



# Civil society monitoring report on implementation of the national Roma integration strategies in Ireland

Focusing on structural and horizontal preconditions  
for successful implementation of the strategy

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on implementation of the  
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## LIST OF ABBREVIATIONS

ASG	An Garda Síochána (Irish police force)
CEDAW	Committee on the Elimination of Discrimination against Women
DJE	Department of Justice and Equality
DPP	Director of Public Prosecutions
ENAR	European Network Against Racism
ESRI	Economic and Social Research Institute
GSOC	Garda Síochána Ombudsman Commission
NCCRI	National Consultative Committee on Racism and Interculturalism
NTRIS	National Traveller and Roma Inclusion Strategy
NYCI	National Youth Council of Ireland
ODIHR	Office for Democratic Institutions and Human Rights
OPMI	Office for the Promotion of Migrant Integration
QNHS	Quarterly National Household Survey
SICAP	Social Inclusion Community Activation Programme
TAP	Traveller Accommodation Programmes
UN CRC	United Nations Convention on the Rights of the Child

## EXECUTIVE SUMMARY

In 2017 Travellers and Roma continue to be among the most marginalised groups in Ireland. Census 2016 found that 13.3% of Traveller females were educated to upper secondary level or above, compared with almost 69.1% of the general population.<sup>1</sup> A 2017 report using data from Census 2011 reveals unemployment rate of 82% among Travellers aged 25–64 years, compared to 17% for non-Travellers.<sup>2</sup> A survey conducted with Travellers in 2017 suggests that many Travellers feel that their situation has regressed.<sup>3</sup> 69% of respondents had been affected by suicide in their immediate or wider family.<sup>4</sup> A National Needs Assessment of Roma in Ireland found that approx. 10% of respondents are living in extreme poverty, in sub-standard accommodation, with no bathroom, kitchen or cooker. For this group of respondents accommodation is overcrowded, with reports of rats, damp and sewerage problems. Approximately 50% of respondents reported not always having enough food, fuel or being able to keep their house warm all the time.<sup>5</sup>

### Governance and overall policy framework

A range of strong Traveller policy frameworks have been developed in thematic areas, however, implementation of policy has been weak with little accountability. The National Traveller Roma Inclusion Strategy (NTRIS) offers potential to improve the situation of Travellers and Roma in Ireland. Given the lack of baseline data for ethnic equality monitoring, the action in the strategy to develop a methodology for the introduction of an ethnic identifier is of particular importance. Core to the success of the strategy is the development of impact indicators, clear budgets, timelines and a rigorous monitoring and evaluation framework.

Local Authorities are failing to meet their statutory responsibilities to provide adequate and culturally appropriate accommodation for Travellers and should employ sanctions to promote implementation of Traveller Accommodation Plans. Local government and social inclusion reforms have resulted in Travellers and Roma being named as target groups, however, this has yet to translate into a proportionate level of work with Travellers in local areas. Furthermore, local participatory mechanisms are inaccessible for Travellers and Roma. Sustainable funding of Traveller organisations to promote the empowerment of Travellers and Roma is necessary. Roma and Traveller children's rights have been identified as a specific concern by the UN CRC and the Irish Special Rapporteur on Child Protection and both note the need for specific budgetary allocations to reach poverty reduction targets.

### Anti-discrimination

A high number of complaints under the Equal Status Acts in 2016 indicated membership of the Traveller community as a ground (62%) and Irish Travellers are 38 times more likely than "White Irish" to report discrimination in shops, pubs and restaurants.

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<sup>1</sup> Central Statistics Office, 'Profile 8 - Irish Travellers Ethnicity and Religion – Census 2016 Results' (Press Statement) (2017).

<sup>2</sup> Dorothy Watson, Oona Kenny and Frances McGinnity, *A Social Portrait of Travellers in Ireland* (Dublin: ESRI, 2017), viii.

<sup>3</sup> 41% of respondents felt that life had gotten worse for Travellers over the last 5-10 years; compared to 19% in 2000. See Behaviour and Attitudes, 'Traveller Community National Survey' (Dublin: CFI, 2017), 14.

<sup>4</sup> Behaviour and Attitudes, 'Traveller Community National Survey', 48.

<sup>5</sup> Pavee Point Traveller and Roma Centre & Department of Justice and Equality, *Roma in Ireland – A National Needs Assessment* (Dublin: Pavee Point Traveller and Roma Centre & Department of Justice and Equality, 2018), 61.

Discrimination cases in pubs have to be adjudicated in the district court; these should be brought back under the remit of the Equal Status Legislation. Anecdotal reports that there may be a disproportionate number of Travellers on reduced timetables in schools should be investigated to ensure that they are not disproportionately applied to Traveller students.

Forced evictions remain a major concern and nomadism has effectively been criminalised. The UN CRC and the European Committee of Social Rights have raised serious concerns with the application of the Housing (Miscellaneous Provisions) Act 2002 and inadequate safeguards for Travellers against forced evictions. In consultations, Travellers expressed further concerns that fire safety reasons will be used to evict Travellers from Traveller specific accommodation, rather than addressing chronic overcrowding.

Establishing a right to reside in the State is necessary for a range of social supports, including social housing, child benefit, job seekers allowance and access to some employment and training supports. For Roma who cannot gain employment, or do not have their own resources and health insurance, they are unable to meet the right to reside criteria. While Ireland states that it is simply complying with the EU Free Movement Directive (2004/38/EC), this is negatively impacting human rights, including Roma children's rights.

### Addressing antigypsyism

Institutional settings for fighting discrimination and addressing antigypsyism are inadequate. It is not clear what public funding is available to tackle anti-Traveller and anti-Roma racism specifically. The State notes that racism is addressed in the Migrant Integration Strategy, however, this strategy does not include Irish Travellers, nor does it address the specificities of anti-Roma racism. There is no hate crime legislation in Ireland. This gap particularly affects Travellers and Roma as potential victims of hate crimes. Online hate speech requires attention also, as racism against Travellers and Roma is perpetuated online with impunity at present. Anti-Traveller and Roma racism is often normalised and accepted in Irish society and this is reflected in high levels of negative attitudes in wider society towards Travellers and Roma. Travellers and Roma are often reported on negatively in some media outlets. A National Action Plan Against Racism is needed to challenge anti-Traveller and Roma racism and to promote ethical media reporting regarding minority communities.

## INTRODUCTION

Although we recognise Roma as an umbrella term, we have referred to Travellers and Roma throughout the report – in order to clearly identify differing experiences. Travellers refers to the approx. 35,000 Irish Travellers living in Ireland,<sup>1</sup> who were officially recognised as a minority ethnic group in 2017.<sup>2</sup> Roma refers to those who identify as Roma in Ireland, approx. 4,000-5,000 people.<sup>3</sup> This includes migrants and second and third generation Roma, many of whom are Irish citizens.

In 2017 the Department of Justice and Equality launched the National Traveller and Roma Inclusion Strategy (2017-2021) (NTRIS). This was welcomed by Traveller and Roma groups on the NTRIS Steering Group who have sought the development of a comprehensive strategy since 2011. However, there are still outstanding issues to be progressed, namely a need for an allocated budget, impact indicators, timelines and inclusion of Roma under the section on accommodation.

