



**PAVEE POINT**  
TRAVELLER AND ROMA CENTRE

# Submission to LCDC on Local Economic & Community Plan

*“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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## Executive summary

Pavee Point Traveller and Roma Centre ('Pavee Point') welcomes the opportunity to make this submission to each local authority LCDC as the new local government alignment structures and plans are being implemented. The submission is in response to the Draft guidelines for the preparation for the community element of the Local Economic and Community Plans ('draft guidelines') in order to outline our position on how each Local Economic and Community Plan (LECP) should be developed.

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 however, 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>

## Specific measures for the development of LECPs

### PARTICIPATION

- 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 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.

### GUIDING PRINCIPLES

- We welcome the inclusion of principles (in the draft guidelines) that are consistent with community development practice. We urge each local authority to ensure that these principles underpin all aspects of the planning process for the LECP.
- We add the following community development principles of empowerment, solidarity, and collective action to achieve positive social change regarding inequality, social exclusion

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

and poverty<sup>2</sup>, and urge that these too should be guiding principles in the development of the LECPs.

- 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.

### **THE PROCESS IN PREPARING THE LECP (COMMON STAGES)**

#### ***Stage 1: preparing the socio-economic framework***

- The high level stakeholder consultation must specifically include consultation with Traveller and Roma representative organisations,<sup>3</sup> in addition to the wider stage consultations.<sup>4</sup>
- In developing high-level needs, opportunities, objectives and associated indicators, provision must be made for disaggregation of all data, needs, objectives, targets and indicators to include Travellers and Roma – this principle must hold for both community and economic aspects of the LECP.
- 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>5</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.

#### ***Stage 2: Preparing the community elements of the LECP***

- Gaps in data that will arise (owing to a lack of ethnic identifiers across most local and national organisations) must be acknowledged as a gap in the LECP and an important priority, as the absence of this data impedes the work of the LCDC and local authority in developing their respective local and economic elements of the plan.
- The implementation of ethnic identifiers must take place in partnership with Traveller organisations which have developed models and training for their implementation.
- 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.
- All consultation processes which are undertaken during stage 2 must be implemented in close cooperation with Traveller organisations.
- While the draft guidelines issued by the DECLG primarily focus on the community elements of the plan, it is critical that these principles and approaches also underpin the economic elements of the LECP.

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<sup>2</sup> Community Workers Cooperative (2008): *Towards Standards for Quality Community Work: An All Ireland Statement of Values, Principles and Work Standards*. Galway: CWC

<sup>3</sup> ref. 1.3, p.13 guidelines

<sup>4</sup> Ref. 1.4, p.13 guidelines

<sup>5</sup> P. 35 of guidelines

**SPECIFIC PROVISIONS FOR TRAVELLER ECONOMY INCLUSION**

The LECP will identify economic priorities and will determine how enterprise and Traveller economy supports are delivered, through the Local Enterprise Offices (LEOs). We see the following as crucial elements:

- General policies and programmes as well as group-specific (targeted) initiatives should be pursued to support Travellers in enterprise, mainstream labour market and the Traveller economy.
- Formal and visible recognition and acknowledgement of the potential of Travellers and Roma entrepreneurs, the Traveller economy and Traveller and Roma specific enterprise and their role in tackling unemployment should take place.
- Enterprise supports should cater for the specific needs of Travellers and Roma, and target the employment of trainers and mentors from Traveller and Roma communities. Collaboration should take place with Traveller organisations in designing, delivering and promoting targeted supports and programmes.
- 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.
- The LECPs should ensure that information on the needs and participation of Travellers in enterprise support programmes be gathered.
- The role and importance of the Traveller economy and entrepreneurship should be included in all social inclusion and LECP provisions.
- The LECP should include specific provision for support mechanisms for social enterprises that are developed by Travellers, or by Traveller organisations.

**Principles for effective inclusion**

Pavee Point holds 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.

**DECISION-MAKING AND OVERSIGHT**

- Decision-making and oversight by Traveller representative organisations must be a fundamental to the development of each LECP, and we welcome the inclusion of ‘participatory planning’ in the guidelines issued by the department.

**PREPARATORY ACTIONS AND CONSULTATION**

- 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.

