Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



Number 8 of 2008

CRIMINAL LAW (HUMAN TRAFFICKING) ACT 2008

REVISED

Updated to 22 December 2022

This Revised Act is an administrative consolidation of the *Criminal Law (Human Trafficking) Act 2008*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, and all statutory instruments up to and including *Appointment of Special Adviser (Minister of State at the Department of Health) (No. 2) Order 2022* (S.I. No. 740 of 2022), made 13 December 2022, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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CRIMINAL LAW (HUMAN TRAFFICKING) ACT 2008

REVISED

Updated to 22 December 2022

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.

2. Trafficking, etc., of children.

3. Trafficking, taking, etc., of child for purpose of sexual exploitation.

4. Trafficking of persons other than children.

4A. Aggravating factor: offences under section 2 or 4 committed by public official during performance of duties.

5. Soliciting or importuning for purposes of prostitution of trafficked person.

6. Offences by bodies corporate.

7. Jurisdiction.

8. Proceedings relating to offences committed outside State.

9. Double jeopardy.

10. Exclusion of members of public from proceedings.

11. Anonymity of victims of trafficking.

12. Amendment of Criminal Evidence Act 1992.

13. Amendment of Act of 2001.

14. Amendment of Bail Act 1997.

15. Short title and commencement.

ACTS REFERRED TO

Bail Act 1997	1997, No. 16
Child Trafficking and Pornography Act 1998	1998, No. 22

Criminal Evidence Act 1992	1992, No. 12
Criminal Justice (Miscellaneous Provisions) Act 1997	1997, No. 4
Criminal Law (Sexual Offences) Act 1993	1993, No. 20
Criminal Law (Sexual Offences) Act 2006	2006, No. 15
Criminal Law (Sexual Offences) (Amendment) Act 2007	2007, No. 6
Sex Offenders Act 2001	2001, No. 18

Number 8 of 2008

CRIMINAL LAW (HUMAN TRAFFICKING) ACT 2008

REVISED

Updated to 22 December 2022

AN ACT TO GIVE EFFECT TO COUNCIL FRAMEWORK DECISION OF 19 JULY 2002 ON COMBATING TRAFFICKING IN HUMAN BEINGS; TO GIVE EFFECT, IN PART, TO THE UNITED NATIONS PROTOCOL TO PREVENT, SUPPRESS AND PUNISH TRAFFICKING IN PERSONS, ESPECIALLY WOMEN AND CHILDREN, SUPPLEMENTING THE UNITED NATIONS CONVENTION AGAINST TRANSNATIONAL ORGANISED CRIME, DONE AT NEW YORK ON 15 NOVEMBER 2000, AND THE COUNCIL OF EUROPE CONVENTION ON ACTION AGAINST TRAFFICKING IN HUMAN BEINGS DONE AT WARSAW ON 16 MAY 2005; FOR THOSE PURPOSES TO AMEND CERTAIN ENACTMENTS; TO AMEND SECTION 3 OF THE SEX OFFENDERS ACT 2001; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[7*th May*, 2008]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

E1 Offence under Act, committed for purposes of sexual exploitation of a person, designated a sexual offence for purposes of *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016*, part 2 (29.04.2016) by *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016), s. 4 and sch. 1, S.I. No. 215 of 2016.

E2 Offence under Act, relating to a child trafficked for purposes of his or her sexual exploitation, designated sexual abuse for purposes of *Children First Act 2015* (11.12.2015) by *Children First Act 2015* (36/2015), s. 2 and sch. 3 para. 11, S.I. No. 555 of 2015.

E3 Obligation imposed on an applicant for, or the holder of, an authorisation (as a commercial vehicle roadworthiness test operator under *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012), s. 9 or 10, or as a commercial vehicle roadworthiness tester under *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012), s. 17) or in the case of an authorisation applied for or held by a company, each director and the secretary of that company, to notify the Minister for Transport, Tourism and Sport in writing if he or she is, or has been, convicted of an offence under Act (27.03.2013) by *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012), s. 12, S.I. No. 105 of 2013.

E4 Notification requirements in respect of convictions for offences committed by certain persons under Act prescribed (2.12.2011) by *Road Transport Act 2011*(31/2011), ss. 2 and 3, commenced on enactment.

Interpretation.

