



PAVEE POINT
TRAVELLER AND ROMA CENTRE

**Submission to the Department of Justice and Equality:
Framework Convention for the Protection of National Minorities, Fourth Monitoring Cycle**

Pavee Point Traveller and Roma Centre

46 North Great Charles Street

Dublin 1

Ireland

Tel: 353 1 878 0255

Fax: +353 1 874 2626

Email: info@pavee.ie

www.paveepoint.ie

Pavee Point Traveller and Roma Centre is a national non-governmental organisation committed to the attainment of human rights for Irish Travellers and Roma in Ireland. Established in 1985, the organisation comprises Travellers, Roma and members of the majority population working in partnership to address the needs of Travellers and Roma, who as minority ethnic groups experience 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.

For further information contact:

Ronnie Fay, Co-director

ronnie.fay@pavee.ie

Tel: +353 1 878 0255

Martin Collins, Co-director

martin.collins@pavee.ie

Tel: +353 1 878 0255

Summary of Recommendations

Institutional Framework – Article 3

- Recognise Travellers as a minority ethnic group without any further delay and include Travellers in anti-discrimination mechanisms and intercultural initiatives

Data Collection and Self-identification – Article 3

- Develop effective data collection strategies and enumeration procedures in consultation with Traveller and Roma representative organisations to protect the right to self-identification
- Introduce an ethnic identifier across all administrative systems in line with human rights framework to develop responsive, adequate and non-discriminatory policies, and monitor and assess their impact on Travellers and Roma
- Ensure that findings arising from the All Ireland Traveller Health Study and the Roma Needs Analysis are met with action, adequate resources, and are fully implemented

Equality Measures – Article 4

- Base all budgetary decisions on comprehensive human rights impact assessment so that such measures do not result in increased inequalities and discrimination
- Ensure funding is reinstated and increased for national and local Traveller/Roma organisations to undertake autonomous community development work

Traveller and Roma Women – Article 4

- Provide adequate resources for sustained community development programming aimed at ensuring greater empowerment and equality of Traveller and Roma women
- Integrate strong goals within national strategies and policies to address the gendered needs and issues of Traveller and Roma women, including the removal of barriers from accessing safety and protection from domestic and sexual violence
- Review and amend all policy and legislation which has a discriminatory effect on women affected by violence

Culture – Article 5

- Allocate adequate resources for sustained initiatives aimed at preserving Traveller and Roma cultures, combatting anti-Traveller and Roma racism, and promoting respect for diversity among the majority population
- Integrate Traveller and Roma cultures within formal school curriculum
- Undertake and fund initiatives that promote cultural continuity and inter-generational projects within Traveller and Roma communities

Racism, Discrimination and Racist Crime – Article 6

- Conduct a comprehensive enquiry into racial profiling within An Garda Síochána and introduce legislation to prohibit racial profiling by statutory agencies
- Develop a National Action Plan against Racism and Discrimination as a matter of urgency and include Traveller and Roma representative organisations at all stages in its development and implementation
- Review and amend legislation to ensure full protection against racist crime
- Undertake impact assessment of the HRC based on gender and ethnicity to eliminate its discriminatory impact on disadvantaged individuals and groups
- Ensure consistent and transparent application of the HRC criteria by providing clear guidelines and training to relevant officials, including anti-racism and discrimination training

Participation in Cultural, Social and Economic Life - Article 12

National Traveller Roma Integration Strategy (NTRIS)

- Develop a progressive Traveller Roma Integration Strategy with clear goals, indicators, timeframes and budget through meaningful consultation with Traveller and Roma representative organisations
- Integrate strong goals to promote the empowerment and equality of Traveller and Roma women
- Establish an independent Traveller agency to monitor and drive the implementation of the Strategy

Education

- Undertake a human rights impact assessment of the withdrawal of Traveller specific education supports and reinstate funding as a matter of urgency
- Facilitate and support the closure of the remaining Traveller-only schools
- Ensure that schools are no longer permitted to use discriminatory criteria as part of their school admissions policy
- Develop an implementation plan for the Report and Recommendations for a Traveller Education Strategy in partnership with Traveller and Roma representative organisations
- Address school costs as a matter of urgency to ensure that financial constraints do not prevent children from participating in school

Health

- Develop a national Traveller health strategy and action plan in active consultation with Traveller organisations to address health inequalities and implement findings arising from the AITHS
- Reconstitute the National Traveller Health Advisory Committee within the Department of Health
- Introduce mechanisms within each HSE Health Directorate and Community Healthcare Organisation to ensure that Traveller health needs are prioritised and mainstreamed within their service plans and that they engage with Traveller Health Units
- Reinstate, ring-fence and centralise the Traveller health budget within the Department of Health
- Ensure that basic healthcare is accessible for Roma in Ireland
- Develop a primary healthcare project with Roma to increase access to healthcare

