

**Donegal Travellers Project & Donegal Intercultural Platform**

**Alternative Report**

**A Response to Ireland’s Combined Fifth to Ninth Periodic Reports to the UN Committee on the Elimination of   
All Forms of Racial Discrimination**

**(CERD/C/IRL/5-9)**

**November 2019**

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**Executive Summary**

Donegal Travellers Project and the Donegal Intercultural Platform welcome the opportunity to make this submission to the Committee on the Elimination of Racial Discrimination to inform its list of Themes in relation to Ireland’s combined fifth to ninth reports.

This submission sets out what the combined organisations views as key challenges in relation to Ireland’s implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.

This is the first time a report has been prepared and submitted to CERD by an NGO in Co. Donegal – situated in the North West region of the Republic of Ireland. A key challenge to the work to DTP is the lack of equality/anti-racism infrastructure along with vast geographical spread. Donegal Travellers Project and the Donegal Intercultural Platform remain available to the Secretariat and the Committee for any further information or clarification that they may require.

We are calling on the Committee to recommend to the Irish State the following:

1. Irish State resources and supports the development of civil society organisations at county level and regionally which represents the needs and interests and addresses racism and discrimination as experienced by individuals and groups.
2. All NGO / development companies which are resourced and funded by the state - or state-run programmes that deliver on social inclusion or equality at a county or regional level must use non-discriminatory practice and directly target and meet the needs and interests of Traveller, Roma and Black Minority Ethnic communities in the delivery of their programmes.
3. Develop a new national action plan against racism that is inclusive of Irish Travellers and Roma, and include Travellers in the functions and scope of a new anti-racism committee.
4. Develop and enact Hate Speech and hate crime legislation including on-line hate crime which will protect Traveller and Roma Communities.
5. To ensure resources are allocated at county level to address individual and institutional racism as experienced by Travellers, Roma and Black Minority Ethnic communities this will include resourcing national human rights organisations and NGO’s to create the conditions for the inclusion of areas such as Donegal in the implication of their work to address racism.

We make further recommendations in other key areas as referred to in the main body of the report. We respectfully ask for the Committee to call upon the State to take action in all these areas to ensure the rights of Travellers, Roma and Black Minority Ethnic Communities are promoted, protected and realised.

**Introduction**

**Reporting Organisation**

**Donegal Travellers Project** is an independent, locally based community development organisation working for and with the Traveller, Roma and Black Minority Ethnic Communities in County Donegal. We are established as a human rights-based organisation with the ultimate aim of achieving equality and social justice. Irish Travellers have been documented as being part of Irish society for centuries.

Donegal Travellers Project work in collaboration with the **Donegal Intercultural Platform.** The Donegal Intercultural Platform is a voluntary organisation made up of individual members and affiliated organisations who are committed to building inclusion and equality in Donegal and in promoting Human Rights and opposing discrimination and racism.

Donegal Travellers Project and Donegal Intercultural Platform is situated in the North West of Ireland. Donegal is the fourth largest county in Ireland by area, approximately 200 to 300 kilometres from Dublin city with a population of almost 160,000. The county is largely surrounded by the Northern Ireland counties of Derry, Tyrone and Fermanagh, with only a small 12km border with one other Irish Republic county (Leitrim). This distance and geographical isolation makes transport to Dublin and the other major population centres of the state very difficult. Current estimates say that 9.5% of the county population are member of Black and Minority Ethnic communities including Irish Travellers and Roma.

**Context of Donegal**



**The Traveller Community**

Travellers have a long-shared history, traditions, language, culture and custom. The distinctive Traveller identity and culture, based on a nomadic tradition, sets Travellers apart from the sedentary population or ‘settled people’. Accepting, resourcing and celebrating Traveller identity, culture and heritage is a central element in any strategy to counter discrimination and the exclusion and marginalisation of Travellers. There are between 250 – 350 families living in Donegal.

**The Roma Community**

Like the Traveller Community the Roma Community have long-shared history, traditions, language, culture and customs. The Roma Community in Ireland consists of persons from a range of European countries including Romania, Hungary, Slovakia, Poland and the Czech Republic (Czechia). There are between 40-50 families and up to 100 individuals living in Donegal.

**Structure of the Report**

Our Alternative Report provides a response to Ireland’s consolidated Combined Fifth to Ninth Periodic Reports to the CERD Committee. It is informed by issues identified by Travellers, Roma and Black Minority Ethnic Communities living in Donegal through consultation and key pieces of research. The report is structured in accordance with identifying key areas of challenge at a local level.

