



PAVEE POINT
TRAVELLERS CENTRE

Pre-Budget 2013 Report

"No global economic and financial crisis diminished the responsibility of state authorities and the international community with regards to human rights."

United Nations Human Rights Council, 2009.

Overview

Pavee Point is a non-government organisation, which is committed to 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 exclusion and marginalisation.

Travellers and Roma are among the most marginalised groups in Irish society and along with other marginalised groups have been disproportionately impacted by austerity measures. In this context, Pavee Point's priority for the next budget is ensuring adequate incomes of the poorest individuals and families, along with the availability of high quality, intercultural public services. This entails the application of equality, anti-racist and human rights principles to budget decision-making. Given the role that the community sector plays in supporting marginalised groups, this budget should also support and invest in community sector initiatives that support Roma and Traveller inclusion.

Pavee Point acknowledges the serious financial situation in which Ireland finds itself and the obligations that Ireland has to the EU/ECB/IMF. It is clear that tough budgetary decisions will have to be taken. In this context, we welcome the restatement of the commitment to protect the most vulnerable in the EU/IMF Programme of Financial Support for Ireland. We also want to note Ireland's human rights obligations and duties to ensure people have access to rights such as education, health and accommodation in a non-discriminatory manner. Likewise, as outlined in General Comment No 19 on the Right to Social Security, the State must ensure sufficient access to a social security scheme to provide a minimum level of payment as to enable people 'to acquire essential health care, basic shelter and housing, water and sanitation, foodstuffs, and the most basic forms of education.' While the human rights framework and treaty documents clarify that State actions can only take place within the context of available resources, it is important to ensure that decisions made in relation to the use of these available resources are based on human rights principles, including non-discrimination.

In short the State is obligated to ensure that human rights principles underpin budget decisions and to ensure that the most vulnerable do not bear the brunt of austerity measures. In this context, it is vital that there are no further cuts to social welfare income, which reduce the real income of the poorest in society and in which Travellers and Roma are over-represented. Austerity measures to date have already begun to undermine the work undertaken with Travellers and the previous achievements in building a Traveller infrastructure. For example, cuts enforced by the Department of Education and Skills are having a negative impact on access to education for Travellers and have the potential to undo significant progress in Traveller education retention and outcomes. A reduction in the

medium term of work-ready and skilled Travellers will likely result in an increase in the number of Travellers unemployed and drawing social welfare payments. Targeted supports for Roma to engage in training and employment are not in existence and in 2012, the Roma Local Training Initiative in Pavee Point lost its funding. It is initiatives like these that will support Roma inclusion in Irish society and reduce social protection costs. Indeed across the community sector, cuts to services and supports that are being provided to fill the gaps in public services are having a negative impact on marginalised groups. The Programme for Government explicitly recognises the vital role of the community and voluntary sector during a time of recession and deep unemployment. This vital role needs to be supported.

The cuts such as those identified above have small short-term savings but have higher long-term costs, both financial and human. The government has maintained its commitment to ending consistent poverty by 2016, to achieve this, progress made to date cannot be undermined by short term measures which would jeopardize long term social cohesion and economic recovery. All budgetary decisions should be assessed in advance in terms of their potential human rights impact and such assessments should be conducted in a transparent manner.

The European Union has made it clear that Roma inclusion plays a key part in Europe's 2020 strategy for a new growth path and States need to play a pro-active role in promoting Roma inclusion. Roma inclusion in an Irish context applies to Travellers and Roma who are living in Ireland.¹ The European Commission emphasises that Roma inclusion is crucial as part of State's obligations under the EU Charter of Fundamental Human Rights and also that this will economically benefit Roma and the societies of which they are a part of. This has been strongly reiterated by the Council of Europe who have stated that,

Advancing Roma inclusion is also a common concern and interest of the Member States and the EU, and cooperation at EU level brings significant added value, improving competitiveness, productivity and economic growth, as well as social cohesion.

It is incumbent on Ireland as holder of the next Presidency of the Council of the European Union to show leadership in this regard. Therefore, it is crucial that budget 2013 funds initiatives to promote Roma and Traveller inclusion, which will have long-term financial gains.

¹ At an EU level, the term "Roma" is used as an umbrella term which includes groups of people who have some similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, etc. whether sedentary or nomadic. See European Commission SEC(2010)400

Summary of Recommendations:

1. Ensure a Human Rights Based Approach

- In budgetary decisions, Departments should systematically analyse the potential impact of such decisions on marginalised groups and ensure that their human rights are prioritised and safeguarded. This should be done in a transparent manner.
- Invest in systems to record and analyse disaggregated data, by ethnicity and gender, across state institutions.

2. Ensure and Invest in an Integrated Approach to Traveller and Roma policy

- Show leadership as incoming Presidency of the European Union and commit resources to developing a National Traveller and Roma Integration Strategy that is in line with the EU Framework for National Roma Integration Strategies up to 2020 and the Common Basic Principles on Roma Inclusion – and thus avail of EU funds.
- Establish a National Traveller Unit to give national oversight and accountability (including budgetary) for the development and implementation of Traveller and Roma policy; through the coordination of the existing Traveller policy units in various Government departments.

