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**INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS – IRELAND**

**Joint Alternative Report by a Coalition of Traveller and Roma Organisations**

**May 2022**

**Pavee Point Traveller and Roma Centre**

46 North Great Charles Street, Dublin 1, Ireland  
Tel: 353 1 878 0255

Email: [laura.pohjolainen@pavee.ie](about:blank)

Website: [www.paveepoint.ie](about:blank)

**National Traveller Women’s Forum**

4/5 Eustace St., Dublin 2, Ireland

Tel: 353 1 7383874

Email: [mariajoyce2@yahoo.co.uk](about:blank) / [info@ntwf.net](about:blank)

Website: [www.ntwf.net](about:blank)

**Donegal Travellers Project**

Port House, Port Rd, Letterkenny, Co. Donegal, Ireland

Tel: 353 74 98 51936

Email: [siobhankmclaughlin@gmail.com](about:blank)

Website: [www.donegaltravellersproject.ie](about:blank)

# Minceirs Whiden

Our Lady of Lourdes Community Centre, Childers Road, Limerick, Ireland

Tel: 353 85 880 4450

Email: [kathleen.minceirswhiden@gmail.com](about:blank)

Website: [www.minceirswhiden.ie](about:blank)

**Galway Traveller Movement**

61 Main St, Loughrea, Co Galway, Ireland

Tel: 353 91 765 390

Email: [margaret@gtmtrav.ie](about:blank) or [Martin@gtmtrav.ie](about:blank)

Website: [www.gtmtrav.ie](about:blank)

**For further information, please contact** [**laura.pohjolainen@pavee.ie**](about:blank)**/ +353 18780255**

**INTRODUCTION**

**Our Coalition**

This report is submitted as a coalition of five organisations which work towards achieving Traveller and Roma rights in Ireland. **Pavee PointTraveller and Roma Centre**is a national non-governmental organisation working towards the attainment of human rights for Irish Travellers and Roma in Ireland since 1985. The **National Traveller Women’s Forum** is a network of Traveller women and Traveller organisations throughout Ireland that recognises the particular oppression of Traveller women in Irish society. **Minceirs Whiden** is Ireland’s only all Traveller forum formed in 2004 to create a safe place where Travellers can come together and discuss the issues affecting their community. **Donegal Travellers Project**, formed in 1996, is one of the longest established and largest locally based community development organisations working for, and with, the Traveller community. Finally, the **Galway Traveller Movement,** established in 1994, aims to achieve equality and self-determination for the Traveller community in Galway city and county.

**Irish Travellers and Roma in Ireland**

There are a little over 36,000 Irish Travellers in Ireland, representing less than 1% of the nation’s population.[[1]](#endnote-2) An estimated 5,000 Roma live in Ireland, many of whom live in poverty due to lack of access to work and restrictive social welfare measures.[[2]](#endnote-3) As minority ethnic groups, Travellers and Roma experience persistent racism and discrimination on the basis of ethnicity, gender and other grounds. As a result, Travellers and Roma are among the most marginalised and excluded individuals and groups in Ireland.

## **Our Report**

## This report is structured tofollow the same form as the report submitted by the Irish State. We outline priority issues for Travellers and Roma – both persistent and new developments – to provide an up to date account of the human rights situation of Travellers and Roma. We make reference to the extent to which Ireland has implemented the recommendations from the previous cycle and those made my other UN treaty monitoring bodies.

We have welcomed the State’s symbolic recognition of Irish Travellers as an ethnic group in 2017, along with increased consultation with Traveller and Roma organisations and current revisions ofhate speech, hate crime and equality legislations. However, much remains to be achieved for Travellers and Roma in concrete terms since the last examination of the State Party. Calling on the State’s obligations to ensure non-discrimination and protection of vulnerable groups, measures to progress the rights of Travellers and Roma remain urgent.

**SUMMARY OF RECOMMENDATIONS**

**Right to Equality Before the Law - Article 26**

*National Traveller Roma Inclusion Strategy (NTRIS) -* Urgently initiate and finalise the review of the current NTRIS 2017–2021 and ensure the now delayed development of the next NTRIS is commenced with no further delay. Also ensure the next NTRIS has a robust implementation and monitoring plan with clear targets, indicators, outcomes, timeframes and budget lines with actions being resourced and implemented by all relevant statutory agencies.

*National Action Plan against Racism (NAPAR) –* Ensure that theforthcoming NAPAR addresses the specific forms of anti-Traveller and anti-Roma racism and discrimination; is adopted in a timely fashion;afforded a sufficient budget and a clear implementation and monitoring framework; and is implemented in partnership with Traveller and Roma organisations.

*National Equality Data Strategy -* Develop and fully implement the forthcoming NationalEquality Data Strategy, and as part of this Strategy ensure the full and effective development and implementation of ethnic equality monitoring (in line with human rights standards) across all relevant state departments and public bodies.

**Ethnic and Linguistic Minorities - Article 27**

*Traveller and Roma Accommodation -* Implement all recommendations issued by the independent Expert Group on Traveller Accommodation with a time lined implementation plan, tangible targets, corresponding accountability measures and budget. Also Address the housing crisis among Roma by introducing clear actions and associated implementation plan and resources in the next National Traveller Roma Inclusion Strategy.

*Traveller and Roma Education -* Urgently initiate the development of the National Traveller Education Strategy and ensure the Strategy has robust implementation and monitoring framework and resources to address the educational disadvantage of Travellers at all educational levels.

*Traveller and Roma Health -* Publishthe National Traveller Health Action Plan with no further delay and fully resource and implement the Plan. Continue also resourcing and supporting further development of special measures to address Roma health inequalities.

*Traveller and Roma Employment -* Realise the Programme for Government Commitment from 2020 and develop a comprehensive Traveller and Roma Training, Employment and Enterprise Strategy

*Roma in Ireland*

* Review the legislative and policy restrictions which disproportionately impact Roma access to basic social protections humanitarian supports, and at a minimum ensure that all children residing in the State, including Roma children, can access Child Benefit payments regardless of the legal or administrative status of their parents
* Extend the current regularisation scheme for undocumented people to also include Roma EU citizens who have been living in the State on long-term basis.

