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Submission to the Department of Children, Equality, Disability, Integration and Youth

Framework Convention for the Protection of National Minorities

Ireland's Fifth Periodic Report 2023

INTRODUCTION

Our Coalition

This report is submitted as a coalition of six organisations which work towards achieving Traveller and Roma rights in Ireland. **Pavee Point Traveller 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. The **Galway Traveller Movement**, established in 1994, aims to achieve equality and self-determination for the Traveller community in Galway city and county. Finally, **Offaly Traveller Movement**, established in 1991, is a Traveller led community development organisation working to achieve full equality for the Traveller community throughout County Offaly

This Report

We welcome the Department of Children, Equality, Disability, Integration and Youth circulating the draft report to Traveller and Roma organisations for our observations. This submission provides an update on the situation of Travellers and Roma in Ireland since the last opinions published by the Advisory Committee on the Framework Convention for the Protection of National Minorities. The report follows a thematic structure making reference to specific Articles of the Convention.

For further information, please contact:

Jenny Liston, Roma Programme Coordinator, Pavee Point Traveller and Roma Centre
Jenny.liston@pavee.ie Tel: +353 18780255

Section 1: Raising Awareness of the results of the Fourth Monitoring Cycle of FCNM

Raising awareness about the purpose and results of the FCNM should form an important part of the State's review process. More initiatives are needed to ensure that Travellers and Roma are made aware of this mechanism, moving beyond simply publishing the information on the Department website, which is not accessible to many in both communities. Once FCNM opinions and resolutions are published, the findings should be disseminated widely, using a partnership approach with Traveller and Roma organisations at national and local levels.

Section 2: Core Issue 1/ Article 3 Policy and Legislative Changes

1.1 National Traveller and Roma Inclusion Strategy

Implementation of the National Traveller and Roma Inclusion Strategy (NTRIS) has been slow and an implementation plan with targets, timeframe, and resources has not been put in place since the recommendation for immediate action in the previous FCNM review. NTRIS 2017-2021 is currently under review and the development of its next iteration has been significantly delayed.

In 2022, the European Commission assessed all National Roma Strategic Frameworks on the basis that they must have strengthened commitments as set out in the EU Roma Strategic Framework 2020-30. Ireland is the only country named in the report without an updated Strategy. Ireland's National Traveller and Roma Inclusion Strategy substantively aligns with the horizontal measures and policy areas of the 2020 EU Roma Strategic Framework; however, one significant gap is the absence of targets and related indicators, which needs to be addressed in the NTRIS post-2022.

Recommendation: 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.

1.2 Health

Travellers and Roma experience stark health inequalities when compared to the majority population, compounded further by the COVID-19 pandemic.¹

While acknowledging the progress in relation to the development, publication, and resourcing of the National Traveller Health Action Plan (NTHAP), which is ambitious and holds potential to have an impact on Traveller health experiences and outcomes, the Plan requires ongoing further investment. This is the first policy document that has a specific focus on Traveller health since the National Traveller Health Strategy 2002-2005. There is an urgent need for an ethnic identifier to be rolled out and health indicators developed to monitor and identify Travellers' access, participation, and outcomes in health, as well as the timely establishment of a National NTHAP Implementation Group.

Mental health is a key issue impacting the Traveller community. Traveller men are seven times more likely to die by suicide than the general population, and Traveller women are five times more likely. To address this, the State has committed in the Programme for Government to develop a Traveller Mental Health Action Plan, however, no progress has been made on this commitment.

¹ 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](#). These figures are an undercount.

Roma face additional barriers such as an absence of sustainable funding for a Roma health infrastructure as well as lack of access to medical cards, interpretation and translation supports. Roma without financial means continue to be denied access to medical and healthcare benefits such as a medical card due to restrictions imposed by statutory regulations. The impacts were noted in the findings of the 'National Roma Needs Assessment'², with 50% of respondents reporting that they did not have a medical card.

As a result of COVID-19 and the recognition of the urgent need to address Roma health inequalities, a positive development in this area has been some funding for health-workers working with Roma. To be effective, this model requires Roma health posts across the country and a nationally coordinated approach based on the social determinants of health and strong links with mainstream services.

