



**Joint Submission to the Department of Children, Equality, Disability, Integration
and Youth: Ireland's National Universal Periodic Report for the 39th Session
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INTRODUCTION

This report is submitted as a coalition of four organisations which work towards achieving Traveller and Roma rights in Ireland. **Pavee Point** is a national non-governmental organisation working towards the attainment of human rights for Irish Travellers and Roma in Ireland since 1985. The **National Traveller Women's Forum** is a network of national Traveller women and Traveller organisations throughout Ireland that recognises the particular oppression of Traveller women in Irish society. **Minceirs Whiden** is Ireland's only all Traveller forum formed in 2004 with the aim of creating a safe place that Travellers could come together and discuss the issues affecting their community. **Donegal Travellers Project** was formed in 1996 and is one of the longest established and largest locally based community development organisations working for, and with, the Traveller community.

Irish Travellers and Roma in Ireland

There are a little over 36,000 Irish Travellers in Ireland, representing less than 1% of the nation's population.ⁱ An estimated 5,000 Roma live in Ireland, many of whom live in poverty due to lack of access to work and restrictive social welfare measures.ⁱⁱ As minority ethnic groups, Travellers and Roma experience persistent racism and discrimination on the basis of ethnicity, gender and other grounds. As a result, Travellers and Roma are among the most marginalised and excluded individuals and groups in Ireland.

Our Report - An assessment of the Human Rights Situation of Travellers and Roma in Ireland 2016-2021

This report is structured thematically in accordance with priority issues for Travellers and Roma – both persistent and new developments – and makes references to the extent to which Ireland has implemented the recommendations from the previous cycle. The issues and recommendations are framed within the disproportionate impact of the COVID-19 pandemic on Travellers and Roma, and the economic uncertainty of the next coming years as a result of Brexit and the ongoing pandemic.

Pavee Point has welcomed the recognition of Irish Travellers as an ethnic group in 2017 (**recommendation 136.83**) along with increased consultation with Traveller and Roma organisations. We also welcome the legislative developments in relation to hate speech and crime and hope these will be robust in addressing hate speech and crime experienced by Travellers and Roma. However, much remains to be achieved for Travellers and Roma in concrete terms since the previous Periodic Review of Ireland. In calling for Ireland to meet its commitments with European Union and United Nations agreements, and recalling most recent treaty monitoring bodies' recommendations (particularly UNCERD in 2019), there is an urgent need for Ireland to increase efforts to address the persistent and deteriorating social exclusion, discrimination and racism faced by Travellers and Roma in Ireland.

Please see Appendix 1 for statistical information regarding Travellers and Roma in Ireland.

1. Policy & Institutional Framework for Addressing Anti-Traveller and Roma Discrimination and Racism

1.1 National Action Plan against Racism

We remain concerned at the persistent, as well as increased reports during the COVID-19 pandemic, of anti-Traveller and Roma racism.ⁱⁱⁱ Despite **recommendation 135.103**, Ireland has not yet renewed the 2008 National Action Plan against Racism, and anti-racism initiatives in the context of the Migrant integration Strategy have excluded Irish Travellers from their scope (**recommendation 135.103-114, 135.144, 136.44 & 136.85**).^{iv} Within this context, we have welcomed the recent establishment of a new Anti-racism Committee which is currently tasked with drafting a new Anti-racism Strategy.^v

RECOMMENDATION:

- a) Ensure the forthcoming National Action Plan Against Racism will address the specific forms of anti-Traveller and Roma racism and discrimination; is adopted in a timely fashion; afforded a sufficient budget and a clear implementation and monitoring framework; and is implemented in partnership with Traveller and Roma organisations

1.2 Habitual Residence Condition

We are further concerned at the disproportionate and discriminatory impact that the application of the European Directive 2004/38 and the subsequent state's own policy - Habitual Residence Condition- has on the ability of many Roma to access basic social protection, including Child Benefit (**recommendation 135.91 & 135.129**).^{vi} Despite residing in the jurisdiction for several years, many Roma lack the necessary documentation, proof of address and/or language and literacy skills to prove their connection to the State.^{vii} This places many families, especially women and their children in extreme poverty, and makes it difficult for Roma women suffering from domestic and sexual violence to seek support and protection. Concerns about the discriminatory impact of the application of the Habitual Residence Condition have been raised by the Special Rapporteur on extreme poverty and human rights,^{viii} ECRI,^{ix} HRC,^x CESCR,^{xi} and CRC.^{xii}

RECOMMENDATION:

- a) To ensure Roma children have access to basic income, make Child Benefit a truly universal payment that is not contingent on the fulfilment of the Habitual Residence Condition^{xiii}

2. Ireland's National Traveller and Roma Inclusion Strategy (NTRIS)

Efforts to promote Traveller and Roma inclusion through Ireland's National Traveller and Roma Inclusion Strategy (2017 – 2021) have been welcomed (**recommendation 135.144-147**) but we regret its implementation has been slow.^{xiv} The Strategy contains no clear implementation plan, monitoring framework, or robust resourcing. A 'whole of Government' approach that would see implementation driven by all state departments with senior level participation has not materialised. A number of international human rights bodies have called on Ireland to place more effort on concrete implementation of the NTRIS.^{xv}

