



**PAVEE POINT**  
TRAVELLER AND ROMA CENTRE

**Suggested List of Issues to Country Report Task Force on Ireland for the 109th Session of the Human Rights Committee, 14 October -1 November 2013**

**Reporting Organisation**

Pavee Point Roma and Traveller Centre is a national non-governmental organisation committed to the attainment of human rights for Irish Travellers and Roma. The group is comprised of Travellers and Roma and members of the majority settled population working together in partnership to address the needs of Travellers and Roma as minority ethnic groups experiencing exclusion and marginalisation. The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma through working for social justice, solidarity, socio-economic development and human rights.

**Travellers and Roma in Ireland**

The All Ireland Traveller Health Study, commissioned by the Department of Health and Children and published in 2010 establishes the Traveller population at a little over 36,000 in Ireland. The 2011 census gives a figure 29,495. This figure represents less than 1% of the nation's population. As a community, the Traveller population has experienced a history of racism and discrimination, resulting in poor health status, accommodation, access to education and employment. Census 2011 gives a figure of 84.3% unemployment for Travellers.

There is an estimated 5,000 Roma living in Ireland. There is no Government data in relation to the population of Roma in Ireland and so this figure is an estimate. There is a policy vacuum in relation to Roma in Ireland and no existing forums for Roma to feed in to or to influence policy. In this context many Roma are extremely marginalised in Irish society.

Many Roma in Ireland are living in poverty due to a lack of access to work and restrictive social welfare measures. Many Roma find it difficult to gain employment due to factors including racism, discrimination and lack of training and formal education. There is a lack of vocational training options for Roma in Ireland and no clear strategy to facilitate Roma participation in mainstream training programmes. In the absence of an overall coherent strategy for Roma inclusion in Ireland, there is a lack of research and initiatives developed to support Roma. For those who are unable to find employment or access supports, options include reliance on charities and family or 'voluntary repatriation' to country of origin.

This submission identifies key Traveller and Roma rights issues for the Human Rights Committee to consider as it prepares its List of Issues for the review of Ireland. These are:

- Recognition of Travellers as a Minority Ethnic Group
- High Level Official Group
- Traveller Accommodation
- Traveller Health
- Traveller Education
- National Traveller Roma Integration Strategy
- Protection from Discrimination
- Gender Equality
- Criminal Justice System
- Equal Treatment before the Law
- Incitement to Hatred
- Right to take part in Public Affairs
- Rights of the Child

## **Summary of Issues**

### **Ethnic and Linguistic Minorities: (Article 27)**

#### **Recognition of Travellers as a Minority Ethnic Group**

Despite the recommendation of many UN treaty monitoring bodies (CERD; CEDAW; Children; Human Rights Committee), and that of a range of European institutions (ECRI, FCPNM; Council of Europe) as well as equality and human rights bodies within Ireland including the NCCRI, Irish Human Rights Commission and Equality Authority, the Government continues to refuse to acknowledge Traveller ethnicity. Various countries also made recommendations for recognition during the UPR process in 2011. This impacts Travellers in many ways. In particular, the Government division responsible for development of anti-racism initiatives does not include Travellers as part of its brief and so Travellers are not included in such initiatives by design. In short, racism against Travellers is not acknowledged by the State.

#### **We request the Committee to ask the State to:**

- **Take immediate steps to recognise Travellers as a minority ethnic group**

#### **High Level Official Group**

The high level official group continues to operate as a group without Traveller representation. This has the effect of discussions and decisions being made about Travellers without their involvement.

#### **We request the Committee to ask the State to:**

- **Ensure Travellers and Roma are included in decision-making forums that impact upon their lives.**

## **Traveller Accommodation**

The Housing Miscellaneous Provisions Act continues to criminalise nomadism and disproportionately impacts upon Travellers and we would argue is a form of institutionalised racism.