Employment

- Develop and implement a national training and employment strategy for Travellers and Roma with targeted, sustained and adequately resourced initiatives that aim towards mainstreaming

Accommodation

- Establish a Traveller agency to drive improvements and implementation of policy and legislation, including the Housing (Traveller Accommodation) Act 1998. Apply sanctions when obligations under the Act are not met by Local Authorities
- Repeal the Housing Miscellaneous Provisions Act (2002) and provide more culturally appropriate housing and transient accommodation for Travellers in order to respect their accommodation and cultural rights

Participation in Structures Devoted to Minority Issues - Article 12

- Ensure meaningful consultation with Traveller and Roma representative

organisations and enhance their role in developing and monitoring policy responses to Traveller and Roma developments

- Incorporate decision making powers within the Traveller and Roma consultative structures

Participation of Travellers and Roma in Elected Bodies – Article 12

- Undertake legislative and positive measures to ensure Traveller and Roma inclusion in political participation at local and national levels
 - Reserve specific seats in the Dáil Éireann, the Seanad, Constitutional Convention and local councils for members of Traveller and Roma communities
-

Introduction

This submission provides an update on the situation of Traveller and Roma communities in Ireland since the last monitoring cycle by the Advisory Committee on the Framework Convention for the Protection of National Minorities. It draws from research, empirical evidence and ongoing consultation with Traveller and Roma communities, and follows a thematic structure making references to specific Articles of the Convention.

1. Institutional Framework – Article 3

Despite recommendations by UN treaty monitoring bodies;¹ European institutions;² Irish equality and human rights bodies;³ and the Joint Oireachtas Committee on Justice, Defence and Equality,⁴ Irish Travellers continue to be denied ethnic group status. In November 2014, Minister of State for Equality, New Communities and Culture made a commitment that the recognition of Traveller ethnicity would become a ‘reality’ but this has yet not happened.⁵

The denial of ethnicity allows the State to discount lived experiences of anti-Traveller discrimination and racism, and contributes to the exclusion of Travellers from anti-discrimination mechanisms and intercultural initiatives. The Advisory Committee has requested the State to take into account the principle of self-identification in Article 3 of the Convention in its consideration to recognise Travellers as an ethnic group.

Recommendation:

- Recognise Travellers as a minority ethnic group without any further delay and include Travellers in anti-discrimination mechanisms and intercultural initiatives

2. Data Collection and Self-identification – Article 3

The absence of disaggregated data by ethnicity fails to measure the impact of national policy and legislation on Travellers and Roma. The findings of the 2010 All Ireland Traveller Health Study have been met with inaction by the State, and the data is becoming increasingly outdated.⁶

Pavee Point welcomes the inclusion of Irish Travellers as a category in Census 2011. However, the options for self-identification with regards to ethnic or cultural background remain limited infringing on the right to self-identification guaranteed by Article 3.1 of the Convention.⁷ Roma continue to be excluded as a category and respondents cannot indicate more than one ethnic affiliation.

The State has introduced an ethnic identifier at primary level education to identify the ethnicity of all students. However, at post-primary level only Travellers are asked to identify their ethnicity. This practice is discriminatory and in direct contravention of human rights principles.

The Roma Needs Analysis, currently underway, is a welcome step to address the absence of data about Roma communities. We urge the State to ensure that the recommendations arising from the Needs Analysis are met with action, adequate resources, and are fully implemented.

Recommendations:

- Develop effective data collection strategies and enumeration procedures in consultation with Traveller and Roma representative organisations to protect the right

to self-identification

- Introduce an ethnic identifier across all administrative systems in line with human rights framework to develop responsive, adequate and non-discriminatory policies, and monitor and assess their impact on Travellers and Roma
- Ensure that findings arising from the All Ireland Traveller Health Study and the Roma Needs Analysis are met with action, adequate resources, and are fully implemented

3. Equality Measures – Article 4

The recent economic crisis prompted disproportionate disinvestment in public expenditure and Traveller infrastructure under the guise of austerity. This has resulted in significant cuts to Traveller specific programming aimed at remedying exclusion and marginalisation in education, accommodation, employment and health. A strong and adequately resourced Roma infrastructure remains absent regardless of the State's commitments under European Union institutions towards Roma inclusion.

