



Roma Seminar Series
Theme **One**

ROMA COMMUNITIES IN IRELAND AND CHILD PROTECTION CONSIDERATIONS

This report was produced by Pavee Point in partnership with the HSE Children and Families and Social Inclusion Care Groups. It is based on outcomes of a thematic seminar around child protection issues and related concerns in respect of provision of responsive care and support services to members of the Roma community. Pavee Point and the HSE would like to express thanks to all participants at the seminars and those who were interviewed for this report.

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Cover photo: Mother and child at M50 roundabout, 2007, Pavee Point.

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Family at M50 roundabout,
2007, Pavée Point

“EUROPE HAS A SHAMEFUL HISTORY OF DISCRIMINATION AND SEVERE REPRESSION OF THE ROMA. THERE ARE STILL WIDESPREAD PREJUDICES AGAINST THEM IN COUNTRY AFTER COUNTRY ON OUR CONTINENT.”

Hammarberg, Former Commissioner for Human Rights for the Council of Europe.

SECTION 01: CONTEXT

In response to concerns about the experiences and situation of Roma in Ireland, the Health Service Executive (HSE) is working in partnership with Pavee Point to promote Roma health and has funded a Community Development Worker. As part of this work a series of seminars are being held, focusing on topical issues identified by the HSE and Pavee Point as requiring attention.

The seminars include inputs from a wide range of participants from different sectors, including statutory and non-statutory organisations and Roma representatives. They are supplemented by research on existing practice in the area and individual interviews. The learning from these seminars and supplementary research is being documented in order to provide a series of thematic resources for practitioners working with Roma communities in Ireland.

Each resource is organised into three sections:

Section 1

Provides the context for the report and gives a background on Roma in Ireland and Europe.

Section 2

Provides the policy and legislative context and documents the key content of the thematic seminars and supplementary interviews.

Section 3

Provides guidelines for practitioners working with Roma communities in relation to themes being discussed.

This resource is the first in the series and focuses on Roma communities in Ireland and child protection considerations.

This report is intended to:

- Give an overview of Roma communities in Ireland
- Set the context of Roma and child protection considerations
- Summarise key discussion points from the seminars
- Document lessons learnt from working with Roma in other countries and from work with the Traveller community over the years.

It is a resource that can provide guidance for policy makers and practitioners in the protection and promotion of human rights of Roma in Ireland. It can also be seen as a starting point in identifying issues that need to be addressed in the context of the EU Framework for National Roma Integration Strategies up to 2020, which provides a framework and commitment to promote inclusion of Roma in EU member states.⁰¹

Pavee Point is a non-governmental organisation committed to the attainment of human rights for Irish Travellers and Roma. The organisation is comprised of Travellers, Roma and members of the majority population, working in partnership to address the needs of Travellers and Roma as minority groups experiencing exclusion and marginalisation. Pavee Point has had a Roma Project since 2000. The Roma Project works to tackle racism and discrimination against Roma in access to services and in wider society.



Roma grandparents living in Ireland
Photo by James Fraher

“STEREOTYPES AND PREJUDICES AGAINST THE ROMA ARE SO DEEPLY ROOTED IN EUROPEAN CULTURE THAT THEY ARE OFTEN NOT PERCEIVED AS SUCH AND ACCEPTED AS FACT. THE NEGATIVE BEHAVIOUR OF ONE INDIVIDUAL TENDS TO BE AUTOMATICALLY APPLIED TO ALL — WITH NO DISTINCTION EITHER BETWEEN DIFFERENT GROUPS OF ROMA — AND IS ATTRIBUTED TO ROMANI CULTURE INSTEAD OF TO THE INDIVIDUAL.” European Network Against Racism.

⁰¹ European Commission, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: An EU Framework for National Roma Integration Strategies up to 2020”, http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf

WHO ARE ROMA?

EU institutions use 'Roma' as an umbrella term for a number of groups including people who identify as Roma, Sinti, Travellers, Ashkali, Manush and other groups.⁰² It is important to note that from an EU perspective Roma includes Irish Travellers.

Roma means 'people' in Romani and is the preferred term used to describe members of Roma communities. This was agreed at the World Romani Congress in 1971.⁰³ Because of the way in which the term 'gypsy' has been used, this can be considered derogatory.⁰⁴

People who identify as Roma are part of a minority ethnic group that originated in Northwest India. They speak a Sanskrit-based language called Romani that now exists in similar forms across European countries. The family and clan are a core part of personal identity and a person must be born into a particular group of Roma to be considered part of this ethnic group.⁰⁵ Roma live mainly in eastern and central Europe and have been European citizens for centuries. The Council of Europe estimates that there are 10-12 million Roma in Europe. Roma constitute the largest minority group in the E.U. The largest Roma communities live in Romania (est. 2m) and Slovakia (est. 600,000), demographically standing at about 10% of each of these countries' overall populations. Although Roma communities can be said to broadly share similar cultural practices, language, history, and experiences, within this Roma communities are diverse and cannot be seen as a homogenous group.

It is important not to over-generalise or stereotype in relation to Roma communities. "Stereotypes and prejudices against the Roma are so deeply rooted in European culture that they are often not perceived as such and accepted as fact. The negative behaviour of one individual tends to be automatically applied to all—with no distinction either between different groups of Roma—and is attributed to Romani culture instead of to the individual".⁰⁶ It is important not to confuse culture with the practices of an individual, or with practices that are taking place out of necessity or as a result of external oppression.

WHAT LANGUAGE DO ROMA

SPEAK?

Romani is the most extensively spoken language with an estimated 60 variants. In addition, many Roma also speak the language of their country of origin. Some Roma in Ireland speak English, but many do not. If you are using an interpreter to communicate with Roma, you should ensure they understand the interpreter and that they are happy to communicate via that interpreter (sometimes there are issues which inhibit communication). For example, as documented below, many Roma have experienced racism and discrimination in their country of origin and relationships between Roma and the majority society may not be positive—in such cases a non-Roma interpreter from their country of origin may be unsuitable.

FAMILY

The immediate family and extended family are central to Roma culture. Roma often travel with their extended family group and open their homes to their extended families. It is quite usual for 3 or 4 generations of the same family to live together. The family structure plays a strong role in education about culture, history, and traditions, through grandparents, parents and older brothers and sisters.⁰⁷

A HISTORY OF EXCLUSION

Roma are also united by experiences of racism and discrimination. The former Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, has stated that

“EUROPE HAS A SHAMEFUL HISTORY OF DISCRIMINATION AND SEVERE REPRESSION OF THE ROMA. THERE ARE STILL WIDESPREAD PREJUDICES AGAINST THEM IN COUNTRY AFTER COUNTRY ON OUR CONTINENT”.⁰⁸

From the sixteenth to the eighteenth centuries in Europe anti-Gypsy laws existed in Western and Central Europe, and in Romania, Roma were enslaved. Efforts to expel Roma were gradually replaced in many countries with forced assimilation policies. For example, Roma were banned from wearing distinctive clothing, speaking Romani, or marrying other Roma. During the Holocaust or the Porojamos (the Roma Holocaust), it is estimated that between 500,000 and 1.5 million Roma were killed.⁰⁹ Roma had to struggle even for acknowledgement of their persecution during the Second World War. Roma were also targeted and 'exterminated' under fascist regimes in Italy and Romania. For centuries Roma have fled violence and persecution and this continues to this day.

EXCLUSION IN EUROPE TODAY

Whilst experiences will have differed for individual Roma and their families and each country will be different, it is true to say that Roma continue to be subjected to discrimination across Europe. Openly racist attitudes against Roma are widely tolerated and even extreme racism can occur without condemnation. The European Union Fundamental Rights Agency documented the experience of minorities in an EU wide survey in 2008. They found that “on average—every second Roma respondent was discriminated against at least once in the previous 12 months”.¹⁰ They also found that between 66% and 99% of Roma did not report their most recent experience of discrimination. The main reason given for this was that “nothing would happen or change”.¹¹

Violations of Roma rights are not always prosecuted by the authorities. Roma have had their houses raided and been subjected to repeated forced evictions, forced sterilization and police brutality. There is a rising right-wing political force in Europe and a high number of racist incidents against Roma. Arson attacks have been carried out on Roma at night when people are sleeping.¹² In 2010, 6 Hungarian Roma were murdered by vigilantes.¹³

Anti-Roma rhetoric is common. For example, in France, the Government used anti-Roma sentiment to legitimise their policy of expelling Roma from France, by force if necessary.¹⁴ The Commissioner for Human Rights for the Council of Europe has also noted that anti-Gypsyism is being exploited by extremist groups in several European countries and mob violence against Roma individuals has been reported from, for instance, the Czech Republic and Hungary.¹⁵ The European Roma Rights Centre note that in this context at least 20 attacks including 10 deaths of Romani people across four countries, have been reported in the first half of 2012 alone.¹⁶

⁰² Fundamental Rights Agency, "The FRA's work for the Roma" http://fra.europa.eu/fraWebsite/roma/roma_en.htm

⁰³ Council of Europe, "Making Human Rights for Roma a reality" <http://www.coe.int/web/coe-portal/roma>

⁰⁴ Lesovitch, Louise, "Roma Educational Needs in Ireland: Context and Challenges" http://www.paveepoint.ie/pdf/Roma_Report.pdf

⁰⁵ Ronald Lee, "Myths and Facts about Roma" http://www.romatoronto.org/facts_mythsfacts.html

⁰⁶ European Network Against Racism and European Roma Information Office, "Debunking Myths & Revealing Truths about the Roma" <http://cms.horus.be/files/99935/MediaArchive/publications/roma%20final%20pdf.pdf>

⁰⁷ Lesovitch, Louise, Supra N4

⁰⁸ Hammarberg, Thomas, "Forced Evictions of Roma families must stop" http://www.coe.int/t/commissioner/Viewpoints/060904_en.asp

⁰⁹ European Network Against Racism and European Roma Information Office, Supra N6

¹⁰ European Union Agency for Fundamental Rights, EU- Midis: European Union Minorities and Discrimination Survey. Main Results Report http://fra.europa.eu/fraWebsite/attachments/eumidis_mainreport_conference-edition_en_pdf

¹¹ Ibid.

