



Pavee Point
Travellers' Centre

IRISH TRAVELLERS AND ROMA

Shadow Report

A RESPONSE TO IRELAND'S THIRD AND FOURTH REPORT
ON THE INTERNATIONAL CONVENTION ON THE ELIMINATION
OF ALL FORMS OF RACIAL DISCRIMINATION (CERD)



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Executive Summary

Introduction

This report has been prepared by Pavee Point Travellers Centre in response to Ireland's Combined Third and Fourth Reports to the United Nations International Convention on the Elimination of All Forms of Racial Discrimination. Pavee Point Travellers Centre ("Pavee Point") was established in 1985. It is a voluntary, or non-governmental, organisation committed to the attainment of human rights for Irish Travellers. Pavee Point has also had a Roma Support Group since 2000.

Travellers are a minority ethnic group, indigenous to the island of Ireland. Travellers maintain a shared history, language, traditions and culture. Nomadism was an integral part of Traveller culture, but many Travellers are no longer nomadic, either by choice or due to the lack of support for and criminalisation of nomadism. A study found that there were 36,224 Travellers living in the Republic of Ireland in 2008.

The Roma community in Ireland are mainly migrants from Romania; the majority of Roma have migrated in recent years and include asylum seekers. It is estimated that at least 3,000 Roma currently live in Ireland.

Context

In its previous concluding observations in 2005, the CERD Committee recommended that the newly established institutions in the field of human rights and non-discrimination be provided with adequate funding; it also commended the Irish Government for the adoption of the first National Action Plan against Racism, the establishment of the Irish Human Rights Commission, the Equality Authority and the National Consultative Committee on Racism and Interculturalism (NCCRI).¹ Since then, the Irish Government has attempted to dismantle the equality infrastructure. In the October 2008 and subsequent budgets there was:

- Approximately 50% cut to the Traveller budget within the Department of Justice, Equality and Law Reform ²;
- 100% budget cut for the National Consultative Committee on Racism and Interculturalism (NCCRI), resulting in its closure;
- Discontinuation of the National Action Plan Against Racism;
- 24% budget cut for the Irish Human Rights Commission;
- 43% budget cut for the Equality Authority.

Health

The Our Geels 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.³ The study found that the life expectancies of the Traveller community today are comparable to life expectancies of the general population in the late 1940's for males and early 1960's for females. Some of the stark findings in relation to mortality rates and life expectancy are as follows:

- Life Expectancy at birth for male Travellers has remained at the 1987 level of 61.7 years, which is 15.1 years less than men in the general population, representing a widening of the gap by 5.2 years. Life expectancy for females is now 70.1 which is 11.5 years less than women in the general population.
- The Standardised Mortality Ratio (SMR) for Male Travellers in 2008 was 372 compared with 351 in 1987, while in the same period the SMR of males in the general population has reduced 161 to 100. The SMR for female Travellers in 2008 reduced to 309 compared with 472 in 1987, while in the same period the SMR of females in the general population has reduced from 150 to 100. If Travellers had the same mortality experience as the general population, 54 deaths would have been expected but 188 deaths were observed, given an excess of 134 deaths in Travellers. This means that Traveller men have 3.7 times the mortality of males in the general population and for Traveller females the mortality is 3.1 times higher.
- Traveller infant mortality is estimated at 14.1 per 1,000 live births, this compares to an infant mortality rate in the general population of 3.9 per 1,000 live births, giving an Infant mortality ratio which is 3.6 times higher than in the general population.

Ethnicity

Irish Travellers are an indigenous minority ethnic group. Their culture, values, religious practices, and customs have been profoundly shaped by their unique traditions and history. Nomadism was an integral part of Traveller culture, but many Travellers are no longer nomadic, either by choice or due to lack of support for and criminalisation of nomadism. Travellers also have their own language; however due to lack of recognition and support, this is gradually dying out.

Recognising Traveller ethnicity would comply with the CERD Committee's General Recommendation VIII on the principle of self-identification. Calls for recognition of Traveller ethnicity have come from a broad range of national, European and international bodies including the Equality Authority⁴, the Irish Human Rights Commission⁵, the independent expert body, the National Consultative Committee on Racism and Interculturalism (NCCRI)⁶, the Council of Europe Commissioner for Human Rights, the CERD Committee's in its previous concluding observations, the CERD Co-ordinator on Follow-up in his report, the UN Committee on the Rights of the Child, and the UN Human Rights Committee.

Traveller participants in focus groups and interviews for this report felt that recognising Travellers as an ethnic group would be symbolic and it would give more legitimacy to the Traveller way of life, so that nomadism, for example, would have been respected and accommodated, as opposed to the erosion of Traveller culture that is taking place. It would also mean Travellers would be automatically included in anti-racism and intercultural initiatives.

Exclusion of Travellers and Roma

Traveller issues in the Government's report are relegated to an appendix and there is an almost complete omission of any reference to the Roma Community. This is indicative of the general exclusion of Travellers and Roma from Government anti-racism and integration policies. Pavee Point feels that this is linked to the non-recognition of Traveller ethnicity. This has manifested itself in a number of ways such as exclusion from:

- the Press Council's Code of Practice (particularly serious given the extent of negative media reporting in relation to Travellers, especially by the tabloid press in Ireland);
- the Office of the Minister for Integration and related policies such as the Intercultural Education Strategy.

Although these decisions were later reversed following lobbying by Pavee Point and other Traveller representative organisations, it is of concern that they were excluded in the first place. Indeed in relation to the Office of the Minister for Integration, there is little evidence of exactly how Travellers are being included in the integration remit evidenced most recently by the appointment of the 'Ministerial Council on Integration' which excludes Travellers.

Travellers also feel disillusioned by the political process. The lack of Traveller representation in political decision-making has been recognised by the CERD Committee and the Council of Europe Commissioner for Human Rights.

Lack of Progress and Representation

Like the CERD Committee, in its previous concluding observations, Pavee Point is concerned at the lack of progress in implementing policies and strategies for Travellers. In particular, the Task Force Report on the Traveller Community was published in 1995 and some key recommendations have not progressed in the 15 years since.

In relation to Traveller representation in decision-making and implementation of policies, this report notes that the National Traveller Monitoring and Advisory Committee, although including Traveller representatives, remains purely an advisory body with no power and no authority to make decisions and that the High Level Group on Traveller Issues still comprises no Traveller representatives. It is also of concern that some of the 34 County and City Development Boards who coordinate the integrated delivery of services and supports at local level refuse to allow any Traveller representation.

Racist Crime

The Government's key legislation for dealing with racist crime is the Incitement to Hatred Act, 1989. However, this legislation has long been recognised as being inadequate and ineffective for dealing with racist crime; the Government report states that the legislation is kept under continuing review. Criticisms of the legislation include:

- It relates to "incitement" and not racist crime in itself;
- It can be difficult to prove intent;
- The penalties do not reflect the seriousness of the crime;
- Judgments of District and Circuit Courts where these cases are held are not recorded (unless reported in local media), so there is little visibility of outcomes;

Another criticism of the legislation is that it does not specifically include racism on the internet, which is currently causing increasing problems in inciting hatred against Travellers.

Although public attitudes towards Travellers are mixed, a recent report showed that high levels of prejudice and discrimination still exist; for example, 79.6% of those surveyed responded that they "would be reluctant to buy a house next door to a Traveller."⁷

Travellers also feel disillusioned by the political process. The lack of Traveller representation in political decision-making has been recognised by the CERD Committee and the Council of Europe Commissioner for Human Rights.

Equality Legislation

Travellers are explicitly named as a group protected from discrimination under Ireland's equality legislation (the Employment Equality Acts 1998 and 2004 and the Equal Status Act 2000 and 2004). In the All Ireland Traveller Health Study, over 62% of Travellers felt they had been discriminated against in school once or more than once. In relation to getting work, 55.1% of Travellers interviewed felt they had been discriminated against in getting work on one or more occasion.⁸ Therefore protection from discrimination through the equality legislation is important for Travellers but the effectiveness of this protection is undermined by:

- excessive funding cuts to the Equality Authority;
- transfer of cases relating to licensed premises from the Equality Tribunal to the District Court in the Intoxicating Liquor Act 2003;
- the lack of effective protections and remedies for Travellers due to the very low levels of compensation awarded by the Equality Tribunal.⁹

Criminal Justice System

Travellers do not enjoy equal treatment in the criminal justice system; they often receive disproportionately severe sentences in comparison to the majority population, perhaps exacerbated by negative and sensationalist media coverage of such cases. Data gathered as part of the All Ireland Traveller Health Study confirmed that Travellers are over-represented in prison compared to the non-Traveller population.¹⁰ Travellers comprised 4.6% of the prison population whilst equating to only 0.9% of the Irish population. The study found that the risk of a Traveller man being imprisoned was at least 5 times that of a non-Traveller man, and the risk for a Traveller woman was 18 times that of a non-Traveller woman.

Unlike Travellers, members of the majority community who commit crimes against Travellers have been seen to receive very lenient treatment; again perhaps linked to the associated media commentary.

Education

Early school leaving has been a particular issue for Traveller children, although there have been some small improvements in recent years. According to the 2006 Census of the population, 53% of Travellers over the age of 15 years had only primary level education or no formal education.¹¹

Pavee Point is concerned that the 2006 Report and Recommendations for a Traveller Education Strategy is not a strategy per se and as such, there does not appear to be an implementation plan with associated deliverables and deadlines. Progress has been slow and Traveller participation in the implementation has been lacking. Pavee Point also notes the disproportionately high budget for Traveller education but is unclear where the money is actually being spent.

Employment

Travellers were traditionally craftsmen, horse traders, message carriers, tinsmiths, engaged in buying and selling goods and provided a seasonal labour force with a variety of skills; economic activities suited to a nomadic way of life. These skills are no longer valued and Travellers experience high levels of unemployment. According to the 2006 Census of the population only 14% of Travellers aged 15 years and over was described as "at work", compared with 53% of the general population aged 15 years and over.¹²

Due to the recession and as a result of all the experienced workers in the market for jobs, Travellers will now be further distanced from employment opportunities, unless there are dedicated and targeted initiatives to improve their prospects and opportunities and provide supports in employment.

Accommodation

According to the All Ireland Traveller Health Study, most Travellers now live in houses (73.3%), followed by trailer/mobile home or caravan (18.2%). Most homes had central heating (92.9%), both hot and cold water (94.4%); yet this means that 7.6% did not have access to running water - 2,753 Traveller men women and children. Significant numbers of families in group housing or sites reported lack of footpaths, public lighting, fire hydrants and safe play areas.¹³

The 1998 Traveller Accommodation Act placed an obligation on local authorities to produce accommodation plans. However, the lack of political will and the lack of incentives or sanctions in the legislation have resulted in local authorities failing to provide adequate accommodation for Travellers. To exacerbate these difficulties, Traveller families often face discrimination, harassment and racist attacks by people who do not want them to live in their area.

The Housing (Miscellaneous) Provisions Act 2002 was introduced with the specific purpose of "clamping down" on Travellers who were camping around the country as a nomadic people, and as such is discriminatory. The legislation criminalised nomadism which had previously been a civil offence, resulting in suppression of nomadism, a key part of the Traveller culture. It also means that evictions of Traveller families still occur. The Housing (Miscellaneous) Provisions Act 2002 has been widely criticised for its disproportionate negative impact on Travellers.

Social Welfare

Travellers previously resident in the UK (including Northern Ireland) are having difficulties in accessing social welfare due to changes in the habitual residence condition. This leaves people with no safety net and is causing extreme hardship and emotional distress. Due to the movement of Travellers across the border, the policy also indirectly discriminates on the Traveller ground under the Equal Status Acts 2000 and 2004.

Traveller Women

Pavee Point is concerned that the situation of Traveller women is not discussed in the Government's report despite the inequalities faced by Traveller women. For example, Traveller women are over-represented in the criminal justice system.¹⁴

Pavee Point feels that issues facing Traveller women need to be reflected in mainstream strategies, such as the National Women's Strategy and the National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014.

Roma in Ireland

There is a dearth of reliable and accurate data on the Roma community in Ireland as Roma ethnicity is not routinely collected in the Census of the population or in Government services. The Government's CERD report contains almost no mention of the Roma Community in Ireland, contrary to the CERD Committee's General Recommendation XXVII on Discrimination Against Roma. It is clear that the situation and needs of the Roma community in Ireland must be better understood and that a strategic focus is required by Government.

The Pavee Point Roma Support Group estimate that only about 30% of Roma children in Ireland attend school and 95% of Roma women in Ireland cannot read or write in any language. In Ireland, the Roma often do not speak English. This is a major barrier to Roma accessing key services. For Roma children in schools, the cutbacks to language supports will have a detrimental impact.

Policies aimed at receiving and accommodating asylum seekers in Ireland can sometimes fail to take account of Roma extended family structures. As a result some families move out of Direct Provision into mainstream rented housing; however this can be a financial burden. Some Roma move around and stay with friends or family, this can lead to overcrowding, conflict with landlords, difficulties with social welfare payments and problems with children's school attendance.

Due to high rates of discrimination in the workplace most Roma entitled to work in Ireland are often employed in low skilled, low paid areas of employment.

Unlike Travellers, members of the majority community who commit crimes against Travellers have been seen to receive very lenient treatment; again perhaps linked to the associated media commentary.