According to the All-Ireland Traveller Health Study (2010)<sup>1</sup>, most Travellers now live in houses (73.3%), followed by trailer/mobile home or caravan (18.2%). Most homes had central heating (92.9%), both hot and cold water (94.4%). This means that 7.6% of Travellers, or 2,753 Traveller men women and children did not have access to running water.

The lack of political will and the lack of incentives or sanctions in the legislation have resulted in local authorities failing to provide adequate accommodation for Travellers under the Housing (Traveller Accommodation) Act 1998. Traveller families often face discrimination, harassment and racist attacks by people who do not want them to live in their area.

ECRI (2013) has stated 'National authorities should envisage introducing measures binding on local authorities and raising awareness among the general public of Traveller accommodation rights and promote respect thereof.'

### **We request the Committee to ask the State to:**

- **Repeal the Housing Miscellaneous Provisions Act**
- **Introduce measures binding on local authorities to implement the Housing (Traveller Accommodation) Act 1998 including the provision of transient sites in each local authority area.**

## **Traveller Health**

The All Ireland Traveller Health Study reported the following findings:

- Life expectancy at birth for male Travellers has remained at the 1987 level of 61.7 which is 15.1 years less than men in the general population, representing a widening of the gap by 5.2 years.
- Life expectancy at birth for female Travellers is 70.1 which is 11.5 years less than women in the general population.
- Traveller infant mortality is estimated at 14.1 per 1,000 live births. This is a small decrease from an estimated rate of 18.1 per 1,000 live births in 1987. Over the same time period the general population infant mortality rate has reduced from 7.4 to 3.9 per 1,000 live births.

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<sup>1</sup> The All-Ireland Traveller Health Study (also known as "Our Geels") is referenced throughout this document. This study was undertaken in 2010 by University College Dublin in partnership with Traveller groups and the Health Service Executive. It involved all Travellers in north and south of Ireland and it has a response rate of over 80 per cent due to the fact that the researchers were Travellers. It is the first health study of a national scale to be developed with Traveller involvement.

- Travellers, in particular males, continue to have higher rates of mortality for all causes of death.
- Traveller suicide rates are seven times higher than in the general population

Despite this evidence, to date, the government has not developed an action plan to address the Study findings. Further, the National Traveller Health Advisory Committee (which has Traveller organisation representatives), has not met since October 2012, at a time when major reform is taking place within health services in Ireland with the establishment of Health Directorates. Despite the evidence that Travellers experience the worst health status in Ireland, Traveller health is not a priority among health planners and the budget for Traveller health developments has been used for mainstream health services.

**We request the Committee to ask the State to:**

- **Develop and implement a detailed action plan to address the findings of the All Ireland Traveller Health Study, using a social determinants approach.**
- **Reconvene the National Traveller Health advisory Committee and ensure Traveller health is mainstreamed in the work of the new health Directorates**
- **Ring-fence the Traveller health budget**

**Traveller Education**

The budgetary cuts in Traveller education are disproportionate compared to financial cutbacks of other mainstream educational cuts. These cuts are short sighted and display a disregard for the Traveller child and young Travellers and their future life chances.

Census 2011 shows that 55% of Travellers leave school before the age of 15. Less than 1% of Travellers go on to Third level education. In Budget 2011, almost all of the Traveller specific education supports were cut. The Visiting Teacher for Travellers Service (VTTS) was cut 100%, resulting in the loss of 40 posts. Resource Teachers for Travellers (RTT) was cut 100%. As a result 710 teaching posts were cut. 141 Resource Teachers positions were made available to compensate however these teachers are not specifically for Travellers. In total 569 teaching positions were cut. 33 Senior Traveller Training Centres were cut. The capitation grant for Traveller children was substantially cut. Combined with all the cuts, discrimination continues to be a major factor. The AITHS showed that 62% of Travellers experienced discrimination once or more in school.

