



**PAVEE POINT**  
TRAVELLER AND ROMA CENTRE

## **Submission to the Human Rights Committee: Ireland's Examination in Relation to the International Covenant on Civil and Political Rights**

### **Suggested List of Issues for Ireland**

**130<sup>th</sup> Session of the Human Rights Committee (12 October to 6 November 2020)**

#### **Reporting Organisation**

Pavee Point Traveller and Roma Centre is a national NGO committed to the realisation of human rights for Irish Travellers and Roma in Ireland. Established in 1985, the aim of Pavee Point is to contribute to the improvement in quality of life and living circumstances for Travellers and Roma by working for social justice, solidarity and human rights.

Our submission respectfully suggests issues and further information that the Human Rights Committee may seek from the Irish State. The suggested issues outline priority areas of concern for Travellers and Roma which have either been omitted or not adequately addressed in the Fifth Periodic Report submitted by Ireland to the Committee. A number of UN treaty monitoring bodies have made specific recommendations to the State in relation to these priority issues (as referenced throughout the document) and we urge the Committee to review these recommendations.

The issues we propose are framed in line with protections awarded by the Convention, recognising that realising civil and political rights is integral to meeting other socioeconomic and cultural rights. Our suggested list of issues are also framed within the ongoing COVID-19 pandemic and the disproportionate impact of the pandemic on Travellers and Roma, which requires special attention and measures from the Irish State over the coming months. While not specifically noted in this document, we also urge the Committee to draw the State's attention to introducing adequate legislation on hate crime and speech.

#### **Travellers and Roma in Ireland**

Indigenous to the island of Ireland, there are a little over 36,000 Travellers in Ireland. This represents less than 1% of the nation's population.<sup>i</sup> An estimated 5,000 Roma live in Ireland, many of whom live in poverty due to lack of access to work and restrictive social welfare measures.<sup>ii</sup> As minority ethnic groups, Travellers and Roma experience persistent racism and discrimination on the basis of ethnicity, gender and other grounds. As a result, Travellers and Roma are among the most marginalised and excluded individuals and groups in Ireland.

Pavee Point has welcomed the State's symbolic recognition of Irish Travellers as an ethnic group in 2017 along with increased consultation with Traveller and Roma representative organisations. However, much remains to be achieved for Travellers and Roma in concrete terms since the Committee's previous examination of the State Party. Calling on the State's obligations to ensure non-discrimination and protection of vulnerable groups, measures to progress the rights of Travellers and Roma remain urgent.

#### **For further information, please contact:**

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## **List of Issues For the Irish State - Irish Travellers and Roma in Ireland**

### **1. National Traveller Roma Inclusion Strategy 2017 - 2021 (para. 311-313)**

Implementation of National Traveller Roma Inclusion Strategy (NTRIS) - the main policy to drive Traveller and Roma inclusion<sup>iii</sup> has been slow. The Strategy has contained no clear targets, indicators, outcomes, timeframes or associated budget lines, and a 'whole of Government' approach that would see driving its implementation by all state departments and with senior level participation has not materialised. A number of international human rights bodies have called on the State to place more effort on concrete implementation of the NTRIS by adopting a clear implementation plan and putting in place a mechanism to coordinate and monitor its implementation.<sup>iv</sup>

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **As per recent recommendations by the UNCERD Committee, European Commission against Racism and Intolerance, and Advisory Committee on the FCNM,<sup>v</sup> provide update on progress with developing a robust implementation and monitoring plan for the NTRIS that is inclusive of clear targets, indicators, outcomes, timeframes and budget lines**
- b) **Provide information regarding how the current and post-2021 NTRIS aim to address the specific impact of COVID-19 on Travellers and Roma, including in terms of resource allocations and in ensuring active and senior level participation by all relevant state departments in implementing the NTRIS actions**

### **2. Lack of Disaggregated Data by Ethnicity to Inform Policy, Programming and Legislation**

In line with state policies<sup>vi</sup> and legislation,<sup>vii</sup> the State has committed to developing a system of ethnic data collection across state departments and agencies. However, while progress has been made with some state agencies,<sup>viii</sup> there have been major issues and resistance to progress ethnic data collection with others.<sup>ix</sup> The urgency to develop and implement ethnic data collection is particularly pertinent during the current pandemic with a number of European institutions having issued statements to draw attention to the disproportionate impact of COVID-19 on Travellers and Roma.<sup>x</sup>

