

AKIDWA**Ireland**

Submission to the United Nations
Universal Periodic Review
Twelfth Session of the Working Group on the UPR
Human Rights Council
6th October 2011

EXECUTIVE SUMMARY

Based on a decade of work with African and migrant women in Ireland, AkiDwA believes a hostile environment may exist for women seeking asylum in some direct provision accommodation centres in Ireland. AkiDwA, immigrant NGOs and women's support services in Ireland have worked with women who have alleged they have been sexually harassed by residents, management and staff at accommodation centres within Ireland's reception system. Some of these allegations have been met with some resistance from authorities to resolve situations satisfactorily. AkiDwA is particularly concerned that women protection seekers trying to escape such situations will find themselves in a situation of homelessness and generally will have no access to alternative accommodation, including women's refuges, other than through the Reception and Integration Agency, and will risk victimisation. Neither the profit making private businessesⁱ working on behalf of the government nor the government itself appear to be able to provide all females seeking asylum in Ireland with a safe and secure living environment, free from harm.

AkiDwA has worked with dedicated civil servants, officials and Garda and would thus note this type of alleged behaviour is not necessarily indicative of the conduct of whole organisations but such alleged behaviour may have developed unchecked due a lack of an effective gender perspective in asylum policies and practices. As well, there appears to be a lack of an effective independent monitoring of accommodation centres and an over-reliance of oversight for safety and security concerns of vulnerable populations being provided by private businesses working on behalf of the government. There is no independent complaints procedure for residents living in direct provision accommodation centres.

This submission looks at human rights as they apply to equality and non-discrimination; right to life, liberty, and security of the person and right to social security and to an adequate standard of living.

AkiDwA recommends a gender perspective be applied to Ireland's reception and asylum policies and procedures. This can be achieved through the introduction of: 1) gender guidelines in asylum processes, 2) an independent complaints procedure for residents in direct provision accommodation, 3) a mandatory code of conduct and comprehensive gendered cultural training programme for accommodation centre owners, management, staff, government officials and key state providers working with individuals seeking asylumⁱⁱ, and 4) a separate women-only accommodation centre established within Ireland's direct provision accommodation system, with expert support, safety and security, for women having experienced gender based violence. Additionally, AkiDwA recommends migrant women of particular legal

status experiencing domestic violence have effective access to domestic violence remedy supports and emergency refuge.

I. BACKGROUND AND FRAMEWORK

Introduction

AkiDwA respectfully submits comments concerning Ireland for consideration by the Human Rights Council within its Universal Periodic Review at its 12th session on 6 October 2011. AkiDwA (Akina Dada wa Africa) is a minority ethnic-led national network of African and migrant women living in Ireland. The non-governmental organisation with charitable status was established in 2001. AkiDwA's key strategic work areas are gender based violence, gender discrimination and employment. AkiDwA advocates and provides support for African and migrant women through capacity building, policy development and one-to-one interventions. This submission is informed by the following AkiDwA consultative sessions and workshopsⁱⁱⁱ with African and migrant women:

1. Women's Human Rights Alliance's Shadow Report for the International Covenant of Economic, Social and Cultural Rights: Right to Health. AkiDwA Consultations held 18 June 2009 (Dublin) and 25 June 2009 (northwest region); organisation submission July 2009
2. NGO Alliance Against Racism's Shadow Report for the International Convention on the Elimination of All Forms of Racial Discrimination. AkiDwA Consultations held 19 February 2010 (Dublin), 26 February 2010 (southeast region); organisation submission September 2010.
3. Irish Council for Civil Liberties and Irish Penal Reform Trust's Shadow Report for the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Organisation submission February 2011.
4. AkiDwA Department of Justice, Equality and Law Reform domestic violence project workshops: 14-16 May 2008 (northwest region), 19 -20 August 2008 (southeast region);
5. Direct Provision Survey consultation held 26 August 2009 (northwest region).
6. AkiDwA's submission to the Joint Committee of Justice, Equality, Defence & Women's Rights for the Immigration, Residence and Protection Bill 2010 for the introduction of gender guidelines in asylum processes October 2010. Presentation to Committee, with Free Legal Advice Centres, on the need for gender guidelines July 2010.

PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

This submission focuses on women seeking asylum in Ireland. We refer you to other Irish NGO and human rights organisation UPR submissions detailing human rights mechanisms and structures in Ireland.

There is no consolidated framework relating to immigration and asylum issues in place in Ireland. The Immigration, Residence and Protection Bill 2010 fell after the February 2011 General Election; a new bill is anticipated.

The Reception and Integration Agency (RIA), a unit in Ireland's Department of Justice, Equality and Defence, provides accommodation to individuals seeking asylum in Ireland, in direct provision/bed and board centres, the majority of which are

privately owned and operated on behalf of the State. Individuals seeking asylum are not allowed to work and receive a mandated social welfare allowance of 19.10 euros per week per adult, 9.60 per child; an amount unchanged for over a decade. RIA statistics, as of December 2010, state there are 35 privately owned bed and board accommodation centres and 7 State owned bed and board centres located in eighteen counties in Ireland^{iv}. Forty five percent of the over six thousand residents^v living in direct provision accommodation have lived in centres for three or more years. Women and girls seeking asylum comprise almost half of the resident total, with one third of all residents women over the age of 18^{vi}. Ireland is at the bottom of the EU league for granting protection with an acceptance rate in 2010 of 1.38%, down from 9% in 2007. Legal aid is not front loaded for asylum and has traditionally been provided at the appeals stage, which has been seen to exacerbate difficulties in disclosure for women who have experienced gender based violence in their country of origin.

