



PAVEE POINT
TRAVELLER AND ROMA CENTRE

Submission to the Pre-Sessional Working Group of the Committee on the Elimination of Discrimination Against Women (CEDAW) (23-27 November 2015)

Suggested list of issues for Ireland – relating to Traveller and Roma women.

Reporting Organisation

Pavee Point Traveller and Roma Centre is a national non-government organisation, which is committed to the realisation of Traveller and Roma human rights. The organisation was established in 1985. The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma, by working for social justice, solidarity and human rights. Gender equality is a key principle underpinning the work of Pavee Point.

Travellers and Roma in Ireland

Traveller and Roma women experience intersectional discrimination on the basis of gender, ethnicity and other factors. Calling on the State's obligations of non-discrimination and protection of vulnerable groups, measures to progress the rights of Traveller and Roma women remain urgent.

The All-Ireland Traveller Health Study, commissioned by the Department of Health and Children and published in 2010 establishes the Traveller population at a little over 36,000 in Ireland.¹ This figure represents less than 1% of the nation's population. As a community, the Traveller population has been subjected to historical and persistent experiences of racism and discrimination, resulting in poor health status, accommodation, access to education and employment.²

There is an estimated 5,000 Roma living in Ireland.³ In the absence of an overall coherent strategy for Roma inclusion in Ireland, there is a lack of initiatives developed to support Roma. Many Roma in Ireland are living in poverty due to a lack of access to work and restrictive social welfare measures. For those who are unable to find employment or access

¹ The All-Ireland Traveller Health Study, published in September 2010, was commissioned by the Department of Health and Children and carried out by researchers at University College Dublin in partnership with Pavee Point and Traveller organisations throughout Ireland. See Kelleher et al (2010) *Our Geels, All Ireland Traveller Health Study*, University College Dublin & Department of Health & Children.

² Out of a total labour force of 4,144 Traveller women 81.2% were without work. Also one in three Irish Traveller women (32.7%) were looking after the home and family, nearly twice the rate of the general population (17.5%). Only 13% of Traveller children complete secondary education in comparison with 92% of the general population. 55% of Traveller children have completed their formal education by the age of 15. Currently, less than 1% of Travellers go on to third level education. This compares with 30.7 per cent of the general population excluding Irish Travellers. (Census 2011)

³ There is no Government data in relation to the population of Roma in Ireland and so this figure is an estimate. Roma are not included as an ethnic category in the Census and there is a dearth of data in relation to Roma.

supports, options include reliance on charities and family or ‘voluntary repatriation’ to country of origin. As a result, there are Roma women and children living in Ireland in extremely poor and sometimes dangerous living conditions without access to food and basic necessities.⁴

In this context we respectfully suggest potential questions that the CEDAW Committee could pose to the Irish State, which are outlined below. We have focused on some priority areas, while recognising human rights concerns for Traveller and Roma women across many of the Convention areas.⁵

Ethnicity

Despite repeated recommendations from international treaty monitoring bodies⁶ the Government has failed to recognise Travellers as an ethnic group.⁷ The denial of ethnicity allows the State to discount lived experiences of anti-Traveller discrimination and racism, and contributes to the exclusion of Travellers from anti-racism and intercultural initiatives and legislation.

What is the barrier to recognising Travellers as a minority ethnic group?

Impact of Austerity on Traveller and Roma Women

The recent economic crisis prompted a disproportionate disinvestment in public expenditure and Traveller infrastructure under the guise of austerity.⁸ These measures, implemented without conducting an adequate human rights impact assessment, have had an adverse and disproportionate effect on Traveller and Roma women and exacerbated the poverty, social exclusion and inequality experienced by Traveller and Roma women. The cuts have severely compromised the capacity of community development programming, which plays a crucial role in empowering Traveller and Roma women to play a full and equal part in Irish society.

Please provide information on measures undertaken to effectively promote Traveller and Roma women’s rights and ensure non-discrimination during the imposition of austerity measures and public spending cuts and positive action to address inequalities in ongoing public expenditure?

⁴ Pavee Point (2014) Challenging Barriers and Misconceptions: Roma Maternal Health in Ireland <<http://www.paveepoint.ie/wp-content/uploads/2013/11/Roma-Maternal-Health-in-Ireland.pdf>> [Accessed 21 September 2015]; Health Service Executive and Pavee Point (2012) Roma Communities in Ireland: Child Protection Considerations <<http://www.paveepoint.ie/wp-content/uploads/2013/11/Roma-Communities-in-Ireland-and-Child-ProtectionConsiderations-Final-Report.pdf>> [Accessed 21 September 2015]; Pavee Point (2014) Pavee Point (2014) Roma and Education in Ireland <<http://www.paveepoint.ie/wp-content/uploads/2013/11/Roma-and-Education.pdf>> [Accessed 21 September 2015].

⁵ We have also submitted as part of the Women’s Human Rights Alliance. This submission is intended to give further detail related to Traveller and Roma women.