RECOMMENDATION:

In line with the new EU Roma Strategic Framework 2020-2030, ensure Ireland's next Traveller Roma Inclusion Strategy:

- a) Is developed and implemented in a timely fashion and in full consultation with Traveller and Roma organisations
- b) Has a robust implementation and monitoring plan with clear targets, indicators, outcomes, timeframes and budget lines with actions being resourced and implemented by all relevant statutory agencies

3. Traveller and Roma Women

Ireland is currently preparing to develop the next National Traveller and Roma Inclusion Strategy (2017-2021), Strategy for Women and Girls (2017-2020) and Strategy on Domestic, Sexual and Gender-based Violence (2016-2021) – this provides a timely opportunity for Ireland to ensure a coordinated approach and prioritisation of Traveller and Roma women in these key policy measures. To date, actions related to Traveller and Roma women have not been adequately resourced, the inclusion of Traveller and Roma women in broader gender actions has been insufficient, and the associated implementation plans have failed to define or reach clear gendered targets, indicators or outcomes.^{xvi}

In the context of the previous **recommendations (136.36-40)** to strengthen support services and collect more accurate statistics on domestic violence, we have welcomed the funding of a small Traveller Domestic and Sexual Violence Pilot Project 2019-2022.^{xvii} However, we regret that An Garda Síochána, Court Service or Tusla Child and Family Agency do not either collect, or routinely collect, data in line with human rights standards about the ethnicity of victims of domestic and sexual violence.^{xviii} We are also deeply concerned at the increased reports by Traveller and Roma women who have been unable to seek support or protection from domestic and sexual violence services during the pandemic, and are unsure whether Ireland will support and expand the development of Traveller and Roma specific domestic and sexual violence initiatives.

RECOMMENDATION:

- a) Undertake special measures to address the intersectional racism and discrimination experienced by Traveller and Roma women and ensure such measures have clearly defined resources, timeframes, targets, indicators and outcomes
- b) Ensure a coordinated and integrated approach to actions targeting Traveller and Roma women in the next National Traveller Roma Inclusion Strategy, National Strategy for Women and Girls and National Strategy on Domestic, Sexual and Gender-based Violence and ensure the inclusion of Traveller and Roma women's voices and experiences in wider gender issues, research and policy development by the state
- c) Support, resource and extend existing and new special measures to remove the increasing barriers to safety and protection from domestic and sexual violence faced by Traveller and Roma women

4. Lack of Disaggregated Data by Ethnicity to Inform Policy, Programming and Legislation

In line with state policy^{xix} and legislation,^{xx} Ireland has committed to developing a system of ethnic data collection across state departments and agencies. However, while progress has been made with some state agencies,^{xxi} there have been major issues and resistance to progress ethnic data collection with others.^{xxii} The urgency to develop and implement ethnic data collection is particularly pertinent during the current pandemic with a number of European institutions having issued statements to draw attention to the disproportionate impact of COVID-19 on Travellers and Roma.^{xxiii} We urge the relevant agencies and government departments to advance this area of work as a matter of priority.^{xxiv}

RECOMMENDATION:

- a) Collect, analyse and disseminate disaggregated data by ethnicity and gender across relevant administrative systems in line with human rights standards, and use this data to inform Ethnic Equality Monitoring and equality proof state policies, budgets and programming

5. Traveller and Roma Education

Traveller and Roma education inequalities and exclusion are longstanding issues (previously addressed in **recommendations 135.141-142, 135.144, 135.146 & 136.85**) which are now exacerbated by the differential effects of COVID-19. This has left Traveller and Roma learners at all levels attempting to undertake home study in the context of very difficult living conditions and often without access to WiFi,

technology and so on. The 20% of Travellers recorded as completing second level education in the 2016 Census contrasts starkly with over 90% non-Travellers.^{xxv}

The National Action Plan on Equity of Access targets for Traveller participation have had modest success and Traveller education ambition is high.^{xxvi} The National Traveller Education Strategy sought by Traveller organisations is now a Programme for Government commitment^{xxvii} requiring urgent action including special measures alongside ongoing mainstream inclusion covering levels from early years onwards. Racism and discrimination, lack of education outcomes, reduced timetables and bullying also need specific measures.^{xxviii} The education rights of Traveller and Roma adult learners also need special and targeted support, as do the particular education needs of Traveller women.

RECOMMENDATION:

- a) Urgently implement the Programme for Government commitment to developing and implementing the National Traveller Education Strategy and ensure it has a robust implementation and monitoring plan with associated dedicated resources and a consultative structure to drive its implementation
- b) Ensure that the measures to improve Traveller Higher Education participation are enhanced and further supplemented, and that targeted measures are taken to enhance employment outcomes from education participation

6. Traveller and Roma Health (recommendations 135.146-147)

Travellers and Roma experience stark health inequalities when compared to the general population.^{xxix} The current pandemic has had a disproportionate impact on Travellers and Roma with the rate of testing positive for COVID-19 being significantly higher than the national figure.^{xxx} Within this context, it has been welcomed that Ireland has worked towards developing its first ever National Traveller Health Action Plan (NTHAP), which also contains actions to address the significant mental health issues experienced by Travellers. However, there are significant delays with its publication and we remain concerned about the monitoring and implementation framework and resources afforded to its implementation, particularly in the context of the persistent and deteriorating health situation due to COVID-19.

