



**PAVEE POINT**  
TRAVELLER AND ROMA CENTRE



# IRISH TRAVELLER & ROMA WOMEN

## Joint Shadow Report:

A RESPONSE TO IRELAND'S CONSOLIDATED SIXTH AND SEVENTH PERIODIC  
REPORT TO THE UN COMMITTEE ON THE ELIMINATION OF DISCRIMINATION  
AGAINST WOMEN

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## Executive Summary and Key Recommendations

This Joint Shadow Report to UN CEDAW Committee puts forward the following **overarching** recommendations across the relevant Articles and General Recommendations of the CEDAW Convention to progress the socioeconomic, cultural and political rights of Traveller and Roma women in Ireland:

- ❖ **Introduce gender specific objectives, targets, activities, indicators, timeframes and adequate human and financial resources for the social inclusion of Traveller and Roma women in all policy areas, including education, training, employment, health, accommodation, violence against women and local and community development initiatives**<sup>1</sup>
- ❖ **Ensure data collection and analysis is disaggregated by ethnicity and gender across all administrative systems and mainstream services and is in line with human rights-based standards of data collection**<sup>2</sup>
- ❖ **Ensure active and meaningful consultation with Traveller and Roma women's representative organisations in the development, implementation, monitoring and evaluation of all relevant policies and incorporate advisory and appropriate decision making powers into relevant consultative structures**<sup>3</sup>

We respectfully ask for the CEDAW Committee to make the following recommendations to the State Party in these **priority** areas:

- ❖ **Recognise Irish Travellers as a minority ethnic group without further delay, and/or explain the rationale for not granting the recognition**<sup>4</sup>
- ❖ **Establish a statutory agency with enforcement powers to deliver progress across all Traveller and Roma policy areas to ensure allocated actions and budgets are fully implemented and spent**<sup>5</sup>
- ❖ **Review application of the right to reside (European Directive 2004/38) and habitual residence condition (HRC) in consultation with Traveller and Roma representative organisations to ensure compliance with Ireland's human rights obligations towards Traveller and Roma women**<sup>6</sup>
- ❖ **Make Child Benefit payments a truly universal payment that is not contingent on the fulfilment of the Habitual Residence Condition**<sup>7</sup>
- ❖ **Resource the adoption of targeted community development programming to eliminate violence against Traveller and Roma women, and special measures to address the financial and administrative barriers to safety for Traveller and Roma women, particularly in accessing emergency and long-term accommodation and sufficient income**<sup>8</sup>

We make further recommendations in **other key policy areas** as referred to in the main body of the report. We respectfully ask for the Committee to call upon the State to take action in all these areas to ensure the rights of Traveller and Roma women are promoted, protected and realised.

## Introduction

Pavee Point is a national NGO committed to the attainment of human rights for Irish Travellers and Roma who as minority ethnic groups experience discrimination, racism, exclusion and marginalisation. National Traveller Women’s Forum is a national network of Irish Traveller women and organisations working to address intersectional discrimination against Traveller women in Irish society.<sup>9</sup>

Our joint shadow report provides a response to Ireland’s consolidated sixth and seventh periodic report to the UN CEDAW Committee. It is informed by priorities identified by Traveller and Roma women in a national consultation and provides case studies in appendices to give voice to lived realities of Traveller and Roma women.<sup>10</sup>

As minority ethnic women, Traveller and Roma women are among the most marginalised and excluded individuals and groups in Ireland due to intersectional discrimination based on gender, ethnicity and other factors.<sup>11</sup> Little has changed since the Committee’s previous examination of the State Party. Numerous national and international bodies have raised significant concerns in relation to the persistent and deteriorating situation of Travellers and Roma in relation to social, economic and cultural rights, particularly as a result of austerity measures introduced as a response to the recession (see section 2.4).

## 1. Discrimination against Traveller & Roma women – Article 2 & GR No. 28

### 1.1 Recognition of Traveller Ethnicity

After repeated recommendations by UN treaty monitoring bodies,<sup>12</sup> European institutions,<sup>13</sup> and Irish equality and human rights bodies,<sup>14</sup> the Taoiseach has indicated that Traveller ethnicity would be recognised by the end of January 2017.<sup>15</sup> If announced, we proudly welcome the long waited recognition, which will allow for the inclusion of Traveller women in anti-racism and intercultural initiatives and legislation.

#### Recommendations:

**(a) Recognise Irish Travellers as a minority ethnic group without further delay, and/or explain the rationale for not granting the recognition**

### 1.2 Anti-Roma and Traveller Discrimination and Racism

Traveller and Roma women experience high levels of discrimination and racism at individual and institutional levels (see Appendix 3). Roma women are highly vulnerable to racism, particularly women who are more easily identifiable as Roma.<sup>16</sup>

% of Travellers who experience discrimination (no gender disaggregated data available) <sup>17</sup>	Discrimination against Roma Women <sup>18</sup>
<ul style="list-style-type: none"> <li>40% of Travellers have experienced discrimination in accessing health services</li> <li>62% of Travellers have experienced discrimination at school</li> <li>55% of Travellers have experienced discrimination at work</li> <li>61% of Travellers have experienced discrimination in a shop/restaurant/pub</li> <li>Research shows Traveller women reporting ill-treatment by An Garda Síochána (police), including abusive, discriminatory and racist language and physical violence<sup>19</sup></li> </ul>	<ul style="list-style-type: none"> <li>61.5 % of Roma women worry ‘most of the time’ about unfair treatment due to being Roma</li> <li>93.8 % of Roma women feel discriminated against in accessing accommodation</li> <li>85.1% of Roma women feel discriminated against in accessing social protection</li> <li>75% of Roma women report being stopped by An Garda Síochána (police) for an identity document</li> <li>86.3% of Roma women feel discriminated against on a street or public setting</li> <li>78.3 % of Roma women feel discriminated against in shops, restaurants, pubs, &amp; other social venues</li> </ul>

In two incidents in 2013 two Roma children, who unlike their parents had fair skin and hair, were taken into state care on suspicion that they had been abducted. It was later discovered that the children were living with their biological families and the children were subsequently returned. The subsequent Inquiry by the Ombudsman for Children confirmed that the events were influenced by unfounded and deeply prejudiced myths about Roma 'stealing children'. The inquiry found that one of the Irish cases constituted ethnic profiling.<sup>20</sup>

The State's reticence to identify and monitor ethnic and racial discrimination is exemplified by non-renewal of National Action Plan Against Racism (2005-2008) and abolition of National Consultative Committee on Racism and Interculturalism (NCCRI) in 2008.<sup>21</sup> It was intended that the responsibility for anti-racism and interculturalism would be transferred to the Office for the Promotion of *Migrant* Integration. This section of the Department of Justice and Equality excludes Travellers who are an indigenous minority ethnic group.

**Recommendations:**

- (a) Include Travellers as a minority ethnic group in anti-racism and intercultural initiatives**
- (b) Introduce a new National Action Plan against Racism and establish a national oversight committee inclusive of representatives from Traveller and Roma organisations to develop, implement and monitor the plan**

## **2. Guarantee of Basic Human Rights & Temporary Special Measures – Article 3 & 4**

### **2.1 National Women's Strategy – General Recommendation 6 & 25**

The National Women's Strategy 2007-2016 contained no actions, targets or funding mechanisms to address the inequalities experienced by Traveller and Roma women. The Government launched a public consultation for a new Strategy 2017-2020 on 23 November 2016. With a closing date on 27 January 2017, there are significant concerns about the extremely tight timeframe and the meaningfulness of the consultation.

**Recommendations:**

- (a) Engage in active and meaningful consultation with Traveller and Roma women's representative organisations in the development, implementation, monitoring and evaluation of the new National Women's Strategy**
- (b) Introduce Traveller and Roma specific actions, targets, indicators, budget lines and timeframes within the new National Women's Strategy in education, training, employment, health, accommodation, and local and community development initiatives**

### **2.2 National Traveller Roma Inclusion Strategy (NTRIS) – General Recommendation No.5 & 25**

Ireland's first National Traveller Roma Inclusion Strategy (NTRIS) 2011 contained no actions to address the issues faced by Traveller and Roma women.<sup>22</sup> The State is currently finalising a revised NTRIS and has indicated a commitment to include targeted actions in relation to Traveller and Roma women. At its current phase of development there are major gaps, particularly in relation to addressing Roma maternal health and accommodation. It is also unclear whether an implementation plan with associated targets, indicators, budgetary lines or timeframes will be developed.

