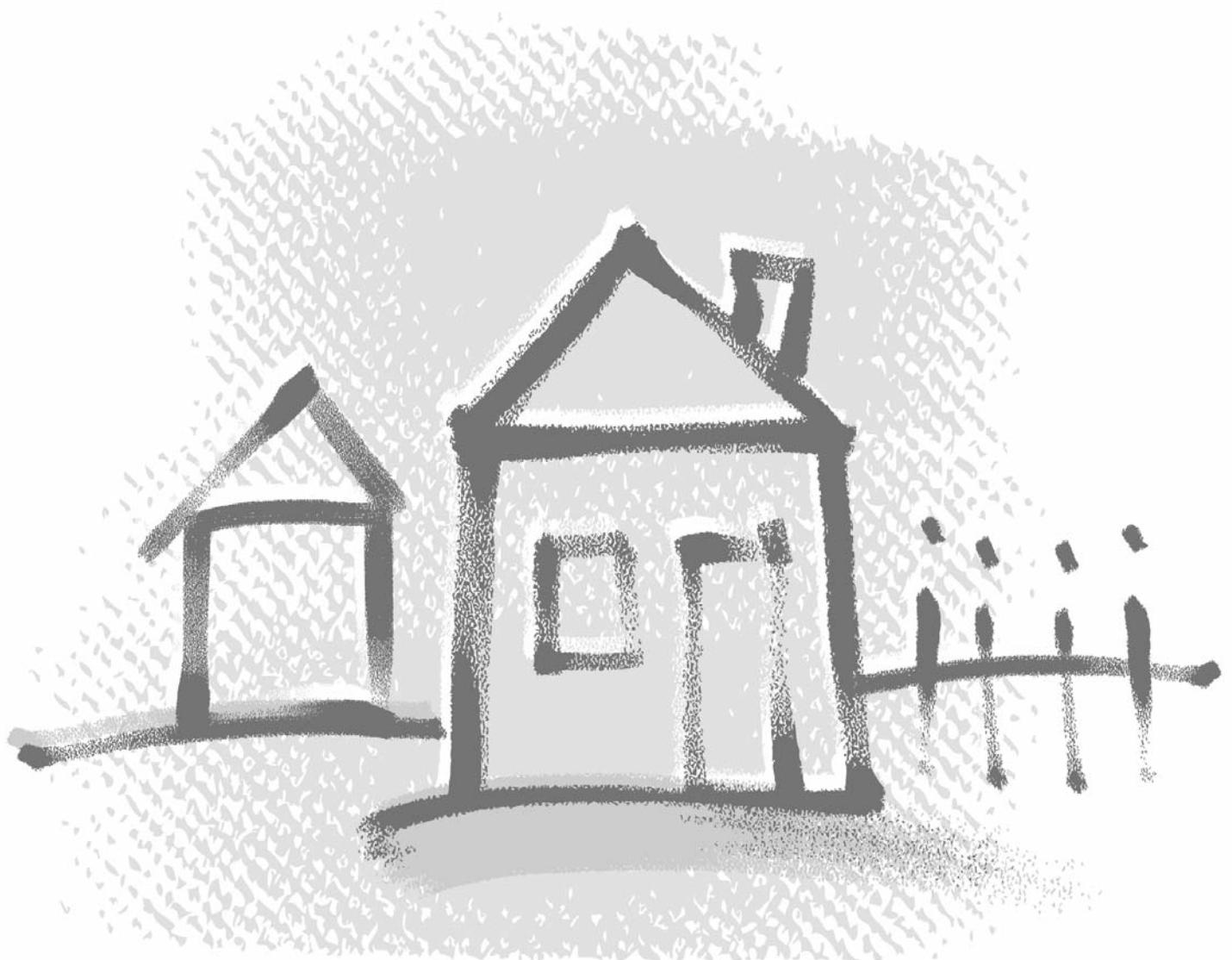


No Place to Call Home



Safety and Security Issues of Women Seeking Asylum in Ireland

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AkiDwA, established 2001, is a national network of migrant women promoting equality and justice for migrant women living in Ireland. The organisation provides information, support and advocacy in the areas of gender based violence, gender discrimination and employment. AkiDwA is indebted to funders Joseph Rowntree Charitable Trust and the Atlantic Philanthropies for their support and assistance.

Contents

	Page
I. Introduction and Background	4
II. Project Rationale and Objectives	6
III. Project Methodology	6
IV. Survey Feedback: Participant Observations and Recommendations.....	6
V. United Nations Strategies to Address Sexual Misconduct in Refugee Accommodation settings	13
VI. International Research on Sexual Harassment in State Provided Accommodation	14
VII. Survey Findings and Conclusions	15
VIII. Policy and Practice Measures for a Safe and Secure Reception System	16

Appendices:

I Survey Participant Organisations	18
II Context to the Survey	19
III Additional issues Raised in the Survey	19
IV Facts at a Glance for Women Seeking Asylum	20
V Domestic and International Obligations	24
VI Bibliography	31

I. Introduction

In 2011 AkiDwA undertook a limited baseline survey to explore the issue of sexual harassment of women seeking asylum and protection living in direct provision settings in Ireland. After the publication of the AkiDwA report '*Am Only Saying It Now: Experiences of Women Seeking Asylum in Ireland*', the organisation was invited to meet with COSC, the National Office for the Prevention of Domestic, Sexual and Gender-based Violence and an executive office of the Department of Justice and Equality. At this meeting AkiDwA raised concerns as to the safety and security of women living in some accommodation centres in Ireland. COSC encouraged AkiDwA to document the issue. Accommodation to individuals seeking asylum is provided through the Reception and Integration Agency (RIA), a unit of the Irish Naturalisation and Immigration Service (INIS) and a division of the Department of Justice and Equality.

AkiDwA approached a cross section of organisations with client-based work where women seeking asylum might present with issues of sexual harassment: women's support services, rape crisis centres, migrant support groups and legal centres, operating at local and national levels, based in Dublin and around the country. The stakeholder survey participants were Doras Luimni, Domestic Violence Advocacy Service, Galway Refugee Support Group, Immigrant Council of Ireland, NASC, Mayo Intercultural Action, Mayo Rape Crisis Centre and Ruhama (for further information on survey participants, please see Appendix I). Survey participants were asked if the issue of sexual harassment of women seeking asylum had presented at their services and, if so, to report on the nature of sexual harassment experienced by these clients, the context within which the sexual harassment occurred and obstacles their organisation may have encountered in advocating for clients in these cases. Survey participants provided recommendations to address sexual harassment in direct provision settings.

Secondary evidence from AkiDwA's primary research with stakeholder groups strongly suggests women have experienced sexual harassment in direct provision settings. The consensus of opinion amongst survey participants is there are not enough safety and security measures in place in the Irish reception system to adequately protect women from sexual harassment. International research cited in this report on individuals living in state-provided accommodation, including in other European reception systems, shows sexual harassment is a concern in similar settings in other jurisdictions (for the purposes of this report 'reception' refers to the system of accommodation of individuals seeking asylum and protection).

The RIA provides accommodation and ancillary services to individuals seeking asylum under the State's direct provision and dispersal reception system. The agency coordinates services to these individuals, such as health, social welfare and education, through statutory and non-statutory agencies. The RIA contracts commercial accommodation and sites; the majority of which are privately owned and operated. There are a limited number of state-owned centres which are managed by commercial operators. Contracted owner operators must ensure centres comply and operate within statutory requirements of local authorities and other agencies with regard to bedroom capacity, food, food hygiene, water supply, fire safety and general safety (please see Appendix IV for further information on contract requirements).

Women living in direct provision accommodation must share the most intimate aspects of their daily lives with unrelated men and women: eating, sleeping, going to the toilet, bathing and parenting. Privacy is further limited as staff, management and others designated by management have stated access to rooms and, whilst advance notice may be given, are allowed to enter without warning¹. Individuals seeking asylum cannot access the general social welfare system, are prohibited from working and are given a weekly allowance of €19.10 per adult and €9.60 per child, amounts unchanged since their introduction in 2000. (For further information please see Appendix IV 'Facts at a Glance for Females Seeking Asylum').

Some accommodation centres have had, for a period of time, populations where single female/single parenting female residents have been a minority living within a sizeable single male population. For example, a few years ago in one regional centre designated by RIA as 'single only' there were 12 female residents to 100 male residents. The RIA's March 2012 Monthly Statistics show three centres where the full population of a centre is listed as 'single' only, gender breakdowns of populations are not provided. The seven centres listed in the March 2012 statistics as 'family/singles' do not have gender breakdowns and lone female-parented families are not indicated. March 2012 statistics showed six single male only centres in the reception system; common enough over time, but there are no female-only centres within Ireland's reception system. There is a demonstrable need for a female only accommodation centre for women seeking asylum, which was voiced quite strongly by survey participants, in particular for women who suffered sexual and gender based violence (SGBV) in their country of origin and for those women who have been trafficked into Ireland for sex. Trafficked women are housed in mixed populations in accommodation centres during the processing of their claims of asylum, subsidiary protection or leave to remain. Despite on-going calls for a women's only accommodation centre, from NGOs, rape crisis centres and women's support services for a women-only accommodation centre one has never been established.

The RIA's 'Code of Practice for persons working in accommodation centres' contains internal guidelines for accommodation centre workers. The code of practice's 'need for awareness' section cites examples of unacceptable behaviour which include bullying/ harassment, favouritism and sexual innuendo/sexual harassment. The guidelines state a 'high standard of personal practice at all times' must be maintained and workers must not 'abuse, neglect or harm service users' in any way, must not 'exploit service users', 'form inappropriate personal relationships with service users' or 'condone any unlawful or unjustifiable discrimination by service users or colleagues.' Complaint recording for the RIA's Code of Practice is stated as administered solely by internal centre management, with code breaches reported to accommodation centre management only. The reporting of breaches to the RIA and/or the Department of Justice is not stated in the code

as being required. In response to a 2011 PQ, the Minister for Justice and Equality said in cases where standards stipulated in a contract have not been met and remedied a contract may be terminated. It is unclear whether or not RIA has ever terminated a contract on this basis.²

The RIA House Rules and Procedures³ state in Part 1, 'Services That Your Centre Must Provide' and in 1.1 'Respect', "The accommodation centre must treat you with respect. We will not accept improper behaviour such as sexual harassment, racism or intimidation of any kind." In section 2.3 'The Law' it is stated "Staff at your centre will not tolerate behaviour like:..." "sexual harassment." No specific policies on sexual harassment or sexual violence are stated in the House Rules. Survey findings appear to indicate implementation of, and adherence to, such policies has been inconsistent in some centres. For example in one case detailed in this report, that of an alleged case of sexual harassment by a centre manager, these policies and procedures appear to have been disregarded altogether.

The RIA House Rules and Procedures mention sexual misconduct in the child protection section, which describes the reporting of sexual abuse of children. The RIA's 'Child Protection Policy for Accommodation Centres' (2005) and 'Accommodation of Aged Out Minors in RIA Accommodation Centres' (undated) apply to children and aged out unaccompanied minors living in direct provision, respectively. The former document details a 'Designated Person (DP)' who is 'identified from within the management team' and is responsible for administering the child protection policy in the centre. There are no specific qualifications stated within the policy for this role, nor does there appear in the policy a requirement for the DP to have a legal background. The policy says the DP is to participate in the 'HSE 'Keeping Safe' training in relation to child protection where locally available.' A standard form for recording complaints is provided within the Child Protection Policy but the policy appears to leave the recording procedure up to the individual accommodation centres. The latter document for aged out minors states 'in partnership with the HSE, NGOs and other service providers RIA will provide accommodation based on individually assessed need' and 'aged out minors will be accommodated in centres which are profiled by RIA as 'family centres.'

Despite these child protection policies, concerns regarding child protection in direct provision accommodation centres persist. In his 2011 report on child protection submitted to the Oireachtas in 2012⁵, Special Rapporteur on Child Protection Geoffrey Shannon states "*Given the wide variation amongst residents in such centres, with single parents sometimes required to share with strangers and families with teenage children of opposite gender sharing one room, and in the absence of appropriate supervision and support, there is a real risk of child abuse. In September 2011, news came to light of a 14 year old girl in a centre in Mayo who became pregnant by a male resident in the same hostel.*⁶"

AkiDwA and stakeholder advocates have worked with RIA officials, and stakeholder organisations have worked with accommodation centre managers, who have responsibly and effectively dealt with resident and/or advocate-supported complainants; this is not at issue. This survey explores how the Irish reception system's lack of a gender sensitive approach, and the lack of an effective gender perspective in Irish asylum and reception policies and practices, has contributed to the development of unsafe situations for women in some direct provision settings. The report provides evidence of the need for a robust, victim-centred and independent response to complaints of sexual misconduct occurring within Ireland's reception system.

AkiDwA hopes this stakeholder survey report will initiate productive discussions amongst policy-makers, politicians and Government departments to proactively and effectively address the issue of sexual harassment in direct provision settings.