**Equal Right of Men and Women to the Enjoyment of All Civil and Political Rights - Article 3**

* Urgently initiate and complete the review of the National Strategy for Women and Girls - along with the National Traveller Roma Inclusion Strategy and Migrant Integration Strategy - and develop the next National Strategy for Women and Girls and National Traveller and Roma Inclusion Strategy in a speedy fashion, making sure that a robust implementation plan with clear targets and resources are put in place to advance the rights of Traveller and Roma women and girls
* Ensure the Third National Strategy on Domestic, Sexual and Gender-based Violence has a robust implementation plan, including clear targets, indicators, outcomes, timeframes and resources related to Traveller and Roma women, both through targeted special measures and inclusion in mainstream measures; and ensure Traveller and Roma organisations are actively included and consulted in the work of the forthcoming Domestic, Sexual and Gender-based Violence Agency

**Right to Liberty and Security of the Person - Article 9 -** Resource sustained positive action measures to facilitate access to complaint mechanisms by Travellers and Roma in relation to police misconduct; and introduce legislation to prohibit ethnic profiling by the police and other law enforcement agencies

**The Rights of Prisoners - Article 10**

* Identify and address the contributing factors to the overrepresentation of Travellers in prison, particularly Traveller women, as recommended by CEDAW Committee in 2017
* Introduce alternative community-based responses for Travellers and Roma who have committed non-violent poverty related offences

**Rights of Aliens - Article 13 -** Proactively take stock of the particular conditions that Ukrainian Roma refugees face and take special measures to ensure Roma refugees are treated fairly and are afforded the same rights and protections as other Ukrainians when seeking refuge in Ireland

**Right to Fair and Equal Treatment Before the Law - Article 14** - Ensure that Ireland complies with its obligations under regional and international human rights instruments in relation to legal aid by comprehensively examining the functions of the Legal Aid Board, its resources, the criteria for legal aid, the areas of law covered, and the methods of service delivery; and by ensuring equal treatment before tribunals and, in particular, designate the Social Welfare Appeals Office, the Workplace Relations Commission and Labour Court under the Civil Legal Aid Act

**Prohibition of Incitement to Hatred - Article 20**

* Finalise the Criminal Justice (Hate Crime) legislation in a speedy manner and afford adequate resources for its full implementation
* Undertake complementary special measures in the upcoming National Action Plan against Racism, including anti-racism training for criminal justice professionals, a public awareness campaign, disaggregated data on reported hate incidents and annual targets to reduce the numbers of hate crimes

**Rights of the Child - Article 24**

* Set clear and timebound targets specific to poverty reduction among Traveller and Roma children in both targeted policy measures (National Traveller Roma Inclusion Strategy) and mainstream policy measures
* Ensure that all children residing in the State, including Roma children, can access Child Benefit payments regardless of the legal or administrative status of their parents
* Set targets for preventative measures to address the over-representation of Traveller and Roma children in Oberstown Children Detention Campus, in the State’s child protection and welfare register, and to address accommodation and health inequalities faced by Traveller and Roma children

**Right to Take Part in Public Affairs - Article 25**

* Undertake legislative and practical measures to ensure the inclusion of Travellers in political representation at local and national levels
* Undertake special measures to promote the inclusion of Traveller and Roma interests (inclusive of women) in participative democracy, policies, programmes and initiatives undertaken by Local Authorities

1. **Equal Right of Men and Women to the Enjoyment of All Civil and Political Rights - Article 3**

1.1 Gender Equality & National Strategy for Women and Girls 2017–2020

Implementation of actions related to Traveller and Roma women in the National Strategy for Women and Girls (NSWG) 2017-2020 (para B.11. pp3)and the National Traveller Roma Inclusion Strategy (NTRIS)was slow andlacked clear targets, indicators or outcomes specific to Traveller and Roma women.[[3]](#endnote-4) The State report notes (para.B13 pp.3) that preparations were underway for a mid-term review of the NSWG during 2019(together with two other inclusion strategies),however, this review has still not commenced.

**We recommend the State to:**

1. **Urgently initiate and complete the review of the National Strategy for Women and Girls - along with the National Traveller Roma Inclusion Strategy and Migrant Integration Strategy**
2. **Develop the next National Strategy for Women and Girls and National Traveller and Roma Inclusion Strategy in a speedy fashion, making sure that a robust implementation plan with clear targets and resources are put in place to advance the rights of Traveller and Roma women and girls**

1.2 Traveller and Roma women in Leadership and Decision Making (para C.i)

The Electoral (Amendment) (Political Funding) Act 2012 (para.C14 pp.3)[[4]](#endnote-5) saw the introduction of gender quotas being introduced for national politics. No such quota has been introduced for Travellers, ethnic minorities or women representing minority groups. See more in Section 8 of this report.

**We recommend the State to:**

* 1. **Undertake legislative and practical measures to ensure the inclusion of Travellers, includingTraveller women,in political representation at local and national levels**

1.3Violence against Traveller &Roma Women

We have welcomed the funding for a dedicated Traveller specific domestic and sexual violence pilot project, now being mainstreamed, and urge for the State to continue to support and further develop community led projects. Beyond this, the lack of a clear implementation plan with the Second National Strategy on Domestic, Sexual and Gender-based Violence 2016–2021 (Para E. i)resulted in slow implementation and little evidence of outcome for Traveller and Roma women.[[5]](#endnote-6) Mainstream awareness raising initiatives failed to reach many Travellers and Roma(para E.xi 45-46 pp.7);the sexual violence prevalence study didn’t include Travellers, Roma or other minority ethnic groups in its scope (E.xb)44. Pp. 7); and the commitment to collect data by ethnicity by all relevant agencies didn’t materialise (E.x 41-43 pp.7). In particular, thePolice Service (an Garda Síochána) and Court Service stated there to be no legal basis for collecting ethnic data - despite the Irish Human Rights and Equality Act 2014, which mandates public bodies topromote equality, prevent discrimination and protect human rights through their services.

