



PAVEE POINT
TRAVELLER AND ROMA CENTRE

Submission to the Department of Justice and Equality on the Public Consultation of the Youth Justice Strategy

June 2020

Background

Pavee Point Traveller and Roma Centre ('Pavee Point') have been working to challenge racism and promote Traveller and Roma inclusion in Ireland since 1985. The organisation works from a community development perspective and promotes the realisation of human rights and equality for Travellers and Roma in Ireland. The organisation is comprised of Travellers, Roma and members of the general population, who work together in partnership to address the needs of Travellers and Roma as minority ethnic groups experiencing exclusion, marginalisation and racism. Working for social justice, solidarity and human rights, the central aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma.

Pavee Point Traveller and Roma Centre welcomes the opportunity to contribute to the Department of Justice and Equality public consultation on the Youth Justice Strategy. The consultation provides an important opportunity to feed into the strategy as the overall guiding document that will outline and pave the way of future service provision in the hope of preventing children and young people being involved in crime. This submission will focus on Travellers and Roma in that context.

Introduction

While there are very little official statistics on the number of Travellers in Irish prisons, it is recognised that Travellers are over-represented in the prison system, including the youth justice system. ‘Travellers account for 0.6 % of the Irish population, yet in prison Travellers account for 22% of the female prison population and 15% of the male prison population’¹. These stark figures are believed to be an under-representation due to the lack of consistent and accurate data collection by IPS (including ethnicity/ethnic identifier).

This over-representation is mirrored in the youth detention centre Oberstown, as figures from the IPS states ‘a fifth of young people in custody are members of the Traveller community, double the proportion in adult prisons’. In the first three months of ‘2019 the campus housed 72 individuals, of these 14 (19 per cent) were Travellers or from a Traveller background. There was a similar rate in 2018 and 2017’².

The All Ireland Traveller Health Study (AITHS) suggests that based on the number of Travellers in prison estimated by the Irish Prison Services (IPS), the risk of a Traveller man being imprisoned is 11 times that of a non-Traveller and for Traveller women the risk was 22 times that of non-Traveller women. The overall risk of imprisonment was higher for female Travellers than for males in both analyses but differs in comparison to the general population, where men are 27 times more likely to be imprisoned than women.³

1. Early Intervention and Targeted Initiatives

The Youth Justice Strategy should seek to support the families of Travellers and Roma to divert young people away from crime. Research shows strong links between youth offending and child and family welfare issues and therefore offending behaviour should not be considered in isolation.

To support young people (inclusive of Travellers and Roma) to live a life free from crime and harm we need to strengthen the delivery of opportunities by collaborating across all sectors of government. To achieve this the strategy should support the monitoring and implementation of Traveller and Roma specific strategies such as the National Traveller and Roma Inclusion Strategy (NTRIS) and the soon to be released National Traveller Health Action Plan (NTHAP) which aim to address the specific health needs of Travellers and Roma using a social determinants approach. Both documents are in line with Better Outcomes, Brighter Futures, a government framework which sets out to

¹ Irish Prison Service (IPS, 2016), Dept of Justice and Equality

² Irish Prison Service (IPS, 2019)

³All Ireland Traveller Health Study (AITHS, 2010)

coordinate policy across government departments, agencies and constituent sectors to achieve better outcomes for children and young people which underpins the necessity of interagency work.

When addressing early interventions in the youth justice strategy we should include specific measures and initiatives for Travellers and Roma alongside improving overall access to and engagement with mainstream services and supports. This should feed into and be guided by the engagement and participation of Traveller representatives on the oversight body for the implementation of the strategy and any other relevant implementation bodies on Traveller and Roma strategies.

The European Commission Assessment of Ireland suggests that ‘A mainstreamed approach is sufficient when outcomes are identical for all components of the target groups; when evidence shows a clear gap between the situation of Roma and Travellers versus the rest of society (e.g. regarding their health and housing situation), policies should be adjusted and specific measures should be developed)’⁴.

1.2 Targeted Initiatives

There is a need for targeted initiatives to address repeated and serious offending behaviour by young Travellers and Roma. The over-representation of Travellers in Oberstown and across the IPS suggests that current rehabilitation programmes targeting youth offenders are not proving effective in addressing the re-offending of Travellers (for example YJARC).

Travellers and Roma often come into contact with An Garda Síochána through ‘over-policing’ which can lead to higher levels of criminalisation at a younger age. We also know that children of prisoners have a higher tendency to end up in prison and with the over-representation of Travellers in prison this puts younger Travellers at a higher risk of engagement with the youth justice systems and/or IPS and highlights the need for effective targeted initiatives at an earlier stage.

Targeted initiatives for young Travellers and Roma should have a focus on areas such as education both formal and informal (such as youth and community projects and Garda diversion projects), mental health, employment (Travellers have an unemployment rate of 80%)⁵, conflict resolution and drug and alcohol education. It is important that these initiatives are both prioritised and resourced as well as designed and implemented through collaboration with relevant Traveller organisations and oversight committees.

⁴ European Commission Assessment of Ireland (June 2016)

⁵ Central Statistics Office Census 2016

Recommendation;

- Early interventions in the youth justice strategy should include specific measures and initiatives for Travellers and Roma alongside improving overall access to and engagement with mainstreamed services and supports.
- The youth justice strategy should support young Travellers and Roma by collaborating across all sectors of government through the National Traveller Health Action Plan (NTHAP), National Traveller and Roma Inclusion Strategy (NTRIS) and other Traveller specific strategies.

