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Access to Justice for International Protection Applicants in Ireland

A peer-led research project on the lived experiences of International Protection Applicants accessing justice as a victim of crime.

Authors

Louise Kinlen, Fisayo Alo, Amani Kamal,
Matshaseng Ralekoala, Martin Mohanoe,
Omoh Lara Adeboyeku

Doras



Coimisiún na hÉireann
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Access to Justice Research Team: Fisayo Alo, Amani Kamal, Louise Kinlen, Omoh Lara, Martin Mohanoe and Matshaseng Ralekoala

List of short forms

DPP	Director of Public Prosecutions
IHREC	Irish Human Rights and Equality Commission
INAR	Irish Network Against Racism
IOM	International Organisation for Migration
IPA	International Protection Applicant
IPAS	International Protection Accommodation Service
IPO	International Protection Office
MASI	Movement of Asylum Seekers in Ireland
NGO	Non-Governmental Organisation
UNHCR	United Nations High Commissioner for Refugees

Foreword

I am delighted to welcome the completion of this important piece of research on access to justice for international protection applicants.

Over many years supporting international protection applicants, we've heard both positive and negative accounts of their interaction with the criminal justice system in Ireland. We have had anecdotal reports of people feeling uncomfortable in their interactions with An Garda Síochána, and being let down by the system. We recognised that there was a lack of research in the area, and wanted to gain a better understanding, particularly of the experiences of international protection applicants who have been victims of crime.

We are grateful to the Irish Human Rights and Equality Commission who made this possible through their Human Rights & Equality Grant Scheme 2023-24. We are also thankful to Louise Kinlen who lead a team of peer researchers to deliver this report. Their work with individuals and organisations elicited a wealth of information on the barriers, challenges and enablers to accessing justice and engaging with the An Garda Síochána and other relevant authorities. The policy recommendations arising from this research will help, we hope, to inform the improvement of policy and practice and improve access to justice for victims of crime in the international protection process.

The work undertaken aligns with the goals and objectives of the IHREC grants scheme by seeking to report on, analyse and build the evidence-base on existing gaps in policy and practice for victims of crime. Using a participatory and peer-led research approach had the additional impact of building the capacity of rights holders to engage in advocacy and make recommendations on the issues affecting them.

Finally, the Victims Directive which aims to provide substantial legal rights as well as supports and protections for victims of crime provides an important backdrop to this research. Work is ongoing on the roll-out of victim support awareness throughout the criminal justice system, and challenges remain with the implementation in practice. We hope that this report will help to address some of the unique challenges international protection applicants face.

John Lannon
CEO, Doras

Executive Summary

Overview

This report provides an in-depth analysis of the experiences of International Protection Applicants (IPAs) in Ireland who have been victims of crime and their journey to access justice. Commissioned by Doras, a refugee and migrant support organisation, the research was conducted through a participatory, peer-led model to ensure that the voices of IPAs with lived experience were central to the findings. The study, which involved interviews, surveys, and focus groups, highlights significant barriers IPAs face when interacting with the criminal justice system. It outlines support gaps and provides practical recommendations for changes in policy and practice.

Background and Purpose

Ireland has committed to protecting the rights of crime victims, including IPAs, under the European Victims' Rights Directive, as enacted through the Criminal Justice Act 2017. IPAs in Ireland often live in precarious and isolating conditions, facing numerous challenges that hinder their access to justice. This research was conducted to provide insights into these challenges, identify systemic barriers, and offer recommendations that could inform policy and improve support structures for IPAs who have been victims of crime. The Irish Human Rights and Equality Commission funded the project to address this critical need. A key component of the research was a peer led approach involving 5 peer researchers with lived experiences of being an IPA.

The key research questions posed at the outset were:

- What are the **lived experiences of IPAs in Ireland who have been a victim of a crime** in accessing justice?
- Are IPAs likely to be **victims of particular types of crimes** and is there **intersectionality with other protected characteristics?** (e.g. ethnicity, gender, victim of trafficking)
- What **barriers do they face?**
- To **what extent are IPAs aware of how to access justice** and know about the support services available?
- What **rights do IPAs have in relation to accessing justice** and **what is being done to let them know** about these rights and supports?

- What **types of supports** are provided to IPAs who are victims of crime and what barriers/limitations are in place?
- What **recommendations** can be made based on the above?

Methodology

The study used a mixed-methods approach, employing a (mostly) online survey, in-depth interviews with IPAs and stakeholder organisations to gather both qualitative and quantitative data. A total of 86 IPAs completed the survey, eight in-depth interviews were conducted with victims, and nine stakeholders from six relevant organisations participated in interviews. Peer researchers played an active role in recruiting participants, conducting interviews, and interpreting data, as well as providing some of their own insights and experiences. A limitation of the study was the relatively low number of IPAs who provided in-depth stories on their experiences of accessing justice and going through the process from reporting to prosecution, trial and outcome. Many of the stories provided are in relation to barriers faced in attempting to report the crime or the lack of follow-up after reporting.

Key Findings

Fear of impact on claim for international protection:

This posed one of the biggest challenges for IPAs in attempting to seek justice as a victim of a crime or seeking support in general. There was a strong sense of people wishing to stay under the radar and not draw any attention to themselves out of a fear that it would impact their claim or even future applications for citizenship.

Awareness, language and interpretation:

Language difficulties, lack of knowledge of legal rights, and limited availability of interpreters pose significant barriers for IPAs. Many IPAs report feeling lost and unsupported in navigating the legal system, which prevents them from seeking justice effectively.

Distrust and Fear:

A pervasive lack of trust in An Garda Síochána (the Irish police) prevents many IPAs from reporting crimes. This mistrust is often rooted in negative interactions with law enforcement in their countries of origin, perceived discrimination in Ireland, and concerns about their claim. Cultural misunderstandings and lack of familiarity with Irish policing further discourage IPAs from reporting incidents.

Accommodation Vulnerabilities:

Living conditions in Direct Provision and emergency accommodation expose IPAs to risks, including crime, harassment, and exploitation. Overcrowding, unsafe environments, and the isolation of these facilities create additional vulnerabilities and complicate victims' ability to access justice or seek help. The role that accommodation staff play in enabling/hindering access to justice was also highlighted.

Victims of trafficking:

This group faced additional complexities. These arose when they had been a victim of crime, including the very limited specialised supports available. Additional vulnerabilities for this group included distrust, fear, confusion, a lack of awareness of their rights and a fear of speaking about how they came to Ireland and the crimes that may have been committed on the journey or on arrival.

Gender-Based Violence:

IPAs, particularly women, face a high risk of gender-based violence, compounded by inadequate support services and a lack of culturally competent support in some cases. The stigma, fear of retaliation, and dependency on abusers deter many victims from reporting domestic or sexual violence. Women living in the Direct Provision system also face heightened risks of sexual exploitation and harassment.

Support Services:

There is very good interagency collaboration amongst the stakeholders in the support system and some examples of very high quality support services. The awareness of specialised support services did not appear to be high and some found them too difficult to access. Services are highly specialised, geographically dispersed, and there is very unequal provision of supports throughout the country. The increase in accommodation centres in areas with little history of integrating IPAs and refugees has made it challenging in some areas.

The Crime Victims Directive:

Implemented through the Criminal Justice Act (2017), it has been a positive development and work is ongoing in the roll-out and training of victim support units and victim support awareness throughout the criminal justice system. Challenges remain however with the implementation in practice and the follow-through of individual Gardaí when dealing with IPAs who have been victims of a crime.

Recommendations

1. Provide clarity and clear communication to all IPAs on arrival in Ireland on their rights in relation to reporting a crime when they have been a victim.

2. Ensure that **vulnerability assessments are carried** at the point of arrival regardless of where application is made to ensure that the needs of vulnerable IPAs can be identified early on.
3. Undertake general **awareness raising and integration supports for IPAs**

Accommodation centres & Awareness raising for IPA's

4. Provide **training and awareness raising for all working in accommodation centres**, particularly for centre managers and those who interact with residents.
5. **Provide information leaflets/posters in hard copies in multiple languages in each accommodation centre**, with information on key supports, contact details for Gardaí and how to report crimes, accessing support services. Awareness of the complaints mechanism within the centre should also be made publicly available to all.
6. Provide **training/awareness raising specifically on the justice system in Ireland**.

Support services

7. Where possible, **clarify and streamline the support service infrastructure** ensuring that victims can access support in a timely and efficient manner and are made aware of these support services.
8. Ensure that **support services have sufficient funding to carry out their role effectively**.
9. Expand the pilot of **face to face support for victims of crime** provided by the Crime Victims Helpline or others to all areas of the country, to ensure more equal access to in-person crime victim support.

An Garda Síochána

10. The role of the Gardaí is an important one and whilst there have been many reported instances of them providing support, there is a need for a **greater visibility, awareness of their role and intercultural communication training**.
11. **Provide information on victim support offices to vulnerable groups** including IPAs in accommodation centres and homeless migrants/IPAs.
12. Provide more **opportunities for greater engagement and positive communication** with the Gardaí, with some examples of integration activities provided.
13. Ensure that the **Gardaí provide prompt access to information on victim support services once a crime has been reported** and provide **ongoing communication** on the progress and outcome of the report (Articles 6, 8 and 9 Victims' Rights Directive).

Specialised supports

14. Provide adequate **resources to the HSE Human Trafficking Unit** and ensure that there is a help service available 24/7 for victims of trafficking.
15. Once vulnerability assessments are completed, ensure that **suitable accommodation and access to specialised supports** are made available to meet those identified needs on arrival.

16. Put in place a mechanism to **identify and provide support for IPA victims of crime / abuse on an ongoing basis**, through the appointment of designated case workers in IPAS.
17. Ensure that **high quality translation and interpretation services** are provided at all stages of reporting a crime and accessing justice (Article 7, Victims' Rights Directive)
18. Embed **trauma awareness and intercultural training** in relevant support services (Article 25, Victims' Rights Directive).

Follow up post reporting a crime

19. Ensure that victims of crime and particularly those who have been identified as vulnerable are **provided with clear information in a language they understand about the process, the next steps and what their rights as a victim are**.
20. In providing information on how to report a crime, ensure that information is also provided on **the process they can expect and likely timeframes if it proceeds to trial**.
21. Ensure that court proceedings do not further traumatise victims and that IPAs and other migrants can have access to a support worker where appropriate to accompany them in court. **Ensure that Articles 22 and 23 of the Victims' Rights Directive are fully implemented**, including individualised assessments and protection of victims with specific protection needs.
22. **Roll out and further embed victim support training** for all involved in the criminal justice process (Article 25, Victims' Rights Directive).

Conclusion

One of the major barriers to reporting crimes is the fear of interacting with the authorities and its potential impact on their status in Ireland. The levels of awareness of the criminal justice system, how to report and the supports available are relatively low amongst IPAs and it is recommended that steps are taken to increase this awareness. The system of emergency accommodation, geographic dispersal and inspections, training and intercultural awareness of staff and managers has further exacerbated the situation.

Many positive developments have occurred since the implementation of the Crime Victims Directive in Ireland and these will take time to be fully embedded. There is a need for greater Garda visibility, building of trust and in-person supports for victims of crime and particularly those facing additional barriers such as IPAs.



Introduction

This report presents the results of a 7 month research project on the lived experiences of International Protection Applicants (IPAs) accessing justice when they have been the victim of a crime. The research was commissioned by Doras, a refugee and migrant support organisation based in Limerick, and involved a lead researcher and five peer researchers who had lived experience of the international protection system. The research took place between March and October 2024, with the fieldwork mostly undertaken between May and August 2024.

The need for this research arose from Doras in supporting IPAs who had been victims of crime. Doras is an independent, non-profit, non-governmental organisation established in 2000, which works to promote and protect the human rights of migrants and refugees in Ireland through direct support, awareness raising and advocacy. They are responsible for the implementation of a Migrant Victim Support programme, which has a national remit and is funded through the Department of Justice. Through their experiences in supporting IPAs who have been victims of crime, they observed that IPAs faced many additional barriers to reporting crime and seeking justice. They successfully sought funding from the Irish Human Rights and Equality Commission to carry out research to explore this further. The research was exploratory and action oriented in nature, with peer researchers playing a key role in the process. The research proposal set out by Doras was to elicit information on the barriers, challenges and enablers to accessing justice and engaging with An Garda Síochána and other relevant authorities. This project will also explore intersectionality between access to justice for international protection applicants who identify with other protected characteristics. The recommendations arising from this research will help to inform the improvement of policy and practice and to facilitate access to justice for victims of crime in the international protection process. Following a process of engaging the researchers and initial discussions, the research questions were further developed.

These can be summarised as:

- What are the **lived experiences of IPAs in Ireland who have been a victim of a crime** in accessing justice?
- Are IPAs likely to be **victims of particular types of crimes** and is there **intersectionality with other protected characteristics?** (e.g. ethnicity, gender, victim of trafficking)
- What **barriers do they face?** What particular barriers are faced by virtue of them a) not having a permanent right to reside in Ireland and awaiting a decision on their application and b) the accommodation centres where they live?
- To **what extent are IPAs aware of how to access justice** and know about the support services available?
- What **rights do IPAs have in relation to accessing justice** and what is being done to let

them know about these rights and supports?

- What **types of supports** are provided to IPAs who are victims of crime and what barriers/limitations are in place?
- What **recommendations** can be made based on the above?

These questions are addressed throughout the research and explored in this report. **Chapter 2** sets out the methodological approach of the research, the data collection methods used, and ethical considerations. **Chapter 3** explores the context of access to justice for IPAs, including key legislation and policy in Ireland and relevant literature from the national and international context. The first findings of the primary research are presented in **Chapter 4**, which is the summary findings of an online survey that was distributed to IPAs on their experiences of reporting crime and general attitudes to reporting crime and trust of the Gardaí. The qualitative research data from the in-depth interviews are divided into two chapters. **Chapter 5** presents the findings on the lived experiences of IPAs who have been a victim of a crime and the barriers they face in reporting and accessing justice. This is followed by **Chapter 6**, which analyses the support system and how it works in practice to support those seeking justice. Finally, **Chapter 7** outlines the key conclusions and recommendations arising from the research.

Methodology

2.1 Overall Approach

The researcher was appointed in February 2024 and a broad methodology was developed in conjunction with Doras, with a strong focus on participatory and peer led research. Participatory research can be defined as a research design that uses systematic inquiry in direct collaboration with those affected by the issue being studied for the purpose of action or change (Cargo and Mercer, 2008; Vaughn and Jacquez, 2020).

Peer-led research is a form of participatory research that involves people with lived experiences of the area being studied conducting and/or directing the research (Peer Research Network, 2024). It is being used to a greater extent in the field of Refugee Studies, with a shift from seeing refugees as passive objects of research to being more active agents in the research process (Ellis et al., 2007). It can be empowering and allows the community to identify research themes, priorities, methods and actions arising from the research. There are a number of ethical, logistical and practical constraints that can arise in attempting to carry out research that is truly peer-led and participatory. Some of these are discussed in the article by Pincock and Bakunzi (2020) on their reflections on carrying out participatory research with refugee research assistants. They note how participatory research is a broad spectrum and the challenges that lie in carrying out genuinely participatory research, in which it is driven by the community itself.

The Role of Peer Researchers

The lead researcher was appointed following a tender process. This researcher has experience of working directly and indirectly in international protection and refugee issues but does not have lived experience of being a refugee. As stipulated in the research proposal, a process was then put in place to recruit peer researchers. The peer researchers were recruited in March 2024, with a collaborative process between Doras and the researcher. Their potential role and remuneration were agreed, with an advertisement circulated amongst IPA Networks. Five peer researchers were then appointed, all of whom had some relevant experience and expertise and either are or have recently been IPAs in Ireland.

The peer researchers live in different counties throughout Ireland and have other occupations/studies. A full day in person meeting was held with all the peer researchers, together with the lead researcher and Doras. This included discussion on the aims and potential methodology of the research and training on research methods. Follow up online training was provided on qualitative interviewing, research ethics, confidentiality etc.

The key roles that peer researchers were engaged in were:

- Survey design, piloting and distribution
- Recruitment of research participants
- Participation in focus group/interviews to give their insights on the research topic
- Carrying out qualitative interviews with research participants
- Feedback on analysis and providing further insights
- Feedback and editing sections of the report
- Final analysis, development of recommendations & writing of final chapter

2.2 Methodological approach and key research questions

The overall title of this research project was Access to Justice for International Protection Applicants (IPAs): Understanding their experiences with the criminal justice system in Ireland. Doras successfully sought funding from the Irish Human Rights and Equality Commission to carry out this research, with the Request for Tender summarising it as a participatory and peer-led research project that seeks to understand and analyse the experiences of international protection applicants who have been victims of crime with regard to access to the criminal justice system.

As discussed above, the research was within an overall participatory framework through the engagement of peer researchers throughout the process. The research had a strong qualitative dimension and sought to probe further, challenge meanings and give voice to those who often feel disempowered. One of the first steps the researcher undertook was to consult rel-

evant literature, policy and legislative frameworks to understand the broader context of the research and identified gaps. It was evident that whilst there is significant research on refugee and migrant issues in Ireland, the focus has not been on accessing the criminal justice system and their lived experiences of being a victim of crime. It was also evident from media and NGO reporting that IPAs were being exposed to greater dangers and risk of crime, including insecure and unsafe accommodation (e.g. tents in urban areas) and through the rise of a growing minority of far-right sentiment and actions. This was coupled with a sense of fear and unwillingness at times of people to speak out and to say what was happening to them. The peer researchers provided interesting and invaluable insights into this.

The research design included elements of an Action Research framework, which involves elements of reflection, inquiry and action and the research itself would be closely linked to developing a new framework or series of actions to be developed (Gibson, 2004).

The data collection methods were chosen, with some input from the peer researchers as the ones that would achieve the following:

- Provide a baseline of experiences, attitudes and understanding of how to access justice (through an online survey of IPAs)
- In-depth exploration of particular vignettes or case studies that demonstrate people's lived experiences of how they tried to access justice (through narrative style semi-structured interviews)
- Further exploration of the themes arising in the research with peer researchers (through focus groups and some individual interviews)
- Literature, policy and practice review to provide a context and wider understanding of the issues
- Understanding of the support mechanisms and needs that have been identified (through in-depth interviews with stakeholders involved in providing support services to IPAs and other groups in accessing justice).

At the outset, discussions were had with the peer researchers to define research questions, put boundaries on the research and agree on terms used. Some of the agreed parameters of the research were:

- Limiting the study to those who are **currently International Protection Applicants (IPAs)** or have recently been granted protection status/leave to remain within the last 5 years. We hoped to target those who had been a victim of a crime, but also interested in hearing more generally about people's awareness of how to report a crime and attitudes.
- **Understanding of crime** generally was to be viewed as acts, which constitute crimes under Irish law. Research also sought to explore understandings of what people view as crimes and when they would consider reporting it.
- A discussion was held in relation to **crimes that people were a victim of while in transit to Ireland**. It was agreed that these could be included, as they have a right to report these

crimes in Ireland and particularly if they involve trafficking, people smuggling etc. Their rights are also protected under the Victims' Rights Directive.

As outlined in the sections below on data collection, there were a number of challenges in finding IPAs who had been victims of crime and were willing to participate in interviews. Whilst this number was relatively limited, some secondary information was provided on their experiences through vignettes from NGO support workers who worked directly with them. The peer researchers also spoke in the interviews/focus groups about close contacts of theirs and the experiences they had in accessing justice.

2.3 Data Collection Methods

Literature Review

At the outset of the study, a search of relevant literature (made up of academic literature as well as policy/practice and legislative documents) was undertaken and was added to as the data was analysed and further themes became apparent. The purpose of the literature review was to:

- Provide a context of the legislative and policy context of access to justice in Ireland and particularly for those seeking international protection
- Explore other studies that had examined this topic internationally and some of the key learning from these
- Identify gaps in our knowledge and how this study can contribute to them.

The sources of literature examined included:

- **Academic journals, articles, and book chapters** on topics such as research ethics and methodologies with vulnerable groups, access to justice for refugees and asylum seekers, barriers to seeking justice, intersectionality with other issues such as gender-based violence, human trafficking and access to justice for other vulnerable groups. Google Scholar™ and academic databases search terms included phrases such as 'access to justice', 'access to justice for asylum seeker/refugees/international protection applicants'; 'barriers to reporting crime'; 'criminal justice and refugees/asylum seeker', and 'support for victims of crime'. These were applied using 'Ireland' in some cases as well to see what particular studies had been carried out in the Irish context.
- The **policy and legislative context** including its application in practice was explored through sources such as key legislation (e.g. Victims' Rights Directive) and its implementation in the Irish context; reports from NGOs, Government and other sources on relevant topics (e.g. supporting victims of crime, asylum seeker/refugee issues and challenges faced, role of refugee support services etc.)

- It became evident during the course of the study that the **environment and political and policy landscape was changing**. This included factors such as increase in numbers, accommodation pressures and ensuing visible homelessness of IPAs in city streets. The rise of some anti-immigrant sentiment and threats of violence and violence perpetrated against immigrants also became a prominent issue, often featured in the media.
- Newspaper and other reports on some of these issues provided a useful background for the context and are referred to in some of the findings in this research project.

The literature consulted was stored in a reference management software tool called Zotero™. This was also used to create a bibliography and in-text citations.

Survey Design and Piloting

From the initial discussion with the peer researchers, it became evident that there may be a greater willingness amongst IPAs to complete an anonymous survey rather than participate in a one to one interview. It was agreed that both approaches were necessary. The survey was designed to capture a) experiences of those who had been a victim of crime and b) more general attitudes to accessing justice and knowing what to do. The survey was also used as a tool to recruit for interviews.

The research team designed the survey with a view to collecting both statistical/quantitative data and some open-ended questions. Plain English was used and the survey was translated into French and Arabic, with the option for translation into other languages if required. It was piloted amongst the peer researchers and some of their contacts, and changes were made based on the feedback. The survey was designed in a survey tool called Jotform™, with a secure account. A logic was built into the survey so that those who had not been a victim of a crime were redirected to the more generic questions at the end.

No names, contact details or IP addresses were collected in the survey. Respondents had an option to click on a new link at the end to sign up for an interview, where they could leave their contact details. The complete anonymity of the survey was considered important to eliminate any fear that their details would be used or shared with authorities.

There were a total of 26 questions in the survey, with the first 8 and last 5 being generic and the remainder for those who had been a victim of a crime. It contained a combination of multiple choice questions, matrix questions, Likert scales on attitudes and other sliding scales as well as a few open ended questions.

Survey Distribution

A considerable amount of time and effort was put into distributing the survey as widely as possible. A flyer/poster was designed by Doras, with a QR code to the survey. The following means of distribution were used:

- The **flyer/posters** were sent to **several accommodation centres** and the research team visited many centres in person to distribute the information and in some cases to assist residents with conducting the surveys.
- The **survey information/flyers were shared with IPA networks**, including the Movement of Asylum Seekers in Ireland (MASI).
- A peer researcher made a **presentation at a MASI meeting** on the research and the survey.
- The survey link and information on it was sent to **other NGOs and support organisations**.

The subject matter of the research was quite niche in comparison to other studies, and some may not have been able to identify with it or believe they had much to add. Some IPAs also told the research team that they were fearful of filling in the survey as there was a concern amongst some that all information would be shared with the International Protection Office and could affect their application. In total, 86 people completed the survey over a three month period. In some cases, individuals were offered assistance in filling in the survey, particularly if there were linguistic or literacy difficulties.

Semi-structured Interviews with IPAs

The next stage of the study involved carrying out semi-structured interviews with IPAs who had been the victim of a crime. This was the most difficult group to recruit, for a variety of reasons. Some survey participants filled in the form to take part in the interview, but in many cases, this did not lead to an interview. Reasons for this included people not responding to multiple attempts to contact them, changing their minds (e.g. due to personal circumstances) and in some cases not fully understanding what this type of interview meant or the subject matter.

Participants who agreed to participate in an interview were sent an information sheet and consent form (contained in Appendices). The interview only went ahead once they had understood fully what was been asked of them and provided consent.

A total of eight in-depth interviews were held with IPAs who had been a victim of crime (or in one case, not directly but spoke of other experiences). These interviews were carried out by the lead researcher and two peer researchers. In the case of three interviews, they were carried out directly after the participants had filled in the survey and they provided a vignette of their stories and were in a more narrative format. These were discussed in more detail with the peer researchers in interviews with them.

An interview schedule/set of questions was developed to guide the interviews (contained in Appendices), with probing questions and deviation from the set questions to allow the conversation to flow and allow the participants to tell a story.

