



PAVEE POINT
TRAVELLER AND ROMA CENTRE

IRISH TRAVELLER AND ROMA CHILDREN

An Update

to Pavee Point Traveller and Roma Centre's shadow report in response to Ireland's consolidated third and fourth report to the UN Committee on the Rights of the Child.



December 2015

Summary of Recommendations

Recommendation: All budgetary decisions should be subject to comprehensive human rights impact assessment so that such measures do not result in increased inequalities and discrimination.

Recommendation: Review and amend legislation to ensure full protection against racist crime

Recommendation: Political parties and public bodies should develop anti-racist protocols; party members or staff found in violation of these protocols should be sanctioned.

Recommendation: Develop a progressive National Traveller and Roma Integration Strategy with clear goals, indicators, timeframes and budget through meaningful consultation with Traveller and Roma representative organisations.

Recommendation: Introduce an independent Traveller agency to monitor and drive the implementation of the National Traveller and Roma Integration strategy.

Recommendation: Conduct a comprehensive enquiry into racial profiling within An Garda Síochána and introduce legislation to prohibit racial profiling by statutory agencies.

Recommendation: Training programmes on cultural diversity, developed in consultation with Traveller and Roma organisations and migrant support groups, should be compulsory for Child and Family Agency staff.

Recommendation: Only appropriately trained social workers should be used in child protection concerns which involve ethnic minority families.

Recommendation: The Child and Family Agency should develop a child protection strategy specifically aimed at Travellers in consultation with Traveller organisations.

Recommendation: Undertake a comprehensive gender analysis of the Habitual Residence Condition to address inequalities for women experiencing sexual violence in the social welfare system.

Recommendation: Invest in and conduct a review and impact assessment of the Habitual Residence Condition, in particular in relation to ethnicity and gender.

Recommendation: 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.

Recommendation: Training on the Traveller and Roma community should be a compulsory component of initial teacher education and continuous professional development for primary and post primary teachers.

Recommendation: Traveller and Roma culture and history should be part of the formal curricula at primary and post primary level.

Introduction

Pavee Point Traveller and Roma Centre

Pavee Point Traveller and Roma Centre was established in 1985. It is a national non-governmental organisation committed to the attainment of human rights for Irish Travellers and Roma. The organisation is comprised of Travellers, Roma and members of the majority settled population working in partnership to address the needs of Travellers and Roma as minority ethnic groups experiencing exclusion and marginalisation.

In March 2015, Pavee Point submitted a shadow report on Traveller and Roma children to the United Nations Committee on the Rights of the Child. This report was in response to Ireland's consolidated third and fourth report to the UN Committee on the Rights of the Child which had been submitted in 2013.

Following the submission of the State report, the Pavee Point report and other shadow reports, the UN Committee on the Rights of the Child sought further information by the Irish state in a List of Issues published in June 2015. The Irish government responded to this List of Issues in its report in October 2015.

This report supplements Pavee Point's earlier shadow report. It contains information on developments relating to Traveller and Roma children's rights along with matters arising from the State's response to the List of Issues.

The report contains suggestions for recommendations. Some of which were already reflected in the earlier March report. This report should be read in conjunction with the earlier March report as one supplements the other.

2. Please provide information on measures taken by the State party to mitigate the negative impact of austerity measures on the implementation of the Convention, including for children of migrant and ethnic minority backgrounds.

The breaking of the economic and social crisis in 2008 prompted a dramatic and devastating disinvestment by the Irish state in the Traveller community. Using the government's own figures, it is possible to identify the scale of the austerity cuts on key areas that directly impact on Traveller and Roma children. 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.

Programmes for Travellers	
Interagency activities	-100%
Traveller specific education supports	-86.6%
Traveller accommodation	-85%
Equality	-76.3%
National Traveller organisations	-63.6%
FAS Special Initiative for Travellers	-50%
National Traveller Partnership	-32.1%
Traveller SPY youth projects	-29.8%
Health	-5.4%

Table 1: Harvey B. (2013) *Travelling with Austerity*, p1.