3. Securing Adequate Income and Supporting Training and Employment

Habitual Residence Condition

- Invest in and conduct an equality and poverty impact assessment of the habitual residence condition, taking into account factors of ethnicity and gender.
- Proof and amend the guidelines on the habitual residence condition from an equality and human rights perspective and provide resources to train deciding officers in relation to these changes.
- Amend the guidelines to take into account Traveller nomadism.
- Ensure that women experiencing violence are not subject to the habitual residence condition.
- Remove child benefit from habitual residence condition requirements.
- Ensure that people awaiting decisions on habitual residence are provided with adequate income supports.
- Provide human resources to support people in making their applications, in particular the availability of suitable translators.
- Collect and make public disaggregated data in relation to applications, refusals, appeals and appeal outcomes with regard to the habitual residence condition.

Protecting Current Income

- Protect current welfare rates.
- Ensure eligibility criteria for social welfare supports are not eroded further.
- Halt any further reductions in the earnings disregard of the One Parent Family Payment and reverse the reduction in the youngest age of the child from 7 years to 14.

- Ensure no further cuts to child benefit payments and retain the universality of this payment.

Supporting Training and Employment

- Given the high unemployment rates for Travellers and Roma, resource the development of a national employment strategy for Travellers and Roma.
- Reform the interaction of social welfare payments and supplementary benefits with minimum wage and taxation in such a way as to protect the transition from welfare to work.
- In order to address specific barriers to Traveller employment ensure that Travellers able to avail of a medical card can retain this for five years from the time of gaining employment.
- Ensure the provision of payments to support training for the long-term unemployed.
- Resource a needs analysis in relation to Roma training and employment.
- Resource specific initiatives to provide training programmes specifically for Roma as an access route to mainstream training and employment.

4. Promoting Traveller and Roma Health

- Resource and develop a detailed action plan to address the findings of the All Ireland Traveller Health Study, using a social determinants approach.
- Ensure that Traveller health is prioritised in the health service reform.
- That Government reallocate the funding removed from the Traveller health budget and ring-fence Traveller health funding to ensure it is directed to this source.
- Ensure adequate and continued funding of the Primary Health Care to Traveller projects and develop specific units to address Roma health needs.
- Recognising the interplay between poverty and health outcomes, ensure that Travellers able to avail of a medical card can retain this for five years from the time of gaining employment.
- Further investment ensuring drug and alcohol support services can appropriately meet the needs of Travellers and Roma.
- Ensure health service providers collect disaggregated data, on ethnicity and gender in their health services.
- Resource the development of a Roma health needs analysis.

Violence against Women

- No further cuts in funding for specialist services and funding should be increased in order that services can adequately respond to the growing demand.
- Ring fence funding to ensure Ireland meets Council of Europe recommendations for the target of at least 1 refuge place per 10,000 of population in order that women and children can access safe refuge from male violence.
- Provide adequate funding for the development of targeted and community based projects to address domestic and sexual violence within particularly vulnerable groups, including Traveller and Roma led programmes, initiatives and research.
- Provide funding for the publication of SAVI II report into the nature and level of sexual violence, inclusive of ethnic minority women including Traveller and Roma women; and

funding for research into the risk of trafficking of Roma for the purposes of sexual exploitation.

- Allocation of adequate resources for the implementation of the National Traveller Accommodation Strategy.
- No further cuts to the NWCI and local women's groups. Gender equality initiatives and mainstreaming programmes should be adequately funded.

5. Promoting Traveller and Roma Education

- The cuts to Traveller education urgently need to be reviewed given the severely damaging long-term consequences of the cuts on educational outcomes and social welfare payment costs.
- Investment into identified target areas with deliverables to ensure the 'Report and Recommendations for a Traveller Education Strategy' are implemented.

6. Supporting Community Groups

- Ensure no further cuts to community organisations.
- Support the on-going existence of an independent Traveller organisation infrastructure in the context of local government reform and alignment strategies.
- Maintain the current funding for the local community development projects.
- Investment into initiatives to realise the human rights of Travellers and Roma in Ireland.

Current Situation for Travellers and Roma in Ireland

The All Ireland Traveller Health Study, commissioned by the Department of Health and Children and published in 2010 establishes the Traveller population at a little over 36,000 in Ireland. The 2011 census gives a figure 29,495. This figure represents less than 1% of the nation's population. As a community, the Traveller population has high rates of unemployment and a history of discrimination, restricting the life choices and options for the community.

According to the 2006 Census, 77% of Traveller children have no qualification beyond completion of Primary School, compared to a national rate of 18.9%. Less than 4.1% of Travellers finish secondary school, whilst 0.4% of the Traveller population have achieved a degree or higher, compared to 19.4% of the general population – the trend has been of improvement at a steady pace, but cuts to education threaten to reduce the pathways to access enjoyed by Travellers. Traveller unemployment in 2006 was 74.9% and all indications are that it has risen in this time.

As a community, Travellers experience hardship beyond many peoples' belief, with many Travellers living in inadequate conditions. The All Ireland Health Study found that there is a wide range of accommodation experiences among Travellers and the most destitute of Travellers are living in very poor conditions. Poor accommodation is inextricably linked with poor health status.

