

Shadow Report
Ireland's First and Second Report on CERD

Pavee Point Travellers Centre

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Pavee Point Shadow Report

1. Executive Summary and Suggested Draft Questions For CERD Committee Members

Irish Travellers, also known as the Irish Traveller Community, are a minority ethnic group indigenous to Ireland but with many cultural similarities to the Gypsy communities in Britain and Roma communities from Eastern Europe, including a historic affinity to nomadism and extended families living in close proximity {page 5}¹. The aim of this Shadow Report from Pavee Point, the national Travellers Centre in Ireland, is to comment on the Irish Government's progress and lack of progress in combating racial discrimination experienced by the Traveller Community in Ireland, with particular reference to Appendix 1 of Ireland's CERD Report: 'Legislative, Administrative and Other Initiatives taken to Combat Discrimination Against the Traveller Community' {page 6}.

Pavee Point contends that the Irish Government's refusal to acknowledge Travellers as an ethnic group in the CERD Report is both anachronistic and demeaning and has profound implications for policy in general and the treatment of Traveller issues in the CERD Report in particular. The refusal reveals the persistence of an assimilationist mindset that Traveller organisations had previously hoped had been consigned to history by the publication of the progressive Government 'Report on the Task Force on the Travelling Community' in 1995. Pavee Point further contends that one of the implications for policy is that Travellers are not recognised as experiencing racism/racial discrimination but some other, unspecified form of discrimination that is only experienced by Travellers {page 6}.

Question: Why does the Irish Government persist in rejecting or 'remaining neutral' on the issue of recognising Travellers as an ethnic group and why does the Irish Government fail to acknowledge that Travellers experience racism/racial discrimination?

Pavee Point contends that recent changes in Ireland's anti discrimination legislation, amounting to a 'watering down' of the protections and redress provided under the Equal Status Act, 2000 and has had proportionately greater impact on Travellers. These changes have had an adverse impact on the ability of Travellers to challenge discrimination by hotels, restaurants and pubs and other licensed premises. The fact that Travellers regularly experience this form of discrimination has been well documented by bodies such as the European Commission on Racism and Intolerance (ECRI). Instead of seeking redress through the institutions set up under the Equality legislation (the Equality Tribunal), Travellers must now try and seek redress through the District Court, with those involved in the legal profession and beyond acknowledge is a much lengthier, more daunting and more expensive process. The changes have resulted in a dramatic reduction of cases against licensed premises. {Page 13-14}

Question: Does the Government acknowledge that in relation to discrimination by licensed premises, that recent changes in legislation have seriously impaired Traveller's (in particular) ability to seek protection and redress for such discrimination?

Pavee Point agrees with the Government that 'In general, the Task Force {on the Travelling Community} Committee found that in general, improvements on the ground

¹ Page reference refers to this Shadow report

for Travellers since the publication of the Task Force Report has been disappointing'. Yet Pavee Point contends that despite this key finding, the Government have done little to improve the mechanisms for implementing the Task Force Report. In particular, the Government has refused to countenance the establishment of a statutory Traveller Agency to coordinate and where appropriate enforce policy. Instead the Government has established a high level officials group without NGO's representing Travellers, with no powers and with an unclear terms of reference {pages 14-16}.

Question: If the Government is concerned with lack of progress in relation to the implementation of the Report of the Task Force on the Travelling Community, why does it refuse to establish a statutory Traveller Agency with powers to coordinate and enforce policy?

Pavee Point contends that there is inadequate data presented throughout the CERD Report and there is, consequently an inadequate picture given of the very poor living conditions experienced by Travellers in Ireland. While some of the most up to date data has only become recently available through the publication of Census 2002, much existing data that was available has not been referred to or used in Ireland's CERD Report {pages 17-19}. Pavee Point concurs with international bodies such as ECRI, which states 'the Traveller Community, as an indigenous minority group has always suffered disadvantage and discrimination in all fields of life, including education, employment, and access to public and private services. Travellers are commonly denied access to public services such as hotels, restaurants and pubs, and are also victims of violence and harassment, including arson attacks against their property'.² {page 20}

In regard to education, the CERD report fails to adequately acknowledge the extent of education disadvantage among Irish Travellers, with 63% of Travellers finishing education by 15 years of age, compared with 15% for the national population {pages 20-24}.

Question: 63% of Travellers finish formal education before they are 15; why has progress on increasing Traveller participation in second level education and beyond been so inadequate?

In regard to accommodation, recent changes in data categorisation have obscured the lack of progress in Traveller specific accommodation and has made comparisons with previous data problematic. Travellers have noted little progress on the ground and the continuing failure of most local authorities to implement their own Traveller accommodation programmes is widely acknowledged. Many Travellers continue to live in appalling conditions, either by the side of the road or else in flooded/rat infested sites surrounded by huge earth works. The Environment Health Officer system does not play any meaningful role in ensuring that local authorities maintain minimum health standards in Traveller specific accommodation {pages 25-31}.

Question: Why does the Government not take effective action (including legal action) against local authorities that continue to renege on their own published 5 year Traveller accommodation strategies and why is the law not changed to allow environmental health officers to enforce local authorities to comply with basic health regulations?

In regard to health, the CERD Report understates the health status of Travellers, including the very high infant and general mortality rates, which are similar to the statistics of the national population in Ireland 60 years ago. Pavee Point welcomes the Government's Traveller Health Strategy but calls for sufficient commitment and

² ECRI, (2002). Second Report on Ireland,.

resources to be applied to fulfil its potential impact. Pavee Point further contends that improving the poor health status of Travellers is also dependent on concomitant improvements in accommodation, environmental and economic conditions. Direct discrimination persists including the refusal of some general practitioner (G.P.) doctors to accept Travellers as patients and there is evidence of Travellers being less likely to be referred for hospital services {pages 32-33}.

Question: What action will be taken against General Practitioners who refuse to accept Travellers as patients and will the Government publish data on an annual basis to chart progress in respect of the Traveller Health Strategy?

In regard to employment and training 73% of Traveller men and 63% of Traveller women are unemployed compared with national levels of 9% and 8%. Racial discrimination is not acknowledged as a factor leading to higher unemployment levels among Travellers. Pavee Point has welcomed positive initiatives in relation to Traveller employment but has also pointed to deficiencies in regard to the scheme to recruit Travellers into the Civil Service identified in the CERD report {pages 32-33}.

Question: Why is there not a Government Traveller employment and training plan, similar to the Health Strategy and forthcoming Education Strategy, especially when it is clear that the level of unemployment merits such a strategy for both Traveller men and women?

In regard to funding and support, Pavee Point acknowledges the level of resources in respect of policy initiatives committed by the Government in recent years, but again points to the fact that the CERD report does not give adequate acknowledgement to the levels of racism, disadvantage and need experienced by Travellers in Ireland. Such an acknowledgement would fully justify the commitment of significant resources. There is also insufficient effort to appraise progress in existing strategies, as demonstrated by the absence of the collection of data in key policy areas over many years {page 36}.

Question: How does the Government assess the effectiveness of its funding if data is not collected and targets/indicators are not used in key policy areas?

The Roma Community is relatively new to Ireland. Their experience has been well documented by bodies such as the OSCE and ECRI. While the Roma community is relatively small in Ireland, many will continue to remain as refugees or as parents of Irish citizen children. There is no adequate recognition of the needs of the Roma community in Ireland's first report to CERD including the recognition that they are a group experiencing discrimination {various pages}.

Question: What specific programmes will be developed to ensure that the Roma community in Ireland is integrated into Irish society in a way that acknowledges their needs and culture?

2.

Glossary of Key Terms

Irish Travellers

Irish Travellers (sometimes also referred to as the Irish Traveller/Travelling community) is an indigenous minority ethnic group in Ireland; a distinct community but with cultural similarities with the Gypsy (now also often called 'Traveller') communities in Britain and Roma communities in other parts of Europe. The language, customs and values have been profoundly shaped by their traditions, history of nomadism and a long history of both being an important part of community life in

Ireland whilst also experiencing marginalisation, racism and exclusion³. The Equality legislation defines Travellers as: The community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions, including an affinity to a nomadic way of life on the island of Ireland⁴. Irish Travellers have also emigrated and have gone back and forth to other countries, in particular to Britain and the United States where there are existing Irish Traveller communities that can trace their roots back to the nineteenth century.

Task Force on the Travelling Community

The Task Force on the Travelling Community was established in June 1993 by the Department of Equality and Law Reform. Its terms of reference included ‘to advise and report on the needs of travellers (*sic*) and on Government policy generally in relation to travellers’ and to make recommendations and draw up a strategy for consideration by Ministers (see Annex Two for more information).

Roma

Roma share many cultural similarities the Irish Traveller community and there may be historical ties which have been lost because they were never documented. Roma are historically nomadic people from eastern Europe who are recognised by themselves and by others as Roma. The racism and disadvantage they experienced has been well documented by bodies such as ECRI and the OECD. The conclusions from the World Conference against Racism also gave specific focus to the racism experienced by Roma, Gypsies and Travellers. Roma communities are not indigenous to Ireland and have come to Ireland since the mid 1990’s as asylum seekers.

Equality Legislation

The Employment Equality Act, 1998, the Equal Status Act, 2000 and the Equality Act, 2004 form the basis of Ireland’s equality (anti discrimination) legislation, that covers nine grounds, including ‘Traveller Community’.

Traveller Organisations

There are three national Traveller organisations in Ireland which are Pavee Point, the Irish Traveller Movement, the National Traveller Women’s Forum. In addition there are many Traveller support groups based around Ireland that are comprised of partnerships between Travellers and settled people.

3. Introduction and Structure

³ The Government contests this definition in its CERD Report (see

⁴ Ireland (2000) *Equal Status Act*, 2(1)

Pavee Point welcomes the opportunity to present its views, in the form of a 'Shadow Report' on Ireland's First Report on the International Convention on the Elimination of All forms of Racial Discrimination (CERD). The aim of this Shadow Report is to comment on Irish Government progress/lack of progress in combating racial discrimination experienced by the Traveller Community in Ireland, with particular reference to Appendix 1 of Ireland's CERD Report 'Legislative, Administrative and Other Initiatives taken to Combat Discrimination Against the Traveller Community'.

This Shadow Report has been produced by Pavee Point Traveller's Centre, which is known nationally and internationally for its work with Travellers, based on the principles of anti racism, human rights and equality. 2005 marks the 20th anniversary of the establishment of Pavee Point⁵ and over the past 20 years Pavee Point has contributed in a significant way to the emergence of key developments that have impacted on Travellers and on the broader equality/anti-racism agenda in Ireland (see Annex 1 and www.paveepoint.ie for further details).