¹² Commissioner for Human Rights, Human Rights of Roma and Travellers in Europe http://www.coe.int/t/commissioner/source/prems/prems79611_GBR_CouvHumanRightsOfRoma_WEB.pdf

¹³ Amnesty International, "Violent Attacks Against Roma in Hungary: Time to Investigate Racial Motivation" http://www.amnesty.at/uploads/tx_amnesty/Violent_attacks_against_Roma_in_Hungary_report_web.pdf

¹⁴ European Union Agency for Fundamental Rights, Supra N12.

¹⁵ Ibid.

¹⁶ See <http://www.errc.org/>

Roma continue to experience discrimination in housing, education, employment, health, access to goods and services, and decision-making. Roma have lower health statistics than majority populations. A World Bank report in 2003 stated that Roma live on average ten years less than the majority population. Infant mortality rates in the Czech Republic and Slovakia have been shown to be twice that of the majority population.¹⁷

A survey by the EU Fundamental Rights Agency (2012) covering 11 EU countries shows that one in three Roma is unemployed and 90% live below national poverty lines.¹⁸

Roma experience repeated forced evictions and expulsions from the countries in which they live. For example, in 2011, in Tulcea in Romania, forty houses were demolished and families who lived there received no offer of alternative accommodation.¹⁹ In Italy, a “nomad emergency” saw the forced eviction of Roma without the provision of alternative accommodation and with no prior notice, in direct convention of human rights law.²⁰ A mass forced eviction of Roma took place in Serbia in April 2012. This was a blatant breach of international human rights law whereby authorities failed to consult with the Roma communities affected, denied them adequate information, notice and legal remedies.²¹ In 2012, the French Government has continued to forcibly evict and expel migrant Roma. By August 2012, at least 4,190 Roma were reported to have been evicted or expelled and at least 350 expulsion orders had been distributed.²²

Roma children in many European countries remain excluded from quality education. Roma are segregated into Roma-only classes or schools, wrongly placed in special schools for children with intellectual disabilities and crowded into decrepit classrooms, with low teacher expectations. Roma children face serious challenges to complete a basic standard of education. According to the census in Romania, the average length that a child spends in school in Romania is 11.2 years; for a Roma child this falls to 6.8 years. In 2007, the European Court of Human Rights found that the Czech Government had discriminated against Roma in the area of education due to its policy of denying Roma children access to mainstream education.²³

ROMA WOMEN

Roma women often face what is called ‘intersectional discrimination’. For example, women face barriers to employment due to gender discrimination, in conjunction with discrimination based on their ethnicity.

The links between poverty, discrimination and risk of violence are well established and the high rates of poverty experienced by Roma women leave them vulnerable to violence in wider society and in the home. Migrant Roma 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. Issues such as language, wider discrimination in society and distrust of service providers may also prevent a Roma women seeking such support when they face situations of violence.

Roma women have also faced violations of their sexual and reproductive rights. From the 1970s until 1990, the Czechoslovakian Government had a systematic program of Roma sterilisation which was aimed at stemming the high birth rate of Roma women.²⁴ More recently, the European Roma Rights Centre has documented sporadic cases of coerced sterilisation in the Czech Republic, Hungary and Slovakia. In 2009, the Czech Government expressed regret to a victim of this practice, the Hungarian Government compensated one victim and there has been no Government response to cases in Slovakia.²⁵

Relative to contemporary majority Irish society, some Roma marry and have families at quite a young age. Early marriage has been historically linked to the slavery of Roma in Romania as a way of protecting Roma girls from rape by their “owners” or “owners” sons.²⁶ It is important to note the diversity of views within Roma communities in relation to early marriage and to avoid simple equations between Roma culture and early marriage.²⁷ Where early marriage does occur this can impact on Roma girls’ access to education and wider human rights.

ROMA IN IRELAND

The situation of Roma in Ireland is very intricate and complex. There are an estimated 5,000 Roma in Ireland but there is very little accurate data available as Roma ethnicity is not collected in immigration, employment, or other Government statistics. Nor is Roma ethnicity included in the “Ethnic and Cultural Background” question in the Census. In any case, Roma participation in the Census is likely to be problematic given issues of social exclusion, discrimination and lack of trust in authority by many Roma. The lack of accurate information on Roma communities makes it difficult to develop effective and appropriate policies and to provide appropriate services. However, it does appear that Ireland has a relatively small Roma population compared to other Western European countries, so it should be possible to address the difficulties that they are experiencing.

Roma in Ireland mostly come from Romania, but also the Czech Republic, Slovakia, Hungary, Poland and Bulgaria. Therefore the community is very diverse in Ireland. Due to a number of recent changes such as the accession of countries into the EU in 2004 and 2007, Roma in Ireland have a variety of different statuses, depending on when they came here and what country they are originally from.

In Ireland today, many Roma experience disadvantages in accessing education, health services, and employment; and experience racism, gender inequality and poverty.

ROMA AND THE RIGHT TO WORK IN IRELAND

Most Roma entitled to work in Ireland are often employed in low-skilled, low-paid areas of employment. Many Roma in Ireland are living in poverty due to a lack of access to work and restrictive social welfare measures. Roma from Romania and Bulgaria have been particularly impacted due to work restrictions. These restrictions have now been lifted (as of 20.07.2012) which is a

positive step. However, even without restrictions 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. There is no clear strategy to facilitate Roma participation in mainstream training programmes. Many Roma may have very poor experiences of education and may also have an added difficulty of not speaking and writing English. Therefore, extra support may be needed to facilitate completion of training programmes. Pavee Point recommends that targeted initiatives for Roma are provided as part of a strategy to facilitate engagement in mainstream training services.

ROMA AND THE RIGHT TO SOCIAL PROTECTION IN IRELAND

Habitual residence is a condition which applicants must satisfy in order to qualify for certain social welfare assistance payments including Child Benefit.²⁸ Habitual residence essentially means an applicant must be able to prove a close link to Ireland. Five factors are considered to determine habitual residence:

1. **Main centre of interest**
2. **Length and continuity of presence**
3. **Length and reason for any absence**
4. **Nature and pattern of employment**
5. **Future intention**

Pavee Point have noted that the application of the Habitual Residence Condition (HRC) is having a disproportionate and devastating impact on Roma in Ireland and raising serious human rights concerns. Where Roma families need to avail of social protection measures, they can often find it difficult to satisfy the habitual residence condition.²⁹ Due to the low literacy levels and language barriers for Roma, they may not have all the documentation needed to prove habitual residency and might face difficulties responding to the department in a timely manner. Roma can face difficulties in proving place of residence if they live

¹⁷ Amnesty International, “Left Out: Violations of Roma Rights in Europe,” <http://cms.horus.be/files/99935/MediaArchive/publications/roma%20final%20pdf.pdf>

¹⁸ European Union Fundamental Rights Agency, “The Situation of Roma in 11 EU Member States – Survey Results at a Glance” http://fra.europa.eu/fraWebsite/attachments/FRA-2012-Roma-at-a-glance_EN.pdf

¹⁹ Amnesty International, “Mind the Legal Gap: Roma and the Right to Housing in Romania.” http://www.amnesty.eu/content/assets/Doc2011/Roma_Romania_Report_230611.pdf

²⁰ Amnesty International, Supra N16

²¹ Amnesty International, “Serbia: Hundreds of families face uncertainty after Belvil eviction” <http://www.amnesty.org/en/news/serbia-hundreds-families-face-uncertainty-after-belvil-eviction-2012-04-26#.T516aGxJTA.facebook>

²² See <http://www.errc.org/article/hollande-should-keep-his-election-promises-regarding-roma/4039>

²³ European Union Agency for Fundamental Rights, The Situation of Roma EU Citizens moving to and settling in other EU Member States http://www.coe.int/t/commissioner/source/prems/prems79611_GBR_CouvHumanRightsOfRoma_WEB.pdf

²⁴ European Roma Rights Centre, “Coerced Sterilisation of Romani Women”, <http://www.errc.org/cms/upload/media/03/4F/m0000034F.pdf>

²⁵ Ibid.

²⁶ Oprea, Alexandra, “Child Marriage a Cultural Problem, Educational Access a Race Issue? Deconstructing Uni-Dimensional Understanding of Romani Oppression” <http://www.errc.org/cikk.php?cikk=2295>

²⁷ Ibid.

²⁸ For more information see Department of Social Protection, “Habitual Residence Condition – Guidelines for Deciding Officers on the Determination of Habitual Residence” <http://www.welfare.ie/en/operationalguidelines/pages/habres.aspx#sect7>

²⁹ Pavee Point, “The Impact of the HRC on Travellers and Roma” <http://paveepoint.ie/sitenua/wp-content/uploads/2011/09/Pavee-Point-Position-Paper-on-Impact-of-Habitual-Residence-Condition-On-Travellers-and-Roma.pdf>

SECTION 02: ROMA COMMUNITIES IN IRELAND CHILD PROTECTION CONSIDERATIONS

with extended family. Endemic discrimination in the education and the workplace in particular can mean Roma are less likely to have a strong previous pattern of employment. Ultimately, many Roma are unable to meet the criteria set out to determine habitual residence.

There is no safety net for people waiting on a decision with regard to the HRC. Although an urgent needs payment may be issued, this is a discretionary payment and not a sustainable solution if a person has to wait a significant period of time for a decision. This places Roma in Ireland in very vulnerable positions.

Concerns about HRC have been raised by the Special Rapporteur on extreme poverty and human rights. She has stated in her 2012 report that –

“THIS REQUIREMENT CAN POSE A SIGNIFICANT THREAT TO THE ACCESS TO ESSENTIAL SERVICES AND THUS ENJOYMENT OF HUMAN RIGHTS BY MEMBERS OF VULNERABLE GROUPS, PARTICULARLY PEOPLE EXPERIENCING HOMELESSNESS, TRAVELLERS, ASYLUM-SEEKERS, MIGRANT WORKERS AND RETURNING IRISH MIGRANTS. THE SPECIAL RAPPORTEUR ENCOURAGES THE GOVERNMENT TO REVIEW THE IMPACT OF THE CONDITION AS A MATTER OF PRIORITY.”³⁰

WHAT ARE THE LINKS AND PARALLELS BETWEEN ROMA AND TRAVELLERS?