2. Education;

Education is a fundamental right, yet educational outcomes for Travellers remain low and are considerably lower than that of their settled peers. The 2006 census revealed that for ‘54.8% of Travellers, primary school education was the highest level of education they obtained and that 63.2% of Traveller children under the age of 15 had left school’⁶. ‘13% of Travellers complete secondary education in comparison with 92% of the general population’⁷ further to this only ‘1% of Traveller children complete third level education’⁸.

Lack of adequate education has been noted as a potential factor for the engagement in non-prosocial activities, ‘Early school leaving and Travellers’ poor educational outcomes have been cited as a risk for problematic drug use, furthermore the lack of employment opportunities is another risk factor experienced by Travellers with Travellers reporting this as having led to ‘greater levels of depression, boredom, drug dealing, criminal activity, and in some cases, poverty’⁹.

To tackle lack of engagement/early school leaving it is vital to have a cross departmental, joined up approach which would be a critical step in providing wraparound services to tackle the issue that encompasses education (both formal and informal), youth projects and garda youth diversion schemes. When addressing the low engagement of Traveller and Roma children in schools a targeted and mainstream approach needs to be taken. An example of a targeted approach in the context of increasing and monitoring engagement in both formal and informal education settings would be the configuration of a monitoring mechanism which would aim to highlight the need for early

⁶ Central Statistics Office Census 2006

⁷ Economic & Social Research Institute (ESRI, 2012), Growing Up in Ireland Study, Department of Children and Youth Affairs

⁸ Central Statics Office Census 2016

⁹ Van Hout, M. C. (2010). Travellers and substance use - implications for service provision. International Journal of Health Promotion & Education

interventions with relevant children (who are not engaging) and their families and will be done so in the context of a family welfare issue. This type of mechanism could be implemented across the youth sector as a whole and would aim to engage those hard to reach children and their families.

Recommendation:

- Formal and informal education settings (including community programmes, youth services and garda youth diversion projects) to provide a wraparound service for young Travellers and Roma and dedicated funding to be made available for Traveller specific initiatives within mainstream services.

3. Ethnic Equality Monitoring across all Youth Justice Administrative System

Ethnic equality monitoring is the collection and utilisation of ethnic data to ‘ensure that policymakers respond appropriately to the diverse needs of a population and to establish mechanisms to promote equality and opportunity’¹⁰ to effectively meet the needs of ethnic

groups. It identifies the diverse needs, highlights barriers in accessing services, and supports the delivery of culturally appropriate services.

Ethnic equality monitoring should be mainstreamed across all youth justice administrative systems as access to disaggregated data on Travellers and Roma is essential for a number of reasons; 1) quantifying the numbers of Travellers and Roma in the youth justice system 2) to gather information regarding reason for engagement and to monitor this in comparison to the general population (to include analysis on the length of sentences, whether harsher sentences are received and whether Travellers have a higher conviction rate than that of the general population), 3) to monitor the two way engagement (including access and outcomes) of Travellers and Roma, 4) to build data on recidivism and barriers/blocks to so and 5) to inform the development of relevant and culturally appropriate responses, services and supports.

‘Ethnicity should be determined through the use of an ethnic identifier which needs to be carefully explained and any disclosures about ethnicity treated with sensitivity’¹¹. To ensure that ethnic equality monitoring is used effectively there is a need for specific training on data collection to ensure the understanding of, reasons for and benefits to ethnic equality monitoring for both the individual and service.

¹⁰ Pavee Point (2016), Policy and Practice in Ethnic Data Collection and Monitoring

¹¹ Pavee Point (2011). Pavee Pathways: Good practice guidelines for drug and alcohol services working with Travellers

Furthermore, implementing ethnic equality monitoring should follow steps implemented across the IPS and support and promote collaboration with the Garda Traveller Advisory Group and the Policing Authority.

Recommendation;

- Implement and monitor the use of an Ethnic Identifier (inclusive of Travellers and Roma) across the youth justice service administration systems (to include all areas of youth justice work and youth detention centre Oberstown) to comply with IHREC Act, Section 42 positive duty obligations; and monitor access, participation and equality of outcomes for Travellers and Roma - provide training where needed

4. Promotion of Anti-racism, Anti-discrimination and Human Rights

Section 42 of the Irish Human Rights and Equality Commission Act 2014 mandates all public bodies to take note of equality and human rights while carrying out their operations. In performing their duties, public bodies are required to take proactive steps to assess and actively promote equality, protect human rights and combat discrimination - this duty must be reflected across all of the Irish Youth Justice Service systems- including, Oberstown,

Current standardised anti-racism and cultural diversity training for the public service doesn't address the experiences of Travellers and Roma in Ireland. Furthermore, there is a gap in the provision of initial and ongoing professional training on the human rights situation of Travellers and Roma across the board. Pat Bergin, Oberstown campus director recognises the need to understand cultural differences as highlighted in an interview with the Irish Times 'It is a challenge, for us it's about understanding the cultural differences, and there are cultural differences'¹². It is essential that this training is not only prioritised but provided by professionally skilled trainers on an ongoing basis. Furthermore, there is scope for a mandatory examined pre-service module on racism, which explicitly includes a focus on anti-Traveller and Roma racism, across all education systems for those working in the youth justice system or as part of continuous professional development training. To have real impact, such modules should be mandatory across the board (and have a top down approach).

Recommendation:

- Ensure that Section 42 of the Irish Human Rights and Equality Commission Act 2014 is explicitly included as a rationale/source of information to influence the delivery of human rights compliance youth justice services and in order for the Irish Youth Justice System to comply with this legal duty
- Include the '*Promotion of Anti-racism, Anti-discrimination and Human Rights*' (inclusive of Traveller and Roma human rights and anti-Traveller and Roma racism/discrimination) as an action in the 2020-2026 youth justice strategy and

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