



PAVEE POINT
TRAVELLER AND ROMA CENTRE

Submission to the Joint Committee on Justice, Defence and Equality on Integration, Multiculturalism and Combatting Racism – 11 October 2013.

Pavee Point Traveller and Roma Centre

Pavee Point Traveller and Roma Centre has been working to challenge racism and promote inclusion in Ireland since 1985. The organisation works from a community development perspective and promotes the realisation of full human rights and equality for Travellers and Roma in Ireland.

We welcome the opportunity to make this submission. This is of particular importance to Pavee Point as racism is the underlying factor that marginalises Travellers and Roma in Irish society. While there is broad consensus on the low status, marginalisation and disadvantage of Travellers in Ireland, there is much dissent and resistance to naming this as racism. This results in exclusion from anti-racism initiatives. **It is imperative that it is formally acknowledged that Travellers and Roma experience racism** and are included by design in all intercultural, anti-racism and integration policies, programmes and services.

Travellers in Ireland

Travellers are one of the most marginalised and excluded groups in Irish society evidenced in all indicators of disadvantage such as:

- 84% of Travellers are unemployed in comparison to an overall national figure of 14% (Census 2011)
- 7.6% of Travellers, or 2,753 Traveller men women and children do not have access to running water (AITHS 2010)¹
- Traveller mortality rates are three times the national average; life expectancy for Traveller men is 15 years less and for Traveller women 12 years less than the national population; suicide rates are over six times the national average.
- Census 2011 shows that 55% of Travellers leave school before the age of 15. Less than 1% of Travellers go on to third level education.

Roma in Ireland

There is an estimated 5,000 Roma living in Ireland, however, there is no official Government data in relation to the population of Roma in Ireland. Many Roma in Ireland are living in poverty due to a lack of access to work opportunities and restrictive social welfare measures. Roma find it difficult to gain employment due to factors including racism, discrimination and lack of training and formal education. There is a lack of vocational training options for Roma in Ireland and no clear strategy to facilitate Roma participation in mainstream training programmes. For those who are unable to find employment or access supports, their only options include reliance on charities and family or 'voluntary repatriation' to country of origin.

¹ The All-Ireland Traveller Health Study (also known as "Our Geels") was undertaken in 2010 by University College Dublin in partnership with Traveller groups and the Health Service Executive.

Racist attacks

Travellers and Roma experience racism at individual and institutional levels. Travellers continue to report racism by individuals when accessing a range of goods and services. Roma report being told to “go home” when they try to access support services and experience racist abuse on the streets. A high profile example of this continuing racism occurred in Donegal earlier this year where a house allocated to a Traveller family was burnt out in an arson attack, in order to prevent the family moving in. This followed anti-Traveller statements made by local councillors. In June 2013, Roma families in Tallaght experienced a number of attacks on their houses, including windows being broken and threats being made. In the past year alone, numerous anti-Roma and Traveller statements have been made by judges and politicians. There has been **no** accountability for these actions.

Dismantling of the equality sector

The very organisations that have a role in protecting people against racism have experienced huge cuts as part of austerity measures. The following chart from the Pavee Point research report “Travelling with Austerity” shows some of these cuts since 2008.²

Table 8: Funding of agencies concerned with poverty, equality and rights €

	2008	2009	2010	2011	2012	2013
Combat Poverty	4.5m	4m	0	0	0	0
Equality Authority	5.5m	3.3m	3m	2.4m	2.9m*	1.41m
Irish Human Rights Commission	2.3m	1.6m	1.5m	1.1m	1.4m*	0
NCCRI	0.497m	0	0	0	0	0
National Action Plan on Racism	1.543m	0	0	0	0	0
Totals	14.34m					4.41m

**These were not relative increases, but reflected underspends the previous year. 2013 figure: Dail Eireann, Debates, 12th February 2013, 298.*

In this context, our submission outlines some priority actions that need to be undertaken to challenge racism against Travellers and Roma in Ireland and to demonstrate our commitment to an inclusive intercultural Ireland.

Recommendation 1

The Irish Government should officially acknowledge Travellers as a Minority Ethnic Group and that the discrimination they experience is racism.

Despite the recommendations of many UN treaty monitoring bodies (CERD; CEDAW; Children; Human Rights Committee), and that of a range of European institutions (ECRI, FCPNM; Council of Europe) as well as equality and human rights bodies within Ireland, the Government continues to refuse to acknowledge Traveller ethnicity. Various countries also made recommendations for recognition during the UPR process in 2011. All the national Traveller organisations in Ireland are calling on the government to recognise Travellers as a minority ethnic group.

