



**Pavee Point Traveller and Roma Centre** is a national non-governmental organisation committed to the attainment of human rights for Irish Travellers and Roma in Ireland since 1985. The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma by working for social justice, solidarity and human rights.

## **OSCE Human Dimension Implementation Meeting 1 October, 2015 - Working session 16: Tolerance and non-discrimination including: Roma and Sinti issues**

Pavee Point Traveller and Roma Centre welcomes the opportunity to examine compliance with human dimension commitments in Ireland and draw recommendations for the Irish State, participating States and the OSCE ODIHR on combatting anti-Roma and Traveller discrimination and intolerance. The submission draws from research, empirical evidence and ongoing consultation with Traveller and Roma communities, and calls for recommendations by international, European and national human rights monitoring bodies.

### **Subjects of Concern and Recommendations**

#### **1. Recognition of Traveller Ethnicity**

Despite recommendations by numerous UN treaty monitoring bodies,<sup>1</sup> European institutions,<sup>2</sup> and Irish equality and human rights bodies,<sup>3</sup> the Irish State continues not to recognise Irish Travellers a minority ethnic group. The denial of ethnicity allows for the denial of lived experiences of anti-Traveller discrimination and racism, and contributes to the exclusion of Travellers as an ethnic group from anti-racism and discrimination legislation and intercultural initiatives.

In 2014, the Joint Oireachtas Committee on Justice, Defence and Equality recommended for the government to affirm the recognition of Traveller ethnicity.<sup>4</sup> In November 2014, Minister of State for Equality, New Communities and Culture has made a commitment that this recognition would become a 'reality'.<sup>5</sup>

<sup>1</sup> CESCR, *Concluding observations on the third periodic report of Ireland*, E/C.12/IRL/CO/3, 19 June 2015; CERD, *C/IRL/CO/2*, 2005; CERD, *Concluding observations of the Committee on the Elimination of Racial Discrimination*, CERD/C/IRL/CO/3-4, 10 March 2011; CEDAW, *Concluding Comments: Ireland*, CEDAW/C/IRL/CO/4-5, 22 July 2005; CRC, *List of issues in relation to the combined third and fourth periodic reports of Ireland*, CRC/C/IRL/Q/3-4, 2015; HRC, *Concluding observations on the fourth periodic report of Ireland*, 2014.

<sup>2</sup> European Commission against Racism and Intolerance, *Second Report on Ireland Adopted on 22 June 2001*, Strasbourg, Council of Europe, CRI (2002) 3; Advisory Committee on the Framework Convention for the Protection of National Minorities, *Third Opinion on Ireland adopted on 10 October 2012*, ACFC/OP/III(2012)006, Strasbourg, Council of Europe.

<sup>3</sup> Irish Human Rights Commission, *Submission to the UN Human Rights Committee on Ireland's Fourth Periodic Report under the ICCPR – List of Issues Stage*, 2013; Irish Human Rights Commission, *Presentation by Irish Human Rights Commission to Oireachtas Joint Committee on Justice, Defence and Equality 13 November 2013 Recognition of Traveller Ethnicity*, 2013; The Equality Authority, *Traveller Ethnicity: An Equality Authority Report*, 2006.

<sup>4</sup> Houses of the Oireachtas Joint Committee on Justice, Defence and Equality, *Report on the Recognition of Traveller Ethnicity*, 2014.

<sup>5</sup> Holland, K., 'Traveller ethnicity will be reality in six months, says Ó Riordáin', *Irish Times*, 19 November 2014.

**We recommend the Irish State to:**

- Recognise Travellers as a minority ethnic group as a matter of urgency and include Travellers in anti-racism and discrimination legislation and intercultural initiatives

**We recommend the OSCE ODIHR to:**

- Apply pressure on the Irish State to give legal recognition to Travellers as a minority ethnic group
- Explicitly name Travellers as a target group in all OSCE Roma related actions

## **2. Disaggregated Data**

The continuous failure to disaggregate data by ethnicity prevents regular assessment of the situation of Roma and Travellers in Ireland. While there is no official data on Roma, data for Travellers unveil that 84.3% are unemployed; 55% of children have completed formal education by the age of 15; 1 in 3 Traveller households have no sewerage facilities;<sup>6</sup> and suicide rate among Traveller men is 6.6 times higher than in the general population.<sup>7</sup>

Pavee Point welcomed the State's introduction of an ethnic identifier at primary level education in 2014 and would urge it to expedite this at post primary level. Currently, at post primary level, only Traveller students are required to identify their ethnicity. This is discriminatory and stands in direct contravention of human rights principles.