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **To provide further information regarding progress, timeframe and resources for the full and effective development and implementation of an ethnic identifier (in line with human rights standards) across all relevant state departments and agencies, including the introduction of an ethnic identifier in relevant data sets and services that monitor the impact of the COVID-19**

### **3. Traveller Ethnicity and Culture**

The State's formal recognition of Travellers as an indigenous ethnic group in 2017 was historic and widely welcomed (para. 310), and has led to positive steps being taken to include Traveller culture in school curriculum.<sup>xi</sup> Yet, no further information is provided by the State in its report regarding efforts to promote and protect Traveller culture. In 2019, the Advisory Committee on the FCNM called for the State to take immediate action to support Travellers in preserving and developing their identity and culture on a permanent and ongoing basis.<sup>xii</sup>

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **To provide further details of substantive and concrete measures taken to promote and protect Traveller culture on a permanent and ongoing basis**

### **4. National Action Plan against Racism**

Travellers and Roma experience significant and persistent racism in Ireland, with alarming reports of increased levels of anti-Traveller and Roma racism during the COVID-19 pandemic.<sup>xiii</sup> Despite the call by the Human Rights Committee in 2014 and a number of other international human rights bodies,<sup>xiv</sup> we regret that there has been no National Action Plan against Racism or adequate institutional framework for addressing racism since 2008.<sup>xv</sup> Pavee Point has welcomed the new Anti-racism Committee established earlier this year, which is tasked with drafting an Anti-racism Strategy.<sup>xvi</sup>

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

**To provide information regarding:**

- a) **the current stage and progress in the development of the forthcoming Anti-racism Strategy and the methods being used to develop the Strategy**
- b) **the implementation and monitoring framework and resources that will be afforded to the forthcoming Anti-racism Strategy**

**5. Traveller and Roma Women**

Welcomed steps have been undertaken to implement actions related to Traveller and Roma women in the National Traveller Roma Inclusion Strategy (NTRIS) 2017-2021 (para.311-313) and the National Strategy for Women and Girls (NSWG) 2017-2020 (para. 11-13) in a more coordinated way.<sup>xvii</sup> However, we regret that many of the actions have no clear targets, indicators or outcomes that are specific to Traveller and Roma women; the actions have not been met with adequate resources; and implementation has been slow. We also regret that there has been no proper implementation plan developed for the National Strategy on Domestic, Sexual and Gender-based Violence (para. 23),<sup>xviii</sup> and that since the previous examination of the State Party by the Committee,<sup>xix</sup> Traveller and Roma women continue to face significant barriers to information, safety and protection from domestic and sexual violence. The situation for Traveller and Roma women has been compounded by the current pandemic, and we welcome recent COVID-19 Gender Impact Assessment undertaken by the State.<sup>xx</sup> However, the findings of the assessment must be published and followed with clear actions and resources to meet the specific needs of Traveller and Roma women as we move towards post COVID-19 period.

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **In light of the persistent social exclusion and gendered impact of the COVID-19 pandemic on Traveller and Roma women, provide further information on concrete measures, targets and resource allocations to promote and protect the rights of Traveller and Roma women, including in the light of recommendations arising from the COVID-19 Gender Impact Assessment**

**6. Traveller Accommodation (para. 318-322)**

Serious concerns have been raised over the Housing (Traveller Accommodation) Act 1998 and the Housing (Miscellaneous Provisions) Act 2002 by a significant number of human rights bodies, including the Human Rights Committee in 2014.<sup>xxi</sup> In 2019, an independent Expert Group on Traveller Accommodation set out a clear recommendation to overhaul all relevant legislation and policies which impact on accommodation provision for Travellers,<sup>xxii</sup> and the Advisory Committee on the FCNM and ECRI urged the State to tackle the problem of underspending of Traveller accommodation budgets by Local Authorities.<sup>xxiii</sup>

With Traveller overcrowding being 7 times the national rate<sup>xxiv</sup> and 15% of Travellers being homeless,<sup>xxv</sup> the accommodation crisis among Travellers has posed significant challenges during the COVID-19 pandemic. We have welcomed State guidelines issued for Local Authorities to take all necessary measures to ensure safety of Traveller families by providing electricity, water and other facilities. We have also welcomed the implementation of these guidelines by some Local Authorities but regret that the guidelines and accommodation needs of Travellers have not been met by all Local Authorities before and during the pandemic.