² Harvey, Brian, (2013) “Travelling with Austerity”.

The lack of recognition of Travellers as a minority ethnic group has been accompanied by a denial of the racism that Travellers experience. Racism is at the heart of the exclusion facing Travellers; to say otherwise is to deny the reality of Travellers lived experiences and only serves to further marginalise Travellers. Travellers are not automatically included in initiatives to address racism and promote interculturalism. Recognition is of great symbolic and practical importance for Traveller inclusion in Ireland.

Recommendation 2

Introduce a Traveller Agency to oversee the implementation of policies relating to Travellers and Roma (health, education, accommodation, employment etc.)

A National Traveller and Roma Agency with dedicated responsibility for Traveller and Roma policy and with authority to drive service provision is required; as even where structures exist, there is a severe lack of implementation of policies translating into tangible change on the ground.

The Unit also fits with commitments in the Programme for Government to ‘improve coordination and integration to delivery of services to the Traveller community across all Government departments’.³

Recommendation 3

Develop a progressive National Traveller Roma Integration Strategy – in line with the Common Basic Principles on Roma Inclusion.

Ireland has developed a ‘National Traveller Roma Integration Strategy’ on foot of the EU Framework for National Roma Integration Strategies up to 2020. The EU Framework document sets out a framework for addressing inequality faced by Roma (Roma in the Irish context refers to Irish Travellers and Roma) in the areas of education, health, accommodation and employment.

The most recent assessment (2013) of the European Commission has been very critical of Ireland’s National Traveller Roma Integration Strategy. **Out of 22 criteria, Ireland is deemed to have met just 4.** It did not meet the criteria of “tackling multiple discrimination against Roma women” or “enforcing anti-discrimination legislation at a local level.”

The European Council is due to adopt a Recommendation on effective Roma integration measures in the Member States, which will be the first EU legal instrument to hold Member States to account for Roma inclusion.

Recommendation 4

Implement an ethnic identifier across all routine administrative systems in order to promote equality and address discrimination.

Related to protection from discrimination is the collection of data disaggregated by ethnicity, gender and other factors. The Census and the All Ireland Traveller Health Status Study (2010) have provided data in relation to Travellers but there is a dearth of disaggregated data across routine administrative systems. There is currently no collection of data on Roma ethnicity and Roma need to be included as a category in the Census.

³ Government for National Recovery 2011-2016, p. 42.

We need good quality data to develop evidenced based policy, plan service provision and identify gaps in services or discrimination. Best practice in the area stresses the importance of a universal question with a human rights framework, where everyone is asked to identify the group to which they belong, not just minorities. Furthermore, it is key that a public campaign informing people why such data would be collected and affirming a commitment to human rights principles and ethical use of such data would also be conducted. Travellers and Roma need to be central to this.

Recommendation 5

Equality proof all new legislation and policies.

Amend / repeal legislation and policy with has a disproportionately negative impact on Travellers and Roma – in particular Section 24 of the Housing Miscellaneous Provisions Act (2002) and the Habitual Residence Condition.

Legislation and public policy must be proofed to ensure it will not negatively impact particular groups. This needs to happen in a systematic manner. If legislation or policy, despite not being directed at a particular group, has a much greater impact on this group, it may be considered indirectly discriminatory under human rights law. Below are two examples of legislation and policy that have not been equality proofed and have a disproportionate effect on particular groups.

Housing Miscellaneous Provisions Act (2002)

Section 24 of the Housing Miscellaneous Provisions Act (2002) continues to criminalise nomadism and disproportionally impacts upon Travellers. This makes trespass on land with an 'object' such as a caravan, a criminal offence, despite the lack of provision of transient sites by local authorities. This means nomadic Travellers are prevented from travelling. This is a form of institutionalised racism. This section of the legislation needs to be repealed.

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. Application of the habitual residence condition has placed migrants, Travellers (who move across jurisdictions, generally from the UK to Ireland) and Roma in Ireland (and indeed returning Irish immigrants) in very vulnerable positions, whereby they cannot access any support services. HRC has a particular negative impact upon women experiencing violence and children also.

Concerns about HRC have been raised by the Special Rapporteur on extreme poverty and human rights she has stated in her 2012 report that she "encourages the Government to review the impact of the condition as a matter of priority." ECRI has also recommended that Irish authorities review the impact of HRC. This has still not taken place.

Ireland needs to invest in and conduct a review and impact assessment of the habitual residence condition, in particular in relation to ethnicity and gender.