This report is based on data from recent reports and data including the 2017 Census profile information from Census 2016. It includes information from a 2017 report, 'A Social Portrait of Travellers in Ireland', by the Economic and Social Research Institute (ESRI) which draws on analysis of micro-data from Census 2011; and a second piece of research by the ESRI and Irish Human Rights and Equality Commission, 'Who experiences discrimination in Ireland? Evidence from the QNHS Equality Modules', which examines data collected for the equality module of the 2014 Quarterly National Household Survey. Data is provided from an independent review of the funding of Traveller accommodation by the Housing Agency. It includes information from 2017 reports by the Special Rapporteur on Child Protection in Ireland and data from a national needs assessment of Roma in Ireland which was published by Pavee Point Traveller and Roma Centre and the Department of Justice and Equality in January 2018. Findings from a 'Traveller Community National Survey' conducted by a polling agency in 2017 are also sourced. Focus Group consultations for this report were held with representatives of the National Traveller Health Network<sup>4</sup> and with Traveller and Roma leaders taking part in "Community Work in a Changing Ireland" course.<sup>5</sup> We would like to acknowledge and thank the Traveller, Roma and other experts for their contributions to this report.<sup>6</sup>

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<sup>1</sup> Census 2016 enumerated 30,987 Travellers living in Ireland. This remains lower than the figure of 36,244 from the All Ireland Health Study, see Kelleher et al., *Our Geels All Ireland Traveller Health Study* (Dublin: University College Dublin and Department of Health and Children, 2010).

<sup>2</sup> On 1 March 2017 the Taoiseach (Irish Prime Minister) formally recognised Travellers as a minority ethnic group in Ireland, following a 30 year campaign by Traveller organisations. He stated, "I now wish formally to recognise Travellers as a distinct ethnic group within the Irish nation. It is, therefore, a historic day for Travellers and a proud day and a day of maturity for Ireland."

<sup>3</sup> Pavee Point Traveller and Roma Centre & Department of Justice and Equality, *Roma in Ireland – A National Needs Assessment* (Dublin: Pavee Point Traveller and Roma Centre & Department of Justice and Equality, 2018), 42. The National Needs Assessment of Roma is based on interviews with 108 Roma respondents, who gave information on a further 491 household members; semi-structured interviews and focus groups throughout the country.

<sup>4</sup> This is a national forum for the 30 Traveller Primary Health Care for Traveller Projects in the country.

<sup>5</sup> Organised by Pavee Point Traveller and Roma Centre and supported by NUI Maynooth and the Council of Europe.

<sup>6</sup> In particular we acknowledge the contributions of focus group participants, members of the National Traveller and Roma Inclusion Strategy Steering Group; the Hate and Hostility Research Group, University of Limerick; the Free Legal Advice Centres; and ENAR Ireland.

## GOVERNANCE AND OVERALL POLICY FRAMEWORK

### Mainstreaming Roma inclusion across ministries and other national level public authorities

There are examples of Traveller legislative and policy frameworks under the remit of particular ministries,<sup>1</sup> however, the lack of political will and prioritisation means that little policy has been implemented, with no accountability for lack of implementation. There is no existing Traveller health strategy or Traveller employment strategy. There are sectoral committees established in policy areas, for example, the National Traveller Health Advisory Forum (Department of Health/Health Service Executive), the National Traveller Education Advisory and Consultative Forum (Department of Education and Skills) and the National Traveller Accommodation Consultative Committee (Department of Housing, Planning and Local Government). However, these committees either have not been convened and/or do not function effectively.<sup>2</sup>

The National Traveller and Roma Inclusion Strategy (NTRIS) Steering Group was established by the Department of Justice and Equality in April 2015 with a mandate to contribute to developing NTRIS and to monitor the implementation and progress of NTRIS. The aim of the Steering Group is to foster inter-Departmental and cross-sectoral working.<sup>3</sup> It is chaired by the Minister of State for Equality, Immigration and Integration. Members of the group include Department officials across relevant Departments, and Traveller and Roma civil society organisations. However, the Steering Group does not function effectively at present – it meets 4 times per year – more frequent meetings between these are needed to drive implementation of the NTRIS, along with strong administrative support for the Steering Group. Working groups on education, ethnic data collection and feuding were established in 2017 and are in an early stage of development.

The revised NTRIS has 149 actions, and has the potential to improve the situation of Travellers and Roma in Ireland, if implemented.<sup>4</sup> However, there is no clear budget allocated to this strategy and there is a lack of transparency around allocated funding and actual spend.<sup>5</sup> The strategy does not have named impact indicators and it lacks a rigorous monitoring and evaluation framework.<sup>6</sup> Indicators have been identified in some instances; however, these were not developed in consultation with Traveller and Roma

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<sup>1</sup> The key ones are, Department of Education and Skills, *Report and Recommendations for a Traveller Education Strategy* (Dublin: Department of Education and Skills, 2006) and the 1998 Traveller Accommodation Act which legislates for Local Authority Traveller Accommodation Programmes.

<sup>2</sup> The legislative framework for Traveller accommodation (and the NTACC) is the 1998 Traveller Accommodation Act, despite this, the effectiveness of the NTACC is limited.

<sup>3</sup> Department of Justice and Equality, *National Traveller and Roma Inclusion Strategy, 2017 - 2021* (Dublin: Department of Justice and Equality, 2017), 19.

<sup>4</sup> The strategy has 10 themes with objectives and actions. A traffic light system to monitor progress under each action has been developed. Relevant Departments are required to report to the Department of Justice and Equality on their progress using this system. The National Traveller and Roma Inclusion Strategy (NTRIS) is the first national policy framework to explicitly include Roma as a key focus.

<sup>5</sup> In 2016 the NTRIS Steering Group were informed that 1 million EUR new funds would be allocated for the implementation of the Strategy in 2017 (800,000 for Traveller initiatives and 200,000 for Roma initiatives). In 2017 the Steering Group was informed that no further money will be available from the Department of Justice and Equality in 2018 and the strategy will be implemented from funding from Departments. Data on the funding available from Departments is not available as of yet.

<sup>6</sup> The UNCRRC raised concern with the absence of goals, targets, indicators, timeframes and funding mechanisms for Ireland's National Traveller Roma Inclusion Strategy in 2016. United Nations Committee on the Rights of the Child, 'Concluding observations on the combined third and fourth periodic reports of Ireland' (2016) CRC/C/IRL/CO/3-4.

representatives on the NTRIS Steering Group. These indicators are sporadic and where they are identified, they are not impact indicators. This allows for ad hoc actions to be used to indicate progress on actions when it is not clear that actual progress has been made. In the December 2017 progress report that was submitted to the NTRIS steering group, 47 actions are either completely blank or it has been indicated that they have not started. 7 actions are said to be on track but there is no further information filled in. Without impact indicators Traveller and Roma organisations are concerned that the existing monitoring of the strategy will be a paper exercise, bearing little relation to improvements or disimprovements on the ground. The strategy lacks clear timelines, with the exception of a few actions, most actions are deemed to be “ongoing”. As noted above, Ireland has previously developed positive policies and legislation to progress Traveller rights but they have not been implemented. In order for NTRIS to break this cycle, true transparency and accountability is needed.