The scale of the measures in areas impacting Travellers becomes apparent by using government figures;⁸

2008 - 2013: Programmes for Travellers	
Interagency activities	-100%
Education	-86.6%
Accommodation	-85%
Equality	-76.3%
National Traveller Organisations	-63.6%
FAS SIT (employment initiative)	-50%
National Traveller Partnership	-32.1%
SPY youth projects	-29.8%
Health	-5.4%
Overall government cut	-4.3%

The measures, implemented without conducting an adequate human rights impact assessment, have had an adverse and disproportionate effect on Travellers and Roma. The European Commission reports how “resources devoted to the most disadvantaged children - the ethnic minority children and those in jobless households – have been cut back and there is no particular prioritising of such children in existing measures”.⁹

Recommendations:

- Base all budgetary decisions on comprehensive human rights impact assessment so that such measures do not result in increased inequalities and discrimination
- Ensure funding is reinstated and increased for national and local Traveller/Roma organisations to undertake autonomous community development work

4. Traveller and Roma Women – Article 4

Due to intersectional forms of discrimination Traveller and Roma women face further barriers to enjoying socioeconomic, cultural and political rights. The austerity measures have exacerbated the poverty, social exclusion and inequality experienced by Traveller and Roma women, and severely compromised the capacity of community development programming which plays a crucial role in empowering Traveller and Roma women to play a full and equal part in Irish society.

The CEDAW and Human Rights Committee have expressed concern at violence experienced by women from marginalised and vulnerable groups, including Traveller and

migrant women, and at the existence of administrative and financial obstacles for them to access essential support services. In its last periodic review, the Human Rights Committee urged the State party to establish systematic data collection on violence against women.¹⁰

Serious concerns persist around lack of access to emergency, medium and, particularly, long-term safety and protection from domestic and sexual violence. Traveller women use emergency refuge accommodation to much greater extent proportionally than settled women due to lack of access to long-term safety and options.¹¹

The development of accessible information materials and awareness raising activities on domestic and sexual violence for Traveller and Roma women is necessary and welcome. However, these efforts remain limited in their impact without the State taking substantive measures to remove barriers to accessing long-term safety and protection for Traveller and Roma women.

Recommendations:

- Provide adequate resources for sustained community development programming aimed at ensuring greater empowerment and equality of Traveller and Roma women
- Integrate strong goals within national strategies and policies to address the gendered needs and issues of Traveller and Roma women, including the removal of barriers from accessing safety and protection from domestic and sexual violence
- Review and amend all policy and legislation which has a discriminatory effect on women affected by violence

5. Culture – Article 5

Recognition and promotion of Traveller and Roma cultures are integral in creating a culture of human rights and equality. Their contributions to the wider Irish and European cultures must be recognised and acknowledged through dedicated and continuous cultural projects.

The formal school curriculum continues to exclude Traveller and Roma cultures. This omission is significant. On one hand, this misses an important opportunity to raise awareness about the contributions made by Traveller and Roma communities to Irish society, which would allow positive narratives to replace the persistent anti-Traveller and Roma prejudice and stereotypes. On the other, it would facilitate the combatting of social exclusion and low sense of self-worth that characterise lived experiences of many Travellers and Roma.

Instead, State support towards Traveller culture continues to be focused on one-off events centred on ‘celebrating’ Traveller culture. This multicultural approach merely serves to differentiate Traveller culture, its lifestyle and traditions, rather than integrating and sustaining Traveller culture within the narratives and structures of Irish society.

Recommendations:

- Allocate adequate resources for sustained initiatives aimed at preserving Traveller and Roma cultures, combatting anti-Traveller and Roma racism, and promoting respect for diversity among the majority population
- Undertake and fund initiatives that promote cultural continuity and inter-generational projects within Traveller & Roma communities
- Integrate Traveller and Roma cultures within formal school curriculum

6. Racism, Discrimination and Racist Crime – Article 6

Travellers and Roma experience racism at individual and institutional levels with anti-Traveller and Roma sentiments being expressed by political representatives, high ranking public officials and the media.¹² Events in 2013, where two Roma children were removed into state care on grounds of having fair skin and hair, have indicated practices of racial profiling.¹³ In October 2014, a Traveller mother discovered that her two children aged four and five were recorded and given criminal tag numbers in the Garda PULSE system. Up to 40 other Traveller families were allegedly also entered in the system, including a baby of 16 days old.

The protection available to Travellers and Roma through anti-racism, equality and human rights infrastructure has been severely compromised by drastic cuts to these sectors. The reticence to identify and monitor discrimination by the State is exemplified by the closure of the National Consultative Committee on Racism and Interculturalism (NCCRI) in 2008 and the non-renewal of the National Action Plan Against Racism (2005-2008). This Action Plan was referenced as part of Ireland's commitment to human rights as a member of the Human Rights Council in 2012 but has not been renewed.¹⁴ 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.