Limitations of the Survey

Limitations imposed on the survey include on-going criminal investigations, women's outstanding asylum and protection claims and concerns that women might experience reprisals if survey findings aren't sufficiently anonymised. AkiDwA was also concerned that survey participant organisations could possibly face reprisals by speaking directly on this sensitive issue, which could jeopardise their existing advocacy channels for vulnerable and at-risk women. For these reasons AkiDwA has anonymised survey participant reports, including the remit and regional reach of each organisation.

This survey considers that there might be an under-reporting of sexual harassment in direct provision settings, which some survey participants said could be due to women's fears of further victimisation within their centres, concerns regarding outstanding asylum claims and worries of possible re-traumatisation accompanying disclosure of sexual violence.

There has been limited research into sexual harassment and misconduct in Irish and European reception systems. However, this report highlights some of work done in this area domestically and abroad.

Acknowledgements

'No Place to Call Home: Safety and Security Issues of Women Seeking Asylum in Ireland' would not have been possible without the cooperation and commitment of staff in eight organisations working with women seeking asylum living in direct provision; we are indebted to these participants for their insight, candour and recommendations. AkiDwA is grateful for the work and contributions of Kerry O'Leary, Nobuhle Ncube, Zuzana Pavlikova, Dilyana Ryan, Jackie Sheltry, Salome Mbugua, Saoirse Brady, Maeve Regan, Pat Barrett, B.L. and the Public Interest Law Alliance. This report is informed by over a decade of AkiDwA policy and case work.

2 PQ 31226/11 (October 2011) On Living Conditions of Asylum Seekers Living In Direct Provision, to the Minister for Justice and Equality. ORAL answer on Tuesday, 25 October, 2011.

3 Reception and Integration Agency House Rules and Procedures (2011:9)

4 Reception and Integration Agency House Rules and Procedures (2011:19)

5 Shannon, G. Fifth Report of the Special Rapporteur on Child Protection A Report Submitted to the Oireachtas 2011 Report (2012)

6 Baker, N. 'Asylum Seeker Rape Case Raises Security Fears' Irish Examiner, 13 September 2011

II. Project Rationale and Objectives

Survey Aim

The aim of this survey was to explore and document NGOs' and women's support services' female client experiences of sexual harassment in direct provision settings. The potential audience for survey findings is Government departments, asylum and protection officials, legislators, service providers, NGOs and the women themselves. The report looks at survey participant recommendations on how to address the issue of sexual harassment in direct provision settings.

III. Project Methodology

For this research AkiDwA selected twenty organisations, many known to this organisation through domestic violence work, working in areas relevant to this research, primarily in the area of asylum and in the area of sexual violence. AkiDwA sought involvement of organisations engaging in casework and advocacy of vulnerable women seeking asylum. The eight survey participant organisations represent a cross section of client-based organisations where women seeking asylum and protection present: women's support services, rape crisis centres, migrant support groups and legal centres, operating at local and national levels and based in Dublin and around the country. Participants for the stakeholder survey were Doras Luimni, Domestic Violence Advocacy Service, Galway Refugee Support Group, Immigrant Council of Ireland, NASC, Mayo Intercultural Action, Mayo Rape Crisis Centre and Ruhama.

In an effort to capture a larger number of women's experiences from across the country, and in part because of AkiDwA's budget and capacity limitations, a decision was taken to carry out primary research of secondary sources to document women's experiences of sexual harassment in direct provision settings. The survey was conducted between March and August 2011, through an initial survey request to stakeholder groups which included a short document providing context to the survey and a five question survey. Survey participants provided follow up commentary on collated feedback.

The template used for data collection was a questionnaire distributed to organisations. Survey feedback was collected in the form of a one-to-one interview, two phone interviews and five completed questionnaires. Survey feedback has been anonymised and the decision to not identify the survey participants with temporary labels, 'organisation A, B or C' was taken as it was felt that in some cases cumulative information might serve as an identifier of the organisation and/or the women involved.

Survey participants were asked to discuss following questions:

1. In your work, do you encounter migrant women and girls living in direct provision?
2. What are the most memorable or notable situations pertaining to migrant women and girls in direct provision that you have encountered in your work?
3. What obstacles have you experienced when responding to migrant women and girls reporting problems, in particular sexual harassment concerns of these women?
4. What recommendations would you have for better protection of women and girls living in direct provision?
5. Do you feel your current Client Record Form captures the issues women and girls seeking asylum are reporting? If not and your form is provided by state authorities, how would you propose to amend the client form you use?

The first question and its' follow-up question looked at whether or not the survey participant's organisation currently dealt with a female population seeking asylum and protection and living in direct provision accommodation. The second question asked survey participants to discuss their experiences of working with these women, particularly in relation to sexual harassment. The third question looked at obstacles survey participants might have encountered during their advocacy of women's cases of sexual harassment. The fourth question solicited recommendations on how to address the sexual harassment from survey participants. The fifth and final question looked at client data collection within survey participant organisations. Other issues raised by survey participants that didn't fall within the survey's major parameters are documented in Appendix III.

IV. Survey Feedback: Participant Observations and Recommendations

The survey feedback is presented in the format of the survey questionnaire, with five sections related to each question. No organisation names or their remit/catchment area are listed. Accommodation centres are neither directly named, nor are their locations identified. Local service providers for particular centres are not listed. To further ensure anonymity, the organisation respondents are referred to as 'survey participants' regardless of the participant's title held within their organisation. During the period of time of the survey some participants were not at liberty to discuss outstanding cases.

1. In your work, do you encounter migrant women and girls living in direct provision?

A follow-up question to this question was: *In relation to the first survey question, if possible could you provide any data on the percentage of women living in direct provision accessing your services in any given year? If you have gender breakdowns of any direct provision centres and single/married status that would be helpful.*

All survey participants encountered women living in direct provision accessing their organisation's client services. During the years of increased immigration, clientele numbers in many survey participant organisations rose; the subsequent fall in those seeking asylum saw fewer of these individuals accessing their services. One survey participant related seeing a sharp increase of migrant clientele after 2002, at which time their clientele was only 2% migrant; from 2008 to 2009 their migrant clientele percentile increased to 25%. Another survey participant noted, as of May 2011, 5.4% of their electronically recorded clients were women living in direct provision. This particular organisation has provided client services to four accommodation centres in their area; two at the time of the survey which were male only, and the other two had large male populations; at the time of the survey men outnumbered women 2 to 1 in one centre and 10 to 1 in the other.

The follow up question was aimed at providing additional statistics across organisations but collection of this data proved to be problematic. The type of information and data collected by each organisation depended in part on the remit of the organisation; for example while all organisations kept a client database, detailed information on a migrant women's residency status was not always offered by the women themselves.

A survey participant talked about what informed the services female migrant clients tended to access from them: *"A very small proportion of (identifier withheld) clinic visits relate to issues arising in direct provision. This number has declined in recent years. We understand that residents are aware that advocacy with RIA has tended to be ineffective, and indeed counterproductive, as it can result in complainants being compelled to move to another location without notice. Because the complaints are made to a section of the Department of Justice, they also fear that it might affect their application for protection or residency."*

Three survey participant organisations had, in addition to their client-based work, migrant women's support groups that included women seeking asylum. *"We work with Migrant women and girls living in DP through facilitating a Women's Support Group which was specifically set up to support women living in a potentially vulnerable environment. We also offer support through information sharing and advocacy work, through awareness raising events and through the provision of information, training and educational workshops."*

With regard to female clients presenting issues of sexual harassment in an organisation's case work, one survey participant said *"Our staff has received training about how to respond to and recognise signs of domestic violence/ sexual abuse etc., and we would be responsive to it. On the other hand, we do not explicitly elicit such information, and we are not cultivating expertise in this area. Our policy would be to respond sensitively to any indications that these issues are present, and to refer service users to specialist organisations best equipped to assist them in coping."*

2. What are the most memorable or notable situations pertaining to migrant women and girls in direct provision that you have encountered in your work?

Memorable and notable situations pertaining to migrant women and girls in direct provision are grouped below, under headings that reflect some of the issues in relation to sexual harassment that have been raised in this survey: centre's mixed populations' impact on vulnerable women, centres' privacy issues and concerns of child protection within centres.

Accommodation centre mixed populations' impact on vulnerable women

One survey participant reflected that the myriad of direct provision centre living conditions, from the very good to the unsafe, provided a microcosm of Irish society itself, indeed of any society. Societal patriarchal structures can be mirrored in such state provided residential settings.

Two survey participants specifically noted the often random mix of populations at some centres, with some of their clients describing living in centres with members from a warring faction from their country of origin or with people who have trafficked them. *"Our female clients have reported to us fear and the urge to run away when they encounter individuals known to them from their period of trafficking in the direct provision hostels where they were accommodated."* Survey participants discussed centres where there was a disproportionate amount of single men housed alongside a minority of single or lone parenting female residents. Within Ireland's reception system single men can be housed next to single women and single-head of household families, which are, within direct provision accommodation, almost exclusively female-parented.

Survey participants recounted stories of women suffering post-traumatic stress from torture, abuse and sexual violence in their countries of origin finding themselves living in intimidating situations in accommodation centres in Ireland. A survey participant related a case of a vulnerable protection seeker, trafficked by a male relative, who as an ethnic minority in her centre was being verbally harassed by staff as well as being sexually harassed by management. Verbal abuse included being called a 'bitch' and other derogatory terms by staff members whose language, the participant said, the client understood well enough to know when they were talking about her. The survey participant said the woman's centre manager decided to assume a 'fatherly' role for their client, isolating her and making her his 'favourite'. The survey participant related that matters escalated and soon the manager was allegedly pressuring their client to take their relations to a sexual level, asking to *"take her home."* The survey participant said the woman never entertained her manager's advances and resisted his approaches. Subsequently their client reported observing this manager making sexual advances to another female resident at the hostel who she said was also 'favoured' by him. The survey participant said the manager's sexual harassment of their client was particularly hard given the fact she had suffered previous traumatic sexual violence in her country of origin. The survey participant said the manager's harassment had serious consequences on her mental and emotional health and her feeling of safety in Ireland.

A hostile environment in some accommodation centres with mixed populations has been overt and obvious at times; one survey participant said she was openly propositioned by men when she visited one particular centre to attend to a female client. A survey participant related that in one centre female clients have spoken of keeping buckets in their room because of a fear of harassment or assault when they go to their centre's communal bathroom at night. This tension-filled environment can have other consequences as well. A survey participant recounted she has seen female clients for whom a hostile centre environment has caused flashbacks, nightmares and suicidal thoughts; *"for these women, living in an environment that is full of strangers, and real and perceived danger, can re-traumatise them."*

A survey participant said female clients have disclosed to them allegations that male residents and ex-residents from one centre have attempted to prostitute women to men living in the local community. Another survey participant told of women confiding fears that there is a perception within the local community that women from their accommodation centre are '*available for sex.*' Survey participants reported female residents being followed by local men to and from their accommodation centres and being offered '*work*' or '*money*' in exchange for sex.

The Reception and Integration Agency works with women trafficked into Ireland for sex. The RIA provides accommodation for trafficked women in direct provision centres during the processing of their asylum or immigration claims. A survey participant said trafficked women might need more time to develop a cognitive reappraisal of men so they are not at further risk of violence or harassment. These women, one survey participant related, have been unknowingly trafficked to Ireland with promises of legal work and residency and have already been betrayed, often by the person they trust most, or by those in positions of authority. A survey participant said *"Women from forced prostitution, they often don't know how to deal with men in any other way and are more vulnerable, they don't know how to turn it off. It takes several months to deactivate that in a woman, so she doesn't see a man as a punter."*

A survey participant told of a decision taken in which aged-out female minors were transferred to an accommodation centre apparently without an effective risk assessment for the young women or of the centre, despite concerns raised by the organisation and other stakeholders. This is despite the Health Service Executive's (HSE) *Accommodation of Aged Out Minors in RIA Accommodation Centres* policy which includes guidance regarding transfers of such individuals (please see Appendix IV for more information). After the transfer of the aged out minors took place these young women were allegedly targeted by predators to unintended, but not entirely unexpected, negative consequences, such as unplanned pregnancy.

Privacy issues of women living in accommodation centres

Accommodation centre resident rooms can be inspected at any time, without warning, with mandatory cooperation of residents required, as stated in the RIA's House Rules and Procedures⁷. Residents can lock their rooms but management retains room keys. Since single women often share rooms with unrelated strangers and female single parenting families can also share with unrelated strangers, privacy and security being provided by a lock can be relative. A survey participant said their female clients living in one centre reported electronic room keys of female residents had expired while the women were showering in a nearby communal women's shower area. This forced the women to have to go to reception in a towel or dressing gown in order to return to their rooms.

One survey participant related a case of a woman who was asked for her room key by a local service provider contracted for the accommodation centre. The service provider was known to have previously requested room keys from other centre female residents and had been seen taking meals with residents in communal dining room of the centre where his services were contracted. The survey participant supported the woman to report the man's behaviour and activities to relevant authorities, including the RIA and the Health Services Executive (HSE). Assurances were given to the woman and the survey participant that this service provider would no longer have access to the hostel. However at the time of this survey the service provider was seen continuing to provide the same service to the woman's accommodation centre. At the time of this survey it was thought that this man remained employed by the HSE.

