



Submission to the Department of Children,  
Equality, Disability, Integration and Youth  
on Ireland's third National Report under  
the United Nations Universal Periodic  
Review.

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March 2021

## Introduction

The Irish Traveller Movement welcome the Department's consideration on matters related to Ireland's third National Report under the United Nations Universal Periodic Review and set forth a submission here based on long term expertise in Traveller equality. Founded in 1990, the Irish Traveller Movement is the national advocacy and membership platform and brings together Travellers and representative organisations to develop collective solutions on issues faced by the community to achieve greater equality for Travellers. We represent Traveller interests in national governmental, international and human rights settings. We challenge racism- individual, cultural and structural- which Travellers face and promote integration and equality.

The replies outlined in this submission, arise from Ireland's last report to the UPR on the following recommendations: **135.103, 135.126, 135.144 ,135.146 ,135.147, 136.83**

### Health status

- Traveller women live on average 11.5 years less than women in the general population and
- Traveller men 15 years less
- Deaths among Traveller infants is estimated at 14.1 for every 1,000 live births compared to 3.9 for every 1,000 live births among the general population.
- Suicide is six times the national rate for Travellers<sup>(1)</sup>

### Accommodation status

- Over 2,000 families are living in inadequate, unsafe and impermanent conditions in shared and overcrowded accommodation or on roadsides. Traveller Accommodation Programmes show a current need to supply nationally for 2,871 families.<sup>(2)</sup>
- Approximately 60% of Travellers are under 25 and 31% of 15-29-years olds are married versus 5.8% nationally.<sup>(3)</sup>
- In May 2017 (last available) 10% of families in emergency accommodation were Travellers<sup>(2)</sup>

### Education status

- In 2016 only 13% of Travellers versus 92% non-Travellers completed senior cycle at second level<sup>(3)</sup>
- 2019 enrolment shows a total nationally in primary and post primary education of 11,397 pupils, 4,136 girls and 4,169 boys in primary and 1,610 girls and 1,482 boys in post-primary<sup>(4)</sup>
- In 2017 only 8% of working-age Travellers compared to 73% of non-Travellers had reached leaving certificate at second level.<sup>(5)</sup>
- 57% of Traveller boys had only primary-education compared to 13% nationally<sup>(3)</sup>
- 13% of female Traveller females were educated to upper secondary or above compared with 69.1% of the general population<sup>(3)</sup>.

### Employment status

- 80% of Travellers eligible for work were unemployed in 2016 and participation rates of Travellers aged 15 – 24 were 55.9% compared to 32.5% for the general population in that age group.<sup>(3)</sup>

### Policing and detention

- 70% of Travellers felt discriminated against by the Gardaí<sup>(7)</sup>
- In 2019 Travellers accounted for 19% of children in Oberstown Children Detention Campus. By comparison, Travellers account for just over 1% of the population aged 12 to 18.<sup>(6)</sup>

### Discrimination

- 53% of Travellers had experienced discrimination in licensed premises from pub staff, 51% from hotel staff and 43% from staff of discos/clubs.<sup>(7)</sup>
- Ireland had the second highest rate of reported discrimination within EU countries surveyed - 68 % of men and 62% of women and 46% of respondents stating they would feel "uncomfortable with Roma and Travellers as neighbours."<sup>(8)</sup>
- 4 out of 10 Travellers said they or their children had been bullied in school because of their identity.<sup>(7)</sup>
- Of a national representation sample of non-Travellers only 17% they would employ a Traveller<sup>(7)</sup> and (IHREC) found "Travellers are ten times more likely than White Irish to experience discrimination seeking work<sup>(9)</sup>.

## **Rec.135.103 Renew the national plan of action against racism or elaborate a new one, always in collaboration with civil society**

1. The establishment of the Anti-Racism Committee (ARC) with Traveller representation included, proposed Action Plan on Racism and plans to bring forward Hate Crime legislation are welcome.
2. Concerns continue about Section 19 of the Intoxicating Liquor Act 2003.
  - 2.(a) Travellers have no legal representation in taking a case to the Work Place Relations Commission (WRC). Cases appealed under the Equal Status Act from the (WRC) are heard at the District Court where legal representation is required at a cost.
  - 2.(b) Under the Legal Aid scheme Travellers have no recourse when served with eviction notices due to restrictions under s.28 (9) of the Civil Legal Aid Act 1995. Cannot take claims of discrimination under the Equal Status Acts, access to services, housing, accommodation and education and no legal aid available for social welfare appeals, or appeals in relation to supplementary welfare allowance, as well as in employment cases.
3. Comprehensively planning services and delivering on NTRIS actions is impeded by a lack of appropriate data. According to the last available data 2019 <sup>(1)</sup> there were 10,809 families across 31 local authorities. But assessing Traveller accommodation needs is undertaken by differing approaches across councils with some counting families and other households <sup>(2)</sup>. Census 2016 uses Traveller family size ratio as 4.2 and households 5.3. The lack of accurate data is problematic especially as population growth has not been adequately catered for worsening the crisis in accommodation and underestimating need in other areas.