### Mainstreaming Roma inclusion across local authorities

In accordance with the Housing (Traveller Accommodation) Act 1998, housing authorities (based in local authorities) have a statutory responsibility for the assessment of the accommodation needs of Travellers and the preparation, adoption and implementation of multi-annual Traveller Accommodation Programmes (TAPs) in their areas. The majority of Local Authorities have consistently failed to meet their targets and provide adequate and culturally appropriate accommodation for Travellers. An independent review of the provision of Traveller accommodation, published in 2017, found that in total, 6,394 units / families have been accommodated through TAPs, against a target of 9,390 (68%)<sup>7</sup>. This review also found that between 2000-2004, 135.2 million EUR was spent on Traveller accommodation and this dropped to 20.8 million between 2014-2018.<sup>8</sup> Substantial parts of the reduced budgets have remained unspent, with no incentives or sanctions in place to ensure that Local Authorities meet their legal obligations.<sup>9</sup> This causes severe overcrowding in Traveller accommodation which has been highlighted as a fire safety issue and there are fears among the Traveller community that rather than addressing the lack of provision of Traveller accommodation, this will be used to evict people from Traveller specific group housing and halting sites (See section on forced evictions). CEDAW has expressed concern that the Housing (Traveller Accommodation) Act has not been revised to sanction authorities who fail to meet their obligations.<sup>10</sup> The commitment in NTRIS for independent review of the Housing (Traveller Accommodation) Act 1998 is of utmost importance and is an official recognition that the legislation it is not fit for purpose at present.

The Social Inclusion Community Activation Programme (SICAP) is a national programme to reduce poverty and promote social inclusion and equality in local communities, which is managed by local authorities through Local Community Development Committees.<sup>11</sup> Travellers and Roma are named as target groups under SICAP. This targeted approach is welcome. However, there is still work to ensure that Travellers and Roma are being targeted in practice. Only 8% of local community groups were working with Travellers in 2016 (having declined from 12% in 2015). Travellers represented less than 3% of

<sup>7</sup> These are stated targets by the Local Authority, which may be conservative targets.

<sup>8</sup> RSM, *Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes* (Dublin: Housing Agency, 2017), 31.

<sup>9</sup> Brian Harvey, *Travelling with Austerity* (Dublin: Pavee Point Traveller and Roma Centre, 2013), 20.

<sup>10</sup> Committee on the Elimination of Discrimination against Women, 'Concluding observations on the combined sixth and seventh periodic reports of Ireland' (2017) CEDAW/C/IRL/CO/6-7, para 48.

<sup>11</sup> An ethnic identifier was introduced into the monitoring system for SICAP in 2015 and the Department asked Pavee Point to develop good practice guidelines and deliver training in 2016 and 2017 to frontline service providers to promote human rights compliant practice in data collection and use. This initiative was welcomed by Traveller and Roma groups as well as statutory services and the Department.

overall SICAP caseload in 2016 and therefore represent the lowest level of engagement within SICAP of all target groups. This is despite the fact that Travellers were identified as having a higher incidence of experiencing direct discrimination than any other grouping.<sup>12</sup> SICAP data from 2015 shows that less than 1.75% actions have Travellers and Roma as a primary target group, delivered by 5 out of 50 Programme Implementers.

The Local Government Reform Act (2014) which implemented 'Putting People First – action programme for effective local government' gave a key role to local authorities to lead economic, social and community development locally. To achieve this lead role, new structures and mechanisms were created under the Act. The structures of immediate relevance are:

1. Local Community Development Committees (management oversight of SICAP and development of 6 year Local and Economic Community Plan for the county)
2. County-wide Public Participation Networks (through which community priorities will be identified & representatives sought for Local Authority committees).

These local/county level mechanisms for participation are not accessible for Travellers and Roma. This is related to the section below, whereby, when local Traveller organisations have resources, this increases local participation and ability to engage in new and more complex participation structures.

### Promoting empowerment and participation of Roma

Empowerment and participation of Travellers and Roma is demonstrated principally in the work of independent Traveller organisations with the support of State funding. Community development is at the core of Traveller organisations and there is a strong community development and human rights component underpinning this work in Ireland. Central to this is Traveller/Roma participation, empowerment and leadership. The current infrastructure includes four national Traveller organisations and local Traveller organisations, located in areas with sizeable Traveller populations. Organisations struggle to access sustainable and adequate funding to promote empowerment and participation to the extent that it is needed. Some Traveller and other civil society organisations have expanded to work with Roma and some Roma organisations are emerging, however, significant investment is needed to promote empowerment and participation of Roma, within a human rights framework.

### Guarantees for the effectiveness of programmes with the largest budgets

There are over 25 dedicated Traveller Primary Health Care Projects throughout the country and up to 11 million EUR has been allocated to these initiatives. These have been largely supported by Traveller organisations at local and national levels and have been extremely successful initiatives.<sup>13</sup> However, there has been no additional funding or new developments for these projects since 2006 ('pre-austerity') despite the findings of the All Ireland Traveller Health Study which showed that Travellers experience significant health inequalities.<sup>14</sup>

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<sup>12</sup> Pobal, *Social Inclusion and Community Activation Programme (SICAP) 2016 End of year report*, 52.

<sup>13</sup> The Traveller primary health care model has been recognised by the World Health Organisation and the European Commission as a model of good practice.

<sup>14</sup> Kelleher et al., *Our Geels All Ireland Traveller Health Study*. The study showed that life expectancy at birth for male Travellers is 61.7 which is 15.1 years less than men in the general population and that life expectancy at birth for female Travellers is 70.1 which is 11.5 years less than women in the general population.

## Civil society's access to funding for Roma inclusion activities

The lack of ethnic data in Ireland makes it extremely difficult to provide an evidence base to justify the allocation of funding for Traveller and Roma organisations. While funding for inclusion initiatives is available through a range of government departments, core funding is provided through the Department of Justice, now under the auspices of NTRIS. Funds are limited and accessing these funds is competitive. To date there has been a lack of clear criteria for the allocation of funds, a lack of transparency on availability of funds and no effective monitoring and evaluation framework to monitor the use of funds. Alternative funds are also available through philanthropic foundations.

## Availability of reliable data on the situation of Roma

There remains a significant gap in the availability of reliable and comprehensive data in relation to Travellers and Roma in Ireland, with only a small number of public bodies collecting ethnic data.<sup>15</sup> This results in serious gaps in knowledge about the situation of Travellers and Roma and a lack of baseline data to effectively monitor the implementation and impact of NTRIS. Furthermore, there is no single, uniform human rights based approach to ethnic data collection in Ireland.<sup>16</sup> Roma continue to be omitted from most official statistics, including the national census, as 'Roma' is not included as a named category in the under the 'ethnic/cultural background'.

This data deficit was highlighted in 2017 by the Special Rapporteur on Child Protection in an independent audit of the exercise by the Irish police force (An Garda Síochána – AGS) of section 12 of the Child Care Act 1991.<sup>17</sup> The report notes that "the absence of mechanisms for routine collection of ethno-cultural demographic information by the PULSE system, places a significant obstacle to any review of potential racial profiling by AGS."<sup>18</sup> The author notes, "full and effective demographic data collection by State agencies, and external monitoring of that data, is essential to avoid the potential for marginalisation and discrimination against minority ethnic communities."<sup>19</sup> The ESRI notes that Irish Travellers in particular, who report very high levels of discrimination are often not identified in surveys, "which highlights the importance of making use of census data and adding an ethnic identifier to administrative data to monitor outcomes."<sup>20</sup> Action 146 of NTRIS seeks to develop a methodology for the introduction of an ethnic identifier on all data sets to facilitate the monitoring of access, participation and outcomes to services for Travellers and Roma, which is a welcome development.