Proposed Questions for the Irish Government

1. In its previous concluding observations, the CERD Committee commended the Irish Government for the adoption of the first National Action Plan against Racism, the establishment of the Irish Human Rights Commission, the Equality Authority and the National Consultative Committee on Racism and Interculturalism (NCCRI). Indeed the Government's report presents in a positive light many of the roles and achievements of the NCCRI and the National Action Plan. Can the Irish Government explain the rationale for the abolition of the NCCRI and the National Action Plan Against Racism? Also the 43% cut to the budget of the Equality Authority and the 24% budget cut to the Irish Human Rights Commission?
2. Following the publication of the findings of the All Ireland Traveller Health Study, can the Government confirm what steps they intend to take in order to tackle the stark inequalities in Traveller health?
3. Despite the Committee's previous recommendation and that of other UN treaty bodies, the Government continues to refuse to acknowledge Traveller ethnicity. It is noted that the Government's report concludes that whether or not Travellers are considered to form a distinct ethnic group in Irish society is of no domestic legal significance. In that case, can the Irish Government explain its reluctance to recognise Traveller ethnicity?
4. Given the complexity of issues facing Travellers in all spheres of life and the interagency approach required at both national and local level; and given the lack of progress in implementing policies and achieving real change, does the Irish Government agree that a National Traveller Agency with dedicated responsibility for Traveller policy and with authority to drive service provision for Travellers is required? Given this complexity of issues and lack of progress, how does the Government explain the drastic cuts to the Department of Justice, Equality and Law Reform budget for Travellers? Equality division (which has responsibility for Traveller Affairs) has since transferred to Department of Community, Equality and Gaeltacht Affairs.
5. Considering the reports of racist crime against Travellers, including internet crime on social networking sites such as "Facebook", does the Government admit that its ongoing review of the Incitement to Hatred Act 1989 has not resulted in any findings and that the current legislation is ineffective in tackling racist crime?
6. In light of the severely restricted budget of the Equality Authority, the erosion of Travellers' access to justice by moving Equal Status cases involving licensed premises to the District Court, and the low levels of compensation awarded to Travellers by the Equality Tribunal, how does the Government propose to ensure adequate protection from discrimination to Travellers?
7. Can the Government confirm that it will take steps to implement Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005) which recommends that States parties should be aware of, and collect data on possible indicators of racial discrimination, including the handing down by the courts of harsher or inappropriate sentences against persons belonging to certain groups?
8. Following closure of the National Consultative Committee on Racism and Interculturalism (NCCRI) and discontinuation of the National Action Plan Against Racism, the Office of the Minister for Integration was said to have taken on responsibility for anti-racism policy. Traveller representative organisations do not feel that this has been the case. Can the Government confirm whether Travellers have been excluded from the work of the Office (for example no Travellers are included on the Ministerial Council on Integration established in late 2010 when only migrants were invited to apply). Also, Travellers were excluded from the development of an Intercultural Education Strategy until they lobbied for inclusion. Can the Government confirm what steps have been taken by the Office to address racism against Travellers and promote integration of Travellers?

9. Has the Government given consideration to the previous recommendation of the CERD Committee to establish a reserve seat for Travellers in the Dáil or Seanad? If not, can they meet with Traveller representative organisations to discuss the reasons for their reluctance to do so?
10. Can the Government give a justifiable explanation for the draconian cuts to Traveller support services for Traveller children and youth in the 2011 Budget?
11. Can the Government provide a breakdown for expenditure of the 2008 budget for Traveller education (€70,000,000)? Can it explain the relatively slow progress in this area given such a significant budget?
12. How does the Government intend to eradicate segregation, within a reasonable timeframe, including segregation of Travellers in the education system and in accommodation services, as described in this report?
13. There are several pieces of legislation and policy which Traveller representative organisations state are directly or indirectly discriminatory against Travellers, (including: the Housing (Miscellaneous Provisions) Act 2002, the Control of Horses Act 1996, the Intoxicating Liquor Act 2003 and the application of the habitual residence condition to social welfare payments for people who have lived in the UK). Will the Government commit to a "Traveller equality proofing" exercise to ensure that legislation and policy does not have a disproportionate negative impact on Travellers?
14. Can the Government confirm what steps it is taking to improve employment opportunities for Travellers on a scale proportionate to the issue?
15. Given the inequalities faced by Traveller women, how does the Government explain their exclusion from key strategies such as the National Women's Strategy?
16. There is almost no information on the Roma community in Ireland in the Government's report, contrary to the CERD Committee's General Recommendation XXVII on Discrimination Against Roma. Does the Government intend to address the current information deficit in relation to Roma and to ensure that policies (including immigration policies) do not negatively impact on Roma families in Ireland?

Travellers are a minority ethnic group, indigenous to the island of Ireland. Travellers maintain a shared history, language, traditions and culture.



Summary of Recommendations

The following is a brief summary of the recommendations in this report.

It is recommended that the Government:

- revisit their disproportionate cuts to the anti-racism, equality and human rights infrastructure, and the ongoing cuts to the community and voluntary sector;
- work with Pavee Point and other Traveller representative organisations to develop a new National Traveller Health Strategy, taking a social determinants of health approach with clear targets, dedicated budget, timeframes and responsibilities, building on the findings of the All Ireland Traveller Health Study;
- take concrete steps and engage in dialogue with Travellers and Traveller representative organisations to work towards formal recognition of Traveller ethnicity;
- include an ethnic/cultural identifier on all data sets to facilitate the monitoring of access, participation and outcomes to services for Travellers and include Travellers in all relevant data collection and research initiatives;
- Traveller proofing of public policy, services and initiatives
- carry out awareness-raising for Traveller organisations on accessing the Press Council in relation to material which might cause serious offence or provoke hatred;
- include Travellers and Roma in all anti-racism and integration policies and strategies;
- consider affirmative action for Traveller participation in political decision-making, such as a reserve seat in the Dáil or Seanad;
- develop a Traveller education strategy and implementation plan with clear deliverables and deadlines, and establish a monitoring committee with Traveller representation;
- undertake an immediate review of the status of the Traveller education Strategy in light of Budget 2011 cuts to all support services for Travellers.
- establish a National Traveller Agency with dedicated responsibility for Traveller policy and with authority to drive service provision for Travellers;
- issue a clear mandate that local Travellers and Traveller organisations should be represented on Traveller Interagency Groups;
- address the current inadequacies in the criminal law in tackling racist crime, including use of the internet and hate speech;
- ensure An Garda Síochána (the police) receive training on how to handle reports of racist crime, including relevant legislation and proper recording;
- ratify the Framework Decision on combating racism and xenophobia;
- ensure that An Garda Síochána build better relationships with the Traveller community and carry out awareness-raising with the Traveller community on how to report racist crime;
- further disseminate the convention including Article 14 which offers the possibility for complaints by individuals and groups of individuals;
- implement the CERD Committee's General recommendation XXXI on the prevention of racial discrimination in the criminal justice system with a focus on data collection by an independent body for the purposes of identifying trends in racial discrimination;
- ensure that that the Judicial Studies Institute organise seminars and lectures on Travellers and racial discrimination;
- carry out a value for money review on current expenditure on Traveller education;
- provide mandatory training on anti-racism and Traveller culture for teachers (including preschool education);
- include Traveller culture in school textbooks and teaching materials;
- take positive action to encourage and facilitate Travellers to enrol in teacher training;
- accelerate its efforts to transition Travellers from segregated to mainstream education at all levels of the education system and to provide dedicated support to education service providers in this process;
- clearly articulate its opposition to segregation in practice and issue guidelines to all educational establishments to this effect;
- commit to long-term, sustainable strategies to improve Travellers training and employment prospects and opportunities and to provide supports in employment;
- develop a National Strategy for Traveller Employment;
- ensure that Local Authorities fulfil their obligations in relation to Traveller accommodation;
- repeal the Housing (Miscellaneous) Provisions Act 2002 and provide transient accommodation for Travellers to respect their housing and cultural rights;

- urgently review the policy restricting access to social welfare payments for people who have previously lived in the UK (including Northern Ireland) in light of its indirect discrimination against Travellers and provide interim supports;
- take account of the specific needs of Traveller and Roma women in all mainstream policies relating to women, through consultation with the women;
- collect data on Roma ethnicity through the national Census of the population and in service provision to tackle discrimination and design effective policies and practices;
- work with the Roma community and support organisations to undertake research to better understand the needs of the community and how these needs can be met;
- develop a Roma Education Strategy, working with the Roma community and support groups, including equal access to education for females, English language and adult education;
- review legislation and policies to assess their impact on Roma and provide training on Roma culture for staff working in accommodation policy and provision (including asylum seeker accommodation), and social welfare;
- develop specific supports to ensure that Roma have equal opportunities within the business sector and for employment generally; and
- extend the infrastructure for policy and services for Travellers to include Roma.



The Pavee Point Roma Support Group estimate that only about 30% of Roma children in Ireland attend school and 95% of Roma women in Ireland cannot read or write in any language.

Introduction

This report has been prepared by Pavee Point Travellers Centre in response to Ireland's Combined Third and Fourth Reports to the United Nations International Convention on the Elimination of All Forms of Racial Discrimination; hereinafter referred to as "the Government's report". This report aims to present the CERD Committee with an alternative view of the Government's stated progress in relation to Travellers. The author of this report conducted focus groups and interviews with Travellers and settled people working together in Pavee Point in order to establish the key issues facing the Traveller community. A summary of the statements in relation to Travellers from the Government's report was presented to participants and they had an opportunity to respond. Their responses have been captured in this report.

About Pavee Point

Pavee Point Travellers Centre ("Pavee Point") was established in 1985. It is a voluntary, or non-governmental, organisation committed to the attainment of human rights for Irish Travellers. "Pavee" is one of a number of words used by Travellers to describe themselves. The organisation is comprised of Travellers and members of the majority population working together in partnership to address the needs of Travellers as a minority group experiencing exclusion and marginalisation.

The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers, through working for social justice, solidarity, socio-economic development and human rights. The work of Pavee Point is based on two key premises:

- Real improvement in Travellers' living circumstances and social situation requires the active involvement of Travellers themselves.
- Non-Travellers have a responsibility to address the various processes which serve to exclude Travellers from participating as equals in society.

Pavee Point carry out specific programmes in a number of areas, including health, youth, community development, early childhood care and education, violence against women, drugs, and mediation.

Since 2000, Pavee Point has also been working directly with the Roma community in Ireland, primarily through its Roma Support Group which supports Roma empowerment and inclusion.

About Irish Travellers and Roma

Travellers are a minority ethnic group, indigenous to the island of Ireland. Travellers maintain a shared history, language, traditions and culture. Nomadism was an integral part of Traveller culture, but many Travellers are no longer nomadic, either by choice or due to the lack of support for and criminalisation of nomadism. Traveller ethnicity is described in more detail later in this report.

The recently published All Ireland Traveller Health Study, 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, included a census of the Traveller community. This found that there were 36,224 Travellers living in the Republic of Ireland at the time of

the census in 2008.¹⁵ This is significantly higher than previous figures from the national census of the population; for example in 2006 the census recorded 22,435 Travellers resident in the State.

In a report on his visit to Ireland, Thomas Hammarberg, Council of Europe Commissioner for Human Rights, stated that "Travellers have been subjected to discrimination and racism in the fields of education, employment, housing, healthcare, media reporting and participation in decision making".¹⁶

Travellers would not identify themselves as "Roma"; however at a European level, the word "Roma" is used as an umbrella term and is understood to include Irish Travellers. The Roma community in Ireland refers to people of Roma ethnicity, estimated to be a small community, mainly migrants from Romania. The majority of Roma have migrated in recent years and include Roma seeking asylum in Ireland. Estimates of the Roma population in Ireland vary. Pavee Point's Roma Support Group estimate that at least 3,000 Roma currently live in Ireland.

Current Context in Ireland

In its previous concluding observations in 2005, the CERD Committee recommended:

*"... that the State party provide the newly established institutions in the field of human rights and non-discrimination with adequate funding and resources to enable them to exercise the full range of their statutory functions, and also support the NGO community."*¹⁷

In fact, the Irish Government has done quite the opposite and seems intent on a complete dismantling of the sector.

Pavee Point is concerned that the protection available to Travellers through the anti-racism, equality and human rights infrastructure in Ireland has been severely compromised by severe cuts to the sector in the October 2008 and subsequently. To summarise, these budget cuts were as follows:

- Approximately 50% cut to the Traveller budget within the Department of Justice, Equality and Law Reform (Equality division since transferred to Department of Community, Equality and Gaeltacht Affairs);
- 100% budget cut for the National Consultative Committee on Racism and Interculturalism (NCCRI), resulting in its closure;

- Discontinuation of the National Action Plan Against Racism;
- 24% budget cut for the Irish Human Rights Commission;
- 43% budget cut for the Equality Authority, leading to the resignation of the Chief Executive, followed by a number of board members.

It has been suggested that the cuts were not entirely motivated by financial pressures:

*"Although the government justified these developments in the light of an undisputed financial crisis, the abolition of these state agencies and disproportionate cuts to others is impossible to explain in the context of a €2bn overall increase in the national budget from 2008 to 2009."*¹⁸

The NGO sector in Ireland has experience of real or threatened funding cuts if they are seen to be strongly critical of the Government or are advocating publicly on behalf of groups. Pavee Point had experience of this in 2007 when advocating for humanitarian intervention for Roma living in encampments on a busy roundabout in Dublin. The NCCRI were also supportive of the Roma living in dangerous and inhumane conditions and like Pavee Point, came under harsh criticism from the Department of Justice, Equality and Law Reform for doing so.

In 2005, the CERD Committee had commended the Irish Government for the adoption of the first National Action Plan against Racism and the inclusion of representatives of civil society organisations in the High-Level Strategic Monitoring Group for the implementation of the National Action Plan. It had also commended the Government on the establishment of the Irish Human Rights Commission, the Equality Authority and the National Consultative Committee on Racism and Interculturalism.¹⁹ Since then, neither the National Action Plan Against Racism nor the National Consultative Committee on Racism and Interculturalism (NCCRI) exist and the Irish Human Rights Commission and the Equality Authority have been rendered almost ineffective by cuts.

Pavee Point is concerned by the abolition of the NCCRI and the National Action Plan Against Racism as these were both explicitly inclusive of Travellers both in terms of their remit and in including Traveller representatives in their strategic management groups. Their functions were supposed to be partly taken up by the Office of the Minister for Integration; to what extent this has taken place is unclear and the Office has not always shown a willingness to include Travellers in its remit as described later in this report. It is ironic that the Government report presents in a positive light much of the work of the NCCRI, such as:

- training for the Office of the Refugee Applications Commissioner's (para 170, p.56);
- its role in implementing the National Action Plan Against Racism (para 187, p.60);
- its role as National Coordinating body for the 2008 European Union Year of Intercultural Dialogue in Ireland (para 188, p.60);
- the collation of racist incident reports (para. 226, p.72);
- its role in assisting with the Football Association of Ireland's Intercultural Football Plan (para. 348, p.109);
- its role in delivering research such as the report Developing Quality Cost Effective Interpreting and Translating Services for Government Service Providers (para 357, p.111); and
- the co-ordination of Intercultural and Anti – Racism Week on an annual basis (para 361, p.112).

There is no explanation for the complete closure of the NCCRI, other than financial constraints. In fact the operating budget for the NCCRI was comparatively low compared to other equality and human rights organisations and the NCCRI was in receipt of two significant sources of EU funding, which were lost on closure of the organisation.

Further cuts to the community and voluntary sector have followed, including cuts to local organisations around the country. Many of these organisations work with marginalised groups, including Travellers, and Pavee Point is concerned that local supports and services continue to be weakened. Indeed, one local Traveller Community Development Project (CDP) has already been closed in 2010.

Funding cuts to services for Travellers is particularly serious given that the All Ireland Traveller Health Study revealed in 2010 that the actual number of Travellers in Ireland is almost 14,000 higher than previously known to the Government through the national Census for example. Therefore, even higher levels of funding are actually required.