The abolition of NCCRI and the National Action Plan against Racism is a particular concern as they were explicitly inclusive of Travellers. The functions of the NCCRI were supposed to be partly taken up by the Office of the Minister for Integration. However, this Office has since become the Office for the Promotion of *Migrant* Integration. As an indigenous minority ethnic group, Travellers are excluded from the remit of this Office. This leaves representative organisations to continually make the argument for inclusion in any new integration strategy or policy.

Effective legal tools to combat racist crime and hate speech remain absent. The Incitement to Hatred Act 1989 relates to 'incitement' and not racist act in itself.¹⁵ CERD has recommended that legislation be passed to declare that racist motivation be consistently taken into account as an aggravating factor in sentencing practice for criminal offences.¹⁶

Regardless of the establishment of the Press Council, Press Ombudsman and Code of Practice to combat prejudiced and racist media reporting, Travellers and Roma continue to be subjects of published media materials intended or likely to stir hatred against them based on their ethnicity and culture.

The right to reside and habitual residence condition (HRC) act as major obstacles for Roma to access social protection placing many families and children in poverty and destitution. Roma often face a number of additional difficulties in satisfying the HRC criteria, including being subjected to discriminatory behaviour, verbal abuse and racist comments by officials; significant delays with processing applications; and demands for unnecessary documentation.¹⁷ Concerns about the discriminatory effect of the HRC on Travellers, Roma and victims of domestic violence have been raised by the Special Rapporteur on extreme poverty and human rights,¹⁸ European Commission against Racism and Intolerance,¹⁹ Committee on the Rights of the Child,²⁰ Human Rights Committee,²¹ and Committee on Economic, Social and Cultural Rights.²²

Recommendations:

- Conduct a comprehensive enquiry into racial profiling within An Garda Síochána and introduce legislation to prohibit racial profiling by statutory agencies
- Develop a National Action Plan against Racism and Discrimination as a matter of urgency and include Traveller and Roma representative organisations at all stages in its development and implementation

- Review and amend legislation to ensure full protection against racist crime
- Undertake impact assessment of the HRC based on gender and ethnicity to eliminate its discriminatory impact on disadvantaged individuals and groups
- Ensure consistent and transparent application of the HRC criteria by providing clear guidelines and training to relevant officials, including anti-racism and discrimination training

7. Participation in Cultural, Social and Economic Life - Article 12

7.1 National Traveller Roma Integration Strategy (NTRIS)

Ireland's current NTRIS contains no goals, targets, indicators, timeframes, or funding, monitoring and evaluation mechanisms.²³ It has been developed without active consultation and participation of Travellers and Roma, contains little reference to Roma, and no reference to gendered needs of Traveller and Roma women.²⁴ As a result, there have been no specific programming developed to address the persistent marginalisation and discrimination of Travellers and Roma in education, health, employment and accommodation.

The European Commission's 2012 assessment of the Strategy deemed Ireland to have met only four out of 22 criteria,²⁵ and in 2014 raised serious concerns about the lack of targets, detail, consultation and funding mechanisms.²⁶ Pavee Point welcomes the establishment of the recent National Traveller Roma Inclusion Steering Group to revise the Strategy.

Recommendations:

- Develop a progressive Traveller Roma Integration Strategy with clear goals, indicators, timeframes and budget through meaningful consultation with Traveller and Roma representative organisations
- Integrate strong goals to promote the empowerment and equality of Traveller and Roma women
- Introduce an independent Traveller agency to monitor and drive the implementation of the Strategy

7.2 Education

Education among Traveller and Roma communities remains a significant concern. Stark inequalities exist between Traveller children and the general population;

- Only 13% of Traveller children complete secondary education in comparison with 92% of the general population²⁷
- 55% of Traveller children have completed their formal education by the age of 15²⁸
- 90% of Travellers have completed formal education by the age of 17²⁹
- Less than 1% of Travellers go on to third level education³⁰
- 62% of Travellers experience discrimination in schools³¹

Budgetary cuts in Traveller education are disproportionate compared to mainstream educational cuts. 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, and 33 Senior Traveller Training Centres were closed.

Since the last reporting cycle under the Convention, the Department of Education continues to fund two Traveller only pre-schools. The provision of segregated education is

discriminatory and immediate steps must be taken to phase out of these schools. In addition, a large number of schools continue to give priority in school admissions to children or relatives of past pupils. The 'past-pupil criterion' is by its very nature discriminatory and has a disproportionate impact on communities with high levels of educational disadvantage, such as Travellers and Roma.³²

The Report and Recommendations for a Traveller Education Strategy 2006 was never developed into a strategy with an implementation plan. Numerous recommendations have never been implemented and many others have since been dismantled. The Traveller Education Advisory Consultative Forum (TESACF) was established in 2009. However, the TESACF only meets four times a year and no subgroups have been established to progress areas of work.

