



PAVEE POINT
TRAVELLER AND ROMA CENTRE

Pavee Point Traveller and Roma Centre Statement – 18 September 2017

2017 Human Dimension Implementation Meeting

Working session 10: Tolerance and non-discrimination I

Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti

Pavee Point is a non-government organisation committed to the attainment of human rights for Irish Travellers and Roma. The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma through working for social justice, solidarity, socio-economic development, gender equality and human rights. Our vision is for Travellers and Roma to be fully recognised and respected as minority ethnic groups who are proud and confident in their cultural identity and exercising their human rights

Pavee Point Traveller and Roma Centre welcomes the opportunity to contribute to the Human Dimension Implementation Meeting this year and we note that this is the first year that Travellers have been recognised by the Irish Government as a minority ethnic group. The 1st March 2017 was a historic and momentous day for the Irish Traveller community and for equality in Ireland, when the leader of our country stated “Our Traveller Community is an integral part of our society for over a millennium, with their own distinct identity – a people within our people (...) As Taoiseach I wish to now formally recognise Travellers as a distinct ethnic group within the Irish nation. It is a historic day for our Travellers and a proud day for Ireland.” **In keeping with this recognition we urge that Travellers are also given visibility in the language being used by the OSCE and that reference is explicitly made to Roma, Sinti and Travellers.**

This is a time when Traveller and Roma rights remain unrealised in many areas. The inequality experienced by Travellers and Roma persists across health, accommodation, education, employment, social protection, violence against women, drug and alcohol issues, and inclusion in decision making. We will highlight four overarching areas that need action.

1. National Traveller Roma Inclusion Strategy

In June 2017, the Government launched its second National Traveller and Roma Inclusion Strategy, 2017 - 2021 (NTRIS) following consultation with members of the communities and other key stakeholders. The NTRIS provides a much needed roadmap for Traveller and Roma inclusion and outlines positive commitments across statutory departments and agencies. This was a key achievement as the original National Traveller Roma Integration Strategy that was submitted to the European Commission in January 2012 lacked substance, goals, targets, funding mechanisms and did not involve Travellers and Roma civil society in its development.

Pavee Point Traveller and Roma Centre welcomes the Irish National Traveller Roma Inclusion Strategy, 2017 – 2021. In principle the document contains very positive actions. However, Ireland still needs to apply clear budget lines, timelines, indicators and a rigorous monitoring and evaluation framework to this strategy. Ireland has previously been criticised for its lack of monitoring and impact indicators. The European Commission states that “Monitoring and reporting should be improved. An evidence-based and clear action plan with impact indicators should be implemented.”¹ A robust monitoring and evaluation structure which includes indicators must be developed to ensure the success of the strategy. In addition, there are major gaps in the document that should be addressed. Despite the poor accommodation situation of many Roma, there is not one action to address Roma accommodation in the strategy.

In relation to the implementation of the Action Plan on Improving the Situation of Roma and Sinti (and Travellers) within the OSCE area, we would like to emphasise the action of “co-operation with other intergovernmental organisations”. We recommend that the OSCE works with the European Commission to consistently ensure close scrutiny of the content of Roma strategies and States’ adherence to the criteria as set out by the Commission and the Council of the European Union, in the the EU Framework for National Roma Integration Strategies up to 2020, the Council Recommendation on Effective Roma integration measures in the Member States (2013) and the 10 Common Basic Principles on Roma Inclusion.

We call on member states to implement National Roma Strategies according to the standards outlined by the Council of the European Union and the European Commission and for the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to support member states and to work with the European Commission in ensuring that this happens.

2. The impact of austerity measures

The UNCRC, CESCR and European Commission have raised serious concerns at the significant increase in the number of children living in consistent poverty as result of austerity measures, particularly in jobless households and Traveller and Roma communities.² In November 2016 the Council of Europe Commissioner for Human Rights expressed deep concerns at the persisting social exclusion and discrimination experienced by Travellers. He noted that Travellers have been affected in a gravely disproportionate manner by budget cuts during austerity and called for urgent re-investment in the community. The poor outcomes for Travellers and Roma across policy areas can be seen in two recent submissions to the UN Committee on the Rights of the Child and the UN Committee on the Elimination of Discrimination Against Women.³

Accommodation

At this current time, Ireland is experiencing the highest rates of homelessness since administrative records began. The housing and homelessness crisis has failed to capture the nature and scale of the

¹ Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on Effective Roma integration measures in the Member States 2016 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. http://ec.europa.eu/justice/discrimination/files/roma-report-2016_en.pdf

² UNCRC, 2016; UNCESCR, 2015; Daly, M., Investing in Children: Breaking the Cycle of Disadvantage - A Study of National Policies, Country Report – Ireland, European Commission, 2014.

³ <http://www.paveepoint.ie/document/pavee-point-shadow-report-for-uncrc-on-traveller-and-roma-children/> & <http://www.paveepoint.ie/document/pavee-point-ntwf-joint-shadow-report-to-cedaw-committee/>

accommodation and housing crisis experienced by Travellers and Roma, with Travellers and Roma having been completely excluded from national responses to the housing and homelessness crisis.

Traveller accommodation budgets were subjected to drastic budget cuts in 2008-2013 (-90%) with significant amounts of the allocated budgets remaining underspent (-36%).⁴ The majority of Local Authorities have consistently failed to meet their targets and provide adequate and culturally appropriate accommodation for Travellers. The National Traveller Accommodation Consultative Committee (NTACC) and Local Traveller Accommodation Consultative Committees (LTACCs) remain purely advisory bodies with no mandate to compel Local Authorities to comply with their obligations. A tragic fire on a Traveller site in Carrickmines in 2015 saw the loss of 10 Traveller lives. The event has since spiralled further Traveller evictions by Local Authorities across the country, undertaken under the guise of health and safety concerns.