Recommendation 6

Continue state support for independent Traveller organisations at national and local level.

Clear protocols to be developed to ensure that Traveller resources are ring fenced in the alignment process and that the work of both national and local Traveller organisations continues to be funded.

Traveller organisations at a local and national level play a key part in promoting inclusion and supporting Travellers to challenge racism. The continued funding and independence of these organisations is crucial. However, Traveller initiatives and Traveller organisations have experienced disproportionate cuts as part of austerity measures since 2008.

Programmes for Travellers

Interagency activities	-100%
Traveller education	-86.6%
Traveller accommodation	-85%
Equality	-76.3%
National Traveller organisations	-63.6%
FAS Special Initiative for Travellers	-50%
National Traveller Partnership	-32.1%
Traveller SPY youth projects	-29.8%
Health ¹	-5.4%

“Putting People First – Action Programme for Effective Local Government”(October 2012) suggests devolving the National Traveller Partnership (which co-ordinates and delivers the Local and Community Development Programme in association with national and local Traveller groups) to relevant Local Authorities post 2014. This suggestion is alarming given the track record of local authorities in dealing with current Traveller policy already within their remit. Traveller projects can be successfully “aligned” with local development structures without being subsumed within it.⁴ Independent community development needs to continue to be resourced by the state as a way to promote integration and challenge racism.

Recommendation 7

Re-establish an independent advisory body to government on addressing racism similar to the National Consultative Committee on Racism and Interculturalism.

The National Consultative Committee on Racism and Interculturalism (NCCRI) was closed down in December 2008 as an austerity measure. A number of initiatives that were undertaken by the NCCRI were key in tackling and challenging racism. These included development of policies and measures to create an intercultural society e.g. Intercultural Health Strategy, Intercultural Education Strategy, Intercultural Youth Strategy etc. They coordinated the National Action Plan Against Racism and the Know Racism Campaign (Public Awareness) They also developed the reporting and monitoring of racist incidents system. Training in anti-racism and interculturalism and resources were provided to a range of public service bodies and to NGOs.

The NCCRI took a very pro-active approach in working with Travellers, Roma and other minority ethnic groups. It was intended that its functions would be transferred to the Office

⁴ NTP Position Paper 2013– Local and Community Development Alignment: An Integrated Model- Locally-Based Traveller Community Development Projects and the Alignment Process. Pavee Point, Traveller and Roma Centre

for the Promotion of Migrant Integration. However this has not happened and has in fact had the effect of excluding Travellers from the remit of anti-racism and intercultural initiatives, as this office does not include Travellers in its remit. The particular experience of Roma has not been addressed effectively by either the Traveller Policy Division or the Office of the Minister for Integration.

Recommendation 8

Renew/introduce a new National Action Plan against Racism and establish a national oversight committee representative of statutory and NGO sectors to implement the National Action Plan against Racism.

The National Action Plan Against Racism (2005-2008) has not been renewed. Despite this the National Action Plan was referenced as part of Ireland's commitment to human rights as a member of the Human Rights Council in 2012.⁵

The failure to renew the National Action Plan has been noted as a concern by the European Commission on Racism Intolerance (ECRI) in its most recent report on Ireland, 2013. In 2011, the Committee on the Elimination of All Forms of Racial Discrimination (CERD) noted the importance of the State giving effect to the Durban Declaration and Programme of Action through the National Action Plan and Ireland will be required to include specific information on this in its next periodic report. We would argue there is currently a policy vacuum at national level with no independent coordinating body addressing racism and promoting interculturalism in Ireland.

Recommendation 9

All political parties and representatives to demonstrate commitment to the Anti Racism Election Protocol and an Anti Racism Code of Conduct.

In 2013 a number of statements were made by elected representatives in relation to Travellers. This included the following statements by Councillor Sean McEniff.

"I think there should be an isolated community of them some place. Give them houses and keep them all together."

"The amount of support coming out of mass yesterday morning was absolutely unbelievable...I wish to God there was an election tomorrow morning."

Pavee Point is concerned that anti-Traveller and Roma positions may be adopted as part of election campaigns in the run up to the 2014 local elections and feel that this is an issue that needs to be addressed in the context of all elections. Furthermore an Anti Racism Code of Conduct needs to be developed, whereby elected representatives are held accountable for comments or actions that perpetuate or support racism.

Recommendation 10

Implement positive action measures to include Travellers and Roma representation in Dáil, Seanad and local councils.

