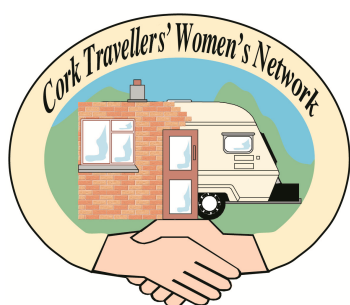


Submission
to
United Nations Office of the High Commissioner on Human Rights
on the
Universal Periodic Review (Third Cycle)

Traveller Visibility Group, Cork (TVG) & the Cork Traveller Women's Network (CTWN)

March 2021



Irish Travellers Demographics

Irish Travellers are an indigenous ethnic minority. In the last Census (2016), 30,987 Travellers were enumerated, a closer estimation of population is reflected in the Department of Housing Planning and Local Government (DHPLG) Annual Count of Traveller families 2019 (last available) which counts **10,809 families**. This would equate to approximately **57,000 individuals (using 5.3 as family size ratio Census 2016)**

The population profile of Travellers is similar to that of developing countries with a high birth rate and a young population coupled with high mortality rates and a life expectancy much lower than that of the general. Nearly 6 in 10 (58.1%) Irish Travellers were under 25 years of age (0-24) compared to just over 3 in 10 (33.4%) in the general population. Just 3% of Irish Travellers reach the age or over in 2016 (equivalent rate for the general population was 13.3%)

Travellers are one of the most marginalised communities in Ireland. Long term exclusion, and experience of discrimination has had a detrimental effect on Traveller's life chances, health status and is evidenced in poor outcomes from birth to death.

Traveller Visibility Group, Cork (TVG)

“TVG is a Traveller led Cork based organisation which brings the settled community and Travellers together in order to facilitate community development work for the Traveller community.”

Founded in the early 1990s by Traveller women whose aim was to highlight the unmet needs of their community and help end segregation and discrimination, the Cork TVG brings Travellers and settled people together to facilitate development work with the Traveller community.

- Through influencing policy, advocating and providing Traveller cultural awareness training, we encourage and support services to be accessible to and understanding of Travellers.
- By building capacity and empowering Traveller women, men and youths to create change and achieve equality in the areas of accommodation, education, employment and health.
- By offering community-based childcare, community-based alcohol and drugs support, health and advocacy support, and employment opportunities for Travellers.

The Cork Traveller Women's Network (CTWN) is a community development organisation run by and representing Traveller women in Cork city.

CTWN promotes empowerment, inclusion, equality and human rights for Travellers. Our work focuses on Traveller women and the issues affecting our lives and the lives of our families and community. This includes health (including mental health), education, accommodation, discrimination and promotion of Traveller culture

Our key areas of work are:

- *Supporting Traveller women as leaders*
- *Promoting Traveller women's health and well being*
- *Supporting a network of Traveller women's groups in Cork city*
- *Advocating for Traveller accommodation rights*
- *Promoting awareness of Traveller culture and ethnicity*
- *Challenging anti Traveller discrimination*
-

Contact details : corktravellerwomen@hotmail.com

Submission

Traveller Ethnicity & State Apology

Traveller Ethnicity was formally recognised in March 2017. This was an entirely `symbolic` recognition, as the government of the day pointed out repeatedly. There was no legal recognition of this at the time, and this matter remains outstanding.

Generations of Irish Travellers were affected by the damaging impacts of the 1963 Commission on Itinerancy Report. The state policy had a profound negative impact on generations of Travellers, starting from childhood, with ongoing effects to this day. The Irish state needs to issue a formal apology to these lost generations of Travellers.

Recommendation : Give legal effect to Traveller ethnicity recognition & prepare for a formal state apology

Traveller Accommodation

Accommodation is key to improvements in other areas, but the delivery of Traveller accommodation remains at a standstill. In 20+ years of Traveller Accommodation Programmes (TAPs) since the late 90s. In those twenty years, two Traveller-specific schemes were built in Cork, but both replaced existing sites, which were closed. This information is constantly obscured. Official figures note 16 new units in 2015 in Cork City, but knowingly omit, that the 12 unit old site was closed, leaving a mere net additional new unit figure of 4. Both of these two developments were not driven by the need for Traveller accommodation (which undoubtedly exists) but by commercial considerations. In both cases, the old site was in the way of a large, private commercial development, providing the impetus for the relocations, while another site in flood plain remains 25 years later. Following a dramatic evacuation about 10 years ago, this site had to be evacuated once more in early 2021, due to flooding concerns.