### **Recommendations**

#### **Legal protections**

- ▶ Repeal section 19 of the Intoxicating Liquor Act 2003 to allow for complaints of discrimination, including in licensed premises to be dealt with by the WPRC.
- ▶ Expand Legal Aid Board to include provision of legal aid, advice and representation where required at the Work Place Relations Commission, the Rental Tenancies Board etc. and other areas not covered by the Civil Legal Aid Act 1995.

#### **Racial discrimination**

- ▶ Name Travellers for specific protection in the proposed Hate Crime legislation and inclusion in proposed National Anti-Racism Strategy and underpin by resourcing and robust monitoring of implementation cross sectoral.

#### **Policy responses**

- ▶ Roll out Ethnic Equality Monitoring, including recording ethnicity in all routine administrative data sets and implementation of the Traveller accommodation audit proposed in the Expert Report on Traveller accommodation, in conjunction with Traveller stakeholders and conduct a national Traveller community population study.

## **Recommendation (135.126) Continue its efforts, at national and international levels, towards the protection and promotion of the civil society space**

4. To date there have been 1,185 (2% of total caseload) Travellers supported through the Social Inclusion Programmes 55 got a job, and 42 set up their own business. In 2019 681 Travellers were supported, 33 progressed into employment.
  - 4.(a) There is an unexpected lower rate of referral of Travellers by the Department of Employment Affairs and Social Protection to the SICAPs, 12% vs 29% of other users and there is greater ambition needed throughout

the programmes for promotion to Travellers. It is noted that Local Development Companies are taking long-term and collaborative approaches with other agencies to build relationships with the Traveller community.

## **Recommendations**

- ▶ Employment and training support organisations should ensure Travellers are aware of self-employment and social enterprise opportunities and engage wider Traveller organisation consultation.
- ▶ More engagement by DEASP and increased awareness and intercultural training would support aims.

## **Recommendation (135.144) Continue to strengthen the basic rights and non-discrimination of the Roma and Travellers**

### **Recognition of Travellers as a distinct ethnic group and Adoption of the National Traveller and Roma Inclusion Strategy (2017-2021)**

5. Long campaigned for State recognition of Traveller ethnicity was a symbolic moment for Travellers and in Ireland's history. Traveller organisations welcomed enhanced engagement and dialogue with the Department of Justice central to the national Traveller and Roma inclusion strategy. Despite good intent, progress made within the Strategy has been slower than anticipated, with only incremental changes in the time since and little change for many Travellers since 2017.

5.(b) With renewal due in 2021 there are concerns only 12 actions are complete, 10 to start and others ongoing at varying rates of achievement. The allocation of only €5 million in 2021 an additional €1 million from 2020<sup>(2)</sup> was welcomed but no specific allocations to deliver NTRIS actions which reduces expectations on the commitments of the strategy to demonstrate improvement in Traveller's everyday lives.

5.(c) Concerns on the Strategy include

- actions are dispersed across government departments, are without a central fund to deliver on them, and no central monitoring authority to oversee overall performance and delivery.
- no staff assigned within departments to oversee specific related actions in some areas.
- no adoption of ethnic equality monitoring across the actions, and pace of progress not benchmarked to key performance indicators

**(See recommendations 135.146)**

## **Recommendation (135.146) Activate the policies of integration of Travellers and Roma in all social, economic, cultural, political, educational and other spheres**

6. In 2020 National Traveller Organisations welcomed the commitments made in the Programme for Government but raised concerns in relation to the pace of current strategies.

6.(a) The monitoring committee to the NTRIS convened under the Department for Children, Equality, Disability, Integration and Youth Justice, and chaired by the Minister quarterly, involves a wide consultation of stakeholders. However, the current structure requires review, with currently too few meetings and limited reporting capability, rendering it an ineffective framework to adequately monitor progress and oversee overall performance and delivery.