A survey participant discussed a case in which their client was allegedly repeatedly harassed by her accommodation centre manager; she resisted all of his advances. Upon marrying the woman left the centre and found work and a place to live with her family. She hoped her departure from the centre would end the centre manager's harassment of her but it continued. Her marriage broke down and as a result her residency status and right to work were at risk as they were dependent on her husband's legal status. The woman believes the centre manager made contact with her employer at this time and that she was dismissed as a direct result of his intervention. This woman, now subject to the habitual residence condition and because of the situation of her residency status is unable to work, cannot avail of any support for herself or her three children. The only option left open to her by the Government is to return to direct provision. She is afraid to return to the reception system because of her fears of this man's influence over her and her family's lives. As the manager subjected her to inappropriate behaviour within the centre and went far beyond his job remit when he interfered with her personal life outside the centre this is not an altogether unreasonable assumption on her part. Her original asylum case had been considered strong and was based on political persecution; had she remained in the asylum process it is possible she would have been given status in her own right. The survey participant related that the woman has had to resort to ever more desperate measures in order to survive.

A few survey participants noted the lack of privacy parents have in relation to their children whilst living in accommodation centres can be an on-going concern for their female clients. Their clients have expressed fears that their children, living in one room with adults and living amongst unrelated adults for years, with whom they have daily interaction in communal living spaces, such as at mealtimes, might be picking up adult behaviours despite a mother's vigilance. A survey participant

said some of their female clients said they were ashamed of having to dress and undress in front of their adolescent sons whilst living in one room in their centre (see Appendix IV for more information on length of stay in centres). Mothers have expressed fears to some survey participants that their centre's living conditions might result in their children becoming sexualised at a young age.

Child protection concerns in accommodation centres

A survey participant said female clients from one centre reported male residents have been seen monitoring movements of children resident in the centre⁸. "Women believe that men who are seeking to abuse a child have ample opportunity to do so." House Rules and Procedures state children under 14 must be supervised and attended to at all times in a centre. This can be difficult in some circumstances, not in the least because of a mother's basic personal privacy needs, for example, when she needs to use the bathroom or the shower in a centre's communal bathroom facilities. A survey participant related clients saying when they were very sick they have had to send their children on their own to the communal dining room during the centre's set meal times or their children will go hungry. Minors are not allowed room keys so if for any reason the mother is not at home when the child returns from school the child's only choice is to wait in the centre's communal living areas.

3. What obstacles have you experienced when responding to migrant women and girls reporting problems, in particular sexual harassment concerns of these women?

Some of the major obstacles to migrant women's reporting of sexual harassment to authorities can include difficulties of disclosure, an ineffective complaints procedure for residents in accommodation centres and a culture of disbelief of women within Ireland's reception and asylum system.

Disclosure of Sexual Harassment

An obstacle to women reporting sexual harassment cited by some survey participants is the length of time it may take for a woman who has suffered sexual violence to feel safe enough to disclose such abuse. As one survey participant said, while their case workers and counsellors are trained and experienced to spot a woman's denial tactics, and are familiar with the obfuscation techniques of terrified and traumatised women, it can still take months before trust can be developed to the extent that a woman can disclose such experiences. Women suffering post-traumatic stress disorder from torture, abuse and sexual violence they had suffered prior to coming to Ireland might have fears of being re-traumatised if they disclose sexual violence. A survey participant related that some female clients have seen their humanity codified as 'cultural relations' through the brutal and violent act of female genital mutilation. These women believe, said the survey participant, that there is no safety if one does not even have the right to bodily integrity.

Women may also need to disclose sexual violence within the asylum process. A survey participant said women seeking asylum are expected to trust strangers and authorities and disclose painfully intimate and harrowing details of their lives shortly after arriving in the country and entering into the asylum system, usually without being able to avail of substantive legal guidance at first instance. Counselling with the HSE or SPIRASI, an organisation dealing with torture survivors, may only be advised if a woman presents a case of gender based violence at first instance. As well, many key counselling services are not easily accessible from the remote regional locations to where asylum seekers are dispersed within Ireland's reception system and there have often been long queues for such services regionally.

Some cases of sexual harassment have been disclosed 'indirectly' to survey participants by clients, only after other asylum related queries have been answered and trust has been built. One survey participant said some female clients '*prioritise and compartmentalise*' when presenting at their services, that is if the organisation is primarily known for, for example, dispensing legal guidance, or providing information on local services, that is normally what would be the topic of discussion with clients. A few survey participants reported female clients discussed mainly case-related concerns during their clinic visits, such as difficulties obtaining childcare for their Office of Refugee Applications Commissioner interviews, or they offered the survey participant caseworkers general observations, such as the boredom of their lives in direct provision and the lack of privacy pervading their lives. A survey participant said "*Sexual harassment issues are very rarely reported in our (identifier withheld) clinics. We believe that this is because our service is known to be a (identifier withheld) service, rather than a counselling service. Women who have disclosed such issues to us have not wanted to take legal action or make a formal complaint to any authority about it. It is our understanding that our service would not be perceived as the place to come to talk about these issues. We always keep information leaflets about the (a local area women's support service), Domestic Violence support centres, etc., in our waiting room, and we would occasionally refer women to these specialist services.*"

Survey participants said disclosures of sexual harassment were often made more directly where women sought out support specifically for gender based violence, with case workers or counsellors, or within confidential support groups. The setting in which disclosure can happen is important; one survey participant who did not have migrant women living in direct provision reporting sexual harassment within their client casework subsequently co-facilitated a meeting with AkiDwA with their women's support group in which sexual harassment in direct provision settings was reported.

Complaints Procedure in Direct Provision Accommodation Centres

Many survey participants said the lack of an independent and effective complaints procedure for residents living in direct provision accommodation centres was a major barrier to disclosure of sexual harassment. Survey participants noted the complaints procedure for accommodation centre residents is not set up to handle complaints of vulnerable women sensitively. *"The current complaints procedure in place within DP is not independent, and it can leave women and girls unwilling to report concerns as they are unsure if their concerns will be taken seriously and acted upon to rectify the situation. Reporting of sexual harassment concerns of women can occur in a safe and secure environment with individuals that are trusted and with whom there is a trusting relationship."* Another survey participant said residents "feel absolutely unable to communicate with the Department of Justice about issues affecting their safety, health, and welfare that arise in direct provision centres."

Several survey participants said a persistent problem they have seen for their female clients in reporting sexual violence is that authorities will often question a female complainant's credibility or dismiss her complaint of sexual harassment as a 'misunderstanding' or 'adult consensual relations'. The complexity of a woman's situation may appear 'messy' to the outsider, a survey participant said. One survey participant said that young women, separated from families they may never see again and fearing great danger if returned home, may be susceptible to men presenting as 'father figures' or 'protectors'. A survey participant said they've had clients who have seen initial offers of 'help' or 'assistance' from men in authority turn hostile when a woman has said no to entreaties for a sexual relationship.

A few survey participants said some of their female clients have told them they will not report sexual harassment to authorities because they fear the situation in their centre will worsen or that they will be transferred to a worse centre. Clients have also told some survey participants they fear their complaints will be deemed without merit. A survey participant said *"One woman presented to us complaining about sexual harassment in direct provision last year. We reported the issue to RIA on her behalf. RIA responded by transferring her to another centre. We do not believe that any action was taken to investigate the allegations, or to provide training or counselling to the remaining residents or staff. Neither was any support provided by RIA to the woman who was transferred. The lack of an appropriate response from RIA would be the single most significant obstacle that we recognise in terms of our advocacy efforts."* The survey participant said that, based on informal conversations with women, the likely type of response to complaints by relevant authorities was known to residents, *"women fear that, should they complain about sexual harassment, that they would be targeted by other residents in the centre, and isolated. They are also aware that RIA is unlikely to put any supports in place for them following a complaint."*

A survey participant told of a case where an accommodation centre employee threatened a traumatised woman that if she continued to request help and support she would be deported. Another survey participant concurred, saying *"women have been repeatedly threatened both by management and by other residents that they will be deported if they continue to 'cause trouble.'*" That most of these individuals who threaten do not have the direct authority to deport is immaterial, women new to Ireland, fearful of authorities back home and unfamiliar with the asylum process can believe if an individual in authority states something it must be true and as a result will act based on this belief.

Until recently the RIA House Rules and Procedures stated, within a description of their complaints procedure, *'However, if you deliberately make false or malicious complaints, it could reflect on your character. This could have legal consequences and, for example, could affect an application for 'leave to remain''* A similar caution now resides in a different section of the House Rules, in 2.3, 'The Law', which states *'Staff at your centre will not tolerate behaviour like: deliberately making false, malicious and defamatory statements. All of these are offences under Irish law.'* This is noted in same section stating staff will not tolerate sexual harassment. Breaches of the house rules can *'lead to someone being prosecuted or expelled from the centre.'* The House Rules state in exceptional circumstances an accommodation manager may expel a resident; the criteria for such circumstances being deemed exceptional are not explained.

A survey participant said where attempts have been made to challenge or resist harassment in one particular centre harassment has, in some cases, escalated. Survey participants related women can be cautious of who they can trust inside and outside their centres. A survey participant said *"Some women seeking asylum and protection may view any white authority figure – or person perceived to be part of authority – as a person to be kept 'on side', either to help, or, in the case of a complaint potentially hurt, their cases."*

Culture of disbelief and blaming of the victim

Some survey participants related that in their work with women seeking asylum they often saw scepticism of women's accounts of gender based violence and of gender related persecution. A survey participant working in the area of sexual violence said her expert testimony, in support of her clients' protection claims, was oftentimes deemed 'irrelevant' by decision makers at the asylum decision making appeal stages. Survey findings indicate a similar scepticism of women's accounts of claims of sexual harassment in the Irish reception system. A survey participant related that during their advocacy of one client, in a case of an attempted rape, the accommodation centre manager's response was the woman in question should have locked the door to her room. Subsequent to this exchange the manager did not progress the woman's case. One survey participant said this type of blaming of the victim is not isolated, with some women being told by management in their accommodation centres that they are at fault in cases of unwanted sexual attention.

While a few survey participants spoke of positive interventions by Gardaí or State officials in cases of sexual harassment, often survey participants found their advocacy of women's harassment complaints being met with indifference and disbelief at all levels of authority. A survey participant related a case where a client was threatened and harassed by a

⁹ Reception and Integration Agency, Direct Provision Reception and Accommodation Centres House Rules and Procedures (November 2009). After the Reception and Integration Agency appeared before the Oireachtas Health and Children Committee in 12 October 2011 and questioned regarding the complaints procedure, this phrase was removed from the HR&P.

male resident at the accommodation centre where she lived with her young children. In another case, related by a different survey participant, a woman disclosed she was being pressured to have sex with her accommodation centre's manager. The alleged perpetrator was not transferred and/or reassigned in either of these cases. As the survey participant advocating in the first case of harassment said, *'they never suggested to transfer the man, they wouldn't on the say so of a woman.'* The only option offered to the woman in the first case was to bring court proceedings against the male resident. The male resident threatened to physically harm the woman and said he would track the woman down wherever she went, even if she returned to her home country. The male resident said this in front of a reliable witness. This woman was supported in her case by advocates as well as leaders in the wider local community. However the character and reputation of the woman involved, and also that of a respected local community advocate, was maligned. Gardaí were able to eventually mediate a positive outcome for the woman. In the case of the woman allegedly pressured by her manager for sex, the woman complainant was transferred and the organisation advocating for her does not believe any action was taken to provide training or counselling to the remaining residents or staff in the women's original centre, nor was the woman herself offered any support.

4. What recommendations would you have for better protection of women and girls living in direct provision?

The following recommendations are direct or combined suggestions from the survey participants, and they are also a reflection of their feedback. Recommendations include systemic reform of the reception system as well as specifically targeted actions to address sexual harassment in direct provision settings.