**Recommendations:**

- (a) Ensure the NTRIS has measurable objectives and a concrete action plan with targets, indicators, timeframes and adequate human and financial resources**

### 2.3 Data: Equality Proofing of Policy & Programming – General Recommendation No. 9

Lack of disaggregated data by ethnicity and gender results in failure to provide ongoing evidence base of the situation of Traveller and Roma women, and in failure to undertake comprehensive human rights and equality proofing of State policies, budgets and programming. Concerns at the lack of disaggregated data in formulating and monitoring policy and programming have been raised by CEDAW, CRC and CESC.R.<sup>23</sup>

Section 42 of the Irish Human Rights and Equality Commission Act 2014 mandates all public bodies to take proactive steps to assess and promote equality, protect human rights and eliminate discrimination.<sup>24</sup> Progress has been made with Central Statistics Office, which has included Travellers as an administrative category since Census 2006, but Roma are still omitted.<sup>25</sup> The State has also commissioned two significant pieces of research: the first National Roma Needs Assessment (forthcoming in 2017) and All Ireland Traveller Health Study (AITHS, 2010).<sup>26</sup> However, data from the AITHS has largely been met with inaction by the State, and despite the evidence, no action plan has been introduced by the Department of Health to address the stark findings.

A small number of health service providers have introduced ethnic identifiers. However, ethnic categories are not standardised; ethnic identity is often ascribed to Travellers and Roma by using proxies such as name or looks; and the data is not disaggregated, analysed or provided to stakeholders within an appropriate timeframe. These practices are in direct contravention of human rights-based data collection principles.

**Recommendations:**  
**(a) Collect, analyse and disseminate disaggregated data by gender and ethnicity across all administrative systems and mainstream services in line with human rights standards**

### 2.4 Financial Resources and Activities for the Advancement of Traveller and Roma Women

In 2005, the CEDAW Committee expressed concern with regards to the high risk of Traveller women exposed to consistent poverty and social exclusion. Since then, there has been very little gender specific financing or activities directed at Traveller women, and none towards Roma women.<sup>27</sup>

The UNCRC, CESC.R and European Commission have raised serious concerns at the significant increase in the number of children living in consistent poverty as result of austerity measures, particularly in jobless households and Traveller and Roma communities.<sup>28</sup> In November 2016 the Council of Europe Commissioner for Human Rights expressed deep concerns at women’s rights and the persisting social exclusion and discrimination experienced by Travellers. He noted that Travellers have been affected in a gravely disproportionate manner by budget cuts during austerity and called for urgent re-investment in the community.<sup>29</sup>

The scale of the cuts (table 1) during austerity and underspend of budgets (table 2) for Traveller specific programming are apparent in Government’s own figures:<sup>30</sup>

Category	Cut
Interagency activities	-100%
Education	-86.6%
Accommodation	-90%
Equality	-76.3%
National Traveller Organisations	-63.6%
FAS SIT (employment initiative)	-50%
Health <sup>31</sup>	-5.4%
<b>Overall government cut</b>	<b>-4.3%</b>

Category	Underspend
Health	18%
Equality	28%
Accommodation	36%
FAS SIT- Special Initiative for Travellers (employment)	40%

Roma and Traveller women are also under-represented in national social inclusion programmes related to employment, training, health, accommodation and education. Less than 2% of the Social

Inclusion & Community Activation Programme (SICAP) caseload and less than 3% of local community groups in 2016 were from Traveller and Roma communities.<sup>32</sup> The recent departmental move towards strengthening the engagement of members of Traveller and Roma communities is welcomed.

**Recommendations:**

- (a) Equality proof budgetary decisions in a systematic and transparent way in partnership with Traveller and Roma organisations**
- (b) Allocate specific targets, actions, indicators, timeframes and adequate human and financial resources to specific programming related to the social inclusion of Traveller and Roma women in all policy areas**
- (c) Establish a statutory agency with enforcement powers to deliver progress across all Traveller and Roma policy areas to ensure allocated actions and budgets are fully implemented and spent**

### **3. Gender Stereotyping and Prejudice – Article 5 & General Recommendation No. 3**

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Roles and responsibilities of Traveller and Roma women at home and in society have changed very little since the Committee's previous observations due to lack of efforts to address intersectional forms of discrimination experienced by Traveller and Roma women. In the absence of solid alternatives for future economic security and social status, marriage and family formation continue to act as a means to try to escape poverty and achieve social status, particularly for women:<sup>33</sup>

- 33% of 15–29 year old Travellers are married compared with just 8.2% of general population
- There are 252 married 15-19 year old Travellers of which 91 are males and 161 are females
- 27% of Traveller women have had 5 or more children compared with 2.6% of women overall.<sup>34</sup>

This impacts decisions to leave school early and exposes Traveller and Roma girls to low educational attainment, future unemployment, poverty and social exclusion.

Traveller and Roma women are also subjected to harmful gender and ethnic stereotyping in media and public discourse.<sup>35</sup> Anti-Traveller and Roma sentiments are expressed by political representatives, high ranking public officials, and in new and traditional media.<sup>36</sup>

**Recommendations:**

- (a) Adopt special measures in education and employment for Traveller and Roma women, including grants and supports to re-enter the education system and employment**
- (b) Adopt and resource community led initiatives to empower Roma and Traveller female leaders to address gender and ethnic stereotyping**

### **4. Participation in Political & Public Life – Article 7 & General Recommendation No.23**

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Traveller and Roma women experience significant exclusion from decision making and wider political processes due to discrimination and marginalisation. Regardless of recommendations by the Advisory Committee on the Framework Convention for the Protection of National Minorities,<sup>37</sup> CERD,<sup>38</sup> and former Council of Europe Commissioner for Human Rights,<sup>39</sup> the State has not adopted positive action measures to improve the representation of Travellers and Roma in political institutions and public affairs.

The UNCESCR raised concerns at the lack of meaningful consultation by the Irish State with civil society in developing and implementing policies and legislation relating to Travellers and Roma.<sup>40</sup> Consultative mechanisms have emerged in structures devoted to Traveller and Roma issues.<sup>41</sup>

However, the role of these committees remains solely advisory in nature without any decision making powers. The consultative mechanisms are also inaccessible for Traveller and Roma women who have low levels of literacy and education, financial resources, and/or who bear childcare responsibilities.

**Recommendations:**

- (a) Adopt quotas for Traveller and Roma women in formal political structures with specific seats in the Seanad, Constitutional Convention and local councils, and reserve seats in local government community engagement structures**
- (b) Provide additional child care supports for women participating in political and public life**
- (c) Ensure meaningful consultation with Traveller and Roma women’s representative organisations by incorporating advisory and appropriate decision making powers into consultative structures**

## 5. Education – Article 10

### 5.1 Main Findings and Statistics

There are stark inequalities between Traveller and Roma girls/women and the general population in participation, attendance, attainment and progression through second to third level.<sup>42</sup> This has wider human rights consequences by exposing Traveller and Roma girls and women to low educational attainment, future unemployment, poverty and social exclusion.

Travellers - Educational Disadvantage	Roma - Educational Disadvantage <sup>43</sup>
<ul style="list-style-type: none"> <li>• 13% of Travellers complete secondary education in comparison with 92% of the general population <sup>44</sup></li> <li>• 55% of Travellers have completed their formal education by the age of 15 <sup>45</sup></li> <li>• out of 10 Traveller children (67.3%) live in families where the mother has either no formal education or primary education only <sup>46</sup></li> <li>• 17.7% of Travellers have no formal education in comparison with 1.4% of the general population. Of the 115, 76 are women</li> <li>• Less than 1% of Travellers are in third level education <sup>47</sup></li> </ul>	<ul style="list-style-type: none"> <li>• 40% of households with children under 5 have children attending pre-school</li> <li>• In 78% of households children at primary school age are attending school</li> <li>• In 72% of households children at post primary age are attending school</li> <li>• 6% of households have a member attending third level education</li> <li>• 41.1% of adult Roma women born outside Ireland have never been to school, in comparison to 22% of Roma men</li> <li>• 3.5% of Roma women have completed more than 12 years of education</li> </ul>

These issues stem from lack of financial resources; sub-standard accommodation; parents’ history of educational disadvantage; and lack of literacy and English language skills. Discrimination and identity based bullying are significant problems for both Traveller and Roma girls: 62% of Travellers experience discrimination at school.<sup>48</sup>

Additional costs associated with schooling<sup>49</sup> put extra pressure on families who are unable to afford to purchase school uniforms, books or lunches.<sup>50</sup> 40% of Roma households with children are unable to access social protection, including Child Benefit, Back to School Clothing and Footwear Allowance (see section 8 and Appendix 1). 57.5% of Roma report not having enough money for books and uniforms; 25% of Roma households report children going to school hungry and 35% going to school without adequate school lunches.<sup>51</sup>

**Recommendations:**

- (a) Ensure compulsory education is free and accessible for Traveller and Roma children**
- (b) Ensure intercultural training on Traveller and Roma communities is a compulsory component of initial teacher education and continuous professional development for primary and post primary teachers, and early year practitioners**



## 5.2 Mainstreaming vs. Targeted Supports for Traveller and Roma Girls and Women

Traveller specific education supports were cut by 86.6% following budget 2011.<sup>52</sup> Despite recognition of the need for additional support for Travellers at departmental level,<sup>53</sup> the State insists on a mainstreaming approach.