Poverty, lack of access to social welfare payments and history of educational disadvantage pose significant barriers for Roma to access and engage in education.³³ There is currently no framework or provision within the education system to address the underlying issues impacting Roma children's participation in education. Roma are not included in the Report and Recommendations for a Traveller Education Strategy or in the terms of reference for the Traveller Education Strategy Advisory Consultative Forum.

Recommendations:

- Undertake a human rights impact assessment of the withdrawal of Traveller specific education supports and reinstate funding as a matter of urgency
- Facilitate and support the closure of the two Traveller only schools
- Ensure that schools are no longer permitted to use discriminatory criteria as part of their school admissions policy
- Develop an implementation plan for the Report and Recommendations for a Traveller Education Strategy in partnership with Traveller and Roma representative organisations
- Address school costs as a matter of urgency to ensure that financial constraints do not prevent children from participating in school

7.3 Health

The All Ireland Traveller Health Study (AITHS) unveils stark inequalities for Travellers in relation to access, participation and outcomes in health.³⁴ 42% of Travellers are aged under 15 years (15% nationally); 63% are aged under 25 years (35% nationally); and only 3% are aged 65 years and older (11% nationally). In comparison to the general population;

- Mortality is 3.5 times higher
- Life expectancy for Traveller men is 15.1 years and for Traveller women 11.5 years less than men/women in the general population
- Infant mortality rate is 3.6 times higher
- Suicide rate among Traveller men is 6.6 times higher and accounts for 11% of Traveller deaths

These findings have been met with inaction by the State with no targeted strategy or action plan to address the situation. In line with recommendations by the Council of Europe, there is a need for targeted measures to tackle the current disadvantages.³⁵

Many Roma in Ireland face significant barriers to accessing primary and secondary health care due to high cost of care and inability to access medical cards and social protection. Research on Roma maternal health in Ireland shows how Roma women often leave their

health needs unattended - many women delay accessing health care to a late stage of pregnancy or when already in labour.³⁶

Recommendations:

- Develop a national Traveller health strategy and action plan in active consultation with Traveller organisations to address health inequalities and implement findings arising from the AITHS
- Reconstitute the National Traveller Health Advisory Committee within the Department of Health
- Introduce mechanisms within each HSE Health Directorate and Community Healthcare Organisation to ensure that Traveller health needs are prioritised and mainstreamed within their service plans and that they engage with Traveller Health Units
- Reinstate, ring-fence and centralise the Traveller health budget within the Department of Health
- Ensure that basic healthcare is accessible for Roma in Ireland
- Develop a primary healthcare project with Roma to increase access to healthcare

7.4 Employment

Travellers and Roma experience widespread exclusion in employment due to low educational attainments and discrimination in employment. According to Census 2011, 84% of Travellers are unemployed in comparison to an overall national figure of 14%. Anecdotal evidence suggests the unemployment rate for Roma is also extremely high.³⁷ Despite this there is no employment strategy for Travellers or Roma. The only targeted training programme for Roma in Ireland lost its funding in 2011.

The national training authority, FAS, initiated Special Initiative for the employment of Travellers in 2005, FAS SIT. Eight of the projects were reportedly still running in 2012 but there is no information about Traveller participation after this point. The 2008 small grant fund by the Department of Social Protection, Activation and family support line, was established to support unemployed Travellers back into employment. However, there are no figures available of spending or allocations since 2008 nor any evidence about its outcomes. An internship scheme in government departments, which was popular and over-subscribed, has also been discontinued.³⁸

Recommendations:

- Develop and implement a national training and employment strategy for Travellers and Roma with targeted, sustained and adequately resourced initiatives that aim towards mainstreaming

7.5 Accommodation

According to the Census 2011, 3,377 Traveller families still needed to have their permanent accommodation needs met and were living on unauthorised sites, sharing housing or living in private rented accommodation. Almost 1 in 3 Traveller households living in mobile or temporary accommodation had no sewerage facilities and 1 in 5 had no piped water source.³⁹ A significant number of families living in group housing or sites report a lack of footpaths, public lighting, fire hydrants and safe play areas.⁴⁰

Since the last monitoring cycle by the Advisory Committee, the State has not reviewed or amended the Housing Miscellaneous Provisions Act (2002), which has a disproportionate and discriminatory impact on Travellers. Under obligations of the 1998 Traveller

Accommodation Act, the majority of Local Authorities have consistently failed to meet their targets and provide adequate and culturally appropriate accommodation for Travellers. There are no incentives or sanctions for Local Authorities in this regard. The National Traveller Accommodation Consultative Committee (NTACC) and Local Traveller Accommodation Consultative Committees (LTACCs) remain purely advisory bodies with no mandate to compel Local Authorities to comply with their obligations.