Government responses to an ongoing Traveller accommodation crisis usually refer to the Housing (Traveller Accommodation) Act, 1998 as the framework for Traveller accommodation delivery. This framework has failed for the last 20+ years, and its failure is well known to the Department and the government. Lack of outcomes prompted a review of the act in 2006. While the meagre agreed recommendations were adopted as government policy at the time, they were never implemented, and quietly dropped after a short period. Statutory, ministerial directions on TAPs get casually ignored by local authorities, and the Department, the Minister and the Government turn a blind eye, emboldening local authorities in their disregard of their legal duties. Cork City Council had no targets for Traveller accommodation delivery in the previous TAP (a legal requirement) with no action by the Department. Encouraged in this non-compliance by the Department (through failure to act), Cork City Council ignored more of their statutory requirements as a result. An analysis of current TAPs across the country found Cork City Council to be the most deviant, being the only local authority

failing on all four statutory requirements assessed (<https://itmtrav.ie/audit-of-local-authority-programmes-finds-failure-to-deliver-for-traveller-families/>)

The ongoing, recurring underspent of funding available for Traveller accommodation remains a scandal (<https://www.housingagency.ie/publications/review-funding-traveller-specific-accommodation-and-implementation-traveller>). Regular parliamentary questions highlight this failure (<https://www.oireachtas.ie/en/debates/question/2017-05-11/section/131/>, <https://www.oireachtas.ie/en/debates/question/2018-11-20/643/>, https://www.oireachtas.ie/en/debates/question/2020-05-20/1327/#pg_1327). The government tries to cover this failure, and there are reports of a reversal on this, recording an overspent in 2020. However a cursory analysis of the Cork City figures for 2020 contradicts this finding. Cork City is reported to have drawn down approx € 1,375,000 for Traveller accommodation in 2020. On enquiring what this money had been spent on, we were informed that € 935,000 was drawn down for a development completed in 2015 (!), a development sped through planning, as the old site (now closed) was in the way of the expansion of the Apple Computer Corporation. € 365,000 was spent on cleaning a yard of rubbish. This area was not included in any relevant TAP at the time, and was a misappropriation of Traveller accommodation funding from central government.

In response to the bad publicity on the ongoing underspent on Traveller accommodation (as well as international pressure), the government appointed an Expert Group on Traveller Accommodation. This group published its report and recommendations in July 2019 (<https://rebuildingireland.ie/news/minister-english-publishes-the-report-of-the-expert-review-group-on-traveller-accommodation/>). Almost two years later, any of the report's recommendations are awaiting implementation – again highlighting the government's disinterest in the issue. The continuing failure of what the Irish government describes as its 'framework' for the delivery of Traveller accommodation has been exemplified once more in Waterford as recently as this month (https://waterford-news.ie/2021/03/18/proposal-for-seven-halting-site-bays-defeated/?fbclid=IwAR2Si5q-I2jUiht88OAI4YdF7GTW9Chg6Bi9AHloZMCbSJz_WzGbOeGtCU) and the Council of Europe's Committee on Social Rights (https://www.irishtimes.com/news/social-affairs/rights-of-local-authority-tenants-and-travellers-violated-european-body-says-1.4518271?fbclid=IwAR2L3OFH4I8wwpjadJF1KAs8bjGid8ddOu_eaiPIPIyXaq2m89HPd1q7R_c) this very week.

The Irish Human Rights & Equality Commission was so concerned about the lack of delivery in Traveller accommodation, that it instituted a statutory equality review of TAPs (<https://www.ihrec.ie/human-rights-and-equality-commission-launches-national-review-into-council-traveller-accommodation-provision/>). Sadly, almost two years later, there has been no information on any outcomes of this review.

The highly respected Economic & Social Research Institute/ESRI noted in 2017: "*The government needs to be more proactive in ensuring that local authorities are meeting their obligation to provide adequate Traveller specific accommodation. The fact that funding for this has been provided but not spent points to a systemic failure in existing processes and structures. In order to achieve the accommodation objectives, further action is necessary. The challenge clearly goes beyond the funding issue and includes the need to enforce local responsibility and to address local opposition to the provision of Traveller-specific housing*" (<https://www.esri.ie/publications/a-social-portrait-of-travellers-in-ireland>). There have been no meaningful actions to address this "systemic failure" since

then.