1.— In this Act—

"Act of 1998" means the Child Trafficking and Pornography Act 1998;

"Act of 2001" means the Sex Offenders Act 2001;

"child" means a person under the age of 18 years;

F1**[** 'exploitation' means—

(*a*) labour exploitation,

(*b*) sexual exploitation,

(*c*) exploitation consisting of the removal of one or more of the organs of a person, or

(*d*) exploitation consisting of forcing a person to engage in—

(i) an activity that constitutes an offence and that is engaged in for financial gain or that by implication is engaged in for financial gain, or

(ii) an activity in a place other than the State that—

(I) constitutes an offence under the law of that place and would, if done in the State, constitute an offence, and

(II) is engaged in for financial gain or that by implication is engaged in for financial gain; **]**

F2**[** 'labour exploitation' means, in relation to a person (including a child)—

(*a*) subjecting the person to forced labour (including forcing him or her to beg),

(*b*) forcing the person to render services to another person, or

(*c*) enslavement of the person or subjecting him or her to servitude or a similar condition or state; **]**

"sexual exploitation" means, in relation to a person—

(*a*) the production of pornography depicting the person either alone or with others,

(*b*) causing the person to engage in sexual activity for the purpose of the production of pornography,

(*c*) the prostitution of the person,

(*d*) the commission of an offence specified in the Schedule to the Act of 2001 against the person; causing another person to commit such an offence against the person; or causing the person to commit such an offence against another person, or

(*e*) otherwise causing the person to engage or participate in any sexual, indecent or obscene act;

"trafficks" means, in relation to a person (including a child)—

(*a*) procures, recruits, transports or harbours the person, or

(i) transfers the person to,

(ii) places the person in the custody, care or charge, or under the control, of, or

(iii) otherwise delivers the person to,

another person,

(*b*) causes a person to enter or leave the State or to travel within the State,

(*c*) takes custody of a person or takes a person—

(i) into one's care or charge, or

(ii) under one's control,

or

(*d*) provides the person with accommodation or employment.

F3**[** 'beg' has the same meaning as it has in section 1(2) of the Criminal Justice (Public Order) Act 2011;

'forced labour' means a work or service which is exacted from a person under the menace of any penalty and for which the person has not offered himself or herself voluntarily, but shall not include any of the following:

(*a*) a work or service exacted by virtue of compulsory military service laws for work of a purely military character;

(*b*) a work or service which forms part of the normal civic obligations of the citizens of a fully self-governing country;

(*c*) a work or service exacted from a person as a consequence of a conviction in a court of law if—

(i) the work or service is carried out under the supervision and control of a public authority, and

(ii) the person is not hired to, or placed at the disposal of, a person who is not a public authority;

(*d*) a work or service exacted in a case of an emergency that endangers or that may endanger the existence or the well-being of the whole or part of the population, including war, fire, flood, famine, earthquake, violent epidemic or epizootic diseases or invasion by animal, insect or vegetable pests;

(*e*) a minor communal service of a kind which, being performed by the members of the community in the direct interest of the community, can be considered as a normal civic obligation incumbent upon the members of the community, and where the members of the community, or their direct representatives, have the right to be consulted in regard to the need for that service; **]**

Annotations

Amendments:

F1 Substituted (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 1(a), commenced as per s. 5(2).

F2 Substituted (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 1(b), commenced as per s. 5(2).

F3 Inserted (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 1(c), commenced as per s. 5(2).

Trafficking, etc., of children.

2.— (1) A person who trafficks a child for the purposes of the exploitation of the child shall be guilty of an offence.

(2) A person who—

(*a*) sells a child, offers or exposes a child for sale or invites the making of an offer to purchase a child, or

(*b*) purchases or makes an offer to purchase a child,

shall be guilty of an offence.

(3) A person who causes an offence under *subsection (1)* or *(2)* to be committed shall be guilty of an offence.

(4) A person who attempts to commit an offence under *subsection (1)*, *(2)* or *(3)* shall be guilty of an offence.

(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.

(6) In this section "exploitation" does not include sexual exploitation.

Annotations

Editorial Notes:

E5 Offence under section included in definition of "specified offence" for purposes of *Taxi Regulation Act 2013* (37/2013) (1.04.2014) by *Taxi Regulation Act 2013* (37/2013), s. 30 and sch., S.I. No. 163 of 2014, art. 2.