Systemic Changes Needed in Ireland's Asylum & Reception System

- **Accommodation centres should be established that are female only** and staffed with trained support workers to help with women's recovery from multiple abuses and sexual violence. (this recommendation was most often cited by survey participants)
- **An independent complaints procedure** should be established for residents in accommodation centres.
- **The 'default' position of not believing women seeking asylum, within processes in accommodation centres and within authority structures related to asylum, has to change.**

Additionally, it is recommended that:

- **In centres with mixed populations, single women and single mothers should be housed separately from single men**, if possible in self-catering accommodation, in particular those women known to have suffered gender based violence. Accommodation living quarters and communal spaces should be safe and secure. Women should not form a significant minority within any accommodation centre population.
- **Trafficked women should be assessed for which immigration category they belong in and should not be housed as a matter of practice in mixed populations of direct provision centres.**
- **Family-appropriate accommodation should be made available.** Parenting and family life should be enabled by means of access to catering facilities or family only accommodation centres. Women and girls should not be required to remain in accommodation centres for prolonged periods.
- **Interventions by social workers, health nurses and Gardaí must be supported internally and any increased security measures necessary communicated to a centre's residents, staff and management.** Community Gardaí can provide outreach to accommodation centre residents about their role in prevention and protection.
- **The Health Service Executive should have additional safety measures in place when transferring age-disputed or 18 year old aged-out minors into general populations of accommodation centres.** A full risk assessment and effective consultation with local service providers and NGOs should be completed prior to the transfer of age-disputed or aged-out minors and situations monitored post-transfer to ensure vulnerable young women and men are not targeted by predators in their new accommodation, either within the centre or in the surrounding community.
- **Arrangements should be made to attend to medical needs, including counselling, of female victims of gender based violence, prior to their filling out their asylum application or attending their substantive interview.** The safety of women and children within the centres should be prioritised at all times, with national policies for violence against women living in direct provision.
- **Women seeking asylum should be told of their right to a female interviewer and/ or a female interpreter for their substantial interview with the Office of Refugee Applications Commissioner.**
- **There should be a faster, fair and equal decision making process of asylum and protection cases by decision making bodies in the Irish asylum system.**

Necessary RIA/Accommodation Centre Policies and Procedures

- **Policies should provide protection to women in direct provision who are at risk of any form of gender based violence.** Such policies should include a clear definition of what sexual harassment constitutes. Response procedures to allegations of harassment should be robust and victim-centred.
- **Residents should be clearly made aware of their rights within accommodation, with regard to violence and harassment.** Local support service information, such as a local rape crisis centre, should be posted and made available to all residents.
- **Women who are victims of sexual violence within direct provision settings should have support requirements established at the outset of any investigation, within a proactive, victim-centred response.** A trained female member of staff should be appointed to interview the resident and appropriate referral should be made to outside agencies specialising in work with sexual violence. Protocols should be in place to enable a woman to access refuge, get necessary transfers if there is evidence of abuse and to obtain legal aid support.
- **It should be a requirement that female members of staff are present in accommodation centres at all times.**
- **Trafficked women meeting criteria of trafficking legislation should be offered a sixty day recovery and reflection period, irrespective of any pre-existing claims for asylum.**
- **There should be manageable limits to overcrowding in sleeping quarters.** Small hotel bedrooms¹⁰, sometimes with three or four other non-relatives, or whole families in one room for years, can take its toll, creating stress, mental and otherwise. A large number of residents in confined quarters can create an unsafe environment.
- **There should be clear access to mental health supports, as opposed to designated hostel health service supports.** Women should have clear access to mental health teams in the community, as opposed to one practitioner assigned to each centre. Even if the designated person is good, people have individual needs. These teams are available and in place in the community.
- **Rather than employing dedicated staff in centres to provide literacy, language provision, etc., these services can be provided cost effectively by well-established mainstream organisations already providing such services to migrants in the local communities.** Many of these types of courses are currently offered only to particular legal status categories of migrants or to newcomers.

Training Needs of Accommodation Centre Staff, Management, Residents and Key Stakeholders Working with Women Seeking Asylum

- **Staff and management should be effectively trained in working with vulnerable individuals and should receive 1) intercultural, anti-racism training, 2) training on violence against women, and 3) training on the nature of bullying and harassment, outlining what is considered acceptable behaviour.** Residents need training in these areas as well. Training should include an independent, confidential and responsive authority for residents who experience sexual harassment or any other form of bullying (for example racist bullying). There needs to be a monitoring, evaluation and auditing process in place to ensure the effectiveness of all training.
- **There should be effective training for all community welfare officers so that they might be better informed, provide a consistent service and be more knowledgeable about the rights and entitlements of individuals seeking asylum.**
- **All NGOs responding to women in direct provision should engage in anti-racism training, to be delivered by an agency with a high level of competency in this area.** A monitoring, evaluation and auditing process should be in place to ensure the effectiveness of this training.
- 5. **Do you feel your current Client Record Form captures the issues women and girls seeking asylum are reporting? If not and your form is provided by state authorities, how would you propose to amend the client form you use?**

All survey participants kept an internal client database and had a recording form for their client-based case work; the main difference between organisations was in how much information was specifically recorded on each form. Only one survey participant worked with a state-provided form, a rape crisis centre. One survey participant said their form included an 'actions' section so they can record such issues in detail. Another survey participant noted that they do qualitative reporting and that their data "can be subpoenaed in a case, their notes, in asylum cases" and that they "(c)an be called by the court to give evidence."

The organisations' data collection techniques reflected each organisation's remit, as one survey participant noted, "*Our recording system reflects mainly the fact that we operate as a law centre, with all the confidentiality and personal data sensitivity attached. We work in cooperation with other agencies such as Ruhama and AkiDwA who have complementary expertise and focus of work.*"

A survey participant said "*Our forms and statistics do not capture the detail of issues that are reported. However, they do include the gender of the service-users and whether the query related to direct provision. We can quite easily scan those categories in order to isolate the small number of such queries that do present to us.*"

¹⁰ Some accommodation centres were formerly hotels and hostels.

V. United Nation Strategies to Address Sexual Misconduct in Refugee Accommodation Settings

Sexual misconduct during peacekeeping missions in Bosnia and Herzegovina, Eritrea and the Democratic Republic of the Congo led the United Nations to develop and introduce a comprehensive framework to address sexual and gender based violence amongst peacekeepers and in refugee accommodation settings. Crimes committed by peacekeepers against women and girls in refugee camps included rape, trafficking and forced prostitution. A 2001 Washington Post article reported that a lack of universal guidelines with clearly stated policies on sexual misconduct led to “*the ability of individual officers to act with near impunity*”¹¹. In 2002 UN Secretary General Kofi Annan established a code of conduct for UN workers, within a policy of ‘zero tolerance’ regarding sexual misconduct, which included disciplinary measures, enforcement mechanisms and assistance to victims of sexual misconduct. In December 2006 United Nations entities and other organisations signed the Statement of Commitment on Eliminating Sexual Exploitation and Abuse by UN and Non-UN Personnel. The UN began collecting data and recording allegations of misconduct and subsequent actions in that same year¹². While some egregious examples of sexual misconduct have occurred since then, there has been a steady decline in the number of sexual exploitation and abuse allegations being brought since the strategy was introduced.

The UN Conduct and Discipline Unit provides standardised induction training tools, policy measures and monitoring mechanisms for all personnel arriving in UN peacekeeping operations. The General Assembly resolution 62/214 *United Nations Comprehensive Strategy on Assistance and Support to Victims of Sexual Exploitation and Abuse by United Nations Staff and Related Personnel* (2007) established the Sexual Exploitation and Abuse Victim Assistance Mechanism (SEA/VAM), providing medical, legal, psychosocial and immediate material care, as well as the facilitation of the pursuit of paternity and child support claims.

Strategies and mechanisms alone will not protect individuals seeking asylum and protection from sexual harassment and abuse, only the effective implementation and monitoring of such measures can help to provide women and children with greater safety. Save the Children UK’s ‘*No One to Turn To: The Under-Reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers*’ (2008)¹³ noted “*Managers must also exercise rigour in the use of penal and disciplinary procedures. Perpetrators should be disciplined and not reassigned elsewhere. In addition, disciplinary action taken against abusers should be widely communicated to demonstrate a culture of ‘zero tolerance’ and an end to impunity.*” The report suggests an under-reporting of abuses has resulted because of fears of those abused, which have included the losing of material assistance, stigmatisation, negative economic impact on themselves and their families, threat of retribution or retaliation, acceptance or resignation to abuse, not knowing how to report or feeling powerless to do so, a lack of effective legal services and a chronic lack of faith in the response an allegation of sexual abuse will receive.

The United Nations Special Rapporteur on Adequate Housing observed “*the reciprocal relationship between violence against women and women’s adequate housing, where the lack of adequate housing can make women more vulnerable to various forms of violence, and conversely, violence against women can lead to the violation of women’s rights to adequate housing.*”¹⁴”

In the July 2011 Summary of the Working Group on Ireland’s Universal Periodic Review, by the Office of the High Commissioner for Human Rights¹⁵, AkiDwA’s submitted concerns regarding safety and security issues of women living in direct provision were highlighted,^{16/17} as well as AkiDwA’s recommendations that a gender perspective be applied to reception and asylum policies and procedures, through the introduction of domestic gender guidelines in asylum processes; a mandatory code of conduct, comprehensive gendered cultural training programme for people working with individuals seeking asylum and a separate women-only accommodation centre¹⁸. AkiDwA and other stakeholder submissions called for an independent complaints procedure for residents living in direct provision.

The United Nations High Commissioner for Refugees (UNHCR) provides guidance for safety and security of asylum seekers its Ex Com Conclusion No. 93 on the reception of asylum-seekers, stating “*gender and age-sensitivity should be reflected in reception arrangements*”.... ‘*They should also take into account the specific needs of victims of sexual abuse and exploitation, of trauma and torture, as well as of other vulnerable groups.*’¹⁹” . UNHCR gender guidelines²⁰ state women and girls have special protection needs including “*protection against manipulation, sexual and physical abuse and exploitation, and protection against sexual discrimination in the delivery of goods and services.*” UNHCR’s updated gender guidance, found in ‘Sexual and Gender-Based Violence against Refugees, Returnees and Internally Displaced Persons, Guidelines for Prevention and Response’ (2003)²¹, contains a UNHCR code of conduct, incident report form and framework for actions. The UNHCR’s ‘Action Against Sexual and Gender Based Violence: An Updated Strategy’ (2011) provides a coordinated multi-sectoral approach to the prevention of sexual gender based violence, as well as an identification of risks and a response for survivors.

11 Lynch, C. ‘Misconduct, Corruption by U.S. Police Mar Bosnia Mission.’ Washington Post. May 29, 2001

12 In July 2008, the Department of Field Support launched the Misconduct Tracking System (MTS), a global database and confidential tracking system for all allegations of misconduct involving peacekeeping personnel.

13 Csáky, C. Save the Children UK’s ‘*No One to Turn To: The Under-Reporting of Child Sexual Exploitation and Abuse by Aid Workers and Peacekeepers*’.

14 ‘Report by the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination.’ U.N. Commission on Human Rights, 62nd Sess., Agenda Item 10, U.N. Doc. E/CN.4/2006/118 (2006), p11.

15 Summary prepared by the Office of the High Commissioner for Human Rights Human Rights Council in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1: Working Group on the Universal Periodic Review; Twelfth session Geneva, 3–14 October 2011.

16 AkiDwA, p. 3.

17 AkiDwA, paras. 1–9; see also ENAR-Irl, p. 6.

18 AkiDwA, pp. 1 and 5; see also NWCI, p. 5.

19 UNHCR Executive Committee (2002), Conclusion on reception of asylum-seekers in the context of individual asylum systems. Ex Com conclusion no. 93, UNHCR: Geneva.

20 Guidelines on the Protection of Refugee Women prepared by the Office of the United Nations High Commissioner for Refugees Geneva (July 1991)

21 [www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=3f696bcc4&query=gender guidelines](http://www.unhcr.org/cgi-bin/texis/vtx/home/opendocPDFViewer.html?docid=3f696bcc4&query=gender%20guidelines)

VI. International Research on Sexual Harassment in State Provided Accommodation

Ghent University's research '*Hidden Violence is a Silent Rape*' (2008)²² provided evidence that young refugees, asylum seekers and undocumented migrants were very vulnerable to sexual and gender-based victimisation within European reception centres. Researchers conducted over two hundred in-depth interviews with refugees, asylum seekers and undocumented migrants in Belgium and in the Netherlands. Post-publication, researchers held a seminar in which European reception centre staff responded, telling researchers they felt they lacked means to identify risk factors for sexual and gender based violence (SGBV), and were uncertain of how to develop culturally appropriate preventive measures and tools for a proper response to SGBV²³. Frans and Keygnaert's '*Make it Work! Prevention of Sexual & Gender-Based Violence in the European Reception & Asylum Sector*', (2010) provides these tools for reception staff and management.

Recent research on concerns of vulnerable women in reception and asylum processes, while limited, includes '*Women in Asylum Reception Centres: Towards a Gender Sensitive Approach*' (2010)²⁴ and '*Gender-related Asylum Claims in Europe: A Comparative Analysis of Law Policies and Practice Focusing on Women in Nine EU Member States*' (2012)²⁵. The first report, which looks at Belgium's reception system, was informed by focus groups with women seeking asylum and by a Steering Committee of officials and staff from reception-related Government institutions and relevant NGOs. The second report reviews asylum and reception policies for women in France, Belgium, Hungary, Italy, Malta, Romania, Spain, Sweden and the United Kingdom.