The Third National Strategy on Domestic, Sexual and Gender-based Violence is due to be published before the Parliament’s summer recess. The State has indicated an intention to develop a robust implementation and monitoring plan for this iteration of the Strategy as well as to establish a dedicated Agency to drive improvements in this area.

**We recommend the State to:**

1. **Ensure the Third National Strategy on Domestic, Sexual and Gender-based Violence has a robust implementation plan, including clear targets, indicators, outcomes, timeframes and resources related to Traveller and Roma women, both through targeted special measures and inclusion in mainstream measures**
2. **Ensure Traveller and Roma organisations are actively included and consulted in the work of the forthcoming Domestic, Sexual and Gender-based Violence Agency**
3. **Right to Liberty and Security of the Person - Article 9**

2.1 Police Complaints Procedure(B.144 pp.19)

From our work on the ground and interactions with the Garda Síochána Ombudsman Commission (GSOC), we know that the use of complaint mechanisms by Travellers and Roma in relation to policing malpractice is extremely low. Yet we also know that Travellers and Roma experience discrimination and ethnic profiling by members of the police service. Both UNCERD and European Commission against Racism and Intolerance (ECRI) have urged the State to clearly define and prohibit ethnic profiling by the police (an Garda Síochána) with legislative measures.[[6]](#endnote-7)

* EU Fundamental Rights Agency survey 2019 found that on ethnic profiling during police stops, 14% of Travellers believe that the most recent stop by the police was because they are a Traveller- this is the third highest rate compared to the other countries. Travellers’ trust in the police in Ireland is the second lowest compared to other countries, and trust in the legal system is also the second lowest of all countries'.
* National survey of Travellers found that 48% of respondents felt discriminated against by the Gardaí in the last year
* 77.5% of Roma report being stopped by the police for an identity document, and of those, 56% report being stopped four times or more

**We recommend the State to:**

1. **Resource sustained positive action measures to facilitate access to complaint mechanisms by Travellers and Roma in relation to police misconduct**
2. **Introduce legislation to prohibit ethnic profiling by the police and other law enforcement agencies**
3. **The Rights of Prisoners - Article 10**

Although Travellers account for 0.6 % of the Irish population, Travellers account for 22% of the female prison population and 15% of the male prison population’.[[7]](#endnote-8)A fifth of young people in custody in Oberstown Children Detention Campus are Travellers,[[8]](#endnote-9) and almost 10 per cent of the people under probation supervision are Travellers.[[9]](#endnote-10) In 2017, the CEDAW Committee recommended for the State to address the root causes of the overrepresentation of Traveller women in places of deprivation of liberty, as well as address the standard of conditions in prisons.[[10]](#endnote-11)

**We recommend the State to:**

1. **Identify and address the contributing factors to the overrepresentation of Travellers in prison, particularly Traveller women, as recommended by CEDAW Committee in 2017[[11]](#endnote-12)**
2. **Introduce alternative community-based responses for Travellers and Roma who have committed non-violent poverty related offences**
3. **Rights of Aliens - Article 13**

We welcome the introduction of the Temporary Protection Directive for Ukrainian refugees in Ireland. This allows people to work and access services and benefits without making an application for international protection (refugee status). There are approximately 400,000 Roma people living in Ukraine and it has been widely reported by the UN[[12]](#endnote-13) and other human rights agencies[[13]](#endnote-14) that Roma face discrimination and mistreatment when fleeing the war in recent months. There have been reports of difficulties in accessing safe evacuation passage, difficulties due to a lack of documentation and IDs, as well as cases of discrimination in the allocation of basic humanitarian assistance in some host countries. We are also aware that Ukrainian Roma refugees are arriving to Ireland and some have experienceddifficulties/needed additional support with their applications on arrival.

**We recommend the State to:**

1. **Proactively take stock of the particular conditions that Ukrainian Roma refugees face and take special measures to ensure Roma refugees are treated fairly and are afforded the same rights and protections as other Ukrainians when seeking refuge in Ireland**
2. Right to Fair and Equal Treatment Before the Law - Article 14

*5.1 Legal Aid*

We welcome the State’s commitment to a significant review of the civil legal aid scheme, which currently is not available for many types of cases relevant to Travellers, Roma and other people experiencing poverty and marginalisation. In 2019, the UNCERD expressed concern about the lack of legal aid provided for appeals concerning social welfare, housing and eviction, which has a significant impact on Travellers and Roma. Cases in the Workplace Relations Commission are also excluded from the scope of the Legal Aid Board. Employers and businesses can often afford to pay for private legal representation in equality cases before the WRC. However, persons making complaints about discrimination or unfair treatment in the workplace, often cannot.

**We recommend the State to ensure that Ireland complies with its obligations under regional and international human rights instruments in relation to legal aid by:**

1. **Comprehensively examining the functions of the Legal Aid Board, its resources, the criteria for legal aid, the areas of law covered, and the methods of service delivery**
2. **Ensuring equal treatment before tribunals and, in particular, designate the Social Welfare Appeals Office, the Workplace Relations Commission and Labour Court under the Civil Legal Aid Act**
3. **Prohibition of Incitement to Hatred - Article 20**

Our organisations have welcomed the consultation process as well as the draft General Scheme of the Criminal Justice (Hate Crime) Bill 2021 to legislate against hate speech and hate crime in Ireland. We particularly welcome that for the first time, the draft Bill includes Travellers as a minority ethnic group. The new proposed definition of incitement to hatred also goes further than the current legislation, which at present, has extremely low prosecution levels. In order for the legislation to be effective in preventing and addressing hate speech and hate crimes against minority ethnic groups it is necessary for the State to roll out special measures alongside the legislation.