Lack of political will to address Traveller accommodation is illustrated through a significant and disproportionate disinvestment. Allocation for Traveller accommodation fell from €40m in 2008 to €4m in 2013 - a decrease of 85%. In addition, substantial parts of the allocation have remained unspent;⁴¹

- 2010 - 54% of the budget was unspent
- 2011 - 38% of the budget was unspent
- 2012 - 34% of the budget was unspent

Traveller families often face discrimination, harassment and racist attacks by people who do not want Travellers to live in their area.⁴² Discriminatory attitudes and behaviour towards Travellers are also often supported by elected public representatives.⁴³

The most recent events which unfolded after the tragic fire in Carrickmines, Dublin, provide yet another disturbing evidence of anti-Traveller attitudes, discrimination and harassment. The family members who survived the fire were subjected to unnecessary and intolerable treatment by local residents who placed a blockade to the area identified for the temporary relocation of the bereaved Travellers. The rights of the Travellers to a decent accommodation became second place to the demands of the majority population when the Local Authority failed to assert its authority in acting in the best interests of the Travellers. Instead, the family members were accommodated at a 'car park', previously operated as a Council dump, with no proper sewage facilities. The Council itself described the site as 'not ideal'.

Research shows significant issues with Roma families living in inadequate and overcrowded living conditions due to lack of access to financial resources and difficulties in applying for local authority housing.⁴⁴ Social workers and Gardai report cases of families living in unsafe accommodation with no electricity, heating and/or water. There has been no coordinated State response to address housing issues faced by Roma in Ireland.

Recommendations:

- Establish a Traveller agency to drive improvements and implementation of policy and legislation, including the Housing (Traveller Accommodation) Act 1998. Apply sanctions when obligations under the Act are not met by Local Authorities
- Repeal the Housing Miscellaneous Provisions Act (2002) and provide more culturally appropriate housing and transient accommodation for Travellers in order to respect their accommodation and cultural rights

8. Participation in Structures Devoted to Minority Issues - Article 12

The Committee on Economic, Social and Cultural Rights has raised concerns at the lack of meaningful consultation by the Irish State with civil society in developing and implementing policies and legislation relating to Travellers and Roma.⁴⁵ Pavee Point welcomes the inclusion of Roma within the National Traveller Roma Steering Committee (NTRSC), the former National Traveller Monitoring and Advisory Committee. However, the role of the NTRSC, the National Traveller Accommodation Consultative Committee, the Local Traveller

Accommodation Consultative Committees, the Traveller Education Strategy Advisory and Consultative Forum, and the Traveller Health Advisory Committee remain solely advisory in nature without any decision making powers.

Recommendations:

- Ensure meaningful consultation with Traveller and Roma representative organisations and enhance their role in developing and monitoring policy responses to Traveller and Roma developments
- Incorporate decision making powers within the Traveller and Roma consultative structures

9. Participation of Travellers and Roma in Elected Bodies – Article 12

Travellers and Roma remain largely excluded from any decision making and the wider political process. Regardless of recommendations by the Advisory Committee,⁴⁶ CERD,⁴⁷ and former Council of Europe Commissioner for Human Rights,⁴⁸ the State has not adopted positive action measures to improve the representation of Travellers and Roma in political institutions and decision making.

Recommendations:

- Undertake legislative and positive measures to ensure Traveller and Roma inclusion in political participation at local and national level
 - Reserve specific seats in the Dáil Éireann, the Seanad, Constitutional Convention and local councils for members of Traveller and Roma communities
-

Endnotes

¹ UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the third periodic report of Ireland*, E/C.12/IRL/CO/3, 19 June 2015; Committee on the Elimination of Racial Discrimination, CERD/C/IRL/CO/2, 2005; Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination*, CERD/C/IRL/CO/3-4, 10 March 2011; Committee on the Elimination of All Forms of Discrimination against Women, *Concluding Comments: Ireland*, CEDAW/C/IRL/CO/4-5, 22 July 2005; Committee on the Rights of the Child, *List of issues in relation to the combined third and fourth periodic reports of Ireland*, CRC/C/IRL/Q/3-4, 2015; Human Rights Committee, *Concluding observations on the fourth periodic report of Ireland*, 2014.

