

**Opening statement by AkiDwA to Justice Committee on the subject of Minority
Engaging with the Justice System (24 November 2021)**

My name is Salome Mbugua the CEO of AkiDwA (the migrant women network in Ireland). Our organisation welcomes the opportunity to present to the justice committee on this very important topic

Established in 2001, AkiDwA is a network of migrant women living in Ireland. AkiDwA members are of varied backgrounds, and immigration status, the organisation's key areas of work are gender-based violence, health and integration. Our work is informed by migrant women through service provision, outreach, networking, and research. Migrant women access to justice is rendered by many factors and are intersectional based on their race, gender, *and* ethnic background. These factors engender limited access for migrant women to resources, recognition, respect, and representation. With their particular racial *and* gender-based needs and challenges, migrant women have reported to AkiDwA on their experience of racism and discrimination while trying to access legal services or enter into legal service provision - including verbal abuse, intimidation, disbelief, mistranslation & culturally insensitive behaviour.

Allow me first to share with you some of the experiences faced by migrant women as a minority group engaging with the structures and institutional apparatus of the Justice System in Ireland. Based on our work with the women we have noted the underreporting of crimes. AkiDwA has frequently noted reluctance amongst migrant women to engage with justice systems e.g., approaching gardai and reporting crimes. AkiDwA members have expressed lack of cultural understanding amongst legal service providers and their lack of awareness of culturally sensitive issues which leads to misunderstandings, negative perceptions and stereotypes which hinder delivery of proper support and services. Complaints have been made about poor service by An Garda Siochana and racial profiling continues to be an issue that goes ungoverned by legislation. The underreporting is evident in INAR 2020 stats on underreporting of racist crimes.

Secondly many migrant women struggle to access information about legal services in Ireland; as a result, many do not know where or how to receive legal assistance or access justice in Ireland. For example, the Irish justice system can be different from what the majority of migrant women would have been used to in their countries of origin and many are confused between the role of the solicitor and the barrister. There is often a great deal of fear of the police and other figures of legal authority within the justice system, rooted in experiences that women may have had with such figures in their countries of origin. Lack of awareness of their rights including legal rights and protections on domestic violence etc. These factors generally create a lower uptake of legal services among migrant women. Such women are less likely to engage with the justice system, and consequently less likely to receive legal redress for crimes committed against them. As a result, migrant women regularly do not seek or receive the legal support and justice they are often due. To address this problem, we must ensure legal professionals and decision-makers, including prosecutors, translators and judges are trained in gender and cultural sensitivity and are delivering culturally appropriate support.

Provision of translation and interpretation services especially in asylum procedures and in seeking justice for crimes of DSGBV, and in the context of free legal aid, and concurrently adopt a proactive approach to inform migrant and minority populations on legal services and protections available in Ireland and how to access them. It is important to establish specific funds for research on racism and racial discrimination in the justice system to understand structural barriers facing migrants' women in engaging with the justice system in an equal way to majority population

I will now focus on issues facing migrant women as Minorities Engaging with the Justice System. A huge area of concern that relates to our members is on immigration and asylum. There are particular legal issues facing refugee women and those in Direct Provision centres, especially surrounding the asylum and interview processes. This include long delays in the application process, without decisive decision dates cause, this causes demoralisation and hampers women mental health and wellbeing, additionally interviews to discuss an applicant's case can be an intense procedure in which women have to recount traumatic details. Some women felt they were treated unfairly during the interview process - being rushed, being dealt with in a perfunctory manner, bias and hostility from the interviews. We recommend clear timeframes are set and that interviewers are culturally sensitive and aware of diverse cultural backgrounds of applicants, including consideration for different education levels or experience with trauma. Additionally, use of audio recording in interviews should be considered to review facts and conduct interviews after the fact. At all times accessibility to specialised support victims of torture and who have experiences trauma from conflict and other gender specific harm should be provided.

AkiDwA has been working on the issue of Gender-Based Violence for the last 20 years supporting migrant women to access support and services some migrant women who experienced domestic violence fear to report due to the fear of losing their legal status, especially women whose status depends on that of their spouse, according to Women Aid 2019 report 92% (757) of calls made to their helpline were from migrant women. Women who leave their partner because of violence and do not qualify for the Habitual Residence Condition may find themselves and their children destitute. While Ireland has a policy, which allows for women in abusive relationships to apply for legal residence status independent of their abuser, the guidelines are at Ministerial discretion and are not on statutory footing. There should be an urgent review of all governmental policies and laws, including those on violence against women, citizenship, nationality, immigration and asylum, for the discriminatory impact on marginalised women affecting their enjoyment of gender and racial equality (including the habitual residence condition introduced in 2004). Implementation of Istanbul convention and provision of training on cultural competence (already developed by AkiDwA) so as to empower professionals and frontline staff working with migrants, refugee and Asylum-Seeking women, understanding cultural differences, their experiences of fleeing violence and respecting their rights under the EU Victims Directive. There are over 5795 women and girls who have been subjected to FGM living in Ireland and the first conviction of a 23 months old subjected to FGM in Ireland took place in January last year, Ireland needs to develop state plan or strategy on FGM to ensure girls are fully protected.

Trafficking of women and girls for sexual exploitation remains a huge issue globally. According to a Ruhama report in 2018, out of the 251 women supported by the organisation, 201 were migrant women. Access to legal supports and services are limited to these women due to language barriers, fear of alienation, lack of cultural competency, and fear of stigma due to cultural and religious traditions. There is need to increase legal support as well as access to appropriate interpretation and support facilities

Thank you for the opportunity:

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