



**PAVEE POINT**  
TRAVELLER AND ROMA CENTRE

# **Submission to Department of Environment, Community and Local Government**

## *Statement of strategy*

*“Recognizing the important role of civil society at the local, national, regional and international levels..... special emphasis should be given to measures to assist in the strengthening of a pluralistic civil society.....and to the real and effective participation of the people in the decision-making processes.....”*

**UN Human Rights Council, 23<sup>rd</sup> Sept. 2013**

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**Pavee Point**  
Traveller and Roma Centre  
46 North Charles St  
Dublin 1  
<http://www.paveepoint.ie/>  
Ronnie.fay@pavee.ie

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## Summary

Pavee Point Traveller and Roma Centre ('Pavee Point') welcomes the opportunity to make this submission to the Department of Environment, Community and Local Government (DECLG) as it prepares its forthcoming statement of strategy.

Our work involves research, local action, awareness-raising, national resourcing and policy advocacy, and we undertake a community work approach based on the principles of human rights, equality, cultural diversity and inter-culturalism. All our work is undertaken using a community development approach.

Our activities at national level include our role as a specialist support agency funded by the Dept. of Environment under the LCDP. We resource and coordinate national networks including the National Traveller Health Network, and the National Drugs Network. We represent Travellers on national Government-appointed committees including the National Traveller Monitoring Advisory Committee (Dept. of Justice); the National Traveller Accommodation Consultative Committee (Dept. of Environment); the National Traveller Health Advisory Committee (Dept. of Health) the Traveller Health Advisory Forum (HSE); and the National Traveller Education Advisory Consultative Forum (Dept. of Education). Pavee Point chairs and supports the coordination of the National Traveller Partnership (NTP), the mechanism through which the Dept. of Environment funds the Local and Community Development Programme (LCDP) to Travellers.

Ultimately, we feel that until Travellers are recognised as a minority ethnic group in Ireland, as recommended (unanimously) by the Joint Oireachtas Committee on Traveller Ethnicity (in April 2014), the situation of Travellers as well as Roma will not be sufficiently progressed.<sup>1</sup>

### Local development programme / SICAP

Pavee Point is extremely concerned that provisions under the new SICAP programme, the work of Traveller organisations will come under the direction of local authorities. We urge that the structures agreed between Traveller organisations and the DECLG for the funding of local Traveller organisations be maintained and provision made for the funding to continue to be ring-fenced.

1. We strongly urge the continuation of the existing Traveller infrastructure, at local and national levels, to be maintained and for their on-going resourcing through the Department. We are requesting that the funding be delivered directly through the DECLG or via Pobal rather than under the auspices of local authorities and the emerging LCDCs. We recommend that SICAP funding be top-sliced by the Department and made available to local and national Traveller organisations through the National Traveller Partnership to ensure that the Traveller infrastructure can survive and develop into the future.

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<sup>1</sup> And endorsed by other groups UN CERD

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## Accommodation

The percentage of Travellers living mobile structures halved between 2006 and 2011 (24.7% to 12.3%). Those who do live in temporary accommodation experience poor living conditions. Not only has there been an 85% drop in funding by the DECLG for Traveller-specific accommodation (from €40m in 2008 to €6m in 2012), but an under-spend by local authorities in the existing allocation of funding by over one third (in 2012). At the same time, anti-trespass legislation enacted in Ireland (Housing (Miscellaneous Provisions) Act 2002) means that Travellers living on unofficial sites, as a result of the failure of the state to provide culturally appropriate accommodation, are committing the offence of trespass. We strongly urge that the dismal performance of the state with regard to culturally specific accommodation is addressed as a priority in the forthcoming strategy. In particular, we urge the following:

2. The DECLG should ensure that guidelines developed by the National Traveller Accommodation Consultative Committee (NTACC) be implemented across all local authorities and in the operation of the Local Traveller Accommodation Consultative Committees (LTACC).
3. All local authorities should be required to undertake specific equality impact assessment of the Traveller Accommodation Programmes (TAPs) that they develop.
4. Local authorities should be instructed to develop clear and measurable strategies in addressing barriers to the development of Traveller-specific and culturally appropriate accommodation. Proposals and strategies for addressing barriers to land acquisition and other barriers should be specified in TAPs at their outset, or at their review stage. Local authorities should be required to report on progress in overcoming these barriers.
5. The DECLG should impose sanctions on local authorities that fail to implement the targets outlined in their TAPs.
6. Local authorities should be instructed to provide detailed reports where there is an under-spend in their Traveller accommodation budgets.
7. Local authorities should be instructed to engage with local Traveller organisations when conducting assessment of accommodation needs of Travellers. The work should be undertaken in close collaboration with local Traveller organisations and taking into account needs assessments undertaken by local groups.
8. All local authorities should be instructed to adopt and implement a scheme of letting priorities based on a points system for allocating accommodation. It should not be permitted that local authorities operate separate housing lists for Travellers applying for standard housing.
9. Under the Housing (Traveller Accommodation) Act 1998, local authorities are required to provide transient sites to facilitate the nomadic culture of Travellers. None of the existing transient bays in Ireland are operating as transient bays, as they are all being used for emergency and temporary accommodation (with some families living in transient bays for over a decade). Local authorities should be instructed, as part of their TAP planning processes, to include plans for the provision of transient accommodation for Travellers, and that transient sites are used to accommodate the nomadism of Travellers. In so doing, a maximum period of occupancy in transient sites should be considered in order to ensure that sites do not become defacto permanent sites.

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10. Local authorities should be instructed not to direct the Gardai to implement Section 24 of the Housing (Miscellaneous Provisions) Act 2001 (trespass legislation). The legislation has undermined Travellers rights to be nomadic as it has become impossible for the community to travel and move freely within the state due to the lack of availability of legal parking place, and transient sites.
  11. Local authorities should be instructed to develop tenant participation programmes for all halting sites in their areas of remit.
  12. Existing sites, particularly those in existence prior to the introduction of the DECLG guidelines should be brought within a new regulatory framework, to ensure that refurbishment is undertaken to improve sites where conditions are poor. This would require an audit of site conditions undertaken which should include a multi-disciplinary team of professionals as well as Traveller organisation involvement. These audits should be published, and where remedial works are recommended, each local authority should develop a time-scaled action plan for undertaking remedial works. The DECLG should consider penalties for local authorities that fail to reach targets.

### **Local Community Development Committees (LCDCs) and the development of Local Economic and Community Plans (LECP)**

The DECLG should strongly urge the following measures in its communication and guidelines for LCDCs and for the completion of LECPs

13. Each LCDC must include participation and membership of Traveller organisations, given the experience of discrimination and multiple disadvantage experienced by Travellers and Roma. The Strategic Policy Committee (SPC) for economic development in local authorities must include representation of Traveller interests. Traveller interests must be represented on the joint steering group established to oversee the common economic and community elements of the LECP.
14. We welcome the inclusion of principles (in the draft guidelines) that are consistent with community development practice. We urge the DECLG to ensure that these principles underpin all aspects of the planning process for the LECPs and the work of LCDCs.
15. We urge that achieving equality of outcome should be a key objective of the LECPs, and should be included in the guiding principles and objectives for the LECPs from the DECLG.
16. All consultation processes for the completion of LECPs should include consultation with Traveller and Roma representative organisations,<sup>2</sup> in addition to the wider stage consultations.<sup>3</sup>
17. In developing high-level needs, opportunities, objectives and associated indicators for the LECPs, provision must be made for disaggregation of all data, needs, objectives, targets and indicators to include Travellers and Roma.
18. Both community and economic aspects of the plan should 'include relevant data in addition to the common national sources and this means looking at specific data regarding particular target groups (e.g. Traveller and Roma communities).<sup>4</sup> Where there

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<sup>2</sup> ref. 1.3, p.13 guidelines

<sup>3</sup> Ref. 1.4, p.13 guidelines

<sup>4</sup> P. 35 of guidelines

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is no data available relating to Travellers and Roma, this should be highlighted and the plan must ensure that measures are undertaken to address this.