As noted above, the EU institutions use the term Roma as an umbrella term to describe Roma, Travellers, Sinti and other groups. Therefore, from a European perspective, Irish Travellers are considered a minority ethnic group. There are parallels between Roma and Travellers, in terms of their history of nomadism, distinct culture and strong identity associated with family networks, which distinguishes them from the majority population. Unfortunately, they also share experiences of racism and discrimination based on ethnicity.

Irish Travellers are an indigenous minority who have been part of Irish society for centuries. Irish Travellers have experienced a situation where their nomadic identity has been devalued and criminalised through legislation such as the Housing (Miscellaneous Provisions) Act, 2002. This contrasts with the experience of many Roma now living in Western Europe who became nomadic in the face of discrimination and/or violent attacks which forced them to leave.



Mother with young boy at M50 roundabout, 2007. Pavee Point

THE VULNERABILITY OF ROMA CHILDREN IN IRELAND IS AN ONGOING CONCERN. THROUGH ENGAGING WITH ROMA COMMUNITIES IN IRELAND, IT IS INCREASINGLY CLEAR THAT MANY CHILDREN ARE FACING SITUATIONS OF POVERTY AND EXCLUSION.

³⁰ Carmona, Magdalena Sepúlveda "Report of the Special Rapporteur on extreme poverty and human rights, 5 April 2012"

SECTION 2.1: LEGISLATIVE AND POLICY CONTEXT

SEMINAR DISCUSSIONS

The following section documents the key issues arising from the first series of thematic seminars organised by Pavee Point and the HSE. These focused on child protection considerations and Roma communities in Ireland. Section 2.1 outlines the key international and national frameworks for child protection. This section is not a comprehensive overview of the legislative and policy provisions that relate to Roma as migrants and as a minority ethnic group. Rather, it outlines some key legislative and policy provisions that are relevant for considerations of children's rights and child protection for Roma in Ireland. Section 2.2 outlines experiences of Roma in relation to child protection in Europe. Section 2.3 outlines key points raised in seminars and interviews, on child protection and Roma communities in Ireland.

WHY CHILD PROTECTION?

The vulnerability of Roma children in Ireland is an ongoing concern. Through engaging with Roma communities in Ireland, it is increasingly clear that many children are facing situations of poverty and exclusion. Currently, the HSE has a statutory responsibility for child protection and works with other agencies to protect children and promote their welfare. HSE staff have identified a need to inform the practice of working with Roma families. This was not based on a perceived prevalence of child abuse or neglect of Roma children. The focus on child protection was based on an understanding of the impact that restrictions on accessing social welfare supports have on Roma families; as well as potential implications of cultural differences which can raise child protection issues.

METHODOLOGY

The first seminar on Roma communities in Ireland and child protection issues took place in July 2011. This seminar involved a wide range of participants from statutory organisations, different sections within the HSE, Roma, community and voluntary sector representatives, and others working with Roma. Having set the context and brought people together from a wide range of sectors, it was decided that two follow-up regional seminars would be useful for practitioners providing “front-line” services to come together to discuss approaches to protection of Roma children. These took place in November 2011 in Dublin and Galway and brought together a wide range of professionals including social workers, public health nurses, Gardaí, people working in education, with input from Pavee Point and Roma representatives. Specifically, the discussion forums aimed to:

- **Set the context of experiences of Roma communities in Ireland and understanding of issues arising in relation to child protection.**
- **Share information and experiences of child protection issues.**
- **Discuss challenges facing practitioners and identify good practice.**
- **Identify needs and of practitioners working with Roma families.**

Pavee Point undertook additional research outside of these seminars to develop this report, including desk-top research, interviews with policy-makers and practitioners in the HSE and with other people working with Roma in Ireland (North and South) and in England. This section documents the key issues that arose in this context.

INTERNATIONAL FRAMEWORK FOR THE PROTECTION OF CHILDREN'S RIGHTS

Ireland has ratified the UN Convention on the Rights of the Child (CRC) and is obliged to ensure that the State recognises “the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development”.³¹ This includes the right to the highest attainable standard of physical and mental health.³² Article 3 has particular relevance for child protection and includes the following provision:

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.³³

The importance of culture is noted in Article 30 which asserts,
*“In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.”*³⁴

Article 26 further recognises the right of all children to benefit from social security. The CRC also asserts that States are obliged to:

*“Respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”*³⁵

All State policy and practice should meet the standards outlined in the Convention on the Rights of the Child. Ireland has also ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) which includes the right to health, education and social security. Article 2(2) outlines that States are to take steps to realise all the rights outlined in the Covenant without discrimination.³⁶

EUROPEAN FRAMEWORK FOR THE PROTECTION OF CHILDREN'S RIGHTS

The rights of the child are enshrined in the Charter of Fundamental Rights of the European Union. Article 24 outlines member states obligations to protect children's rights and states that: “in all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration”.³⁷ The European Convention on Human Rights and the European Social Charter further outline civil, political, economic, social and cultural rights that States are obligated to protect in line with the principle of non-discrimination.

³¹ [United Nations](http://www2.ohchr.org/english/law/pdf/crc.pdf), Convention on the Rights of the Child, Article 27(1) <http://www2.ohchr.org/english/law/pdf/crc.pdf>

³² *Ibid.*, Article 24.

³³ *Ibid.*, Article 3.

³⁴ *Ibid.*, Article 30.

³⁵ European Parliament, “*Charter of Fundamental Rights of the European Union, Article 24.*” http://www.europarl.europa.eu/charter/pdf/text_en.pdf

³⁶ *Ibid.*, Article 2.

³⁷ Officer of the United Nations High Commissioner for Human Rights, “*International Covenant on Economic, Social and Cultural Rights, Article 2 (2)*” <http://www2.ohchr.org/english/law/pdf/cescr.pdf>

The European Commission document ‘Towards an EU Strategy on the Rights of the Child’ notes the above commitments and aims to promote and safeguard the rights of the child. It explicitly notes a concern that Roma children are particularly exposed to poverty, exclusion and discrimination.³⁸ This is further echoed in the ‘EU Agenda for the Rights of the Child’.³⁹ The Commission notes that the situation of Roma children is particularly worrying due to their experience of poor health, housing, nutrition, and exclusion and discrimination. It notes that particular attention will be given to children in the EU Framework for Roma Integration through the availability of structural funds for integration.

LEGISLATIVE AND POLICY CONTEXT IN IRELAND

In May 2011, the European Commission announced a European Framework for National Roma Integration Strategies which will help guide national Roma policies and mobilise funds available at EU level to support inclusion efforts. The EU Framework develops a targeted approach for Roma inclusion by setting goals in:

Education: ensuring that all Roma children complete primary school at least;

Employment: reducing the employment gap between Roma and other citizens;

Health: decreasing the gap in health status between Roma and the rest of the population; and

Housing: closing the gap between the share of Roma with access to housing and public utilities (such as water, electricity and gas) and that of the rest of the population.⁴⁰

Each member state was required to draw up a strategy by December 2011 in order to urgently tackle the marginalisation and poor socio-economic conditions experienced by Roma in Europe, as part of coordinated action at a national and EU level. The European Commission stated that:

“[NATIONAL STRATEGIES SHOULD] BE DESIGNED, IMPLEMENTED AND MONITORED IN CLOSE COOPERATION AND CONTINUOUS DIALOGUE WITH ROMA CIVIL SOCIETY, REGIONAL AND LOCAL AUTHORITIES.”

Ireland has submitted a National Traveller / Roma Integration Strategy to the European Commission.⁴¹ Pavee Point is strongly critical of this document and feels a revised document to be developed in close cooperation with Roma and wider civil society is necessary.⁴² This would present an opportunity to develop comprehensive interagency strategies for Roma in Ireland and should explicitly address the concerns raised in this report.

The Health Service Executive’s National Intercultural Health Strategy 2007 – 2012 also outlines a number of recommendations in order to implement “an intercultural approach towards the planning and delivery of care and support services in an equal, accessible and effective way, acknowledging and valuing the diversity of all service users”.⁴³ The document notes that members of ethnic minorities may be regarded as particularly at risk of social exclusion and may experience racism and discrimination. It is recommended that the work of the Expert Advisory Group on Children will shape measures aimed at addressing the needs of children from diverse cultural and ethnic backgrounds. It also states that the recommendations in the National Action Plan Against Racism are essential to ensuring an inclusive, intercultural approach to meeting the needs of children from minority ethnic communities. Unfortunately, the first National Action Plan against Racism finished in 2008 and no further plan has been developed.

The Habitual Residence Condition (HRC) affects Roma’s right to social protection in Ireland. For a person to access certain social welfare assistance payments, they have to satisfy HRC. Habitual residence entails the applicant having to prove a close link to Ireland. Low levels of literacy and the difference in language can make the application for HRC a difficult process for Roma. Roma can face difficulties in proving place of residence if they live with extended family. Discrimination in education and the workplace mean Roma are less likely to have had regular patterns of formal employment. In all, it can be difficult for Roma to meet the criteria to prove a close link with Ireland that is needed to satisfy the habitual residence condition.

CHILD PROTECTION POLICY IN IRELAND

Whilst national Government policies often take account of the situation of Travellers and other minority ethnic groups, Roma are rarely mentioned as a distinct group. Interviews for this report confirmed that issues affecting children of Roma families are often at the forefront of the minds of those providing “frontline” services but that policy-makers and senior management are less likely to be aware of these issues. The current work being done by Pavee Point and the HSE is beginning to address this.

The Children First: National Guidance for the Protection and Welfare of Children and the accompanying Child Protection and Welfare Practice Handbook, which was launched in 2011, promotes the protection of children from abuse and neglect, and sets out clearly how child protection must be placed at the core of any organization working with children. The Government intends to enact legislation so that everyone working with children will have a statutory duty to comply with the Children First: National Guidance. The Heads of the Children First Bill have been published.