RECOMMENDATION

Pavee Point recommends that the Irish Government revisit their disproportionate cuts to the anti-racism, equality and human rights infrastructure, and the ongoing cuts to the community and voluntary sector in the realisation that such action only serves to further marginalise disadvantaged communities.

The Key Issues Facing Travellers in Ireland

Stark Inequalities in Traveller Health

ARTICLE 5

- In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:
 - (e) Economic, social and cultural rights, in particular:
 - (iv) The right to public health, medical care, social security and social services;

Although Travellers have been aware for some time that they experience stark inequalities in health, until recently, the only data available was from 1987. However, a large scale study carried out in 2008 and 2009 and published in September 2010²⁰ has confirmed that compared with the health status of the general population "the picture painted is a bleak one for Travellers". The Our Geels All Ireland Traveller Health Study 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. The partnership approach taken resulted in an almost 80% response rate of all Travellers in Ireland.

The study found that the Traveller population is much younger than the general population, with very few Travellers reaching old age. It also found that compared to the general population, Travellers experience considerably higher mortality at all ages in both males and females. The problem stretches across the entire age spectrum and the disadvantage is seen from the very start of life. The life expectancies of the Traveller community today are comparable to life expectancies of the general population in the late 1940's for males and early 1960's for females.

Demography

The Traveller population was estimated at 36,224, which is less than one percent of the total Irish Population.

42% of Travellers are aged under 15 years compared to 15% nationally

63% of Travellers are aged under 25 years compared to 35% nationally

3% of Travellers are aged 65 years and older compared to 11% nationally.

Some of the stark findings in relation to mortality rates and life expectancy are as follows:

- Traveller mortality is 3.5 times higher than that of the general population.
- **Life Expectancy** at birth for male Traveller has remained at the 1987 level of 61.7 years, which is **15.1 years less** than men in the general population, representing a widening of the gap by 5.2 years. Life expectancy for females is now 70.1 which is **11.5 years less** than women in the general population.
- **The Standardised Mortality Ratio (SMR)** for Male Travellers in 2008 was 372 compared with 351 in 1987, while in the same period the SMR of males in the general population has reduced 161 to 100. The SMR for female Travellers in 2008 reduced to 309 compared with 472 in 1987, while in the same period the SMR of females in the general population has reduced from 150 to 100. If Travellers had the same mortality experience as the general population, 54 deaths would have been expected but 188 deaths were observed, **given an excess of 134 deaths in Travellers**. This means that **Traveller men have 3.7 times the mortality of males in the general population and for Traveller females the mortality is 3.1 times higher**.
- **Traveller infant mortality** is estimated at **14.1 per 1,000 live births**, this compares to an infant mortality rate in the general population of **3.9 per 1,000 live births**, giving an Infant mortality ratio which is **3.6 times higher than in the general population**.
- **The suicide rate in male Travellers is 6.6 times higher than in the general population.**

Other findings

- **Approximately 50% of all Travellers experienced discrimination** in a range of daily activities.
- In the study the level of complete trust by Travellers in health professionals was only **41%** **this compares with a trust level of 82%** by the general population in health professionals.

- Issues of treatment with respect and dignity, **over 40% of Travellers had a concern that they were not always treated with respect and dignity.**
- Quality of care received over **50% had concerns of the quality of care they received when they engaged with services**
- **Over 70% rated Traveller identity and culture as very important**

Main causes of Mortality

The increase in Traveller mortality is seen across the broad spectrum of causes of death. Heart disease and strokes was accountable for 25% of deaths, (SMR 355 Males, and 414 Females); Cancer for 19% (SMR 242 Males, 176 for Females) and respiratory disease for 13% (SMR 1085 Males, 1073 Females); External causes, which includes accidents, suicide etc. (had SMR's of 548 for Males and 328 for Females). Suicide is 6 times the rate of the general population and accounts for approximately 11% of deaths.

The authors commented:

"The problem is endemic and complex and will not be solved in the short term without considering the wider contextual issues. The picture we have painted points to the need for a holistic, integrated, long-term approach to improving the lives of Travellers and reducing their deaths, which involves the community at each stage of this development. The fact that an identifiable disadvantaged group in our society is living with the mortality experience of previous generations 50–70 years ago cannot be ignored.

The fact that the mortality gap between Travellers and the general population has widened in the past 20 years shows that comprehensive approaches to address this situation are required and are indeed vital."

Recommendations from the All Ireland Traveller Health Study

During the study, Travellers and Health Service providers agreed that social determinants such as discrimination, accommodation, education, income, lifestyle and access to services are all significant contributors to Traveller ill-health.

The study makes a number of recommendations in the areas of accommodation, education and employment and these are described in the relevant sections of this report. A key overarching recommendation is that a strategic action plan should be set out, using a social determinants of health approach with targets, budget and timeframes, requiring cross-sectoral engagement and a lead player or champion to deliver based on the findings of this report.

Priority areas:

- There is a concerted need to address cause-specific issues for infant mortality, respiratory and cardiovascular disease.
- Mental health issues need to be addressed specifically, with an emphasis on empowerment and promotion of self-esteem for young Travellers of both sexes.
- Priority should be given to a new model of primary care delivery for Travellers dovetailed with the emergence of Primary, Continuing and Community Care services, and in partnership with the Primary Healthcare for Travellers Projects.
- Ethnic/cultural identifier to be urgently included on all health data sets to facilitate the monitoring of access, participation and outcome to services for Travellers
- Traveller proofing of public policies and services.

RECOMMENDATION

- To address the serious inequalities in Traveller health, the Government should, as a matter of urgency, work with Pavee Point and other Traveller representative organisations to develop a new National Traveller Health Strategy, using a social determinants of health approach with clear targets, objectives, dedicated budget, clear timeframes and responsibilities building on the findings of the All Ireland Traveller Health Study and taking account of the recommendations therein, this plan should be monitored by a cabinet sub-committee to ensure its implementation.
- Ethnic/cultural identifier to be urgently included on all health data sets to facilitate the monitoring of access, participation and outcome to services for Travellers.
- Traveller proofing of public policies and services.

Failure to Recognise Travellers' Ethnicity

Irish Travellers are an indigenous minority ethnic group. Their culture, values, religious practices, and customs have been profoundly shaped by their unique traditions and history. Travellers are traditionally commercial nomads. Nomadism was an integral part of Traveller culture, but many Travellers are no longer nomadic, either by choice or due to lack of support for and criminalisation of nomadism. Travellers also have their own language; however due to lack of recognition and support, this is gradually dying out. Nonetheless, the Traveller identity remains strong and distinct from the rest of Irish society, although Travellers strongly identify as Irish.

In relation to Travellers' requests for recognition as an ethnic group, the Government's report (para 11, p.4) states that the "exact basis for the claim is unclear". This statement was first made by the Government in its first report to CERD in 2004 and has been repeated ever since²¹; despite the fact that Pavee Point and other Traveller representative organisations have clearly articulated the basis for the claim.

The CERD Committee's General Recommendation VIII on the principle of self-identification clearly states that "concerning information about the ways in which individuals are identified as being members of a particular racial or ethnic groups or groups... such identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned." Therefore, despite what Pavee Point believe to be clear evidence of unique Traveller ethnicity, this decision should in fact rest with the Traveller community themselves and need not be bestowed upon Travellers by the Government.

Irish Travellers are recognised as an ethnic group in the United Kingdom (UK), including Northern Ireland. Pavee Point believes that this recognition leads to more respect for Travellers in Northern Ireland, rather than being viewed as a sub-culture of poverty as is often the case in the Republic of Ireland. There is relatively frequent migration of Travellers across the border from Northern Ireland to the Republic of Ireland, which makes the fact that Travellers are recognised in one jurisdiction but not the other, incongruous.

In the UK, the legal definition of "ethnic group" was established by the House of Lords in 1983 (Mandla v Dowell Lee 2 AC548). It concluded that for a group to constitute an ethnic group, its members must regard themselves and must be regarded by others, as a distinct community by virtue of certain characteristics. Essentially:

1. A long shared history of which the group is conscious as distinguishing it from other groups and the memory of which it keeps alive.
2. A cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.

It was also noted that there may be other relevant features such as language, literature or religion.

Pavee Point has no doubt that Travellers with a long shared history of nomadism and associated lifestyle and traditions meet this definition.

*"We used to travel in the country. And the roads were narrower but the verges on the road were wider at that time. And we'd just pull in and out along the road because we wouldn't need that big of a space for a camp and the roads weren't so busy. There was no busy traffic on the roads so we'd always take the back roads and pick a nice dry spot for the tent and put the tent against the ditch."*²²

The Government's report (para 11, p.4) refers to two sources which did not specifically recommend the recognition of Travellers as an ethnic group (the 1995 Task Force report and the Council of Europe's Advisory Committee on the Framework Convention on National Minorities, in its Second Opinion on Ireland (2006). In fact the Council of Europe's Advisory Committee's opinion focused more on the fact that the Framework Convention applied whether a "formal domestic recognition of a group as a national minority" or not and indeed went on to state:

*"... the Advisory Committee finds it is regrettable that the authorities have, instead of reserving their position on the matter, at least pending further examination of the issue and consultations with Travellers and others concerned, expressed a view according to which the Travellers "do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin". Such a conclusion appears to be, at best, premature, bearing in mind, inter alia, that there are no procedures or criteria in place for the authorities to determine the issue and that several Traveller groups and a number of other stakeholders have presented a range of arguments in favour of an opposite conclusion."*²³

Therefore, Pavee Point feel that the Government was somewhat disingenuous in its representation of the Council of Europe's Advisory Committee's opinion. Also, the Government's report states that "some of the bodies representing Travellers have sought explicit recognition of Travellers by the State as an ethnic minority" (para. 8, p.3). However, calls for recognition of Traveller ethnicity have come not only from Traveller representative organisations, but from a broad range of national, European and international bodies.

For example, national bodies who have recommended recognition of Traveller ethnicity include:

- the Equality Authority²⁴;
- the Irish Human Rights Commission²⁵;
- the independent expert body, the National Consultative Committee on Racism and Interculturalism (NCCRI);²⁶ and
- over the years a number of individual Government ministers have acknowledged Traveller ethnicity.²⁷

Traveller participants in focus groups and interviews for this report made the following comments in relation to Traveller identity and ethnicity:

“I’d sooner be a Traveller than a settled person.”

“Recognising Travellers as an ethnic group would be very symbolic. It would be emotional; it would mean that we are something of substance and not some misfits.”

“What are they [the Government] afraid of?”

It was also felt by participants in focus groups that the recognition of ethnicity would have given more legitimacy to the Traveller way of life, so that nomadism for example would have been respected and accommodated. As it is, it has been stifled by lack of suitable transient sites and the criminalisation of camping through the Housing (Miscellaneous Provisions) Act 2002. These changes are resulting in a gradual erosion of traditional Traveller culture.

This is in keeping with the findings of the All Ireland Traveller Health Study. It notes that the qualitative data indicated that the concept of Traveller ethnicity remains a central issue to Irish Travellers and one that they believe has consequences for them not only in terms of cultural survival but also in terms of health and life chances. They also recognise that definitions of Traveller identity have important policy implications.

The issue of ethnicity was addressed by Thomas Hammarberg, Council of Europe Commissioner for Human Rights in the report on his visit to Ireland in 2007.²⁸ He encouraged active dialogue on the question between the Traveller Community and the authorities. At the UN level, treaty monitoring bodies have also recommended recognising Travellers as an ethnic group. The CERD Committee’s previous concluding observations recalled General Recommendation VIII on the principle of self-identification; expressed concern at the State party’s position with regard to the recognition of Travellers as an ethnic group and was of the view that the recognition of Travellers as an ethnic group has important implications under the Convention.²⁹ This was reiterated by the Co-ordinator on Follow-up in his 2006 report when he encouraged *“the State party to engage in close dialogue with the Traveller community regarding the identification of Travellers as an ethnic group, and to reach a common understanding. Travellers have a distinct culture, language and traditions and the Co-ordinator encourages the Government to take into account the principle of self-identification.”*³⁰

Also in 2006, the UN Committee on the Rights of the Child recommended that the Government *“Work more concretely towards the recognition of the Traveller community as an ethnic group...”*³¹ and in 2008, the UN Human Rights Committee recommended that the Government recognise Travellers as an ethnic minority group.³²

The Government’s report concludes on the issue of ethnicity that: *“Whether or not Travellers are considered to form a distinct ethnic group in Irish society is of no domestic legal significance.”* (para. 9, p.3).

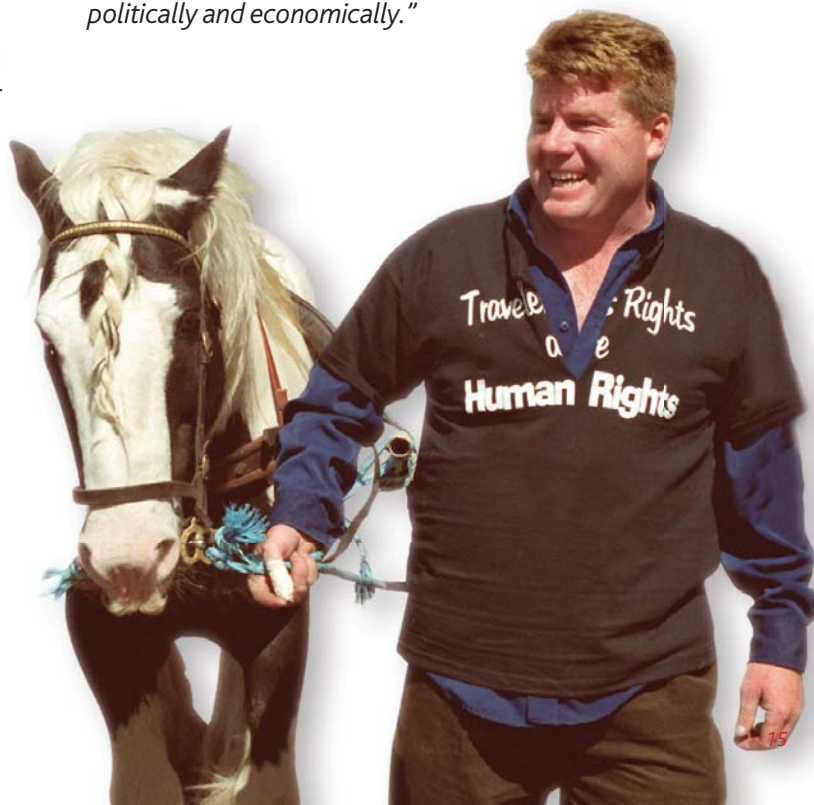
The question then has to be asked, if there is no domestic legal significance, why the strong resistance by the Government to this issue? Indeed Pavee Point would like to understand the rationale for the Government’s inflexible stance on Traveller ethnicity. Pavee Point commends the recently appointed Minister of State for Equality, Integration and Human Rights, Mary White (a member of the Green Party, a minority partner in the coalition Government), for her comments at a conference in Dublin in June 2010 where she conveyed a willingness to discuss recognising Travellers as a distinct ethnic group.

