

**Submission to the Department of Children, Equality, Disability, Integration and Youth on the EU Child Guarantee**

**January 2022**

**Pavee Point Traveller and Roma Centre**

Pavee Point is a national non-governmental organisation committed to the attainment of human rights for Travellers and Roma. The organisation comprises Travellers, Roma and members of the majority population working in partnership to address the rights of Travellers and Roma, who as minority ethnic groups experience exclusion and marginalisation. Pavee Point’s mission is to contribute to improvement in the quality of life, living circumstances, status and participation of Travellers & Roma through working innovatively for social justice, greater solidarity, development, equality and human rights.

**Travellers and Roma in Ireland**

The last Census count of the population of Irish Travellers is widely taken to be an underestimate by Traveller and Roma organisations, but it is estimated that Travellers represent less than 1% of the nation’s population.[[1]](#endnote-1) 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. As minority ethnic groups, Travellers and Roma experience persistent systemic racism and discrimination compounded by intersections with other oppressions.

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**INTRODUCTION**

Pavee Point welcomes the opportunity to share its views with the Department of Children, Equality, Disability, Integration and Youth (DCEDIY) on the preparation of the National Action Plan for the implementation of the EU Child Guarantee. We specifically focus on the needs and rights of Traveller and Roma children, and in this initial engagement put forward a number of recommendations to be actioned in Ireland’s National Action Plan. We welcome further engagement with the DCEDIY and all other stakeholders in the weeks to come in relation to progressing this important Plan, as well as opportunities to further expand and contextualise the content of our submission **(please see Appendix 1 for Pavee Point’s List of Issues for the 87th Pre-Sessional Working Group of the UN Committee on the Rights of the Child which gives further information and context to our recommendations).**

We note that the national action plans are to cover the period up to 2030 and will require Member States to set quantitative and qualitative targets for the implementation of the Guarantee. We also note that the plans will need to support children at risk of poverty, social exclusion and discrimination, and that the EU Guarantee specifically names Roma as target group/s.[[2]](#endnote-2). The EU Child Guarantee provides the Irish government with the opportunity to leverage support through the ESF+ funds to ensure that children in need in Ireland, including Traveller and Roma children, can access key public services in Ireland.

Pavee Point would like to acknowledge the efforts undertaken by the State to progress Traveller and Roma issues in recent years through the National Traveller Roma Inclusion Strategy. However, we regret that implementation of the NTRIS has been slow and a number of issues, some exacerbated by Covid-19, remain to be addressed. Covid-19 has placed a spotlight on many issues of inequality for Traveller and Roma children and their communities, including in education and early childhood education and care (ECEC), health, accommodation and the structural nature of racism. The EU Child Guarantee offers a timely opportunity to address the significant marginalisation and exclusion of Traveller and Roma children at all levels of society and within institutional structures.

As a ‘minority within a minority’, Traveller and Roma children’s rights are intrinsically linked to their families’ rights. Therefore, the intersectional nature of the challenges facing the communities must be addressed holistically and systemically. While the realisation of the full ambitious long-term vision of the EU Child Guarantee would make significant progress in reducing child poverty and exclusion, there are further priority areas outside the scope of the Guarantee which must be actioned if Traveller and Roma exclusion is to be eliminated. For the purposes of this submission, however, we outline our recommendations for action in relation to:

* Child poverty and exclusion
* Providing free access to early childhood education and care
* Providing free access to education (including school-based activities)
* Providing free access to a healthy meal each school day and effective access to nutrition
* Providing free access to healthcare
* Ensuring effective access to adequate housing