The 2006 Report and Recommendations for a Traveller Education Strategy was never developed into a strategy. Numerous recommendations have not been implemented and many of those that were have since been dismantled. The Department of Education and Skills has stated that the Report will be reviewed and published early 2017. However, no Traveller parents, children or representative organisations have been included in this review process at this current point in time.

The Traveller Education Advisory Consultative Forum (TESACF), established in 2009 has not met since May 2015. The new Action Plan for Education 2016-2019 contains only one Traveller specific action on increasing participation in third level education, but no actions aimed at increasing Traveller girls' participation and attainment at primary or post primary levels.<sup>54</sup> Roma girls and women have been excluded from all of these education structures and policy measures.

### Recommendations:

**(a) Ensure that annual updated Action Plans for Education include targeted Traveller and Roma specific actions developed in consultation with Traveller and Roma organisations**

## 5.3 Admission to Schools Bill 2013

Otherwise known as the 'past pupil criterion', large number of schools give priority in school admissions to children or relatives of past pupils. This has a disproportionate and discriminatory impact on Traveller and Roma girls who are unlikely to have had a family member previously attend school due to high levels of educational disadvantage among families and Roma constituting a community with a migrant background.<sup>55</sup> In fact, 38.5% of 30-44 year olds and 25.8% of 45-64 year old Travellers have primary education only.<sup>56</sup> The more recent version of the Admissions to School Bill published in July 2016 makes **no** attempt to prevent schools from utilising the 'past pupil criterion' as part of their enrolment criteria.<sup>57</sup>

### Recommendations:

**(a) Introduce legislation to prevent schools from utilising the 'past pupil criterion' in the allocation of school places under all circumstances**

## 6. Employment – Article 11 & General Recommendation No. 26

Traveller and Roma women experience high levels of unemployment due to low educational attainment, discrimination, childcare and family commitments, and being placed in a poverty trap due to welfare issues. Roma women who do not meet the right to reside or habitual residence condition are not considered jobseekers and therefore are not eligible for many training and employment supports (see section 8). 81.6% of Roma women report feeling discriminated against in getting hired, and 55% of Travellers have experienced discrimination at work.<sup>58</sup> High cost of childcare acts as a major barrier for Traveller and Roma women to access employment, further education and training.<sup>59</sup> Many women also fear losing secondary benefits, in particular the Medical Card.<sup>60</sup>

Traveller Women - Unemployment	Roma Women - Unemployment <sup>61</sup>
<ul style="list-style-type: none"> <li>81.2% of Traveller women are unemployed</li> <li>Traveller unemployment increased from 74.9% in 2006 to 84.3% in 2011<sup>62</sup></li> <li>Only 4.8% of Travellers are employed or self-employed<sup>63</sup></li> </ul>	<ul style="list-style-type: none"> <li>Only 8.2% of Roma women are in employment in comparison to 20% of Roma men</li> <li>All Roma who report being engaged in self-employment are male</li> </ul>

Regardless of this, no gender-specific employment or training opportunities have been introduced for Traveller and Roma women. The national training authority, FAS, commenced a Special Initiative for the employment of Travellers in 2005, FAS SIT. However, this programme was cut by -50% during the recession, and there was an underspend of 40% of the allocated budgets.<sup>64</sup> Eight of the projects were reportedly still running in 2012 but there is no information on Traveller participation after this.

**Recommendations:**

- (a) Develop a national Traveller and Roma training, employment and enterprise strategy with targeted measures for Traveller and Roma women**
- (b) Adopt special measures to ensure Traveller and Roma women can access affordable childcare; retain secondary benefits while participating in training; and given their health inequalities can retain medical cards for a set period of time after entering employment**

## **7. Traveller & Roma Women's Health – Article 12 & General Recommendation No. 24**

### **7.1 Traveller Women's Health- Main Statistics**

Research unveils stark health inequalities for Traveller women due to structural inequalities and failure to address the social determinants of health, including poor accommodation conditions, poverty, illiteracy and discrimination. Mortality rates are higher than the general population at all ages and for all causes of death due to the impact of discrimination. In fact, mortality rate for Traveller women is three times the rate of the general population.<sup>65</sup>

- Life expectancy at birth for Traveller women is 70.1 years, 11.5 years less than women in the general population
- Suicide rate for Traveller women is 5 times higher than women in general population
- 62.7% of Traveller women reported their mental health to be poor for one or more days in the last 30 days compared to 19.9% of female General Medical Service Card holders
- Level of complete trust by Travellers in health care professionals is 41% in comparison to 82% by the general population
- 66.7% of service providers agree that discrimination against Travellers occurs sometimes in their use of health services

### **7.2 Example of Good Practice: Primary Health Care for Travellers Project**

There has been significant progress made in increasing Traveller women's access to preventative health care services.<sup>66</sup> Research shows that this is directly a result of Traveller Primary Health Care Projects (PHCP), which employ Travellers as community health workers to bridge the gap in access, participation and outcomes for Travellers in mainstream health care services. In fact, 83% of Travellers receive their health information and advice from Traveller organisations.<sup>67</sup> The promotion of interculturalism and addressing racism and discrimination are dependent on the energies and limited resources of the Traveller PHCPs and Traveller organisations, as these principles have not been embedded in the policy and practice of health care settings.

### **7.3 Roma Women's Health (See Appendix 1)**

Roma women experience significant structural barriers to accessing primary health care due to lack of sufficient income, high cost of health care, and lack of interpretation and translation services.<sup>68</sup> Many Roma women, who don't have an income or have difficulties with proving where they live, cannot access means tested Medical Cards (see section 8 and Appendix 1).

- 31.5 of Roma women don't have a General Practitioner (GP)
- 44.6% of Roma women don't have a medical card
- 60% of Roma women report more than 14 days of the previous month when their mental health was not good
- 84% of Roma women have experienced discrimination in health services, versus 53% of Roma men.<sup>69</sup>

In a quarter of Roma households women have not accessed a doctor or hospital during pregnancy. In 36% of Roma households women have difficulty accessing maternity services, and in 24.6% of households women don't seek medical attention before birth but access a hospital for the first time to give birth. Fear of hospital bills, lack of knowledge of the Maternity and Infant Care Scheme and children being taken into care act as key barriers.<sup>70</sup>

#### 7.4 National Machinery for the Advancement of Traveller and Roma Women's Health

Recommendations in the Traveller Health Strategy 2002-2005 and National Intercultural Strategy 2007-2012 were poorly implemented.<sup>71</sup> Since then, there has been no targeted strategy or action plan in place to address the health inequalities among Traveller women, and Roma women are excluded from all health related strategies.

The Department of Health National Traveller Health Advisory Committee meetings haven't been convened since 2012 despite calls by Traveller organisations. The Health Service Executive's (HSE) regional Traveller Health Units (THUs) are under resourced and their funding has not been ring-fenced. Some ad hoc initiatives to address Roma health have been developed. However, these are not country wide and do not address the lack of access to medical cards and mainstream health services.<sup>72</sup> Following on from the successful Primary Healthcare for Travellers Project, a similar project must be developed for Roma.