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<sup>15</sup> Pavee Point Traveller and Roma Centre, *Counting us in – Human rights count! Policy and Practice in Ethnic Data Collection and Monitoring* (Dublin: Pavee Point Traveller and Roma Centre, 2016).

<sup>16</sup> Various international human rights bodies have observed Ireland's data deficit and have urged the State to develop a standardised approach to data collection in accordance with relevant human rights standards. These include, CERD, the Human Rights Committee, CESCR, CRC and CEDAW.

<sup>17</sup> In December 2013, a Special Inquiry was established by Order of the Minister for Justice and Equality, pursuant to section 42 of the Garda Síochána Act 2005. The then serving Ombudsman for Children, Ms Emily Logan, was appointed to inquire into the exercise by An Garda Síochána (AGS – The Irish Police Force) of its section 12 powers in relation to two separate instances in October 2013. In both cases, children in Roma families who had blonde hair were removed by Gardai from their families, in circumstances where the identities of the children were called into question. Among the recommendations made in her Report, published in July 2014, Ms Logan called for an independent audit of the exercise by AGS of section 12 of the Child Care Act 1991.

<sup>18</sup> Geoffrey Shannon, *Audit of the exercise by An Garda Síochána of the provisions of Section 12 of the Child Care Act 1991* (2017), 137.

<sup>19</sup> *Ibid*, 110.

<sup>20</sup> Frances McGinnity, Raffaele Grotti, Oona Kenny and Helen Russell, *Who experiences discrimination in Ireland? Evidence from the QNHS Equality Modules* (Dublin: IHREC and ESRI, 2017), V.

## Policies and measures addressing specific needs of Roma women, children and youth

Following the concluding observations of the UN Committee on the Rights of the Child (UN CRC), the Tenth Report of the Special Rapporteur on Child Protection notes specific concerns in relation Traveller and Roma children, including the experience of consistent poverty, delays in accessing social housing and inappropriate, temporary or emergency accommodation provided on a long-term basis in some cases.<sup>21</sup> The National Roma Needs Assessment reports that Roma children are living in overcrowded houses with rats, damp and sewerage. Some respondents reported that they did not have basic supplies for new-born babies and that children are going to school hungry and without lunch.”<sup>22</sup>

The UN CRC has also expressed concern with reductions in budget allocations for Traveller and Roma children.<sup>23</sup> In this regard the Special Rapporteur recommends that “specific budgetary allocations should be made for Traveller and Roma children and children with disabilities and these allocations should be protected in times of financial crisis.” Ireland should also strengthen efforts to reduce poverty among Travellers and Roma by developing poverty reduction targets and a detailed action plan to ensure that targets are met within a specified time frame.<sup>24</sup> This will require baseline data through ethnic data collection, as detailed above.

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<sup>21</sup> Geoffrey Shannon, *Tenth Report of the Special Rapporteur on Child Protection - A Report Submitted to the Oireachtas* (Dublin: Department of Children and Youth Affairs, 2017), 5.

<sup>22</sup> This research “Roma in Ireland – A National Needs Assessment” was undertaken in collaboration with the Department of Justice and Equality, on foot of recommendation 4.2.3 of the “Logan Report” - Emily Logan, *Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order 2013* (Dublin: Office of the Children’s Ombudsman, 2014), para 4.2.8.

<sup>23</sup> United Nations Committee on the Rights of the Child, ‘Concluding observations’, para 15.

<sup>24</sup> *Ibid*, para 60.

# ANTI-DISCRIMINATION

## Implementing the Racial Equality Directive

The Racial Equality Directive was transposed into Irish law by way of primary legislation. The Equality Act 2004 amended the Equal Status Act 2000 (prohibition of discrimination in the provision of goods and services) and the Employment Equality Act 1998 (prohibition of discrimination in employment) to ensure that the legislation reflected the requirements of the Race Directive. This largely dealt with the definition of discrimination and providing for a shifting burden of proof. It remains questionable whether the definition of goods and services in the Equal Status Acts 2000-2015 is wide enough to encompass the scope of the Race Directive in terms of prohibiting discrimination in the delivery of public services. In addition, the expert body designated to determine complaints of discrimination; the Equality Tribunal, has now been subsumed into the Workplace Relations Commission, and there is some concern amongst lawyers and others as to the accessibility and suitability of this body to deal with complaints of discrimination.

There were 658 complaints made under the Equal Status Acts in 2016, 416, or 62% of all complaints indicated membership of the Traveller community as a ground.<sup>1</sup> This suggests high levels of discrimination experienced by Irish Travellers.<sup>2</sup> This is borne out in the results from the equality module of the Quarterly National Household Survey, which notes that Irish Travellers are 38 times more likely than “White Irish” to report discrimination in shops, pubs and restaurants.<sup>3</sup> A 2017 a national survey of Travellers in Ireland found that 33% had experienced discrimination by shop staff in the previous year.<sup>4</sup> 25% felt discriminated against in the past year by a housing authority.<sup>5</sup> The national Roma needs assessment showed that 84.3% (n=83) felt discriminated against getting social welfare, 70.5% (n=78) felt discriminated against in health services and 74.7% (n=87) felt discriminated against in a shop, restaurant, pub or other social venue.<sup>6</sup> Data on complaints made under the Equal Status Acts is not disaggregated and so there are no available figures on complaints made by Roma.

Discrimination cases in pubs do not come under the remit of the Equal Status Act and have to be adjudicated in the district court. A 2017 a national survey of Travellers in Ireland found that 36% had experienced discrimination from pub staff in the previous year.<sup>7</sup> Licensed premises cases need to be brought back under the remit of the Equal Status Legislation, as Travellers face discrimination by licensed premises including booking hotels for weddings; christenings and Christmas parties.<sup>8</sup>

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<sup>1</sup> Workplace Relations Commission, *Annual Report 2016* (2016), 20.

<sup>2</sup> In April 2017, the Workplace Relations Commission (WRC) found that a Traveller family was discriminated against by Dublin City Council in accessing maintenance services. In February 2017 the WRC found a Traveller had been discriminated against by a Leisure Centre after a Traveller was told by a leisure centre employee that a rule limiting Travellers to a maximum of three at any one time is “just for you lot”.

<sup>3</sup> McGinnity, Grotti, Kenny and Russell, *Who experiences discrimination in Ireland?*, 36.

<sup>4</sup> Behaviour and Attitudes, ‘Traveller Community National Survey’, 87.

<sup>5</sup> *Ibid.*

<sup>6</sup> Pavee Point Traveller and Roma Centre & Department of Justice and Equality, *Roma Needs Assessment*, 51.

<sup>7</sup> Behaviour and Attitudes, ‘Traveller Community National Survey’, 87.

<sup>8</sup> In December 2017 4 Travellers had a case settled before hearing, after being denied services in a licensed premises. They had just completed a weekend residential programme at NUI Maynooth on human rights and were planning to join the Chairwoman of the United Nations Committee for the Elimination of Racial Discrimination. The four took a case against owner of the bar, Laraville Properties Ltd, under the 2003 Intoxicating Liquor Act. Legal representation was provided by the Irish Human Rights and Equality Commission.