**CONSULTATION**

- Consultation with Travellers and Roma must take account of this diversity, and must be included at all levels and stages of the consultation process and preparations for the plans (including consultation with Traveller representative organisations during the high level consultations in stage 1 of the LECP planning process).

### **EQUALITY/SOCIAL IMPACT ASSESSMENT**

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

### **DATA COLLECTION**

- The LECP 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>6</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**

- Anti-racism and cultural awareness training should be provided and participation should be mandatory, and repeated at regular intervals for all staff, LCDC and SPC members.
- As part of any future recruitment process of staff across the local authority and implementation bodies for the LECP, essential criteria for employment and job descriptions should include a commitment to anti-racism and equality.
- 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.
- We would urge the local authority 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 each LECP. A working group, comprising senior management, representatives of the LCDCs, SPCs and Traveller and Roma representation would be convened to oversee the process.

### **INNOVATIVE MEASURES**

- We would recommend that the LECPs 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 enterprise and entrepreneurship or other joint initiatives and programmes.

### **CULTURAL IDENTITY**

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

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<sup>6</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.

**POSITIVE DUTY**

- 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>7</sup>
- 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 considered for each LECP.

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<sup>7</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.

# 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 each local authority Local Community Development Committee (LCDC) as the new local government alignment structures and plans are being implemented.

Pavee Point is a national 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>8</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>8</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”.



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 local economic and community plans are being developed in each local authority area. It is a stated intention of *Putting People First*<sup>9</sup> that a 'five-year City/County Local Economic and Community Plan<sup>10</sup> encompassing all State funded local and community development interventions' should be developed for each (local authority) area. It is intended that these plans facilitate the emerging local development role of Local Government and bring about alignment of the work of Local Development Companies with that of the Local Authority and other providers of social, community and economic development.

This submission is made to each LCDC and each local authority in order to outline our position on how each Local Economic and Community Plan should be developed, and how Traveller and Roma participation in the process should be facilitated. We make proposals as to how they 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.

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<sup>9</sup> DECLG (2012): Putting People First Action Programme for Effective Local Government

<sup>10</sup>Subsequently amended in the current legislation to six years.

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 where key proposals outlined for the completion of the Local Economic and Community Plans (LECPs) as outlined in the departmental guidelines, and recommends important actions that should underpin the plans and their development.
- Section 4 outlines some cross-cutting themes and values that we believe to be necessary to advance equality for Travellers and Roma in Ireland, and which should underpin the LECP planning process as well as outcomes.

## 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>11</sup> The figure compares with 36,224 population of Travellers enumerated in the Traveller All Ireland Health Study (AITHS).<sup>12</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>13</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.

<sup>11</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>12</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>13</sup> When the last health study was completed.

- 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 cervical screening at rates higher than the general population and uptake of breast screening at rates similar to 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. As a result, Traveller women have a higher rate of participation in screening programmes compared with the general population: 25% of Traveller women participated in breast screening compared to 13% of general population; and 23% of the Traveller women had smear tests compared to 12% of general population.
- 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>14</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.

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<sup>14</sup> Survey of Lifestyle Attitudes and Nutrition

## ACCOMMODATION

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>15</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>16</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>17</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>18</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

<sup>15</sup> Harvey, B. (2013) *Travelling with Austerity*. Dublin: Pavee Point

<sup>16</sup> Harvey, B. (2013) IBID

<sup>17</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>18</sup> Task Force on the Travelling Community (1995): *Report of the Task Force on the Travelling Community*. Dublin: Government Publications.

organised'. Research from Pavee Point and elsewhere<sup>19</sup> identifies a number of key features of the Traveller economy:

- 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>20</sup>
- Education and skills
- Financial barriers for Travellers as well as other ethnic minority groups<sup>21</sup>
- Loss of benefits, or fear of loss of benefits<sup>22</sup> particularly in relation to the medical card, given Travellers health status.<sup>23</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>24</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

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<sup>19</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.

<sup>20</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>21</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>22</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>23</sup> Department of Health and Children (2010): *Our Geels: All-Ireland Traveller Health Study*. Dublin: Stationery Office

<sup>24</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.'