RECOMMENDATION

The Government should engage in dialogue with Travellers and Traveller representative organisations to understand the basis for the ethnicity claim and to explain their resistance to the issue in order to work towards formal recognition of Traveller ethnicity.

One of the main issues with non-recognition of Traveller ethnicity is that it further excludes and already excluded group in Irish society, described further in the section below. The authors of the All Ireland Traveller Health Study made the following observation:

“Identity and ethnicity strongly emerged as a central theme of concern throughout all the various qualitative data sources that hang like a pall over many aspects of Traveller life. Traveller identity therefore needs to be addressed head-on because of the perceived distinction between Travellers and the settled community, and the relationships between them are significant, socially, politically and economically.”



Exclusion of Travellers and Roma

The Government report refers to the consultation with NGOs. It states that NGOs requested that the information on Travellers, which appears in a separate Appendix in the Government's report, should be integrated into the main body of the report (para 506, p. 152). However, as in the 2005 CERD process when the issue was raised, the change was not made. Pavee Point feel that to discuss issues facing Travellers, a community who experience such severe levels of discrimination and inequality, in an appendix to the main report, reflects the exclusion and ostracisation of Travellers. The only issue relating to Travellers and dealt with at the start of the Government's report is the non-recognition of Traveller ethnicity. This reflects the Government's inflexible and defensive stance on this issue.

NGOs also raised concerns about the complete omission of any reference to the Roma Community in the draft report, describing it as "a glaring omission" (para 505, p. 152). Again, despite this being raised at draft report stage, this omission was not rectified in the final report. This is particularly serious given the discrimination against Roma at a European level:

*"Throughout history Roma have faced serious obstacles to the enjoyment of their fundamental rights, and this situation continues to date in all EU member states. Despite positive initiatives and developments at the national and European levels, the climate of intolerance against Roma populations has worsened in recent years."*³³

The Roma community in Ireland is discussed further under the heading "The key issues facing Roma in Ireland" below.

These experiences in the CERD reporting process lead to the conclusion that the Government's "consultation" with NGOs is a mere bureaucratic exercise, not intended to engage in any meaningful way with NGOs and take on board their comments.

The Government's report refers to the Press Council's Code of Practice which did not include Travellers as a group to be considered in relation to the publication of material which might cause serious offence or provoke hatred (Para 75, pp.180,181). Although the Code of Practice was amended following representations by Pavee Point to the National Traveller Monitoring Advisory Committee, the Press Council, various Government Ministers and the Committee of the Framework Convention on the Protection of National Minorities; it is of concern that Travellers were excluded in the first place and is indicative of the endemic nature of Traveller exclusion. Pavee Point feels that this is linked to the non-recognition of Traveller ethnicity. The exclusion in this case was particularly serious given the extent of negative media reporting in relation to Travellers, especially by the tabloid press in Ireland.

RECOMMENDATION

Now that Travellers are included in the Press Council's Code of Practice, it is important that there is awareness-raising for Traveller organisations to enable Travellers to engage with the Press Council in relation to material which might cause serious offence or provoke hatred against Travellers. Pavee Point also feel that there are opportunities for positive portrayal of Travellers in the media, for example on television programmes.

The exclusion of Travellers is endemic. For example, the Office of the Minister for Integration, established in 2007 initially excluded Travellers from its scope but did include other minority ethnic groups (as stated by the then Minister for Integration, Conor Lenihan, at a meeting with the Committee of the Framework Convention on the Protection of National Minorities in November 2007, attended by Pavee Point representatives). This is indicative of the fact that the Government do not view Travellers as an ethnic group and the risk that this non-recognition will effectively result in their further exclusion and ostracisation in Irish society. The Office of the Minister for Integration then proceeded to develop a National Intercultural Education Strategy with the original intention of excluding Travellers. Following representations by Traveller organisations, Travellers are now included in the remit of the Office of the Minister for Integration and were included in consultations on the National Intercultural Education Strategy. However, Pavee Point has seen little other evidence of Travellers' inclusion in the Office of the Minister for Integration and is unaware of any significant work undertaken by the office in relation to Travellers. This is despite the Government's assertion in its report that while the Minister for Integration does not have responsibility in relation to Travellers, the Office is the national focal point for anti-racism and related measures and the work of the Office in relation to anti-racism is inclusive of Travellers (para. 501, p. 151, footnote 113). The exclusion of Travellers by the Office of the Minister for Integration was further evidenced by the establishment of a "Ministerial Council on Integration" in late 2010. The Council is comprised of members of the public who expressed an interest in membership, but only migrants were invited to apply. No Travellers are included in this national council on integration.³⁴

The risk of exclusion of Travellers from anti-racism policies and protection by bodies such as the Press Council was actually foreseen by Thomas Hammarberg, Council of Europe Commissioner for Human Rights in the report on his visit to Ireland in 2007.

*"Furthermore, the Commissioner considers it essential that Travellers are effectively protected against discrimination and racism under national and international law. While it is true that Travellers are specifically protected against discrimination under the "Traveller" ground in the Irish anti-discrimination legislation, it is also clear that Travellers can be victims of racism more generally. It is therefore essential that Travellers are acknowledged as potential victims of racism in the implementation of the national action plan against racism and the work of the recently established Press Council and its Ombudsman. Travellers should also benefit from non-discrimination provisions under the "race" ground at national, European and international levels."*³⁵

RECOMMENDATION

Travellers and Roma should be explicitly included in all anti-racism and integration policies and strategies developed by the Government.

Travellers are also sometimes excluded from surveys and research into experiences of discrimination. For example, the Central Statistics Office's Quarterly National Household Survey included an Equality Module in 2004, the first national survey of experiences of discrimination. However, the number of Travellers surveyed was so low that the results could not effectively be used in the study and so the experiences of discrimination for Travellers were effectively absent and the findings focused on other groups from Ireland's equality legislation.³⁶

This survey has subsequently been used in other national research and so the experience of Travellers continues to be overlooked.³⁷ Given that it is widely known and acknowledged that Travellers are one of the most discriminated against groups in Irish society, and given that the survey was focused on the nine grounds of the equality legislation and on people's experiences of discrimination, the methodology should have been tailored to ensure adequate participation of Travellers.

RECOMMENDATION

The Government should ensure that Travellers are included in all relevant data collection and research initiatives so that the reality of their experiences is captured.

ARTICLE 5

- In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:
- (c) Political rights, in particular the right to participate in elections - to vote and to stand for election - on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service;

In relation to the Guidelines for Registration Authorities who prepare and maintain the register of electors, referred to by the Government in its report (para 74, p.180). The guidelines recommend that the names of all Travellers eligible to vote are included in the Register. Pavee Point feels that the real issue in relation to participation in the democratic process is apathy among the Traveller community who see political institutions as the exclusive realm of the majority population. As one Traveller interviewed for this report said:

"We feel completely disillusioned by the political process and we feel let down by it. What has it ever achieved for us? It's just another settled person's institution."

The lack of Traveller representation in political decision-making was recognised by the CERD Committee in its concluding observations in 2005:

*"The Committee notes that members of the Traveller community are not adequately represented in the State party's political institutions and do not effectively participate in the conduct of public affairs (art. 5 (c)). The Committee invites the State party to consider adopting affirmative action programmes to improve the political representation of Travellers, particularly at the level of Dáil Éireann and/or Seanad Éireann."*³⁸

This issue was also addressed by the Council of Europe Commissioner for Human Rights in his report on Ireland. He encouraged further efforts to involve Travellers in political decision-making, recommending that Traveller communities should be adequately represented in local councils, and suggested the possibility of reserving a specific seat for the Traveller community in the Irish parliament, perhaps in the Seanad.³⁹ Pavee Point supports these recommendations and is aware that this approach has worked well in other European countries in relation to Roma.

RECOMMENDATION

Pavee Point feel that the Government should give serious consideration to recommendations by the CERD Committee and the Council of Europe Commissioner for Human Rights who have suggested affirmative action for Traveller participation in political decision-making, such as a reserve seat in the Dáil or Seanad.

Lack of Action on Government Policies for Travellers

The Government's report (para 30, p.169) states that many of the recommendations of the Task Force Report on the Traveller Community have been implemented. Although some have, Pavee Point is concerned that key recommendations have not progressed in the 15 years since the publication of the Task Force Report. For example, the Task Force recommended the provision of a network of transient sites across the country to support nomadism; however to our knowledge only one transient site has been provided.

Pavee Point believe that the Committee's previous recommendation in this regard is still valid five years later:

"While noting the efforts made so far by the State party with regard to the situation of members of the Traveller community in the field of health, housing, employment and education, the Committee remains concerned about the effectiveness of policies and measures in these areas (art. 5 (e))."

*The Committee recommends to the State party that it intensify its efforts to fully implement the recommendations of the Task Force on the Traveller community, and that all necessary measures be taken urgently to improve access by Travellers to all levels of education, their employment rates as well as their access to health services and to accommodation suitable to their lifestyle."*⁴⁰

A large number of the Task Force Report's recommendations related to education and were taken into account in the Government's Report and Recommendations for a Traveller Education Strategy. As the title suggests, this is a report and recommendations and not an actual strategy. As such, there has been limited implementation.

RECOMMENDATION

A strategy on Traveller education and an associated implementation plan need to be published with clear deliverables and deadlines and a monitoring committee with Traveller representation is needed to monitor progress.

The Government's report refers to the establishment of the National Traveller Monitoring and Advisory Committee (NTMAC) (para 2, p.161). Whilst Pavee Point welcomes this development and the inclusion of Travellers on the Committee, it remains purely an advisory body with no power and no authority to make decisions. The Government's report also refers to the High Level Group on Traveller Issues (para 22, p.166), but fails to mention that this group still comprises no Traveller representatives. Also of concern is the fact that this group, seen as the key Government forum for policy and service development in relation to Travellers had not met in over 30 months, from May 2008 to November 2010.⁴¹

RECOMMENDATION

Pavee Point believes that a National Traveller Agency with dedicated responsibility for Traveller policy and with authority to drive service provision for Travellers is required, as even where structures exist; there is a severe lack of implementation of policies translating into tangible change on the ground.

The Government refers to the establishment of Traveller Interagency Groups under each of the 34 County and City Development Boards to coordinate the integrated delivery of services and supports at local level (Para 25, p.167). While these work well in some locations, they are ineffective in other locations. Some County and City Development Boards refuse to allow any Traveller representation. A decision apparently made independently by officials at a local level. A review of the Interagency Groups for the Department of Justice, Equality and Law Reform, whilst finding positive examples of groups working well in partnership, also highlighted the importance of Traveller representation and found that lack of commitment to the interagency process is sometimes evident from the failure of agencies to make participants available for meetings or failure to provide a dedicated representative.⁴²

RECOMMENDATION

The Department of the Environment and Local Government, which is responsible for Local Government, should issue a clear mandate that local Travellers and Traveller organisations should be represented on Traveller Interagency Groups and that a consistent national approach is required across all CDBs with specific actions and timescales for delivery.

Ineffective Legislation and Practices for Dealing with Racist Crime

ARTICLE 4

- States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights
- expressly set forth in article 5 of this Convention, inter alia:
- (a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

The Government's key legislation for dealing with racist crime is the Incitement to Hatred Act, 1989, (para. 9, p.3). However, this legislation has long been recognised as being completely inadequate and ineffective for dealing with racist crime, no doubt this is why the Government report (para 212, p.67), states:

"The Prohibition of Incitement to Hatred Act is kept under continuing review in the Department of Justice, Equality and Law Reform to ensure its continuing effectiveness."

Pavee Point suggests that continuing review is not useful if no improvements are made. ECRI's conclusion on the legislation in its third (2007) report on Ireland was that although it is currently under review, the criminal legislation has not been amended to include sufficiently strong provisions for combating racist acts.⁴³

Criticisms of the legislation include:

- It relates to "incitement" and not racist crime in itself;
- It can be difficult to prove intent;
- The penalties do not reflect the seriousness of the crime;
- Judgments of District and Circuit Courts where these cases are held are not recorded (unless reported in local media), so there is little visibility of outcomes.

The Government's Joint Committee on European Affairs expressed concern about the Incitement to Hatred Act in December 2009 in their examination of Roma policies in the European Union.⁴⁴ They recommended:

"There needs to be effective infrastructure to respond to racist violence and to support its victims. This includes having the right legal powers in place. The Incitement to Hatred Act 1989 must be re examined and its full effect needs to be used. The use of legal sanctions must be effective. There has been no racist offences prosecuted in this state and therefore racist motivation is not recognised and charged as such." [Emphasis added].

Another criticism of the legislation is that it does not specifically include racism on the internet. A report commissioned under the National Action Plan Against Racism from the Centre for Criminal Research Justice, University of Limerick (para. 51, p. 17) entitled "Combating Racism with the Criminal Law" recommended that the Act specifically include racism on the internet.⁴⁵

This is an important recommendation as the use of the internet is causing increasing problems in inciting hatred against Travellers. The independent expert body, the National Consultative Committee on Racism and Interculturalism (NCCRI) collated information on racist incidents (prior to its closure at the end of 2008). In the January to June 2008 report, it confirmed that racism on the internet remains a significant issue with 20% of all cases reported relating to this form of racism.⁴⁶ The Government report states the Prohibition of Incitement to Hatred Act 1989 could include publishing on the internet (para 215, p.68).

In reality though, this legislation is totally ineffectual in this regard as evidenced by the recent case of “Facebook” a social networking website on the internet which was used to incite hatred against Travellers. One Facebook page was entitled “Setting Aside Monday Afternoons to Hunt Knackers”, (knacker is a derogatory term for Traveller). This page had 8,306 members. Members are people who sign up to a particular page, like supporters. Another page was entitled “Promote the use of knacker babies for bait”. Specific locations and days were named for the proposed “hunting” of Travellers. Pavee Point, other Traveller organisations and other concerned groups and individuals were horrified at the content of these pages and at the large number of supporters; however, complaints to An Garda Síochána (the police) failed to result in any substantial response. Most importantly, the webpages were not removed. It was only after several weeks had passed that action was eventually taken and the webpages were removed. Pavee Point’s experience of reporting incidents to An Garda Síochána (the police) has been that they are largely unaware of what legislation exists to deal with racist crime and of how to use it; despite the list of possible legislation provided by the Government in their report (pages 68-69).