E6 Video recordings of statements made by certain persons in interview with members of An Garda Síochána in relation to an offence under section deemed admissible by *Criminal Evidence Act 1992* (12/1992), s. 16(1), as amended (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 4(b), commenced as per s. 5(2), and as amended by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 37, not commenced as of date of revision.

E7 Offence under section included in *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012), sch. 1 (offences against children for purposes of offence under s. 2) (1.08.2012) by *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012), s. 2 and sch. 1 part 1 item 16, S.I. No. 281 of 2012.

E8 Obligation imposed on Legal Aid Board to grant legal advice to a person who is an alleged victim of an offence under section by *Civil Legal Aid Act 1995* (32/1995), s. 26(3B), as inserted (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 3(a), commenced on enactment.

E9 Offences under section designated as relevant offences for purposes of retrial and double jeopardy procedure (1.09.2010) by *Criminal Procedure Act 2010* (27/2010), ss. 7-18 and sch., S.I. No. 414 of 2010.

Trafficking, taking, etc., of child for purpose of sexual exploitation.

3.— Section 3 (amended by section 6 of the Criminal Law (Sexual Offences) (Amendment) Act 2007) of the Act of 1998 is amended by—

(*a*) the substitution of the following subsections for subsections (1) and (2):

"(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.

(2) A person who—

(*a*) sexually exploits a child, or

(*b*) takes, detains, or restricts the personal liberty of, a child for the purpose of his or her sexual exploitation,

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

(*b*) the substitution of the following subsections for subsection (3):

"(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.

(5) In this section—

'child' means a person under the age of 18 years;

'sexual exploitation' means, in relation to a child—

(*a*) inviting, inducing or coercing the child to engage in prostitution or the production of child pornography,

(*b*) the prostitution of the child or the use of the child for the production of child pornography,

(*c*) the commission of an offence specified in the Schedule to the Sex Offenders Act 2001 against the child; causing another person to commit such an offence against the child; or inviting, inducing or coercing the child to commit such an offence against another person,

(*d*) inviting, inducing or coercing the child to engage or participate in any sexual, indecent or obscene act, or

(*e*) inviting, inducing or coercing the child to observe any sexual, indecent or obscene act, for the purpose of corrupting or depraving the child,

and 'sexually exploits' shall be construed accordingly;

'trafficks' means, in relation to a child—

(*a*) procures, recruits, transports or harbours the child, or—

(i) transfers the child to,

(ii) places the child in the custody, care or charge, or under the control, of, or

(iii) otherwise delivers the child to,

another person,

(*b*) causes the child to enter or leave the State or to travel within the State,

(*c*) takes custody of the child or takes the child—

(i) into one's care or charge, or

(ii) under one's control,

or

(*d*) provides the child with accommodation or employment.".

Trafficking of persons other than children.

4.— (1) A person (in this section referred to as the "trafficker") who trafficks another person (in this section referred to as the "trafficked person"), other than a child or a person to whom *subsection (3)* applies, for the purposes of the exploitation of the trafficked person shall be guilty of an offence if, in or for the purpose of trafficking the trafficked person, the trafficker—

(*a*) coerced, threatened, abducted or otherwise used force against the trafficked person,

(*b*) deceived or committed a fraud against the trafficked person,

(*c*) abused his or her authority or took advantage of the vulnerability of the trafficked person to such extent as to cause the trafficked person to have had no real and acceptable alternative but to submit to being trafficked,

(*d*) coerced, threatened or otherwise used force against any person in whose care or charge, or under whose control, the trafficked person was for the time being, in order to compel that person to permit the trafficker to traffick the trafficked person, or

(*e*) made any payment to, or conferred any right, interest or other benefit on, any person in whose care or charge, or under whose control, the trafficked person was for the time being, in exchange for that person permitting the trafficker to traffick the trafficked person.

(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.

(3) A person who trafficks a person who is mentally impaired for the purposes of the exploitation of the person shall be guilty of an offence.

(4) A person who—

(*a*) sells another person, offers or exposes another person for sale or invites the making of an offer to purchase another person, or

(*b*) purchases or makes an offer to purchase another person,

shall be guilty of an offence.

(5) A person who causes an offence under *subsection (1*, *(3)* or *(4)* to be committed shall be guilty of an offence.

(6) A person who attempts to commit an offence under *subsection (1)*, *(3)*, *(4)* or *(5)* shall be guilty of an offence.