The interviews lasted for between 30 minutes and 1 hour 30 minutes. An official interpreter was used for one interview and some other interviews were conducted in a common language that the peer researcher was able to speak.

Focus Group/individual interviews with peer researchers

The peer researchers played a dual role to some extent, in providing their own insights into the research topic both as part of the analysis and input into the research and in some cases as research participants. Whilst their input was provided informally throughout the process, a formal interview/focus group was also organised with the peer researchers to gain their insights. This included one small focus group/group interview (n=3) and individual interviews with three peer researchers. These took place both in person (interviews) and online (focus group).

A set of questions was developed for these interviews/focus group, which were modified depending on the responses of the participants. As with other interviews, informed consent was taken and it was agreed that any data used in the report would be anonymised. The questions focused on their own experiences as International Protection Applicants and the accommodation settings, witnessing of victims of crime and how they attempted (or did not) to access justice and their reactions to some of the findings of the research. This also included discussion on the reticence of people to engage in interviews and the potential reasons for this. Some of the peer researcher interviewers were held after they had completed interviews with IPAs. This allowed for a deeper exploration of some of the issues raised and greater context for the interview data.

Key stakeholder interviews

Interviews were conducted with nine stakeholders working in the field of migrant/refugee support and access to justice. The organisations were recommended by Doras and the researcher contacted people on a list that had been provided. Some responded that the research topic was not key to their line of work. The organisations who participated in the interviewed included:

Name of Organisation	Number of individuals	Focus of organisation/role(s)
Doras	3	Migrant support organisation
INAR (Irish Network Against Racism)	1	Anti-racism network
Crime Victims Helpline	2	National support service for crime victims
Local Development Company	1	Migration & Integration specialist
Akidwa	1	Migrant Women support organisation– Expert from gender based violence support service
ADAPT	1	Domestic violence service (Specialist in migrant support)

Name of Organisation	Number of individuals	Focus of organisation/role(s)
Total	9	6 organisations participated

Table 1. Breakdown of stakeholder interviewees

Interview reporting, transcription and storing

Informed consent was obtained prior to all interviews and permission to record or take notes was discussed with each participant. The majority of interviews with stakeholders were recorded and transcribed from the recordings, with the exception of one where detailed notes were taken.

For the interviews with IPAs, a combination of recordings and note taking was used. Whilst recordings generate a more accurate transcript and allow the researcher to focus on the conversation, recording of an interview can add an extra barrier and may affect the ease with which participants feel open to share during the interview (Kakanda-Sinkala, 2024). As demonstrated in the findings, research participants may have had low levels of trust of perceived figures of authority and feared providing information that could impact their application for protection. This was a further factor that made people reticent to be recorded. The detailed notes and audio recordings were written up as transcripts (without full names). These were all stored on the computer of the researcher in a secure location. The audio recordings were destroyed once the transcripts were completed.

Summary of Research Participants

The table below summarises the total numbers of participants who engaged in the study.

Type of participant	Number of participant
Survey of IPAs on access to justice	86
In-depth qualitative interviews with IPAs on being a victim of crime	8
Interviews (individual and focus group) with peer researchers	5
Interviews with stakeholders	9
Total Study Participants	108

Table 2. Summary of research participants

2.4 Data analysis

Literature

The key literature was analysed thematically, sorted into themes emerging and linked to the research findings as an iterative process, carried out both before and after the primary data collection and analysis.

Survey Data

The survey closed at the end of July 2024. The data was downloaded from JotForm into MS Excel. This was then divided into qualitative and quantitative data. The qualitative data was exported into Word for further analysis. The quantitative (numerical) data was analysed with descriptive statistics, charts, tables etc.

Interview Transcripts

The interview transcripts were divided into three broad groups- IPAs who had direct experience of being a victim of a crime; Peer researchers and one other IPA interviewed who was not a direct crime victim and Stakeholders. The interviews were semi-structured and loosely followed a set of questions posed to each group. A verbatim transcript of all recorded interviews was made, which included all stakeholder interviews and half of the IPA/Peer Researcher interviews. Recordings were not made when there was a reticence to be recorded and it would have affected the willingness of the participant to engage freely. In some other cases, it was not possible to record in the venue due to too much background noise etc. Where a recording was not made, detailed notes were taken by the interviewer and these were written up as a transcript immediately afterwards.

Qualitative data coding

This was the most time-consuming aspect of the research. The interview transcripts were organised into three groups of stakeholders, IPAs and peer researchers. This gave rise to a total of 120 pages of text. Thematic analysis was then undertaken using an inductive method of coding, whereby the data was analysed based on the themes and issues emerging from the data (Glaser and Strauss, 2017). Some of the big pictures or stories were also focused on in the first reading, especially where they provided useful case study material (Deterding and Waters, 2021).

Specialised QDA (Qualitative Data Analysis) software was not used due to cost implications, so a system was developed using the 'Comments' function in Word where transcript segments were highlighted and given an index code. A new document was then created for each group of transcripts where the coded segments were copied. This was then analysed and another new document (merging the three groups) was created. Some of the broader themes (analytical codes) emerging were noted and references made back to the original interview questions (deductive analysis). The coded segments were then added to these headings, with some seg-

ments double coded to more than one theme or sub-theme. The coded transcripts were then read again to put them in their broader context and to ensure that nothing had been missed.

2.5 Research ethics

This research study involved both a sensitive topic and a vulnerable/hard to reach population. It also involved peer researchers, which can carry certain caveats. The need for robust research ethics was essential for the process. The study was based on research ethics guidelines of a 3rd level institution in Ireland and the resources provided by the National Office for Research Ethics Committee.¹ The guidelines adhered to and implemented in this study included:

Informed consent:

This was obtained from all participants. This included the distribution of a participant information sheet and consent form in advance. For participants who had difficulty reading English, this was explained by an interpreter or orally prior to starting the interview. The interviewer checked in with every participant prior to the interview to ensure that they understood the purpose of the research and how their data would be used.

Survey was conducted completely anonymously:

To provide some protection to those who were afraid of providing sensitive information, consent to participate in the survey and information about it was provided on the first page, which needed to be agreed to before proceeding.

Data was held securely:

The survey data was held by the lead researcher and no full names were used. All recordings were deleted once transcripts were made.

Training for peer researchers:

The peer researchers undertook training with the lead researcher to place emphasis on research methods and ethics and adherence to the ethical guidelines of the study.

IPAs data was anonymised:

In writing up the report of the study, no real names, precise locations or other identifying information was used.

Stakeholder interviews:

These were slightly different as they worked for specific organisations, and it would not be poss-

1 See [Guidance - NREC \(nrecoffice.ie\)](https://www.nrecoffice.ie)

ible to anonymise their data completely. Efforts were however made not to identify specific people in relation to any views that could be considered sensitive. Where there was any doubt, this was discussed with the interviewees.

Distress protocol:

The nature of the topic was a sensitive one and could cause distress to interview participants. The research team were very cognisant of this and ensuring that no harm was done through the research. To mitigate this, a few measures were put in place for the interviews with IPAs, such as the development and distribution of a distress protocol. This was repeated orally at the beginning of the interviews. In two cases, initial discussions with potential participants did not result in interviews due to the potential difficulties of discussing these issues (support was provided in both cases).

2.6 Reflections on methodology used and challenges encountered

This research study with its peer-led and participatory approach was also a journey for the lead researcher, the peer researchers, and Doras as the commissioning organisation. Extra time was required for all parties to get to know each other, understand the research, find ways to work together and agree on a methodology and roles within that process. There were many benefits to this approach, which provoked greater insights, reflection and providing the voice of peer researchers in the process.

The research study topic was a challenging one and the theme of access to justice for IPAs who have been a victim of a crime also raises the challenge of finding people who are willing to speak out about their experiences. This group of research participants can be classified as a 'hard to reach population', with many caveats within the research literature of the challenges this can bring (Ellard-Gray et al., 2015). Asylum seekers can be viewed as hidden in many ways and it has been noted in previous research that even once access is gained, they may be reluctant to engage with researchers for reasons described as 'lack of trust, the sensitive nature of research studies, fears about implications for asylum claims, cultural and linguistic differences between the researchers and the potential participants, low literacy levels, and lack of familiarisation with research and what participation means.' (Foreman and Ní Raghallaigh, 2020, p. 3). The current political climate with a rise in anti-immigrant sentiment (Mc Gee, 2024) and a growing culture of fear amongst this population may have further exacerbated these challenges. We are very grateful to those who shared their often deeply personal and sometimes distressing stories. In a number of cases, these individuals were given contact details and referred to services such as the Doras Migrant Victim Support programme. In some cases, referrals were made where someone decided ultimately not to participate in the research but was seeking support.

The overall challenges faced and limitations of this research can be summarised as:

- One of the key barriers faced by IPAs in accessing justice when they have been a victim of a crime is the **fear that it may affect their application**. This fear appeared to also apply to this research, where some people were afraid that anyone in an official role may likely share this information with authorities. Despite having peer researchers and going through peer networks, this was often presented as a barrier to participation.
- The **process of finding IPAs who had been a victim of a crime** and were willing to participate was not easy. There was no pre-determined group of potential participants from the outset, as there might be in a study of the users of a particular service. In a research such as this, the role of gatekeepers in providing access to the relevant population is of crucial importance (Kay, 2019). In this research however, there were no obvious gatekeepers, and the research team spent a considerable amount of time at the beginning in trying to contact accommodation centres, distribute flyers, contact networks and spread the word about the research. The wide geographic dispersal of IPAs in accommodation centres, often with limited access to information made it difficult to reach large numbers. Flyers and posters were sent, and hand delivered to many centres, but it is not possible to know whether this information was always shared with the residents. In many cases, the researchers were not allowed entry into the buildings and were obliged to leave the information with security personnel. This is also understandable in the current climate and heightened security concerns.
- The interviews with stakeholders were easier to arrange and generally took place in a setting that was easier to navigate e.g. in office buildings or through arranged Teams/Zoom meetings. **The interviews with IPAs** needed to be negotiated in terms of finding a quiet space where the person was comfortable and there was also some confidentiality.
- As a result of these challenges, one of the limitations of this research may be that there is **not as much direct data on the lived experiences of IPAs** in accessing justice as a victim of a crime as we may have hoped for at the outset. There were however many other insights that emerged and the challenges in finding interview participants emerged as a finding in itself. The peer researchers provided invaluable insights into this.
- **Not all organisations/Government bodies** working in this field participated in the research. Some organisations declined to participate in the research or nominated someone else more suitable. Given the limitations of time, it was also not possible to contact everyone who may have had an interest/expertise in this study and may have liked to participate. In the time-frame of the study, we issued an invitation but did not succeed in interviewing someone who could represent An Garda Síochána.

3. Setting the Context of Access to Justice for International Protection Applicants

3.1 Overview

Access to justice in a timely, sensitive and appropriate manner is challenging across the board. The purpose of this study is to explore the lived experiences of International Protection Applicants (IPAs) in accessing this justice. This section of the report provides a brief literature review of some of the key themes highlighted in the study. It outlines some of the key definitions, context, policy and legislation relating to the International Protection system and access to justice in general and for this specific group.

The section below provides a brief description of the International Protection System in Ireland and the accommodation challenges, which are frequently alluded to in the interviews with IPAs and other stakeholders. The next section outlines common understandings and national and international legislation relating to access to justice and the final section explores some of the issues that International Protection Applicants face in accessing justice when they have been a victim of a crime.

3.2 International Protection Applicants in Ireland

System for seeking protection in Ireland

There are three main categorisations of refugees or applicants for refugee status. Firstly, there are those who seek international protection when they arrive in Ireland, referred to as IPAs in this report. They are also known as ‘asylum seekers’ or also referred to as ‘spontaneous refugees’ (Arnold et al., 2021). This is the group that form part of this study. Secondly, refugees can arrive through a formal Resettlement Programme, as part of shared responsibilities under the UNHCR and the EU. Numbers through this programme are relatively small and their housing arrangements and supports can differ with faster processing times and access to greater integration supports (Arnold et al., 2021; Daly and O’Riordan, 2023). The third group are Ukrainian refugees who fled after the Russian invasion of Ukraine in 2022 and are automatically classified as beneficiaries of temporary protection on arrival.

Spontaneous arrivals who are seeking an application for international protection (asylum) in Ireland are processed through the International Protection Office (IPO). Their accommodation is identified and organised by the International Protection Accommodation Services (IPAS), which now lies within the Department of Children, Equality, Disability, Integration and Youth. The system of dispersal and provision of accommodation with meals provided is known as 'Direct Provision'. Ireland's Direct Provision and Dispersal system was introduced in 2000 as a means of dispersing international protection applicants across the country while they are waiting for decisions on their applications. IPAS is responsible for identifying and organising accommodation.

Accommodation systems

Multiple reports both nationally and internationally have critiqued the system of Direct Provision in Ireland (Ogbu et al. , 2014; Foreman and Ní Raghallaigh, 2020; Government of Ireland, 2020; Arnold et al., 2021; Standing Together Against Direct Provision, 2023). The Government introduced a White Paper on Ending Direct Provision in 2021. It establishes a variety of measures aimed at ending the system of Direct Provision and replacing it with a not-for-profit model. Its measures have not been implemented, with revised plans now being made to have more large centres that are state-owned and ceasing the reliance on short-term emergency accommodation provided by commercial operators (Government of Ireland, 2024a). A large increase in the number of people seeking international protection, coupled with refugees arriving from Ukraine has put the system of accommodation under immense pressure. Recent statistics (as of 03/11/24) from IPAS demonstrate that there are 32,645 International Protection Applicants being accommodated by IPAS, of which 8,934 are children (Department of Children, Equality, Disability, Integration and Youth, 2024). The majority of these (24,417) are in emergency accommodation, which does not meet the same standards as IPAS accommodation. 923 people are currently in tented accommodation (Ibid). The Government has also reported that as on 08/11/24 2864 men were waiting for an offer of accommodation (Government of Ireland, 2024b). This usually translates into homelessness, with IPAs often sleeping in tents on the streets or parks in urban areas. This group are particularly vulnerable and many have been subject to racist verbal and physical abuse (Holland, 2024).

Emergency accommodation is provided in every county in Ireland, with a variety of buildings being converted at very short notice to house large numbers. These are generally run by private operators, with limited training and expertise. The ad hoc nature of the accommodation, concerns over service provision and the rise of a far right sentiment has contributed to a wave of protests against the facilities for housing asylum seekers, some based on false information (Irish Times, 2024).

Vulnerability assessments

Under the European Communities (Reception Conditions) Regulations 2018, Ireland agreed to carry out vulnerability assessments to identify IPAs who may be at risk and to take these into account in determining their particular reception needs. A pilot programme was put in place in

2020 for undertaking vulnerability assessments to determine criteria such as minors, elderly people, pregnant women, victims of rape, sexual violence and human trafficking etc (Department of Children, Equality, Disability, Integration and Youth, 2020). The vulnerability assessments resumed however in November 2024 for all newly arrived applicants who make their application in City West. IPAS confirmed in an Email communication (December 2024) that they continue to operate a vulnerability triage at the IPO for all single male applicants. They plan for the vulnerability assessment programme to be extended to all applicants, at the IPO and City West in 2025. The lack of vulnerability assessments in the between between 2022 and 2024 led to vulnerable people often placed in unsuitable accommodation. This includes victims of serious crimes, including rape who are placed in mixed accommodation.

3.3 What is access to justice?

Overview

Access to justice is a basic principle of the rule of law. It allows people to have their voice heard, exercise their rights, challenge discrimination or hold decision-makers accountable. Access to justice has been described as a cross-cutting right that must be understood and interpreted in line with other principles such as equal recognition before the law (Guttermann, 2022, p. 1). Access to justice cannot exist when, for economic, social, or political reasons, people are discriminated against by law and justice systems (Lima and Gomez, 2020). Access to justice can be hard to define and it cuts across civil, criminal, and administrative law. It can be seen as both a goal and a process. The UN have emphasised the role of access to justice as a basic principle in the UN General Assembly High-Level Meeting on the Rule of Law. In 2012, Member States highlighted the independence of the judicial system, together with its impartiality and integrity, as an essential prerequisite for upholding the rule of law² and ensuring that there is no discrimination in the administration of justice. Access to justice exists for all, including migrants as a human right by virtue of our humanity (IOM, 2022, p. 2). It allows a person to seek and obtain a remedy for a grievance through formal or informal mechanisms and in conformity with human rights standards.

The UNDP advocate for a human rights approach with an emphasis on just and equitable outcomes. “Access to justice is, therefore, much more than improving an individual’s access to courts, or guaranteeing legal representation. It must be defined in terms of ensuring that legal and judicial outcomes are just and equitable. According to a human rights-based approach to development, it is important to identify the grievance that calls for a remedy or redress” (UNDP, 2004, p. 6). They advocate for actions including recognition, awareness, claiming, adjudication of the grievance, followed by the enforcement of an effective remedy.

2 See paragraphs 14 and 15 of the Resolution adopted by the UN General Assembly of the 30 November 2012.

Access to justice for victims of crime

Access to justice within the criminal justice system encompasses both protections for those have been accused of a criminal offence (such as right to legal representation, a defence, fair trial etc.) and justice for those who have been a victim of a crime. For the purpose of this study, the emphasis is on access to justice for victims of crime.

European Victims' Rights Directive

The European Victims' Rights Directive (European Commission, 2012) is a cornerstone of setting out the key rights of victims of crime. Under the Directive, victims should be treated in a respectful, sensitive, tailored, professional and non-discriminatory manner by all actors coming into contact with them. Special attention should be paid to victims with specific needs in view of protecting them from secondary victimisation, retaliation and intimidation. These victims should also have access to specialised support services. The Directive is applicable to all victims without discrimination, independently of their residence status. It applies to all criminal proceedings taking place in an EU Member State, independently of when and where the crime took place (European Commission, 2020).

The key rights under the Directive can be grouped as follows (European Commission, 2020; Burzan, 2024).³

1. **Rights of victims' family members** (Article 2): This includes the rights of family members when a victim dies as a result of a crime.
2. **Right to understand and to be understood** (Articles 7-8): This means that communication with victims must be in simple and accessible language and adapted to the needs of every victim. This includes the rights to translation and interpretation services if required.
3. **Right to support** (Article 9): Victims must have access to support services and facilitate the referral to such services. This support should be free of charge and confidential. It includes both general and specialist supports for different types of victims (e.g. specific counselling, shelters).
4. **Right to participate in criminal proceedings** (Articles 10 -11): Victims are entitled to play a more active role in criminal proceedings, including the right to be heard and informed about the proceedings. This also entails being informed if the offender is not being prosecuted.
5. **Right to protection and to individual assessment** (Articles 18-23): This refers to the protection for victims from further harm from both the offender and the criminal justice system. They are entitled to an individual assessment to see if they are at risk of further harm during the proceedings and if so, special protection measures must be put in place.

3 A more detailed legal analysis of the Victims' Rights Directive and its implementation in the Irish context, including key omissions can be found in a report commissioned by Doras entitled Burzan, M. (2024) Victims' rights in Ireland: International obligations and gaps. Unpublished. Limerick: Doras.

6. Right to Compensation (Article 16): Victims have the right to receive compensation from the offender.

The Directive is binding in Ireland and has been implemented through the Criminal Justice (Victims of Crime) Act 2017. Some key aspects of this include a clear definition of who is a victim; the clarity around the entitlement to information and support if a victim makes a complaint in Ireland about an extra-territorial crime which took place outside of the EU; special protection for those who may have been a victim of trafficking and principle of non-discrimination in relation to the residence status of the victim (Mc Donald, 2018).

Whilst the Directive has contributed to considerable progress for the recognition and granting of rights to victims of crime, there have nevertheless been some challenges in its implementation both in Ireland and across the EU. Some of these challenges include:

- **Identifying and addressing issues that lead to victims feeling re-victimised and traumatised in the criminal justice system.** Research carried out by a range of organisations highlight the challenges that victims face in the Irish criminal justice system. These include contact with the offender and inappropriate cross-examination of victims during trials (Victims' Rights Alliance, 2014; Mc Donald, 2015; Burzan, 2024).
- **Reported low levels of information on support services:** Research carried out by the Victims' Rights Alliance demonstrated that 64% of crime victim survey respondents stated they had not received information on support services from the Gardaí (Victims' Rights Alliance, 2014, p13). Since 2015 however the system has changed and victims should be referred to the Garda Victim Service Offices, who send standardised letters to victims with information on victim support services (Mc Donald, 2018). It is noted also that the Victims of Crime Act does not contain provisions on funding victim support services, nor that they should be free. The Act does not fully implement the provisions of Article 9 of the Victims' Directive on advice, referral and emotional and psychological support (Burzan, 2024).
- **Under-reporting of crime and lack of awareness of support services prior to reporting a crime:** Access to support services often operate on the assumption that victims will report a crime to the relevant authorities. Many victims however do not report crimes and may also be deterred from doing so due to the lack of awareness or availability of support services (Committee of Ministers, 2023; Burzan, 2024).
- **Limited resources and inconsistency:** Unlike other countries, crime victim support services in Ireland are not provided by one central agency and are instead provided by a range of general and specialised NGOs, which receive some but often inadequate Government funding. Whilst national helplines exist, many counties do not have face-to-face crime victim support services (Puckhaber, 2019).
- **Lack of clear standards in translation and interpretation services:** Translation and interpretation services for criminal justice proceedings are provided by agencies who have been awarded contracts through a public procurement process in 2015. There are however no prescribed qualifications and very limited quality control procedures in place (Puckhaber, 2019).

3.4 Access to justice and International Protection Applicants

In conducting a search within Google Scholar and EBSCO Online Library using search terms such as asylum seeker/refugee/migrant/International Protection Applicant and 'access to justice' or 'criminal justice' or 'reporting crime', many of the results related to issues such as the criminalisation of asylum seekers by virtue of their immigration status (Bond, 2012; Bhatia, 2015); the effects of refugees on crime (Akbulut-Yuksel et al., 2024); access to justice for war crimes and crimes committed outside the jurisdiction (Wines, 2016) and the intersection between the access to justice and asylum/international protection (Sarolea, 2020). There is also a body of research on specific types of crime that IPAs may be a victim of that give rise to additional protected characteristics, including victims of trafficking (Pillinger and O'Connor, 2011), gender based violence (Reilly, Sahraoui and McGarry, 2021), and conflicts that may arise particularly in unsuitable or precarious accommodation and through structural causes associated with the international protection system (Christ, Meninghaus and Roing, 2019; Zill, Van Liempt and Spierings, 2021; Scott, 2022).

Some authors note that there can be dualities between access to justice for those accused and victims of crime, and the roots of the barriers in accessing them for both groups can have similarities. A Report for the Bingham Centre on the Rule of Law titled 'International Access to Justice: Legal Aid for the Accused and Redress for Victims of Violence' concluded:

Difficulties related to access to legal aid for the accused and victims and the rights and abilities of the latter group to obtain redress often have the same roots, such as a lack of resources, illiteracy, corruption, distrust in the justice system or patterns of formal or informal discrimination. Whether of societal or institutional origin, or a combination thereof, barriers have similar effects on the prospects of both accused and victims to gain effective access to fair justice. (Beqiraj and McNamara, 2015, p. 37)

They also note that there are instances where a person is both the victim of a crime and the accused in a criminal case. This duality or intersectionality often involves overlapping barriers (Ibid). Examples include a woman who assaults her violent partner; a person who has confessed to a crime under duress or torture; and victims of trafficking who may be perceived to have committed a crime through their mode of entry into the country.

Challenges encountered

There are multiple challenges to accessing justice overall, but the situation is more complex for those in the international protection system. IPAs and refugees by virtue of a range of fac-

tors may require additional and specialised supports such as translation; clear information on the processes around reporting and prosecution of crimes; support for victims of trafficking (Pillinger and O'Connor, 2011) and gender based violence (Oliveira et al., 2018); fears around reporting crime (Scott, 2022), and poor trust in law enforcement authorities (Vidal and Nisbet, 2023).

Protection under international law and policy

The Global Compact for Safe, Orderly and Regular Migration adopted by the UN in 2018, is a first UN global agreement on a common approach to international migration. Whilst not binding in nature, it is nevertheless a 'significant step forward towards increased protection and for the operationalisation of the right of migrants to access justice among other rights' (IOM, 2022, p. 1). Under the Compact, States commit to providing newly arrived migrants with 'targeted, gender-responsive, child-sensitive, accessible and comprehensive information and legal guidance on their rights and obligations, including on... access to justice to file complaints about rights' (UNGA, 2018)⁴ One of the core principles outlined is equal treatment before the law for migrants,⁵ a rights already enshrined in various human rights treaties.⁶ Under the Compact, States also commit to States facilitate access to justice for victims of trafficking and to enable them to report without fear of arrest, deportation or punishment.⁷ This is seen as essential particularly when they are migrants in irregular situations, as they often distrust the judicial system due to fears over their status, corruption, the complexity of the legal process, or fear of being arrested and detained (IOM, 2022, p. 5).