⁶ Human Rights Committee (CCPR), Concluding observations on the fourth periodic report of Ireland 2014, CCPR/C/IRL/CO/4; Concluding observations on the third periodic report of Ireland 2008, CCPR/C/IRL/CO/3; Committee on Economic Social and Cultural Rights (CESCR) Concluding Observations of the Committee on Economic, Social and Cultural Rights on Ireland 2015, E/C.12/IRL/CO/3; Committee for the Elimination of Racial Discrimination (CERD), Concluding Observations on Ireland 2011, CERD/C/IRL/CO/3-4;

⁷ In its 2014 Report on the Recognition of Traveller Ethnicity, the Joint Oireachtas Committee Justice, Defence and Equality recommended that the Taoiseach or Minister for Justice and Equality affirm the State’s recognition of Traveller ethnicity by making a statement to the Oireachtas. See

<http://www.oireachtas.ie/parliament/media/committees/justice/Report-on-Traveller-Ethnicity.pdf>

In November 2014, Minister of State for Equality, New Communities and Culture, Mr Aodhán Ó Ríordáin TD, made a commitment that recognition would become a ‘reality’. See <<http://www.irishtimes.com/news/social-affairs/traveller-ethnicity-will-be-reality-in-six-months-says-%C3%B3-riord%C3%A1in-in-1.2005945>> .

⁸ See Harvey, B. (2013), Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services, Dublin, Pavee Point Publications.

Describe what measures the State intends to adopt to ensure national and community-based non-governmental organisations working to progress gender equality, can build participation and respond sufficiently to the needs of the most marginalised and disadvantaged women?

A national strategy for Traveller and Roma inclusion

The lack of overall prioritisation of Travellers and Roma was exemplified in Ireland's National Traveller/Roma Integration Strategy (NTRIS) document submitted to the European Commission in 2012.⁹ Ireland's current National Traveller Roma Integration Strategy contains no goals, targets, indicators, timeframes, or funding, monitoring and evaluation mechanisms. It was developed without active consultation and participation of Travellers and Roma, contains little reference to Roma, and no reference to Traveller and Roma women.¹⁰ Pavee Point welcomes the establishment of the recent National Traveller Roma Inclusion Steering Group and the commitment to revise the strategy in partnership with Traveller and Roma organisations.

What steps are being taken to ensure Ireland will implement a progressive National Traveller Roma Inclusion Strategy with clear actions to realise Traveller and Roma women's human rights?

Disaggregated Data

In the concluding comments on the examination of the fourth and fifth periodic report, the CEDAW Committee urged the State party to engage in systematic monitoring and evaluation of its components particularly in relation to vulnerable and marginalised women, including Roma, Traveller and migrant women. However, there remains a significant gap in the availability of disaggregated statistical data regarding the situation of Travellers and Roma across thematic areas including health, education, accommodation, social protection and violence against women.¹¹ Currently, ethnicity is not included as an administrative category in official data collection systems.¹² This results in serious gaps in knowledge about the situation of Traveller and Roma women and absence of evidence based policies and practices to ensure the needs of minority ethnic communities are met. The lack of data contributes to significant obstacles in gathering evidence about discrimination based on ethnicity and gender, making it difficult for relevant stakeholders to monitor measures to promote non-discrimination and to monitor progressive realisation of rights.¹³

⁹ Under the EU Framework for National Roma Integration Strategies Ireland is obliged to develop and implement a national strategy on Roma inclusion, see European Commission, An EU Framework for National Roma Integration Strategies up to 2020, Brussels, 05April 2011 COM (2011) 173

http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf; Department of Justice and Equality, Ireland's National Traveller/Roma Integration Strategy, 2011, http://ec.europa.eu/justice/discrimination/files/roma_ireland_strategy_en.pdf.

¹⁰ Pavee Point Traveller and Roma Centre, Submission to the EU Commission on Ireland's National Traveller Roma Inclusion Strategy, 2015.

¹¹ In September 2014, the Department of Education and Skills introduced an ethnic identifier at primary level. However, at post primary level only Travellers are asked to identify their ethnicity. This is wholly unacceptable and only serves to make young Travellers feel further singled out. Best practice in this area stresses the importance of a universal question within a human rights framework, where everyone is asked to identify the group to which they belong, not just minorities.

¹² See Pavee Point Ethnic Data Monitoring Initiative, <http://www.paveepoint.ie/resources/data-portal/>

¹³ See Committee on Economic, Social and Cultural Rights (CESCR) Concluding Observations of the Committee on Economic, Social and Cultural Rights on Ireland 2015, E/C.12/IRL/CO/3

What steps are being taken to introduce an ethnic identifier across all administrative systems, in line with human rights framework to develop responsive, adequate and non-discriminatory policies, and monitor and assess their impact on Travellers and Roma?

