>	<p>2018 AR: The following measures have been taken or envisaged: a) <i>Information, education and awareness raising targeting especially people in vulnerable situation and employers;</i> b) <i>Strengthening and broadening of the coverage of legislation, particularly labour law:</i> the Government reports that efforts have been undertaken to ensure that the coverage and enforcement of legislation relevant to the prevention of forced or compulsory labour, including labour law as appropriate, apply to all workers and all sectors of the economy, and that there has been no significant change since the last Annual Review; c) <i>Regulation and supervision of the labour recruitment and placement process:</i> according to the Government, the Workplace Relations Commission (WRC) is responsible for the regulation of employment agencies. It is illegal for an employment agency</p>

		<p>to charge a fee under Section 7 of the Employment Agency Act, 1971. Under Section 23 of the Employment Permits Act 2006 it is an offence to charge for the recruitment or placement of a permit holder. WRC Labour Inspectors can carry out inspections to ensure that the terms and conditions under which an employment permit is granted are met; d) <i>Supporting due diligence by the public and private sectors</i>: according to the Government, the WRC have an active Labour Inspectorate, which ensures compliance with labour standards in all sectors of employment. The WRC information service hosts meetings on a sectoral basis, provides a lo-call phone line and produces guidelines on employment rights in up to 12 languages on their website; e) <i>Addressing the root causes that perpetuate forced labour</i>: the Government reports that policies are in place to address the root causes and factors that heighten the risks of forced or compulsory labour. The overarching policy focus of Ireland’s enterprise development strategies (Action Plan for Jobs, Enterprise 2025) is ensuring that jobs created are quality, high productivity jobs in positive work environments which reward and develop employees. Department of Business, Enterprise and Innovation policies take into account the multi-dimensional aspects that define quality, including ensuring a system that facilitates flexibility without exploitation. Income support, in the form of social welfare payments, is one of three key aspects of the whole-of-government policy response to alleviating poverty. The other components are inclusive labour markets and access to quality services. Ireland has a robust suite of social welfare protections and is one of the best performing EU countries in reducing poverty through social transfers; f) <i>Education/vocational training</i>: according to the Government, victims of forced or compulsory labour receive the protections afforded to victims of human trafficking under the National Referral Mechanism; and g) <i>Capacity building for the competent authorities</i>: the Government indicates that the training of frontline personnel on the indicators of human trafficking and forced labour is ongoing.</p> <p>2017 AR: Under the Second National Action Plan Ireland has a broad-based prevention strategy which focuses on: a) training for frontline personnel; b) awareness-raising activities; c) a data collection system designed to ensure knowledge of emerging trends; d) enhanced coordination and cooperation among stakeholders; and e) reduction in the demand for services of victims of human trafficking. Continued efforts will be made to raise public awareness of the issue of trafficking in human beings using the Blue Blindfold campaign. A particular focus will be the business community who have a key role to play in reducing the demand for trafficking and disrupting the activities of traffickers. A number of awareness raising activities and training initiatives have taken place in recent years, including radio advertisements, educational packs for schools, presentation to third level institutions and articles in targeted publications, eg migrant newspapers. Furthermore, the training of frontline personnel on the indicators of human trafficking will continue, with the extension of this training beyond traditional sectors to frontline personnel in social services, emergency services etc.</p>
	<p>Measures taken or envisaged to protect victims of forced labour</p>	<p>2018 AR: The following measures have been taken or envisaged: a) Training of relevant actors for identification of forced labour practices; b) Legal protection of victims; c) Material assistance for victims; d) Medical and psychological assistance for victims; e) Measures for the rehabilitation and social and professional reintegration of victims; f) Protection of privacy and identity; g) Appropriate accommodation; h) Specific measures for children; and i) <i>Specific measures for migrants</i>: measures in this regard remain the same as indicated in the 2017 Annual Review. However, there is an update on the right to work of asylum seekers. New right to work provisions for asylum seekers have been introduced under the Recast Reception Conditions Directive, which came into force on 6th July 2018. Under the Directive, asylum seekers will have access to the labour market nine months from the date when their protection application was lodged, if they have yet to receive a first instance recommendation from the International Protection Office, and if they have cooperated with the process. Eligible applicants may apply to the Minister for Justice and Equality for a labour market permission, which covers both employment and self-employment.</p> <p>2017 AR: The National Referral Mechanism (NRM) provides the following support services to victims of human trafficking: accommodation; medical care and planning; psychological assistance; material assistance; legal aid and advice;</p>