Homelessness & Housing Allocations & Difficulties in Accessing Housing List

In conjunction with University College Cork and the Irish Traveller Movement, CTWN & TVG undertook an extensive needs assessment of Traveller accommodation in the Cork City area. Our sister projects in County Cork & Kerry undertook the same survey (RTAWG, the Regional Traveller Accommodation Working Group). This highlighted a huge amount of overcrowding and lack of access to basic services across the three local authority areas. Using the current, narrow definition of homelessness, the RTAWG identified *“32 family units out of the 397 family units in the survey self-identified as homeless. This amounted to a total of 88 individuals and included 40 minors under the age of 18”*. However using the ETHOS Definition of Homelessness (<https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>) a homelessness rate of *“339 of 396 surveyed would qualify as homeless under the expanded definition of homeless under ETHOS lite”* was identified across the region. This information provided the baseline information of a collective complaint to the UN Special Rapporteur on Adequate Housing in December 2019 (see annex 1), as well as a Report on Traveller Homelessness in the Cork/Kerry region (due to be published shortly).

The Irish government apparently has recognised the validity of the ETHOS definition, but has failed to apply it so far. The current system vests the decision making power, whether an individual/family is homeless and entitled to additional supports as a result in local authorities, the same local authorities, which have a vested interest in keeping homeless figures low. This creates a potential conflict-of-interest, added to a general system lacking in transparency. As a result there is a need for an independent institution, which should be able to adjudicate quickly and autonomously on disputes regarding homelessness.

Accessing the social housing list and the subsequent operation of the housing list poses further difficulties for Traveller housing applicants. The Mercy Law Resource Centre this month published a Report on Minority Groups and Housing Services (<https://mercylaw.ie/publications/>). Many of its observations and recommendations are applicable to Irish Travellers (partly due to nomadism). Once on the housing list, the problems do not stop here, but turn to allocation policy and procedures. Allocations of standard housing have been moved to a computerised system called Choice Based Letting/CBL, where applicants ‘bid’ on available housing on a weekly basis. This system is being rolled out across the country, and is operational in Cork City for several years. A previous allocation system, which lacked transparency, has become even less transparent as a result. There is no accountability if or how Cork City’s Allocation Policy is being applied in a system of algorithms. Anecdotal evidence suggests that huge ‘weighting’ is given to years-on-the-housing-list, meaning that other relevant information (overcrowding, homelessness, medical information, etc ...) is being de-prioritised in defiance of City Council’s own adopted allocation policy. Traveller family applicants with more than two decades of qualifying years on Cork City’s housing list, are still being discriminated against, as a recent equality ruling established (<https://www.workplacerelations.ie/en/cases/2020/july/adj-00018849.html>). An increasing number of the houses/apartments on offer on CBL, are being offered by Approved Housing Bodies/AHBs

(rather than the LA itself). A number of selected applicants (who 'bid' on CBL) then get nominated to the AHB for selection. While the LA nominations may be in line with the Cork City's Allocation Policy, the subsequent final selection by the AHB is apparently not determined by the same policy.

CBL is the only way to access standard social housing : it presumes internet access, computer literacy and a reasonable familiarity and comfort in engaging with online facilities – this is a huge presumption, often not met by the reality of Traveller lives, sometimes living without access to electricity. There is a further problem with the management of Traveller housing application files, observed by the CTWN & TVG over numerous years : housing applications submitted, but no housing file being opened, or housing files unilaterally closed by the LA. These issues are frequently raised with the Ombudsman's Office or in equality complaints to the Work Place Relations Commission/WRC. CTWN/TVG expects the outcome of a large investigation by the Children's Ombudsman, which we expect will also substantially touch on the issue of deficient file management. Cork City Council are supposed to have 'credit reviews' to address this problem, but despite numerous requests it remains unclear how this system operates, or even who to contact about such a credit review.