## Educational segregation

There are two Traveller-only schools remaining; St. Thomas's in Clonshaugh and St. Kieran's in Bray. The Department of Education has said that whilst it would like to see the schools phased out, the decision rests with the patron – in this case, the Catholic Church. However, the Department of Education continues to fund both schools through the allocation of the capitation grant and the payment of teaching staff's wages. The provision of segregated education is wholly unacceptable and steps should be taken in collaboration with Traveller parents, Traveller representative groups, local schools and the patron to ensure the phasing out of these schools.

There are anecdotal reports that there may be a disproportionate number of Travellers on reduced timetables (reduced school hours). The Child and Family Agency states that "It should be noted that any exclusion of a student for part of the school day can be deemed to be a suspension... Section 29 of the Education Act 1998 makes provision for a parent to take an appeal against a school in relation to suspension of a student. Schools should therefore be mindful that in certain circumstances reduced timetables could be appealed by a parent under this provision."<sup>9</sup> There is no data available on the number of Travellers on reduced timetables. This should be investigated and data should be collected on the use of limited timetables to ensure it is not disproportionately applied to Traveller students, and that where it is being applied, that it is being done so in the best interest of the child.

## Forced evictions

The eviction of local authority tenants from housing is regulated under sections 13 and 14 of the Housing Act 2014.<sup>10</sup> No such safeguards apply in relation to Travellers living on halting sites, who generally do not have tenancy agreements, but rather occupy a bay (pitch) on foot of a license agreement that may be revoked at will by the local authority. Roadside Travellers or those living without authorisation in a local authority halting site (due to lack of alternative accommodation) have no effective safeguards against forced evictions and the law is designed to enable local authorities to move such families at will and there is no requirement to apply to the Courts to adjudicate on such evictions.

Two main provisions are relied on in this regard, Section 10 of the Housing (Miscellaneous Provisions) Act 1992: which authorises a local authority to serve a notice on the occupier/ owner of a temporary dwelling placed within a one mile of other Traveller accommodation and to move outside that one mile radius with a minimum twenty four hours' notice. The other main provision that is relied on to effect the forcible eviction of Travellers on unauthorised sites is section 24 of the Housing (Miscellaneous Provisions) Act 2002, or the so called "Criminal Trespass Act". This legislation makes it an offence for a person to enter and occupy land with "an object" (which expressly includes a temporary dwelling) without the consent of the owner, where such entry and occupation causes an interference with an amenity in the land. The provision empowers An Garda Síochána (Irish Police) to direct that the person leave the land and remove any object brought onto the land, and in the event that they fail to comply with such a direction the person may be arrested for an additional offence and also the object (including a temporary dwelling) may be removed, stored and ultimately destroyed.

The criminal trespass legislation is not linked with the housing functions of local authorities and makes no allowance for necessity. In particular, Traveller groups see the legislation, while being facially neutral as being targeted at the nomadic way of life of Travellers in Ireland. Since its introduction, there has been no review of this legislation

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<sup>9</sup> Tusla, the Child and Family Agency, *Developing the statement of strategy for school attendance – guidelines for schools* (Dublin: Tusla, the Child and Family Agency, 2015), 36.

<sup>10</sup> Under the Housing Act 2014, local authorities must now apply to the District Court (Courts of local and limited jurisdiction) to repossess a local authority dwelling and the District Court is required to determine the merits of the application, adjudicate on any dispute of fact between the parties and also to determine whether granting the eviction would be proportionate.

by the State and the adverse impact it may have on Travellers waiting on the delivery of local authority accommodation, and Travellers who remain nomadic for all or part of the year.<sup>11</sup> In a collective complaint submitted by the ERRC against Ireland, it was found that both section 10 and section 24 were in breach of Article 16 of the Revised European Social Charter, as there were inadequate safeguards against forced evictions included in the legislation.<sup>12</sup>

Previous forced evictions have had a chilling effect; this has been raised as a concern by the UN CRC who expressed concern with the “criminalisation of nomadism, pursuant to the Housing (Miscellaneous) Provisions Act 2002 combined with the inadequate provision of transient halting sites, resulting in forced evictions and the suppression of nomadism as a cultural practice.”<sup>13</sup> The Committee recommends that Ireland “Respect the right to the cultural practice of nomadism, including by repealing/amending relevant legislation to ensure that this cultural practice is not criminalised; in doing so, the State party should also ensure adequate safeguards against forced eviction.”<sup>14</sup> A national survey on Travellers found that 1 in 3 Travellers have been forced to move from their accommodation/area at some point (vs. 49% in 2000).<sup>15</sup> The survey showed that less Travellers are travelling now. Only 1 in 10 respondents said that they still travel, versus 1 in 3 when asked in 2000.<sup>16</sup> For those who had travelled, but no longer do so, 19% said they stopped as they are not allowed to do so by law and 18% said it was because there are less places to travel to now (which is a direct result of the change in the law).<sup>17</sup>

- 1.1.1. Subsequent to a tragic fire on a Traveller site in Carrickmines in 2015, a national fire safety audit in Traveller accommodation was rolled out. The objective was to ensure that practical and appropriate fire safety measures, which contribute to preventing loss of life and serious injury in local authority Traveller accommodation, have been applied systematically across the country.<sup>18</sup> Even though Traveller organisations received an assurance that the audits would not result in forced evictions, Traveller organisations have highlighted that a number of evictions took place throughout the country, leaving families homeless or forcing people to stay at homes and bays of extended family members. In 2016, 23 families were evicted from Woodland Park halting site on the basis of fire safety concerns.

In December 2017, Dublin City Council issued letters to Traveller group housing residents, noting that “of concern to the Fire Safety of the residents and tenants, it is noted that the separation distances between caravans and between caravans and day-house/sanitation unit” is not adequate. The letter further states that “Dublin City Council will visit all Group Halting Sites and implement these requirements and you must comply and allow access to staff in accordance with your tenancy agreement so that we can complete this action as quickly as possible”. In consultations Traveller expressed concern that these fire safety concerns will be used to evict Travellers from overcrowded Traveller

<sup>11</sup> The Department of Housing, Planning and Local Government does not hold figures on the numbers of people evicted under the legislation and the Minister has stated in Parliament that “In relation to evictions under section 10 of the Housing (Miscellaneous Provisions) Act 1992, this is a matter for the relevant local authority and my Department does not hold the specific information requested.” Written Answer on: 16/01/2018, Question Number(s): 1737 Question Reference(s): 55105/17.

<sup>12</sup> ERRC v Ireland (Complaint no. 100/2013).

<sup>13</sup> United Nations Committee on the Rights of the Child, ‘Concluding observations’, para 69 d.

<sup>14</sup> *Ibid*, para 70 d.

<sup>15</sup> Behaviour and Attitudes, ‘Traveller Community National Survey’, 57.

<sup>16</sup> *Ibid*, 66.

<sup>17</sup> *Ibid*, 68.

<sup>18</sup> National Directorate for Fire and Emergency Management, *Report on Programme to Review and Enhance Fire Safety in Local Authority Provided Traveller Accommodation*, (Dublin: Department of Environment, Community and Local Government, 2016), 12.

specific accommodation, rather than address the lack of provision of Traveller accommodation.

### Discriminatory behaviour by police, misconduct by prosecutors or courts

A 2017 national survey of Travellers found that 48% of respondents felt discriminated against by the Gardaí in the last year.<sup>19</sup> 77.5% (n=102) of Roma respondents in the national needs assessment reported being stopped by the Gardaí at least once for ID. Such a high rate of people of a particular ethnicity being stopped for ID checks raises serious concerns.