² European Commission against Racism and Intolerance, *Second Report on Ireland Adopted on 22 June 2001*, Strasbourg, Council of Europe, CRI (2002) 3; Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Ireland adopted on 10 October 2012*, ACFC/OP/III(2012)006, Strasbourg, Council of Europe.

³ The Human Rights Commission and the Irish Equality Authority are now merged into the Irish Human Rights and Equality Commission. See Irish Human Rights Commission, *Submission to the UN Human Rights Committee on Ireland's Fourth Periodic Report under the ICCPR – List of Issues Stage*, 2013; Irish Human Rights Commission, *Presentation by Irish Human Rights Commission to Oireachtas Joint Committee on Justice, Defence and Equality 13 November 2013 Recognition of Traveller Ethnicity*, 2013; The Equality Authority, *Traveller Ethnicity: An Equality Authority Report*, 2006, http://www.ihrec.ie/download/pdf/traveller_ethnicity.pdf.

⁴ Houses of the Oireachtas Joint Committee on Justice, Defence and Equality, *Report on the Recognition of Traveller Ethnicity*, 2014, <http://www.oireachtas.ie/parliament/media/committees/justice/Report-on-Traveller-Ethnicity.pdf>.

⁵ Holland, K., 'Traveller ethnicity will be reality in six months, says Ó Riordáin', *Irish Times*, 19 November 2014, <http://www.irishtimes.com/news/social-affairs/traveller-ethnicity-will-be-reality-in-six-months-says-%C3%B3-riord%C3%A1in-1.2005945>.

⁶ Kelleher et al., *Our Geels, All Ireland Traveller Health Study*, University College Dublin & Department of Health & Children, 2010.

⁷ Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Ireland*, ACFC/OP/III(2012)006, Strasbourg, Council of Europe.

⁸ It is important that these cuts are considered in comparison to the overall reduction in government spending of -4.3% during the period 2008-2013, in Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*, Dublin, Pavee Point Publications, 2013.

⁹ Daly, M., *Investing in Children: Breaking the Cycle of Disadvantage - A Study of National Policies, Country Report – Ireland*, European Commission, 2014.

¹⁰ UN Human Rights Committee, *Concluding Observations on the Fourth Periodic Report of Ireland on the International Covenant on Civil and Political Rights*, July 2014.

¹¹ 37% of women accessing refuges identify themselves as Travellers, in The Women's Health Council, *Translating Pain Into Action: A study of Gender-based Violence and Minority Ethnic Women in Ireland*, 2009.

¹² For instance, see O'Doherty, I., 'Begging? But I thought it was freedom of expression?', *Independent*, 1 October 2013; Bohan, C., 'Calls for judge to resign over 'Neanderthal' comment on Travellers', *The Journal*, 12 Sep 2012.

¹³ Ombudsman for Children, *Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order 2013*, 2014, <http://specialinquiry.ie/wp-content/uploads/2014/06/Special-Inquiry-July-2014.pdf>.

¹⁴ The Irish Government has noted that it does not intend to develop a new National Action Plan, that there has been a substantial penetration of anti-racist policies stemming from the NAP (2005 – 2008) and will instead incorporate anti-racism measures into a new Migrant Integration Strategy. There is no evidence of a systematic and publicly available analysis of the penetration of anti-racist policies. On the contrary, the very organisations that have a role in protecting people against non-discrimination and racism have experienced huge cuts as part of austerity measures. From 2008-2013 National Traveller Organisations have faced cuts of 63%, in Harvey, B. (8).

¹⁵ There are numerous issues with the Act, including; difficulties with proving 'intent'; extremely low rate of successful prosecutions (less than one per year); penalties do not reflect the seriousness of the crime; little visibility of outcomes with regards to judgments; lack of capacity to tackle incitement to hatred on social media.

¹⁶ Committee on the Elimination of Racial Discrimination, 2011 (1).

¹⁷ Nasc, *In from the Margins- Roma in Ireland: Addressing the Structural Discrimination of the Roma Community in Ireland*, Nasc, 2013; Pavee Point, *Violence against Roma Women: 9 Principles to Human Rights-based and Gender-responsive Approach to Protection*, Pavee Point, 2015.

¹⁸ UNGA, *Report of the Special Rapporteur on extreme poverty and human rights*, Magdalena Sepúlveda Carmona, A/HRC/20/25, 2012, Para 102.

¹⁹ European Commission against Racism and Intolerance, *ECRI Report on Ireland Fourth Monitoring Cycle*, CRI (2013)1, 2013, Para 130.

²⁰ CRC, 2015 (1).

²¹ HRC, 2014 (1).

²² CESCR, 2015 (1).

