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**The Irish Traveller Movement welcome the opportunity to submit to UN Committee on the International Covenant on Civil and Political Rights in relation to the fifth periodic report on Ireland**

## Summary recommendations

### Application of the Equal Status Act 2000

#### Civil Legal Aid Scheme

1. **Expand the scope of the Civil Legal Aid Scheme** to include provision of legal aid where legal advice and representation is required in quasi-judicial tribunals and other areas currently not covered by the Civil Legal Aid Act 1995. This includes equality cases before the Workplace Relations Commission in relation **to discrimination in the provision of accommodation, in the provision goods and services and in employment.**
2. Amend the Civil Legal Aid Act 1995 to ensure legal aid is **available in eviction cases** and fulfil on the recommendations under the European Social Charter.

#### Access for Travellers to a dedicated, free and specialised service and Data

3. **Resource the establishment of a Traveller Independent Law Centre** to service a national demand and in keeping with the Council of Europe recommendation to Member States under Article 6 of the European Convention on Human Rights, given Traveller and Roma's distinct and intersectional need for access to justice across the Union
4. **Review of current collection methodology by tribunals and human rights bodies** and apply an ethnic identifier in civil legal aid systems and centrally monitored, with information publicly available.

#### To address deficiencies in Equality Legislation and redress disproportionate impact

5. **Amend Section 14 of the Equal Status Acts 2000 – 2018** to ensure an effective remedy is available for discrimination that has a legislative basis.

6. **Amend section 19 of The Intoxicating Liquor Act 2003** given significant barriers for Travellers challenging discrimination experienced in accessing goods and services.
7. **Broaden to explicitly include** (with only necessary exemptions) the functions of public bodies, **including An Garda Síochána**, on discrimination in the Equal Status Acts 2000 – 2018.
8. **Review the Workplace Relations Act 2015**, including with a view to cases taken under section 19 of the Intoxicating Liquor Act 2003, and for all discrimination cases to be centralised there.
9. **Extend the power of the Office of the Ombudsman** for complaints related to Traveller discrimination underpinned by the Equal Status Act
10. **Repeal the Criminal Justice Act**, as amended, prohibiting nomadism, a core element of Travellers culture and way of life.

### **National Traveller and Roma Inclusion Strategy**

1. **Prioritise the finalisation of a new Traveller and Roma Inclusion Strategy with a robust implementation and monitoring plan**, and ring-fenced budget. Ensure lead departments are identified under each of the thematic actions to oversee implementation, irrespective of external pressures and resourcing shortages. Make good on the promised strategies in the Programme for Government under health and mental health, employment and education
2. **Expedite the NTRIS review and the development** of a new Plan, with ring-fenced funding across actions, and a centralised and dedicated unit within the Department to oversee and monitor delivery.

#### **Data**

3. **Expedite the National Equality Data Strategy** and engage Traveller NGOs in oversight and development and ensure NTRIS, and all administrative systems are monitored to access, participation and outcomes of Travellers, and to inform and improve evidenced-based policies and services, and those emerging.
4. **Review data collected by tribunals and human rights bodies** and apply an ethnic identifier in civil legal aid and courts systems, with information publicly available.

#### **Employment**

5. **Implement a National Traveller Employment Strategy** and undertake the comprehensive Traveller and Roma Training, Employment and Enterprise Plan outlined in the Programme for Government.
6. **Expedite inclusions made in the Pathways to Work Strategy 2021-2025** and ensure delivery of all. Convert 'considerations' in the plan to targeted actions and apply quotas for Travellers in current commitments with measurable indicators.
7. **Create a national action plan** to mainstream Traveller employment across all facets of the **public service** with targeted measures for all relevant agencies.

#### **Education**

8. **Expedite a Traveller Education Strategy** primary, post primary and higher/further education with dedicated staff and resources to coordinate implementation in full consultation with Traveller organisations and critically closer links between schools and families in any new plans.

9. **Ensure Traveller identity is positively visible and** part of school infrastructure and within learning modules at all levels and Traveller Culture and History embedded in the formal curriculum, safeguarded with legislative amendment, and taught by teachers with prior training and included in Initial Teacher Education and Continued Professional Development.
10. **Eradicate the Reduced Timetable** and public data from the first quarter reporting by TUSLA, disaggregated by county, and engagement with Traveller NGOs on reporting. Publish Traveller pupil data compiled by the Department of Education, not made public / available since 2019.
11. **Ensure Traveller specific supports in SUSI are targeted at Travellers based on identity** in the National Equity Plan, and safeguard future HE funding.

#### Accommodation

12. **Implement all recommendations of the Report of the Expert Review Group on Traveller Accommodation** with a time lined implementation plan, tangible targets, corresponding accountability measures and budget. And prioritise the establishment of an oversight body, the National Traveller Accommodation Authority, to oversee the delivery of Traveller Accommodation and redress of Traveller homelessness
13. **Strengthen power to the Planning Regulator of enforcement.**

#### Health

14. **Publish and implement the National Traveller Health Action Plan** as a matter of urgency, including a mechanism in the HSE and the Department of Health to drive its delivery and implementation, with clear targets, indicators, outcomes, timeframes and budget lines. And ensure that Traveller health inequalities are mainstreamed into existing and forthcoming Health policy.
15. **Reinstate the Traveller Health Advisory Committee** and appoint a Departmental lead on Traveller Health and mental health to monitor and progress actions across Departments and initiatives.
16. **Implement Programme for Government 2020 commitment and establish a National Traveller Mental Health Strategy** with ring fenced resources, action plan, robust monitoring,
17. **Prioritise and develop a Plan to redress Traveller suicide** and Increase funding for peer-led specific mental health supports.

#### Non Discrimination

1. **Expedite the National Action Plan Against Racism** with ring fenced funding and ongoing Traveller NGO engagement in its development and output.

#### Political and Social

2. **Ensure recommendations of the Oireachtas Report of the Forum on a Family Friendly and Inclusive Parliament are factored into The Electoral Reform Bill 2020**
3. **Include Travellers in National Government Planning Strategies** and in broader public research and consultative cohorts, across all national engagement strategies
4. **Appoint Traveller experts to State board and bodies**, where matters of potential relevance arise, especially where cultural ephemera exists.