There is no specific piece of legislation addressing discriminatory behaviour by members of An Garda Síochána (Irish Police). The Garda Síochána Act 2005 established the Garda Síochána Ombudsman Commission (GSOC) to deal with complaints of breaches of discipline by An Garda Síochána. Relevant breaches of discipline are contained in Garda Síochána (Discipline) Regulations 2007. Those Regulations do not specifically refer to discriminatory behaviour. A Code of Ethics for An Garda Síochána was adopted for the first time in 2017.<sup>20</sup> The Code specifically refers to membership of the Traveller community as being a wrongful ground of discrimination. However, in the absence of any legal enforceability it is unclear how useful the Code, together with the Disciplinary Regulations, will be in addressing discrimination by the police against Travellers and Roma.

A report by the Special Rapporteur noted that when Gardaí were asked about cultural competence and diversity training, all but one interviewee remembered receiving such training.<sup>21</sup> The report notes, "In the cases where respondents dealt with foreign national children, and/or foreign national parents, there was a distinct hesitancy or discomfort among respondents in their discussion of those interactions."<sup>22</sup> And "In what little discussion there was of these engagements in the interviews, the language used by those members lacked sensitivity and suggested an absence of critically sophisticated understanding of the complex needs of an increasingly culturally and ethnically diverse population."<sup>23</sup> The report also notes that the appointment of 277 Ethnic Liaison officers is positive in building trust, however the report's findings indicate that "current policies and practices in this regard have not filtered through to most Garda members."<sup>24</sup> All Garda members should undertake diversity training.

At present there is no mechanism by which discriminatory behaviour by prosecutors and courts is addressed. Because the Director of Public Prosecutions (DPP) and Judges are largely regarded as independent of the other arms of government, it has traditionally been seen as inappropriate to have complaints mechanisms by which either the DPP or Judges may be specifically made accountable for decision making including incidents of discrimination. There has over the past few years been a realisation that this approach should be modified. The Judicial Council Bill 2017 proposes the establishment of a committee for dealing with complaints of "judicial misconduct" by Judges, including discriminatory behaviour. It is not clear, however, when and if this legislation will be passed. There is no similar proposal in relation to the Office of the DPP.

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<sup>19</sup> Behaviour and Attitudes, 'Traveller Community National Survey', 87.

<sup>20</sup> Policing Authority, *Code of Ethics for the Garda Síochána*, (Dublin: The Policing Authority, 2017).

<sup>21</sup> Shannon, *Audit of the exercise by AGS of the provisions of Section 12 of the Child Care Act 1991*, 167. Only one member of FG 1 had received specific training on AGS's policing strategy for Ireland's increasingly diverse population. This participant was not enthusiastic about the training he had received and noted that his two-day training programme now meant he was the station's designated ethnic liaison officer – a role he was not confident he could perform.

<sup>22</sup> *Ibid*, 168.

<sup>23</sup> *Ibid*.

<sup>24</sup> Shannon, *Audit of the exercise by AGS of the provisions of Section 12 of the Child Care Act 1991*, 277.

## Right to free movement

European Free Movement Directive 2004/38/EC<sup>25</sup> is transposed into Irish law under the European Communities (Free Movement of Persons) Regulations 2015 SI 548/2015. Establishing a right to reside in the State is necessary for a range of social supports, including social housing. A person must meet the habitual residence condition in order to access non-contributory benefits, including child benefit, job seekers allowance and access to many employment and training supports and access to women's refuges.<sup>26</sup> A person cannot be deemed to be habitually resident unless it can be established that they have a right to reside in the State. Also, to access social housing supports (including homeless supports) as an EU citizen living in Ireland, an individual must be in employment in order to be assessed for social housing support. If not, they 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.<sup>27</sup> The only other option of support is to ring a free phone emergency number to get an emergency hostel bed for the night.

The Department of Employment Affairs and Social Protection state, the habitual residence condition "is provided for in Irish social welfare legislation and is in accordance with EU legislation and with European Court of Justice jurisprudence. Being habitually resident in the State is a requirement, amongst others, for receipt of certain social protection payments and applies equally to all applicants and beneficiaries, regardless of nationality or ethnic background."<sup>28</sup> However it is widely recognised that policies that may appear neutral can have a disproportionate and discriminatory impact on particular groups.<sup>29</sup> In practice the lack of access to employment for Roma, combined with issues in having appropriate documentation make it very hard for many Roma to fulfil the requirements of the right to reside and habitual residence.<sup>30</sup> In recognition that children are living in poverty in this context, the United Nations Committee on the Rights of the Child has recommended that the State makes Child Benefit payments a universal payment that is not contingent of the fulfilment of Habitual Residence Condition.<sup>31</sup> While Ireland states that it is simply complying with the Free Movement Directive, this is negatively impacting human rights, including Roma children's rights.

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<sup>25</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

<sup>26</sup> Five factors are considered to determine habitual residence: 1. the length and continuity of residence in the state or in any other particular country; 2. the length and purpose of any absence from the state; 3. the nature and pattern of the person's employment; 4. the person's main centre of interest; 5. the future intentions of the person concerned as they appear from all the circumstances.

Social Welfare Consolidation Act 2005, s. 246(4), as inserted by the Social Welfare & Pensions Act 2007, s.30. Available at: <http://www.irishstatutebook.ie/eli/2007/act/8/enacted/en/print#sec30>

<sup>27</sup> Department of Environment, Community and Local Government, 'Access to social housing supports for non-Irish nationals – including clarification re Stamp 4 holders', Housing Circular 41/2012. Available at: <http://www.environ.ie/sites/default/files/migratedfiles/en/Publications/DevelopmentandHousing/Housing/FileDownload%2C29412%2Cen.pdf>

<sup>28</sup> Department of Social Protection, 'Habitual Residence Condition' (Information Leaflet) (2016) Available at: <http://www.welfare.ie/en/downloads/sw108.pdf>

<sup>29</sup> United Nations Committee on Economic Social and Cultural Rights, 'General comment No. 20: Non-discrimination in economic, social and cultural rights' (2009) E/C.12/GC/20, para 10(b).

<sup>30</sup> When respondents in the National Roma Needs Assessment were asked about the status of all adults in the household 34.8% were reported as having the right to reside, 25.5% (n=159) were reported as not having the right to reside and the highest proportion of answers was don't know of 38.5%. 47.3% (n=163) were reported as being habitually resident, 25.7% were reported as not being habitually resident and a significant proportion of answers were don't know at 26.9%. Pavee Point Traveller and Roma Centre & Department of Justice and Equality, *Roma Needs Assessment*, 77.

<sup>31</sup> United Nations Committee on the Rights of the Child, 'Concluding observations', para 69 (f).

# ADDRESSING ANTIGYPSYISM

## Institutional settings for fighting discrimination and addressing antigypsyism

Institutional settings for fighting discrimination and addressing antigypsyism are inadequate and fragmented, exemplified by the non-renewal of the National Action Plan Against Racism (2005-2008).<sup>1</sup> This has been highlighted as a concern by the UN CRC and the Committee recommends that Ireland establishes an appropriately high-level and comprehensive successor to the National Action Plan against Racism 2005-2008.<sup>2</sup> The National Consultative Committee on Racism and Interculturalism (NCCRI) was closed down in December 2008 as an austerity measure. The NCCRI took a pro-active approach to working with Travellers and Roma (along with other minority ethnic groups) and this holistic approach to tackling racism is now lacking. It is not clear what public funding is available to tackle anti-Traveller and anti-Roma racism specifically.