**RECOMMENDATIONS FOR THE IMPLEMENTATION OF THE EU CHILD GUARANTEE**

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| **Overarching Issues** |
| * Explicitly recognise Traveller and Roma children as socially excluded and at-risk groups and individuals in the Action Plan for the Child Guarantee
* Develop a robust implementation and monitoring plan for the Child Guarantee and include clear actions, targets, indicators, outcomes, timeframes and resources towards addressing the situation of Traveller and Roma children. Establish an inclusive consultation process with Traveller and Roma organisations, young people and children to participate in the development, implementation and monitoring of the National Action plan on the EU Child Guarantee
* Recognise and actively address the intersectionality of issues facing the Traveller and Roma communities at structural and institutional levels, also reflected in individual experiences, including in education and ECEC, health, accommodation and access to adequate income and social protection
* Ensure that all relevant intersecting and crosscutting policies and state initiatives are effectively inclusive of Travellers and Roma in their development, implementation, monitoring and associated resources (e.g. First 5, National Traveller Roma Inclusion Strategy, National Strategy for Women and Girls, The Child Guarantee, and Recovery and Resilience Plans)
* In its existing policy commitments (NTRIS, National Strategy on Domestic, Sexual and Gender-based Violence& Migrant Integration Strategy) and its most recent commitment to develop an Equality Data Strategy, collect, analyse and disseminate disaggregated data by ethnicity across all relevant administrative systems in line with human rights standards. Use the data to inform Ethnic Equality Monitoring and to equality proof state policies, budgets and programming as they relate to Traveller and Roma children
 |
| **Reinforce and Action Existing Measures and Commitments**  |
| * As the State’s statement of commitment and action in fulfilment of its obligations under the EU Roma Strategic Framework up to 2020-2030,[[3]](#endnote-3) the next National Traveller and Roma Inclusion Strategy needs to be developed as a matter of urgency. In the Action Plan for Child Guarantee, confirm the State’s commitment to develop a robust implementation and monitoring plan for the next NTRIS that it is accompanied by clear targets, indicators, outcomes, timeframes and budget lines for addressing the rights of Traveller and Roma children
* Ensure the focus on measures to name and address anti-Traveller and Roma racism, requested in submissions by Traveller organisations and others, is explicitly included in the upcoming National Action Plan Against Racism and with targeted actions also in support of Traveller and Roma children and young people. Also ensure the upcoming NAPAR is published 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 (See COBs by UNCRC 2016, CCPR 2014, CERD 2019).
* In line with the current Programme for Government, specifically reconfirm in the Action Plan for the Child Guarantee the State’s commitment to develop a National Traveller Education Strategy and Traveller and Roma Training, Employment and Enterprise Strategy
* Realise the current Programme for Government commitment to publish and fully implement the now delayed National Traveller Health Action Plan. Also, indicate the targets, resources and mechanisms afforded to its implementation, particularly in relation to advancing health actions as they relate to Traveller maternal health and children
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| **Child Poverty**  |
| * Develop and resource initiatives which specifically address the chronic poverty among Traveller and Roma children
* To ensure Roma children have access to basic income, make Child Benefit a truly universal payment that is not contingent on the fulfilment of the Habitual Residence Condition
* Include measures to ensure a humanitarian approach to meeting the needs of Roma children experiencing poverty
* Take preventative measures to address the over-representation of Traveller and Roma children in Oberstown Children Detention Campus and in the State’s child protection and welfare register
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| **Providing free access to early childhood education and care** |
| **Overarching Policy Issues*** Establish a committee to work towards a universal state model of ECEC with specific engagement with regional and local actors
* Provide free access (or nearly free access) to ECEC and school age childcare for families on the lowest incomes by providing higher levels of subsidisation under the National Childcare Scheme for all families in receipt of the Medical Card
* Exclude Child Benefit and child maintenance as reckonable income for the purposes of the National Childcare Scheme
* Prioritise addressing the lack of availability of childcare for low-income families including Travellers and Roma accessing further training and employment opportunities