#### Youth

5. **Ensure visibility of Traveller Youth** by investment in the National Traveller Youth Participation and Leadership Strategy, and enable an intersectional and targeted plan.

**Gender:**

6. **Ensure Equality Budgeting strategy is gender proofed.**
7. **For Traveller Women: Efforts should now be focused on an intersectional strategy** to include and resource initiatives to ensure minority women, including Travellers are targeted in political quotas for women, devised by nested quotas.

## **Articles 4 & 5 Limited Rights of Derogation and Article 12 Right to Freedom of Movement**

### **COVID-19 Emergency Powers**

Travellers were extremely vulnerable to covid infection with higher occurrence of chronic diseases and conditions deemed at risk and exacerbated by overcrowded and inadequate living conditions. The guarantee of protection for Travellers during emergency measures was undermined by their lack of inclusion in legislation to prevent evictions, despite Travellers being the most vulnerable in the State.

Emergency legislation, The Residential Tenancies Act 2020 <sup>(1)</sup> which mitigated against evictions did not include Travellers in initial Government drafting, and guidance to local authorities recommending against undertaking evictions during the pandemic, was deemed sufficient. The Irish Traveller Movement advocated with political groups to ensure Traveller inclusion and the Act was carried at parliament by one vote, but was without Government support, during a time when a temporary government was in place.

The subsequent Emergency Measures in the Public Interest (Covid-19) Act 2020 was signed in but was without the same protection for Travellers other than where they resided in **the private rented sector or in approved housing body tenancies.** <sup>(2)</sup> . At that time over 311 families (approx. 1,200 parents, children and grandparents) were living on Unauthorised sites including on roadsides, public and private lands. And Travellers families who were resident in temporary provision and due to covid restrictions were unable to access “self-service” emergency accommodation, resorted to sleeping in cars in public places. During the period Travellers were evicted / or threatened with evictions, causing avoidable hardship and risk

- a) **The Traveller Free Legal Aid Service found** 23% (42base number) of referrals from April 2020 to May 2022 were eviction related, despite legislation in place for a part of that period.
- b) Examples: In March 2021 a family of 9 were served a warning to vacate private lands they had resided on for seven years. The family had difficulty securing legal representation and options of alternative accommodation were not provided by the Council. In December 2020 two young couples and their babies were served notices from a private car park, without alternative accommodation. They were not deemed homeless by the Council when they tried to register and given only temporary accommodation.
- c) In the absence of progress on Section 24 of the Criminal Justice (Public Order) Act, 1994 and S24 of the Housing (Miscellaneous Provisions) Act 2002 prohibiting nomadism which allows eviction of persons without alternative accommodation, without an appeals procedure, despite the impact on children and those with a disability, exacerbated the situation.

d) The lack of an eviction register to determine extent of Traveller evictions remains outstanding, undermining the problem and preventing adequate redress, and where further analysis of extent during the covid period, is not available.

### **Non-discrimination (arts. 2–3, 14, 20, 23 and 26–27) (CCPR/C/IRL/CO/4, para. 23**

#### **(a) (How the effective application of the Equal Status Act 2000 is ensured, including a summary of complaints brought under this legislation during the reporting period and their outcomes)**

The Irish Traveller Movement welcome the comprehensive review of the **Equality Acts** and **Intoxicating Liquor Act 2003**, and have made recommendations to the Department for Children, Equality, Disability, Integration and Youth on matters related to Data, the Civil Legal Aid Scheme, the need for better Access for Travellers to a dedicated, free and specialised service and for redress of deficiencies in Equality Legislation, given the disproportionate impact for Travellers.

The Equal Status Acts are a central safeguard and while the government planned review is important to Travellers to ensure gaps evident can be remedied, they need to be viewed in the application of other legal instruments which have disproportionate effect:

- a) **The Criminal Justice (Public Order) Act, 1994**, as mentioned above.
- b) **Section 19 (c) of Part II A of the Criminal Justice (Public Order) Act, 1994**, is without any form of judicial oversight, monitoring or intervention. In effect this legislation has prevented nomadism and curtailed a central cultural right.
- c) **The current eviction procedure, which allows for the removal of families within 24 hours**, is inhumane and often conducted at times when families cannot access legal services, such as on Friday afternoons. This is not possible without access to a dedicated service, and many families would not be familiar with legal services or have finance to seek private legal services.
- d) To date no remedy has been advanced by the State despite reminder of the Violations held against Ireland in 2018 and 2020, by the The European Committee of Social Rights on 5 grounds of the European Social Charter, and as such the State “provides for inadequate safeguards for Travellers threatened with eviction”; and “evictions are carried out in practice without the necessary safeguards”.

**Civil Legal Aid Scheme** Traveller NGOs have advocated strongly for and acknowledge the recent commencement of a Review Group to review the Civil Legal Aid Scheme, which it is hoped will redress gaps for Travellers in accessing justice, though a timeline for a report and any subsequent legislative change are unknown. A review of the Workplace Relations Commission is not included in the scope of this review.

- The secondment in late 2021 of a solicitor within the Legal Aid Board service to initiate training for solicitors in the service and to examine and make more accessible the service to Travellers is welcome.
- Two formal meetings have taken place with senior leads at the LAB and Traveller NGOs who have called for
  - a) A formal Traveller advisory committee to inform the work of the LAB, and an implementation plan to evolve from this consultation, clarity on the scope and long-term vision of the Board vis a vis integrating a whole of service approach for Travellers, and not through reliance on a short term and one post to deliver across the community, where there is substantial need, and current shortcomings.
  - b) Government clarity is also required regarding funding to resource a full service within the service to Travellers and or in the meantime establish an independent and specialised Law Centre for Travellers, or further investment to augment the one solicitor service being operated by the Traveller Free Legal Advice Centres (FLAC).