The State notes that racism is addressed in the Migrant Integration Strategy which has been developed by the Office for the Promotion of Migrant Integration (OPMI).<sup>3</sup> However, this strategy does not include Irish Travellers, nor does it address the specificities of anti-Roma racism. The OPMI does not coordinate with the National Roma Contact Point. There are actions in the National Traveller and Roma Integration Strategy that focus on racism against Travellers and Roma, however, it is not clear what targets, indicators or budget will be applied to these.

In 2014 an Inquiry by the Children's Ombudsman noted that, "Roma have been collectively stigmatised as criminals by both international and domestic media; anti-Gypsy stereotypes continue to be spread and perpetuated across Europe, including in Ireland. The Inquiry notes in this regard that a number of media outlets report on Roma and Travellers only in the context of social problems and crime."<sup>4</sup> The report which was fully accepted by the Irish Government recommended that "The Irish Press Council should give consideration to how ethical reporting regarding minority communities including the Roma community can best be promoted."<sup>5</sup> It is not clear that this recommendation has been implemented. Travellers and Roma are encouraged by Traveller organisations to report racist incidents to iReport, a civil society racist incident reporting system, which encompasses third party reports and reports of racism in the media.<sup>6</sup> Pavee Point Traveller and Roma Centre reports negative media articles and comments on news websites to news editors. However, there is a need for a participatory

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<sup>1</sup> The Irish Government has noted that it does not intend to develop a new National Action Plan, that there has been a substantial penetration of anti-racist policies stemming from the NAP (2005 – 2008) and will instead incorporate anti-racism measures into a new Migrant Integration Strategy. There is no evidence of a systematic and publicly available analysis of the penetration of anti-racist policies. On the contrary, the very organisations that have a role in protecting people against non-discrimination and racism have experienced huge cuts as part of austerity measures. From 2008-2013 National Traveller Organisations have faced cuts of 63%, in Brian Harvey, *Travelling with Austerity*, 1.

<sup>2</sup> The Committee is concerned about the structural discrimination against Traveller and Roma children and their families, including alleged impunity for publicly expressed discriminatory remarks by public representatives. The Committee takes note of the State party's explanation regarding the retention of mechanisms and funding streams arising out of the National Action Plan against Racism 2005 – 2008, however, the Committee remains concerned that no appropriate updated National Action Plan has been enacted – United Nations Committee on the Rights of the Child, 'Concluding observations', para 28 b.

<sup>3</sup> Department of Justice and Equality, *The Migrant Integration Strategy – A Blueprint for the Future* (Dublin: Department of Justice and Equality, 2017). See action 109 of NTRIS which says "The Department of Justice and Equality has published the National Migrant Integration Strategy, which includes a strong anti-racism component. That Strategy will be fully implemented with ongoing review and consultation with stakeholders."

<sup>4</sup> Emily Logan, (*Special Inquiries relating to Garda Síochána*) Order 2013, para 4.2.8.

<sup>5</sup> *Ibid*, para 4.2.11.

<sup>6</sup> <https://www.ireport.ie/about-ireport-ie/>

Traveller and Roma media monitoring initiative, with project staff funded to undertake this important work in a systematic manner.

Travellers and Roma are under-represented in public administration and public service positions. CEDAW's 2017 Concluding Observations on Ireland expressed concern with the low level of participation of Travellers and Roma in political and public life and recommends concrete measures, including temporary special measures, to promote the participation of Traveller, Roma and migrant women in political and public life.<sup>7</sup>

### Countering hate crime and hate speech against Roma, and antigypsyist rhetoric of politicians, public figures and media

There is no hate crime legislation in Ireland. Haynes and Scheppe have documented that the legislative lacunae is exacerbated by a lack of guidance and direction to police and prosecutors regarding the recording and prosecution of hate elements which often results in the disappearing of bias motivations from the criminal justice process.<sup>8</sup> While courts can treat racist, including anti Traveller and Roma motivations, as an aggravating factor, there is no obligation on them to do so, and they can only sentence that which is presented to them: where the hate element has not been adequately recorded, investigated, or prosecuted, it will not be addressed by the court at sentencing.

Despite the absence of legislation, Ireland's national police force has been recording racist 'discriminatory motives' since 2002, but without the possibility of disaggregation by identity group. In 2015, this was changed to include anti-Traveller and anti-Roma discriminatory motives, and now every police report logged electronically must address whether or not the crime involved a discriminatory motive. There is no data available for 2017 at this time. In 2016, 308 crimes were logged by the police as having a discriminatory motive: 25 were recorded as having an anti-Traveller motivation, and less than 3 as having an anti-Roma motivation.<sup>9</sup> Under-reporting and under-recording, mean that data is likely to significantly underrepresent the problem.<sup>10</sup>

Seven hate crimes against Travellers and Roma were reported by ENAR Ireland to ODIHR for 2016. Of those seven, there was one attack against property;<sup>11</sup> one violent attack against a person;<sup>12</sup> and five threats.<sup>13</sup> A National Steering Group Against Hate Crime has

<sup>7</sup> CEDAW, 'Concluding observations', para 35 (d).

<sup>8</sup> Amanda Haynes and Jennifer Scheppe, 'Internationalizing hate crime and the problem of the intractable state: The case for Ireland' in Jennifer Scheppe and Mark Walters (eds) *The Globalization of hate: Internationalizing hate crime* (Oxford University Press, 2016), 157-173. Amanda Haynes and Jennifer Scheppe, 'The Disappearing of Hate Crime in the Irish Criminal Justice Process' in Haynes A, Scheppe J and Taylor S (eds) *Critical Perspectives on Hate Crime* (UK: Palgrave Macmillan, 2017), 17-44.

<sup>9</sup> Data provided by the Central Statistics Office.

<sup>10</sup> Joyce et al argue that the criminalization of begging, nomadism and arguably of Traveller and Roma communities themselves impact on trust, and therefore reporting rates. They also note that rates of reporting among Traveller and Roma victims of hate crime are likely to be impacted where they have low levels of literacy or a lack of fluency in English. Sindy Joyce, Margaret Kennedy and Amanda Haynes, 'Travellers and Roma in Ireland: Understanding Hate Crime Data through the Lens of Structural Inequality,' in Haynes et al, *Critical Perspectives on Hate Crime*, 325-354.

<sup>11</sup> Details of this report are as follows: "The house of a Roma family was attacked at night by a group throwing rocks, bottles, and cans and kicking their front door. Racist language was used."

<sup>12</sup> Details of this report are as follows: "A pregnant Roma woman who was physically assaulted during an attempted illegal eviction."