19. The implementation of ethnic identifiers must take place in partnership with Traveller organisations which have developed models and training for their implementation as part of the actions of the LECPs.
20. Equality proofing and impact assessment should be a fundamental part of the process of developing the plan and should be undertaken with Traveller and Roma representative organisations and other disadvantaged groups.
21. All consultation processes undertaken must be implemented in close cooperation with Traveller organisations.
22. Specific provisions in the LECp should be made for Traveller economy supports. This includes the pursuit of general policies and programmes as well as group-specific (targeted) initiatives to support Travellers in enterprise, mainstream labour market and the Traveller economy. This means that formal and visible recognition of the Traveller economy must occur at local level.
23. All unnecessary regulatory barriers to enterprise should be abolished, and the LECp should ensure that all proposed policies and regulations should be subject to equality or social impact assessment, and regulatory impact assessment.
24. Specific provision for support mechanisms for social enterprises that are developed by Travellers, or by Traveller organisations.

## **Underpinning principles for the statement of strategy**

Pavee Point holds that statement of strategy must be underpinned by an inter-cultural approach and by principles of equality, diversity and anti-racism. Delivering services based on equality does not mean treating people the same, but designing and implementing programmes that are inclusive, culturally appropriate, and appropriate to the needs of groups in society, including Travellers and Roma. The proposed measures outlined below should underpin all elements of the statement of strategy.

### **DECISION-MAKING AND OVERSIGHT**

25. Decision-making and oversight by Traveller representative organisations must be a fundamental to the development of initiatives from the DECLG. We welcome the inclusion of ‘participatory planning’ in the draft guidelines for the establishment of LECps issued by the DECLG to local authorities, and we urge the department to ensure that this principles underpins all their actions and strategies.

### **PREPARATORY ACTIONS AND CONSULTATION**

26. It is essential that the needs of key marginalised and minority ethnic groups, such as Travellers and Roma are undertaken, as a ‘one size fits all’ approach will not be sufficient.
27. Consultation with Travellers and Roma must take account of this diversity, and must be included at all levels and stages of planning and preparations of plans and actions undertaken by the DECLG and all agencies and organisations within its remit.

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## **EQUALITY/SOCIAL IMPACT ASSESSMENT**

28. We would strongly urge that mandatory equality proofing of all strategies, policies and action plans takes place.
29. All proofing measures should be overseen by a steering or working group which include Traveller organisation representatives as well as other stakeholders.

## **DATA COLLECTION**

30. The DECLG and its associate bodies and agencies must put in place a system for capturing data on the participation of Travellers and Roma (as well as other minority ethnic groups) in all thematic areas and actions within its remit.<sup>5</sup> This would include mandatory implementation of an ethnic identifier. Any system should include the voice of minority ethnic groups, and Pavee Point has supported the design and implementation of ethnic identifiers in Ireland.

## **HR AND CAPACITY BUILDING MEASURES**

31. Anti-racism and cultural awareness training should be provided and participation should be mandatory, and repeated at regular intervals for all staff in the DECLG and agencies within its remit at local and national level.
32. As part of any future recruitment process of staff in the DECLG and agencies within its remit, essential criteria for employment and job descriptions should include a commitment to anti-racism and equality.
33. The performance management system for the public sector (PMDS) should also include wider criteria in their measurement of performance to include outcomes in terms of progressing equality for Travellers and Roma in Ireland.
34. We would urge the DECLG and agencies within its remit to target the employment of Travellers and Roma in any future recruitment processes, and we recommend that a positive action programme with respect to any future employment opportunities for Travellers and Roma should be a key policy for the DECLG. A working group, comprising senior management, and Traveller and Roma representation would be convened to oversee the process.

## **INNOVATIVE MEASURES**

35. We would recommend that the DECLG support innovative approaches, and work with organisations such as Pavee Point in their development. These could include targeted measures and programmes delivered in cooperation with Traveller organisations around accommodation, local development and other joint initiatives and programmes.

## **CULTURAL IDENTITY**

36. The right of Travellers and Roma to a cultural identity should be recognised and reflected in statement of strategy development and in implementation measures.

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<sup>5</sup> The Council of Europe Convention 108 specifies certain conditions for the processing of personal data and in order for the collection of ethnic data to be legitimate and lawful, these requirements must be fulfilled.

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## **POSITIVE DUTY**

37. The actions proposed in this submission could – if implemented – demonstrate how local government is meeting its positive duty, and should be adopted in order to demonstrate this legal obligation.<sup>6</sup>
38. The use of social clauses and social considerations in the procurement process could be a powerful way in which the positive duty could be implemented and should be strongly endorsed by the DECLG as a measure to be taken at local government and in local development actions that come within the department’s remit.

## **TEN COMMON PRINCIPLES ON ROMA INCLUSION**

39. We recommend that all work with Traveller and Roma communities should be underpinned by the ten common basic principles on Roma inclusion adopted by the European Commission, and underpin the strategic and operational activities of the DECLG.

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<sup>6</sup> The legislation for the establishment of the Irish Human Rights and Equality Commission (IRHEC) introduces a new positive duty obliging public bodies to have regard, in the performance of their functions, of the need to eliminate discrimination and promote equality of opportunity and treatment.



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# 1. Introduction

## 1.1. Pavee Point Traveller and Roma Centre

Pavee Point Traveller and Roma Centre (‘Pavee Point’) welcomes the opportunity to make this submission to the DECLG as it prepares its Statement of Strategy (2014-2017).

Pavee Point is a voluntary, or non-governmental, organisation committed to the attainment of human rights for Irish Travellers and Roma. The group is comprised of Travellers and Roma, and members of the majority settled population working together in partnership. The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma<sup>7</sup> through working for social justice, solidarity, socio-economic development and human rights.

Our work involves research, local action, awareness-raising, national resourcing and policy advocacy, and we undertake a community work approach based on the principles of human rights, equality, cultural diversity and inter-culturalism. Amongst the activities we undertake are training, technical support, information and communications resources. We work at national, regional and local levels. Amongst our activities at national level include our role as a specialist support agency funded by the Dept. of Environment under the LCDP. We also resource and coordinate a number of national networks including the National Traveller Health Network and the National Drugs Network. We also represent Travellers on a number of national government appointed committees including the National Traveller Monitoring Advisory Committee (Dept. of Justice); the National Traveller Accommodation Consultative Committee (Dept. of Environment); the National Traveller Health Advisory Committee (Dept. of Health) the Traveller Health Advisory Forum (HSE); and the National Traveller Education Advisory Consultative Forum (Dept. of Education).

Pavee Point also chairs and supports the coordination of the National Traveller Partnership (NTP), the mechanism through which the Dept. of Environment funds the Local and Community Development Programme (LCDP) to Travellers. Funding is disbursed through the NTP to the 14 local Traveller projects which are funded through the LCDP. Namely, Galway Traveller Movement; Meath Travellers Workshop; Offaly Traveller Movement; Wicklow Travellers Development Group; Bray Travellers Development Group; Waterford Travellers CDP; Clondalkin Travellers Development Group; Blanchardstown Travellers Development Group; Tallaght Travellers CDP; Ballyfermot Travellers Action Project; St. Margarets, Ballymun; TravAct (Coolock); Donegal Travellers Project; Tipperary Travellers Rural Project.

