

**ADVISORY COMMITTEE ON THE
FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES**

COUNCIL OF EUROPE



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**Comments of the Government of Ireland on the Fourth Opinion of the Advisory
Committee on the implementation of the Framework Convention for the
Protection of National Minorities by Ireland –
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ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE
PROTECTION OF NATIONAL MINORITIES

COMMENTS OF THE GOVERNMENT OF IRELAND ON THE FOURTH
OPINION OF THE ADVISORY COMMITTEE ON THE IMPLEMENTATION OF
THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL
MINORITIES BY IRELAND

(28 May 2019)

1. GENERAL

The Irish Government continues to be conscious of the importance of safeguarding the rights of minorities such as the Traveller and Roma communities. It recognises the continuing vulnerability of those minorities and the need for targeted responses to address issues arising for those minorities which are often complex and multi-faceted. The Irish Government has developed a strategic approach to addressing the situation and needs of Travellers and Roma through its National Travellers and Roma Inclusion Strategy 2017-2021.

Progress has been made in recent years in addressing the needs of Travellers and Roma. The Irish Government welcomes, in this regard, the supportive comments by the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) on the State recognition of the Traveller minority ethnic group on 1 March 2017, as set out in its 4th Opinion on Ireland. The recognition of Traveller ethnicity demonstrates an important evolution in the status of Irish Travellers and in the way that they are perceived in Irish society.

The Irish Government notes the recognition by the Advisory Committee of the efforts made by Irish society to increase tolerance and to ensure active participation in democratic processes which were reflected in the referenda which agreed that amendments should be made to Ireland's Constitution on the issues of abortion and marriage equality.

The Irish Government also welcomes the positive comments by the Committee on the adoption by the Irish Government of a National Traveller and Roma Inclusion Strategy 2017-2021 (NTRIS) which provides a strategic framework for addressing Traveller and Roma issues. NTRIS is a whole of government strategy aimed at improving the lives of the Traveller and Roma communities in Ireland. It has been developed and is being implemented in a partnership approach with Traveller and Roma organisations so that their concerns are considered when national policy is being developed and so that collaborative responses can be put in place to address the challenges which remain to be addressed.

NTRIS was developed in a dynamic consultative process involving Travellers and Roma at each stage of the process. A NTRIS Steering Committee is in place, chaired by David Stanton T.D., Minister of State with special responsibility for Equality, Immigration and Integration. The participation of Travellers and Roma is key to the Committee's work. NTRIS is being monitored according to a traffic light system which enables progress on each action to be clearly evaluated. In addition, specific actions have been prioritised for attention in 2019. These form an implementation plan for the year and they will be subject to quarterly updates at the Steering Group meetings.

The Irish Government appreciates the recognition by the Advisory Committee that significant efforts have been made to improve the integration and schooling of Traveller children.

A number of initiatives have been advanced since the Advisory Committee completed its report. Where appropriate, these are outlined in the responses to the specific issues raised by the Advisory Committee under individual articles. The following initiatives are in addition to those outlined in the Irish Government's response to specific issues raised by the Advisory Committee.

Two new funding streams have been introduced to address the needs identified in the participative research on the Roma community undertaken in **Roma in Ireland- A National Needs Assessment**, research funded by the Department of Justice and Equality. Six projects are receiving funding totalling €210,000 under the National Funding to Promote Roma Inclusion 2018-2020 programme for activities to support the inclusion of Roma communities within Irish society. This funding will be available to the successful projects until the end of 2020.

In addition, a call for proposals to generate employment for the Roma community in Ireland was made in October 2018. A total fund of €500,000 was made available in 2019 for seven community-based projects and it is intended that the successful projects will be funded to a similar level in 2020.

The Department of Agriculture, Food and the Marine (DAFM) in Ireland currently supports approximately a dozen horse projects at various levels of development around the country. The projects aim to support Traveller/urban horse owners in education on animal husbandry and welfare. The positive impacts of the horse projects are clear for the welfare of animals; and result in better compliance with horse welfare regulations.