### **7. Culture**

Deeper engagement on culture and heritage matters, taking account of work undertaken by the sector with national cultural institutions and authorities and a broader consultation on the body of work is needed with Traveller stakeholders, to determine their views on vital safeguarding elements.

### **8. Anti-Racism**

10% of all incidents of hate crime reported to iReport in 2019 <sup>(3)</sup> were made by Travellers who comprise just 0.7% of the population. The proposed hate crime legislation and introduction of the specific indicators in crime reporting by the policing body, An Garda Síochána are urgently required.

Despite alignment between the goals of the National Traveller and Roma Inclusion Strategy (NTRIS) and the Migrant Integration Strategy (MIS), the (MIS) does not include Travellers within targeted actions. The Irish Traveller Movement is hopeful that the new Anti-Racism Committee and action plan on Racism will leverage intersectional initiatives for all ethnic minorities and come into line with recommendation 13 of CERD <sup>(4)</sup> The delays on the government side to approve the interim report produced by the ARC remain.

## 9. Intersectionality

Despite engagement by Traveller and Traveller LGBT stakeholders with the Dept of Justice to seek supports towards progression of associated NTRIS actions, resources have not been adequate. Actions supported indicated in State replies have been disparate, limited in their reach, without a central focus and hard to measure engagement.

Approximately 60% of Travellers are under 25 and 23% of 15-24-year olds were married, compared to 1.2% nationally and 7% of female Travellers aged 15 – 19 had given birth to one or more children <sup>(Stats ref 3)</sup>. Traveller families are overrepresented among homelessness are mostly young and many children not by choice for them or their parents, have been born into a family where their home has no permanent electricity or heating.

Suicide was the cause of 11% of all Traveller deaths and most common in young Traveller men aged 15-25 and overall 6 times higher than the settled population <sup>(Stats ref 1)</sup>. There are few references to Traveller men within national policy and too few targeted interventions or supports. Traveller men's health and unemployment remains high, they are over represented within prisons and more likely to substance misuse. Perceived as hard to reach, current strategies are limited in their motivation.

There is a steep increase in deaths by suicide found anecdotally in last five years among Traveller women. 82% of Travellers reported having been affected by suicide, 4 in 10 in their wider family, 49% among local Travellers or neighbors and 38% among friends or colleagues. <sup>(Stats ref 7)</sup>.

## 10. Policing and Prisons

There is broad ambition in the Garda Diversity & Integration Strategy 2019-2021, but a focus on internal policing practice is needed and was highlighted in 2020 when a 2014 unpublished internal study by the Garda Ethnic Liaison Office <sup>(5)</sup> exposed high levels of negative attitudes towards Travellers by Gardai, in advance of taking up their positions and who remained negative as serving Gardaí. CERD <sup>(4)</sup> in its concluding observations, recommended a full implementation of the Strategy and measures to address Garda profiling undertaken. Consultation of the Traveller Advisory Steering Committee to the strategy was convened only twice in 2020.

## 11. Education

- a) Impacts from cuts to Traveller education supports in 2008 have taken more than a decade to erase, and little evidence of improvements in completion and retention rates since then.
- b) Educational disadvantage caused by Covid needs immediate redress and the impact on Travellers pupils in leaving cert year 2020 and for 2021 is unknown. Inequities in accessing broadband and digital supports are acknowledged by Government but Travellers were not named in support measures applied to vulnerable pupils.
- c) Assessment of the Pilot programme, which is estimated to reach 8% of Traveller children <sup>(6)</sup>, has not begun despite the half-way mark in most sites, information from which is critical to inform future policy decisions and actions.
- d) Only 50% of Travellers attend DEIS schools, and so half of all Traveller pupils cannot access supports such as Home School Community Liaisons and the School Excellence Fund.

- e) Data collection by the DES / schools at point of entry for Travellers is working and central to assessing levels of retention and enrolment but is too limited to alert and remedy essential obstacles. And accessing the information has been problematic since 2019.
- f) Application of the reduced timetable for Travellers is widespread and guidelines for schools have not been advanced in 2020 as planned. To be a deterrent to their misuse they require greater oversight in each local setting by an independent central body with responsibility such as TUSLA or School Inspectorate.
- g) Commitments to resources around Further and Higher education are welcome but retention in post primary must also be given a priority focus, which additional resources allocated to defeat early school leaving. The report of research commissioned by Government to establish a baseline of the experiences of Traveller and Roma in school, has not been published.
- h) Addressing interculturalism and anti-racism under action 20 of NTRIS at the Initial Teacher Training level is on track with a report of the Teaching Council due to be published. However, the module should be included also as mandatory to the Continued Professional development for all teachers, to address obstacles in current practice.