Explanations for the Non-Ratification of CERD

The International Convention on the Elimination of all forms of Racial Discrimination (CERD) was finally ratified by Ireland in January 2001, some twenty-three years after it was signed by the Irish Government. The reason most often cited by the Irish Government for this delay in latter years is the contention that Ireland could not ratify the CERD Convention until it had enacted comprehensive anti discrimination legislation, in order to ensure compliance with CERD, in particular, Article 6.

Pavee Point contends that this delay is only a partial explanation of why Ireland in 2001 was the last EU country to ratify CERD. Successive Irish Governments of different political complexions contended for many years that racial discrimination/racism was not a problem in Ireland. This was most clearly expressed by former Minister of Justice, Patrick Cooney to the European Parliament's Committee of Inquiry on Racism and Xenophobia⁶ in 1991 stated 'that the country, "has been remarkably free" of such problems as there is not a large presence of foreigners.'⁷

Thus, the prevailing Government view was that because Ireland was not a country of inward migration and therefore no groups/people in Ireland experienced racism. It is of course now widely recognised that racism can and does exist without the presence of minority ethnic groups. In adopting this position successive Irish Governments also refused to acknowledge that the Irish Traveller community had experienced racial discrimination, which had by 1991 had been well documented. The Irish Government position also ignored the presence of a long established Jewish Community dating from the 19th century in Ireland, a Muslim community dating from the 1950s as well as a significant minority of people who are ethnically Asian/Chinese and people of colour, including Black Irish people who have experienced discrimination.

While the Irish Government understanding of racism/racial discrimination has progressed over the past decade, reflected in a range of measures and initiatives welcomed by Pavee Point, it is saddening to note that anachronistic attitudes and muddled understanding of key concepts persists.

⁵ Formerly known as Dublin Travellers Education and Development Group

⁶ The Report of findings from this Inquiry is commonly referred to as the 'Ford Report' after the Rapporteur, Glyn Ford MEP

⁷ European Parliament, 1991. Committee of Inquiry on Racism and Xenophobia, p65.

Ireland's First Report on CERD continues to refuse to accept that Travellers are an ethnic group and that they experience racism. The Government position is that they acknowledge that Travellers suffer discrimination that they are protected as a specific ground in Ireland's Equality {anti discrimination} legislation and that this should be sufficient. In short, the implicit Government position is that Travellers suffer a discrimination that is unique only to Travellers and which is unspecified but which is not racism.

This Shadow Report contends that the continued lack of recognition of Travellers as an ethnic group and lack of explicit acknowledgment that they experience racism, has much deeper consequences than an abstract sociological debate and is a major contributing factor to the slow pace of change and the confused and sometimes contradictory policy approaches of Government interventions relating to Travellers in recent years.

As a consequence, Ireland's First Report on CERD is conceptually lacking in understanding and deeply flawed from the outset and is a missed opportunity of ensuring full Traveller inclusion in Ireland's international obligations to combat racism/racial discrimination.

In presenting this Shadow Report, Pavee Point requests the CERD Committee to consider carefully whether Ireland is in contravention/not fulfilling its full obligations under the CERD Convention. In particular in relation to CERD Articles 1-9 and General Recommendations related to The Roma and Travelling Communities, in particular General Recommendation No. XXVII (2000) on 'Discrimination against Roma' (Annex Two).

Approach of this Report

The racial discrimination experienced by Travellers in Irish society is increasingly well documented at both a national and international level. This Shadow Report is written primarily for the purposes of informing the members of the CERD Committee about the concerns of Pavee Point in relation to Travellers in Ireland. The report aims to aid the Committee in receiving a more complete picture of the racial discrimination experienced by Travellers in Ireland as measured against the standards established under CERD and with close reference to specific paragraphs in Ireland's CERD Report, particularly where omissions or partial information is provided by the Government.

While it is inevitable that Pavee Point's Shadow Report focuses on the problems of Government action in tackling racism against Travellers, in this report Pavee Point seeks to acknowledge where progress has been made. However this Shadow Report is written from the perspective that the Report contains significant methodological weaknesses. In addition to the conceptual problems discussed above, there is an over emphasis in the CERD Report of simply listing initiatives related to Travellers (and their costs), without adequate acknowledgment of the value/impact of such initiatives or indeed more remarkably, adequate acknowledgment of the very high level of need/disadvantage in the Traveller community that justifies significant Government action. In other words the approach adopted by the Government in the CERD Report is often defensive and superficial, rather than open and considered.

The focus of this Shadow Report is inevitably on Appendix 1 of Ireland's CERD Report, where Traveller issues are addressed. This Shadow Report seeks to provide 'added value' to other Shadow reports being produced for CERD by NGO's rather than

simply covering the same ground. While much of the focus of this report is on Irish Travellers, it also seeks to highlight some emerging information about the small (circa 2,500 people), Roma community (see glossary) in Ireland, most of whom originally have only recently resided in Ireland (since the mid 1990's) as asylum seekers/refugees or with 'humanitarian leave to remain'.

To help the CERD Committee in the task of reaching conclusions and tracking comments, this Shadow Report is structured along similar lines to Appendix 1 of Ireland's CERD Report, with some additional information by way of introduction and explanation of terms. This does not infer any acceptance by Pavee Point about the placing of Travellers in Annex form in the CERD Report, for the reasons outlined in this Shadow Report.

Acknowledgement

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4. Background (CERD Appendix 1 sections 1-7)

(App 1: Para 2)

Comment: The Problems arising from the Continuing lack of Recognition of Travellers as an Ethnic Minority

The relegation of Irish Travellers to the Appendix at the end of the Ireland's CERD Report provides a telling metaphor of the marginalised position of Irish Travellers in public policy in particular and Irish society in general.

The Government's rationale for considering Traveller issues in the form of an Appendix rather than in the main body of the CERD Report, is not a semantic or minor point as is made explicit in the CERD Report in two places: (Para 20, (main report) and Appendix 1: Para 1)

'The Government's view is that Travellers do not constitute a distinct group from the population as a whole in terms of race, colour descent or national and ethnic origin'.⁸

The Government's position, and the aggressive tone on the non-recognition of Travellers as an ethnic group in the report is considered demeaning and offensive by Pavee Point and other Traveller organisations. The Government's position on Traveller ethnicity has also been criticised by all of the specialised and expert bodies in this area, including the Irish Human Rights Commission, the Equality Authority and the National Consultative Committee on Racism and Interculturalism (NCCRI).

Pavee Point contends that Travellers should be recognised as an ethnic group for the reasons already discussed in this Report as being anachronistic but also from the point of view that it has had a profound impact on policy.

Comment: The Non-Recognition of Travellers as an Ethnic Group has Profound Policy Implications

Pavee Point disputes the Government's assertion in the CERD Report that recognising Travellers as a distinct ethnic group would have no implications for Traveller status 'To define Travellers as an ethnic group would not entitle Travellers to any additional rights and protections'

The Government is only correct in so far as Travellers are named as a distinct ground for protection under Ireland's equality legislation and are thus offered the protection against discrimination afforded by the legislation. However the Government's assertion of 'no effect' both misconstrues the 'NGO Position' and misses the point. Pavee Point contends that the Government's persistence in not recognising Travellers as an ethnic group betrays a mindset and policy project that continues to be assimilationist. In short if they are not a distinct community then *ipso facto* they should be treated the same as the general population and incorporated into the general Irish population and they and their needs will become invisible.

Pavee Point contends that the persistence of this mindset has been a major contributory factor in ensuring that many of the key recommendations of the Government's own Task Force on Traveller People have not been implemented. For example, this Shadow Report contends that many local authorities persist in the assimilationist approaches to Traveller accommodation. The un-stated policy of many local authorities is to persuade/force Travellers to move into houses rather than providing Traveller specific

⁸ CERD Report, p90

accommodation, such as halting sites or group housing. Opposition by local communities to halting sites is often used as an excuse for not implementing policy (see section on accommodation in this report).

A further concern of the lack of recognition of Travellers as an ethnic group is a continuing reluctance by the Government to acknowledge that Travellers experience racism. In a number of recent initiatives such as the Know Racism public awareness programme, Traveller groups have had to lobby on a consistent basis to ensure a Traveller focus in specific initiatives. Traveller groups, including Pavee Point are concerned that to date no Traveller organisation has been invited to be part of the steering group to implement the Government's forthcoming National Action Plan against Racism, the key policy instrument to tackle racism.

The Government position on Traveller ethnicity is also contradictory and confusing to many outside observers. There are numerous examples of stated Government policy recognising Travellers as an ethnic group in all but name, most notably the definition of Travellers contained in the Equal Status Act where Travellers are defined as:

“Traveller Community’ means the community of people who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland”⁹

While the question of what constitutes an ethnic group has not been defined in Irish Law the language used to define Travellers under the Equal Status Act is virtually identical, and is clearly drawn from the definitions, of what constitutes an ethnic group under British Law.

In the landmark case *Mandla vs. Lee*, 1983, the British courts stated for a group to constitute an ethnic group it must fulfil a number of conditions, including two essential conditions which are ‘a long shared history’ and a ‘cultural tradition of its own’. It is somewhat ironic in this context that Irish Travellers are recognised as an ethnic group in both Britain and Northern Ireland, but not in the Republic of Ireland.

Pavee Point points notes the CERD Committee in 1993 observed in relation to Northern Ireland that the British Government ‘recognised the importance of the question of the travelling (*sic*) people, and the consultative document published by the Secretary of State for Northern Ireland indicated that proposals has been made to consider such persons as an ethnic group’¹⁰

Pavee Point further notes the CERD Committee in 2000 welcomed that ‘British courts have established... the identification of Irish Travellers as a racial group for the purposes of the 1997 Race Relations (Northern Ireland) Order’¹¹.

In a further landmark judgement in August 2000, the British courts recognised in the *Pat O’Leary* case that Irish Travellers are an ethnic group for the purposes of the Race Relations Act¹².

⁹ Equal Status Act, 2000

¹⁰ CERD, 1993. UK 12th Report: Para 401.

¹¹ CERD, 2000. UK 15th Report: Para 352.

¹² Pavee Point Newsletter, September 2000

The lack of recognition of Travellers as an ethnic group will also have profound implications for intercultural policy in Ireland. As Ireland moves to being a more multicultural society as a consequence of inward migration, there will be increasing policy aimed at promoting a more inclusive and intercultural society. It is at best unclear whether Travellers and their distinct culture will be explicitly included in this policy project, or if they are included, will such inclusion be tokenistic?