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.

- 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>25</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.

The barriers experienced by minority ethnic communities, including Travellers, to enterprise supports is acknowledged by the European Commission, which has argued that 'entrepreneurship should be widely promoted with a particular focus on women and other under-represented groups' and that 'business support services available seem to respond less well to their (ethnic minorities and disadvantaged groups) specific needs'.<sup>26</sup> The European Commission (2004) also stated that Business support providers can be helpful in controlling or reducing the risk for [disadvantaged] groups. However, usually they have little information available on the business needs of people who face discrimination on the labour market and therefore, often do not provide appropriate guidance. There is hardly any contact or dialogue. Little is also known about the needs of the very different kinds of enterprise. On the other hand, potential entrepreneurs from disadvantaged groups often see little reason to trust or identify with traditional business-support providers.<sup>27</sup>

The small-business forum (2006) stressed the need to stimulate and support entrepreneurship potential amongst ethnic minorities: however, there have been no targets set to improve the rate of business start-up activity, and enterprise agencies do not routinely collect information on the take-up of their services by 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.

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<sup>25</sup> According to the AITHS referred to above..

<sup>26</sup> European Commission (2003): Green Paper on Entrepreneurship. Brussels: European Commission, DG Enterprise

<sup>27</sup> European Commission (2004): Policy brief: taking business support closer to hard-to-reach communities. Brussels: DG Social affairs and Employment - Equal programme.

- 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>28</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

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>29</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

<sup>28</sup> Department of Education (2011) *Report on the First Phase of the Evaluation of DEIS*. Dublin: Department of Education

<sup>29</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>



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>30</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>31</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

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

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<sup>30</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>31</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.

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.
- 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.

## 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>32</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

<sup>32</sup> The EU Framework for National Roma Integration Strategies, established in 2011, called on member states to develop National Roma Inclusion Strategies.

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.

We welcome the opportunity to make this submission to local authorities on the establishment of LECs and new structures, which should have the potential to address many of the issues which have adversely affected Travellers at local level for many years. The next section of this submission includes elements which we believe should underpin how these plans are devised and implemented.

## **3. The Local Economic and Community Plans**

### **3.1. Introduction**

Pavee Point believes that the local economic and community planning process provides an opportunity to put in place a co-ordinated and inter-agency approach across a range of services which have the potential to address barriers and issues affecting Travellers and Roma.

This submission is a response to the formation of the LCDCs and ‘*Draft guidelines for the preparation for the community element of the Local Economic and Community Plans*’ (‘the draft guidelines’).<sup>33</sup> It is directed at local authorities and LCDCs which are both charged with the development of different aspects of these Local Economic and Community Plans (LECPs).

#### **LOCAL ECONOMIC AND COMMUNITY PLANS**

A single six year Local Economic and Community Plan (LECP) will be prepared by the LCDC and the local authority, and will be approved by the local authority. The plan will have two elements:

- A local economic element (to be prepared by the local authority)
- A community development element (to be prepared and adopted by the LCDC).

According to the DECLG, the key function of LCDCs will be to develop and manage the implementation of the community elements of the LECP. The purpose of the community elements of the plan is to promote the local and community development of the relevant local authority area through a more coordinated and collaborative approach to planning and service delivery. The draft guidelines state that in doing this, it will focus on measures which will:

- enhance the quality of life and well-being of communities, including measures aimed at tackling poverty, disadvantage and social exclusion; supporting training, up-skilling and employment creation; and the provision of infrastructure and community facilities;
- support the capacity of local communities to improve their quality of life;
- develop sustainable solutions that make the best use of existing local assets, strengths and opportunities;
- support social enterprise, social capital, volunteering and active citizenship; and
- foster community involvement in policy development and decision-making processes relating to planning, development and delivery of services.