The National Guidance document does not make specific reference to working with children from minority ethnic backgrounds; however, the Practice Handbook has a section on “Child protection in a multicultural context”. This section acknowledges that background or baseline conditions beyond the control of families or carers (such as poverty, inaccessible healthcare, inadequate nutrition, unavailability of education etc.) can be contributing factors to child abuse. It also states that practitioners will need to become familiar with the issues raised in allegations of child trafficking, female genital mutilation, forced marriage and so-called honour-based violence. It advises that practitioners consult their manager, take advice on the cultural context and work sensitively with the child and family, keeping the child’s safety and welfare as their primary concern. It also provides best practice guidance for the use of interpreters. The handbook includes an Equalities Statement: “Throughout the process of ensuring the safety and welfare of a child, professionals should be aware of differing family patterns and lifestyles, not only

³⁸ European Commission, “Towards an EU Strategy on the Rights of the Child” <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0367:FIN:EN:PDF>

³⁹ European Commission, “An EU Agenda for the Rights of the Child” http://ec.europa.eu/justice/policies/children/docs/com_2011_60_en.pdf

⁴⁰ European Commission, “An EU Framework for National Roma Integration Strategies up to 2020” <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0173:FIN:EN:PDF>

⁴¹ Department of Justice and Equality, “Ireland’s National Traveller / Roma Integration Strategy” <http://www.inis.gov.ie/ga/JELR/Ireland%E2%80%99s%20National%20Traveller%20Roma%20Integration%20Strategy%202011.pdf/Files/Ireland%E2%80%99s%20National%20Traveller%20Roma%20Integration%20Strategy%202011.pdf>

⁴² Pavee Point, “Towards a National Traveller and Roma Integration Strategy 2020” http://paveepoint.ie/sites/default/files/2011/10/Towards-National-Traveller-Roma-Strategy_20.09.11.pdf

⁴³ Health Service Executive, “Intercultural Health Strategy, 2007 – 2012” http://www.hse.ie/eng/services/Publications/services/SocialInclusion/National_Intercultural_Health_Strategy_2007_-_2012.pdf

due to different racial, ethnic and cultural groups but also issues of age, disability, gender, religion, language and sexual orientation.”

2012 has seen further developments in the protection of children more broadly. This includes The Criminal Justice (Withholding Information on Crimes against Children and Vulnerable People) Act 2012. This places an obligation on everyone to report child protection concerns to the Gardaí. This is in addition to the Children First Bill which will apply to those working with children and families. The Programme for Government undertook to ‘fundamentally reform the delivery of child protection services by removing child welfare and protection from the HSE and creating a dedicated Child Welfare and Protection Agency, reforming the model of service delivery and improving accountability to the Dáil.’⁴⁴ In July 2012 the Government gave approval for the drafting of Heads and a General Scheme of a Bill to establish the Child and Family Support Agency. This will see the restructuring of the delivery of child welfare and protection services in Ireland away from the HSE to an independent agency that will see the merge of key statutory agencies such as Family Support Agency. Finally, the Minister has published a Bill to enable the holding of a Children’s Referendum to insert children’s rights into the Irish Constitution. The ethos behind this is that this will lead to greater child protection systems and ensure all children are better protected, respected and heard.

SECTION 2.2: EXPERIENCES OF ROMA AND CHILD PROTECTION IN EUROPE

It is estimated by the Council of Europe that there are 10–12 million Roma in Europe. They are particularly concentrated in Central and Eastern Europe. Roma throughout Europe face intolerance, racism, discrimination and social exclusion in their daily lives. They face hostility and vigilantism, as well as high levels of poverty, unemployment, poor health, and low levels of educational attainment.

OVER-REPRESENTATION IN STATE CARE

Historically, assimilation policies meant that Roma children were removed from their families and today, Roma children in Eastern Europe are grossly overrepresented in state care institutions.⁴⁵ Therefore, the topic of Roma and child protection is likely to have negative connotations for many Roma. The European Roma Rights Centre (ERRC) has raised concerns about Roma children’s rights and issues relating to child protection of Roma children throughout Europe.

A recent report by the ERRC shows a disproportionate number of Roma children are represented in state care in European countries.⁴⁶ For example, in Bulgaria, official data shows that 50% of children in state-run children’s homes are Roma. The report shows that 33% of children in state care in the Czech Republic are Roma.

In countries where there are no official figures, researchers estimated numbers of Roma in care based on visits to institutions and children’s homes. In Hungary, 65% of children in institutions visited were Roma. In Romania, 31.8% of children in state homes visited were Roma and this varied by region, with some regions reaching 80% representation of Roma in care. The majority of EU countries do not collect disaggregated data by ethnicity about children in care. This is identified by the ERRC as a critical barrier to reducing the overrepresentation of children in care. They state:

It is of the utmost importance that disaggregated ethnic data is gathered and used to develop, fund and monitor the success of targeted prevention and protection measures to improve the conditions in Romani families and ensure that Romani children are not deprived of a family upbringing.⁴⁷ What is clear, is that in all countries investigated, Roma are overrepresented in state care.

The report finds that the underlying reason for the high representation of Roma children in care is endemic poverty and discrimination and it cites factors including poverty and material conditions, single parenthood and migration. Some Roma also pointed to perceived discrimination on the part of child protection actors: “Social Workers may assume that Romani families are not able or willing to raise and educate their children”.⁴⁸ Child abuse was considered a small factor in the placement of Roma children in institutional care.

The report found that a feature of Roma children’s experience of care is a low rate of reintegration into a family setting or adoption, meaning that many Roma children spend their whole childhood in state care. The report notes that this may lead to multi-generational institutionalisation of children from the same family. The report also raises issues around loss of ethnic identity and notes that, in the Czech Republic, Hungary and Romania very few Roma were employed in the homes visited and this acts as a barrier to the fostering of a positive ethnic identity among Roma children in homes. Interviews with Roma and non-Roma children in care revealed negative sentiments about Roma. It was reported that some Roma children in institutional care and those who have left care reject their ethnic identity and distance themselves from other Roma. Most institutions do not offer programmes to support Roma ethnicity or promote a positive attitude towards Roma.

EARLY MARRIAGE

In September 2011, the ERRC raised concerns about child marriage to the UN Committee on the Rights of the Child (CRC) and the Committee on the Elimination of Discrimination Against Women (CEDAW).⁴⁹ Child marriage has been historically linked to the slavery of Roma in Romania as a way of protecting Roma girls from rape by their “owners” or “owners” sons.⁵⁰ It is important to note the diversity of views within Roma communities in relation to early marriage and to avoid simple equations between Roma culture and early marriage.⁵¹ The ERRC has stated that early marriage often threatens the access of Roma children, particularly girls, to education, resulting in low levels of literacy and reduced employment prospects. Forced child marriages have also been noted to increase the vulnerability of Roma children to become victims of human trafficking. The ERRC points to the damage to the overall physical and psychological health of Roma girls and their children. Alongside awareness raising programmes they point to the need to develop and implement appropriate policies focusing on the social inclusion of Roma communities that promote human rights, women’s rights and children’s rights; and that build capacity and empower individuals, communities and civil society to eliminate early marriages.

⁴⁴ Government of Ireland, “Programme for Government 2011” http://www.taoiseach.gov.ie/eng/Publications/Publications_Archive/Publications_2011/Programme_for_Government_2011.html

⁴⁵ European Roma Rights Centre, “Forced Removal of Romani Children from the Care of their Families” <http://www.errc.org/cikk.php?cikk=2290>

⁴⁶ European Roma Rights Centre, “Romani Children in Institutional Care” <http://www.errc.org/cms/upload/file/life-sentence-20-june-2011.pdf>

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ European Roma Rights Centre, “ERRC Submission to the Joint CEDAW-CRC General Recommendation / Comment on Harmful Practices: Child Marriages among Roma” <http://www.errc.org/cms/upload/file/cedaw-crc-child-marriages-submission-9-sept-2011.pdf>

⁵⁰ Oprea, Alexandra. Supra 26

⁵¹ Ibid.

SECTION 2.3:

EXPERIENCES OF ROMA AND

CHILD PROTECTION IN IRELAND:

SEMINAR DISCUSSIONS



“AT SOME STAGE MOST ISSUES BECOME CHILD PROTECTION BECAUSE FAMILIES DON’T HAVE ACCESS TO APPROPRIATE SERVICES ANY OTHER WAY. IT SHOULDN’T BE LIKE THIS.”

Participant at Seminar

“THIS IS A HUMAN RIGHTS ISSUE AT THE END OF THE DAY; THERE ARE CHILDREN AND YOUNG PEOPLE IN THIS COUNTRY THAT ARE ENTITLED TO CERTAIN BASIC HUMAN RIGHTS THAT ARE NOT BEING FULFILLED.” Participant at Seminar

A wide range of concerns were raised by participants at the seminars and in interviews. These have been summarised for the purposes of this report, capturing the main issues. Roma women from Romania and Slovakia provided inputs at each of the seminars. They provided a perspective from within the Roma community. Some of the women have experience of working as cultural mediators and so have had contact with many statutory agencies and Roma families. They noted that while Roma are a minority ethnic group with shared ethnicity, there is also huge diversity within communities, including within those from the same country of origin. This highlights the consistent need to apply caution to ascribing particular characteristics or assumptions of particular cultural behaviour when talking about Roma communities. The following section reflects the experiences and inputs of participants at the seminars including Roma and those working with Roma. It is important to note that discussions were overwhelmingly focused on policies or lack of adequate responses that are causing child protection issues to arise. There was a strong feeling that many child protection issues are arising as a consequence of policies that are impacting negatively upon Roma. One practitioner stated that in the current policy and legislative context, for some Roma families, child protection issues are inevitable. Particular practices within some Roma communities that are resulting in child protection issues were also raised. Although there are high levels of frustration with the system, on the positive side, it is also felt that there is a willingness and leadership within the Roma community to tackle issues. The following issues were discussed in this context.

ISSUES ARISING

POVERTY AND LACK OF SOCIAL PROTECTION

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.⁵²

“AT SOME STAGE MOST ISSUES BECOME CHILD PROTECTION BECAUSE FAMILIES DON’T HAVE ACCESS TO APPROPRIATE SERVICES ANY OTHER WAY. IT SHOULDN’T BE LIKE THIS.”

Participant at Seminar

Many practitioners expressed shock and concern at the living conditions of some Roma families, including substandard housing and lack of 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.”

“WE HAVE FOUND ROMA CHILDREN SCAVENGING IN BINS.”