Conclusion and Recommendations

In short, the lack of recognition of Travellers as an ethnic group has profound implications, including:

- The lack of inclusion in Ireland's first report to CERD, except in the form of an Appendix and the lack of adequate reference to Travellers in the body of the report under each Article
- It has been a major contributory factor in the lack of progress in developing Traveller specific policy in key areas, including accommodation as the underlying mindset remains assimilationist or at best confused
- The reluctance to fully include Travellers in Government key anti racism and intercultural initiatives e.g. the exclusion of Traveller organisations from the High Level Steering Group of the forthcoming National Action Plan against Racism is a more recent outcome from this mindset.

In the face of sustained criticism on the issue of ethnicity from a range of human rights organisations and NGO's working with Travellers, the Government has recently adopted a more conciliatory position, stating instead that it is 'neutral' in Traveller ethnicity. While the language has softened, the position of non-recognition has not. The policy of 'being neutral' has the same effect of being 'anti'.

Traveller organisations are fully aware that recognising Travellers as an ethnic group will not be a panacea for movement on Traveller policy, but it would be a significant beginning and could contribute in a significant way to less contradictory and more consistent policy responses and would send out an important signal about the status of Travellers in Irish society.

Recommendations

- Travellers should be explicitly recognised by Government as a Minority ethnic group
- The policy implications of the recognition of Travellers as a minority ethnic group should be fully considered and accommodated by Government
- Travellers and Traveller issues should be a fully integral part of Ireland's future CERD Reports, with reference to the relevant CERD articles, and not as a superficial appendix
- Travellers should be automatically and fully included in future Anti Racism Initiatives, including the Steering Committee of the forthcoming National Action Plan against Racism.

(App 1: Para 2)

Comment: The *De Facto* Weakening of Protection for Travellers under Ireland's Anti discrimination Laws

Pavee Point welcomed the inclusion of Travellers under Ireland's Equality legislation (Employment Equality Act, 1998 and the Equal Status Act, 2002). Pavee Point further

welcomed the establishment of the Equality Authority and the Equality Tribunal to monitor and enforce the equality legislation.

However Pavee Point has been dismayed by a subsequent Government decision to weaken access to key protections and redress afforded by the Equal Status Act in regards to access to public houses, hotels and restaurants etc. which are licensed to sell alcohol. Pavee Point contends that recent Government action in this area is in direct contravention of Article 2 and 6 of the CERD Convention and CERD General Recommendation XXVII (see Annex 2)

The background to this issue is summarised as follows: Following the introduction of the Equal Status Act in 2000, there were many cases taken by Travellers against licensed premises which were perceived to be discriminating against Travellers. According to Ireland's CERD Report, during 2002 the Equality Tribunal issued a total of 64 cases under the Equal Status Act covering a total of 137 individual claims.

The most common claim subject under the Equal Status Act was refusal of access to, or refusal /restriction of service in, pubs or hotel bars. 55 of the 64 decisions related to Travellers although people with disabilities were also affected. Following a sustained high profile public campaign, characterised by invective against Travellers by some leading representatives of Vintners¹³ outside of Dublin, the Government agreed to transfer the responsibility for adjudication on Equal Status cases from the Equality Tribunal to the District Court. This was achieved through the introduction of the Intoxicating Liquor Act, 2003.

The effect of these changes has been dramatic from a number of perspectives. First, it sent out a poor signal about Government belief in its own equality legislation; at the first sign of concerted opposition by a powerful lobby group (vintners) the Government made major concessions in favour of the owner of pubs, hotels and restaurants.

Second, it undermined the statutory agency established to adjudicate in cases of discrimination – the Equality Tribunal.

Third, there are many practical barriers to taking cases to the District Court, including lack of clarity as to how a complainant should proceed. Access to the District Courts can often be expensive and time consuming and there are often long delays in cases being heard. Unlike the very clear procedure of taking cases to the Equality Tribunal and the support provided by the Equality Authority, the District Courts have made little effort to facilitate cases involving discrimination.

Conclusion and Recommendations

In effect the transferring of Cases from the Equality Tribunal has led to a dramatic fall in cases taken against licensed premises. Although the Government contends that the changes are non discriminatory, it is clear that the removal of adjudication powers from the Equality Tribunal to the District Court has disproportionately impacted on Travellers as they were by far the main complainants. Most observers, including legal observers and practitioners recognise that access to the District Courts can often be expensive and time consuming as well as intimidating. In addition, the Equality Authority no longer disseminates information in relation to cases related to licensed

¹³ 'Vintners' are owners of licensed premises

premises as its information role in this regard was omitted from the Intoxicating Liquor Act, 2003.

Recommendations

- The intoxicating Liquor Act, 2003 should be amended and the Equality Tribunal should revert to hearing all cases in relation to the Equal Status Act. The new role of the District Court in regard to cases involving licensed premises covered by the Equal Status Act, should cease
- The government should monitor and publish the impact of the changes to the Equal Status Act introduced by the Intoxicating Liquor Act, 2003 on an annual basis.

(App 1: Para 3, 4, 5)

Comment: The Inadequate Implementation of the Task Force on the Travelling People (1995) remains a Significant Barrier to Progress

There has been increasing recognition in recent years that many of the key recommendations arising out of the groundbreaking Report of the Task Force on the Travelling Community (1995) have either not been delivered or have been delivered in a piecemeal or inadequate form. This is not to diminish where some progress has been made and which has been acknowledged by Pavee Point in this Shadow Report and in other publications.

The monitoring mechanisms established by the Government subsequent to the publication of the Task Force Report have proved inadequate in ensuring that the report's recommendations are fully implemented (see Annex 3). This is in spite of the intentions and effort by both the statutory and non-government representatives on such committees, including senior civil servants. The fundamental problem in implementing the Task Force Report is the emphasis on 'monitoring' rather than implementation and the lack of resources and statutory powers.

The First Report produced by the Task Force Monitoring Committee in 2001 has at least helped to identify and quantify the lack of progress in key areas of concern such as accommodation provision. However the Committee has been largely ineffectual in overcoming the barriers to implementation because of lack of resources and statutory powers. There are also methodological weaknesses apparent in the First Monitoring Committee Report, makes no mention of measurable indicators to be applied in the monitoring process and the methodology underpinning the report is not clear.

(App: 1, Para: 5) identifies the main positive developments outlined in the Progress Report. It is the case that a number of initiatives developed from the Task Force Report and the intention behind these initiatives are acknowledged and in many cases have been actively supported or developed in partnership by Pavee Point and other Traveller organisations. However a detailed analysis of this progress reveals significant problems in the implementation of many of the Task Force recommendations (see sections below on education, training, accommodation, health, and employment).

Some of the reasons identified by Traveller organisations for the failure to implement the Task Force Report in a coherent and effective way are as follows¹⁴:

¹⁴ Pavee Point again acknowledges the commitment and efforts of individual civil servants on such committees, including the lead Department of Justice Equality and Law Reform, but contends their impact will continue remain limited given the focus on monitoring and lack of enforcement powers.

- The overall approach to the implementing the Task Force at present is weak. The present mechanisms reflect an emphasis on monitoring rather than implementation and enforcement
- The key recommendations of the Task Force that were eventually implemented were often only achieved after months and years of further lobbying by Traveller organisations
- The inadequate response by central government to the failure of some agencies, including most local authorities, to adequately implement their own agreed and published plans in relation to the needs of Travellers
- The persistence of widely held negative perceptions about Travellers and racism and the few ‘champions’ for Travellers outside of the community and voluntary sector (NGO’s)
- The Task Force Monitoring Committee and related committees on accommodation (National Traveller Accommodation and health are understaffed and under-resourced and lack the necessary statutory powers of *enforcement*).

Pavee Point acknowledges and concurs with the observation in the CERD Report ‘In general the Government is concerned that the Task Force Committee found that, in general, improvements on the ground in the position of Travellers since the publication of the Task Force Report has been disappointing. More specifically, the Committee found that the monitoring of progress was difficult due to the lack of good quality data on the number of Travellers availing of services’¹⁵ However there is no indication from Government as to how these problems can and should be resolved.

The Second Report of the Task Force on the Travelling People (App 1: Para 7) is expected published in early 2005. It is disappointing to note that it will only be the second overall monitoring report in 10 years since the publication of the original Task Force Report in 1995.

Even more disappointing was the weakness in the Government’s response to the problem of lack of implementation identified in the First Monitoring Committee Report on the Task Force. Instead of establishing a statutory Traveller Agency ‘with teeth’ with a significant budget and statutory powers, in a step backwards, a ‘High Level Senior Officials group’ was established without clear terms of reference and without representation from Traveller organisations. This appears to be a further example of Government disengaging from the approach and recommendations set out in the Task Force Report.

To date there is little evidence that the above mentioned High Level Senior Officials Group has succeeded in removing the barriers to policy implementation. One of the worst local authorities in relation to Traveller accommodation is ironically an active member on this high level group. Worse, its structure, which excludes Travellers, is now being beginning to be replicated at local authority level as some local authorities have viewed it as a green light for the further exclusion and marginalisation of Travellers at a local level.

Conclusion and Recommendations

Pavee Point concurs with the conclusions of the Framework Convention on National Minorities, which stated:

¹⁵ App 1: Para 6.

‘Increasing efforts have been made, since the 1995 Report of the Task Force on the Travelling People, particularly at central level, to improve the situation of persons belonging to the Traveller community. Notwithstanding these efforts, much remains to be done in the implementation of the Framework Convention, in particular in areas covering accommodation, education, employment, health care, and access to certain goods and services by members of the Traveller community. Gaps also remain between central policy and its successful implementation at local and national levels’¹⁶

Recommendations

- The establishment of a statutory Traveller Agency to monitor, coordinate and where appropriate and where appropriate, *enforce* the recommendations of the Task Force on the Travelling Community. The Traveller Agency would be allocated sufficient resources and powers to achieve its goals
- The publication of an update on the implementation of the Task Force Report every two years, to be presented for debate and approval at the Irish Parliament (Oireachtas)
- The addition of representatives from Traveller organizations on the High Level Senior Officials Group as an interim measure until such an agency is established.

¹⁶ Part of Motion adopted by Ministers and Deputy Ministers 2004 Resolution ResCMN(2004) on the implementation of the Framework Convention for the Protection of National Minorities by Ireland

5. Policy Areas (CERD Appendix I, sections 8-43)

Policy Areas and Profile of the Traveller Community

- Demographic (8-9)
- Education (10-19)
- Training (20-23)
- Accommodation (24-31)
- Health (32-35)
- Employment (36-43)

(App 1: Para 8)

Comment: There is Insufficient Data and Analysis Provided on the Demographic Profile of Travellers in Ireland

While acknowledging that some of the most up to date demographic data relating to Census 2002 was not available when Ireland's CERD Report was published, it is nevertheless a matter of concern that there is an insufficient presentation of the considerable existing data that *was* available at time of publication. This data graphically shows the extent of disadvantage and social exclusion experienced by Traveller community and fully justifies why additional expenditure is needed. Instead there is a seemingly complacent list of initiatives that have been undertaken but no context in which to understand why they were needed in the first instance.

