



PAVEE POINT
TRAVELLER AND ROMA CENTRE

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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.

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Introduction

This submission provides an update on recommendations arising from Ireland's first examination under the Universal Periodic Review.¹ Drawing from research, empirical evidence and ongoing consultation with Traveller and Roma communities, it puts forward recommendations to progress Traveller and Roma rights in Ireland and ensure that the omission of Roma specific recommendations is addressed.

Irish Travellers are an indigenous minority ethnic group with a shared history, language, traditions and culture. Persistent anti-Traveller racism and discrimination have resulted in significant marginalisation in health, accommodation, education, employment and decision making.²

An estimated 5,000 Roma live in Ireland, many of which live in poverty, deprivation, and precarious living conditions due to restrictive social welfare measures and lack of access to employment. Without access to basic rights, options can be often restricted to becoming reliant on families and charities, or being 'voluntary repatriated'.³

There is an absence of data, initiatives and coherent strategy to address the exclusion and marginalisation of Travellers and Roma in Ireland. Calling on the State's obligations towards anti-discrimination and protection of vulnerable groups, measures to progress the rights of Travellers and Roma remain urgent.

1. Ethnicity

Despite recommendations by UN treaty monitoring bodies,⁴ European institutions,⁵ and Irish equality and human rights bodies,⁶ the Irish State continues to deny Travellers a minority ethnic status. 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-racism and intercultural initiatives and legislation.

In 2014, the Joint Oireachtas Committee on Justice, Defence and Equality recommended for the government to affirm the recognition of Traveller ethnicity⁷. In November 2014, Minister of State for Equality, New Communities and Culture has made a commitment that this recognition would become a 'reality'.⁸

Recommendation:

- Recognise Travellers as a distinct ethnic group in Ireland without any further delay

2. Austerity

The recent economic crisis prompted a disproportionate disinvestment in public expenditure and Traveller infrastructure under the guise of austerity. The scale of the measures in areas impacting Travellers becomes apparent by using government figures:⁹

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”.¹⁰

The continuous failure by the State to disaggregate data by ethnicity prevents regular assessment of the situation of Roma and Travellers in Ireland.¹¹ Where data is available, stark statistics emerge. For example, the 2011 Census revealed an unemployment rate of 84.3% for Travellers.¹²

A strong and adequately resourced Roma infrastructure is absent regardless of the State’s commitments under European Union institutions towards Roma inclusion. The right to reside and habitual residence condition (HRC) continue to act as major obstacles for Roma to access social protection. This places many families and children in poverty and destitution. Concerns about the discriminatory effect of the HRC have been raised by the Special Rapporteur on extreme poverty and human rights,¹³ ECRI,¹⁴ HRC,¹⁵ and CESCR,¹⁶ and CRC.¹⁷

Recommendations:

- Allocate specific funding for independent Traveller and Roma civil society organisations to work to progress Traveller and Roma rights
- 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
- Review the HRC to eliminate its discriminatory impact on disadvantaged individuals and groups in accessing social protection

3. Framework for Roma and Traveller Inclusion

Ireland’s current National Traveller Roma Integration Strategy contains no goals, targets, indicators, timeframes, or funding, monitoring and evaluation mechanisms.¹⁸ 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.¹⁹

The Commission's 2012 assessment of the Strategy deemed Ireland to have met only four out of 22 criteria,²⁰ and in 2014 raised serious concerns about the lack of targets, detail, consultation and funding mechanisms.²¹ Pavee Point welcomes the establishment of the recent National Traveller Roma Inclusion Steering Group to revise the Strategy.

Travellers and Roma experience racism at individual and institutional levels.²² 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 of Roma by state authorities.²³ Anti-Traveller and Roma sentiments are expressed by political representatives, high ranking public officials, and in new and traditional media.²⁴ The reticence to identify and monitor discrimination by the State is exemplified by 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 yet has not been renewed.²⁵

Recommendations:

- Develop a progressive Traveller Roma Inclusion Strategy with clear goals, indicators, timeframes and budget in partnership with Traveller/Roma organisations
- Introduce an independent institutional mechanism to monitor and drive the implementation of the Strategy
- Renew/introduce a new National Action Plan against Racism with strong civil society involvement in its development and implementation

4. Traveller Health

Research unveils stark inequalities for Travellers in relation to access, participation and outcomes in health.²⁶ 42% of Travellers are aged under 15 years (15% nationally); 63% of Travellers are aged under 25 years (35% nationally); and only 3% of Travellers 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.²⁷

Recommendation:

- Develop a national Traveller health strategy and action plan in active consultation with Traveller organisations

Endnotes

¹ Seven recommendations on Traveller rights were made and accepted by Ireland in 2011 while there was no Roma specific recommendations. A number of other recommendations had particularly strong relevance for Traveller and Roma rights.

² The Traveller population in Ireland is estimated to be a little over 36,000, in Kelleher et al., *Our Geels - All Ireland Traveller Health Study*, University College Dublin & Department of Health & Children, 2010. Poor educational outcomes have long been an issue for the Traveller community;

- Only 13% of Traveller children complete secondary education in comparison with 92% of the general population, in Economic and Social Research Institute, *Growing Up in Ireland Study 2012*, Department of Children and Youth Affairs, 2012.
- 55% of Traveller children have completed their formal education by the age of 15, in Central Statistics Office, *Census 2011 Profile 7- Religion, Ethnicity and Irish Travellers*, 2011.
- 90% of Travellers have completed formal education by the age of 17, *ibid.*
- Less than 1% of Travellers go on to third level education, *ibid.*
- 62% of Travellers experience discrimination at school, Kelleher et al., 2010.
- Educational attainment of Travellers remains significantly lower than that of their settled peers in both reading and mathematics, in Weir, S., P. Archer, A. O'Flaherty and L. Gilleece, *The Report on the First Phase of the Evaluation of DEIS*, Dublin, Educational Research Centre, 2011.