(7) 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.

(8) In this section "mentally impaired" has the same meaning as it has in the Criminal Law (Sexual Offences) Act 1993.

Annotations

Editorial Notes:

E10 Offence under section included in definition of "specified offence" for purposes of *Taxi Regulation Act 2013* (37/2013) (1.04.2014) by *Taxi Regulation Act 2013* (37/2013), s. 30 and schedule, S.I. No. 163 of 2014, art 2.

E11 Video recordings of statements made by certain persons in interview with members of An Garda Síochána in relation to an offence under section deemed admissible by *Criminal Evidence Act 1992* (12/1992), s. 16(1), as amended (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 4(b), commenced as per s. 5(2), and as amended by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 37, not commenced as of date of revision.

E12 Offence under section included in sch. 2 (offences against vulnerable persons for purposes of offence under s. 3) to *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012) (01.08.2012) by *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012), s. 3 and sch. 2 item 10(a), S.I. No. 281 of 2012.

E13 Obligation imposed on Legal Aid Board to grant legal advice to a person who is an alleged victim of an offence under section by *Civil Legal Aid Act 1995* (32/1995), s. 26(3B), as inserted (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 3(a), commenced on enactment.

E14 Offences under section designated as relevant offences for purposes of retrial and double jeopardy procedure (1.09.2010) by *Criminal Procedure Act 2010* (27/2010), ss. 7-18 and sch., S.I. No. 414 of 2010.

F4**[** Aggravating factor: offences under section 2 or 4 committed by public official during performance of duties.

4A.— (1) Where a court is determining the sentence to be imposed on a person for an offence under section 2 or 4, the fact that the offence was committed by a public official during the performance of his or her duties as such public official shall be treated for the purpose of determining the sentence as an aggravating factor.

(2) Accordingly, the court shall (except where the sentence for the offence is one of imprisonment for life or where the court considers that there are exceptional circumstances justifying its not doing so) impose a sentence that is greater than that which would have been imposed in the absence of such factor.

(3) The sentence imposed shall not be greater than the maximum sentence permissible for the offence.

(4) In this section—

'public body' shall be construed in accordance with the Ethics in Public Office Act 1995;

'public official' means an officer or employee of a public body.**]**

Annotations

Amendments:

F4 Inserted (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 2, commenced as per s. 5(2).

Soliciting or importuning for purposes of prostitution of trafficked person.

5.— (1) Where, for the purposes of the prostitution of a trafficked person, a person (other than that trafficked person) solicits or importunes another person, including that trafficked person, in any place, he or she shall be guilty of an offence.

(2) A person (other than the trafficked person in respect of whom the offence under *subsection (1)* is committed) who accepts, or agrees to accept a payment, right, interest or other benefit from a person for a purpose mentioned in *subsection (1)* shall be guilty of an offence.

F5**[**(2A) A person who pays, gives, offers or promises to pay or give a person (including the trafficked person) money or any other form of remuneration or consideration for the purposes of the prostitution of a trafficked person shall be guilty of an offence.**]**

(3) A person guilty of an offence under this section shall be liable—

(*a*) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 12 months, or both, or

(*b*) on conviction on indictment to a fine or a term of imprisonment not exceeding 5 years, or both.

(4) In proceedings for an offence under this section it shall be a defence for the defendant to prove that he or she did not know and had no reasonable grounds for believing, that the person in respect of whom the offence was committed was a trafficked person.

(5) This section is in addition to, and not in substitution for, F6**[**sections 7 and 7A of the Act of 1993 in so far as an offence under those sections**]** is committed by, or in respect of, a trafficked person.

(6) In this section—

"Act of 1993" means the Criminal Law (Sexual Offences) Act 1993;

"solicits or importunes" has the same meaning as it has in the Act of 1993;

"trafficked person" means—

(*a*) a person in respect of whom an offence under *subsection (1)* or *(3)* of *section 4* has been committed, or

(*b*) a child who has been trafficked for the purpose of his or her exploitation.

Annotations

Amendments:

F5 Inserted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 26(a), S.I. No. 112 of 2017.

F6 Substituted (27.03.2017) by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 26(b), S.I. No. 112 of 2017.

Editorial Notes:

E15 Offence under section included in definition of "specified offence" for purposes of *Taxi Regulation Act 2013* (37/2013) (1.04.2014) by *Taxi Regulation Act 2013* (37/2013), s. 30 and schedule, S.I. No. 163 of 2014, art 2.