Approved Traveller housing applicants are frequently deferred from using the CBL system, or have their number of qualifying years reduced, due to minor convictions leading to deferrals. Such deferrals are supposedly based on anti-social behaviour convictions and on 'estate management' grounds, though any minor conviction of a single household member is likely to lead to a deferral of a whole applicant family, sometimes leading to 'rolling deferrals'. The TVG specifically referred to this problem in a submission to the Department of Justice late last year (see annex 2). This issue is also currently before the courts in another LA area

https://www.kildarenow.com/news/news/618661/traveller-family-challenges-their-suspension-from-housing-list-over-father-s-public-order-convictions.html?utm_source=dlvr.it&utm_medium=facebook&fbclid=IwAR0Z30Ehyovmgh2KIWHBZlsmYdtw5yxkFoiUiN71Wtc7jKJvrtjyJ3QWKQ

Lastly the system of qualification for a particular size of dwelling under social housing regulations (operated both nationally and at local level) discriminates against Travellers. Family sizes have been declining in Ireland over the last couple of decades, as has the size of social housing (in terms of number of bedrooms) to take account of this development. The size of Traveller families has also been declining, but remains relatively considerably larger than compared to the majority population. CTWN & TVG are aware of a not inconsiderable need for larger housing of 4-bed or 3-bedroom housing, though 4-bed dwellings become rarely available. Housing regulations further disadvantage larger Traveller families, which grow in size over an extended period of time. However housing allocation practice only looks at current family size only : so a young couple with one or two children qualify for a 2-bed only. Even if the family is (certifiably) expecting a third child, their housing need will not be re-assessed until the 3rd child is born and the birth-cert & PPS number (for the newborn) has been submitted. So a growing family (or even a family with only two children of different gender, requiring separate rooms after the age of 12) will require larger accommodation after some time, leading to an ongoing lack of housing security. At the same time we hear anecdotal evidence of officials commenting unfavourably on the larger degree of support Traveller housing applicants require (when compared to the majority population), but this is partly due to the state's own policies, procedures and regulations as evidenced here.

Recommendations :

Establish a National Traveller Accommodation Agency, which will act as a `driver` to identify Traveller accommodation needs and ensure this is being delivered by local authorities.

Call on the government to speedily implement the recommendations of the Expert Group on Traveller Accommodation

A commitment to return to a ring-fenced budget for Traveller accommodation to the pre-austerity level

Introduce using the ETHOS definition of Homelessness in assessing families across the administrative system in Ireland

Establish an independent appeals adjudicator, where there is a dispute over a homeless situation

Hold a referendum to put the `Right to Housing` in the Irish constitution

Amend housing regulations to allow for growing Traveller families to access appropriate accommodation

Nomadism& Criminal Trespass

The issue of Traveller nomadism is a good example to show that the state`s framework is not and has never been working. A need for transient accommodation has to be assessed, but no transient sites are ever being built to meet this need.

The TVG-CTWN accommodation needs survey in 2018 showed a large interest in the ability to travel, especially during the summer months, and a need for transient accommodation mainly in the greater Munster area. Cork City Council`s own current Traveller Accommodation Programme/TAP (<https://www.corkcity.ie/en/council-services/services/housing/traveller-policy/>) notes that 32% of respondents identify the need for transient site(s) in Cork City (and it is to be noted that all respondents to the CCC needs assessment are Traveller residents in Cork City – so not themselves requiring transient accommodation in the city). Despite this, there is no commitment or plan to meet this need. Regarding transient accommodation, the TAP merely states : *“to be reviewed during the life time of this programme”* – the same as it did in previous TAPs, without any action.

Central government`s position to LAs ignoring the need for transient accommodation has been to ignore the issue too. Worse, the government undermined its own flawed Traveller accommodation legislation by introducing the Criminal Trespass legislation in 2001, criminalising nomadism in the absence of transient accommodation. While the statutory obligations of the Traveller accommodation legislation continue to be ignored both nationally and locally, the `enabling` legislation to criminalise nomadism is used enthusiastically locally, and continues to be endorsed by the national government.

The Criminal Trespass legislation had a devastating effect on Traveller nomadism. Summer travelling virtually disappeared within two years of the introduction and widespread use of the law (or is confined to visits to the UK). While the government claims the law does not name Travellers, it is undoubtedly aimed at Travellers, in terms of its inception, and is used almost solely against Travellers.

Recommendation :

The government must withdraw the criminal trespass legislation and deliver a network of transient sites.

Policing/Gardai

The UN CERD Committee has recommended for Ireland *“to adopt legislation that prohibits any form of racial profiling”*. The Irish state’s response to this recommendation is *“An Garda Síochána does not, as an institution engage in discriminatory profiling”* without providing any evidence to support this assertion.