Demographic Profile (Para 8-9)

Census 2002 estimates there are around 24,000 Travellers in Ireland. Traveller Groups, including Pavee Point contend that while the 2002 Census figures are more accurate than drawn from previous Census information and welcomes the Central Statistics Offices' efforts in this area. However, there is still significant under-enumeration of Travellers in Ireland. Pavee Point estimates the actual figure is nearer 30,000. On present Census figures, Travellers constitute about 0.6% of the population in the Republic of Ireland and despite recent increases in immigration to Ireland, they remain the largest ethnic group in Ireland. Although barely mentioned in Ireland's CERD Report, in addition to Travellers there are about 2,500 Roma in Ireland who have come to Ireland mainly as asylum seekers since immigration into Ireland began to increase in the mid 1990's. There is not published Government research on the needs of the Roma community in Ireland and virtually no specifically targeted programmes for Roma.¹⁷

Comment: The Need to Present a More comprehensive Picture of the Population and Living Conditions of Irish Travellers and Roma in Ireland

Key Features of the Demographic Profile of Irish Travellers not included the CERD Report include:

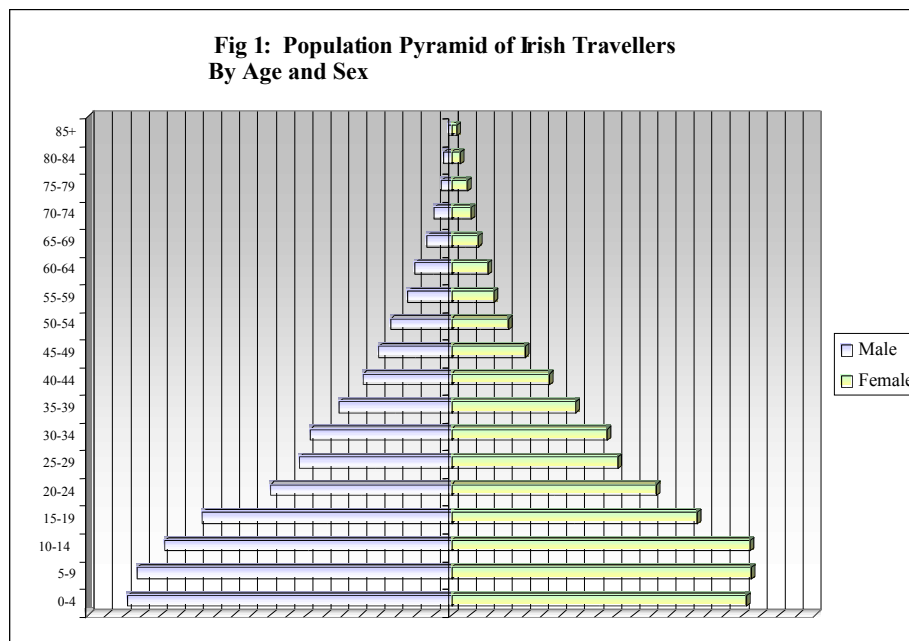
- There continues to be a very high mortality rates among Travellers. Older Travellers, i.e. those aged over 65, accounted for just 3.3% of the population. The corresponding figure is 11.1% in the general population. This is only a slight improvement since 1996 when the respective figures were 1.3% and 11.4%
- The Traveller population has a very young profile, which is the result of a combination of higher mortality rates and higher birth rates. 42% of Travellers are aged 0-14 years compared with a corresponding figure of 21% for the general

¹⁷ With the exception of a research initiative focussing on education provision for Roma in Ireland, coordinated by Dublin Vocational Education Committee in partnership with Pavee Point.

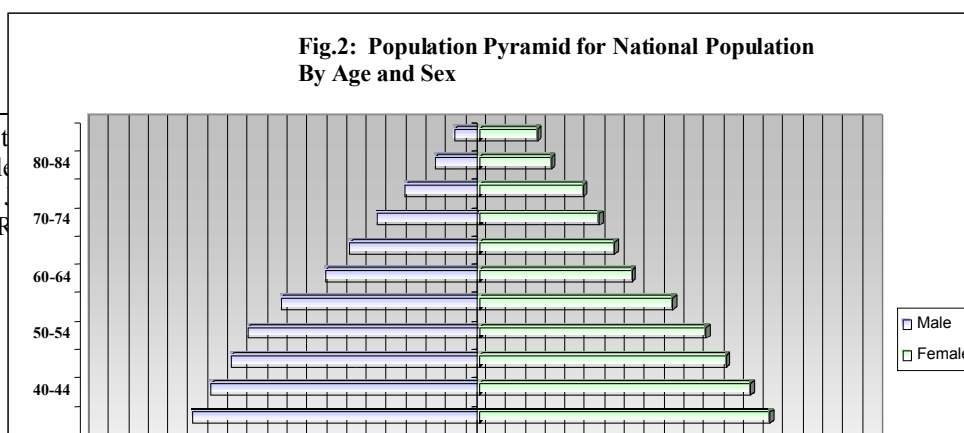
population¹⁸. This has key implications for policy areas impacting on young people, including education, training, youth and community policies

- In the only major survey of Traveller health to date, the combined stillbirth, perinatal death and infant mortality rate in 1987 was found to be three times the national average.¹⁹ More recent research (1999) indicates that Traveller children are 12 times more likely to die from sudden infant death than the general population.

Figure 1 and figure 2 provide comparisons between the age profile of Travellers and the general population in Ireland. They vividly illustrate the impact of very high infant mortality rates, the young age profile of Travellers and the much lower life expectancy rates.

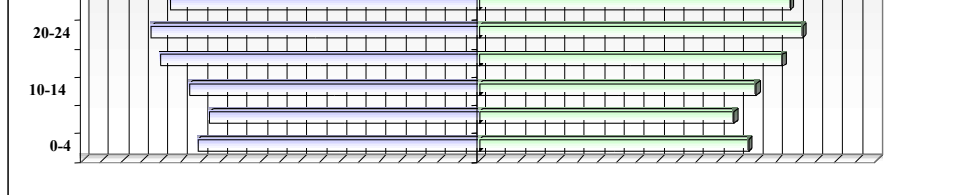


**Fig 1 and 2: Population Pyramid of Irish Travellers compared with the National Population by Age and Sex.
Data from Central Statistics Office: Census 2002.**



¹⁸ While the data is available in the National Health Survey, it is not available in the Health Research Board's Health Survey for Travellers and Gypsies.

¹⁹ Barry, J. (1999) Health Survey for Travellers and Gypsies.



Comment: The Need for More Effective Data Strategies

Pavee Point welcomes recent progress in improving data collection and presentation related to the Irish Traveller Community through Census 2002. However there remain significant challenges to ensure that particular data related to key policy areas, including accommodation, health, education, training and employment are improved to provide information about outcomes from services as well as access and participation.

For example, it is a matter of concern that for example, data on Traveller specific accommodation underplays and obscures the lack of policy progress in this area. For example, it is a matter of concern that access, progress and outcomes for Roma children are not tracked in the education system. It is as yet unclear whether the new statistical strategy developed by the CSO and indicated in Ireland's CERD report will provide the necessary data to measure progress or lack of progress in particular policy areas.

(App 1: Para 10-43) Specific Policy Areas

Ireland's CERD Report provides an incomplete and partial profile of the very poor living conditions experienced by many Travellers in Irish society. Instead the Irish Government presents a superficial and somewhat complacent description of initiatives that have been undertaken in different policy areas. This section of Pavee Point's Shadow Report aims to provide the CERD Committee with a more complete understanding of how racial discrimination impacts on the Traveller community in Ireland by giving a critical perspective of Traveller living conditions in Ireland and policy progress.

In its second report on Ireland, adopted in June 2001, ECRI, the Council of Europe watchdog on racism clearly linked racism and racial discrimination to Traveller living conditions:

‘Although issues of racism and intolerance are seen as a relatively new phenomenon in Ireland and have come to the forefront of public debate in Ireland recently in relation to the presence of new minority groups in the country, such as refugees and asylum seekers, the Traveller Community, as an indigenous minority group has always suffered disadvantage and discrimination in all fields of life,

including education, employment, and access to public and private services. Travellers are commonly denied access to public services such as hotels, restaurants and pubs, and are also victims of violence and harassment, including arson attacks against their property'.²⁰

The following section provides a more complete overview of the position of Travellers in Ireland under the policy headings adopted in Ireland's CERD Report:

- Education (Para: 10-19)
- Training (Para: 20-23)
- Accommodation (Para 24-31)
- Health (Para 32-35)
- Employment (Para: 36-43)

.Education (Para: 10-19)

Comment: The very high level of education disadvantage among Travellers is not given adequate attention in Ireland's CERD Report

Traveller children have experienced marginalisation in participating and benefiting from education policy and provision in Ireland. In the past this has been manifested through placement in segregated classes or through not attending school.

Census 2002 shows that for 54.8% of Travellers, primary school education was the highest level of education they obtained and that 63.2% of Traveller children under the age of 15 had completed their education before the age of 15, compared with 15.4% of the national population (Fig 3 Below)

²⁰ ECRI, (2002). Second Report on Ireland.

