

*“Our Traveller community is an integral part of our society for over a millennium, with their own distinct identity – a people within our people (...) As Taoiseach I wish to now formally recognise Travellers as a distinct ethnic group within the Irish nation. It is a historic day for our Travellers and a proud day for Ireland”*

(An Taoiseach Enda Kenny, March 1st 2017)

Travellers have always been an ethnic group; this is not something that was given to them by the State or by others, nor is it a matter of choice for Travellers. Travellers are born with their ethnic identity, however, this was not explicitly acknowledged by the Irish State until 2017.



## WHEN DID TRAVELLERS GET RECOGNISED AS AN ETHNIC GROUP?

An Taoiseach Enda Kenny made a statement to Dáil Eireann on March 1st, 2017 confirming the Irish State's recognition of Travellers as a distinct ethnic group within the Irish nation.

## WHY DID IT TAKE SO LONG FOR THE STATE TO FORMALLY RECOGNISE TRAVELLER ETHNICITY?

**Pavee Point, alongside other Traveller organisations lobbied locally, nationally and internationally for more than 30 years for a formal State recognition of Traveller ethnicity. This was reinforced by recommendations from UN treaty monitoring bodies, European institutions, Irish equality and human rights bodies and two cross-party Oireachtas Committees (in 2014 and 2017).**

The path to ethnic recognition in Ireland has been long and slow, despite Traveller ethnicity being recognised in the UK since 2000, including in Northern Ireland. Governments' positions on

Traveller ethnicity were often contradictory and confusing to many outside observers. There are numerous examples of stated Government policy recognising Travellers as an ethnic group in all but name, most notably the definition of Travellers contained in the Equal Status Act<sup>1</sup> where Travellers are defined as:

“ Traveller Community’ means the community of people who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.”

(Equal Status Act, 2000: Pt.1 S.2)



## WHAT DOES ETHNIC RECOGNITION MEAN FOR TRAVELLERS?

The recognition of Traveller ethnicity is central to any equality of status or standing for the Traveller community. The recognition of Traveller ethnicity provides the basis for new relationships of respect, inclusion and solidarity between the Traveller and settled communities. Ethnic recognition has both symbolic and practical implications for Travellers.



## DOES ETHNIC RECOGNITION GIVE TRAVELLERS MORE ENTITLEMENTS/NEW RIGHTS?

Travellers are already named as a distinct group for protection against discrimination under Ireland's equality legislation. With ethnic status recognised, Travellers can now challenge discrimination on the basis of membership of the Traveller community and ethnicity. Also, while recognition does not confer any new constitutional rights or immediate benefits, it has longer term implications for improving policies, programmes and institutional practices that impact on Travellers.

### Symbolic Implications

Pride, respect and inclusion are fundamental to the formal recognition of Traveller ethnicity. Ethnic recognition has the potential to:

- **Enhance self-esteem, confidence and pride** in Traveller identity and traditions. Travellers can feel pride that the State recognises the dignity of Traveller culture and acknowledges Travellers' valuable contributions to Irish society
- **Respect and support** Travellers' place in Irish society affirming that Travellers' unique cultural identity should be **celebrated, promoted and respected** and not something that should be hidden for fear of discrimination
- **Deconstruct centuries of internalised oppression within the community as well as transform mind-sets** in the State and general population towards mutual respect, facilitating positive engagement between Travellers and the majority population



### Practical Implications

Ethnic recognition provides an opportunity for a new dialogue as to how the State interacts with Travellers. While ethnic recognition, in and of itself, will not guarantee greater Traveller inclusion, it offers an essential starting point in creating the conditions where Traveller specific needs are taken into consideration in the development and delivery of policies, programmes and culturally appropriate services.

#### It also means that:

- Anti-Traveller discrimination would be explicitly named as racism which has the potential to strengthen protections under current equality legislation which names Travellers as a protected group
- Travellers will be included in all State anti-racism and intercultural initiatives, including proposed legislation on hate speech
- Travellers will be included in ethnic equality monitoring initiatives, including in state surveys and data collection systems; this can support public bodies to provide services in a fair way and fulfil their statutory obligation under the Public-Sector Duty.<sup>2</sup> Traveller organisations can use the data to monitor access, participation and outcomes for Travellers in mainstream services, such as education, health, accommodation and employment.



### NOW THAT ETHNICITY HAS BEEN RECOGNISED, WHAT NEXT?

The State's official recognition of Traveller ethnicity is a very welcome and timely

development in the context of a new National Traveller and Roma Inclusion Strategy. Traveller organisations can work with the State to ensure Travellers are named and included in all relevant strategies for social inclusion, migrant integration, health, education, accommodation and employment at local and national level. The challenge of respecting, protecting and fulfilling Travellers' human rights will continue, but this milestone of ethnic recognition provides an important platform to build momentum for realising Travellers rights.

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## Recognising Traveller Ethnicity

1. This definition is almost identical to the criteria set out in *Mandla v Lee* (1983) which became the benchmark for legal cases concerned with the question of ethnicity in the UK. The *Mandla* test was later applied in the case of *O'Leary and Others v Allied Domecq and Others* ultimately affirming Irish Traveller ethnicity in the UK (2000).

2. Section 42 of the recent Irish Human Rights and Equality Commission Act 2014 (IHREC) specifically outlines "positive duty" obligations on public sector bodies to have regard for the need to eliminate discrimination, promote equality and ensure human rights are respected. Positive duty places a commitment on public authorities to be proactive and advance equality and human rights practices within the public sector.