2. ARTICLE BY ARTICLE FINDINGS

Article 3 of the Framework Convention

Personal Scope of application of the Framework Convention

Paragraph 12 (Recommendation) The Advisory Committee invites the authorities to pursue their efforts to acknowledge the place of Irish Travellers in Irish society and to review, in this context, and in consultation with Traveller representatives, any legislative or policy changes required to guarantee persons belonging to Traveller communities the effective enjoyment of the rights guaranteed by the Framework Convention.

The Irish Government is committed to improving the lives of the Traveller community in Ireland and part of this is the recognition of their place in Irish society. The first step was taken with the State's recognition of Travellers as a distinct ethnic group in Irish society by the then Taoiseach, Enda Kenny T.D., on 1 March 2017. Recognition of Traveller ethnicity has been an important symbolic step in the State's acknowledgement of the uniqueness of Traveller identity and is intended to help to generate mutual understanding and respect between Traveller and non-Traveller communities.

The next step will be the full implementation of the National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021. The development and implementation of NTRIS is being undertaken in partnership with the Traveller and Roma communities through their representative organisations. The Strategy is a living document which will be reviewed and adjusted as required.

The first theme of NTRIS is that of cultural identity. It commits the Government to a series of actions to ensure that Traveller culture, heritage and identity is valued and respected in Irish society; that Travellers and Roma are supported to preserve and promote their cultural heritage and that inter-generational learning, cultural continuity and positive self-identity for Travellers and Roma should be facilitated. Work is being undertaken to ensure that each of these objectives is advanced under NTRIS.

Data collection and population census

Paragraph 17 (Recommendation) The Advisory Committee invites the authorities to adapt the new form of the next population census to allow voluntary and multiple self-identification as provided for in Article 3.1 of the Framework Convention.

The Census Advisory Group on ethnicity has held meetings in 2018 and 2019 to address the issue of expanding the ethnicity question in Census 2021. The Advisory Group includes representatives of the Irish Human Rights and Equality Commission (the national human rights body), Pavee Point (a national NGO representing the needs of Travellers and Roma) and other experts. Their work has resulted in the amendment to the ethnicity question to be included in the next census in 2021. This change will include Roma as an individual category. A free text box will also be included which will allow for other ethnic descriptions to be used, including for persons of mixed backgrounds.

Paragraph 18 (Recommendation) The Advisory Committee calls on the authorities to implement the relevant actions of the National Traveller and Roma Inclusion Strategy with regard to the collection of disaggregated data, by ethnicity and gender, in line with the international data protection standards, and to monitor such actions by the end of the implementation period of the Strategy. It also calls on the authorities to assess and analyse collected data periodically in close consultation with minority representatives in order to ensure that such data are duly complemented with information gathered through independent qualitative and quantitative research.

The NTRIS objective in this area is that ‘Data disaggregated by ethnicity and gender should be collected across all Government Departments and statutory agencies to monitor and evaluate policies and strategies and to support evidence-based policy making’. There are four actions (146-149) in NTRIS which have this objective.

In autumn 2017, a subgroup of the NTRIS Steering Group was established to begin a national mapping exercise on ethnic data collection. The Department of Justice and Equality engaged with government departments and agencies to get information on the categories of ethnic data currently being collected across the public service. The aim is to advance the implementation and rollout of an ethnic identifier across all

government departments and statutory agencies to monitor equality of access, participation and outcomes of Travellers and Roma and to inform the development of evidenced-based policies and services.

Ethnic data is being gathered by a number of public services and the collection of such data is planned by departments such as the Department of Children and Youth Affairs in relation to its new childcare programmes. SOLAS, for instance, gathers learner data on its clients who can indicate their ethnicity on a self-identification basis. Ethnic data is also being collected on participation in the Social Inclusion and Community Activation Programme which funds community projects at local level.

