



CESCR - International Covenant on Economic, Social and Cultural Rights 54 Pre-Sessional Working Group (01 Dec 2014 - 05 Dec 2014)

Pavee Point Traveller and Roma Centre submission re: list of issues in relation to the third periodic report of Ireland

Reporting Organisation

Pavee Point Roma and Traveller Centre is a national non-governmental organisation committed to the attainment of human rights for Irish Travellers and Roma. The group is comprised of Travellers, Roma and members of the majority settled population working in partnership to address the needs of Travellers and Roma, as minority ethnic groups 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 and Roma, by working for social justice, solidarity and human rights.

Travellers and Roma in Ireland

The All-Ireland Traveller Health Study, commissioned by the Department of Health and Children and published in 2010 establishes the Traveller population at a little over 36,000 in Ireland.¹ This figure represents less than 1% of the nation's population. As a community, the Traveller population has experienced a history of racism and discrimination, resulting in poor health status, accommodation, access to education and employment. Census 2011 gives a figure of 84.3% unemployment for Travellers.

There is an estimated 5,000 Roma living in Ireland. There is no Government data in relation to the population of Roma in Ireland and so this figure is an estimate. In the absence of an overall coherent strategy for Roma inclusion in Ireland, there is a lack of initiatives developed to support Roma.

Many Roma in Ireland are living in poverty due to a lack of access to work and restrictive social welfare measures. For those who are unable to find employment or access supports, options include reliance on charities and family or 'voluntary repatriation' to country of origin.

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

The impact of this is Roma families and children living in Ireland in extremely poor and sometimes dangerous living conditions without access to food and basic necessities.

Recent cases involving Roma have also pointed to incidents of racial profiling in child protection. This was demonstrated through two incidents in 2013 where Roma children were removed from their families into state care as they had fair skin and blonde hair, unlike their parents. In both cases it was later discovered that these children were living with their biological families and the children were returned. This followed the high profile case of the young Roma girl, Maria in Greece, who had been taken into care. It is clear that wider stereotypes about Roma and negative media reporting provided a context in which these children were removed.²

Priority issues for the Committee to consider

Traveller and Roma fare poorly under many articles in the Covenant on Economic, Social and Cultural rights, in relation to the general population. In this context, this submission outlines some priority areas that Pavee Point Traveller and Roma Centre would like to highlight with the Irish State.

- 1.** A key priority in addressing Traveller human rights is tackling the stark health inequalities between Travellers and the general population. There has been a consistent lack of action by the Irish Government in this area and a lack of priority given to Traveller health. Given the evidence base provided by the All-Ireland Traveller Health Study, which shows the level of health inequalities faced by Travellers, immediate action is required by the Irish state. In addition to this Census 2011 and the All-Ireland Health Study also reveals stark inequalities in Traveller access to and outcomes from education. This is another key area that the State Party should prioritise.
- 2.** Another area for consideration is the acknowledgement of Traveller ethnicity. Travellers throughout Ireland have identified this recognition as a key part of progressing Traveller cultural, social and economic rights. This move would signify an acknowledgement of racism as core to the situation of Travellers exclusion and symbolise a move by the State to respecting Travellers' cultural rights, which are indivisible from their social and economic rights.
- 3.** While the number of Roma living in Ireland is quite small, the situation for the most vulnerable Roma in Ireland is extreme. The lack of attention given to this in Ireland to date is perhaps indicated in the lack of attention given to Roma rights in the State's third periodic report. The priority issue that Pavee Point is identifying based on our work with Roma is the lack of access to social security due to the habitual residence condition. In particular, the lack of access to child benefit, means that many children are living in poverty as their parent's struggle to provide for them. At a minimum, the State Party should ensure that children are not experiencing poverty due to the status of their parents.

² Ombudsman for Children (2014) *Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order 2013*. <http://specialinquiry.ie/wp-content/uploads/2014/06/Special-Inquiry-July-2014.pdf>

4. Underpinning all of these areas is the need for disaggregated data to identify areas where discrimination is being addressed and to monitor the extent to which Traveller and Roma human rights are being respected, protected and fulfilled across the Covenant. Such data should be used to plan for the realisation of human rights, the introduction of targeted measures where needed and monitoring implementation of plans.

These points are outlined in more detail below under Covenant articles that they relate to.

Article 2.2

Monitoring of Article 2.2 of the Covenant

There remains a significant gap in the availability of reliable and comprehensive data in relation to the socio and economic situation of Traveller and Roma communities.³ This is crucially linked to the lack of disaggregated data in Ireland based on ethnicity. Currently, ethnicity is not included as an administrative category in official data collection systems. This results in serious gaps in knowledge about the situation and needs of Travellers and Roma and absence of evidence based policies and practices to ensure the needs of minority ethnic communities are met. The lack of data contributes to significant obstacles in gathering evidence about racism and discrimination, making it difficult for relevant stakeholders to monitor effectively the implementation of any measures to comply with article 2, paragraph 2 of the Covenant.