Health outcomes for Travellers are closer to the health outcomes for the general population in the 1940s. The All Ireland Traveller Health Study reported the following findings:

- Life expectancy at birth for male Travellers has remained at the 1987 level of 61.7 which is 15.1 years less than men in the general population, representing a widening of the gap by 5.2 years. This is equivalent to the life expectancy of the general population in the 1940s. There are, however, marginal increases in male Traveller life expectancies at later ages.
- Life expectancy at birth for female Travellers is now 70.1 which is 11.5 years less than women in the general population, and is equivalent to the life expectancy of the general population in the early 1960s. This has improved from 1987 when life expectancy was 65 years.
- Traveller infant mortality is estimated at 14.1 per 1,000 live births. This is a small decrease from an estimated rate of 18.1 per 1,000 live births in 1987. Over the same time period the general population infant mortality rate has reduced from 7.4 to 3.9 per 1,000 live births.
- Travellers, in particular males, continue to have higher rates of mortality for all causes of death.
- Male Travellers had a higher Standardised Mortality Ratio (SMR) in 2008 (372) compared with 1987 (351), while in the same period the SMR of males in the general population has reduced from 161 to 100.
- Traveller suicide rates are seven times higher than in the general population

For a community living with such poor health, discrimination, poverty, low skills and unemployment, cuts to community and social services will hit Travellers disproportionately harder than any other identifiable group in Ireland.

Roma

The Commissioner for Human Rights for the Council of Europe, Thomas Hammarberg, has stated that 'Europe has a shameful history of discrimination and severe repression of the Roma. There are still widespread prejudices against them in country after country on our continent.'

Whilst experiences will have differed for individual Roma and their families and each country will be different, it is true to say that Roma continue to be subjected to discrimination across Europe. A survey by the EU Fundamental Rights Agency (2012) covering 11 EU countries shows that one in three Roma is unemployed, 20% are without health insurance and 90% live below national poverty lines.

Openly racist attitudes against Roma are widely tolerated and even extreme racism can occur without condemnation. The European Union Fundamental Rights Agency documented the experience of minorities in an EU wide survey in 2008. They found that 'on average – every second Roma respondent was discriminated against at least once in the previous 12 months'. They also found that between 66% and 99% of Roma did not report their most recent experience of discrimination. The main reason given for this was that 'nothing would happen or change'.

Violations of Roma rights are not always prosecuted by the authorities. Roma have had their houses raided and been subjected to repeated forced evictions, forced sterilization and police brutality. There is a rising right-wing political force in Europe and a high number of racist incidents against Roma. Arson attacks have been carried out on Roma at night when people are sleeping. For centuries Roma have fled violence and persecution and this continues to this day.

It is estimated that at the very least, 3,000 Roma currently live in Ireland but there is very little accurate data available as Roma ethnicity is not collected in immigration, employment, or other Government statistics. Roma in Ireland mostly come from Romania, but also the Czech Republic, Slovakia, Hungary, Poland and Bulgaria. Therefore the community is very diverse in Ireland. Due to a number of recent changes such as the accession of countries into the EU in 2004 and 2007, Roma in Ireland have a variety of different legal status', depending on when they came here and what country they are originally from. In Ireland today, many Roma experience disadvantages in accessing education, health services, accommodation, and employment. Many Roma experience racism, gender inequality and poverty, and most Roma have the additional disadvantage of not speaking English.

Many Roma in Ireland are living in poverty due to a lack of access to work and restrictive social welfare measures. Roma from Romania and Bulgaria have been particularly impacted due to work restrictions. These restrictions have now been lifted (as of 20.07.2012) which is a positive step. However, even without restrictions many Roma find it difficult to gain employment due to factors including racism, discrimination and lack of training and formal education.

Roma also face difficulties in accessing health care in Ireland. Social welfare restrictions have an impact on Romas' access to medical cards. Due to the nature of Ireland's health system and the cost of attending a GP, the cost of care is prohibitive for many Roma. This results in unnecessary suffering and illness, and a lack of engagement with primary and preventative care. There remains a lack of awareness and information about services, partly due to the lack of confidence and trust in institutions and authority, partly due to language and literacy difficulties.

A comprehensive needs analysis conducted with Roma in Ireland is needed to get a complete picture of the profile of Roma in Ireland, their experiences and solutions for change.

Recommendations:

1. Ensure a Human Rights Based Approach

Essentially, the fact that Ireland has signed up to international human rights treaties means that fiscal decisions that will influence the resources available for realising rights must adhere to the principles of non-discrimination, progressive realisation, participation, transparency and accountability. Non-discrimination is an immediate obligation and States have a responsibility as part of their human rights obligations to prioritise the rights of marginalised groups. To comply with principles of non-discrimination, public spending should not be allocated in ways which reinforce existing inequalities or which fail to deliver benefits to marginalized populations. In budgetary decisions the state is obliged to systematically analyse the potential impact of such decisions on marginalised groups and ensure that their rights are prioritised and safeguarded. This should be done in a transparent manner.