E16 Offence under section, insofar as it relates to a person in respect of whom an offence under s. 4(1) or 4(3) has been committed (soliciting or importuning for purposes of prostitution of trafficked person), included in sch. 2 (offences against vulnerable persons for purposes of offence under s. 3) to *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012) (01.08.2012) by *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012), s. 3 and sch. 2 item 10(b), S.I. No. 281 of 2012.

E17 Offence under section, insofar as it relates to a child who has been trafficked for the purpose of his or her exploitation (soliciting or importuning for purposes of prostitution of trafficked person), included in sch. 1 (offences against children for purposes of offence under s. 2) to *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012) (01.08.2012) by *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012), s. 2 and sch. 1 item 15(b), S.I. No. 281 of 2012.

E18 Obligation imposed on Legal Aid Board to grant legal advice to a person who is an alleged victim of an offence under section by *Civil Legal Aid Act 1995* (32/1995), s. 26(3B), as inserted (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 3(a), commenced on enactment.

Offences by bodies corporate.

6.— Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in such capacity, that person shall, as well as the body corporate, be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

Annotations

Editorial Notes:

E19 Obligation imposed on Legal Aid Board to grant legal advice to a person who is an alleged victim of an offence under section by *Civil Legal Aid Act 1995* (32/1995), s. 26(3B), as inserted (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 3(a), commenced on enactment.

Jurisdiction.

7.— (1) Where a person who is an Irish citizen or ordinarily resident in the State does an act in a place other than the State that, if done in the State, would constitute an offence under *section 2* or *4*, or section 3 (other than subsections (2A) and (2B)) of the Act of 1998, he or she shall be guilty of an offence and shall be liable on conviction on indictment to a fine, or imprisonment for life, or both.

(2) Where a person does an act in relation to an Irish citizen in a place other than the State that, if done in the State, would constitute an offence under *section 2* or *4*, or section 3 (other than subsections (2A) and (2B)) of the Act of 1998, he or she shall be guilty of an offence and shall be liable on conviction on indictment to a fine, or imprisonment for life, or both.

(3) Where a person conspires with, or incites, in the State, another person to do an act in a place other than the State that, if done in the State, would constitute an offence under *section 2* or *4*, or section 3 (other than subsections (2A) and (2B)) of the Act of 1998, he or she shall be guilty of an offence and shall be liable on conviction on indictment to a fine, or imprisonment for life, or both.

(4) Where a person who is an Irish citizen or ordinarily resident in the State conspires with, or incites, in a place other than the State, another person to do an act in a place other than the State that, if done in the State, would constitute an offence under *section 2* or *4*, or section 3 (other than subsections (2A) and (2B)) of the Act of 1998, he or she shall be guilty of an offence and shall be liable on conviction on indictment to a fine, or imprisonment for life, or both.

(5) Where a person conspires with, or incites, in the State or in a place other than the State, another person to do an act in relation to an Irish citizen in a place other than the State that, if done in the State, would constitute an offence under *section 2* or *4*, or section 3 (other than subsections (2A) and (2B)) of the Act of 1998, he or she shall be guilty of an offence and shall be liable on conviction on indictment to a fine, or imprisonment for life, or both.

(6) Where a person conspires with, or incites, in a place other than the State, a person who is an Irish citizen or ordinarily resident in the State to do an act in a place other than the State that, if done in the State, would constitute an offence under *section 2* or *4*, or section 3 (other than subsections (2A) and (2B)) of the Act of 1998, he or she shall be guilty of an offence and shall be liable on conviction on indictment to a fine, or imprisonment for life, or both.

(7) Where a person attempts to commit an offence under *subsection (1)*, *(2)*, *(3)*, *(4)*, *(5)* or *(6)*, he or she shall be guilty of an offence and shall be liable on conviction on indictment to a fine, or imprisonment for life, or both.

(8) For the purposes of this section a person shall be deemed to be ordinarily resident in the State if—

(*a*) he or she has had his or her principal residence in the State for the period of 12 months immediately preceding the alleged commission of the offence,

(*b*) it is a company registered under the Companies Acts, or

(*c*) in the case of any other body corporate, it is established under the law of the State.