RECOMMENDATION

Pavee Point urges the Government to address the current inadequacies in the criminal law in tackling racist crime, including use of the internet and hate speech, and recommends that An Garda Síochána (the police) receive training on how to handle reports of racist crime, including relevant legislation and proper recording. It is also recommended that the Government ratify the Framework Decision on combating racism and xenophobia.

The independent expert body, the National Consultative Committee on Racism and Interculturalism (NCCRI) established a racist incidents recording system in 2001 aimed at providing qualitative data indicating key issues that need to be addressed and complementing other systems such as the Equality Authority and Equality Tribunal records on racial discrimination and An Garda Síochána (the police) records on racist crime. This information was also provided to the EU Fundamental Rights Agency (previously European Monitoring Centre on Racism and Xenophobia) as the NCCRI was their National Focal Point in Ireland. However, these activities ceased in late 2008 when the NCCRI was closed due to budget cuts. The Immigrant Council of Ireland, an NGO, has recently set up a racist incidents reporting system. The NCCRI reports regularly contained reports of racist incidents against Travellers.

Although public attitudes towards Travellers are mixed, a recent report showed that high levels of prejudice and discrimination still exist. Based on a survey carried out in 2007/2008, it found that 39.6% of people surveyed would welcome a Traveller “as a member of the family” and at the other end of the scale, 18.2% of respondents would deny Irish citizenship to Travellers. The reasons why 60.1% of respondents would not welcome a Traveller into the family were because of their “way of life” at 63.7%, because it was “not socially acceptable” at 17.8% and for “national or cultural reasons” at 9.6%. Although 72.3% of respondents agreed that Travellers “should be facilitated to live their own way of life decently”; 79.6% of those surveyed responded that they “would be reluctant to buy a house next door to a Traveller.”⁴⁷

In line with General recommendation XXXI which recommends, inter alia, relationship building with minority ethnic communities, the CERD Co-ordinator on Follow-up (p.43, para 22) “encouraged the Government to explore new ways to foster dialogue and create new platforms for discussion on issues concerning Travellers and discrimination that they may be facing. The Co-ordinator also encourages the Traveller Community to actively participate in all relevant discussion fora.”⁴⁸

RECOMMENDATION

Pavee Point recommends that An Garda Síochána build better relationships with the Traveller community and put in place procedures for dealing with reports of racist crime from Travellers. It is also recommended that awareness-raising with the Traveller community on how to report racist crime take place.

The report...confirmed that racism on the internet remains a significant issue with 20% of all cases reported relating to this form of racism....

The Undermining of Equality Legislation

ARTICLE 4

- In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:
- (e) Economic, social and cultural rights, in particular:
- (i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;
- (vi) The right to equal participation in cultural activities;
- (f) The right of access to any place or service intended for use by the general public, such as transport hotels, restaurants, cafes, theatres and parks.

Travellers are explicitly named as a group protected from discrimination under Ireland's equality legislation (the Employment Equality Acts 1998 and 2004 and the Equal Status Act 2000 and 2004). Travellers experience discrimination in a number of settings, including education, employment and access to public places such as shops and pubs. For example in the All Ireland Traveller Health Study, it is of concern that over 62% of Travellers felt they were discriminated against in school (16.8% of Travellers felt they had been discriminated against in school once, 18.0% two to three times and 27.3% four or more times). In relation to getting work, 13.8% of Travellers interviewed felt they had been discriminated against in getting work on one occasion, 15.0% felt they had been discriminated against two to three times, and 26.3% felt they had been discriminated against four or more times. Other examples of the day-to-day discrimination experienced by Travellers included feeling discriminated against in relation to being served in a shop or pub. 12% of Travellers reported feeling discriminated against once, 13.6% two or three times and 35.1% four or more times.

Therefore protection from discrimination through the equality legislation is important for Travellers but a number of factors undermine the effectiveness of this protection.

As described in the introduction to this report, excessive funding cuts to the equality, human rights and anti-racism infrastructure in Ireland announced in October 2008 have severely undermined the effective protection of Travellers' rights, as well as the rights of the Roma community and other minority groups. The Equality Authority plays a key role in informing members of the public of their rights under equality legislation and in certain strategic cases, represents them in cases before the Equality Tribunal and in appeals to the Courts. However, a 43% cut in the budget of the Equality Authority raises serious questions about its continuing ability to fulfil this role.

In the years after the legislation was introduced, a high number of cases under the Equal Status legislation relating to goods and services were taken by Travellers who had allegedly been refused access to bars/pubs. A Commission on Liquor Licensing was set up which recommended that equality cases relating to licensed premises go before the District Court; this was implemented by the Intoxicating Liquor Act 2003. Unlike the Equality Tribunal, the District Court has neither an investigatory role nor a broad right of audience. Pavee Point has noted an ongoing reduction in the number of cases taken by Travellers as a result and firmly believes that this was a deliberate move to undermine the effectiveness of the equality legislation for Travellers.



ARTICLE 6

States Parties shall assure to everyone within their jurisdiction effective protection and remedies, through the competent national tribunals and other State institutions, against any acts of racial discrimination which violate his human rights and fundamental freedoms contrary to this Convention, as well as the right to seek from such tribunals just and adequate reparation or satisfaction for any damage suffered as a result of such discrimination.

Article 6 of the ICERD convention requires effective protections and remedies against acts of racial discrimination. As described above, protections are being eroded and lack of effective remedies for Travellers has been an ongoing issue. The very low levels of compensation awarded to successful complainants by the Equality Tribunal in cases of discrimination in service provision on grounds of membership of the Traveller community is evident from Equality Tribunal case reports. European Directives state that Member States should provide for effective, proportionate and dissuasive sanctions.⁴⁹ Research has found that in one year, the average award in for Travellers experiencing discrimination was €623; which is not effective, proportionate, or dissuasive, but that awards for complainants under other grounds had been higher.⁵⁰

RECOMMENDATION

As well as domestic remedies, Pavee Point feel that there are opportunities for addressing discrimination at the UN level which Travellers and Traveller representative organisations in Ireland may not be fully aware of. As such, we support the recommendation of the CERD Co-ordinator on Follow-up that the Government further disseminate the convention to encourage greater awareness, including Article 14 which offers the possibility for complaints by individuals and groups of individuals.



Discrimination in the Criminal Justice System

ARTICLE 5

- In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:
- (a) The right to equal treatment before the tribunals and all other organs administering justice;

Pavee Point's experience has been that Travellers do not enjoy equal treatment in the criminal justice system. For example, they often receive disproportionately severe sentences in comparison to the majority population, perhaps exacerbated by negative and sensationalist media coverage of such cases by the tabloid press. For example, a Traveller man was sentenced to four years in jail with the final 12 months suspended after a riot in a bar which was widely reported on and sensationalised in the tabloid press.⁵⁷

This phenomenon is expressly recognised in the CERD Committee's General Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005) which recommends that States parties should pay the greatest attention to the following possible indicators of racial discrimination, including:

"(1) (f) The handing down by the courts of harsher or inappropriate sentences against persons belonging to those groups;"

Another possible indicator of racial discrimination recognised by the Committee is:

"(1) (e) The number and percentage of persons belonging to those groups who are held in prison or preventive detention, including internment centres, penal establishments, psychiatric establishments or holding areas in airports;"

The General Recommendation also recommends (2) that in order for such indicators to be well known and used, States parties should embark on regular and public collection of information from police, judicial and prison authorities and immigration services, while respecting standards of confidentiality, anonymity and

protection of personal data. The General Recommendation suggests that an independent national institution should track, monitor and measure progress made under the national plans of action and guidelines against racial discrimination, identifying undetected manifestations of racial discrimination and submitting recommendations and proposals for improvement. Unfortunately Ireland does not currently collect such data and does not have a national plan of action.

However, data gathered as part of the All Ireland Traveller Health Study confirmed that Travellers are over-represented in prison compared to the non-Traveller population. Travellers comprised 4.6% of the prison population whilst equating to only 0.9% of the Irish population. The study found that the risk of a Traveller man being imprisoned was at least 5 times that of a non-Traveller man, and the risk for a Traveller woman was 18 times that of a non-Traveller woman.

RECOMMENDATION

Pavee Point recommends that the Irish Government implement the CERD Committee's General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005) with a particular focus on data collection and analysis by an independent body for the purposes of identifying trends in racial discrimination within the criminal justice system.

...protection from discrimination through the equality legislation is important for Travellers but a number of factors undermine the effectiveness of this protection.

Unlike Travellers, members of the majority community who commit crimes against Travellers have been seen to receive very lenient treatment; again perhaps linked to the associated media commentary. For example, in October 2004, John Ward a 42-year-old man, father of 11 and Traveller was beaten 20 times and shot twice while on a public road resulting in his death. Pdraig Nally, a 61-year-old farmer, was tried for his murder and found guilty of the lesser charge of manslaughter. On 11th November 2005, he was sentenced to six years in prison; although his conviction was subsequently quashed in 2006. The tabloid coverage of this case included comments that John Ward had "got what he deserved" and that he (Pdraig Nally) was a hero for his actions. The Irish Daily Mirror, to cite one example, mounted a sustained campaign to free Pdraig Nally. In a review of the almost continuous stream of sensationalist media commentary on this case, the independent expert body the National Consultative Committee on Racism and Interculturalism (NCCRI) in its journal stated:

*"In the worst cases ... the media coverage has verged on incitement to hatred as some journalists and newspapers have sought to out-do one another in demonising and scapegoating Travellers..."*⁵²

The Government refers to the Judicial Studies Institute which organises conferences, seminars and lectures on legal subjects for members of the judiciary (para 236, p.75). It also lists in Appendix III the conferences attended by members of the judiciary, many of which relate to human rights, equality, immigration etc. It is of note that none of the conferences mentioned specifically relate to Travellers.

The CERD Committee's General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005) also deals with this issue and recommends:

"(5) (b) To develop, through appropriate education programmes, training in respect for human rights, tolerance and friendship among racial or ethnic groups, as well as sensitization to intercultural relations, for law enforcement officials: police personnel, persons working in the system of justice, prison institutions, psychiatric establishments, social and medical services, etc.;

(c) To foster dialogue and cooperation between the police and judicial authorities and the representatives of the various groups referred to in the last paragraph of the preamble, in order to combat prejudice and create a relationship of trust;

(d) To promote proper representation of persons belonging to racial and ethnic groups in the police and the system of justice;"

RECOMMENDATION

Pavee Point again calls for implementation of General recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005) in relation to training on Traveller culture and rights, relationship building with the Traveller community and representation of Travellers in the police and justice systems. As a starting point, Pavee Point recommend that the Judicial Studies Institute organise seminars and lectures on Travellers and racial discrimination.



Poor Outcomes from Education

ARTICLE 5

- In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:
- (e) Economic, social and cultural rights, in particular:
- (v) The right to education and training;

“The Committee remains concerned, however, that adequate recognition, action and positive measures have not yet been taken to enhance the enjoyment of the rights of children belonging to the Traveller community and in particular to facilitate their access to education, housing and health services.”

UN Committee on the Rights of the Child, 2006⁵³

In the All Ireland Traveller Health Study, education emerged as a key need.⁵⁴ It found that Travellers do not achieve a full primary school education in sufficient numbers and that the relevance and appropriateness of the education system deserves scrutiny. It also found cross-generational deprivation whereby some parents cannot help with their children’s school education and younger people question their elders about the value of education when they see community members who failing to find employment despite having some level of education. It concluded that in relation to education “relative to the general population they [Travellers] are falling constantly further behind”.

The issue of poor educational outcomes for Travellers has long been recognised and Pavee Point notes that efforts have been made in this area in recent years. However, there remain stark inequalities between Traveller children and the general population in relation to education. Early school leaving has been a particular issue for Traveller children, although there have been some small improvements in recent years. According to the 2006 Census of the population:⁵⁵

- 53% of Travellers over the age of 15 years had only primary level education or no formal education.
- 12% of Travellers over the age of 15 years had left school at lower second level;
- Almost 3% of Travellers over the age of 15 years had completed their education at higher second level;
- 0.57% of Travellers over the age of 15 years had completed their education at third level.

Recent research by the Economic and Social Research Institute with early school leavers, including Travellers, found that early school leavers in Ireland are found to experience disadvantages in relation to access to further education/training, employment chances, employment quality and broader social outcomes.⁵⁶

Travellers who participated in focus groups and interviews for this report, talked about their own experience of education, and that of their children and grandchildren. The key barriers identified and possible causes of early school leaving were:

- Discrimination by teachers;
- Bully and name calling
- Peer pressure;
- Feeling isolated;
- Differences between the social and family lives of Traveller children and “settled” children;
- Feeling that you might still be discriminated against when it came to seeking employment, even if you had qualifications;
- Lack of positive visibility of Traveller identity within the school
- Any visibility of Traveller identity or culture in schools was negative.

Travellers also made recommendations for change in the education sector; these are outlined at the end of this section.

In relation to discrimination, the All Ireland Traveller Health Study found that 37.9% of respondents did not feel they had been discriminated against in school as a member of the Traveller community. However, it is of concern that 16.8% of Travellers felt they had been discriminated against in school once, 18.0% two to three times and 27.3% four or more times. 62% of Travellers experience discrimination in school (Our Geels, 2010).

A 2006 survey by the Department of Education and Science found that Traveller enrolment in primary schools has improved in recent years, with almost all Traveller children enrolling in primary school. However just over 10 per cent of Travellers who enrol in post-primary schools complete their post-primary education (this contrasts with over 85 per cent of students generally). Low attendance levels of Traveller children at school, and low achievement levels in reading and mathematics were also identified as issues.⁵⁷

The Government's report refers to the 2006 Report and Recommendations for a Traveller Education Strategy (para 6, p. 162); No strategy was subsequently developed from this report and the Department has acknowledged that the report is being read as the strategy for Traveller education. Accepting this as accurate, it has however been impossible to access an implementation plan with associated deliverables and deadlines from the department to date.

The absence of Traveller involvement in the implementation of the "strategy" and lack of visibility on actions and progress has been an ongoing concern for Pavee Point and other Traveller representative organisations. since 2006.

While Traveller organisations worked with the Department on the Advisory Committee on Traveller Education (ACTE) in developing the Strategy. The ACTE stopped meeting in 2006 once the Strategy was developed. There was then no formal involvement by Traveller representative organisations with the state in relation to Traveller education.