		<p>access to the labour market; vocational training and education; police services – crime prevention; repatriation; access to compensation; translation and interpretation services, etc. The continued provision of these services is central to the Government’s response to the needs of victims. This National Action Plan will continue to support and monitor the delivery of victim care through the National Referral Mechanism to ensure it remains responsive to the needs of victims. When suspected victims of human trafficking are either encountered by, or referred to An Garda Síochána they are provided with a wide range of services by both the Government and NGOs through the National Referral Mechanism. These include health services (mental, emotional and physical care), immigration permission, legal services, accommodation, material assistance (supplementary welfare allowance, rent), vocational training and education, repatriation, translation/interpretation services and access to education for dependent children. Some human trafficking victims have access to the labour market while in temporary residency status if they are not simultaneously in the asylum process (the right to work of asylum seekers is under consideration by the Department of Justice and Equality following a recent Supreme Court judgement). All human trafficking victims with permanent residency status are allowed to seek employment. Furthermore, a number of personal development training courses with a specific employment focus are provided by NGOs for victims of trafficking for sexual exploitation. These initiatives are supported by State funding.</p>
	<p>Measures taken or envisaged to facilitate access to remedies</p>	<p>2018 AR: The following measures have been taken or envisaged: a) Information and counselling for victims regarding their rights; b) Free legal assistance; and c) Access to remedies and compensation.</p> <p>2017 AR: Under the Second Plan, the State will continue to provide assistance to victims of trafficking by way of compensation and/or voluntary assisted return or reintegration programmes. The Legal Aid Board provides free legal services to victims of trafficking in relation to certain matters. Also, provisions for authorities not to prosecute victims for acts which they have been compelled to commit, and of penalties such as the confiscation of assets and criminal liability of legal persons are provided.</p>
	<p>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</p>	<p>2017-2018 AR: Yes.</p>
	<p>Cooperation with other Member States, international / regional organizations or NGOs</p>	<p>2017-2018 ARs: Given the international nature of human trafficking, Ireland has placed considerable importance on co-operating with other EU Member States in combating trafficking in human beings and marked improvements have been evident over the past number of years in the number of those prosecuted and convicted abroad on the basis of evidence collected in Ireland. Information regarding immigration-related criminality is collated, analysed and disseminated by An Garda Síochána, including such information and intelligence received, on a regular basis, through the Europol and Interpol National Units, based at Garda Headquarters. In particular, personnel from the Human Trafficking Investigation and Co-ordination Unit (HTICU) of An Garda Síochána assist in investigations relating to the suspected trafficking and smuggling of persons, initiated in other jurisdictions, where there is reason to believe that either the suspect(s) or victim(s) have entered this State. Members of An Garda Síochána, in particular personnel attached to the National Support Services, attend training courses organised by CEPOL (the European Police college) concerning trafficking in human beings which are targeted at (i) senior police officers who are responsible for prosecution services and/or counter-trafficking cases, (ii) members of lecturing staff in police training and development units and (iii) heads of police forces who deal with questions of human trafficking. Ireland attends the Europol Expert meeting on trafficking in human beings which takes place on an annual basis. This meeting allows Member States to share their experiences and provide operational case examples of trafficking in human beings. Ireland is also part of a number of Europol Analytical Work Files which provide both strategic and operational support. In this context a trafficking in human beings bulletin is circulated on a quarterly basis which is disseminated to members of An Garda Síochána. Other support provided to Ireland by Europol includes expert advice,</p>