**We request the Committee to ask the State to:**

- **Develop an implementation plan for The Report and Recommendations for a Traveller Education Strategy**
- **Ensure comprehensive training modules on equality and diversity which effectively challenge bias and prejudice are included in teacher training courses.**

## **Ireland's National Traveller Roma Integration Strategy**

Ireland has developed a 'National Traveller Roma Integration Strategy' on foot of the EU Framework for National Roma Integration Strategies up to 2020. Despite the guidance of the EU in relation to the development of these strategies, Ireland's strategy needs significant improvements. The most recent assessment (2013) of the European Commission has been very critical of Ireland's National Traveller Roma Integration Strategy. Out of 22 criteria, Ireland is deemed to have met just 4.

Ireland has failed to engage with civil society and to put energy and resources into developing a progressive strategy. The current strategy needs to be developed to address the gaps in Traveller policy, to reallocate resources to Traveller initiatives and to develop initiatives for Roma in Ireland. Ireland's National Traveller Roma Integration Strategy, as it stands, mainly presents a narrative of existing Traveller policy. It contains no goals, targets, indicators or related timeframes, funding mechanisms or monitoring and evaluation mechanisms. No consultation or facilitation of active participation of Travellers and Roma has taken place and Roma are largely excluded from this document.

### **We request the Committee to ask the State to:**

- **Revise the National Traveller Roma Integration Strategy in line with the guidance of the European Commission and in line with the Common Basic Principles on Roma Inclusion.**
- **Develop a national forum whereby Roma can be part of policy decisions impacting on their lives.**

### **Protection from Discrimination and Equality before the Law: (Article 2, 26)**

The restricted budget of the Equality Authority, the erosion of Travellers' access to justice by moving Equal Status cases involving licensed premises to the District Court, and the low levels of compensation awarded to Travellers by the Equality Tribunal have impacted negatively on Travellers' protection from discrimination.

School enrolment policies disadvantage Travellers and other minority ethnic groups from accessing local schools. Roma in Ireland face discrimination and can find it difficult to access the legal system. Cuts to the Equality Authority, the termination of the National Consultative Committee on Racism and Interculturalism and lack of a National Action Plan Against Racism have negatively impacted on measures to respect, protect and fulfil the rights outlined in the Covenant without discrimination.

Related to protection from discrimination is the collection of data disaggregated by ethnicity, gender and other factors. The Census and the All Ireland Traveller Health Status Study (2010) have provided data in relation to Travellers but there is a dearth of disaggregated data across administrative systems. There is currently no collection of data on Roma ethnicity and Roma need to be included as a category in the Census. We need good quality data to develop evidenced based policy, plan service provision and identify gaps in services or discrimination. The ethnic identifier based on the CSO Census Question on ethnicity needs to be rolled out across all routine administrative systems.

Another key element of protection from discrimination is funding for Traveller and Roma initiatives. A recent report 'Travelling with Austerity'(2013) undertaken by independent social researcher, Brian Harvey, has shown in the period of the recession since 2008, there has been an extraordinary level of disinvestment by the Irish State in the Traveller community. A summary of figures given in the report are provided below:

<b>Programmes for Travellers</b>		
Interagency activities	-100%	
Traveller education	-86.6%	
Traveller accommodation	-85%	
Equality	-76.3%	
National Traveller organisations	-63.6%	
FAS Special Initiative for Travellers	-50%	
National Traveller Partnership	-32.1%	
Traveller SPY youth projects	-29.8%	
Health <sup>1</sup>	-5.4%	
<b>Programmes and funding lines of importance to Travellers</b>		
Equality and rights agencies	-69%	
Local & Community Development Programme	-42.3%	
Initiatives against drugs	-32.5%	
<p>One of the most striking aspects of these cuts was that statutory agencies did not even spend all their allocations, so the picture is even more difficult. This is a table of the proportions actually spent (and, conversely, the underspend):</p>		
	<u>Spend</u>	<u>Underspend</u>
Health	82%	18%
Equality	72%	28%
Accommodation	64%	36%
FAS Special Initiative for Travellers	60%	40%