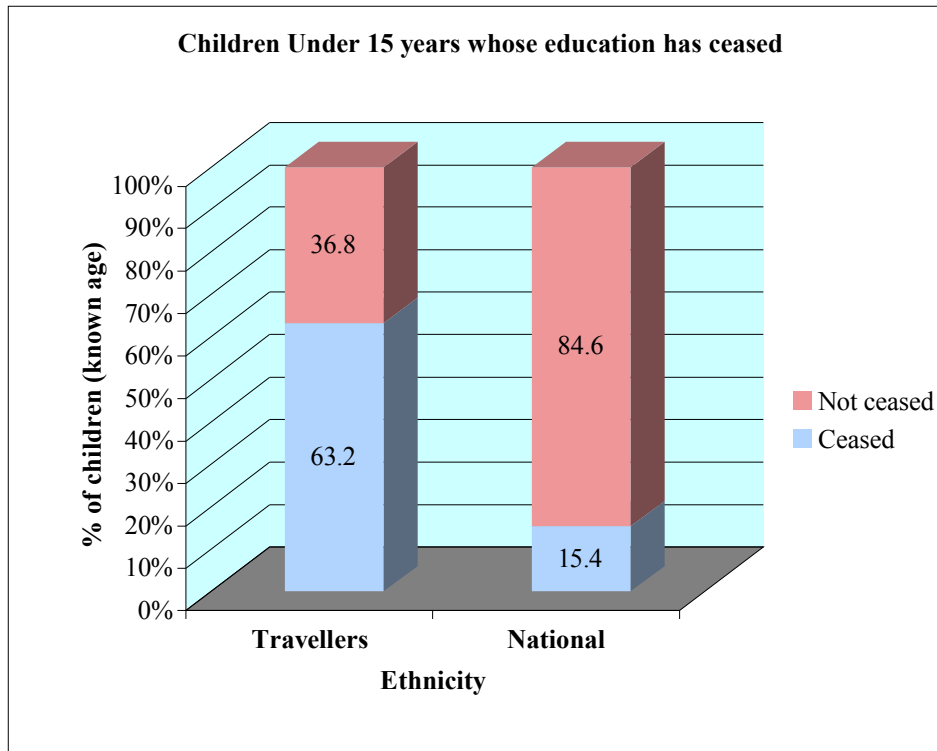


Fig 3: Children under 15 whose Education has ceased. Data from the Central Statistics Office: Census 2002.

In recent years, debate and actions have focused on the numbers of Traveller children participating in schools, with the result that most Traveller children now attend primary school. There has also been an increase in numbers of Traveller children transferring to secondary school. However, very few Travellers remain in secondary schools after the second year of schooling (Table 1).

Table 1: Traveller Children: Progression from Primary to Post Primary Schools²¹

Post Primary	% Transfer
Travellers in Yr 1	100%
Yr 2	56%
Yr 3	29%
Yr 4	6%
Yr 5	7%
Yr 6	5%
Post Leaving Cert	0.3%

In the first (Government) report of the Monitoring Committee of the Task Force of the Travelling People, (2000) it was stated:

²¹ Task Force on the Travelling People/Department of Education and Science

‘It is to be acknowledged that the drop out rate for Traveller children has been unacceptably high. Greater efforts will be made with the assistance of the Education and Welfare Board in particular to encourage Traveller children to remain in school until they meet the statutory age requirement.’²²

A scheme of visiting teachers, who liaise with families, has contributed to raising attendance levels at primary level, as has the increased awareness and mobilisation of the Traveller community itself, including work undertaken by Traveller NGO’s, such as Pavee Point.

The system of segregated classes for Travellers has now been dropped and Traveller children are supposed to attend mainstream classes, with additional teachers provided to support them. However, there has been some concern expressed that the system of withdrawing Traveller children from classes in order to provide teaching in the same school can often lead to a *de facto* segregation.

Literacy rates among Travellers remain very low and most Travellers still leave school without qualifications. The education system is still failing many Travellers and structural inequality including weaknesses in institutional and policy responses are key factors in this failure.

Pavee Point has also been critical of the extent to which additional funding allocated by the Department of Education and Science is actually benefiting Travellers in some schools, with limited evaluation or publication of good practice. It is, of course, important to recognise the excellent work that is being undertaken in some schools in relation to Traveller education.

(Para 10) The Department of Education and Science is considerably short of its goal under the National Anti Poverty Strategy to obtain ‘full participation of Traveller children in an intercultural education system’. The development of intercultural principles in Irish schools is still at an embryonic stage and suffers from the absence of an overall coherent policy statement. Full Traveller participation in education remains an unfulfilled hope rather than a reality.

(Para 11) Pavee Point welcomes progress in providing pre school provision with 52 schools catering for 546 Traveller children in Traveller specific schools (in Ireland the only significant State funding for pre schools is provided for Traveller pre schools and the Early Start Programme for disadvantages areas of the general population). However Pavee Point is concerned that the resources and standards applied to Traveller Pre Schools are inferior to that of the Early Start Programme, for example:

²² ibid

- Teacher conditions are inferior. Teachers of Traveller children are paid on an hourly rate compared with full salaried and linked benefits of those teachers in the early start programme
- The Capitation Grant per pupil in Traveller pre schools is €50.80 compared with €95.23 in the Early Start Programme
- The Equipment Grant in Traveller pre schools is €508 annually compared with €1523.82 in the Early Start Programme
- The Department of Education and Science does not provide premises for Traveller pre schools, unlike the Early Start Programme where premises are provided.²³

The only positive difference in favour of Travellers is that 98% of transport costs are provided for Travellers whereas there is no such provision under the Early Start Programme.

(Para 17) Not mentioned in Ireland's CERD Report are Junior Education Centres and Special Schools for Travellers provide segregated schooling for Travellers. Pavee Point welcomes the Department of Education and Science commitment (not stated in CERD) to consider a course of action of phasing out such education provision in favour of integrating Travellers into mainstream schooling.

(Para 18) It is of continuing concern that the Department of Education and Science do not collect disaggregated data on Traveller and Roma literacy levels. Without such data it is impossible to track policy progress/outcomes.

(Para 19) The Department also convened a working group to develop a Traveller Education Strategy to guide developments on policy and provision for the next five years this is welcomed by Pavee Point. It is currently reviewing existing provision and inputs, the quality of outcomes and the experience of Travellers in the education system. The focus should be on equality of access, participation and outcomes in an intercultural framework - issues affecting education outcomes for Travellers.

Conclusion and Recommendations

While Pavee Point welcomes the areas where progress has been made in the area of education policy, the extent of disadvantage, and the contribution of racial discrimination is inadequately acknowledged in Ireland's CERD Report. Much of this information on education disadvantage was available prior to the publication of Census 2002. It is of continuing concern, for example, that the Department of Education and

²³ Centre for Early Childhood Development and Education, (September 2002). Submission to the Curriculum Development Unit of the Department of Education and Science.

Science cannot produce disaggregated data on the level of Traveller literacy in Ireland, which is one of the key indicators the success or other wise of education policy.

The fact that primary school education is the highest level of education for almost all Travellers is a shocking statistic in the context of the huge strides that have been made in socio economic progress in Ireland in recent years.

This Shadow Report shows that even where there are positive actions for Travellers funded by the Department of Education and Science, such as in the area of Traveller pre schools, such positive actions are demonstrably inferior to the equivalent scheme for disadvantaged areas for the general population under the 'Early Start Programme'.

Much of this success has been predicated on building an advanced and more equitable education system, a system where Travellers have yet to be supported in reaching their full potential.

Recommendations

- The forthcoming Traveller Education Strategy must dismantle the remnants of segregated schooling that persists in institutions such as Junior Education Centres and Special Schools for Travellers
- The Traveller Pre-School programme is a positive initiative which Pavee Point, has welcomed and supported, but is in many ways inferior to the Early Start Programme operating in disadvantaged areas for the general population. It is not clear to Pavee Point why these two programmes cannot be merged or why equivalence of resources and standards cannot be ensured across the two programmes
- Resources saved through the closing down of segregated schools and training centres should be 'ring-fenced' and used for targeted education strategies for Travellers within mainstream schooling.
- Traveller education must be fully located within an intercultural educational framework, rather than included as an afterthought or separately, as present

Training (Para: 20-23)

Comment: Training provision for Travellers requires a major overhaul, similar to approach adopted for the Traveller Education Strategy.

The continuing high level of unemployment among Travellers (see Employment Para: 36-43) raises issues around the outcome and impact for Travellers arising out of mainstream training schemes. Ireland's CERD Report also fails to acknowledge and the importance of the Traveller economy (the range of economic activities that have developed from traditional Traveller work including tarred driveways, parts for motor cars, scrap and carpet dealing).

There has been very little progress since the Task Force Report (1995) in developing Traveller specific training programmes. Instead, Traveller's are expected to fit in to mainstream training programmes organised by FÁS, the national training agency, with little consideration of issues around cultural diversity and racism.

Pavee Point advocates the following principles be incorporated into mainstream employment training programmes, including:²⁴

- Training courses recognising the prior/existing skills of Travellers
- The application of skills useful to Travellers everyday lives
- Ensuring training environments are Traveller friendly
- Clarity around the ethos and principles underpinning the project
- Ensuring Travellers can openly acknowledge their identity in mainstream employment and training without being discriminated against

Conclusion and Recommendations

Much of Pavee Point's concerns related to training are addressed under the heading of employment in this Shadow Report. Pavee Point highlights the continuing lack of progress in key areas recommended by the Task Force on the Travelling Community and in particular calls for the need for a new Traveller employment and training strategy.

Recommendations

- The development of a Traveller employment and training strategy following a major review of current policy
- Acknowledgement and Support for the Traveller economy (as set out in the Task Force Report, 1995 but never operationalised).

Accommodation (Para: 24-31)

A recent health report stated 'Conditions on Traveller sites are unacceptable. Travellers reported that the most common problems arising include: illegal dumping; sewage and drainage problems; poor building fabric; site design problems; water hygiene; pest infestation; and environmental hazards from land adjoining Traveller sites'²⁵

Many Travellers continue to live on the side of the road without access to basic facilities and without access to halting sites or other forms of Traveller specific accommodation. Many others continue to live in sub standard official and temporary halting sites. The 2002 Census of Population showed that 55.6% of Travellers are in permanent accommodation and 36.9% in temporary accommodation (with a further 7.6% not stated).

²⁴ Pavee Point Newsletter: Issue 20, December 2004

²⁵ Traveller Health Unit Eastern Region, (2004). Environmental Health Concerns of Travellers.

In the 1999 the accommodation provision of Travellers had actually become worse than the position in 1995, which lead the Government Monitoring Committee to comment in its first report:

‘The Monitoring Committee wish to highlight the fact that in reality one in every four Traveller families are currently living without access to water, toilets and refuse collection. The accommodation situation has dis-improved (*sic*) over the past five years... It is also particularly unsatisfactory that the numbers of Travellers on the roadside has increased’²⁶.

Table 2: Types of Accommodation and Number of Traveller Families Accommodated (1999)²⁷

Accommodated Families	Number	% of Total
Local Authority Housing ²⁸	2483	51.8%
Permanent Halting Sites	802	16.7%
Temporary Halting Sites	271	10.9%
Transient Halting Sites	27	1.0%
Families on the Roadside	1207	25.1%
Total	4790	100%

There are a number of weaknesses in Ireland’s CERD Report in relation to Traveller accommodation, including:

- Failure to adequately acknowledge the continuing very poor progress that has been made in providing Traveller specific accommodation since 2001
- Obscurity and confusion caused by recent changes in data presentation by central and local government
- Failure of the Government to acknowledge and reverse the damaging impact of the Housing (Miscellaneous Provisions) Act (2002)

²⁶ *ibid*, p36

²⁷ Adapted from the figures provided Department of Justice, Equality and Law Reform, (2000) First Report of the Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community, p38.