**Specific Issues for Traveller and Roma inclusion** * Accessible information needs to be made available on all relevant ECEC schemes, access and supports for Traveller and Roma families
* Commit to developing an appropriate ethnic identifier for ECEC to target and progress the development of ECEC service provision for Traveller and Roma children
* DEI training for ECEC educators should include a Traveller and anti-racist component to support access and participation
* Develop culturally appropriate resources for ECEC services to ensure Traveller and Roma representation in ECEC services
* Develop clear targets and actions for ECEC and young children in NTRIS 2022+that go beyond the ECCE scheme
* Develop monitoring mechanisms to determine whether ECEC frameworks and guidelines are working for Traveller and Roma children. This information should be published
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| **Providing free access to education (including school - based activities)**  |
| * Develop and implement in consultation with Traveller and Roma organisations the National Traveller Education Strategy as outlined in the Programme for Government 2020. Develop an implementation and monitoring framework which is resourced
* Develop engagement process with the regional and local community education base, to build strong relations and engagement with education providers at all levels, and the education system in general
* The Department of Education undertake as a matter of urgency, an assessment of the extent of non-return to school among Traveller and Roma children generally but specifically since Covid 19
* The Department of Education develop mechanisms to monitor through the inspectorate the implementation of new guidance (reduced timetables) and measures including COVID related measures and their impact on Traveller and Roma learners
* Engage with relevant stakeholders to develop and implement strategies to ensure that issues for mitigating Covid-19-related disadvantage are identified and addressed through early years provision and through the informal education provided through youth projects
* Accessible information needs to be made available on all relevant educational supports for Traveller and Roma families
* Assess the needs of Traveller and Roma families’ access to IT equipment as a result of the COVID crisis and provide disaggregated data on the allocation of equipment
* Proactively use the public sector duty to protect Traveller and Roma education rights and interests
* Review the STAR pilot projects with all relevant stakeholders
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| **Providing free access to a healthy meal each school day and effective access to nutrition**  |
| * Develop and rollout a national action plan to ensure that all children, including Travellers and Roma, have access to a hot nutritious meal every day in education settings. The action plan should include annual targets, including sub-targets for the named groups of children in the EU Child Guarantee, without creating stigma
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| **Providing free access to healthcare** |
| * Given the health inequalities, mortality and morbidity rates as well as high levels of unemployment among Traveller and Roma communities, prioritise access to universal health care for Traveller and Roma communities through the issuance of medical cards
* Expedite free GP care for children up to the age of 12 to ensure Traveller and Roma children have equality of access to primary care services
* Take concrete measures for the issuance of medical cards in Traveller and Roma communities to guarantee that children enjoy the same access to and quality of health-care services as others
* Roma Health Workers to be appointed in each CHO, as committed to in the HSE National Service Plan. These new positions will need a clear governance structure, involving NGOs working with Roma, to ensure that resources are allocated to the community effectively
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| **Ensuring effective access to adequate housing**  |
| * Ensure full implementation of recommendations by the Independent Expert Group on Traveller accommodation, including overhauling legislation and policies which impact on accommodation provision for Travellers (See e.g. COBs by UNCRC 2016, CESCR 2015, CEDAW 2017, CERD 2019, ECRI and FCNM 2019).
* Take urgent and effective measures to address underspending of Traveller accommodation budgets by Local Authorities and to ensure transparency and accountability of Local Authorities in meeting their legal obligations in delivering Traveller accommodation
* Address the housing crisis among Roma families by introducing clear actions and associated implementation plan and resources in the next National Traveller Roma Inclusion Strategy
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**APPENDIX 1: Pavee Point Submission to the 87th Pre-Sessional Working Group of the UN Committee on the Rights of the Child (28 Sep 2020 - 02 Oct 2020) - Suggested List of Issues for Ireland – Traveller and Roma Children**

**Reporting Organisation and our Submission**

Pavee Point Traveller and Roma Centre is a national NGO committed to the realisation of human rights for Irish Travellers and Roma in Ireland. Established in 1985, the aim of Pavee Point is to contribute to the improvement in quality of life and living circumstances for Travellers and Roma by working for social justice, solidarity and human rights.

Our submission respectfully suggests issues and further information that the Committee may seek from the Irish State. It outlines priority areas of concern for Traveller and Roma children, which require urgent attention in the light of persistent social exclusion and discrimination faced by Traveller and Roma children and the disproportionate impact of the COVID-19 pandemic on Traveller and Roma communities.

While Pavee Point has welcomed the State’s symbolic recognition of Irish Travellers as an ethnic group in 2017,[[4]](#endnote-4) we draw attention to areas where the previous Concluding Observations by the Committee have not been implemented or have only been partially progressed (references are made to the 2016 Concluding Observations by the Committee on the Rights of the Child throughout the document). We also make references to recommendations made by other UN treaty monitoring bodies in relation to our priority issues and urge the Committee to review these recommendations. Finally, we ask the Committee to draw the State’s attention to ensuring the protection of Traveller and Roma children’s rights in its measures and resource allocations during and post COVID-19 pandemic.

1. **National Traveller Roma Inclusion Strategy 2017 - 2021 (NTRIS)**

Pavee Point has welcomed the consultation process the State undertook to develop the National Traveller Roma Inclusion Strategy (NTRIS) 2017 – 2021, as recommended by the Committee in 2016 (para.70 e). As the main policy to drive Traveller and Roma inclusion, this Strategy now includes specific actions on Traveller and Roma children.[[5]](#endnote-5) However, we regret that the implementation of the Strategy has been slow and, despite recommendations made by numerous other human rights monitoring bodies, the Strategy lacks a robust implementation plan that would have clear targets, indicators, outcomes, timeframes and budget lines.[[6]](#endnote-6) We also regret that no specific budget lines have been defined for Traveller and Roma children despite the recommendation by the Committee in 2016.[[7]](#endnote-7)

