

**Position Paper on the  
High Level Officials Group on Traveller Issues**

**Pavee Point**

**May 2006**

## **Introduction**

This is an internal position paper from Pavee Point Travellers Centre on issues related to the establishment (and associated structures at local level) of the High Level Official Group (HLOG) and the concomitant phasing out of existing consultative mechanisms related to the implementation of the Government's Task Force on the Travelling Community.

This position paper is further intended to inform policy submissions and reporting mechanisms under Ireland's international reporting framework, including CERD; FCPNM and the ECRI country reports.

While Pavee Point welcomes any initiative to improve the conditions faced by the Traveller community in Ireland, particularly one such as the HLOG that is backed by the Taoiseach (Prime Minister) and a cabinet sub-committee, this position paper outlines the weaknesses of the present Government approach in relation to these structures

Pavee Point contends that the establishment of this Group has of course potential to progress the better 'coordination of services'. However because of the exclusion of national Traveller organisations from the HLOG which coincided with disbandment of structures associated with the implementation of the Task Force on the Travelling Community, which involved Traveller organisations, the HLOG is undermining and significantly narrowing the opportunities of national Traveller organisations to influence/contribute to Government policy, including coordination of services.

Pavee Point along with other national Traveller organisations has called for the establishment of Traveller Agency to monitor and enforce policy related to Travellers, either across all areas of policy and/or specifically on Traveller accommodation. To date this approach has been rejected by the Government.

As a consequence the implementation of national Traveller policy in Ireland is now almost entirely dependent on the motivation, resources and understanding of high level civil servants. This is not sustainable, not least that a change of a small number of key government personnel who do have an understanding of issues could result in the complete collapse of the process.

This report contends that there has been a significant narrowing of opportunities for Traveller NGO's to contribute in the development and implementation of policy in Ireland and this trend has the potential to undermine the limited progress that has been achieved under the outcomes of the Task Force of the Travelling Community.

This report seeks to be constructive and forward looking. It is not a 'knocking exercise' and it advocates an alternative approach through the establishment of a National Traveller Agency to monitor, guide and where necessary enforce policy. Pavee Point will continue to support and acknowledge where progress is made as well as the deficiencies, including in respect of the work of the HLOG.

Pavee Point is further concerned that arising out of recent developments that there is now significant emphasis on the role of County/City Development Boards (CDB's) to coordinate service to delivery in relation to Travellers at a local level.

While this sounds sensible in principle, it should be noted that CDB's are under the control of local authorities that have largely failed in their own statutory responsibilities to provide accommodation to Travellers (successive Government and international reports have highlighted these failures). CDB's have also been criticised in independent evaluations of their work as lacking sufficient authority and resources to undertake their general responsibilities in respect of the coordination of local services.

Pavee Point is deeply concerned about a section in the HLOG Report, 2006 that contends that Traveller representative organisations are too involved in advocacy and should play a 'more explicit role in terms of service delivery to Travellers'<sup>1</sup>. This appears to be a less than thinly disguised challenge to Traveller organisations to be less critical of the gaps, weaknesses and failures of Government policy in relation to Travellers. Further it ignores the immense amount of work undertaken by Pavee Point in both providing direct services and services in partnership with state agencies, which are listed in this paper.

Pavee Point is concerned that the major decisions on the future of national Traveller organisations will be made by senior officials in the HLOG on the basis of both an inaccurate and subjective picture of the role and work of organisations such as Pavee Point.

The paper is structured as follows:

1. Summary of the participation of Traveller organisations in decision making at national level 1995 to present
2. Background
3. Key concerns arising from new coordinating structures
4. Options for the Future: A Traveller Agency is Needed

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<sup>1</sup> HLOG Report, (2006). P 53

## **1 Summary of the participation of Traveller organizations in decision making at National Level: 1995 to present**

This section summarizes the participation of Traveller organizations in national policy developments related to Travellers since the publication of the seminal Task Force on the Travelling Community in 1995 and in particular the establishment of the HLOG in 2003 and the gradual dismantling/abandonment of structures associated with the Task Force on the Traveller Community.