**We recommend the State to:**

1. **Finalise the Criminal Justice (Hate Crime)legislation in a speedy manner and afford adequate resources for its full implementation**
2. **In addition, undertake complementary special measures in the upcoming National Action Plan against Racism, including anti-racism training for criminal justice professionals, a public awareness campaign, disaggregated data on reported hate incidents and annual targets to reduce the numbers of hate crimes**
3. **Rights of the Child - Article 24**

We have serious concerns about the situation for Traveller and Roma children, which has been further compounded by the COVID-19 pandemic and measures:

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| --- | --- |
| **Traveller Children** | **Roma Children** |
| * 22% of young people in Oberstown Children Detention Campus are Travellers * Traveller children make up 12% of those on the at-risk register for child protection and welfare concerns * Ombudsman for Children investigation in 2021 found a number of serious issues in a site where 66 Traveller children were living, including inadequate sanitation, extreme overcrowding, persistent rodent infestations, inadequate heating systems, unsafe electrical works & high rate of childhood illness caused by the living conditions – this reflects the conditions of many sites across the country * Infant mortality rate for Travellers is 3.7 times the national rate (14.1 per 1,000 live births compared to 3.9 per 1,000 live births) and 2.8 times the EU average *AITHS, 2010* | * 1 in 4 Roma children (25%) have gone to school hungry * Almost half (49.5%) of Roma reported not always having enough food * Almost 1 in 5 Roma reported begging as a source of income (17.6%) and no income (14%) * 57.5% report not having enough money for school books and uniforms * 24% of women do not access health services while pregnant * 25.5% of Roma don’t have the right to reside and 25.7% of Roma are not habitually resident * Roma face discrimination in accessing accommodation, severe overcrowding, poor and dangerous accommodation conditions, homelessness, and lack of access to social housing and rent supplement[[14]](#endnote-15) | |

Despite Child Benefit being a ‘universal’ payment in Ireland, many Roma children are not entitled to it due to the implementation of the right to reside (European Directive 2004/38) and the associated policy - Habitual Residence Condition- by the Department of Employment Affairs and Social Protection.[[15]](#endnote-16)Nearly 1 in 2 (49.2%) Roma households with children were not successful in their application for social protection payments, which means they are not receiving Child Benefit and other crucial payments and supports.[[16]](#endnote-17) Concerns about Roma child poverty and the discriminatory effect of the Habitual Residence Condition on Roma to access basic social welfare payments have been raised by a number of international human rights bodies.[[17]](#endnote-18)

**We recommend the State to:**

1. **Set clear and timebound targets specific to poverty reduction among Traveller and Roma children in both targeted policy measures (National Traveller Roma Inclusion Strategy) and mainstream policy measures**
2. **Ensure that all children residing in the State, including Roma children, can access Child Benefit payments regardless of the legal or administrative status of their parents**
3. **Set targets and measures for preventative measures to address the over-representation of Traveller and Roma children in Oberstown Children Detention Campus, in the State’s child protection and welfare register, and to address accommodation and health inequalities faced by Traveller and Roma children**
4. **Right to Take Part in Public Affairs - Article 25**

The first ever special measure to ensure Traveller representation in the Irish political system was taken in 2020 when the State appointed a Traveller woman to the Seanad (upper house of the Irish Parliament).[[18]](#endnote-19) Beyond this, commitments by the State have not materialised into measures to improve the representation of Travellers, or Traveller women, in political institutions and decision making.[[19]](#endnote-20)Furthermore, no special measures have been introduced to ensure Traveller and Roma inclusion - women nor men - (para. 16 pp.4) in local politics, despite calls by numerous human rights monitoring bodies to address the significant exclusion of Travellers and Roma from decision making and wider political processes at local and national levels.[[20]](#endnote-21)

**We recommend the State to:**

* 1. **Undertake legislative and practical measures to ensure the inclusion of Travellers in political representation at local and national levels**
  2. **Undertake special measures to promote the inclusion of Traveller and Roma interests (inclusive of women) in participative democracy, policies, programmes and initiatives undertaken by Local Authorities**

1. **Right to Equality Before the Law - Article 26**
   1. National Traveller and Roma Inclusion Strategy 2017–2021

Implementation of National Traveller Roma Inclusion Strategy (NTRIS) - the main driver of Traveller and Roma inclusion-[[21]](#endnote-22) has been slow. The Strategy has contained no clear targets, indicators, outcomes, timeframes or associated budget lines, and a ‘whole of Government’ approach that would have seen driving its implementation by all state departments and with senior level participation has not materialised. A number of international human rights bodies have called on the State to place more effort on concrete implementation of the NTRIS.[[22]](#endnote-23)

The State has indicated that the National Traveller Roma Inclusion Strategy would be reviewed together with National Strategy for Women and Girls and Migrant Integration Strategy. However, this review has still not commenced, subsequently postponing the development of the next National Traveller Roma Inclusion Strategy.

**In line with the new EU Roma Strategic Framework 2020-2030 we recommend the State to:**

1. **Urgently initiate and finalise the review of the current NTRIS 2017–2021 and ensure the now delayed development of the next NTRIS is commenced with no further delay**
2. **Ensure the next NTRIS has a robust implementation and monitoring plan with clear targets, indicators, outcomes, timeframes and budget lines with actions being resourced and implemented by all relevant statutory agencies**
   1. National Action Plan against Racism

We recall recommendations made by a number of international human rights bodies tostrengthen the State’s efforts to combat the discrimination and stigmatisation faced by Travellers and Roma.[[23]](#endnote-24)An independent Anti-Racism Committee, established in2020 to oversee the development of Ireland's National Action Plan against Racism, is due to finalise its work shortly. Traveller organisations have contributed substantially to the Committee’s work regarding anti-Traveller and anti-Roma racism at every level.