'*Women in Asylum Reception Centres*' researchers noted safety and security issues can arise where there isn't a gender sensitive approach to reception and where there is an insecure, unsafe infrastructure in a centre, in particular when combined with female residents of vulnerable status, such single or single parenting women, living amongst large single male populations. Focus group participants felt "*the mixing of men and woman was unpleasant and unsafe, especially when (single) men form the majority or when there is strong group pressure in the centre due to the presence of (large numbers of) men and women from the same country or region and where the patriarch is still very dominant.*" Researchers said "*Single participants in particular complained about the lack of security in and around the centre. They said they are often harassed by (young, single) men in the centre who make disrespectful sexual proposals to them and try to attract attention of approaching women and asking them questions*"... "*Mothers with young daughters fear that their daughters will be harassed by fellow residents or might establish undesirable relationships with men.*" Single residents of centres who participated in the focus group complained "*of being harassed in the centre by mainly young, single men.*" Researchers noted "*the participants said that men often gossip about the behaviour and possible (sexual) intentions of female residents. These rumours make women stay in their room and not join in activities.*" Focus group participants spoke of "*serious incidents of women prostituting themselves in the centre for money or cigarettes.*"

Focus group participants reported "*room searches/roll calls*" were "*not always 'announced beforehand' or taking place 'with prior consent.'*" In centres where men outnumbered women, and bathrooms weren't strictly separated, women told researchers of privacy breaches "*by men who peep or 'accidentally' hang around these areas.*" Researchers said "*for this reason some women do not dare to go to the toilet alone at night out of fear of unknown men (and consequently they urinate in buckets or sinks in the room).*"

Researchers said "*In most centres there was little or no proactive policy on (the prevention of) violence. A protocol of 'roadmap' on dealing with and preventing aggression was virtually non-existent.*" Researchers noted "*there are major barriers to lodging complaints about violence: ranging from despondency (it won't achieve anything anyway) and distrust (nothing will be done about it) to fear (we will still have to live with that person afterwards). This is closely intertwined with the issue of the 'in' crowd or the lack of trust to report violence because an individual does not wish to be seen as a traitor or because afterwards they will still have to stay in contact with the person. The domination of certain (often macho) 'majority groups' sometimes causes arguments between groups of residents, which may be racist.*"

In the report '*Gender-related Asylum Claims in Europe: A Comparative Analysis of Law Policies and Practice Focusing on Women in Nine EU Member States*' researchers note women and victims of gender-based violence are not "*systematically considered as vulnerable persons covered by the (Reception Conditions) Directive (except for pregnant women and mothers with young children).* However, *the persecution they experienced often includes torture, rape, serious psychological, physical or sexual violence, possibly leading to post-traumatic disorders.* At the same time, *women asylum seekers may face harassment in reception centres.* For this reason they will often have special reception needs." Researchers said "*In most of the countries researched, instances of sexual harassment in supported accommodation between male staff and female asylum seekers or between single male and female asylum seekers were reported. This highlights that gender-sensitive complaint procedures and mechanisms are necessary and should be implemented by Member States.*" Researchers state "*(t)he separation of single men and single women is indeed a necessity to prevent sexual harassment and stress for women.*"

Researchers noted trafficked individuals have special accommodation in Italy and the UK, while Italy and Malta have some separate women's only reception centres. However, none of the countries studied "*organise a systematic detection of victims of gender-based violence.*" Researchers recommended that "*(a) special effort should be made in order to ensure that the specific reception needs of vulnerable persons are identified and addressed. Member States should also keep in mind that as far as families are concerned women are usually in charge of children. Therefore, the absence of child care has a direct impact on women's lives and their ability to have a fair examination of their asylum claims.*"

22 Keygnaert, I., Wilson, R., Dedoncker, K., Bakker, H., van Petergen, M., Wassie, M., Temmerman, M., 'Hidden Violence is a Silent Rape', coordinated by the International Centre for Reproductive Health (ICRH) at Ghent University

23 Hidden Violence is a Silent Rape EU Seminar held 14/15 2008 at Het Pand, Ghent

24 Women in Asylum Reception Centres: Towards a Gender Sensitive Approach' Nederlandstalige Vrouwenraad in collaboration with the Conseil des Femmes Francophones de Belgique and with the support of the Belgian Institute for the Equality of Women and Men (Final Report June 2010)

25 Gender-related Asylum Claims in Europe: A Comparative Analysis of Law Policies and Practice Focusing on Women in Nine EU Member States (France, Belgium, Hungary, Italy, Malta, Romania, Spain, Sweden and the United Kingdom) (May 2012) Hana Cheikh Ali, Christel Querton, Elodie Soulard Comision Espanola de Auyda al Refugiado, Asylum Aid, Consiglio Italiano per Rifugiati and the Hungarian Helsinki Committee.

Two pieces of research on state-supported accommodation from the United States provide similar findings regarding harassment risks to women, 'An Intersectional Analysis of Sexual Harrassment in Housing'²⁶ and 'Preventing Homelessness and Ensuring Housing Rights for Victims of Landlord-Tenant Sexual Assault'²⁷. 'An Intersectional Analysis of Sexual Harrassment in Housing' showed almost half of the women in the cases studied were sexually assaulted or raped while living in subsidised housing but that less than half of these women reported incidents to the police because of threats, intimidation or fear of retaliation. The researcher observed "[t]he victim often tolerates the actions and complies with the sexual demands because the perpetrator literally holds the keys to the shelter." The researcher noted patriarchal behaviour "in the family and intimate relationships between men and women is also maintained and reproduced between nonintimate actors (landlords and tenants) in housing." The study saw a strong correlation between economic need and limited housing options and reports of sexual assault.

The researcher for the report 'Preventing Homelessness and Ensuring Housing Rights for Victims of Landlord-Tenant Sexual Assault'²⁸, from the National Law Centre on Homeless and Poverty in the U.S., states "A landlord who sexually assaults or rapes a tenant not only denies that tenant adequate housing, but may also be causing him or her to become homeless." ... "the problem of landlord sexual assault not simply as an issue of sexual violence, but also as the denial of the right to housing." In this study, sexual assault advocates and housing attorneys relate that "the number of tenants who seek legal assistance does not reflect the true extent of the problem." In 2008 the US Department of Housing and Urban Development issued guidance to property owners and managers that they have a duty to prevent or stop sexual harassment committed by their employees, agents, or contractors and that they may be liable for acts committed by such persons²⁹.

VII. Survey Findings and Conclusions

AkiDwA's primary research with stakeholder groups on sexual harassment in direct provision settings provides secondary evidence that women are experiencing sexual harassment in direct provision settings and that a hostile environment exists for women seeking asylum and protection in and around some direct provision accommodation centres. International research cited in this report indicates this is not a situation unique to Ireland but one that it is also occurring in European reception centres as well and that some of the same obstacles to reporting are presenting. Similar settings of state provided accommodation cited, such as in the U.S., also evidence sexual harassment concerns of residents.

Policies, procedures and practices in the Irish reception system do not provide all women security and safety whilst living in accommodation centres. One major obstacle to protection documented in this report is awareness amongst residents and advocates, as well as with potential perpetrators, of a weak complaints system for residents living in direct provision accommodation centres. Another obstacle cited in the report is a lack of effective follow-through of women's allegations of sexual misconduct by residents, staff, management and local community service providers. The imbalance of gender in some centre populations, that of a few single or single parenting women living amongst a majority of single men, and the often random mix of populations has, in some circumstances, contributed to unsafe and insecure living conditions for women in Ireland's reception system.

Deficits in the reception system contributing to the problem of sexual harassment noted by survey participants include a lack of privacy in direct provision settings, the absence of strong and effective codes of conduct for management, staff and residents and the lack of audited gendered and cultural training for centre staff and management. A 2007 NGO submission for a review on the House Rules and Procedures recommended that the "...requirement for ongoing training (specific and general) for all levels of staff should be built into the contractual obligations that RIA enters into with hostel and accommodation owners. Working with people who has suffered severe trauma or torture requires particular and specialised training." The submission notes "(s)tatements regarding the treatment with dignity, respect, as well as policies on sexual harassment, bullying and racism should be communicated (in different languages) and displayed in centres."³⁰

A reoccurring theme in survey participants' reports to AkiDwA was that of women's complaints of sexual harassment being met with disbelief or dismissal by some authorities and officials. Where action was taken in the cases presented here frequently the action appeared to have been punitive to the women complainant. Some of the complaints of sexual harassment described in this report appear to have not been addressed with disciplinary action being taken, further relevant staff and resident trainings being held or specific safety and security mechanisms being put into place in the woman's accommodation centre, despite relevant authorities having been informed of the complaints, including the Reception and Integration Agency, the Health Service Executive and the accommodation centre management. As articulated by one survey participant, the RIA's lack of an appropriate response has been the single most significant obstacle in realising better outcomes for women who have experienced sexual harassment in direct provision settings.

Although this a limited survey there are indications there may be an under reporting of sexual harassment of women and girls living in accommodation centres, possibly due to some obstacles detailed in this report, including fear of trauma related to disclosure, fear of repercussions, the awareness of a weak and non-independent complaints procedure and a culture of disbelief of females within Ireland's asylum and reception system.

As seen in the research cited here, similar sexual harassment concerns in refugee accommodation are being found in other European reception systems and in international refugee settings. Obstacles to women's disclosure of cases of sexual harassment in these settings are often the same or similar to those reported in Ireland.

26 Tester, G. 'An Intersectional Analysis of Sexual Harrassment in Housing'; *Gender & Society* 2008 22: 349. Available at <http://www.sagepublications.com>.

27 Keeley, T. 'Preventing Homelessness and Ensuring Housing Rights for Victims of Landlord-Tenant Sexual Assault.' The National Law Center on Homeless and Poverty (2006).

28 Keeley, T. 'Preventing Homelessness and Ensuring Housing Rights for Victims of Landlord-Tenant Sexual Assault.' The National Law Center on Homeless and Poverty (2006).

29 Source: Idaho Fair Housing Forum at <http://fairhousingforum.org/>

30 December 2007 Integrating Ireland, Irish Refugee Council and Refugee Information Service submission to the RIA Committee on the Review of the Direct Provision Reception and Accommodation Centre Services, Rules and Procedures

More must be done to provide safety and security to vulnerable women living in Ireland's reception system. To paraphrase the author's statement from the Save the Children UK report, the Irish Government is not exercising sufficiently strong leadership or managerial courage on the issue of sexual harassment of migrant women living in accommodation centres. The Department of Justice and Equality must make the eradication of sexual misconduct within direct provision settings an organisational priority. Ireland's constitution and its domestic legislation, as well as European and international treaties Ireland has signed and ratified, oblige Ireland to consider potential violations of individuals' rights including rights to family, housing and health.

The Government must require that organisations providing services to individuals seeking asylum and protection implement a safety and security framework that includes effective and audited training and policies and procedures to address sexual misconduct occurring in direct provision settings; such training, policies and procedures should be audited and be delivered through a unit with independent oversight. The RIA must be thorough in the use of penal and disciplinary procedures against perpetrators, who should be disciplined and not reassigned elsewhere, or continue to be contracted/employed. If the perpetrator is a resident, the perpetrator, not the victim, should be considered for transfer to another centre unless the female complainant requests a transfer. Women, community advocates and managerial staff advocates must believe actions will be taken against abusers. The RIA can encourage this through widely disseminated specific and enforced policies for sexual misconduct and harassment. The establishment of an independent complaints procedure for residents living in accommodation centres is essential.

A culture of 'zero tolerance' on sexual misconduct must be initiated by Government. Centre management and staff, as well as community workers, service delivery providers and NGOs, should be better trained in how to deal with sexual and gender based violence when incidents present. Good practices already in use can be replicated across the reception system and expanded upon, such as the local Community Garda rights and entitlements workshops for men and women seeking asylum that have been delivered in a survey participant's locality. The underlying root causes and drivers of sexual exploitation and abuse must be included in government and funder plans, not only with migrant work but also within anti-poverty and integration initiatives.

There needs to be sustained investment into the building of a more gender sensitive asylum system in Ireland. The introduction of publically available domestic gender guidelines in asylum and reception processes is a crucial first step which would create the necessary foundation for a more gender equal and gender sensitive asylum and reception system in Ireland. A proactive, victim-centred response from accommodation centres' staff, management and the RIA to allegations of sexual harassment and abuse is necessary to combat sexual harassment of women in direct provision settings.

VIII. Policy and Practice Measures for a Safe and Secure Reception System

The Government can review the following domestic and international policy and practice measures to create a safer and more secure reception system for vulnerable women, men and children:

Effective and Specific Training

A training model for Irish accommodation centres was proposed by the Sonas Mainstreaming Group Community of Practice³¹ to the RIA in January 2009. This model was informed by research conducted into training needs in 2007 with a range of stakeholders, including accommodation centre owners, centre managers and staff, public health nurses, Garda and a NGO working with victims of sexual violence³². The Sonas training model reflects practical needs of people working with individuals seeking asylum and their service users. The model provides cost effective recommendations to improve working and living conditions in the reception system through training.

The Reach Out Refugee Protection Training Kit (2005), developed by NGOs and the Red Cross/Red Crescent Movement, developed in collaboration with UNHCR, has been delivered to humanitarian staff worldwide. It has an optional training module on gender based violence for staff and management supporting victims of gender based violence.

Codes of Conduct

Good models of codes of conduct for SGBV include Concern's '*Programme Participant Protection Policy (4Ps)*'³³, the International Rescue Committee's '*Code of Conduct on Sexual Exploitation and Abuse in Humanitarian Crises*'³⁴ and the *UN Secretary General's Bulletin (2003)* which has been used by many organisations as a basis for developing codes of conduct³⁵.