Participants at Seminar

⁵² Pavee Point, “Impact of the Habitual Residence Condition (HRC) on Travellers and Roma” <http://paveepoint.ie/sites/default/files/2011/09/Pavee-Point-Position-Paper-on-Impact-of-Habitual-Residence-Condition-On-Travellers-and-Roma.pdf>

There are concerns that the HRC is having a disproportionate impact on Roma, and that there is a limited response to this. A perceived lack of engagement by some Government departments on the issue was also raised as a concern. Roma find it particularly difficult to prove habitual residence for a number of reasons. When Roma first arrive in Ireland they often live with family or friends for a time and may not have documentation in their name to prove residence. Roma may fill out forms incorrectly or incompletely due to problems with language and literacy and may not keep a paper trail of official letters. Roma often do not trust authorities, sometimes due to information having been used against them in the past. Furthermore, discrimination in education and the workplace are barriers to Roma finding formal stable employment. In this context many Roma are not meeting the criteria for HRC. The serious impact of the HRC was consistently highlighted as leading to extreme poverty, a lack of access to health services, a lack of access to education and poor living conditions. Ultimately, many child protection issues are arising as a consequence of the HRC.

Where social welfare and housing supports are not available, this can put social workers under pressure to take children into care. They are often reluctant to take such action as they feel the family could look after the children themselves if supports were available. Social workers reported feeling very frustrated as they are obliged to provide services in order to protect children but often do not have the resources to offer options to parents. Some professionals working with Roma families feel that “if it wasn’t for the poverty, there wouldn’t be a child protection issue at all”. This raises questions around other child welfare issues, such as the need to live with family, respect for ethnicity and identity, which are discussed in more detail in the next section.

The issue of begging arose, which may also involve child protection issues. It has been publicly stated in the media that begging is part of Roma culture.⁵³ This exacerbates negative stereotypes of Roma and is inaccurate. The first myth that Roma participants wanted to tackle was this belief that begging is part of Roma culture. It was clearly stated that this is not a cultural practice for Roma and should not be

characterised as so. Begging is a response to a situation of poverty and the links between begging and a lack of access to social protection are significant.

Some professionals who were interviewed feel that the Criminal Justice Public Order Act 2011 mean that although some parents continue to beg, they are less likely to bring children with them. This may be partly due to the fact that Gardai now feel that they have more powers to deal with begging and so are more likely to intervene from a child protection perspective.

POOR ACCOMMODATION

Participants noted that further child welfare issues are raised in relation to accommodation, as some Roma children are living in inadequate conditions that are extremely bad for their health. Practitioners stated that sometimes in hospital it may become clear there are very inadequate living arrangements for mothers leaving with small babies, such as overcrowding and lack of heating or water. A number of practitioners described accommodation where they had met Roma families as appalling. Subletting was raised as an issue. It was emphasized that the landlord has to ensure certain standards of accommodation are met and should be reported to the Private Residential Tenancies Board (PRTB) and Department of Environment, Community and Local Government, if this is not the case. Where people do not have PPS numbers they are in a vulnerable position as they then may not want to engage with authorities. Overcrowded accommodation was also linked back to accession and the need to meet the habitual residence condition, where it was explained that many Romanian Roma families who came to Ireland after 2007, often move in with family that already live here.

HEALTH

Roma are an at-risk group in terms of health. They have a higher infant mortality rate, lower life expectancy and a higher rate of diseases. A lack of access to health services compounds this problem. There is a lack of awareness and information about services, partly due to the lack of confidence and trust in institutions and authority, and partly due to language and literacy difficulties. A lack of access to social welfare can also restrict access to medical cards, where a person cannot demonstrate their means. This can often lead to a real crisis for families leading to overuse of accident and emergency (A&E) facilities and underuse of other services for fear of large bills.

“IF A CHILD IS ILL, WE SHOULD NOT HAVE TO ENCOURAGE THE FAMILY TO TAKE HER/HIM TO A&E BUT THERE IS NO ACCESS TO OTHER SERVICES, SO THIS IS THE ONLY OPTION.”

[Participant at Seminar](#)

This can result in families leaving it too late to seek medical attention for a problem that could have been easily rectified if dealt with earlier. Many practitioners feel that a blanket medical card for all children would address many issues for Roma children and address the overuse of A & E services.

Roma may have difficulty registering with a GP. In some areas (for example, Tallaght), many GPs’ lists are closed. Also, some Roma children are not receiving vaccinations. Roma women often turn up for antenatal appointments late in pregnancy, or refuse to be admitted for fear of charges. There is a need to build up trust and engagement with services and it was noted that maternity hospitals could be a point where positive engagement could be built up. It was suggested that with a better relationship between hospitals, other institutions and Roma communities, more sensitive issues can be addressed in a constructive manner.

It is a cause of frustration that, for example, a Roma child will be entitled to a medical card if taken into care but will lose that entitlement on leaving care.

One practitioner stated that,

“THE ONLY OTHER REALISTIC OPTION IS TO TAKE A CHILD INTO CARE WHERE THEY WILL INSTANTLY HAVE ACCESS TO THE SERVICES THEY NEED, BUT AS SOON AS THEY LEAVE CARE THE DOORS CLOSE AGAIN.”

Practitioners noted that one tactic to try and gain access to healthcare services within some Roma communities is medical card sharing. This has potentially very dangerous consequences, whereby medical professionals do not have accurate medical details of the patient in question.

LACK OF ACCESS TO EDUCATION

Several issues that act as barriers to education were discussed. There are Roma children who are not attending school and this was raised as an issue. Some practitioners noted challenges such as Roma children turning up to school without homework done, high absenteeism and a lack of parental engagement with the school. Practitioners noted that for some Roma families, in situations of unemployment and with no access to even supplementary welfare allowance, there is no money to buy books, clothes or the other expenses of school; and so they do not send their children to school. A discussion on the barriers to accessing education for Roma children took place. One practitioner stated,

“ABJECT POVERTY IS THE ISSUE; CHILDREN IN THE COUNTRY AFTER 2007 ARE NOT GETTING FAIR TREATMENT OR RIGHTS”.

“I HAD ONE CASE WHERE A FAMILY TOOK ALL THEIR CHILDREN OUT OF SCHOOL AS THEY COULD NOT AFFORD IT WITHOUT THE HRC. THEY SENT THE CHILDREN BEGGING INSTEAD.” [Participant at Seminar](#)

⁵³ Kelly, Olivia. “More than 500 arrested in Dublin under begging law” The Irish Times, Monday October 2011.

Many Roma people, particularly older Roma have had very negative experiences in school. So for some people an emphasis may be on learning other skills for survival outside of formal learning. However, a Roma participant noted that the opportunity to access education is one of the most positive aspects of living in Ireland and that most Roma send children to school as much as they can afford to. Again this raises the importance of not ascribing certain values as cultural, as there is diversity in Roma engagement with the education system. There are many reasons why people may not attend school, not least due to the education system itself.

Practitioners expressed frustration at situations when they have provided support for Roma children to attend school and the children are doing well, but the family moves and no-one knows where they have gone. There were reports from practitioners of girls dropping out of school to get married and one reported case of a girl who went missing from HSE care (it was suspected that she was entering into an arranged marriage). It was reported that there can be some differences between the emphasis on school for boys and girls, with some girls not being sent to school or being taken out of school earlier.

Roma representatives noted that Roma would generally not be familiar with the concept that someone will follow up with them if their children do not attend school. For example, in Romania they feel that no-one would care if a Roma child did not attend school. There is some frustration at the lack of initiatives to positively engage Roma children

“IF A CHILD IS BEGGING, OR NOT IN SCHOOL EVERYONE COMES TO THE DOOR! OTHER THAN THAT, NO ONE EVER COMES TO THE DOOR.”

ADULT LITERACY

It was noted that through education many Roma children speak English in school and Roma at home, but could not always receive support in doing their homework due to parent’s literacy and language difficulties. A high number of Roma adults cannot read or write due to exclusion from education in their country of origin. While there are English language classes being run, practitioners noted

that these are vulnerable to cuts, which means that progress that has been made is lost. The budget-cuts to language supports in schools was a particular concern for practitioners. It was also noted that sometimes attendance lags and practitioners were questioning why in order to see what changes they can make. Again while there may be no definitive ‘answer’ to these questions, it was stated that trying to survive, maintain accommodation and stay healthy are priorities. Often trying to negotiate Irish systems in order to do this, will interfere with language classes.

WORK PERMITS

The need for Bulgarian and Romanian nationals to have a work permit was raised as an issue. Participants noted that these restrictions make it difficult to gain employment as a certain level of qualification is needed to gain the type of employment eligible under the work permit scheme. Many Roma have low education levels due to discrimination in education and do not have the formal qualifications need for high skilled employment. Practitioners noted that the requirement of an employer to pay for a permit and fill out the necessary paperwork would act as a disincentive to employ Bulgarian and Romanian nationals. Some practitioners expressed a frustration that although people may have the right to be in Ireland, they then are not provided with rights and entitlements when they are here.⁵⁴

EARLY MARRIAGE

In terms of cultural practices, some Roma marry young and have children at a young age. In some Roma communities, when a child turns 15 they are considered an adult and get married. Many young Roma who marry are taken out of school. This may clash with the legal requirements in Ireland which state that a person must be 18 years old to marry, if ordinarily resident. This is also linked with the age of consent for sexual activity. Sometimes parents are unaware of the laws in Ireland, regarding the legal age for marriage and the age of consent for sexual activity. Practitioners noted that underage sexual activity has to be reported to the Gardaí by HSE staff and other practitioners. It was also emphasised that changes in cultural practices cannot be imposed and efforts need to be undertaken to create opportunities, through community development approaches, to promote change from within communities.

FAMILY LIVING ARRANGEMENTS

Practitioners highlighted that sometimes when visiting families, they will observe “unclear boundaries”, whereby more than one family may live in a unit of accommodation. There are a number of interlinked issues here. Firstly, there is a problem of overcrowding in accommodation and poor living conditions, as outlined above. However, it was also noted that for many Roma families, it is quite usual for extended families to live together. As one participant noted, “Mother, father, brother and sisters, cousins and grandparents all live together. Family is family to Roma”. It can appear to practitioners that there are no clear boundaries and that it is not clear who is in charge. In serious child abuse cases in the past, these were relevant factors and so social workers would be very aware of this. However, although there may appear to be unclear boundaries to a practitioner, the boundaries may be very clear to the Roma family.

Also, for some Roma, it would be quite usual for children to look after each other at quite a young age. This would be seen as normal and would not necessarily contravene legislation in their country of origin. This may raise issues for practitioners if it is deemed that the carers are not mature enough to care for younger siblings. Practitioners expressed a need for guidance on how to deal with such issues, taking into account cultural practices but also keeping child protections issues to the fore.