Roma are living in severely overcrowded conditions and in unsafe abandoned buildings. A forthcoming study by Pavee Point Traveller and Roma Centre and the Department of Justice and Equality shows that there is a vulnerable group of Roma living with a lack of light, heat, water and cooking facilities. In this study 12.4% of respondents did not have a kitchen. 9.6% did not have a cooker and 13.5% did not have a fridge.

We call on funding to be invested in Roma and Traveller initiatives in Ireland and for a re-investment in Traveller accommodation. We strongly state that an economic recession does not negate human rights obligations and call on the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to emphasise this with member states.

3. Ethnic Equality Monitoring

There is a significant gap in reliable and comprehensive data on the socioeconomic situation and needs of Travellers and Roma due to lack of data disaggregated by ethnicity. Lack of disaggregated data by ethnicity results in failure to provide an evidence base of the situation of Travellers and Roma, and in failure to undertake comprehensive human rights and equality proofing of State policies, budgets and programming. Concerns at the lack of disaggregated data in formulating and monitoring policy and programming have been raised by UN bodies, including CEDAW, CRC and CESC.

Progress has been made with Central Statistics Office, which has included Travellers as an administrative category since Census 2006, but Roma are still omitted. Pavee Point welcomes the State's introduction of an ethnic identifier schools. The State has also commissioned two significant pieces of research: the first National Roma Needs Assessment (forthcoming in 2017) and All Ireland Traveller Health Study (AITHS, 2010). However, data from the AITHS has largely been met with inaction by the State, and despite the evidence, no action plan has been introduced by the Department of Health to address the stark findings.

We call on Ireland to introduce an ethnic identifier across all administrative systems in order to develop responsive and adequate inclusion policies, and to monitor and assess their impact on Travellers and Roma. The application of an ethnic identifier needs to take place within a human rights framework. We call on the ODIHR to urge Ireland to ensure ethnic equality monitoring within a human rights framework.

⁴Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*, Dublin, Pavee Point Publications, 2013.

4. European Directive 2004/38

We would like to highlight the negative impact that European Directive 2004/38 has on many Roma who have migrated. As noted by the former Commissioner for Human Rights of the Council of Europe, the agreed Directives within the EU do not support Roma rights in reality. In practice, the “Free Movement Directive’ impacts differently on Roma than on other EU citizens. It provides that every EU citizen has the right to reside in any EU member State for a period of three months without any other requirement than a valid passport. For longer periods of stay, however, the person concerned must prove that s/he is not a burden to the host State, through either employment or adequate financial resources. A majority of Roma cannot fulfil this requirement.”⁵

Case studies and reports from Roma in Ireland indicate that this is an example of institutional and intersectional discrimination and is having a negative impact on particular groups at the intersections of ethnicity, class and gender.⁶ This reality articulated by Thomas Hammarberg means there are major human rights implications for Roma migrants who are living in poverty and not accessing public services. Member states can assert that they are simply enacting a European Directive and so this needs to be addressed from a human rights perspective at the European level.

We call on the ODIHR to urge the European Union to consider how Roma and Travellers can have free movement in EU and have their human rights realised; taking into account the particularities of their experiences and the impact of anti-Gypsyism over generations.

Recommendations:

OSCE

- We urge that Travellers are also given visibility in the language being used by the OSCE and that reference is explicitly made to Roma, Sinti and Travellers.
- We call on member states to implement National Roma Strategies according to the standards outlined by the Council of the European Union and the European Commission and for the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to support member states and to work with the European Commission in ensuring that this happens.
- We strongly state that an economic recession does not negate human rights obligations and call on the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to emphasise this with member states.
- We call on Ireland to introduce an ethnic identifier across all administrative systems in order to develop responsive and adequate inclusion policies, and to monitor and assess their impact on Travellers and Roma. The application of an ethnic identifier needs to take place within a human rights framework. We call on the ODIHR to urge Ireland to ensure ethnic equality monitoring takes place within a human rights framework.
- We call on the ODIHR to urge the European Union to consider how Roma and Travellers can have free movement in EU and have their human rights realised; taking into account the particularities of their experiences and the impact of anti-Gypsyism over generations.

⁵ Hammarberg T (Council of Europe Commissioner for Human Rights) (2010) European Migration Policies Discriminate against Roma People.

⁶ Pavee Point Traveller and Roma Centre & Department of Justice and Equality (2017) Roma in Ireland – A National Needs Assessment.

Member States

- We call on member states to implement National Roma Strategies according to the standards outlined by the Council of the European Union and the European Commission and for the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to support member states and to work with the European Commission in ensuring that this happens.

Ireland

- We call on Ireland to implement National Roma Strategies according to the standards outlined by the Council of the European Union and the European Commission, and to apply clear budget lines, timelines, indicators and a rigorous monitoring and evaluation framework to the National Traveller Roma Inclusion Strategy 2017 – 2021.
- We call on funding to be invested in Roma and Traveller initiatives in Ireland and for a re-investment in Traveller accommodation.
- We call on Ireland to introduce an ethnic identifier across all administrative systems in order to develop responsive and adequate inclusion policies, and to monitor and assess their impact on Travellers and Roma. The application of an ethnic identifier needs to take place within a human rights framework. We call on the ODIHR to urge Ireland to ensure ethnic equality monitoring within a human rights framework.

For more information contact siobhan.curran@pavee.ie