Following extensive lobbying a Traveller Education Strategy Advisory and Consultative Forum (TESACF) was established in late 2009. Pavee Point are very concerned by the limitations of this Forum:

- the terms of reference are very restrictive;
- over 50 people are represented on the forum, making it difficult for an individual Traveller representative to have the opportunity to give their point of view;
- meetings will be held only three times per year; and
- no subgroups will be established to progress particular issues.

The major concern for Traveller organisations has been the lack of implementation of the strategy actions to date. Further in the case of recommendations which have been initiated by the department no short or medium term actions have been undertaken as recommended in the strategy. The recommendations are simply implemented without regard to service providers or Traveller families and children.

A further issue is the concern as to where the Traveller education budget is actually being spent, if in fact it is all being spent on Traveller education. Our experience has been that money allocated for services to Travellers may not always reach Travellers. For example, in response to Dáil (parliamentary) questions in September 2009, the Health Services Executive (HSE) has acknowledged that of the €12m allocated to Traveller health developments since 1998 the HSE has kept in excess of €3m (25% of the budget) to balance their books.⁵⁸

Pavee Point's concerns in relation to Traveller education developments have been borne out in Budget 2011. When, without notice or consultation, the state cut all support measures to Traveller education from June 2011. While Traveller organisations have called for a review of many of these education services in terms of effectiveness and value for money and despite the recommendations of the Traveller Education Strategy, none of the services have been reviewed to date. These draconian cuts undermine the progress made in Traveller education over the past 10 years.

Traveller organisations or parents were not consulted or informed of the cuts nor was the Traveller Education Strategy Consultative Advisory Forum. Traveller families and children continue to need support from the state in accessing education at all levels in order for Traveller children to benefit from the Irish education system. If the recommendations for the All Ireland Traveller Health Study are to be realised Traveller support services are needed. This issue needs to be addressed urgently with the Department of Education and Skills and Department of the Taoiseach.

The All Ireland Traveller Health Study recommends that every Traveller child should obtain the minimum equivalent of the Junior Certificate and that a similar percentage should go on through secondary school to professional or higher level education as the general population within 10 years. It also urges for a focus on adult education due to the young age profile of the population and because education is essential for empowerment.

RECOMMENDATION

Pavee Point urges the Government to take on board the recommendations from the All Ireland Traveller Health Study in relation to education. We also recommend a value for money review on current Government expenditure on Traveller education.

Other recommendations in relation to Traveller education include:

- Mandatory training on anti-racism and Traveller culture and identity and belonging for teachers (including preschool education). This was recommended by Travellers who participated in focus groups for this report. The UN Committee on the Rights of the Child also recommended training activities for teachers "in order to sensitize them to Traveller issues and inter-cultural approaches".⁵⁹
- Inclusion of Traveller culture in school textbooks and teaching materials. This was recommended by ECRI in its second report on Ireland⁶⁰ and would address the issue identified by Travellers who participated in focus groups for this report that any visibility of Traveller identity or culture in schools was negative.
- Positive action to encourage and facilitate Travellers to enrol in teacher training. This was recommended by Travellers who participated in focus groups for this report and a similar recommendation was made by ECRI in its second report on Ireland.⁶¹

Segregation in Education

ARTICLE 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

The Government reports that there is no racial segregation or apartheid in Ireland (para 204, p. 65); however, there has been in the area of Traveller education. This is gradually changing.

The Government report states that at pre-school, a phased transition from segregated provision to integrated provision is being managed sensitively, incorporating best practice (para 7., p.163). However, in practice, many County Childcare Committees who are trying to assist and advise in managing this change have told Pavee Point that the support, guidance and advice offered by Pavee Point in this transition is the only source they have. Some funding through the Dormant Accounts Fund (an innovative funding programme designed to support community projects through money in dormant domestic bank accounts) was made available to integrated early childhood services to support Traveller inclusion. However this had very limited effect for Traveller inclusion. In the meantime, grant aid was withdrawn from Traveller preschools because of the introduction of the Community Childcare Subvention Scheme (2008) and the Free Preschool Year in Early Childhood and Education Scheme (2010). This funding change has implications for the integration of Traveller children into mainstream provision and that there is no Government contact point for this or other equality issues.

The Government report describes the phasing out of Senior Traveller Training Centres (para 19, p.165) and states that there has been some resistance to this recommendation from some sectors of Traveller interests. Pavee Point would like to clarify that we support this recommendation.

The Travellers training centres may lead to a situation where education is focusing on 'traditional' education due to the ethnic identity of the children as Travellers and not so much on the educational needs of the individual child. The Co-ordinator on Follow-up stresses the importance that within all levels in the education sector, focus be on educational needs of the individual pupil.

RECOMMENDATION

Pavee Point urge the Government to accelerate its efforts to transition Travellers from segregated to mainstream education at all levels of the education system and to provide dedicated support to education service providers and to the Traveller community in this process.



Lack of Employment

ARTICLE 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(e) Economic, social and cultural rights, in particular:

(i) The rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration;

“Well, the dole [social welfare] came in and the plastic came in. The plastic meant that the tin buckets and the cans the Travellers used to make went out. So that stopped the Travellers from making a few pounds a week. As regards the dole, you’d have to have a settled address to get it. So the Travellers had to move out of the country nearer to towns.”⁶²

Travellers were traditionally craftsmen, horse traders, message carriers, tinsmiths, engaged in buying and selling goods and provided a seasonal labour force with a variety of skills; economic activities suited to a nomadic way of life. As industrialisation brought new methods of communication and cheap plastic, Travellers as with other groups in Ireland began to experience a change in their role in Irish society and had to adapt their lifestyle to accommodate these changes.⁶³

Horses were a key part of the Traveller economy; however, the Control of Horses Act 1996 had a disproportionate negative impact on Travellers and made it difficult for Travellers to comply with the legislation and bye-laws relating to horses. Horses were traditionally bred to facilitate nomadism and were used as an alternative method of saving rather than using banks. Horses could be sold to pay for weddings, funerals and family gatherings.⁶⁴

Today when Travellers are looking to new forms of employment, the difficulties in education, described above, contribute to difficulties in gaining employment. Other barriers for Travellers in accessing training and employment opportunities, identified through a project to enable employment of Travellers in the Health Service⁶⁵, include:

- A lack of recognition of the Traveller culture in the planning and delivery of programmes;
- A lack of additional support during programmes;
- A lack of follow up and development following programmes;
- A lack of information about training programmes among Travellers;
- Fears of losing welfare entitlements as a result of participating in training;

- The perception that participation in training will, by necessity, inhibit travelling;
- Negative perceptions of training resulting from prior negative experiences in the school system; and
- Low expectations that participating in training will actually lead to employment.

Pavee Point is concerned by a glaring omission from the Government’s report, namely any reference to the actual level of unemployment within the Traveller community. According to the 2006 Census of the population only 14% of Travellers aged 15 years and over was described as “at work”, compared with 53% of the general population aged 15 years and over.⁶⁶

In 2006, Ireland was still in an economic boom; however, Travellers gained little benefit from the boom years as the unemployment rates in 2006 show. If the situation was less than ideal for Travellers in 2006, it is stark in 2010 as Ireland experienced a very severe recession in the past two years. The percentage of people in the general population unemployed at the time of the Census in 2006 was 5%; in July 2010, this had risen to 13.7%.⁶⁷ Although there are some signs of stabilising, the OECD has warned that but the recession left significant scars in the labour market that will take time to heal and that there is a significant risk that the temporary hike in unemployment becomes structural and discouraged job losers grow permanently disconnected from the labour market.⁶⁸

As a result of all the experienced workers in the market for jobs, Travellers will now be further distanced from employment opportunities, unless there are dedicated and targeted initiatives to improve their prospects and opportunities and provide supports in employment. ECRI’s conclusion on Traveller integration in society focused on employment:

“Measures for integrating Travellers into society need to be reinforced, in particular in the area of employment.”⁶⁹

Discrimination in seeking employment and when in employment are also issues for Travellers. This was recognised in the 2006 Report of the Government’s High-Level Group on Traveller Issues, which stated that Travellers “are discouraged from seeking mainstream employment by discrimination, hostility and the fear of rejection”.⁷⁰

Traveller participants in a focus group inputting into this report gave their personal experiences of discrimination in employment. For example, being pleased to get a job, only to have settled co-workers insinuate that they could not be trusted and might steal from their personal belongings.

The Government's report refers to "significant initiatives" in relation to employment opportunities for Travellers. These include the Department of Justice, Equality and Law Reform/Pobal Interagency fund which has led to the registration of 15 companies and three sole traders, has supported up to 100 jobs and relevant training for Travellers (para 45, p.174). It also describes the Department of Finance Traveller Internship programme. (para 46, p. 174). Pavee Point welcomes such initiatives but would question whether they can be described as "significant", as the number of beneficiaries was small and some of them are short-term initiatives.

For example, the Department of Finance Traveller Internship Programme in the Civil Service (2006 -2007) provided work experience for 23 Travellers. An evaluation⁷¹ found that this was a positive experience with some Travellers going on to other employment in both the public and private sectors or to further education; however, the initiative is no longer running.

Pavee Point supports initiatives such as the FÁS (Training and Employment Authority)'s Special Initiative to Expand Employment Prospects for Travellers (FÁS SIT). It supports Travellers already engaged in the Traveller economy and provides funding to address the training needs of adult Travellers. The objective of this project is to bring multiple agencies together in partnership, to

tackle unemployment issues at local level, using an inter-agency approach. Interagency groups at City / County Development Board level apply for funding from for responses to Travellers employment and self employment needs. A prerequisite of funding is that there is Traveller representation on the interagency group. An evaluation of the initiative in 2006 found that Travellers experienced positive outcomes in relation to completing training (152 people), securing employment (37 people) and establishing businesses (11 people). Pavee Point feels that it is important to continue the FÁS SIT initiative and build on these foundations.

Positive initiatives such as the FÁS SIT, or the Traveller Internship Programme in the Civil Service, require ongoing support to ensure sustainable outcomes for the Travellers involved.

In addition to these welcome targeted initiatives there is a need for greater focus on Traveller inclusion in mainstream provision. Traveller specific data needs to be collected to ensure that this can be undertaken effectively.

RECOMMENDATION

Pavee Point urges the Government to commit to long-term, sustainable strategies to improve Travellers training and employment prospects and opportunities and to provide supports in employment. A National Strategy for Traveller Employment is required.



Inadequate Accommodation

ARTICLE 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

- (e) Economic, social and cultural rights, in particular:
 - (iii) The right to housing;

According to the 2010 All Ireland Traveller Health Study, Travellers surveyed most frequently lived in a house (73.3%), followed by trailer/mobile home or caravan (18.2%). 55.3% of those on a trailer/mobile home were parked on a halting site, 23.8% on an "unofficial site" and 6.8% on a transient site. Most homes had central heating (92.9%), both hot and cold water (94.4%) an individual bath or shower (63.7%) and flush toilet (91.6%). Yet this means that 7.6% did not have access to running water - 2,753 Traveller men women and children. Indeed the authors of the study note that the most destitute of Travellers are living in very poor conditions indeed. "What we can say is that the better accommodated the Traveller family, the better the health status."⁷² As well as physical health, the study found that living conditions impacted on mental health.

Travellers continue to experience severe difficulties in relation to accommodation and it is one of the main areas where Pavee Point feels there has been insufficient progress since the publication of the Task Force Report on the Traveller Community in 1995. Pavee Point is concerned at the lack of information on Traveller accommodation in the Government's report. The 2007 statistics on the count of Traveller families is included (Annex 2, p.182) but these statistics hide the reality of Travellers' lives. For example, the table refers to "sharing" of houses and halting bay sites, in reality "sharing" means overcrowding. It also refers to "unauthorised sites"; this means Traveller families, including children, who have no suitable accommodation being forced to live at the roadside, most likely with no access to toilets or running water.

The All Ireland Traveller Health Study also found that significant numbers of families in group housing or sites reported lack of footpaths, public lighting, fire hydrants and safe play areas (play areas were unavailable for 77.5% of respondents). Further undermining the health and safety of Traveller families were issues such as rats (a problem for 33.1% of families) and being too close to a main road (a problem for 47.5% of families).

The 1995 Task Force Report recommended the establishment of a network of transient sites across the country to support nomadism. As far as we are aware, only one has been provided. The Government's report (para 30, p.169) states that many of the recommendations of the Task Force Report have been implemented. There has been some progress in relation to refurbishment of existing accommodation, but there is a real lack of progress in providing new units, so accommodation needs of the growing Traveller population are simply not being met.

The 1998 Traveller Accommodation Act placed an obligation on local authorities to produce accommodation plans covering a fixed period. Under the Act, the National Traveller Accommodation Consultative Committee (NTACC) was established to advise the Minister of Environment and Local Government in relation to Traveller accommodation policy and was mirrored at local level by the Local Traveller Accommodation Consultative Committees (LTACC) which provide advice on the preparation and implementation of Traveller accommodation programmes; advice on the management and maintenance of Traveller accommodation; and liaison between Travellers and the local authorities. However, the lack of political will and the lack of incentives or sanctions in the legislation have resulted in local authorities failing to provide adequate accommodation for Travellers and the NTACC and LTACC are purely advisory bodies with no mandate to compel local authorities to comply with their obligations. This lack of progress reinforces the need for a National Traveller Agency, as recommended by Pavee Point in this report, with the relevant powers to ensure individual services meet their obligations towards Travellers.

To exacerbate these difficulties, Traveller families often face discrimination, harassment and racist attacks by people who do not want them to live in their area. According to the survey mentioned previously in this report, 79.6% of those surveyed responded that they "would be reluctant to buy a house next door to a Traveller."⁷³

For example, in 2009, a Traveller family were due to move into a new house, having lived on the roadside for the previous ten years. The house was burned before the family moved in.⁷⁴ In another recent case, a new ten bay halting site in Dublin was torn apart using a mechanical digger just weeks before Traveller families were due to move in.⁷⁵

The NCCRI reports regularly contained reports of racist incidents against Travellers. For example in its last report in December 2008, it reported the following:

“A settled Traveller family in Dundalk contends they have been subjected to racial abuse by their neighbours. They have been referred to as “knacker” and “gypsy”. Children in the neighbourhood have been warned not to play with the children because they are Travellers. The family no longer feel safe or happy living in the area. They have applied to Louth County Council for a [housing] Transfer.”⁷⁶

A key recommendation from the All Ireland Traveller Health Study is that adequacy of accommodation is essential to ensure health improvement for Travellers and that there should be no official halting site without basic amenities and a sufficient number of them to accommodate the travelling Travellers on the island. The authors note that they “are simply restating what is already public policy in principle, be put into practice”.

RECOMMENDATION

Ideally a National Traveller Agency would be established and take responsibility for Traveller accommodation. In the interim, steps should be taken by the Department of the Environment and Local Government to ensure that Local Authorities fulfil their obligations in relation to Traveller accommodation and where they don't that sanctions are applied.