In its previous Review, the Working Group recommended for Ireland to take concrete measures for the issuance of medical cards in Traveller and Roma communities, to guarantee that such children enjoy the same access to and quality of health-care services as others (**recommendation 136.84**). However, no such measures have been introduced. Roma also face additional barriers due to the absence of dedicated Roma health advocates, as well as interpretation and translation supports within the health service. (**recommendation 135.147**).

RECOMMENDATION:

- a) Publish the National Traveller Health Action Plan with no further delay; establish a clear consultative structure to drive its implementation and monitoring; and ensure all actions in the Plan have clear targets, indicators, outcomes, timeframes and budget lines
- b) Ensure Health Advocates for Roma are appointed as a matter of urgency, as committed to in the HSE National Service Plan. Consideration should be given to their employment through appropriate NGOs with expertise and a proven track record in working with Roma

7. Traveller and Roma Accommodation (recommendation 135.146-147)

The persistent and deteriorating accommodation crisis among Travellers and Roma has been greatly exacerbated by Ireland's ongoing housing and homeless crisis and the current pandemic.^{xxxi} The legislative framework (Housing (Traveller Accommodation) Act 1998) to drive the provision of Traveller specific accommodation has fallen short. Local Authorities continuously fail to meet their legal duty to ensure adequate, safe and culturally appropriate accommodation for Travellers, and despite the Traveller accommodation budget having slowly increased^{xxxii}, a significant portion of Traveller accommodation

budgets have remained unspent by Local Authorities every year since 2014. In 2020, €14.5 million was allocated to the delivery of Traveller specific accommodation. By the end of October 2020 only 45.5% of the funding had been drawn down by Local Authorities, with nine Local Authorities failing to draw down any of the allocated funds.^{xxxiii} By end of 2020, the full budget had been drawn down - thanks in part to the efforts of the Department of Housing, Local Government and Heritage to simplify procedures - but the budget was spent on upgrades, maintenance of existing Traveller accommodation, and COVID-19 mitigation measures with no new accommodation being provided. A shift in emphasis in 2021 to the provision of new units is essential to tackle Traveller homelessness.^{xxxiv}

In 2019, an independent Expert Group on Traveller Accommodation set out a clear recommendation to overhaul all relevant legislation and policies which impact on accommodation provision for Travellers,^{xxxv} and a number of human rights bodies have urged Ireland to tackle the problem of underspent Traveller accommodation budgets and failure to deliver Traveller accommodation by Local Authorities.^{xxxvi}

Roma face discrimination in accessing accommodation, severe overcrowding, homelessness, and structural barriers to social housing, rent supplement and homeless supports.^{xxxvii} This often leaves Roma families with rough sleeping or staying with family and friends in unsuitable, overcrowded accommodation as their only options. While Ireland has indicated a commitment to include Roma specific housing actions in the National Traveller Roma Inclusion Strategy, there are currently no such actions in the Strategy.

RECOMMENDATION:

- a) To ensure adequate supply and standard of culturally appropriate accommodation for Travellers, ensure full implementation of recommendations by an Independent Expert Group on Traveller accommodation, including overhauling legislation and policies which impact on accommodation provision for Travellers
- b) Address the housing crisis among Roma by introducing clear actions and associated implementation plan and resources in the next National Traveller Roma Inclusion Strategy

8. Traveller and Roma Employment

We regret that Travellers and Roma have not been named as target groups in key mainstream employment policy initiatives,^{xxxviii} and that no dedicated strategy has been developed to address the significant levels of discrimination in employment and unemployment faced by Travellers and Roma (**recommendation 135.91, 135.146, 135.147 & 136.86**).^{xxxix} Most recently, the CERD Committee urged Ireland to adopt effective measures with adequate resources to improve employment among Travellers and Roma.^{xl} It is vital to incorporate such measures into Ireland's post-covid resilience and recovery plans.

RECOMMENDATION:

- a) Explicitly include Travellers and Roma in mainstream employment strategies and undertake special training, employment and enterprise measures that have clear targets, timelines and resources to address the unemployment levels among Travellers and Roma

9. Access to Justice

It remains apparent that the current human rights education and training for enforcement officials and the work of the Garda National Diversity and Integration Unit (GNDIU) and Ethnic Liaison Officers (**recommendation 135.79&135.146**) have not provided a solution to addressing policing issues with Traveller and Roma communities or addressing the specific forms of anti-Traveller and Roma discrimination and racism.^{xli} Recent surveys^{xlii} have shown alarming statistics regarding hate motivated harassment, ethnic profiling, and lack of trust in the police and legal system.