		<p>intelligence reports, training and information exchange through the Europol Information System/Europol National Unit. Operational support can also include operational analysis of investigations in Member States, co-ordination of investigations (e.g. organisation of meetings at Europol) and support from other Europol National Units. A member of An Garda Síochána represents Ireland on the European Multidisciplinary Platform Against Criminal Threats (EMPACT) which consists of a structured multidisciplinary co-operation platform of the relevant Member States, EU Institutions and Agencies along with third countries and organisations (public and private) addressing a pan-European or regional threat of serious international and organised crime by means of a Multi-Annual Strategic Plan or strategic goal developed by an ad-hoc expert group elaborating concrete problem-oriented solutions to effectively tackle the prioritised threat. Appropriate relationships are also being developed by An Garda Síochána with FRONTEX and Mutual Legal Assistance is utilised as appropriate. International co-operation is an essential prerequisite to combat trafficking in persons. It is well recognised that because of its international dimension and clandestine nature, it is often difficult for a government to effectively counter human trafficking on its own. Informal and formal methods of international co-operation are crucial for the purpose of preventing and combating trafficking; protecting and providing assistance to victims; and the investigation and prosecution of criminal offences. In recognising the international dimension to the phenomenon of human trafficking An Garda Síochána is actively participating in a number of anti-human trafficking-related initiatives involving law enforcement agencies in other jurisdictions. Liaison at international level between An Garda Síochána and other law enforcement agencies through the exchange of information, intelligence and best practice, both bilaterally and through Europol, Interpol and FRONTEX, forms part of the approach of An Garda Síochána to tackling this crime. Members of the UK Borders Agency (UKBA), the Police Service of Northern Ireland (PSNI), the London Metropolitan Police, the Hungarian Police and the Romanian Police have participated in the Garda continuous professional development course entitled "Tackling Trafficking in Human Beings: Prevention, Protection and Prosecution" in the Garda training college in recent years. Officials from An Garda Síochána and the Department of Justice and Equality have participated in the activities of international organisations such as the EU, Council of Europe, OSCE Alliance against Trafficking, UN and UNGIFT (The United Nations Global Initiative to Fight Human Trafficking), the International Organisation for Migration (IOM) and the Intergovernmental Consultations on Asylum and Migration (IGC) Working Group on Trafficking. Bilateral co-operation exists at the highest possible level between the Department of Justice Northern Ireland and the Department of Justice and Equality. Building on this history of co-operation, we will explore the possibility of putting in place arrangements for biennial analysis of victim referrals, on a cross-border basis, to identify key learning points and common themes. In 2015, this cooperation resulted in a cross-border conference on the issue of forced labour, with Ministers from both jurisdictions, a range of NGOs, law enforcement and academics from both jurisdictions on the island of Ireland, and from overseas. There are also strong links between the UK Home Office, the relevant UK police agencies and Irish authorities and also between Irish authorities and the Scottish Administration. Officials meet regularly to share information and exchange best practices. Ireland is also an active member of the informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings that is chaired by the EU Anti-Trafficking Co-ordinator. Irish civil society organisations actively participate in the bi-annual EU Antitrafficking Civil Society Platform. Officials from the Human Trafficking Investigation and Co-ordination Unit (HTICU) also participate in the European Multidisciplinary Platform Against Criminal Threats (EMPACT) – a co-operation platform to address the threat of serious international and organised crime by means of a Multi-Annual Strategic Plan.</p>
	<p>Promotional activities</p>	
	<p>Special initiatives/Progress</p>	<p>2018 AR: In October 2018, the most recent “Trafficking in Human Beings in Ireland” annual report was released containing data on identified and presumed victims of human trafficking in Ireland, including those trafficked for the purposes of labour exploitation. Information on prosecutions is included.</p>

		<p>http://www.blueblindfold.gov.ie/en/BBF/Pages/Annual_reports</p> <p>In April 2018 an updated 'Blue Blindfold' website was launched highlighting the crime of human trafficking. The newly designed site provides a user-friendly overview of how the crime manifests in Ireland, how members of the public can spot and report the signs of trafficking, and how the State supports these victims once identified. The website includes information on trafficking for labour exploitation: http://www.blueblindfold.gov.ie/en/bbf/pages/labour_exploitation</p> <p>In the most recent National Public Procurement Policy Framework, published in January 2018, the grounds for excluding suppliers (organised crime; corruption; fraud; money laundering) have been expanded to include terrorism; child labour; and human trafficking.</p> <p>To mark UN world day against trafficking of persons (30 July 2018) the Workplace Relations Commission (WRC) issued a public notice to remind the public to be vigilant, know the signs of labour exploitation and report any concerns or suspicions they may have to An Garda Síochána: https://www.workplacerelations.ie/en/news-media/Workplace_Relations_Notices/Know_the_signs_of_labour_exploitation_-_human_trafficking_can_happen_in_your_workplace.html</p> <p>As part of the EMPACT/EUROPOL Day of Action 2018 during the week of 14/18 May WRC inspectors carried out inspections on Car Washes, Nail Bars and a small number of Agricultural enterprises throughout Ireland. 