



## **Submission from Pavee Point Travellers Centre for the 12<sup>th</sup> Session of the UPR Working Group 6<sup>th</sup> October 2011**

**16<sup>th</sup> March 2011**

*“Furthermore, the Commissioner considers it essential that Travellers are effectively protected against discrimination and racism under national and international law. While it is true that Travellers are specifically protected against discrimination under the “Traveller” ground in the Irish anti-discrimination legislation, it is also clear that Travellers can be victims of racism more generally. It is therefore essential that Travellers are acknowledged as potential victims of racism in the implementation of the national action plan against racism and the work of the recently established Press Council and its Ombudsman. Travellers should also benefit from non-discrimination provisions under the “race” ground at national, European and international levels.”*

**Thomas Hammarberg, Council of Europe Commissioner for Human Rights in the report on his visit to Ireland in 2007.**

# Travellers Rights are Human Rights

## **Introduction:**

Pavee Point Travellers Centre (“Pavee Point”) was established in 1985. It is a voluntary, or non-governmental, organisation committed to the attainment of human rights for Irish Travellers. “Pavee” is one of a number of words used by Travellers to describe themselves. The organisation is comprised of Travellers and members of the majority population working together in partnership to address the needs of Travellers as a minority ethnic group experiencing exclusion and marginalisation.

The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers, through working for social justice, solidarity, socio-economic development and human rights. The work of Pavee Point is based on two key premises:

- Real improvement in Travellers' living circumstances and social situation requires the active involvement of Travellers themselves.
- Non-Travellers have a responsibility to address the various processes which serve to exclude Travellers from participating as equals in society.

Pavee Point carry out specific programmes in a number of areas, including health, youth, community development, early childhood care and education, violence against women, drugs, and mediation.

Since 2000, Pavee Point has also been working directly with the Roma community in Ireland, primarily through its Roma Support Group which supports Roma empowerment and inclusion.

This report has been prepared by Pavee Point Travellers Centre to ensure that the views and concerns of the Traveller and Roma communities in Ireland are heard as part of Ireland’s Universal Periodic Review in October 2011.

## **Proposed Questions for the Irish Government**

1. In its 2005 concluding observations, the CERD Committee commended the Irish Government for the adoption of the first National Action Plan against Racism, the establishment of the Irish Human Rights Commission, the Equality Authority and the National Consultative Committee on Racism and Interculturalism (NCCRI). *Can the Irish Government explain the rationale for the abolition of the NCCRI and the National Action Plan Against Racism? Also the 43% cut to the budget of the Equality Authority and the 24% budget cut to the Irish Human Rights Commission?*
2. *Following the publication of the findings of the All Ireland Traveller Health Study, can the Government confirm what steps they intend to take in order to tackle the stark inequalities in Traveller health?*
3. Despite the recommendation of many UN treaty monitoring bodies (CERD; CEDAW; Children; Human Rights), and that of a range of European institutions (ECRI, FCPNM; Council of Europe) as well as equality and human rights bodies within Ireland including the NCCRI, IHRC and Equality Authority, the Government continues to refuse to acknowledge Traveller ethnicity. It is noted that the Government often state that whether or not Travellers are considered to form a distinct ethnic group in Irish society is of no domestic legal

## Travellers Rights are Human Rights

significance. *In that case, can the Irish Government explain its reluctance to recognise Traveller ethnicity?*