While An Garda Síochána have stated that they do not engage in ethnic profiling, there are serious concerns around ethnic profiling of Travellers and Roma by an Garda Síochána.^{xliii} In 2019, both UN CERD Committee and the European Commission against Racism and Intolerance (ECRI) raised concerns about ethnic profiling of Roma by the police, and urged the State to clearly define and prohibit it with legislative measures.^{xliv}

Serious concerns also remain regarding the over representation of Travellers in the criminal justice system^{xlv}, lack of access to legal representation,^{xlvi} as well as Travellers' experiences of racism while in the system.^{xlvii} The State has not responded with any measures to address the over-representation of Travellers in prison or the contributing factors that increase their risk of imprisonment.

RECOMMENDATION:

- a) Introduce legislation that clearly defines and prohibits ethnic profiling by An Garda Síochána
- b) Ensure education and training of Prison Officers, An Garda Síochána and other law enforcement officials is inclusive of anti-sexism and anti-Traveller and Roma racism and discrimination and targets recruits/trainees and officials at all levels and ranks and is developed and delivered in collaboration with Traveller and Roma organisations
- c) Identify and address the contributing factors to the overrepresentation of Travellers in prison,^{xlviii} and develop special measures for early intervention and pre and post prison release support within Traveller and Roma communities

10. Participation in Political and Public Life

Despite calls made by human rights monitoring bodies,^{xlix} Travellers and Roma continue to experience significant exclusion from decision making and wider political processes. In June 2020, the State undertook its first ever special measure to ensure Traveller representation in the Irish political system by appointing a Traveller woman to the Seanad (upper house of the Irish Parliament,¹ and some initiatives are currently supported in voter education and registration in the Traveller community. However, commitments outlined in the National Traveller and Roma Inclusion Strategy (NTRIS) or the National Strategy on Women and Girls (NSWG) have not materialised into measures to improve the representation of Travellers in political institutions and decision making.

The State is allocating Local Authorities increasing powers and role in relation to local governance. This provides opportunities for the inclusion of Travellers and Roma in participative democracy mechanisms. Actions outlined in Sustainable, Inclusive and Empowered Communities (A Five Year Strategy to Support the Community and Voluntary Sector in Ireland) also provide potentially useful frameworks for supporting Traveller inclusion in local and issue based initiatives, and essential targeted support for Traveller and Roma initiatives. These need to be realised in the action planning, implementation and monitoring phases of this Strategy.

RECOMMENDATION:

- a) Undertake legislative and practical measures to ensure Traveller inclusion in political representation at local and national levels, including reserving specific seats for members of the Traveller community in the houses of the Oireachtas and where relevant, in local councils
- b) Undertake special measures to promote the inclusion of Traveller and Roma interests (inclusive of women) in participative democracy, policies, programmes and initiatives undertaken by Local Authorities

APPENDIX 1: Statistical information regarding the human rights situation of Travellers and Roma in Ireland.

Traveller Statistics

Health^{li}

- 134 excess Traveller deaths per year
- Infant mortality rate for Travellers is 3.7 times the national rate (14.1 per 1,000 live births compared to 3.9 per 1,000 live births) and 2.8 times the EU average
- Life expectancy at birth for male Travellers is 15.1 years less than males in the general population, and 11.5 years less for female Travellers than females in the general population
- suicide rate for Traveller women is 5 times higher than women in the general population and 7 times higher for men
- 42% of Travellers under 15 years of age compared with 21% of the general population

Education^{lii}

- 13% of Travellers complete secondary education in comparison with 92% of the general population.
- 57.2% of Traveller males were educated to primary level at most, compared with just 13.6% of the general population
- Less than 1% of Travellers go on to third level education
- 13.3% of Traveller girls are educated to Upper Secondary School level compared to 69% of general population

Accommodation^{liii}

- Nearly 40% of Traveller households had more persons than rooms compared with less than 6% of non-Traveller households
- Traveller overcrowding 7 times the national rate
- 15% of all Travellers are homeless; the equivalent to 709,632 people in the general population^{liv}
- Approximately 1,700 Travellers live on the roadside without basic facilities (no water, sanitation or electricity)^{lv}

Discrimination

- Travellers are 10 times more likely than White Irish to experience discrimination in seeking work^{lvi}
- Travellers are over 22 times more likely than White Irish to report discrimination in shops, pubs and restaurants^{lvii}
- 80.2% of Travellers are unemployed (Census, 2016)
- 40% of Travellers experience discrimination in accessing health services^{lviii}

Roma Statistics^{lix}

Health

- Over 1 in 3 (38.9%) of Roma do not have a GP
- Half of Roma do not have a medical card
- Almost 1 in 4 (22.5%) Roma reported having diabetes
- 24% of women do not access health services while pregnant

Access to Social Protection and Poverty

- 25.5% of Roma don't have the right to reside and 25.7% of Roma are not habitually resident
- Nearly 1 in 2 (49.2%) households with children were not successful in their application for social protection payments, which means they are not receiving the child benefit
- 1 in 4 Roma children (25%) have gone to school hungry
- Almost half (49.5%) of Roma reported not always having enough food
- 83% of Roma are unemployed
- Almost 1 in 5 Roma reported begging as a source of income (17.6%) and no income (14%)
- 57.5% report not having enough money for school books and uniforms