The UN Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (UNGA, 1985) defines the key principles of justice for victims of crime under international law. It defines victims as persons who, individually or collectively, have suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within Member States, including those laws proscribing criminal abuse of power.⁸

Access to justice protection in Irish law, policy and practice

Unlike civil law jurisdictions, Ireland does not have criminal codes, but instead criminal law is dealt with a series of statutes and case law. Crimes are investigated by An Garda Síochána, with more serious (indictable) offenses then prosecuted by the Director of Public Prosecutions (DPP) and minor offenses by An Garda Síochána. When a person reports a crime to An Garda Síochána, they are no longer automatically referred to victims' support services, due to GDPR constraints but instead receive a letter with a 'victim information leaflet' with a list of support services. An Garda Síochána have now established Victim Service Offices in each division and have published a Victim Information leaflet, which is available on their website in several

4 UNGA Global Compact, Objective 3, para.19

5 UNGA Global Compact, Objective 7 (g)

6 See e.g. Article 6 of the UDHR; Article 16 of the ICCPR

7 UNGA Global Compact, Objective 10 (e)

8 UNGA Basic Principles of Justice for Victims of Crime, Art. 1

languages. As stated above, Ireland has transposed the Victims' Rights Directive through the Criminal Justice Act 2017. This strengthens the previously existing provision of protection afforded to victims of crime under Irish law. Victims' rights have been strengthened through this new law, but some gaps still remain in the provision of the full protections as envisaged through the Directive (Mc Donald, 2018; Burzan, 2024). These include some of the following gaps:

Support Services:

The provision of support services for victims of crime and particularly for vulnerable groups can be ad hoc and dependent on geographical location and the provision of services in that particular area. The Act does not contain any provisions on the funding of such services, nor state that they should be cost free (Burzan, 2024).

The 2017 Act provides for much more limited support than what is envisaged in the Directive and automatic referral or provision of information on support services is only compulsory when a crime is reported to the Gardaí, with other 'competent authorities' as envisaged in the Directive not included (Ibid).

Recognition of role of victims in court proceedings:

There is no special status for victims under criminal law and they are generally regarded as witnesses during the investigation and trial. The Criminal Justice Act 2017 introduced the first definition of a victim under Irish law .

The Act also expanded the right of victims to make a Victim Impact Statement (VIS). The ICCL Guide on summarised this expansion as:

Section 31 of the Criminal Justice (Victims of Crime) Act 2017 amends... to enable all victims of crime to provide 'evidence or submissions' about the effect or otherwise of the crime on the victim. It in effect permits all-natural victims to provide a Victim Impact Statement should they wish to do so (Mc Donald, 2018, p. 23).

Research undertaken as part of the County Report for Ireland on the implementation of the Directive found some confusion amongst victims in relation to when they could make a Victim Impact Statement and also misleading advice provided in some cases that they were required to do so (Puckhaber, 2019, p. 33).

Lack of restorative justice services:

Art. 12 of the Victims' Rights Directive stipulates:

States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Member States shall facilitate the refer-

ral of cases, as appropriate to restorative justice services. There was no provision of restorative justice services under the 2017 Bill, with some amendments referring to such a service following NGO advocacy to members of the Dáil inserted into the final Act. It has been noted however that there is limited access to restorative justice in the Irish system and Art. 12 has not been fully transposed (McDonald, 2018; Puckhaber, 2019).

3.5 Barriers and enablers for IPAs to access justice in practice

Accessing justice for victims of crime is not without its challenges at a general level and for those with additional protection needs, the barriers and challenges are greater. IPAs face additional challenges through issues such as their precarious long-term residency status; possible lack of trust in authorities due to prior experiences; trauma encountered pre, during and post their journeys; linguistic and cultural barriers; and a lack of information on processes and their rights. There is limited research available on the overall experiences of IPAs in accessing justice when they have been victims of crime, particularly within the Irish context.

There is very limited data available on crimes committed against IPAs, refugees and other migrants in Ireland. The INAR (Irish Network against Racism) Shadow iReport mechanism offers a useful tool in understanding the extent of reporting of racism and racist crimes in Ireland. Its annual report provides a human-rights based monitoring tool of incidents of racism and racist crimes, submitted by victims and observers. The INAR Shadow report of reporting of racism in Ireland in 2022 included 223 racist crimes made up of 49 assaults, 112 cases of harassment, 26 cases of serious threat, 95 public order offences, and 8 cases of criminal damage (Irish Network Against Racism, 2023, p. 8). The availability of such shadow reporting mechanisms provides an opportunity to fill the gaps in the official and academic data and provide data that is based on different sources. The presence of such a reporting system also shows victims of racist crime or abuse that even if they have been unable to seek justice at an official level, there is a mechanism to listen to their stories and provide follow up in some cases.

Access to support services

As demonstrated later in the research, having support services in place is an important enabler of being able to access justice. The need for support services is clearly recognised in the Victims' Rights Directive (Article 9) and the identification of victims with specific protection needs through the use of individualised assessments (Article 22). The Country Report on the implementation of the Directive in Ireland (Puckhaber, 2019) provides a useful analysis of the

support services available on both a national and regional/local basis. As of 2019, she noted that there were 50 services providing victim support throughout Ireland. This includes four national helplines. These include Women's Aid (domestic violence); Dublin Rape Crisis Centre (rape and sexual assault); Crime Victims Helpline (general crime) and CARI (child victims) (Ibid. p. 26). For migrants, refugees and IPAs a specific victim support service is provided by Doras. This is provided on a national outreach basis and is funded by the Department of Justice. Further information on the supports provided are contained in Chapter 6 of this report.

Sexual and Gender Based Violence (SGBV)

Multiple studies have established that refugees, asylum seekers and undocumented migrants living in economically-advanced host countries are faced with heightened risks of sexual and gender based violence (Reilly, Sahraoui and McGarry, 2021). Research has shown that Sexual and Gender Based Violence (SGBV) of women and girls 'can increase due to inadequate living conditions, overcrowding at reception facilities, lack of gender-sensitivity in asylum procedures and at reception facilities' (Oliveira et al., 2018, p. 2). In the Irish context, there is a lack of coherent data on SGBV and little evidence of a disaggregation of data on migrant women and information on the perpetrators. A critical review of Ireland's response to gender based violence as it affects migrant women found that:

'major gender equality and DSGBV policies and strategies do not operationalise an intersectional approach and to date are not addressing the needs of migrant and minority women on a systematic interagency basis.' (Reilly, Sahraoui and McGarry, 2021, p. 8)

A study of the carceral nature of the Direct Provision system has argued that it creates and exacerbates conditions of gendered violence (Chakraborty and Repo, 2024). 'Carceral' like spaces are created, with significant limitations on freedom and autonomy. Some of the features which exacerbate this include overcrowding; forced sharing of rooms with non-family members; vulnerability to prostitution;⁹ heightened risks of sexual and gender violence in sharing tight spaces; lack of security in bedrooms; increased stress and mental health difficulties; lack of appropriate training of personnel working in centres, and restrictions on motherhood (Ibid). The risks of gender based violence and vulnerability to prostitution have been highlighted in a range of reports (AkiDwa, 2012; Foreman and Ní Raghallaigh, 2020).

Migrants face further difficulties in reporting domestic abuse, including emotional abuse and coercive control. A study carried out by the International Organisation for Migration (IOM), Ireland, found that victims of domestic abuse were not being believed or being asked for evidence of physical violence by the Gardaí. Some noted that they would only report once the abuse becomes serious physical violence (Gagliardi, Stephenson and Amieux, 2023).

9 As highlighted by Akidwa (Pollak, 2019)

Access to justice for women living in Direct Provision can be compounded by other factors such as lack of information and awareness, fear of reporting partner in cases of domestic based violence due to potential implications for their immigration status (Doras, 2023) and a lack of broader support networks. Many IPAs can also be victims of human trafficking, which carries additional challenges in reporting crimes. The support organisation Ruhama has noted a sharp increase in the numbers of victims of trafficking for sexual exploitation engaging with its services, with 155 people presenting in 2023 (Ruhama, 2024). This compares with 53 people who were identified officially by the State as victims of human trafficking, as noted by IHREC (Irish Human Rights and Equality Commission) (Holland, 2024) .

Language, Interpretation and Understanding of Rights

The Victims' Rights Directive makes provision for information and support services, specialised supports when required and access to an interpreter/translator when required. As shown in a recent Scottish study on asylum seekers, refugees' experiences with police, refugees and asylum seekers are sometimes out of reach due to 'several intersecting individual, community, cultural and systemic barriers' (Vidal and Nisbet, 2023, p. 1). In that study, language barriers and a lack of understanding were viewed as barriers to asylum seekers and refugees reporting crimes. It also impacted on the police's ability to respond in an effective and timely manner.

Whilst interpreter services may be made available when a formal report is being made, they are generally not always available for casual interactions with police and information services. The availability of translation apps has made it somewhat easier to access information in one's own language but requires someone to proactively seek the information and a high degree of digital literacy. A lack of being able to express oneself in one's own language is also shown to be a barrier in reporting hate crime (British Red Cross, 2019).

The cultural understandings of what constitutes a crime, how to report it and how the process works are further barriers to reporting crimes. The role of the police and how they are perceived are also crucial to the process, as noted in the next section.

Trust in the police

The first point of contact in reporting any crime is usually with the police – An Garda Síochána in Ireland. Whilst this is the first study in Ireland to specifically examine IPAs/asylum seekers lived experiences of accessing justice when a victim of a crime, there are other studies in Ireland and internationally that demonstrate the importance of having trust in both the police and the justice system.

The recent Scottish study on refugee and asylum seekers experiences with the police found four key themes in the relationships between asylum seekers/refugee and police, which may be of relevance for this study (Vidal and Nisbet, 2023). These themes and their importance for this study can be summarised as:

Theme/Issue	Relevance to this study
Police Visibility Asylum seekers may have limited understanding of who they are, where to find them and their role.	Awareness of IPAs of who the Gardaí are and how to report crimes to them.
Trust and Confidence in the Police –linked to visibility. Differing attitudes depending on experiences in country of origin and the host country. Fear of discrimination by the police by some.	Trust levels may differ–also depending on what interactions they have had with Gardaí.
Resources and Operational Pressures Police visibility and community policing difficulties due to staffing constraints.	Similar issues may arise of being visible and available throughout all areas.
Socio-Structural Barriers to Service Provision and Accessibility Including language barriers, cultural nuances, gender (often of police) and understanding of hate crime.	As noted above–language and cultural barriers and gender of Gardaí. ¹⁰ Understandings of what constitutes a crime.

Table 3. Issues affecting Refugee/Asylum Seeker and Police Relationships

A study of relevance in the Irish context was the IOM's study of policing of sexual and gender-based violence in migrant communities (Gagliardi, Stephenson and Amieux, 2023). Respondents of this study acknowledged the high quality of professionalism in the Garda National Protective Services Bureau when they had access to them, but it was also noted that due to a lack of reporting/under-reporting most victims will not access these specialised services. This study also involved in-depth interviews with service providers and Gardaí and identified key barriers to reporting sexual and gender based crimes, some of which apply to migrants reporting crime in general and are of relevance to this study. These include:

- **Lack of trust in the police** in general due to prior negative experiences
- Lack of trust if **members of a marginalised community feel a previous incident was not taken seriously** (can apply in how IPAs view policing of incidents they witness)
- Lack of investment in **community policing and Gardaí Diversity Officers**
- Perception of **courts system not being victim friendly**
- **Fear of repercussions** against the victim rather than the offender
- **Victims bringing shame/stigma to their family/community**
- **Fear of deportation** and loss of immigration status
- **Victims' lack of financial resources** and support networks

10 Currently, only 29% of An Garda Síochána are female. [Garda Strength by Gender - Garda](#)

- Potential **financial and other dependency on their abuser** (e.g. in human trafficking)
- **Intersectionality with other issues** such as gender, religion and cultural norms

Finally, a study carried out by the University of Limerick on Travellers Access to Justice sheds light on policing and accessing justice within a marginalised community (Joyce et al., 2022). This study also used a peer led methodology and demonstrated low levels of trust amongst Travellers in the Gardaí, and 91% of Traveller respondents do not agree that the Gardaí treat Travellers with respect. The study demonstrated evidence of institutional racism against Travellers in the criminal justice, which affected their ability to have confidence in the system. Whilst the issues facing Travellers may differ to International Protection Applicants, the study offers many lessons on policing and perceptions of the fairness of the criminal justice system amongst marginalised groups.

The report recommendations, which are of relevance to this study are as follows:

1. The introduction of an ethnic identifier throughout the criminal process, including the publication of an annual report on ethnic minorities in the criminal process.
2. The development, publication, funding and implementation of a criminal justice strategy for the Traveller community. The potential for a migrant criminal justice strategy could also be explored.
3. The establishment of a robust and effective independent complaints body operating across the criminal legal process.

3.6 Conclusions

The situation of access to justice for victims of crime in Ireland has improved due to the introduction of the EU Crime Victims' Directive, as implemented through the Criminal Justice Act, 2017. A range of measures have been put in place to provide greater information and supports to victims of crime and to provide them with a slightly greater role in the criminal justice process. The implementation in practice however has not been without its challenges and it has not been sufficiently resourced to provide the identified supports. The situation for IPAs accessing justice presents far greater challenges for the reasons identified above. This research explores how these challenges are encountered on a daily basis, and the lived experiences of IPAs who have been victims of a crime.

4. Survey Analysis–IPAs Experiences of the Criminal Justice System

4.1 Survey design and distribution

Design

As detailed in the methodology, the survey was designed and piloted by the research team with input from Doras. Comments were taken and changes were made on the original draft to make it more user friendly. The team avoided too many open-ended questions and ensured that the questions were easily understood. The survey was translated into French and Arabic, and respondents had the option to respond in the language of their choice. The survey was designed with Jotform™–an online survey tool. This provided a secure format through an account that was created. The survey data was completely anonymous and no names, IP addresses or any other identifying information was collected.

The survey was broken up into sections. The first six questions were generic and provided a profile of the respondents. Question 7 asked about their experiences of being a victim of a crime in Ireland. Depending on their response to this question, they were directed to a different part of the survey. If they (or close family member) indicated they had experience of being a victim of a crime in Ireland or on the way to Ireland in the past five years, they were directed to Questions 8 – 21 on the experience, reporting the crime and any other follow up issues on the crime. If they had no experience of being a victim of a crime, they were directed to Questions 22-26 which were for all respondents to gain insight about their perception of the Gardaí and awareness of available support service(s). The length of time it took someone to fill out the survey therefore differed depending on their experience.

Distribution

The survey was first piloted amongst the peer researchers, Doras staff and some close contacts of the peer researchers. The surveys filled during this period were discounted and changes were made on the survey tool based on the feedback received during a survey tool review meeting with the peer researchers. The survey was then distributed officially in May 2024 and was open until the end of July 2024. It was distributed through a wide range of channels and methods. This included:

- **Word of mouth** through peer researchers, lead researcher and Doras staff telling others and sharing the link with contacts,
- Creation of special **posters and leaflets** to advertise the survey with a QR code that directed interested persons to the online link,

- **Presentations at online network meetings**, including Movement of Asylum Seekers in Ireland (MASI) by peer researchers,
- **Visits to accommodation centres** with flyers and posters – which allowed some peer researchers to gain access and help individuals to fill in the surveys. This included direct provision centres across Ireland in both rural and urban settings, and
- **Sharing of the survey link and posters with other stakeholders** and networks in the field of immigration and international protection.

The survey was largely self-administered, with respondents completing it on their phone/laptop or other device. Peer researchers provided support and assistance within some accommodation centres where people were willing to fill in the survey. In a small minority of cases, these were also followed up with an interview. A total of **86 respondents** completed the survey (excluding the pilot phase, which was subsequently deleted). Not all respondents completed every question and some left some questions blank (responses completion was not required to move to the next section).

4.2 Profile of survey respondents

This section provides the profile of the respondents who completed the survey. As shown, there is a wide diversity of country of origin, counties where they resided and gender balance. Question 1 asked respondents to state their country of origin. Where there was only one response for a particular country, this was grouped into 'other', which amounted to 12 different countries. In total, 24 different countries of origin were listed in the survey, with the highest numbers from Nigeria (n=23), Zimbabwe (n=16) and Botswana (n=10) respectively.

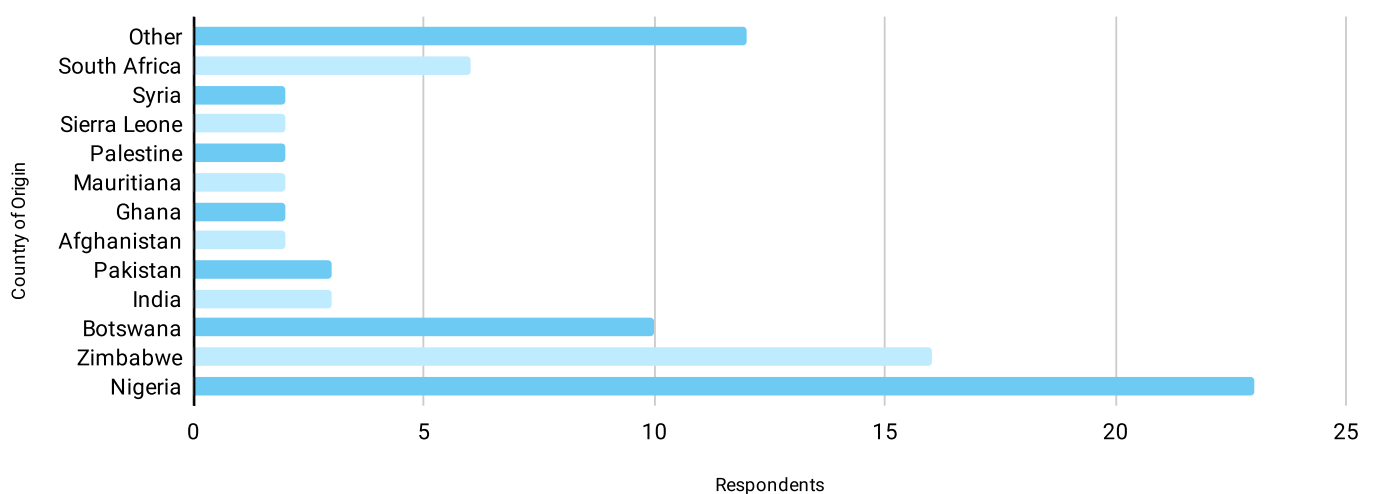


Figure 1. Country of Origin

Question 2 looked at the length of time respondents had been in Ireland. The highest response

was 1-2 years (44%), followed by less than a year (28%). Likewise, 28% of the respondents indicated they had been in Ireland for three years or more, which is in line with the length of time people spend in the International Protection System. The survey was also open to those who had recently gained status and were no longer in the system.

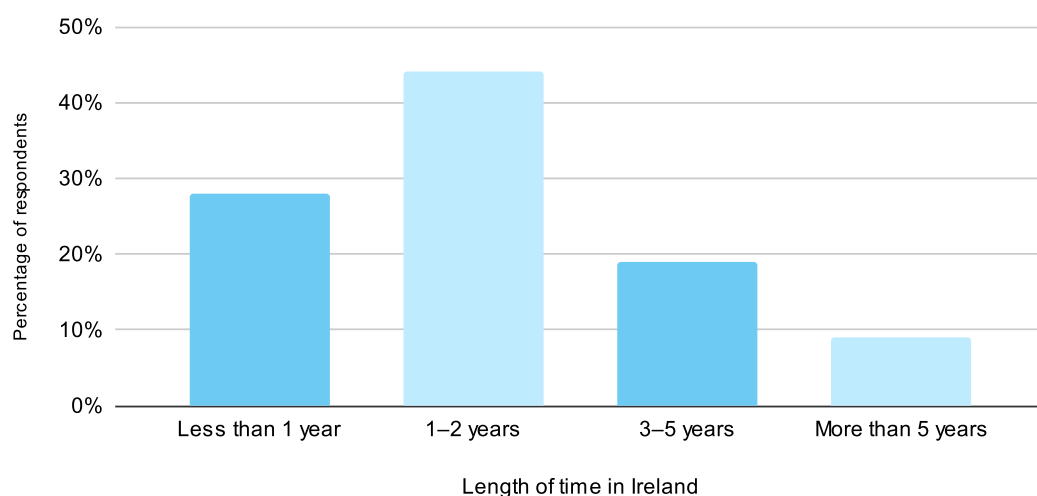


Figure 2. Length of time in Ireland

Question 3 examined the geographic distribution of respondents in Ireland and like the country of origin, a wide range of counties where people lived were reported. This was also due to the wide distribution of the survey throughout Ireland, and support from the research team in particular places. The county with the most respondents was Dublin (n=25), representative of the larger population and accommodation there. This was followed by Limerick (n=12), where Doras is based. The counties are represented in the table and the map below.

County	No.	County	No.	County	No.
Clare	7	Kilkenny	1	Sligo	3
Cork	7	Limerick	12	Tipperary	3
Donegal	3	Louth	2	Westmeath	1
Dublin	25	Mayo	4	Wexford	1
Galway	4	Meath	5	Wicklow	3
Kerry	1	Roscommon	1		

Table 4. Counties where respondents are based

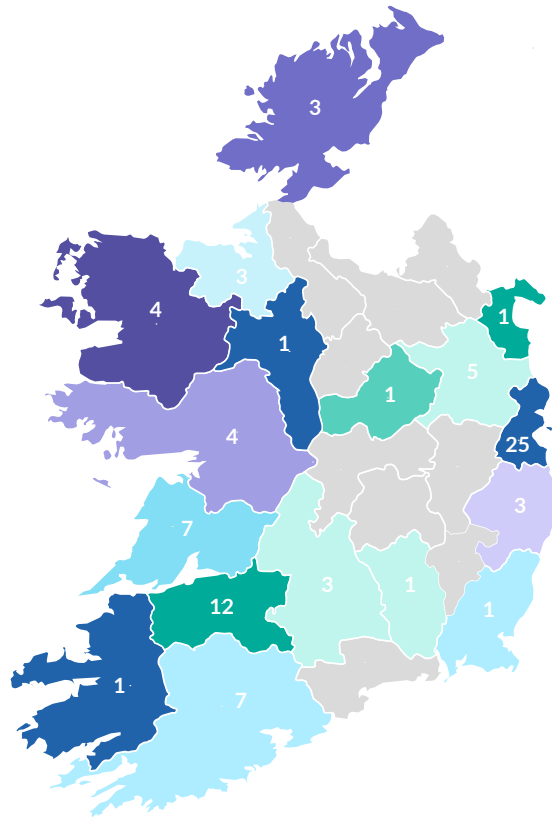


Figure 3. Geographical distribution of respondents

Question 4 related to current immigration status and provided a drop-down menu to choose from. The largest proportion of respondents (n=59, 74%) stated that they were currently International Protection Applicants.

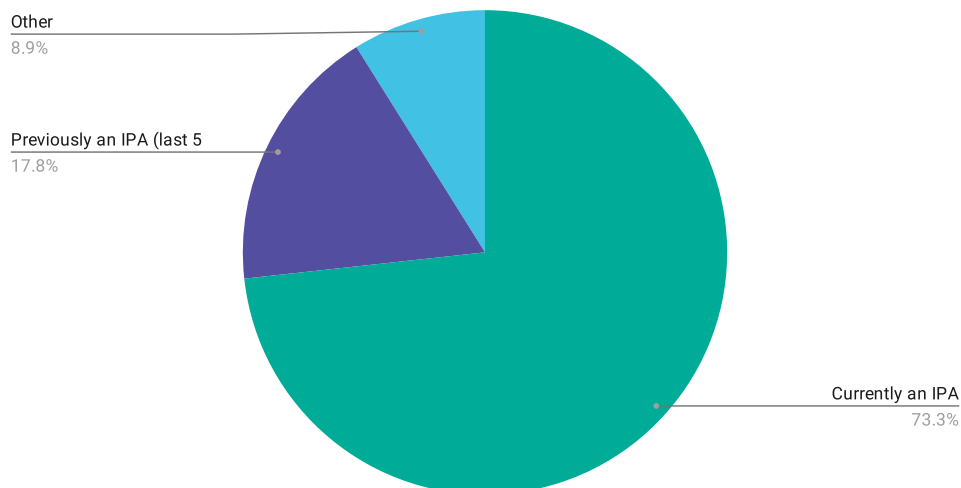


Figure 4. Current immigration status

Question 5 asked about the type of accommodation they were living in. The responses contained in the table below showed that the largest response (46%) was direct provision, followed by other IPAS accommodation including emergency accommodation (17%), Hotel/B&B (15%).