**1995:** Publication of the Report of the Task Force on the Traveller Community.

**Pavee Point comment:** Task Force Report warmly welcomed by all Traveller organisations and perceived nationally and internationally as having the potential to make a significant impact on Travellers.

**1998:** Establishment of a Monitoring Committee to oversee the Task Force Report.

**Pavee Point comment:** Although there was a significant delay in establishing a monitoring committee, its establishment was broadly welcomed by Traveller organisations and Traveller organisations played a positive role in the work and outcomes of the committee

**2000-2005:** The Monitoring Committee published its first report on December 5<sup>th</sup> 2000. Its delayed second (and final) report was published in December 2005.

**Pavee Point Comment:** Both reports recorded progress but both expressed significant concern about the pace of change.

**1998:** National and Local Traveller Accommodation Consultative Committees (NTACC) established by statute by the Government to monitor progress on Traveller accommodation

**Pavee Point comment:** Again broadly welcomed by Travellers. The NTACC included participation from the 3 National Traveller organisations.

**2002:** Launch of the Traveller Health – A National Strategy 2002-2005. This strategy acknowledged the appalling health status of Travellers and set out 122 clear actions to respond effectively to this situation. The involvement of Travellers at every level of these actions was considered crucial to its' success.

**Pavee Point Comment:** Traveller organisations warmly welcome this strategy, and the accompanying budget to implement the proposed actions. Unfortunately of the €8 million indicative budget agreed for the strategy, only €5 million was allocated by 2005. There was also a significant loss to budget at regional level, when the Traveller health budget was used for other health board priorities. Another concern by Traveller organisations has been the delay in advancing the planned All Ireland Traveller Health Status Study, designed following an extensive consultation process which was completed with 900 Travellers and health providers around the country in 2003.

**2003:** Establishment of a High Level Group of Senior Officials (HLOG). Government assurances that Travellers will continue to be consulted through existing mechanisms established under the Task Force and that no new policy would be developed through this mechanism.

**Pavee Point Comment:** Traveller organisations write to say that they welcome efforts to improve the coordination of the delivery of services by the Government but expressing our strong concern at the exclusion of Travellers from the HLOG and the potential of the

HLOG to undermine existing consultative mechanisms established under the Task Force on the Travelling Community

**2004:** Establishment of high level officials groups in two local authority pilot areas (Clare and South Dublin), again without Traveller organisation membership but with commitments to consult

**Pavee Point comment:** Pavee Point wrote to the Government expressing concern about the exclusion of Traveller organisations from the local authority steering (decision making) committees coordinating these pilot schemes.

**2005:** Disbandment of the Monitoring Committee to oversee the Task Force Report on the Travelling Community.

**2005:** National Traveller Education Strategy signed off by the National Advisory Committee on Traveller Education in October 2005.

**Pavee Point comment:** National Traveller Education Strategy still not published (as of May 2006) and no meeting of the Traveller Education Advisory Committee since October 2005.

**2005:** Further pilot projects were initiated at local authority level in the County and City areas of Cork, Limerick, Galway, Waterford and County Offaly.

**Pavee Point Comment:** No Traveller organizations invited to participate in the committees coordinating these local pilots and no national Traveller organizations invited to speak at a seminar on these developments.

**2006:** Government fails to reconvene the National Traveller Accommodation Consultative Committee, despite the Committee being established by statute (term of office ended in March 2006).

**Pavee Point Comment:** despite being obliged to convene the NTACC, the Government has not done so and has shown no indication that it will in the near future

**2006:** The Government has endorsed the High Level Group's report that interagency cooperation is an important way for statutory bodies to enhance service delivery. It recommends that all counties and cities develop a strategic plan to implement a coordinated interagency approach and that the structure of the County and City Development Boards (CDB's) would be used to facilitate the development of the plans and to oversee their implementation.

**Pavee Point Comment:** Very few Traveller organizations are represented on CDB's. These are local authority bodies and it is clear from Government and international reports that local authority bodies have consistently failed in their obligations to meet their own targets in respect of Traveller accommodation.