Discriminatory Legislation

ARTICLE 2(1)(C)

(c) Each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

It is well recognised that the practice of implementing laws intended to negatively impact on one group of society is discriminatory and is contrary to EU and International human rights treaties, see Article 2(1)(c) above for example and General Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system which states:

“(5) (a) To eliminate laws that have an impact in terms of racial discrimination, particularly those which target certain groups indirectly by penalizing acts which can be committed only by persons belonging to such groups, or laws that apply only to non-nationals without legitimate grounds or which do not respect the principle of proportionality;”

Yet, this is what the Irish Government did in 2002 with the introduction of the Housing (Miscellaneous) Provisions Act 2002, and what it continues to do while this legislation is in use. It was introduced with the specific purpose of “clamping down” on Travellers who were camping around the country as a nomadic people. The legislation criminalised nomadism which had previously

been a civil offence. As described above, in conjunction with the criminalisation of nomadism has been the lack of provision of transient halting sites. This is resulting in suppression of nomadism, a key part of the Traveller culture. It also means that evictions of Traveller families, who have nowhere else to go, still occur.

The Housing (Miscellaneous) Provisions Act 2002 has been widely criticised for its negative impact on Travellers. For example, both ECRI⁷⁷ and the UN Human Rights Committee have recommended that the legislation be reviewed and amended.⁷⁸

RECOMMENDATION

Pavee Point urges the Government to repeal the Housing (Miscellaneous) Provisions Act 2002 and to provide more transient accommodation for Travellers in order to respect their housing and cultural rights.

Segregation in Accommodation Services

ARTICLE 3

States Parties particularly condemn racial segregation and apartheid and undertake to prevent, prohibit and eradicate all practices of this nature in territories under their jurisdiction.

Accommodation for Travellers is provided (where required) by local authorities around Ireland. Each local authority has a Social Worker for Travellers who is responsible for the Travellers in the local authority housing. To access any service related to their accommodation, Travellers must use the Social Worker as an intermediary. They cannot go directly to mainstream service providers, for example with a request for maintenance. In some cases this causes hardship for Traveller families. For example in the Finglas area of Dublin, there is a local office which Travellers are not permitted to use. They must go to the office in the city centre which involves travelling by bus or car. This is an outdated model of service provision and is effectively segregation.

RECOMMENDATION

Pavee Point recommends that local authorities make mainstream accommodation services available to Travellers. It is also recommended that all staff receive training to enable them to provide appropriate services to Traveller families.



Indirect Discrimination in Social Welfare

ARTICLE 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(d) Other civil rights, in particular:

(i) The right to freedom of movement and residence within the border of the State;

(ii) The right to leave any country, including one's own, and to return to one's country;

(e) Economic, social and cultural rights, in particular:

(iv) The right to public health, medical care, social security and social services;

Article 5(d)(i) and (ii) provide for freedom of movement and the right to leave and return to one's country and Article 5(e)(iv) provides for the right to social security. However, Government policy and practice is denying these rights for some Travellers.

The habitual residence condition must be met in order for people to qualify for social assistance payments in Ireland. This means that the person must be resident in Ireland with "a degree of permanence evidenced by a regular physical presence enduring for some time, beginning at a date usually in the past and intended to continue for a period into the foreseeable future. It implies a close association between the applicant and the country from which payment is claimed and relies heavily on fact." It was introduced on 1st May 2004 in response to EU enlargement and in an attempt to prevent what was perceived as a threat of "welfare tourism".

Up until 2009, people who were from, or had lived in, the Common Travel Area (CTA) between the United Kingdom and Ireland, prior to seeking social assistance in the Republic of Ireland were treated as having automatically met the HRC. Section 246 of the Social Welfare Consolidation Act 2005, as stated above, provides that:

"it shall be presumed, until the contrary is shown, that a person is not habitually resident in the State at the date of the making of the application concerned unless he has been present in the State or any other part of the Common Travel Area for a continuous period of 2 years ending on that date."

Therefore, there appeared to be a presumption of residency linked to the CTA. In 2009 Traveller organisations, especially in counties bordering Northern Ireland, such as Donegal, noted an increase in queries from people whose claims for social assistance have been rejected on the basis of the HRC, despite the fact that they have lived in Northern Ireland or elsewhere in the UK. This leaves people with no safety net as they are denied protection under supplementary welfare also. The policy is causing extreme hardship and emotional distress.

Due to the movement of Travellers across the border, the policy also indirectly discriminates on the Traveller ground under the Equal Status Acts 2000 and 2004. Indirect discrimination occurs when apparently neutral provision puts persons from a particular group at a particular disadvantage. For Travellers living a nomadic lifestyle, movement between the UK and Ireland can be a common occurrence, so application of the HRC to the CTA will have a disproportionate negative impact on Travellers.

RECOMMENDATION

Pavee Point recommends that the policy restricting access to social welfare payments for people who have previously lived in the UK (including Northern Ireland) be reviewed urgently in light of its indirect discrimination against Travellers; and that interim supports be made available until such a review is complete.

Traveller Women

“The inequalities experienced by women generally are also experienced by Traveller women. In addition Traveller women suffer from discrimination experienced by Travellers as a group in Irish society.”

Report of the Task Force on the Travelling Community 1995

The difficulties in accommodation, described elsewhere in this report, represent a difficult set of circumstances, unique to Traveller women who are frequently in the home as mothers and home-makers on a low income. Traveller women play an important role in their immediate family and the wider Traveller community. They have responsibility for the home, family and children. They often broker with service providers and often take on leadership roles in acting as spokespeople for the community. Unfortunately this leads to more opportunities for direct discrimination against women. According to the National Consultative Committee on Racism and Interculturalism (NCCRI), many Traveller women are more easily identifiable than Traveller men, and are therefore more likely to experience discrimination.⁷⁹

As described in the section on “Discrimination in the Criminal Justice System”, it is of concern both for Traveller women and their families and communities, that Traveller women are over-represented in the criminal justice system. The All Ireland Traveller Health Study found that Travellers comprised 4.6% of the prison population as compared to 0.9% of the population and that the risk of a Traveller man being imprisoned was at least 5 times that of a non-Traveller man, and the risk for a Traveller woman was 18 times that of a non-Traveller woman.

Pavee Point is concerned that the situation of Traveller women is not discussed in the Government’s report. This was raised by NGOs during the consultation phase, as noted in the Government’s report (para. 493, p.150), but yet again this feedback was not taken on board.

The CERD Co-ordinator on Follow-up expressed concern that multiple discrimination is not acknowledged in the National Women’s Strategy 2007-2010 as a barrier to the integration of female Travellers and ethnic minorities (para.15). The Government’s response to this is that some such groups have already been targeted in specific government policy initiatives and that in monitoring the implementation of the Strategy, special cognisance should be taken of the needs of such women (para 89, p.29). Pavee Point does not feel that this sufficiently addresses the issue and does not take account of the CERD Committee’s General Recommendation XXV on Gender Related Dimensions of Racial Discrimination. Pavee Point feels that issues facing Traveller women need to be reflected in mainstream strategies, such as the National Women’s Strategy.

Another example is National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014 which includes little focus on the specific needs of Traveller women and instead refers to a “mainstream” approach in relation to Travellers. It seems that this is sometimes seen as a “one size fits all” approach, as opposed to the systematic consideration and inclusion of the needs of minority groups. The consideration of Traveller women in relation to violence against women was expressly recommended by the Committee on the Elimination of Discrimination against Women in its last concluding observations on Ireland in 2005:

“The Committee urges the State party to take all necessary measures to combat violence against women in conformity with the Committee’s General Recommendation 19 to prevent violence, punish offenders and provide services for victims. It recommends that the State party adopt without delay its strategic plan and systematically monitor and regularly evaluate its components, particularly in relation to marginalized and vulnerable women including Traveller women, migrant women, asylum-seeking women and refugee women and women with disabilities...”⁸⁰

RECOMMENDATION

Pavee Point recommends that the specific needs of Traveller and Roma women be taken into account by the Government in all mainstream policies relating to women, through consultation with the women.

...according to the National Consultative Committee on Racism and Interculturalism (NCCRI), many Traveller women are more easily identifiable than Traveller men, and are therefore more likely to experience discrimination...

The Key Issues Facing Roma in Ireland

Lack of accurate data

An overview of the Roma community in Ireland is provided in the introduction to this report. However, there is a dearth of reliable and accurate data on the Roma community in Ireland as Roma ethnicity is not routinely collected in the Census of the population or in Government services. The Census collects data on nationality, religion and "ethnic or cultural background" (see below); however this question does not include Roma. The information in this report was provided by Pavee Point Roma Support Group, who can provide an insight into the culture of the community and key issues facing the community.⁸¹ Pavee Point would also welcome more comprehensive data and information in order to better inform policies and services for the Roma community.

The 2009 European Union Minorities and Discrimination Survey (EU-MIDIS) found that there may be some reluctance among some Roma to provide their ethnic background, due to previous negative experiences of systematic oppression and discrimination but that the majority would be willing to have data on their ethnicity collected. The All Ireland Traveller Health Study and the exceptionally high participation rate of Travellers in the study indicates that sensitive data can be collected with the right approach, including building trust and inclusion of the community.

Census 2006: Question on ethnic or cultural background

14 What is your ethnic or cultural background?
Choose ONE section from A to D, then tick the appropriate box.

A White

1 Irish

2 Irish Traveller

3 Any other White background

B Black or Black Irish

4 African

5 Any other Black background

C Asian or Asian Irish

6 Chinese

7 Any other Asian background

D Other, including mixed background

8 Other, write in description

In relation to the Government’s CERD report, the Government notes that as part of the consultation with NGOs in preparing their report, that NGOs felt that the omission of any reference to the Roma Community in the draft report was viewed as a glaring omission, (para 505, p.152). Nonetheless, despite this feedback, the final report still contains no information on the Roma community. This is also contrary to the CERD Committee’s General Recommendation XXVII on Discrimination Against Roma which included the recommendation that (para 46):

*“States parties include in their periodic reports, in an appropriate form, data about the Roma communities within their jurisdiction, including statistical data about Roma participation in political life and about their economic, social and cultural situation, including from a gender perspective, and information about the implementation of this General Recommendation”.*⁸²

RECOMMENDATION

Pavee Point recommend that as well as Traveller identity, that the Government collect data on Roma ethnicity through the national Census of the population and in service provision to tackle discrimination and design effective policies and practices. This should be accompanied by awareness-raising among the Roma community as to the purpose of the data collection.

There has also been little quantitative or qualitative research with the Roma community in Ireland. For example, the Government’s Joint Committee on European Affairs expressed concern about the Incitement to Hatred Act in December 2009 in their examination of Roma policies in the European Union recommended an investigation of incidents of discrimination and racially motivated crime and victim crime surveys to ascertain if Roma in Ireland have experienced racially motivated attacks.⁸³

In 2006, the UN Committee on the Rights of the Child was critical of the lack of specific information in the Government’s report on, inter alia, efforts made to prevent marginalisation and social exclusion of Roma children.⁸⁴

RECOMMENDATION

Pavee Point recommend that the Government work with the Roma community and support organisations to undertake research to better understand the needs of the community and how these needs can be met.

Education

The Pavee Point Roma Support Group estimate that only about 30% of Roma children in Ireland attend school.

Reasons can include:

- lack of encouragement and sufficient support;
- the lack of experience or negative experience of education systems of many Roma parents;
- previous exclusion of mainstream school in Eastern and Central Europe.

It is also estimated that 95% of Roma women in Ireland cannot read or write in any language and that approximately 85% of the Roma population in general are illiterate. This profile prevents parents from feeling engaged and able to support their children in school and with homework. Due to the young marriage age for many Roma girls, some Roma girls are withdrawn from the formal education system at the age of puberty. As an adult, some Roma women need their husband's permission to attend adult courses, to be away from the home and to socialise. Lack of childcare is another major barrier for Roma women becoming involved in education.

In Ireland, the Roma often do not speak English. This is a major barrier to Roma accessing key services, including social welfare, employment, education, health and accommodation. For Roma to participate in English classes it is necessary for Roma specific approaches that take into account a limited experience of education, and feelings uncomfortable in classes with other ethnicities.

For Roma children in schools, the cutbacks to language supports will have a detrimental impact. In June 2010 there were 1,182 language support teachers at primary level and 365 at post-primary level, compared to 1,620 and 560 respectively in the 2008/09 term.⁸⁵

RECOMMENDATION

Pavee Point recommend that the Government develop a Roma Education Strategy, working with the Roma community and support groups and taking into account the particular needs of the community, including equal access to education for girls and women and English language and adult education.

Accommodation and social welfare

Policies aimed at receiving and accommodating asylum seekers in Ireland can sometimes fail to take account of Roma extended family structures. The concern to maintain the role of the extended family is perceived by some of the Roma in Ireland as one of the factors contributing to Roma sometimes choosing not to live in reception centres for asylum seekers. As a result some families move out of Direct Provision into mainstream rented housing; however this causes problems with high costs of rent, living costs in Ireland and costs of sending children to school, including lunches. Some Roma do not send their children to school as a result. Therefore, some Roma move around to stay with friends or family, this can lead to overcrowding and conflict with landlords. It also has implications for their social welfare payments and children's school attendance.

Other difficulties in accessing social welfare benefits include:

- lack of knowledge of entitlements;
- lack of interpreting;
- lack of understanding of the staff of the particular issues facing Roma in Ireland.

These difficulties can lead to increased pressure on Roma families to beg on the streets which in turn contributes to negative stereotyping in the media and potentially increased prejudice and discrimination.

The Government's Joint Committee on European Affairs noted that some laws and policies can have a disproportionate impact on Roma, and recommended a comprehensive review of legislation and policies in the area of social inclusion and assess their impact on Roma and vulnerable groups in similar positions.⁸⁶ Laws and policies which are found to have a disproportionate negative impact on Roma and other socially vulnerable groups should be amended without delay.

RECOMMENDATION

Pavee Point supports the recommendation for a review of legislation and policies to assess their impact on Roma and also recommends training on Roma culture and issues facing the Roma community in Ireland for staff working in accommodation policy and provision (including asylum seeker accommodation), and social welfare.

In Ireland, the Roma often do not speak English. This is a major barrier to Roma accessing key services, including social welfare, employment, education, health and accommodation.

Health

The Pavee Point Roma Support Group has found that Roma have mixed experience within the Irish health system. While many health bodies and professions respond well and professionally to their needs, Roma sometimes feel that they do not receive equal treatment in waiting rooms or in hospital wards.