To date, Pavee Point has not seen evidence that human rights obligations to protect the rights of the most vulnerable or commitments in financial agreements are being met. In relation to Budget 2012 the 2012 report of the Special Rapporteur on extreme poverty and human rights highlights concerns in this regard,

The Special Rapporteur had cautioned the Government against further budgetary adjustments in the form of reductions in public service funding and cuts to social protection benefits, which play a pivotal role in keeping many Irish families out of poverty. Regrettably, many of the cuts provided for in Budget 2012 will damage the effectiveness and accessibility of social protection benefits and public services.

Decisions on future measures must be made on the basis of rigorous and informed analysis in the context of impacts on the most vulnerable, including Travellers and other minority ethnic groups. While such impact assessments could be undertaken at present, there is also a need to improve the availability of data to inform such assessments.

Although, huge progress has been made in collecting data on the experiences of Travellers in Ireland through the All Ireland Traveller Health Status Study and additional questions in the census, State institutions still do not systematically collect data according to ethnicity. There is limited data on the experiences of Roma in Ireland. Systems for recording and analysing disaggregated data by ethnicity and other factors including gender, in access to services must be developed. This then must be analysed to inform budgetary decisions from a human rights perspective.

Recommendations: Ensure a Human Rights Based Approach

- In budgetary decisions, each Department should systematically analyse the potential impact of such decisions on marginalised groups, including Travellers and Roma and ensure that their human rights are prioritised and safeguarded. This should be done in a transparent manner.
- Invest in systems to record and analyse disaggregated data, by ethnicity and gender, across state institutions.

2. Ensure and invest in an integrated approach to Traveller and Roma policy

A vast range of policies in areas that include health, education, accommodation, social inclusion, equality and labour market participation guide the planned provision of services for Travellers. Many policies have yet to be implemented and service providers are often not aware of official guidance relevant to their interaction with Travellers and Roma. There is a dearth of policy provisions for Roma with the result that Roma are increasingly marginalised from services, which raises serious human rights concerns.

It was hoped that the National Traveller Roma Integration Strategy that has been developed in response to the European Commission's 'EU Framework for National Roma Integration Strategies up to 2020', would address these issues. The Framework document outlines for the development of

national, regional and local integration policies [that] **focus on Roma in a clear and specific way**, and address the needs of Roma with **explicit measures** to prevent and compensate for disadvantages they face. (Emphasis from Commission).

It further outlines that targeted actions should be taken, with sufficient funding and monitoring and evaluation mechanisms. All strategies are to be developed with the active participation of Roma and in line with the Common Basic Principles on Roma Inclusion. As noted earlier the European Commission and Council have situated such strategies in the context of the Europe 2020 strategy for a new growth path and have equated Roma inclusion with future financial gain. The Council has stated,

improving the situation of Roma is not only an urgent social priority, but can also strengthen economic growth in the long term; successful inclusion policies will contribute to the Member States' efforts to reach the goals of the Europe 2020 strategy, particularly the headline targets in the fields of employment, education and social inclusion.

Furthermore, the Commission notes in the Framework document that where sufficient funding is allocated from national budgets that this will be complemented, where appropriate by international and EU funding.

Given that Ireland will be holding the Presidency of the Council of Europe it is crucial that Ireland shows leadership in the area of Roma inclusion. The Irish Government submitted a document entitled 'Ireland's National Traveller/Roma Integration Strategy' to the European Commission in early 2012.

- This document mainly sets out the strategies already in place for the Traveller Community in the areas of Education, Accommodation, Healthcare and Employment.
- The document contains no goals, targets, indicators or related timeframes, funding mechanisms or monitoring and evaluation mechanisms.
- No consultation or facilitation of active participation of Travellers and Roma has taken place.
- Roma are largely excluded from this document.

Pavee Point feels that the current strategy is the first stage in the process, rather than the final deliverable. Pavee Point remains committed to working with the Government and other stakeholders to further develop the strategy so that it can make a tangible difference to the lives of Travellers and Roma. It recommends the following:

- Using the current document as a starting point, the Irish Government should revise the National Traveller / Roma Integration Strategy, with the involvement of Travellers, Roma and civil society organizations.
- The strategy should set achievable national goals with targets for Roma integration. These goals should address, as a minimum, the four EU Roma integration goals relating to access to education, employment, healthcare and housing.
- The strategy also needs to explicitly address racism towards Roma and Travellers and include measures to address gender inequality and multiple discrimination faced by women.
- The strategy should include time frames, funding mechanisms and strong inclusive monitoring and evaluation methods.
- Develop a National Traveller and Roma Unit with dedicated responsibility for Traveller and Roma policy.

As noted, a National Traveller and Roma Unit with dedicated responsibility for Traveller and Roma policy is required. This would coordinate the existing Traveller policy units in various Government departments and result in increased effectiveness and accountability. This would essentially increase coordination between existing structures and it is not envisaged that this would require major extra resources. Such a body requires the authority to drive service provision as even where structures exist, there is a severe lack of implementation of policies translating into tangible change on the ground. In such a context a National Traveller and Roma unit would result in long-term savings as existing policy would be driven and implemented.

This fits with the requirement under the EU Framework on National Strategies that Governments 'appoint national contact points to manage, monitor and report the implementation of their national Roma integration strategy'. The Unit should bring together all those with responsibility for Traveller or Roma related policies and services and ensure that a National Traveller and Roma Integration Strategy that will impact positively on Travellers and Roma in Ireland is implemented.