#### Recommendations:

- (a) Develop a holistic and gender responsive national Traveller and Roma health strategy and action plan**
- (b) Protect and develop the existing Traveller health infrastructure by reconvening the National Traveller Health Advisory Committee by the Department of Health and by increasing, centralising and ring-fencing funding to regional Traveller Health Units and Traveller Primary Health Care Projects**
- (c) Resource the establishment of a national Roma Primary Health Care Project**

## 8. Economic and Social Benefits – Article 13 (See Appendix 1)

### 8.1 Right to Reside and Habitual Residence Condition

Many Roma women in Ireland are unable to access any social protection due to the implementation of right to reside, European Directive 2004/38, and habitual residence condition (HRC), policy by the Department of Social Protection. Under the European Directive Roma women have a right of residence without restriction for three months.<sup>73</sup> Establishing a right to reside is a prerequisite to meeting the HRC, which a person must meet in order to access welfare supports, including Child Benefit, Job Seekers Allowance, Rent Allowance, public housing, and employment and training supports.<sup>74</sup> The right to reside and HRC can also impact access to medical cards when women cannot prove their means.

- 25.5% of Roma don't have the right to reside
- 25.7% of Roma are not habitually resident
- 38.5% of Roma don't know if they have a right to reside
- 26.9% don't know if they are habitually resident<sup>75</sup>

Roma women face significant difficulties with proving residency in the State with lack of documentation, proof of address and language and literacy skills. Concerns about the discriminatory effect of the HRC on Travellers, Roma and victims of domestic violence have been raised by the Special Rapporteur on extreme poverty and human rights, European Commission against Racism and Intolerance, UNCRC, HRC, and CESCR.<sup>76</sup>

## 8.2 Access to Social Welfare Payments & Personal Public Service Number (PPS number)

57% of Roma women are not successful in applying for social welfare supports, and 12.7% of Roma women don't have a PPS number. This makes it impossible to access a range of welfare supports and register the birth of a child, leaving women and children in extremely vulnerable situations for significant periods of time.<sup>77</sup> A staggering 85.1% of Roma women also feel discriminated against in accessing social protection, regardless of the success of their application. It is important to note that of those who are not successful in their social protection applications, the average number of years they have lived in Ireland is eight years.

## 8.3 Begging

17.6% of Roma households report begging as a source of income in order to survive. Unemployment and lack of access to the HRC have a direct link with begging – all Roma who beg report not being habitually resident. Begging often results in further stigmatisation of Roma women, arrests, unpaid fines and prison sentences.<sup>78</sup>

## 8.4 Poverty among Traveller and Roma Women and Children

In 2016, the UNCRC expressed deep concern for the disproportionate number of Traveller and Roma children living in consistent poverty and structural barriers for them to access adequate standard of living, health care and education. The Committee noted pronounced reductions in budget allocations for Traveller and Roma children and proportionate cuts to Traveller specific public programming and social welfare payments. Despite the Child Benefit being a 'universal' payment in Ireland, many Roma children are not entitled to this or any other social protection payments. The European Commission has noted how "resources devoted to the most disadvantaged children - the ethnic minority children and those in jobless households – have been cut back and there is no particular prioritising of such children in existing measures."<sup>79</sup>

40% of Roma households with children are not successful in applying for social protection payments. This results in stark realities leaving women and children at risk of extreme poverty and destitution (see Appendix 1):

%of Roma	Facing some or all of the issues below:
0 - 20% of Roma	<ul style="list-style-type: none"> <li>12.4% have no kitchen; 9.6% no cooker; 13.5% no fridge; many sometimes go without enough food, gas, water and/or electricity</li> </ul>
0 - 50% of Roma	<ul style="list-style-type: none"> <li>Children gone to school hungry (25%) or without adequate lunches (35%)</li> <li>Not always enough food (49.5%) or fuel (46.2%) and cannot keep the house warm all the time (66.3%)</li> <li>Not enough money for books and uniforms (57.5%)</li> </ul>

Comparing the percentage of Travellers living in particular situations with associated 'at risk of poverty' rate for the general population indicates serious concerns with regards to poverty rates among Traveller women:

Status	% of Travellers - Census 2011	'At risk of poverty' % rate 2014 (General Population) - Central Statistics Office
<b>Unemployed</b>	84% of Travellers are unemployed	35.9%: Unemployed
<b>Highest education level attained</b>	91% of Travellers leave school at the age of 16 or younger	21.8%: Lower secondary
<b>Tenure Status</b>	76.7% of Travellers in rented accommodation	18.8%: rented at market rate

Other data indicates that Traveller girls are likely to be experiencing high levels of poverty: 13% of Traveller children complete secondary education versus 92% of the general population;<sup>80</sup> 7 out of 10

Traveller children live in families where the mother has no formal education or primary level education only;<sup>81</sup> and when compared to other children Travellers are less likely to report eating breakfast on 5 or more days per week.<sup>82</sup>

**Recommendations:**

- (a) Review the application of the right to reside and habitual residence condition in consultation with Traveller and Roma representative organisations to ensure compliance with Ireland’s human rights obligations**
- (b) Make Child Benefit payments a truly universal payment that is not contingent on the fulfilment of the habitual residence condition<sup>83</sup>**
- (c) Provide support to Roma in ensuring documentation for social protection and PPS number applications, and investigate alternative/complimentary models of evidencing eligibility, rights and entitlements**
- (d) Initiate a humanitarian response for people who do not meet the right to reside to ensure that adults and children are not living without food and basic accommodation facilities**
- (e) Include specific targets for Traveller and Roma women and children as part of State’s poverty reduction targets for 2020**

## **9. Violence against Women – General Recommendation No. 12 & 19 (See Appendix 3)**

### **9.1 National Machinery to Address Violence against Traveller and Roma Women**

The CEDAW and Human Rights Committee have expressed concern at violence experienced by women from marginalised groups, including Traveller and migrant women.<sup>84</sup> During Ireland’s first National Strategy on Domestic, Sexual and Gender-based Violence (DSGBV) 2010-2014, no targeted actions or funding mechanisms were introduced to remove administrative and financial obstacles to safety and protection experienced by Traveller and Roma women. Cosc provided small awareness raising grants, including *a once-off* 6 week pilot programme with a small group of Traveller men on DSGBV prevention.<sup>85</sup> The grant scheme ceased in 2015.

Ireland’s Second National Strategy on DSGBV 2016-2020 contains two Traveller and Roma specific actions.<sup>86</sup> However, there are no transparent objectives, activities, targets, indicators, outcomes or resources attached to the actions. Civil society members of the Monitoring Committee have no role in steering, advising or decision making in the implementation of the Strategy.<sup>87</sup> A national awareness raising campaign on DSGBV developed by Cosc in 2016 excluded Traveller and Roma organisations from its advisory group, and there were no resources available to make the campaign accessible for Traveller and Roma communities. Resources for sustained and comprehensive community development programming, modelled by the successful Traveller Primary Health Care Project (see section 7.2), should be introduced to ensure protection from violence for Traveller and Roma women.

### **9.2 Data Collection on Domestic, Sexual and Gender-based Violence (DSGBV)**

In the context of lack of data available on violence experienced by vulnerable and marginalised women,<sup>88</sup> we welcome the commitment in the National Strategy on DSGBV 2016-2020 to disaggregate data by ethnicity. However, there has been no consultation with civil society organisations on establishing a ‘gold standard’ of data collection and it is unclear if all relevant agencies will disaggregate data by ethnicity.

### **9.3 Barriers to Emergency and Long-term Safety and Protection**

Traveller and Roma women are placed at further risk of re-victimisation and are highly vulnerable to being forced to remain or return to a violent relationship, or risk becoming homeless. Traveller women account for the largest group in admissions to refuges with 49% of refuge admissions being Travellers and 57% of Traveller women recorded as repeat admissions.<sup>89</sup> Some refuges reportedly

turn away Traveller women who have a large number of children; if their children are too old; and some only admit one Traveller family at a time.<sup>90</sup> Discrimination and negative experiences in services act as further barriers to seeking help (see Appendix 3).