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

1. **To provide update on progress with developing a robust implementation and monitoring plan for the NTRIS that is inclusive of clear targets, indicators, outcomes, timeframes and budget lines**
2. **To provide information regarding how the current and post-2021 NTRIS aims to address the specific impact of COVID-19 on Traveller and Roma children, including in terms of resource allocations**
3. **Lack of Disaggregated Data by Ethnicity**

In its previous Concluding Observations, the Committee urged the State to provide disaggregated data to allow monitoring of the situation of Traveller and Roma children; use such data for the formulation, monitoring and evaluation of policies, programmes and projects; and take due to note of the framework by the Office of the United Nations High Commissioner for Human Rights regarding defining, collecting and disseminating statistical information.[[8]](#endnote-8) In line with state policies[[9]](#endnote-9) and legislation,[[10]](#endnote-10) 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 state agencies,[[11]](#endnote-11) there have been major issues and resistance to progress ethnic data collection with others.[[12]](#endnote-12) As a result, there is very little, if any, reliable statistical data on the situation of Traveller and Roma children. The urgency to develop and implement ethnic data collection is particularly pertinent during the current pandemic with a number of European institutions having issued statements to draw attention to the disproportionate impact of COVID-19 on Travellers and Roma.[[13]](#endnote-13)

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

1. **To provide further information regarding progress, timeframe and resources for the full and effective development and implementation of ethnic equality monitoring (in line with human rights standards) across all relevant state departments and agencies, including the introduction of an ethnic identifier in relevant data sets and services that monitor the impact of the COVID-19 on children**
2. **National Action Plan Against Racism**

We regret that despite the Committee’s recommendations in 2016 the State has not strengthened its efforts to combat the discrimination and stigmatisation faced by Traveller and Roma children, and that no National Action Plan against Racism has been introduced despite such calls made by a number of other international human rights bodies.[[14]](#endnote-14) In light of significant and persistent anti-Traveller and Roma racism in Ireland, and alarming reports of increased levels of such racism during the COVID-19 pandemic,[[15]](#endnote-15) Pavee Point has welcomed the new Anti-racism Committee established earlier this year, which is tasked with drafting an Anti-racism Strategy.[[16]](#endnote-16)

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

**To provide information regarding:**

1. **the current stage and progress in the development of the forthcoming Anti-racism Strategy; the methods being used to develop the Strategy; and details of measures to address the racism and stigmatisation faced by Traveller and Roma children through this Strategy**
2. **the implementation and monitoring framework and resources that will be afforded to the forthcoming Anti-racism Strategy**
3. **Traveller Education**

In 2016, the Committee urged the State to undertake concrete and comprehensive measures to address structural discrimination against Traveller and Roma children with regard to access to education.[[17]](#endnote-17) Since then, Pavee Point has welcomed the explicit targeting of Traveller participation in higher education.[[18]](#endnote-18) However, none of the mainstream educational strategies contain actions aimed directly at increasing Traveller or Roma participation at early years, primary or post-primary levels.[[19]](#endnote-19) We also remain concerned at the 86.6% cuts to Traveller specific education supports in 2011 which have not been reinstated since.[[20]](#endnote-20) We recognise a number of small initiatives have been introduced by the Department of Education.[[21]](#endnote-21) However, the need for a National Traveller Education Strategy remains a priority ask for Traveller organisations.

The current pandemic and physical closure of schools have placed Traveller and Roma children at further risk of educational disadvantage. We have welcomed guidance and resources issued by the State towards prioritising children from disadvantaged backgrounds during the pandemic.[[22]](#endnote-22) However, significant measures and resources are needed in Ireland’s first ever National Traveller Education Strategy that the State has committed to developing in order to address the persistent educational needs of Travellers.[[23]](#endnote-23)

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

1. **To provide information about a timeframe for the development of the National Traveller Education Strategy, and information about the implementation and monitoring frameworks and resources afforded to the forthcoming Strategy**[[24]](#endnote-24)
2. **Traveller and Roma Health**

The Committee expressed deep concern for the health of Traveller and Roma children in its previous Concluding Observations (para. 49-50). Traveller and Roma children continue to experience stark health inequalities when compared to the general population,[[25]](#endnote-25) and the current pandemic has had a disproportionate impact on Travellers and Roma with the rate of testing positive for COVID-19 being significantly higher than the national figure.[[26]](#endnote-26) Yet, the Traveller health sector has not received any new development funding since 2008, and funding for a Roma Primary Health Care Training Programme was not sustainable as it was funded under Dormants Accounts.[[27]](#endnote-27) Within this context it is welcomed that the State is at the last stages of publishing the first ever National Traveller Health Action Plan (NTHAP).

