



Submission to the Garda Inspectorate on the Inspection into the Effectiveness and Efficiency of An Garda Síochána's Response to Domestic Abuse

January 2022

Pavee Point Traveller and Roma Centre is a national non-governmental organisation committed to the attainment of human rights for Travellers and Roma. 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 racism, discrimination, exclusion and marginalisation.

Pavee Point welcomes the opportunity to engage with the Garda Inspectorate to provide observations for the inspection of An Garda Síochána's response to domestic abuse. This submission provides insight into Traveller and Roma women's experiences with policing in the context of domestic and sexual violence. In doing so, we offer practical recommendations to improve An Garda Síochána's response to domestic abuse in Traveller and Roma communities. We would welcome an opportunity to meet bi-laterally and would strongly encourage the Garda Inspectorate make contact with Traveller and Roma organisations throughout the country to feed into the consultation process.

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Context

From our engagement with Traveller and Roma organisations and communities across the country, we recognise and acknowledge the many positive responses and interactions by members of An Garda Síochána when protecting Traveller and Roma women. However, from this engagement and relevant research findings, we also know that relations between An Garda Síochána and Traveller and Roma communities are often characterised by mistrust and conflict. Racial stereotypes and prejudices against Travellers and Roma can often lead to under-policing (not providing sufficient support and protection) and over-policing in certain situations and crimes or using excessive force against Traveller and Roma communities. This results in low levels of trust, victim satisfaction and reporting crime by Travellers and Roma.

A 2019 survey by EU Agency for Fundamental Rights (FRA) found that on ethnic profiling during police stops, 14% of Travellers in Ireland believe that the most recent stop was because they are a Traveller. This is the third highest rate compared to the other countries. Their trust in the police in Ireland is the second lowest compared to other countries. Trust in the legal system is also the second lowest of all countries.¹ Similarly, a national survey of Travellers has found that 48% of respondents felt discriminated against by the Gardaí in the last year.² These findings raise concerns about the inadequacy of protection when it comes to Traveller and Roma victims of domestic violence. This data also makes it apparent that the current human rights education and training for law enforcement officials and the work of the Garda National Diversity and Integration Unit (GNDIU) and Ethnic Liaison Officers in Ireland are insufficient to addressing the extent of policing issues with Traveller and Roma communities or addressing the specific forms of anti-Traveller and Roma discrimination and racism.

Travellers	Roma (National Needs Assessment, 2018)
<ul style="list-style-type: none">• Travellers report ill-treatment by AGS, including abusive, discriminatory and racist language and physical violence (TPI, <i>'Hearing their Voices': Traveller Women in Prison</i>, 2017)• Lack of sensitivity shown in dealing with call-outs to domestic violence incidents e.g. Gardaí checking tax/insurance of vehicles when responding to DV (Pavee Point focus groups, 2017)• In September 2019, a video emerged on social media of a member of An Garda Síochána and Fire Brigade impersonating and mocking the Traveller community.³ This incident demonstrated the lived experiences of racial bias and stereotypes that Travellers report being subjected to by Gardaí.	<ul style="list-style-type: none">• 53.9% said they felt discriminated by An Garda Síochána or in the courts• 77.5% of Roma women report being stopped by An Garda Síochána• Big Issue sellers searched by members of An Garda Síochána, arrested and charged with begging• Inquiry by the Ombudsman for Children – removal by Gardaí under of Child A and T in 2013 from their Roma parents influenced by unfounded and deeply prejudiced myths about Roma 'stealing children'; one of the cases constituted ethnic profiling.⁴

¹ FRA, [Country Sheet: Travellers in Ireland – Key Results from the Roma and Travellers Survey](#), 2019.

² Behaviour and Attitudes, 'Traveller Community National Survey, 2017.

³ 'Garda Commissioner Includes Traveller Community in 'Increased Diversity' Message', *Independent*, 26 Sep 2019, <https://www.independent.ie/breaking-news/irish-news/garda-commissioner-includes-traveller-community-in-increased-diversity-message-38538200.html>.

⁴ Ombudsman for Children, Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order 2013, 2014. Available at: <http://www.justice.ie/en/JELR/Emily%20Logan%20report.pdf/Files/Emily%20Logan%20report.pdf>.

1. An Garda Síochána's Response to Domestic and Sexual Violence in Traveller and Roma Communities

Traveller and Roma women have reported negative experiences with Gardaí who were called out to respond to a domestic violence situation, such as slow response times, negative comments and attitudes by responding Gardaí, Gardaí checking car tax certificates or evidence of other crime on Traveller sites during a call out for domestic violence.⁵ These experiences have taken away the focus of supporting the woman as a victim of domestic or sexual violence and leaves her feeling unsupported and indeed unsafe in a crisis situation. As a result, these experiences have further contributed to a lack of trust that Traveller and Roma women have in Gardaí and acts as a deterrent for women to reach out for help, even in the most dangerous of situations.

1.1 An Garda Síochána's Covid-19 Response to Domestic and Sexual Violence

The introduction of Operation Faoiseamh by An Garda Síochána during the pandemic was welcomed. However, the absence of an ethnic identifier in the PULSE system continued to make it impossible to monitor policing responses as they relate to domestic violence and minority ethnic women, including Traveller and Roma women.

