



RCNI Submission
On Direct Provision & the International
Protection Process
To the Joint Oireachtas Committee on
Justice and Equality
May 2019

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Introduction – Rape Crisis Network Ireland

Rape Crisis Network Ireland (RCNI) is a specialist information and resource centre on rape and all forms of sexual violence. The RCNI role includes the development and coordination of national projects such as using our expertise to influence national policy and social change, and supporting and facilitating multi-agency partnerships. We are owned and governed by our member Rape Crisis Centres who provide free advice, counselling and other support services to survivors of sexual violence in Ireland.

Introduction – This Submission

RCNI welcomes very much this opportunity to make a submission on the impacts of the Direct Provision and International Protection systems on those asylum seekers¹ and those granted international protection who have suffered often extreme forms of sexual violence in their country of origin or elsewhere. We are in no doubt that this is a very vulnerable group of sexual violence survivors who need to find safety, reassurance, a specialist and sympathetic response to their trauma, and ultimately, at least a measure of recovery from that trauma, in Ireland.

Everything possible should be done to ensure that in accordance with Articles 21 and 22 of the Reception Conditions Directive², each vulnerable sexual violence survivor's "specific reception needs" are assessed and as far as possible, addressed effectively throughout their time in the international protection process. The sooner any survivor of sexual violence is referred to a specialist service such as a rape crisis centre, the sooner their needs can be addressed appropriately. Specialist services themselves should have access to resources adequate to this task.

Structure and Scope of this Submission

In essence, this Submission is a snapshot of the reality faced by our asylum seeker (and sometimes, others who have been granted some form of international protection already) clients in 2019. It is meant to be read in conjunction with, and as an update to, our two earlier Reports from 2014. These are:

¹"Asylum seekers" are now referred to in the legislation (International Protection Act 2015) as "applicants". However, it was decided to retain the older term in this submission because that is the one which the greatest number of readers would be likely to recognise and understand.

²EU Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, available online via this web-link: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>

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1. RCNI Submission on Integration Policy³; and
2. Asylum Seekers and Refugees Surviving On Hold⁴(mixed method small-scale research study of asylum seeker and refugee sexual violence survivors attending Rape Crisis Centres)

This submission focuses almost entirely on the experiences of sexual violence survivors in the Direct Provision (DP) system.

RCNI acknowledges that since 2014, there have been several significant improvements in asylum seekers' living conditions, including the right to work after 9 months, an increase in the weekly social welfare allowance and independent cooking facilities for about 50% of DP residents. It is also acknowledged that enormous effort has gone into improving the international protection process itself, in the years before and after the commencement of (most of) the International Protection Act 2015⁵ in late 2016.

Vulnerable persons – Direct Provision accommodation for survivors of sexual violence in 2019

It can be difficult to access specialist services from rape crisis centres for asylum seeker survivors. These are some barriers identified by rape crisis centres (RCCs) around the country:

1. **Instability:** One RCC gave an example of an asylum seeking survivor in a nearby Direct Provision hostel who had built up a very good relationship with her counsellor over a period of some 4 months. She had recovered to the extent that she could now participate in other activities in a local women's centre and access educational courses. The violence she had suffered was extreme – she had seen her husband and child murdered, and had been the victim of multiple rape – on the same occasion.

One day, she got an official letter telling her she would be moved the next day, to another town from which it would be difficult if not impossible to reach the RCC by public transport. She is now out of reach of her local support system and her specialised service – and has been told that she is likely to be moved further away, after only a short stay at the address to which she had to move.

³ Available online through this web-link: <https://www.rcni.ie/wp-content/uploads/RCNI-submission-on-Integration-Policy-May-2014.pdf>

⁴ Available online through this web-link: <https://www.rcni.ie/wp-content/uploads/RCNI-Asylum-Seekers-and-Refugees-Surviving-on-Hold.pdf>

⁵ Available online through this web-link: <http://www.irishstatutebook.ie/eli/2015/act/66/enacted/en/html>

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Rape Crisis counsellors' perspective is that having no control over one's home, and especially not knowing how long it will be one's home – works against recovery because it shatters the fragile sense of safety and support which the vulnerable person had built up.

In addition, the practical obstacles to continuing counselling with the original RCC are often formidable – often there is no money readily available to access transport to the RCC, child care during appointments, nor is there enough time to make the journey there and back in one day, and so on.

Some counsellors also feel that it may not be safe (in psychological sense) to encourage asylum seeker clients to engage in intensive, long-term individual counselling which goes well for a time, sometimes quite a long time – and is then broken off, leaving the client to cope with difficult issues with much less, or possibly no, expert support.

RCNI is also concerned about the new trend towards accommodating people in emergency accommodation – this does nothing to help survivors of sexual violence towards their recovery.

- 2. Disclosure and Safety:** The ability to disclose the full horror of one's experiences is a gradual process, and is likely to take place much sooner when the survivor feels that s/he is in a safe place where disclosures will be heard with empathy and understanding. Rape crisis staff emphasised that asylum seeking survivors are full of fears – about possible deportation, about missing loved ones, about possible unwanted sexual advances from other DP residents, about sharing accommodation with strangers, about being moved without warning – and also, they are living with the trauma of what they experienced, or witnessed, or both – all the time.