Annotations

Editorial Notes:

E20 Video recordings of statements made by certain persons in interview with members of An Garda Síochána in relation to an offence under section deemed admissible by *Criminal Evidence Act 1992* (12/1992), s. 16(1), as amended (9.08.2013) by *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013), s. 4(b), commenced as per s. 5(2), and as amended by *Criminal Law (Sexual Offences) Act 2017* (2/2017), s. 37, not commenced as of date of revision.

E21 Offence under section, insofar as it relates to an offence under s. 4, included in sch. 2 (offences against vulnerable persons for purposes of offence under s. 3) to *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012) (1.08.2012) by *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012), s. 3 and sch. 2 item 10(c), S.I. No. 281 of 2012.

E22 Offence under section, insofar as it relates to an offence under s. 2 or s. 3 (other than subsections (2A) and (2B)) of the *Child Trafficking and Pornography Act 1998* (22/1998), included in sch. 1 (offences against children for purposes of offence under s. 2) to *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012) (1.08.2012) by *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012), s. 2 and sch. 1 item 15(c), S.I. No. 281 of 2012.

E23 Obligation imposed on Legal Aid Board to grant legal advice to a person who is an alleged victim of an offence under section by *Civil Legal Aid Act 1995* (32/1995), s. 26(3B), as inserted (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 3(a), commenced on enactment.

Proceedings relating to offences committed outside State.

8.— Proceedings for an offence under *section 7* may be taken in any place in the State and the offence may for all incidental purposes be treated as having been committed in that place.

Double jeopardy.

9.— (1) Where a person has been acquitted of an offence in a place other than the State, he or she shall not be proceeded against for an offence under this Act consisting of the alleged act or acts constituting the first-mentioned offence.

(2) Where a person has been convicted of an offence in a place other than the State, he or she shall not be proceeded against for an offence under this Act consisting of the act or acts constituting the first-mentioned offence.

Exclusion of members of public from proceedings.

10.— (1) In proceedings for an offence under *section 2* or *4*, or section 3 (other than subsections (2A) and (2B)) of the Act of 1998, or incitement or conspiracy to commit any such offence, all persons, other than officers of the court, persons directly concerned in the proceedings and such other persons (if any) as the judge of the court may determine, shall be excluded from the court during the proceedings.

(2) In proceedings to which this section applies the verdict or decision and the sentence (if any) shall be pronounced in public.

Anonymity of victims of trafficking.

11.— (1) Where a person is charged with an offence under *section 2* or *4*, or section 3 (other than subsections (2A) and (2B)) of the Act of 1998, any person who publishes or broadcasts any information, including—

(*a*) any photograph of, or that includes a depiction of, the alleged victim of the offence, or

(*b*) any other representation of the physical likeness, or any representation that includes a depiction of the physical likeness, of the alleged victim of the offence,

that is likely to enable the identification of the alleged victim of the offence, shall, subject to any direction under *subsection (2)*, be guilty of an offence and shall be liable upon conviction on indictment to a fine, or imprisonment for a term not exceeding 10 years, or both.

(2) The judge of the court in which proceedings for an offence under *section 2* or *4*, or section 3 (other than subsections (2A) and (2B)) of the Act of 1998, are brought may, where he or she considers that the interests of justice so require, direct that such information to which *subsection (1)* applies as he or she shall specify in the direction may be published or broadcast in such manner and subject to such conditions as he or she may specify in the direction.

(3) A direction under this section shall be in writing.

(4) A person who contravenes a direction under this section, including a condition in such a direction, shall be guilty of an offence and shall be liable upon conviction on indictment to a fine, or imprisonment for a term not exceeding 10 years, or both.

(5) In this section—

"broadcasts" means transmits, relays or distributes by wireless telegraphy or by any other means, or by wireless telegraphy in conjunction with any other means, of communications, sounds, signs, visual images or signals intended for reception by any person whether such communications, sounds, signs, visual images or signals are received by that person or not;

"publishes" means publishes to any person, and includes publishes on the internet.

Annotations

Editorial Notes:

E24 Obligation imposed on Legal Aid Board to grant legal advice to a person who is an alleged victim of an offence under section by *Civil Legal Aid Act 1995* (32/1995), s. 26(3B), as inserted (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 3(a), commenced on enactment.

Amendment of Criminal Evidence Act 1992.