**General Overview since the Committee’s Previous Examination of the State Party (2011-2019)**

Donegal Travellers Project in recent years has welcomed the symbolic recognition of Irish Travellers as an ethnic group in 2017, as well as the inclusion of Travellers and Roma in some key policy measures such as the National Traveller and Inclusion Strategy.

Travellers, Roma and Black Minority Ethnic Communities living in County Donegal continue to experience the different types racism and discrimination by public and private actors with little to no coordinated State action to address this. The implementation of legislation, policies and strategies related to inclusion remains weak as a result of poor implementation and monitoring plans as well as inadequate funding.

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**Key Area 1: Prohibition of Racial Incitement**

CERD/C/IRL/CO/3-4 paragraph 15

State Report: CERD/C/IRL/5-9 paragraph 57-70

Travellers, Roma and Black Minority Ethnic Communities are subjected to hate crime and speech on a daily basis by private and public actors. Donegal Travellers Project and Building Intercultural Communities Project views The Prohibition of Incitement to Hatred Act 1989 para 65 as inadequate for dealing with hate speech. No convictions have been secured in Donegal under the Act despite hate speech having been reported to An Garda Síochána.

Racism and Discrimination in Donegal is evidenced by the following actions and events… An arson attack on a proposed Direct Provision centre followed by an attack on civilian security staff; the destruction by fire of a proposed Traveller specific house; anti-Traveller sentiment in the political forum with public representatives and candidates targeting Traveller families and describing migrants and those seeking International Protection as ‘free-loaders’; and repeated online hate speech towards Travellers, asylum seekers and Roma, including mainstream news platforms. Institutional racism experienced by the Traveller community is evidenced through high levels of inequality across a number of social determinants including, income poverty, education, housing, physical and mental health; employment etc.

In February 2013 an elected representative made anti-Traveller comments including *‘Travellers should live in isolation’* in spite complaints being made under the hate crime legislation no case was taken by An Garda Síochána. *(See Appendix 1 for further examples)*

**Recommendation to the Irish State:**

Donegal Travellers Project and the Donegal Intercultural Platform found through experience that the law was ineffectual and therefore is seeking the state to strengthen hate crime legislation with expediency.

The Committee to recommend to the Irish government:

To develop effective hate speech and hate crime legislation in collaboration with the law reform commission.

To ensure perpetrators and investigated and prosecuted under the legislation.

To ensure media providers in Ireland manage feeds/comment boxes so that incitement to hatred legislation can be used effectively online.

To resource an information campaign across Black minority ethnic communities including Traveller and Roma on hate crime and hate speech legislation in Ireland including how to report incidents of hate crime and hate speech.

To strengthen the standards in public office guidelines for public officials and politicians that hate speech is condemned and sanctions put in place.   
To demonstrate leadership in addressing hate crime towards Travellers, Roma, Asylum seekers, Refugees and migrants

**Key Area 2 National Action Plan Against Racism**

CERD/C/IRL/CO/3-4 paragraph 13

State Report: CERD/C/IRL/5-9 para. 25-26/paragraph 29-55

Despite recommendations by international human rights monitoring bodies, the National Action Plan against Racism (2005-2008) has never been renewed.

Although the State has recognised Travellers as an ethnic minority group and has developed the National Traveller and Roma Inclusion Strategy and the Migrant Integration Strategy the issues and challenges are framed from a social inclusion and marginalisation lens with little acknowledgement of racism and discrimination. A new national action plan on racism will develop the tools for Government Departments and local authorities to combat racism and discrimination. There are limited national frameworks such as NTRIS addressing the issues and challenges faced by BME communities in Ireland and therefore limited to no resources allocated in County Donegal to address inclusion and discriminatory practices.

There are no resources for the Social Inclusion Unit in Donegal to inform practice and guidance for the inclusion of BME communities including asylum seekers and refugees.

BME communities including Travellers and Roma living in isolated rural areas such as county Donegal have articulated that they feel abandoned and neglected by the state where there is no national framework impacting on their lives positively.

Institutional discrimination is often demonstration by low expectations of outcomes from services with little appreciation of culture, diversity or religion.

There are limited providers or opportunity for NGO’s, statutory body or local authorities to access intercultural training, anti-racism training and cultural competency training in the county/region. Donegal Travellers Project is the sole provider of this work.

