

## **Submission to the Irish Human Rights and Equality Commission: Ireland's 6<sup>th</sup> and 7<sup>th</sup> periodic reviews of the CEDAW Convention**

### **i. About Nasc**

Nasc, the Irish Immigrant Support Centre, is a non-governmental organisation working for an integrated society based on the principles of human rights, social justice and equality. Nasc (which is the Irish word for link) works to link migrants to their rights through protecting human rights, promoting integration and campaigning for change. Nasc was founded in 2000 in response to the rapid rise in the number of asylum seekers and migrant workers moving to the city of Cork. It is the only NGO offering legal information and advocacy services to immigrants in Ireland's second city. Nasc's legal team assist some 1,000 immigrants annually in navigating Ireland's protection, immigration and naturalisation systems. We also assist migrants and ethnic-minority Irish people who encounter community-based and institutional racism and discrimination.

### **ii. Substantive comments**

Nasc welcomes the opportunity for organisations and individuals to make submissions to the Irish Human Rights and Equality Commission and have an input on the assessment of Ireland's compliance with the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). The information we present in this submission is based on our experiences working with migrants and ethnic communities through our legal clinics, outreach and advocacy services. In our submission we take into account the List of Issues provided by the CEDAW Committee in advance of the review and the Draft response to the List of Issues prior to reporting compiled by the Department of Justice.<sup>1</sup>

#### *Stereotyping*

We welcome the steps the Irish State has taken to address gender stereotypes among children and young people.<sup>2</sup> We note, however, that the State's draft report makes no mention of steps being taken, if any, to address and eliminate stereotypical attitudes towards Traveller, Roma, migrant and ethnic minority women and girls, who experience multiple forms of discrimination in Ireland.

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<sup>1</sup> CEDAW: Response to List of Issues prior reporting, Draft version 1.1, 04/07/2016 [Draft response].

<sup>2</sup> CEDAW Committee List of Issues, para 10. Draft response, para. 92.

### *Violence against women: Protection of disadvantaged groups*

Access to emergency refuge accommodation is an essential component of the protective measures for women and girls who are victims of violence.<sup>3</sup> From our experience, because of high demand for their services women's shelters and refuges offering emergency accommodation for homeless individuals sometimes rely on social welfare payments to offer emergency or short to medium term accommodation to victims of gender based violence. This is a matter of concern as many migrant women, particularly Roma and undocumented migrants face difficulties when attempting to access social welfare payments in the first place. Even those who meet the criteria to be offered support may be unable to access emergency accommodation due to the shortage of places available. Safe Ireland, Ireland's leading national domestic violence organisation, most recent figures show that there were 4,831 unmet requests for women looking for safe accommodation in 2014.<sup>4</sup>

In relation to specific measures taken to protect disadvantaged groups of women, particularly migrant and ethnic minority, women from violence including domestic violence,<sup>5</sup> we welcome the proposed actions for the Second National Strategy on Domestic, Sexual and Gender-based violence 2016-2021.<sup>6</sup> On the issue of data collection, we consider that the data collection and disaggregation in the area of domestic and sexual violence should also include residency and immigration status of victim and perpetrator.<sup>7</sup>

Working with migrant women and girls, the issue of immigration status and access to immigration permissions is central to Nasc's services. The Irish Naturalisation and Immigration Service (INIS) published Immigration Guidelines in 2012.<sup>8</sup> This policy, however, only offers guidance for applications for independent immigration status; that is, cases when the immigration status of the victim of domestic violence is dependent on that of the perpetrator. A lack of clarity about the timeframe for applications considered under this policy has the added consequence of negatively affecting a woman's access to emergency services and essential social welfare benefits, leaving victims of domestic violence at high risk of homelessness and destitution. We are concerned that the policy explicitly addresses itself only those who currently hold or have recently held immigration permission thereby excluding undocumented women, who may be particularly vulnerable.

Expedited processing times for applications from women and girls victims of violence should be implemented, and temporary permissions should be issued while applications are being considered. Furthermore, in our interactions with the INIS and the Department of Social Protection (DSP) on behalf of women victims of violence, we have encountered insensitive requests to victims of violence, such as presenting copies of documents pertaining to the perpetrator or requesting that they attend immigration registration with the perpetrator. Greater training should be put in place to INIS and DSP officials, to ensure that women and girls victims of violence encounter sensitive and respectful services.

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<sup>3</sup> CEDAW Committee List of Issues, para 11. Draft response, para. 102.

<sup>4</sup> See Safe Ireland Domestic Violence Statistics Report 2014, page 4, available at <http://www.safeireland.ie/wp-content/uploads/National-Domestic-Violence-Service-Statistics-2014.pdf> [Note that this number include migrant and non-migrant women]

<sup>5</sup> CEDAW Committee List of Issues, para 12.

<sup>6</sup> Draft response, para. 109.

<sup>7</sup> Draft response, para 113.

<sup>8</sup> INIS, Victims of Domestic Violence Immigration Guidelines.

