



**PLEASE CHECK AGAINST DELIVERY**

Opening statement by Sinéad Gibney, Chief Commissioner of the Irish Human Rights and Equality Commission.

To be delivered to the Oireachtas Joint-Committee on Public Petitions

Thursday 16 September 2021

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Good afternoon, Chair, and I'm joined today by Commission Members Colm O'Dwyer and Kathleen Lynch.

My thanks to the Committee for your focus on Direct Provision. It's important to ensure continued Oireachtas oversight on the progress of the Government's White Paper.

While welcoming the White Paper, Minister O'Gorman's personal commitment to its implementation, and the establishment and first meeting of the dedicated programme board, we note that some commitments are slipping.

Any delays in the progress envisaged under the White Paper will see people continue to languish in this system, which deprives them of so much. A system designed as a short-term measure, 21 years ago.

Information from the Department shows approximately 4,430 international protection applicants awaiting interview at the end of June this year. That is a substantial backlog, obviously exacerbated by COVID restrictions.

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In December we published our recommendations for the White Paper, in line with our mandate to make recommendations to the Government to strengthen and uphold human rights and equality in the State.

We've also raised the need for progress on international protection reforms as part of Ireland's upcoming review by the UN Human Rights Committee under the Universal Periodic Review process due in early 2022.

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**What we're focused on in respect of Ireland's international protection system is not only immediate protection, but also the realisation of longer-term human potential and human dignity.**

For people in direct provision, every day that passes is more potential lost, as people who want to be active and engaged in our society are held in stasis.

RTÉ recently spoke to DP residents in Salthill, Galway and their words speak louder than mine ever could.

Joy Ojo a mother living in Direct Provision told reporter Teresa Mannion: *"I wanted to offer my services as a nurse or carer but my dream is being shattered living in Direct Provision with no end in sight."*

Innocent Togu, a father of four who works the small plot of land behind his Direct Provision centre who said: *"I have no opportunity for employment here for the foreseeable future so I work in the garden. It soothes my soul and cools my brain. Otherwise I get very depressed with my situation."*

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**We set out in December the principles that we consider the State needs to adopt in reforming its international protection system. This includes a focus on integration from day one, access to onsite education and training, and early and effective access to the labour market.**

It is welcome that elements of these recommendations are reflected in February's White Paper, but progress on some of the relatively simple fixes appears to be already behind schedule, for example on access to driving licences.

The White Paper set out that *"International Protection applicants will be granted the right to apply for an Irish driving licence. Legislation giving effect to this will be introduced before summer 2021."*

As we appear today the Commission is not aware of any specific legislative amendment having being introduced to allow applications for driving licences. As a Commission we continue to use our legal powers and resources to pursue this issue, including in a case now before the High Court where the Commission is acting as Amicus Curiae, or advisor to the court.

The various legal cases we've been involved with illustrate the problem clearly. One involved a single mother living in a rural direct provision centre. A holder of a full driver licence in her country of origin, she applied for a learner permit so that she could learn to drive to access work and childcare. At the time she was undertaking a costly and lengthy bus and rail commute with her child from Munster to get to her work as a housekeeper in Dublin. The woman's employers had even offered to buy her a car if she could secure a driving licence.

She passed her driver theory test and her eye sight exam at a cost of over €100. But when she applied for her learner permit, she was told she needed to provide evidence of full or "permanent" residency permission, which as an asylum seeker by definition she could not.

Let us be in no doubt. Being barred from even being able to apply for a driving licence is a massive State-built barrier to seeking and securing employment.

The right to seek employment was hard-won by asylum seekers in the Supreme Court case of a determined Burmese man known as NHV. The constitutional rights of asylum seekers were vindicated, but that victory is undermined by such administrative barriers as access to driving licences.

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**The issue of vulnerability assessments is also an important one and forms the basis of a trauma informed approach to international protection.**

This is an obligation under the EU's Reception Conditions Directive, and consequently, for a number of years, Ireland was in effective breach of EU law through inaction.

It's good news that a vulnerability assessment pilot commenced in December 2020 and was extended to all new applicants from the beginning of February 2021. However, figures provided to the Oireachtas in April 2021, show that 268 applicants had entered the vulnerability assessment process with 161 assessments completed and 107 then ongoing.

This obviously needs to be significantly scaled up, considering figures published to the end of July by the International Protection Office show 886 applications received this year alone. At the moment we run a serious risk of people who have suffered immense trauma slipping through administrative gaps and not getting the specific supports that they need.

The Commission has stated the need to see vulnerability assessed in proper reception centres on arrival, but also on an ongoing basis in order to proactively deliver appropriate health, accommodation and other support services to vulnerable applicants. This should include reasonable accommodation for people with disabilities and supports that are sensitive to people's gender and sexual orientation.

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**On Tuesday we published new research focused on monitoring people's access to adequate housing.**

This set out that over 70% of direct provision residents, had been living there for one year or more, with one-quarter of all residents living there for three years or more.

For the same period, to the end of July 2020 there were 1,957 children living in Direct Provision. More than eight out of ten of these children were aged 12 or under.

As a signatory to the Convention on the Rights of the Child, Ireland recognises the right of every child to a standard of living adequate for that child's physical, mental, spiritual, moral and social development.

We must ask what kind of a platform we're providing to those children to fulfil their potential, when you consider that associated with accommodation problems for people in Direct Provision, are a broader set of factors, such as healthcare, educational access and decent work, all of which are impacted by living conditions.

Thank you again, and we're happy to take questions.

**ENDS.**