4. *Given the complexity of issues facing Travellers in all spheres of life and the interagency approach required at both national and local level; and given the lack of progress in implementing policies and achieving real change, does the Irish Government agree that a National Traveller Agency with dedicated responsibility for Traveller policy and with authority to drive service provision for Travellers is required? Given this complexity of issues and lack of progress, how does the Government explain the drastic 50% cut to the Department of Justice and Law Reform budget for Travellers?*
5. *Considering the reports of racist crime against Travellers, including internet crime on social networking sites such as "Facebook", does the Government admit that its ongoing review of the Incitement to Hatred Act 1989 has not resulted in any findings and that the current legislation is ineffective in tackling racist crime?*
6. *In light of the severely restricted budget of the Equality Authority, the erosion of Travellers' access to justice by moving Equal Status cases involving licensed premises to the District Court, and the low levels of compensation awarded to Travellers by the Equality Tribunal, how does the Government propose to ensure adequate protection from discrimination to Travellers?*
7. *Can the Government confirm that it will take steps to implement Recommendation XXXI on the prevention of racial discrimination in the administration and functioning of the criminal justice system (2005) which recommends that States parties should be aware of, and collect data on possible indicators of racial discrimination, including the handing down by the courts of harsher or inappropriate sentences against persons belonging to certain groups?*
8. *Following closure of the National Consultative Committee on Racism and Interculturalism (NCCRI) and discontinuation of the National Action Plan Against Racism, the Office of the Minister for Integration was said to have taken on responsibility for anti-racism policy. Traveller representative organisations do not have evidence that this has been the case. Can the Government confirm whether Travellers have been excluded from the work of the Office (for example no Travellers are included on the Ministerial Council on Integration established in late 2010 when only migrants were invited to apply). Also, Travellers were excluded from the development of an Intercultural Education Strategy until they lobbied for inclusion? Can the Government confirm what steps have been taken by the Office to address racism against Travellers and promote integration of Travellers?*
9. *Has the Government given consideration to the recommendations of the CERD Committee (2005 & 2011) to establish a reserve seat for Travellers in the Dáil or Seanad? If not, can*

## Travellers Rights are Human Rights

*they meet with Traveller representative organisations to discuss the reasons for their reluctance to do so?*

10. *Can the Government give a justifiable explanation for the draconian cuts to Traveller support services for Traveller children and youth in the 2011 Budget?*
11. *Can the Government provide a breakdown for expenditure of the 2008 budget for Traveller education (€70,000,000)? Can it explain the relatively slow progress in this area given such a significant budget?*
12. *How does the Government intend to eradicate segregation, within a reasonable timeframe, including segregation of Travellers in the education system and in accommodation services?*
13. *There are several pieces of legislation and policy which Traveller representative organisations state are directly or indirectly discriminatory against Travellers, (including: the Housing (Miscellaneous Provisions) Act 2002, the Control of Horses Act 1996, the Intoxicating Liquor Act 2003 and the application of the habitual residence condition to social welfare payments for people who have lived in the UK). Will the Government commit to a “Traveller equality proofing” exercise to ensure that legislation and policy does not have a disproportionate negative impact on Travellers?*
14. *Can the Government confirm what steps it is taking to improve employment opportunities for Travellers on a scale proportionate to the issue?*
15. *Given the inequalities faced by Traveller women, how does the Government explain their exclusion from key strategies such as the National Women’s Strategy?*
16. *There is almost no information on the Roma community in Ireland in the Government’s report, contrary to the CERD Committee’s General Recommendation XXVII on Discrimination Against Roma. Does the Government intend to address the current information deficit in relation to Roma and to ensure that policies (including immigration policies) do not negatively impact on Roma families in Ireland?*

# Travellers Rights are Human Rights

## About Irish Travellers & Roma

Travellers are a minority ethnic group, indigenous to the island of Ireland. Travellers maintain a shared history, language, traditions and culture. Nomadism was an integral part of Traveller culture, but many Travellers are no longer nomadic, either by choice or due to the lack of support for and criminalisation of nomadism. A study found that there were 36,224 Travellers living in the Republic of Ireland in 2008<sup>1</sup>.

The Roma community in Ireland are mainly migrants from Romania; the majority of Roma have migrated in recent years and include asylum seekers. It is estimated that at least 3,000 Roma currently live in Ireland.

According to the Our Geels, **All Ireland Traveller Health Study** the Traveller population was estimated at 36,224, which is less than one percent of the total Irish Population.

- 42% of Travellers are aged under 15 years compared to 15% nationally
- 63% of Travellers are aged under 25 years compared to 35% nationally
- **3% of Travellers are aged 65 years and older** compared to 11% nationally.

Some of the stark findings in relation to mortality rates and life expectancy are as follows:

- **Traveller mortality is 3.5 times higher** than that of the general population.
- Life Expectancy at birth for male Traveller has remained at the 1987 level of 61.7 years, which is 15.1 year less than men in the general population, representing a widening of the gap by 5.2 years. Life expectancy for females is now 70.1 which is 11.5 years less than women in the general population.
- **Traveller men have 3.7 times the mortality of males in the general population and for Traveller females the mortality is 3.1 times higher.**
- Traveller infant mortality is estimated at 14.1 per 1,000 live births, this compares to an infant mortality rate in the general population of 3.9 per 1,000 live births, giving an **Infant mortality ratio which is 3.6 times higher** than in the general population.
- **The suicide rate in male Travellers is 6.6 times higher** than in the general population and accounts for 11% of Traveller deaths.
- Approximately 50% of all Travellers experienced discrimination in a range of daily activities.
- Over 70% rated Traveller identity and culture as very important

Both Travellers and Health Service Providers interviewed acknowledged that **Social Determinants** (i.e Discrimination, accommodation, education, employment, poverty, lifestyle and access and utilisation of services) were the main cause of the differential in Travellers Health.