### **The lack of data to monitor and assess effectiveness of the Equality Acts for Travellers**

The lack of Traveller data significantly undermines efforts to combat discrimination and promote equality where current systems are not collecting, and there is no centralised legal justice data collection. **It is therefore difficult to measure or provide a finer critique of the effectiveness of Acts for Travellers, or legislative outcomes.**

#### **Shortcomings include:**

- a) Data to measure the effectiveness of the Public Sector Duty and determine the practice, policy and procedure of public services towards Travellers.
- b) Bodies and tribunals central to delivering justice for Travellers, such as
  - 1) The Civil Legal Aid Boards
  - 2) IHREC data is not disaggregated for Traveller legal queries and cases, in housing, accommodation and evictions and where further examination is required.
  - 3) The Workplace Relations Commission WRC annual report of cases is not disaggregated on an intersectional basis for Travellers, and multiple affected grounds.
  - 4) Information is not collected via the Courts (with some limited exceptions on request) or Independent Law Centres.

#### **Of the information derived from Tribunals, Courts and bodies for Travellers.**

**The WRC.** From 2005 – 2017 the two grounds most cited for complaint by both the Equality Authority and the WRC were on grounds of Travellers and Race. However, the reduction in referrals and complaints raised by Travellers following the first two years of transfer from the Equality Tribunal to the WRC however were notably reduced.,

In the first report of the WRC (2015) it showed that 867 cases were transferred to it from the Equality Tribunal – however disaggregated information is not available to identify how many were on the Traveller ground. Specifically, from 2016 -2020 there was **a reduction from 416 to just 51**.

In the years 2018 -2020 reductions noted by the WRC were;

- in 2018, **a sizable annual reduction of 11%** on referrals from 2017 (for Travellers 124 out of 595 complaints in total and down from 408 in 2017),
- in 2019 **an annual reduction of 26%** on referrals (for Travellers 97 out of 439 complaints and down from 124 in 2018),
- in 2020 **an annual reduction of just under 30%** on referrals (for Travellers 51 out of 305 complaints and down from 97 in 2020)

Further insights are not possible as Traveller information is not disaggregated across service locations of discrimination, gender, and intersectional grounds in the WRCs reporting, which is an additional concern. An **example of the gap**: Almost (20%) of Travellers have a disability, but where disability complaints are recorded they are disaggregated on the Traveller ground. There is a related concern that the Office of the Ombudsman who has a specific role to “investigate complaints relating to certain functions of public bodies covered by the Disability Act, 2005”, does not capture complaints taken by Travellers either.

#### **Information derived from IHREC<sup>(4)</sup> Table B**

- a) There is a lower than expected number of Traveller queries related to the Equal Status Acts in IHREC data, showing; 39 overall in 2016 (22 ESA ground), 37 in 2018 (14 ESA), 38 in 2019 (14 ESA), and 28 in 2020 (19 ESA) (information not available in 2017),
- b) Queries related to the Intoxicating Liquor Acts 2003 – 2008, declined, from 15 in 2016 to just 4 in 2020. This is the only human rights body collecting information related to the Act. (see later section re Courts information)

- c) IHREC data is not disaggregated for housing, accommodation and evictions. This is important as civil legal aid is not available on claims of discrimination under the Equal Status Acts, in access to services, and education, for social welfare appeals, employment cases, and is limited in practice in housing and accommodation, and not available for eviction cases.

So, it is not known if, how and where these queries are captured and if Travellers are referred to the legal aid board(s), or to other services. This hampers a proper assessment, and raised additional concerns where Travellers may, having faced an obstacle, not know where, or decide not to pursue further legal support. There is no further feedback to calls for an ethics identifier in systems.

### Information from the District Courts

The problems for Travellers since the change of jurisdiction to the District Court of cases under Section 19 of the Intoxicating Liquor Act 2003 have been raised by domestic and international human rights bodies, Traveller NGOs and legal bodies, due to various grounds for unsuitability. However, it is important to note where data could be gleaned it showed in 2016 there were 26 out of 28 applications lodged by Travellers, 27 out of 28 of those applications were struck out, withdrawn or adjourned. In 2017, of the 51 out of 52 by Travellers, 50 were struck off, withdrawn or adjourned <sup>(5)</sup>.

### Information from FLAC Traveller Legal Service and the Irish Traveller Movement

- **Irish Traveller Movement** Jan – Dec 2021, 170 referrals were handled by ITM on accommodation matters, 25 of which related to evictions, 20 overcrowding, 42 homelessness, and others where some required legal input. Jan – May 2022 65 referrals were handled, 10 of which related to evictions, 24 overcrowding and substandard, and 15 related to homelessness.
- **FLAC Traveller Legal Service** April 2020-December 8<sup>th</sup>, 2021 127 Traveller referrals of these 29 related to Discrimination, 51 housing and accommodation and 30 evictions, from which the ESA would be used as a basis. Jan – May 2022 53 Traveller referrals of these 11 related to Discrimination, 20 housing and accommodation and 12 evictions.
- This data highlights the considerable legal support needed in an area not covered by legal aid; evictions, and in practice in the accommodation and housing area, and consideration now is required in view of the difficulties Travellers have accessing legal equality, in the context of widespread discrimination in services, public and private, which are currently exempted in the ESAs.

### **(b) the outcomes of equality-related strategies, such as the National Traveller and Roma Integration Strategy 2017–2021, the LGBTI+ National Youth Strategy 2018–2020 and the Migrant Integration Strategy 2017–2020**

#### **National Traveller and Roma Integration Strategy 2017–2021**

**Funding:** In 2020 3.8 million was allocated to support Traveller and Roma inclusion nationally with a 6% increase in 2021 to €5 million and in 2022 to €5.659 including to promote employment and education projects, social inclusion, cultural, mediation and counselling services. €880,000 secured through Dormant Account Funds, has yet to be advanced to funding call out stage, and there are competing interests where public sector projects are also in receipt from the same fund. No additional specific resources to deliver NTRIS actions have been identified since the initiation of the NTRIS, and many actions are stagnant, without ambition or investment.

- a) **The NTRIS is without a robust centralised implementation plan, or fund**
- actions are dispersed across departments, and or no staff assigned to specific related actions in some areas.