²⁸ Standard local authority housing, group housing, private housing assisted by local authorities and other forms of social housing.

- Local authorities above the law in relation to health and environmental standards, including those relating to Traveller accommodation
- The damage to Traveller/local government relations caused by a recent high profile action against Travellers by Dublin City Council (The ‘Dunsink Lane Approach’).

Comment: Failure to adequately acknowledge the very poor progress in providing Traveller specific accommodation

(Para: 25) Ireland’s CERD Report and subsequent Government reports relating to Traveller accommodation significantly under-represents and obscures the continuing failures of local and national government to provide adequate and in many cases even basic accommodation provision for Travellers in Ireland. For example ‘Progress on the provision of accommodation for Traveller Families has been largely offset by the growth in the number of Traveller families’ (Para: 27) is a statement that is totally unsupported by fact or cited reference in the CERD Report and is akin to saying that ‘homelessness in Ireland is a result of a growing population’. The birth-rates of both Travellers and the general population is easily predicted from Census and other figures and the need for additional accommodation units for Travellers or the general population involve similar simple predictions based on demographic data. Blaming birth-rate for lack of progress on Traveller accommodation is indeed a poor excuse that would not be supported by planners or economists.

(Para: 28) There is strong emphasis in Ireland’s CERD Report of the success of local authorities in moving Travellers from the roadside (a reduction in about 200 families 1999-2001). What the CERD Report does not state is that many Traveller families have been forced to move from the roadside into temporary and unsanitary sites in an ‘out of sight, out of mind policy’. These issues are considered further.

Comment: Obfuscation and Confusion caused by recent changes in Data Categorisation in Relation to Traveller accommodation

A recent change in the way data on accommodation is collected and presented by Government obscures and confuses the lack of progress made in providing Traveller specific accommodation. In 2003 the Department of the Environment, Heritage and Local Government introduced a range of new categories of accommodation, which makes direct comparison with data from 1999 and 1995 difficult to determine. In particular the Department have removed the headline figure ‘families on the roadside’ and introduced a new category of ‘unauthorised sites’. Recent figures provided by the relevant Government Department, (not included in the CERD Report), in the draft Second Report on the Task Force on the Travelling Community reveals these problems.

Table 3: Types of Accommodation and Number of Traveller Families Accommodated (2003)²⁹

Accommodated Families	Number	Percentage
(a) Standard Houses (including Voluntary Housing)	2,680	39.42%
(b) Unauthorised Sites	788	11.59%
(c) Permanent Halting Site Bays	726	10.68%
(d) Group Housing	545	8.02%
(e) Own Resources	443	6.52%
(f) Basic Service Bays/Transient Halting Site Bays	397	5.84%
(g) Private Houses assisted by LA's	329	4.84%
(h) Sharing Housing (categories a, d, e, g, l)	323	4.75%
(i) Private rented accommodation	293	4.31%
(j) Sharing Permanent Halting Site Bays	169	2.49%
(k) Sharing Basic Service Bays/Transient Halting Site Bays	106	1.56%
TOTAL	6,799	100%

The introduction of four new categories involving the word 'sharing' (see Table Three, categories h,j,k) obscures the reality that 'sharing' is in reality a euphemism for Travellers living in conditions of chronic overcrowding. The term 'basic service bays' refers to sites that are often flooded, rat infested and lacking in everything but basic facilities such as shared taps.

There has been some slow and piecemeal progress over the past ten years in providing Traveller specific accommodation such as group housing schemes and the refurbishment of existing permanent halting sites. Pavee Point acknowledges the few local authorities who have made real progress in the area of Traveller accommodation, including refurbishment of existing sites. One example of a progressive local authority is Meath County Council, which have shown what can be done if the will exists.

However, overall the new unofficial, policy towards Traveller accommodation appears to be 'out of sight, out of mind' by forcing Travellers into general housing schemes (through recurrent evictions and not providing sufficient Traveller specific accommodation) and reducing the number of families on the roadside by forcing Travellers through new eviction powers into already overcrowded, unhealthy and unsanitary existing temporary sites.

Huge earthen embankments and high unsightly walls are often placed around Traveller sites to provide a curtain to the general public. A further example of the un-stated policy of 'out of sight out of mind' was demonstrated during Ireland's presidency of the

²⁹ Department of Justice, Equality and Law Reform (forthcoming) Second Report of the Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community

European Union, January to June 2004. During the six month Irish Presidency of the European Union hoardings were erected along the N32 road to ensure that visiting EU Ministers and other dignitaries could not view the Traveller sites en route to their conferences or accommodation. Following a protest by Traveller residents in one site (Cara Park), these hoardings were removed.

In a letter to the Irish Prime Minister (An Taoiseach Bertie Ahern) on 18 November 2004, the three national Traveller organisations: Pavee Point, the Irish Traveller Movement and the National Traveller Women's Forum came together and wrote:

‘We are saddened to see...Department of Environment, Heritage and Local Government figures which demonstrate that there are 788 families still living by the side of the road, there are an additional 323 families sharing basic facilities with other family members, with a further 352 families in emergency and temporary facilities, this brings a total of 1,463 (22% of Traveller families), still living without permanent quality accommodation 5 years after the adoption of Local Authority Traveller Accommodation Programmes’³⁰.

The Government has undertaken to review the effectiveness of the Housing (Traveller Accommodation) Act (see Annex Three), which requires local authorities to implement 5-year plans for accommodation. This review had not been completed by December 2004.

Despite this lacuna caused by the failure to publish the outcomes of the review, Local authorities are now required to prepare new Traveller accommodation programmes to cover 2005-2008 under the existing inadequate legislation, with new targets for the provision of all forms of Traveller accommodation for each year.

ECRI in its second report on Ireland 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’.

Comment: The need to enforce Traveller accommodation policy through the creation of a new statutory Traveller Agency

In the context of the lack of adequate progress on Traveller accommodation provision, Pavee Point has recommended the establishment of a Traveller Agency to update and

³⁰ Letter to An Taoiseach, (Prime Minister) Bertie Ahern TD by Traveller Organisations, November 2004

ensure the implementation of the outcomes of the Task Force Report including in respect of accommodation. 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 RIA, the Reception and Integration Agency 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’.³¹

Comment: Local authorities are above the law in relation to health and environmental standards relating to Traveller accommodation

Why, the CERD Committee might ask, are local authorities not prosecuted for what appears to be flagrant breaches of basic health and environmental standards? The answer lies at the foot of the enforcement procedures under current Irish legislation. Environmental Health Officers who are *officially* employed by health authorities but who work with local authorities as their agents (surrogate employees), are prevented, through legislation³² and accepted practice, and fear of jeopardising promotion prospects in enforcing or even highlighting breaches of environmental health by local authorities. ‘Where breaches of legislation occur by local authorities, they cannot be subject to legal proceedings (as they are the enforcing body)’³³.

Comment: Failure of the Government to acknowledge and reverse the damaging impact of the Housing (Miscellaneous Provisions) Act (2002)

Not mentioned at all in Appendix 1 of Ireland’s CERD Report is the impact of The Housing (Miscellaneous Provisions) Act, 2002 was introduced shortly before a general Election, in the wake of a high profile incident of Travellers camping illegally on a social amenity in West Dublin, with attendant publicity on significant litter problems and clean-up costs for the local authority concerned (South Dublin County Council).

The new Act, which was introduced very rapidly and which bypassed Traveller consultative mechanisms, allows for Gardaí to remove caravans, and to allow for the owners to be brought before the District Court charged with Trespass. On Conviction the owners can be fined €3,800 and/or jailed for one month.

Travellers groups expressed strong opposition to the legislation, pointing out lack of consultation about the legislation through existing bodies established under the Task

³¹ Traveller Accommodation Dail Eireann Debates, 4 November, 2004, 1461 see also 3 November, 2004, 1316.

³² The Health Act, 1970

³³ Traveller Health Unit Eastern Region, (2004). Environmental Health Concerns of Travellers, p5.

Force Report, the lack of progress by local authorities in providing for new accommodation and the potential misuse of the Act which was passed to deal with large encampments of Travellers on unsuitable land.

Growing evidence shows the Act is being used for purposes not intended. Shortly after the Act was passed a local authority in County Clare enforced the legislation against four caravans of Travellers most of whom were on the Council's housing waiting list

The Irish Times commented:

‘just which local authority is the worst when it comes to accommodating Travellers is open to debate- but Co Clare is accused of having a very poor record’. This was challenged by a spokesman for Ennis Town Council in Clare who claimed they had accommodated 40 families in Ennis over 15 years. The Irish Times commented ‘ Should the provision of accommodation for five families every two years be a badge of honour?’³⁴

According to the National Traveller Accommodation Consultative Committee, Clare has the joint highest percentage of Traveller families living on the roadside at 44%³⁵.

The Irish Traveller Movement pointed to the good progress that had been made by some other local authorities, in particular by Meath County Council and have questioned why this could not be replicated elsewhere. South Dublin County Council has stated that they will not use the Act against Travellers on their accommodation waiting list.

In its second report on Ireland, ECRI has emphasised that the powers afforded to local authorities to effect evictions from unauthorised campsites should be kept under close review in order to ensure that such powers are not misused, particularly in a situation where the accommodation possibilities available for Traveller families are not sufficient to meet the needs of the community.

Comment: The damage to Traveller/local authority relations caused by the actions of Dublin City Council in Dunsink Lane

³⁴ Irish Times, August 1st 2002

³⁵ Spectrum, (Issue 1, November 2002). The Journal of the NCCRI, p12.

In October 2004, relationships between Travellers and the largest local authority in Ireland, Dublin City Council, were severely dented by the erection of a barrier across a public road by the local authority beside an official Traveller halting site. The local authority claimed that the barrier was necessary to block off the road to prevent illegal dumping. The barrier was erected without consultation or notification with Travellers in contrary to stated local authority policy to consult with Travellers. The erection of the barrier was perceived by Travellers as an aggressive move by the local authority and a return to tactics that had not been seen to be used against Travellers for twenty years.

The erection of the barrier led to strong protests by local Travellers and local residents living on Dunsink Lane who said it was forcing them to take a much longer, alternative route to get to shops and schools in the local village, Finglas. The incident was widely covered by the media, partly as a consequence of widespread traffic disruption and a small number of incidents of anti social behaviour by Travellers angered at the local authority action (which were condemned by Traveller groups, including Pavee Point). The barrier was removed after four days of protests by Travellers.