**Recommendation to the Irish State:**

The Committee to recommend to the Irish government:

To develop as a matter of urgency a new National Action plan Against racism which includes the Traveller and Roma Communities and representation from these communities on any new anti-racism committees.

To take cognisance of the very particular experiences from BME communities in isolated rural areas such as Donegal and border counties which may be negatively impacted by Brexit.

To include and resource actions which contribute to building positive relationships between minority ethnic communities and majority communities with a view to decreasing racism and discrimination at a local level.

**Key Area 3 – Lack of Disaggregated Data to inform Policy, Budgets & Programming**

CERD/C/IRL/CO/3-4 paragraph 21

State Report: CERD/C/IRL/5-9 paragraph 34,36,53,111-122

Donegal Travellers Project and Donegal Intercultural Platform is concerned about the lack of disaggregated data by ethnicity in the county, regionally and nationally. Accurate date and ethnic monitoring is required in the struggle to protect the human rights of those most marginalised in society.

Implementation has taken place with the collection of ethnic data by some state agencies, however, with other institutions and for this report Donegal there seems to be resistance or little to no guidance from the national fora to guide the collection.

There needs to be further steps taken to ensure consistent disaggregation of data by ethnicity across state institutions. While there is now an ethnic identifier in the census and within the three major maternity hospitals in Ireland there is still no system in place in wider health institutions for example.

The Traveller Community

From the Census 2016 there are currently 1,221 members of the Traveller Community living in Donegal and we know that the Traveller community stand out as an ethnic minority group that experience extreme disadvantage in terms of employment, housing and for this instance health. There is a steeper increase in poor health – we know Traveller mortality is 3.5 times higher than non-Travellers overall while infant mortality is 3.6 times higher among Travellers than among the general population *(AITHS)*

If a universal ethnic identifier was introduced within and across the systems of different institutions it would provide strategies and solutions to address and rectify inequalities in the Traveller, Roma and Black Minority Ethnic Communities. It would also begin to address discriminatory practices and unjust power relations, which are often at the heart of inequitable health outcomes *(see above for example).*

We need ethnic data collection to identify discrimination, combat racism and promote equality. Ethnic data would also enable us to monitor progress of policies and would provide strong evidence for further policy making and inform budgets and programming.

**Recommendation to the Irish State:**

The Committee to recommend to the Irish government:

To collect and disaggregate date by ethnicity across all relevant institution systems in line with human rights standards.

To use the data to monitor racism and discrimination and to inform and to equality proof all policy, budgeting and programming.

**Key Area 4 - Refugees and asylum seekers in Donegal**

CERD/C/IRL/CO/3-4 paragraph 20

State Report: CERD/C/IRL/5-9 paragraph 98-110

**Refugees and asylum seekers in Donegal**

Currently there are two distinct groups of refugees and people seeking International Protection resident in County Donegal. There are approximately 200 people living in Donegal who arrived through the International Resettlement Programme, mainly from Syria, Iraq and Kurdish regions. They are supported by the local Resettlement Programme contracted staff, who can assist them for a maximum of 18 months, after which they must fend for themselves. Many people from this group are reporting serious challenges navigating medical, health, social welfare and educational systems, and many of whom are still struggling with the English language and alphabet. There are currently over 50 people from this group who have ‘exited’ the support programme. They describe the impact of exiting the programme as being abandoned to live in the county with little ongoing support actions to support their inclusion. In addition, there are currently 21 people living in an Emergency Temporary Accommodation (ETA) centre in a distant rural setting. The main town of Letterkenny is 250 km from Dublin, and the ETA centre is a further 30km north of Letterkenny from which there is no direct transport route to Dublin. This centre is wholly unsuitable, with no safety gates for children on the premises which opens on to the main road, the garden area has not been developed in manner to meet the developmental needs of children for space for free play. There are no outdoor play facilities and people sleep 3 to each bedroom. There are 7 children and 14 adults currently in the centre. There was no liaison with local schools, medical or other services prior to the arrival of the residents and accessing services remains difficult for many of the residents.

**Recommendation to the Irish State:**

The Committee to recommend to the Irish government:

Ensure that all people living in Direct Provision accommodation or in Emergency Temporary Accommodation have a medical card and free access to a GP locally while the medical card is being processed.