- there is no central monitoring unit to oversee performance and delivery,
- no ethnic equality monitoring applied, progress is not benchmarked to key performance indicators
- **The review** tabled for 2021 remains outstanding, and an independent evaluation instead is being advanced, however timelines for completion are unclear and there are concerns given previous promises.

The adoption by Government of The National Equality Data Strategy April 2022 is a significantly important and long called for component in the relation of Traveller equality.

- a) The adoption of progressive Equality Budgeting has been victim to the absence of a centralised and committed plan up to now, however the synergy to ensure equality budgeting is imperative to redress gaps and inequality for Travellers and other vulnerable groups.
- b) Currently only 12 departments report Equality Budgeting metrics, and most do not include ethnic data.

### Education

Little progress on the cross departmental Traveller Education Strategy promised in the Programme for Government 2020, and no ring-fenced monies now or at any time, advanced approach. In 2021 an additional €300,000 was secured for targeted supports to address the implications of COVID-19, a welcome response given the additional inequities for Traveller pupils in accessing broadband and digital supports and where Government ameliorating supports for at risk students in 2020 did not target Traveller pupils specifically.

- a) **Four NTRIS pilots** extended by two years to June 2024, follows a prior 1-year extension to December 2022. But there are concerns decisions were not informed by an interim evaluation of the programmes and were without NGO notification, despite NGO advisory forums intended to support strategies.
- a) **The report, *Out of the Shadows: Traveller and Roma Education***, the experience of Traveller students and their parents in 46 schools was welcome, and **Anti-Bullying Research**. However, disaggregated data compiled by the Department of Education, which is central to assessing Traveller retention and enrolment, has not been made public / available since 2019, despite numerous requests from NGOs.
- b) Guidelines were issued to schools (Dec 2022), following advocacy by Traveller and children’s NGO and culminating in recommendations of human rights and parliamentary committees to redress the use of the **Reduced Day**, operational without departmental oversight for many decades in some schools, affecting Traveller and children with additional needs. Data is being collected by a new Tusla Education unit and reported to the DE Social Inclusion Unit. Publication of this data is awaited.
- c) **Higher Education:** Ring fenced funding for 21 HE Institutions has been committed to support Travellers in third level, a welcome increase to supports in 2020-2021. The Government plan announced (April 2022) to reduce higher education costs for all students and families is welcome but supports for Traveller pupils due to be announced in the National Equity Plan, is not yet published. 39 Travellers entered HE in 2020, an improved picture but structural barriers have not been addressed such as making the SUSI grant available to all Travellers based on identity, and Travellers as part time students.

### Employment and Enterprise

The comprehensive Traveller and Roma Training, Employment and Enterprise Plan outlined in the Programme for Government 2020, is not evident yet. Traveller employment was measured at 15%, and among lowest rates in all countries surveyed in a European wide study.<sup>(6)</sup>

- a) The Survey on Income and Living Conditions, the monitor for the Department of Social Protection states it “will not facilitate disaggregation for all the nine equality groups, including Travellers, who are widely accepted to be one of the most socially disadvantaged groups in Ireland.”<sup>(7)</sup>
- b) Job Seeker Activation Programmes are not Traveller targeted and delivered only in a mainstream way. And in 2020 and ‘21, obstacles were encountered as the focus was on the short term unemployed nationally.

- c) 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 2020 (last available) 640 Travellers were supported, 23 progressed into employment, 8 into self-employment. There is greater ambition needed throughout the programmes for promotion to Travellers.
- d) Welcome commitments made in Pathways to Work 2021 – 2025 were critical including “ring-fencing 1,000 places on public employment programmes for disadvantaged and minority groups, including Travellers and Roma, and a bursary programme, to fund up to 100 apprentices per annum. But no quotas have been identified, or action plan to deliver these. Traveller specific and ring-fenced apprenticeship placements are needed.
- e) Two other possible inclusions are stated as, “consideration” of making the higher-level Jobs Plus subsidy available to all employers who recruit an unemployed person of Traveller or Roma ethnicity and “Explore” the feasibility of introducing Traveller (and/or Roma)-specific Group Information Sessions over the lifetime of the strategy” are welcome but weakened by the lack of robust commitment.
- f) As data for Travellers is not collected, the uptake or success is unknown of The Youth Employment Support Scheme (YESS) (ceased in Dec ’21) targeted at young jobseekers facing significant barriers to employment, including Travellers, and replaced with the Work Placement Experience Programme.
- g) The expansion of the Youth Guarantee 24-29 is a potentially important measure for Travellers, but the plan of personalised guidance and progression routes to appropriate further education, training and employment supports by Intreo, is limited without specific targeted approaches for Travellers, and is within monitoring outcomes as data is not ethnically disaggregated.

## Accommodation

**National Oversight and Implementation:** 18 recommendations of the Expert Group Review <sup>(8)</sup> of Traveller Accommodation 2019 (government commissioned report) have commenced with progress in 5 areas but pace and ambition across the remaining recommendations in 2022 is slow, and the Traveller Accommodation Authority, a key function to realise short- and long-term objectives has not materialised. Critically, there is no specific impetus to quicken local authority delivery.

1. Without central oversight to safeguard against delivery failure in current Traveller Accommodation Programmes, despite the failings identified by the Expert Group Report, local authority self-regulation is the norm. There is no requirement for councils to account for lack of planning, delivery or spending, and there is no national Traveller accommodation plan or centralised mapping at departmental level.
2. **Funding for Traveller-Specific Accommodation:** Traveller-specific accommodation budgets were spent in full in 2020 and 2021, however the new draw down procedure from an “allocation” to a “request” based model looks on paper better, where authorities are utilising budgets, but off a very low motivational and drawdown level. In 2021, 3 local authorities didn’t draw from the capital fund of €15.5 million and 3 others spent less than €50,000. <sup>(9)</sup> In 2020, <sup>(9)</sup> 5 local authorities didn’t draw from the capital fund of €14.5 million despite a need of 301 units in those areas. And only 16 units; 7 housing and 9 service units were built nationally. € 4.4 million of the 2020 budget was used to supply basic sanitation and supports during Covid-19, such as toilets, water, electricity and temporary self-isolation units To 20th of May 2022, 11 local authorities have yet to draw down a budget from the €18 million according to the Department of Housing and €4.16 million has been spent between the remaining 20 councils, including for covid measures. ."
3. This new draw model therefore erroneously showcases spending progress, and where spending has happened it’s mainly for refurbishments rather than new builds, and budgets overall remain well below pre-austerity levels of €40 million to €18 million in 2022. (Refurbishments accounted for 54.1% <sup>(10)</sup> of output between 2006 and 2018). The new draw down procedure is also operating without
  - a) central oversight or synergy with delivery targets set in current local authority Traveller Accommodation Programmes,
  - b) intervention where no budget has been requested by local authorities despite evidence of need in TAPs; and there is almost no accordance to,
  - c) statutory powers for requirement in the planning framework.