## 2. Background

The weaknesses and failures of the Irish Government in relation to Irish Travellers have been increasingly well documented by International bodies in recent years:

For example the **UN CERD Committee** (2005) noted in its concluding observations on Ireland:

‘While noting the efforts made so far by the State party with regard to the situation of members of the Traveller community in the field of health, housing, employment and education, Committee remains concerned about the effectiveness of policies and measures in these areas (art. 5 (e)).

The Committee recommends to the State party that it intensify its efforts to fully implement the recommendations of the Task Force on the Traveller community, and that all necessary measures be taken urgently to improve access by Travellers to all levels of education, their employment rates as well as their access to health services and to accommodation suitable to their lifestyle’.

**ECRI** in its second report on Ireland (2002) stated:

‘One of the main barriers to improvement of the situation as regards accommodation is reported to be the unwillingness of local authorities to provide accommodation and resistance and hostility among local communities to planned developments, often resulting in injunctions and court cases. In this respect, it has been commented that the fact that no sanctions are provided for in the Housing (Traveller Accommodation) Act against authorities who do not take measures to provide accommodation for Travellers may weaken its effectiveness’.

Despite the weaknesses, gaps and failures of the Irish Government to implement its own policy on Travellers, Pavee Point has consistently sought to play a constructive and forward looking role in planning, implementing and reviewing policy. Virtually all policy development related to Travellers in the past 20 years has involved a significant input from Travellers, and where progress has been made on issues such as the Task Force Report, or in individual sectoral areas such as health and education, the role of Pavee Point has been widely acknowledged, including by relevant Government Ministers.

In December 2003 at the request of the Taoiseach (Prime Minister), a High Level Officials Group (HLOG) was established under the aegis of the Cabinet Committee on Social Inclusion. Its remit was to ‘ensure that the relevant statutory agencies involved in providing the full range of services to Travellers, would focus on improving the integrated practical delivery of such services’<sup>2</sup>.

The HLOG is chaired by an Assistant Secretary in the Department of Justice, Equality and Law Reform and comprises members of the Senior Officials Group on Social Inclusion and other senior public servants.

These include civil servants from the Departments of Health and Children; Environment and Local Government; Education and Science, Social and Family Affairs; Community,

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<sup>2</sup> Department of Justice, Equality and Law Reform, (2006). Report of the High Level Group on Traveller issues, p 14

Rural and Gaeltacht Affairs as well as an Garda Síochána and the Prison Service. The HLOG excludes all NGO's, including Traveller NGO's; social partner organisations (including employer and trade union groups) and relevant statutory bodies such as the Equality Authority. There are few women and no Travellers on the HLOG.

To date the HLOG has issued two reports, an interim report presented to the Cabinet Committee on Social Inclusion and a First Report in March 2006.

In May 2004, shortly after the establishment of the HLOG, the three national Traveller organisations<sup>3</sup> wrote to reiterate already expressed concerns and met with the chair of the HLOG, (an Assistant Secretary in the Department of Justice Equality and Law Reform) to raise a number of concerns, including:

- The absence of Traveller representation on the HLOG
- The absence of terms of reference for the HLOG
- The apparent duplication/potential undermining of existing government appointed bodies on Traveller issues (those associated with the implementation of the 1995 Task Force on the Travelling People)

In September 2004 the three national Traveller organisations wrote again to the chair of the HLOG to highlight further concerns about the apparent replication of the HLOG at a local authority level, where once again Traveller organisations were excluded and where existing consultative mechanisms at a local level would be potentially undermined/sidelined.

### **3. KEY CONCERNS ARISING FROM NEW COORDINATING STRUCTURES**

#### **a) Existing Discussion/Partnership Approaches With National Traveller Organisations Have Been Sidelined/Undermined**

The work of the HLOG has effectively replaced all the structures associated with the Task Force on the Travelling Community, including Traveller participation. Since the establishment of the HLOG and associated local authority committee's, consultation with national Traveller organisations in relation to overall policy has virtually ceased. Existing consultative mechanisms at a national level have been disbanded or ceased operation, including:

- The Monitoring Committee of the Task Force on the Travelling Community (disbanded December 2005)
- The National Traveller Accommodation Committee (not reappointed in March 2006)
- The National Traveller Education Strategy was 'signed off' by its steering committee in October 2005. The strategy remains unpublished (end May 2006) and the National Traveller Education Advisory Committee has not met since.

