

MARCH 2020

## Submission to the Citizens' Assembly on gender equality

**"You have to see it, to be it"**

Dear Members of the Citizens' Assembly,

We thank you for this opportunity to make a submission to help inform your discussions on the theme of gender equality. We are requesting the Assembly takes some time within its busy schedule to explore the intersectional impact of gender equality, namely how it affects women and girls from migrant and ethnic minority backgrounds.

We have the privilege of working with and for many migrant women and are concerned by their relative invisibility within Irish decision-making structures. This includes, perhaps most glaringly, our political system, but also includes day-to-day visibility in jobs including teaching, An Garda Síochána, and the media.

While recognising the issues relating to gender equality in Ireland are incredibly broad and far-reaching, with one in eight of us from a migrant background and diversity set to increase, we believe it is vital the particular experiences of migrant women are considered during your discussions. For young women from migrant and ethnic minority backgrounds\*, visibility of women and girls who look and sound like them in the society to which they belong is hugely important so they know *they* belong here and are equally part of our future too.

This is important because women and girls from a migrant background face additional barriers in day-to-day life, particularly in relation to equality of access to work, housing, education and appropriate healthcare including mental and reproductive health services. They also face a particular vulnerability in relation to gender based violence.

Conversely, the many contributions migrant women are making to their local communities are too often overlooked and risk being airbrushed from the narrative of gender equality in Ireland. This includes the efforts of community groups like the Muslim Sisters of Eire, Laois Integration Network and the Balbriggan Integration Forum, among many others.

Too often we hear: **Are we, migrant women, included in this Ireland?** We hope you will take some time to reflect on this question and its profound implications for the Ireland of the future we are building.

Yours faithfully,



Brian Killoran  
CEO, Immigrant Council of Ireland

\*We refer to 'women from a migrant background' in this document as an inclusive term. Identifying as a migrant is a personal choice and can also include second and third generation women and girls, and is not exclusionary of dual identities.

## **Background**

Founded in 2001, the Immigrant Council of Ireland is the leading voice in securing improved rights and protections in the area of immigration, citizenship and anti-racism in Ireland. It is a human rights organisation and Independent Law Centre which provides immigration support, advice and information. We support and advocate for the rights of immigrants and their families and act as a catalyst for public debate, legal and policy change including through strategic legal action and engagement with lawmakers. Access to justice is the cornerstone of all of the Immigrant Council's work. It is committed to supporting individuals and families often at a vulnerable stage in their life, including victims of human trafficking, unaccompanied minors and stateless persons.

The Immigrant Council of Ireland is a feminist organisation providing legal services and lead integration and policy campaigns benefitting migrant women trapped in domestic abuse or trafficked for the purposes of sexual exploitation (or any other type of exploitation that also involves sexual violence). We are gender-specific in our work and have accumulated extensive expertise in direct legal representation of migrant women experiencing violence, of policy interpretation and strategic litigation in this area.

## **Introduction**

In recent years Ireland has grown in diversity and today one in eight of us come from a migrant background. This is a result of our more connected planet and the economic opportunities this brings as well as the impact of forced migration – refugees and asylum seekers who have had to leave their home countries due to conflict, persecution or threat. This knowledge must inform how we shape political policy and structures to ensure we are furthering gender equality.

Women and girls from a migrant background have particular experiences which must be taken into consideration. While we cannot homogenise the experience of women from migrant and ethnic minority backgrounds, too often their unique narratives are missing from gender equality debates. We would urge the Citizens' Assembly to engage with these women and girls as it debates issues relating to discrimination, economic inequalities, equal participation, childcare and caring issues and pay inequality to better understand the additional challenges women from migrant and ethnic minority backgrounds face.

## **Inclusion and integration**

Women and girls from migrant backgrounds often require additional supports to fully participate in Irish society. Extra support in order (for example) to access English language classes, affordable childcare and the workforce are often necessary for women and girls from a migrant background who might not have the family networks or access to financial supports to otherwise facilitate access. Like so many areas of concern relating to migrant women, there is a huge gap in knowledge of the lived experience. Collecting this data would inform policy and ensure frameworks can be put in place to overcome the structural barriers.

## **Housing**

Ireland is in the midst of a severe and enduring housing crisis which has resulted in over 10,000 people being declared homeless and many thousands more in unstable and precarious housing situations.<sup>1</sup> As we have seen in other countries, there is emerging commentary which is scapegoating migrants during this crisis situation.<sup>2</sup> Migrants are over-represented in the rental market<sup>3</sup> and therefore more at risk of housing instability/homelessness in the current housing crisis.<sup>4</sup> But we do not know how migrant women, especially those heading up lone parent families, are specifically affected nor, crucially, how we could better support them.