RESPONSES TO ISSUES – BARRIERS FACED BY PRACTITIONERS

One practitioner cautioned that child protection issues must be put into context, in order to avoid a perception that Roma communities are overrepresented in child protection cases. The HSE receive thousands of reports in relation to child protection from schools, doctors, police and others. Out of these a small number of cases would result in children being taken into care. The following sections outline challenges that practitioners highlighted in relation to their work and their ability to respond to issues facing Roma communities in Ireland

LACK OF OPTIONS FOR RESPONDING TO CHILD WELFARE ISSUES

Practitioners noted that where a person has no entitlements, there is little they can do and child welfare issues become inevitable.

“SOCIAL WORKERS’ APPROACH IS TO ASSESS AND TO PUT A PLAN IN PLACE, BUT FOR MOST ROMA FAMILIES THEY CANNOT DO THIS DUE TO THE LACK OF ENTITLEMENTS TO SERVICES SUCH AS SOCIAL WELFARE, MEDICAL CARDS ETC, AND THE KNOCK-ON EFFECT ON SCHOOL ATTENDANCE AND SO FORTH. TAKING CHILDREN INTO CARE SHOULD BE A LAST RESORT, BUT IT MAY SEEM LIKE THE BEST OPTION FOR ROMA CHILDREN...”

Participant at Seminar

Given the high representation of Roma in care in Europe and the impact that this has had on individuals and families, this is an issue of major concern. Participants noted the similarities in experiences of Roma with those of Travellers in the past. One practitioner noted that this is a form of social exclusion. Practitioners highlighted the major dilemma faced from a child protection standpoint when physical needs are not being met but there is not a situation of neglect. Lack of options for working with Roma families has meant practitioners can be limited in how they respond. Aside from an option of taking children into care, some practitioners noted that in some cases the only solution offered is repatriation to a person’s country of origin, where the family may be in the same situation, if not worse. Supports are available from charities such as St. Vincent de Paul and the Capuchin Centre, but this was not seen as a sustainable response.

⁵⁴ It is important to note that the requirement for Romanian and Bulgarian citizens to have work permits was removed in July 2012. See <http://www.djei.ie/labour/workpermits/bulgariaromania.htm>. Although these restrictions have been removed, it seems more awareness needs to be created about this, particularly among prospective employers.

Some practitioners feel forced to refer cases as child welfare and child protection when they may not be appropriate. Social Work practitioners noted a frustration with referrals that they receive. They noted that they receive quite a lot of referrals in relation to begging that are not child protection issues. It was felt that different practitioners should be pooling resources and sometimes it was felt that people are acting in silos. Practitioners also noted that they are not aware of the full range of agencies and organisations providing support or services to Roma communities and that this needs to be addressed.

Some noted a challenge in trying to engage in a culturally appropriate manner while also maintaining standards of child welfare. It was noted that preventative and supportive work over heavy-handed approaches should be favoured. The challenge is in balancing different approaches. As a practitioner stressed that “there are still times, as in every community, where children are being abused; child protection needs to be at the forefront of our minds.”

Some practitioners felt that they are not always supported in their work. There is a lack of guidance institutionally and they are responding as best they can within an inadequate system. Practitioners noted the need for guidance on how to address issues facing Roma communities.

CULTURALLY APPROPRIATE SERVICES

Practitioners noted that from a child protection standpoint there are certain key questions that need to be asked including: “Is this child safe? Are they at risk? Are they subject to physical, emotional, or sexual abuse? Are their physical needs being met? Are their emotional needs being met?” They noted a challenge in that there are times when the physical needs of a child are not being met, as detailed in preceding sections. However, to place a child in a care setting with carers of a different ethnicity and in an environment where their ethnicity is not necessarily valued is problematic. This undermines other notions of children’s support and protection, including family. The need for culturally appropriate foster care for Roma children was highlighted.

LANGUAGE

A lack of Roma interpreters was highlighted as a real barrier for practitioners in engaging effectively with Roma communities. This was seen as crucial issue that needs to change in order to facilitate services that could be responsive to Roma’s needs. The lack of practitioner access to effective, culturally appropriate interpreters was seen as having a detrimental effect on the provision of services and was described at one point as being “a classic case of institutional racism.”

The need for suitable interpreters was emphasised. For most Roma, their first language is Roma and their second language is the language of their country of origin (for example, Romanian). Young children might speak only Roma. Some Roma children in Ireland speak Roma at home and learn English through school and speak these two languages. Roma is a completely different language from Romanian.

There are many different variances of Roma, approximately 60 in total; even within one country there are many different variances. Roma is primarily a spoken language. Along with low literacy levels among Roma, this means that translating written material for Roma may not always be effective. The most appropriate language to use when providing interpreters is Roma. Sometimes Romanian interpreters are used and Roma are afraid to admit that they cannot understand the interpreter who has been assigned for them. Furthermore, Roma may be suspicious of non-Roma and distrustful of them and the non-Roma interpreter may be prejudiced against Roma. Therefore, providing non-Roma interpreters can be problematic in many ways.

Some participants felt that cultural mediators should be used and are very important in terms of conveying both language and culture. Others felt that the need for translators may be greater than the need for cultural mediators. A further point was made that services need to change how they operate to take into account Roma communities, rather than a mediator guiding Roma through a hostile system that is not adaptive to their needs

BUILDING TRUST

Practitioners noted that it can be hard to engage and build up trust with families. As pointed out above, many Roma have had very negative experiences of authorities and it may take a while to establish trust. For Roma families with a history of children being removed by the state and with a long history of racism, inequality and ill-treatment in their countries of origin, as well as in Ireland (although often to a lesser degree), they are distrustful of authority figures. It was noted that ‘to understand Roma you have to look at where they come from and where they are now’, referring to experiences in their country of origin and in Ireland. One practitioner stated that “kids are afraid — they are living in poverty and don’t know what to say or what information to give away — they don’t want to get anyone into trouble”.

Practitioners stated that when a good relationship is built up, it can still be quite fragile. They pointed to a delicate system, whereby they depend on other practitioners to follow up on aspects of a case. If this falls through, the trust they had personally built is undermined. If the supports are not in existence for practitioners, the likelihood of this occurring increases. They pointed to the need to communicate the services that are available to Roma communities and the fact that there are services and supports designed to help people. For example, in the education sector it was noted that there are supports for families who cannot afford books or uniforms. While acknowledging that some engagement with statutory sector can be negative, practitioners feel that it is important to highlight support services. The value of organisations like Pavee Point and Crosscare were noted in developing positive relationships with Roma.

The importance of practitioners working with Roma and for Roma to be represented in statutory organisations was stated:

“DIRECT CONTACT WITH ANOTHER ROMA PERSON MEANS TRUST, ROMA UNDERSTAND OTHER ROMA. ROMA HAVE THE KEY AND IT IS IMPORTANT FOR ANOTHER ROMA JUST TO BE THERE.” [Participant at Seminar](#)

The financial and administrative constraints across the board in statutory and voluntary sectors were noted as a barrier to more effective action. When staff are either being lost due to funding cuts or not being replaced, this makes the work more difficult.

On a positive note, a few interviewees felt strongly that parenting support for Roma families works well and that Roma parents tend to respond to issues when they are brought to their attention. For example, in relation to child begging, it was felt that sometimes one visit from a statutory agency to a Roma family could lead to the practice being stopped. The ISPCCLeanbh project has had many success stories, ensuring many Roma children are enrolled in school and some young Roma adults are now attending college as a result.

KEEPING IN TOUCH WITH FAMILIES

Practitioners stated that it can be hard to track families who had been engaged in services if they move. This is particularly an issue where people have no PPS number. Practitioners from the education sector noted that there are cases when a child is in school and then effectively “disappears”. There were also issues of children being registered for school and not turning up. They questioned if this is a case of someone simply moving on or a child protection issue? Education practitioners noted that “losing” children is a huge issue. It was stated that whether these amounted to child protection issues or child welfare issues, this is an area of huge concern. One practitioner noted that:

“THERE ARE GROUPS OF CHILDREN THAT WE DON’T KNOW WHERE THEY ARE AND THEY ARE IN VERY RISKY SITUATIONS.” [Participant at Seminar](#)

SECTION 2.4:

IDENTIFIED ACTION POINTS



Roma children doing homework.
Photo by James Fraher

“IN ALL ACTIONS RELATING TO CHILDREN, WHETHER TAKEN BY PUBLIC AUTHORITIES OR PRIVATE INSTITUTIONS, THE CHILD’S BEST INTERESTS MUST BE A PRIMARY CONSIDERATION.”

Charter of Fundamental Rights of the European Union, Article 24.

ACTION POINTS

Good practice examples or approaches discussed at the seminars include the following points:

SYSTEMATIC:

Active involvement and consultation of Roma at all stages of planning and implementing any initiative. Without Roma participation, strategies and initiatives will fail.

The importance of a national policy framework was highlighted.

The need for data and research on the experiences of Roma was highlighted.

The importance of an ethnic identifier in order to analyse what services Roma are engaging with, and to then plan policy and service delivery using such evidence, was noted.

PRACTICE POINTS:

Early intervention and preventative strategies are essential and often work well. Families should not be left to reach crisis point.

One-to-one contact and follow-up with Roma families has been successful but is very resource intensive.

Interagency approaches have been useful, although there has been some reluctance to engage among some agencies.

Local Children’s Services Committees could be tapped as a resource and in the National Children’s Strategy Implementation Group for the Child Services Committees there needs to be mainstreaming of the Roma community into children’s services.

Distinct projects for Roma women have worked well; they have tended to respond and engage quicker than men.

It is essential to focus on community development as well as the child protection approach. This has worked well for Travellers in empowering Travellers to advocate for themselves.

It is important to build up trust between services and Roma, particularly to overcome the history of non-engagement with services.

The use of Roma interpreters and/or Roma community workers has been found to be very useful, particularly for establishing trust.

A number of early years, school and youth club projects were described and will be included in a database of services which will be compiled by Pavee Point, in response to practitioners’ identification for the need for this resource.

Emerging structures need to take account of good practice, particularly learning from work with other minority ethnic groups in Ireland.