Recommendations:

a) Full implementation of the NTHAP, ensuring a clear dedicated recurring budget is allocated and protected to address Traveller health inequalities at national level and a national dedicated cost centre to monitor and track allocation and expenditure.

b) Implementation of ethnic equality monitoring, including use a standardised ethnic identifier (consistent with national census and inclusive of Roma) across all routine data administrative systems in health services, to monitor equality of access, participation, and outcomes in health.

c) Develop and implement the National Traveller Mental Health Action Plan, with clear targets, timelines, and resources.

b) Take concrete measures to improve Roma access to basic healthcare, including measures regarding the issuance of medical cards in Roma communities and improved access to interpretation services.

1.3/Article 5 Accommodation

In 2019, an Independent Expert Group on Traveller Accommodation³ made 32 recommendations for the Government and a Programme Implementation Board has since been established to progress the implementation of the recommendations. However, implementation has been slow. Although the Traveller accommodation budget has been spent over the last 3 years, no new Traveller accommodation units were provided, despite the fact that 39% of Travellers are homeless⁴.

Roma face discrimination in accessing accommodation; severe overcrowding, poor living conditions, a lack of security of tenure, homelessness, and barriers accessing social housing and rent supplement. 46% of Roma in Ireland reported experiencing homelessness at some stage in their lives⁵. 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 NTRIS. It is vital that the Roma accommodation actions are developed in collaboration between all relevant stakeholders, including the Department of Housing, Planning and Local Government, Roma, and organisations working with Roma. This can help to effectively address the needs of the community, and have clear targets, indicators, timelines, and resources, with an assigned person to lead on implementation within the Department.

² Pavee Point and Department of Justice (2018) National Roma Needs Assessment <https://www.paveepoint.ie/wp-content/uploads/2015/04/RNA-PDF.pdf>

³ Independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, [Traveller Accommodation Expert Review](#), 2019.

⁴ 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>

⁵ Pavee Point and Department of Justice (2018) National Roma Needs Assessment <https://www.paveepoint.ie/wp-content/uploads/2015/04/RNA-PDF.pdf>

In order to monitor progress in terms of Traveller and Roma accommodation, implementation of ethnic equality monitoring across housing/homelessness datasets is needed. Accurate data will inform good policy and practice, protect the human rights of potentially discriminated minorities, promote equality and address discrimination. This includes the implementation of a universal ethnic identifier across all datasets (in line with the national census). While we acknowledge that some progress has been made in this area, we regret that this has not occurred in the context of accommodation and that Social Housing Support application form includes a Traveller-specific question which is contra to a human rights based approach to data collection.

Recommendations:

- a) 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.**
- b) Address the housing crisis among Roma by introducing clear actions and associated implementation plan and resources in the next National Traveller Roma Inclusion Strategy.**

1.4/ Article 12 Education

The coalition welcomes the explicit targeting of Traveller and Roma participation in the *National Access Plan for Higher Education 2022-28*⁶. However, none of the mainstream education strategies contain targets aimed directly at increasing Traveller or Roma participation at early years, primary or post-primary levels. The inequalities and exclusion faced by Traveller and Roma children in education, early childhood education and care are now exacerbated by the differential effects of COVID-19.⁷

The development of a National Traveller Education Strategy, a Programme for Government commitment, remains an urgent and outstanding priority.⁸ The State has indicated that a consultation process for its development is due to commence – however, we remain concerned at the timeframe for realising this. Our organisations are also concerned at the experiences of exclusion, racism and identity-based bullying of Traveller and Roma children in schools⁹. In this context, we welcome the development of the Action Plan on Bullying 2022 in primary and post-primary schools, which needs to be implemented in collaboration with Traveller organisations and organisations working with Roma.

Recommendation:

- a) Urgently implement the Programme for Government commitment and develop a National Traveller Education Strategy with targets to address the educational disadvantage experienced by Travellers at all educational levels. Ensure the Strategy has a robust implementation and monitoring plan with associated dedicated targets, indicators, outcomes, timeframes, and resources as well as a consultative structure to drive its implementation.**
- b) Fully implement Cinéaltas - National Action Plan on Bullying, with effective monitoring processes and working in partnership with Travellers and Roma.**

⁶ HEA (2022) National Access Plan 2022-28 <https://hea.ie/policy/access-policy/national-access-plan-2022-2028/>

⁷ Pavee Point and the National Traveller Women's Forum, *The Implications of COVID-19 for Traveller and Roma transfer to and progression within Higher Education. Report on National Forum, May 2020*. This has left Traveller and Roma learners at all levels attempting to undertake home study in the context of very difficult living conditions and often without access to WiFi or technology.