Travellers also feel disillusioned by the political process. The lack of Traveller representation in political decision-making has been recognised by the CERD who recommended in 2005

⁵ Letter dated 13 April 2012 from the Permanent Representative of Ireland to the United Nations addressed to the President of the General Assembly.

and 2011 that Ireland adopts “affirmative action programmes that seek to improve the representation of Travellers in political institutions.”

The Council of Europe Commissioner for Human Rights also recommended that Traveller communities should be adequately represented in local councils⁶, and suggested the possibility of reserving a specific seat for the Traveller community in the Irish parliament. This approach has worked well in other European countries in relation to Roma. There is an opportunity to implement such recommendations given the commitments to political reform. Pavee Point would also recommend that Travellers and Roma are included in any discussions on political reform that may take place at the Constitutional Convention.

Recommendation 11

Establish an independent Judicial Council.

Training for Judges in cultural competence including anti-racism training provided in partnership with Traveller and Roma organisations.

Recently a number of comments have been made in relation to Travellers and Roma by Judges. In Athlone District Court in September 2012 where a Traveller was on trial, Mr. Justice Seamus Hughes is reported as stating,

I suspect he comes from a certain ethnic background that would give him even more form given the type of behaviour in which some of them engage. ...As I've described it before, they are like Neanderthal men living in the long grass, abiding by the laws of the jungle.

In March 2013 Judge Patrick McCartan is reported as saying “I assume from his appearance that he's from the Roma community who came here to do what all of them tend to do, to use the streets to beg.” Judges have not been held to account for such language and this raises questions about the impartiality of the judiciary.

Recommendation 12

Introduce legislation whereby racist motivation is consistently taken into account as an aggravating factor in sentencing practice for criminal offences.

The Government's key legislation for dealing with racist crime is the Incitement to Hatred Act, 1989 (art. 20. 1). Criticisms of the legislation include:

- It relates to “incitement” and not racist crime in itself;
- It can be difficult to prove intent - The average number of successful prosecutions since the act was introduced stands at less than one per year;
- The penalties do not reflect the seriousness of the crime;
- Judgments of District and Circuit Courts where these cases are held are not recorded (unless reported in local media), so there is little visibility of outcomes.
- Lack of capacity to tackle incitement to hatred on social media.

In this context, the 2011 report CERD recommended that legislation be passed to declare that racist motivation be consistently taken into account as an aggravating factor in sentencing practice for criminal offences.

⁶ Council of Europe (2008) *Report by the Commissioner for Human Rights, Mr Thomas Hammarberg on his Visit to Ireland*, November 2007.

Recommendation 13

Present an annual report on the situation of racism in Ireland by the Minister of Justice, Defence and Equality followed by debate in the Dáil.

Progress on tackling racism and promoting inclusion needs to be highlighted as a political priority. An annual report by the Minister of Justice, Defence and Equality, followed by a Dáil debate would indicate a commitment to addressing these issues in a transparent and accountable manner.

Summary of Recommendations:

- 1. The Irish Government should officially acknowledge Travellers as a Minority Ethnic Group and that the discrimination they experience is racism.**
- 2. Introduce a Traveller Agency to oversee the implementation of policies on Travellers (health, education, accommodation, employment etc.)**
- 3. Develop a progressive National Traveller Roma Integration Strategy.**
- 4. Implement an ethnic identifier across all routine administrative systems in order to promote equality and address discrimination.**
- 5. Equality proof all new legislation and policies.**
Amend / repeal legislation and policy with has a disproportionately negative impact on Travellers and Roma – in particular Section 24 of the Housing Miscellaneous Provisions Act (2002) and the Habitual Residence Condition.
- 6. Continue state support for independent Traveller organisations at national and local level.**
- 7. Re-establish an independent advisory body to government on racism similar to the National Consultative Committee on Racism and Interculturalism.**
- 8. Renew/introduce a new National Action Plan against Racism and establish a national oversight committee representative of statutory and NGO sectors to implement the National Action Plan against Racism.**
- 9. All political parties and elected representatives to demonstrate commitment to the Anti Racism Election Protocol and an Anti Racism Code of Conduct.**
- 10. Implement positive action measures to include Travellers and Roma representatives in Dáil, Seanad and local councils.**
- 11. Establish an independent Judicial Council and provide training in cultural competence, including anti-racism training provided in partnership with Traveller and Roma organisations.**
- 12. Introduce legislation whereby racist motivation is consistently taken into account as an aggravating factor in sentencing practice for criminal offences.**
- 13. Present an annual report on the situation of racism in Ireland by the Minister of Justice, Defence and Equality followed by debate in the Dáil.**

For further information please contact Ronnie Fay – ronnie.fay@pavee.ie