TVG & CTWN welcome improvements in policing, but we also note systemic recent failures, contradicting the Irish government’s assertion. This includes inappropriate recordings on the PULSE police computer system (in Cork), the illegal planting of guns on a Traveller halting site in Donegal (as uncovered by the Morris Tribunal), and the removal of Roma children from their families in both Dublin & Athlone – all over the last number of years.

Travellers in Cork are sometimes racialised through the inappropriate, but highly visible, use of armed garda units. Travellers are collectively targeted here, in a way that would never happen to the majority population. CCTV is used in a highly insensitive manner, targeting Travellers on a halting site in Cork, interfering with the right to privacy and family life.

Recommendation :

The Irish government needs to introduce legislation prohibiting racial profiling

Education

Traveller education remains a problem area with educational attainment/outcomes for Travellers well below the majority population. Cork is recognised as ‘blackspot’ in this regard, and has subsequently been selected as one of four pilot projects under the education strand of NTRIS (the STAR Project, based in TVG). Problems in primary and secondary education identified by STAR include :

- Ongoing difficulties with reduced timetables, giving Traveller pupils and their parents the indirect message they are not really ‘wanted’ in the school.
- Instances of school enrolment policies discriminating against Traveller in accessing education.
- Lack of an executive role by the Department of Education, allowing some schools to unilaterally disengage with the STAR project, even though there is a large cohort of Travellers/Roma within the school
- Ongoing difficulties with bullying/hate speech in school , which make school an unwelcoming place for Traveller students.

- Low expectations of Traveller students by the school system. For example schools make unilateral decisions that some Traveller students do the 'Leaving Cert Applied', rather than the regular leaving certificate
- Lack of an ethnic identifier makes it difficult to monitor progress of Travellers/Roma within the school system, but there have been no CAO applications to third level education by Travellers in Cork City in either 2020 or 2021.
- Lack of visibility of any Traveller role models within the education system, like teachers who are Travellers ('If you cannot see it, you cannot be it')

(STAR notes that the difficulties for Travellers within the educational system are much more amplified in secondary schools, compared to primary education)

The STAR Project is looking forward to the publication of the "*independent assessment of the pilot projects aimed at retaining Traveller and Roma children in education*" (as promised in the Programme for Government)

The unilateral withdrawal of the Visiting Traveller Teacher Service/VTTS several years ago, without any mainstream provision to replace it, left a huge gap. While the VTTS needed to be reviewed, it was simply closed down altogether.

Recommendations :

The Irish state needs to decidedly address issues relating to school enrolment, reduced timetables and other unilateral decisions taken by individual schools, which mitigate against Traveller participation and attainment.

There needs to be mandatory anti racism and culturally competence training across the school system on an ongoing basis. This needs to be accompanied by a system of monitoring and sanctions.

There needs to be a new educational support service to Travellers in school (replacing the old VTTS service). It needs to have a proper mentoring role (with a focus on subsequent Traveller employment beyond the education system), and Traveller practitioners need to be highly visible within this support system as paid workers.

The Yellow Flag multicultural schools diversity programme needs to be mainstreamed across primary and secondary education as an ongoing, regular programme (while retaining its inclusion and focus on Travellers as an indigenous ethnic minority in Irish society).

Third level access programmes need to be widened, while second chance education (both formal and community-based) needs to be properly resourced with access routes to employment.

Youth work with Travellers needs to be resourced as a valued out-of-school educational activity.

Develop and implement a Traveller Education Strategy

TVG & CTWN welcome the government's commitment to introduce hate crime legislation, however we also note that a commitment to review the ineffective Incitement to Hatred legislation goes back about 20 years, with no tangible outcomes as yet.

We acknowledge the right of 'free speech' and difficulties to introduce effective, meaningful hate crime legislation with the right to 'free speech'. The current landscape is one of a lack of effective protections against hate speech, and an array of fragmented mechanisms, especially in the area of the media. Broadcast and print media have differing, separate complaints mechanisms, with the print media mechanism confined to members of the Press Council. Social media is outside this framework, including the social media pages of media practitioners (at least as far as moderating commentary is concerned). Another difficulty with the fragmented complaints mechanisms is that they focus on single incidents, and are not suited to explore, nor address patterns of bias.