Conclusion and Recommendations

In short, while there has been only limited and piecemeal progress in providing adequate Traveller accommodation over the past 10 years, such as the refurbishment of some existing sites. Instead of fully acknowledging and responding to this lack of progress the unofficial, unstated policy appears to be a) moving Travellers from the side of the road into existing overcrowded Traveller sites in an ‘out of sight out of mind’ policy and b) sanitising the data through a new accommodation categorisation system which fails to provide a clear picture of the reality of homelessness, chronic over-crowding and unsanitary conditions that characterises ‘accommodation’ for many Traveller families.

The 2002 Census put the crisis of Traveller accommodation in stark relief by showing that 58.6% of Travellers live in permanent accommodation (including permanent Traveller specific accommodation) and 33.9% lived in temporary and emergency accommodation (including temporary and emergency Traveller specific accommodation).

Recommendations

- The complete overhaul (rather than ‘review’) of the Housing (Traveller accommodation) Act, 1998
- The establishment of a statutory Traveller Agency with powers to approve and enforce local authority 5 year Traveller accommodation plans

- The setting up of an independent Environmental Health system that allows Environmental Health Officers to undertake legal proceedings against local authorities for breaches of environmental health standards
- The Housing (Miscellaneous Provisions) Act, 2002 should be scrapped with immediate effect
- The ‘Dunsink lane’ approach to resolving disputes with Travellers should not be repeated and a renewed commitment to resolving issues by negotiation and partnership should be formally made through a local authority/Traveller Protocol.

Health (Para: 32-35)

The section on Traveller Health does not give an adequate picture on the very high mortality rates and health problems experienced by Travellers, so it will be difficult for the CERD Committee to judge the adequacy of the measures listed in the short section on health in Ireland’s CERD Report.

It was Micheál Martin, T.D., Minister for Health and Children stated in 2002:

‘The available data on the health status of the Irish Traveller community shows that they experience a level of health which falls short of that enjoyed by the general population’³⁶

The poor health of Travellers was first highlighted in a 1987 Health Research Board Survey, which showed that Travellers were only then reaching the life expectancy that the majority population reached in the 1940’s. Traveller women lived 12 years less than women of the majority population and Traveller men 10 years less.

Census 2002 showed that a similar gap in life expectancy still exists between Travellers and the majority population. It shows that just 3.3% of the Traveller population are over 65 compared to 11% of the majority population. Other Census figures show that the age profile of the Traveller community is similar to that of populations in developing countries. This means there is a higher percentage of Travellers dying at every age compared to the majority population. In short ‘Travellers represent a ‘‘Third World’ demographic profile in a ‘First World’ country’.³⁷

³⁶ Minister M. Martin in preface of Traveller Health: A National Strategy. Department of Health and Children, (2002).

³⁷ Working in Partnership, (2004), Traveller Health Unit in the Eastern Region.

Poor living conditions faced by many Travellers coupled with difficulties experienced in accessing health care are explanatory factors for these discrepancies. For example, many doctors are unwilling to accept Travellers as patients in their practices and access to hospitals can sometimes be difficult and even where access is achieved, Traveller can experience an inferior service. A Study published by the Traveller Health Unit in the Eastern Region in December 2004 'Use of Hospital Facilities by the Traveller Community' shows that:

- The majority of Travellers were not referred for Hospital Treatment except through Accident and Emergency (A&E). 70% of Traveller patients accessed Out Patient Services through A&E as against 53% of settled patients. Only 20% of Traveller patients were referred from 'out patients' to other clinical services as against 71% of settled patients.

There have been some significant policy developments in Traveller health issues in recent times. In particular through the publication of the Governments 'Traveller Health: A National Strategy 2002-2005'. A strong emphasis within the strategy is on development of primary health strategies. A National Traveller Health Advisory Committee and the establishment of Traveller Health Units are being established in each Health Board. Pavee Point has also been active in this area through its primary health care programme, which is Government funded.

Conclusion and Recommendations

The higher infant mortality and lower life expectancy of Travellers are akin to figures experienced by the national population in the 1940's and are totally unacceptable. Health is closely linked to wider issues such as accommodation, environment and income. The Pavee Point welcomes the publication of the Governments Traveller Health Strategy and progress that has been made in developing partnerships with Traveller organisations in developing primary health care strategies. However the proof of policy impact will be on the significant reduction of mortality and morbidity levels over the next few years. Where blatant discrimination occurs within the health service (for example, doctors refusing to accept Travellers as patients) the Government should enforce the equality legislation.

Recommendations

- The need for adequate resources and commitment by the Department of Health and Children to implement the Traveller Health Strategy
- The annual publication of data to show the effectiveness or otherwise of the Traveller Health Strategy
- Action taken against those General Practitioner doctors that refuse to accept Travellers as patients.

Employment (Para 36-43)

There are a number of weaknesses in Ireland's CERD Report in relation to employment and unemployment, including:

- Lack of adequate acknowledgment of racial discrimination as a key causal factor in Traveller unemployment (Para 36)
- Failure to estimate or provide figures on the level of unemployment among Travellers (Para: 37, 38).³⁸

Level of Unemployment

The 2002 census highlighted that 73% of Traveller men are unemployed in comparison to a national male figure of 9%; while 63% of Traveller women are unemployed in comparison to a national figure of 8% (see Fig. 7). The range of employment that Travellers are engaged in fits into the ‘first in, first out’ category so that even for Travellers who have secured employment very few are in sustainable /career building type jobs.

³⁸ Figures available subsequent to the publication of Ireland’s CERD Report

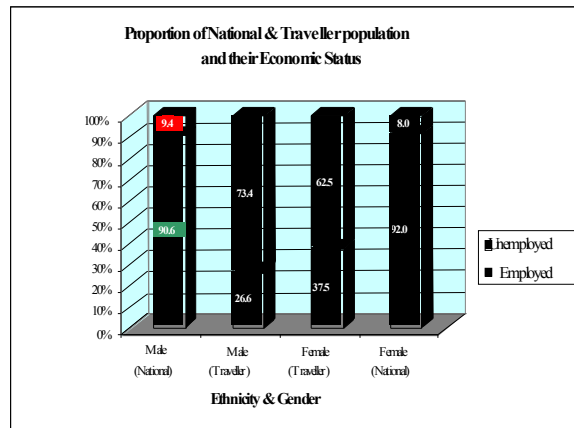


Fig 4: The Economic Status of Travellers compared with the National Population

Data from the Central Statistics Office: Census, 2002

Racial discrimination as a key causal factor in Traveller unemployment

Travellers experience direct and indirect discrimination an individual and institutional level.

Progress made since the publication of the Task Force Report in 1995 on issues such as on employment has been very disappointing. The Monitoring Committee’s First Report, (2001) noted:

‘The Committee points out that in terms of access to the mainstream labour market the participation of Travellers continues to be very low. The difficulties stem from the discrimination Travellers experience in school, in training courses, accessing and/or in the work environment; nomadism and the desire for self employment; a logical choice given the levels of discrimination; early school leaving; and a shortage of skills to enable access to the mainstream labour market, in particular employment and prospects’.³⁹

A recent study undertaken by Pavee Point highlighted:

- Travellers’ interest in successfully accessing employment.
- The reality of discrimination in the labour market.
- The lack of skill and low levels of education among Travellers.
- Legislation alone will not solve these realities.⁴⁰

³⁹ Department for Justice, Equality and Law Reform, (2001) First progress Report of the Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community.

The Traveller Community is excluded to a large extent from the labour market. A high percentage of Travellers are long-term unemployed. This can partly be explained by the decline of traditional areas of economic activity and employment, such as scrap metal recycling, horse-trading and market trading, due to the changing economic climate exacerbated by restrictive legislation in certain areas and the lack of provision of work space beside accommodation space. Travellers have not, however, found easy access to the general labour market despite the economic boom mentioned above.

It has been reported that direct discrimination is widespread, to the extent that even when Travellers are referred to employers by employment offices, they are refused work. Travellers also face indirect forms of discrimination in entering the labour market due to disadvantages in other areas of life including education, health and accommodation. Another barrier to Traveller employment which has been mentioned is the possible loss of the medical card (entitlement to free medical care) upon entry into employment, which acts as a major disincentive to Travellers seeking employment.

Pavee Point acknowledges that there has been some effort to include Travellers in mainstream employment, however even where such actions are taken they are often undermined by other aspects of Government policy. For example, the positive action aimed at recruiting Travellers into the Civil Service (Appendix 1, 40) was welcomed by Pavee Point at the time it was launched. Pavee Point further facilitated Travellers to participate in the entrance examination for the Civil Service. Unfortunately the Government subsequently introduced a moratorium on all recruitment to the Civil Service and the initiative resulted in raising expectations that could not be fulfilled.

Conclusions and Recommendations

There remains very high unemployment among Travellers in Ireland and mainstream labour market opportunities where they exist are often limited to low paid jobs. The community and voluntary sector is probably where most opportunities for mainstream employment opportunities for Travellers. However many of these jobs are over dependent on funding from active labour market programmes and as a consequence are often low paid, with limited opportunities for sustainable employment.

The impact of racial discrimination on Travellers' social and economic inclusion is under estimated in the CERD Report, as is the failure of Government to develop a multi-dimensional approach to reducing long term unemployment among Travellers. For example, in the chapter of the 1995 Task Force report on economic issues there recommendations of relevance to four different government departments and three different agencies. The need for a central driver, such as a Traveller Agency as a coordinator of initiatives in relation to employment and economic development is as evident as other areas of policy that impact on Travellers such as accommodation.

⁴⁰ Pavee Point. (2002) Jobs, Vacancies, Vacant Jobs. Travellers inclusion in the Mainstream Labour Market.

Such an approach is important to develop clear mechanisms to ensure that there is consistency across policy and practice development. It could be argued that the development of integrated poverty and equality proofing should facilitate such an approach. However without an acceptance of the need for inclusive and intercultural economic development this is very questionable.

Recommendations

- A coordinated Traveller economic development strategy needs to be put in place that involves a range of Government departments and includes strategies to improve access and job progression in mainstream employment. A Traveller Agency could help support this process.
- In the short to medium term, the community and voluntary sector provides the best opportunities for mainstream Traveller employment and training opportunities. Significant additional resources need to be targeted at the sector to improve the quality and potential of these jobs.
- Policies need to be put in place to encourage stronger engagement from both the public and private sectors to create a wider range of employment options for Travellers.
- The Traveller economy, which includes employment associated with Travellers including traditional craft making, roadway tarring, and carpet dealing should be given greater recognition and support through economic strategies.