The Unit fits with commitments in the Programme for Government to 'improve coordination and integration to delivery of services to the Traveller community across all Government departments,' and is in keeping with the principles that have been articulated within the *National Action Plan for Social Inclusion 2007 - 2016*.

Recommendations: Ensure and invest in integrated approach to Traveller and Roma Policy

- Show leadership as incoming Presidency of the European Union and commit resources to developing a National Traveller and Roma Integration Strategy that is in line with the EU Framework for National Roma Integration Strategies up to 2020 and the Common Basic Principles on Roma Inclusion – and thus avail of EU funds.
- Establish a National Traveller Unit to give national oversight and accountability (including budgetary) for the development and implementation of Traveller and Roma policy; through the coordination of the existing Traveller policy units in various Government departments.

3. Securing Adequate Income and Supporting Training and Employment

The priority for budget 2013 must be ensuring the adequate incomes of the poorest individuals and families, in which Travellers and Roma are disproportionately represented.

The Habitual Residence Condition (HRC)

Pavee Point have noted that the application of the habitual residence condition is having a disproportionate and devastating impact on Travellers and Roma in Ireland and raising serious human rights concerns. As a result of this condition, Traveller and Roma families affected are living without access to basic income and measures to address this need to be taken by the Department of Social Protection. Concerns about HRC have been raised by the Special Rapporteur on extreme poverty and human rights she has stated in her 2012 that,

This requirement can pose a significant threat to the access to essential services and thus enjoyment of human rights by members of vulnerable groups, particularly people experiencing homelessness, Travellers, asylum-seekers, migrant workers and returning Irish migrants. The Special Rapporteur encourages the Government to review the impact of the condition as a matter of priority.

In a series of seminars held by Pavee Point and the Health Service Executive (HSE) in 2011/2012 on the experiences of Roma children in Ireland, HSE staff noted that the habitual residence condition is resulting in extreme child poverty for Roma children. A recurring issue at the seminars and in the interviews with professionals working with Roma was the extent of the deprivation some Roma families are experiencing as a result of not qualifying for social welfare assistance. Many practitioners expressed shock and concern at the living conditions of some Roma families, including substandard housing and no food, saying they have never seen such conditions before.

“I’ve been working my whole life and never seen poverty like this before. We need to do something about it.”

How HRC impacts on Travellers and Roma

HRC impacts unfairly on Travellers as a nomadic group. This occurs where Travellers have moved outside of Ireland and when returned they have been deemed not to be habitually resident despite the fact that they may have a very strong connection with Ireland (which is essentially what HRC is trying to establish). Indirect discrimination occurs when apparently neutral provision puts persons from a particular group at a particular disadvantage. For Travellers living a nomadic lifestyle, movement between the UK and Ireland can be a common occurrence, so application of the HRC to the Common Travel Area will have a disproportionate negative impact on Travellers. Travellers may travel and leave Ireland for some period of time but this does not mean they want to relinquish their connection with Ireland. The tools that are used to evaluate connection with the state in HRC guidelines, come from a settled majority perspective and need to be amended to take into account nomadism as a core element of Traveller ethnicity. An example of this can be seen in the

wording of the Department of Social Protection guidelines in section 7.5 in relation to the 'future intentions of applicant'.

A stated intention to reside in Ireland for the foreseeable future does not, of itself, mean that the main centre of interest has been established here, and must be evaluated in the light of the other factors discussed above. For example, a person staying with friends would on the face of it appear to have a less settled intention; whereas purchasing a house and paying a mortgage or entering into a long term lease would be indicative of a more settled intention to remain in Ireland.

The above example is a subjective view of a person's future intention that does not take into account Traveller ethnicity and presumes that a person's accommodation is a house. Indeed there are Irish Travellers living in Ireland for significant periods of time who may not even have security of tenure. Also, as noted in the report 'Person or Number' this suggests that if you have a low income and are unable to afford to pay a mortgage or rent, your future intentions are less permanent.² Such an assessment would certainly exclude many Roma who live with extended family upon arriving in Ireland.

Endemic discrimination in education and in the workplace makes it difficult in particular for Travellers and Roma to demonstrate a strong pattern of employment in the formal workforce. In addition the application of restrictions until July 2012 to labour market access for citizens from Romania and Bulgaria has in practice excluded many Roma from these countries from accessing employment and community employment schemes. This has negatively affected their work record. Pavee Point also have concerns in relation to the gendered nature of the assessment of the nature and pattern of a person's employment, as women who perform caring roles are less likely to have been in formal employment. One of the questions considered is 'does the applicant have realistic prospects of finding work?' which is judging applicants ability to find work in the future also. This concern is that this element of the assessment for HRC ignores work carried out in the home and caring for children.

Due to low literacy levels for Travellers and Roma and language barriers for Roma, applicants may not have all the documentation needed to prove habitual residency and may face difficulties responding to the Department. They also may not have proof of residence if they are living with extended family. Roma often do not trust authorities, sometimes due to information having been used against them in the past in their home countries. There is little support for applicants in making their applications, in particular the availability of suitable translators.