Make provision that all people living in Direct Provision Accommodation or in Emergency Temporary Accommodation have access to primary care services and emergency medical care close to their place of residence, or that transportation to the nearest treatment centre is provided.

Ensure that all people living in Direct Provision accommodation or in Emergency Temporary Accommodation have access to mental health supports and referrals, especially given the recorded high rate of post-traumatic stress amongst people seeking International Protection, and the often cramped and unsuitable facilities in their temporary accommodation.

Recognise the right to access English language classes where necessary on a long term basis to develop the capacity to access employment, education, and participation in civil society and participative democracy in County Donegal.

Introduce a national framework of qualifications or agreed minimum competence standards for the recruitment and retention of interpreters by public agencies and the Department of Justice & Equality which is accessible to rural areas such as Donegal.

Establish a nationwide interpretation service which includes interpretation services for CHO area 1 (Donegal Sligo Leitrim Cavan & Monaghan) in Ireland that can be accessed at all levels of the public health service, from General Practice and Primary Care through to hospital and consultant-led care.

To also Resource cultural awareness and cultural competence training for interpreters including diversity.

Expand and resource the provision of educational opportunities for migrants including asylum seekers and refugees, providing both access courses as gateways to certificate, diploma and degree level education, and the provision of ‘conversion’ courses to enable people with educational qualifications from non-EU states to gain Irish recognition of their knowledge and skills.

Provide free education up to 3rd level, for all Refugees, people seeking International protection and undocumented migrants.

Set quality standards for all Direct Provision and Emergency Temporary Accommodation centres in terms of accommodation, catering and foods, play facilities, recreational facilities, safety and security.

To set a maximum time for the use of Direct Provision centre in Ireland with a view for private homes, houses or apartments to be provided after a maximum period of 6 months which would include social welfare payments to increase in line with the Department of Social Protections payments.

To abolish the current system of allocation of places of emergency accommodation where there is no consideration of care, location or individual needs.

Make available cultural awareness and competence training for all staff (and volunteers) involved with International Protection accommodation provision.

The committee recommend to the state that where there are asylum seekers and refugees living in a rural area resources must be allocated from the Department of Justice and Equality or other relevant department for the employment of a Development worker. (beyond the settlement programmes) to work to promote the inclusion of the communities, to develop culturally sensitive access to services and to put in place measures to meet the needs/rights of children, families and vulnerable adults.

Introduce formal complaints procedures to address complaints and concerns of residents regarding discrimination, neglect or inadequate facilities.

To consider the very particular needs and challenges for women living in emergency accommodation or direct provision.

To extend the right to work for asylum seekers in Donegal.

Employment support services target refugees and asylum seekers for inclusion in employment support programmes in Donegal.

To remind Irish Society that Ireland has international obligations to those seeking asylum and of the often traumatic situations that asylum seekers are seeking to escape.

**Key Area 5 -****Travellers - Discrimination in Accommodation and Housing**

CERD/C/IRL/3-4 paragraph 13

State Report: CERD/C/IRL/5-9 paragraph 29-55

Traveller accommodation in County Donegal continues to be problematic for a number of families and individuals who experience homelessness, discrimination by the private rented sector, living on the side of the road, inadequate housing and limited facilities on sites. While the local authority in the county has made significant progress over the last 10 years there continues to be an absence of the recognition of the impact of inadequate accommodation on family units including a family with complex needs on the health and well being of the family and the rights of the child. The State has continuously failed to put in place directives that obligate local authorities to meet the needs of Traveller families with expediency and to set standard for Traveller accommodation, DTP has to continually advocate, represent and support Traveller families to access accommodation. We would argue that direct and indirect discrimination has affected Travellers access to private and social housing and accommodation. Many families and individuals feel that the private rented sector discriminates against Traveller families on an ongoing basis therefore reducing the opportunity for Travellers to access HAP(State housing support programme.) Recent research commissioned by a government body shows that the number of families living on unauthorised sites has increased by 20% between 2010 and 2015.

Families and individuals in Donegal who present as homeless to the Local Authority are provided with a letter for Bed & Breakfast for up to 3 nights and must find a B&B themselves. Traveller and Roma families describe walking or driving from B&B to B&B seeking accommodation and on many occasions have not been able to get a bed. We would suggest that there is discrimination experienced at 2 points, firstly by the B&B providers not taking Travellers or Roma, because of their ethnicity, with letters from the Local Authority agreeing that they will make the payment and secondly by the L.A. sending homeless Traveller and Roma families out with letters to find accommodation knowing how difficult this will be if not impossible. Donegal is a large rural county with inadequate rural transport and further reduces opportunity for homeless Travellers to find accommodation. Children are not considered or their right to a bed considered by the Local Authority in these circumstances.