6. Funding and Support (Para 44)

Pavee Point welcomes and acknowledges Government expenditure on Travellers outlined in its CERD Report. However, it points again to the methodological weaknesses in the Report, including:

- Lack of adequate acknowledgement of the extent of discrimination and disadvantage experienced by Travellers which shows that existing resources are not enough and/or they are not being used effectively
- Insufficient data available to measure the impact of such expenditure and progress in many areas of policy
- Pavee Point acknowledges the importance of Government and EU funding for Traveller organisations in Ireland.

7. Cross Cutting Issues (45-46)

Pavee Point acknowledges the importance of cross cutting initiatives such as the National Anti Poverty Strategy (NAPs/incl) and the inclusion of Travellers in these initiatives. The strengths and weakness of the NAPs/incl have been well critiqued by other bodies such as the Combat Poverty Agency.

Recommendation

- The need for clearer targets to be set in reducing Traveller poverty under the NAPs/incl process and for clearer remedial action to be adopted.

8. Elections (47-48)

Pavee Point remains concerned that many Travellers feel alienated from the democratic process in Ireland because of the lack of progress in key policy areas, including policy areas under the responsibility of local government such as accommodation policy. Pavee Point is further concerned that some local politicians seek to make cheap political advantage at the expense of Travellers at election times.

Recommendation

- Government sponsored programme to encourage participation in the electoral process by Travellers both as voters and candidates

9. Media (49-52)

Pavee Point remains concerned at the continued stereotyping of Irish Travellers by some sections of the Irish media, in particular the tabloid press and during the run up to elections. Pavee Point has supported the call called for the establishment of a statutory Press Council, which has been promised on many occasions but has yet to be established by Government. It is unclear whether unfair/racist comments against Travellers will be adequately dealt with will fall under the terms of reference of such a Council.

Recommendation

Establishment of a Statutory Press Council, with powers to review and take action against newspapers that consistently defame Travellers as a group (while taking into account the Press's right to publish what is in the public's interest).

10. Conclusions (53-55)

The overall conclusions in the CERD report are brief and inadequate. Pavee Point seeks to summarise its own conclusions from this Shadow Report as follows:

1. **The Continuing Refusal by the Irish Government to Recognise Travellers as an Ethnic Group and Consequent Implications for Policy.**

The continuing refusal by the Irish Government to recognise Travellers as an ethnic group is not just a semantic issue but has increasingly clear policy implications for public policy. This shadow report refutes Government's assertions in the CERD report that 'to define Travellers as an ethnic minority would not entitle them to additional rights and protections' as misconstruing or misunderstanding the point.

Travellers have never advocated that they should have additional rights and entitlements as a rationale for being recognised as an ethnic group. They have consistently advocated that Travellers are entitled to the same basic human rights as everyone else in Irish society. For Travellers this means adequate and culturally appropriate accommodation, an education system that recognises and values Travellers and their culture and a health system that actively seeks to reduce the shockingly high sickness and mortality rates among Travellers. The failure to recognise Travellers ethnicity in the provision of services has been a major factor in determining that Travellers have received weaker, and sometimes, discriminatory service provision in the past.

2. **An Inadequate Picture of Reality of Life for Travellers in Ireland.**

Ireland's CERD Report provides a wholly inadequate picture of the continued high levels of racism, poverty, and exclusion experienced by Travellers in Ireland. The fact that Travellers life expectancy is a decade behind settled people and the fact that most Travellers leave education before the second year of second level are all indicators of the continuing poor socio economic circumstances of Travellers in Ireland. The inadequacy of data available to measure progress in many areas of public policy is acknowledged in Ireland's CERD Report, which is to be welcomed however, clear statistical strategies must now be put in place to address these knowledge gaps.

3. **Increasing Gap between Stated and Actual Policy.**

Despite some progress in particular policy areas, there is an increasing gap between stated Government policy and reality for Travellers on the ground. In particular, progress in implementing the Government's main policy instrument, the Task Force on the Travelling Community, 1995 has been slow and piecemeal. The gap between stated and actual policy is at best only partially considered and acknowledged in Ireland's CERD Report. There is no evidence of an emerging Government strategy to overcome this gap as shown by recent Government rejection of the establishment of a statutory Traveller Agency.

4. Concerns about a Perceived hardening of Attitudes towards Travellers. There is a concern among Traveller groups of a perceived hardening of attitudes towards Travellers by the Government, local government and the general public. This is reflected in public opinion surveys, the introduction of regressive legislation on trespass prior to a recent general election and the confrontational approach adopted towards Travellers by some local authorities, which in one recent case in Dublin, resulted in

open conflict between Travellers and Dublin city Council for the first time in many years.

5. Key Issues Affecting Traveller Women

There is little direct reference to the experience of Traveller women and racial discrimination in Irelands CERD Report. In a Shadow Report on the Convention on the Elimination of all forms of Racial Discrimination (CEDAW) in December 2004, Pavee Point contended that Traveller women's day to day lives have not changed significantly since the last time the Irish government reported under CEDAW.

- Traveller women face health inequalities which results in Traveller women living approximately 12 years less than other settled Irish women
- Educational attainment for Traveller women is significantly below that of settled women with only 16 Travellers currently in third level education
- Access and participation in employment is still something that for the most part is outside the reach of Traveller women due to constant discrimination

In order to eliminate discrimination and to address the marginalisation experienced by Traveller women in their day to day life, effective, appropriate and meaningful programmes, policies and strategies must be set in place by the Irish government.

6. The Pressing Need for a Traveller Agency. In recent years Traveller groups have advocated the need for a Traveller Agency to coordinate and where necessary enforce the implementation of the recommendations of the Task Force on the Travelling Community. This Agency would replace the existing approach, which is primarily concerned with 'monitoring' the implementation of the Task Force Report. The Government has recently rejected the establishment of such an agency.

Annex One: The Role of Pavee Point

Pavee Point is a non-governmental organisation, established in 1985, which is committed to improving the quality of life, living conditions and status of Irish Travellers. The organisation is a partnership of Travellers and members of the majority population working together to address the needs of Travellers as a minority ethnic group experiencing exclusion, marginalisation and racism. The work, which involves research, local action, national resourcing and policy advocacy, involves a community work approach based on the principles of human rights, equality, cultural diversity and interculturalism.

Annex Two: CERD General Recommendation No XXVII on ‘Discrimination against Roma’

CERD General Recommendation No XXVII on ‘Discrimination against Roma’ adopted in 2000 which urges parties:

‘2. To adopt and implement national strategies and programmes and express determined political will and moral leadership, with a view to improving the situation of Roma and their protection against discrimination by State bodies, as well as any person or organisation.’

‘5. To take all necessary measures in order to avoid any form of discrimination against immigrants or asylum seekers of Roma origin.’

‘6. To take into account in all programmes and projects planned and implemented and in all measures adopted, the situation of Roma women, who are often victims of double discrimination.’

‘31 To act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against any local measures denying residence to and unlawful expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities’

‘32. To take the necessary measures, as appropriate, for offering Roma nomadic groups

Annex Three: The Task Force on the Travelling Community (1993-1995)

The Task Force on the Travelling Community was established in June 1993 by the Department of Equality and Law Reform and was comprised of 17 members and chaired by Liz McManus TD and subsequently by Senator Mary Kelly. Its terms of reference included ‘to advise and report on the needs of travellers (*sic*) and on Government policy generally in relation to Travellers’ and to make recommendations and draw up a strategy for consideration by Ministers.

Table two outlines the bodies represented on the Task Force.

Table One: Nominating Bodies for the Task Force on the Travelling Community

Nominating Bodies for the Task Force on the Travelling Community
Pavee Point (a national Traveller NGO, formerly the DTEDG)
Conference of Religious in Ireland (association of people from roman Catholic religious orders)
National Federation of the Travelling People (now disbanded)
Minister for Equality and Law Reform (now merged with Dept of Justice)
Irish Traveller Movement (a national Traveller NGO)
National Association of Traveller Training Centres
South Dublin County Council (local authority)
Department of Education (now Education and Science)
Department of the Environment (now Environment and Local Government)
Department of Health (now health and Children)
Department of Social Welfare (now Social and Family Affairs)
Fine Gael (political party)
Progressive Democrats (political party)
Fianna Fáil (political party)
Democratic Left (political party)

Government publications published an interim report in 1994 and the final report of the Task Force in 1995, after which the Task Force was disbanded. A Committee to monitor and coordinate the implementation of the Task Force on the Travelling Community was established in an 'Aide Memoire' to Government in March 1998.

Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community

Soon after the publication of the Report, an interdepartmental working group was set up to consider the implementation of the Report, and the Government decided in principle to accept the main thrust of the Report.

A Committee to Monitor and Coordinate the implementation of the Report was established in June 1998, which is chaired by a representative from the Department of Justice, Equality and Law Reform and includes representatives from the main Government Departments, the three main Traveller Organisations {Pavee Point, the Irish Traveller Movement, the social partners and Ministerial appointments}.

The Government Departments included on the Monitoring Committee and their main role is as follows:

- The Department of Justice, Equality and Law Reform (coordination. Including the Task Force Report monitoring Committee)
- The Department of Environment and Local Government (accommodation, including the National Traveller Accommodation Consultative Committee)
- Department of Finance (government finance)
- Department of Enterprise, Trade and Employment (employment related issues)
- Department of Education and Science (Education)
- Department of Tourism, Sport and Recreation
- Department of Community, Rural and Gaeltacht Affairs (community development)
- Department of Social Affairs (income support)
- Department of Health and Children (health and children)

The Monitoring Committee subsequently published its first report on December 5th 2000. Its second report was due to be published by July 2003 but has not been published by time of going to print.

National Traveller Accommodation Consultative Committee (NTACC)

The NTACC is a body established by statute in 1999, with an independent Chairperson and three dedicated officials. The committee also has three sub committees and its agenda has focussed on all aspects of accommodation, from provision to site management. The NTACC superseded a consultative group established following the recommendations in the Task Force Report.

Traveller Accommodation Unit

The Unit was established in 1996 by the Department of Environment and Local Government to oversee the implementation of the National Strategy for Traveller Accommodation and the Housing (Traveller Accommodation) Act, 1998. The main elements of this Act are as follows:

- Local Authorities are required, in consultation with Travellers and Traveller representatives, to prepare and adopt by a date specified by the Minister, 5 year programmes to meet the existing and projected accommodation needs of Travellers in their areas.
- Allows for public input to the preparation and amendment of such programmes.
- Obliges local authorities to take the appropriate steps to secure implementation of programmes.
- Requires planning legislation to require planning authorities to include objectives concerning Travellers accommodation needs in their county/city development plans
- Provides improved powers to local authorities to remove temporary dwellings where serviced accommodation is available within one mile.