HRC impacts upon women experiencing violence also. Where a women may be leaving a situation of violence and applies for social protection she has to meet the HRC. Essentially a woman who is deemed not to be habitually resident may have to face destitution in order to escape violence as she will have no social protection. This will also impact upon her ability to access a refuge beyond an emergency period. These are major barriers for women

²Crosscare, Doras Lumini and NASC, 'Person or Number – Issues faced by immigrants accessing social protection.' (2012).

in moving from such situations. The guidelines on HRC have no provision for women experiencing violence. Pavee Point have encountered cases where women have returned to a situation of violence due to not meeting the habitual residence condition. This situation is unacceptable.

The content and interpretation of the five factors to determine habitual residency are problematic when applied to Travellers and Roma, as outlined above. As noted by the Chair of the Human Rights Commission at a seminar hosted by Pavee Point on the habitual residence condition in 2012, if a policy has a greater impact on a particular community, it may be considered discriminatory under human rights law.

The Application of HRC

Furthermore, inconsistency in decision-making is a concern. As further noted by the Chair of the Irish Human Rights Commission at the above mentioned seminar on the Habitual Residence Condition, this is a highly discretionary test and by its nature the habitual residence condition may thus produce quite arbitrary results. This has been the case as documented in the 'Person or Number' report, which points to the rise in appeals as an indicator in this regard.

while there is no clear breakdown on the number of HRC appeals that are successful, it is reasonable to assume that successful HRC appeals make up a significant proportion of the 42.7% (12,029) of cases that were flagged in the 2010 annual report of the social welfare appeals office as leading to a favourable decision. This in turn could provide further evidence of the poor application of the HRC.

This points to poor application of HRC and the need for comprehensive data to be collected in relation to appeals. Indeed across the social welfare system disaggregated data needs to be collected.

The application of HRC to child benefit is also an issue. The Convention on the Rights of the Child prohibits any discrimination between children on the basis of the status of their parents. It also requires that all decisions (including social welfare decisions) must have as a primary consideration the best interests of the child. However, due the habitual residence condition children are being denied access to child benefit due to the status of their parents. These decisions do not have the best interests of the child as their primary consideration.

There is no safety net for people waiting on a decision with regard to the HRC. People awaiting a decision on HRC cannot access Supplementary Welfare Allowance as this is subject to HRC. Although an urgent needs payment may be issued, this is a discretionary payment and not a sustainable solution if a person has to wait a significant period of time for a decision.

The above section points to a range of issues with the content and application of the Habitual Residence Condition, which impacts negatively on a range of groups in Ireland and is resulting in poverty and destitution, including child poverty. In particular Pavee Point note the disproportionate impact on Travellers and Roma and recommend that the habitual

residence condition be discontinued. While the habitual residence condition continues to be applied the following is recommended.

Recommendations:

- Invest in and conduct an equality and poverty impact assessment of the Habitual Residence Condition, taking into account factors of ethnicity and gender.
- Proof and amend the guidelines on HRC from an equality and human rights perspective and provide resources to train deciding officers in relation to these changes.
- Amend the guidelines to take into account Traveller nomadism.
- Ensure that women experiencing violence are not subject to the habitual residence condition
- Remove child benefit from Habitual Residence Condition requirements.
- Ensure that people awaiting decisions on habitual residence are provided with adequate income supports.
- Provide human resources to support people in making their applications, in particular the availability of suitable translators.
- Collect and make public disaggregated data in relation to applications, refusals, appeals and appeal outcomes with regard to the habitual residence condition.

Protecting current income

It is vital that there are no further cuts to social welfare income, which reduce the real income of the poorest in society and in which Travellers and Roma are over-represented. We note the commitment in the Programme for Government to maintain welfare rates. However, we also note that in Budget 2012, changes in the eligibility criteria for schemes such as Community Employment and changes to the earnings disregard for the One Parent Family Payment have effectively reduced incomes. In addition to the protection of welfare rates, eligibility criteria for social welfare supports must not be eroded further.

We recognise the importance of Child Benefit as a payment as part of a larger package of supports to families at risk of poverty. Child Benefit has been consistently reduced in recent budgets and we urge the Department of Social Protection to ensure no further cuts are made. We further support that position of the National Women's Council of Ireland and other civil society organisations in relation to maintaining the universality of this payment, and the inappropriateness of using child benefit as a mechanism for the redistribution of wealth in Ireland.

Recommendations:

- Protect current welfare rates.
- Ensure eligibility criteria for social welfare supports are not eroded further.
- Halt any further reductions in the earnings disregard of the One Parent Family Payment and reverse the reduction in the youngest age of the child from 7 years to 14.
- Ensure no further cuts to child benefit payments and retain the universality of this payment.

Supporting Training and Employment

Travellers and Roma face huge barriers to accessing employment in Ireland. It is a certainty that Traveller unemployment, already significantly higher than in the general population before the financial crisis, (74.9% in 2006) has risen as a percentage of the population. In conjunction with an employment strategy and training opportunities Pavee Point recognises the need to maintain and protect incentives to work.