<sup>13</sup> Details of these reports are as follows:

- A Traveller family visiting new accommodation were insulted and threatened by a group.
- A Roma family was locked out of their house and were then subjected to racist insults and threatened.
- A Traveller woman was threatened and insulted.
- A Roma man had a brick with a threatening letter stating "Go home Romanian Gypsy sh\*t" thrown through his window.
- A Traveller woman was insulted and threatened by a group.

been established by the Hate and Hostility Research Group of the University of Limerick and NGOs to push for the development of hate crime legislation. This is identified as a commitment by Government in the Migrant Integration Strategy<sup>14</sup>

## Hate speech

The National Traveller and Roma Inclusion Strategy (2017–2021) references a commitment to review the Prohibition of Incitement to Hatred Act 1989. This Review has been ongoing for a number of years, with no available timetable for publication. The primary criticism of the Act has been in relation to its effectiveness: only a small number of convictions have been secured under the Act. Membership of the Traveller community is explicitly addressed in the Act: Roma membership is not. Recent research publications have identified cyber hate as a significant issue for the Traveller community.<sup>15</sup> The 1989 Act was not however written to address online hate speech, an issue identified by the Law Reform Commission as requiring legislative attention.<sup>16</sup> Examples of some of the hate speech online include statements referring to Irish Travellers as “Smelly inbred savages... your culture is all about robbing, breaking into people’s houses, you dirty filthy savages” and “The only place for Irish gypsies in the gas chambers – smelly ugly thugs.”<sup>17</sup>

Irish political parties have in the past adopted protocols<sup>18</sup> in efforts to prevent members using racist rhetoric, however Haynes, Power and Devereux argue that such protocols are ineffective unless party leadership are willing to effectively sanction members who engage in such speech.<sup>19</sup> Research by the Housing Agency found that the planning process was the most significant issue limiting the delivery of capital output under TAPs and “it was reported by Traveller representatives and local authority representatives that objections from local “settled” residents and political pressure exerted by Elected Representatives tend to delay the planning process.”<sup>20</sup>

The No Hate Speech Ireland Movement which was coordinated by the National Youth Council of Ireland (NYCI) from 2015 until end 2017 has undertaken important work in challenging hate speech. The motivation for NYCI to join the campaign was in recognition of the hate speech perpetrated toward Irish Travellers and Roma, along with Islamophobia, homophobia, transphobia, sexism and wider racism. Activities included acting as a watchdog body for hate speech during Irish local and national elections. The project also trained and worked with Youth Ambassadors who delivered workshops in schools, universities and youth groups and who kept a strong presence on social media, designed to be a counter voice to online hate speech. NYCI will continue to coordinate the campaign into the future as long as the Youth Ambassadors are keen to continue.

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<sup>14</sup> Department of Justice and Equality, *The Migrant Integration Strategy*, 33.

<sup>15</sup> See Aisling Twomey, ‘A Civil Society Perspective on Anti-Traveller and Anti-Roma Hate: Connecting Online to On the Street’ in Haynes et al, *Critical Perspectives on Hate Crime*, p 355-366.

<sup>16</sup> Schweppe and Walsh assert that the requirement that an individual is incited to hate ‘is no easy task to prove in the context of the World Wide Web.’ And argue that ‘... in order to comply with best international practice and standards, it is recommended that Ireland sign and ratify the [Additional Protocol to the Convention on Cybercrime, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems]...’

<sup>17</sup> This was posted on the Facebook page of Pavee Point Traveller and Roma Centre in 2017.

<sup>18</sup> “The Anti-Racism Election Protocol for Political Parties in Ireland” developed by the NCCRI in 2001 is an exemplar of positive initiatives in support of anti-racist politics and demonstrates that Ireland can exhibit forward thinking in such developments.

<sup>19</sup> Amanda Haynes, Martin Power and Eoin Devereux, *How Irish Politicians Construct Transnational EU Migrants* (Limerick: Doras Luimni, 2010).

<sup>20</sup> RSM, *Review of Funding for Traveller-Specific Accommodation*, 6.

## Analysing and forming narratives and attitudes towards Roma

Attitudes towards Travellers and Roma remain very negative among the general public. In a national survey, 31% of the general population expressed a negative view of Irish Travellers.<sup>21</sup> 91% would not want a Traveller or Roma marrying into their family; 75% would not accept a Traveller or Roma as a colleague; 35% would avoid Travellers and 37% would avoid Roma.<sup>22</sup> 26% said they thought it was acceptable that Irish Travellers would be refused from pubs, shops and restaurants.<sup>23</sup> 81.1% of respondents in the National Roma Needs Assessment reported having felt discriminated against in the street or a public setting. For many, this was experienced through verbal abuse and racist taunts, including being shouted at and told to "Go back to your own country". A woman aged 43 explained: "It is bad. People discriminate when we wear our clothes."<sup>24</sup> In particular, women's testimonies about experiencing discrimination based on their clothing were prevalent, with some women changing their dress to avoid discrimination.

In the absence of a National Action Plan Against Racism and/or core funding dedicated to anti-racism initiatives by the State, Traveller organisations have undertaken a number of initiatives to challenge negative stereotypes with financial assistance from the Department of Justice and Equality, the US embassy and philanthropic organisations. Initiatives in 2017 included, the National Traveller Pride Awards, Traveller Pride Week (Department of Justice and Equality - DJE), Holocaust Memorial Day (US Embassy and DJE), International Traveller and Roma Day (US Embassy).<sup>25</sup> There has not been a concerted effort to mainstream and/or sustain all of these initiatives. These initiatives should be enhanced with increased sustained funding and visibility.

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<sup>21</sup> Behaviour and Attitudes, 'Traveller Community National Survey', 99.

<sup>22</sup> *Ibid*, 105.

<sup>23</sup> *Ibid*, 102.

<sup>24</sup> Pavee Point Traveller and Roma Centre & Department of Justice and Equality, *Roma Needs Assessment*, 55.

<sup>25</sup> For example, for Holocaust Memorial day, Pavee Point Traveller and Roma Centre organised a commemorative seminar at the Lord Mayor's residence. The event was opened by First Lady of Ireland, Mrs. Sabina Higgins and addressed by Professor Ethel Brooks, Romani activist, U.S. Holocaust Memorial Council member; Gabi Muntean, Community Worker, Pavee Point; and Lynn Jackson, Founding Trustee, Holocaust Education Trust Ireland. In a moving tribute to the estimated 500,000 Roma and Sinti who were murdered in the Holocaust, young Roma leaders read out testimonies of Holocaust survivors and their families and Travellers, Roma and the wider community gathered to pay respects.

## RECOMMENDATIONS

### Governance and overall policy framework

- Develop impact indicators, clear budget lines, timelines and a rigorous monitoring and evaluation framework to implement Ireland's National Traveller and Roma Inclusion Strategy – each relevant Department that has actions in the NTRIS should undertake this action as part of developing its implementation plan.
- Address gaps in the strategy in 2018, in particular the lack of any accommodation actions relating to Roma.
- Introduce a standardised ethnic identifier using the human rights framework in routine administrative systems and in the Census.
- Ensure sustained funding for Traveller and Roma organisations to promote the empowerment of Travellers and Roma – which will enhance national and local policy development, implementation and accountability.

### Anti-discrimination

- Investigate and collect data on the use of limited timetables to ensure they are not disproportionately applied to Traveller students, and that where they are being applied, that it is being done so in the best interest of the child.
- Develop new housing (Traveller accommodation) legislation, which will include sanctions for local authorities who do not meet their obligations and that will remove the Housing (Miscellaneous Provisions) Act.
- Adopt special and targeted measures to mitigate the disproportionate impact of the Free Movement Directive on Roma.

### Addressing antigypsyism

- Address Traveller and Roma racism through a new National Action Plan Against Racism, with a clear focus on Traveller and Roma women and measures to address online hate speech.
- Ensure that the particular experiences of Roma are considered in the review and development of effective hate crime legislation.

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