**We recommend the State to ensure that the forthcoming National Action Plan against Racism will:**

1. **Address the specific forms of anti-Traveller and anti-Roma racism and discrimination**
2. **Is adopted in a timely fashion**
3. **Is afforded a sufficient budget and a clear implementation and monitoring framework and is implemented in partnership with Traveller and Roma organisations**

9.3 National Equality Data Strategy

In line with state policies[[24]](#endnote-25) and legislation,[[25]](#endnote-26)the State has committed to developing a system of ethnic data collection across state departments and agencies.However, while progress has been made with some agencies,[[26]](#endnote-27) there have been major issues and resistance to progress ethnic data collection with others.[[27]](#endnote-28)The State has indicated a commitment to develop a National Equality Data Strategy and to have this in place from 2023.[[28]](#endnote-29)

**We recommend the State to:**

1. **Develop and fully implement the National Equality Data Strategy, and as part of this Strategy ensure the full and effective development and implementation of ethnic equality monitoring (in line with human rights standards) across all relevant state departments and public bodies**
2. **Ethnic and Linguistic Minorities - Article 27**

10.1Roma in Ireland

The majority of the recommendations of the Roma Needs Assessment, referenced in the State report,have not been implemented. WhileRoma are included in the National Traveller Roma Inclusion Strategy, the implementation of the actions related to Roma has been slow and not adequately resourced.

As the State recognises in their response, Roma face significant barriers in accessing basic social protections and supports. Failure to address this inequality of access is in contradiction of the State’s legal obligation under Section 42 of the Irish Human Rights and Equality Act 2014 which places a legal obligation on state bodies to promote equality, prevent discrimination and protect the human rights of everyone affected by their policies and plans.[[29]](#endnote-30)The Habitual Residence Condition, the State’s policy to implement the European Directive 2004/38, has a disproportionate and discriminatory impact on the ability of many Roma to access basic social protection, including Child Benefit, housing and employment supports amongst others.[[30]](#endnote-31)Concerns about the discriminatory impact of the application of the Habitual Residence Condition have been raised by the Special Rapporteur on extreme poverty and human rights,[[31]](#endnote-32) ECRI,[[32]](#endnote-33) HRC,[[33]](#endnote-34) CESCR,[[34]](#endnote-35) and CRC.[[35]](#endnote-36)

While the State reports Roma have access to mainstream public services in Ireland on the same basis as all other EU citizens, many Roma live in the jurisdiction for several years before being able to access social protection.Many lack the necessary documentation, proof of address and/or language and literacy skills to prove their connection to the State, and 84% of Roma report experiencing discrimination in accessing social protection.[[36]](#endnote-37) This places many families, especially women and their children in extreme poverty, and makes it difficult for Roma women suffering from domestic and sexual violence to seek support and protection.

In December 2021 the State announced an administrative scheme under the Minister’s executive powers to regularise the status of people living in Ireland long-term without papers. Similar special measure should be adopted by the State for those EU citizens who have been living in the State for a number of years but are not able to satisfy all the conditions of the Habitual Residence Conditions due lack of relevant paper work.

**We recommend the State to:**

1. **Review the legislative and policy restrictions which disproportionately impact Roma access to basic social protections humanitarian supports, and at a minimum ensure that all children residing in the State, including Roma children, can access Child Benefit payments regardless of the legal or administrative status of their parents**
2. **Extend the current regularisation scheme for undocumented people to also include Roma EU citizens who have been living in the State on long-term basis.**

10.2Traveller and Roma Accommodation

Serious concerns have been raised over the Housing (Traveller Accommodation) Act 1998 and the Housing (Miscellaneous Provisions) Act 2002 by a significant number of human rights bodies:[[37]](#endnote-38)

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| --- |
| **Traveller and Roma Accommodation and Housing at a Glance** |
| * 39% of Travellers, in comparison to 6% of the general population, meet the European definition of homelessness[[38]](#endnote-39) * Many Travellers are forced into standard social housing or private rented accommodation due to lack of Traveller specific accommodation provision * A recent Equality Review[[39]](#endnote-40) by the Irish Human Rights and Equality Commission shows that between 2008 and 2018, only 2/3 of the allocated (€168.8 million) budget for Traveller accommodation was drawn down by Local Authorities.[[40]](#endnote-41) * Substandard accommodation conditions, lack of access to electricity, running water, sewage facilities amongst others continue to be issues on Traveller specific accommodation sites * Roma face discrimination in accessing accommodation; severe overcrowding; poor and dangerous accommodation conditions; homelessness; and lack of access to social housing and rent supplement - 6.6% of Roma report to be currently homeless and almost half (45.7%) have been homeless at some stage; 1 in 5 Roma (24%) lived in households of 8 or more people; Almost half (44.8%) of Roma did not have enough beds in their accommodation[[41]](#endnote-42) |

In 2019, an independent Expert Group on Traveller Accommodation[[42]](#endnote-43) made 32 recommendations for the Government, including a recommendation to overhaul all relevant legislation and policies which impact on accommodation provision for Travellers. A Programme Implementation Board has since been established to progress the implementation of the recommendations of the Expert Review Group. However, implementation has been slow (6 of the 32 recommendations have been completed and there are currently no timelines or supports identified for progressing the remaining recommendations.

For the first time since 2014, the full available Traveller accommodation budget was drawn down in 2020 and again in 2021 but it was spent on maintenance of existing Traveller accommodation and COVID-19 mitigation measures. No new accommodation or units were provided despite the fact that 39% of Travellers are homelessness.And while the State has indicated a commitment to include Roma specific housing actions in the National Traveller Roma Inclusion Strategy (NTRIS), there are currently no such actions in the NTRIS.