Despite stark inequalities in educational outcomes between Traveller children and their settled peers, in 2012 Traveller specific education supports were cut by 86.6%. This resulted in the dismantling of the Visiting Teachers for Travellers Service and the Resource Teacher for Travellers Service. See Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*, Dublin, Pavee Point Publications, 2013.

³ Roma are not included as an ethnic category in the census and there remains a dearth of data in relation to Roma. For more information, see McGaughey, F., *Roma Communities and Child Protection Considerations*, Pavee Point and the Health Service Executive, Dublin, 2012, <http://www.paveepoint.ie/wp-content/uploads/2013/11/Roma-Communities-in-Ireland-and-Child-Protection-Considerations-Final-Report.pdf>; Pohjolainen, L., *Challenging Barriers and Misconceptions: Roma Maternal Health in Ireland*, Pavee Point, Dublin, 2014, <http://www.paveepoint.ie/wp-content/uploads/2013/11/Roma-Maternal-Health-in-Ireland.pdf>; Pohjolainen, L., *Roma and Education*, Pavee Point, 2014, <http://www.paveepoint.ie/wp-content/uploads/2013/11/Roma-and-Education.pdf>.

⁴ 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.

⁵ 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.

⁶ 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.

⁷ 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>.

⁸ 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>.

⁹ 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. Harvey notes "one can think of no other section of the community which has suffered such a high level of withdrawal of funding and human resources, compounded by the failure of the state to spend even the limited resources that it has made available".

¹⁰ Daly, M., *Investing in Children: Breaking the Cycle of Disadvantage - A Study of National Policies, Country Report – Ireland*, European Commission, 2014.

¹¹ Pavee Point welcomed the State's introduction of an ethnic identifier at primary level education in 2014 and would urge it to expedite this at post primary level. Currently, at post primary level only Traveller students are required to identify their ethnicity. This is wholly unacceptable, in contravention of human rights principles, and only serves to make young Travellers feel further singled out.

¹² Central Statistics Office, *Census 2011 Profile 7- Religion, Ethnicity and Irish Travellers*, 2011, http://www.cso.ie/en/media/csoie/census/documents/census2011profile7/Profile_7_Education_Ethnicity_and_Irish_Traveller_entire_doc.pdf.

¹³ UNGA, *Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona*, A/HRC/20/25, 2012, Para 102, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-25_en.pdf.

¹⁴ European Commission against Racism and Intolerance, *ECRI Report on Ireland Fourth Monitoring Cycle*, CRI (2013)1, 2013, Para 130.

¹⁵ The Human Rights Committee expresses concern at the existence of administrative and financial obstacles for marginalized women to access essential support services, particularly women whose immigration status is dependent on her spouse or partner or who do not meet the Habitual Residence Condition, in Human Rights Committee, *Concluding observations on the fourth periodic report of Ireland*, 2014.

¹⁶ 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.

¹⁷ The Committee on the Rights of the Child has requested the State to provide additional information on the criteria for the fulfilment of the HRC to access social services and to provide information about measures taken to ensure that the HRC doesn't result in children from Traveller and Roma ethnic minority backgrounds being excluded from primary care, child benefits and social protection, in 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.

¹⁸ 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.

¹⁹ Pavee Point Traveller and Roma Centre, *Submission to the EU Commission on Ireland's National Traveller Roma Inclusion Strategy*, 2015.

²⁰ 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.

²¹ 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.

²² In August 2014, Facebook pages were set up including “Waterford against Roma” and “Get Roma Criminal Gypsies Out”. These pages called people to action and were littered with comments such as “petrol bomb the all”, “beat them out of Waterford with bats” and “burn them out”. Comments referred to Roma as “Scum” and “like rats”. Three Roma families with young children had to be brought to safety by the police, as up to 100 people gathered outside their homes.

²³ Assumptions about the children having had been abducted were later rejected upon proof of their guardians being their biological parents. The events were influenced by unfounded and deeply prejudiced myth about Roma ‘stealing children’, and by an international dimension of the case of ‘Maria’ in Greece, which witnessed the removal of a blonde child from a Roma family, in 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>.

²⁴ Includes references to Roma as a ‘parasitic underclass’, in O’Doherty, I., ‘Begging? But I thought it was freedom of expression?’, *Independent*, 1 October 2013, <http://www.independent.ie/opinion/columnists/ian-odoherty/begging-but-i-thought-it-was-freedom-of-expression-29620421.html>; and to Travellers as “Neanderthal...abiding by the laws of the jungle”, in Bohan, C., ‘Calls for judge to resign over ‘Neanderthal’ comment on Travellers’, *The Journal*, 12 Sep 2012, <http://www.thejournal.ie/judge-travellers-comments-law-of-the-jungle-592523-Sep2012/>.

²⁵ 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, 2013.

²⁶ Kelleher et al., *Our Geels*, 2010. According to the Study the Traveller population was estimated at 36,224, which is less than one percent of the total Irish Population.

²⁷ 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).