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **To outline intentions and timeframe for the full implementation of recommendations issued by the Independent Expert Group on Traveller Accommodation and international human rights monitoring bodies,<sup>xxvi</sup> including an overhaul of the legislative framework pertaining to Traveller accommodation with a particular focus on the Housing (Traveller Accommodation) Act 1998**
- b) **Provide information about measures taken to address the underspending of Traveller accommodation budgets by Local Authorities**

## **7. Roma Accommodation**

Roma face discrimination in accessing accommodation; severe overcrowding; poor and dangerous accommodation conditions; homelessness; and lack of access to social housing and rent supplement.<sup>xxvii</sup> While the State has indicated a commitment to include Roma specific housing actions in the National Traveller Roma Inclusion Strategy (NTRIS), there are currently no such actions in the NTRIS. In the context of the current pandemic, there is an urgent need to address the housing and accommodation situation of Roma.

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **To confirm its commitment to addressing the Roma housing crisis and to provide information about the measures and resources it intends to take towards this end?**

## **8. Traveller Education (para. 323-325)**

Pavee Point has welcomed the explicit targeting of Traveller participation in higher education.<sup>xxviii</sup> However, none of the mainstream educational strategies contain actions aimed directly at increasing Traveller participation at early years, primary or post-primary levels.<sup>xxix</sup> We also remain concerned at the 86.6% cuts to Traveller specific education supports in 2011 which, contrary to the State report (para. 323), have not been reinstated since.<sup>xxx</sup>

The current pandemic and physical closure of schools have placed Traveller and Roma children at further risk of educational disadvantage. We have welcomed guidance and resources issued by the State towards prioritising children from disadvantaged backgrounds during the pandemic.<sup>xxxi</sup> However, significant measures and resources are needed in Ireland's first ever National Traveller Education Strategy that the State has committed to developing in order to address the persistent educational needs of Travellers.<sup>xxxii</sup>

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **To provide information about a timeframe for the development of the National Traveller Education Strategy, and information about the implementation and monitoring frameworks and resources afforded to the forthcoming Strategy?**<sup>xxxiii</sup>

## **9. Traveller and Roma Health (para. 326-328)**

Travellers and Roma experience stark health inequalities when compared to the general population.<sup>xxxiv</sup> The current pandemic has had a disproportionate impact on Travellers and Roma with the rate of testing positive for COVID-19 being significantly higher than the national figure.<sup>xxxv</sup> Yet, contrary to what the State reports (para. 326), Traveller health sector has not received any new funding since 2008, and funding for the new Roma Primary Health Care Training Programme (para. 328) was withdrawn during the COVID-19 pandemic.<sup>xxxvi</sup> Within this context it is welcomed that the State is at the last stages of publishing the first ever National Traveller Health Action Plan (NTHAP).

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

**Within the context of the significant health inequalities experienced by Travellers and Roma and the current pandemic, can the State indicate:**

- a) **A timeframe for publishing the National Traveller Health Action Plan, and resources and mechanisms afforded to its implementation?**

## **10. Employment**

Pavee Point regrets that Travellers and Roma have not been named as target groups in key mainstream employment policy initiatives,<sup>xxxvii</sup> and that no dedicated strategy has been developed to address the significant levels of discrimination in employment and unemployment faced by Travellers and Roma.<sup>xxxviii</sup>

In 2019, the CERD Committee urged the State to adopt effective measures with adequate level of resources to improve employment among Travellers and Roma.<sup>xxxix</sup>

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **To indicate plans and timeframe for the development of a comprehensive Traveller and Roma training, employment and enterprise strategy, and plans to include Travellers and Roma in key mainstream policy initiatives related to employment**