⁸ Government of Ireland, *Programme for Government: Our Shared Future*, 29 Oct 2020.

⁹ Traveller parents report that their children experience exclusion and racist name-calling, the majority of Traveller and Roma students say that bullying and racist name-calling is not taken seriously when they report it to school staff, bullying by teachers is also cited as one of the most frequent types of bullying that Traveller students experience, in Quinlan, M., *Out of the Shadows - Traveller and Roma Education - Voices from the Communities*, 2021. 12.% of Travellers surveyed indicated that they had been bullied by teachers several times a week at some point in the past year, including verbal abuse and exclusion, in Dupont, M., *A study into the effectiveness of the Anti-Bullying Procedures on Traveller and Roma pupils' experiences in the school system*, 2022. Curran et al., National Roma Needs Assessment, 2018, highlights how Roma respondents had to hide their identity to prevent or protect themselves against bullying and discrimination, both by peers and by school staff.

1.5/Article 15 Social Protection and Employment

80.2% of Travellers and 83.3% of Roma face unemployment;¹⁰; 25% of Roma children report to have gone to school hungry; and 57.5% of Roma do not have enough money for schoolbooks and uniforms.¹¹ Yet the State has not introduced adequate poverty reduction measures regarding Travellers and Roma. There are no dedicated targets for reducing Traveller and Roma poverty in key mainstream policy initiatives related to poverty, social inclusion, or employment, including the Roadmap for Social Inclusion,¹² and while the Government has committed to the development of a Traveller and Roma Training and Employment Plan, no dedicated strategy has been developed to date to address the significant levels of unemployment faced by Travellers and Roma.¹³

The National Roma Needs Assessment¹⁴ found that 20% of Roma in Ireland are living in ‘extreme’ poverty and many are unable to access basic social protection. Many Roma are unable to obtain social protection payments due to the way the European Directive 2004/38 on the freedom of movement and residence is implemented.¹⁵ In the Irish context, this requires applicants to meet the Habitual Residence Condition (HRC).¹⁶ The Roma Needs Assessment found that 49.2% of households with children were unsuccessful in their application for social protection payments, and therefore were not receiving Child Benefit or other crucial supports.

Roma who reported being unsuccessful in their applications had on average lived in Ireland 8 years and cited issues such as a lack of documentation on tenancy and employment history, inability to negotiate an unfamiliar system, and language and literacy barriers as being key obstacles in this regard. 84.4% of Roma also reported feeling discriminated against in getting social welfare, regardless of the success of their application.¹⁷

Under the Public Sector Equality and Human Rights Duty, all public bodies in Ireland have a legal obligation to promote equality, prevent discrimination and protect the human rights of everyone affected by their policies and practices.¹⁸ The Irish Human Rights and Equality Commission¹⁹ has identified that the application of the HRC to Child Benefit is a human rights issue, particularly impacting children from migrant, Roma, and Traveller backgrounds as well as asylum seeking children.

Recommendations:

- a) **Develop the Traveller and Roma Training, Employment and Enterprise Strategy in a timely fashion in an effort to combat the chronic unemployment levels impacting Travellers and Roma.**

¹⁰ Central Statistics Office, *Census 2016 Profile 8 - Irish Travellers, Ethnicity and Religion*, 2016.

¹¹ Curran et al., *National Needs Assessment*, 2018.

¹² The Pathways to Work Strategy 2016-2020, Future Jobs Ireland 2019, *Future Jobs Ireland- 2019- Preparing Now for Tomorrow's Economy*, Department of the Taoiseach and the Department of Business, Enterprise and Innovation, 2019.

¹³ 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.

¹⁴ Curran et al., *National Roma Needs Assessment*, 2018. 50% of Roma households with children reported not always having enough food, 58% of families reported not having enough money for books and uniforms, 1 in 4 Roma children (25%) have gone to school hungry, 39.3% of new mothers do not have supplies such as baby clothes, nappies, and formula, 66.3% of households cannot keep the house warm all the time, 10% of households do not have basic necessities in their accommodation, including a fridge, cooker, or kitchen

¹⁵ European Parliament (2004) [EU Directive 2004/38](#) the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

¹⁶ Department of Social Protection, [Habitual Residence Condition](#), 2020.