**We recommend the State to:**

1. **Implement all recommendations issued by the independent Expert Group onTraveller Accommodation with a time lined implementation plan, tangibletargets, corresponding accountability measures and budget**
2. **Address the housing crisis among Roma by introducing clear actions and associated implementation plan and resources in the next National Traveller Roma Inclusion Strategy**

10.3Traveller and Roma Education

We have welcomed the explicit targeting of Traveller participation in higher education.[[43]](#endnote-44) However, none of the mainstream educational strategies contain actions aimed directly at increasing Traveller participation at early years, primary or post-primary levels despite the significant educational disadvantage at all the educational levels.The COVID-19 pandemic and physical closure of schools have placed Traveller and Roma children at further risk of educational disadvantage. In 2020, the State made a commitment in the Programme Government to develop a National Traveller Education Strategy, however, its development has still not commenced.[[44]](#endnote-45)

**We recommend the State to:**

1. **Urgently initiate the development of the National Traveller Education Strategy and ensure the Strategy has robust implementation and monitoring framework and resources to address the educational disadvantage of Travellers at all educational levels**

10.4Traveller and Roma Health

Travellers and Roma experience stark health inequalities when compared to the majority population, compounded further by the COVID-19 pandemic.[[45]](#endnote-46) The publication and implementation of the National Traveller Health Action Plan, which was to be published in 2018, is now significantly delayed. There is an urgent need to publish and implement the Plan without further delay inclusive of clear targets, indicators, outcomes, timeframes and ring-fenced budget.

Traveller health has not received any new development funding since 2008 and there is no dedicated national funding stream to address Roma health inequalities. The once-off funding made available for initiatives aimed at improving Traveller health, including the mental health initiatives reported by the State, are not long-term ring-fenced initiatives. Funding for the new Roma Primary Health Care Training Programme in 2017 referenced in the State report was withdrawn during the COVID-19 pandemic but we welcome the recent funding towards health workers for Roma -a model which is at an early stage of development.

**We recommend the State to:**

1. **Commit to publishing the National Traveller Health Action Plan with no further delay and fully resource and implement the Plan**
2. **Continue supporting and further developing both mainstream and special measures to address Roma health inequalities**

10.5Employment

Travellers and Roma have not been named as target groups in key mainstream employment policy initiatives,[[46]](#endnote-47) and no dedicated strategy has been developed to address the significant levels of discrimination in employment and unemployment faced by Travellers and Roma.[[47]](#endnote-48) In 2019, the CERD Committee urged the State to adopt effective measures with adequate level of resources to improve employment among Travellers and Roma.[[48]](#endnote-49)

**We recommend the State to:**

1. **Realise the Programme for Government Commitment from 2020,[[49]](#endnote-50) and develop a comprehensive Traveller and Roma Training, Employment and Enterprise Strategy**

**Endnotes:**

1. Kelleher et al., *All Ireland Traveller Health Study,* University College Dublin & Department of Health & Children, 2010. [↑](#endnote-ref-2)
2. This estimate is based on the findings of Ireland’s first National Roma Needs Assessment. Curran, S., A. Crickley, A., R. Fay, F. Mc Gaughey (eds), *Roma in Ireland - a National Needs Assessmen*t, Department of Justice and Equality and Pavee Point Traveller and Roma Centre, 2018. [↑](#endnote-ref-3)
3. In 2019, the Advisory Committee on the FCPNM called on the State to implement both the NTRIS and the NSWG in a coordinated and consistent way and to adopt an implementation plan with clear targets, indicators, timeframes and resources for the Strategies. The State has since adopted an implementation plan for the actions related to Traveller and Roma women. [↑](#endnote-ref-4)
4. *Fifth periodic report submitted by Ireland under article 40 of the Covenant, due in 2019*\*, CCPR/C/IRL/5, 23 Sep 2019. [↑](#endnote-ref-5)
5. We welcome that the State has begun a process to review the Strategy and has indicated a commitment to develop a more robust implementation plan. [↑](#endnote-ref-6)
6. ECRI, *Fourth Report on Ireland,* CRI(2013)1, 19 February 2013; ECRI, *Fifth Report on Ireland*, CRI(2019)18, 4 June 2019. UNCERD, 2019. [↑](#endnote-ref-7)
7. Irish Prison Service , cited in Lalor, T., [*Travellers in Prison Initiative: Ethnic Identifiers in Irish Prisons,*](about:blank) 2017. [↑](#endnote-ref-8)
8. In the first three months of ‘2019 the campus housed 72 individuals, of these 14 (19 per cent) were Travellers or from a Traveller background. There was a similar rate in 2018 and 2017’, Irish Prison Service, 2019. [↑](#endnote-ref-9)
9. Irish Penal Reform Trust, [*Oberstown Children Detention Campus: Key characteristics of young people in detention for Q1 2018*,](about:blank) June 2018. [↑](#endnote-ref-10)
10. Recommendation 52(b) in CEDAW, 2017. [↑](#endnote-ref-11)
11. CEDAW, 2017, para. 52. [↑](#endnote-ref-12)
12. UN Special Rapporteur on minority issues (April 2022)https://www.ohchr.org/en/press-releases/2022/04/international-roma-day-8-april-2022-un-expert-urges-better-protection-roma [↑](#endnote-ref-13)
13. EU Fundamental Rights Agency Statement (2022) https://fra.europa.eu/en/news/2022/ensure-equal-treatment-roma-fleeing-ukraine [↑](#endnote-ref-14)
14. *Roma National Needs Assessment, 2018.* [↑](#endnote-ref-15)
15. 40% of Roma households with children are not successful in applying for social protection payments. Under the European Directive Roma have a right of residence without restriction for three months. Establishing a right to reside is a prerequisite to meeting the HRC, which a person must meet in order to access welfare supports, including Child Benefit, Job Seekers Allowance, Rent Allowance, public housing, and employment and training supports. Roma face significant difficulties with proving residency in the State with lack of documentation, proof of address and language and literacy skills. 25.5% of Roma don’t have the right to reside; 25.7% of Roma are not habitually resident; 38.5% of Roma don’t know if they have a right to reside; 26.9% don’t know if they are habitually resident. Curran et al., *National Needs Assessment,* 2018. [↑](#endnote-ref-16)
16. 12.7% of Roma women don’t have a Personal Public Service (PPS) number, *Ibid*. A PPS number is a unique reference number used to access public services and social protection services in Ireland. Registration of children is a legal requirement and a birth certificate is necessary to enrol children in school and to apply for a passport. To register a birth, parent/s need photo identification and PPS numbers. [↑](#endnote-ref-17)
17. UNGA, *Report of the Special Rapporteur on Extreme Poverty and Human Rights*, Magdalena Sepúlveda Carmona, A/HRC/20/25, 2012, para 102; European Commission against Racism and Intolerance, ECRI *Report on Ireland Fourth Monitoring Cycle*, CRI (2013)1, 2013, para 130; UNCEDAW, 2017; UNCRC, 2016; HRC, 2014; UNCESCR, 2015. [↑](#endnote-ref-18)
18. Ms Flynn is the first Traveller Senator in Ireland. Initiatives are currently supported in voter education and registration in the Traveller community. The National Traveller and Roma Inclusion Strategy (NTRIS), National Strategy for Women and Girls (NSWG), and Sustainable, Inclusive and Empowered Communities (A Five Year Strategy to Support the Community and Voluntary Sector in Ireland) provide frameworks for the inclusion of Travellers and Roma in participative democracy mechanisms, political institution and decisions making. However, these frameworks have not materialised into concrete measures. [↑](#endnote-ref-19)
19. Some initiatives are currently supported in voter education and registration in the Traveller community. [↑](#endnote-ref-20)
20. FCNM, *Opinion on Ireland*, ACFC/INF/OP/I(2004)003, 5 May 2004; FCNM, *Second Opinion on Ireland*, ACFC/OP/II(2006)007, 30 October 2006; FCNM, *Third Opinion on Ireland*, ACFC/OP/III(2012)006, 19 April 2013; FCNM, 2019; CERD, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*, CERD/C/IRL/CO/2, 2005; CERD, 2011;CERD, 2019; CEDAW, 2017*;* Council of Europe*,* [*Report by the Commissioner for Human Rights Mr. Thomas Hammarberg on His Visit to Ireland,*](about:blank#P402_100717&direct=true)Strasbourg, 2008*.*  [↑](#endnote-ref-21)
21. Ireland’s second NTRIS contains 149 actions across 10 thematic areas. Department of Justice and Equality, *NTRIS 2017-2021*. [↑](#endnote-ref-22)
22. UNCEDAW, *Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Ireland*,