Another UN CERD committee previously noted that "*strengthening the protection of all people from racial discrimination*" had "*stalled*". This lacuna is continuing until such a time as effective hate crime legislation is effected and being used.

The most recent National Action Plan Against Racism/NPAR concluded in 2008, and there has been no similar policy document since then. The NPAR 2005 -08 was marked by a large degree of aspiration, which was neither met by funding, nor political commitment. For example it committed to new projects in the Community Development Programme/CDP, but when local Traveller groups tried to pursue this matter, it proved fruitless. Worse still, post 2008, the Irish government pursued a battle to dismantle the CDP and silence dissent from within the community sector. Any new NPAR needs to be properly resourced with time-scaled actions, valuing the independent 'dissenting voice' as a positive in a pluralist society.

Recommendations :

Introduce effective hate crime legislation within a short, defined timeframe (including the never-ending review of the Incitement to Hatred Act)

Introduce a new National Action Plan Against Racism, which has the financial resources to implement it attached, and moves beyond the mere aspirational of the previous NPAR.

Introduce an effective complaints structure to deal with various media (print, broadcast, online, social media) that is timely, allows for redress and is effective regarding patterns of discrimination and bias.

Mandatory anti-racism/cultural competence training (similar to the model of the Cork Traveller Cultural Awareness Training) for all key stakeholders

Safeguarding Traveller Culture

Irish Travellers have been recognised as an indigenous ethnic minority, following a long campaign by Travellers and Traveller advocacy groups in 2017. Although this officially marked an end to decades of state official and unofficial policies of assimilation, denial and oppression of Traveller culture and heritage, considerable damage has been imposed on Traveller culture (such as the suppression of Nomadism as a traditional way of life with the state failure to develop transient halting sites and Housing Miscellaneous provisions Act 2002; and the suppression of traditional horse keeping practices within the Traveller community, through lack of support and repressive legislation). In

tandem with this Travellers subjected to a national dialogue with either ignored, misrepresented and demonised Traveller culture and heritage.

While we welcome initial measures to support and recognise Traveller culture such as the inclusion of Cant (Traveller traditional language) and the traditional craft of Tinsmithing as part of Ireland's Intangible Cultural Heritage UNESCO register, and the proposed national Traveller History and Culture in Education Bill, a more robust and ambitious national programme to safeguard Traveller culture is necessary.

Recommendations :

The State in partnership with the Traveller community must develop a safeguarding strategy of Traveller culture and heritage, enhancing Traveller participation in cultural, social and economic life with clear and ring-fenced resources and a time-lined action plan.

Make mandatory inclusion of Travellers within national and mainstream culture and heritage initiatives and social and cultural infrastructure.

Resource a national public education campaign to support the promotion of Traveller visibility, pride and identity.

National Traveller & Roma Inclusion Strategy/NTRIS

As part of its membership of the European Union, the Irish government is due shortly to start developing its third NTRIS. The first Irish NTRIS was marked by almost complete invisibility. The second NTRIS had a much larger public profile, with extensive consultations with stakeholders (including the CTWN & TVG). The current, second NTRIS still has huge gaps (especially in the area of accommodation and education), and has been poor (in common with much of Irish policy and strategies) in terms of outcomes. The Programme for Government, "Our Shared Future", de-facto admits this by stating : *"Review the National Traveller and Roma Inclusion Strategy 2017-2021 and ensure that the successor strategy has a stronger outcomes focused approach"* (<https://www.gov.ie/en/publication/7e05d-programme-for-government-our-shared-future/>).

In addition to other elements outlined elsewhere in this submission, the new NTRIS needs to address:

Training/Employment/Enterprise – Another blackspot for Travellers, compared to the majority population. The new NTRIS needs to have clear actions and outcomes in its promised *"comprehensive Traveller and Roma Training, Employment and Enterprise Plan"* which need to be targeted and resourced.

Health – The All-Ireland Health Study evidenced the lower life expectancy and health status of Travellers, including suicide. The new NTRIS needs to have ambitious health actions, including the *"Traveller and Roma Mental Health Action Plan"*, committed to in the Programme for Government.

Recommendations

The new NTRIS needs to be fully compliant with Ireland's commitments to the UN and the EU. It needs to be outcome focussed, with ambitious, defined action, which are properly resourced.