149 unannounced inspections were undertaken, with 84 identified as having employment law breaches. 20 of the inspections were in conjunction with the Garda. Revenue officials participated in 24 of the visits and 14 inspections had Department of Employment Affairs and Social Protection officers present.</p> <p>2017 AR: Under the Second National Action Plan we are committed to continuing to take specific measures to address trafficking for the purpose of labour exploitation. Currently, where breaches of employment legislation are detected, the Workplace Relations Commission (WRC) assists the employer in question to become compliant. If employers refuse or fail to become compliant, the necessary enforcement activity, including prosecution, will be initiated. A referral mechanism is in place between the WRC and a Garda Síochána where potential cases of trafficking are detected and joint inspections are undertaken where appropriate. While not having a statutory role under Irish Human Trafficking and Forced Labour legislation, the Workplace Relations Commission (WRC), and in particular the Labour Inspectorate, are a key element of the Irish response to this issue. All WRC Labour inspectors have received training in the identification of the indicators of THB from the Garda. The WRC is represented on the National Structures established to combat Forced Labour. It is a member of the High-Level Group on Combatting Trafficking in Human Beings established by the Anti-Human Trafficking Unit of the Department of Justice and Equality. The Inspectorate of the WRC works closely with the Garda National Immigration Bureau (GNIB) and the Garda National Protective Services Unit in terms of the reporting of potential immigration and human trafficking issues encountered during inspections. The WRC is a partner in multi-agency efforts to secure compliance with the Atypical Worker Permission Scheme introduced by the Department of Justice and the Irish National Immigration Service in February, 2016, which seeks to address potential exploitation of non-EEA workers on whitefish vessels. WRC Inspectors carry out inspections for the purposes of monitoring and enforcing compliance with employment rights and employment permits legislation, including National Minimum Wage, Payment of Wages, Terms of Employment and Employment Agency legislation. To date, the WRC has carried out some 240 inspections, covering 166 vessels. Some 200 contraventions were detected in 110 of the vessels. In March 2016, a Memorandum of Understanding was agreed between Inspection and Enforcement Services and the Gangmasters Licensing Authority in the United Kingdom. The GLA's remit is to prevent worker exploitation in England, Wales, Scotland and Northern Ireland, a role similar to the WRC in Ireland. The MOU allows statutory sharing of information between the bodies, joint inspections and assistance, training and staff exchange. The WRC Inspectorate is also part of the EUROPOL Empact Labour Exploitation group. This group brings together Labour Inspector and Police officers across Europe to exchange information and good practice to help combat forced labour and human trafficking on an ongoing basis. The WRC has participated in days of action in 2016 and 2017 focussed on Car Washes and Nail Bars respectively. Over the course of these Days of Action over 240 inspections</p>
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		<p>were carried out (18 in conjunction with the Garda) and several severe cases of exploitation and labour law violations were detected. Recognising the particularly vulnerable position of Domestic Workers the Labour Inspectorate has been carrying out Inspections in private homes since 2011. Between 2011 and 2016 192 inspections were carried out, resulting in over €8,900 in unpaid wages being recovered for employees and significant raising of awareness of the rights of domestic workers (including Au Pairs) in the public consciousness. The Labour Inspectorate also assisted the Department of Foreign Affairs and Trade with the development of guidelines and procedures in relation to the employment rights of private domestic employees of diplomats. Ireland has developed a comprehensive data collection system whereby all allegations of human trafficking (which are made to NGOs active in the anti-human trafficking field and to An Garda Síochána) are reported to the Anti-Human Trafficking Unit in a standardised format. This data strategy provides a useful framework for information in relation to the nature and extent of human trafficking in Ireland. The Annual Reports published by the Anti-Human Trafficking Unit provide an overview of the data collected (available here). See response to Q.7 for 2016 statistics. As per Action 15 of the ‘Second National Action Plan to Prevent and Combat Human Trafficking in Ireland’, we are committed to examining methodologies to improve the potential scale of undetected human trafficking. Earlier this year we prepared a dataset on victims detected by State and non-State group covering 2014 to 2016 as part of an EU project on Multiple Systems Estimate. The preliminary results seem to suggest that the Irish identification/recording system is relatively effective based on comparative analyses.</p>	
CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL	According to the social partners	Employers’ organizations	
		Workers’ organizations	
	According to the Government	2017-2018 ARs: The Government did not indicate any challenges.	
TECHNICAL COOPERATION NEEDS	Request	2017-2018 ARs: There is no need for technical assistance from the ILO.	
	Offer		