    CEDAW/C/IRL/CO/6-7, 9 March 2017; UNCRC, *Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland,* CRC/C/IRL/CO/3-4 4, 1 March 2016; ECRI, *Fifth Report on Ireland*, CRI(2019)18, 4 June 2019; FCPNM, *Fourth Opinion on Ireland*, ACFC/OP/IV(2018)005, 20 June 2019; CERD, *Concluding Observations on the Combined Fifth to Ninth Reports on Ireland*, CERD/C/IRL/CO/5-9, 12 December 2019. [↑](#endnote-ref-23)
23. National Action Plan on Racism 2005-2008 was never renewed and the National Consultative Committee on Racism and Interculturalism (NCCRI) was abolished in 2008. Recommendations calling the State to develop a new National Action PLan against Racism have been issued by UNCRC, 2016; HRC, *Concluding Observations on the Fourth Periodic Report of Ireland*, CCPR/C/IRL/4, 19 August 2014; FCPNM, 2019; ECRI, 2019; CERD, 2019. [↑](#endnote-ref-24)
24. As per the National Traveller and Roma Inclusion Strategy (2017-2021); Second National Strategy on DSGBV; Migrant Integration Strategy 2017-2020; The National Strategy for Women and Girls 2017-2020. [↑](#endnote-ref-25)
25. Obligations set out in Section 42 of the Irish Human Rights and Equality Act (2014). [↑](#endnote-ref-26)
26. The Central Statistics Office has included Travellers as an administrative category in the Census since 2006, and Roma will be included in Census 2021. Progress has also been made with ethnic data collection with National Social Inclusion Programmes. [↑](#endnote-ref-27)
27. The national police service (An Garda Siochana) and the Courts Service report that there is ‘no legal basis for ethnic data to be collected’ and that ethnic data is not relevant to their services. Where steps have been taken to disaggregate data by ethnicity by some state agencies, it hasn’t always taken place in line with human rights standards. For instance, a small number of health service providers have introduced ethnic identifiers. However, ethnic categories are not standardised; ethnic identity is often ascribed to Travellers and Roma by using proxies such as name or looks; and the data is not disaggregated, analysed or provided to stakeholders within an appropriate timeframe. [↑](#endnote-ref-28)
28. [Department of Children, Equality, Disability, Integration and Youth](about:blank),