## **Recommendations**

### **NTRIS Monitoring and implementation**

- ▶ Strengthen the existing implementation and monitoring of NTRIS by adopting clear targets, indicators, outcomes, timeframes and budget lines. The renewal Strategy to be created in line with EU Framework for National Roma Integration Strategies and in consultation with Traveller stakeholders.

### **Culture safeguarding**

- ▶ Engage the community and Traveller organisations on the development of a Culture safeguarding plan, with ring-fenced budget and undertake wider consultation on NTRIS actions 3, 5 and 110.
- ▶ Make mandatory inclusion of Travellers within national and mainstream culture and heritage initiatives and social and cultural infrastructure.

### **Anti-racism**

- ▶ Publish the Interim Report of the Anti-Racism Committee (ARC) and expedite National Action Plan on Racism with resourcing and robust monitoring.

### **Intersectionality**

- ▶ Resource and implement a national Traveller LGBT plan to address intersectionality of T/R and LGBTQI+.
- ▶ LGBTQ+ Traveller and Roma should and need to be seen as equal stakeholders in state sponsored mainstream strategies and ensure they are inclusive and representative in their design and implementation.
- ▶ Repeal of Evictions legislation, given the specific impacts on Traveller children and across the those in homeless provision.
- ▶ Redress of local authority policy in relation to family size dwellings pro rata to Traveller size norm
- ▶ Prioritise the implementation of mental health specific recommendations contained within NTRIS.
- ▶ Take a focused approach on the needs of Traveller women, youth and LGBTQ+ people in response to the emerging crisis in suicide and prioritise a national at-risk audit and a national targeted suicide prevention campaign for Travellers
- ▶ A Traveller youth specific strategy is required with targeted measures and resources to enable young Traveller participation.
- ▶ Resource and implement a national Traveller gender equality plan that enable and support Traveller men and women with targeted measures and supports

### **Policing**

- ▶ Review, in collaboration with Travellers racial profiling, policy, practices and training of An Garda Síochána. Progress to completion NTRIS related actions and fully implement the Garda Diversity and Integration Strategy 2019-2021.

## Education

- ▶ Expedite the proposed education Strategy with dedicated staff and resources to coordinate implementation in full consultation with Traveller organisations.
- ▶ Implement robust data collection to “follow the child” in all school and education systems and link across related stakeholder junctions, disaggregate and publish this data and apply appropriate and ring-fenced supports, attached to the national strategy with outcomes-based indicators and tracking.
- ▶ Publish the interim findings of the government commissioned Baseline Report and renew the strategy according to these outcomes and of the Pilot assessment.
- ▶ Implement reduced timetable guidelines with a view to renew and provide for formal evaluation at the end of year one, and a report disaggregated by school. Ensure TUSLA have a role in the oversight and information compiled by schools and include an ethnic identifier.
- ▶ Ensure the continuation of work initiated toward curriculum inclusion of Traveller history and culture by the NCCA.
- ▶ Apply a mandatory requirement to the current anti-bullying guidelines and recommendations.

## 135.147 Give special emphasis to employment, access to health care and the right to housing in the application of the national strategy on the inclusion of Travellers and Roma

### 12. Employment

(a) As current systems do not include an ethnic identifier Traveller targets and engagement in Labour Market Activation Support is not available. High unemployment was relatively unchanged before during or post Ireland’s economic austerity. Travellers in Ireland report lowest rates of employment in all countries surveyed by the FRA <sup>(7)</sup> at 15%. In 2020 during the covid crisis, obstacles were also encountered in the public employment system where the focus is on the short term unemployed, and Travellers have not been prioritised.

(b) State supported Traveller specific employment and the commitments made in the draft Pathways to Work Strategy are necessary. However, they are not meeting the most basic need for activation. Education is a key barrier to employment, worsened by accommodation and discrimination. A Traveller specific strategy addressing further education and training, and targeted employment is urgently required.

### 13. Health

Traveller health persists at levels found amongst the general population in the 1940s - including lower life expectancy, higher morbidity and mortality. Up to March 2021 Traveller health had not received any new core development monies since 2008, with a welcome advance of €270,000 to expand Traveller Health Units. Travellers are extremely vulnerable to covid infection with higher occurrence in the Community of chronic diseases and conditions deemed at “risk” and exacerbated by inadequate living conditions. Covid incidence in the community continues in overcrowded accommodation.