**11. Rights of Roma Children (para. 278)**

Despite Child Benefit being a ‘universal’ payment in Ireland, many Roma children are not entitled to it due to the implementation of the right to reside (European Directive 2004/38) and the associated policy - Habitual Residence Condition- by the Department of Employment Affairs and Social Protection.<sup>xi</sup> Difficulties among Roma mothers to access Personal Public Service (PPS) numbers makes it not only impossible to access the Child Benefit payment, but to register a birth of a child.<sup>xii</sup> Concerns about Roma child poverty and the discriminatory effect of the Habitual Residence Condition on Roma to access basic social welfare payments have been raised by a number of international human rights bodies.<sup>xiii</sup>

Chronic poverty among many Roma families and children has posed serious concerns during the COVID-19 pandemic.<sup>xiiii</sup> We have welcomed some flexible approaches by the State during the pandemic, including once-off Urgent Needs Payments being granted to a number of Roma who haven’t been able to satisfy the Habitual Residence Condition, and changes to procedures to apply for Personal Public Services Numbers in Dublin that has made the procedure more accessible.

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **In light of recommendations by the UNCRC and UNCEDAW, can the State provide further information on measures taken to ensure that all children residing in the State, including Roma children, can access Child Benefit payments regardless of the legal or administrative status of their parents?**
- b) **In light of the current pandemic, provide information on measures taken to ensure that a humanitarian approach to meeting the needs of Roma during and post COVID-19 will be maintained and extended across the country?**

**12. Participation in Political and Public Life**

In June 2020, the State undertook its first ever special measure to ensure Traveller representation in the Irish political system by appointing Ms Eileen Flynn, a Traveller woman, to the Seanad (upper house of the Irish Parliament).<sup>xliv</sup> The Electoral (Amendment) (Political Funding) Act 2012 (para. 14) saw the introduction of gender quotas being introduced for national politics. However, no such quota has been introduced for ethnic minorities and no special measures have been introduced to ensure Traveller and Roma inclusion in local politics, despite calls by numerous human rights monitoring bodies to address the significant exclusion of Travellers and Roma from decision making and wider political processes at local and national levels.<sup>xlv</sup>

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

- a) **Can the State provide information about any legislative and practical measures it intends to take to ensure the inclusion of Travellers, Roma and other ethnic minorities in political representation at national and local levels?**

**13. Irish Travellers in Places of Deprivation of Liberty**

Although Travellers account for 0.6 % of the Irish population, Travellers account for a staggering 22% of the female prison population and 15% of the male prison population’;<sup>xlvi</sup> a fifth of young people in custody in Oberstown Children Detention Campus are Travellers;<sup>xlvii</sup> and almost 10 per cent of the

people under probation supervision are Travellers.<sup>xlviii</sup> In 2017, the CEDAW Committee recommended for the State to address the root causes of the overrepresentation of Traveller women in places of deprivation of liberty, as well as address the standard of conditions in prisons.<sup>xlix</sup>

**Pavee Point respectfully suggests that the Human Rights Committee ask the State:**

**a) In line with recommendation by the UNCEDAW Committee in 2017, can the State provide information about measures taken to address the over-representation of Travellers in places of deprivation of liberty, particularly the over-representation of Traveller women in prisons, and measures to address the standard of conditions in prisons?**

**Endnotes:**

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<sup>i</sup> Kelleher et al., *All Ireland Traveller Health Study*, University College Dublin & Department of Health & Children, 2010.

<sup>ii</sup> This estimate is based on the findings of Ireland's first National Roma Needs Assessment. Curran, S., A. Crickley, A., R. Fay, F. Mc Gaughy (eds), *Roma in Ireland - a National Needs Assessment*, Department of Justice and Equality and Pavee Point Traveller and Roma Centre, 2018.

<sup>iii</sup> Ireland's second NTRIS contains 149 actions across 10 thematic areas. Department of Justice and Equality, *NTRIS 2017-2021*.

<sup>iv</sup> UNCEDAW, *Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Ireland*, CEDAW/C/IRL/CO/6-7, 9 March 2017; UNCRC, *Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland*, CRC/C/IRL/CO/3-4 4, 1 March 2016; ECRI, *Fifth Report on Ireland*, CRI(2019)18, 4 June 2019; FCPNM, *Fourth Opinion on Ireland*, ACFC/OP/IV(2018)005, 20 June 2019; CERD, *Concluding Observations on the Combined Fifth to Ninth Reports on Ireland*, CERD/C/IRL/CO/5-9, 12 December 2019.