Given the immediate obligation of the State to ensure non-discrimination what measures are taken to monitor discrimination against Roma and Traveller women across Covenant articles?

Health inequalities

Research unveils stark inequalities for Traveller women in relation to access, participation and outcomes in health.¹⁴

- The life expectancy at birth for Traveller women is 70.1 years, which is 11.5 years less than women in the general population.
- Traveller women have three times the mortality rate of the general population.
- When surveyed, 62.7% of Traveller women said their mental health was not good for one or more days in the last 30 days compared to 19.9% of GMS female card holders.

These findings have been met with inaction by the State with no targeted strategy or action plan to address the situation.

Given Traveller health inequalities in Ireland, will the Government give a commitment to developing a new Traveller health strategy in partnership with Traveller organisations, to address these health inequalities?

Access to social protection

Habitual residence is a condition which applicants must satisfy in order to qualify for certain social welfare assistance payments, including child benefit. Habitual residence essentially means an applicant must be able to prove a close link to Ireland.¹⁵ Application of the habitual residence condition has placed migrants, Travellers (who move across jurisdictions, generally from the UK to Ireland) and Roma in Ireland (and indeed returning Irish immigrants) in very vulnerable positions, whereby they cannot access any support services.

The habitual residence condition also has a particular negative impact upon women and children affected by domestic and sexual violence. Women trying to leave a situation of violence who do not meet the habitual residence condition are unable to access refuge accommodation beyond an emergency period and are excluded from long-term supports and safety from violence.

¹⁴ Kelleher et al (2010) Our Geels, All Ireland Traveller Health Study, University College Dublin & Department of Health & Children

¹⁵ Five factors are considered to determine habitual residence:

- a. the length and continuity of residence in the state or in any other particular country;
- b. the length and purpose of any absence from the state;
- c. the nature and pattern of the person's employment;
- d. the person's main centre of interest;
- e. the future intentions of the person concerned as they appear from all the circumstances.

Concerns about the habitual residence condition have been raised by the Special Rapporteur on extreme poverty and human rights, ECRI, CCPR and CESCR.¹⁶ In 2014, the Joint Oireachtas Committee on Justice, Defence and Equality recommended a formal exemption to the habitual residence condition to account for domestic violence.¹⁷

When will the State review the habitual residence condition and take measures to eliminate its discriminatory impact?

Violence against Traveller and Roma Women

In its last periodic review, the Human Rights Committee urged the State party to establish systematic data collection on violence against women.¹⁸ However, there remains an absence of data on violence against Traveller and Roma women in Ireland due to lack of research, and systematic disaggregated data collection. The CEDAW and the Human Rights Committee have expressed concern at violence experienced by women from marginalised and vulnerable groups, including Traveller and migrant women, and at the existence of administrative and financial obstacles for marginalized women to access essential support services.

Serious concerns persist around lack of access to emergency, medium and long-term safety and protection from domestic and sexual violence for Traveller and Roma women. Traveller and Roma women face additional barriers to legal and support mechanisms from domestic and sexual violence in comparison to women in the majority population. Traveller women use emergency refuge accommodation to much greater extent proportionally than settled women and are more likely to be accommodated in a refuge on more than one occasion due to lack of access to long-term safety and options beyond emergency accommodation.¹⁹

This situation has been further exacerbated by the recent austerity measures, which have undermined the capacity of community development programming to engage in primary and secondary preventative measures to combat violence against Traveller and Roma women and the capacity of support services to support women and children affected by violence.

What plans does the State party have in relation to monitoring and combatting violence against Traveller and Roma women?

What steps are undertaken to address the additional barriers for Traveller and Roma women to access short, medium and long-term protection and safety from domestic and sexual violence?

Please indicate preventative measures in place to tackling root cause of domestic and sexual violence and supporting communities in encouraging elimination of the practice.

¹⁶ See UNGA (2012) Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, A/HRC/20/25 Para 102; ECRI (2013) Fourth Report on Ireland, CRI(2013)1 Para 130; Human Rights Committee (CCPR) Concluding Observations on the Fourth Periodic Report of Ireland 2014, CCPR/C/IRL/CO/4; Committee on Economic, Social and Cultural Rights (CESCR) Concluding Observations of the Committee on Economic, Social and Cultural Rights on Ireland 2015, E/C.12/IRL/CO/3

¹⁷ 2014 Report on Hearings in Relation to Domestic and Sexual Violence (16 Oct 2014)

http://www.oireachtas.ie/parliament/oireachtasbusiness/committees_list/jde-committee/reports/

¹⁸ UN Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of Ireland on the International Covenant on Civil and Political Rights*, July 2014.

¹⁹ Watson and Parsons (2005), *Domestic Abuse of Women and Men in Ireland*. The Women's Health Council reports that 37% of women accessing refuge identified themselves as Travellers in *The Women's Health Council (2009), Translating Pain Into Action: A study of Gender-based Violence and Minority Ethnic Women in Ireland*.