Housing trafficked women in Ireland

Submission to the Advisory Group on the Provision of Support including Accommodation to Persons in the International Protection Process

Immigrant Council of Ireland

2-17-2020

Working for equality

Immigrant Council of Ireland

The need for gender-specific accommodation for sexually exploited, trafficked women

1. Introduction

The Immigrant Council of Ireland (ICI) is an Independent Law Centre and NGO that works to protect, support and advocate for the rights of migrants and their families. The law centre provides legal information, advice and representation through an information service and two full-time solicitors. The ICI teams lead projects and policy work to advocate in a variety of local, national and international arenas to ensure the voices of migrants are represented. The ICI is also a leading national Anti-Trafficking organisation with expertise in policy and advocating for legislative change. The ICI law centre specialises in holistic legal aid to trafficked migrant women recovering from sexual exploitation.

The ICI experience of direct provision primarily comes from the experience of trafficked women who are living in that system. The majority of victims of trafficking whom the ICI represents are housed in direct provision centres. The lived reality our clients face due to the serious deficiencies in direct provision system to address their needs, informs ICI policy work to advocate for ending the use of this inappropriate system to house trafficked women recovering from sexual exploitation and abuse.

This document is based on the submission the ICI prepared for the Joint Oireachtas Committee on Justice and Equality's consultation in May 2019, focusing on Direct Provision and the International Protection Application Process[1].

2. The problem

The provision of safe and appropriate housing is an internationally accepted priority need for trafficked victims, which is central to their recovery as independent individuals on the one hand and to fulfilling their potential role as witnesses on the other. Taking into account the gendered character of trafficking, the EU Anti-Trafficking Directive[2] requires that the assistance to victims of trafficking be gender-sensitive, where appropriate. Directive 2012/29/EU of the European Parliament and of the Council establishing minimum

[1] Joint Oireachtas Committee's full report: https://www.oireachtas.ie/en/press-centre/press-releases/20191212-joint-committee-on-justice-and-equality-report-finds-direct-provision-not-fit-for-purpose-and-calls-for-fundamental-reform-of-flawed-international-protection-application-process/

[2] Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting, available at: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:101:0001:0011:EN:PDF

standards on the rights, supports and protection of victims of crime[3], which Ireland opted into, highlights the need for services as a 'minimum' to develop and provide:

(a) Shelters and any other appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, of intimidation and of retaliation;
(b) Targeted and integrated support for victims with specific needs, such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships, including trauma support and counselling.[4]

It is also relevant to note regarding cases involving international protection claims that the recast Reception Conditions Directive[5] identifies a range of vulnerable categories of applicants, which are relevant to the housing issue of trafficked, sexually exploited women. Among these vulnerable categories are pregnant women, single parents with minor children and victims of trafficking (Article 21, Directive 2013/33/EU).

Presently in Ireland the Reception and Integration Agency (RIA) is tasked with provision of accommodation and material assistance to all victims of human trafficking, which comes in addition to RIA's main function to house people seeking asylum in general. In this context, our priority concern lies with ***women (in some cases underage girls in age determination processes) trafficked for sexual exploitation that are referred to Direct Provision through the national referral mechanism for the support of victims.***

For such women, appropriate gender sensitive accommodation facilities represent an assistance element of central importance. Integrated supports, such as medical, material, legal and other integration assistance are a function of and dependant on the existence of such specific accommodation approaches as a dedicated shelter or, preferably, individual housing provision to accommodate women during their essential recovery time. It is the position of the Immigrant Council that Direct Provision centres do not represent appropriate housing for victims of trafficking. At the same time, shelters and other services for domestic and sexual violence are not resourced and formally involved in responding to migrant women victims of trafficking as an issue of gender-based violence. This position is unsatisfactory and hinders the recovery of trafficked women, and in our experience often adds additional trauma.