¹⁷ Pavee Point, [Chapter 7 Employment and Social Protection in National Roma Needs Assessment](#), 2018.

¹⁸ Irish Statute, [Irish Human Rights and Equality Commission Act, 2014](#).

¹⁹ IHREC, Report to the UN Convention on the Rights of the Child, Ireland's combined 3rd and 4th Periodic Report, 2016.

- b) Make Child Benefit a truly universal payment that is not contingent on the fulfilment of the Habitual Residence Condition to ensure Roma children residing in the State are eligible for Child Benefit payments regardless of the legal or administrative status of their parents.**

Core Issue 2/Article 6 – Tolerance and Intercultural Dialogue

2.1 National Action Plan Against Racism

Pavee Point Traveller & Roma Centre welcomes the publication of a new and much needed National Action Plan Against Racism (NAPAR). NAPAR is a commitment to eliminating racism in all its forms in Ireland and our organisations welcomes the clear and early mention of Travellers as being directly covered by all provisions and recommendations in the plan. We also welcome the acknowledgement of racism as systemic in Ireland and that this requires responses within the structures and institutions of the state. In order to address anti-Traveller and anti-Roma racism, NAPAR must be afforded a sufficient budget and a clear implementation and monitoring framework; and be implemented in partnership with Traveller and Roma organisations.

Recommendation: Ensure that NAPAR is afforded multi-annual funding to support implementation and delivery of the Plan; that it has a strong monitoring framework and is implemented in partnership with Traveller and Roma organisations.

2.2. Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022

Our organisations have welcomed the Criminal Justice (Incitement to Violence or Hatred and Hate Offences) Bill 2022 which will legislate against hate speech and hate crime in Ireland. The Bill is now before Seanad Éireann for consideration. We particularly welcome that for the first time, the 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. For the legislation to be effective in preventing and addressing hate speech and hate crimes against minority ethnic groups it is necessary that the State rolls out special measures alongside the legislation.

Recommendations

- a) Finalise the Criminal Justice (Hate Crime) legislation in a speedy manner and afford adequate resources for its full implementation.**
- b) In addition, undertake complementary special measures, 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.**

2.3 Data Collection and Population Census

Progress regarding the collection, disaggregation, and use of ethnic data has been slow. While progress has been made with the Central Statistics Office/Census and Pobal,²⁰ a number of public agencies and data systems do not collect, use or publish data by ethnicity.²¹ The Department of Education collects data by ethnicity on school *enrolment*, however, does not routinely publish or use the data or collect data about school *completion* rates. 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 to promote equality, prevent discrimination and protect human rights through their services.

²⁰ The Central Statistics Office has included Travellers as an administrative category in the Census since 2006, and Roma was included in Census 2022. Progress has also been made with National Social Inclusion Programmes.

²¹ 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 public service bodies have introduced ethnic identifiers in their data collection systems, including health services, the Irish Prison Service and Irish Probation Service. However, ethnic categories are not always 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 and/or used to inform policy/service planning.

As a result, government policy, programming and budget decisions are not human rights proofed and we are unable to monitor the situation of minority ethnic groups. In this context, we welcome the development of a National Equality Data Strategy and commitment to have this in place from 2023.²²

Recommendation: Finalise and fully implement the forthcoming 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.

Core Issue 3/Article 6: Access to Justice

3.1 An Garda Síochána

EU Fundamental Rights Agency survey 2019 found ethnic profiling of Travellers during police stops, with 14% believing 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. A national survey of Travellers found that 48% of respondents felt discriminated against by the Gardaí in the last year¹. 77.5% of Roma report being stopped by the police for an identity document, and of those, 56% report being stopped four times or more¹

The Garda Síochána Code of Ethics doesn't specifically require the police to act in a manner consistent with equal treatment or non-discrimination²³. Where a breach of the Code may occur, there are no mandatory standards against which members of the police will be monitored or sanctioned²⁴. 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.

Recommendations

- a) Resource sustained positive action measures to facilitate access to complaint mechanisms by Travellers and Roma in relation to police misconduct.**
- b) Introduce legislation to prohibit ethnic profiling by the police and other law enforcement agencies.**

3.2 Over representation in Prison System

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.²⁵ A fifth of young people in custody in Oberstown Children Detention Campus are Travellers,²⁶ and almost 10 per cent of the people under probation supervision are Travellers.²⁷

²² Department of Children, Equality, Disability, Integration and Youth, [Minister O'Gorman announces the development of a National Equality Data Strategy](#), 21 March 2022.