<sup>v</sup> *Ibid.*

<sup>vi</sup> As per the National Traveller and Roma Inclusion Strategy (2017-2021); Second National Strategy on DSGBV; Migrant Integration Strategy 2017-2020; The National Strategy for Women and Girls 2017-2020.

<sup>vii</sup> Obligations set out in Section 42 of the Irish Human Rights and Equality Act (2014).

<sup>viii</sup> The Central Statistics Office has included Travellers as an administrative category in the Census since 2006, and Roma will be included in Census 2021. Progress has also been made with ethnic data collection with National Social Inclusion Programmes.

<sup>ix</sup> The national police service (An Garda Síochána) and the Courts Service report that there is 'no legal basis for ethnic data to be collected' and that ethnic data is not relevant to their services. Where steps have been taken to disaggregate data by ethnicity by some state agencies, it hasn't always taken place in line with human rights standards. For instance, a small number of health service providers have introduced ethnic identifiers. However, ethnic categories are not standardised; ethnic identity is often ascribed to Travellers and Roma by using proxies such as name or looks; and the data is not disaggregated, analysed or provided to stakeholders within an appropriate timeframe.

<sup>x</sup> European Commission, European Union Agency for Fundamental Rights, Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights, and the Council of Europe have all noted the disproportionate impact of COVID-19 on Roma and Travellers throughout the pandemic. Concerns at the lack of disaggregated data by ethnicity in formulating and monitoring policy and programming in Ireland have been raised by numerous international human rights monitoring bodies- UNCESCR, *Concluding Observations on the Third Periodic Report of Ireland*, E/C.12/IRL/CO/3, 19 June 2015; ECRI, *Second Report on Ireland*, CRI (2002) 3, 23 April 2002; UNCEDAW, 2017; UNCRC, 2016; HRC, 2014; FCPNM, 2019; ECRI, 2019; CERD, 2019.

<sup>xi</sup> Programme for Government 2020 has committed to tasking the National Council for Curriculum and Assessment to develop an Irish Cultural Studies Junior Cycle level 2 short course which values the heritage, language, nature, biodiversity and culture, including Traveller culture and history, of Ireland and history of the Irish Language in the global landscape.

<sup>xii</sup> FCPNM, 2019.

<sup>xiii</sup> COVID-19 has had a disproportionate impact on Travellers and Roma when examining rates of testing positive for COVID-19. This has led to increased reports of racism in Ireland and across Europe with Travellers and Roma effectively being blamed for spreading the virus, Bhabha, J., M., Matache, 'Anti-Roma Racism is Spiralling During COVID-19 Pandemic', *Health and Human Rights Journal*, 7 Apr 2020, <https://www.hhrjournal.org/2020/04/anti-roma-racism-is-spiraling-during-covid-19-pandemic/>.

<sup>xiv</sup> UNCRC, 2016; HRC, *Concluding Observations on the Fourth Periodic Report of Ireland*, CCPR/C/IRL/4, 19 August 2014; FCPNM, 2019; ECRI, 2019; CERD, 2019.

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<sup>xv</sup> National Action Plan on Racism 2005–2008 was never renewed and the National Consultative Committee on Racism and Interculturalism (NCCRI) was abolished in 2008.

<sup>xvi</sup> Department of Justice and Equality, *Action Plan against Racism for Ireland to be draw up by new Independent Anti-Racism Committee*, 19 June 2020, <https://www.gov.ie/en/press-release/6bedb-action-plan-against-racism-for-ireland-to-be-drawn-up-by-new-independent-anti-racism-committee/>.

<sup>xvii</sup> In 2019, the Advisory Committee on the FCPNM called on the State to implement both the NTRIS and the NSWG in a coordinated and consistent way and to adopt an implementation plan with clear targets, indicators, timeframes and resources for the Strategies. The State has since adopted an implementation plan for the actions related to Traveller and Roma women.

<sup>xviii</sup> We welcome that the State has begun a process to review the Strategy and has indicated a commitment to develop a more robust implementation plan.