Standard Operating Procedures regarding SGBV

Frans and Keynaert's '*Make it Work! Prevention of Sexual & Gender-Based Violence in the European Reception & Asylum Sector*' provides a code of conduct and other practical tools to address the vulnerability of women to sexual gender based violence within the European reception and asylum sector. The framework is informed by UNHCR guidance and provides practical templates for SGBV prevention and response teams, health and medical services, psychosocial services and security staff that will help in the implementation and maintenance of SGBV policies within a reception system. A standard operating practice template included shows types of service contacts, identified staff roles and reporting within a system and data collection and monitoring procedures for complaints.³⁶

³¹ The Sonas Mainstreaming Group Community of Practice was established in 2007 to disseminate best practice of SONAS DP Ireland Limited, with a view toward enhancing services to asylum seekers. Members included the National Consultative Committee on Racism & Interculturalism, Refugee Legal Service, Irish Vocational Education Association, Community Welfare services (Asylum Seeker Unit), Money Advice & Budgeting Service, Citizens Information Board, Irish Refugee Council, New Communities Partnership, Integrating Ireland, Free Legal Advice Centres, Refugee Information Service, Area Development Partnership Companies (Paul Partnership), Partas

³² Casey, C. Sonas Community of Practice Research Report Training Needs of People Working With Asylum Seekers (February 2008)

³³ At www.concern.net

³⁴ At www.theirc.org

³⁵ www.ochaonline.un.org

³⁶ Publication of research based on community researcher work with direct provision residents is pending.

The Government must, as a matter of urgency, develop:

Women-only Accommodation Centres

All survey participants expressed views that direct provision accommodation is inadequate for women who have suffered gender based violence and that the settings themselves can create a dangerous environment for vulnerable women and children. A survey participant said “*our work with women housed in (d)irect provision hostels, has made us firmly believe that this type of accommodation is totally inadequate for women who are under threat and who have been multiply raped, and sexually exploited for long periods of time.*” Another survey participant related “*Women and girls are living in accommodation sharing daily living activities, communal areas and personal experiences in their lives with strangers. Women and girls have little influence over daily decisions in their life, and live on very little money leaving them open to experiencing poverty. The experience of living in DP can cause depression, anxiety and stress, particularly for people who have experienced trauma in their lives. For single women, and women parenting alone DP can be an isolating and lonely experience, and for some vulnerable women it can leave them open to exploitation.*”

In 2010, the Minister for Justice responded to calls for a women’s only centre with the following statement: “*The RIA has always found that the accommodation of single women at family centres is the optimum for their accommodation needs*” adding that this ‘minimises’ ‘the upheaval to residents over time’ and that ‘single male centres do not experience this level of change’.³⁷ In that same year, the RIA stated to an Oireachtas Committee on Health and Children³⁸ “*in relation to the establishment of women only accommodation centres, there is no evidence before RIA that this is either warranted or desirable.*”

An Independent Complaints Procedure

In response to a 2012 PQ on an independent complaints procedure within direct provision the Minister for Justice stated “*The house rules were revised arising from a working party report, which included some NGOs. During those working party discussions, the issue of an independent appeals mechanism was fully discussed. It was the RIA’s view that no clear model was cited during these discussions as to the make-up of an independent claims mechanism or how it could be implemented without undue cost and bureaucracy.*”³⁹ Two NGOs officially took part in the working group discussions, the Irish Refugee Council and the Refugee Information Services. A third organisation, Integrating Ireland, joined the Irish Refugee Council and the Refugee Information Services in providing a submission to the Reception and Integration Agency Committee reviewing the House Rules and Procedures in December 2007⁴⁰. Their joint submission detailed a model for a practical, effective and independent complaints procedure. This model included a matrix for classifying complaints for the reception system, an internal database; reporting structures and a method by which the RIA could maintain a transparent record of all complaints to assist them in upholding standards of practice and provide them with a useful trend analysis of complaints. The submission suggested the Government establish an independent complaints unit, whose staff members would have no operational remit with regard to selecting contractors, monitoring contracts or any line management relationships with direct provision centres. This could standardise and streamline the entire complaints process for the RIA and improve customer service standards.

The Ireland’s Office of the Ombudsman ‘*Guide to Internal Complaints Systems*’ also looks at the practical features and the structure of an independent complaints procedure that can be used in Irish public bodies.

In the House Rules and Procedures, the RIA urges residents to exhaust the informal and formal complaints procedures within centres in the event of a complaint. The RIA holds information clinics on accommodation, operating standards and ‘general issues’ but the lack of independence for residents in taking such a complaints route – residents are complaining to a unit of the department overseeing their asylum application – has made some residents wary of using this method to complain. It is also worth noting that, in response to an Oireachtas Committee query on residents’ complaints, it was stated the “*RIA does not compile statistics on the number of complaints or appeals received or actions taken following on from such complaints or appeals.*”⁴¹

Safer population profiles of accommodation centres

The Government needs to be more active in providing safer population profiles in accommodation centres, creating family appropriate accommodation and in responding pro-actively to problems in a centre’s population mix as they arise. Women should not form the minority of a population in any centre. In a PQ from March 2012 the Minister for Justice and Equality, asked about the profile of accommodation centre populations, replied “*In relation to religious, cultural and ethnic backgrounds, RIA will always consult management in accommodation centres who have knowledge of local services and their resident profile. This feeds in to decisions as to where an individual asylum seeker will be sent. Generally, persons of similar ethnic background are accommodated together within a centre.*”

Domestic gender guidelines in asylum and reception processes

Publicly available domestic gender guidelines in asylum and reception processes would serve to put all those working with women seeking asylum on notice that Ireland upholds a gender sensitive and gender equal immigration system and that women are to be protected within all of the Government’s policies, procedures and practices related to its asylum and reception system.

37 Written answer from the Minister for Justice and Equality on Tuesday, 9th November, 2010.

38 12 October 2010 RIA response to the Oireachtas Committee on Health and Children.

39 PQ 6625/12 (February 2012) - Dara Calleary TD (Oral PQ on RIA Complaints Process and Extending Remit of Ombudsman to Asylum Seekers)

40 Integrating Ireland, The Irish Refugee Council and the Refugee Information Services Submission to the Reception and Integration Agency Committee on the Review of the Direct Provision Reception and Accommodation Centre Services, Rules and Procedures (December 2007).

41 12 October 2010 RIA response to the Oireachtas Committee on Health and Children.

Appendix I

Sexual Harassment in Direct Provision Settings

Survey Participants

Doras Luimní was founded in 2000 in response to the establishment of the direct provision and dispersal system introduced at that time by the Irish government. The organisation works to promote and uphold the human rights of migrants in Limerick. Doras Luimní's core areas of work are direct support, advocacy and campaigning and integration planning.

Domestic Violence Advocacy Service (DVAS) is a free and confidential support service for women experiencing abuse in their relationship which operates in Sligo, Leitrim and West Cavan. DVAS offers women one-to-one support, helpline services, outreach, court appointment accompaniment and direct advocacy, to ensure women's access to remedy and to their rights.

Galway Refugee Support Group (GRSG) was a non-governmental organisation working with refugees and asylum seekers in Galway city and county from 1998 to its closure in May 2012. GRSG offered individuals seeking asylum one-to-one advocacy, capacity building training and information on access to rights and services. The organisation provided integration projects and engaged in policy development and campaigns on key issues of individuals seeking asylum in Ireland.

Immigrant Council of Ireland (ICI), established 2001 by Sr. Stanislaus Kennedy, is an independent human rights organisation and a licensed law centre. The ICI lobbies for migrants and their families, and acts as a catalyst for public debate and policy change. The ICI specialises in legal representation of migrants, prioritising migrants at particular risk. The organisation's information and referral service deals with more than 10,000 immigration queries each year. The ICI provides training on migration matters and human trafficking to Government departments, statutory agencies, NGOs and migrants.

NASC, established in 2000, works for an integrated society based on the principles of human rights, social justice and equality. NASC offers a professional personal advocacy service which assists, on average, more than 300 individuals a month with immigration-related enquires. The organisation is engaged in policy development and campaigns for better integration, immigration and asylum policies. NASC's policy work is informed by its members and the work of its internal community groups.

Mayo Intercultural Action (MIA), established in 2004, is a non-governmental organisation providing support, information and advocacy to asylum seekers, refugees and other migrants and their families living and working in County Mayo. MIA works creatively to promote integration and cross-cultural exchange, delivering a range of projects and initiatives, in conjunction with other organisations. MIA promotes the meaningful participation of migrants and their families in all aspects of the community in County Mayo.

Mayo Rape Crisis Centre (MRCC), established in 1994, provides a safe, confidential and anonymous space for women who have experienced any form of sexual violence. The MRCC supports survivors with practical information on access to remedies as well providing them with additional resources to aid in their recovery. The organisation offers crisis and long-term counselling, an anonymous hotline, accompaniment for medical exams and legal proceedings, home visits and advocacy of women and children within the asylum process.

Ruhama, established in 1989, is a Dublin-based NGO working on a national basis with women affected by prostitution and other forms of commercial sexual exploitation. Ruhama offers support to women currently involved in prostitution; women with a history of prostitution; victims of the crime of sex trafficking and women at high risk of prostitution. The organisation provides a street outreach service, in-depth casework services and a range of development programmes to help women exit prostitution. The organisation provides long term aftercare support to help women reintegrate into mainstream society. Ruhama engages in policy development, working with relevant Government Departments and agencies, and campaigns for better services and key legislation, protocols and directives to address prostitution.

Appendix II

Context to the Survey

Definition of sexual harassment: Any unwelcome, usually repeated and unreciprocated sexual advance, unsolicited sexual attention, demand for sexual access or favours, sexual innuendo or other verbal or physical conduct of a sexual nature⁴². Sexual harassment includes the display of pornographic material.

Definition of sexual exploitation: Any abuse of a position of vulnerability, differential power, or trust for sexual purposes; this includes profiting monetarily, socially or politically, from the sexual exploitation of another; sexual exploitation is one of the purposes of trafficking in persons (performing in a sexual manner, forced undressing and/or nakedness, coerced marriage, forced childbearing, engagement in pornography or prostitution, sexual extortion for the granting of goods, services, assistance benefits, sexual slavery)⁴³.

Definition of sexual abuse: Actual or threatened physical intrusion of a sexual nature, including inappropriate touching, by force or under unequal or coercive settings.⁴⁴

Sexual harassment is a form of violence against women and violates a woman's human rights.

Appendix III

Additional issues raised in the survey

Additional issues raised by survey participants during the course of the survey are detailed below:

Trafficked women

A survey participant related that some trafficked women they have worked with who have received a residency status of Stamp 4 have been given only a short term residency period, subject to renewal. The survey participant related that one of their clients has been given multiple six month renewals. The survey participant had not yet encountered a suspected trafficking victim that had received a 60 day recovery and reflection period, as outlined in trafficking legislation. A recommendation from a survey participant with regard to trafficked women, but unrelated to the asylum, was '*Trafficked women receiving Stamp 4 should be considered for a renewal of time longer than just six months.*'

Domestic violence in direct provision

A survey participant observed that some interventions for women living in direct provision, such as in cases of domestic violence, can be compromised by the basic layout of most centres so that "*women feel that they cannot move away from the abuser [husband], cannot get the abuser [husband] barred from their room and cannot disclose what is happening to them.*" While the same laws for the prevention of domestic violence that protect Irish citizens protect women seeking asylum, direct provision settings can limit a woman's access to these remedies, including seeking refuge as they do not have an entitlement to public funds for housing.

Family appropriate accommodation

The failure of the reception system to provide family appropriate accommodation was cited by a number of survey participants. While the lack of such accommodation is cited as a factor in creating a hostile environment, the following survey participant observation details additional difficulties with current conditions in one centre: "*We meet women who are frustrated by a lack of space and privacy, particularly where their family is large, or where a member of the family has special needs. A current client has a family of four children and a husband who has a serious heart condition and is recovering from surgery, all of whom live in one room. Lack of space and hygiene are affecting his recovery. Another client has a son who has serious behavioural issues. She finds the lack of space for him, and of privacy, very difficult, and feels that her parenting skills are undermined and questioned in the "fish bowl" atmosphere of the centre. Another family we have met is having great difficulty dealing with the husband's debilitating sleep apnoea. He also shares one room with his wife and child. Women in particular also feel unable to parent their families as they would like to, because they can't cater for them. Food and being unable to shop and cook for their families is a constant frustration for the women we meet.*" A recommendation was proposed that '*The system should be responsive to the needs of children with special needs and to residents with medical conditions etc.*'

⁴² Definition from Reach Out Refugee Protection Training Project (2005). The Reach Out Refugee Protection Training Project was established in 2001 by NGOs and the Red Cross/Red Crescent Movement, in collaboration with UNHCR, to train humanitarian staff in the basics of refugee protection. The full Training Kit can be found on the International Council of Voluntary Agencies (ICVA) website at www.icva.ch and on the UNHCR's website at www.unhcr.ch in four languages: Arabic, English, French, and Spanish.