During the Covid-19 pandemic, we received a number of reports from Traveller organisations of under-policing such as Gardaí failing to arrest perpetrators when a serious assault or breach of a barring or safety order occurred – unfortunately such incidences were reported by Traveller organisations even before the pandemic. When travel restrictions were brought in, victims fleeing domestic and sexual violence were reassured that such restrictions did not apply to them.⁶ Despite this messaging, we received a report from a Traveller organisation that a car of a Traveller woman fleeing domestic violence from Limerick to Cork was confiscated and she was sent back home due to travelling beyond her 2km zone. Similarly, another Traveller organisation reported that a Traveller woman fleeing domestic violence had pulled over at a Garda check point and explained her situation. The Garda stated that they did not believe the woman and proceeded to give her a fine and penalty points as a result of driving without a full license. Such incidences illustrate a lack of consistent approach to policing and domestic violence during the pandemic.

2. Measures to Improve Garda Responses to Domestic Abuse in Traveller and Roma Communities

2.1 Commitments in National Strategy on Domestic, Sexual and Gender-based Violence (NSDSGBV)

During the Second NSDSGBV, we welcomed Action 2.1000 'to improve confidence in how An Garda Síochána manages DSGBV within diverse communities, such as Traveller and Roma communities, by supporting inter-agency and community partnerships both locally and nationally'. This resulted in increased communication with and support by the Garda National Protective Services Bureau (GNPSB) regarding resolving or signposting a small number of individual Traveller women when requested by Pavee Point, as well as some support provided by the GNPSB to raise awareness about DSGBV and the role of the Gardaí. However, with no clear and robust implementation plan – concrete action, indicators, targets, outcomes or budget lines – we regret the Strategy and the Action fell short in reaching real and meaningful outcome in terms of improved protection of Traveller and Roma women on the ground or improved policing structures, policies or practices in relation to Travellers and Roma.

⁵ Traveller Domestic, Sexual Gender-based Violence Project held focus groups with Traveller women in Dublin, Cork, Carlow/Kilkenny, Wicklow in 2018.

⁶ 'Domestic Violence Victims Exempt From 2km Travel Restriction', Irish Times, 10 Apr 2020, <https://www.irishtimes.com/news/ireland/irish-news/domestic-violence-victims-exempt-from-2km-travel-restriction-1.4225953>.

Recommendation:

- **Through relevant strategies and policy measures, including through the forthcoming 3rd National Strategy on DSGBV, develop clear actions with associated indicators, targets, outcomes and budget lines to improve the protection of Traveller and Roma women at risk of, and experiencing DSGBV.**
- **Develop and implement such measures in full and meaningful consultation with Traveller and Roma organisations.**
- **Adopt a combination of targeted special measures and mainstreaming measures in policing in order to ensure equality of access, participation and outcomes in relation to DSGBV prevention, support and protection for Traveller, Roma and other minority ethnic women.**

2.2 Promotion of Anti-racism, Anti-discrimination, Human Rights & Equality

While some efforts have been made to work towards human rights proofing services and/or cultural awareness raising initiatives during the lifetime of the Second NSDSGBV, we regret that such efforts were largely undertaken without consultation or involvement by Traveller and Roma organisations, and thus have not captured and/or addressed the specific experiences and forms of anti-Traveller and Roma racism, discrimination and human rights violations experienced by Traveller and Roma women. We are also unaware of any potential outcome or impact that such efforts may have had as no targets, indicators or qualitative data was provided through the monitoring returns of the Second NSDSGBV. From our experience, standard human rights, anti-racism or anti-discrimination measures do not adequately cover or address the specific forms of anti-Traveller and Roma racism and the gendered racism/intersectional discrimination faced by women in Traveller and Roma communities.

Training on anti-racism and discrimination and capacity building to respond to domestic and sexual violence in Traveller and Roma communities within a human rights framework must be delivered as part of initial training for Garda recruits and in continuing professional development for existing members. It is crucial that such training is designed and delivered in collaboration with Traveller and Roma organisations and allocated sufficient time to ensure meaningful engagement. Effectiveness of training and capacity building should be evaluated on a periodic basis to ensure objectives are being achieved. Ultimately, training alone is not sufficient and should not replace structural and organisational measures necessary to facilitate and develop change.

Recommendation: Develop and implement clear policies, standards, guidelines and training in An Garda Síochána that aim towards human rights proofing the service and address anti-Traveller and Roma discrimination. Ensure these are included as part of continuing professional development and practises and initial training for recruits and professionals. Develop, implement, monitor and evaluate such measures in collaboration and consultation with Traveller and Roma organisations.

2.3 Ethnic Equality Monitoring

We regret that An Garda Síochána did not progress ethnic data collection during the Second NSDSGBV. Despite Section 42 of the Irish Human Rights and Equality Commission Act 2014 which mandates public sector services to promote equality, combat discrimination and protect human rights, An Garda Síochána has insisted that there would be no legal basis for ethnic data collection and/or such data would not be relevant for their services. In this light, we welcome the recent attention by An Garda Síochána to conduct an assessment of the legal basis of recording ethnicity, as well as the numerous recommendations by Policing Authority for An Garda Síochána to progress ethnic data collection.⁷ We urge An Garda Síochána to advance this area of work as a matter of priority.

⁷ Policing Authority Reports to the Minister on COVID-19 Policing, such as [Report on Policing Performance by the Garda Síochána during the COVID-19 Health Crisis](#), 18 Feb 2021. All reports can be accessed [here](#).

Recommendation:

- **Ensure data is collected by ethnicity by An Garda Síochána and use ethnic data to equality proof policing services, policies, budgets and programming.**
- **Along with introducing ethnic equality monitoring, including the use of ethnic identifiers,**
 - a. **resource training with service providers on how to collect, disaggregate and analyse ethnic data in line with human rights standards, and**
 - b. **resource awareness raising activities & materials for Traveller, Roma and other minority ethnic communities about the reason for collecting ethnic data.**