Accommodation

- 6.6% of Roma report to be currently homeless and almost half (45.7%) have been homeless at some stage
- 1 in 5 Roma (24%) lived in households of 8 or more people
- Almost half (44.8%) of Roma did not have enough beds in their accommodation
- Almost 1 in 10 (7.3%) Roma live in households with 10+ people
- Facilities: No kitchen (12.4%); No cooker (9.6%); No fridge (13.5%); Cannot keep the house warm (66.3%)

Discrimination

- 78.9% of Roma feel discriminated in getting a job
- 93.3% feel discriminated in getting accommodation
- 84.4% feel discriminated in getting social welfare
- 81.1% feel discriminated in a public setting

ENDNOTES:

ⁱ Kelleher et al., *All Ireland Traveller Health Study*, University College Dublin & Department of Health & Children, 2010.

ⁱⁱ This estimate is based on the findings of Ireland's first National Roma Needs Assessment. Curran, S., A. Crickley, A., R. Fay, F. Mc Gaughey (eds), *Roma in Ireland - a National Needs Assessment*, Department of Justice and Equality and Pavee Point Traveller and Roma Centre, 2018.

ⁱⁱⁱ COVID-19 has had a disproportionate impact on Travellers and Roma when examining rates of testing positive for COVID-19. This has led to increased reports of racism in Ireland and across Europe with Travellers and Roma effectively being blamed for spreading the virus, Bhabha, J., M., Matache, 'Anti-Roma Racism is Spiralling During COVID-19 Pandemic', *Health and Human Rights Journal*, 7 Apr 2020, <https://www.hhrjournal.org/2020/04/anti-roma-racism-is-spiraling-during-covid-19-pandemic/>.

^{iv} A number of other international human rights treaty bodies have urged the state to adopt a new action plan against racism, including UNCRC, 2016; HRC, *Concluding Observations on the Fourth Periodic Report of Ireland*, CCPR/C/IRL/4, 19 August 2014; FCPNM, 2019; ECRI, 2019; CERD, 2019. National Action Plan on Racism 2005-2008 was never renewed and the National Consultative Committee on Racism and Interculturalism (NCCRI) was abolished in 2008.

^v Department of Justice and Equality, *Action Plan against Racism for Ireland to be draw up by new Independent Anti-Racism Committee*, 19 June 2020, <https://www.gov.ie/en/press-release/6bedb-action-plan-against-racism-for-ireland-to-be-drawn-up-by-new-independent-anti-racism-committee/>.

^{vi} Establishing a right to reside is a prerequisite to meeting the HRC, which a person must meet in order to access welfare supports, including Child Benefit, Rent Allowance, public housing, and employment and training supports.

^{vii} 40% of Roma households with children are not successful in applying for social protection payments. Roma who are not successful in their social protection applications, the average number of years they have lived in Ireland is eight years. 84.4% of Roma also feel discriminated against in getting social welfare, regardless of the success of their application. Curran et al., 2018.

^{viii} UNGA, Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona, A/HRC/20/25, 2012, Para 102, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-25_en.pdf.

^{ix} European Commission against Racism and Intolerance, ECRI Report on Ireland Fourth Monitoring Cycle, CRI (2013)1, 2013, Para 130.

^x Human Rights Committee, Concluding observations on the fourth periodic report of Ireland, 2014. The Human Rights Committee expresses concern at the existence of administrative and financial obstacles for marginalized women to access essential support services, particularly women whose immigration status is dependent on her spouse or partner or who do not meet the Habitual Residence Condition.

^{xi} UN Committee on Economic, Social and Cultural Rights, concluding observations on the third periodic report of Ireland, E/C.12/IRL/CO/3 para 48, 19 June 2015 notes during consultations with civil society that concerns were raised by stakeholders 'over the lack of adequate statutory guidelines in making Habitual Residence decisions and the degree of discretion left to Deciding Officers' which, according to stakeholders 'leads to varied decisions and an inconsistent appeals process.

^{xii} The Committee on the Rights of the Child has requested the State to provide additional information on the criteria for the fulfilment of the HRC to access social services and to provide information about measures taken to ensure that the HRC doesn't result in children from Traveller and Roma ethnic minority backgrounds being excluded from primary care, child benefits and social protection, in 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.

^{xiii} CRC, 2016, para. 70(f).

^{xiv} Ireland's second NTRIS contains 149 actions across 10 thematic areas. Department of Justice and Equality, *NTRIS 2017-2021*.

^{xv} UNCEDAW, *Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Ireland*, CEDAW/C/IRL/CO/6-7, 9 March 2017; UNCRC, *Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland*, CRC/C/IRL/CO/3-4 4, 1 March 2016; ECRI, *Fifth Report on Ireland*, CRI(2019)18, 4 June 2019; FCPNM, *Fourth Opinion on Ireland*, ACFC/OP/IV(2018)005, 20 June 2019; CERD, *Concluding Observations on the Combined Fifth to Ninth Reports on Ireland*, CERD/C/IRL/CO/5-9, 12 December 2019.