Key stakeholders need to be involved at all stages of NTRIS from development to monitoring to delivery. The oversight of not having any representation from Traveller organisations from the Munster region on the NTRIS Steering Committee needs to be addressed on the new NTRIS Committee.

Public Sector Equality & Human Rights Duty/PSEHRD

The PSEHRD was introduced as a 'statutory obligation' in 2014 as part of the Irish Human Rights and Equality Commission Act, 2014. In common with most 'statutory obligations' it lacks enforceability. While we welcome the introduction of the PSEHRD, the 'duty' would be more appropriately called an 'aspiration', due to the limitations of ensuring it being implemented.

Cork City Council took part in a pilot programme on the PSEHRD with IHREC in 2019. It was one of only two local authorities to do so (and the only urban LA to do so). A video on this pilot in Cork City Council can be accessed on the IHREC website (<https://www.ihrec.ie/our-work/public-sector-equality-and-human-rights-duty-faq/implementing-the-duty-pilot-case-studies/>), but it cannot be found anywhere on the CCC website. The video makes no reference to Travellers being one of the key users of CCC services (e.g. housing) and being part of specific CCC policies and strategies (e.g. CCC's TAP). Any requests from the TVG/CTWN to CCC to formally undertake a PSEHRD impact assessment, or to be informed of any reviews of PSEHRD compliance regarding CBL or housing allocation policy are routinely ignored. The disinterest and disregard by CCC officials in the PSEHRD is noticeable.

Recommendations :

The PSEHRD needs to be made enforceable – otherwise there is no such 'duty'.

PSEHRD Impact Assessments of state agency policies (both nationally and locally) needs to be public and inclusive of relevant stakeholders.

Ethnic Monitoring

Lack of detailed data of Traveller engagement with services and improvement/disimprovement of outcomes remains an ongoing problem. It has been much commented upon, but remains largely unaddressed

Recommendation

Roll-out of human rights-proofed ethnic monitoring tool across all relevant departments, state agencies and other stakeholders (both nationally and locally)

Covid 19

The international Covid-19 crisis has brought inequalities to the fore in Ireland and elsewhere. Social distancing and self isolation (so important in the fight against C19), are difficult, if not impossible, in overcrowded accommodation with little or no access to basic facilities.

It took a huge effort to convince a reluctant Cork City Council to provide basic individual services (like water and toilets) to some Traveller families, and CCC have indicated their intent to withdraw these temporary services, if and when the C19 crisis is over.

The battle to retain such temporary essential facilities, until they are being appropriately replaced with proper, permanent facilities is ongoing.

Recommendation :

The state must undertake a comprehensive review of Covid 19 risk factors, response measures, effectiveness of responses for vulnerable groups and minorities in society including Irish Travellers.

The government must retain all temporary basic accommodation facilities provided under Covid 19, until such a time that proper, permanent facilities are in place

Mandatory Obligations &a System of Sanctions

As outlined in much of our collective submission, CTWN & TVG have a long history of experience of inaction and lack of progress. Ireland has been reasonably progressive at developing policies and strategies, but has repeatedly faltered at the point of delivery and outcome. Much of this is inherent to the political system, especially as it affects a small ethnic minority group like Travellers, reviled unlike many other minorities by the Irish majority population (https://exchangehouse.ie/publications_nationaltravellerssurvey2017.php). In this context `statutory obligations` and `public duties` are almost meaningless. They get simply ignored – at local level and by the Irish government and its departments. Yet when Ireland needs to report to international bodies like the UN, the government reference it all the time. The UN needs to analyse, if these `statutory duties` had any real impact on outcomes. If not the UN needs to support us in our call to replace `statutory` with `mandatory obligations`, and that failure to meet such `mandatory obligations` will be met by a framework and system of enforceable sanctions (and where failure is foreseeable based on previous experience, that `mandatory obligations` are introduced from the outset).

A system of sanctions is part-and-parcel of EU membership – non-compliance with EU directives, is followed by a strong system of sanctions. The Irish state has wholeheartedly subscribed to this system of EU-membership. When it comes to Traveller rights and the delivery of Traveller policy, the Irish state is completely opposed to a system of sanctions. This obvious double-standard can only be explained by the economic, political and social position of Travellers in Irish society. The UN needs to be an ally of marginalised, powerless groups (like Travellers) to overcome this huge burden of inequality.

