



Submission to the United Nations Universal Periodic Review Third Cycle Report The Irish Traveller Movement (ITM)

March 2021

The Irish Traveller Movement welcome the opportunity to submit to the United Nations on matters related to the Third Universal Periodic Review Cycle for Ireland 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 which 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 respond to Ireland's last report and address the following recommendations: **135.103, 135.126, 135.144 ,135.146 ,135.147.**

Statistics related to this submission and relevant to the last UPR concluding observations, appear in Appendix 1.

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Recommendations

(135.103)

Racial discrimination

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

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.

Policy responses

- ▶ Roll out Ethnic Equality Monitoring including recording ethnicity in all routine administrative data sets and implement Traveller accommodation audit proposed in the Report of Expert Group on Traveller accommodation.

(135.126)

Support for community and voluntary, inclusion and representation

- ▶ Ensure employment and training organisations and DEASP apply Traveller engagement models, engage wider Traveller consultation and implement intercultural awareness training.
- ▶ Monitor and advance a report on the impact of the Public Sector Duty across the public service in recruitment, in services and structures.
- ▶ Fully resource Traveller NGO sector and ensure visibility and inclusion in existing government objectives.
- ▶ Include recommendations made to Government review of the Future of Media Commission.

(135.146)

NTRIS Monitoring and implementation

- ▶ Strengthen the existing implementation and monitoring of NTRIS by adopting clear targets, indicators, outcomes, timeframes and budget lines and renew Strategy 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

- ▶ Implement a national Traveller LGBT plan and ensure LGBT+ Traveller and Roma are equal stakeholders in state sponsored mainstream strategies and representative in their design and implementation.
- ▶ Repeal evictions legislation given impact on Traveller children and those in homeless provision and redress housing policy re Traveller size norm
- ▶ Prioritise the implementation of mental health specific recommendations contained within NTRIS and Prog for Government commitment.
- ▶ Prioritise a national at-risk audit and Traveller suicide prevention campaign and strategy with a focused approach on Traveller women, youth and LGBTQ+ people.
- ▶ Implement a Traveller youth specific strategy
- ▶ Resource and implement a national Traveller gender equality plan that enable and support Traveller men and women with targeted measures and defined resources, timeframes, targets, indicators and outcomes.

Policing

- ▶ Review racial profiling, policy, practices and training of An Garda Síochána. Complete NTRIS 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 Traveller child” in all school and education systems, publish data and apply appropriate and ring-fenced supports, attached to the national strategy.
- ▶ Publish the interim findings of the 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 evaluation at the end of year one, with a report disaggregated by school and inclusive of an ethnic identifier. Ensure TUSLA have a role in the oversight.
- ▶ Ensure commitments to work underway for inclusion of Traveller history and culture by the NCCA.
- ▶ Apply a mandatory requirement to the current anti-bullying guidelines and recommendations.

(135.147)

Accommodation

- ▶ Implement all recommendations of Report of the Expert Review Group on Traveller Accommodation with time lined implementation plan, targets, corresponding accountability measures and budget.
- ▶ Ensure inclusions in delivering accommodation to Travellers in the renewed National Development Plan, in Social Housing Construction Projects Status Reports and in the proposed Land Development Agency Bill.
- ▶ 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 address intersectionality and the progressive crisis in mental health.

Employment

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

Recommendation (135.103)

1. Establishment of the Anti-Racism Committee (ARC) including Traveller representation, the 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).
 - 2.(b) 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.(c) Travellers have no recourse under the Legal Aid scheme when served with eviction notices due to restrictions under s.28 (9) of the Civil Legal Aid Act 1995.
 - 2.(d) No legal aid is available on claims of discrimination under the Equal Status Acts, access to services, housing, accommodation and education and for social welfare appeals, as well as in employment cases.
3. Comprehensive implementation of government policy and monitoring of reach and effectiveness to the community across the NTRIS is impeded by a lack of data, or appropriate data collection. One example is in considerable disparities in accommodation and housing assessment as a basis for establishing national need ⁽¹⁾. 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 across all other areas.

Recommendation (135.126)

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.

4. (b) Support to the NGO sector is welcome and necessary but adequate resourcing to ensure government policy provides better outcomes for Travellers is required and to redress cuts to the sector during austerity. The Government Strategy, for Sustainable, Inclusive and Empowered Communities as a road map is vital, but Traveller specific targets and outcomes should be a focus of a nationwide plan.

4. (c) Improving Traveller representation in local and national decision-making settings and in representational fora needs a dedicated action plan with oversight. Greater protection and visibility of Travellers in media is overdue and strengthened regulation of the media sector required.

Recommendation (135.144)

5. State recognition of Traveller ethnicity was a symbolic moment for Travellers and in Ireland's history. Enhanced engagement and dialogue with the Department of Justice central to the national Traveller and Roma inclusion strategy was welcome. Despite good intent, progress across the Strategy has been slower than anticipated, with only incremental changes seen.

5.(b) There are concerns only 9 actions are complete, 15 to start and others ongoing at varying rates of achievement. The allocation of only €5 million in 2021 an additional €1 million from 2020⁽²⁾, was necessary but no additional specific resources to deliver NTRIS actions have been advanced.

5.(c) Concerns on the Strategy include

- actions are dispersed across departments, without a central fund or monitoring authority to oversee performance and delivery, no staff assigned to specific related actions in some areas.
- no ethnic equality monitoring applied, progress not benchmarked to key performance indicators and inadequate monitoring models.

(See recommendations 135.146)

Recommendation (135.146)

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 current monitoring structure of NTRIS 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 and broader consultation is needed with Traveller stakeholders to determine vital safeguarding elements and body of work required and taking account of existing work undertaken by the sector with national cultural institutions and authorities.