Roma and Traveller women who are unable to satisfy their right of residence and the habitual residence condition (HRC) are unable to exit violence and access essential emergency and long-term supports, including public housing, housing benefits or basic income supports (see section 8).<sup>91</sup> Refuges are not always able to accommodate women who are not deemed ordinarily resident in the State.<sup>92</sup> A number of international human rights bodies have raised concerns about the discriminatory effect of the HRC on Travellers, Roma and victims of domestic violence.<sup>93</sup> The Joint Oireachtas Committee on Justice, Defence and Equality has recommended a formal exemption to the HRC to account for domestic violence.<sup>94</sup>

**Recommendations:**

- (a) Amend Ireland’s second Strategy on DSGBV by including clear and measurable objectives, targets, indicators and budget lines to ensure its effective and transparent implementation and monitoring**
- (b) Resource the adoption of targeted community development programming to eliminate DSGBV against Traveller and Roma women, and special measures to address the financial and administrative barriers to safety for Traveller and Roma women, particularly in accessing emergency and long-term accommodation and sufficient income**
- (c) Ensure Traveller and Roma women experiencing DSGBV who are deemed not to meet the right to reside and habitual residence condition can access safety and supports from violence**

## **10. Disadvantaged Groups & Further Areas of Concern: Accommodation (See Appendix 2)**

### **10.1 Statutory Duty - Housing (Traveller Accommodation) Act 1998**

In 2016, the Council of Europe Commissioner for Human Rights stressed the “urgency of addressing insufficient provision of Traveller-specific accommodation, inadequate conditions of many Traveller sites and inadequate safeguards against forced evictions”. He called on national authorities to ensure that local authorities spend the allocated Traveller accommodation budgets.<sup>95</sup>

The majority of Local Authorities have consistently failed to meet their targets and provide adequate and culturally appropriate accommodation for Travellers. Traveller accommodation budget fell from €40m in 2008 to €4m in 2013 - a decrease of **90%**. Substantial parts of the reduced budgets have remained unspent, with no incentives or sanctions in place to ensure that Local Authorities meet their legal obligations.<sup>96</sup> The National Traveller Accommodation Consultative Committee (NTACC) and Local Traveller Accommodation Consultative Committees (LTACCs) remain purely advisory bodies with no mandate to compel Local Authorities to comply with their obligations.

### **10.2 Accommodation Conditions, Homelessness & Housing (Miscellaneous Provisions) Act 2002**

In 2016 the European Committee of Social Rights found that the Irish Government was in violation of Article 16 of the European Social Charter on five grounds, including insufficient provision of accommodation for Travellers and inadequate conditions on many Traveller sites. The Committee noted that there was insufficient and unreasonable grounds for Traveller evictions and that there was insufficient legislation which allows for evictions to take place with no less than 24 hours’ notice.<sup>97</sup> Local Authorities use the Housing (Miscellaneous Provisions) Act 2002 to evict families who are on Local Authority housing lists, but whose accommodation needs have not been met.

Traveller women spend more time at home and bear the brunt of the impact of poor and unsafe accommodation conditions. Almost 1 in 3 Traveller households living in mobile or temporary accommodation have no sewerage facilities and 1 in 5 have no piped water source.<sup>98</sup>

According to Census 2011, 3,377 Traveller families still needed to have their permanent accommodation needs met,<sup>99</sup> and for many families the wait can take decades (see Appendix 2). Government statistics from 2015 showed that 3,876 Traveller families were without permanent accommodation:<sup>100</sup>

- 534 Traveller families lived on ‘unauthorised sites’ at the roadside
- 862 Traveller families were ‘sharing’ accommodation – ‘sharing’ is a euphemism used by the State for Travellers living in chronic overcrowding
- 2480 Traveller families were living in private rented accommodation without security of permanent tenure.<sup>101</sup>

Travellers living in ‘unauthorised’ sites or ‘sharing’ accommodation are in effect homeless, but they are excluded from Government statistics on homelessness.

Unstable accommodation status has a correlation with socioeconomic disadvantage, poor health and increased drug use among Traveller women, with 32.5% of female Traveller drug users staying in some form of unstable accommodation.<sup>102</sup> Traveller women who experience domestic violence face great difficulties with accessing private rented and public housing, and are often forced to stay in abusive homes or face homelessness.

### **10.3 Carrickmines Tragedy and Increased Traveller Evictions**

A tragic fire on a Traveller halting site in Carrickmines, Dublin, in 2015 led to the death of ten Travellers, including children and a young pregnant mother. The site was meant to be temporary, but after 8 years the Traveller families were still waiting to be accommodated in a permanent and safe site. After a series of negotiations (and objections from local residents on the first site proposed) the Local Authority identified a site for the bereaved family. The family was placed at a former refuse dump, now a car park, with no proper sewage facilities. The site was described as ‘not ideal’ by the Council itself.<sup>103</sup>

Subsequent to the events, a national fire safety audit of Traveller accommodation was conducted. This led to a number of forced evictions on the basis of health and safety concerns from Traveller sites – the conditions of which Local Authorities are legally responsible for in the first place - and left women, pregnant mothers and children homeless.<sup>104</sup> In one local eviction, a pregnant Traveller woman was forced to sleep in her car.<sup>105</sup>

### **10.4 Accommodation - Roma Women**

Inadequate and insecure housing, sanitary and living conditions expose many Roma women and children to further health and safety hazards and interruptions in school attendance. The majority of Roma live in private rented accommodation with only 13% renting from a local authority. Lack of documentation is reported to be a key barrier for accessing local authority housing.<sup>106</sup>

Overcrowding is a significant issue with 24% of Roma living in households of 8 or more people and 7% with 10 or more people. A further 45% report not having enough beds in their accommodation and there are significant concerns with regards to accommodation conditions (see section 8.4). There are many instances of women and children living with rat infestations, damp, broken windows, leaking toilets and no light to do homework. In several incidents families are paying rent for accommodation in unsafe and unhygienic warehouses with no electricity or water.

6.6% of Roma women report to be currently homeless and 52% of women have been homeless at some stage. These figures are likely to be higher as people living with family and friends in

overcrowded conditions may not be recorded. Many of those are unable to access homeless services due to inability to prove their residency in an area.<sup>107</sup>

There has been no coordinated State response to address housing issues faced by Roma women in Ireland, and the draft National Traveller Roma Integration Strategy has no actions to address this issue (see section 2.2). The Department of Housing, Planning, Community and Local Government has stated that they bear no legal mandate or responsibility for providing for the accommodation needs of 'Roma migrants' in Ireland.<sup>108</sup> This fails to take into account that there are now second and third generation Roma living in Ireland.

**Recommendations:**

- (a) Reinstate and ring-fence Traveller accommodation budget to 2008 levels at minimum**
- (b) Undertake a complete overhaul of the Housing (Traveller Accommodation) Act 1998 and repeal the Housing (Miscellaneous Provisions) Act 2002 which gives the State additional powers to evict Traveller families**
- (c) Place a moratorium on evictions until accommodation needs of Travellers have been met**
- (d) Undertake an independent national assessment of the current Traveller accommodation crisis**
- (e) Commit to addressing homelessness and substandard accommodation for Roma as a crisis issue as part of Ireland's National Traveller Roma Inclusion Strategy**

## **11. Disadvantaged Groups & Further Areas of Concern: Detention (See Appendix 3)**

### **11.1 Over-representation of Traveller Women in Detention**

Although Travellers account for 0.6% of the overall population in Ireland, they account for 22% of the female prison population.<sup>109</sup> The risk for a Traveller woman being imprisoned is 18 to 22 times higher than that of the general population.<sup>110</sup> The majority of Traveller women are sent to prison for non-violent, poverty related offences (see Appendix 3).<sup>111</sup> They have a background of social and educational disadvantage, unemployment, homelessness, illiteracy, racial discrimination, mental health problems and/or drug and alcohol dependency. Most Traveller women in prison also have experienced domestic violence from a current or previous partner.<sup>112</sup>

The Irish Prison Service Strategic Plan 2016-2018 and Joint Irish Prison Service and Probation Service Strategic plan 2015-2017 contain actions to respond to the particular needs of Travellers in prison.<sup>113</sup> However, the State hasn't introduced any measures to address the over-representation of Traveller women in prison or the contributing factors that increase their risk of imprisonment.

### **11.2 Poor Health in Detention (See Appendix 3)**

Traveller women in prison experience high rates of health problems, including chronic disease and mental health problems, with suicide rates among Traveller prisoners being higher in comparison to others.<sup>114</sup> Recent study shows poor mental health to be a significant issue in the lives of Traveller women in prison. It shows a direct link between poor mental health and the women's experiences of domestic violence, drug use, availability of drugs in prison, discrimination, name calling, and being away from family and children.