Recommendation

The Irish government needs to replace ineffective `statutory obligations`, with `mandatory obligations`, combined with a system of sanctions.

International Commitments

Recommendations :

The Irish government should certify appropriate national organisations (e.g. the Irish Traveller Movement) to take complaints directly to the Council of Europe's Committee of Social Rights regarding breaches of the European Social Charter

The government should formally recognise the competence of CERD (UN), and enable the CERD Committee to investigate individual complaints

Gender:

National Policy & Co-ordination: The “multiple disadvantages faced by Irish Traveller women” are acknowledged in the state's NTRIS strategy which also a chapter on Gender Equality, with 12 named actions. However there is lack of a structured reporting and monitoring, in addition to lack of a clear implementation strategy or dedicated funding.

Traveller women are also named within the National Strategy for Women and Girls in a number of actions – but there is at present no coordination at a national level with NTRIS gender actions

Recommendations :

The State must introduce gender specific targets, monitoring and adequate resources for the social inclusion of Traveller women in all policy areas, including education, training, employment, health, accommodation, violence against women, representation in public life and community development initiatives

National data collection and analysis must disaggregated by ethnicity and gender across all administrative systems and mainstream services and is in line with human rights-based standards of data collection

Emerging issues: COVID 19 exposed further inequalities for Traveller women, the closures of schools and creches disproportionately impacted on women society with an increase in women's care responsibilities and an increase in domestic violence across society. Traveller women with larger family sizes and often with poor quality and overcrowded accommodation were acutely impacted.

Violence against Women The National Strategy for Domestic Sexual Gender Based Violence contains two Traveller specific actions. However, there are no transparent objectives, activities, targets, indicators, outcomes or resources attached to the actions.

Traveller women with insecure accommodation are highly vulnerable to being forced to remain or return to a violent relationship, or risk becoming homeless. Traveller women account for the largest group in admissions to women refugees with 49% of refuge admissions being Travellers and 57% of

Traveller women recorded as repeat admissions. Some refugees reportedly turn away Traveller women who have a large number of children; if their children are too old; and some only admit one Traveller family at a time. (<http://www.paveepoint.ie/wp-content/uploads/2015/04/Pavee-Point-NTWF-2017-Joint-Shadow-Report-to-CEDAW-Committee-19012017.pdf>)

Recommendation

The state must resource special measures to address the financial and administrative barriers to safety for Traveller, particularly in accessing emergency and long-term accommodation and sufficient income

Employment Traveller women are starkly under represented in the workforce (CSO 2016).

Recommendation

A dedicated National Traveller Employment Strategy with special measures to support Traveller women's employment must be introduced, taking into account the barriers faced educational attainment, discrimination, childcare and family commitments, and welfare issues.

Mother & Baby Homes The Irish state needs to give a clear intent to allow the victims of Mother & Baby Homes access to all relevant information, data-bases, as well as redress. A formal apology for the distress caused by the recent controversy, should be considered.

Recommendation

The ethnicity of Traveller survivors of the Mother & Baby Homes needs to be recognised and highlighted in terms of the additional discrimination and racism faced by Traveller women in these institutions.

Over-representation of Traveller Women in Detention Although Travellers account for 0.6% of the overall population in Ireland, they account for 22% of the female prison population. The risk for a Traveller woman being imprisoned is 18 to 22 times higher than that of the general population (<https://www.ssgt.ie/wp-content/uploads/2017/11/Hearing-their-Voices-Traveller-Women-in-Prison.pdf>) . The majority of Traveller women are sent to prison for non-violent, poverty related offences. They have a background of social and educational disadvantage, unemployment, homelessness, illiteracy, racial discrimination, mental health problems and/or drug and alcohol dependency. Most Traveller women in prison have also experienced domestic violence from a current or previous partner.

Recommendation

The Irish prison service must introduce measures to address the over-representation of Traveller women in prison (such as community based responses) and the contributing factors that increase their risk of imprisonment including social disadvantage, marginalisation and discrimination by An Garda Síochána (police) and judiciary

Wider Issues

CTWN &TVG are community development organisation, working from a human rights approach, and in solidarity with other marginalised communities.

While we do not hold a brief or expertise, we would like to add our voice to the issues raised by our partners regarding similar issues affecting the Roma community, as well as migrants/refugees/asylum seekers (e.g. Direct Provision, family reunification, unaccompanied minors, the right to work, etc.)