**Planning:** Nationally, regionally and locally, the Expert Group review identified 12 problems in the Planning Process. However, Traveller accommodation planning was not included thus far, in the evolving **National Development Plan**, or in County and City Development Plans, as a matter of course. Assurance from Government for that inclusion, has not been advanced.

- a) **An audit of current Traveller Accommodation Programmes (TAPs)** <sup>(11)</sup> show widespread inconsistencies in assessing Traveller need, in targets set, with no redress for emergency or homeless needs, under planning of culturally appropriate accommodation/ Traveller specific and transient sites, and inadequate planning for future growth by local authorities.
- b) **Current Need:** Approximately 31% of Traveller families (2,871) are currently in need of accommodation and 12 local authorities show they won't meet either **the current** and the **projected targets** during the 5-year TAPs. Of the 3,060 units planned nationally 15% will be for Traveller Specific accommodation, and over 50% provided using Standard Social Housing, Private Rented, using housing assistance payments such as HAP/RAS and through Approved Social Housing Bodies. <sup>(11)</sup> **Transient Sites** There is no provision in any of the 31 Programmes to supply transient accommodation. <sup>(11)</sup>
- c) **Only 10% of Traveller specific units were delivered in the last 5 yr.** <sup>(11)</sup> **TAP and in 2021 just 7 units of Traveller specific** group housing were built or refurbished. There is overreliance again within current Plans on private rented accommodation, and the Housing Assistance Payment. **5 LAs** do not provide targets for future growth and of **13** who did, according to their estimates, they won't meet those during the Plan. The scale of response is inadequate to the problem where 39% of Travellers are living in overcrowded conditions and up to 50% of families presenting as homeless in some local authority areas. There is a requirement to supply 1,400 units nationally during the current Programme <sup>(11)</sup>
- d) **Land Allocation:** Traveller accommodation was not included in the Land Development Agency Bill, brought forward by Government, until political advocacy and features now<sup>(12)</sup> where (a) *large scale, multi tenure or mixed-use development sites that may include sites that are fully or partially intended to secure the implementation of all or part of an accommodation programme, within the meaning of the Housing (Traveller Accommodation) Act 1998*. But this remains a cause of concern at it will require local authorities to pursue developments, and confidence is dented by their continued lack of progress.
- e) Guidelines at National-level planning require that the range and type of housing required, and the land use aspects of the TAP are incorporated into the Development Plan therefore projects committed to under the 2019-2024 Traveller Accommodation Programme should be listed as objectives in the Development Plan with clear timelines as per the Housing (Traveller Accommodation) Act 1998 PART III (27). The Expert Group's recommendation that *"the OPR research and a review Traveller accommodation policies and objectives in statutory development plans"*, was completed in 2021 <sup>(13)</sup> finding only "three local authorities had close alignment between the listed objectives within their development plan and their TAP." **It is concerning that the OPR is without adequate enforcement powers to oversee city and county development plans, which is a critical element to ensure appropriate planning provision of Traveller accommodation nationally.**
- f) Since the introduction of the Traveller Accommodation Act 98, problems have been consistently encountered on delivery of Traveller-specific accommodation through the Part 8 process. The Expert Group noted *many local authorities failed to meet delivery targets, some over long periods due to opposition from residents and councillors and cited the challenges of Part 8 of the process*. It is noted there is no provision for Traveller accommodation by means of direct route planning permission
- g) The Group recommend "legislative provisions to suspend the reserved function of elected members for approval of Part 8 proposals for Traveller accommodation, and to suspend the reserved function relating to the agreement to dispose of land for the purposes of developing Traveller accommodation and provide these as executive functions. This suspension should be reviewed after a period of five years. Progress on Part 8 and a review of the Criminal Trespass Act have been frozen with delays encountered in legal opinion, and NGOs are hopefully that Part 8 matters will be factored into draft legislations, the Planning and **Development Act**.

**Inadequate, unsafe and impermanent conditions.**

- a) A low estimate, due to data inconsistencies and systemic shortcoming by local authorities in recording, shows over 1,700 families (approx. 7,00 – 9,000 people) are living in inadequate, unsafe and impermanent conditions stacked against their health, education, employment and life opportunities, well below basic human rights standards. <sup>(14)</sup>
- b) Of the 952 families living in Local Authority Halting sites, 350 families only have access to an outside cold tap, no electricity most reliant on sharing a port also or outside toilet with other families.
- c) 311 families are living on Unauthorised sites including on roadsides, public and private lands, where some have access to a cold tap, no electricity or toilet, and 218 have no services at all.
- a) An investigation by the Ombudsman for Children <sup>(15)</sup> of a Cork based halting site where 38 families are resident which was originally designed for 10, found, approximately 140 people using toilets and washing facilities designed for 40 people and evidence of children sleeping on makeshift beds cramped into the living/dining spaces and highlighted the unreliability, and lack of basic facilities such as heating, lighting, and hot water.
- d) Homelessness: Traveller families are overrepresented nationally, but data is not collected by ethnicity in the (homeless data) Pathways System or in TAPs Given discriminatory access to private rental accommodation and inadequacies of social housing availability, they account for 10% in emergency accommodation nationally and as high as 50% in some counties. Thousands more families are trapped in **hidden homelessness** caused by grossly inadequate and overcrowded accommodation and Traveller children accounted for 12% of the homeless children residing in emergency accommodation <sup>(16)</sup>