This is crucial as the evidence shows that since 2008, there has been an extraordinary and disproportionate level of disinvestment by the Irish State in the Traveller community.⁴ However, decisions made in the context of austerity have been made without human rights proofing these decisions or working from the principle of non-discrimination. There is a reticence by the State to identify and monitor discrimination, exemplified in the non-renewal of the National Action Plan Against Racism (2005-2008).⁵

In relation to Roma the State has not taken comprehensive concrete deliberate and targeted measures to ensure discrimination in the exercise of Covenant rights is eliminated. Roma experience indirect discrimination through existing policies and there is a policy vacuum and a lack of targeted policies at the national level to address substantive discrimination. Due to the lack of targeted policies in Ireland, a history of discrimination throughout Europe and the disproportionate impact of certain policies in Ireland, such as the habitual residence condition⁶, Roma are placed in very vulnerable situations. Some have to beg to survive. In 2012, the body of a young Roma girl, Marioara Rostas was found by police. She had been

³ See Pavee Point Ethnic Data Monitoring Initiative, <http://www.paveepoint.ie/resources/data-portal/>

⁴ Pavee Point Traveller and Roma Centre (2013) *Travelling with Austerity*. http://www.paveepoint.ie/temp/site3/wp-content/uploads/2013/10/Travelling-with-Austerity_Pavee-Point-2013.pdf

⁵ The failure to renew the National Action Plan has been noted as a concern by the European Commission on Racism Intolerance (ECRI) in its most recent report on Ireland, 2013. The Irish Government has noted that it does not intend to develop a new National Action Plan and will instead incorporate anti-racism measures into a new Migrant Integration Strategy. However, an explicit National Action Plan Against Racism is needed, in recognition that there is a wider group in Irish society that experience racism, including Irish Travellers and other non-migrants.

⁶ See section under Article 9

abducted in Dublin in 2008. This tragic situation highlights concerns about risks faced by members of Roma communities and in particular Roma women, in Ireland.

The Irish Government has been required by the European Commission to develop a Roma and Traveller integration strategy. However, Ireland's strategy is completely inadequate at present and was developed with no involvement of Roma or Travellers and contains very few references to Roma. It also contains no reference to human rights. The 2013 assessment of Ireland's National Traveller Roma Integration Strategy, by the European Commission was very critical, whereby Ireland met 4 out of 22 criteria. The 2014 assessment continues to raise serious concerns in relation to the content of the document and lack of targets, lack of detail in some areas, lack of consultation with Travellers and Roma and funding mechanisms.⁷

Question:

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

What steps are been taken to ensure Travellers and Roma are explicitly included in all anti-racism and integration strategies and policies developed by the State?

Given the historical and persistent discrimination faced by Roma how have they been prioritised and specifically targeted in policy development?

Article 9

Habitual residence is a condition which applicants must satisfy in order to qualify for certain social welfare assistance payments, including child benefit. Habitual residence essentially means an applicant must be able to prove a close link to Ireland.⁸ Application of the habitual residence condition has placed migrants, Travellers (who move across jurisdictions, generally from the UK to Ireland) and Roma in Ireland (and indeed returning Irish immigrants) in very vulnerable positions, whereby they cannot access any support services. It has had a particular impact on Roma in Ireland, whereby many Roma have been unable to access any social supports. This has the knock on effect of blocking some people from accessing medical cards to allow for access to a GP and from getting housing assistance. In this context many Roma do not have access to basic primary care and are living in unsuitable and overcrowded housing conditions.

⁷ In June 2014 the Human Rights Committee stated in relation to Ireland that "In light of the abolishment of the National Action Plan Against Racism, the State party should adopt an effective policy and action plan, developed in consultation with Traveller and Roma communities, to redress situations of inequality."

⁸ Five factors are considered to determine habitual residence:

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

It has a particular negative impact upon women experiencing violence and children. For women trying to leave a situation of violence, if they do not meet the habitual residence condition, they are unable to access a refuge beyond an emergency period. This has resulted in women being forced to stay in violence situations due to economic circumstances.

Despite the fact that Child Benefit is described as a 'universal' payment, as it is subject to the Habitual Residence Condition, certain groups of children are denied social protection because of their parents' status. This is pushing children into poverty. Pavee Point's engagement with social workers would suggest that this is causing child protection issues where parents/guardians are unable to provide adequate shelter and food for their children.⁹

Concerns about HRC have been raised by the Special Rapporteur on extreme poverty and human rights she has stated in her 2012 report that she 'encourages the Government to review the impact of the condition as a matter of priority.' ECRI has also recommended that Irish authorities review the impact of HRC.¹⁰ This has still not taken place and the Department of Social Protection has stated that it does not intend to undertake a review of the impact of the HRC.¹¹

Question:

Please provide information on the impact of the habitual residence condition on groups in Ireland in the context of non-discrimination and what steps have been taken to ensure that the right to adequate food, clothing and housing is being met, particularly for children.

