

Immigrant Council of Ireland opening statement to the Oireachtas Joint Committee on Justice and Equality on issues of direct provision and the international protection application process.

Wednesday, 22 May 2019

The Immigrant Council of Ireland is an independent law centre and NGO that works to protect, support and advocate for the rights of migrants and their families. The law centre provides legal information, advice and representation through an information service and two full-time solicitors. The Immigrant Council legal team specialises in holistic legal aid to trafficked migrant women recovering from sexual exploitation. The Immigrant Council is also a leading anti-trafficking advocacy organisation in terms of its expertise in policy and advocating for legislative change.

The Immigrant Councils experience of the Direct Provision system derives primarily from its experience in the legal representation of trafficked women who are living in that system; hence this is the focus which I will be taking in my comments to the Committee today. The overall majority of victims of trafficking represented by the Immigrant Council are housed in direct provision centres – and while this can be seen as a niche area within the overall direct provision landscape, there is much overlap concerning the issues involved and the solutions suggested.

The problem: The provision of safe and appropriate housing is an internationally accepted priority need for trafficked victims. It is central to their recovery as independent individuals and to fulfilling their potential role as witnesses within criminal investigations. Taking into account the gendered character of trafficking, relevant EU level Directives require that the assistance to victims of trafficking should be gender-sensitive, and include measures which provide appropriate accommodation and after care support for victims of trafficking.

Presently, the Reception and Integration Agency (RIA) is tasked with the provision of accommodation and material assistance to all victims of human trafficking, which is in addition to RIA's main function to house people seeking asylum in general. In this context, our priority concern lies with **women (in some cases underage girls in age determination processes) trafficked for sexual exploitation who are referred to the national referral mechanism for the support of victims.**

For such women, the introduction of a Gender-specific Shelter and accommodation approach in Ireland is of central importance. Integrated supports, such as medical, material, legal and other integration assistance are key components of such support. It is the long-stated position of the Immigrant Council that Direct Provision centres do not represent appropriate housing for victims of human trafficking. At the same time, the national shelters and other services for domestic and sexual violence are not resourced and formally involved in responding to migrant women victims of trafficking.

Despite the improved practices on general residential matters in the aftermath of the McMahon Report, the situation of victims of trafficking has not changed in any significant way. For example, the sharing of rooms, food preparation restrictions and sexual harassment in mixed gender accommodation reported by trafficked women persists. Meanwhile, the recommended single female gender hostel was set up in a location removed from any specialised complementary services for trafficked women in order to become a suitable alternative housing for such women.

International criticism: Ireland's track record in the accommodation supports of victims of trafficking has been noted not just at a national level, but also through international bodies such as the Council of Europe Committee of Experts (GRETA) and the annual US State Departments Trafficking in Persons (TIP) Report, which in 2018 downgraded Ireland from being Tier 1 to Tier 2, essentially stating that Ireland is not meeting the minimum standards required to appropriately respond to this complex area.

Recommendations: In the long term, we advocate for alternative housing entirely removed from Direct Provision centres, however, we are aware that this transition may take time. For this purpose, and in addition to our long-term recommendations which I will touch upon momentarily, we have developed urgent interim recommendations adapting the RIA operated centres for the needs of trafficked sexually abused women.

Interim proposals as a matter of urgency within existing RIA accommodation arrangements:

1. Designating **private (non-shared) rooms to trafficked women who have been sexually abused** and recovering from significant trauma, associated with depression, anxiety, insomnia and post-traumatic stress disorder.
2. Provision of **self-catering arrangements**, where women can cook their food as an essential pre-condition to regaining control and independence through budgeting and exercise of choice.
3. **Increased awareness among managers** of centres about their salient role in the delivery of this most vital service to victims of serious crime recovering in the premises they run.
4. **Training key personnel in understanding human trafficking**, the obligations of the State and the specific needs of victims, with a focus on those that recover from extensive long-term trauma.
5. Explicit **commitment to gender-sensitivity** in view of the serious exploitation the majority of victims suffer, including sexual abuse, rape and sexualisation as a strategy for survival.

Long-term solutions

First and foremost, the Immigrant Council of Ireland call for gender-specific accommodation services to trafficked women recovering from sexual exploitation that recognise the support needs existing among victims of the crime of human trafficking

- **Nominating the women's refuges for women fleeing domestic violence as emergency accommodation for rescued trafficked women and providing additional resources to these refuges for this purpose.**

This model of housing of trafficked women is preferred in a number of EU Member States.

- **Creating a shelter that specialises in trafficked sexually exploited women.**

This shelter-type facility would offer services to women who require longer term recovery services beyond emergency accommodation, which is not available in emergency shelters.

- **Privately rented properties with geographical spread** in areas around the country with available specialist support, e.g. Dublin, Cork, Limerick.

This involves a flexible number of units (apartments or houses) and a corresponding budget, with dispersed locations around Dublin and other bigger Irish cities with outreach support by specialised service providers, which could be made available in relevant cases. This could be done in collaboration with Approved Housing Bodies.