There is no separate women's only accommodation centre in Ireland's reception system; one is needed for women who have experienced gender based violence. All asylum seekers have free access to public health services, although access may be adversely affected by discretionary procedures, in particular those related to domestic violence remedy. Women seeking asylum and women subject to the Habitual Residence Condition may have difficulty accessing social welfare which can potentially impact their accessing refuges^{vii}. A migrant woman with spouse dependent status may also experience difficulty in accessing remedy, in particular her obtaining independent legal status from her abuser.

There is no independent remedy mechanism for residents in direct provision accommodation; no statistics are kept on complaints received or actions taken.^{viii} The Ombudsman and the Ombudsman for Children are excluded from hearing complaints related to individuals seeking asylum in direct provision accommodation. Most complaints are directly influenced by management who provide initial and follow up assessments of any contentious/complaint situation for RIA through what is termed an 'informal' procedure. A resident's cooperation with rules in a centre is assessed by the Accommodation Manager, except in circumstances deemed exceptional by RIA. Welfare requests are also controlled by local CWOs on a discretionary basis.

Based on ten years working with women seeking asylum in Ireland, AkiDwA believes a hostile environment exists for women seeking asylum in some direct provision accommodation centres. The section below describes conditions, illustrated by ethnic minority women seeking asylum's self reports, in the areas of: 1) Equality and non-discrimination, 2) Right to life, liberty, and security of the person, and 3) Right to social security and to an adequate standard of living.

Conditions for women seeking asylum living in direct provision accommodation in Ireland:

1. There has been alleged sexual harassment by some accommodation centre residents, management and staff, as reported to AkiDwA, other NGOs and women's support services working with women seeking asylum. In some cases alleged complaints have been met with resistance from authorities to resolve situations satisfactorily.

2. AkiDwA and other non-governmental support agencies worked with a woman who has fled a hostile environment in direct provision, having been allegedly pressurised, over a period of time, to prostitute herself by the owner of the accommodation centre she was staying in and having been allegedly sexually harassed by centre staff. AkiDwA is particularly concerned that women protection seekers escaping such a situation will find themselves in a situation of homelessness and generally will have no access to alternative accommodation, including women's refuges, other than through the RIA and will risk victimisation.
3. Accommodation centres in Ireland, originally intended to house individuals seeking asylum for no more than six months, now have residents who have lived in them for years. A woman's private daily activities, such as bathing, eating and sleeping, are shared with strangers for many years in communal settings and her life in the centre is controlled at the discretion of accommodation centre management and staff. Women in a 2010 AkiDwA direct provision survey^{ix} reported feeling they were "*treated like criminals*" and that their life in direct provision was "*like being in jail.*" One woman said "*At least as a prisoner you know when you are getting out – not when you are an asylum seeker.*"
4. Women have reported to AkiDwA fears they won't be believed or supported with complaints in direct provision accommodation and that if they complain they will be further stigmatised and their immigration applications jeopardised. "*You cannot speak for your right else you will be threatened and humiliated. Residents are afraid to speak out*", "*Hush, don't talk or we will deport you*" (alleged to have come from a Garda) and a female asylum seeker with a complaint was allegedly initially accused by a Garda of coming to Ireland to prostitute herself.^x A feeling of powerlessness and hopelessness pervaded the women in a 2009 consultation^{xi} because even in the absence of complaints, discretionary, non-cost related items could always be taken away at a moment's notice in their accommodation centre – one woman quietly saying there is "*nothing we can do*".
5. Children are growing up in direct provision settings that do not provide for their development or full protection. An emerging issue from AkiDwA and women's support service casework is the fear some teenage girls living in direct provision may be being groomed prior to reaching the age of consent.
6. Current RIA House Rules and Procedures^{xii} state a (resident's) 'room will be inspected by: the manager of the centre; staff appointed by the manager; staff from RIA; or other inspectors appointed by RIA' and '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.' Women seeking asylum have reported to AkiDwA they feel centre staff and management have access to a great deal of their personal information and know their vulnerabilities. Women seeking asylum have spoken to AkiDwA and women's support services of alleged threats, intimidation and harassment by residents, staff, and management of some centres.
7. Private businesses working on behalf of the government in providing bed and board are not required by the State to provide an independent complaints procedure for residents and do not appear to have effective codes of conduct for work with vulnerable populations or effective gendered cultural training. Best practice, cost efficient models for training and independent complaints

procedures have been proposed to Government from NGO coalitions and the Ombudsman. The State is failing to act with due diligence to provide for women's safety and security while living in direct provision accommodation centres.^{xiii}