[3] Available at: https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:315:0057:0073:EN:PDF
[4] Directive 2012/29/EU Article 9
[5] 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 at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0033

3. Past attempts to address the problem

Despite the many improved practices on general residential matters in the aftermath of the McMahon report (Working Group to Report to Government Working Group on the Protection Process on Improvements to the Protection Process, including Direct Provision and Supports to Asylum Seekers in 2015)[6], the situation of victims of trafficking has not changed in any significant way. For example, the sharing of rooms, limited or non-existent food preparation facilities and sexual harassment in mixed gender accommodation reported by trafficked women persists. Meanwhile, the single female gender hostel[7] was set up in a location removed from any specialised complementary services for trafficked women in order to become a suitable alternative housing for such women.

The publication of the Second National Action Plan to Prevent and Combat Human Trafficking in Ireland[8] was most welcome. However, it does not contain any explicit commitments to the issue of accommodation of victims of trafficking, which in turn doesn't provide a format for resolution of this long outstanding situation. On a positive side, the plan is an open document and such a review or change would become an important feature of its implementation and more importantly would bring huge benefits to the vulnerable women in the focus of this plan.

Over the years, the Immigrant Council of Ireland separately and in collaboration with specialist non-governmental organisations (Ruhama, Nasc, Doras Luimni, Sexual Violence Centre Cork, Sonas Housing, Focus Ireland)[9] has made submissions and issued strong calls to the Government for the need to change its approach to housing for trafficked women who are recovering from sexual abuse and exploitation. The problems with the use of Direct Provision has been analysed with the help of survivors and presented in detail to the authorities.[10]

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[6] Available at: http://www.justice.ie/en/JELR/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf/Files/Report%20to%20Government%20on%20Improvements%20to%20the%20Protection%20Process,%20including%20Direct%20Provision%20and%20Supports%20to%20Asylum%20Seekers.pdf

[7] RIA contracted accommodation centre Johnston Marina, Tralee for female residents only

[8] Available at: http://www.justice.ie/en/JELR/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf/Files/2nd_National_Action_Plan_to_Prevent_and_Combat_Human_Trafficking_in_Ireland.pdf

[9] A submission to the Minister for Justice and Equality on the accommodation needs of victims of trafficking was developed by leading specialised housing and expert trafficking organsiations (2014) https://www.immigrantcouncil.ie/sites/default/files/2017-10/AT%202014%20Submission%20to%20DJE%20on%20housing%20of%20adult%20victims%20of%20sex%20trafficking.pdf ; Joint Submission to the draft Second National Action Plan on Trafficking in Human Beings (2016) https://www.immigrantcouncil.ie/sites/default/files/2017-10/AT%202015%20Joint%20Submission%20on%20DJE%20draft%20National%20Action%20Plan%20on%20Trafficking.pdf

[10] Ibid (p.5-6); AkiDwa (2010) http://akidwa.ie/publications/AmOnlySayingItNowAkiDwA.pdf; FLAC(2009) https://www.flac.ie/publications/one-size-doesnt-fit-all/

Failing to secure any changes, in 2018 the Immigrant Council of Ireland developed interim proposals for minimal adaptation of the Direct Provision centres and met with the head of RIA to present it. These measures have yet to be adopted.

4. International critique of the present housing arrangements for trafficked victims

Ireland has been criticised for the way it houses victims by international monitoring bodies evaluating the States Anti-Trafficking measures. Recently the US Department of State Trafficking in Persons 2018 report downgraded the national response to trafficking from Tier 1 to Tier 2 (essentially meaning that Ireland is not meeting the agreed minimum standards), to a large extent due to the chronic problems with responding to victims.

> The Government of Ireland does not fully meet the minimum standards for the elimination of trafficking; …The government has not obtained a trafficking conviction since the law was amended in 2013; it initiated only three prosecutions in 2017, and had **chronic deficiencies in victim identification and referral**. (TIP 2018, p235)

Similarly, the first and second round of evaluation of the Council of Europe monitoring mechanism (GRETA) contained explicit criticism of the lack of gender-specific assistance to victims of trafficking.