Donegal County council employs a Traveller Accommodation Officer for the county. The role is to support Travellers access housing and accommodation in the county. In the event of a member of the Traveller community contacting the council to access other services such as repairs to property, homeless services or water supply they are in the main directed to contact the Traveller accommodation officer. If he is on holidays they are advised of same and no alternative is identified in the Donegal County Council to address the issue. This Accommodation worker is only accessible directly to the community by telephone on Monday and Wednesday mornings. All other housing services have normal working office hours. We would state that while having an Accommodation Officer is valuable to the community for housing and accommodation as there are so many challenges for Travellers, how it is organised is in itself is discriminatory towards the Traveller community and demonstrates institutional racism. Limited access to a service because of your ethnicity is institutional racism.

The lack of accommodation provision in the county has contributed too many Travellers and Roma living in shared and overcrowded accommodation, poor housing conditions, unauthorised sites, and/or homelessness.

The Housing (Miscellaneous Provisions) Act 2002 which criminalised nomadism has severely impacted on Travellers’ nomadic tradition, but particularly also on Travellers who are waiting to be accommodated by a Local Authority and are left with no option but to camp on roadsides or live on unauthorised sites, and then eviction notices and lack of any political support to address their living condition by the same local authorities under this act. County Donegal was a county with a strong traditions of nomadism of both Travellers visiting in the county in particular in the summer months and Travellers in the county visiting other areas. These patterns of nomadism have nearly been eradicated since the legislation with very few local families travelling and the numbers of families visiting the county reduced from 300 approximately annually to more 5 in 2019 to date.

**Recommendation to the Irish State:**

The Committee to recommend to the Irish government:

The state/government department with responsibility for housing will instruct Local authority staff with management and responsibility for housing services regionally to participate in cultural awareness training, non-discriminatory practise and Positive Duty training.

The state will request that each local authority will provide and offer elected representatives training on ethnicity, culture, diversity in the LA area and interculturalism in the first year of taking up office and at midterm for a council term

Each local authority will develop anti-racism policies and good practise guidelines including Positive Duty training and policies, in collaboration with the unions and will distribute to all staff and will be part of any staff handbooks.

The state will instruct all local authorities to review all services and ensure that Travellers are not denied direct access to services they request i.e. water only through a housing and accommodation officer.

The state will develop good practise guidelines for local authorities on supporting homeless Travellers and Roma communities

The state will support every local authority in Ireland to ensure that no Traveller is living in sub-standard living conditions or on the side of the road with no services in an agreed time frame with national Traveller NGO’s.

The state will invest and increase the Traveller accommodation budget to meet not just immediate new builds and repairs.

**Key Area 6 - Traveller Culture and Heritage**

CERD/C/IRL/CO/3-4 paragraph 12

State report: CERD/C/IRL/5-9 paragraph

Irish Travellers are an indigenous Irish ethnic minority who reside across Donegal. The county has a long tradition of nomadic families visiting the county. Travellers in Donegal welcomed the recognition of Traveller ethnicity by the Irish state in 2017 and a number of events were held in the county to celebrate

Experiences of discrimination, racism and hate speech have discouraged members of the community to express their culture and on occasion to hide their identity.

We in Donegal believe that Traveller culture and heritage must be promoted and celebrated across the county at Traveller Pride events, Arts centres/festivals, Museums, schools and education centres including third level colleges and by cultural committees. Travellers need to be included in anti-racism and intercultural spaces and training to ensure the conditions to address the historic denial of ethnicity are created and promoted. The sole organiser of events promoting Traveller Pride, culture, history and promoting anti racism with respect to Travellers and Roma in Donegal is Donegal Travellers Project.

**Recommendations**

That the state allocates adequate resources for the delivery of Traveller Pride events in every county in Ireland annually with an agreed financial commitment to each county without competition for limited resources.

That the State requires the Department of Environment to support local authorities to promote the Traveller culture and heritage at venues, facilities and museums which they manage.