    [Minister O’Gorman announces the development of a National Equality Data Strategy’](about:blank#:~:text=The%20National%20Equality%20Data%20Strategy,and%20dissemination%20of%20equality%20data), 21 March 2022. [↑](#endnote-ref-29)
29. [Irish Human Rights and Equality Commission Act 2014](about:blank). [↑](#endnote-ref-30)
30. Establishing a right to reside is a prerequisite to meeting the HRC, which a person must meet in order to access welfare supports, including Child Benefit, Rent Allowance, public housing, and employment and training supports. [↑](#endnote-ref-31)
31. UNGA, Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, A/HRC/20/25, 2012, Para 102, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-25\_en.pdf](about:blank). [↑](#endnote-ref-32)
32. European Commission against Racism and Intolerance, ECRI Report on Ireland Fourth Monitoring Cycle, CRI (2013)1, 2013, Para 130. [↑](#endnote-ref-33)
33. Human Rights Committee, Concluding observations on the fourth periodic report of Ireland, 2014. The Human Rights Committee expresses concern at the existence of administrative and financial obstacles for marginalized women to access essential support services, particularly women whose immigration status is dependent on her spouse or partner or who do not meet the Habitual Residence Condition. [↑](#endnote-ref-34)
34. UN Committee on Economic, Social and Cultural Rights, concluding observations on the third periodic report of Ireland, E/C.12/IRL/CO/3 para 48, 19 June 2015 notes during consultations with civil society that concerns were raised by stakeholders ‘over the lack of adequate statutory guidelines in making Habitual Residence decisions and the degree of discretion left to Deciding Officers’ which, according to stakeholders ‘leads to varied decisions and an inconsistent appeals process. [↑](#endnote-ref-35)
35. The Committee on the Rights of the Child has requested the State to provide additional information on the criteria for the fulfilment of the HRC to access social services and to provide information about measures taken to ensure that the HRC doesn’t result in children from Traveller and Roma ethnic minority backgrounds being excluded from primary care, child benefits and social protection, in Committee on the Rights of the Child, List of issues in relation to the combined third and fourth periodic reports of Ireland, CRC/C/IRL/Q/3-4, 2015. [↑](#endnote-ref-36)
36. 40% of Roma households with children are not successful in applying for social protection payments. Roma who are not successful in their social protection applications, the average number of years they have lived in Ireland is eight years. 84.4% of Roma also feel discriminated against in getting social welfare, regardless of the success of their application. Curran et al., 2018. [↑](#endnote-ref-37)
37. UNCRC, 2016; HRC, 2014; , CESCR 2015; CEDAW, 2017; FCNM, 2019; ECRI, 2019; CERD, 2019; HRC UPR of Ireland, 2022; Council of Europe’s Commissioner for Human Rights, Nils Muižnieks, 2016. [↑](#endnote-ref-38)
38. Pavee Point (2021) The Traveller Community and Homelessness [https://www.paveepoint.ie/wp-content/uploads/2015/04/Pavee-Point-Traveller-Homelessness-Advocacy-Paper-Oct2021.pdf](about:blank) - European Typology of Homelessness and housing exclusion-ETHOS) - this includes the large number of Travellers who experience ‘hidden homelessness’ in overcrowded living conditions [↑](#endnote-ref-39)
39. IHREC (2021) Accounts of First Council by Conuncil Equality Review of Traveller Accommodation [https://www.ihrec.ie/accounts-of-first-council-by-council-equality-review-on-traveller-accommodation-in-history-of-state-published/](about:blank) [↑](#endnote-ref-40)
40. In 2019, the Commission invited each of the 31 local authorities in the State to undertake a review of their provision of Traveller accommodation. The local authorities were invited to conduct a review of the practices, procedures and other relevant factors in relation to the drawdown of capital funding and the provision of Traveller-specific accommodation services, IHREC, [Equality Review- Provision of Traveller Accommodation by Local Authorities,](about:blank) 2021.  [↑](#endnote-ref-41)
41. The application of the Habitual Residence Condition (see section 2.3) and the Housing Circular 41/2012 is precluding many Roma from accessing a range of social welfare supports, including housing and homeless supports. Curran et al., *National Needs Assessment,* 2018. [↑](#endnote-ref-42)
42. Traveller Accommodation Expert Review (2019) [https://www.paveepoint.ie/wp-content/uploads/2019/07/Expert-Review-Group-Traveller-Accommodation.pdf](about:blank) [↑](#endnote-ref-43)
43. This is being progressed through Equity of Access to Higher Education Access Plan 2015-2019 and the Progress Review of the National Plan for Equity of Access to Higher Education and the priorities to 2021 (para. 325). [↑](#endnote-ref-44)
44. No dedicated Traveller education strategy has been introduced to date despite a commitment by the State to complete a review of 2006 Report and Recommendations for a Traveller Education Strategy. The Report was never developed into a Strategy and 14 years later this review is still to be published. The Report led to the establishment and work of a Traveller Education Advisory Consultative Forum between 2009-2015 but the Forum was dismantled in 2015. There has also been no structure put in place to drive Traveller education policy since dismantling of the Forum in 2015. Education Sub-committee of the National Traveller Inclusion Strategy (para 323) was only established to advance *a limited number* of education actions in the NTRIS. [↑](#endnote-ref-45)
45. Infant mortality rate for Travellers is 3.5 times the rate of the general population and Traveller suicide rate is 6 times higher than general population, in Kelleher et al., 2010. Over 1 in 3 (38.9%) of Roma do not have a family doctor/general practitioner, in Curran et al.,2018. By 1 July 2020 over 150 Travellers have tested positive for COVID-19, with 3 deaths and 70 Roma testing positive and 7 deaths. Of those Travellers reporting tested for COVID-19, 12% are testing positive which is higher than the national figure of 6.7% in the general population. See HPSC figures [here](about:blank). These figures are an undercount. [↑](#endnote-ref-46)
46. The Pathways to Work Strategy 2016-2020 or the recently published Future Jobs Ireland 2019, [*Future Jobs Ireland- 2019- Preparing Now for Tomorrow’s Economy*](about:blank)*,* Department of the Taoiseach and the Department of Business, Enterprise and Innovation, 2019. [↑](#endnote-ref-47)
47. 55% of Travellers have experienced discrimination at work, Kelleher et al., *All Ireland Traveller Health Study,* 2010, and 80.2% of Travellers are unemployed, Central Statistics Office, *Census 2016 Profile 8 - Irish Travellers, Ethnicity and Religion*, 2016. 78.9% of Roma feel discriminated against in getting a job and only 16.7% of Roma are employed, in Curran et al., *National Needs Assessment,* 2018. Roma who do not meet the right to reside or Habitual Residence Condition are not considered job seekers and therefore are not eligible for many training and employment supports. [↑](#endnote-ref-48)
48. CERD, *Concluding Observations of Ireland,*2019. [↑](#endnote-ref-49)
49. Department of Taoiseach, [*Programme for Government: Our Shared Future*](about:blank), 2020. [↑](#endnote-ref-50)