> Assistance to victims: 16. GRETA **urges the Irish authorities to review the policy of accommodating suspected victims of trafficking in accommodation centres for asylum seekers** and to consider setting up specialised shelters for victims of THB, with the involvement of NGOs as support providers.(GRETA 2013, p.5)[11]

> Recommends that the Irish authorities take measures to address the following issues for immediate action identified in GRETA's report:
> **review as a matter of priority the policy of accommodating presumed victims of trafficking in accommodation centres for asylum seekers, with a view to ensuring that the accommodation is gender-sensitive, appropriate and safe, and that victims are provided with specialised services**. As a first step, the authorities should set up as a pilot a specialised shelter, with dedicated, trained personnel. In addition to better support and protection of the victims, this would also be in the interest of the investigation; (GRETA 2017, p.2-3)[12]

Following a visit to the Balseskin Direct Provision centre in Dublin, where the majority of the victims are accommodated, GRETA delegates documented their concern that:

[11] Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland (2013)https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680631cbe;

[12] Recommendation CP(2017)29 on the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland, available at https://rm.coe.int/cp-2017-29-irl-en/168075e9d0

'**the centre not being a specialised facility for victims of trafficking, is not an appropriate environment for such victims on a number of accounts**: mixing of men and women, which can expose vulnerable women to further grooming and exploitation; lack of privacy, victims sharing bedrooms with up to three other persons; difficulty to apply a personalised approach as staff may not be aware of who the victims of trafficking are; and possibility for traffickers to access victims'. (GRETA 2013, p.45).

5. National level policy approach.

There is a need for adjusting the national strategy on domestic, sexual and gender based violence (GBV) with a view to including all forms of GBV, in particular these relevant to migrant women, such as human trafficking. For instance, the response to human trafficking as a recognised form of GBV and violence against women (VAW) has been developed in complete isolation from the national strategy on GBV. This has led to a series of policy decisions which do not recognise or address the needs of trafficked women recovering from sexual violence and sexual exploitation, which is the most prevalent form of human trafficking.

We are noting that similar to the Istanbul Convention, Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, clearly places trafficking in human beings among the forms of gender-based violence. Two recently launched guidance tools also merge trafficking with the general policy arena of GBV. These are the European Institute for Gender Equality (EIGE) report 'Gender-specific measures in anti-trafficking actions' (2018)[13] and the Council of Europe 'Mapping support services for victims of violence against women in line with the Istanbul Convention standards, methodology and tools' by Prof Liz Kelly (2018)[14].

The 2018 report of the EIGE *Gender-specific Measures in Anti-trafficking Actions*, recommends as a first indicator the inclusion of trafficking in human beings in the national strategic documents for combatting violence against women.

> Policy framework: National action plan or strategy on combating violence against women includes trafficking in human beings (EIGE 2018, p.65)
>
> National Action Plans contain indicators, benchmarks, timeframes which can be monitored and evaluated from a gender perspective. Any strategies (National Action Plans) on human trafficking or violence against women, mutually refer, complement and reinforce each other in explicit terms. (Yonkova et al. 2018, p. 81 for EIGE)

13 Available at: https://eige.europa.eu/publications/gender-specific-measures-anti-trafficking-actions-report
14 Available at: https://rm.coe.int/final-vaw-support-2019-eng-forms/168093b8b9

Similarly, in 2018, an Istanbul Convention tool for measuring compliance, developed by Prof Liz Kelly of London Metropolitan University, includes trafficking in the mapping of the relevant services for affected women:

> Trafficking of human beings is also included, even though it is covered by a different convention, since it has overlaps with a number of the forms of violence addressed in the Istanbul Convention (Prof Liz Kelly for Council of Europe, 2018)

6. Recommendations

On the basis of our experience and the knowledge gathered from direct services to trafficked, sexually exploited women, the Immigrant Council of Ireland calls for urgent changes to the way accommodation is arranged for such victims of trafficking. While we ultimately call for alternative housing that does not involve Direct Provision centres at all, we are aware that the transition may take time. For this purpose, and in addition to our long term recommendations outlined in section 6.2 below, we have developed urgent interim arrangements adapting the RIA operated centres for the needs of trafficked sexually abused women, as much as possible.