It is hard to feel safe when a person is obliged to share living space with strangers who may be incompatible at best and downright dangerous at worst. Bathrooms shared with the opposite sex, as they still are in many DP hostels, and sleeping accommodation shared with others of the same sex who may be completely incompatible – are additional stresses which retard the recovery of particularly vulnerable asylum seekers, those who are survivors of sexual violence.

Other stresses are the relatively isolated setting of several (by no means all) DP centres, the related difficulties of maintaining much-needed ties to the local community/support system, and for some asylum seeker women and girls, regular sexual harassment from men looking for sexual services both inside and outside DP centres.

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Disclosures of sexual violence need to be received and evaluated by lawyers, DP staff, International Protection Office staff and other professionals who have some understanding at least of the nature of trauma, and how hard it can be for someone in trauma to disclose what happened to them fully and coherently.

There also needs to be an understanding that someone summoned to talk at length about traumatic experiences (for instance by IPO) perhaps a long distance away in a strange city, reached by an arduous journey in a bus or train – needs the support of an accompanying person who is familiar with this role and is equipped to deal with the emotional aftermath of sustained, directed and intensive disclosures of appalling events. There is no official equivalent in the international protection system of a Court Accompaniment service such as exists in our criminal courts for no other reason than to support vulnerable victims of crime before, during and after giving evidence.

3. Helping survivors to pick up the pieces – the role of rape crisis centres

Rape crisis centre counsellors are called upon regularly to write reports on their clients by legal representatives. These reports demand intensive, sustained work to get right because the subject matter is so repellent and the history of the matter often very complex.

Individual counselling itself in this area of extreme trauma is itself demanding – counsellors need expert supervision and support to sustain it. They also need regular Continuing Professional Development from outside experts to keep up with the latest and the best approaches to this area of counselling.

Several rape crisis centres have found that group work with local asylum seeking women (or sometimes, men) who have suffered sexual violence – has been a very great help towards recovery – and do not demand enormous resources. That said, some centres still struggle to find the means to provide such groups. Others have found that using telephone interpreting services works quite well, indeed in some ways much better with one on one counselling - than face to face services.

Most rape crisis centres find that referrals rarely come from official Department of Justice sources – but instead from local GPs, legal representatives, HSE and Tusla social workers – and other NGOs in the local area. To the extent that they can, most Centres do their best to maintain links with these NGOs and other professions likely to come into contact with asylum seekers.

While rape crisis centres are more than willing to provide every possible specialist service they can to this vulnerable group of clients, they are short of resources to provide most of them. It is generally felt that having adequate resources to support this

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group as they should be reported would make an enormous difference to their prospects of early recovery.

However, resources should also go into educating other professionals, particularly those in decision making roles – about the nature and extent of the trauma suffered by asylum seeker survivors of sexual violence.

RCNI Recommends that:

- Survivors of sexual violence who apply for international protection should benefit from individual assessment of their “specific reception needs” as early as possible in the international protection application process, as it is clear that they qualify for such measures under Article 21 of the Reception Conditions Directive, cited above;
- It should be understood that a clear “specific reception need” for this vulnerable group is to be housed close to, and informed about, an accessible rape crisis centre or other specialised sexual violence service, and
- Officials carrying out the assessment should liaise with Reception and Integration Agency (RIA) and they in turn with local DP manager, to make sure that that happens, as soon as possible and with due regard to survivor’s privacy and dignity;
- The International Protection Office and other official bodies and individuals involved in the reception and determination of international protection applications should access information and training from services specialised in the area of sexual violence, such as (but not confined to) rape crisis centres, about the nature and extent of the trauma of sexual violence and its impacts on its victims;
- Those involved in overseeing, managing and helping to run Direct Provision should also have access to training which gives them an understanding of the particular stresses and difficulties suffered by survivors of sexual violence who must live in DP accommodation;
- Single-room, single-sex, **stable** accommodation should be the norm for vulnerable survivors of sexual violence who have been assessed as such under the Reception Conditions Directive, and where this is not available immediately, a plan should be put in place to ensure that it is made available as a matter of urgency;
- RIA or some other Government agency should ensure that asylum seekers who need them are able to access rape crisis centre appointments, by providing fares and child care costs where necessary;
- Rape crisis centres should be resourced adequately so that they can provide a full range of specialist services to asylum seeker survivors of sexual violence in their local

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area **and** write expert reports about them, have access to CPD training and expert supervision, and help to train and inform both their local public and relevant professionals, at least in their own area, about trauma-related issues;

- Vulnerable asylum seekers in this group should have the right, subject to appropriate safeguards, to be accompanied by a support worker or other person both to International Protection interviews at first instance and to the International Protection Tribunal, if that is what is needed to ensure that they feel able to participate fully in both;
- The Government should measure progress in this area, through contacts with DP residents directly, as well as with local specialist services, so that the extreme levels of trauma suffered by this group of vulnerable asylum seekers are not compounded by an inadequate response from all (or any) relevant bodies and services.

Conclusion

There is no doubt that over the last five years, much progress has been made with regard to the rights and living conditions of asylum seekers. RCNI respectfully submits that it is time that attention was focused on the particular difficulties facing asylum seekers who are survivors of (usually extreme) sexual violence so that they can help themselves towards recovery.

RCNI will do its best to answer any queries on this important topic and also to supply any further information requested by members of the Committee.

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