Roma women sometimes do not seek medical attention until late in their pregnancy, presenting difficulties around ante-natal and post natal care. Most Roma qualify for medical cards, however they sometimes feel they do not get sufficient support and information from health authorities to guide them through the application process.

Illness, within the Roma community, is not viewed as the concern of an individual on their own. It is a problem shared by an entire family. If a Roma person is in hospital, family members are expected to stay with that person and care for them. This has implications for health care, planning and provision and hospital visiting.

Employment

Due to high rates of discrimination in the workplace most Roma entitled to work in Ireland are often employed in low skilled, low paid areas of employment. The main area of work is often in general food processing. Self-employment is the traditional means of Roma survival. Buying and selling are traditional skills. However, there are, at present, few supports for this type of activity in Ireland.

RECOMMENDATION

Pavee Point recommends the development of specific supports to ensure that Roma have equal opportunities within the business sector and for employment generally.

It is clear that the situation and needs of the Roma community in Ireland must be better understood and that a strategic focus is required by Government.

RECOMMENDATION

Given the level of discrimination faced by Roma both today and historically and given the particular issues they face which may be distinct from those experienced by other migrant groups, Pavee Point recommend that the Government infrastructure for policy and services for Travellers be extended to include Roma.



Footnotes

1. UN CERD Committee (2005) *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*. CERD/C/IRL/CO/2, (para 12).
2. Equality division (which has responsibility for Traveller Affairs) has since transferred to Department of Community, Equality and Gaeltacht Affairs
3. Kelleher et al (2010) *Our Geels All Ireland Traveller Health Study*. University College Dublin, Department of Health and Children.
4. Equality Authority (2006) *Traveller Ethnicity*, available at: www.equality.ie/index.asp?docID=556
5. Irish Human Rights Commission (2005) *Submission to the Committee on the Elimination of Racial Discrimination*, IHRC, Dublin, p. 54
6. See for example, NCCRI (2004) *The Importance of Recognising Travellers as an Ethnic Group. Submission to the Joint Oireachtas Committee on Human Rights*, available at: www.nccri.ie/submissions/04MarTravellerEthnicity.pdf
7. MacGréil, M. (2010) *Emancipation of the Travelling People*. National University of Ireland, Maynooth.
8. Kelleher et al (2010) *Our Geels All Ireland Traveller Health Study*. University College Dublin, Department of Health and Children.
9. Crowley, N. (2005) *An Ambition for Equality: Irish Academic Press*, Dublin, p.89.
10. Kelleher et al (2010) *Our Geels All Ireland Traveller Health Study*. University College Dublin, Department of Health and Children.
11. Central Statistics Office, *Census 2006*. Available at: <http://beyond2020.cso.ie/Census/TableViewer/tableView.aspx> .
12. Central Statistics Office, *2006 Census Results*. Available at: http://www.cso.ie/census/census2006results/volume_5/vol_5_2006_complete.pdf and http://www.cso.ie/census/Census2006_Principal_Socio_economic_Results.htm
13. Kelleher et al (2010) *Our Geels All Ireland Traveller Health Study*. University College Dublin, Department of Health and Children.
14. Kelleher et al (2010) *Our Geels All Ireland Traveller Health Study*. University College Dublin, Department of Health and Children.
15. Kelleher et al (2010) *Our Geels All Ireland Traveller Health Study*. University College Dublin, Department of Health and Children.
16. Council of Europe (2007) *Report by the Commissioner for Human Rights, Mr Thomas Hammarberg on his Visit to Ireland*, November 2007, available at: <http://www.dfa.ie/uploads/documents/Political%20Division/final%20report%20ireland.pdf>
17. UN CERD Committee (2005) *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*. CERD/C/IRL/CO/2, (para 12).
18. Harvey, B. & Walsh, K. (2009) *Downgrading Equality and Human Rights: Assessing the Impact*. Equality and Rights Alliance, Dublin.
19. UN CERD Committee (2005) *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*. CERD/C/IRL/CO/2, (paras 3 & 4).
20. Kelleher et al (2010) *Our Geels All Ireland Traveller Health Study*. University College Dublin, Department of Health and Children.
21. For example by Senator Terry Leyden, Rapporteur for the report: Houses of the Oireachtas Joint Committee on European Affairs (2009) *Eleventh Report on The position of Minority Groups in Europe - an examination of Roma policies in the European Union*. Available at: <http://euaffairs.ie/Final-Report-Roma-in-EU.doc>
22. Chrissy's comments, taken from http://www.paveepoint.ie/nomads_7.html .
23. Council of Europe's Advisory Committee on the Framework Convention on National Minorities (2006) *Second Opinion on Ireland*.
24. Equality Authority (2006) *Traveller Ethnicity*, available at: www.equality.ie/index.asp?docID=556
25. Irish Human Rights Commission (2005) *Submission to the Committee on the Elimination of Racial Discrimination*, IHRC, Dublin, p. 54
26. See for example, NCCRI (2004) *The Importance of Recognising Travellers as an Ethnic Group. Submission to the Joint Oireachtas Committee on Human Rights*, available at: www.nccri.ie/submissions/04MarTravellerEthnicity.pdf
27. Including Ministers Mary Harney, Michael Martin, and John O'Donoghue
28. Council of Europe (2008) *Report by the Commissioner for Human Rights, Mr Thomas Hammarberg on his Visit to Ireland*, November 2007, para. 97. Available at: <http://www.dfa.ie/uploads/documents/Political%20Division/final%20report%20ireland.pdf>
29. UN CERD Committee (2005) *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*. CERD/C/IRL/CO/2, (para 20).
30. UN CERD Committee (2006) *Report on Visit of Co-ordinator on Follow-up to Ireland*. CERD/C/69//Misc.9, (para 16).
31. UN Committee on the Rights of the Child (2006) *Concluding observations: Ireland* CRC/C/IRL/CO/2, (para 79(a))
32. UN Human Rights Committee (2008) *Concluding Observations of the Human Rights Committee*. CCPR/C/IRL/CO/3 (para 23).
33. ENAR (2006) Fact Sheet 25: *Roma, Sinti and Travellers in the EU. General Overview of the Human Rights Situation*. Available at: http://cms.horus.be/files/99935/MediaArchive/pdf/FS25_Roma_EN.pdf
34. <http://www.integration.ie/website/omi/omiwebv6.nsf/page/aboutus-ministerialcouncil-overview-en#more>
35. Council of Europe (2008) *Report by the Commissioner for Human Rights, Mr Thomas Hammarberg on his Visit to Ireland*, November 2007, para. 97. Available at: <http://www.dfa.ie/uploads/documents/Political%20Division/final%20report%20ireland.pdf>
36. Central Statistics Office (2005) *Quarterly National Household Survey, Equality*. Quarter 4, 2004. Dublin: Central Statistics Office.
37. Russell, H. Et al (2008) *The Experience of Discrimination in Ireland: Analysis of the QNHS Equality Module*. Equality Authority & ESRI: Dublin. Available at: <http://www.esri.ie/UserFiles/publications/20080902101539/BKMNEXT120.pdf>
38. UN CERD Committee (2005) *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*. CERD/C/IRL/CO/2, (para 22).

39. Council of Europe (2008) *Report by the Commissioner for Human Rights, Mr Thomas Hammarberg on his Visit to Ireland*, November 2007, available at: <http://www.dfa.ie/uploads/documents/Political%20Division/final%20report%20ireland.pdf>
40. UN CERD Committee (2005) *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*. CERD/C/IRL/CO/2, (para 21).
41. Information provided in respond to a request for information from Pavee Point in July 2010.
42. Pobal (2009) *Report on the Traveller Interagency Process and its Impact*.
43. ECRI (2007) *Third Report on Ireland*, p.6.
44. Houses of the Oireachtas Joint Committee on European Affairs (2009) *Eleventh Report on The position of Minority Groups in Europe - an examination of Roma policies in the European Union*. Rapporteur: Senator Terry Leyden. Available at: <http://euaffairs.ie/Final-Report-Roma-in-EU.doc>
45. Schweppe, J. & Walsh, D. (2008) *Combating Racism with the Criminal Law*. Centre for Criminal Justice, University of Limerick.
46. NCCRI (2008) *Reported Incidents Related to Racism and strategic responses from the NCCRI January -June 2008*. Available at: www.nccri.ie/pdf/RacistIncidentsJan-June08.pdf
47. MacGréil, M. (2010) *Emancipation of the Travelling People*. National University of Ireland, Maynooth.
48. UN CERD Committee (2006) *Report on Visit of Co-ordinator on Follow-up to Ireland*. CERD/C/69/Misc.9, (para 22).
49. Directive 2002/73/EC of the European Parliament and of the Council of 23 September 2002 amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions, (22).
50. Crowley, N. (2005) *An Ambition for Equality*: Irish Academic Press, Dublin, p.89.
51. TV3, 30th July 2010, *Travellers jailed for Balbriggan riot*. Available at : www.tv3.ie/article.php?article_id=41830&locID=1.2.141.&pagename=home
52. NCCRI (2005) *Media Review of the Ward/Nally Case*, Spectrum Issue 10: December 2005, p.21. Available at: www.nccri.ie/pdf/spectrum10.pdf
53. UN Committee on the Rights of the Child (2006) *Concluding observations: Ireland*. CRC/C/IRL/CO/2, (para. 78).
54. Kelleher et al (2010) *Our Geels All Ireland Traveller Health Study*. University College Dublin, Department of Health and Children.
55. Central Statistics Office, *Census 2006*. Available at: <http://beyond2020.cso.ie/Census/TableViewer/tableView.aspx> .
56. Byrne, D. & Smyth, E. (2010) *No Way Back? The Dynamics of Early School Leaving*. ESRI, Dublin.
57. Department of Education and Science (2006) *Survey on Traveller Education Provision*. Available at: http://www.education.ie/servlet/blobServlet/des_insp_travellers_foreword_te.htm
58. HSE, Written Correspondence (14th September, 2009) from Pat Healy, Assistant National Director, to National Traveller Health Advisory Committee.
59. UN Committee on the Rights of the Child (2006) *Concluding observations: Ireland* CRC/C/IRL/CO/2, (para. 59 (d))
60. ECRI (2007) *Third Report on Ireland*.
61. ECRI (2007) *Third Report on Ireland*.
62. http://www.paveepoint.ie/nomads_7.html
63. <http://www.nccri.ie/cdsu-travellers.html#1>
64. Irish Traveller Movement *Report On The Socio-Economic Consequences Of The Control Of Horses Act 1996 On The Traveller Community*: Dublin
65. Traveller Health Unit, Eastern Region (2007) *Toolkit and Guidelines for the Employment of Travellers in the Health Service Executive*.
66. Central Statistics Office, *2006 Census Results*. Available at: http://www.cso.ie/census/census2006results/volume_5/vol_5_2006_complete.pdf and http://www.cso.ie/census/Census2006_Principal_Socio_economic_Results.htm
67. Central Statistics Office, *Live Register July 2010*. Available at: http://www.cso.ie/releasespublications/documents/labour_market/current/lreg.pdf
68. OECD (2010) *Employment Outlook 2010 – How does IRELAND compare?* Available at: <http://www.oecd.org/dataoecd/14/37/45603074.pdf>
69. ECRI (2007) *Third Report on Ireland*, p.6.
70. Department of Justice, Equality and Law Reform (2006) *Report of High-Level Group on Traveller Issues*, p.9. Available at: <http://www.justice.ie/en/JELR/HLGReport.pdf/Files/HLGReport.pdf>
71. Conroy, P. & O'Leary, H. (2007) *Review of a Civil Service Traveller Internship Pilot Programme: Executive Summary*. Department of Justice, Equality and Law Reform.
72. Kelleher et al (2010) *Our Geels All Ireland Traveller Health Study*. University College Dublin, Department of Health and Children.
73. MacGréil, M. (2010) *Emancipation of the Travelling People*. National University of Ireland, Maynooth.
74. <http://www.rte.ie/news/2009/0703/ballina.html>
75. <http://www.dublinpeople.com/content/view/3286/57/>
76. NCCRI (2008) *Reported Incidents Related to Racism and strategic responses from the NCCRI July-December 2008*. Available at: <http://www.nccri.ie/pdf/RacistIncidentsJuly-Dec08.pdf>
77. ECRI (2007) *Third Report on Ireland*, p.6.
78. UN Human Rights Committee (2008) *Concluding Observations of the Human Rights Committee*. CCPR/C/IRL/CO/3 (para. 23)
79. <http://www.nccri.ie/traveller.html>
80. UN Committee on the Elimination of Discrimination against Women (2005) *Concluding comments: Ireland*. CEDAW/C/IRL/CO/4-5, (para 29).
81. See <http://www.romasupport.ie/>
82. The only reference to the Roma community in the Government's report (para, 369(4), p.170) simply states that the Roma Community is made up principally of persons of Romanian, Hungarian, Polish and Czech Republic origin, all of whom are EU Citizens, covered by the provisions of the European Communities (Free movement of Persons) (No. 2) Regulations 2006 and not required to register their presence in the State.
83. Houses of the Oireachtas Joint Committee on European Affairs (2009) *Eleventh Report on The position of Minority Groups in Europe - an examination of Roma policies in the European Union*. Rapporteur: Senator Terry Leyden. Available at: <http://euaffairs.ie/Final-Report-Roma-in-EU.doc>
84. UN Committee on the Rights of the Child (2006) *Concluding observations: Ireland* CRC/C/IRL/CO/2, (para 80)
85. Irish Times 29th June 2010 *INTO condemns English language cuts*.
86. Houses of the Oireachtas Joint Committee on European Affairs (2009) *Eleventh Report on The position of Minority Groups in Europe - an examination of Roma policies in the European Union*. Rapporteur: Senator Terry Leyden. Available at: <http://euaffairs.ie/Final-Report-Roma-in-EU.doc>

“ The Committee remains concerned, however, that adequate recognition, action and positive measures have not yet been taken to enhance the enjoyment of the rights of children belonging to the Traveller community and in particular to facilitate their access to education, housing and health services.”

UN Committee on the Rights of the Child, 2006



“ Furthermore, the Commissioner considers it essential that Travellers are effectively protected against discrimination and racism under national and international law. While it is true that Travellers are specifically protected against discrimination under the “Traveller” ground in the Irish anti-discrimination legislation, it is also clear that Travellers can be victims of racism more generally. It is therefore essential that Travellers are acknowledged as potential victims of racism in the implementation of the national action plan against racism and the work of the recently established Press Council and its Ombudsman. Travellers should also benefit from non-discrimination provisions under the “race” ground at national, European and international levels.”

Thomas Hammarberg, Council of Europe Commissioner for Human Rights in the report on his visit to Ireland in 2007.



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