12.— The Criminal Evidence Act 1992 is amended—

(*a*) in the definition of "sexual offence" (inserted by section 16 of the Criminal Justice (Miscellaneous Provisions) Act 1997) in section 2, by—

(i) the deletion of paragraph (iv) (inserted by section 7(2) of the Criminal Law (Sexual Offences) Act 2006), and

(ii) the substitution of the following paragraph for paragraph (*e*):

"(*e*) the Criminal Law (Sexual Offences) Act 2006;",

and

(*b*) by the substitution of the following section for section 12 (amended by section 10 of the Act of 1998):

"12.— This Part applies to—

(*a*) a sexual offence,

(*b*) an offence involving violence or the threat of violence to a person,

(*c*) an offence under section 3, 4, 5 or 6 of the Child Trafficking and Pornography Act 1998,

(*d*) an offence under *section 2*, *4* or *7* of the *Criminal Law (Human Trafficking) Act 2008*, or

(*e*) an offence consisting of attempting or conspiring to commit, or of aiding or abetting, counselling, procuring or inciting the commission of, an offence mentioned in paragraph (*a*), (*b*), (*c*) or (*d*).".

Amendment of Act of 2001.

13.— The Act of 2001 is amended—

(*a*) in section 3, by—

(i) the substitution of the following paragraph for paragraph (*a*) of subsection (2):

"(*a*) paragraph 2 of the Schedule (sexual assault or indecent assault), other than an offence of sexual assault or indecent assault of a person who, at the time of the commission of the offence, was mentally impaired,",

(ii) the substitution of the following paragraph for paragraph (ii) of subsection (2):

"(ii) the person guilty of the offence—

(I) is, for the time being, the subject of an order of the court remanding him or her on bail or in custody pending the passing of sentence, or

(II) has not, in respect of the offence, been sentenced to any punishment involving deprivation of liberty for a limited or

unlimited period of time or been made subject to any measure involving such deprivation of liberty.", and

(iii) the insertion of the following subsection:

"(4) In this section 'mentally impaired' has the same meaning as it has in section 5 of the Criminal Law (Sexual Offences) Act 1993.",

(*b*) in section 12, by the substitution of the following subsection for subsection (3):

"(3) A person guilty of an offence under this section shall be liable—

(*a*) on summary conviction, to a fine not exceeding €5,000, or imprisonment for a term not exceeding 12 months, or both, or

(*b*) on conviction on indictment to a fine not exceeding €10,000, or imprisonment for a term not exceeding 5 years, or both.",

(*c*) in section 33, by the insertion of the following subsection:

"(4) Proceedings for an offence under subsection (1) may be brought and prosecuted by a probation and welfare officer.", and

(*d*) in the Schedule, by the insertion of the following paragraph:

"16A. An offence under the *Criminal Law (Human Trafficking) Act 2008* in so far as the offence is committed for the purposes of the sexual exploitation of a person.".

Amendment of Bail Act 1997.

14.— The Schedule to the Bail Act 1997 is amended by the insertion of the following paragraph:

"8A. An offence under the *Criminal Law (Human Trafficking) Act 2008*.".

Short title and commencement.

15.— (1) This Act may be cited as the Criminal Law (Human Trafficking) Act 2008.

(2) This Act shall come into operation one month after its passing.

Number 8 of 2008

CRIMINAL LAW (HUMAN TRAFFICKING) ACT 2008

REVISED

Updated to 22 December 2022

About this Revised Act

This revision presents the text of the Act as it has been amended since enactment, and preserves the format in which it was first passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Criminal Law (Sexual Offences) Act 2017* (2/2017)
- *Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016* (4/2016)
- *Children First Act 2015* (36/2015)
- *Taxi Regulation Act 2013* (37/2013)
- *Criminal Law (Human Trafficking) (Amendment) Act 2013* (24/2013)

- *Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012* (24/2012)
- *Road Safety Authority (Commercial Vehicle Roadworthiness) Act 2012* (16/2012)
- *Road Transport Act 2011* (31/2011)
- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011)
- *Criminal Procedure Act 2010* (27/2010)
- *Civil Legal Aid Act 1995* (32/1995)
- *Criminal Evidence Act 1992* (12/1992)

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

None

All statutory instruments up to and including *Appointment of Special Adviser (Minister of State at the Department of Health) (No. 2) Order 2022* (S.I. No. 740 of 2022), made 13 December 2022, were considered in the preparation of this revision.