That the State would require that the Department of Education works with Traveller organisation and colleges for teacher training to promote Traveller culture, raise awareness of the community’s experiences of racism and promote Traveller pride in schools and in the curriculum with a commitment to this being rolled out in schools in rural areas such as Donegal.

That the State requires the Minister for Arts to develop a national strategy for the inclusion of BME communities including Travellers and Roma in the artistic and cultural life of Ireland under the theme or title of “Interculturalism and the Arts” and furthermore, recognises the role of the Arts as a tool for positive social change.

**Key Area 7 – Traveller Health**

CERD/C/IRL/3-4 paragraph 13

State Report: CERD/C/IRL/5-9 paragraph 44 - 48

There are stark health inequalities for members of the Traveller community in relation to access, participation and outcomes in health. Below are examples of health disadvantage taken from the All Ireland Traveller Health Study 2010 (AITHS); every Traveller Family in Donegal was included in this research:

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| **Travellers – Health Disadvantages** |
| * Travellers have a 14.1% infant mortality rate per 1,000 births, compared to the settled population at 3.9%. * Life expectancy at birth for male Travellers is 61.7, 15.1 years less than men in the general population; for female Travellers it is 70.1, 11.5 years less than women in the general population * 90% of Travellers agreeing that mental health problems are common among the community. It also found that 82% of the community have been affected by suicide and 44% of those affected in their immediate family have also experienced suicide in their wider family. * Traveller suicide rate is 6 times higher in comparison to general population and accounts for approximately 11% of all Traveller deaths |

The AITHS shows the concerning high levels of health inequalities where racism and discrimination play a major role. There is a lack of follow-on supports or referrals for Travellers in Donegal who for example suffer from mental health issues. We are concerned at the current mainstream conversation of ‘treating everyone the same’. We have found in Donegal that by services acknowledging this sentiment they are creating further divide and inequality.

Accessing health services particularly for Traveller is impacted on by their ethnicity poverty and availability of support in the county.

Since the Traveller Health Strategy 2002-2005, National Intercultural Health Strategy 2007-2012, and last National Traveller Health Advisory Committee meeting in 2012, we are concerned at the current absence of little to no targeted action plan or consultative structure in place to address Traveller health inequalities. The State reports the role of the Health Service Executive’s (HSE) Traveller Health Advisory Forum (THAF) and the associated regional Traveller Health Units (THUs) in monitoring progress and identifying emerging health issues for Travellers. However, the THAF does not play a role in driving the development of Traveller health policy, and the budgets for THUs are under resourced.

In our region there is a CHO1 Traveller health Strategic Plan 2018-2022, however, we have concerns that it is not being implemented evenly across the region due to the lack of timeframe within the plan, civil societies being under resourced and the plan itself providing no extra funding to meet the aims and objectives.

From this we would welcome the implementation and publishing of the new overall National Traveller Health Action Plan.

**Recommendation to the Irish State:**

The Committee to recommend to the Irish government:

To publish the new Traveller Health Action Plan in an appropriate timescale and to establish a clear consultative structure to drives its implementation and monitoring process. This plan must ensure all actions have clear and concise targets, indicators, outcomes, timeframes and importantly budgets allocated.

The state/government department with responsibility for Health / Social Inclusion will instruct all staff with management and responsibility for the delivery of health services regionally to participate in cultural awareness training, non-discriminatory practise and Positive Duty training.

The state will request that each CHO Area will provide and offer training on ethnicity, culture, diversity where the delivery of health services are available.

The state will request that all area managers within the Health Service Executive will develop anti-racism policies and good practise guidelines including Positive Duty training and policies, in collaboration with the unions and will distribute to all staff that have a responsibility for the delivery of health services.

Travellers and Roma should be included at all stages in the development of the new Action plan on Social Inclusion currently being drafted by the state.

To ensure the participation of BME communities including Traveller and Roma on the network of community health forums in Donegal to influence, inform and advise the HSE and primary health care centres on the needs and interest and culturally sensitive issues of diverse communities in Donegal.