All our work is undertaken using a community development approach. Community development seeks and promotes positive social change in society in favour of those who benefit least from social and economic developments. It seeks to challenge the causes of poverty and disadvantage and to offer new opportunities for those lacking choice, power and

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<sup>7</sup> “Roma” used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as “Gypsies”.

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resources. It also recognises that the majority of the problems that Travellers experience are as a result of racism and the state's failure to recognise them as a minority ethnic group.

Community development is a developmental activity composed of both task and a process. The task is the achievement of social change and to address the causes and symptoms of poverty with marginalised groups (such as Travellers and Roma) based on principles of equality, human rights and social justice. The process concerns the application of the principles of participation, empowerment and collective decision making in a structured and co-ordinated way. It does this by building groups' capacity to organise and to give voice to their needs and experiences, to make collective decisions on behalf of their communities and to participate in decision-making structures that affect them.

Community development therefore involves people experiencing disadvantage being the active agents in making changes they identify to be important.

Crucially, it is also based on the premise that policies, programmes and services intended to tackle or eliminate poverty are much more likely to be efficient and effective if the people who are part of communities affected by poverty and disadvantage are involved in the design and implementation of solutions.

We occupy a key role at national level to ensure that agreed government policies are implemented with the engagement of Traveller and Roma communities and adopting community development principles. We feedback developments at national level to Traveller organisations, Travellers and Roma and inform and support local activities.

This submission is made as the DECLG prepares its Statement of Strategy 2015-2017. Its provisions are relevant to the work of the department, as well as many agencies and structures at local level that operate within its remit. These include local development programmes, and local government measures.

In this submission, we make proposals as to how the department and its agencies should work with Travellers and Roma in Ireland, taking on board key principles of equality of outcome, social inclusion, cultural identity, partnership, and community development.

We also make recommendations around general themes of good practice, including participation in structures, training and awareness, data collection and monitoring.

The format of the submission is as follows:

- Section 2 provides an outline of the profile and experiences of Travellers and Roma in Ireland and key issues affecting them.
- Section 3 outlines some specific and cross cutting themes that we believe to be necessary to advance equality for Travellers and Roma in Ireland, and which should underpin the work of the DECLG.

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## 2. Travellers and Roma in Ireland

### 2.1. Travellers in Ireland

The number of people enumerated as Irish Travellers in Census 2011 was 29,573, an increase of 32% since census 2006. All counties apart from Limerick and Waterford showed increases in the Traveller population that were larger than the increase in the general population.<sup>8</sup> The figure compares with 36,224 population of Travellers enumerated in the Traveller All Ireland Health Study (AITHS).<sup>9</sup>

The areas with the highest population of Travellers is Dublin city and suburbs, followed by Galway, Cork, Tuam, Navan, Limerick, Ennis and Longford, which collectively account for 35% of the total Traveller population.

#### AGE PROFILE OF TRAVELLERS

Census 2011 reports that the general age profile of Travellers is far lower than the population as a whole.

- The average age of Travellers was 22.4 years compared with 36.1 years for the population as a whole, and over half of all Travellers (52.2%) were aged under 20.
- Traveller males of retirement age and above (65+) numbered only 337 accounting for 2.3% of the total Traveller male population, in stark contrast to the general population where males of retirement age and above accounted for 10.7% of all males.
- In 2011, Traveller children numbered 14,245 (accounting for 48% of the total Traveller population. The total population of children account for 25% of the total population.
- The number of Traveller children increased by 30.3% between 2006 and 2011.

This data reflects other research which note that outcomes in terms of health and life expectancy for Travellers is significantly lower than that of the rest of the population.

#### HEALTH

In 2010, 'Our Geels', the All Ireland Traveller Health Survey (AITHS) was published by Department of Health. Key findings included:

- Life expectancy at birth for male Travellers is 15.1 years less than the general population, as 61.7 years. The 2010 data represents a widening of the gap by 5.2 years (between 1987<sup>10</sup> and 2010). 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. However, men in the community continue to have higher rates of mortality for all causes of death.

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<sup>8</sup> This increase was attributed to a greater disclosure amongst the Traveller population as regards their ethnic status and identity following collaboration between Pavee Point and the CSO in implementation of the ethnic question in Census.

<sup>9</sup> All Ireland Traveller Health Study Team, School of Public Health, Physiotherapy and Population Science, University College Dublin. (2010) *All Ireland Traveller Health Study: Our Geels*.

<sup>10</sup> When the last health study was completed.

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- 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.
  - Traveller infant mortality is estimated at 14.1 per 1,000 live births (compared with the general population rate of 3.9).
  - There have been improvements in Traveller women's health, notably (1) a narrowing the gap in life expectancy between Traveller and non-Traveller women of 0.4 years, (2) reduction in fertility rates to 2.7 per 1,000 population and (3) uptake of screening at rates higher than the general population.
  - Access to health services is good, with Travellers stating that their access is at least as good as that of the rest of the population. Access to primary care services is an important element of health services delivery. Over 94% of Travellers have a medical card with this figure rising to 99% in the older age group and nearly 97% of all Travellers are registered with a GP. The Traveller Primary Health Care Project (PHCTP) delivers primary health care to Travellers, and plays a key role in supporting access to and information about health services: 83% of the Travellers interviewed received their health information and advice from the PHCTP and from the Travellers organisations.
  - Traveller women thought that outreach services like the Primary Health Care for Travellers Projects (PHCTP s) facilitated Traveller trust.
  - The research reports that the general healthcare experience of Travellers is not as good as the general population, with communication cited as a major issue by both Travellers and service providers. Moreover, trust in services is a theme, and the AITHS found that the level of complete trust by Travellers in health professionals was only 41%. This compares with a trust level of 83% by the general population in health professionals.
  - Travellers have a greater burden of chronic diseases than the general population, with conditions such as back conditions, diabetes, and heart attack increased by a factor of 2, and respiratory conditions such as asthma and chronic bronchitis increased by a factor of 2-4, in comparison with the general SLAN<sup>11</sup> population.
  - Just under half of all Travellers feel discriminated against. This is experienced in all aspects of life. However, least discrimination is experienced in sport, followed by the health sector. Travellers have a strong sense of community and high levels of community/family support.
  - Suicide rates are nearly 7 times higher in Traveller men compared with the general male population. Suicide accounts for 11% of all Traveller deaths.

The AITHS findings reported that both Travellers and health service providers interviewed acknowledged that 'social determinants' were the main cause of the poor health status of Travellers, this includes accommodation, education, employment, poverty, discrimination, lifestyle and access and utilisation of services.

## **ACCOMMODATION**

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<sup>11</sup> Survey of Lifestyle Attitudes and Nutrition

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In Census 2011 there were 7,765 households where some or all of the occupants indicated they were Travellers (of which 1,874 contained some persons who indicated they were not Travellers).

Between 2006 and 2011, the percentage of Traveller households residing in caravans or mobile /temporary structures halved from 24.7% to 12.3%. In 2011, 920 households with Travellers resided in such temporary accommodation. Census 2006 documented that a third of all Travellers who live in temporary accommodation, and who responded to the question, have no sewerage disposal and one in five have no piped water. A study commissioned by Pavee Point in 2013 noted that Travellers live in smaller and more overcrowded homes than the settled community.<sup>12</sup>

The same report shows a fall in allocations by the Department of Environment, Community and Local Government in relation to Traveller-specific accommodation, from €40m in 2008 to €6m in 2012, a reduction of 85%. A further problem is that substantial parts of the allocation are unspent. For example in 2012, 34% of the reduced accommodation budget was unspent.<sup>13</sup> At the same time, anti-trespass legislation enacted in Ireland (Housing (Miscellaneous Provisions) Act 2002) means that Travellers living on unofficial sites, as a result of the failure of the state to provide culturally appropriate accommodation, are committing the offence of trespass.