<sup>xix</sup> In 2014, the HRC concluded for the State to take further legislative as well as policy measures to ensure that all women, particularly women from vulnerable and marginalized groups, have equal access to protection against perpetrators of violence. It should also establish a systematic data collection system to inform current and future policies and priorities, and provide, in its next periodic report, disaggregated statistics on complaints, prosecutions and sentences regarding violence against women.

<sup>xx</sup> In response to a recommendation from the OECD that Ireland should do an assessment of the gender impacts of COVID-19, the Department of Justice and Equality undertook a consultation process towards this end in May 2020.

<sup>xxi</sup> UNCRC, 2016; HRC, 2014; , CESCR 2015; CEDAW, 2017; FCNM, 2019; ECRI, 2019; Council of Europe’s Commissioner for Human Rights, Nils Muižnieks, 2016.

<sup>xxii</sup> Independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, *Traveller Accommodation Expert Review*, 2019.

<sup>xxiii</sup> Traveller accommodation budgets have fallen drastically from €40m in 2008 to a mere €14.5m in 2020, in Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*, Dublin, Pavee Point Publications, 2013; Meeting of the Joint Oireachtas Committee on Housing, Planning and Local Government on 5 December 2019, [Opening Statement of Damien English, TD, Minister of State at the Department of Housing, Planning and Local Government](#). With the Housing (Traveller Accommodation) Act 1998, the annual Traveller accommodation budgets are allocated to Local Authorities which have a legal responsibility to provide culturally appropriate, adequate and safe accommodation for Travellers. However, substantial parts of the allocated Traveller accommodation budgets remain unspent by Local Authorities with no incentives or sanctions in place to ensure they meet this obligation. Less than one third of funds allocated for Traveller accommodation in 2019 had been spent by the end of October 2019, with 14 Local Authorities failing to spend any of their Traveller accommodation budget. Just €4m of €13m provided by Department of Housing was spent in first 10 months of 2019, in Holland, K., [‘Fourteen councils yet to spend any Traveller accommodation funds this year’](#), *Irish Times*, 20.11.2019; FCNM, 2019; ECRI, 2019. The ECRI proposes imposing sanctions on local authorities for failure to spend allocated funding, or removing the responsibility for Traveller accommodation from local authorities and placing it under the authority of a central housing commission as potential solutions to the issue.

<sup>xxiv</sup> Central Statistics Office, *Census 2016, Profile 8 - Irish Travellers Ethnicity and Religion*, <http://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/presstatementcensus2016resultsprofile8-irishtravellersethnicityandreligion/>.

<sup>xxv</sup> Department of Housing, Planning and Local Government, *Total Number of Traveller Families in all categories of Accommodation*, 2018, Department of Housing, Planning and Local Government.

<sup>xxvi</sup> Independent Expert Group on Traveller Accommodation, sets out a clear recommendation to overhaul the Housing (Traveller Accommodation) Act 1998 and other relevant legislation and policies which impact on accommodation provision for Travellers, Independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, *Traveller Accommodation Expert Review*, 2019. In 2016, the European Committee of Social Rights (ESCR) found Ireland to be in violation of Article 16 of the European Social Charter on five grounds, including insufficient provision of accommodation for Travellers, and noted that there was unreasonable grounds for Traveller evictions, <http://hudoc.esc.coe.int/eng#>. Serious concerns over the implementation of the Housing (Traveller Accommodation) Act 1998 and/or the Housing (Miscellaneous Provisions) Act 2002 have been raised by the HRC, 2014; UNCCPR, 2014; UNCESCR, 2015, UNCEDAW, 2017; Council of Europe’s Commissioner for Human Rights, Nils Muižnieks, [Report on the Visit to Ireland](#), 2016. In 2019, Advisory Committee on the FCNM and ECRI urged the State to tackle the problem of underspending of Traveller accommodation budgets by Local Authorities and to step up efforts to meet the accommodation needs of Travellers. The ECRI proposed imposing sanctions on local authorities for failure to spend allocated funding, or removing the responsibility for Traveller accommodation from local authorities and placing it under the authority of a central housing commission as potential solutions to the issue.