#### Systemic obstacles

- o **Insufficient data**: According to the Department of Housing, Local Government and Heritage, (DHLGH) (last available data 2019) there were 10,809 families which equates to approx. 45,397 to 57,287 people nationally, depending on how data has been collected. Some councils count families and other households, for annual assessments of need. (The Census 2016 finds Traveller family size ratio 4.2 people and households 5.3 people) <sup>(13)</sup>. Therefore, establishing accommodation need nationally is problematic and worsening the crisis due to an underestimation of the need to supply, coupled with supply pressures in all housing.
- o The Programme for Government commits to ensuring *“that the housing needs of the Traveller Community are met by local authorities and ensure that existing funding is fully drawn down and utilised”* with no corresponding outline of how this will be achieved. Budgets and corresponding timelines for the implementation of each of the recommendations are not described in the Housing for All Plan.

#### Structural barriers

- a) Traveller accommodation is not grounded in the **Social Housing Construction Projects Status Reports**. **Quality and maintenance oversight** are reliant on weak structures of obtaining feedback through site caretakers. Where maintenance requests are long fingered with many families citing discrimination as a contributory cause.

#### Health

- a) An evidence-based, need-led and intersectional approach for Traveller health and mental health strategies has not been addressed, despite evidence of need.
- b) There has been **an ongoing rise in the incidence of suicide** in the community and poorer health outcomes broadly since the last reporting and the incidence is outrunning the very slow progress to date of limited strategies such as Connecting for Life, with little progress reported
- c) Travellers are currently **not provided for in national frameworks and strategies** across all health strata and no ethnic identifier or cohort sampled in National Health studies, monitoring collectives, health promotion strategies, gender-based initiatives, hospital and service delivery locations etc, vital statistics monitors of the Census, National Office for Suicide Prevention, HSE mental health services, coroner’s courts, Connecting for Life Strategy, addiction and rehab services. The lack of data significantly undermines the need for action and investment.

- d) **Plans for The National Traveller Mental Health Strategy committed to** in the Programme for Government 2020, has been rolled back. The appointment of Traveller NGOs (Nov '21) to the National Implementation Monitoring Committee (NIMC), 'Sharing the Vision' the Government mental health Plan 2022-2024, was reassuring, however there is considerable concern that no meeting has been held in the intervening 2 years despite the crisis in Traveller mental health.
- e) 4 in 10 Travellers were concerned for their own mental health', 82% had been affected by suicide, 4 in 10 in their wider family<sup>(17)</sup>. In the last five years female deaths by suicide have included young children between 11 – 14yrs and reports suggest an increase among those in their late teens and early twenties.
- f) The long-awaited **Traveller Health Action Plan 2021** has not been adopted, despite promises and timelines, which have been long fingered and
- g) **Traveller health had no new core development monies since 2008**, until a welcome advance of €270,000 to expand Traveller Health Units in 2021. Travellers were particularly vulnerable to covid infection with higher occurrence in the Community of chronic diseases and conditions deemed at "risk" and exacerbated by inadequate living conditions. Higher incidence in the community continues in overcrowded accommodation, compared to non-Traveller population.
- h) **6% of all covid cases in Ireland were among Travellers.**

### (b) the LGBTI+ National Youth Strategy 2018–2020

- a) Young Travellers are vulnerable **to online hate** and as digital natives have increased exposure to anti-Traveller racism. In 2020, the EU Fundamental Rights Agency (FRA)<sup>(6)</sup> found that among all surveyed Traveller and Roma groups, Irish Travellers (52%) have the third highest rate of hate-motivated harassment (such as offensive comments on the street or online).
- b) In 2020 11% of racism reports to the INAR where related to Travellers. 20% of victims overall who made reports, were under 18 years.<sup>(18)</sup>
- c) In 2019 **19% of all children** in Oberstown Children **Detention Campus** (for 10-18years) were Travellers.<sup>(19)</sup> A recent report by the IPRT, found deficiencies in the areas of reporting of ethnicity and religion of the prison population where there is over representation pro rata to population size.<sup>(20)</sup>
- d) Many young Travellers feel **excluded from mainstream youth initiatives**, with evidence that services and policies need to be Traveller inclusive and designed to meet their specific needs. Despite some recent Government efforts towards integration of young Travellers into mainstream initiatives, coordinated, consistent and targeted national engagement actions are needed.
- e) **Uptake of interventions** nationally under the NTRIS action for Youth programmes and services to ensure the active participation of Travellers and Roma in their representative structures, is not known.
- f) **There is no Government investment forthcoming** towards The National Traveller Youth Participation and Leadership Strategy, evolved from the community, to support Traveller youth participation, capacity building, empowerment and leadership in the Youth sector and in society.
- g) **LGBTQI+** Government funding to the Traveller LGBTQI network was welcome and the LGBTI Strategy launched.

### Racial profiling

Since last reporting ambition has been realised across strategies attached to the police force, An Garda Síochána but lack the depth required, and are slow to be signed off at senior level.