^{xvi} We have welcomed that actions related to Traveller and Roma women have been explicitly included in the current NTRIS, NSWG and NSDSGBV and urge for prioritising such actions in the forthcoming strategies.

^{xvii} This project has been welcomed and is currently being reviewed by an independent external evaluator. In the context of the ongoing pandemic, heightened levels of domestic violence, and additional barriers faced by Traveller and Roma women to access safety and protection from domestic violence, such special measures need further development and support at a national scale.

^{xviii} The national police service (An Garda Síochána) and the Courts Service have previously reported that there is 'no legal basis for ethnic data to be collected' and that ethnic data is not relevant to their services. Tusla Child and Family Agency has introduced an ethnic identifier in their data collection system, however, no training or resources have been provided for data collectors/service providers and no disaggregated data by ethnicity is made available. We understand that both An Garda Síochána and Tusla are currently examining the legal basis for collecting data by ethnicity in order to explore how their services might progress this. This is to be welcomed.

^{xix} As per the National Traveller and Roma Inclusion Strategy (2017-2021); Second National Strategy on Domestic Sexual and Gender based Violence; Migrant Integration Strategy 2017-2020; The National Strategy for Women and Girls 2017-2020.

^{xx} Obligations set out in Section 42 of the Irish Human Rights and Equality Act (2014).

^{xxi} The Central Statistics Office has included Travellers as an administrative category in the Census since 2006, and Roma will be included in Census 2022. Progress has also been made with ethnic data collection with National Social Inclusion Programmes.

^{xxii} The national police service (An Garda Síochána) and the Courts Service have reported that there is 'no legal basis for ethnic data to be collected' and that ethnic data is not relevant to their services. Where steps have been taken to disaggregate data by ethnicity by some state agencies, it hasn't always taken place in line with human rights standards. For instance, a small number of health service providers have introduced ethnic identifiers. However, ethnic categories are not standardised; ethnic identity is often ascribed to Travellers and Roma by using proxies such as name or looks; and the data is not disaggregated, analysed or provided to stakeholders within an appropriate timeframe.

^{xxiii} European Commission, European Union Agency for Fundamental Rights, Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights, and the Council of Europe have all noted the disproportionate impact of COVID-19 on Roma and Travellers throughout the pandemic. Concerns at the lack of disaggregated data by ethnicity in formulating and monitoring policy and programming in Ireland have been raised

by numerous international human rights monitoring bodies- UNCESCR, *Concluding Observations on the Third Periodic Report of Ireland*, E/C.12/IRL/CO/3, 19 June 2015; ECRI, *Second Report on Ireland*, CRI (2002) 3, 23 April 2002; UNCEDAW, 2017; UNCRC, 2016; HRC, 2014; FCPNM, 2019; ECRI, 2019; CERD, 2019.

^{xxiv} We welcome the recent attention by An Garda Síochána and Tusla Child and Family Agency to conduct an assessment of the legal basis of recording ethnicity. Policing Authority has made a number of recommendations regarding ethnic data collection by An Garda Síochána, [Report on Policing Performance by the Garda Síochána during the COVID-19 Health Crisis](#), 18 Feb 2021.

^{xxv} Central Statistics Office, *Census 2016, Profile 8 - Irish Travellers Ethnicity and Religion*.

^{xxvi} Higher Education Authority, [National Plan for Equity of Access to Higher Education 2015-2019](#).

^{xxvii} Government of Ireland, [Programme for Government: Our Shared Future](#), 29 Oct 2020.

^{xxviii} As a result of the cutbacks to targeted supports, there has been a growing trend in the use of 'reduced timetables' at primary and secondary level schools whereby Traveller children are being placed on reduced hours during school days but are marked as 'present'. Cutting children's school hours is used as a tool to manage behavioural issues related to health, emotional or behavioural issues or conditions, such as ADHD, when schools lack the necessary resources to support children who need additional assistance, in Amin, N., R. Fay, L Kavanagh, K. Lawrence (eds), *Traveller Health Needs Assessment: County Clare*, Pavee Point Traveller and Roma Centre and Mid West Traveller Health Unit (THU), 2019.

^{xxix} Infant mortality rate for Travellers is 3.5 times the rate of the general population and Traveller suicide rate is 6 times higher than general population, in Kelleher et al., 2010. Over 1 in 3 (38.9%) of Roma do not have a family doctor/general practitioner, in Curran et al., 2018.

^{xxx} Recent figures from third wave (February 16th) indicated 10% of Travellers had tested positive for COVID compared to national figure of just over 4%. By 1 July 2020 over 150 Travellers tested positive for COVID-19, with 3 deaths, and 70 Roma tested positive, with 7 deaths. Of those Travellers reporting tested for COVID-19, 12% were testing positive which was higher than the national figure of 6.7% in the general population. See HPSC figures [here](#). These figures are an undercount.