“I DON’T HAVE THE ANSWER TO THIS PROBLEM. I JUST HAVE ONE SMALL SOLUTION: IT IS VITAL THAT ALL PEOPLE WORKING WITH ROMA FAMILIES DO SO WITH RESPECT AND A GOOD ATTITUDE, AS IT IS CLEAR THAT BAD EXPERIENCES OF FAMILIES IN THE PAST LEAD THEM TO NOT ENGAGE IN THE FUTURE.”

Participant at Seminar

SUPPORTS FOR PRACTITIONERS

In addition to the issues identified above, practitioners also identified supports, training and guidance that would help them in their work with Roma families and children. It was felt that although there are robust policies and guidance in place in relation to child protection generally, there is a lack of institutional support for working with Roma families given their unique background, culture and circumstances. Practitioners expressed a need for supports, training, and guidance.

There are some supports available for Roma families and professionals working with them in the Dublin area, notably Crosscare, the ISPCCC Leanbh project on child begging, Pavee Point Roma Project and NASC in Cork. These organisations receive calls from outside Dublin and there is a recognised gap in support for other regions in the country. There are a small number of projects working with Roma outside of Dublin, although these are not well documented. Some professionals described trying to identify supports in their area and concluding that none were available.

Specific supports identified are as follows:

The need for institutional guidelines such as a code of practice or guidelines on Roma and child protection issues.

A database of contacts for services and supports working with Roma communities around the country. ⁵⁵

Availability of Roma interpreters; including ability of large interpreting and translating companies with Government contracts to provide same.

Somewhere to go when you have questions and need support on working with Roma families.

A list of Frequently Asked Questions (FAQs) for practitioners working with Roma. ⁵⁶

Roma cultural awareness training for practitioners. ⁵⁷

⁵⁵ This is being developed by Pavee Point

⁵⁶ This is being developed by Pavee Point based on inputs from practitioners at the seminars.

⁵⁷ This can be provided by Pavee Point upon request.

SECTION 3: GOOD PRACTICE



Roma boy playing football
Photo by James Fraher

COMMUNITY WORK IS SEEN TO BE ABOUT DEVELOPING A MORE JUST AND EQUITABLE SOCIETY THROUGH COLLECTIVE RATHER THAN INDIVIDUAL NEEDS. THIS MEANS WORKING WITH ROMA COMMUNITIES RATHER THAN FOR ROMA COMMUNITIES OR INDIVIDUALS.

This section provides guidelines for practitioners working with Roma communities in relation to child protection. There are a number of sources that provide such guidance. For example, research conducted in 2002 found that many Traveller children had been taken into care for poverty-related reasons, including poor accommodation.⁵⁸ This has some parallels with Roma. In the seminars and interviews for this research, poverty emerged as a significant issue for Roma families. Some professionals working with Roma families in the seminars felt that “if it wasn’t for the poverty, there wouldn’t be a child protection issue at all”. Given some of the links and parallels between Traveller and Roma communities, lessons learnt in working with Travellers in Ireland are useful in developing approaches for working with Roma communities in Ireland. At the same time, the experiences of Roma as migrants also need to be taken into account. There is also some learning from work with Roma in Europe and EU initiatives, which provide important guidance for working with Roma communities. The following section outlines important principles to underpin work with Roma communities. Firstly, the common basic principles on Roma inclusion are outlined. These have been approved at the EU level and endorsed by the Council of Ministers. Secondly, the importance of community development approaches is outlined with a practical example of the successful Traveller Primary Healthcare Projects. The third part of this section examines the experiences of children in care and points to some useful examples of good practice in the provision of culturally appropriate care services. Finally, further supports and resources that can be accessed are outlined.

APPROACHING WORK WITH ROMA COMMUNITIES – 10 COMMON BASIC PRINCIPLES ON ROMA INCLUSION

Any work with Roma communities should be underpinned by the Ten Common Basic Principles on Roma Inclusion adopted by the European Commission.⁵⁹ It is worth noting that the basic principles also have relevance for other groups experiencing social exclusion. The 10 Common Basic Principles on Roma Inclusion are a tool for both policy-makers and practitioners managing programmes and projects. Distilled from the experience of successful policies throughout Europe, they provide a framework for the successful design and implementation of actions to support Roma inclusion.

The Common Basic Principles were presented for the first time at the meeting of the European Platform for Roma inclusion in Prague on 24 April 2009. On 8 June 2009 the Council of Ministers in charge of Social Affairs annexed the Principles to their conclusions and invited Member States and the Commission to take them into account. They outline the following principles of good practice for working with Roma communities.

1. CONSTRUCTIVE, PRAGMATIC AND NON-DISCRIMINATORY POLICIES

The first Principle focuses on ‘constructive and pragmatic’ policies: policies that are appropriate to the situation on the ground. The design, implementation and evaluation of policies and projects should not be based on preconceptions, but on the actual situation of the Roma.

How can this be achieved in practice?

Do not base policies on pre-conceptions but on the actual situation.

For this purpose, make use of studies, surveys, visits, and the involvement of Roma people or experts, etc.

Promote such an approach to all actors. Make sure that EU values (human rights, dignity, non-discrimination, etc.) are respected.

Take into account the socio-economic inequalities experienced by the Roma and support equal opportunities/equal access of Roma people.

2. EXPLICIT BUT NOT EXCLUSIVE TARGETING

There is an ongoing debate on how to best address the needs of minority ethnic groups which includes two contrasting approaches: a specific approach (targeted at a specific minority) or a general approach (concerning everybody). The second Principle allows us to go beyond this debate with the introduction of the ‘explicit but not exclusive approach’. This approach implies focusing on Roma people as a target group without excluding others who live under similar socio-economic conditions. Policies and projects should be geared towards ‘vulnerable groups’, ‘groups at the margins of the labour market’, ‘disadvantaged groups’, or ‘groups living in deprived areas’, etc. with a clear mention that these groups include the Roma. This approach is particularly relevant for policies or projects taking place in areas populated by the Roma together with other minority ethnic groups or marginalised members of society.

3. INTER-CULTURAL APPROACH

Taking measures to promote the inclusion of an ethnic minority often raises the fear that integration will lead to cultural assimilation. The ‘inter-cultural approach’ stresses that both the Roma and mainstream society have much to learn from each other and that inter-cultural learning and skills deserve to be promoted alongside combating prejudices and stereotypes.

How can this be achieved in practice?

Promote inter-cultural learning (e.g. training sessions, information materials, etc.) and mutual understanding.

Highlight inter-cultural exchanges and the role of inter-cultural mediators.

Involve people with different ethnic backgrounds in the design, implementation and evaluation of policies and activities.

Take into account the cultural specificities of Roma communities when drawing up policies (e.g. be aware of taboos, etc.).

Pay attention to possible cultural biases in communication, as well as in the process and substance of policies and activities.

4. AIMING FOR THE MAINSTREAM

The fourth Principle draws attention to the long-term impact of policies and projects as sometimes, despite aiming to support Roma inclusion, they can result in strengthening segregation. The fourth Principle emphasises that promoting the inclusion of the Roma in mainstream society should be the ultimate aim of all policies. Accordingly, all actions should be assessed to see if they risk causing segregation and adapted if necessary.

Roma segregation may also be exacerbated by measures that are apparently neutral but that ultimately create additional barriers for the Roma because of their situation: this is known as ‘indirect discrimination.’

How can this be achieved in practice?

Support de-segregation by promoting integrated approaches.

Avoid measures that risk strengthening segregation or even creating new forms of segregation and pay attention to the long-term impact of policies and projects.

Be aware of the risk of indirect discrimination (when apparently neutral measures ultimately create additional barriers for the Roma).

Involve Roma communities.

⁵⁸ Traveller Families’ Care and the Shared Rearing Services and the Traveller Health Unit, “Caring for Diversity: Report on a research project to identify the need and potential for culturally appropriate child welfare and protection services for Travellers” <http://paveepoint.ie/pdf/CaringForDiversity.pdf>

⁵⁹ Council of Europe, *The 10 Common Basic Principles on Roma Inclusion* http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf

5. AWARENESS OF THE GENDER DIMENSION

Roma women are more likely to experience social exclusion than both Roma men and women in the majority community. Roma women are particularly vulnerable and suffer disadvantages such as limited access to employment, education, health and social services. They are often victims of multiple-discrimination: discrimination on the grounds of gender and ethnic origin.

Moreover, they run a higher risk of being victims of domestic violence, trafficking and exploitation than women in mainstream society. Roma women also have a crucial role to play in promoting inclusion.

How can this be achieved in practice?

Address the specific needs of Roma women in the design, implementation and evaluation of policies and activities.

Pay attention to related issues (e.g. multiple discrimination, domestic violence, exploitation, access to health/childcare).

Ensure that Roma women participate and play a leading role in consultative bodies or monitoring committees.

6. TRANSFER OF EVIDENCE-BASED POLICIES

The sixth Principle stresses the need to learn from your own experiences, as well as exchange experiences with other stakeholders or practitioners with the aim of drawing lessons from their work. In order to benefit from experience, good practices should be highlighted and disseminated to others. It is recognised that the development, implementation and monitoring of Roma inclusion policies requires a good base of regularly collected socio-economic data.

How can this be achieved in practice?

Use and combine existing information and, where appropriate, collect data (in line with regulations protecting personal data) in order to monitor project and policy developments.

Take into account the results achieved by various processes initiated (e.g. EU Roma Network, European Platform for Roma Inclusion, Roma Decade, etc.).

Where relevant, get inspiration from and build on examples and experiences of work with other vulnerable groups.

Use information from outside the EU.

Promote information sharing and exchange of experience among Member States.

7. USE OF EUROPEAN UNION INSTRUMENTS

The seventh Principle draws attention to the EU's legal, financial and coordination instruments which can be promoted to Member States as tools for supporting Roma inclusion. It is connected to the sixth Principle as it refers to coordination and cooperation among stakeholders at European level. In the development and implementation of their policies aiming at Roma inclusion, it is crucial that the Member States make full use of European Union instruments, including legal instruments (Racial Equality Directive, Framework Decision on Racism and Xenophobia), financial instruments (European Social Fund, European Regional Development Fund) and coordination instruments (Open Methods of Coordination).

8. INVOLVEMENT OF REGIONAL AND LOCAL AUTHORITIES

Member States need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with regional and local authorities. These authorities play a key role in the practical implementation of policies.