- a) **Racial profiling by serving Gardai** has not been tackled in any explicit way. There is no indication of an independent complaints mechanism, a review of the policy, practices or of the collection of disaggregated data.
- b) **No additional legislative protection**, or an independent mechanism, is planned. However, the current review of the Equal Status Acts as indicated is welcome, but it is unclear to what extent the prohibition on discrimination and harassment in the Equal Status Acts which exempts An Garda Síochána, will be reviewed within this.
- c) **The findings of a study** (undertaken in 2014 but not published until 2020 by a journalist) by the then Garda Ethnic Liaison Office<sup>(4)</sup> found high levels of negative attitudes towards Travellers at the time and established all Gardaí interviewed, held those attitudes in advance of taking up positions and remained negative as serving Gardaí

- d) **There are concerns that ambition for the Garda Traveller Advisory Group (GTAG)** has been suspended with meetings postponed in 2020, only 1 in 2021 despite opportunities to convene in digital spaces. This Group requires a Garda representative lead to direct and coordinate its scheduling to ensure ownership and momentum to progress actions.
- e) **The Public Attitudes Survey (PAS)** does not provide an adequate measure of Travellers views and other underrepresented groups, as it is undertaken using a national representative sample. **These surveys should be bolstered by cohort surveys of Travellers, to ensure Travellers are included within the range of experiences, as a matter of course.**
- f) **In 2022 concerns have been raised regarding the new Garda Diversity Internship Scheme**, were problems are encountered and there is a lack of transparency in criteria. Recruitment of Travellers versus applications received have not been published.
- g) **Monitoring Garda-owned digital platforms** of those which intersect between the Gardai and the Public. The Irish Traveller Movement raised matters with The Corporate Communications Unit in June 2020 regarding Garda specific social media platforms where anti-Traveller and racist comments from members of the public were unmoderated

### **Migrant Integration Strategy 2017–2020**

The MIS does not explicitly reference Travellers, and concerns have been consistently raised by NGOs since its development.

- a) Extended into 2021 due to covid, the promised evaluation is still pending, and without a timeline for its successor.
- b) The lack of definitive targets and clear goals impedes interpretation of progress and specific concerns are noted for example; regarding ethnic data collection and tracking in areas such as school enrolments, local authority action, and access to public services.
- c) The lack of ambition and requirement is noted in the implementation at community level where currently 13 of 31 local authorities do not have an in-date strategy – (updated data since the Immigrant Council’s [Keeping it Local](#) report in 2020.) And where commitment to prioritising integration at a local level is currently at the discretion of individual local authorities, rather than based on consistent expectations, methods and frameworks fed down nationally.
- d) There are dual concerns in the NTRIS and the MIS regarding the anti-racism and cultural awareness training for staff, where problems have been noted such as, a lack of standardisation, undermining of importance and pace reported noted “*where a need is identified*” in the Department of Social Protection.
- e) Concerns continue regarding the CEIM Standards in Initial Teacher Education intended to increase prominence of diversity and anti-racism in teacher education, however, new guidelines focus primarily on diversity of learning ability, and do not explicitly address, or even name, racism.
- f) Structural barriers continue to impede migrants from entering the teaching profession impacting on the intention of Action 27

**Please indicate whether the State party intends to enact legislative reform to update the Prohibition of the Incitement to Hatred Act 1989.**

**And ‘prevalence of hate speech and hate crime, including against religious and racial minorities, Roma and Traveller individuals and/or migrants, and the measures taken to address this within the State party’.**

The Irish Traveller Movement welcome the National Action Plan Against Racism in development and the forthcoming Hate Crime legislation, proposed to amend the Prohibition on Incitement to Hatred Act 1989, and there is confidence of good intention to expedite legislation, however the schedule of 12 months has run over by a further year, with no timeline indicated for its introduction.

We acknowledge too the government consultation in 2019 on hate speech and the outcome report published in December 2020 but note a further consultation on hate crime has not been advanced as promised. The ITM is a member of the Coalition against Hate Crime Ireland and submitted matters to the pre-legislative scrutiny stage on the General Scheme of the Criminal Justice (Hate Crime) Bill 2021. Concerns have been raised through NGO coalition regarding

- a) Consultations were focused on hate speech and a review of the 1989 Prohibition of Incitement to Hatred Act and not hate crime.
- b) The current iteration of the Bill does make provision for a wider set of measures (non-criminal and non-legal) to tackle and prevent hate crime and hate speech.
- c) The separation of the distinct offences - incitement to hatred and hate crime- in the same legislation, is ambiguous, and clarity in drafting heads and title needed.
- d) The definition of “hatred” should reflect international standards and there is a need for a clearer framework and rationale for the inclusion or exclusion of protected characteristics in the list of “protected 3 characteristics”.
- e) It is not clear what precise type of speech the incitement to hatred offence is criminalising, and assurance needed that any offence criminalising speech must reach enough threshold in line with international human rights principles on freedom of expression.
- f) Clarity is needed on criteria used for the list of aggravated offences proposed, and these should include offences most commonly committed against protected individuals, groups and communities identified with the protected characteristics.
- g) A need for sentencing principles and sentencing guidelines in Ireland to ensure transparency and proportionality, is required.
- h) Also, that this legislation synergises with and complements other national and European legislative processes seeking to regulate online content

**The draft Online Safety and Media Regulation Bill** in its advanced draft does not provide sufficient protection for groups most vulnerable to harm in media spaces, especially Travellers.

- a) Traveller NGOs have long advocated during the revisions of Codes of the Broadcasting regulator the Broadcasting Authority of Ireland, for the naming of Travellers for specific protection, and not just a reference by way of the Prohibition of Incitement and Equality Status Acts.
- b) Given the rightful naming of children on grounds of specific protection, other vulnerable groups covered by the ESA should also be named in the Online Safety and Media Regulation Bill. The following is noted in the current Bill: It Proposes the Powers and functions of the new “Commission” to ensure with specific reference.
  - o (b) that the interests of the public, and the interests of children, are protected,
  - o The Commission will (d) undertake strategic reviews of the broadcasting services sector, audio-visual on-demand media services sector, and relevant online services sector in respect of the following areas: (iii) the protection of children.
  - o However, the Irish Traveller Movement has advocated with the Regulator for offences against Travellers in radio outputs and where the burden of proof element, where affected groups are required to monitor broadcasting services nationally and bring forward complaints to the Regulator is burdensome and highly demanding on resources. Especially in view of particular radio stations, and programmes, who profile Traveller stories as part of ongoing programme content through a negative narrative inciting listener to comment and engage in debate. These concerns have been raised with specific stations and programme producers to no avail. In January 2022, following continuous concerns over many years, a complaint was taken by a local Traveller group to the Regulator against a radio station, Red FM, who were found to be in breach of the Broadcasting Code requirements, of fairness, objectivity and impartiality, as well as Programme standards. The lack of adequate monitoring of content, and consequences attached to Licensing, is a serious concern, not dealt with in the draft Bill.