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<sup>33</sup> Planning Sub-group on Alignment (2014): *Local Economic and Community Plan: Draft Guidelines for the Community Element of the Local Economic and Community Plan*. Dublin: Dept of Environment, Community and Local Government

The economic element of the plan will encompass measures to:

- Support the environment for creating and sustaining jobs;
- Promote the interests of the community including facilitating and supporting enterprise and economic development, foreign direct investment, indigenous industry, micro and small and medium enterprises, tourism, agriculture, forestry, marine sectors and other natural resources sectors;
- Identify local attributes that are essential in enhancing local economic performance;
- Support training and up-skilling;
- Identify opportunities to engage with local government on relevant matters;
- Identify local strengths, weaknesses, opportunities and threats;
- Identify economic potential and the requirements to realize it.

Our proposals for key elements for inclusion in the plans are outlined below.

### **3.2. Structures implementing the LECPs**

#### **ESTABLISHMENT OF LOCAL COMMUNITY DEVELOPMENT COMMITTEES (LCDC)**

The Local Government Act 2014 provides that each Local Community Development Committee (LCDC) will be established as a committee of the local authority, and will include representatives that are members of the local authority and representatives that are not.

Pavee Point considers it essential that each LCDC must include participation and membership of Traveller organisations, given the experience of discrimination and multiple disadvantage experienced by Travellers and Roma. It is essential that Traveller organisations are represented on these structures given the failure of local authorities to implement key policy measures and deliver on Traveller issues, and to redress many decades of discrimination and racism. Such representation would also be reflective of the EU Commission Common Basic Principles on Roma Inclusion.<sup>34</sup>

#### **ECONOMIC ELEMENT OF THE PLAN**

The draft guidelines state that the legislation provides that the local authority will have responsibility for preparing the economic elements of the plan, and recommends that this be undertaken through a Strategic Policy Committee (SPC) for Economic Development. Pavee Point believes that this SPC must have representation of Traveller interests, given the unique characteristics of the Traveller economy, and the difficulties that Travellers experience in pursuing economic and enterprise activities, and the experience of racism and discrimination in the labour market experienced by Travellers (as outlined in section 2 of this submission).

The LECP elements covering the common economic and community elements will be overseen by a joint steering group, with representation from the local authority (3 members) and the LCDC (3 members). The guidelines state that the steering group ‘should include local authority and LCDC representatives, as well as others considered appropriate by the

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<sup>34</sup> The 10 Common Basic Principles on Roma Inclusion are a tool for both policy-makers and practitioners managing programmes and projects. [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)

LCDC and the local authority’ (Draft guidelines, p.10). Pavee Point asserts that Traveller interests must be represented on the steering group as Travellers are critical stakeholders in the local economic element, as outlined above. Moreover, as in the case with LCDCs, there must be measures taken that will overcome the discrimination experienced by Travellers at local level. Unless Travellers are participating in these structures, we believe that the plans that emerge cannot meet the needs, experience, and situation of Travellers.

### **3.3. Guiding principles**

The Draft guidelines refer to underpinning guidelines for the LECP (p.6). We welcome the inclusion of principles that are consistent with community development practice which include promotion and mainstreaming of equality; sustainability; maximising returns; participative planning; community consultation and engagement; community development principles; accessibility and ownership. We urge each local authority to ensure that these principles underpin all aspects of the planning process.

These principles should form the basis for the economic element of the plans, and structures that are established for the implementation of the economic element of the plan should commit to these principles.

It is also important to note that community development will also focus on empowerment, solidarity, and collective action to achieve positive social change regarding inequality, social exclusion and poverty, and these too should be guiding principles in the development of both elements of the LECPs.<sup>35</sup> The benefits of the community development approach include: empowerment and enhanced participation, better programmes, and better outcomes through the involvement of communities and through a community-specific and flexible focus.

Pavee Point also holds that achieving equality of outcome should be a key objective of the LECPs, and as such this should be included in the guiding principles and in measures and objectives for both elements of the LECP.

We assert that if these principles are adhered to, Traveller participation and engagement in decision-making structures will be facilitated, and the manner which we believe that this should be asserted is outlined below.

### **3.4. Core elements of the LECP**

#### **THE PROCESS IN PREPARING THE PLAN**

While there are two separate segments of the LECP, there are some common stages for both parts of the plan. The draft guidelines provide detail on how the plan should be prepared. Our proposals for each of the stages identified in the draft guidelines are outlined below.