^{xxxi} Overcrowding among Travellers is 7 times the national rate, Central Statistics Office, *Census 2016, Profile 8 - Irish Travellers Ethnicity and Religion*,

<http://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/presstatementcensus2016resultsprofile8-irishtravellersethnicityandreligion/>, and 15% of Travellers are homeless, Department of Housing, Planning and Local Government, *Total Number of Traveller Families in all categories of Accommodation*, 2018, Department of Housing, Planning and Local Government. In the National Roma Needs Assessment 46% of Roma reported having been homeless at some stage of their lives, 45% did not have enough beds in their accommodation, Curran et al., 2018.

^{xxxii} The Traveller accommodation budget fell from €40m in 2008 to €4m in 2013 in Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*, Dublin, Pavee Point Publications, 2013. The budget has slowly increased since 2013 and now stands at €15.5m in 2021

^{xxxiii} in Eoin Ó Broin TD, 'Less than 50% of Traveller Accommodation funding drawn down to date in 2020', 26 Oct 2020, <https://www.sinnfein.ie/contents/58605>.; Meeting of the Joint Oireachtas Committee on Housing, Planning and Local Government on 5 December 2019, [Opening Statement of Damien English, TD, Minister of State at the Department of Housing, Planning and Local Government](#). With the Housing (Traveller Accommodation) Act 1998, the annual Traveller accommodation budgets are allocated to Local Authorities which have a legal responsibility to provide culturally appropriate, adequate and safe accommodation for Travellers.

^{xxxiv} Eoin O Broin in the Joint Oireachtas Committee on Housing, Planning and Local Government in November that 'The refurbished units are important but the spend in this area highlights that the new units that are needed are not being provided, which is the reason homelessness among Traveller families is much higher than for others.' Joint Oireachtas Committee on Housing, Planning and Local Government, 13 November 2019. Available:

<https://www.kildarestreet.com/committees/?id=2019-11-13a.461&s=Traveller+homelessness+segment%3A7601845#g482>

^{xxxv} Independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, [Traveller Accommodation Expert Review](#), 2019.

^{xxxvi} UNCRC, 2016; HRC, 2014; CESCR 2015; CEDAW, 2017; FCPNM, 2019; ECRI, 2019; Council of Europe's Commissioner for Human Rights, Nils Muižnieks, 2016.

^{xxxvii} The application of the Habitual Residence Condition and the Housing Circular 41/2012 is precluding many Roma from accessing a range of social welfare supports, including housing and homeless support.

Habitual residence essentially means an applicant must be able to prove a close link to Ireland through evidence such as employment history, proof of address, this documentation can be difficult for some Roma to source, and there is little support for applicants in making their applications, in particular the availability of suitable translators.

The Housing Circular 41/2012 indicates that as an EU citizen living in Ireland, you must be in employment in order to be assessed for social housing support, including homeless services. If not, you must be unemployed due to illness, accident or involuntarily unemployed after being in employment for over a year and registered as a jobseeker with the Department of Social Protection. For Roma who do not meet these criteria a housing assessment cannot be completed. This is despite the fact that homelessness and Housing Authorities ability to provide homeless services and supports are specified in primary legislation without any such qualification.

The application of HRC is having a disproportionate and devastating impact on Roma in Ireland and is raising serious human rights concerns Curran et al., *National Needs Assessment*, 2018.

^{xxxviii} The Pathways to Work Strategy 2016-2020 or Future Jobs Ireland 2019, [Future Jobs Ireland- 2019- Preparing Now for Tomorrow's Economy](#), Department of the Taoiseach and the Department of Business, Enterprise and Innovation, 2019.

^{xxxix} 55% of Travellers have experienced discrimination at work, Kelleher et al., *All Ireland Traveller Health Study*, 2010, and 80.2% of Travellers are unemployed, Central Statistics Office, *Census 2016 Profile 8 - Irish Travellers, Ethnicity and Religion*, 2016. 78.9% of Roma feel discriminated against in getting a job and only 16.7% of Roma are employed, in Curran et al., *National Needs Assessment*, 2018. Roma who do not meet the right to reside or Habitual Residence Condition are not considered job seekers and therefore are not eligible for many training and employment supports.

^{xl} CERD, 2019.

^{xli} FCNM, 2019.

^{xlii} A national survey of Travellers found that 48% of respondents felt discriminated against by the Gardaí in the last year, in Behaviour and Attitudes, 'Traveller Community National Survey, 2017. The 2019 survey conducted by FRA in conjunction with Pavee Point and Traveller peer researchers found 'Among all surveyed groups, Irish Travellers (52%) have the third highest rate of hate-motivated harassment'. On ethnic profiling during police stops, 14% believe that the most recent stop was because they are a Traveller. This is the third highest rate compared to the other countries. Their trust in the police in Ireland is the second lowest compared to other countries. Trust in the legal system is also the second lowest of all countries' FRA, [Country Sheet: Travellers in Ireland – Key Results from the Roma and Travellers Survey](#), 2019.