## **EMPLOYMENT, ENTERPRISE AND THE TRAVELLER ECONOMY**

Unemployment in the Irish Traveller community was 84.3% in 2011, up from 74.9 per cent five years earlier. The Census 2011 reports that 19% across the whole population are unemployed.

Research undertaken by the Equal at Work initiative in 2003 identified the range of barriers experienced by Travellers with regard to progression in the labour market, and these include literacy confidence (more so than literacy problems); educational qualifications – particularly where the Leaving Certificate is an entry level requirement for jobs; ageism – particularly for older workers who have not had the opportunity to complete the Leaving Certificate, prejudice in relation to where people live, and confidence.<sup>14</sup>

It has been common practice for Travellers to organise and initiate their own economic activity. The government-appointed Task Force on the Travelling Community (1995)<sup>15</sup> provided an important insight into the unique nature of the Traveller economy, explaining that what distinguishes the Traveller economy is not so much the particular economic activities that Travellers engage in but the distinct manner in which these activities are organised'. Research from Pavee Point and elsewhere<sup>16</sup> identifies a number of key features of the Traveller economy:

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<sup>12</sup> Harvey, B. (2013) *Travelling with Austerity*. Dublin: Pavee Point

<sup>13</sup> Harvey, B. (2013) IBID

<sup>14</sup> Murphy, P. (2003): *Report on Community Employment Skills and Progression*. Report carried out by Equal at Work on behalf of South Dublin Public Sector Site

<sup>15</sup> Task Force on the Travelling Community (1995): *Report of the Task Force on the Travelling Community*. Dublin: Government Publications.

<sup>16</sup> Pavee Point (1993): *Recycling and the Travelling Community: Income, Jobs and Wealth Creation*. Dublin: DTEDG, and McCarthy, D., and McCarthy, P. (1998): *Market Economy: Trading in the Traveller Economy*. Dublin: Pavee Point Publications.

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- Nomadism – where mobility makes marginal activity viable
  - A focus on income-generation rather than job-creation
  - An emphasis on self-employment
  - The extended family as the basic economic unit
  - Home-base and work-base are one and the same
  - Flexibility – often in response to market demands

According to the Task Force report these core features are key to enabling Travellers to make a profit in what may be considered by others to be non-viable areas. The Task Force report made twenty specific recommendations outlining actions necessary to protect and support the traditional structural characteristics of the Traveller economy and Travellers' participation in specific activities including market trading, recycling and the horse trade. Unfortunately, there has been little or no progress on those recommendations.

Travellers, as well as other ethnic minority groups including Roma, experience barriers in accessing supports for enterprise, and the regulatory/ legislative infrastructure has had the effect of undermining the Traveller economy. These include:

- Fear of failure and lack of confidence, particularly for Traveller women entrepreneurs<sup>17</sup>
- Education and skills
- Financial barriers for Travellers as well as other ethnic minority groups<sup>18</sup>
- Loss of benefits, or fear of loss of benefits<sup>19</sup> particularly in relation to the medical card, given Travellers health status.<sup>20</sup> This can mean that Travellers will be fearful of testing the market and new enterprise ideas
- Information and access to networks, which also applies to all ethnic minorities and disadvantaged groups
- Lack of role models
- Regulations, which have had the effect of pushing Travellers out of key industries in the Traveller economy.<sup>21</sup> Since the 1990s, Government legislation has impacted negatively on opportunities within the Traveller economy, most notably the anti-trespass legislation (Housing (Miscellaneous provisions) Act 2002); The Casual Trading Act (2005); Control of Horses Act (1996); EU directive on end of life of vehicles (2000); as well as proposed new legislation on scrap metal. There has been no impact assessment undertaken prior to the introduction of these Acts, nor has there been any measures taken by the State to mitigate their impact on Travellers.

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<sup>17</sup> Cooney, T. (2009): 'Developing Entrepreneurship Programmes for Female Members of the Irish Traveller Community'. *International Journal of Gender and Entrepreneurship*, Vol. 1, no.2, 2009.

<sup>18</sup> Cooney, Thomas M. and Flynn, Anthony (2008): *A mapping of ethnic entrepreneurship in Ireland*. Dublin: Institute of Minority Entrepreneurship, Dublin Institute of Technology

<sup>19</sup> Pearn Kandola Occupational Psychologists (2003): *Travellers' Experiences of Labour Market Programmes: Barriers to Access and Participation*. Dublin: Equality Authority; WRC (2003): *Accommodating Diversity in Labour Market Programmes*. Dublin: Equality Authority; Ronayne, T. (2000): 'Reaching the Excluded' a paper presented to the VTOS 10th Anniversary Conference in 2000.

<sup>20</sup> Department of Health and Children (2010): *Our Geels: All-Ireland Traveller Health Study*. Dublin: Stationery Office

<sup>21</sup> The report of the Task Force on the Travelling Community (1995) stated that 'with increasing regulation and enforcement in work areas associated with Travellers, e.g. recycling, waste disposal, horse trading, opportunities for self-employment have become more difficult to find.'

- According to Pavee Point, the lack of acknowledgement in Ireland of Travellers' roles in these sectors has had a particularly adverse effect on the economic life of Travellers in comparison with other groups and has resulted in the undermining of the Traveller economy.
- Discrimination – whether direct or indirect, and half of all Travellers feel that they experience direct discrimination<sup>22</sup>

Moreover, the specific sectors that some Traveller entrepreneurs engage in are excluded from enterprise support initiatives: for example, the part-time or seasonal nature of enterprise activity can exclude Traveller participation, and the sectors eligible for support from national and local enterprise programmes do not include many of the enterprise sectors Travellers participate in, and therefore have a discriminatory effect on Travellers.

## **EDUCATION**

The results of Census 2011 highlights the following situation of Travellers in Ireland with regard to education:

- 69% of Travellers were educated to primary level or lower, including 507 persons aged between 15 and 19 in 2011.
- 55% (of Travellers whose education had ceased) had completed their education before the age of 15, compared with 11% for the total population.
- 21.8% of Travellers (whose education had ceased) were educated to lower second level, compared with 15.2% in 2002. The percentage of Travellers who completed upper secondary education more than doubled from 3.6% to 8.2% over the same period.
- Only 3.1% continued their education past the age of 18, compared with 41.2% for the total population, and only 1% of Travellers progressing to third level education (compared with 31% of the settled population).
- Traveller females stayed longer in school than their male counterparts with 15% ceasing their education at age 17 or over, compared with just 11% of males.
- The percentage of Travellers with no formal education in 2011 was 17.7% compared with 1.4% in the general population.

Studies undertaken refer to education attainment and negative experiences of Travellers in school:

- The *Report on the First Phase of the Evaluation of DEIS (2011)* found that the educational attainment of Travellers remains significantly lower than that of their settled peers in both reading and mathematics. The magnitude of the difference between the scores of the two groups is large in every case.<sup>23</sup>
- The *2012 State of the Nation's Children* report found that Traveller children, immigrant children and children with a disability are more likely to report being bullied at school.

## **2.2. Roma in Ireland**

<sup>22</sup> According to the AITHS referred to above..