<sup>xxvii</sup> The application of the Habitual Residence Condition (see section 2.3) and the Housing Circular 41/2012 is precluding many Roma from accessing a range of social welfare supports, including housing and homeless supports. Curran et al., *National Needs Assessment*, 2018.

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<sup>xxviii</sup> This is being progressed through Equity of Access to Higher Education Access Plan 2015-2019 and the Progress Review of the National Plan for Equity of Access to Higher Education and the priorities to 2021 (para. 325).

<sup>xxix</sup> Including Delivering Equality of Opportunity in Schools Plan 2017.

<sup>xxx</sup> Harvey, B., *Travelling with Austerity*, 2013. Visiting Teachers for Travellers scheme and the posts of Resource Teachers for Travellers were abolished. Home School Community Liaison teachers (HSCL) are now responsible for liaising between schools and families but this model cannot cater for Traveller community due to its remit and lack of resourcing. HSCL teachers are not available in many rural DEIS (Delivering Equality of Opportunity in Schools) schools and are not available at all in non-DEIS schools. Subsequent to the phasing out of segregated schools and classrooms for Traveller children since 2006, the State has insisted on a mainstreaming approach, in Houses of the Oireachtas, [Traveller Education Dáil Éireann Debate](#), 23 October 2018. Pavee Point has welcomed the State's explicit targeting of Traveller participation in higher education through Equity of Access to Higher Education Access Plan 2015-2019 and the Progress Review of the National Plan for Equity of Access to Higher Education and the priorities to 2021 (para. 325). However, none of the mainstream educational strategies, including Delivering Equality of Opportunity in Schools Plan 2017, contain actions aimed directly at increasing Traveller participation at early years, primary or post-primary levels.

<sup>xxxi</sup> Department of Education and Skills, [Guidance on Continuity of Schooling For primary and post-primary schools](#), April 2020;

[School Meals Programme – Guidance for Schools](#), March 2020; [GRANT SCHEME FOR ICT Infrastructure – 2019/2020 SCHOOL YEAR €10m Funding to issue to Primary and post-primary schools](#), April 2020.

<sup>xxxii</sup> No dedicated Traveller education strategy has been introduced to date despite a commitment by the State to complete a review of 2006 Report and Recommendations for a Traveller Education Strategy. The Report was never developed into a Strategy and 14 years later this review is still to be published. The Report led to the establishment and work of a Traveller Education Advisory Consultative Forum between 2009-2015 but the Forum was dismantled in 2015. There has also been no structure put in place to drive Traveller education policy since dismantling of the Forum in 2015. Education Subcommittee of the National Traveller Inclusion Strategy (para 323) was only established to advance *a limited number* of education actions in the NTRIS.

<sup>xxxiii</sup> In 2019, the Advisory Committee on the FCPNM and the CERD Committee urged the State to adopt a coherent Traveller and Roma Education Strategy and an implementation plan with clear targets, indicators, timeframes and resources, in FCPNM, 2019; UNCERD, 2019.

<sup>xxxiv</sup> Infant mortality rate for Travellers is 3.5 times the rate of the general population and Traveller suicide rate is 6 times higher than general population, in Kelleher et al., 2010. Over 1 in 3 (38.9%) of Roma do not have a family doctor/general practitioner, in Curran et al., 2018.

<sup>xxxv</sup> By 1 July 2020 over 150 Travellers have tested positive for COVID-19, with 3 deaths and 70 Roma testing positive and 7 deaths. Of those Travellers reporting tested for COVID-19, 12% are testing positive which is higher than the national figure of 6.7% in the general population. See HPSC figures [here](#). These figures are an undercount.

<sup>xxxvi</sup> The State reports once off funding towards Traveller mental health initiatives (para. 327) However, there is no ring-fenced budget for the mental health initiatives (para 326).

<sup>xxxvii</sup> The Pathways to Work Strategy 2016-2020 or the recently published Future Jobs Ireland 2019, [Future Jobs Ireland- 2019- Preparing Now for Tomorrow's Economy](#), Department of the Taoiseach and the Department of Business, Enterprise and Innovation, 2019.