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<sup>35</sup> Community Workers Cooperative (2008): *Towards Standards for Quality Community Work: An All Ireland Statement of Values, Principles and Work Standards*. Galway: CWC

### ***Stage 1: preparing the socio-economic framework***

The socio-economic framework identifies and maps the economic, social and community issues, and ‘provides the overarching framework for the LECP.’ It will be completed on the basis of data collection and consultation. It will develop high level needs, and will be drawn from high level EU target objectives.<sup>36</sup>

The guidelines specify that high level stakeholder consultations take place (e.g., entities operating at a city/ county level). This high level stakeholder consultation must specifically include consultation with Traveller and Roma representative organisations,<sup>37</sup> in addition to the wider stage consultations.<sup>38</sup> It is imperative that Traveller and Roma consultation be undertaken throughout all stages, and in close co-operation with the Traveller representative organisations to maximise participation.

At this stage of the planning process, high-level needs, opportunities, objectives and associated indicators are developed (pp 11-12). At this stage in the socio-economic framework, it is critical that provision is made for disaggregation of all data, needs, objectives, and targets to include those experiencing the greatest disadvantage, including Travellers and Roma. Indicators established for each target must also be disaggregated for Travellers – this principle must hold for all aspects of both the community and economic elements of the plan.

The draft guidelines for the community elements of the plan emphasise that each LCDC 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>39</sup> We strongly assert that this must also be the case in the preparation of the economic element of the plan. Where there is no data available relating to Travellers and Roma, this should be highlighted in order that gaps in data are acknowledged, and the plan must ensure that measures are undertaken to address this.

### ***Stage 2: Preparing the community elements of the LECP***

The draft guidelines specify that each LECP should include a number of elements. There are specific considerations that need to be included in some of these elements, as outlined below.

In reviewing the key focus and objectives of other strategies and plans<sup>40</sup> it must be acknowledged that there is no effective national plan in Ireland which can be used to benchmark outcomes for Travellers and Roma. Ireland’s *National Traveller Roma Integration Strategy* had no Traveller and Roma involvement in 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.

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<sup>36</sup> The National Reform Programme identifies the high level EU target objectives which relate to employment, Research and Development/ innovation, climate change/ energy, education, poverty and social inclusion.

<sup>37</sup> ref. 1.3, p.13 guidelines

<sup>38</sup> Ref. 1.4, p.13 guidelines

<sup>39</sup> P. 35 of guidelines

<sup>40</sup> P.26 of guidelines



In devising the detailed local socio-economic analysis of areas, it is inevitable that gaps in data will arise, owing to a lack of ethnic identifiers in operation across most local and national organisations and agencies. This must be acknowledged as a gap in the LECP and an important priority, as the absence of this data impedes the work of the LCDC and local authority in developing their respective local and economic elements of the plan. This reinforces the importance of participation of Traveller representative organisations in identifying needs of Travellers and Roma. It also emphasises the importance that ethnic identifiers are core actions in LECPs, and integral in the reporting/ monitoring process in the implementation of LECPs.

In line with the principles of community development outlined in the guidelines, it is imperative that the implementation of ethnic identifiers would be undertaken in partnership with Traveller organisations which have developed models for their implementation (including training).

With regard to assessing the impact of the plan and proofing, equality proofing and impact assessment should be a fundamental part of the process of developing the plan (see section 4 below), and should be undertaken with Traveller and Roma representative organisations and other disadvantaged groups.

The principles of participation and consultation are fundamental principles of the planning process as outlined in the guidelines. This implies that groups such as Travellers and Roma are central to the planning process, and that all consultation processes which are undertaken during stage 2 will be implemented in close cooperation with Traveller organisations.

While the draft guidelines issued by the DECLG primarily focus on the community elements of the plan, it is critical that these principles and approaches also underpin the economic elements of the LECP. Other specific considerations for the economic elements of the plan, as they apply to the Traveller economy, are outlined below.

### **3.5. Specific provisions for Traveller economy inclusion**

The guidelines published focus on the community elements of the plan. However, the LECP will play an important role in identifying economic priorities and in determining how enterprise and Traveller economy supports are undertaken, through the role of the Local Enterprise Offices (LEOs).