8. In many AkiDwA consultations and workshops over the past three years, sexual harassment of African and minority ethnic women seeking asylum in and around centres has been discussed.^{xiv} In one 2008 workshop all participants reported alleged sexual harassment by some local men, including stalking and name calling, often while they were running errands in town or on school runs. Some of these men allegedly offered lifts to and from town, others allegedly asked for sex from African and minority ethnic women seeking asylum and offered in return jobs or "*cash in hand*", the implication being these men knew women seeking asylum were not allowed to work^{xv}. A migrant woman in a 2010 regional consultation said, in relation to sexual harassment, "*Not only in the hostels, in the streets; it is there.*"^{xvi}
9. There are fears that stereotypes, with regard to a woman's country of origin or culture, racism and sexism may be factors in a migrant woman's harassment, as reported to AkiDwA and other women's support services. In a northwest consultation, some black African women said a person of colour living in their city was automatically assumed to be an asylum seeker, with negative connotations, with one woman adding "*They know where you stay before you say it.*"^{xvii}

RECOMMENDATIONS

AkiDwA proposes the following recommendations, based on human rights concerns described in this submission:

1. Gender guidelines in asylum processes are introduced in asylum processes in legislation and implemented.
2. There is an independent, transparent and confidential complaint and redress mechanism introduced and made accessible to all individuals seeking asylum, protection and leave to remain living in direct provision accommodation centres. (this should be a commitment in accommodation centre contracts)
3. There is a mandatory code of conduct, a training programme on gender based and cultural issues and Garda vetting for all accommodation centre personnel, management and owners, government officials and other key state providers working with women seeking asylum. Training should include prevention of, and response to, abuse and exploitation of women seeking asylum. (this should be a commitment in accommodation centre contracts)
4. There is separate women-only accommodation centre established within Ireland's direct provision accommodation system, with expert support, safety and security for women who have experienced gender based violence.
5. Migrant women seeking asylum, subject to the habitual residence condition or on dependent spouse visas who are experiencing domestic violence should have effective access to domestic violence remedy supports and emergency refuge and, if on a dependent spouse visa, independent legal status.

APPENDIX II

Organisation information



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Every effort has been made to ensure the information contained in this submission is accurate, however AkiDwA would note that allegations presented are based on women's self-reports. We would urge that an independent examination of the system of direct provision accommodation in Ireland be done.

APPENDIX II**Endnotes**

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- ⁱ Foxe, Ken “Asylum business nets millions in profits,” Sunday Tribune, 8 January 2009. 300m euros have been spent on accommodation for individuals seeking asylum over the past five years. Bridgestock, Ltd., one of the largest providers of accommodation which runs eight centres, made 24m euros in five years.
- ⁱⁱ A code of conduct is necessary for residents as well as there have been allegations of male residents harassing women seeking asylum in some centres.
- ⁱⁱⁱ There are no exact city and county names listed here for regional consultations to protect vulnerable women’s disclosures. These locations are kept on file at AkiDwA.
- ^{iv} The remainder of the forty-six centres are as follows: 2 self catering, 1 reception and 1 for voluntary return of destitute European Union Accession State citizens.
- ^v Reception and Integration Agency Monthly Statistics December 2010 states there are 6,149 individuals ‘live on system’.
- ^{vi} Reception and Integration Agency Monthly Statistics December 2010
- ^{vii} Refugees in Ireland often still offer places to migrant women in these situations. What is more difficult is the provision of longer-term accommodation for women not in a position to support themselves and their families.
- ^{viii} In the 12 October 2010 session of the Joint Oireachtas Committee on Health and Children, Noel Dowling, Principal for the Reception and Integration Agency, stated “RIA does not compile statistics on the number of complaints or appeals received or actions taken following on from such complaints or appeals.”
- ^{ix} AkiDwA *Am Only Saying it Now* (March 2010)
- ^{x x} From AkiDwA consultations held for the Women’s Human Rights Alliance shadow report for the International Covenant on Economic, Social and Cultural Rights (2009)
- ^{xi} AkiDwA *Am Only Saying it Now* (March 2010); northwest consultation August 2009.
- ^{xii} Reception and Integration Agency Direct Provision Reception and Accommodation Centre House Rules and Procedures 2009, as amended January 2011.
- ^{xiii} In A/HRC/7/3 15 January 2008 PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur, Manfred Nowak, proposes, in relation to the definition of torture, to “introduce an additional element, “powerlessness” to underline that, whereas detention contexts are classic situations of powerlessness, it can also arise outside of detention or direct State control. Situations constituting of de facto deprivation of liberty may occur in different “private” settings.
- ^{xiv} Including AkiDwA DJELR Domestic Violence Project Training (northwest and southeast locations, 14 – 16 April and 19-20 August 2008; 2010 AkiDwA UN CERD consultations
- ^{xv} AkiDwA DJELR Domestic Violence Project Training (southeast workshop) 19 – 20 August 2008
- ^{xvi} NGO ALLIANCE AGAINST RACISM SHADOW REPORT FOR THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION February 2010 southeast region consultation.
- ^{xvii} AkiDwA *Am Only Saying it Now* (March 2010); northwest consultation August 2009.