



PAVEE POINT
TRAVELLER AND ROMA CENTRE

**Opening Statement to the Joint Oireachtas Committee
on Justice & Equality**

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By

Ronnie Fay

**Pavee Point Traveller and Roma Centre
46 North Great Charles St., Dublin 1
ronnie.fay@pavee.ie**

Chairman and Members of the Committee,

Pavee Point welcomes the opportunity to make this presentation to the Joint Oireachtas Committee on Justice & Equality this morning. Before setting out three key points about ethnic recognition, racism and the disjuncture between the spirit of equality legislation and government policy, we feel compelled to express our deep frustration and disappointment that once again we are appearing before an Oireachtas Committee to make a case for formal recognition of Traveller ethnicity by the Irish State, as we have on many previous occasions.

At this stage we believe that the State should explain its rationale for refusing to grant such recognition despite recommendations by UN treaty monitoring bodies;ⁱ European institutions;ⁱⁱ Irish equality and human rights bodies;ⁱⁱⁱ and the Joint Oireachtas Committee on Justice, Defence and Equality^{iv}. In November 2014, Minister of State for Equality, New Communities and Culture made a commitment that the recognition of Traveller ethnicity would become a 'reality' but this has yet not happened.^v Why is this so? It is ironic that Irish Travellers are recognised as an ethnic group in Britain and Northern Ireland, but not here.

We will not restate many of the arguments we have previously made in making the case for recognition of Traveller ethnicity-including for example the lack of any legal or financial impediments to such recognition and the symbolic importance of such recognition to the Traveller community- as we recognise that many members here are already convinced of the rationale and evidence for such recognition. We are also mindful that our sister organisations and the IHREC articulated many of these reasons at your last sitting.

This morning instead, Pavee Point would like to focus on 3 policy areas where the non-recognition of Traveller ethnicity has profound implications.

Firstly, Pavee Point disputes the assertions of many different Governments since 2005 that recognising Travellers as a distinct ethnic group would have no beneficial implications for Traveller status in Irish society '*To define Travellers as an ethnic group would not entitle Travellers to any additional rights and protections*' as the Government stated to the International Committee for the Elimination of Racial Discrimination.

The Government is only correct in so far as Travellers are named as a distinct ground for protection under Ireland's equality legislation and are thus offered the protection against discrimination afforded by the legislation. However the Government's assertion of 'no effect' both misconstrues our position and misses the point about the importance of respect for cultural identity. Pavee Point contends that the Government's persistence in not recognising Travellers as an ethnic group reveals or reflects a mindset and policy project that continues to be assimilationist. This begs the question that if they are not a distinct community then *ipso facto* they would be treated the same as the general population and incorporated into the general Irish population and they and their needs will become invisible....which is patently not the case!

Pavee Point contends that the persistence of this mindset has been a major contributory factor in ensuring that many of the key recommendations of Government's own policy including for example the Task Force on Travellers; the National Traveller Education Strategy; the National Traveller Health Strategy; the findings of the All Ireland Traveller Health Study etc. have not been implemented. This is most evident in local authorities' assimilationist approaches to Traveller accommodation - in their, albeit un-stated policies, to persuade/force Travellers to move into houses rather than implementing stated Government policy of

commitment to the development of Traveller specific accommodation, such as halting sites or group housing.

This assimilationist mindset has more recently been presented as ‘mainstreaming’ Travellers and used to justify disproportionate cuts in public investment in Travellers under the guise of Austerity measures. Using Government figures under Austerity the following cuts were made^{vi}:

2008 - 2013: Programmes for Travellers	
Interagency activities	-100%
Education	-86.6% (€76.5m in 2008 to €10.2 in 2013)
Accommodation	-85% (€40m in 2008 to €4m in 2013)
Equality	-76.3%
National Traveller Organisations	-63.6%
FAS SIT (employment initiative)	-50%
National Traveller Partnership	-32.1%
SPY youth projects	-29.8%
Health	-5.4%
Overall government cut	-4.3%

Interestingly in June this year the European Commission in their assessment of Ireland under the EU Framework for National Roma Integration Strategies & Communication on Effective Roma Integration Measures 2016 stated:

‘A mainstreamed approach is sufficient when outcomes are identical for all components of the target groups; when evidence shows a clear gap between the situation of Roma and Travellers versus the rest of society (e.g. regarding their health and housing situation), policies should be adjusted and specific measures should also be developed.’

When one reflects on the demographic profile of Travellers it is clear that neither the so-called ‘mainstreaming approach’ nor denial of their ethnicity is serving Travellers well:

- 84% of Travellers are unemployed in comparison to an overall figure of 14%. (Census 2011)
- 7.6% of Travellers, or 2,753 Traveller men women and children do not have access to running water. (AITHS 2010)¹
- Traveller mortality rates are three times the national average; life expectancy for Traveller men is 15 years less and for Traveller women 12 years less than the national population; suicide rates are over six times the national average, and seven times for Traveller men. Suicide accounts for 11% of all Traveller deaths.
- Census 2011 shows that 55% of Travellers leave school before the age of 15; only 13% complete secondary schooling. Less than 1% of Travellers go on to third level education.