6.1. Interim proposals as a matter of urgency

There is room for improved provision of services to victims of trafficking within the RIA operated system, which are worth exploring in the context of the existing general housing shortage in Ireland. While the proposed changes below are cost-neutral, they will go some way towards responding to the specific needs of trafficked women as well as to the States' international commitments, which are presently in question. This involves several steps linked to change of practices and operational decisions.

1. Designating **private (non-shared) rooms to trafficked women who have been sexually abused** and recovering from significant trauma, associated with depression, anxiety, insomnia and post-traumatic stress disorder. Allowing victims to feel safe and to have undisturbed sleep at night is an essential part of the recovery process. The spare capacity of the centres, which is purposefully maintained could be utilised to achieve this essential comfort for recovering.

2. Provision of **self-catering arrangements**, where women can cook their food as an essential pre-condition to regaining control and independence through budgeting and exercise of choice. In light of the difficulties in transitioning to private renting, such arrangements are immensely important. There are already certain resources presently operated by RIA which could be utilised.

3. **Increased awareness among managers** of centres about their salient role in the delivery of this most vital service to victims of serious crime recovering in the premises they run. This role stretches far beyond the provision of merely a roof over the head of people. In many cases, this is the first relatively safe space victims of

trafficking experience after being held and abused severely in brothels. By taking over this important role, the managers and the establishments they run have taken up a commitment to the recovery of the human rights of victims of crime and thus have become an integral part of the individual personal recovery of each victim.

4. **Training key personnel in understanding human trafficking, the obligations of the State and the specific needs of victims, with a focus on those that recover from extensive long-term trauma.** There is a certain argument in favour of not informing the centre staff in order to preserve the confidentiality of the victim; however this is outweighed by serious considerations. It is questionable whether such confidentiality could be preserved given the extended stay of victims in the hostels. Most importantly, the service cannot be adequate, sensitive and tailored if key staff are not informed, trained and bound by commitment and confidentiality in their dealings with this exceptional category of residents.

5. Explicit **commitment to gender-sensitivity** in view of the character of serious exploitation the majority of victims suffer, including sexual abuse, rape and sexualisation as a strategy for survival. Sensitivity to men, common areas, heightened sensitivity to personal and sexual remarks represent well-established issues among victims of sex trafficking that need to be taken into account and subject to staff training.

6.2. Long terms solutions

First and foremost, the Immigrant Council of Ireland calls for a gender-specific accommodation services to trafficked women recovering from sexual exploitation that recognises and treats these individuals as victims of the crime of human trafficking and victims of violence against women, as the European Union directives as well as the Istanbul Convention require.

- **Nominating the women's refuges for women experiencing domestic violence as emergency accommodation for rescued trafficked women and providing additional resources to these refuges for this purpose.**

This type of accommodation is very secure with personnel who have a significant competence in dealing with women who have experienced trauma and abuse. It could be reasonable to use such a refuge as short-term emergency accommodation for victims who have been saved during a brothel raid for example. This model of housing of trafficked women is preferred in a number of EU Member States.

- **Creating a shelter that specialises in trafficked sexually exploited women.**

This shelter-type facility would offer services to women who require longer term recovery services beyond emergency accommodation, which is not available in emergency shelters. The designated State agencies and the specialist non-governmental organisations, part of

the National Referral Mechanism for victims of trafficking, have to be essentially involved in the provision of holistic support that addresses legal and integration matters, in addition to trauma recovery and medical support.

There are, however, issues of security which need to be considered in the opening of such a shelter – namely that it may become widely known over time that such a premises exists and its location, thus making it possible that victims of trafficking could be retargeted by traffickers or criminal gangs. These security issues must be addressed as a matter of priority before the opening of such a shelter is considered, learning from international experience.

- **Privately rented properties with geographical spread** in areas around the country with available specialist support, e.g. Dublin, Cork, Limerick.