⁴³ Definition from Reach Out Refugee Protection Training Project (2005)

⁴⁴ Definition from Reach Out Refugee Protection Training Project (2005)

Appendix IV

Facts at a Glance for Women Seeking Asylum

The following information provides a context to survey report feedback and findings:

General statistics

- Individuals seeking asylum and protection constitute only 4.1% of the 130,500 non-EEA national residents in Ireland.
- In 2011 there were 1,250 applications for asylum, representing 1% of the 164,000 immigration applications received by the Irish Naturalisation and Immigration Service (INIS); 3,700 persons were refused entry into the State. INIS departmental staff provides selected weekday daytime immigration control activities at Dublin Airport at Pier B in Terminal 1⁴⁵ with remaining duties performed by the Garda National Immigration Bureau (GNIB)⁴⁶.
- The Office of the Refugee Commissioner's (ORAC) 2010 annual figures showed of nearly 2,000 asylum applicants in that year approximately one third were females, a 2-1 ratio remaining constant over time.
- In 2011, 5,499 persons seeking international protection were accommodated in direct provision centres in the State⁴⁷, women and girls comprising nearly half of all accommodation residents⁴⁸. There were 32 owner operated and 7 state owned and privately operated centres in over 18 counties as of December 2011⁴⁹. In 2011, The RIA's March 2012 Monthly Statistics Report stated as of October 2011 there were 646 single women, 625 female and 10 male lone parent families, 616 married applicants, 1,587 single men, 989 girls and 1007 boys. As of March 2012 there were 38 direct provision accommodation centres in 18 counties.⁵⁰
- 272 residents living in direct provision accommodation lodged an application for asylum over 7 years ago. The remaining population in direct provision lodged applications as follows: 397 individuals lodged applications 6 to 7 years ago, 670 5 to 6 years ago, 812 4 to 5 years ago, 945 3 to 4 years ago, 770 2 to 3 years ago, 630 1 to 2 years ago and 539 less than 1 year ago.⁵¹
- In 2010 Ireland rejected 98.5% of asylum applications. In 2011 200 deportations were ordered in a single day, on 8 March 2011.⁵² The EU average asylum refusal rate is 76%. Refused applicants can appeal to the Refugee Appeals Tribunal, which has a refusal rate of over 90%.⁵³
- As of September 2011, failed asylum applicants waited an average of 27 months for an initial hearing of judicial review⁵⁴ in the High Court.
- Of 2,564 subsidiary protection applications since 2008, 102 have been granted.⁵⁵

Direct Provision and Dispersal Accommodation Centres

The Reception and Integration Agency (RIA), a unit of the Irish Naturalisation and Immigration Service (INIS) and a division of the Department of Justice and Equality, provides accommodation and ancillary services to individuals seeking asylum during the processing of their applications for asylum. Individuals seeking asylum are accommodated in a Dublin reception centre during the applicant's assessment phase and the applicant's substantive interview for asylum at the ORAC. Individuals seeking asylum are then dispersed to accommodation centres for the duration of the processing of their application.

The RIA assigns individuals to regional bed and board accommodation centres; most are former hostels, nursing homes, guest houses or hotels. Centres have communal dining rooms; some have communal bathrooms with no toilets or showers in residents' rooms. Single residents share rooms with non-related residents, several to a room. Families may live in one room or in the case of single parented families, two families to a room.

45 Part of the Department of Justice's 'Civilianisation Immigration Officer' pilot scheme, begun 2 April 2012.

46 During the pilot scheme some immigration control duties will be conducted by the Garda National Immigration Bureau, including the remainder of immigration control duties in Terminal 1 and such duties in all of Terminal 2. Pending a favourable review, the Department of Justice has stated passport control at all airports and ferry ports will be handed over to INIS staff.

47 Irish Naturalisation and Immigration Service website: Immigration in Ireland 2011-A year-end snapshot <http://www.inis.gov.ie/en/INIS/Pages/Immigration%20in%20Ireland%202011%20%20%20year-end%20snapshot%20%20%20%20major%20and%20more%20to%20follow>

48 The Office of the Refugee Commissioner's (ORAC) 2010 Annual Report.

49 The RIA portfolio consists of 35 accommodation centres, 2 self-catering centres and one centre located in Dublin for the twelve 2004 & 2007 EU Accession States to assist voluntary returns of destitute EU nationals.

50 Reception and Integration Agency Monthly Statistics March 2012

51 18 April 2012 Written answer by Minister for Justice Alan Shatter to Deputy Aengus Ó Snodaigh; also found at www.irishrefugeecouncil.ie.

52 <http://www.irishexaminer.com/news/draconian-asylum-and-immigration-system-needs-reform-mr-shatter-182175.html#ixzz1uxC7Ra4g>

53 <http://www.irishexaminer.com/news/draconian-asylum-and-immigration-system-needs-reform-mr-shatter-182175.html#ixzz1uxC7Ra4g>

54 A judicial review looks at questions of procedure and not at the asylum claims themselves.

55 18 April 2012 written answer by Minister for Justice Alan Shatter to Deputies Clare Daly, Paschal Donoghue and Aengus Ó Snodaigh.

Direct provision and dispersal was introduced by the Government in 2000 as a means of providing room and board in regional centres to individuals seeking protection while their asylum claims are being assessed. Individuals seeking asylum in Ireland do not have access to the general social welfare system, are prohibited from working and are given a weekly allowance of €19.10 per adult and €9.60 per child, an allowance not index-linked and unchanged since 2000⁵⁶. This allowance is paid by a Department of Social Protection representative⁵⁷. Women seeking asylum experiencing domestic violence may have difficulty accessing domestic violence remedies such as refuge because they lack an entitlement to emergency housing. The DSPR have discretion to make once-off Exceptional Needs Payments (ENP), for example for back to school clothing for children. Individuals seeking protection and living in direct provision generally qualify for medical cards. Children are entitled to free primary and secondary education.

The RIA has described the business relationship of their agency with commercial owner operators: "...RIA does not lease or rent premises from commercial contractors. Rather, it 'contracts-in' a comprehensive range of services and facilities, which include accommodation, housekeeping etc., for a fixed sum over the period of the contract."⁵⁸ The 2010 government "Value for Money" review⁵⁹ of Ireland's reception system found restricted competition among commercial operators meant rates were not robustly tested and state-owned accommodation centres were €6 a person a day cheaper than those owned by private operators. Multimillion euro contract renewals agreed by the Government with 16 private operators in 2008 and 2009 led to price increases of more than 5% during an economically deflationary period. Payments to private businesses for reception accommodation and services have been worth almost €750 million since 2002.⁶⁰ The RIA provides basic inspections of property, with external and internal assessors, primarily to confirm that basic contractual obligations are being met. The RIA states on their website they monitor centres' operation and delivery of services, coordinate centres' health and education services and provide training and support to owners and management of centres. The type of training, and scheduling of such, provided by the RIA is unspecified on their website.

The Free Legal Advice Centres' legal analysis of the scheme in 'One Size Doesn't Fit All' (2009) provides this insight into the direct provision system's framework: "The scheme of direct provision is not regulated by law for the most part, or even by secondary legislation, but rather by a series of directions, rules and regulations put into place by the executive which directs the scheme and administered by private companies which have no obligation to undergo specialised training to deal with asylum seekers or to understand the rights of asylum seekers in Irish and international human rights law."

Direct Provision Reception and Accommodation Centres House Rules and Procedures

'Direct Provision Reception and Accommodation Centres House Rules and Procedures' is a handbook for residents, management and staff of direct provision accommodation centres. The handbook covers accommodation centre services, fire safety, resident rules and resident complaint procedures.

Part 1 of the RIA House Rules and Procedures, under 'Services That Your Centre Must Provide' 1.1 'Respect', it is stated "The accommodation centre must treat you with respect. We will not accept improper behaviour such as sexual harassment, racism or intimidation of any kind." In section 2.3 'The Law' it states "Staff at your centre will not tolerate behaviour like:..." "sexual harassment." The only other section in the HRP that mentions sexual misconduct is in 2.21 of Child Protection, which mentions the reporting of sexual abuse of children. Nowhere in the Rules does it state specific policies related to sexual harassment.

In 1.2 'Standard of accommodation' it is stated "In order to make sure you are safe, our accommodation centres may be monitored by security cameras." The December 2007 Integrating Ireland, Irish Refugee Council and Refugee Information Service submission to the RIA Committee on the Review of the Direct Provision Reception and Accommodation Centre Services, Rules and Procedures notes "Safety is not guaranteed by security cameras. Furthermore a policy should be implemented by RIA for the purpose, positioning and operation of security cameras in the accommodation centres. This could provide for the consistent use of security cameras in all centres and determine their positioning in centres to provide for residents' security, rather than monitoring the movements of residents as is currently the perception. Many residents comment that they feel intimidated and constantly monitored by the cameras, which are not conducive to a hospitable environment. This policy should guarantee that where close circuit television cameras are used, they do not intrude on the privacy of the resident."

In section 2.4 (d) of the handbook, entitled 'Your Room', room inspections are described: "The centre manager must always keep the accommodation at an acceptable standard, for the benefit of all residents. This means that sometimes your room will be inspected by: the manager of the centre; staff appointed by the manager; staff from RIA; or other inspectors appointed by RIA. All of these people will respect your privacy as much as they can. However, they will not always be able to warn you in advance that they need to inspect your room. You must co-operate with all bedroom inspections."

56 SPIRASI. Opinion "It is wrong to assume all asylum seekers are faking it – and the media is to blame". Journal.ie 9/1/12

57 Formerly named Community Welfare Officers

58 Parliamentary Question 36992 (November 2011) - Nicky McFadden TD (On Payment Rates). PQ 38472 (Oct 2010) to the Minister for Justice and Equality on Procurement, Contracts & Inspections QUESTION: To ask the Minister for Justice and Equality the tendering procedure that has been followed in respect of the procurement of accommodation centres for asylum seekers; if he will provide details of all contracts currently in existence, their duration, and the basis on which they were awarded and if he will outline the inspection systems in place for these centres. The RIA "...'contracts-in' a comprehensive range of services, which include accommodation, catering, management, housekeeping, laundry, etc., for a fixed period of time" with "... specific regard is type of accommodation being offered (hotel, guest house, hostel etc.); Location; Local population and numbers of asylum seekers, if any, already residing in the area; Local infrastructure (transport, schools, hospitals, shops etc.); Facilities being offered by proprietor (recreation, communal rooms, en-suites, etc.) (and) Facilities for other Government agencies (HSE, Refugee Legal Services etc.).

59 Value for Money and Policy Review Asylum Seeker Accommodation Programme Reception and Integration Agency Final Report May 2010

60 Smyth, J. 'State Sponsored Poverty a Cash Cow.' Irish Times 9 September 2010

Child Protection

The RIA's Child and Family Services Unit monitors the RIA's Child Protection Policy for Accommodation Centres' (2005) and works in partnership with the HSE Child Protection and Welfare Service. The position of Manager, a HSE secondment, is vacant as of the writing of this report. The Unit's Executive Officer and a Clerical Officer, as Authorised Signatories, help deliver the Garda Vetting system for centre staff. The Unit works with the HSE with 'aged out' unaccompanied minors resettling in RIA's Direct Provision centres. The Unit chairs regional Interagency Meetings for the RIA staff, Centre managers and staff and relevant statutory agencies. The Unit coordinated the HSE-delivered training of centre managers in Children First 'Keeping Safe' and Applied Suicide and Self Harm Training; and Culturewise's Ireland's Capacity and Awareness Training on immigrant parenting.

The RIA's Child Protection Policy provides for a 'Designated Person' (DP) to be responsible for administering the child protection policy. This role is '*identified from within the management team.*' There are no stated qualifications within the policy for this role. The DP is to participate in the '*HSE 'Keeping Safe' training in relation to child protection where locally available.*' Section 15 of the policy details what actions to take in the event of an allegation against staff. While a standard form for recording complaints is provided, the policy states the recording procedure is left up to the Accommodation Centre.

Complaints Procedure in Direct Provision Accommodation

A general outline of the complaints procedure within direct provision accommodation centres is detailed below, based on the model provided in the Free Legal Advice Centres' report '*One Size Doesn't Fit All: A legal analysis of the direct provision and dispersal system in Ireland, 10 years on.*' Please note it is not known if a legal background and/or legal training is/are required of employees recruited by the RIA to act as liaisons at different stages of the accommodation centres' complaints procedure. The RIA Complaints Procedure 2011 Statistics are found on their website; the RIA acknowledges the table reflects only a limited number of the complaints received.

Resident Complaint Against Service Provider:

1. Step 1 - Informal Complaint to Centre Manager

- 1.1. Informal complaint made verbally to Centre Manager
- 1.2. Steps will be taken to resolve the issue at a local level.
- 1.3. If resolved at a local level no further steps taken.
- 1.4. If unresolved, the resident must make a formal complaint.