There are no available figures on Roma unemployment in Ireland, however, from working with the Roma community it is clear to Pavee Point that many Roma in Ireland face unemployment. Roma from Romania and Bulgaria have been particularly impacted due to work restrictions. These restrictions have now been lifted (as of 20.07.2012) which is a positive step. However, even without restrictions many Roma find it difficult to gain employment due to factors including racism, discrimination and lack of training and formal education. There is a lack of vocational training options for Roma in Ireland. There is no clear strategy to facilitate Roma participation in mainstream training programmes. Many Roma may have very poor experiences of education and may also have an added difficulty of not speaking and writing English. Therefore, extra support may be needed to facilitate completion of training programmes. Pavee Point recommends that targeted initiatives for

Roma are provided as part of a strategy to facilitate engagement in mainstream training services.

Pavee Point have noted that the removal of the training allowance for adult participants in Back to Education Initiatives (BTEI) will have a critical impact on local Traveller group's capacity to develop and implement primary healthcare programmes. Also, the removal of funding for a local training initiative working with Roma in Pavee Point has removed an initiative that was linking in with Roma to provide support to access further training and employment. We recommend that training opportunities for Travellers and Roma are supported.

Recommendations:

- Given the high unemployment rates for Travellers and Roma, resource the development of a national employment strategy for Travellers and Roma.
- Reform the interaction of social welfare payments and supplementary benefits with minimum wage and taxation in such a way as to protect the transition from welfare to work.
- In order to address specific barriers to Traveller employment ensure that Travellers able to avail of a medical card can retain this for five years from the time of gaining employment.
- Ensure the provision of payments to support training for the long-term unemployed.
- Resource a needs analysis in relation to Roma training and employment.
- Resource specific initiatives to provide training programmes specifically for Roma as an access route to mainstream training and employment.

4. Promoting Traveller and Roma Health

Pavee Point welcomes the Government's stated commitment to develop a universal health system where people can access on the basis of need rather than ability to pay. An equitable health system from this perspective will have a positive impact on Traveller and Roma access to health care.

Alongside this, targeted measures for Travellers and Roma are needed. The current situation for Travellers and Roma is outlined at the start of the document. These outline stark differences in the health status of Travellers and the general population. Pavee Point calls for positive action on the issue of Traveller Health as outlined in the findings of the All Ireland Traveller Health Study. The All Ireland Traveller Health Study also demonstrated clearly the value of Primary Health Care for Traveller Projects, with proportionally more Traveller women, than settled women accessing breast screening and smear tests. However, approximately 50% of the budget that was earmarked for Traveller health has been reallocated, with little transparency in how such decisions were made. The Traveller health budget needs to be reallocated and ring-fenced to ensure it is used for its intended purpose.

Substance mis-use rates are more concentrated within the Traveller community with 1.4% of Travellers accessing drug treatment services in 2010 compared to just 0.4% of the general population. (National Drug Treatment Recording Statistics, 2010, Health Research Board). Further investment ensuring drug and alcohol support services can appropriately meet the needs of Travellers needs to be made.

A key factor in designing intercultural policies is working off evidence and having access to disaggregated data. General Comment 14 on the right to the highest attainable standard of health states that 'the disaggregation of health and socio-economic data according to sex is essential for identifying and remedying inequalities in health.' Disaggregated data according to ethnicity needs to be collected for Travellers and Roma and needs to be fed back into policy measures to promote an intercultural health service. There is very little understanding of the health issues facing Roma in Ireland and in advance of disaggregated data being provided from the health service and preliminary needs analysis needs to be conducted.

Recommendations:

- Resource and develop a detailed action plan to address the findings of the All Ireland Traveller Health Study, using a social determinants approach.
- Ensure that Traveller health is prioritised in the health service reform.
- That Government reallocate the funding removed from the Traveller health budget and ring-fence Traveller health funding to ensure it is directed to this source.
- Ensure adequate and continued funding of the Primary Health Care to Traveller projects and develop specific units to address Roma health needs.
- Recognising the interplay between poverty and health outcomes, ensure that Travellers able to avail of a medical card can retain this for five years from the time of gaining employment.
- Further investment ensuring drug and alcohol support services can appropriately meet the needs of Travellers and Roma.
- Ensure health service providers collect disaggregated data, on ethnicity and gender in their health services.
- Resource the development of a Roma health needs analysis.

Violence against Women

Domestic and sexual violence are issues that affect women from all social, cultural and economic backgrounds. However the structural inequalities experienced by women from ethnic minority groups, including Irish Travellers and Roma, often place them at further risk and limit access to supports and protections. Services responding to domestic and sexual violence are experiencing increasing demand whilst facing severe cuts in funding. Dublin Rape Crisis Centre has reported a 10% increase in calls to the National 24 hour Helpline in 2011, with an increase of 18% for first time callers and an overall increase of 25% since 2008. Women's Aid 2011 report also highlight the ongoing increase in the demand for its services, with a 10% increase for helpline support between 2010 and 2011 and a 5% increase for one to one support.

Persistent underfunding and cumulative cuts in the past three years has greatly impacted on the capacity of organisations to respond to this increasing demand, and women and their children are being denied much needed support and access to safety and accommodation options. SAFE Ireland reported that on over 3,236 occasions in 2010 services were unable to provide accommodation to women and their children because the refuge was full or there was no refuge in their area. Furthermore there are only 141 family units in refuges in Ireland.