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<sup>3</sup> Pavee Point, Irish Traveller Movement and the National Traveller Women's Forum.

- The establishment of a National Steering Group on Travellers and Minority Ethnic Groups (April 2006) within the Health Service Executive (HSE) with no representation of Traveller organisations.

### **b) The Role Of Local Authorities/CDB's In Coordinating Services To Travellers At Local Level**

The report of the HLOG contends that local authorities (through County/City Development Boards CDB's,) should have a central role in implementing Traveller policy at local authority level (counties and cities).

While this appears reasonable, there is no recognition of the harsh reality that to date most local authorities (highlighted in Government and international reports) have failed by a considerable margin in meeting their own responsibilities in providing accommodation for Travellers. For example, South Dublin County Council which is one of the two pilot areas in the report has largely failed to meet its own Traveller Accommodation Programme 2001-2006, with the exception of the refurbishment of existing sites. Considerable numbers of Travellers continuing to live in rat infested, poor quality 'temporary official halting sites' some of which have been in existence for over 30 years (for examples St Maelruans site in Tallaght and Bawnogue in Clondalkin). There are only vague targets for improvement in this situation.

The use of CDB's to coordinate services to the Traveller community may be a good concept in theory. However CDB's have been criticised in independent evaluations, including those carried out in respect of the evaluation of the effectiveness of EU funded programmes.<sup>4</sup> For examples, a key report on coordinating structures for the Community Support Framework noted in relation to CDB strategy plans:

*'Across the CDB's considerable diversity is evident in how the strategies address coordination and integration of social inclusion activity.... However, while recognising the need to facilitate interagency cooperation, these strategies did not develop this issue sufficiently nor provide any real detail on how coordination and integration could be achieved in practice.'*<sup>5</sup>

The CDB's were also criticised in the same report for not having sufficient authority invested in them by the local authority and others for the process in which they are engaged.<sup>6</sup> They have also criticised for being overburdened and under-resourced by the NGO sector in Ireland. In short, CDB's do not have sufficient authority and resources to undertake the role that is advocated for them in the HLOG Report, 2006, whatever the commitments and skills of the individual staff who work for CDB's.

### **c) National Policy Being Developed Without Traveller Participation**

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<sup>4</sup>NDP/CSF Evaluation Unit, (2003). Evaluation of Social Inclusion Coordination Mechanisms, [http://www.csfinfo.com/docs/press\\_releases/ndp\\_csf/social\\_inclusion\\_mechanisms.pdf](http://www.csfinfo.com/docs/press_releases/ndp_csf/social_inclusion_mechanisms.pdf)

<sup>5</sup> ibid, p31

<sup>6</sup> Ibid, p46

One of the concerns expressed by the National Traveller Organisations early in 2004 was that policy on Travellers would be developed without the participation of Travellers or Traveller organisations. It would rightly be unacceptable for policy on women to be designed by men and likewise we would contend that in the 21<sup>st</sup> century it is unacceptable for policy on Travellers to be designed by settled people. We raised these issues with the Dept. of Justice, Equality and Law Reform in April 2004. We were given assurances that the HLOG would not be developing any new policy, merely focussing on the implementation of existing policy, which Traveller organisations were involved in. However we note in the Report of the HLOG that *'a Sub-Group of the High Level Group on Traveller Issues on Employment and Training of Travellers was established in April, 2005 with a remit to develop an Employment and Training Plan for Travellers'* (p34). While welcoming the focus on training and employment issues we are concerned that Traveller organisations are not involved in developing the proposed Employment and Training Plan. In our experience policies developed without Traveller inclusion are frequently inappropriate, usually don't work and often do not represent value for money.

#### **d) Lack Of Targets And Indicators**

Pavee Point will continue to acknowledge where progress is made at a local level including by the work of the HLOG and its associated structures. However in the absence of meaningful targets and indicators in many policy areas it may be difficult to assess the real outcome and impact of the work of the HLOG

#### **e) Old Attitudes Towards Travellers Persist And Could Be Reasserted At National Policy Level**

The default of many statutory agencies working with Travellers can often be to perceive Travellers as a problem which can be solved through a) their assimilation into the wider settled community (for example in relation to pushing Travellers into standard housing through evictions and lack of provision), and b) to focus on Travellers issues to be solved through policing and law enforcement where Travellers are perceived as a nuisance and where there is little enforcement of policy and rights on accommodation, health, freedom from discrimination etc. With the exclusion of Travellers from local structures and national monitoring it is the sad experience of national Traveller organisations that such attitudes reassert themselves and are not sufficiently challenged.