Of further concern has been the reluctance on the part of the state to monitor and identify the possible impacts of these cuts on Traveller and Roma children. An ethnic identifier has not yet been introduced across all administrative systems; this renders it impossible to monitor the impact, positive or negative, of policies and legislation on Traveller and Roma children.

These cuts should also be viewed in the wider context of cuts to social welfare payments which were made during this period. Child benefit was cut several times from 2010 to 2014; simultaneously unemployment benefits and social assistance payments were squeezed.

Recommendation: All budgetary decisions should be subject to comprehensive human rights impact assessment so that such measures do not result in increased inequalities and discrimination.

3. Please provide information on mechanisms and procedures for addressing discrimination against ethnic minority children, particularly the Traveller and Roma ethnic minorities. In doing so, please include details on measures taken to ensure the accessibility and child –friendliness of channels for complaints. Please also provide information on measures taken to ensure accountability and commensurate sanctions for public officials, including at the local and county levels for making discriminatory and/or racist remarks in public.

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).

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. UNCERD 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.

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.

Elected representatives and public officials have in the past and continue to make racist and anti-Traveller /Roma statements with impunity.

Pavee Point welcomes the establishment of the recent National Traveller Roma Inclusion Steering Group to revise the National Traveller and Roma Integration Strategy. It is of paramount importance that the revised strategy addresses discrimination and racism including ‘hate speech’ towards Travellers and Roma.

Recommendation: Review and amend legislation to ensure full protection against racist crime

Recommendation: Political parties and public bodies should develop anti-racist protocols; party members or staff found in violation of these protocols should be sanctioned.

Recommendation: Develop a progressive National Traveller and Roma Integration Strategy with clear goals, indicators, timeframes and budget through meaningful consultation with Traveller and Roma representative organisations.

Recommendation: Introduce an independent Traveller agency to monitor and drive the implementation of the strategy.

4. Please provide clarification on allegations of the 'Garda PULSE' system for law enforcement being misused to categorize and record 'children of Travellers' as criminals on the sole basis of their ethnicity.

A person is assigned a PULSE Identification Number following their first interaction with An Garda Síochána. This could be inter alia as an injured party, witness, a suspect, suspect offender. Given this context there is no logical explanation as to why in October 2014, a Traveller mother discovered that her two children aged four and five were recorded and given criminal tag numbers in the PULSE system.ⁱ Up to 40 other Traveller families were allegedly also entered in the system, including a baby of 16 days old. It is unclear, given the purpose of the PULSE Identification Number, what legitimate reason might exist to record children as young as 16 days old.

Recommendation: Conduct a comprehensive enquiry into racial profiling within An Garda Síochána and introduce legislation to prohibit racial profiling by statutory agencies.

6. Please provide detailed information on measures taken to combat sexual exploitation, violence and abuse against children, including:

(c) Measures for addressing child protection cases, including with regards to increasing the number of trained social workers and strengthening the human, technical and financial capacity of social work teams for addressing the significant backlog of such cases;

Roma families in Ireland face extreme poverty due to the habitual residence condition. Many Roma children are living in poverty in adequate living conditions without access to food and basic medical services. This is resulting in a situation where social workers have to consider taking a child into care in order for the child to access basic supports. There is no statistical information on Roma in care or the number of Roma in Ireland; therefore it is not possible to ascertain if they are overrepresented in care at present.

Recent child protection cases involving Roma families have pointed to incidents of racial profiling. This was demonstrated through two incidents in 2013 where Roma children were removed from their families into State care as they had fair skin and blonde hair, unlike their parents. In both cases it was later discovered that these children were living with their biological families and the children were returned. This followed the high profile case of the young Roma girl, Maria in Greece, who had been taken into care. It is clear that wider stereotypes about Roma and negative media reporting provided a context in which these children were removed.¹

In response to these cases, the then Ombudsman for Children, Emily Logan, carried out a special enquiry which found that the two children were wrongfully removed from their families under the Child Care Act 1991.