It is of note that 13% of the respondents indicated they lived in their own independent accommodation, while about 6% indicated they had no fixed accommodation or were homeless.

Type of accomodation	No. Responses	% Responses
Direct provision centre	39	46%
Emergency accomodation provided by IPAS	14	17%
Hotel/B&B	13	15%
Homeless/No fixed accomodation	5	6%
Own independent accomodation	11	13%
Other	2	2%

Table 5. Type of accommodation

Question 6 asked about gender breakdown, which was as follow:

Male	Female	Other/Prefer not to say
45 (52%)	40 (47%)	1 (1%)

Table 6. Gender breakdown of respondents

4.3 Experiences as a victim of crime in Ireland/Journey to Ireland

The next part of the survey focused on their experiences as a victim of crime in Ireland or on the journey to Ireland in the last five years. The survey was structured with an inbuilt logic that directed respondents automatically to the next relevant question depending on their response to Question 7.

Question 7 asked Have you been the victim of a crime in Ireland or on the way here in the last 5 years? 72 respondents replied that they or their close family members had not been a victim of any crime. Only 14 people replied that they or a close family member was. This data was somewhat surprising as we suspected that those who filled in the survey, based on its title and description may have had some experience of being a victim of a crime.

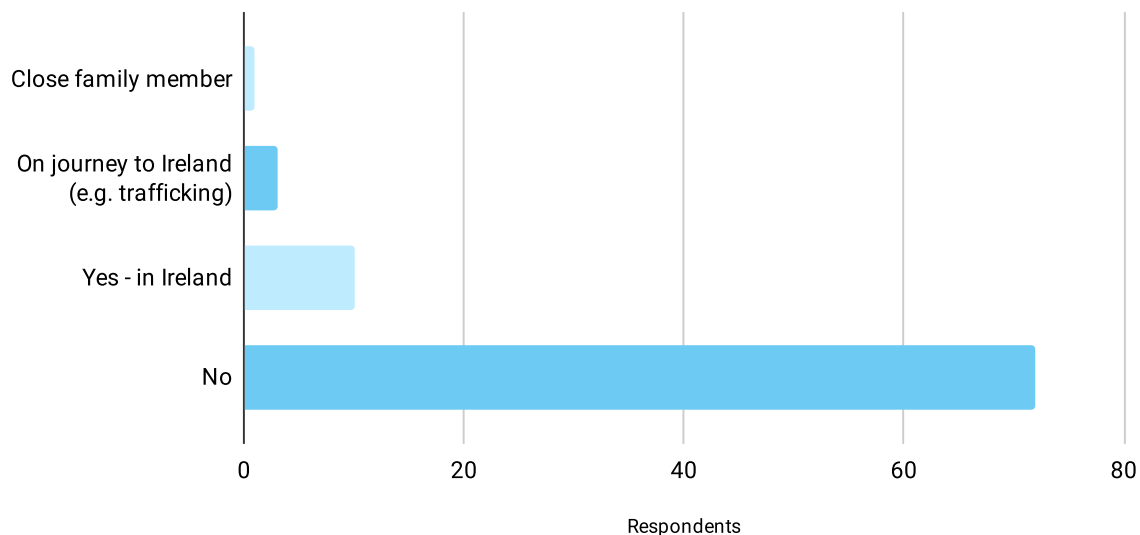


Figure 5. Victim of crime in the last 5 years

The chart below (Figure 6) provides the responses to **Question 8** on what type of crime the respondent (or close family member) experienced. This question was open to everyone to complete, and interestingly a far greater number of people said that they had been a victim of a crime, than reported in Question 7. It is not clear why this occurred, with a number of hypotheses possible. This question was not hidden from those who ticked no to being a victim of a crime and possibly some felt that they had to provide a response. The understanding of what being a victim of a crime is may have meant different things to people.

The total number of crimes provided in this multiple choice question are aggregated to a total of 57 crimes. 45 respondents providing a response about a type of crime experienced, of which some provided more than one response. 16 respondents ticked 'other', which could also suggest that they had not been a victim of a specific crime. 8 respondents ticked being 'threatened with violence/assault'. This is open to nuances and there may have been different experiences/understandings of whether this is a crime. 10 respondents stated that they had been a victim of either assault (n=5) or a sexual crime (n=5).

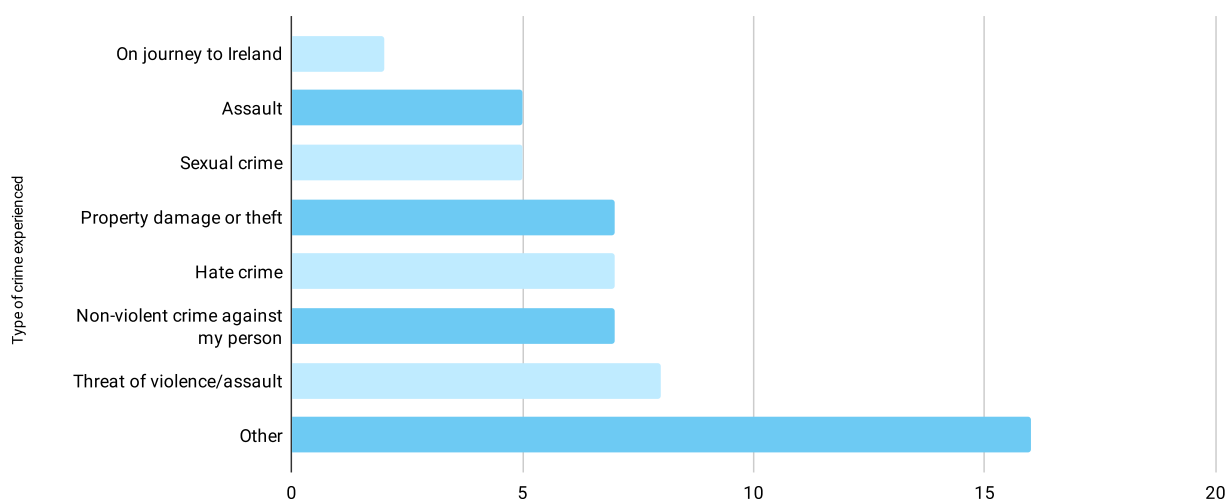


Figure 6. Type of crime experienced

Question 9 asked respondents to provide a brief description of the crime experienced. This question was only open to those who had stated that they had been a victim of a crime. This was an open-ended question, with 14 responses received. These descriptions matched the types of crimes listed in the chart above, with some specific details. A sample of responses includes:

- ‘Human trafficking as a sex slave’ and ‘trafficked for sexual assault from (name of country) to Ireland’
- Online fraud – where someone paid for goods that were never delivered
- Child bullied and assaulted in accommodation
- Racial discrimination and threatening behaviour
- Theft of mobile phones, laptops and personal belongings
- ‘Racially assaulted and hate speech for sexual orientation’
- ‘Bags with important documents were stolen at the train station’.

Question 10 asked respondents who had been a victim of a crime, whether they or someone else had reported the crime to the Gardaí. Of the 15 responses, no-one replied that someone else had reported the crime, with 8 replying they reported themselves, and 7 saying nobody had.

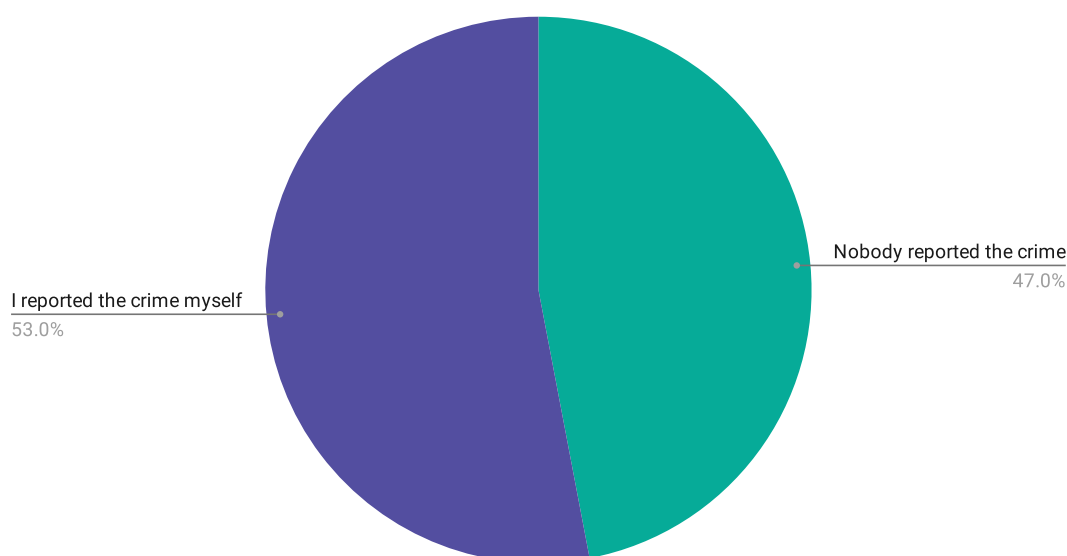


Figure 7. Reporting of the crime to the Gardaí

The next **Question 11** asked about how easy it was to report. 11 responses were provided to this, which demonstrates it may also have included people who did not report the crime (based on the question above). A scale with stars was used, with an average response of 3.27 stars (out of 5).

Data	Response	%
★★★★★	3	27%
★★★★☆	3	27%
★★★☆☆	2	18%
★★☆☆☆	0	0
★☆☆☆☆	3	27%

Data Average	Response
★★★★☆	11

Figure 8. Ease of reporting to the Gardaí

Respondents were asked in **Question 12** to tick a multiple choice question on what helped them to report it.

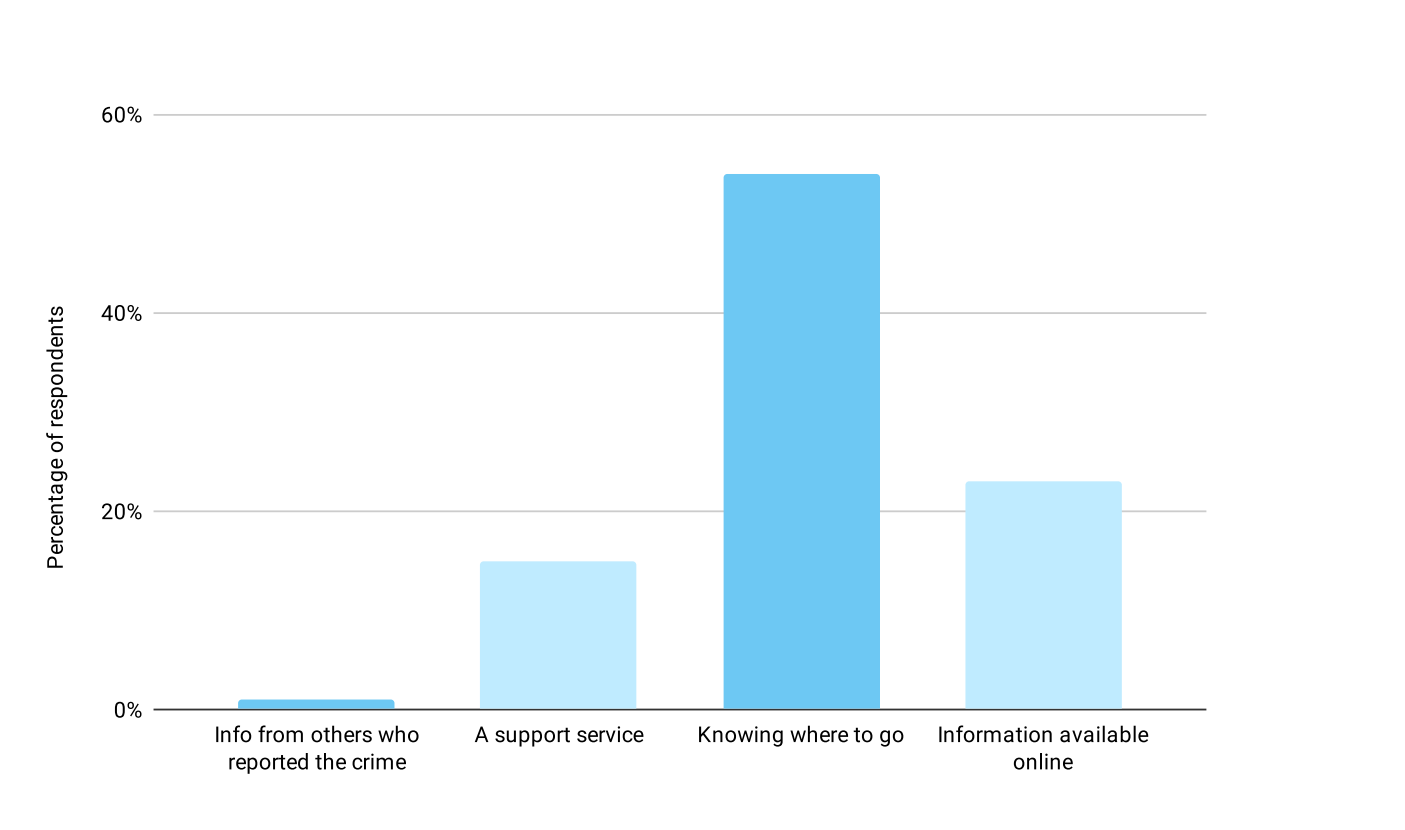


Figure 9. What helped with reporting

Question 13 was an open question, which asked, if you did not report the crime, why did you not report it? A total of 7 responses were received for this question, which included reasons such as:

- Insufficient evidence to prosecute the case
- Fear of police due to previous experience in home country
- Just arrived in Ireland and did not know how to report
- Lack of trust in the Gardaí
- I decided to let it go
- 'I was scared it might trigger the hatred of reporting an Irish citizen to Gardaí, when I am just an asylum seeker'.

This last response of the respondent fearing reporting an Irish citizen when they are 'just an asylum seeker' was a theme that recurred in the interviews and represents a worrying sense amongst some IPAs that they do not have equal rights when it comes to accessing justice and they could make things worse for themselves by criticising someone with Irish citizenship.

4.4 The reporting process and follow up

Question 14 was a sliding scale question from 1 to 5 which asked to what extent they felt they had been taken seriously by Gardaí in reporting the crime (1= not at all, 5= much). A total of 13 responses were received. The mean response is 2.77, representing a relatively low sense of being taken seriously by Gardaí, when reporting a crime.

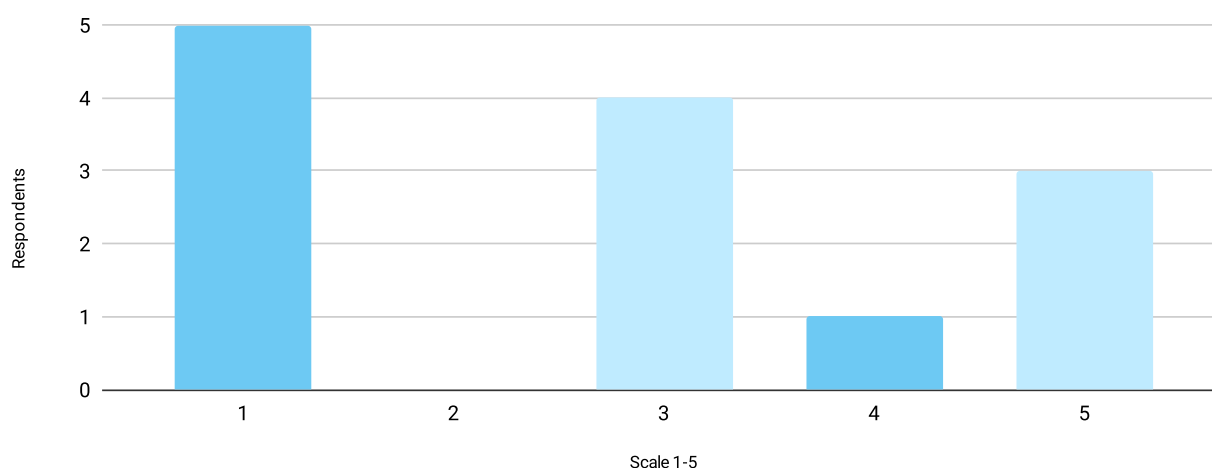


Figure 10. How seriously were you taken by Gardaí?

Question 15 asked respondents after they had reported the crime how satisfied they were with the response of the Gardaí (police). This was a sliding scale, with emojis to demonstrate satisfaction levels. Out of 15 responses on a scale of 1 to 5, with 1 being not satisfied at all, and 5 being very satisfied, the mean score was 2.93, slightly higher than the previous question of how seriously they were taken.

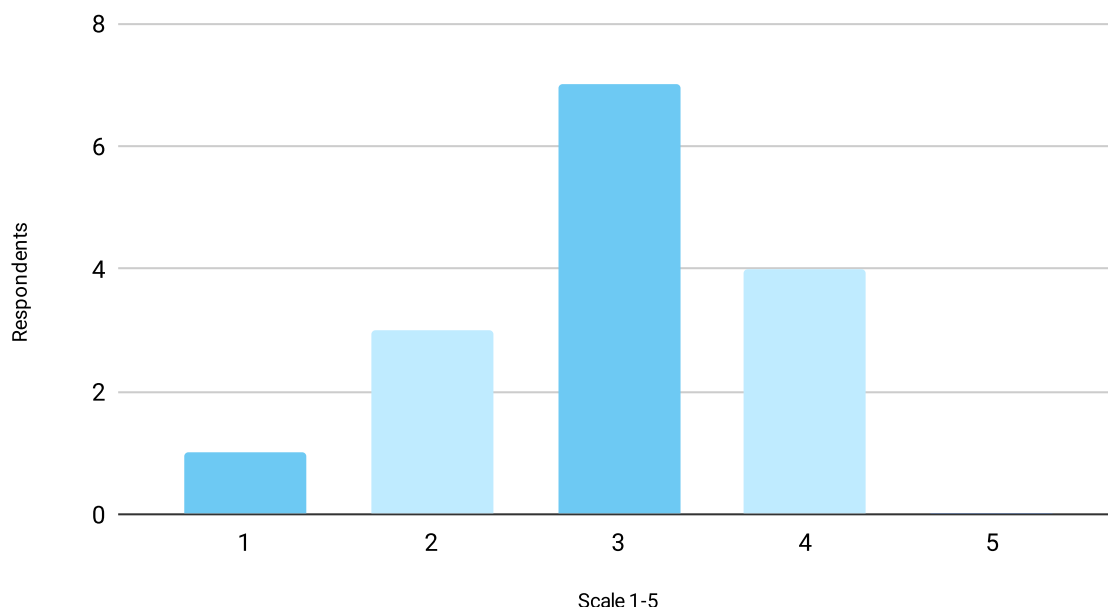


Figure 11. Satisfaction with Gardaí follow up

Question 16 was only completed by 10 respondents and asked whether they were made to sign a statement of what happened by the Gardaí when they reported the crime. Only one person responded that they had been made to sign a statement, with the remainder replying no and two could not remember.

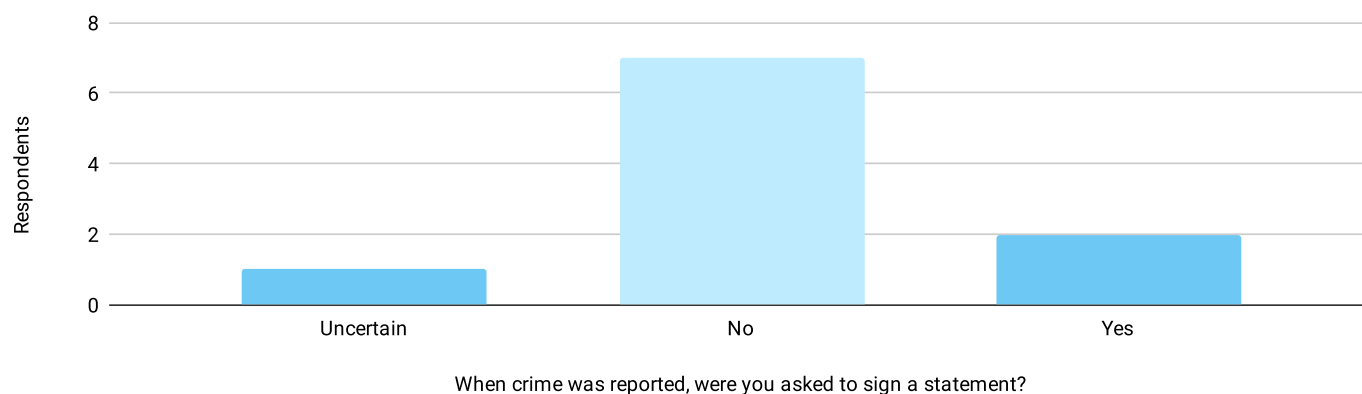


Figure 12. Signing of statement after reporting crime

Question 17 asked about what happened next and was a multiple choice question. 11 responses were given to this question, with five responses saying that they do not know as they heard nothing further. In this survey, we did not receive very detailed information on why this was the case and these issues were explored further in the interviews. A further investigation was conducted in just 2 cases.

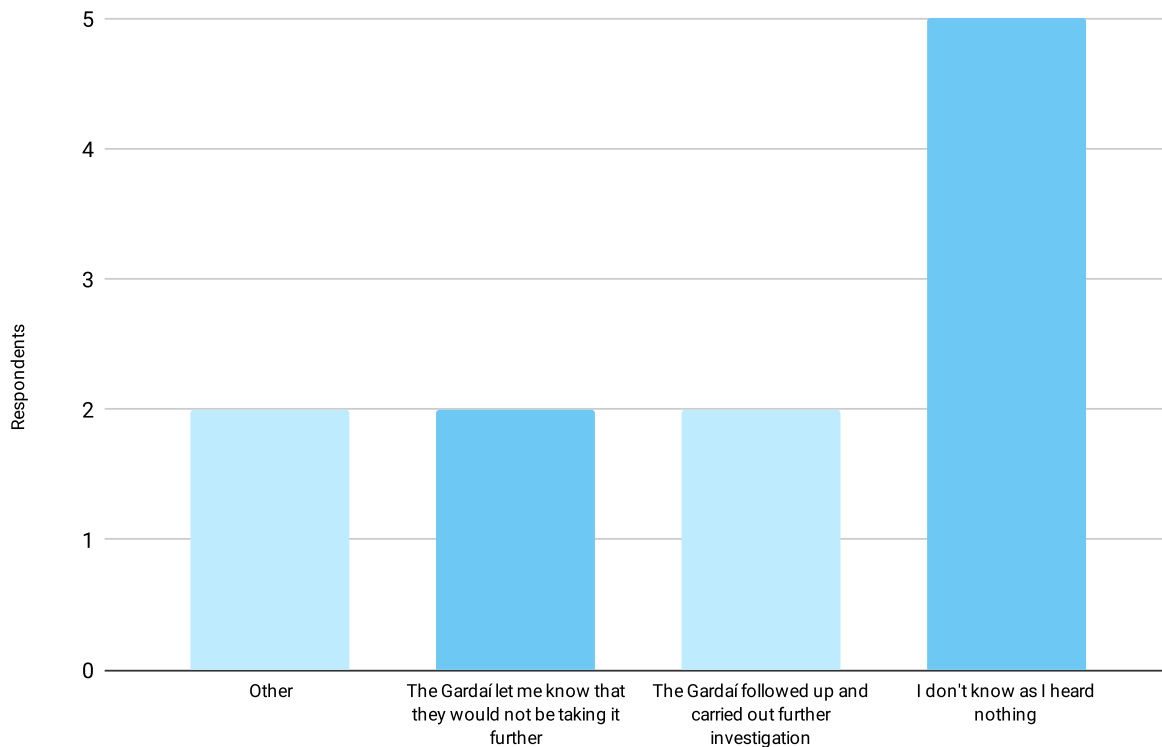


Figure 13. Follow up after reporting

Question 18 asked whether they had received information on victim support services (given by Gardaí/ follow up Email/letter). Of the 11 responses to this question, only two people replied that they had, one was unsure and the remaining 8 replied no.