**We recommend the Irish State to:**

- Introduce an ethnic identifier across all administrative systems in line with human rights framework to develop responsive, adequate and non-discriminatory policies, and monitor and assess their impact on Travellers and Roma

**We recommend the OSCE ODIHR to:**

- Actively promote public duty in participating States to disaggregate data by ethnicity and develop initiatives to ensure participating States undertake such data collection in line with human rights standards and principles

## **3. Austerity measures**

The recent economic crisis prompted a disproportionate disinvestment in public expenditure and Traveller infrastructure under the guise of austerity. The scale of the cuts to programmes impacting Travellers becomes apparent by using government figures: interagency activities -100%; Traveller education -86.6%; accommodation -85%; equality -76.3%; national Traveller organisations -63.6%; employment initiatives -50%; SPY youth projects -29.8%.<sup>8</sup>

The measures have had an adverse and disproportionate effect on Travellers and Roma. UNICEF and European Commission have noted the disproportionate negative impact of the

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<sup>6</sup> Central Statistics Office, *Census 2011 Profile 7- Religion, Ethnicity and Irish Travellers*, 2011.

<sup>7</sup> Kelleher et al., *Our Geels - All Ireland Traveller Health Study*, University College Dublin & Department of Health & Children, 2010.

<sup>8</sup> Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*, Dublin, Pavee Point, 2013.

recession on ethnic minority children.<sup>9</sup> The Committee on Economic, Social and Cultural Rights has raised concerns about the failure by the State to undertake a comprehensive human rights impact assessment of the austerity measures.<sup>10</sup>

The cuts have severely compromised the capacity of community development programming, which plays a crucial role in empowering Travellers and Roma to play a full and equal part in Irish society. This has curtailed the ability of Traveller and Roma organisations to engage in advocating for Traveller and Roma rights and draw upon and actively contribute to the implementation of the OSCE's Roma Action Plan's provisions.

**We recommend the Irish State to:**

- Base all budgetary decisions on comprehensive human rights impact assessment so that such measures do not result in increased inequalities and discrimination
- Ensure funding is reinstated and increased for national and local Traveller/Roma organisations to undertake autonomous community development work

**We recommend the OSCE ODIHR to:**

- Develop and support the capacity of participating States in instituting human rights impact assessments in their policy-making processes
- Endorse the work of national Traveller/Roma organisations and promote community development as an effective approach to address the marginalisation and exclusion of Travellers/Roma

#### **4. Framework for Roma and Traveller Inclusion**

Contrary to the Ministerial Council Decision No. 6/08 for the participating States to increase efforts to ensure meaningful participation of Roma in policy-making and political life, the Committee on Economic, Social and Cultural Rights has raised concerns at the lack of meaningful consultation by the Irish State with civil society in developing and implementing policies and legislation relating to Travellers and Roma.<sup>11</sup> Ireland's current National Traveller Roma Integration Strategy contains no goals, targets, indicators, timeframes, or funding, monitoring and evaluation mechanisms.<sup>12</sup> It has also been developed without active consultation and participation of Travellers and Roma, contains little reference to Roma, and no reference to gendered needs of Traveller and Roma women.<sup>13</sup>

The European Commission's 2012 assessment of the Strategy has deemed Ireland to have met only four out of 22 criteria, and in 2014 raised serious concerns about the lack of targets, detail, consultation and funding mechanisms.<sup>14</sup> Pavee Point welcomes the establishment of the recent National Traveller Roma Inclusion Steering Group to revise the Strategy.

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<sup>9</sup>Fanjul, G., *Children of the Recession: The impact of the economic crisis on child well-being in rich countries*, Innocenti Report Card 12, Florence, UNICEF Office of Research, 2014; Daly, M., *Investing in Children: Breaking the Cycle of Disadvantage - A Study of National Policies, Country Report – Ireland*, European Commission, 2014.

<sup>10</sup> CESCR, 2015.

<sup>11</sup> *Ibid.*

<sup>12</sup> Department of Justice and Equality, *Ireland's National Traveller/Roma Integration Strategy*, 2011.

<sup>13</sup> Pavee Point, *Submission to the EU Commission on Ireland's National Traveller Roma Inclusion Strategy*, 2015.

<sup>14</sup> European Commission, *The Commission's Assessment of Ireland's National Strategy*, 2012; European Commission, *The Commission's Assessment of Ireland's National Strategy*, 2014.