As indicated in section 2 of the submission, the extent to which Travellers experience barriers with regard to the labour market, engaging in enterprise and Traveller economy activities necessitates specific measures in the LECP process.

Pavee Point considers the following as crucial elements of the economic plan, its implementation processes, and programmes that emerge from it:

- General policies and programmes as well as group-specific (targeted) initiatives should be pursued to support Travellers in enterprise, mainstream labour market and the Traveller economy.
- Greater (and more visible) recognition of the potential of Travellers and Roma entrepreneurs should occur, and there should be formal acknowledgment of the potential

of the Traveller economy and Traveller and Roma specific enterprise as a way of tackling unemployment within the community in the economic plan.

- Enterprise supports should cater for the specific needs of Travellers and Roma, and target the employment of trainers and mentors from Traveller and Roma communities. Moreover, collaboration should take place with Traveller organisations in delivering and promoting targeted supports. Traveller organisations should participate in the design of future programmes.
- All unnecessary regulatory barriers to enterprise development should be abolished. At local level, the impact of proposed policies and regulations should be considered, through equality or social impact assessment, or regulatory impact assessment. The LECP should specify that all local measures that could impact on enterprise and the Traveller economy should be subject to these impact assessments.
- The LECPs should ensure that information on the needs and participation of Travellers in enterprise supports be gathered (in addition to ethnic identifier programmes specified above).
- The role and importance of the Traveller economy and entrepreneurship should be included in all social inclusion and LECP provisions.
- The LECP should include specific provision for support mechanisms for social enterprises that are developed by Travellers, or by Traveller organisations.

## 4. Principles for effective inclusion

### 4.1. Introduction and context

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>41</sup> These are summarised in the tables below:<sup>42</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 new local development structures and their implementation as the LECs are being developed and implemented.

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

<sup>41</sup> Harvey, B (2013): *Travelling with austerity: Impacts of Cuts on Travellers, Traveller Projects and Services*. Dublin: Pavee Point

<sup>42</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>43</sup>

In this section, we outline key recommendations which cross-cut all activities and processes involved in the LECPs. 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

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

As outlined above, decision-making and oversight by Traveller representative organisations must be a fundamental to the development of each LECP, and we welcome the inclusion of ‘participatory planning’ in the guidelines issued by the department.

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 for both elements of the LECP include the participation of Traveller and Roma representative organisations.

## **4.3. 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, as a ‘one size fits all’ approach will not be sufficient.

## **4.4. Consultation**

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 local authority areas in Ireland. As outlined in section 3, consultation with Travellers and Roma must take account of this diversity, and must be included at all levels and stages of the consultation process and preparations for the plans (including consultation with Traveller representative organisations during the high level consultations in stage 1 of the LECP planning process).

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<sup>43</sup> And endorsed by other groups UN CERD

#### 4.5. 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 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 organisation (including senior management), LCDC and SPC representation, and it should be resourced by staff members.

#### 4.6. Data collection

Data collection is essential for the effective monitoring of access to and outcomes from services. We would urge the LECP 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>44</sup> Without disaggregated data, it will not be clear how Travellers or Roma are progressing in all provisions of the LECP. 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 areas covered in the LECP. 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

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<sup>44</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.

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).

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

##### **TRAINING**

Underlying the above measures identified is the need for local authority staff and all LCDC members 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, LCDC and SPC members. 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 local authority as a whole (as well as implementation bodies for the LECP), 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 local authority 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 LECP and actions arising from them. 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 that 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>45</sup> Drawing on these, and other good practice positive action measures documented by the HSE's Traveller Health Unit (Eastern Region),<sup>46</sup> we recommend a programme for positive action for key positions in local authorities and LECP implementation bodies be established where recruitment is planned. A working group, comprising senior management, representatives of the LCDCs, SPCs 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.

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<sup>45</sup> For example, the civil service internship programme for Travellers, South Dublin County Council and others.

<sup>46</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

### **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 LECPs 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 enterprise and entrepreneurship (as outlined in section 3.5), 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 LECP strategy development and in implementation measures for these policies.

## **4.8. 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 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.

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 considered for each LECP, consistent with commitments given in the Programme for Government and provisions in the new EU Procurement Directives.