<sup>xxxviii</sup> 55% of Travellers have experienced discrimination at work, Kelleher et al., *All Ireland Traveller Health Study*, 2010, and 80.2% of Travellers are unemployed, Central Statistics Office, *Census 2016 Profile 8 - Irish Travellers, Ethnicity and Religion*, 2016. 78.9% of Roma feel discriminated against in getting a job and only 16.7% of Roma are employed, in Curran et al., *National Needs Assessment*, 2018. Roma who do not meet the right to reside or Habitual Residence Condition are not considered job seekers and therefore are not eligible for many training and employment supports.

<sup>xxxix</sup> CERD, 2019.

<sup>xl</sup> 40% of Roma households with children are not successful in applying for social protection payments. Under the European Directive Roma have a right of residence without restriction for three months. Establishing a right to reside is a prerequisite to meeting the HRC, which a person must meet in order to access welfare supports, including Child Benefit, Job Seekers Allowance, Rent Allowance, public housing, and employment and training supports. Roma face significant difficulties with proving residency in the State with lack of documentation, proof of address and language and literacy skills. 25.5% of Roma don't have the right to reside; 25.7% of Roma are not habitually resident; 38.5% of Roma don't know if they have a right to reside; 26.9% don't know if they are habitually resident. Curran et al., *National Needs Assessment*, 2018.

<sup>xli</sup> 12.7% of Roma women don't have a Personal Public Service (PPS) number, *ibid*. A PPS number is a unique reference number used to access public services and social protection services in Ireland. Registration of children is a legal requirement and a birth certificate is necessary to enrol children in school and to apply for a passport. To register a birth, parent/s need photo identification and PPS numbers.

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<sup>xlii</sup> UNGA, *Report of the Special Rapporteur on Extreme Poverty and Human Rights*, Magdalena Sepúlveda Carmona, A/HRC/20/25, 2012, para 102; European Commission against Racism and Intolerance, *ECRI Report on Ireland Fourth Monitoring Cycle*, CRI (2013)1, 2013, para 130; UNCEDAW, 2017; UNCRC, 2016; HRC, 2014; UNCESCR, 2015.

<sup>xliii</sup> 25% of Roma children have gone to school hungry and 35% without adequate lunches; 49.5% of Roma households do not always have enough food; 46.2% do not always have enough fuel; 66.3% cannot keep the house warm all the time, in Curran et al., *National Needs Assessment*, 2018.

<sup>xliiv</sup> Ms Flynn is the first Traveller Senator in Ireland. Initiatives are currently supported in voter education and registration in the Traveller community. The National Traveller and Roma Inclusion Strategy (NTRIS), National Strategy for Women and Girls (NSWG), and Sustainable, Inclusive and Empowered Communities (A Five Year Strategy to Support the Community and Voluntary Sector in Ireland) provide frameworks for the inclusion of Travellers and Roma in participative democracy mechanisms, political institution and decisions making. However, these frameworks have not materialised into concrete measures.

<sup>xli v</sup> FCNM, *Opinion on Ireland*, ACFC/INF/OP/I(2004)003, 5 May 2004; FCNM, *Second Opinion on Ireland*, ACFC/OP/II(2006)007, 30 October 2006; FCNM, *Third Opinion on Ireland*, ACFC/OP/III(2012)006, 19 April 2013; FCNM, 2019; CERD, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*, CERD/C/IRL/CO/2, 2005; CERD, 2011; CERD, 2019; CEDAW, 2017; Council of Europe, [Report by the Commissioner for Human Rights Mr. Thomas Hammarberg on His Visit to Ireland](#), Strasbourg, 2008.

<sup>xli vi</sup> Irish Prison Service, cited in Lalor, T., [Travellers in Prison Initiative: Ethnic Identifiers in Irish Prisons](#), 2017.

<sup>xli vii</sup> In the first three months of '2019 the campus housed 72 individuals, of these 14 (19 per cent) were Travellers or from a Traveller background. There was a similar rate in 2018 and 2017', Irish Prison Service, 2019.

<sup>xli viii</sup> Irish Penal Reform Trust, [Oberstown Children Detention Campus: Key characteristics of young people in detention for Q1 2018](#), June 2018.

<sup>xli ix</sup> Recommendation 52(b) in CEDAW, 2017.