We do know people from ethnic minorities/ non-EU/EEA nationals are among the groups disadvantaged in terms of high levels of discrimination, deficits across multiple measures of housing quality and higher risks of homelessness. The Black ethnic group are 3.5 times more likely than White Irish people to experience discrimination, and are significantly over-represented among homeless people (together with Travellers).<sup>5</sup> (NB There is a strong overlap between ethnicity and nationality; according to the QNHS, 89% of black people in Ireland come from outside the EU.) Migrants from outside the EU are 2.5 times more likely than Irish nationals to live in over-crowded households. Members of equality groups are found to be unequally distributed across different housing tenures. E.g. Non-Irish nationals and those of Black ethnicity are highly concentrated in the private rented sector.<sup>6</sup> We also know there is a poor Local Authority response to racially motivated anti-social behaviour in social housing.<sup>7</sup>

We also know people from migrant backgrounds are disproportionately affected by the already dire housing situation. Local Authorities need more support and guidance on the application of social housing regulations in the context of non-Irish citizens. The Mercy Law Centre, Focus Ireland and other agencies working in the area of housing and homelessness frequently deal with migrants who are incorrectly refused a place on social housing lists due to misapplication of the social housing regulations by Local Authorities. In order to better identify the problems (and therefore devise solutions) data needs to be collected on the country of birth and citizenship status of all social housing applications in each Local Authority, including failed applications and people on waiting lists.

Migrants are disproportionality represented in the homeless population. Data on the nationality of the homeless population should be regularly collated. The Department of Housing, Planning and Local Government needs to provide clear guidance to Local Authorities in relation to the legal entitlement to homeless accommodation provision to non-Irish nationals. Rebuilding Ireland,<sup>8</sup> the government's strategy to address homelessness, does not address the structural inequalities which exist for migrant

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<sup>1</sup> <https://www.thejournal.ie/homelessness-homeless-housing-eoghan-murphy-4792178-Sep2019/>

<sup>2</sup> <https://www.independent.ie/opinion/columnists/david-quinn/huge-scale-of-immigration-is-making-our-housing-crisis-worse-35498057.html>

<sup>3</sup> <https://www.focusireland.ie/wp-content/uploads/2016/04/FI-ICI-2009-Making-a-Home-in-Ireland-FULL-REPORT.pdf>

<sup>4</sup> <https://www.rte.ie/news/dublin/2019/0815/1068870-housing/>

<sup>5</sup> <https://www.ihrec.ie/app/uploads/2018/06/Discrimination-and-Inequality-in-Housing-in-Ireland.pdf>

<sup>6</sup> Ibid

<sup>7</sup> <https://www.immigrantcouncil.ie/sites/default/files/2017-10/AR%202016%20Taking%20Racism%20Seriously%20-%20social%20housing.pdf>

<sup>8</sup> <http://rebuildingireland.ie/>

households, including lone parent families headed by a woman. The Department of Housing, Planning and Local Government should convene a multi-stakeholder group to develop a migrant homelessness strategy and implementation plan to identify and address the structural and institutional barriers migrant households face in the prevention of homelessness and in moving on from homelessness.

### **Employment**

Research into pay gaps for those from a migrant background show many people from migrant backgrounds, especially African origin, are often under-employed. This has not been disaggregated according to gender, but it's possible to hypothesise women are adversely affected, with many employed in low paid work including in the caring and hospitality sectors.

Joint research undertaken by the Economic and Social Research Institute (ESRI) and the Irish Human Rights and Equality Commission (IHREC) has identified areas of racial discrimination relating the right to work, including access to employment and while in post.<sup>9</sup> It also found the group most seriously disadvantaged are people who identify as Black or Black Irish. While this group represents only a small fraction of the population – 1.4 per cent in the last census – the lasting consequences of persistent exclusion from the labour market or discrimination in work are significant enough to warrant close attention from policymakers.<sup>10</sup>

The authors of the research indicate the need for further data gathering and analysis on whether there are differences between Irish and non-Irish (or immigrants) in the Irish labour market, in terms of both employment rates and job quality, after controlling for factors like education, gender and family status.<sup>11</sup>

Improving channels for foreign qualification recognition is also essential.<sup>12</sup> More projects like Marino Institute of Education's Migrant Teacher Project,<sup>13</sup> which aims to increase the participation of Immigrant Internationally Educated Teachers (IETs) in the Irish primary and post-primary education sectors, need to be championed by the Government. Established by Marino Institute of Education with the support of National Integration Funding from the Department of Justice and Equality, the project provides information, advice and training to teachers who have qualified outside of Ireland, to help them to continue their profession in Irish primary and post-primary schools.