**Recommendations:**

- (a) Introduce alternative community-based responses for female Traveller and Roma offenders**
- (b) Conduct research to fully explore the relationship between the disproportionate risk of Traveller women being imprisoned with social disadvantage, marginalisation and discrimination by An Garda Síochána (police) and judiciary**
- (c) Resource sufficient mental health services and peer support services in probation and prison services for Traveller and Roma women, and provide targeted reintegration supports for women and supports for families affected by imprisonment**



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- <sup>1</sup> Articles 2, 3, 4, 5, 7, 10, 11, 12, 13; General Recommendations No. 3, 5, 6, 9, 12, 19, 23, 24, 25, 26; Disadvantaged Groups and Further Areas of Concern (accommodation & detention).
- <sup>2</sup> Articles 3, 4, 10, 11, 12, 13; General Recommendations No. 9, 12, 19, 24; Disadvantaged Groups and Further Areas of Concern (accommodation & detention).
- <sup>3</sup> Articles 2, 3, 4, 5, 7, 10, 11, 12, 13; General Recommendations No. 3, 5, 6, 9, 12, 19, 23, 24, 25, 26, 28; Disadvantaged Groups and Further Areas of Concern (accommodation & detention).
- <sup>4</sup> Article 2 & General Recommendation No. 28.
- <sup>5</sup> Article 3 & 4.
- <sup>6</sup> Articles 3, 4, 13.
- <sup>7</sup> Articles 3, 4, 13.
- <sup>8</sup> General Recommendation 12 & 19.
- <sup>9</sup> National Traveller Women's Forum and Pavee Point have also made a submission to the Joint Shadow Report of the National Women's Council of Ireland to the UNCEDAW Committee.
- <sup>10</sup> Consultation was held in Dublin in November 2016 with Traveller and Roma women and organisations. 45 women from various geographical areas participated and identified priorities and issues raised in this report.
- <sup>11</sup> Irish Travellers are an indigenous ethnic group in Ireland with shared cultural tradition, practices, beliefs and language. Under international definition, Irish Travellers belong to the umbrella group of 'Roma'.
- <sup>12</sup> UNCESCR, *Concluding observations on the third periodic report of Ireland*, E/C.12/IRL/CO/3, 19 June 2015; UNCERD, CERD/C/IRL/CO/2, 2005; CERD, *Concluding observations of the Committee on the Elimination of Racial Discrimination*, CERD/C/IRL/CO/3-4, 10 March 2011; UNCRC, *Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland*, CRC/C/IRL/CO/3-4 4, 1 March 2016; HRC, *Concluding observations on the fourth periodic report of Ireland*, 2014.
- <sup>13</sup> European Commission against Racism and Intolerance, *Second Report on Ireland Adopted on 22 June 2001*, Strasbourg, Council of Europe, CRI (2002) 3; Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Ireland adopted on 10 October 2012*, ACFC/OP/III(2012)006, Strasbourg, Council of Europe.
- <sup>14</sup> Irish Human Rights Commission, *Submission to the UN Human Rights Committee on Ireland's Fourth Periodic Report under the ICCPR – List of Issues Stage*, 2013; Irish Human Rights Commission, *Presentation by Irish Human Rights Commission to Oireachtas Joint Committee on Justice, Defence and Equality 13 November 2013 Recognition of Traveller Ethnicity*, 2013; The Equality Authority, *Traveller Ethnicity: An Equality Authority Report*, 2006.
- <sup>15</sup> In November 2016, the Taoiseach asked the minister of state at the Department of Justice and Equality, to prepare a report on recognition of Traveller ethnicity for the cabinet sub-committee on social affairs.
- <sup>16</sup> Sometimes Roma are identifiable through a particular style of dress associated with Roma. This reflects a limited understanding of Roma identity, narrowly linked to dress code and not cognisant of the diversity within the community.
- <sup>17</sup> Kelleher et al., *All Ireland Traveller Health Study*, University College Dublin&Department of Health&Children, 2010.
- <sup>18</sup> Curran, S., A. Crickley, A., R. Fay, F. Mc Gaughey (eds), *Roma in Ireland - a National Needs Assessment*, Department of Justice and Equality and Pavee Point Traveller and Roma Centre (forthcoming in 2017). The assessment was commissioned by the Department of Justice and Equality in line with recommendation 4.2.3 of the Logan Report, following the removal of two Roma from their families in 2013. The study consisted of quantitative analysis of 108 Roma households (information on 609 household members), and 30 interviews and 8 focus groups with service providers and Roma.
- <sup>19</sup> Travellers in Prison Initiative, *'Hearing their Voices': Traveller Women in Prison*, forthcoming in 2017.
- <sup>20</sup> The cases were also influenced by the case of 'Maria' in Greece, which witnessed the removal of a blonde child from a Roma family based on similar prejudice, in Ombudsman for Children, *Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order 2013*, 2014, <http://specialinquiry.ie/wp-content/uploads/2014/06/Special-Inquiry-July-2014.pdf>.
- <sup>21</sup> There is no evidence of a systematic and publicly available analysis of the penetration of anti-racist policies in any other strategy or action plan.
- <sup>22</sup> Under EU Framework for National Roma Integration Strategies Ireland is obliged to develop and implement a national strategy on Roma inclusion, in European Commission, *An EU Framework for National Roma Integration Strategies up to 2020*, Brussels, 05April 2011 COM, 2011; The Department of Justice and Equality, *Ireland's National Traveller/Roma Integration Strategy*, 2011 has been strongly criticised by the European Commission. Its 2012 assessment deemed Ireland to have met only four out of 22 criteria,<sup>22</sup> and in 2014 raised serious concerns about the lack of targets, detail, consultation, and funding mechanisms. European Commission, *The Commission's Assessment of Ireland's National Strategy*, 2014.
- <sup>23</sup> UNCRC, 2016 (3); UNCESCR, 2015 (3).
- <sup>24</sup> Irish Human Rights and Equality Commission Act 2014, Section 42.
- <sup>25</sup> At the time of writing this report, the results of Census 2016 have not been yet made available.
- <sup>26</sup> Kelleher et al., 2010 (8); Curran, et al., forthcoming in 2017 (9).
- <sup>27</sup> The following have highlighted Travellers as a vulnerable group in need of targeted social inclusion programmes, but investment has been dismal- Department of the Taoiseach, *Programme for Government 2011-2016*; Department of the Taoiseach, *A Programme for a Partnership Government*, May 2016; Department of Social Protection Social Inclusion Division, *National Action Plan on Social Inclusion 2007-2016, 2007*; Department of the Taoiseach, *Towards 2016: Ten-year Framework Social Partnership Agreement 2006-2015*, 2006.
- <sup>28</sup> UNCRC, 2016 (3); UNCESCR, 2015 (3); Daly, M., *Investing in Children: Breaking the Cycle of Disadvantage - A Study of National Policies, Country Report – Ireland*, European Commission, 2014.