<sup>23</sup> Department of Education (2011) *Report on the First Phase of the Evaluation of DEIS*. Dublin: Department of Education

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The situation of Roma in Ireland is very intricate and complex. There are an estimated 5,000 Roma in Ireland from countries including Romania, Bulgaria, Slovakia, Czech Republic, Hungary and Poland. However, there is very little accurate data available as Roma ethnicity is not collected in immigration, employment, or other Government statistics. Nor is Roma ethnicity included in the ‘ethnic and cultural background’ question in the Census. In any case, Roma participation in the Census is likely to be problematic given issues of social exclusion, discrimination, experience of Holocaust and lack of trust in authority by many Roma. The lack of trust and isolation amongst Roma is exacerbated by recent events in Dublin and Athlone where children were removed from families by An Garda Síochána (under Section 12 of the Childcare Act) without any sound basis.

Research by the EU Fundamental Rights Agency (FRA) in 2012 found that in 11 EU countries:

- One out of three Roma are unemployed
- About 90% of the Roma live in poverty
- About half of the Roma said that they have experienced discrimination in the past 12 months<sup>24</sup>

Roma have long experienced racism and discrimination in Europe, and it has been estimated that the death toll of Roma in the holocaust ranges from 220,000 – 1,500,000 (it has also been estimated that around 25% of all European Roma were killed in the holocaust), and others endured forced sterilisation. Roma throughout Europe have been subject to violence, incitement to hatred, and segregated education.

The European Roma Rights Centre<sup>25</sup> reports that violence against Roma communities is rising across Europe. The attacks they have documented include police violence, arson attacks, mob violence and anti-Roma demonstrations.

Former Council of Europe Commissioner on Human Rights, Thomas Hammarberg, noted in 2012 that *‘in many European countries the Roma population is still denied basic human rights and made victims of flagrant racism. The Roma remain far behind others in society in terms of educational attainment, employment, housing and health standards, and they have virtually no political representation.’*<sup>26</sup>

The lack of accurate information on Roma communities makes it difficult to develop effective and appropriate policies and to provide appropriate services. However, it does appear that Ireland has a relatively small Roma population compared to other western European countries, so it should be possible to address the difficulties that they are experiencing.

### **2.3. Key policy issues**

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<sup>24</sup> European Union Fundamental Rights Agency (2012) The Situation of Roma in 11 EU Member States – Survey Results at a Glance. <http://fra.europa.eu/en/publication/2012/situation-roma-11-eu-member-states-survey-results-glance>

<sup>25</sup> The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, it has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services.

<sup>26</sup> Thomas Hammarberg is a Swedish diplomat who held the post of Council of Europe Commissioner for Human Rights in Strasbourg from 1 April 2006 to 31 March 2012.



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Pavee Point believes that much of the difficulties faced by Travellers and Roma have their basis in racism and discrimination in Ireland, both at an individual and an institutional level. Much of the policy responses and practice has been characterised by a fragmented approach, which has led to state institutions undermining the policies of other state institutions. Examples of some policy issues which impact on Travellers and Roma are outlined below.

### **HABITUAL RESIDENCE CONDITION**

Habitual residence is a condition which applicants must satisfy in order to qualify for certain social welfare assistance payments. Habitual residence essentially means an applicant must be able to prove a close link to Ireland. Five factors are considered to determine habitual residence:

- the length and continuity of residence in the state or in any other particular country;
- the length and purpose of any absence from the state;
- the nature and pattern of the person's employment;
- the person's main centre of interest;
- the future intentions of the person concerned as they appear from all the circumstances.

Pavee Point have noted that the application of HRC is having a disproportionate and devastating impact on Travellers and Roma in Ireland and raising serious human rights concerns. This arises in a number of ways: Travellers who are living a nomadic lifestyle may move between the UK and Ireland, and application of the HRC to the Common Travel Area will have a disproportionately negative impact, even though the movement by Travellers' does not reflect an intention to relinquish ties to Ireland. The provisions in the HRC guidelines make no provision for nomadism, make no consideration that Travellers and Roma may not in fact live in permanent housing.

In addition the application of restrictions until July 2012 to labour market access for Roma from Romania and Bulgaria has in practice excluded many Roma from these countries from accessing employment and community employment schemes. This has also negatively affected their work record. Pavee Point also has 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.

These restrictions simply make it impossible for Travellers to travel across the island and place Roma and Travellers in destitution. Our position is that:

- HRC is having disproportionate effect on Travellers and Roma
- The Irish Government has human rights obligations and needs to ensure that all legislation, policy and practice are in line with the Treaties that it has signed up to. It is clear that the impact of HRC is acting as a barrier to the realisation of Travellers' and Roma human rights in Ireland which needs to be addressed.
- The HRC needs to be reformed and more stringent proofing of the impact of economic and budgetary policies particularly on people in vulnerable situations needs to be put in place, as these restrictions go far beyond the intended purpose of controlling immigration.

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- Application of the concept of a geographical ‘centre of interest’ to culturally nomadic communities such as the Traveller community is problematic, as it is interpreted from the viewpoint of the static majority population. Guidelines need to be amended to take into account differences in Traveller culture.
  - The application of HRC to child benefit needs to be removed. All children living in Ireland should be treated equally and according to the principle of non-discrimination. This is in line with the UN Convention on the Rights of the Child, which Ireland has signed up to.
  - HRC is not always applied in a consistent and timely manner. This is placing people who are already at risk into extremely vulnerable situations.

The restriction on benefits and services for people without what the state deems ‘habitual residence’ is resulting in families and children unable to access disability benefits, child benefits and supports available to other children and families. Many families living in Ireland experience serious hardship as a result, with consequences such as school non-attendance and effectively being forced into begging. It highlights how one aspect of state policy can undermine and run contrary to other measures.

The Habitual Residence Condition (HRC) is one example of this issue, as it leads to child and family welfare issues for Roma and impacts on children’s access to education, health and support provisions which ultimately lead to child welfare concerns.

## **TRAVELLER ETHNICITY**

Until Travellers’ ethnicity is recognised by the State, we believe that such difficulties will remain. We believe that unanimous recommendation from *The Joint Oireachtas Committee on Traveller Ethnicity* that the State recognise Traveller ethnicity in April 2014 is an important step. The report outlines three steps on how formal State recognition of Traveller ethnicity could be brought about:

- Step 1: That either the Taoiseach or the Minister for Justice and Equality make a statement to Dáil Éireann confirming that this State recognises the ethnicity of the Travelling community.
- Step 2: That the Government then writes to the relevant international bodies, confirming that this State recognises the ethnicity of the Travelling community.
- Step 3: That the Government build on these initiatives and commence a time-limited dialogue with the Traveller representative groups about the new legislation or amendments to existing legislation now required.

This recognition would entitle Travellers and Roma to their right to a cultural identity. It would mean that Travellers and Roma would automatically be included in all State anti-racism and inter-cultural initiatives, and that discrimination that the communities experience would be recognised as racism. It would also ensure that Travellers would be afforded protection under the EU Race Directive. Recognition of the minority ethnic status of Travellers would open a new dialogue as to how the State interacts with Travellers into the future.

Pavee Point has called on the Minister to immediately act on this report recommending the recognition of Traveller Ethnicity and to accept this cross party recommendation.

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## IRELAND'S NATIONAL TRAVELLER ROMA INTEGRATION STRATEGY

Ireland's *National Traveller Roma Integration Strategy* was submitted in 2012 (on foot of a requirement for all EU Member states to submit a strategy).<sup>27</sup> We believe that the plan provided a good opportunity to ensure a coordinated and consistent approach, to address policy gaps in relation to issues such as training, employment, and health, and to review existing strategies in relation to Travellers. It also afforded an opportunity to introduce and develop policies for the inclusion of the Roma community in Ireland.