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<sup>9</sup> Who experiences discrimination in Ireland? [Who experiences discrimination in Ireland?](#) 2017; [Ethnicity and Nationality in the Irish workplace](#) 2018

<sup>10</sup> Ethnicity and Nationality in the Workplace, December 2018, IHREC, Foreword, <https://www.ihrec.ie/app/uploads/2018/12/Ethnicity-and-Nationality-in-the-labour-market-20122018.pdf>

<sup>11</sup> Ethnicity and Nationality in the Workplace, December 2018, IHREC, P.21, <https://www.ihrec.ie/app/uploads/2018/12/Ethnicity-and-Nationality-in-the-labour-market-20122018.pdf>

<sup>12</sup>

[https://www.citizensinformation.ie/en/returning\\_to\\_ireland/education\\_and\\_schooling/getting\\_your\\_foreign\\_qualification\\_recognised\\_in\\_ireland.html](https://www.citizensinformation.ie/en/returning_to_ireland/education_and_schooling/getting_your_foreign_qualification_recognised_in_ireland.html)

<sup>13</sup> 13

Efforts like the ‘No to Brain Waste’<sup>14</sup> campaign led by Dr Eburn Joseph and the New Communities Partnership Migrant Women Opportunities for Work (Mi-WOW),<sup>15</sup> which is looking to identify, support and overcome specific barriers that migrant women are facing in Ireland during their job-seeking journey, are much-needed and especially welcome and also need greater support.

### **Education**

The Economic and Social Research Institute has undertaken research on various aspects of access to education for migrants, identifying the need for further research into both access to and educational outcomes for migrants.<sup>16</sup> Migrant students are at a higher likelihood to experience racist incidences in the school system than their Irish-born counterparts.<sup>17</sup> The specific impact on the girl child needs to be explored further.

English language provision: The National Migrant Integration Strategy 2017-21<sup>18</sup> commits to monitoring the numbers of non-English speaking migrant children in schools but this data is not yet available. There is no research on the adequacy of the support provided and no data collected regarding the adequacy of language supports in schools to cater for the language needs of children from ethnic minorities. All 16 Education and Training Boards (ETBs) reported high and unmet demand for English language classes provision, particularly those ETBs located in large urban conurbations.<sup>19</sup>

### **Sport**

While Sport Ireland has an active and engaged approach to encouraging women and girl’s involvement in sport, a stronger lens on migrant girls and women is needed. Growing Up in Ireland found migrant children especially girls, are far less likely to be engaged in sport and cultural activities than their Irish counterparts.<sup>20</sup> As the authors note, this could be related to the sports traditionally offered being unfamiliar to immigrants, which explains the need for greater efforts to engage new communities, for the betterment of local clubs and communities, as well as promoting integration and inclusion for the young people themselves. Programmes like the FAI’s partnership with SPIN Women Europe<sup>21</sup> are crucially important not just to encourage and facilitate the involvement of girls and young women in the sport, but also older female members of their family to get involved in their local communities.

### **Migrant representation in politics**

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<sup>14</sup> <https://www.dublininquirer.com/2019/08/14/migrant-and-minority-job-seekers-organise-to-fight-for-jobs-they-re-qualified-for>

<sup>15</sup> [https://twitter.com/new\\_communities/status/1234867494051028992?s=20](https://twitter.com/new_communities/status/1234867494051028992?s=20)

<sup>16</sup> [https://www.maynoothuniversity.ie/sites/default/files/assets/document/Fran%20McGinnity%20June%202017\\_0.pdf](https://www.maynoothuniversity.ie/sites/default/files/assets/document/Fran%20McGinnity%20June%202017_0.pdf)

<sup>17</sup> <https://www.irishexaminer.com/ireland/migrant-children-suffer-cultural-racism-in-irish-schools-362535.html>

<sup>18</sup> [http://www.justice.ie/en/JELR/Migrant\\_Integration\\_Strategy\\_English.pdf/Files/Migrant\\_Integration\\_Strategy\\_English.pdf](http://www.justice.ie/en/JELR/Migrant_Integration_Strategy_English.pdf/Files/Migrant_Integration_Strategy_English.pdf)

<sup>19</sup> <http://www.solas.ie/SolasPdfLibrary/English%20language%20provision%20and%20language%20assessment.pdf>

<sup>20</sup> <https://www.irishexaminer.com/ireland/study-immigrant-children-less-likely-to-engage-in-sport-465310.html>