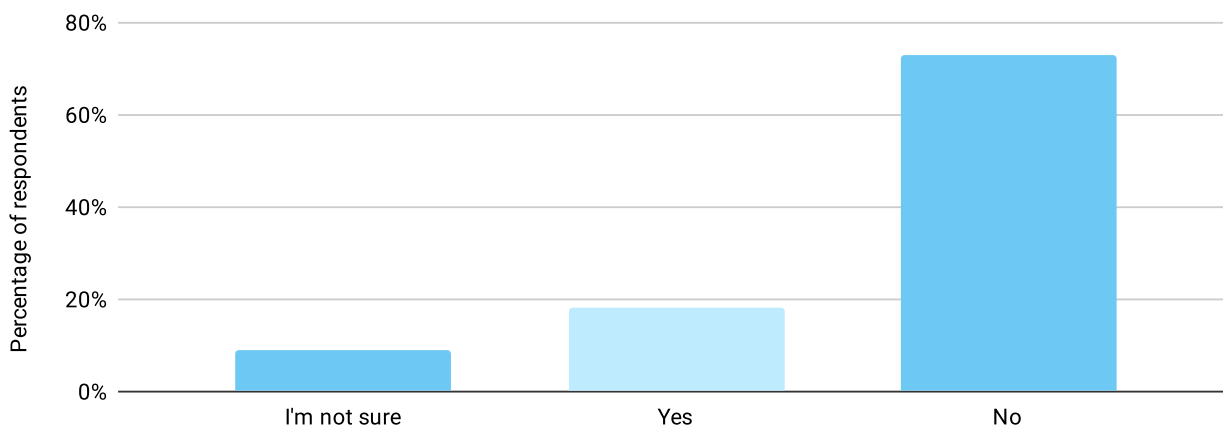


Figure 14. Received follow up info on victim support

Question 19 was an open ended one, which asked respondents to provide further details on whether they had sought support from other agencies/individuals. Of the 12 respondents, 8 replied that they had not sought support. One respondent replied no because the Garda had said that their claim was 'nonsense'. One other respondent replied yes but did not give further details and another referred to the Ombudsman, but they were not able to help much. One re-

spondent said they had referred the matter to the International Protection Office (or possibly IPAS) and they had agreed to look into the CCTV footage, but they heard nothing after all.

Question 20 was a general question, with a Likert scale of levels of satisfaction with the resolution of the case after they reported the crime. Of the 15 responses, the one with the highest single number was 'not at all satisfied' (n=5). In converting the satisfaction scale from 1 to 5 (least to most satisfied), the mean satisfaction score for this question was 2.26 which is relatively low.

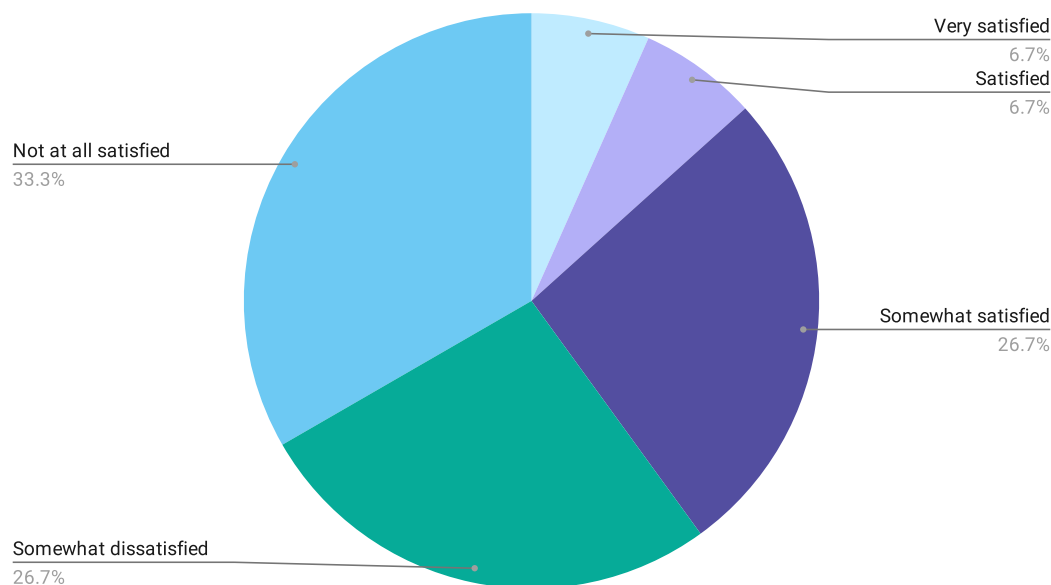


Figure 15. Satisfaction with resolution of the case

Question 21 asked about whether they had access to a reporter when reporting the crime to the Gardaí. It was a multiple choice question and of the 12 responses, 10 replied they No I did not need one, one responded 'No' and just one person said that they were provided with one by the Gardaí.

4.5 General attitudes to reporting crime and Gardaí

The final section of the survey were general questions that sought to understand respondents' attitudes to reporting crime in Ireland, trust of the Gardaí and awareness of the Doras migrant victim support services. Question 22 was aimed at all respondents. It directed respondents who ticked 'no' to being a victim of a crime in Question 7. A total of 83 responses were provided. It asked whether they would know how to report a crime if they did not yet have direct experience of it. Just over half (52%) stated they would know how to report a crime, with 20% not knowing and 28% stating maybe.

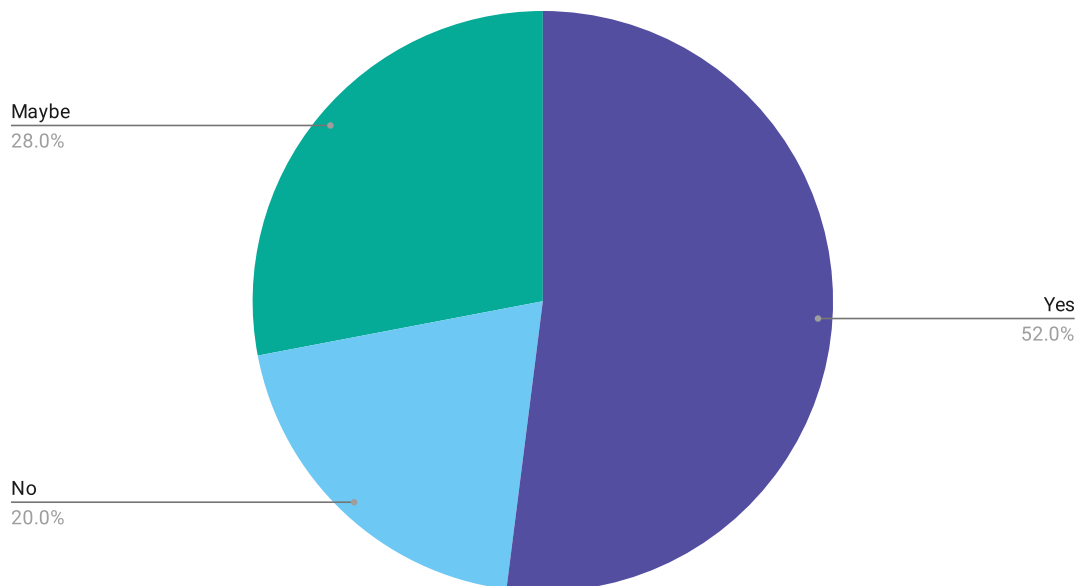


Figure 16. Knowing how to report a crime

Question 23 was also aimed at all respondents and asked how likely they would report a crime if they were a victim of crime in Ireland. On a scale of 1 to 5 from not at all likely to very likely, the mean response was 4.14 which is reasonably high, showing that most people felt confident that they would report a crime.

Data	Response	%
★★★★★	49	61%
★★★★☆	9	11%
★★★☆☆	13	16%
★★☆☆☆	2	3%
★☆☆☆☆	7	9%

Data Average	Response
★★★★☆	80

Figure 17. Likelihood of reporting crime

Question 24 was a generic question about the extent to which people trusted the Gardaí, on a sliding scale from 0 to 9. The mean score was 6.57. As shown in the table below, 38% of respondents (n=30) provided a high score 9 and no one provided the highest scores of 10 or 11.

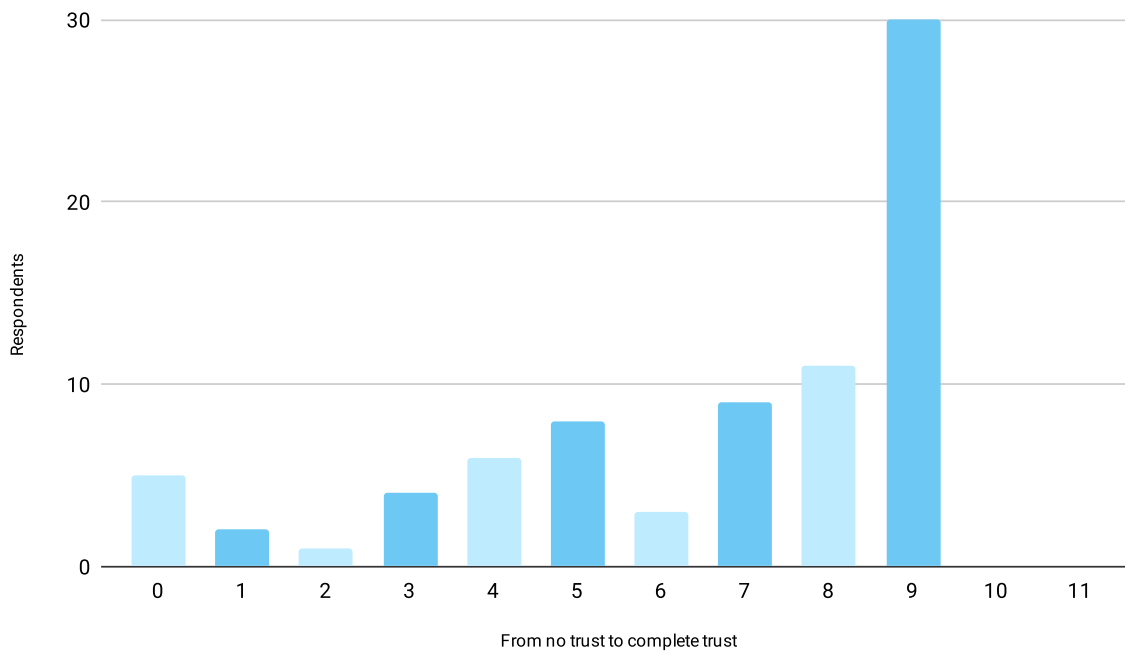


Figure 18. Level of trust in the Gardaí

Question 25 asked respondents to provide their level of agreement from strongly disagree to strongly agree on three statements that pertains to the Gardaí. The first statement was The Gardaí in Ireland treat everyone the same. 63% of respondents either strongly agreed or agreed, as shown in the chart below and 37% either disagreeing or strongly disagreeing.

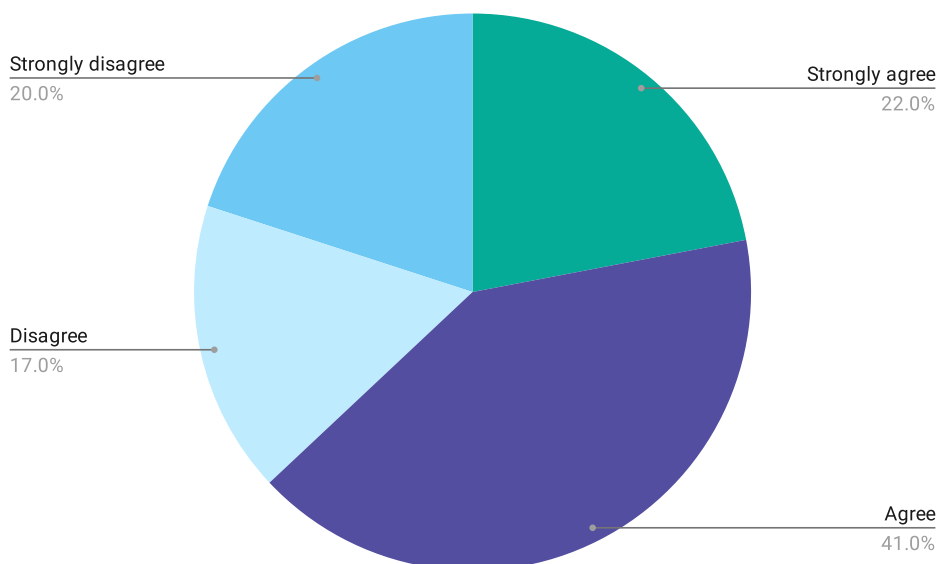


Figure 19. Agreement with Gardaí treating everyone same

The second statement was IPAs are as likely as anyone else to report crimes to the Gardaí. A lower number completed this question (n=72). The scores in the chart below, with 61% either agreeing or strongly agreeing with the statement.

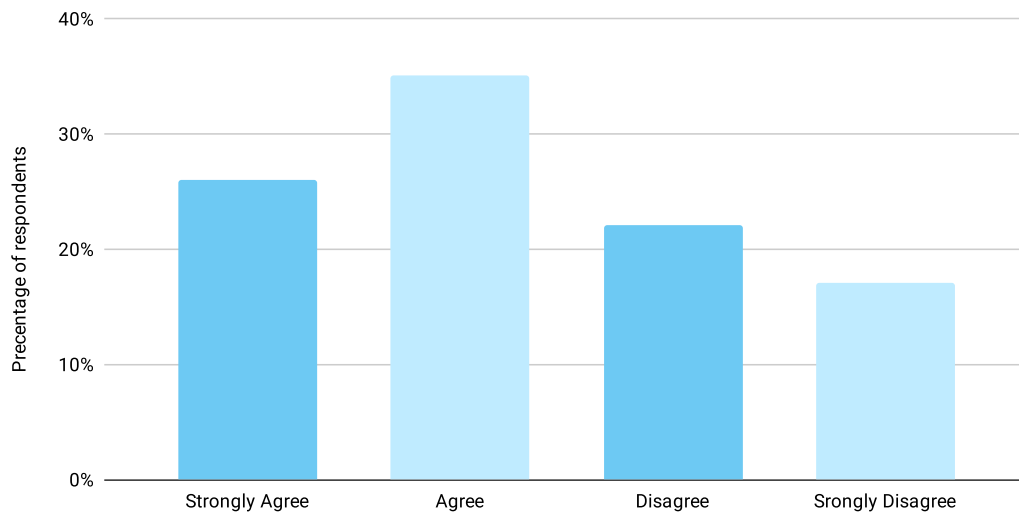


Figure 20. Likelihood of IPAs to report crime

The final statement was Gardaí are likely to take crimes against IPAs seriously. Only 68 people provided a response to this, possibly because some may not have had experience/thoughts on this. Almost 50% of respondents agreed, with a further 22% strongly agreeing.

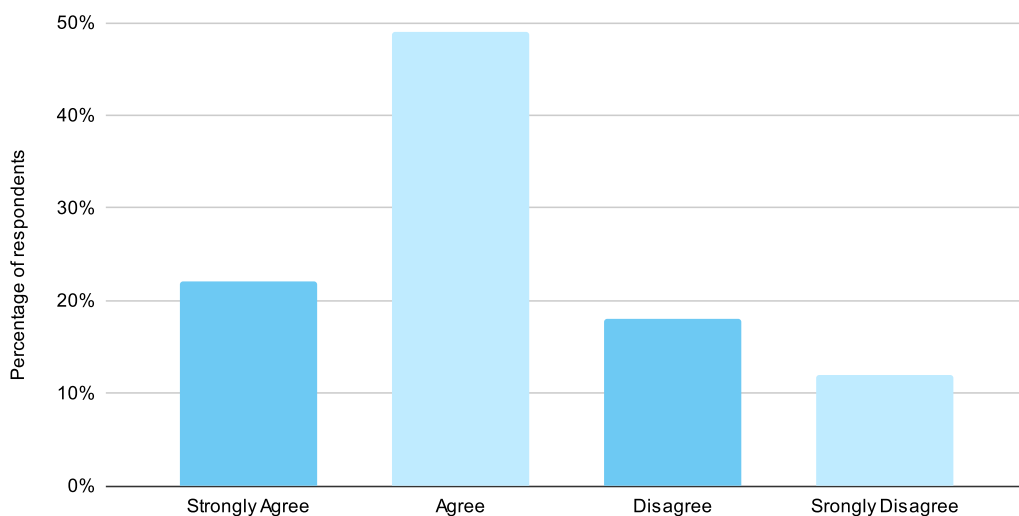


Figure 21. Gardaí attitudes to crimes against IPAs

Question 26 asked whether respondents were aware of the Doras Migrant Victim Support service. 73% (n=62) replied 'No' and 27% (n=23) replied 'Yes'. The awareness amongst IPAs of support services in general available to them was a theme that was highlighted in several interviews. The response to this question is an example of a relatively low level of awareness of this service, despite the fact that the survey was distributed through many of Doras channels.

The final question asked whether people had further comments. The majority of respondents did not provide any, but further comments were provided by 23 people. Some of these related to concerns people had around their living conditions, international protection applications

and the difficulties with bureaucratic processes (e.g. bank accounts) and their financial situation. A number of comments were made in relation to crime and access to justice. These included themes such as:

- Thanking researchers for the survey and interest in results
- Victim of eviction from Direct Provision
- Situation in one hostel very bad with 'women are being used and abused and everyone is afraid to talk'
- More awareness needed of support services and Doras in particular
- Lack of safety for those living in tents
- Poor mental health as a result of lack of investigation into the incident
- Gardaí recorded crime, but no interest or follow up

4.6 Conclusions of survey findings

Overall, from this survey we found that a lower number of respondents than expected replied that they had been a victim of a crime, with 84% of respondents replying that they or close family member had not been the victim of a crime. It also appears that some did not believe they had been the victim of a crime that warranted reporting, yet they recounted that they had been the victim of instances that could be considered crimes.

For those who stated that they had been a victim of a crime and provided further details, low numbers reported that they had signed a statement and the majority stated that they had received information on victim support from the Gardaí (73%). The level of satisfaction with the resolution of the case was low, with only 13% of respondents stating that they were satisfied or very satisfied. In relation to the general questions aimed also at those who had not been a victim of a crime, there was not a high level of awareness of how to report a crime, with only 52% responding they would know how. The awareness of the Migrant Victim Support project provided by Doras was very low, with 73% of respondents stating they were not aware of it. This may be indicative of general awareness of support services. The questions on trust in the Gardaí and how the Gardaí treats IPAs demonstrated that there is a higher level of trust in the Gardaí and belief that they will be treated the same than with some other minority groups, such as the statistics from the recent study on Traveller access to Justice (Joyce et al., 2022), which showed that 91% did not believe that the Gardaí treated them with respect. In the current study, the majority believed that the Gardaí treated everyone the same (63%) and 71% agreed or strongly agreed that the Gardaí took crimes against IPAs seriously. As shown in the next chapters, the barriers to reporting crime are not necessarily linked to poor trust in the Gardaí but are linked to a range of issues including low levels of awareness of the system, fear of impact on claim and a general unwillingness to speak out and draw attention to oneself. This was also evidenced in the reluctance of some to participate in the study.

5. The lived experiences of IPAs in accessing justice

5.1 Introduction

This chapter presents the qualitative findings of the interviews with IPAs, peer researcher and other stakeholders in relation to their lived experiences in accessing justice when they have been a victim of a crime. It focuses on the experiences that people have in being a victim of a crime, the additional barriers that they face by virtue of being an IPA, the challenges presented by the current accommodation system and the various barriers that they face in accessing justice.

This chapter draws more on the interviews from the IPAs who were interviewed and the peer researchers who participated in interviews and focus groups. In order to preserve the anonymity of participants, the IPA participants and peer researchers are not necessarily distinguished. Where quotes from these groups are included, they are in green font. The stakeholders from support organisations are noted as a separate group of research participants and their quotes are in purple font.

Given the relatively small number of participants from all groups, it was decided not to provide attributes (e.g. gender, country of origin, place of residence, name of organisation) of the individuals when quotes are used. This is also to preserve the anonymity of the participants. This may be a limitation in how the data is presented but is a more ethical way of protecting the participants.

Furthermore, the chapter sets the scene with some sample case studies of interview participants who had been a victim of a crime. This is followed by an analysis of the key themes that emerged from the coded interview transcripts (see methodology for further details on methods of coding). Where relevant, both IPAs/Peer Researchers and stakeholders' perspectives are included. Chapter 6 draws more on the stakeholder interview data and focuses on the support services and responses required.

5.2 Case studies – interview participants

These four case studies are presented as overall examples of IPAs who had experienced some form of crime, and the challenges they faced in seeking justice. Two are taken directly from

interviews with IPAs and one is a combination of an interview transcript and a follow up interview with the peer researcher who conducted the interview and provided some more contextual information. All names have been changed and any identifying information removed. The case studies are short vignettes, that offer insights into some of the types of crimes that IPAs have experienced, and some demonstrate an unwillingness to report crimes, a possible lack of awareness of their rights and little trust in the system to deliver justice. The case studies do not provide huge details on the reporting process and steps followed. There was a reticence by some interviewees to provide significant details on this. The challenges that these four case studies demonstrate are picked up in the subsequent sections.

Case Study 1: Leyla and Adar¹¹

Leyla was interviewed about an experience she and her husband Adar had gone through. Following a physical attack on their son in a playground by an older child, they returned to their accommodation centre. Three men who did not live in the centre, but had a link to the playground incident then entered the centre. They shouted racist insults at Adar, which he did not understand. They then attacked him with a knife, and he was injured and taken to hospital. Adar did not understand why this happened and how these men gained entry to the accommodation centre. The Gardaí and an ambulance were called to the scheme. The management of the centre appeared reticent to become involved and did not want to admit to the Gardaí that the perpetrators of the crime were not resident there (they had links and shared nationality with some residents). Witnesses who were there provided evidence to the Gardaí. It was then perceived by both Gardaí and management as an incident involving two groups fighting within the centre, without looking into how the three non-resident perpetrators had entered the property. The management knew who they were - but denied that they had entered and refused to allow CCTV footage to be used. The Gardaí notified them that they could press charges. He was very reticent to do so as both he and Layla were very nervous about it affecting their asylum claim. They had only been in Ireland for one month and did not know how the system worked. They eventually agreed to let the Gardaí go ahead and prosecute, but they heard nothing further after several months and presumed the case had been dropped. They were offered numbers of support services by the researcher, but they did not feel there was any point in taking it further and said they had lost hope. They also felt very worried about further revenge if the prosecution were to go ahead. They said for now, they keep a very low profile and do not allow their children out to play out of fear.

11 Pseudonyms are used to protect anonymity

Case Study 2: Andre

Andre is now an IPA but was originally offered a promise of a new life in Ireland with a job as a mechanic through someone he met online in his home country. The preparation process lasted 6 months and he was sent a job offer letter and money for a plane ticket. He arrived in Dublin airport, where the immigration officers phoned his new employer who subsequently collected him and brought him to a rural location. He was provided with basic accommodation and started work. He worked very long hours with breaks and was only paid sometimes. His manager had also taken his passport. When he queried this, he was threatened and told that the money was being used for his work permit. When he pressed further about his passport, the manager became very angry and assaulted him with an iron rod from the workshop. He left immediately and went to the Garda station to report the manager. The Gardaí went to the house where he lived and managed to retrieve his passport and gave it back to him. They asked him if he would like to proceed with a case of assault and non-payment of wages. He said he would. He later reported what happened at the IPO where he sought accommodation and international protection. He is now housed through IPAS and has heard nothing further in relation to the case and does not know where it stands.

Case Study 3: Maria

Maria was friendly with a resident in the accommodation centre. One night when she returned from work, he entered her room and raped her. She tried to scream, but he covered her mouth and laughed and later told her not to worry as they were friends. She went to the reception to report it to the manager and security, who then called the Gardaí. They arrived and asked her what had happened. The perpetrator told them that it was consensual and not the first time. He was taken to the police station and the following day he was back in the reception centre. He was subsequently transferred to another centre. The Gardaí said they would follow up on the matter, but she heard no more, although this happened three years ago. She was then told by the centre management that the alleged perpetrator had proof that she had consented to sex with him from photos. She no longer trusts the Gardaí and does not believe that they followed up on the case.

Case study 4: Aiysha

Aiysha was trafficked to Ireland with a promise of employment in a hotel in Dublin. She was told to destroy her passport on arrival by the traffickers. She was collected at the airport by someone who she believed worked for the employment agency. This man then raped her at the accommodation she was brought to. He told her that if she told anyone, she would be deported immediately. She was afraid of this due to the precarious political situation at home. She then got in touch with the International Protection Office, where she sought accommodation and international protection. She was however afraid to report the rape to the Gardaí, as she believed if she gave the details of what had happened that she would be deported. She received some support later from a Rape Crisis Centre.