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- <sup>29</sup> The Commissioner, Nils Muižnieks, conducted a three-day visit to Ireland in November 2016, in <http://www.coe.int/en/web/commissioner/-/ireland-advance-equality-of-travellers-and-women>.
- <sup>30</sup> Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*, Dublin, Pavee Point Publications, 2013. Harvey notes “one can think of no other section of the community which has suffered such a high level of withdrawal of funding and human resources”.
- <sup>31</sup> Major health cuts took place already prior to austerity in 2006-2007.
- <sup>32</sup> Figures provided by Department of Housing, Planning, Community&Local Government regarding SICAP priorities, Oct 2016.
- <sup>33</sup> Kelleher et al.,2010 (8); Pavee Point, *Violence against Roma Women: 9 Principles to Human Rights-based and Gender-responsive Approach to Protection*, 2015.
- <sup>34</sup> Central Statistics Office, *Census 2011 Profile 7 Religion, Ethnicity and Irish Travellers - Ethnic and cultural background in Ireland*, 2011.
- <sup>35</sup> See for instance, Cusack, J., ‘Roma gypsy first to be convicted for begging: Woman fined for harassing and obstructing people in Dublin city’, *Irish Independent*, 29 May 2011; Heylin, L., ‘Woman begs to pay €1k beg fine’, *Irish Examiner*, 22 October 2015; Hennessy, M., ‘UK Travellers lose ‘My Big, Fat Gypsy Wedding: Group complained programme portrayed them in racially stereotypical way’ case’ *Irish Times*, 20 Feb 2015.
- <sup>36</sup> Includes references to Roma as a ‘parasitic underclass’, in O’Doherty, I., ‘Begging? But I thought it was freedom of expression?’, *Independent*, 1 October 2013; and to Travellers as “Neanderthal...abiding by the laws of the jungle”, in Bohan, C., ‘Calls for judge to resign over ‘Neanderthal’ comment on Travellers’, *The Journal*, 12 Sep 2012.
- <sup>37</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, 2012.
- <sup>38</sup> CERD, 2005 and 2011 (3).
- <sup>39</sup> Council of Europe, *Report by the Commissioner for Human Rights Mr. Thomas Hammarberg on His Visit to Ireland, Strasbourg*, 2008, [https://wcd.coe.int/ViewDoc.jsp?p=&id=1283555&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679&direct=true#P402\\_100717&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&id=1283555&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FEC65B&BackColorLogged=FFC679&direct=true#P402_100717&direct=true).
- <sup>40</sup> CESCR, 2015 (3).
- <sup>41</sup> These include National Traveller Roma Integration Steering Committee, National Traveller Accommodation Consultative Committee, Local Traveller Accommodation Consultative Committees, Traveller Education Strategy Advisory and Consultative Forum, and the Traveller Health Advisory Committee.
- <sup>42</sup> More Traveller girls are completing formal education in comparison to Traveller boys; no figures are available for Roma girls. The Department of Education and Skills introduced an ethnic identifier at primary level in 2014 and at post primary level in 2016. Data has not yet been made public.
- <sup>43</sup> Curran, et al., forthcoming in 2017 (10).
- <sup>44</sup> Economic & Social Research Institute (ESRI), *Growing Up in Ireland Study 2012*, Department of Children and Youth Affairs.
- <sup>45</sup> Central Statistics Office, *Census 2011 Profile 7- Religion, Ethnicity and Irish Travellers* at 32.
- <sup>46</sup> Department of Children&Youth Affairs, *State of the Nation’s Children: Ireland 2014*, 2014, [www.dcyia.ie](http://www.dcyia.ie).
- <sup>47</sup> Central Statistics Office, *Census 2011 Profile 7- Religion, Ethnicity and Irish Travellers* at 32.
- <sup>48</sup> Kelleher et al.,2010 (8); Curran, et al., forthcoming in 2017 (9).
- <sup>49</sup> Barnardos, *School Costs Survey 2016*, <http://www.barnardos.ie/assets/files/Advocacy/2016SchoolCosts/BarnardosSchoolCostsSurveyBriefing2016.pdf>.
- <sup>50</sup> Pavee Point, *Irish Traveller and Roma Children - Shadow Report: A Response to Ireland’s Consolidated Third and Fourth Report to the UN Committee on the Rights of the Child*, 2015, <http://www.paveepoint.ie/document/pavee-point-shadow-report-for-uncrc-on-traveller-and-roma-children/>.
- <sup>51</sup> Curran, et al., forthcoming in 2017 (9).
- <sup>52</sup> Harvey, 2013 (20).
- <sup>53</sup> Department of Education & Skills, *Organization and current issues - a brief for the information of the Minister for Education and Skills*, 2011.
- <sup>54</sup> Department of Education and Skills, *Action Plan for Education 2016-2019*, <http://www.education.ie/en/Publications/Corporate-Reports/Strategy-Statement/Department-of-Education-and-Skills-Strategy-Statement-2016-2019.pdf>.
- <sup>55</sup> This criterion places a significant barrier for Traveller students as illustrated in the case of Stokes v CBS High School Clonmel. *Stokes -v- Christian Brothers High School Clonmel & anor* [2015] IESC 13, 184/2012 <http://courts.ie/Judgments.nsf/597645521f07ac9a80256ef30048ca52/A09897A48211897980257DF6005A3C31?opendocument>.
- <sup>56</sup> Kelleher et al.,2010 (8).
- <sup>57</sup> Education (Admission to Schools) Bill 2016, [No.58 of 2016] <http://www.education.ie/en/The-Education-System/Legislation/Education-Admission-to-Schools-Bill-2016.pdf>.
- <sup>58</sup> Kelleher et al.,2010 (8); Curran, et al., forthcoming in 2017 (9).
- <sup>59</sup> Ireland has the highest childcare costs in the EU as a percentage of family income, making it inaccessible for many Traveller and Roma women. OECD, *Benefits and Wages: Statistics*, 2014, cited in Irish Human Rights and Equality Commission Submission to the UN Committee on Economic Social and Cultural Rights, June 2015, [www.ihrec.ie](http://www.ihrec.ie).
- <sup>60</sup> Within the context of poor health outcomes for Traveller and Roma women, this fear is not unfounded. Kelleher et al.,2010 (8); Curran, et al., forthcoming in 2017 (9).

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- <sup>61</sup> Curran, et al., forthcoming in 2017 (9).
- <sup>62</sup> Central Statistics Office, *Census 2011 Profile 7 Religion, Ethnicity and Irish Travellers*, 2011.
- <sup>63</sup> Kelleher et al., 2010 (8).
- <sup>64</sup> Harvey, B., 2013 (20).
- <sup>65</sup> Kelleher et al., 2010 (8). 188 Travellers died in 2008, but only 54 should have died if they had the same health experience as the general population. This means there was 134 unnecessary Traveller deaths in 2008.
- <sup>66</sup> Traveller women now access Accident and Emergency departments less often than Traveller men. Kelleher et al., 2010 (8).
- <sup>67</sup> Traveller PHCPs are the second most important source of health information for Travellers, just after General Practitioners
- <sup>68</sup> The difficulty to access medical cards is directly linked to lack of access to social protection and inability to prove their means. Curran, et al., forthcoming in 2017 (9).
- <sup>69</sup> Curran, et al., forthcoming in 2017 (9).
- <sup>70</sup> Pavee Point, *Challenging Barriers and Misconceptions, Roma Maternal Health in Ireland*, 2014.
- <sup>71</sup> Health Service Executive, *National Intercultural Health Strategy 2007-2012*, 2008, [https://www.hse.ie/eng/services/Publications/SocialInclusion/National\\_Intercultural\\_Health\\_Strategy\\_2007\\_-\\_2012.pdf](https://www.hse.ie/eng/services/Publications/SocialInclusion/National_Intercultural_Health_Strategy_2007_-_2012.pdf).
- <sup>72</sup> Roma specific health initiatives include a free GP service in Tallaght Roma Integration Project (TRIP), Capuchin Centre and Crosscare in Dublin, Low Threshold Clinic in Limerick, and GPs who provide free services from goodwill.
- <sup>73</sup> Under the European Directive 2004/38 every EU citizen has a right of residence in another member state for up to three months. They have a right of residence for more than three months if they: are workers or self-employed in the member state; have sufficient resources for themselves and their families so as not to become a burden on the social assistance system of the host state and have comprehensive sickness insurance cover; are enrolled at a private or public establishment for study purposes and have sufficient resources for themselves and their families so they are not a burden on the social assistance system; or are family members accompanying or joining the Union citizen who satisfies the above conditions as appropriate. European Union (n 137)
- <sup>74</sup> The habitual residence test is intended to evaluate if a person has a connection with the Irish State Department of Social Protection *Habitual Residence Condition*. Available at: <http://www.welfare.ie/en/downloads/sw108.pdf>.
- <sup>75</sup> Curran, et al., forthcoming in 2017 (9).
- <sup>76</sup> UNGA, *Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona*, A/HRC/20/25, 2012, Para 102; European Commission against Racism and Intolerance, *ECRI Report on Ireland Fourth Monitoring Cycle*, CRI (2013)1, 2013, Para 130; CRC, 2015 (1); HRC, 2014 (1); CESCR, 2015 (3).
- <sup>77</sup> State agencies that use PPS numbers to identify individuals include the Department of Social Protection, the Revenue Commissioners and the Health Service Executive (HSE). A PPS number is a unique reference number used to access public services and social protection services in Ireland. Registration of children is a legal requirement and a birth certificate is necessary to enrol children in school and to apply for a passport. To register a birth, parent/s need photo identification and PPS numbers.
- <sup>78</sup> Curran, et al., forthcoming in 2017 (9).
- <sup>79</sup> Daly, M., *Investing in Children: Breaking the Cycle of Disadvantage, A Study of National Policies, Country Report – Ireland*, European Commission; European Union, 2014.
- <sup>80</sup> Economic and Social Research Institute (ESRI), *Growing Up in Ireland Study 2012*, Department of Children and Youth Affairs.
- <sup>81</sup> Department of Children and Youth Affairs (2014) *State of the Nation's Children: Ireland 2014*. Dublin: Government Publications. Available at: [www.dcyu.ie](http://www.dcyu.ie)
- <sup>82</sup> Kelly et al., *The Irish Health Behaviour in School-aged Children (HBSC) Study 2010* Health Promotion Research Centre National University of Ireland, Galway, 2012, [www.nuigalway.ie/hbsc](http://www.nuigalway.ie/hbsc).
- <sup>83</sup> Recommended by: United Nations Committee on the Rights of the Child, *Concluding observations on the combined third and fourth periodic reports of Ireland*, 1 March 2016, UN Doc: CRC/C/IRL/CO/3-4N, para. 70(f).
- <sup>84</sup> UNCEDAW, *Concluding Comments: Ireland*, CEDAW/C/IRL/CO/4-5, 22 July 2005; UN Human Rights Committee, 2014.
- <sup>85</sup> Cosc is the National Office for the Prevention of DSGBV. Ireland's first National Strategy on DSGBV had a dedicated funding stream for national and local awareness raising projects on domestic and sexual violence. This ceased in 2015 leaving Traveller and Roma organisations limited in their ability to undertake targeted awareness raising activities in hard to reach communities.
- <sup>86</sup> Action 2.1000 aims to improve confidence in how An Garda Síochána (police) manages domestic and sexual violence in communities such as Travellers and Roma; Action 2.1100 is for Tusla Child and Family Service and Health Service Executive to develop interventions on DSGBV in communities of particular vulnerability, including Traveller and Roma. Department of Justice and Equality and Cosc, *Action Plan: Second National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021*, <http://www.cosc.ie/en/COSC/2nd%20Nat.%20Strategy%20AP.pdf/Files/2nd%20Nat.%20Strategy%20AP.pdf>.
- <sup>87</sup> Pavee Point is a member of the Monitoring Committee.
- <sup>88</sup> CEDAW, 2005; UN Human Rights Committee, 2014; CESCR, 2015 (3).
- <sup>89</sup> Based on the results from Census 2002, 0.6% of the Irish population are members of the Traveller community, in Watson, D., and S. Parsons, *Domestic Abuse of Women and Men in Ireland*, National Crime Council and The Economic and Social Research Institute, 2005. The Women's Health Council reports that 37% of women accessing refuge identified themselves as Travellers, The Women's Health Council, *Translating Pain Into Action: A study of Gender-based Violence and Minority Ethnic Women in Ireland*, 2009.