**Key Area 8 - Public Sector Duty (PSD):**

CERD/C/IRL/CO/3-4 paragraph 15

State Report: CERD/C/IRL/5-9 paragraph 57-70

A significant addition to the range of legislation providing protection from racial discrimination is Section 42 of the Irish Human Rights and Equality Commission Act 2014. Section 42(1) requires public bodies, in the performance of their functions, to have regard to the need to eliminate discrimination, promote equality and protect human rights of staff and people availing of their services. Section 42(2) requires public bodies to assess, address and report on progress in relation to equality and human rights in their strategic plan and annual reports in a manner that is accessible to the public. This legislation has been in place for a number of years now and at this time there is little to know knowledge or reference to its implications for provision of services and agencies implementation in the county. DTP comes in contact with a range of statutory and public bodies through our work or representation role for Travellers, Roma and BME communities. There has been at this point little or no reference to the PSD and in the formulation of plans it has been our experience that it is not considered.

The duty has a distinct role in addressing discrimination in the provision of services to individuals and communities. PSD has the potential to enhance the inclusion of BME communities in plans such as the Traveller Accommodation Programme, Local Economic and community Plans, Peace Plans and delivery of SICAP. It is essential to building the trust of ethnic minorities with service providers in developing non-discriminatory practise. There are currently no members of the Traveller or Roma communities employed in statutory services in the county. Public servants and public bodies including An Garda Síochána have not yet been adequately informed of their obligations under the Duty nor resourced to undertake the training and review processes necessary to fulfil it. The importance of the Public Sector is a rural area such as Donegal where there is limited access to civil society bodies such as are located in areas such as Dublin is core to delivering inclusive non-discriminatory services in the county as there is no other leverage for leadership in the area.

**Recommendation to the Irish State:**

The Committee to recommend to the Irish government:

The State must ensure that the Public Sector duty is being promoted widely through information and training in County Donegal across all agencies and the Local Authority.

The State must further resource the IHREC to drive the implementation of PSD and to address how to promote the challenges for implementation in a rural area to reduce the fear of discrimination by BME communities including Travellers and Roma in accessing services.

Public sector bodies should include in their strategic plans an assessment of human rights and equality issues relevant to the functions of their body, and the incorporation of such issues in policies, plans and action plans.

The State should provide in its periodic report information on what legal, policy and practice initiatives have been put in place pursuant to the public sector duty to ensure effective mainstreaming of anti-discrimination and equal treatment for migrants and minorities, including Roma and Travellers.

The State must adopt special measures to train and employ Travellers and Roma in public bodies by including dedicated quotas for Travellers and Roma in recruitment procedures and internships.

**Key Area 9 – The Roma Community – Habitual Residence Clause (HRC), Housing & Health**

Article 2

Habitual Residence is a condition which applicants must satisfy in order to qualify for certain social welfare assistance payments including Child Benefit, Rent Allowance, public housing, and employments and training supports. This requires applicants to prove close links to Ireland through evidence of presence and links in the state such as explanation of absence and proof of employment for example. The Roma living are finding this a challenge and are experiencing sever levels of poverty and discrimination.

There are between 40-50 Roma families and up to 100 individuals living across Donegal. Even though we have the National Traveller and Roma Inclusion Strategy’s section on housing we are concerned that the actions are weak and are not being implemented. There has been no coordinated State response to address the housing situation by Roma. The Roma Community in Donegal face severe levels of poverty and are being discriminated against on a daily in accessing accommodation and many face severe overcrowding, poor and dangerous accommodation conditions, homelessness, and lack of access to social housing and rent supplement. We are concerned with the low level of access to many services including access to health provisions and social welfare services.

There are high levels of education disadvantage in the Roma Community including low level literacy levels as well as challenges to language. Institutional racism in the areas of education, health services, employment means that Roma in Donegal are less likely to have a strong previous pattern of employment and therefore are not eligible for supports such as medical cards, training and employment schemes. In addition, Roma in Donegal face significant challenges in accessing the adequate supports to prove to meet the HRC conditions.

According to the Roma Needs Assessment where the Roma community in Donegal where included as research participants;

* 84% of Roma women have experienced discrimination in health services, versus 53% of Roma men.
* 51% of Roma report more than 14 days of the previous month when their mental health was not good.
* 36% of Roma women report difficulty in accessing maternity services.
* 50% of Roma report not to have access to medical cards and GP care.
* 12.4% of Roma have no kitchen; 9.6% no cooker; 13.5% no fridge; many sometimes go without enough food, gas, water and/or electricity; 45% do not have enough beds in their accommodation.
* 6.6% of Roma report to be currently homeless and 45.7% have been homeless at some stage

In many instances Roma families pay rent for unsafe and unhygienic warehouses with no electricity or water. Others live with rat infestations, damp, broken windows and no light to do homework.