5.3 The lived experiences of being a victim of a crime and reporting it

Understanding of what a crime is and how to report it

The research participants (IPO interviewees and peer researchers) provided insights into their understandings of what constitutes a crime and when they might consider reporting it. One participant explained how there can be a higher likelihood of calling the Gardaí here, than there would be in their home country.

People know what maybe constitutes a crime here, because, uh, only you're just talking they will tell you - I'll call the Gardaí for you. There is an understanding. In (country of origin), you wouldn't call the police, you'd fight it out yourself.

Another participant felt however that for IPAs there was little point in reporting a crime, as it could worsen their case, and they would find their own ways to sort it out. This reticence was also demonstrated in the case studies. The types of crimes experienced that were recounted both directly and indirectly included hate-based crime, conflictual situations within accommodation centres, theft, human trafficking, assault, rape and gender-based violence.

Victims of Trafficking

As demonstrated in the case studies of Andre and Ayisha, victims of trafficking can be particularly vulnerable. This is discussed in more detail in Chapter 6. One of the interviewees spoke about their friend who had been trafficked and raped by trafficker but was afraid to speak about it.

Her asylum case got rejected. She had trafficked to Ireland and then when she was here, raped by the trafficker. She didn't report the rape to the Gardaí. She only spoke to the rape crisis centre. She was afraid of speaking about the rape in her asylum interviews. And when she did mention it, they wondered why she had not gone to the Gardaí. It takes time to know that police are not as corrupt as they are at home.

Communication with Gardaí and culture of policing

For many research participants, there was not always an established level of trust with the Gardaí in Ireland and one peer researcher noted from the interviews and experience that there was a correlation with the length of time spent in Ireland and the likelihood of reporting a crime, with it increasing over time. The reticence of some to report crimes to the Gardaí (as also shown in the survey data) included the following reasons:

Previous bad experiences in other countries

The police and the Army, they're not trusted so...if I go in to report, somebody's gonna go and bribe off the police. And then I get the blame again. You know that nobody believes and trusts the police, especially when you're coming from a strong background of mistrust in the police.

Lack of focus on the victim

It was also noted by a participant who observed a fight in an accommodation centre that the security guards and the police do not tend to intervene physically in the way they were accustomed to. This participant also observed that the Gardaí focused on the perpetrator of the crime and not on the victims, who they did not interview.

Fear of drawing attention to oneself

As recounted later in this section, there were many barriers for people to seeking justice. The first step is reporting the crime to the Gardaí, which was considered very challenging for some. One participant explained this fear as:

Some people feel if you approach the guards, you're getting yourself in trouble, even though they are there to protect you. And I've come across also they can bring information as well. They've got the flyers and stuff, but people need to know. The process needs to be explained to them. They need to not be afraid to come and report crime.

Use of Gardaí as a threat in accommodation centres

The next sections focus on the climate prevalent in many accommodation centres. This included the Gardaí being held over people as a threat, which in turn resulted in some developing a fear of the Gardaí.

Reticence of Gardaí to intervene and have a greater presence in accommodation centres

It was noted by both IPA and stakeholder participants that the Gardaí experienced some difficulty and reticence in being a more visible presence and policing in accommodation centres. One IPA participant noted that '*they seem to be scared and in hiding*'. They can be hard to understand too if you're not Irish.

Intercultural communication

It was noted by several participants that Gardaí sometimes lack the awareness and training around intercultural communication. One participant spoke about a fight that broke out in an accommodation centre and when the Gardaí were called, they appeared 'embarrassed to see migrants fighting with each other'. This person also had the impression that the Gardaí were more lenient with perpetrators who were asylum seekers, and they were less likely to arrest them. From a victim's perspective, this also appeared in some stories where alleged perpetrators were not arrested.

Positive experiences with the Gardaí

Whilst some people recounted negative experiences with the Gardaí, there were also those who found them very helpful. One research participant who had assisted a victim of crime recounted:

I was very impressed by the Gardaí compared with home. In Africa, when a case is referred to court, the police drop out. But here the Gardaí got involved and they were updating and sending formal correspondence. The investigating officer also took the initiative to update the victim and ask if they needed any assistance. The Gardaí gave feedback regularly.

5.4 Challenges with the accommodation system

One of the recurring themes throughout the interview transcripts (both IPAs and stakeholders) was the impact of the accommodation system on victims of crime and accessing justice. The challenges of the current accommodation system included conflict arising within the centres, attitudes of management and staff working there, lack of protection and safety for vulnerable residents and interference or blocking by centre managers in cases where crimes were reported.

The overall situation of people living together was described by one participant as:

It isn't easy for people to live together like that. There can be different cultures, different religions. We often refer to the asylum system as an open romantic prison. Of course you can go out, do things. But your life is very controlled. Things like what you eat, when you eat, who you share your bedroom with.

Another participant spoke about how fights can break out and there is

Pressure is on the victims to report. There is then pressure to withdraw their case. They don't want it to jeopardise anything. There is a fear that it can jeopardise your international protection application. Often the perpetrator sorts it out themselves. They might even pay the victim something without anyone else knowing. They will do whatever to make sure it doesn't go to court.

This linked to the theme of both victims and perpetrators being under pressure to keep the case out of court. Several victims of crime that had occurred within an accommodation centre spoke about the pressure they were under from other residents not to report it. This was corroborated by the support services, many of whom supported victims with reporting crimes.

Several interview participants spoke about the stress and mental health constraints associated with living in congregated accommodation settings. One explained that it was not only the living conditions, but also waiting on a decision and the additional stress if it was negative. People who received a negative decision were seen as particularly vulnerable to stress.

That is highly stressful if it's negative. Sometimes people, people laugh at you as well if it's negative...I've never seen anybody who doesn't appeal. But you're in this period of appeal. You're not yourself. It's very stressful. You know that you may be deported. I know that when people get negative decisions or when they're in this process. We have learned to be careful around them. They also walk together in tribes. They connect with each other.

The situation within some accommodation centres was perceived as very negative and in terms of meeting the hierarchy of basic needs, there were still so many problems with meeting basic needs (shelter, water, food, bedding etc.) that there was less of a focus on all the other issues. One stakeholder commented how the HIQA inspections of the more established Direct Provision centres was highlighting the need for accountability, the emergency centres were exempt from these inspections.

It's very difficult to get any sense of what's happening in the emergency accommodation centres, at least the HIQA inspections now that are mandated to look at the permanent Direct Provision centres are going broader and deeper in terms of their assessment of what's happening. And it's interesting, when you look at those reports that so many of the issues and what they're articulating is the fact that there are problems around governance, around risk management, the things like the lack of a proper complaints mechanism. ...if you look at places like Crookswing (emergency accommodation), where it appears the conditions are really poor, and there are major problems in relation to transport sanitation, everything.. very basic needs. And those very basic issues that should be provided and we have an obligation to provide them under the reception conditions, and that's not adequately done.

Role of staff within accommodation centres

The role of the centre managers and staff working there was highlighted in many interviews, with most people experiencing some form of bias and in some cases active obstruction of justice. The IPAs/peer researchers spoke at length of direct experience of this. Examples included managers being verbally abusive and, in some cases, physically abusive towards residents, racist and discriminatory attitudes, refusal to provide concrete evidence (e.g. CCTV footage) to the Gardaí. One example was provided by a participant of where there was a dispute between a manager and a young man and the mother of the young man phoned the Gardaí, who sided with the manager and did not investigate the situation. The young man was subsequently evicted from the accommodation.

A few participants spoke about how the management were abusing their position of power vis-a-vis the vulnerability of International Protection Applicants.

Some managers are not aware of the mental health issues people are going through. They think people are just abusing the country. They're not treating them in a humane way. They need both orientation and the training about what they're supposed to do.

Some managers are taking advantage they are in a powerful position. The asylum seekers are afraid and weak. They're afraid of Gardaí and afraid of being kicked out and afraid of what will happen to their application.

They either use the guards or Tusla – trying to intimidate people so that's where the fear comes from for people to go, even if they want to report...Some of them act like they're running Guantanamo Bay. They keep people under control.

One research participant recalled how she had been physically attacked by a manager of an accommodation centre. She reported it to the Gardaí and the manager was removed but was now working in another accommodation centre. The issue of some managers and other staff abusing their position and controlling residents was also a frequent theme in the interviews with stakeholders. The need for intercultural training and awareness raising for managers and staff working in accommodation centres was highlighted in many interviews. It was suggested by one participant that:

Orientation and training programs should be mandatory to ensure that staff are aware of both national and international laws protecting asylum seekers.

One stakeholder who supported residents in various accommodation centres summarised the leverage of centre managers who can hold threats over residents and thwart their attempts of reporting crimes.

So, there's been cases where supposedly an assault is committed, sometimes by people working there against the residents, or if something happens and it's been reported to the centre manager. A lot of times they're saying, If you report what happened, well then, I'm going to report you to the guards. So that's another level of fear, because you know, if you get on the wrong side of the centre manager, they can have you thrown out. Well, they believe they can have you thrown out of the centre, and they can influence your application. They actually won't influence your application, but they can use that as a threat.

It was noted by some that these issues did not exist everywhere, and some centres were well run, particularly some of the more established centres. The reality was summarised by one stakeholder as our focus is no longer on these kinds of issues due to perception that there are much bigger ones to worry about. This includes issues such as homelessness among IPAs and the rise of the far right, demonstrated through activities such as burning buildings earmarked for IPA accommodation.

There's potentially very little attention given if a security guard beats up somebody or hits them. You know, in a in a direct provision centre, because our focus is primarily on the 2000 plus people that are homeless, the fires that have been burned.

Another stakeholder spoke about how people have recalled that the authorities (e.g. Gardaí) will automatically side with the people running the centre – the people from the majority population and that there is little point in reporting a crime.

In supporting someone who has been a victim of a crime, a support service stakeholder commented on how they need to weigh up the issues and ensure that reporting a crime does not further jeopardise their situation.

It's difficult to go against the manager because if you keep on then you're going to the streets. So, we look at what other supports system can we put in place. If going to the police etc. is putting them more at risk, we don't want them to lose their place. We have to weigh up the issues.

One of the organisations interviewed spoke about a case where a resident had been assaulted by staff working within a centre, yet seemingly no report had been made most likely due to the fact that there was a fear that it would prejudice their claim. This type of fear was alluded to by several other participants.

Clearly this guy hasn't made a report, because of the fact that it will prejudice his claim...It's unbelievable what's actually happening in them and very little protections can be given to people, because IOM say that they are there for a certain time during the day, and then what happens at night, it's very different. So, they can't protect people from what happens in dorms and stuff at night.

It was noted by this respondent that in the larger processing centres, the International Organisations for Migration (IOM) was able to send observers in during the day but could not be there round the clock.

Fear of impact on claim for international protection

One of the biggest barriers encountered in the interviews to reporting a crime and seeking justice was the fear that it would impact on their asylum claim. Every IPA/peer Researcher participant brought this up as a barrier and this was also a common theme amongst stakeholders. The fear of reporting a crime and it impacting on their claim manifested itself in different ways, with some categorising instances when it was more likely to be a barrier. For one participant it was described in terms of those who do and not have status.

Some people won't report it if their case has not been dealt with. There is a difference between those who have papers or status and then you are elevated. If your case has not yet been determined, then you might want nothing to do with the Gardaí.

Other participants spoke about the need to keep a low profile and not draw attention to oneself and particularly not with the Gardaí.

Where we're coming from, it's worse, so they don't see any reason to complain or make any report to the Gardaí. It's coming from a mindset that this place seems better than the place I'm coming from, so if I make a report or complaint about it, it might affect my application. It's the mindset that affects so many people.

There was some confusion amongst all interview participants about the extent to which reporting a crime could affect one's claim or right to remain. Some participants felt that it was not just from a place of fear, but that there was evidence that it could affect the outcome of a claim or leave to remain.

If you're in the Leave to Remain scheme- they ask you if you have been involved in a crime or if you have reported a crime. People are afraid if you report a crime, it will affect them. The trust is not there. I have had some problems myself- you just can't trust them.

Amongst stakeholder organisations, there was a variance of opinion on whether reporting a crime and seeking justice through the courts system could affect a person's outcome. One stakeholder saw the link between Gardaí and their role in immigration as problematic. It was also seen as a barrier in terms of having a character flaw if someone had been involved in some type of conflict, especially within the accommodation centre.

You're expected to be at your best behaviour because you are here to start to seek asylum, but then if it shows that you are aggressive or you've been involved in any other kind of crime or you have had an issue with the management. The management has the power to write, and you won't even know what they've written until you see it on your application, when you have been refused.

Another stakeholder working with victims explained that reporting a crime would not impact on a person's claim for international protection as it was based on what a person was fleeing from. But for Leave to Remain, a person's good character would be considered. This served as a barrier as people did not wish to have any conflict on their record.

One of the stakeholders was adamant that reporting a crime would not in any way jeopardise a person's claim and felt that this fear was unfounded. This was particularly where women had suffered domestic abuse.

A few IPAs/Peer Researcher participants emphasised the importance of avoiding conflict with Irish people and felt that the Gardaí would protect the Irish first in any dispute. This was like the views that the Gardaí sided with the centre managers.

There is the fear though of the perpetrator and we can see that maybe the Gardaí were protected, the Irish first. They will protect their own. They protect the Irish if any crime has been committed by an asylum seeker. If an Irish woman is a victim, the Gardaí, others are much more likely to take it seriously.

A peer researcher summarised the situation of fear in relation to the impact on one's claim and how the confusion arises in relation to having contact with the Gardaí.

During the assessment of International Protection Application by International Protection Office (IPO), there is a phrase that is normally used by the assessors when deciding whether a person qualifies for Leave to Remain by the Minister of Justice pursuant to the International Protection Act, 2015. Such consideration is whether a person can be a threat to the national security of Ireland or not. It is on this issue that, the assessor will normally say, 'there are no records that reflect that there has been any conduct that caught the attention of Garda.' When it says that, it means the applicant has been a law-abiding person ever since he or she arrived. It is this very issue which, international protection applicants, normally construe, to suggest that one should not do anything that leads him or her to Garda station, whether as a victim or perpetrator. It is at this very stage that many use alternative avenues of reporting such cases. This therefore discourages many such candidates from seeking recourse to Garda intervention even when they have been wronged or are victims of the crime.

Overall, there was a very strong sense amongst the peer researchers and IPA participants that fear of reporting crimes to the Gardaí was engrained amongst IPAs and one described how the Gardaí are perceived as a no-go-zone, and they strongly feel any interaction with the law enforcement may have a negative impact on their refugee determination.

5.5 Additional barriers to reporting crime

Culture of invisibility & reticence to speak out

The fear of speaking out about a crime in case it affects one's status is also linked to a general fear of drawing attention to oneself. Some peer researchers and IPA participants spoke about the reticence of people to become involved in the research, including their own fears. The words 'access to justice' and 'victim of a crime' were seen as ones that some people wanted to stay away from. One peer researcher explained how some people assumed that the researcher and Doras were all working for the IPO and everything they said would be reported back.

The overall reticence to speak out and to trust authorities can be linked to a culture of invisibility. The lack of trust in authorities also played a role. This was described by one of the peer researchers as:

I think at an entry level of international applicants. It's easier for them to stay quiet when they've been violated or raped. Their confidence in law enforcement is not there yet and they are preoccupied by where they came from. People who do not report crimes are often closer to the time they arrived in the country. Some of them say could happen now, they would report it.

Another participant described how IPAs are generally very afraid and shut out everything and sometimes would rather die in silence, rather than report a crime.

Pressure not to report from within the community

Several IPAs/peer researchers spoke also about pressure not to report crimes and/or abuse to the authorities due to pressure from within their own communities. This included from residents within the accommodation centre, particularly where the alleged perpetrator was also a resident. Two people who had been a victim of a crime described the pressure they were under not to report or to withdraw a complaint/report once it had been made. It appears also that Management/Gardaí used alternative dispute resolution methods where conflicts had arisen and asked people to sign what they called 'mutual peace agreements'. Some people felt pressurised to accept these, even when they felt they had clearly been a victim of a crime and wanted to follow up with a Gardaí report. One interviewee had been physically assaulted by a person in the room next to her after she (the victim) complained about the noise late at night. She was adamant that she wanted to press charges against the alleged perpetrator but was under huge pressure from within the community (none of whom shared her nationality and she felt this was an additional constraint). She eventually withdrew her complaint as the situation for her in the accommodation became too unbearable. In the cases of domestic abuse, some also reported that there was pressure from their families in their country of origin not to make a report against the perpetrator. Several stakeholder organisations spoke about this and how some people had refused or had subsequently withdrawn reports against their partners due to this pressure and fear of being alone.

Language and Interpretation

Language, intercultural understandings and a lack of high-quality interpreting services were also seen as barriers to reporting crimes and following through with the criminal justice system. One interviewee who was a victim of a crime (with very limited English) explained through an interpreter how language was a big barrier. Whilst there was a Garda interpreting service available through the phone, this was not available in all instances in her interactions with the Gardaí. The geographic and other forms of isolation combined with limited language in some cases were seen as barriers to reporting a crime. This was mentioned frequently by the stakeholder organisations. Whilst there are various crime victim supports available, making a phone call was seen as a barrier, even if an interpreter could be arranged. One service explained that people often preferred to text and use a translation app on their phone.

Racism and rise of the Far Right

The rise of racism and the far right protests was seen as an additional element adding to fear and a lack of willingness to stand out. One IPA described how this is really adding more fear.

When you can see the discomfort of locals, it is discouraging people further. Many asylum seekers when they see a protest, there is a fear, especially for people who are black and who look different.

Others spoke about how they try to block these negative sentiments out, with one describing how they listen to music on public transport and try not to catch anyone's eye out of fear that they may cause trouble. There was an awareness that there had been an increase in crimes directed against International Protection Applicants, as reported in the media including attacks on those sleeping in tents (Holland, 2024), multiple arson attacks on buildings speculated to house IPAs, and a general fear of racist abuse. One stakeholder who spoke about the attack by the security guards described how this recent change in the environment is

emboldening people who would have been swayable, like the security guys who thought that they wouldn't get away with stuff in the past start behaving in very racist manner.

Another stakeholder observed that the protests taking place outside potential accommodation centres were representative of a wider growth of racism within society that was not being addressed. The need for greater training and intercultural awareness was emphasised as well as real and not just tokenistic diversity. This included having more culturally appropriate counselling services and having more diversity in people carrying out these roles. It was also observed that the State had a role to play in creating conditions whereby IPAs became homeless and were given tents to sleep in was fuelling racism.

5.6 Gender and gender-based violence

The intersection of victims of crime, gender and gender-based violence was one that came up frequently in the interviews, particularly amongst stakeholders and the specific responses are discussed in Chapter 6. It should also be noted that most of the interviewees who were willing to talk about their experiences of being a victim of a crime were female, some of whom had been the victim of gender-based violence including trafficking for sexual exploitation, rape and

other violence.

There were a few particular vulnerabilities that women in the International Protection system are more likely to face. Two interview participants spoke about the vulnerability of women to prostitution and sexual exploitation. This was described by one IPA participant who knew of several cases where this had happened.

Some people specialise in that and they know in direct provision when there are new ladies that arrive. They'll say we'll try our luck there.

Gender based violence within relationships was mentioned by several research participants. One participant explained how it can become normal not to report it. A stakeholder interviewee also spoke about the cultural barriers for people coming from more patriarchal societies and how women may adapt over time to a culture of greater openness.

For women who come from very patriarchal societies, when we explained to them and they do training on what a healthy relationship looks like, this can be an eye opener. Then they may say, oh, that means that my mother was being abused by my father. Or that my brothers are abusing their wives. We find generally those women. When they're living here are more likely to say this doesn't feel normal anymore.

Reporting of domestic abuse can also carry additional complications where a couple have a joint application for protection, particularly where the abuse is seen as a crime. One stakeholder described the dilemma as:

When there's abuse within the household, it becomes very difficult for the one who wants to report the crime to say I'm being abused, because they're scared to say what happens if we separate. The other person will be seen as having committed a crime and will have to face their own justice.

It was acknowledged that men can be victims in domestic abuse situations and one male participant felt that men needed more support as victims.

Even the judges as well, the way they treat a man, if the woman has been the perpetrator, they might ask the man, do you really want your wife to be arrested? But the same kind of question isn't asked to women.

This was also described by a stakeholder as:

I mean, definitely in a domestic abuse situation, I would have heard, and I would have spoken directly to service users who were male and had been in a domestically abusive relationship and maybe wanted to take that step and go to the area. But oftentimes the narrative would be, oh, well, if I go to the guards, you know, sure, they won't believe me. Sure, I'm the man. I'm the one who's meant to be strong.

It is acknowledged that stigma and a sense of shame can inhibit disclosure of relevant information. One of the peer researchers observed that those who had been a victim of a gender related crime such, forced prostitution and trafficking, genital mutilation, or forced abortion, may feel unable or reluctant to disclose information for many reasons. These reasons include, but are not limited to, the effects of trauma, other mental health difficulties, stigma and shame, lack of trust on the authorities, fear of rejection or ostracism, and fear of serious harm as a reprisal. Such may explain why a victim is reluctant to identify the real victimisation, or the true extent of persecution suffered or feared.

5.7 The criminal justice system after the reporting of a crime

The focus of this research has been on accessing justice for victims of crime, yet for many IPAs victims they struggle to reach the first stage of reporting the crime. There are no available crime figures available for crimes against IPAs, so it is difficult to assess the numbers of crimes that are reported and followed through. This research highlights that there is most likely a significant under-reporting of crimes, for all the reasons mentioned above.

In some of the interviews, participants spoke about their experiences of reporting a crime and the follow up that did or did not happen. Other interviewees spoke about the experiences of friends or family members. Whilst some did report that the Gardaí had been helpful in the initial reporting of the crime, it was difficult to obtain a clear picture of what had happened next. As discussed in the survey data, research participants reported that they did not necessarily receive information following the reporting of a crime on the next steps, nor information on support services available. In the interviews, participants who had been a victim of a crime and had reported it were asked about what had happened yet. Some of the responses were quite vague, which could be a combination of not having fully understood, poor recollection due to

trauma, and not having been given any clear communication in a way they understood. One participant who reported a crime of assault said she did not recall being given any information on support services.

Some noted that whilst they had filed an official report, which was recorded they did not know what was happening yet. For some, if they did not hear any more after a few months, they assumed that the case was not being prosecuted. The slowness of the criminal justice system took some by surprise. It was clear that for IPAs, their peculiar support needs and need for clear communication was not always provided. One stakeholder spoke about supporting a victim, who had assumed no justice was taking place.

There was a young girl who had her throat slit by her boyfriend. She had life threatening injuries. She survived the same as she missed the music by an inch. He was picked up and the next day that saw him walking out on the streets. So, then the people are saying where is the justice in that because they don't understand it takes time until there's a trial.

This was also emphasised by some of the peer researchers who commented that the Irish justice system is very lengthy, and people need to be made aware of this.

5.8 Conclusions

This chapter highlighted some of the lived experiences of IPAs in being a victim of crime and attempting to seek justice. It appears that there was a correlation with the length of time spent in Ireland and the likelihood of reporting a crime, with it increasing over time. Victims of trafficking were particularly vulnerable to being a victim of multiple crimes, including sexual assault and rape with additional challenges in reporting them.

Multiple barriers to reporting crimes were noted for this group, including a widely held fear that it would impact on their claim for international protection, a lack of awareness of how the reporting system and follow up works, a distrust of authorities and pressure from within one's own community or others in the accommodation centre and in some cases from centre staff. Overall, a general culture of reticence to speak out and advocate for one's rights was observed. The environment of some accommodation centres were viewed as problematic in several respects, including high levels of stress, some conflict arising due to close living quarters and the role of managers/staff in not supporting victims or encouraging the timely reporting of crimes. The need for intercultural training and awareness for centre staff was also highlighted.

The Gardaí were not viewed negatively per se but were viewed in some respects as not fully visible and aware of the dynamics within accommodation centres and the barriers IPAs face in reporting crimes. It was recommended that they should have a greater visibility and engage in intercultural training, particularly in relation to victim support services. There was a low level of awareness of the process of follow up post reporting a crime and, in many cases, it was reported that the protocols that should be in place were not always followed. In some cases, it was also not clear whether the victim had fully understood what the next steps were. The length of time between the reporting of a crime and a trial date (when it led to a prosecution in court) was considered very long and several victims were surprised by this. Overall, we can conclude that there is a need for greater awareness raising amongst IPAs, accommodation centres and the Gardaí on the process of reporting a crime and how to respond in a culturally appropriate way. There is also a pressing need to clarify the situation in relation to reporting a crime and its impact on claim for protection, as well as subsidiary protection, leave to remain and naturalisation as an Irish citizen.