Anti-Racism

10% of hate crime reported to iReport in 2019⁽³⁾ were made by Travellers who represent 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 ⁽⁴⁾. The delays on the government side to approve the interim report produced by the ARC remain.

8. Intersectionality

8.(a) Actions have been disparate, limited in reach, without a central focus or measurement of engagement. Despite engagement with the relevant Dept to seek supports towards progression, resources have not been adequate.

8.(b) 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. Approximately 60% of Travellers are under 25 and 23% of 15-24-year olds married, compared to 1.2% nationally and 7% of female Travellers aged 15 – 19 had given birth to one or more children ^(Stats ref 3).

8.(c) 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 ^(Stats ref 1). 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.

8.(d) There is a steep increase in deaths by suicide found anecdotally in last five years among Traveller women and wide community impact with 8 out of 10 people affected. ^(Stats ref 7).

8.(e) To date, actions related to Traveller and Roma women have not been adequately resourced, their inclusion in broader gender actions has been insufficient, and the associated implementation plans have failed to define or reach clear gendered targets, indicators or outcomes.

9. Policing and Prisons

There is broad ambition in the Garda Diversity & Integration Strategy 2019-2021 but noted observations by CERD 2019 ⁽⁴⁾, 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 ⁽⁵⁾ exposed high levels of negative attitudes towards Travellers by Gardai, in advance of taking up their positions and who remained negative as serving Gardaí. The Advisory Steering Committee to the strategy was convened only twice in 2020.

10. Education

- a) There is little evidence of improvements in completion and retention rates since austerity cuts in 2008.
- b) Covid impacts on Travellers pupils in leaving certificate year 2020 and 2021 is unknown, with additional inequities in accessing broadband and digital supports, acknowledged by Government but supports not targeted at Travellers. Only 50% of Traveller pupils can access supports such as Home School Community Liaisons and the School Excellence Fund.
- c) Assessment of the Pilot programme has not begun despite the half-way mark in most sites.
- d) Data collection by the DES is central to assessing levels of retention and enrolment but baseline data has not been shared with the sector since 2019.
- e) The reduced timetable for Travellers is widespread and guidelines for schools delayed in 2020 as planned.
- f) Resources around Further and Higher education are welcome but retention in post primary and additional resources allocated to defeat early school leaving. The report to establish baseline experiences of Traveller and Roma in school, has not been published.
- g) 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.

Recommendation 135.147

12. Employment

(a) Traveller targets and engagement in Labour Market Activation Support is not available without a system ethnic identifier still, but employment was at 15% among lowest rates in all countries surveyed in Europe FRA ⁽⁷⁾. In 2020, obstacles were encountered in the public employment system at the focus was on the short term unemployed nationally, and Travellers have not been prioritised.

(b) Commitments made in the draft Pathways to Work Strategy are necessary but are not meeting the most basic need for activation.

13. Health

Traveller health persists at levels found amongst the general population in the 1940s - including lower life expectancy, higher morbidity and mortality. Traveller health had no new core development monies since 2008, until 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 ⁽⁸⁾ 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 is scheduled for March 2021, and urgent given covid delays.
- c) The current Traveller Accommodation Programmes nationally and are not fit for purpose, only 22 authorities plan to deliver to the 2,871 families currently in need. 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 ⁽⁹⁾ only €38.5 million was drawdown 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) Refurbishments accounted for 54.1% of output between 2006 and 2018, rather than new output evident still in current TAPs. ⁽⁸⁾
- g) In June 2019, the Irish Human Rights and Equality Commission undertook an equality review of local authority provision to Travellers - due for publication 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. ⁽¹⁰⁾
- i) Many Traveller families are statistically likely to have larger family sizes, and marginally above the threshold for social housing based solely on social protection entitlements. Results of a government review on income thresholds are yet to be released.
- j) During Covid-19, government supports for Traveller families especially where living without access to running water, toilets or electricity or to quarantine, in severe overcrowding were made available. Local authority implementation of these were inconsistent, despite evident outbreaks with 243 notified from Nov 11th, 2020– March 20th, 2021 ⁽¹¹⁾.
- k) The Residential Tenancies Act 2020 which legislates for a ban 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) The 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* ⁽¹²⁾. These breaches have not been resolved.

- m) 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.

References

1. Department of Housing, Local Government and Heritage Annual Count of Traveller Families 2019 <https://www.gov.ie/en/organisation/department-of-housing-local-government-and-heritage/> In 2019, 10,809 families were shown to reside across 31 local authorities. But assessment is undertaken by differing approaches with some councils counting families and other households. (Traveller family size ratio 4.2 and households 5.3 ⁽³⁾ Census 2016)
2. In 2020 funding to support Traveller and Roma inclusion was 3.8 million and ensured core funding to existing supports, 6 Traveller NGOs, a Traveller Mediation Service, 7 Roma Employment Projects and 6 inclusion ones, the Special (employment) Initiatives for Travellers (SITs) and Roma in 7 locations, the two- year education pilot in 4 locations, and €60,000 towards Traveller pride week events.
3. https://inar.ie/wp-content/uploads/2020/03/2019_iReport_Final.pdf
4. CERD United Nations, CERD/C/IRL/CO/5-9. International Convention of the Elimination of All Forms of Racial Discrimination. Distr.: 23 January 2020
5. <https://www.irishtimes.com/news/crime-and-law/garda%C3%AD-have-negative-view-of-travellers-survey-finds-1.4334274>
6. DES 2019 enrolment figures 2019 and estimated number Travellers enrolled in Pilot schools (DES NTRIS traffic light report)
7. https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-travellers-six-countries_en.pdf
8. https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_reporttr_00.pdf
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