**Recommendation to the Irish State:**

**The Committee to recommend to the Irish government:**

To address the housing crisis among the Roma Community living in Donegal.

To include clear and concise actions and a clear implementation plan to the current National Traveller Roma Inclusion Strategy.

Review the Habitual Residence Condition with respect to the discriminatory impact it has on the Roma Community.

To ensure child benefit is a universal payment and to ensure it is not contingent on the fulfilment of the HRC.

**Key Area 10 - Participation of the Traveller community in public affairs and political institutions**

CERD/C/IRL/CO/3-4 paragraph 14

State report: CERD/C/IRL/5-9 paragraph 56

**Partially implemented**

County Donegal has a well-developed community infrastructure as has many counties in Ireland. The PPN, linkage groups, SPC’s , Policing committee, LCDC, LTACC, Boards of Local development companies, Letterkenny Institute of Technology (third level college)and others. Participative democracy is one of the mechanism for ensuring the representation of communities in decision making and promoting social justice and equality. The Traveller community has over the lifetime of Donegal Travellers Project developed the skills and expertise to inform, advise and represent the issues and challenges the community experience on these for a and to promote cultural diversity, anti racism and equality. At this time the only opportunity for representation is on the LTACC and the Social Inclusion Linkage Group(no decision making capacity). We have advocated for a Traveller seat and BME seat on the LCDC and were not successful.

It is required that there is increased involvement of Travellers and Roma in decision making processes within the public sphere, and increasing the inclusion of Travellers within civil structures, governmental agencies and Departments to create the conditions for meaningful participative democracy. This must be a considered a feature of Positive Sector Duty.

There is a need to create designated places on Public Participation Networks (PPNs), strategic policy committees, and on Local Community Development Committees (LCDCs), and create mechanisms for advising the work of State partners and regulating bodies.

**Recommendation to the Irish State:**

**The Committee to recommend to the Irish government:**

The State must develop a strategy to support the development of Irish Traveller political participation and political representation within the Irish political arenas including recommending that the Taoiseach of the day appoints a member of the Traveller community to the Senate.

Expand the networks of independent local and national Traveller-led community development organisations and increase resources to develop participatory democratic and human rights at a local level.

The State will advise all Department of Environment to identify how Travellers and Roma will be represented locally on all relevant participative democratic structures including PPN Secretariat, SPC’s, LCDC, Boards of Local Development companies and third level colleges.

All programmes which are tasked with addressing poverty and social inclusion including the Traveller community must have these communities represented formally on their decision-making structures.

The State must develop, support and resource the establishment of an Independent County Intercultural Forum in every county in collaboration with Local Authorities. Membership will be drawn from the increasingly diverse population of each county including Travellers and Roma

**Appendix 1: Examples of Hate Speech and Crime against Travellers and Roma**

**Anti-Roma and Traveller Statements by Public Officials:**

* In 2018 Presidential Election, candidate Peter Casey made a number of offensive remarks about Travellers during his campaign*.* He came second in the election, with 23.25% of all votes.
* Fianna Fáil (political party) councillor: “*there should be an isolated community of them [Travellers] some place…”*. The statement was backed by a Fine Gael (political party) Town Councillor who noted that *“They [Travellers] can be sent to Spike Island for all I care*”.
* District Court judge and former Fianna Fail member of parliament: *“[Travellers are] Neanderthal men … abiding by the laws of the jungle”*
* Dublin Circuit Criminal Court Justice: *“I assume from his appearance that he’s from the Roma community who came here to do what all of them tend to do, to use the streets to beg”*

**Burning and Vandalising Travellers’ Homes:**

* Donegal, 2013: A house allocated to a Traveller family was burnt in an arson attack to prevent the family from moving in. The events were followed by anti-Traveller statements made by local councillors.[[1]](#endnote-1)
* Tipperary, 2019: A Traveller family was allocated a house and was ready to move in when the house was vandalised with significant damage made to the house.[[2]](#endnote-2)

**Online Hate Speech:**

“Promote the use of Kn\*\*\*er babies for Shark Bait” – Court Case: A Facebook page suggesting to use Traveller babies as shark bait and fed to zoo animals was found ‘obnoxious, revolting and insulting’ by the Judge but was not deemed to be incitement to hatred.[[3]](#endnote-3)

1. [↑](#endnote-ref-1)
2. [↑](#endnote-ref-2)
3. [↑](#endnote-ref-3)