6. The support system for victims of crime and IPAs

6.1 Overview

This is the second interview findings chapter and focuses specifically on the supports available for victims of crime and for IPAs in general. It draws on some data from the IPAs/peer Researcher interviews, but with a greater proportion from the stakeholders working in the support services. It explores the types of supports available, some case study samples of how victims have been supported, the identified support needs, interagency collaboration and some of the recommendations for reform. These recommendations and other recommendations from the research are summarised in the final chapter.

6.2 Types of Support Services

The stakeholder organisations who participated in this research were involved in the provision of a range of supports for International Protection Applicants and/or for victims of crime. Nine individuals from the following organisations participated:

- The Crime Victims Helpline (x2)
- A migrant support co-ordinator with a local development company
- Doras (3 staff members)
- Adapt domestic abuse service
- Akidwa
- INAR (Irish Network Against Racism)

At the outset of the interviews, each provided an overview of their organisation and their roles and where relevant the support they provided to IPA victims of crime. In some cases, this was very direct support, and others were more involved in advocacy, raising awareness and policy. A sample of two of the specific crime victim support services is provided below. The **Crime Victims Helpline** is an important national service, which supports and provides information for victims of crime both in the immediate aftermath of the crime. They have a very small staff component but run a helpline with trained volunteers who cover the whole country. They explained that they had established a pilot programme with a case worker to support victims of crime currently starting in the Dublin area, with a potential role for volunteers also. The **Migrant Victim Support programme** in Doras is the only one in the country and it provides specialised supports to migrants who have been victims of crime. It is funded by the Department of Justice and is a national service. The evolution of this programme was explained as:

We started our victim support service to victims of human trafficking in 2011, and that was a specialised service for mostly formally recognized victims of human trafficking that came through referrals from the agency, and also others that were suspected victims of trafficking. At the same time, we also had a support service for people who wanted to and needed support around reporting incidents of racism, whether that was racial discrimination or other hate incidents. And those two services were separate funds and separate targets. And as the years progressed, we saw a need to expand on that service and to amalgamate, because the issues were so similar in terms of people's experiences trying to report those crimes and going through that process.

The Migrant Victim Support project was officially launched in 2022 and has since developed and become more well known. It was acknowledged that this service is now busier and the work can be complex and multi-faceted. It involves meeting with people on an outreach basis and providing high levels of direct support where required and making referrals on to other services as appropriate.

We've found that there's no shortage of work in this area. And we found that as we're getting better known, as the project is getting better known, with more people contacting us. We see messages coming in from people in really difficult situations. We do our best to respond to all of those in a constructive way. You know, we will engage with people. There's literally quite a bit of driving involved, just to go sometimes, to sit down to meet with somebody. It's a slow process.

Examples were provided of how the co-ordinator of this service responded to multi-faceted requests for help. This included issues such as domestic abuse, trafficking, prior victim of crime and re-traumatisation, gender based violence, victims of hate crime and victims of general crime (assault, theft, fraud etc).

6.3 Case Studies—Support Services

These case studies tell stories of victims of crime, from the perspective of a migrant justice support service. As with the previous vignettes, names have been changed to protect anonymity. They also demonstrate the frustrations of trying to navigate the system and attempts to access justice. They also show the importance of having someone who can provide support and navigate on their behalf. The issues faced are multi-faceted and often require a multi-agency response. The first case study in particular highlights the need for vulnerability assessments (which have now resumed) and how failures to recognise victims of human trafficking at all stages of the process can have very negative consequences.

Support case study 1: Shaema

Shaema got in touch with the service after attending a workshop that had included a segment on human trafficking and how to identify the indicators. She realised that this applied to her, and she reached out for support. Her story involved her being trafficked to Ireland, following a meeting with someone in her home country who offered her healthcare work in the UK. She was brought to the UK where she was sexually exploited and forced into prostitution. She was then moved to Ireland where the sexual exploitation continued. She had an episode where she blacked out after being attacked by her trafficker and woke up on a roof with little awareness of how she got there. She was unaware that she was in Ireland. The neighbours heard some disturbance and called the Gardaí. The Gardaí brought her to the International Protection Office, but did not provide her with an opportunity to formally report the crime.

On arrival at a large IPAS processing centre, she relayed what had happened but was again afforded no opportunity to report the crimes and no vulnerability assessment was made. It also transpired that she had been forced to have an abortion that week and at this stage she is bleeding and quite unwell. She asked again and again to speak with the police but was refused. She was then transferred to an accommodation in a remote location, which had predominantly male residents. It was here that the support worker met with her and described how she was terrified and very unwell. It was now a weekend and difficult to find support. She linked her in with an out of hours GP.

And at this point I was trying to get hold of the HSE the anti-trafficking team as well, couldn't get hold of anyone at all. I tried to contact the guards. The guards told me to contact the anti-trafficking team. Absolutely no help whatsoever. She didn't have a phone either. So, we got her a phone, phone credit, and a shopping voucher so she could get clothing items. She didn't have a PPS card at that point.

She continued to try to find support the following week from the anti-trafficking team, but it was a frustrating process. She eventually spoke to someone who was the only person working in the HSE anti-trafficking team and not working every day, demonstrating how limited the service was.

Eventually, she was able to refer Shaema to Ruhama (an organisation supporting women affected by prostitution and sex trafficking), who offered her support, and a report was made to the Gardaí. A report was also made to IPAS. The situation demonstrated the failures of the system in identifying a clear victim of human trafficking and gender-based violence. The support worker explained how multiple opportunities were missed, including the Gardaí who did not refer through the NRM (National Reporting Mechanism) and IPAS who refused to allow her to make any reports to the Gardaí or any other service. She found it particularly frustrating that when she was in the processing centre, 'it was the time when they were processing the Ukrainians as well. Yeah, so the Ukrainian applicants were getting their PPS card, the medical card etc. the same day. She didn't have a PPS card 2 months later (and no payments) and she needed medical attention.

Support Services Case Study 2: Ivana

Ivana was a young girl who was raped by another resident in an accommodation centre. He followed her to her room and put his foot in the door when she tried to close it and overpowered her. She reported this immediately to the Gardaí, who took a statement and said it would be investigated.

The perpetrator was not removed from the centre and the victim was not given the option to be moved to a different centre. She was not provided with the victim support services from the Gardaí or any psychological or social supports. She was also given no opportunity to apply for a barring or protection order.

And she came to us because she had been living on the streets for two days, and she was saying there's no way I can go back to that centre, because he is still targeting me. His friends are now targeting me as well, because I have made this report, you know, I'm getting threats, you know, from these different people, and I just cannot talk. We put her in hotel accommodation for two days while we were waiting for a response from IPAS.

A transfer was then provided for her to a more suitable own door accommodation where she felt safer and IPAS were commended for their quick response. The support worker was then able to link her with the Rape Crisis Centre. She noted however that the victim should not have to request a transfer, and that the perpetrator should be moved. It was also noted that there was not sufficient safety in the accommodation, especially for young vulnerable female applicants.

6.4 Support services for victims of crime

Recognition of need for support services

Almost all research participants recognised the need for support services and acknowledged the valuable work that was being undertaken by organisations that were often over-stretched and under-resourced. For some of the IPA participants, they had little awareness of the various organisations that provided support. In some cases, they just became aware of them when they needed specific support and sometimes contact with one organisation opened a linkage with another. One participant when asked about their awareness of support services spoke about how they may have initially been reluctant to reach out for support, until they got to know Doras.

Oh, initially, I would have just said let me just manage my way am I OK, I'm a victim, I would cry. But I believe I would just say I will get better—on my own. I have many other people who act like me... until we got to know Doras. Now I know about Doras and I say, if something happens to me or someone close to me, we have a place to run to.

Both stakeholders and IPA participants spoke about the concentration of support services in urban areas and how it could be very difficult to access information and support especially in smaller accommodation centres and those outside urban centres. One participant explained how there was very little support available in their county. Whilst online meetings of networks such as MASI were considered useful by some, they were not a substitute for in-person support, particularly when someone had a difficult issue, they needed support with. One participant who had been a victim of a crime was very frustrated that no one was taking it seriously and no support had been offered. It was also noted by some that the staff working in the accommodation centres were not aware and were not communicating about support services. It was suggested by one stakeholder that each accommodation centre should have a support officer that would act as a liaison between the various support services, including for victims. The organisational structure of the new emergency accommodation centres was also seen as part of the problem, as they provided for basic needs, but the social support system was not built into them.

In some of the older, more established centres it was easier and there was better information, but now there are emergency centres all over the country and their people are really on their own.

When someone had been a victim of a crime, there was also a perception amongst research participants from both groups that IPAs were often not aware of their rights, including right to an interpreter, communication about the follow up, signing a written report, and access to support services. It was also noted that this awareness was needed for the Gardaí and for the centre managers.

Ireland's System of Support

It was noted by some stakeholders that Ireland has quite a specialised system of supporting victims of crime and other victims, with specific services tailored to different areas such as for migrants, victims of domestic abuse, sexual assault. These services were generally delivered by NGOs in receipt of some state funding. It was noted that Ireland's support system for victims of crime was very specialised compared with other countries in the EU.

I would say Ireland is very unique in that it's highly, highly specialised and localised. So, a lot of a lot of countries would just have one victim support organization that provides support to victims of domestic violence, sexual assault, but they have specialised workers.

When asked whether generalised or specialised crime victim support services were more appropriate, this stakeholder replied:

I really think the specialised services are much better, okay, because I don't think that we can pretend that victims of domestic violence have the same needs as the victims of a robbery, or a victim of sexual violence, child abuse. Is there a case though to be made that people know that this organisation will help me if I'm a victim, regardless. That the clarity of who provides the service absolutely makes it much more straightforward.

This raises an important point of specialist expertise required for victims of particular types of crimes or particular groups, but for the potential service user it can be very confusing when they are not aware of all the small, specialised services and may not know who to trust. The interviews with the IPAs also highlighted this point as there was often confusion around who provided what type of supports and whether they could be trusted.

The services in Ireland were viewed as piecemeal and not provided to the same extent in each county. For victims of crime, there were no in-person supports available in some counties. One stakeholder described this situation as kind of 'hit and miss'. The geographic dispersal of services was viewed as problematic by many, with a stakeholder describing the situation as:

The length of the distance people have to travel to get that specialised care. Such as in the cases of sexual violence, especially with children – it's so important that they get that specialised care for both the victim's well-being, and then also for the case to gather evidence in such a way. We found a lot of geographic barriers to good support. And victims language and translation services to be a huge issue.

Need for information and awareness raising

The need for awareness raising and dissemination of information was a common thread throughout the interviews amongst all groups. One service spoke about how they had produced information on their service for a newsletter for everyone living in direct provision. It was not clear whether everyone had received it and whether such information is available on an ongoing basis. From the interviews with IPA participants and the survey data, there was generally a very low level of awareness of support services for victims. Many commented that they had not been provided with any information on supports either by IPAS on arrival or in their accommodation centre. A stakeholder commented on how when people arrived in the country, they are often marginalised and do not understand how the system works.

It's hard for anyone, even somebody who's grown up in Ireland, to understand how our justice system works, yeah, until you have to deal with this. So, I think that that type of education piece would be really important.

Language barriers and a digital gap were also seen as further barriers to accessing information. The need for hard copies of information in an accessible format was highlighted. This could include information on supports for issues that arise:

Not everyone has access (to information)..especially within the DP centres, there's such limitation in terms of accessing Wifi. Sometimes it's only limited to the reception area. If you're newly arrived, you probably don't have a SIM card...so you want actual hard copy information, put it in the centres. Have a dedicated wall where you have all this information, resources that people can access, but what we were saying there, give it to people at the point of arrival. So, we already know that domestic violence, gender based sexual violence is a huge issue. We know human trafficking is a huge issue. We know racial discrimination or hate crimes in general are a big issue at the moment. Have those three brochures, if nothing else, that point people to where they can go to for support and help them. Give those to people upon arrival.

Trauma awareness

It was also noted by several that there was a definite absence of specific counselling for victims of crime and for migrant victims of crime. One stakeholder observed:

And then, you know, we would make a lot of referrals to general counselling for people who are, traumatised and need extra support. And for that - therapists and counselling is unregulated. We have to do a lot of education and helping guide people to low cost counselling, community based counselling and private counselling... We have to kind of help them explain how it works. So, you have maybe very traumatised people interacting with people who maybe don't have any experience or training around trauma.

The need for trauma awareness was highlighted in several interviews and the need for it for anyone who is working with IPAs or providing supports. The need for training for those working with victims was highlighted, with the Crime Victims Helpline planning to run victim awareness training for victim liaison units in the Gardaí. It was also recognised that some of the crimes perpetrated against victims happened before they arrived in Ireland and they may be carrying these traumas.

(We work with)..people who are victims of crimes that have been perpetrated here in Ireland. It's significant, but we've also got people we supported who have been victims of crimes before they came to Ireland as well. And are, I guess, kind of suffering the ongoing consequences and the scars of being victims as well and the trauma associated with that.

One of the participants spoke about how it can be a taboo for certain cultures to talk about some crimes, particularly sexual violence and this needed to be taken into account in providing support services as the victim may not be able to talk about it immediately. Trauma awareness training can be useful for support services and authorities when discussing traumatic and sensitive events with victims.

When we talk about rape—in terms of interviewing people. Many people would not talk about rape, even myself I wouldn't tell my sister. It's something that comes up from the way you are brought up. Once you talk about it- it's out there and people look at you and then you're an outcast. If the person got raped. it's very difficult to talk about it. They really need someone to hold their hand. And to know what life will be like afterwards.

Access to protection for vulnerable victims

Under the Victims Directive, special protection measures should be put in place for victims who require special assistance during the process. Some of the extra supports required for IPAs include interpretation, clearer communication about how the criminal justice system works, special protections for victims of trafficking etc. There was a general sense amongst research participants that these special protections, individualised assessments etc. were often lacking and there was frequently a poor understanding of the protections they were entitled to from both IPAs themselves and those who should be providing the support.

One stakeholder explained how IPAs may not be taken seriously by the Gardaí when they reported a crime, with some similarities experienced by the Travelling community.

They're the most marginalised people in our society with the least, you know, protection...they perceive that they have no protection. They may not be aware of what protection is available for them, or they may go to the guards and be taken seriously. When an asylum seeker service user had gone to the guards and his response... really reminded me of is what we used to hear a lot about, people from the Travelling Community, they would go, and they would not be taken seriously. Yeah, they would be told that's something amongst your family to take care of it internally, nothing to do with us.

Awareness of Rights

This vulnerability was also linked to a lack of awareness of rights, with a sense expressed by some stakeholders that the number of IPAs who sought and achieved justice following a crime was very low. This was also the sense provided by the IPAs who participated in the survey and interviews, with very few cases of people who achieved a satisfactory resolution to their cases. A stakeholder who was with an organisation supporting migrant victims of crime commented that the numbers attempting to achieve justice appeared to be declining:

While you have X number of people who are potentially or victims of crime or IP applicants at different stages, the numbers of people who are proceeding to try to get justice, it's just dropping off. It would be interesting to see like but how many cases of IP applicants who have been victims of crime have actually gone to the court and have actually had a positive, positive outcome? I don't know.

A barrier to people seeking justice also seemed to be around a lack of awareness of recognising when they have been a victim of crime and their entitlements following this. A few stakeholders and IPAs emphasised the need to increase awareness about rights and entitlements for victims of crime.

Recognising that they have been a victim of crime and they actually do have rights of entitlements. So, there's a piece around being to build a huge amount of awareness amongst people themselves about their rights. At moment that's a barrier. There's obviously a barrier. Then when people often also don't realize that there's a complaints mechanism within the centre itself.

Another stakeholder spoke about this vacuum of information on rights and entitlements but recognised that there was an uneven geographic spread of support and information.

There's a vacuum there, and we tried to fill it on a practical level, for example, you know, the Immigrant Council do great work around migrant support in some areas in Dublin. So, for practical reasons, we might have a referral in one direction or the other.

Some stakeholders and IPAs observed that the likelihood of reporting a crime increased as people had lived in Ireland longer and were accustomed to the system. One service provided awareness in centres about complaints mechanism and other structures and noted what made someone more likely to make a complaint to the Gardaí which also included higher levels of English, more awareness of legislation and their rights and entitlements.

We focus a little bit around issues in the centres and how to report through the complaints' mechanism, or potentially the ombudsman. When it comes to people trying to report a crime to the Gardaí. We've had a lot of experience - the people who will decide that they want to make a complaint and follow up on a case to the Gardi are the people who generally would have maybe a higher level of English, maybe have been in Ireland a little bit longer, a little bit more confident, and have more awareness of the legislation, the rights and their entitlements. But when going to the Gardaí, we've certainly seen a lot of issues when it comes to, firstly, the attitude, of the person taking the report.

6.5 Implementation of the Crime Victims Directive

Overall implementation

The stakeholders generally viewed the Crime Victims Directive as a positive step that had enshrined victims' rights in legislation in Ireland and had given them a more central role in the criminal justice process. The implementation of it had given victims slightly greater prominence in criminal proceedings, compared with their near invisibility in the process in the past.

Some of the positives that had occurred because of its implementation were summarised by one stakeholder who noted all the positive developments in terms of specialised victim support units throughout the criminal justice system.

So, what we have seen is that Ireland has done great in some areas obviously. So, in terms of some requests, for reasons and review for the DPP, there's a process in place there... if the DPP do or don't decide to prosecute them., that's right. And all of the criminal justice agencies, probation, DPP, the guards, parole, they all set up specialised supports for victims and a victim liaison unit in the DPP. The Gardai established in victim service office in each district or division. The prison service, people can now register to be made aware of whether somebody is in custody and when they're let out of custody, all of that. So, there's been all of these really great kinds of structures put in place to support victims, and this made a huge difference.

Other stakeholders noted that the implementation of the Directive was slow to happen in practice, and there was a need for ongoing training, monitoring and identifying issues and following up on them.

Role of Gardaí in reporting and following up on a crime

The first point of contact in reporting a crime and accessing supports as articulated under the Criminal Justice (Victims of Crime) Act 2017 is the Gardaí. It was noted that the response from the individual Garda taking the report can make a huge difference to whether the person feels that they have been taken seriously and understanding what the next steps are. This is also linked to awareness of what should happen next and support services played a role where possible in assisting someone through this process. It was noted by one stakeholder that it is very hard to follow up on a case without a case number.

And you don't know to ask for your case number, your case may not be given a case number to follow up, and even trying to follow up with somebody through an advocacy service. When you don't have the case number and the name of the guard that you spoke to, it can often be incredibly hard to actually follow up on that. It may not have gone in, and that might be off duty for a couple of days or for a week.

Some of these issues arise for the general public in attempting to report crimes but are exacerbated for people with a migrant and refugee background. The role of the Gardaí in working with these groups and with greater intercultural understanding was highlighted by many research participants. It was also noted by some that the onus should not always be on the victims to report the crimes and sometimes when the Gardaí were called into a situation where a crime had been committed, they could also decide to report the crime. Their role in deciding whether a crime was a racist incident or not was also highlighted. The role of the Gardaí in communicating throughout the process was viewed as crucial. There were multiple incidents recalled by IPAs and stakeholders where this was not optimal. Examples included not providing case numbers, not letting people know they may be entitled to compensation, not providing a leaflet on support services and generally no follow up.

One stakeholder commented:

But oftentimes, you know, I found, and I've spoken to victims of assault, for example, who maybe were looking for info. They rang us looking for info on compensation, and it could be well over. There's a time limit times when they're making an application to the criminal injuries compensation tribunal anyway, but oftentimes they're so annoyed and frustrated, because why did the guys (Gardaí) not tell me.

The role of the Gardaí in having an awareness of the dynamics of domestic violence, sexual assault and human trafficking was highlighted, with the Gardaí often being the first point of contact with victims. A stakeholder spoke about a booklet with information on victim support (also available online) which they are required to provide.

But often they're not handed out to victims at the time, so that, I think it's available on the website, the card, maybe that's given out, that directs them towards the information, but that's not good, not in alignment with the directive at all.

It was also noted that the skin colour or ethnicity of the person making the report could make a difference. One stakeholder commented how IPA victims of crime may find someone of Irish background to assist them when making a report as it made it easier and they felt they were taken more seriously.

It's very clear they (the Gardaí) do the racial profiling and it depends on who is reporting and who is with the person reporting. But, if you have a relationship with the Gardaí, it's better.

It was also recognised that the Gardaí were human and flawed, like others in society and sometimes they represented attitudes that were prevalent in society. The role of the institution itself was also seen by some stakeholder as being difficult.

The institutions like the Guards, just like you can see like the Met (Metropolitan Police) in the UK can be very kind of difficult institutions themselves that attract people who have a very specific mind frame. We have to acknowledge the fact that those institutions can be flawed themselves.

Follow up within the criminal justice system

After a crime is reported, there are a number of potential outcomes in terms of whether a file is prepared for the DPP for serious crimes and whether they decide to prosecute. If they do, the DPP is then in charge of the case, but the Gardaí are still responsible for the investigation. The Gardaí Victim Support leaflet states that the role of the Gardaí as: *During the investigation of your complaint, you can ask the Gardaí investigating your case to provide details of significant developments in the investigation. You can ask them for these details at any time during the investigation or after any criminal proceedings relating to your case.* For many IPAs who have been a victim of a crime, they are often unaware that they can ask for this information. This information can include a copy of their signed statement, information on whether an arrest was being made or not, details on any upcoming court case, sentencing of the accused, custody of

the perpetrator and any release dates from prison etc. For some IPAs who are moved to different centres, who may not have a constant mobile phone number and may have limited English, this ongoing communication can be difficult and it appears that victims need to be very proactive in seeking it.

The role of the courts was also spoken about in the interviews, with some commenting on the need for training and oversight of judges, also referring to recent cases in the media of very lenient sentencing for violent crimes.

Some of the stakeholders working within the sphere of supporting victims of domestic abuse also highlighted the role of the courts system and how it could be retraumatising for the victims in some cases, but progress was being made. Issues highlighted included the need for training for court staff and solicitors on the dynamics of domestic violence, scheduling of court hearings and then cancelling them and not considering the difficulties migrant women without transport may face in getting there.

Other issues highlighted included the set-up of the room with the perpetrator and the lack of private place to meet with the solicitor. It was suggested there should be an online system to book a private consultation room in advance. Support workers were not always allowed to accompany clients in the court room and their role was seen as important in providing emotional support as well as guidance.

The role of various court orders in domestic violence cases was also discussed and the practicalities of implementing protection orders when the perpetrator was living in the same accommodation centre, with little room for privacy. The method through which the barring, protection or safety was served also made a difference, with some perpetrators receiving it in writing with little understanding of what it meant.

A stakeholder who worked with victims of crime commended the courts services for their progress in making things easier for victims, with supports such as video links, accommodation physical barriers in the court room so the perpetrator and victim are not eyeballing each other. It was noted that some specialised courts had excellent facilities for victims and their families, but this was not the case throughout the country.

The CCJ (Court of Criminal Justice) has, you know, brilliant facilities for victims and their families. Special private waiting area while they're waiting to give evidence. But then across the country, other courthouses are not special. I think it's a real challenge to make sure that victims and their families aren't sharing the same space... you know, this horrible situation where people are shouting at one another, not a good situation at all. Retraumatising the victim.

6.6 Interagency Collaboration

Support agencies all agreed that there was very good collaboration between stakeholders and there were strong levels of interagency work taking place. This was evidenced through the multiple times that stakeholders and IPAs mentioned referrals to different organisations, based on the needs identified. Networks had been established between organisations and with the Government. There were also multiple referral systems in place, which required individuals working in organisations to be aware of all the different support mechanisms both geographically and by area of support. As discussed earlier, Ireland has a specialised and dispersed system of supports both for victims of crime and for migrants. This also posed challenges as services were often local and particular to an area and when a person was moved to a new area, there was not necessarily any continuity.

I think one thing that works very well is probably the collaboration between stakeholders in Ireland, given the small size of the country. But also, I think the nature of the work, particularly when working with international protection applicants, transfers are such a big feature of people's realities that we're constantly referring people to services around the country, to try to have a continuity of care.