Article 12

The All Ireland Traveller Health Study reported the following findings:

- Life expectancy at birth for male Travellers has remained at the 1987 level of 61.7 which is 15.1 years less than men in the general population, representing a widening of the gap by 5.2 years.
- Life expectancy at birth for female Travellers is 70.1 which is 11.5 years less than women in the general population.
- Traveller infant mortality is estimated at 14.1 per 1,000 live births. This is a small decrease from an estimated rate of 18.1 per 1,000 live births in 1987. Over the same time period the general population infant mortality rate has reduced from 7.4 to 3.9 per 1,000 live births.
- Travellers, in particular males, continue to have higher rates of mortality for all causes of death.
- Traveller suicide rates are seven times higher than in the general population.¹²

⁹ Health Service Executive and Pavee Point (2012) *Roma Communities in Ireland: Child Protection Considerations*

¹⁰ See UNGA (2012) Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, A/HRC/20/25 Para 102 & ECRI (2013) Fourth Report on Ireland, CRI(2013)1 Para 130.

¹¹ A Departmental working group was set up in June 2010 to review the **operation** of the habitual residence guidelines. However, this review did not examine the impact of the habitual residence condition.

¹² Kelleher et al (2010) *Our Geels, All Ireland Traveller Health Study*, University College Dublin & Department of Health & Children.

Despite this evidence, the government has failed to take concerted action to address the health inequalities that Travellers face and adopts a “mainstreaming approach”, which ignores disparities in health outcomes. The Department of Health National Traveller Health Advisory Committee (which had Traveller organisation representatives), has been convened since October 2012, at a time when major reform is taking place within health services in Ireland with the establishment of new Health Directorates. Despite the evidence that Travellers experience the worst health status in Ireland, Traveller health is not a priority among health planners and the budget for Traveller health developments has been used for mainstream health services.

Question:

Given Traveller health inequalities in Ireland, why will the Government not develop a new Traveller health strategy to address health inequalities?

Article 13

Census 2011 shows that 55% of Travellers leave school before the age of 15 and less than 1% of Travellers go on to third level education.

The Report on the First Phase of the Evaluation of DEIS (2011) found that the educational attainment of Travellers remains significantly lower than that of their settled peers in both reading and mathematics. The magnitude of the difference between the scores of the two groups is large in every case.

In Budget 2011, Traveller specific education supports were cut by 86.6%. The Visiting Teacher for Travellers Service (VTTS) was cut by 100%, resulting in the loss of 40 posts. Resource Teachers for Travellers (RTT) were cut by 100% resulting in the withdrawal of 710 teaching posts. To compensate for the withdrawal of RTT, 141 alleviation posts were made available however these teachers are not specifically for Travellers. In total 569 teaching positions were cut. 33 Senior Traveller Training Centres were closed.

Since 2011, there has been a 20% cut to the school completion programme (SCP). The SCP works in 470 primary and 223 post-primary schools to implement educational interventions for approximately 36,000 students. Given the rates of early school leaving among the Traveller population these cuts will have a significant impact on school completion.

The budgetary cuts in Traveller education are disproportionate compared to financial cutbacks of other mainstream educational cuts. These cuts are short sighted and display a disregard for the Traveller child and young Travellers and their future life chances.

Racism and discrimination towards Travellers in wider society is reflected within the education system and continues to present a significant barrier for Traveller students. The All Ireland Traveller Health Study (AITHS) found that 62% of Travellers experienced discrimination in schools. Identity based bullying by other students poses a significant problem. The 2012 State of the Nation’s Children report found that Traveller children,

immigrant children and children with a disability are more likely to report being bullied at school.

Question:

Can the state outline the steps it is taking to address the educational inequalities faced by Traveller students across the education system (including both DEIS and non-DEIS schools)?

Can the state explain why an implementation plan for the Report and Recommendations for a Traveller Education Strategy has not been developed in the 8 years since the report was published?

Article 15

Despite the recommendation of many UN treaty monitoring bodies (CERD; CEDAW; CRC, HRC), and that of a range of European institutions (ECRI, FCPNM; Council of Europe) as well as equality and human rights bodies within Ireland including the Irish Human Rights Commission and Equality Authority, the Government continues to refuse to acknowledge Traveller ethnicity. This impacts Travellers in many ways. In particular, the Government division responsible for development of anti-racism initiatives does not include Travellers as part of its brief and so Travellers are not included in such initiatives by design. In short, racism against Travellers is not acknowledged by the State.

In April 2014 the Government Committee on Justice, Defence and Equality produced a report on the recognition of Traveller ethnicity¹³ This report was based on number of written submissions and three public hearings with a number of stakeholders, to consider the issues in more detail. The report is endorsed by the Committee, which has representation across political parties. The report recommends that **“the Taoiseach or the Minister for Justice and Equality should make a statement to Dáil Éireann confirming that this State recognises the ethnicity of the Travelling community.”** The Committee report has also recommended that the Government should then write to the relevant international bodies, confirming that this State recognises the ethnicity of the Travelling community. This report now needs to be acted upon as a matter of urgency.

Question:

What is the time frame for the State to recognise Travellers as a minority ethnic group?

¹³ Joint Committee on Justice, Defence and Equality (2014) *Report on the Recognition of Traveller Ethnicity*
<http://www.oireachtas.ie/parliament/media/committees/justice/Report-onTraveller-Ethnicity.pdf>