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

**Within the context of the significant health inequalities experienced by Traveller and Roma children and the disproportionate impact of the current pandemic on Travellers and Roma, can the State indicate:**

1. **A timeframe for publishing the National Traveller Health Action Plan, and resources and mechanisms afforded to its implementation, particularly in relation to advancing health actions as they relate to Traveller maternal health and children?**
2. **Traveller Accommodation**

In 2016 the Committee issued a number of recommendations to address the accommodation situation and conditions faced by Traveller and Roma children.[[28]](#endnote-28) The implications of poor accommodation and housing conditions are detrimental on Traveller and Roma children’s health, education and the right to play. Yet, the State has continuously failed to provide adequate levels and standard of Traveller 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. In 2019, an Independent Expert Group on Traveller Accommodation set out a clear recommendation to overhaul all relevant legislation and policies which impact on accommodation provision for Travellers,[[29]](#endnote-29) and the Advisory Committee on the FCNM and ECRI urged the State to tackle the problem of underspending of Traveller accommodation budgets by Local Authorities.[[30]](#endnote-30)

With Traveller overcrowding being 7 times the national rate[[31]](#endnote-31) and 39% of Travellers being homeless,[[32]](#endnote-32) the accommodation crisis among Travellers has posed significant challenges during the COVID-19 pandemic. We have welcomed State guidelines issued for Local Authorities to take all necessary measures to ensure safety of Traveller families by providing electricity, water and other facilities. We have also welcomed the implementation of these guidelines by some Local Authorities but regret that the guidelines and accommodation needs of Travellers have not been met by all Local Authorities before and during the pandemic.

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

1. **To outline intentions and timeframe for the full implementation of recommendations issued by the Independent Expert Group on Traveller Accommodation and international human rights monitoring bodies,[[33]](#endnote-33) including an overhaul of the legislative framework pertaining to Traveller accommodation with a particular focus on the Housing (Traveller Accommodation) Act 1998**
2. **To provide information about measures taken to address the underspending of Traveller accommodation budgets by Local Authorities**
3. **Roma Accommodation**

In the context of the current pandemic, there is an urgent need to address the housing and accommodation situation of Roma. Roma face discrimination in accessing accommodation; severe overcrowding; poor and dangerous accommodation conditions; homelessness; and lack of access to social housing and rent supplement.[[34]](#endnote-34) We are deeply concerned at recent cases where Roma children have been discharged into homelessness from maternity hospitals and from a COVID-19 quarantine hotel upon exiting the hotel after a period of self-isolation.[[35]](#endnote-35) 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.

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

1. **To provide information about measures and resources it intends to take to address the housing situation impacting Roma families and children, including measures taken to ensure that Roma children are not discharged into homelessness from maternity hospitals and other accommodation-based services during the COVID-19 pandemic?**
2. **Roma Children and Lack of Access to Child Benefit Payment**

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, including by the Committee on the Rights of the Child (para. 69 f).[[36]](#endnote-36) 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.[[37]](#endnote-37) Difficulties among Roma mothers to access Personal Public Service (PPS) numbers makes it not only difficult to access the Child Benefit payment, but to register a birth of a child.[[38]](#endnote-38)

Chronic poverty among many Roma families and children has posed serious concerns during the COVID-19 pandemic.[[39]](#endnote-39) We have welcomed some flexible approaches by the State during the pandemic, including once-off Urgent Needs Payments being granted to a number of Roma who haven’t been able to satisfy the Habitual Residence Condition and Right to Reside conditions, and changes to procedures to apply for Personal Public Services Numbers in Dublin that has made the procedure more accessible. However, it is unlikely that these measures will continue as we move to next phases of the pandemic.

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

1. **In light of previous recommendations by the UNCRC and UNCEDAW, can the State provide further information on measures taken to 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. **In light of the current pandemic, provide information on measures taken to ensure that a humanitarian approach to meeting the needs of Roma during and post COVID-19 will be maintained and extended across the country?**
3. **Traveller and Roma Children - Poverty and Standard of Living**

In 2016, the Committee expressed deep concern about child poverty disproportionately impacting Traveller and Roma children (para. 59-60). These concerns persist as 80.2% of Travellers face unemployment;[[40]](#endnote-40) only 16.7% of Roma are in employment; 25% of Roma children report to have gone to school hungry; and 57.5% of Roma do not enough money for books and uniforms.[[41]](#endnote-41) Yet the State has not introduced adequate poverty reduction measures regarding Traveller and Roma children. There are no dedicated targets for reducing Traveller and Roma poverty in key mainstream policy initiatives related to poverty, social inclusion or employment,[[42]](#endnote-42) and no dedicated strategy has been developed to address the significant levels of unemployment faced by Travellers and Roma.[[43]](#endnote-43)