Despite strong interagency collaboration, the geographic dispersal often meant that some areas were without basic services, and this was problematic when making referrals. This was expressed by one stakeholder as:

I'm regularly astonished at how many gaps there are across the country, in relation to those rural areas, in particular, in terms of the supports that are available to IP applicants across the board. The same thing we've noticed with beneficiaries of temporary protection. Because if you look at the moment, I think there are over 300 accommodation centres for IP applicants at the moment... and I know there are probably quite a few where there are no supports being provided in them, so there's no contact, there's nobody for somebody who might be a victim of a crime in one of those centres to turn to.

The role of the State and the interactions between the State and Non-Governmental actors was discussed in the interviews. Overall, it was observed that the relationships are constructive and the move of IPAS and the reception of IPAs from the Department of Justice to the Department of Children, Equality, Disability and Integration was perceived as a positive one.

The relationship with the government, then is thankfully good, I think for the most part, yeah, there is a good line of communication and a working relationship, but it's, it's, it's a lot of work to keep that, yeah, constructive and to tread the line that's constantly allowing you to push for change.

A stakeholder observed that it was important to engage in a spirit of constructiveness with the State, but also to aim for an improvement of services that the State provides.

The funding model and sporadic dispersal of services was viewed as problematic by some. Almost all stakeholders spoke about being stretched and under-staffed for the demands of the work. The exponential increase in numbers of IPAs and in new locations throughout the country made the provision of support more challenging. The isolation of some of the rural centres caused additional barriers to accessing specialised supports, which was also demonstrated in the interviews with some IPAs.

The funding for migrant victim support work in Doras for example is on an annual basis, and there was not always a guarantee that the work would be funded from year to year, which made it difficult to scale up support and services and further develop the work. Some stakeholders also commented that the State outsourced many of its obligations to the Community and Voluntary sector, who were in turn providing services and advocating for improved services.

6.7 Conclusions

This chapter focused on the role of the support system for victims of crime generally and specifically for IPAs who have been victims. The system of support is highly specialised, geographically dispersed and there is very unequal provision of supports throughout the country. The increase in accommodation centres in areas with little history of integrating IPAs and refugees has made it challenging. The Crime Victims Directive as implemented through the Criminal Justice Act (2017) has been a positive development and work is ongoing in the roll-out and training of victim support units and victim support awareness throughout the criminal justice system. Challenges remain however with the implementation in practice and the follow through of individual Gardaí when dealing with IPAs who have been victims of a crime.

For many IPA victims of crime, the crimes they have been subject to remain unreported or attempts to report them are not followed up for a myriad of reasons. Low levels of awareness of the process and their rights and entitlements feed into this. The next chapter focuses on some of the recommendations to increase awareness for all parties.

7. Key conclusions and recommendations

7.1 Overview

This final chapter analyses and presents some of the key findings of the research, including a series of recommendations for policy and practice. It seeks to address the key research questions posed at the outset. These are grouped under the headings of the lived experiences of IPAs in accessing justice as victims of crime (including the types of crimes they experience); the barriers to accessing justice and thirdly the support systems. It then concludes with a summary of the key recommendations.

7.2 The lived experiences of International Protection Applicants in trying to access justice

Overall lived experiences of IPAs as Victims of Crime

As noted in the literature review, the experiences of asylum seekers and refugees who have been a victim of a crime can be compounded by factors that make it difficult for them to access justice. The first point of contact in accessing justice is the police and awareness of who they are, where to find them and what their role is are essential to this process. As demonstrated in Vidal and Nesbitt's (2023) Scottish study of refugees and asylum seekers and police interactions, the relationship with the police depends on a number of key factors. Both in the survey and the interviews in this study, it became evident that many IPAs have a relatively low level of awareness of the role of the Gardaí, the reporting process and their rights in relation to access to justice.

The study resonated with Chakraborty and Repo's (2024) study of Direct Provision, which described 'carceral' like spaces, which are exacerbated through factors such as overcrowding, sharing of rooms with strangers and heightened risks of sexual and gender violence. In many cases in our study, crimes were committed within accommodation centres, with perpetrators including other residents, outsiders who entered and in some cases, staff working within the centres. The structural setting of the accommodation system has contributed to these conditions, including factors such as overcrowding, poor security, lack of awareness and encouragement to report and advocate for one's rights, and a lack of protection for women and victims of trafficking.

The victims of crime who participated in the study both directly and indirectly almost all expressed a fear about reporting and the potential repercussions it could bring. Both IPAs and support organisations spoke about a culture of fear and invisibility, where those waiting for a decision on their status felt particularly vulnerable about not wanting to draw attention to themselves. For victims of trafficking, additional complexities arose when they had been a victim of crime, including the very limited specialised supports available, confusion in some cases about their location and what rights they had and a fear of speaking about how they came to Ireland and the crimes that may have been committed on the journey or an arrival. The rise of the far right, including arson attacks on potential accommodation centres, protests and attacks on vulnerable IPAs sleeping on the streets were a further factor adding to a sense of fear amongst IPAs.

There are no disaggregated crime statistics available on crimes perpetrated against IPAs, which have been reported. This study would suggest that there is potentially a very high level of under-reporting. It is also unknown how many crimes are actually recorded in the Gardaí Pulse system following the attempted reporting of a crime by IPAs. The INAR iReport Shadow reports offer some indication of the racism crimes observed that have been reported through their iReport mechanism, but again are likely to be a fraction of the true amount.

Types of crimes experienced and intersectionality with other protected characteristics

The main types of crimes the IPAs who participated in the study referred to included assault and aggression; rape and sexual assault and trafficking including sexual exploitation. Racist crimes were also referred to, including assaults on IPAs by people outside the centres and in some cases by staff members. In the survey, other crimes such as theft and fraud were recounted.

A limitation of the study was that **no homeless IPAs were interviewed** and the small number who participated in the survey did not provide many details. It has been reported widely in the media and by NGOs that this group is particularly vulnerable and there have been many instances where they have been verbally and physically attacked and have had their property destroyed and stolen.

As noted above, the accommodation system and the lack of protection for vulnerable IPAs further exacerbated the likelihood of being a victim of crime and challenges in reporting it. Under the Criminal Justice Act (2017), there is provision for **specialist supports for vulnerable victims** such as victims of trafficking and individualised assessments for victims at risk of further harm. The levels of support for victims of trafficking appears to be very low in practice, with very limited resources available. In the case studies given, it also appears that both the Gardaí and IPAS missed opportunities to refer victims of trafficking, rape and sexual assault to specialist support services at the outset. The immense pressure of the accommodation system and the pressing need to accommodate all arrivals appears to have impacted on the obligation of the

State to provide individualised supports. Ireland signed up to the European Communities (Reception Conditions) Regulations 2018, which requires undertaking vulnerability assessments within 30 days of arrival. The suspension of these assessments since 2022 has meant that Ireland is in breach of its legal obligations and there is clear evidence from this study of vulnerable IPAs being placed in unsuitable accommodation without supports. The resuming of the Vulnerability Assessments in November 2024 is welcomed and will hopefully provide a much needed mechanism for identifying and addressing support needs from the outset.

Additional challenges also arise for victims of domestic abuse in the international protection system. This includes barriers to reporting, fear of impact on claim for both the victim and the perpetrator, practical difficulties in implementing court orders and challenges in accessing safe housing or refuges. The lack of awareness of victim support services, rights of victims and remedies available can further exacerbate this. Again, there is a need for greater awareness raising, training for centre staff, Gardaí and support workers on these issues. This is another area where **vulnerability assessments could assist in supporting** those who are identified as being a victim of domestic abuse, including children.

7.3 The barriers faced in accessing justice

Accessing justice as a victim of crime can be challenging for the general population, but IPAs face many additional barriers, as evidenced in this study. A summary of the key barriers they face includes:

1. **A fear of impact on their claim for international protection/subsidiary protection:** It became apparent that this was one of the greatest obstacles to seeking justice and there was little information available officially that contradicted this fear. Whilst it may not be true that reporting a crime impacts on a person's assessment, this fear had spread widely and was reported by many, including some support organisations.
2. **A culture of fear, invisibility and not speaking out** was linked to this, with many IPAs expressing that they preferred to live under the radar and not draw attention to themselves. This also included some cultural barriers, especially for people coming from a system with low levels of support and an expectation that people should solve their own problems.
3. Within the accommodation system, one of the barriers that can arise is **pressure from within the community not to report** against a perpetrator who is resident there or against staff members.
4. In **cases of domestic abuse**, there are many pressures not to report the perpetrator both

in civil or criminal proceedings which are common across the board but are further exacerbated for IPAs who may live in very crowded accommodation with others and there are additional pressures in relation to protecting the perpetrator and also the impact on their potential joint claim for protection.

5. **Victims of human trafficking are particularly vulnerable** and as shown in some of the case studies, they can be confused about who to trust, where they are and what information they should relay. This group require specialised expert support, which should be available once they come to the attention of the authorities. Many challenges arise in reporting a crime perpetrated potentially by their trafficker or someone linked to them. Their claims for international protection may be complex and is shown in other studies, they may fear relaying information about their journeys and who arranged their transport.
6. The **environment of the accommodation system presented some structural barriers to reporting crimes**, including an atmosphere of fear and lack of awareness of complaint mechanisms and how to report. In some cases, it was reported the Gardaí were used as a threat against residents, which caused them to fear the Gardaí. Whilst some reported that the staff were very helpful in supporting them in reporting crimes, there were also instances reported where this was obstructed by staff.
7. The **lack of awareness of the reporting system** and how to go about it impeded some victims from reporting crime. This included an overall lack of awareness and trust in the Gardaí and what their role was, and in some cases, there was confusion around what constituted a crime in Ireland.
8. This was also linked to a **lack of visibility of Gardaí** and a **lack of transport and language barriers** in accessing them.
9. The likelihood of **reporting a crime appeared to increase the longer a person had been in Ireland**, pointing to the need to provide information and resources in a language they can understand on arrival in Ireland.
10. A **lack of understanding of the criminal justice system**, including the Pulse system of reporting and case number, the need to sign a written statement, the follow up support services and how the system of prosecution and potential trial of an alleged perpetrator works were also barriers to reporting. Some noted that others had reported crimes, but there seemed to be no apparent follow-up and remedy.
11. Overall, there was a sense **amongst many victims that reporting a crime may not achieve much for them** and they held little hope of achieving justice, even when they had reported a crime.
12. The **relationship and levels of trust in the Gardaí** were also barriers in some cases. Some

noted that the Gardaí were helpful but spoke about communication difficulties with them (on both sides). Some also felt that the Gardaí were less likely to prosecute IPAs when there was a dispute in an accommodation centre and that they lacked intercultural awareness. Some also noted a **tendency by Gardaí to de-escalate conflict** within accommodation centres and more than one spoke about being asked to sign 'peace agreements'. This approach may be useful in preventing further conflict, but on the other hand was also viewed sometimes as downplaying the impact of the incident on the victim and their access to justice.

7.4 How does the support system work in practice?

There are a variety of supports in place for IPAs who have been a victim of crime, but as noted by Puckhaber (2019), these supports overall are specialised, geographically dispersed and they can be difficult for victims to navigate. There is an uneven geographic distribution of support services for IPAs in general and specifically for victim support. The most specialised support service provided is the Migrant Victim Support programme provided by Doras. This service offers multi-faceted supports for victims of varying types of crimes and onward referrals where appropriate. The resources for this are limited and it covers the whole country but is not sufficient to meet the needs of all the migrant victims in Ireland.

Other supports include specialised supports for Refugees and IPAs, which are provided both through national NGOs, and at a local level in some counties. Some general supports for refugees and IPAs are also provided through Local Development Companies, Family Resource Centres and sometimes through County Councils, but these are not focused on supports for victims of crime. There are also supports available for specific types of victims, such as domestic abuse, rape and sexual assault and for victims of torture.

There is one national service for victims of crime – the Crime Victims Helpline, which provides telephone and text support throughout Ireland. Other supports for victims of crime include a specialised support service for victims going through the court system (Victim Support at Court). The Gardaí themselves have also established 28 Victims Services offices throughout the country, which provide direct support and information on other services.

The picture of supports available can however be a confusing one for individual victims and there was a low level of awareness of these support services and often the accommodation centres, Gardaí and others were not alerting victims to the availability of such services. Many of the services are run by small community and voluntary sectors organisations and operate on a limited budget. There is a need for greater clarity, awareness raising and communication in a timely manner of the supports available and how to access them.

The findings of this study resonated with the findings of the IOM's study of policing of sexual and gender-based violence in migrant communities in Ireland (Gagliardi, Stephenson and Amieux, 2023), which found the specialised Garda National Protective Services Bureau was very useful when victims had access to them, but most victims do not have access to such specialised support services due to a lack of/under-reporting and a lack of awareness.

In order to fully implement the Crime Victims Directive as transposed through the Criminal Justice Act (2017), it is important that there is sufficient training, weight and funding for the support services of victims of crime and victims are provided with information on these services in a timely manner. There is also a need for high quality interpretation and translation services provided at the point when needed.

7.5 Key Recommendations

Following a discussion amongst the research team based on the research evidence, a number of key recommendations were made for policy and practice. Many of these fall under the Victims' Rights Directive and its full implementation in practice would address many of them. These include the following:

Awareness raising and role of IPAS and the IPO

1. Provide **clarity and clear communication to all IPAs on arrival in Ireland on their rights in relation to reporting a crime when they have been a victim**. This should provide information in line with the Victims' Rights Directive and clarify that their rights as a victim apply regardless of their immigration status. IPAS/ the IPO could also provide information to dispel the myth that reporting a crime could impact on their claim for international protection.
2. Ensure that **vulnerability assessments are available to all** at the point of arrival regardless of where the application is made. The decision to reinstate them is welcomed and this should ensure that the needs of vulnerable IPAs can be identified early on.
3. Undertake general **awareness raising and integration supports for IPAs** to dispel the circulation of misinformation and myths and strive to create a greater sense of trust amongst IPAs of those in positions of authority.

Accommodation centres & awareness raising for IPAs

4. Provide **training and awareness raising for all working in accommodation centres**, particularly for centre managers and those who interact with residents. This should include intercultural communication and anti-racism training, managing conflict, complaints

mechanisms. trauma awareness, supporting victims of crime, support services available and how to make referrals etc.

5. **Provide information leaflets/posters in hard copies in multiple languages in each accommodation centre**, with information on key supports, contact details for Gardaí and how to report crimes, accessing support services. Awareness of the complaints mechanism within the centre should also be made publicly available to all.
6. Provide **training/awareness raising specifically on the justice system in Ireland**, including definitions of what constitutes a crime, reporting crimes, protection orders available through the courts, interpretation and translation services, support services, process of how crimes are followed up and prosecuted, role of victims in court proceedings etc.

Support services

7. Where possible, **clarify and streamline the support service infrastructure** ensuring that victims can access support in a timely and efficient manner and are made aware of these support services. This could include clearer mapping of support services on thematic and geographic bases, identification of gaps and greater collaboration with the objective of making it easier for victims to access support. Interagency co-operation was noted as being very positive in this field, with examples of networks and collaboration on general crime victim support and refugee/migrant support. A clearer structure and communication of this to those who need support could provide more clarity (Art 26 Crime Victims Directive – Co-operation and Co-ordination of services).
8. Ensure that **support services have sufficient funding to carry out their role effectively** and where services operate on a national basis (e.g. Doras Migrant Victim Support programme), provide long-term funding to allow them to operate with sufficient staff to provide the service to all who need it.
9. Expand the **pilot of face to face support for victims of crime** provided by the Crime Victims Helpline or others to all areas of the country, to ensure more equal access to in-person crime victim support.

An Garda Síochána

10. The role of the Gardaí is an important one and whilst there have been many reported instances of them providing support, there is a need for a **greater visibility, awareness of their role and intercultural communication training**. There are several hundred named diversity officers with An Garda Síochána and there is now a greater focus on victim support. Not all victims however were provided with the requisite clear communication, information and support required when reporting a crime and opportunities were missed to identify vulnerable victims.

11. Provide **information on victim support offices to vulnerable groups** including IPAs in accommodation centres and homeless migrants/IPAs.
12. Provide more **opportunities for greater engagement and positive communication** with the Gardaí, with some examples of integration activities provided. This can help to build trust and dispel myths that the Gardaí cannot be trusted or are working to provide information back to the IPO.
13. Ensure that the **Gardaí provide prompt access to information on victim support services once a crime has been reported** and provide **ongoing communication** on the progress and outcome of the report (Articles 6, 8 and 9 Victims' Rights Directive).

Specialised supports

14. Provide adequate **resources to the HSE Human Trafficking Unit** and ensure that there is a help service available 24/7 for victims of trafficking. Explore the reasons why the numbers officially identified as victims of human trafficking by the State are significantly lower than those availing of support from Ruhama.
15. Once vulnerability assessments are completed, ensure that **suitable accommodation and access to specialised supports** are made available to meet those identified needs on arrival.
16. Put in place a mechanism to **identify and provide support for IPAs victims of crime / abuse on an ongoing basis**, through the appointment of designated case workers in IPAS.
17. Ensure that **high quality translation and interpretation services** are provided at all stages of reporting a crime and accessing justice (Article 7, Victims' Rights Directive)
18. Embed **trauma awareness and intercultural training** in relevant support services (Article 25, Victims' Rights Directive).

Follow up post reporting a crime

19. Ensure that victims of crime and particularly those who have been identified as vulnerable are **provided with clear information in a language they understand about the process, the next steps and what their rights as a victim are**. IPAs may experience additional vulnerabilities including limited understanding of the criminal justice process in Ireland, language, victims of crimes such as sexual violence, torture, human trafficking. The rights of IPA minors (especially those who are unaccompanied) as victims of crime also need special attention.
20. In providing information on how to report a crime, ensure that information is also provided on **the process they can expect and likely timeframes if it proceeds to trial**. It is

important that people understand that there may be delays and this does not indicate that no progress is being made.

21. Ensure that court proceedings do not further traumatised victims and that IPAs and other migrants can have access to a support worker where appropriate to accompany them in court. **Ensure that Articles 22 and 23 of the Victims' Rights Directive are fully implemented**, including individualised assessments and protection of victims with specific protection needs.
22. **Roll out and further embed victim support training** for all involved in the criminal justice process (Article 25, Victims' Rights Directive).



7.6 Concluding Remarks

This study has provided a snapshot of some of the experiences of IPA victims of crime and their quest for justice in Ireland. There has been reluctance amongst some to speak openly about their experiences, for reasons explored in the study of a fear of reprisal and impact on their claims. One of the major barriers to reporting crimes is the fear of interacting with the authorities and its potential impact on their status in Ireland. The levels of awareness of the criminal justice system, how to report and the supports available are relatively low amongst IPAs and it is recommended that steps are taken to increase this awareness. The system of emergency accommodation, wide dispersal and the lack of thorough inspections, training and intercultural awareness of staff and managers has further exacerbated the situation, leading in some cases to further mistrust of people in authority.

It is noted that many positive developments have occurred since the implementation of the Crime Victims Directive in Ireland and these will take time to be fully embedded. These include the establishment of dedicated crime victim offices by the Gardaí, information leaflets on the process of reporting and following up on a crime available in multiple languages and the rollout of victim support training for practitioners. There is however a need for greater visibility of the Gardaí, building of trust and in person supports available for people who need them regardless of their immigration status or county of residence.

Appendices

Access to Justice Research: Interview Information

Overview

We are a research team with Doras, a Refugee and Migrant support organisation. This is a Non-Government organisation. We are carrying out research on Asylum Seekers / International Protection Applicants experiences of the criminal justice system in Ireland when they have been the victim of a crime. This research is being funded by the Irish Human Rights and Equality Commission and we hope that the results will help to improve supports for asylum seekers who are victims of crime. The research team consists of a lead researcher Dr Louise Kinlen and a team of experienced researchers, who have also been asylum seekers in Ireland. All researchers have been Garda vetted. We have sent out an online survey and are now carrying out interviews with people who would like to speak to us more about their experiences. We are proposing to carry out semi-structured interviews. That means that we have prepared some questions or topics in advance, but you can feel free to raise other areas you think are important. Similarly, we might ask other questions depending on the answers you give. The interview may last from 30 to 45 minutes, depending on the individual. In some cases, we may ask someone to interpret the interview.

Confidentiality and anonymity

All information you give will be treated confidentially, which means that we will not share this specific information with anyone else and we will not use your name or information that could identify you in any reports. We may use some quotes and general information from the interviews, but we will not identify who said them. We hope to write the report in a sensitive and respectful way and will put forward the different opinions that are expressed.

Recording and data storage

There are two options that you can agree to for the capturing/recording of the interview:

1. We can make an audio recording of the interview using an app on our phone. We will then write it out word for word on our computer and destroy the recording once that is done. If a recording is made, this recording will only be used for the sole purpose of the research. The recordings will be stored securely on the lead researcher's computer, to which no-one else has access.
OR
2. If a participant prefers, we can take detailed notes during the interview and not do any recording. Some participants prefer this method and they may feel freer to speak if it is not recorded. Likewise, the data will be stored in a confidential and safe place and no-one else will be given access.

Interview Consent Form

I _____ (Name in block letters) have read and understood the above information and agree to participate in an interview for the purpose of the Access to Justice Research. I understand that I can ask the interviewer to stop at any stage or to ask for any clarification.

Signed _____

Date _____

Name of Interviewer: _____

I would prefer if the interview was captured through (please tick preferred method):

Audio recording _____

Note taking _____

No preference _____

Any other comments/special requests:

Access to Justice Research: Distress Protocol

Thank you for agreeing to participate in our qualitative research on access to justice for asylum seekers in Ireland. Your insights are valuable to our study, and we appreciate your willingness to share your experiences. We hope that this will help in making recommendations to provide better supports for asylum seekers who have been victims of a crime.

We understand that discussing experiences of being a victim of crime and accessing justice can be challenging and potentially upsetting. It is important to us that you feel supported throughout the interview process. Therefore, we have developed this distress protocol to ensure your well-being during and after the interview.

During or before the interview, if you feel distressed or overwhelmed by any of the topics discussed, please feel free to let us know. You are not obliged to answer any questions that make you uncomfortable, and you may take breaks as needed. You may also request to stop the interview at any stage and make a decision on whether you still want any of your information used. If at any point during the interview you require immediate support or want a break, please inform the interviewer. They will be able to provide you with some support and can pause the interview to connect you with support services. In addition, we would like to provide you with information about support services that you can access following the interview:

Doras Migrant Justice Project:

Doras provides support and advocacy for migrants, including assistance with legal matters and accessing services. For more information visit <https://doras.org/programmes/migrant-victim-support> Email: mvs@doras.org or Text/Call 083 0086391

Crime Victims Helpline:

A national helpline for victims of crime. Visit <https://www.crimevictimshelpline.ie/> or Free-phone 116 006

Samaritans:

Listening helpline run by trained volunteers to provide assistance to people who need someone to talk to. Visit <https://www.samaritans.org/ireland/samaritans-ireland/> or Freephone 116 123

Women's Aid:

Provides information and support to women, particularly those who have experienced domestic abuse. Helpline: 1800341900, or visit www.womensaid.ie

If you have any questions or concerns about the distress protocol or anything else related to the interview process, please do not hesitate to reach out to us. You can contact the research

Peer Research Ad

Seeking Peer Researchers for a new research project on International Protection Applicants Accessing Justice

Do you have a keen interest in refugee and migrant issues? Doras, an organisation dedicated to supporting refugees and migrants, is seeking 2-3 enthusiastic individuals to assist as peer researchers for an important research project.

About the Project

Doras is embarking on a vital research initiative focusing on Access to Justice for International Protection Applicants. (IPAs). We aim to explore the experiences of IPAs of the criminal justice system, when they have been victims of a crime. This will include a survey and interviews.

Responsibilities

- Providing feedback on a pilot survey and assisting with sending the survey to participants
- Assisting with recruiting participants for the study
- Conducting interviews with International Protection Applicants to gather insights into their experiences of accessing justice
- Collaborating with the research team to analyse data and identify key findings.
- Participating in training sessions to ensure effective research practices.
- Key Skills and Experience

Personal experience of the international protection system

- Strong communication skills and the ability to conduct interviews with sensitivity and confidentiality
- Availability to undertake some travel within Ireland for fieldwork (locations to be finalised and may be located close to the peer researchers)
- Good command of English, both spoken and written
- Command of another language and ability to interpret would be a key advantage
- Interest in research and a commitment to contributing to positive social change.

Benefits

- Gain valuable research experience in a meaningful and impactful project.
- Receive training and support in carrying out research
- Payment of an hourly rate will be provided
- Reimbursement of travel expenses incurred during fieldwork.

Location and Duration

Peer researchers can be based in different parts of Ireland. The fieldwork will take place between April and June, with flexible arrangements to accommodate your schedule.

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