²³ Policing Authority, Code of Ethics for the Garda Síochána, 2017. The Code requires Gardai to 'recognise and respect the dignity and equal human rights of all people, to treat everyone at all times with fairness and in a non-discriminatory fashion, and to oppose and challenge any behaviour or language that demonstrates discrimination or disrespect, in particular with regard to vulnerable individuals and minority groups'.

²⁴ Irish Council for Civil Liberties, A Human Rights-Based Approach to Policing in Ireland, 2018

²⁵ Irish Prison Service, cited in Lalor, T., [Travellers in Prison Initiative: Ethnic Identifiers in Irish Prisons](#), 2017. OIP Annual Report (2019) Table 1: Categories of Persons in Custody (as per date of OIP visit) The Office of the Inspector of Prisons indicated that Traveller women constituted 24% of the population of Dóchas Centre for women on the date of an Inspectorate oversight visit in 2019.

²⁶ 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.

²⁷ Irish Penal Reform Trust, [Oberstown Children Detention Campus: Key characteristics of young people in detention for Q1 2018](#), June 2018.

Short custodial sentences or being placed on remand, can have a detrimental impact on family life for Traveller women particularly where they are primary carer's or in one parent families. 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.²⁸

Recommendations

- a) Identify and address the contributing factors to the overrepresentation of Travellers in prison, particularly Traveller women, as recommended by CEDAW Committee in 2017.**
- b) Introduce alternative community-based responses for Travellers and Roma who have committed non-violent poverty related offences and or where short sentences are being imposed.**
- c) Reduce the rates of custodial sentencing for non payment of fines to Traveller women through the use of the Fines (Payment and Recovery Act) 2014²⁹.**
- d) Develop special measures for early intervention, and pre and post-prison release support within Traveller and Roma communities, particularly for Traveller/Roma Mothers.**

3.3 Civil Legal Aid Review

In June 2022, the Minister for Justice established a Group to review the Civil Legal Aid scheme for the first time in its more than 40-year history. 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.

An accessible, effective, sustainable, and reliable public legal assistance body should be in place, which will facilitate individuals and groups to effectively exercise their right of access to justice, including Travellers and Roma.

Recommendations:

- a) Comprehensively examine 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.**
- b) Ensure 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.**

Core Issue 4/Article 5: Traveller and Roma Culture

4.1 Promoting Traveller and Roma Culture

Pavee Point has welcomed financial support by the State towards small projects as part of the annual Traveller Pride Week and International Roma Day, which aims to celebrate Traveller and Roma culture. However, the Advisory Committee on the FCNM has noted that the funding provided towards Traveller pride week is ad hoc in nature and project-based. We support the Advisory Committee's call for the State to take immediate action to support Travellers in preserving and developing their identity and culture on a more permanent and ongoing basis, including by exploring the possibility of creating a permanent Traveller cultural centre.

²⁸ Recommendation 52(b) in CEDAW, 2017.

²⁹ which expands the options available for recovery of fines and reduce the numbers imprisoned over failure to pay a fine.

Recommendation: Create a permanent cultural centre with sustainable public funding, in order to collect, and preserve the history, stories, songs and identities of Travellers, including the Cant language.

4.2 Nomadism and Trespass Legislation

The Traveller Accommodation Expert Review Report contains a specific recommendation to repeal trespass legislation: “Repeal the Trespass Legislation, in particular as it applies to publicly owned land, until an appropriate network of transient provision as envisaged in the 1998 Act has been provided”. However, there has been no progress on this recommendation, or on the development of a network of transient sites, which was committed to in the Housing (Traveller Accommodation) Act 1998.

Recommendation: Repeal the trespass legislation and provide a network of transient accommodation sites, as committed to in the Housing Act 1998 and the Expert Review Report.