Traveller women predominately seek the support and safety of refuges when trying to deal with a violent relationship. Increasingly Traveller women are being refused access as funding cuts have resulted in severe shortage of places, and are therefore forced to return with their children to a violent situation. The current practice of referral to homeless services and B&B provision service as an alternative to refuge placement is not suitable for any woman fleeing a violent relationship; and is not appropriate in particular for Traveller women who would not consider this accommodation as safe and will not risk attracting additional stigma from their community.

Limited funding has also prevented the development of much needed targeted initiatives to increase access to services for women at particular risk, including Traveller and Roma and a dearth of research into the nature and extent of violence affecting ethnic minority women. Sexual violence is of particular concern and the publication of a SAVI II is long overdue. Specific research into the nature and extent of domestic and sexual violence within ethnic minority communities, including Travellers and Roma; and into the extent of trafficking of Roma women for the purposes of sexual exploitation is also needed.

Furthermore the lack of implementation of the National Traveller Accommodation Strategy has resulted in a greater number of families living isolated from family networks, in private rented accommodation which can place Traveller women at further risk of domestic violence and without much needed support. The failure of local authorities to deliver on Traveller accommodation plans has also resulted in overcrowding with families forced to share bays and accommodation, adding further stress and placing Traveller women at further risk. Furthermore Traveller women have extremely limited access to alternative culturally appropriate accommodation.

Cumulative cuts in social welfare including rent allowance are putting women at further risk of violence. As a result of discrimination and social exclusion, Traveller and Roma are likely to have less formal education and fewer employment opportunities and therefore are more in need of social protection, including rent supplement. Traveller and Roma women may be forced to stay within a violent relationship because they cannot afford to secure alternative accommodation and provide for themselves and their children.

Cuts to National Women's Strategy, the NWC, local women's groups and gender equality initiatives are greatly weakening efforts to address gender based violence and undermining the National Strategy on Domestic, Sexual and Gender Based Violence. The National Women's Council has been cut to the amount of 35% and local women's groups to the amount of 20%.

Recommendations:

- No further cuts in funding for specialist services and funding should be increased in order that services can adequately respond to the growing demand.
- Ring fence funding to ensure Ireland meets Council of Europe recommendations for the target of at least 1 refuge place per 10,000 of population in order that women and children can access safe refuge from male violence.
- Provide adequate funding for the development of targeted and community based projects to address domestic and sexual violence within particularly vulnerable groups, including Traveller and Roma led programmes, initiatives and research.
- Provide funding for the publication of SAVI II report into the nature and level of sexual violence, inclusive of ethnic minority women including Traveller and Roma women; and funding for research into the risk of trafficking of Roma for the purposes of sexual exploitation.
- Allocation of adequate resources for the implementation of the National Traveller Accommodation Strategy.
- No further cuts to the NWC and local women's groups. Gender equality initiatives and mainstreaming programmes should be adequately funded.

5. Promoting Traveller Education

The cuts undertaken by the Department of Education and Skills in the 2011 budget decimated any possible progress in Traveller education retention and outcomes. The withdrawal of visiting teachers for Travellers and teaching hours for Travellers in post primary schools can only serve to significantly impact on the number of Travellers completing second level education and progressing on to third level. These cuts were undertaken without any review of the services in terms of effectiveness and value for money.

The removal of the training allowance for adult participants in Back to Education Initiatives (BTEI) will have a critical impact on local Traveller group's capacity to develop and implement primary healthcare programmes. The removal of the BTEI training allowance combined with the phasing out of Senior Traveller training centres will most likely result in an increase in the number of Travellers unemployed and drawing social welfare payments.

These cuts will lead to a reduction in Traveller retention in education and massively undermine the progress that has been made in the last ten years. It is of paramount importance that the government review these in order to encourage better educational outcomes for Travellers at all levels. This will have a knock-on impact within the community and undo much of the progress made in recent years. A review of the cuts resulting in more favourable education outcomes would have the likely impact of reducing social welfare claims in the medium term.

Recommendation:

- The cuts to Traveller education urgently need to be reviewed given the severely damaging long-term consequences of the cuts on educational outcomes and social welfare payment costs.
- Investment into identified target areas with deliverables to ensure the 'Report and Recommendations for a Traveller Education Strategy' are implemented.

6. Supporting Community Groups

The community sector has experienced huge cuts in recent years with many projects being completely cut. Many of these organisations work with marginalised groups including Travellers and some with Roma, and Pavee Point is concerned that local supports and services continue to be weakened.

Indeed, as noted above, the Programme for Government explicitly recognises the vital role of the community and voluntary sector during a time of recession and deep unemployment. To support this recognition, this budget should also support and invest in community sector initiatives that support Roma and Traveller inclusion. Such initiatives promote access to human rights and also result in long-term economic savings, as marginalisation is tackled.

Recommendation:

- Ensure no further cuts to community organisations.
- Support the on-going existence of an independent Traveller organisation infrastructure in the context of local government reform and alignment strategies.
- Maintain the current funding for the local community development projects.
- Investment into initiatives to realise the human rights of Travellers and Roma in Ireland.

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