9. INVOLVEMENT OF CIVIL SOCIETY

Member States also need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with civil society actors such as non-governmental organisations, social partners and academics/ researchers. The involvement of civil society is recognised as vital both for the mobilisation of expertise and the dissemination of knowledge required to develop public debate and accountability throughout the policy process.

10. ACTIVE PARTICIPATION OF THE ROMA

The effectiveness of policies is enhanced with the involvement of Roma people at every stage of the process. Roma involvement must take place at both national and European levels through the input of expertise from Roma experts and civil servants, as well as by consultation with a range of Roma stakeholders in the design, implementation and evaluation of policy initiatives. Support for the full participation of Roma people in public life, stimulation of their active citizenship and development of their human resources are also essential.

How can this be achieved in practice?

Consult and involve NGOs, academics and Roma representatives in all stages of policy development.

Benefit from the expertise of civil society.

Organise public debates throughout the policy process.

Reflect on measures concerning positive action to encourage Roma participation in public life and active citizenship.

Promote employment opportunities for the Roma by including positive actions in human resources strategies, such as organising training courses, traineeships etc.

APPROACHING WORK WITH ROMA COMMUNITIES – COMMUNITY DEVELOPMENT

A number of projects dealing with intercultural health and the social determinants of health have been undertaken in Ireland. Community Development approaches have been central to this work. Traveller projects have proved to be particularly useful and offer a good model. Given the success of Traveller projects over the years in developing strong leaders and advocates within the Traveller community and in working with young Travellers; it is important that a community development approach is developed for Roma also. There is much learning from adopting this approach within the Traveller community and other groups that have been marginalised. Community work is seen to be about developing a more just and equitable society through collective rather than individual needs. This means working with Roma communities rather than for Roma communities or individuals. This approach involves people working together to identify their needs, exert more influence on the decisions which affect their lives and ultimately creating change. There is cross-over between a community development approach and the Common Basic Principles on Roma inclusion and both complement each other. A community development approach is based on the principles of:

- Equality
- Participation
- Empowerment
- Social Justice
- Collective Action

This approach is equally concerned with the task as with the process. In other words how something is done and the principles that underpin it, is as important as the outcome. Community development experience has shown that this produces more sustainable and successful results.

In this context, Roma leaders and communities need to be facilitated and supported to work in solidarity to exert influence on policies impacting their lives and also to address internal issues within communities. Civil society organisations are a good vehicle for supporting such work.

EXAMPLE OF GOOD PRACTICE: PRIMARY HEALTH CARE FOR TRAVELLERS PROJECT

A significant example of a community development approach in relation to work with Travellers which could be adapted for Roma communities is the Primary Health Care for Travellers Project (PHCTP) model. In these projects, Travellers work as Community Health Workers, allowing primary health care to be developed based on the Traveller community's own values to achieve positive outcomes with long-term effects. Community Health Workers follow a social determinants approach to addressing health issues, whereby the impact of socio-economic conditions and experiences of racism and discrimination are acknowledged as key factors in determining one's health status. Travellers and Traveller organisations work in partnership with HSE personnel through each Traveller Health Unit in the development of Traveller health services and in the allocation of resources.

Pavee Point's PHCTP was established in partnership with the Eastern Health Board in 1994. It included a training course which concentrated on skills development, capacity building and the empowerment of Travellers, giving Community Health Workers (CHWs) the confidence and skills to work in the community and to conduct a baseline survey to identify Travellers' health needs. The National Traveller Health Strategy notes that this was a significant development. This was the first time that Travellers were involved in this process. In the past, their needs had been assumed.⁶⁰

PHCTPs allow the community to prioritise their needs which can be fed back to health service providers. It also provides much needed employment and training for Travellers, usually Traveller women. It is important that CHWs are recognised for their experience and skills, and also for Travellers to have employment opportunities in mainstream health services.

In terms of the outcomes from PHCTPs, the projects are credited with bringing real and substantial benefits to the Traveller communities where they are located.⁶¹ Monitoring of the Pavee Point PHCTP showed improvements in levels of satisfaction, uptake and utilisation of health services by Travellers in the area. The project won a World Health Organisation Award in May 2000 and a Guinness Living Dublin Award in 2002. As a result of the success of the original PHCTP, this has been widely replicated and there are projects throughout the country.

GOOD PRACTICE FOR CHILDREN IN CARE

Although the aim in Ireland is to avoid a situation whereby Roma children are overrepresented in care, there is also a need for good practice for situations where children are in care. As noted earlier, a key concern from experience in Europe has been a lack of support for Roma ethnicity and lack of measures to promote a positive attitude towards Roma in State care. In Ireland, it is now accepted that the Government's policy is "use of the minimum necessary intervention, in a timely way, to keep children safe".⁶² In the past, Traveller children have been found to be overrepresented in alternative care, comprising about 6% of all children in alternative care in the Eastern Regional Health Authority (ERHA) but comprising only 1% of the total ERHA child population.⁶³

This means that Traveller children were about six times as likely to be taken into alternative care. Interviewees for this paper stated that Traveller children are still overrepresented in alternative care. Similar to research on the experiences of Roma children in care in Europe, issues around identity have arisen for Traveller children growing up in care in Ireland. A piece of research published in 2002 entitled 'Caring for Diversity' documents some Travellers' experiences in foster care.⁶⁴ It notes concerns about the framing of Traveller identity

as a potential source of difficulty for foster carers and a lack of support for foster carers to develop Traveller identity in a rich way. In the past, some Travellers were fostered by settled families and were initially unaware of their Traveller ethnicity. When they later became aware of their background, they sometimes found this difficult to deal with.

The report notes that:

Whether supported in the home or placed in alternative care, children at risk need to maintain healthy links with their family/extended family/ethnic group of origin. This requires a service that can connect with Travellers in an informed and culturally appropriate way – a service that knows who Travellers are.⁶⁵

It also highlights the crucial need for data collection on ethnicity and the need for involvement of Travellers in delivering services and notes that only they can effectively transmit cultural strategies for dealing with racism and its impact. These points have been highlighted in a European context in relation to Roma and are also valid for Roma communities in Ireland today.

GOOD PRACTICE FOR CHILDREN EXAMPLE OF GOOD PRACTICE: SHARED REARING SERVICE

The Shared Rearing Service (SRS) provides a service for Traveller children to be placed with Traveller foster carers. This was part of a range of responses to the identity difficulties that young Travellers were experiencing on leaving alternative care provision designed for settled children. It was set up by the Eastern Health Board in 1991 as part of efforts to provide culturally appropriate care. The service works to recruit and train Traveller foster carers and acts as a centralised service for surrounding areas that can use it to place children with Traveller foster parents. The Shared Rearing Service aims to place children in care where they can retain a positive sense of their ethnic identity and have an opportunity to maintain strong links with their family.

CHILDREN'S HOME: SZABOLCS- SZATMAR BEREG COUNTY, HUNGARY

The European Roma Rights Centre noted in their research on Roma children in care that a home they visited in Hungary offered a good example in how a positive Roma identity was developed. For example the director has specific programmes to strengthen the positive image of Roma. This includes visits by activists and artists to have discussions and explore Roma ethnic identity.⁶⁶

⁶⁰ Department of Health and Children, "National Traveller Health Strategy 2002-2005" http://www.dohc.ie/publications/pdf/traveller_health.pdf?direct=1

⁶¹ *Ibid.*

⁶² Department of Health, "Children First: National Guidance for the Protection and Welfare of Children."

⁶³ Traveller Families' Care and the Shared Rearing Services and the Traveller Health Unit. *Supra* 54

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ European Roma Rights Centre, "Romani Children in Institutional Care the Traveller Health Unit." <http://www.errc.org/cms/upload/file/life-sentence-20-june-2011.pdf>

FURTHER GUIDANCE AND TRAINING

Training on issues related to Roma rights is provided by Pavee Point and available to HSE staff upon request. Individuals can also attend training in Pavee Point, which takes place once per month and gives an introduction to Roma communities in Ireland.

Other resources that may be useful are:

City of Dublin VEC in association with Pavee Point Travellers Centre and the Roma Support Group, Roma Educational Needs in Ireland: Context and Challenges (2005)

Council of Europe, Human Rights of Roma and Travellers in Europe (2012)

ENAR, Debunking Myths and Revealing Truths about the Roma (2011)

FLAC, Social Welfare: FLAC Guide to the Habitual Residence Condition (2012)

HSE and NUIG, Guideline for communication in cross-cultural general practice consultations (2012)

Pavee Point, Position Paper on the Habitual Residence Condition (2011)

Pavee Point, Providing Quality Education to the Roma Community: An Introductory Report (2010)

Pavee Point, Roma in Ireland: An Initial Needs Analysis (2001)

Pavee Point, Shadow Report to the UN Committee for the Elimination of Racial Discrimination (2011)

Pavee Point, Towards a National Traveller and Roma Integration Strategy (2011)

WEBSITES THAT PROVIDE FURTHER INFORMATION:

Pavee Point
www.paveepoint.ie

Amnesty International
<http://www.fightdiscrimination.eu/>

Crosscare Migrant Project
<http://www.migrantproject.ie/>

Decade of Roma Inclusion
<http://www.romadecade.org/home>

European Network Against Racism
<http://www.enar-eu.org/index.asp>

European Network Against Racism, Ireland <http://enarireland.org/>

European Roma and Travellers Forum
<http://www.ertf.org/>

European Roma Information Office
<http://www.erionet.eu/>

European Roma Policy Coalition
<http://webhost.ppt.eu/romapolicy/>

European Roma Rights Centre
<http://www.errc.org>

Free Legal Advice Centre
<http://www.flac.ie/>

Migrant Rights Centre Ireland
<http://www.mrci.ie/>

Minority Rights Group International -
<http://www.minorityrights.org/>

NASC
<http://www.nascireland.org/>

“In accordance with the case law of the Strasbourg Court, member states should ensure that no child is placed in institutional care solely on grounds relating to the poor housing conditions or financial situation of his or her family. Placement of a child in an institution should remain the exception and should have as the primary objective the best interests of the child.”

Thomas Hammarberg, Council of Europe Commissioner for Human Rights, 2012.

Roma Communities and Child Protection Considerations

Roma Seminar Series: Theme One