This involves a flexible number of units (apartments or houses) and a corresponding budget granted to (preferably gender-specific) housing providers, rented at dispersed locations around Dublin and other bigger Irish cities with outreach support by specialised service providers, which could be made available in cases, where the capacity of the special shelter is exhausted, the woman is not able to sufficiently recover and live independently, or where there are considerations regarding contamination of evidence and for this reason individual women participating in criminal investigations need to be separately accommodated. While these properties may not have all of the the benefits of security offered by gender based violence shelters, and the selection of their location requires care and confidentiality, it is the position of the Immigrant Council that such an approach represents the most appropriate and desirable long term solution to the specific housing needs of victims of human trafficking. This could be provided in collaboration with Approved Housing Bodies, and/or utilising vacant properties donated by religious orders, with trauma recovery, health, legal and other supports built in to a detailed and resources care plan for each individual.

6.3. Recommendation of the Joint Oireachtas Committee on Justice and Equality from December 2019.

As a result of the ICI presentation and submission to the Joint Oireachtas Committee on Justice and Equality in 2019, the following recommendation was included in the Committee's resulting report on *Direct Provision and International Protection Application Process*[15]:

> *18. In recognition of the particularly acute trauma experienced by victims of human trafficking, gender-specific accommodation, with additional appropriate and tailored supports and services, should be provided for those identified as victims of trafficking*

[15] Link to the full report was provided on page 2

and sexual abuse. In the interim, priority should be given to designating private, non-shared rooms to trafficked people who have been sexually abused.

It must be noted that the main points of our submission on that occasion were previously presented to the Anti-Human Trafficking Unit in the Department of Justice and to the head of the Reception and Integration Agency, operating the direct provision system, which did not result in a response or feedback of any kind. As of the date of submission, a safe gender-specific shelter for trafficked women has not been established.

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Immigrant Council of Ireland

Catherine Day
BY EMAIL

RE: Presentation at the *Expert Group on the Provision of Support, including Accommodation, to Persons in the International Protection Process (Asylum Seekers)*

1 July 2020

Dear Catherine,

I hope this message finds you well.

We were honoured to have the opportunity to present our long-lasting and ongoing concern about the accommodation of victims of human trafficking in Direct Provision (DP) to the Expert Group in February.
I am writing today to reiterate again the position we outlined on the day as regards that and advocate that we feel the report and the recommendations that will be issued by the Expert Group you chair must include references to victims of human trafficking.

We are particularly worried about trafficked women recovering from recent and severe sexual abuse and exploitation. We hope that we were able to sufficiently explain to the Expert Group the precarious situation of this category of DP residents that has traditionally remained ignored and invisible in any previous discussions on DP, but remain available for any further commentary or analysis that may support your discussions.

On the 5th of June, we were copied on a Statement by Minister Flanagan and Stanton, which refers to a preliminary report prepared by the group and outlining measures for immediate improvement of DP. This communication does not make it clear if the preliminary report, or if indeed the final report, would include recommendations regarding the ending of the practice of housing trafficked women in DP.

We are very anxious that it does, as the predicament of such victims of trafficking remains valid and the concerns pressing. For example, just last week the annual US Trafficking in Persons Report revealed that 38 of the 42 new case of trafficking involve women and that sexual exploitation is by far the prevalent type of trafficking.

Similar to previous evaluations by both the US State Department and the Council of Europe Group of Experts on Action Against Trafficking In Human Beings (GRETA) , the use of DP for housing of victims of trafficking was strongly criticised as contributing to the systemic failure to assist victims of this crime.

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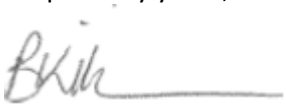
Looking forward to receiving further information from you and remaining

Respectfully yours,



Brian Killoran
CEO, Immigrant Council of Ireland

PS. The narrative for Ireland could be found at the following link to the US Trafficking in Persons Report from 26 June: https://www.state.gov/wp-content/uploads/2020/06/2020-TIP-Report-Complete-062420-FINAL.pdf

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