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

1. **To provide details about measures and resource allocations taken to address the persistent and chronic child poverty among Traveller and Roma communities in mainstream and targeted measures aimed at addressing poverty and social inclusion**
2. **To indicate its plan and timeframe to develop a comprehensive Traveller and Roma training, employment and enterprise strategy in an effort to combat the chronic unemployment levels impacting Traveller and Roma families**
3. **Traveller Children in Children’s Detention Campus and Child Welfare and Protection System**

Pavee Point is concerned at the over-representation of Traveller children in state institutions and the child welfare and protection system in Ireland. Although Travellers account for 0.6 % of the Irish population, 22% of young people in Oberstown Children Detention Campus are Travellers,[[44]](#endnote-44) and an internal study by the Department of Children has found that Traveller children make up 12% of those on the at-risk register for child protection and welfare concerns.[[45]](#endnote-45)

**Pavee Point respectfully suggests that the Committee on the Rights of the Child ask the State:**

1. **To provide up to date disaggregated data by ethnicity and information about measures taken to address the over-representation of Traveller children in Oberstown Children Detention Campus and in the State’s child protection and welfare register**

**ENDNOTES**:

1. According to Kelleher et al., *All Ireland Traveller Health Study,* University College Dublin & Department of Health & Children, 2010, there are a little over 36,000 Irish Travellers in Ireland. Census 2016  count of Travellers was 30,987.  [↑](#endnote-ref-1)
2. European Commission, Proposal for a Council Recommendation establishing the European Child Guarantee, Brussels, 24.3.2021 COM(2021), pg. 28 [↑](#endnote-ref-2)
3. European Commission, ‘[Commission launches new 10-year plan to support Roma in the EU’](https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1813), 7 Oct 2020. [↑](#endnote-ref-3)
4. ##  As per recommendation by the Committee on the Rights of the Child, Concluding observations on the combined third and fourth periodic reports of Ireland, CRC/C/IRL/CO/3-4, 2016 para. 69.

 [↑](#endnote-ref-4)
5. Ireland’s second NTRIS contains 149 actions across 10 thematic areas and 24 actions that specifically relate to children and youth. Department of Justice and Equality, *NTRIS 2017-2021*. [↑](#endnote-ref-5)
6. 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-6)
7. Para. 15 and 16 (d) by the Committee on the Rights of the Child, *Concluding observations on the combined third and fourth periodic reports of Ireland*, 2016 [↑](#endnote-ref-7)
8. Para 17 & 18, *ibid*. [↑](#endnote-ref-8)
9. 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-9)
10. Obligations set out in Section 42 of the Irish Human Rights and Equality Act (2014). [↑](#endnote-ref-10)
11. 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-11)
12. 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-12)
13. European Commission, European Union Agency for Fundamental Rights, Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights, and the Council of Europe have all noted the disproportionate impact of COVID-19 on Roma and Travellers throughout the pandemic. Concerns at the lack of disaggregated data by ethnicity in formulating and monitoring policy and programming in Ireland have been raised by numerous international human rights monitoring bodies- UNCESCR, *Concluding Observations on the Third Periodic Report of Ireland*, E/C.12/IRL/CO/3, 19 June 2015; ECRI, *Second Report on Ireland*, CRI (2002) 3, 23 April 2002; UNCEDAW, 2017; UNCRC, 2016; HRC, 2014; FCPNM, 2019; ECRI, 2019; CERD, 2019. [↑](#endnote-ref-13)
14. 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-14)
15. COVID-19 has had a disproportionate impact on Travellers and Roma when examining rates of testing positive for COVID-19. This has led to increased reports of racism in Ireland and across Europe with Travellers and Roma effectively being blamed for spreading the virus, Bhabha, J., M., Matache, ‘Anti-Roma Racism is Spiralling During COVID-19 Pandemic’, *Health and Human Rights Journal,* 7 Apr 2020, <https://www.hhrjournal.org/2020/04/anti-roma-racism-is-spiraling-during-covid-19-pandemic/>. [↑](#endnote-ref-15)
16. Department of Justice and Equality*, Action Plan against Racism for Ireland to be draw up by new Independent Anti-Racism Committee*, 19 June 2020, <https://www.gov.ie/en/press-release/6bedb-action-plan-against-racism-for-ireland-to-be-drawn-up-by-new-independent-anti-racism-committee/>. [↑](#endnote-ref-16)
17. Para 69-70. [↑](#endnote-ref-17)
18. 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. [↑](#endnote-ref-18)
19. Including Delivering Equality of Opportunity in Schools Plan 2017. [↑](#endnote-ref-19)
20. Harvey,B., *Travelling with Austerity, 2013*. Visiting Teachers for Travellers scheme and the posts of Resource Teachers for Travellers were abolished. Home School Community Liaison teachers (HSCL) are now responsible for liaising between schools and families but this model cannot cater for Traveller community due to its remit and lack of resourcing. HSCL teachers are not available in many rural DEIS (Delivering Equality of Opportunity in Schools) schools and are not available at all in non-DEIS schools. Subsequent to the phasing out of segregated schools and classrooms for Traveller children since 2006, the State has insisted on a mainstreaming approach, in Houses of the Oireachtas, [*Traveller Education Dáil Éireann Debate*,](https://www.oireachtas.ie/en/debates/question/2018-10-23/294/) 23 October 2018.. [↑](#endnote-ref-20)
21. Education pilot programmes and bullying research are being progressed through the National Traveller Roma Inclusion Strategy. [↑](#endnote-ref-21)
22. Department of Education and Skills, [*Guidance on Continuity of Schooling For primary and post-primary schools*,](https://www.education.ie/en/Schools-Colleges/Information/guidance-on-continuity-of-schooling.pdf) April 2020;