## Education:

According to the 2006 Census of the population<sup>2</sup> stark inequalities remain between Traveller children and the general population in relation to education:

- 53% of Travellers over the age of 15 years had only primary level education or no formal education.
- 0.57% of Travellers over the age of 15 years had completed their education at third level.

Despite this reality the government has recently announced draconian cuts to the Traveller Education Service. These include:

- Withdrawal of Resource Teachers for Travellers at Primary Level
- Withdrawal of teaching hours for Travellers in Post Primary
- Withdrawal of Visiting Teachers for Travellers (Sept. 2011)
- Phasing Out of Senior Traveller Training Centres (June 2012)

---

<sup>1</sup> Kelleher et al (2010) *Our Geels, All Ireland Traveller Health Study*. University College Dublin & Dept of Health & Children

<sup>2</sup> Central Statistics Office, *Census 2006*, available at [www.cso.ie](http://www.cso.ie)

## Travellers Rights are Human Rights

The budgetary cuts in Traveller education are disproportionate compared to financial cutbacks of other mainstream educational cuts. These cuts are short sighted and display a disregard for the Traveller child and young Traveller and their future life chances. It also comes on top of cuts in school transport scheme for Traveller children, which will also have an impact on some Traveller children accessing education.

The 2006 Census, undertaken at the height of the Celtic Tiger, also illustrated high levels of unemployment among the Traveller community. At a time when a mere 5% of the general population was unemployed **the rate of employment among Travellers aged over 15 years was 14%**. The recession has left severe scars in the labour market and there is a real danger that Travellers will become even further distanced from employment. We believe there is a need for affirmative action measures by government if this reality is to be addressed.

Despite some improvement in relation to accommodation provision for Travellers there remains severe difficulties. According to the All Ireland Traveller Health Study 2,753 Travellers still live without running water. Many Travellers continue to live in dangerous locations and poorly serviced sites with little access to footpaths, public lighting, fire hydrants and safe play areas. The Housing (Miscellaneous) Provisions Act 2002 has criminalised nomadism and the lack of commitment to the development of transient sites has exacerbated problems for families who may wish to travel. Evictions of Traveller families, who have nowhere to go, still occurs.

The Habitual Residency Condition (HRC) is also impacting negatively on Travellers who travel. Up to 2009, people who were from, or who had lived in, the Common Travel Area (CTA) between the United Kingdom and Ireland, prior to seeking social assistance in the Republic of Ireland were treated as having automatically met the HRC. There appeared to be a presumption of residency linked to the CTA. This has now been removed and many Travellers are refused social and/or supplementary welfare which is leading to extreme hardship for some families. This HRC is indirectly discriminating against Travellers under the Equal Status Acts 2000 & 2004.

The government has adopted a 'mainstreaming approach' to women with the result that the specific needs of Traveller women are often not taken account of in policy or services. There is a need for affirmative action measures to address the discrimination that Traveller women experience.

### **Overarching Key Issues:**

- Lack of recognition of Travellers as a minority ethnic group
- Lack of policy implementation/institutional driver
- Resistance to Traveller/Traveller organisation participation in policy development
- Media stereotyping of Travellers and sensationalist reporting
- Data issues including the lack of an ethnic identifier on administrative systems; Traveller exclusion from Quarterly Household Surveys; Traveller proofing of public policy and services

### **Roma Community:**

In Ireland there is a dearth of accurate data on the Roma community. Roma ethnicity is not routinely collected in either the National Census or in Government Services and there has been little qualitative or quantitative research with the Roma community. They are invisible in the recent government report to CERD. We believe there is a need for a National Strategy on Roma Integration in Ireland. Given the level of discrimination faced by Roma both today and historically and given the particular issues they face which may be distinct from those experienced by other migrant groups, Pavee Point also recommend that the Government infrastructure for policy and services for Travellers be extended to include Roma in line with developments and practice at UN, Council of Europe and EU levels.