**We recommend the Irish State to:**

- Develop a progressive Traveller Roma Integration Strategy with clear goals, indicators, timeframes and budget through meaningful consultation with Traveller and Roma representative organisations
- Integrate strong goals to promote the inclusion of Traveller and Roma women and youth
- Introduce an independent institutional mechanism to monitor and drive the implementation of the Strategy

**We recommend the OSCE ODIHR to:**

- Support the European Union institutions to maximise the potential of the EU Framework for National Roma Integration Strategies up to 2020

## **5. Social Security**

The right to reside and habitual residence condition (HRC) continue to act as major obstacles for Roma and Travellers to access social protection in Ireland leaving many families and children living in poverty and destitution. Roma often face a number of additional difficulties in satisfying the HRC criteria, including being subjected to discriminatory behaviour, verbal abuse and racist comments by officials; significant delays with processing applications; and demands for unnecessary documentation.<sup>15</sup> Concerns about the discriminatory effect of the HRC on Travellers, Roma and victims of domestic violence have been raised by the Special Rapporteur on extreme poverty and human rights,<sup>16</sup> European Commission against Racism and Intolerance,<sup>17</sup> Committee on the Rights of the Child,<sup>18</sup> Human Rights Committee,<sup>19</sup> and Committee on Economic, Social and Cultural Rights.<sup>20</sup>

**We recommend the Irish State to:**

- Undertake impact assessment of the HRC based on gender and ethnicity to eliminate its discriminatory impact on disadvantaged individuals and groups
- Introduce an exemption in the HRC for women affected by gender-based violence to ensure all women have equal access to safety and protection
- Ensure consistent and transparent application of the HRC criteria by providing clear guidelines and training to relevant officials, including anti-racism and discrimination training

**We recommend the OSCE ODIHR to:**

- Apply pressure on participant States to amend any policy or legislation, which discriminates against minority ethnic groups and victims of gender-based violence
- Undertake an assessment of the criteria and implementation of the right to reside in the EU and its impact on Travellers and Roma

<sup>15</sup> Nasc, *In from the Margins- Roma in Ireland: Addressing the Structural Discrimination of the Roma Community in Ireland*, Nasc, 2013; Pohjolainen, L., *Violence against Roma Women: 9 Principles to Human Rights-based and Gender-responsive Approach to Protection*, Pavee Point, forthcoming in 2015.

<sup>16</sup> UNGA, *Report of the Special Rapporteur on extreme poverty and human rights*, Magdalena Sepúlveda Carmona, A/HRC/20/25, 2012, Para 102.

<sup>17</sup> European Commission against Racism and Intolerance, *ECRI Report on Ireland Fourth Monitoring Cycle*, CRI (2013)1, 2013, Para 130.

<sup>18</sup> CRC, 2015.

<sup>19</sup> HRC, 2014.

<sup>20</sup> CESCR, 2015.

## 6. Discrimination and Racism

Due to intersectional forms of discrimination Traveller and Roma women face further barriers to enjoying human rights both within and outside their communities. Pavee Point welcomes the increased focus of the OSCE ODIHR to address gender discrimination and inequality experienced by Roma and Traveller women. However, there remains an urgent need to address the gendered needs of women, particularly in relation to gender-based violence and early marriage, through socioeconomic and political inclusion and targeted and adequately resourced community development initiatives.

Travellers and Roma experience racism at individual and institutional levels with anti-Traveller and Roma sentiments being expressed by political representatives, high ranking public officials, and the media.<sup>21</sup> Events in 2013, where two Roma children were removed into state care on grounds of having fair skin and hair, have indicated practices of racial profiling.<sup>22</sup> In October 2014, a Traveller mother discovered that her two children aged four and five were recorded and given criminal tag numbers in a computer system used by Ireland's National Police Service.<sup>23</sup> Up to 40 other Traveller families were allegedly also entered in the system, including a baby of 16 days old.

The reticence to identify and monitor discrimination by the State is exemplified by the non-renewal of the National Action Plan Against Racism (2005-2008). This Action Plan was referenced as part of Ireland's commitment to human rights as a member of the Human Rights Council in 2012 but yet has not been renewed.

### **We recommend the Irish State to:**

- Resource initiatives to support national and local Traveller/Roma organisations to work towards greater empowerment, participation and inclusion of Roma and Travellers. Specifically target Traveller and Roma women and youth with a specific focus on gender equality, gender-based violence and early marriage
- Renew/introduce a new National Action Plan against Racism with strong civil society involvement in its development and implementation

### **We recommend the OSCE ODIHR to:**

- Reinforce initiatives whereby Traveller and Roma women and youth are resourced to become leaders in issues affecting their communities
- Prioritise the elimination of gender-based violence and early marriage within Traveller and Roma communities
- Show leadership and innovation in the prevention of gender inequality and gender-based violence by developing initiatives which not only target women but men and young people

<sup>21</sup> For instance, see O'Doherty, I., 'Begging? But I thought it was freedom of expression?', *Independent*, 1 October 2013; Bohan, C., 'Calls for judge to resign over 'Neanderthal' comment on Travellers', *The Journal*, 12 Sep 2012.

<sup>22</sup> Ombudsman for Children, *Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order 2013, 2014*, <http://specialinquiry.ie/wp-content/uploads/2014/06/Special-Inquiry-July-2014.pdf>.

<sup>23</sup> PULSE stands for Police Using Leading Systems Effectively