However, Traveller and Roma representatives had no involvement in the development of the strategy; no funding has been associated with any of the actions; and no targets and monitoring provisions have been specified as part of the policy framework of the plan. As a result, the strategy has been ineffective. The European Commission has conducted two assessments across all member states: both exposed serious gaps in Ireland's strategy, and in its most recent assessment, June 2013, Ireland received a poor score of four out of 22 criteria for assessment established by the Commission.

Pavee Point has also called for a coordinated approach in the form of a Traveller and Roma Agency in Ireland, given the range of agencies and structures relevant to Travellers. At a minimum we call for the establishment of a Traveller and Roma Unit, which would be a structure that brings together policy-makers and senior civil servants, on a cross-departmental and inter-agency basis. Such a structure should be implemented by a national steering committee, with would include Traveller and Roma representatives.

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<sup>27</sup> The EU Framework for National Roma Integration Strategies, established in 2011, called on member states to develop National Roma Inclusion Strategies.

## 3. The statement of strategy

### 3.1. Introduction

Pavee Point believes that as the forthcoming statement of strategy is being developed, there is an opportunity for the department to address barriers and issues affecting Travellers and Roma.

Pavee Point holds to the principle that in order to achieve equality for Travellers and Roma, attention must be paid to the structural determinants/ issues that impact on them, including education, employment, poverty, health, discrimination and racism. This means that policy and practice must be underpinned by an inter-cultural approach and by principles of equality, diversity and anti-racism.

Delivering services based on equality does not mean treating people the same, but designing and implementing programmes that are inclusive, culturally appropriate, and appropriate to the needs of groups in society, including Travellers and Roma, and lead to better outcomes for disadvantaged groups, including Travellers and Roma. Fundamentally we believe that Travellers and Roma should be afforded rights to their cultural identity, without experiencing marginalisation and discrimination in the process.

As noted in sections 1 and 2 of this submission, Travellers and Roma experience stark inequalities in Ireland. There is a need for an urgent response and positive action to address the current and historic discrimination experienced by Travellers, and to address the determinants that are leading to these unacceptable inequalities.

Ultimately, as outlined in section 2.3, we feel that until Travellers are recognised as a minority ethnic group in Ireland, as recommended (unanimously) by the Joint Oireachtas Committee on Traveller Ethnicity (in April 2014), the situation of Travellers as well as Roma will not be sufficiently progressed.<sup>28</sup>

In this section, proposals are made in relation to the areas directly within the remit of the DECLG, or agencies and organisations that operate within its remit.

### Local development programme / SICAP

Pavee Point is extremely concerned that provisions under the new SICAP programme, the work of Traveller organisations will come under the direction of local authorities. We urge that the structures agreed between Traveller organisations and the DECLG for the funding of local Traveller organisations be maintained and provision made for the funding to continue to be ring-fenced.

1. We strongly urge the continuation of the existing Traveller infrastructure, at local and national levels, to be maintained and for their on-going resourcing through the Department. We are requesting that the funding be delivered directly through the DECLG or via Pobal rather than under the auspices of local authorities and the emerging LCDCs. We recommend that SICAP funding be top-sliced by the

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<sup>28</sup> And endorsed by other groups CERD

Department and made available to local and national Traveller organisations through the National Traveller Partnership to ensure that the Traveller infrastructure can survive and develop into the future.

## **Accommodation**

The percentage of Travellers living mobile structures halved between 2006 and 2011 (24.7% to 12.3%). Those who do live in temporary accommodation experience poor living conditions. Not only has there been an 85% drop in funding by the DECLG for Traveller-specific accommodation (from €40m in 2008 to €6m in 2012), but an under-spend by local authorities in the existing allocation of funding by over one third (in 2012). At the same time, anti-trespass legislation enacted in Ireland (Housing (Miscellaneous Provisions) Act 2002) means that Travellers living on unofficial sites, as a result of the failure of the state to provide culturally appropriate accommodation, are committing the offence of trespass. We strongly urge that the dismal performance of the state with regard to culturally specific accommodation is addressed as a priority in the forthcoming strategy. In particular, we urge the following:

2. The DECLG should ensure that guidelines developed by the National Traveller Accommodation Consultative Committee (NTACC) be implemented across all local authorities and in the operation of the Local Traveller Accommodation Consultative Committees (LTACC).
3. All local authorities should be required to undertake specific equality impact assessment of the Traveller Accommodation Programmes (TAPs) that they develop.
4. Local authorities should be instructed to develop clear and measurable strategies in addressing barriers to the development of Traveller-specific and culturally appropriate accommodation. Proposals and strategies for addressing barriers to land acquisition and other barriers should be specified in TAPs at their outset, or at their review stage. Local authorities should be required to report on progress in overcoming these barriers.
5. The DECLG should impose sanctions on local authorities that fail to implement the targets outlined in their TAPs.
6. Local authorities should be instructed to provide detailed reports where there is an under-spend in their Traveller accommodation budgets.
7. Local authorities should be instructed to engage with local Traveller organisations when conducting assessment of accommodation needs of Travellers. The work should be undertaken in close collaboration with local Traveller organisations and taking into account needs assessments undertaken by local groups.
8. All local authorities should be instructed to adopt and implement a scheme of letting priorities based on a points system for allocating accommodation. It should not be permitted that local authorities operate separate housing lists for Travellers applying for standard housing.
9. Under the Housing (Traveller Accommodation) Act 1998, local authorities are required to provide transient sites to facilitate the nomadic culture of Travellers. None of the existing transient bays in Ireland are operating as transient bays, as they are all being used for emergency and temporary accommodation (with some families living in transient bays for over a decade). Local authorities should be instructed, as part of their TAP planning processes, to include plans for the provision of transient

accommodation for Travellers, and that transient sites are used to accommodate the nomadism of Travellers. In so doing, a maximum period of occupancy in transient sites should be considered in order to ensure that sites do not become defacto permanent sites.

10. Local authorities should be instructed not to direct the Gardai to implement Section 24 of the Housing (Miscellaneous Provisions) Act 2001 (trespass legislation). The legislation has undermined Travellers rights to be nomadic as it has become impossible for the community to travel and move freely within the state due to the lack of availability of legal parking place, and transient sites.
11. Local authorities should be instructed to develop tenant participation programmes for all halting sites in their areas of remit.
12. Existing sites, particularly those in existence prior to the introduction of the DECLG guidelines should be brought within a new regulatory framework, to ensure that refurbishment is undertaken to improve sites where conditions are poor. This would require an audit of site conditions undertaken which should include a multi-disciplinary team of professionals as well as Traveller organisation involvement. These audits should be published, and where remedial works are recommended, each local authority should develop a time-scaled action plan for undertaking remedial works. The DECLG should consider penalties for local authorities that fail to reach targets.

## **Local Community Development Committees (LCDCs) and the development of Local Economic and Community Plans (LECP)**

The DECLG should strongly urge the following measures in its communication and guidelines for LCDCs and for the completion of LECPs.