Article 4: Traveller and Roma Women and Girls

Ireland is currently preparing to develop the next National Traveller and Roma Inclusion Strategy and Strategy for Women and Girls. To date, actions related to Traveller and Roma women have not been adequately resourced, inclusion of Traveller and Roma women in broader gender actions has been insufficient and the associated implementation plans have failed to define or reach clear gendered targets, indicators or outcomes.³⁰

We have welcomed the funding for a dedicated Traveller specific domestic and sexual violence pilot project, now being mainstreamed, and urge 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 resulted in slow implementation and little evidence of outcomes for Traveller and Roma women. Mainstream awareness raising initiatives failed to reach many Travellers and Roma; the sexual violence prevalence study didn’t include Travellers, Roma, or other minority ethnic groups in its scope; and the commitment to collect data by ethnicity by all relevant agencies didn’t materialise.

The Third National Strategy on Domestic, Sexual and Gender-based Violence has been published and the State has indicated an intention to develop a robust implementation and monitoring plan for this iteration of the Strategy. There is also a commitment to establishing a dedicated Agency to drive improvements in this area. It is important that Traveller and Roma women are involved in these processes.

Recommendations:

- a) Ensure a coordinated and integrated approach to actions targeting Traveller and Roma women in the next National Traveller Roma Inclusion Strategy and National Strategy for Women and Girls and ensure the inclusion of Traveller and Roma women’s voices and experiences in wider gender issues, research, and policy development by the state.**
- b) 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.**
- c) Ensure Traveller and Roma organisations are actively included and consulted in the work of the forthcoming Domestic, Sexual and Gender-based Violence Agency.**

We have welcomed that actions related to Traveller and Roma women have been explicitly included in the current NTRIS, NSWG and NSDSGBV and urge for prioritising such actions in the forthcoming strategies.

Article 12 Participation in Public Affairs

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.³¹ 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.³² The Electoral (Amendment) (Political Funding) Act 2012 saw the introduction of gender quotas to national politics. No such quota has been introduced for Travellers, ethnic minorities, or women representing minority groups.

Furthermore, no special measures have been introduced to ensure Traveller and Roma inclusion - women or men 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.³³

Recommendations:

- a) Undertake legislative and practical measures to ensure the inclusion of Travellers, including Traveller women, in political representation at local and national levels.
- a) 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.

Appendix 1: Suggested Edits for the Draft State Report:

Introduction/Background

10. Suggest removing the word **legitimate** from the sentence - *The Government supports the participation of Travellers in mainstream social and economic life, while continuing to acknowledge and respect the legitimate expression of Traveller culture and identity.*

11. Suggest adding an update on progress to the outlined Commitments in the Programme for Government.

11. Suggest adding the word *accommodation* in the following sentence:

*Ensuring that the housing/**accommodation** needs of the Traveller Community are met by local authorities and ensure that existing funding is fully drawn down and utilised.*

11. Suggest removing the line regarding Roma –

*they have **some characteristics in common** with Travellers and are linked in our National Traveller and Roma Inclusion Strategy*

Replace with:

³¹ 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.

³² Some initiatives are currently supported in voter education and registration in the Traveller community.

³³ 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](#), Strasbourg, 2008.

similar to Travellers, Roma are among the most marginalised and excluded individuals and groups in Ireland and are linked in our National Traveller and Roma Inclusion Strategy.

Section 2: Core Issues/Recommendations for Immediate Action

34-44 Health

44. There are 27 Primary Health Care for Travellers Projects across Ireland, focusing on providing primary healthcare to members of the Traveller community, under the remit of seven Traveller Health Units. *(Insert: **This model was developed by Pavee Point Traveller and Roma Centre.**)* The Primary Health Care for Travellers Projects fall within the HSE Community Health Organisation boundaries and are funded via the Community Health Organisation structures.

Note: The health section does not include any reference to Roma health, please see section: 1.2 in the submission

45-50 Accommodation

50. Suggest changing the line –

An “Ethnic Identifier” is now included on the Social Housing Support application form.

Change to:

There is a “**Traveller Question**” included in this form rather than an ethnic identifier.

56-58 Social Protection

Note: There is no reference made to Roma and access to social protection, please see section: 1.5 in the submission

Article 4 Traveller and Roma Women and Girls

Note: This section does not make reference to Domestic, Sexual and Gender Based Violence, please see Article 4 in the submission

Article 10 Use of Languages

125. Suggest removing the sentence –

The report suggests that there is a diversity of views within the Traveller community regarding the importance of preserving the language with one group described as viewing it as insignificant and a thing of the past.