¹ Ombudsman for Children (2014) Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order 2013. <http://specialinquiry.ie/wp-content/uploads/2014/06/Special-Inquiry-July-2014.pdf>

The Final Report of the Child Care Law Reporting Project² which drew on data from almost 1,200 child protection cases found that a disproportionate number of the families before the child protection courts had at least one parent from an ethnic minority. Travellers accounted for 4.4 per cent of the cases. This was considered almost certainly an under-estimation, as where no evidence of ethnicity was given during the case Travellers were not recorded. Given that Travellers only make up 0.6 per cent of the Irish population, it is alarming that they are so significantly over-represented in the child care courts. Among the cases which involved Travellers, alcohol abuse, domestic violence and allegations of sexual abuse featured regularly.

There are also significant challenges with regards to immigrant children's experience with child protection services. Court proceedings often reveal significant cultural differences between minority parents and wider Irish society; this continues to be an issue when children are placed in care, as they are often in foster care outside their culture. The report noted that care proceedings could be averted by better and more consistent national integration policies for immigrants. Similarly, difficulties during child care proceedings could be significantly reduced by better cultural awareness. Social workers currently do not receive sufficient training on cultural diversity which significantly impacts on their interactions with minority families.

It is important that Traveller and Roma children can maintain links with their cultural background including the ability to communicate with their birth family in their own language. Whilst this is the stated policy of the Child and Family Agency (CFA) it is clear that currently the CFA neither has the facilities or resources to make sure that this happens.

Pavee Point is concerned that the apparent mainstreaming approach which appears to have been adopted by the Child and Family Agency will result in a failure to address the specific experiences of Traveller and Roma children and parents as members of communities who experience high levels of marginalisation, discrimination and poverty.

This concern was echoed in the Final Report of the Child Care Law Reporting Project where it was recommended that the Child and Family agency should delegate a team to work with Traveller organisations and leaders to devise a child protection strategy **specifically** aimed at Travellers.³

Recommendation: Training programmes on cultural diversity, developed in consultation with Traveller and Roma organisations and migrant support groups, should be compulsory for Child and Family Agency staff.

Recommendation: Only appropriately trained social workers should be used in child protection concerns which involve ethnic minority families.

Recommendation: The Child and Family Agency should develop a child protection strategy specifically aimed at Travellers in consultation with Traveller organisations.

² Coulter, C., *Final Report of the Child Care Law Reporting Project*, Dublin. November 2015. http://www.childlawproject.ie/wp-content/uploads/2015/11/CCLRP-Full-final-report_FINAL2.pdf

³ *ibid.* p 45.

(d) Provision of interim protection orders and availability of sufficient refuges for children and their parent who are victims of domestic violence;

The CEDAW and the 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 marginalized women to access essential support services. Traveller and Roma women and girls experiencing domestic and sexual violence can be placed in a vulnerable position due to Habitual Residence Condition (HRC). The HRC has a disproportionate impact on Traveller and Roma women, many of whom fail to satisfy its conditions and thus access social protection. The HRC restricts access to social welfare protection and other crucial services, without having a provision for women who are experiencing domestic or sexual violence.

If a woman fails to meet the criteria and has no other financial resources, she may be at risk of destitution and homelessness due to lack of access to social protection, services and supports. In this way, the HRC is a major barrier for women escaping situations of domestic and sexual violence, and fails to protect the safety and human rights of vulnerable Travellers and Roma women in these situations.

Access to safety and protection may also be severely restricted as access to refuges and support services is dependent on the ability of the woman to pay or be in receipt of social welfare. Refuges under financial pressure cannot provide for women beyond a short period deemed emergency. In cases where a woman does access a refuge, there is no exit point. Women who do not satisfy the HRC are left outside of any protection in destitution or are forced to remain or return to a situation where they continue to experience violence.

In addition, there is no safety net for people waiting on a decision with regard to the HRC, and the appeal process is onerous and lengthy. The HRC is a serious obstacle for Traveller and Roma women to seek help and support when experiencing violence. Traveller and Roma women's right to safety and protection from domestic and sexual violence is therefore being denied.

Recommendation: Undertake a comprehensive gender analysis of the HRC to address inequalities for women experiencing domestic and sexual violence in the social welfare system.

Recommendation: Introduce an exemption in the HRC for women and children affected by domestic and sexual violence so that no person is left outside of safety and protection.