Secondly, the lack of recognition of Travellers as an ethnic group demonstrates a continuing reluctance by Government to acknowledge that Travellers experience **racism**. The Government position is that they acknowledge that Travellers suffer discrimination but that they are protected as a specific ground in Ireland’s Equality (anti-discrimination) legislation and that this should be sufficient. In short, the implicit Government position is that Travellers suffer a discrimination that is unique to Travellers and which is unspecified - but which is not racism. Accordingly, Travellers were excluded from important government and other initiatives to tackle racism over the years, including proposed legislation on hate speech.

¹ The All-Ireland Traveller Health Study 2010 (also known as “Our Geels”) was commissioned by the Department of Health and undertaken by University College Dublin in partnership with Traveller groups and the Health Service Executive.

This was clearly evidenced when, in 2005, Pavee Point had to lobby the Government, and later embarrass them in Geneva at the first hearing of Ireland under ICERD, to ensure that Travellers were (a) included in initiatives such as the Know Racism public awareness programme, and (b) invited to be part of the steering group to implement the Government's National Action Plan against Racism, the then key policy instrument to tackle racism.

In addition, since the government axed the effective National Consultative Committee on Racism and Interculturalism (NCCRI), responsibility for anti-racism and interculturalism is the responsibility of the Integration Unit in Dept. of Justice and Equality. This unit specifically only deals with migrant integration and excludes Travellers. How then can Travellers be included in anti-racism and intercultural initiatives as a right?

A further example of this was the potential exclusion of Travellers from the Census question on ethnicity. Pavee Point was the first organisation in Ireland in 1994 to lobby for an ethnic question in our Census and, ironically, when it was finally being introduced in the 2006 Census Travellers would have been excluded had we not reached a compromise with the CSO and the ethnic question now posed 'What is your ethnic or cultural background?' is now inclusive of Travellers.

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

“Traveller Community’ means the community of people who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland’²

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

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

Pavee Point contends that the continued lack of recognition of Travellers as an ethnic group and the lack of explicit acknowledgement that they experience racism, have much deeper consequences than an abstract sociological debate and are major contributing factors to the slow pace of change and the confused and sometimes contradictory policy approaches of Government interventions relating to Travellers in recent years. We are also mindful that recognition of ethnicity, in and of itself, will not be a panacea for Traveller inclusion in Irish society however it is an essential part of the jigsaw for creating the conditions where

² Equal Status Act, 2000

Travellers can feel respected and their cultural identity is celebrated; and the State can no longer discount the lived experiences of anti-Traveller discrimination and racism.

i UN Committee on Economic, Social and Cultural Rights, *Concluding observations on the third periodic report of Ireland*, E/C.12/IRL/CO/3, 19 June 2015; Committee on the Elimination of Racial Discrimination, CERD/C/IRL/CO/2, 2005; Committee on the Elimination of Racial Discrimination, *Concluding observations of the Committee on the Elimination of Racial Discrimination*, CERD/C/IRL/CO/3-4, 10 March 2011; Committee on the Elimination of All Forms of Discrimination against Women, *Concluding Comments: Ireland*, CEDAW/C/IRL/CO/4-5, 22 July 2005; Committee on the Rights of the Child, *List of issues in relation to the combined third and fourth periodic reports of Ireland*, CRC/C/IRL/Q/3-4, 2015; Human Rights Committee, *Concluding observations on the fourth periodic report of Ireland*, 2014.

ii European Commission against Racism and Intolerance, *Second Report on Ireland Adopted on 22 June 2001*, Strasbourg, Council of Europe, CRI (2002) 3; Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Ireland adopted on 10 October 2012*, ACFC/OP/III(2012)006, Strasbourg, Council of Europe.

iii The Human Rights Commission and the Irish Equality Authority are now merged into the Irish Human Rights and Equality Commission. See Irish Human Rights Commission, *Submission to the UN Human Rights Committee on Ireland's Fourth Periodic Report under the ICCPR – List of Issues Stage*, 2013; Irish Human Rights Commission, *Presentation by Irish Human Rights Commission to Oireachtas Joint Committee on Justice, Defence and Equality 13 November 2013 Recognition of Traveller Ethnicity*, 2013; The Equality Authority, *Traveller Ethnicity: An Equality Authority Report*, 2006, http://www.ihrec.ie/download/pdf/traveller_ethnicity.pdf.

iv Houses of the Oireachtas Joint Committee on Justice, Defence and Equality, *Report on the Recognition of Traveller Ethnicity*, 2014, <http://www.oireachtas.ie/parliament/media/committees/justice/Report-onTraveller-Ethnicity.pdf>.

V Holland, K., 'Traveller ethnicity will be reality in six months, says Ó Riordáin, *Irish Times*, 19 November 2014,

<http://www.irishtimes.com/news/social-affairs/traveller-ethnicity-will-be-reality-in-six-months-says-%C3%B3-riord%C3%A1in-1.2005945>.

vi

It is important that these cuts are considered in comparison to the overall reduction in government spending of -4.3% during the period 2008-2013, in Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*, Dublin, Pavee Point Publications, 2013. Harvey notes "one can think of no other section of the community which has suffered such a high level of withdrawal of funding and human resources, compounded by the failure of the state to spend even the limited resources that it has made available".