### 14. Accommodation

- a) The Report of the Expert Review <sup>(8)</sup> of Traveller Accommodation 2019 provides a clear road map toward progress and commitments undertaken by the Department with responsibility, have given confidence that ambition is being realised.
- b) The impact of Covid-19 in 2020 however delayed the progression of the implementation plan with some headway made across a series of actions. The Programme Board due to meet in January 2021, is now time lined for March 2021.
- c) Only 22 authorities plan to deliver to the 2,871 families currently in need by the end of the current Traveller Accommodation Programmes nationally and are not fit for purpose. A national audit of the Programmes shows widespread inconsistencies in assessing Traveller need, in targets set, no redress for emergency or homeless needs, under planning of culturally appropriate accommodation of for transient sites, and inadequate planning for future growth. There is overreliance on private rental, and the Housing Assistance Payment as modes of delivery and no indication of budgetary proposal for new builds and little site identification.

- d) From 2000-2018 local authorities delivered only 68% of total delivery planned and between 2008 and 2019 underspent over €72 million. From 2016 -2020 <sup>(9)</sup> only €38.5 million was drawn down across the 31 local authorities in total.
- e) Government Investment was €120 million for the first TAP (2000-2004) down to €33 million for the 2014-2018 programme and the annual budget reduced from €40 million in 2008 to €14.5 million in 2020, of which € 4,415,958.47 was used to supply basic sanitation and supports during Covid-19.
- f) There was an overreliance on refurbishment and repurposing existing sites through the lifetime of the TAPs, with refurbishments accounting for 54.1% of output between 2006 and 2018, rather than new output <sup>(8)</sup>
- g) In June 2019, the Irish Human Rights and Equality Commission undertook an equality review of local authority provision to Travellers which was due for publication in early 2020 but has yet to be published.
- h) Only 26 (of 31) local authorities in the current TAPs provide targets for projected needs of Traveller families <sup>(10)</sup>
- i) Income thresholds for social housing in Ireland remain unchanged and created specific hardship for some Traveller families, who are statistically likely to have larger family sizes, and marginally above the threshold for social housing based solely on social protection entitlements, while still being far below an income where they could purchase their own home. Results of a government review on income thresholds are yet to be released.
- j) During Covid-19, welcome supports were made available for Traveller families, especially where living without access to running water, toilets or electricity and no available space to quarantine, in severe overcrowding. Concerns continue regarding local authority's response families in the pandemic despite evident outbreaks, especially in clusters. 92 outbreaks were notified from Jan 16<sup>th</sup> – Feb 20<sup>th</sup>, 2021 to the Health Protection Surveillance Centre among Travellers, where they self-identified in testing <sup>(11)</sup>.
- k) The Residential Tenancies Act 2020 which legislates for a moratorium on evictions in most circumstances during Level 5 restrictions does not provide protection for Travellers living on unauthorised sites, leaving them vulnerable to evictions or threatened evictions.
- l) Findings of the European Committee to the European Social Charter found Ireland in breach on 5 grounds and in legislation related to *inadequate safeguards for Travellers threatened with eviction* <sup>(12)</sup>. These breaches have not been resolved.
- m) The Social Housing Needs Assessment is inadequate and a central short-term recommendation of the Expert group <sup>(8)</sup>. The review of the assessment to provide an ethnic equality question and accord to the Public Sector Equality and Human Rights Duty, has been delayed. This question is critical to ensure Traveller homelessness is captured and remedied nationally.

## Recommendations

### Accommodation

- ▶ Implement all recommendations of the Report of the Expert Review Group on Traveller Accommodation with a time lined implementation plan, targets, corresponding accountability measures and budget.
- ▶ Ensure structural obstacles are addressed under the current review to renew the National Development Plan in delivering accommodation to Travellers, and for Traveller accommodation to be grounded in the Social Housing Construction Projects Status Reports.
- ▶ Expedite a national Traveller accommodation audit, in consultation with the community,

### Health

- ▶ Implement the Traveller Health Action Plan 2021 adopting clear targets, indicators, outcomes, timeframes and budget lines. Adopt a whole of department approach and include for intersectionality and for the progressive crisis in mental health.

### Employment

- ▶ Undertake the comprehensive Traveller and Roma Training, Employment and Enterprise Plan outlined in the Programme for Government.

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