13. Each LCDC must include participation and membership of Traveller organisations, given the experience of discrimination and multiple disadvantage experienced by Travellers and Roma. The Strategic Policy Committee (SPC) for economic development in local authorities must include representation of Traveller interests. Traveller interests must be represented on the joint steering group established to oversee the common economic and community elements of the LECP.
14. We welcome the inclusion of principles (in the draft guidelines) that are consistent with community development practice. We urge the DECLG to ensure that these principles underpin all aspects of the planning process for the LECPs and the work of LCDCs.
15. We urge that achieving equality of outcome should be a key objective of the LECPs, and should be included in the guiding principles and objectives for the LECPs from the DECLG.
16. All consultation processes for the completion of LECPs should include consultation with Traveller and Roma representative organisations,<sup>29</sup> in addition to the wider stage consultations.<sup>30</sup>
17. In developing high-level needs, opportunities, objectives and associated indicators for the LECPs, provision must be made for disaggregation of all data, needs, objectives, targets and indicators to include Travellers and Roma.

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<sup>29</sup> ref. 1.3, p.13 guidelines

<sup>30</sup> Ref. 1.4, p.13 guidelines

18. Both community and economic aspects of the plan should ‘include relevant data in addition to the common national sources and this means looking at specific data regarding particular target groups (e.g. Traveller and Roma communities).<sup>31</sup> Where there is no data available relating to Travellers and Roma, this should be highlighted and the plan must ensure that measures are undertaken to address this.
19. The implementation of ethnic identifiers must take place in partnership with Traveller organisations which have developed models and training for their implementation as part of the actions of the LECPs.
20. Equality proofing and impact assessment should be a fundamental part of the process of developing the plan and should be undertaken with Traveller and Roma representative organisations and other disadvantaged groups.
21. All consultation processes undertaken must be implemented in close cooperation with Traveller organisations.
22. Specific provisions in the LECP should be made for Traveller economy supports. This includes the pursuit of general policies and programmes as well as group-specific (targeted) initiatives to support Travellers in enterprise, mainstream labour market and the Traveller economy. This means that formal and visible recognition of the Traveller economy must occur at local level.
23. All unnecessary regulatory barriers to enterprise should be abolished, and the LECP should ensure that all proposed policies and regulations should be subject to equality or social impact assessment, and regulatory impact assessment.
24. Specific provision for support mechanisms for social enterprises that are developed by Travellers, or by Traveller organisations.

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<sup>31</sup> P. 35 of guidelines

## 4. Principles for effective inclusion underpinning all actions

Pavee Point holds to the principle that in order to achieve equality for Travellers and Roma, attention must be paid to the structural issues that impact on them, including discrimination and racism. This means that policy and practice must be underpinned by an inter-cultural approach and by principles of equality, diversity and anti-racism.

Delivering services based on equality does not mean treating people the same, but designing and implementing programmes that are inclusive, culturally appropriate, and appropriate to the needs of groups in society, including Travellers and Roma, and lead to better outcomes for disadvantaged groups, including Travellers and Roma. Fundamentally we believe that Travellers and Roma should be afforded rights to their cultural identity, without experiencing marginalisation and discrimination in the process.

We believe that Travellers and Roma should therefore be considered as important stakeholders in the development of all strategies, as well as their implementation.

Adopting this approach is critical now, in light of devastating and disproportionate impact on Travellers of funding cuts.<sup>32</sup> These are summarised in the tables below:<sup>33</sup>

Programmes for Travellers	Loss of funding (2008-2012)
Interagency activities	-100%
Traveller education	-86.6%
Traveller accommodation	-85%
Equality	-76.3%
National Traveller Organisation	-63.3%
FAS Special Initiative for Travellers	-50%
National Traveller Partnership -	32.1%
Traveller SPY youth projects -	29.8%
Health	-5.4%

The figures should be compared to the overall reduction in government current spending of -4.3% over 2008-2013. Therefore opportunities to work with Traveller and Roma organisations should be seized by the DECLG as well as the new local development structures and their implementation.

Ultimately, as outlined in section 2.3, we feel that until Travellers are recognised as a minority ethnic group in Ireland, as recommended (unanimously) by the Joint Oireachtas

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<sup>32</sup> Harvey, B (2013): *Travelling with austerity: Impacts of Cuts on Travellers, Traveller Projects and Services*. Dublin: Pavee Point

<sup>33</sup> Note: the report highlights that some state agencies did not even spend all their allocation, so the loss of resources is even worse than that highlighted in the figures.



Committee on Traveller Ethnicity (in April 2014), the situation of Travellers as well as Roma will not be sufficiently progressed.<sup>34</sup>

In this section, we outline key recommendations which cross-cut all activities and processes of the DECLG. We believe in adopting these, the plans will be enhanced, and outcomes for Travellers and Roma (as well as other groups) will be maximised. These principles include:

- Decision-making and oversight
- Preparatory actions
- Consultation
- Equality/Social impact assessment
- Data collection
- HR and capacity building measures

#### **4.1. Decision-making and oversight**

As outlined above, decision-making and oversight by Traveller representative organisations must be a fundamental principle in the Statement of Strategy, and in directives issued to agencies within the remit of the department. We welcome the inclusion of ‘participatory planning’ in the guidelines recently issued by the department for the development of LECPs, and we urge that these principles are universally applied.

Given the extent of disadvantage and marginalisation experienced by Travellers and Roma, and in the absence of ethnic identifiers and comprehensive sources of data, it is imperative that all structures established by and in the department include the participation of Traveller and Roma representative organisations.

#### **4.2. Preparatory actions and consultation**

Identifying barriers and group needs: care should be taken to identify barriers that are likely to exist for Travellers (including consideration of different age groups, gender etc.). It is important that the needs of key marginalised and minority ethnic groups, such as Travellers and Roma are undertaken. We believe that a ‘one size fits all’ approach will not be sufficient to account for the diversity of situation, experience and identity of Travellers and Roma in Ireland. As outlined in section 3, consultation with Travellers and Roma organisations must take account of this diversity, and must be included at all levels and stages of the consultation process and preparations for all plans.

#### **4.3. Equality/Social impact assessment**

We would strongly recommend that mandatory equality proofing of all strategies, policies and action plans takes place. This would establish the potential impact (positive and negative) of strategies and policies on Travellers and Roma with regard to achieving equality of outcome. This would involve implementing equality/social impact assessments on

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<sup>34</sup> And endorsed by other groups UN CERD

programmes and policies. It must also involve a programme of monitoring changes arising from equality/social impact assessment.

All proofing measures should be overseen by a steering or working group comprised of stakeholders, including Traveller organisation representatives, staff of the department (including senior management), and it should be resourced by staff members. The department should ensure that agencies and organisations within its remit also undertake this measure.

#### **4.4. Data collection**

Data collection is essential for the effective monitoring of access to and outcomes from services. We would urge the department to put in place a system for capturing data on the participation of Travellers and Roma (as well as other minority ethnic groups) in all thematic areas and actions within its remit.<sup>35</sup> Without disaggregated data, it will not be clear how Travellers or Roma are progressing in all provisions within the Statement of strategy. If an ethnic identifier was introduced, it would enable the monitoring and assessment of the effectiveness of initiatives directed at Travellers and Roma.

This would include mandatory implementation of an ethnic identifier across all DECLG areas. This would support the plan to identify needs, combat racism and discrimination, promote equality, monitor progress of programmes and policies and provide a basis for evidence-based policy-making.

Pavee Point has long called for the recognition of Travellers as an ethnic group and for the implementation of an ethnic identifier to provide better services to minority groups. Pavee Point calls for an ethnic identification and ethnic equality monitoring process which will facilitate the collection of data disaggregated on basis of ethnicity (inclusive of Travellers) within a human rights framework. This requires:

- A universal question for all service users
- Based on principle of voluntary self-identification of ethnic status
- Data collected is aggregated and anonymised
- Data is only used for the purpose for which it was collected
- It is available in a timely manner
- It is analysed in consultation with the organisations representing minority ethnic groups

Any system should include the voice of minority ethnic groups, and Pavee Point has supported the design and implementation of ethnic identifiers in Ireland (for example, with the central statistics office as part of national Census and with HSE services).