### *Victims of trafficking and women and girls in the protection system*

Particularly vulnerable groups of women and girls, include those seeking protection, undocumented women and victims of trafficking and exploitation. It should be noted that victims of human trafficking are offered accommodation in one of its 35 direct provision centres,<sup>9</sup> of which only one is a female-only centre.<sup>10</sup> As it was noted in the Working Group to Report to Government on Improvement to the Protection Process (Working Group Report), living in mixed centres can be a cause of particular anxiety for female victims of trafficking or sexual violence.<sup>11</sup> We welcome that the Reception and Integration Agency (RIA) has developed a Sexual and Gender-based Violence Policy,<sup>12</sup> we note however that the awareness-raising and training plans component have not been reported as implemented to date.

The Working Group also recommended in its report that the protection system should identify and appropriately assist vulnerable applicants, and that the follow up and monitoring of vulnerable persons should occur on an on-going and regular basis.<sup>13</sup> No vulnerability assessment has been put in place as yet, and to date, the State has not put in place gender guidelines for asylum applications, so that it can consider the particular vulnerabilities of women and girls in the protection determination process and offer the appropriate supports and services.<sup>14</sup>

Current Irish immigration policies indirectly discriminate against women. While Ireland's immigration policies<sup>15</sup> may not directly discriminate women, their gender neutrality have a negative effect on women's access to legal immigration channels. The Irish government recognizes the existing gender pay gap in Ireland being 14.4% for 2012, the most recent estimate.<sup>16</sup> Immigration policies do not reflect this and other gender disparities. The eligibility criteria under the current work permit system in Ireland sets a minimum annual remuneration of €30,000 a year,<sup>17</sup> without acknowledging the impact that the gender pay gap has on women's employment prospects. Moreover, male dominated industries, occupations and positions are overrepresented in the list of occupations that qualify for Critical Skills Employment Permits, which have more 'attractive' conditions. Consequently, current immigration policies might inadvertently result in indirect discrimination against women.

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<sup>9</sup> Draft response, para 130.

<sup>10</sup> See Working Group to Report Government on Improvements to the Protection Process including Direct Provision and Supports to Asylum Seekers, Final Report, June 2015 page 195 [Working Group Report]; Reception and Integration Agency, RIA Monthly Report June 2016.

<sup>11</sup> Working Group Report, page 195.

<sup>12</sup> See RIA Policy Document on Sexual & Gender Based violence (with Agreed Report), available at <http://www.ria.gov.ie/en/RIA/Pages/SGBVDoc>.

<sup>13</sup> *Ibid*, page 196.

<sup>14</sup> *Ibid*, page 129.

<sup>15</sup> Draft response, para 166.

<sup>16</sup> Draft response, para 9.

<sup>17</sup> Department of Jobs, Enterprise and Innovation, General Employment Permit, Eligibility Criteria available at <https://www.djei.ie/en/What-We-Do/Jobs-Workplace-and-Skills/Employment-Permits/Permit-Types/General-Employment-Permit/> [This is the general financial threshold, with exceptions for recent graduates and selected positions that require fluency in a non-EEA official language].

### *Health situation of Roma women*

We appreciate that the State has mentioned initiatives such as the mobile Safetynet Roma GP service to members of the Roma community in Dublin in its draft response.<sup>18</sup> We are of the opinion, however, that targeted initiatives like this should be temporary measures to improve access to services for vulnerable communities as part of an ongoing effort to mainstream quality of general services for all individuals, including women and girls from Roma communities.

#### **iii. Recommendations**

- Undertake steps to eliminate stereotypical attitudes towards women and girls from Traveller, Roma and migrant communities.
- Ensure that sufficient resources are allocated to providing support services, including emergency accommodation, for women and girls victims of violence regardless of their immigration status or access to social welfare payments.
- Include residency status and immigration status when collecting and disaggregating data on victims and perpetrators of violence against women and girls.
- Put in place general immigration guidelines to protect women and girls victims of violence and exploitation, including undocumented women, to ensure access to emergency services and essential social welfare benefits. These guidelines should contemplate expedited processing times and the issuance of temporary residency permissions while applications are being processed.
- Provide gender training to civil servants, including immigration and social welfare officers, to ensure the provision of sensitive and respectful services for women and girls victims of violence and exploitation.
- Fully implement RIA's Sexual and Gender-based Violence policy, including its awareness-raising and training components.
- Undertake a gender analysis of immigration policy, especially the work permit regime, to ensure that it does not result in indirect discrimination against female migrant workers.
- Ensure that all women and girls have access to health services that are available, accessible, affordable and of good quality, including Roma, traveller and migrant women.

For further information, specific data or clarification of any of the above, please do not hesitate to contact Majo Rivas, Legal Officer, at Nasc at: (021) 450 3462 or [majo@nascireland.org](mailto:majo@nascireland.org).

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<sup>18</sup> Draft response, para 9.