^{xliii} 77.5% of Roma report being stopped by the police for an identity document, and of those, 56% report being stopped four times or more, Curran et al., *Roma Needs Assessment*, 2018. In 2013, in two separate instances two Roma children were removed from their biological parents by the police under Section 12 of the Child Care Act 1991 under a suspicion the children had been abducted. Subsequent inquiry found that the removal of one of the children amounted to ethnic profiling, in Ombudsman for Children, [Garda Síochána Act 2005 \(Section 42\) \(Special Inquiries relating to Garda Síochána\) Order 2013](#), 2014. A further audit of the use of the Section 12 of the Child Care Act found that crucial demographic data to draw conclusions about ethnic profiling is not recorded in the PULSE (police data base). Shannon, G., [Audit of the Exercise by An Garda Síochána of the Provisions of Section 12 of the Child Care Act 1991](#), Department of Justice and Equality, 2017.

^{xliv} [ECRI, Fourth Report on Ireland, CRI\(2013\)1](#), 19 February 2013; ECRI, *Fifth Report on Ireland*, CRI(2019)18, 4 June 2019.

^{xlv} Although Travellers account for 0.6% of the Irish population, they account for 22% of the female prison population and 15% of the male prison population. [Travellers in Prison Initiative, Ethnic Identifiers in Irish Prisons, 2017](#).

A fifth of young people in custody in Oberstown Children Detention Campus are Travellers; and almost 10 per cent of the people under probation supervision are Travellers. In the first three months of '2019 the campus housed 72 individuals, of these 14 (19 per cent) were Travellers or from a Traveller background. There was a similar rate in 2018 and 2017', [Irish Prison Service, 2019. 46 Irish Penal Reform Trust, Oberstown Children Detention Campus: Key characteristics of young people in detention for Q1 2018, June 2018](#).

^{xlvi} In 2020 FLAC set up a dedicated Traveller legal aid service with a view to increased access to legal Justice for Travellers. However, it is a time and resource limited project and more action in this area is needed. <https://www.flac.ie/news/2020/07/27/flac-to-launch-only-dedicated-traveller-legal-serv/>

^{xlvii} Travellers report racist name calling by other prisoners and prison staff, and many experience mental health issues, depression, suicidal thoughts and begin to use drugs as a means of coping. Traveller women experience stigma, anxiety, and fear as they are separated from their children, many of whom are in foster care [ICJA Conference, "Toward a Trauma-Responsive Criminal Justice System", 2018](#)

^{xlviii} [As recommended in relation to Traveller women by UN CEDAW Committee, 2017, para. 52.](#)

^{xlix} FCNM, *Opinion on Ireland*, ACFC/INF/OP/II(2004)003, 5 May 2004; FCNM, *Second Opinion on Ireland*, ACFC/OP/II(2006)007, 30 October 2006; FCNM, *Third Opinion on Ireland*, ACFC/OP/III(2012)006, 19 April 2013; CERD, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*,

CERD/C/IRL/CO/2, 2005; FCNM, 2019; CEDAW, 2017; CERD, 2011; *Council of Europe, Report by the Commissioner for Human Rights Mr. Thomas Hammarberg on His Visit to Ireland*, Strasbourg, 2008. Available at: https://wcd.coe.int/ViewDoc.jsp?p=&id=1283555&Site=CommDH&BackColorInternet=FEC65B&BackColorIntranet=FF6666&BackColorLogged=FFC679&direct=true#P402_100717&direct=true.

ⁱ Ms Flynn is the first Traveller Senator in Ireland. Initiatives are currently supported in voter education and registration in the Traveller community. The National Traveller and Roma Inclusion Strategy (NTRIS), National Strategy for Women and Girls (NSWG), and Sustainable, Inclusive and Empowered Communities (A Five Year Strategy to Support the Community and Voluntary Sector in Ireland) provide frameworks for the inclusion of Travellers and Roma in participative democracy mechanisms, political institution and decisions making. However, these frameworks have not materialised into concrete measures.

ⁱⁱ Summary of Findings, "Our Geels All Ireland Traveller Health Study, September 2010, https://www.ucd.ie/t4cms/AITHS_SUMMARY.pdf.

ⁱⁱⁱ <http://www.cso.ie/en/csolatestnews/pressreleases/2017pressreleases/pressstatementcensus2016resultsprofile8-irishtravellersethnicityandreligion/>

^{iv} Department of Housing, Planning and Local Government (2018) Total Number of Traveller Families in all categories of Accommodation. Dublin: Department of Housing, Planning and Local Government

^{lv} Department of Housing, Planning and Local Government (2018) Total Number of Traveller Families in all categories of Accommodation. Dublin: Department of Housing, Planning and Local Government

^{lvi} McGinnity, F., R. Grotti, O. Kenny and H. Russell, *Who experiences discrimination in Ireland?: Evidence from the QNHS Equality Modules*, Irish Human Rights and Equality Commission and Economic and Social Research Institute, 2017, <https://www.ihrec.ie/app/uploads/2017/11/Who-experiences-discrimination-in-Ireland-Report.pdf>.

^{lvii} Ibid.

^{lviii} Kelleher et al. *All Ireland Traveller Health Study*, 2010.

^{lix} All data from: "Roma in Ireland – A National Needs Assessment," Pavee Point Traveller and Roma Centre & Department of Justice and Equality, 2018, <https://www.paveepoint.ie/wp-content/uploads/2015/04/RNA-PDF.pdf>