[School Meals Programme – Guidance for Schools](https://www.education.ie/en/The-Department/Management-Organisation/school-meals-programme-guidance-to-schools.pdf), March 2020; [GRANT SCHEME FOR ICT Infrastructure – 2019/2020 SCHOOL YEAR €10m Funding to issue to Primary and post-primary schools](https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0032_2020.pdf), April 2020. [↑](#endnote-ref-22)
23. 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-23)
24. In 2019, the Advisory Committee on the FCPNM and the CERD Committee urged the State to adopt a coherent Traveller and Roma Education Strategy and an implementation plan with clear targets, indicators, timeframes and resources, in FCPNM, 2019; UNCERD, 2019. [↑](#endnote-ref-24)
25. Infant mortality rate for Travellers is 3.5 times the rate of the general population, in Kelleher et al., 2010. In a quarter of Roma households women have not accessed a doctor or hospital during pregnancy; in 36% of Roma households women have difficulty accessing maternity services; and in 24.6% of households women don’t seek medical attention before birth but access a hospital for the first time to give birth, in Curran et al.,2018. [↑](#endnote-ref-25)
26. 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](https://www.hpsc.ie/a-z/respiratory/coronavirus/novelcoronavirus/). These figures are an undercount. [↑](#endnote-ref-26)
27. Funding for the Roma Primary Health Care training programme was time limited once-off funding. The programme ceased during COVID-19 pandemic. [↑](#endnote-ref-27)
28. CRC, 2016 para 69-70. [↑](#endnote-ref-28)
29. Independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, [*Traveller Accommodation Expert Review,*](https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf.) 2019. [↑](#endnote-ref-29)
30. Traveller accommodation budgets have fallen drastically from €40m in 2008 to a mere €14.5m in 2020, in Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services,* Dublin, Pavee Point Publications, 2013; Meeting of the Joint Oireachtas Committee on Housing, Planning and Local Government on 5 December 2019, [Opening Statement of Damien English, TD, Minister of State at the Department of Housing, Planning and Local Government](https://data.oireachtas.ie/ie/oireachtas/committee/dail/32/joint_committee_on_housing_planning_and_local_government/submissions/2019/2019-12-05_opening-statement-damien-english-minister-of-state-at-the-department-of-housing-planning-and-local-government-with-special-responsibility-for-housing-and-urban-development_en.pdf). With the Housing (Traveller Accommodation) Act 1998, the annual Traveller accommodation budgets are allocated to Local Authorities which have a legal responsibility to provide culturally appropriate, adequate and safe accommodation for Travellers. However, substantial parts of the allocated Traveller accommodation budgets remain unspent by Local Authorities with no incentives or sanctions in place to ensure they meet this obligation. Less than one third of funds allocated for Traveller accommodation in 2019 had been spent by the end of October 2019, with 14 Local Authorities failing to spend any of their Traveller accommodation budget. Just €4m of €13m provided by Department of Housing was spent in first 10 months of 2019, in Holland, K., ‘[Fourteen councils yet to spend any Traveller accommodation funds this year’](https://www.irishtimes.com/news/social-affairs/fourteen-councils-yet-to-spend-any-traveller-accommodation-funds-this-year-1.4089993), *Irish Times*, 20.11**.**2019**;** FCNM, 2019; ECRI, 2019. The ECRI proposes imposing sanctions on local authorities for failure to spend allocated funding, or removing the responsibility for Traveller accommodation from local authorities and placing it under the authority of a central housing commission as potential solutions to the issue. [↑](#endnote-ref-30)
31. Central Statistics Office, [*Census 2016, Profile 8 - Irish Travellers Ethnicity and Religion*](http://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/pressstatementcensus2016resultsprofile8-irishtravellersethnicityandreligion/)*,* 2016. [↑](#endnote-ref-31)