<sup>21</sup> <https://www.fai.ie/domestic/news/fai-join-forces-with-spin-women>

Migrant populations are not well represented in politics throughout the State. Naturalised Irish citizens have the same full right to vote in all elections in Ireland but we are yet to see the increasing diversity reflected among political party membership or representation. Immigrants that have not been granted citizenship status are still able to vote but their rights are limited. EU citizens can vote in European and local elections. Non-EU citizens are only able to vote in local elections.<sup>22</sup> While Ireland has a very progressive framework which allows anyone, regardless of their nationality, normally 'resident' in the state to vote and run in local elections, this has not translated into significant representation. In the 2019 local elections there were more than 55 candidates from a migrant background, with 9 elected among a total of 949 local councillors and a further person co-opted following the recent General Election. While this is a significant increase on the previous figure of 3 from the previous cycle, and seven of the 10 are women, it is still far from proportional representation in a society where one in eight are from a migrant background.

### **Risk of exploitation and violence**

So many domestic workers, au pairs, women working in the caring industry and those exploited in the sex trade are migrant women. These workers have no voice and cannot complain, fearing for their visa status or being forced into homelessness. They do not always have the support networks or knowledge of state systems to ensure they claim the rights to which they are entitled. This is especially serious for those whose rights have been violated.

### **Victims of trafficking**

Trafficking of women for sexual exploitation is a serious violation of women (more than 95% are migrant women) with life-long consequences. Trafficking for domestic servitude and trafficking for forced marriage are often combined with sexual violence. Victims of trafficking include migrant women from outside the EU/EEA but also migrant EU/EEA citizen women. Yet, only non EU/EEA women can be formally identified as trafficking victims under our current legislation and when victims of this crime are rescued they are brought to Direct Provision hostels for asylum seekers which are wholly unsuitable and cannot provide the specialised and sensitive support these women and girls need.

In its examination of Ireland in December, the UN Committee for the Elimination of Racial Discrimination recognised the Irish State must improve its treatment of trafficking victims by introducing an effective victim identification process and referral mechanism and ensuring their access to specialised support by putting it on a statutory footing.<sup>23</sup> This echoed previous recommendations to do so by our own High Court and regional bodies including the Council for Europe's Group of Experts on Action against Trafficking in Human Beings.

### **Domestic abuse**

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<sup>22</sup>[https://www.citizensinformation.ie/en/moving\\_country/moving\\_to\\_ireland/introduction\\_to\\_the\\_irish\\_system/right\\_to\\_vote.html](https://www.citizensinformation.ie/en/moving_country/moving_to_ireland/introduction_to_the_irish_system/right_to_vote.html)

<sup>23</sup>

[https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IRL/INT\\_CERD\\_COC\\_IRL\\_40806\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/IRL/INT_CERD_COC_IRL_40806_E.pdf)

Migrant women who do not have an autonomous immigration status (status in their own right) are especially vulnerable in situation of domestic abuse. These women are dependent on their husbands, who are viewed by the State as a 'primary migrant'. Such dependent migrant women are inclined to endure domestic abuse longer than their non-migrant counterparts as they are threatened by the possibility to become undocumented, homeless and without means of support. It is totally unacceptable that such women find themselves in a situation whereby their rights are dependent on abusive partners/husbands. It is clear migrant women who are victims of domestic abuse face acute vulnerabilities due to the lack of family and community support networks other women might have.

While the introduction of the Immigration Guidelines for Victims of Domestic Violence by the Irish Naturalisation and Immigration Service in 2012 provided guidelines on applications for independent status, gaps remain in the protection of migrant women, and the policy does not have a legislative footing. Access to independent status is based on the discretion of the Minister for Justice and Equality.

There also needs to be improvements regarding their right to work. Domestic Violence Guidelines set out that generally the immigration status granted would be “at the same level as that which was previously held as a dependent (normally Stamp 3)”. This would not enable women to become economically self-sufficient and could act as a disincentive to women seeking independent status. Recognising the need for victims to strive towards self-sufficiency, consideration of effective access to employment and that we have found it *can* be possible to secure a Stamp 4 for victims, we argue this option should be provided.

## **Conclusion**

It is clear there are many barriers to participation and inclusion in Irish society which disproportionately affect people from migrant and ethnic minority backgrounds. It is therefore essential in the context of Ireland's increasing diversity that any discussion about gender equality includes the lens of migrant and ethnic minority identity.

## **Recommendation**

- Women and girls from migrant and ethnic minority backgrounds must be included in future discussions on gender equality in Irish society.

All the issues under discussion have intersectional aspects, and it is crucially important to include the input of those from migrant, minority ethnic and religious backgrounds to ensure the solutions developed take into account their experiences.

## **Coordinator of submission:**

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