**We request the Committee to ask the State to:**

- **Indicate how adequate protection from discrimination to Travellers and Roma will be provided under the new Human Rights and Equality Commission.**
- **Outline how marginalised groups including Travellers and Roma will have access to legal representation under the new Human Rights and Equality Commission.**
- **Develop an updated National Action Plan Against Racism.**
- **Include Roma as a category in the CSO Census Question and roll out the ethnic identifier across all routine administrative systems.**
- **Ring fence funding for Traveller and Roma initiatives and organisations at local and national level.**

**Gender Equality: (Article 3)**

Traveller women continue to experience gender inequality, particularly in the areas of educational attainment, participation in employment and accommodation and political participation. The recent cuts to the National Women's Council of Ireland budget has

weakened efforts to address gender inequality, particularly for women from minority ethnic groups who experience multiple layers of discrimination because of the intersection of gender and racism.

Over the past two years government funding to the National Women's Council of Ireland (NWCi), the leading women's organisation in Ireland, has been cut by 50%. These cuts have a huge impact on Traveller and Roma women's access to supports that work to increase gender equality.

### **Violence Against Women: (Article 3, 8)**

Domestic and sexual abuse continues as a serious violation of a woman's basic fundamental rights. Traveller women are often placed at higher risk, because of the additional barriers, discrimination and structural inequalities faced. Gender based violence services and programmes are facing cumulative cuts which are seriously impacting on a woman's access to support and protection.

Roma women are particularly vulnerable to trafficking and violence. Issues such as ethnic and gender discrimination, structural poverty and social exclusion, low levels of education, high levels of unemployment, growing up in state care can all be factors. There needs to be adequate supports in place for people to report. There is no existing research or initiatives to protect Roma women from trafficking.

Roma migrant women who experience domestic violence may have limited support options. For example in Ireland if you do not have access to social welfare payments this may prevent access to a women's refuge, beyond an emergency period. Many Roma women do not have access to social welfare payments due to the habitual residence condition and this increases their risk of violence as they are unable to access refuges or to leave a situation of violence with no financial support. The criteria for meeting the habitual residence condition make it difficult for Roma and Travellers who have moved across jurisdictions to access social welfare and are particularly gendered. For example, previous work pattern is a factor that is considered that will impact negatively on a women who has taking on the role of primary carer for children. Issues such as language, wider discrimination in society and distrust of service providers may prevent Roma women seeking support when they face situations of violence. Supports need to be put in place to ensure Roma women are not subject to torture, cruel, inhuman or degrading treatment or punishment.

### **We request the Committee to ask the State to:**

- **Ring fence funding to restore an adequate level of service provision and to support effective advocacy by women's groups at local, regional and national level.**
- **Allocate funding for specific initiatives aimed at tackling violence experienced by Traveller and Roma women.**
- **In the short-term, amend the Habitual Residence Condition to make an exception in cases of domestic violence against women so that women can have ease of access to refuge and other support services.**

- **Transpose EU Directive 2011/36/EU to ensure speedy identification process, no re-victimisation of victims by repetition of traumatic accounts and a gender sensitive response to victims.**
- **In recognition of Roma vulnerability to trafficking, ensure research and initiatives are developed to address this issue in Ireland.**

### **Criminal Justice System: (Article 9)**

The All Ireland Traveller Health Status Study documented that Traveller women are 18 more times likely to be incarcerated than women from the majority population and 5 times the rate for Traveller men. There are no figures in relation to Roma, however, anecdotal evidence would suggest high figures for Roma also.

#### **We request the Committee to ask the State to:**

- **Take steps to implement Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005) which recommends that States parties should be aware of, and collect data on possible indicators of racial discrimination, including the handing down by the courts of harsher or inappropriate sentences against persons belonging to certain groups.**

### **The Right to Fair and Equal Treatment before the Law: (Article 14)**

Recently a number of comments have been made in relation to Travellers and Roma by Judges. While presiding over a case with a Traveller defendant, in Athlone District Court in September 2012, Mr. Justice Seamus Hughes is reported as stating,

‘Nobody has indicated it to me, but I suspect he comes from a certain ethnic background that would give him even more form given the type of behaviour in which some of them engage. ...As I’ve described it before, they are like Neanderthal men living in the long grass, abiding by the laws of the jungle.’