10. Please provide additional information on the criteria for the fulfilment of the so-called “Habitual Residence Condition” in order to access social services. In doing so, please provide information on measures, if any, taken to ensure that this condition does not result in children from asylum-seeking, refugee, migrant, and Traveller and Roma ethnic minority backgrounds being excluded from primary care, child benefits and social protection.

Application of the Habitual Residence Condition continues to place migrants, Travellers (who move across jurisdictions, generally from the UK to Ireland) and Roma in Ireland in very vulnerable positions, whereby they cannot access any support services.

Despite the fact that Child Benefit is described as a ‘universal’ payment, as it is subject to the Habitual Residence Condition, certain groups of children are denied social protection because of their parents’ status. This is pushing children into poverty. Pavee Point’s engagement with social workers would suggest that this is causing child protection issues where parents/guardians are unable to provide adequate shelter and food for their children.⁴

Failure to qualify for the HRC has a significant impact on the ability of parents to ensure their children’s engagement in education, as they cannot access the ‘Back to school’ allowance⁵. Additional costs associated with schooling put an extra financial pressure on families. Many are unable to afford to purchase school uniforms, books or lunches. Barnardo’s ‘School Costs Survey’ 2014 found that on average parents were paying €350 for a child in senior infants. This increased up to €785 for children going into first year in secondary school.⁶

Access to medical cards remains a key issue for Roma. There is a lack of consistency in relation to this, with Roma in some regions more successful in gaining medical cards than in others. Many Roma cannot prove that they are entitled to a medical card as they cannot prove their means because they are not entitled to social protection. This results in the most vulnerable Roma being excluded from health services as they simply cannot afford a GP.

Recommendation: Invest in and conduct a review and impact assessment of the habitual residence condition, in particular in relation to ethnicity and gender.

⁴ Health Service Executive and Pavee Point (2012) *Roma Communities in Ireland: Child Protection Considerations*

⁵ The Back to School Clothing and Footwear Allowance is a payment made once a year to assist with the cost of clothing and footwear. It is payable in respect of children between the age of 4 and 11 years and children between 12 and 22 years. **Children between 18 and 22 years must be in second level education to qualify.**

⁶ Barnardos, *School Costs Survey 2014*, <http://www.barnardos.ie/assets/files/Advocacy/2014SchoolCosts/School-Costs-Survey-Briefing2014.pdf> [accessed 25/02/2014]

11. Please provide information on measures to ensure access to water and sanitation for children living in a nomadic context in the State party. In doing so, please provide details on measures taken to provide accommodation facilities and infrastructure that is accessible for Travellers and Roma ethnic minorities.

According to the All-Ireland Traveller Health Study (AITHS), 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.

AITHS also found that significant numbers of families in group housing or sites reported lack of footpaths, public lighting, fire hydrants and safe play areas (**play areas were unavailable for 77.5% of respondents**). Poor accommodation has a direct and significant impact on both the education and health outcomes of Traveller children.

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.

The dedicated budget line for Traveller accommodation includes a combination of capital spending and a small amount for accommodation-related supports and funds for purchases of homes. Funding for Traveller accommodation fell from €40 million in 2008 to €4 million in 2015, down by 85%.⁷

Most alarmingly is that during a time of extreme pressure on Traveller accommodation, significant amounts of the money allocated to Traveller accommodation were unspent.

- 2010: 46% of the budget was spent, 54% was unspent;
- 2011: 62% of the budget was spent, 38% was unspent;
- 2012: 66% was spent, 34% was unspent.⁸

The most recent events which unfolded after the tragic fire in Carrickmines, Dublin⁹ provide yet another disturbing evidence of anti-Traveller attitudes, discrimination and harassment. The rights of the Travellers to 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 without proper sewage facilities, a site described as ‘not ideal’ by the council itself.

Recommendation: 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.

⁷ Harvey, B. (2013) *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*. Dublin: Pavee Point Publications.

⁸ Ibid

⁹ See case study on page 9, *Traveller Rights and Accommodation*.