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<sup>35</sup> The Council of Europe Convention 108 specifies certain conditions for the processing of personal data and in order for the collection of ethnic data to be legitimate and lawful, these requirements must be fulfilled.

## **4.5. HR and capacity building measures**

### **TRAINING**

Underlying the above measures identified is the need for departmental staff (and staff of its associated agencies) to be fully aware of the context in which Travellers and Roma live in Ireland. Anti-racism and cultural awareness training should be provided and participation should be mandatory, and repeated at regular intervals for all staff. Such training should include provisions on the experience, situation and identity of Travellers and Roma in Ireland, as well as the policy dimension and how these affect Travellers and Roma. Pavee Point has extensive expertise in the design and delivery of training in these areas.

### **RECRUITMENT AND MONITORING**

As part of any future recruitment process of staff across the DECLG and agencies within its remit, criteria for employment and job descriptions should include provisions for a commitment to anti-racist and equality perspective. Job descriptions of staff should also reflect this perspective in terms of essential skills.

The performance management system for the public sector (PMDS) should also include wider criteria in their measurement of performance to include outcomes in terms of progressing equality for Travellers and Roma in Ireland.

Given the importance of adopting principles of inter-culturalism and equality, we would urge the DECLG to target the employment of Travellers and Roma in any future recruitment processes. This would enhance the capacity of the agency and include the expertise of these communities.

### **POSITIVE ACTION PROGRAMME**

We would also recommend that a positive action measure with respect to any future employment opportunities for Travellers and Roma should be a key policy for the DECLG and actions arising from its statement of strategy. As outlined in section 2.1, Travellers and Roma are the most marginalised groups from the labour market, with barriers experienced including:

- Literacy confidence (to a greater extent than literacy problems).
- Educational qualifications – particularly where the Leaving Certificate is an entry level requirement for jobs.
- Ageism – particularly for those older workers who have not had the opportunity to complete the Leaving Certificate.
- Prejudice and racism
- Confidence

As part of this, Recognition of Prior Learning (RPL) needs strengthening, and any unnecessary barriers or entry requirements for employment are removed, as there is a risk that such provisions may lead to undermined access to employment for Travellers.

There are examples of good practice in positive action for Travellers recruitment in Ireland within the public sector.<sup>36</sup> Drawing on these, and other good practice positive action measures documented by the HSE's Traveller Health Unit (Eastern Region),<sup>37</sup> we recommend a programme for positive action for key positions in the DECLG, as well as local authorities and LECP implementation bodies be established where recruitment is planned. A working group, comprising senior management, representatives of local development structures and Traveller and Roma representation would be convened to oversee the process. The following actions should come within its remit:

- Examination of roles and programmes to prioritise positive action measures
- Design of programme and planning (including needs analysis)
- Clear objective for outcomes (across different grades and positions)
- Recruitment processes
- Support in the workplace (and engagement with training providers)
- Progression opportunities (within the organisation)
- Monitoring and evaluation of programme

A staff member should be tasked with the role of coordinating the process and should report to the working group.

#### **4.6. Innovative measures**

Traveller and Roma representative organisations have the potential to contribute to development of good practice and effective services in Ireland, through exploratory research, piloting and development of initiatives. We would recommend that the DECLG supports innovative approaches, and work with organisations such as Pavee Point in their development. These could include targeted measures and programmes delivered in cooperation with Traveller organisations around accommodation, local development or other joint initiatives and programmes.

#### **CULTURAL IDENTITY**

Ultimately we believe that Travellers and Roma communities have a right to a cultural identity, and that this should be recognised and reflected in the DECLG statement of strategy development and in implementation measures for these policies.

#### **4.7. Positive duty**

The legislation for the establishment of the Irish Human Rights and Equality Commission (IRHEC) introduces a new positive duty obliging public bodies to have regard, in the performance of their functions, of the need to eliminate discrimination and promote equality of opportunity and treatment. The new Commission will be explicitly empowered to further support public bodies in meeting their obligations under this positive duty, such as advising

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<sup>36</sup> For example, the civil service internship programme for Travellers, South Dublin County Council and others.

<sup>37</sup> For a model and examples of positive action measures within the HSE and the public sector as a whole, see TSA Consultancy (2007): *Toolkit and Guidelines for the Employment of Travellers in the Health Service Executive*. Dublin: HSE, Traveller Health Unit Eastern Region

on the development by public bodies of performance measures, operational standards and preventative strategies.

The actions proposed in this submission could – if implemented – demonstrate how local government is meeting its positive duty, and should be adopted in order to demonstrate this legal obligation.

## **SOCIAL CLAUSES**

In addition, the use of social clauses and social considerations in the procurement process could be a powerful way in which the positive duty could be implemented and should be endorsed by the DECLG and considered by it, and all agencies and authorities within its remit. The DECLG should be advocates for social clauses and strongly endorse actions in this regard. This would be consistent with commitments given in the Programme for Government and provisions in the new EU Procurement Directives.

### **4.8. Ten common principles on Roma inclusion**

We recommend that all work with Traveller and Roma communities should be underpinned by the ten common basic principles on Roma inclusion adopted by the European Commission, and underpin the strategic and operational activities of the DECLG.<sup>38</sup> These provide for the following:

- **Constructive, pragmatic and non-discriminatory policies:** Such policies are relevant and appropriate to the situation on the ground. This means that the development, implementation and evaluation of policies and services should not be based on preconceptions.
- **Explicit but not exclusive targeting:** implies focusing on Travellers and Roma as a target group, but not to the exclusion of other groups that share the same socio-economic circumstances.
- **Aiming for the mainstream:** despite policies and initiatives being designed to promote inclusion, the long-term impact can result in strengthening segregation. Policies deemed as ‘neutral’ can lead to indirect discrimination of Travellers and Roma when they impose additional barriers for Travellers and Roma because of their situation. The ultimate aim of policies should be the inclusion of Travellers and Roma in mainstream society.
- **Awareness of gender dimension** emphasises the need to recognise the socio-economically and politically disadvantaged position of Traveller and Roma women in comparison to Traveller/Roma men and non-Roma women. Traveller and Roma women have a crucial role in the promotion of their own inclusion and tackling issues related to multiple discrimination based on their gender and ethnicity.
- **Transfer of evidence-based policies** emphasises the importance of collecting socio-economic data to feed into the development, implementation and monitoring of Roma and Traveller inclusion policies.
- **Use of European Union instruments:** there are a number of European Union instruments for Member States to use in ensuring Traveller and Roma inclusion. These consist of legal, financial and coordination instruments, including the Racial Equality

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<sup>38</sup> Council of Europe, The 10 Common Basic Principles on Roma Inclusion  
[http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011\\_10\\_Common\\_Basic\\_Principles\\_Roma\\_Inclusion.pdf](http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf)

Directive, Framework Decision on Racism and Xenophobia, European Social Fund, and European Regional Development Fund.

- **Involvement of civil society:** Traveller and Roma inclusion policies need to be developed, implemented and evaluated in close cooperation with civil society, including researchers, NGO sector, and social and community partners. This enables the dissemination of knowledge and expertise, and allows for the generation of public debate and accountability in policy process.
- **Active participation of Roma:** Roma and Traveller participation at all stages of policy development, implementation, and evaluation is required in order enhance the quality and effectiveness of policies.