This was followed by a statement by Judge Geoffrey Browne in January 2013 in Tuam District Court. He is reported describing burglars as ‘Knackers’ and encouraging homeowners to use maximum force against them. The word ‘Knacker’ is a term that is considered extremely racist and insulting to Travellers.

Following this, in March 2013 Judge Patrick McCartan is reported as saying ‘I assume from his appearance that he's from the Roma community who came here to do what all of them tend to do, to use the streets to beg.’

Such language has not been challenged and this creates a fear that Travellers and Roma will not receive fair and equal treatment before the law. Furthermore, Judges who make such statements have not been held to account. A judicial council that will ensure accountability for judges is needed.



**We request the Committee to ask the State to:**

- **Set up a Judicial Council as a matter of urgency**
- **Ensure Travellers and Roma information and guidance is included in the Judges Benchbook and that they receive training on cultural awareness and anti-racism delivered in partnership with Traveller organisations**

**Incitement to Hatred: (Article 20)**

The Government's key legislation for dealing with racist crime is the Incitement to Hatred Act, 1989 (art. 20. 1). Criticisms of the legislation include:

- It relates to "incitement" and not racist crime in itself;
- It can be difficult to prove intent;
- The penalties do not reflect the seriousness of the crime;
- Judgments of District and Circuit Courts where these cases are held are not recorded (unless reported in local media), so there is little visibility of outcomes.

A key issue is also the lack of capacity to tackle incitement to hatred on social media.

**We request the Committee to ask the State to:**

- **Take immediate steps to review and update the prosecution and sentencing of racist crime in Ireland and inappropriate comments made by judges during trials involving members of minority ethnic groups including Travellers.**
- **Provide financial support for the undertaking of independent recording and monitoring of racist crimes**

**The Right to Take Part in Public Affairs: Article 25**

Currently, there is no political representation for Travellers or Roma. The CERD Committee (2005 & 2011) has recommended that the Government adopt a programme on affirmative action to improve the representation of the Traveller community in political institutions and taken adequate measures to encourage the Traveller community to participate in the conduct of public affairs.

**We request the Committee to ask the State to:**

- **Develop positive action measures to ensure political representation of Travellers, Roma and other minority ethnic groups at local, regional and national level.**

**The Rights of the Child: (Article 24)**

In a series of seminars held by Pavee Point and the Health Service Executive (HSE) in 2011/2012 on the experiences of Roma children in Ireland, HSE staff noted that the habitual residence condition is resulting in extreme child poverty for Roma children. A recurring issue at the seminars and in the interviews with professionals working with Roma was the extent of the deprivation some Roma families are experiencing as a result of not qualifying for social welfare assistance. Many practitioners expressed shock and concern at the living conditions of some Roma families, including substandard housing and no food, saying they have never seen such conditions before.

“I’ve been working my whole life and never seen poverty like this before. We need to do something about it.”

This is resulting in extreme poverty, poor health and raising serious child protection issues. Social workers have raised concerns about child poverty, saying they have never seen poverty like this before, and that they have to consider taking a child into care in order to access basic services. The knock-on effect of not meeting the habitual residence condition can also mean a lack of access to a medical card, as a person is unable to prove their means.

The Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, has called on Ireland to review the impact of the habitual residence condition as a matter of priority.

In light of this Pavee Point calls on the Department of Social Protection to invest in and conduct a review and impact assessment of the habitual residence condition, in particular in relation to ethnicity and gender. Ireland has a responsibility to ensure policies are in line with human rights commitments. This means ensuring policy is not discriminatory.

**We request the Committee to ask the State to:**

- **Provide a humanitarian response and ensure that Roma are not living without basic food and shelter**
- **Invest in and conduct an equality and poverty impact assessment of the habitual residence condition, taking into account factors of ethnicity and gender.**
- **Remove child benefit from habitual residence condition requirements.**

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