### **Participation in public affairs (arts. 7, 14 and 25–26)**

## Political and public life

The Irish Traveller Movement welcomed the thematic focus of Participation and Inclusion under the consultation towards the National Action Plan Against Racism and have committed recommendations to the process reviewed.

Given the population size, age demographics and Ireland's system of proportional representation, Travellers are statistically disadvantaged when competing with non-Travellers in elections. Obstacles to achieve presence in constituency settings through the normal pathways to politics, such as through social and civil engagement, sporting, educational and cultural arenas are a restrictive barrier. Even by overcoming obstacles to get on a ballot paper, Travellers encounter residual and deeply ingrained prejudice across every setting, including nominations by political parties and groups.

The requirement in 2012 for political parties to select at least 30% of candidates of each gender for national elections or else lose 50% of their State funding for the parliamentary term, was welcome, but not intersectional or diverse enough

- Travellers' political representation since the foundation of the Irish state was invisible in power and leadership structures, until the nomination to the Seanad in 2020 of Senator Eileen Flynn, on back of much advocacy and campaigning for that inclusion.
- The establishment of an Electoral Commission and related provisions should make way for broader engagement of Travellers, minority and underrepresented groups, but there is no clarity of intention to do so. And as noted earlier the General Scheme of the Electoral Reform Bill 2020, does not name Travellers.
- There is hope and good intentions in the Report from the Houses of the Oireachtas "Forum on a Family Friendly and Inclusive Parliament <sup>(5)</sup>" which could provide replication across political parties and under the control, of the **Electoral Commission**, these include recommendations
- to allow for an ethnic minority quota, and at the next General Election will set targets for ethnic minority women within their "gender quota"
- Establish quotas for Traveller and Roma women in formal political structures with specific seats reserved in the Dáil, Seanad, Constitutional Convention and on Local Councils.
- Training and mentoring to be provided for women who face the greatest barriers to participation in elections, including Traveller and Roma women.

**However, there is no clarity as to, if and how, the recommendations will be factored into The Electoral Reform Bill 2020, which is at Committee stage, and where a review is possible but contingent on political impetus.**

## Inclusion in public life

- a) Since 2017 there has been no plan to reflect Traveller's minority ethnic status across the State. Inclusion in National Government Planning Strategies is important too, which are not currently comprehensively inclusive in design and Travellers are not factored into Ireland's broader plan across cultural, social, community and environmental strategies, as a matter of fact, not afterthought.
- b) Government consultation on those matters assume Travellers are included in broader public research cohorts and in other national engagement strategies, which is not the case. For example: The Citizens Assembly, "to inform legislation and public policy, and its principle "in reflecting Irish society", doesn't take account of minority groups in its composition of Members of the Assembly, who are currently selected at random from the electoral register. Travellers are not always on the Register and unlikely to be included in the Assemblies so far.

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(4) IHREC Data 2016-2020 (latest available data)

All human rights and equality law queries IHREC 'Your Rights'	Number	Traveller specific rights-based queries	Equal Status Acts 2000-2018	Employment Equality Acts 1998 – 2015	Intoxicating Liquor Acts 2003 – 2008
2016	951	39	22	2	15
2017	1780	No comparative for Travellers available in IHREC report	No comparative for Travellers available in IHREC report	No comparative for Travellers available in IHREC report	8
2018	1,711	37	14	1	22
2019	2,165	38	14	0	12
2020	1,732	28	19	5	4

#### Footnotes

- 1) <http://www.irishstatutebook.ie/eli/1998/act/33/enacted/en/html>
- 2) <https://www.irishstatutebook.ie/eli/2020/act/2/enacted/en/html>
- 3) Insert WRC table
- 4) IHREC TABLE
- 5) <https://rm.coe.int/4th-op-ireland-en/168095000c>
- 6) [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-roma-travellers-six-countries\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-travellers-six-countries_en.pdf)
- 7) <https://www.gov.ie/en/collection/156b21-social-inclusion-monitor/>
- 8) [https://www.housing.gov.ie/sites/default/files/publications/files/2019\\_july\\_expert\\_review\\_group\\_traveller\\_accommodation-final\\_reportrt\\_00.pdf](https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reportrt_00.pdf)
- 9) [https://www.oireachtas.ie/en/debates/question/2021-01-27/346/#pq\\_346](https://www.oireachtas.ie/en/debates/question/2021-01-27/346/#pq_346)
- 10) <https://www.housingagency.ie/publications/review-funding-traveller-specific-accommodation-and-implementation-traveller>
- 11) <https://itmtrav.ie/wp-content/uploads/2021/08/PDF-ITM-Traveller-Accommodation-Programme-Analysis>
- 12) <https://www.irishstatutebook.ie/eli/2021/act/26/enacted/en/html>
- 13) <https://www.opr.ie/wp-content/uploads/2021/10/Traveller-Accommodation-and-the-Local-Authority-Development-Plan-Case-Study.pdf>
- 14) <https://www.gov.ie/en/collection/29c76-traveller-accommodation-statistics/>
- 15) <https://www.oco.ie/library/no-end-in-site-an-investigation-into-the-living-conditions-of-children-on-a-local-authority-halting-site/>
- 16) <https://rm.coe.int/findings-ecrs-2020/1680a1dd39>
- 17) Behaviours & Attitudes (2017), Traveller Community National Survey. <https://itmtrav.ie/key-reports/>
- 18) <https://inar.ie/inars-2020-ireport-ie-reports-of-racism-in-ireland-published/>
- 19) <https://www.oberstown.com/wp-content/uploads/2019/10/Oberstown-Characteristics-of-Young-People-in-Detention-Report-2019.pdf>
- 20) [https://iprt.ie/site/assets/files/7076/iprt\\_the\\_rights-\\_needs\\_and\\_experiences\\_of\\_foreign\\_national\\_and\\_minority\\_ethnic\\_groups.pdf](https://iprt.ie/site/assets/files/7076/iprt_the_rights-_needs_and_experiences_of_foreign_national_and_minority_ethnic_groups.pdf)