Case Study: Traveller Rights and Accommodation

On the 10th October 2015 a fire blazed through a Traveller halting site, in Carrickmines, Dublin. 10 people, including 5 children, all from two families, were tragically killed in this fire. This tragedy



highlighted the ongoing lack of implementation of Traveller accommodation policy in Ireland.

This site was deemed to be temporary yet the families had been living there for 8 years. The site was overcrowded, with trailers (caravans) situated close to each other and in breach of fire safety regulations. Overcrowding is a major issue on sites throughout Ireland as

there has been a failure to provide Traveller accommodation by the responsible Local Authorities.

Between 2008 and 2013, 25 local authorities failed to meet their targets for accommodation provision and there are no sanctions against those who failed to achieve their target. The Traveller accommodation budget was cut from 40 million in 2008 to 4 million in 2013.¹⁰

15 people who also lived on this site were left homeless. One of the survivors is a four year old boy who has lost his whole family. When the Local Authority identified a site to re-accommodate the survivors of this fire, local residents in the area blockaded the site to prevent it being used. They stated that they had not been adequately consulted on this decision. Some of the reported comments by residents were that Travellers have a “different lifestyle”, “we just don’t want them here” and that they had a fear of “anti-social behaviour”.

After a week the Local Authority conceded to residents. A spokesperson for the Local Authority stated that alternative temporary emergency accommodation in a car park would be provided for survivors. The spokesperson said this decision was made with great reluctance, but an agreement with residents was not possible. They stated that seeking an injunction would have resulted in delays which would have left the family homeless. The survivors now live in a temporary site in car park.

Speaking about these incidents Martin Collins, Co-Director of Pavee Point Traveller and Roma Centre, stated “we are again reminded of the deeply rooted racism in Irish society towards Travellers. Anti-Traveller racism has become normalised in public discourse and even in the most tragic of circumstances the rights of our community members have been vetoed.”¹¹

¹⁰ Harvey, B., Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services, Dublin, Pavee Point Publications, 2013. http://www.paveepoint.ie/wpcontent/uploads/2013/10/Travelling-with-Austerity_Pavee-Point-2013.pdf

¹¹ For newspaper articles on these issues see: “Sarah Jane Dunne: Residents' 'victory' over Travellers is a sad day for equality in Ireland” (Sun 25 Oct 2015) <http://www.independent.ie/opinion/comment/sarah-jane-dunne-residents-victory-over-travellers-is-a-sad-day-for-equality-in-ireland-34138697.html>; “Carrickmines fatalities: Anger distilled from shock and grief” – (Sat 24 Oct 2015) <http://www.irishtimes.com/news/social-affairs/carrickmines-fatalities-anger-distilled-from-shock-and-grief-1.2404029>; “The policy of leaving things as they are” (Sun 25 Oct) <http://www.independent.ie/opinion/columnists/gene-kerrigan/the-policy-of-leaving-things-as-they-are-34138646.html>

12. Please provide updated information on measures taken to provide early childhood education, particularly for children with disabilities. Please also provide information on measures to ensure that teachers and schools are provided with the necessary training and resources to address the needs of children from ethnic, religious and linguistic minorities.

Inclusive education is a mandatory element of all Initial Teacher Education programmes at primary and post primary level. However it is **not compulsory** for teacher training colleges to include training on Traveller or Roma communities as part of their inclusive education programmes.

Training on the Traveller and Roma communities and/or intercultural education is **not compulsory** for qualified teachers at primary or post primary level.

Traveller/Roma culture and history is **not included** in the formal curricula at primary and post primary levels. The long term implications of failing to incorporate Traveller/Roma culture across the curriculum are twofold. Firstly, it prevents students from the majority population from understanding and appreciating the contributions made by the Traveller and Roma communities to wider Irish society and European culture, allowing individual prejudices and stereotypes to breed. Secondly, it results in Traveller/Roma students feeling that their culture is neither valued nor welcomed in the education system, contributing to a lower sense of self-worth and isolation within the school community.

Recommendation: Training on the Traveller and Roma community should be a compulsory component of initial teacher education and continuous professional development for primary and post primary teachers.

Recommendation: Traveller and Roma culture and history should be part of the formal curricula at primary and post primary curriculum.