In the absence of a Traveller Agency there is a danger that the knowledge and learning of senior civil servants who are supportive of Traveller issues will not be passed on to new colleagues. In short the present HLOG is not sustainable over the time needed to address the issues faced by Travellers.

#### **f) The Role Of Traveller Organisations Is Being Questioned By Government**

The role of Traveller organisations in particular the critical voice of Traveller organisations is questioned in report of the HLOG, 2006. Under the heading of 'community development' the HLOG Report states

*'Representative organisations have an important role in ensuring Traveller rights are listened to and respected. However the group believes that the role of these groups*

*needs to be more than just an advocacy role, particularly in view of the significant state funding they receive.'*

The report goes on to say that 'Traveller organisations should play a more explicit role in terms of service delivery to Travellers in areas such as education, training, employment or childcare'.<sup>7</sup>

This statement is a matter of deep concern to Pavee Point, from the following perspectives:

- The statement is totally inaccurate. Pavee Point is actively engaged in service provision directly and in partnership with key Government Departments for example:
  - The Pavee Point/Health Service Executive (HSE) Primary Health Care Initiative
  - The Mediation Service
  - The Youth Work Programme
  - Numerous training and employment schemes involving the State agency FÁS
- The statement is open to the interpretation that Traveller organisations should be less critical of the weaknesses and failures of Government policy in relation to Travellers. This is a worrying development that has caused deep unease in Pavee Point and other Traveller organisations.

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<sup>7</sup> HLOG Report, (2006), p53

#### **4 Options For The Future: A Traveller Agency Is Needed**

Pavee Point contends that the HLOG and associated structures is not and can never be sufficient to monitor, coordinate and enforce agreed policy that impact on Travellers in Ireland, even with the good will and support of the Taoiseach and senior civil servants.

In the context of the lack of adequate progress on Traveller issues, Pavee Point has recommended the establishment of a Traveller Agency to update and ensure the implementation of the outcomes of the Task Force Report including in respect of a wide range of policy including accommodation, health, employment etc. As previously stated, this agency would both coordinate and where necessary enforce policy where Government and Local Government bodies have consistently fail to meet their own targets and standards, as well as encouraging good practice.

Such a body could have similar powers, (though not structure) as the Reception and Integration Agency (RIA), and the Office of Refugee Applications Commissioner (ORAC), which have responsibility for asylum seekers and refugees in Ireland. Alternative proposals included the establishment of a National Traveller Accommodation Agency or a Traveller Ombudsman. In December 2004 the Minister of State at the Department of Local Government and Heritage explicitly ruled out the possibility of establishing a National Traveller Accommodation Agency ‘for it is not clear if such a body would be better able to deal with issues and problems arising’.<sup>8</sup>

In the interim the HLOG and their associates bodies at local authority level should be reconstituted to be inclusive of Travellers.

In respect of the CDB’s, if they are to be effective in coordinating Traveller policy at a local level they would need to be given sufficient authority and resources to do so and Traveller organisations need to be directly involved in CDB structures (at present such participation is very inconsistent).

In conclusion Pavee Point along with other national Traveller organisations have played a key role in both changing and seeking to deliver Government policy towards Travellers. Pavee Point will seek to continue to be forward looking and constructive in the interests of the most disadvantaged and marginalised community in Ireland. However this report is concerned that the recent changes arising out the emergence of the HLOG without Traveller participation, the apparent abandonment of the Task Force on the Travelling Community implementation structures and the contention that Traveller organisations should be more explicitly engaged in service provision, marks a distinct, unwelcome and worrying change in Government policy.

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<sup>8</sup> Traveller Accommodation Dail Eireann Debates, 4 November, 2004, 1461 see also 3 November, 2004, 1316.