2. Step 2 – Formal Complaint to Centre Manager

- 2.1. Formal complaint is made in writing to the Centre Manager.
- 2.2. The Centre Manager should respond to the complaint within 14 days.
- 2.3. If the issue is resolved at local level no further steps are taken
- 2.4. If the matter remains unresolved the resident must make a formal complaint to the RIA

3. Step 3 - Formal Complaint to the RIA

- 3.1. Formal complaint made to the RIA in writing
- 3.2. The RIA will appoint an appropriate staff member to handle the complaint.
- 3.3. The staff member will seek observations of all parties involved.
- 3.4. The results and reasoning will be sent to the resident in writing; a copy is sent to the Centre Manager.
- 3.5. If the complaint is found to be justified then the RIA will ensure the Centre takes appropriate action to rectify the situation. The RIA's decision is binding on all parties and there is no right of appeal.

In very exceptional circumstances a resident may go directly to the RIA, bypassing a formal complaint to the Centre Manager.

Complaint Against a Resident made by the Service Provider:

1. Step 1 – Minor Breach of House Rules

- 1.1. If the Centre Manager considers a resident has broken the house rules, s/he will bring this fact to the attention of the resident.
- 1.2. Parties involved will try to resolve the issue quickly and informally.

- 1.3. If the matter is resolved no further steps are taken.
- 1.4. If the alleged breach occurs a second time then the Centre Manager will undertake step 2.

2. Major or Second Breach of House Rules

- 2.1. If a second warning is issued or a serious alleged breach occurs, the centre manager will write to the RIA. A copy of this correspondence will be given to the resident.
- 2.2. The RIA will ask the resident for his/her observations in writing.
- 2.3. The RIA will consider whether a breach has taken place. Mitigating factors will be considered.
- 2.4. The RIA will issue a response to the resident. If the RIA finds a breach of the rules, the resident will be warned that any further breach may lead to his/her transfer to another centre. The RIA will send a copy of these findings to the Centre Manager.
- 2.5. If the RIA finds a serious breach of the rules has taken place, the resident may be transferred or expelled from direct provision.

3. Step 3 – Transfer or Expulsion from Direct Provision

- 3.1. If the RIA has found a serious breach of the rules they may decide to transfer the resident.
- 3.2. The resident will usually get two working days' notice to respond in writing why s/he should not be transferred. The transfer may be carried out immediately in more serious cases.⁶¹ The RIA will make a decision as to which centre the resident will be transferred and contact relevant Managers and the Department of Social Protection representative for entitlements.
- 3.3. The resident is responsible for informing relevant authorities of his/her address change.⁶²
- 3.4. In very serious circumstances a breach may lead to expulsion from the direct provision system.

Inspections and Clinics

The RIA's website states they have an Inspection Team which 'conducts comprehensive inspections' twice yearly of all centres. Inspection forms provide tick boxes and limited short commentary for a basic inspection of facilities.

The RIA's website states that the RIA Operations Unit conducts clinics at the centres on 'at least a twice yearly basis' to review centre general operating procedures and to hold one-to-ones with residents. The Mosney accommodation centre is stated to hold monthly clinics.

The RIA Generic Contract for Direct Provision

The following is Appendix 1 of the *Value for Money and Policy Review Asylum Seeker Accommodation Programme Reception and Integration Agency*:

Synopsis of the more important requirements in the generic contract for Direct Provision:

- Liaise with HSE on behalf of Residents
- Implement RIA Rules and Procedures
- Implement a Child Protection Policy
- Retain the centre solely for RIA's use
- Conduct no other business at the centre
- Provide and replace furniture
- Provide heating
- Undertake internal and external maintenance
- Provide entertainment / leisure facilities free of charge
- Implement a procedure to allow visitors
- Provide secure facility for storage
- Provide and replace towels
- Provide and replace toiletries
- Provide and replace bed linen
- Provide a laundry service free of charge
- Provide adequate hot water
- Provide adequate cleaning equipment
- Provide full board catering

⁶¹ How a case is assessed to be severe is not described in the handbook.

⁶² Relevant authorities to contact are not defined in the handbook.

Provide for any ethnic and prescribed dietary needs of residents
 Provide a 28 day menu cycle
 Provide snacks and meals out of hours
 Provide packed lunches for school children
 Implement HACCP procedures
 Provide an appropriate number of staff with a 7 day management presence between 8am and 8pm
 Provide for holiday staffing relief
 Ensure that staff are of good character
 Employ a qualified chef
 Ensure staff are lawfully entitled to work in the State
 Provide security and supervision on a 24 hour basis
 Comply with all statutes and regulations
 Protect the identity of asylum seekers
 Comply with all fire regulations plus provide to the OPW, on an annual basis, independent, third party fire certification.
 Ensure adequate public liability insurance cover.

Appendix V

Domestic and International Human Rights Obligations

Ireland's constitution and its domestic legislation, as well as European and international treaties Ireland has signed and ratified, oblige Ireland to consider potential violations of individuals' rights including rights to family, housing and health.

The United Nations *Convention Relating to the Status of Refugees 1951 and its Protocol 1967* whilst containing universal protection does not specifically deal with gender. However Ireland's transposition of this Convention into domestic law, the Refugee Act 1996, includes within its interpretation of membership of a particular social group: "*membership of a group of persons whose defining characteristic is their belonging to the female or the male sex or having a particular sexual orientation.*" The 1996 Act was amended by the Immigration Act, 2003 and the Immigration Act, 2004.

There are specific victim rights and protections within Ireland's criminal justice system, not cited here, by which all individuals resident in Ireland are safeguarded. AkiDwA notes relevant proposed draft legislation to provide greater protection of children, the Head and General Scheme of the Children First Bill 2012 and Child Sex Offenders (Information And Monitoring) Bill 2012, and greater protection of children and vulnerable adults including trafficked women, the National Vetting Bureau (Children and Vulnerable Persons) Bill 2012 and recently passed legislation, the Criminal Justice (Withholding Information on Crimes Against Children and Vulnerable Adults) Bill 2011. The Government is holding a referendum in November for an amendment to the Constitution in respect of the rights of children, which, if passed, would provide greater protections for all children living in Ireland.

The Council of Europe *Convention on Preventing and Combating Violence against Women and Domestic Violence* (Article 60(3)), is under consideration for signature and ratification by the Department of Justice and Equality through the COSC executive office. It states parties to the convention "*shall take the necessary legislative or other measures to develop gender-sensitive reception procedures and support services for asylum-seekers as well as gender guidelines and gender-sensitive asylum procedures, including refugee status determination and application for international protection.*"

The following information was informed by material contained in the Free Legal Advice Centres' report '*One Size Doesn't Fit All: A legal analysis of the direct provision and dispersal system in Ireland, 10 years on*', AkiDwA thanks them for their contribution.

Whilst this section highlights some of Ireland's key domestic and State obligations as pertains women seeking asylum and protection, and reception conditions, it is by no means an exhaustive list.

Bunreacht na hEireann

Article 41

- 1° The State recognises the Family as the natural, primary and fundamental unit group in Society, and as a moral institution possessing inalienable and imprescriptible rights, antecedent and superior to all positive law.
- 2° The State, therefore guarantees to protect the Family in its constitution and authority as the necessary basis of social order, and as indispensable to the welfare of the Nation and the State.

Housing Act 1966

Section 63

A house shall for the purposes of this Act be deemed to be overcrowded at any time when the number of persons ordinarily sleeping in the house and the numbers in the rooms therein either.

- (a) Are such that any two of those persons, being persons of ten years of age or more of the opposite sexes and not being persons living together as husband and wife, must sleep in the same room, or
- (b) Are such that the free air space in any room used as a sleeping apartment, for any person is less than four hundred cubic feet (the height of the room, if it exceeds eight feet, for the purpose of calculating free air space) and "overcrowding" shall be construed accordingly.

United Nations Conventions

Ireland has ratified the UN human rights treaties listed below. Relevant articles and sections are cited.

International Covenant on Civil and Political Rights (ICCPR) 1966

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

Article 23

1. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 24

1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

International Covenant on Economic, Social and Cultural Rights (IECSCR) 1966

Article 10

1. The widest possible protection and assistance should be accorded to the family, which is the natural and fundamental group unit of society, particularly for its establishment and while it is responsible for the care and education of dependent children.

Article 11

1. State parties recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement in living conditions.

Article 12

1. The State parties to the present Covenant recognise the right to everyone to the enjoyment of the highest attainable standard of physical and mental health.

Convention Relating to the Status of Refugees 1951 and its Protocol 1967

As stated previously, Ireland's local instrument for transposing the Convention in domestic legislation in the Refugee Act 1996, which mentions gender in its interpretation of membership of a particular social group.

Convention on the Rights of the Child (UNCRC) 1989

The Preamble to the UNCRC states: 'Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so it can fully assume its responsibilities within the community' ... 'Recognizing that the child, for full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.'

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.
3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

2. State Parties shall undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, State Parties shall undertake such measures of the maximum extent of their available resources and, where needed, within the framework of international cooperation.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

Article 27

3. State Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

Article 34

1. States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:
 - (a) The inducement or coercion of a child to engage in any unlawful sexual activity.

Article 37

States Parties shall ensure that:

1. No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Article 39

2. States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Convention on the Elimination of Discrimination Against Women (CEDAW) 1979 and its Optional Protocol 1998

Article 6

States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Article 14

4. State Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right:
 - (h) to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

Convention on the Elimination of Racial Discrimination (CERD) 1969

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(b) The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;

(e) Economic, social and cultural rights, in particular:

(iii) The right to housing;

Concluding Observation from the UN Committee on the Elimination of Racial Discrimination, 10 March 2011:

(C) 20. The Committee encourages the State party to take all necessary steps with a view to expediting the processing of asylum applications so that asylum seekers do not spend unreasonable periods of time in asylum centres which might have negative consequences on their health and general welfare. The State party should take all necessary measures to improve the living conditions of asylum seekers by providing them with adequate food, medical care and other social amenities including also a review of the direct provision system.

(C) 27. The Committee notes the inclusion of migrant and minority women including Traveller women in the State party's National Women Strategy currently under review (article 2 and 5) Bearing in mind the Committee's General Recommendation No. 25 (2000) and General Recommendation No. 32 (2009), the Committee recommends that the State party take all necessary measures to ensure that, following the review, migrant and minority women continue to be the focus of the target actions and objectives of the National Women's Strategy.

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984

Article 1

For the purposes of this Convention, the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Article 14

1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.

Article 16

1. Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment.

Additionally, Ireland has ratified the following UN human rights treaties and human rights instruments that they must consider:

Convention against Transnational Organised Crime 2000 and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children 2000

Article 24

Protection of witnesses

1. Each State Party shall take appropriate measures within its means to provide effective protection from potential retaliation or intimidation for witnesses in criminal proceedings who give testimony concerning offences covered by this Convention and, as appropriate, for their relatives and other persons close to them.

2. The measures envisaged in paragraph 1 of this article may include, *inter alia*, without prejudice to the rights of the defendant, including the right to due process:
 - (a) Establishing procedures for the physical protection of such persons, such as, to the extent necessary and feasible, relocating them and permitting, where appropriate, non-disclosure or limitations on the disclosure of information concerning the identity and whereabouts of such persons;
4. The provisions of this article shall also apply to victims insofar as they are witnesses.

Article 25

Assistance to and protection of victims

1. Each State Party shall take appropriate measures within its means to provide assistance and protection to victims of offences covered by this Convention, in particular in cases of threat of retaliation or intimidation.

Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, (2000)

Universal Declaration of Human Rights (UDHR) 1948

Article 3

Everyone has the right to life, liberty and security of person.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, or to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 16

- (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, and housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 29

Everyone has the responsibility to respect and uphold the rights of others in their community and the wider world.

Council of Europe: European Convention on Human Rights (ECHR) 1950

Article 3

Prohibition of torture

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 5

Right to liberty and security

1. Everyone has the right to liberty and security of person.

Article 6

Right to a fair trial

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8

Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 14

Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

European Union: Charter of Fundamental Rights (2007)

Article 1

Human dignity

Human dignity is inviolable. It must be respected and protected.

Article 3

Right to the integrity of the person

1. Everyone has the right to respect for his or her physical and mental integrity.

Article 4

Prohibition of torture and inhuman or degrading treatment or punishment

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Article 6

Right to liberty and security

Everyone has the right to liberty and security of person.

Article 7

Respect for private and family life

Everyone has the right to respect for his or her private and family life, home and communications.

Article 8

Protection of personal data

1. Everyone has the right to the protection of personal data concerning him or her.

2. Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law. Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

3. Compliance with these rules shall be subject to control by an independent authority

Article 24

Children have the right to such protection and care as necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance to their age and maturity.

In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

United Nations Security Council Resolutions:

SCR 1325 (2000) highlights States' responsibility to end impunity for crimes against humanity and war crimes, including sexual and other forms of SGBV.

SCR 1820 (2008) recognises that sexual violence is a security issue and links prevention of sexual violence with reconciliation and durable peace.

SCR 1889 (2009) requests the use of gender markers to track funding for women's basic services and the placement of gender advisers and women protection advisers.

Rome Statute of the International Criminal Court 1998

Beijing Declaration and Platform for Action (1995)

The Declaration includes calls for measures to address the needs of women in poverty, to prevent and eliminate violence against women, to protect the human rights of women and to eliminate all forms of discrimination against girl children.

It also calls for the generation and dissemination of gender-disaggregated data and information for planning and evaluation.

Appendix VI

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