32. Pavee Point, *The Traveller Community and Homelessness,* 2021 [↑](#endnote-ref-32)
33. Independent Expert Group on Traveller Accommodation, sets out a clear recommendation to overhaul the Housing (Traveller Accommodation) Act 1998 and other relevant legislation and policies which impact on accommodation provision for Travellers, Independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, *Traveller Accommodation Expert Review,* 2019. In 2016, the European Committee of Social Rights (ESCR) found Ireland to be in violation of Article 16 of the European Social Charter on five grounds, including insufficient provision of accommodation for Travellers, and noted that there was unreasonable grounds for Traveller evictions, [http://hudoc.esc.coe.int/eng#](http://hudoc.esc.coe.int/eng). Serious concerns over the implementation of the Housing (Traveller Accommodation) Act 1998 and/or the Housing (Miscellaneous Provisions) Act 2002 have been raised by the HRC, 2014; UNCCPR, 2014; UNCESCR, 2015, UNCEDAW, 2017; Council of Europe’s Commissioner for Human Rights, Nils Muižnieks, [*Report on the Visit to Ireland*](https://rm.coe.int/report-on-the-visit-to-ireland-from-22-to-25-november-2016-by-nils-mui/16807bcf0e)*,* 2016. In 2019, Advisory Committee on the FCNM and ECRI urged the State to tackle the problem of underspending of Traveller accommodation budgets by Local Authorities and to step up efforts to meet the accommodation needs of Travellers. The ECRI proposed imposing sanctions on local authorities for failure to spend allocated funding, or removing the responsibility for Traveller accommodation from local authorities and placing it under the authority of a central housing commission as potential solutions to the issue. [↑](#endnote-ref-33)
34. 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-34)
35. The quarantine hotel was set up for vulnerable groups and individuals who have no home or space to self-isolate during the pandemic. [↑](#endnote-ref-35)
36. 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-36)
37. 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-37)
38. 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-38)
39. 25% of Roma children have gone to school hungry and 35% without adequate lunches; 49.5% of Roma households do not always have enough food; 46.2% do not always have enough fuel; 66.3% cannot keep the house warm all the time, in Curran et al., *National Needs Assessment,* 2018. [↑](#endnote-ref-39)
40. Central Statistics Office, *Census 2016 Profile 8 - Irish Travellers, Ethnicity and Religion*, 2016 [↑](#endnote-ref-40)
41. in Curran et al., *National Needs Assessment,* 2018. s. [↑](#endnote-ref-41)
42. 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*](https://dbei.gov.ie/en/Publications/Publication-files/Future-Jobs-Ireland-2019.pdf)*,* Department of the Taoiseach and the Department of Business, Enterprise and Innovation, 2019. [↑](#endnote-ref-42)
43. 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-43)
44. Irish Penal Reform Trust, [*Oberstown Children Detention Campus: Key characteristics of young people in detention for Q1 2018*](https://www.oberstown.com/wp-content/uploads/2018/06/Key-Characteristics-2018.pdf)[,](https://www.iprt.ie/latest-news/oberstown-children-detention-%20campus-key-characteristics-of-young-people-in-detention-for-q1-2018/) June 2018. [↑](#endnote-ref-44)
45. Jack Power, ‘[At-risk children faced years of delayed before being put on Tusla register’](https://www.irishtimes.com/news/social-affairs/at-risk-children-faced-years-of-delays-before-being-put-on-tusla-register-1.3990205), *The Irish Times,* 19 August 2019. No official data by ethnicity is available by Tusla Child and Family Agency or the Department of Children. However, a report published by Tusla Child and Family Agency estimates that some ethnic groups, like Irish Travellers, are over-represented in the child welfare and protection system. Rooney, C., J. Canavan, UNESCO Child and Faily Research Centre NUI Galway, *Exploring ethnic data collection for the Child and Family Agency,* Tusla Child and Family Agency, 2019. [↑](#endnote-ref-45)