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- <sup>90</sup> This has been continuously reported to Traveller organisations by local Traveller groups and individuals and was highlighted during the national CEDAW consultation held in Nov 2016.
- <sup>91</sup> The right to reside (European Directive 2004/38) and habitual residence condition (HRC) can create additional barriers to seek support and exit violence, particularly for Roma women who experience abuse. See section 8 of this report for information about the right to reside (European Directive 2004/38) and habitual residence condition.
- <sup>92</sup> Women's Aid, *Women's Aid input into FLAC Shadow Report under the International Covenant on Economic, Social and Cultural Rights*, 2014, [https://www.womensaid.ie/download/pdf/womens\\_aid\\_input\\_to\\_flac\\_icescr\\_shadow\\_report\\_may\\_2014.pdf](https://www.womensaid.ie/download/pdf/womens_aid_input_to_flac_icescr_shadow_report_may_2014.pdf).
- <sup>93</sup> UNGA, 2012(63); European Commission against Racism & Intolerance, 2013 (63); CRC, 2015; HRC, 2014; CESCR, 2015 (3).
- <sup>94</sup> Joint Oireachtas Committee on Justice, Defence and Equality, Report on Hearings on Domestic and Sexual Violence, 2013, <http://www.oireachtas.ie/parliament/mediazone/pressreleases/name-24774-en.html>.
- <sup>95</sup> The Council of Europe's Commissioner for Human Rights, Nils Muižnieks conducted a three-day visit to Ireland in November 2016. His report is available here <https://mail.google.com/mail/u/0/#inbox/1589c52019b049aa>.
- <sup>96</sup> Under the Housing (Traveller Accommodation) Act 1998 local authorities are obliged to adopt a Traveller Accommodation Programme for their area. 54% of the budget was unspent in 2010, 38% unspent in 2011, 34% unspent in 2012, in Harvey, B., 2013 (20).
- <sup>97</sup> The full text of the Decision on Merits in the case will shortly be added to the online database of legal decisions and conclusions under the European Social Charter at <http://hudoc.esc.coe.int/eng#>.
- <sup>98</sup> Central Statistics Office, Census 2011 Profile 7- Religion, Ethnicity and Irish Travellers at 32. A significant number of families in group housing or sites report lack of footpaths, public lighting, fire hydrants and safe play areas, *Kelleher et al., 2010 (8)*. A review of fire safety in 2016 found significant shortcomings in Traveller accommodation units, in National Directorate for Fire and Emergency Management, *Report on Programme to Review and Enhance Fire Safety in Local Authority Provided Traveller Accommodation*, September 2016.
- <sup>99</sup> Central Statistics Office, 2011.
- <sup>100</sup> Department of Housing, Planning, Community and Local Government, *Traveller Accommodation Statistics Annual Count 2015*, <http://www.housing.gov.ie/housing/special-housing-needs/traveller-accommodation/traveller-accommodation-statistics>.
- <sup>101</sup> Due to increased rents and discrimination in private rented sector, there has been a significant increase of Traveller families leaving private rented accommodation to relocate to Traveller sites that are already overcrowded, unsafe and inhabitable.
- <sup>102</sup> National Drug Treatment Reporting System (NDTRS) 2007-2013, cited in Pavee Point Traveller and Roma Centre, *Submission to Department of Justice and Equality: National Substance Misuse Strategy*, 2015, <http://www.paveepoint.ie/wp-content/uploads/2015/04/drugsubmission.pdf>.
- <sup>103</sup> O'Doherty, C., F. ÓCionnaith, S. Rogers, 'Travellers in carpark 'sad indictment of society'', *Irish Examiner*, 22 Oct 2015, <http://www.irishexaminer.com/ireland/travellers-in-carpark-sad-indictment-of-society-360721.html>.
- <sup>104</sup> RTE News, 'Traveller families say they have been told to leave Dundalk retail park site', 25 March 2016, <http://www.rte.ie/news/2016/0325/777437-traveller-families-dundalk/>.
- <sup>105</sup> Holland, K., 'No comment: Offices and official mute on Traveller controversy', *The Irish Times*, 23 January 2016, <http://www.irishtimes.com/news/social-affairs/no-comment-offices-and-officials-mute-on-traveller-controversy-1.2507438>.
- <sup>106</sup> Pavee Point, *Challenging Barriers and Misconceptions: Roma Maternal Health in Ireland*, 2014.
- <sup>107</sup> To access homeless services a household must present to the relevant Housing Authority within whose functional area they reside. There is a requirement to prove that you have become homeless in the local authority area in which you are presenting as homeless. Curran, et al., forthcoming in 2017 (9); Focus Ireland and Immigrant Council of Ireland (2011) *Homeless in my new home - Migrants' experiences of homelessness in Dublin: executive summary*, 3, <http://www.d1037607.cp.blacknight.com/live/files/homeless%20in%20my%20new%20home%20-%20executive%20summary%20lr.pdf>.
- <sup>108</sup> This has been communicated by the Department of Justice as part of the consultation process for Ireland's second National Traveller Roma Integration Strategy.
- <sup>109</sup> Irish Prison Service cited in Travellers in Prison Initiative, [http://ssgt.ie/travellers\\_in\\_prison.html](http://ssgt.ie/travellers_in_prison.html).
- <sup>110</sup> Kelleher et al., 2010 (8).
- <sup>111</sup> Irish Independent, 'Women's prisons over capacity as inmates committed for minor offences, warns Irish Penal Reform Trust', 21 November 2013, <http://www.independent.ie/irish-news/womens-prisons-over-capacity-as-inmates-committed-for-minor-offences-warns-irish-penal-reform-trust-29773032.html>.
- <sup>112</sup> Travellers in Prison Initiative, (10).
- <sup>113</sup> Irish Prison Service and The Probation Service, *Joint Irish Prison Service & Probation Service Strategic Plan 2015-2017*, [http://www.irishprisons.ie/images/pdf/jointstrat\\_english.pdf](http://www.irishprisons.ie/images/pdf/jointstrat_english.pdf).
- <sup>114</sup> Irish Penal Reform Trust, 2014.