- ²³ Under the EU Framework for National Roma Integration Strategies Ireland is obliged to develop and implement a national strategy on Roma inclusion, see European Commission, *An EU Framework for National Roma Integration Strategies up to 2020*, Brussels, 05 April 2011 COM (2011) 173. http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf; Department of Justice and Equality, *Ireland's National Traveller/Roma Integration Strategy*, 2011, http://ec.europa.eu/justice/discrimination/files/roma_ireland_strategy_en.pdf.
- ²⁴ Pavee Point Traveller and Roma Centre, *Submission to the EU Commission on Ireland's National Traveller Roma Inclusion Strategy*, 2015.
- ²⁵ European Commission, *The Commission's Assessment of Ireland's National Strategy*, 2012, http://ec.europa.eu/justice/discrimination/files/country_factsheets_2012/ireland_en.pdf.
- ²⁶ European Commission, *The Commission's Assessment of Ireland's National Strategy*, 2014, http://ec.europa.eu/justice/discrimination/files/country_assessment_2014/ireland_en.pdf.
- ²⁷ Economic and Social Research Institute (ESRI), *Growing Up in Ireland Study 2012*, Department of Children and Youth Affairs, 2012.
- ²⁸ Central Statistics Office, *Census 2011 Profile 7- Religion, Ethnicity and Irish Travellers*, Dublin, Stationery Office, 2012.
- ²⁹ *Ibid.*
- ³⁰ *Ibid.*
- ³¹ Kelleher et al. (6).
- ³² *Stokes -v- Christian Brothers High School Clonmel & anor* [2015] IESC 13, 184/2012 <http://courts.ie/Judgments.nsf/597645521f07ac9a80256ef30048ca52/A09897A48211897980257DF6005A3C31?opendocument> [accessed 25/02/2015]
- ³³ Pavee Point, *Roma and Education in Ireland*, 2014, <http://www.paveepoint.ie/tempsite3/wp-content/uploads/2013/11/Roma-and-Education.pdf>.
- ³⁴ Kelleher et al. (6). According to the study the Traveller population was estimated at 36,224, which is less than one percent of the total Irish Population.
- ³⁵ Council of the European Union, *Council Recommendation on Effective Roma Integration Measures in the Member States*, 2013, [http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H1224\(01\)&from=en](http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013H1224(01)&from=en).
- ³⁶ Pavee Point, *Challenging Barriers and Misconceptions: Roma Maternal Health in Ireland*, 2014, <http://www.paveepoint.ie/tempsite3/wp-content/uploads/2013/11/Roma-Maternal-Health-in-Ireland.pdf>.
- ³⁷ Pavee Point, *Roma Communities in Ireland: Child Protection Considerations*, Dublin, Health Service Executive and Pavee Point, 2012.
- ³⁸ Harvey, B. (8).
- ³⁹ Central Statistics Office, (28).
- ⁴⁰ According to the All-Ireland Traveller Health Study, Travellers 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, in Kelleher et al. (6).
- ⁴¹ Harvey, B. (8).
- ⁴² 79.6% of people surveyed in Ireland 'would be reluctant to buy a house next door to a Traveller', in MacGreil, M., *Emancipation of the Travelling People*, National University of Ireland Maynooth, 2010.
- ⁴³ Following an arson attack at an allocated house for a Traveller family in Donegal County Council in 2013 Seán McEniff, a Fianna Fáil county councillor in Donegal commented: 'I think that there should be an isolated community of them some place. Give them houses and keep them all together'. These comments were supported by local councillor Eugene Dolan who stated: 'As far as I'm concerned they can be sent to Spike Island for all I care'. Extended Interview with Sean McEniff, <https://soundcloud.com/oceanfm/extended-sean-mceniiff> [accessed 20/02/2015]; O'Connell, J., 'Our Casual Racism against Travellers is One of Ireland's Last Great Shames', *Irish Times*, 27 February 2013, <http://www.irishtimes.com/life-and-style/people/our-casual-racism-against-travellers-is-one-of-ireland-s-last-great-shames-1.1315730> [accessed 24 February 2015].
- ⁴⁴ Pavee Point, 2014, (36).
- ⁴⁵ CESCR, 2015 (1).
- ⁴⁶ Advisory Committee on the Framework Convention for the Protection of National Minorities (7).
- ⁴⁷ CERD, 2005 and 2011 (1).
- ⁴⁸ Council of Europe, *Report by the Commissioner for Human Rights Mr. Thomas Hammarberg on His Visit to Ireland*, Strasbourg, 2008, https://wcd.coe.int/ViewDoc.jsp?id=1283555&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679%23P402_100717.