The Department of Education and Skills has introduced a question on ethnic and cultural background in data returns made by individual schools based on the question in the national census. Identification in relation to ethnic and cultural background is on the basis of voluntary self-identification. The collection of ethnic or cultural background data began at primary level in the 2016/2017 school year and at post primary level in the 2017/2018 school year.

A data working group has been established within the context of Ireland's Migrant Integration Strategy to examine the ethnic data being collected across government departments and agencies and to identify data gaps. The Department of Justice and Equality commissioned the Economic and Social Research Institute on behalf of that working group to produce a research report entitled **Data for Monitoring Integration: Gaps, Challenges and Opportunities** (March 2019) which identifies the ethnic data currently being collected as well as potential data gaps. The report provides a useful analysis of the categories of data currently being collected that can potentially be used to develop a stronger understanding of the experiences of members of the Traveller and Roma communities in accessing public services. That research also identifies the categories of disaggregated data needing to be collected. The sub-group will use the model presented by this research to determine how to advance its own work on expanding the collection of ethnic data across public services.

Article 4 of the Framework Convention

Legal and institutional framework against discrimination

Paragraph 25 (Recommendation) The Advisory Committee recommends that the national and local authorities launch a joint national and local campaign raising general awareness on the level of discrimination experienced by persons belonging to the Irish Traveller communities, in every domain of their daily life. It calls on the authorities to develop specific awareness raising programmes and training targeting licensed services' owners and staff in particular.

The Irish Human Rights and Equality Commission, Ireland's independent national human rights and equality institution, has the statutory remit to promote human rights and equality and to raise awareness of discrimination experienced by persons under the protected equality grounds, including members of the Traveller community. It undertakes regular awareness raising campaigns and initiatives on the provisions of

the equality legislation. It has a Research Programme on Human Rights and Equality which develops an ongoing evidence base with regard to equality and human rights issues and includes an assessment of changes in the experience of discrimination in Ireland. The first publication within the framework of that Research Programme was the joint publication with the Economic and Social Research Institute, **Who Experiences Discrimination in Ireland?** (November 2017) which drew on data collected for the equality module of the 2014 Quarterly National Household Survey to explore the level of discrimination experienced by specific groups, including members of the Traveller community. The Department of Justice and Equality also funded a research programme on equality with the Economic and Social Research Institute which included a publication entitled **A Social Portrait of Travellers in Ireland** (January 2017) which examined patterns of disadvantage experienced by Travellers in the areas of health, accommodation, education and employment.

The Workplace Relations Commission, the State body which has the role of adjudicating upon claims of discrimination under the equality legislation in relation to employment, access to goods and services and accommodation, is planning to undertake a broad awareness raising campaign with regard to the provisions of the equality legislation. That will deepen awareness within the general public, including members of the Traveller community, of the provisions of the equality legislation and of the remedies available for those who have experienced discrimination.

Action 110 of NTRIS tasks the Department of Justice and Equality to develop national initiatives to promote positive representations of, and respect for, Travellers and Roma. This action will be completed within the lifetime of the strategy.

Paragraph 26 (Recommendation) The Advisory Committee calls on the authorities to change the existing procedure before the district courts under Section 19 of the Intoxicating Liquor Act, or provide an alternative mechanism, so the remedy provided ensures any potential victim of discrimination the same procedural guarantees as those of an anti-discrimination body.

The District Court is the relevant court for a wide range of court applications in relation to the provision of alcohol, including those relating to admissions to public houses and licensed premises. It deals, for instance, with licensing matters, including the annual renewal of intoxicating liquor licences, the grant of special exemptions orders to licensed premises and the application of sanctions and penalties and temporary closure. As a consequence, the court has considerable expertise in relation to applications for remedies in this area.

The Courts Service is undertaking work on its long-term strategic vision. Improving access to justice for courts users is a key part of this work. Enabling greater access to justice will benefit all courts users, including members of the Traveller community seeking remedies under the Intoxicating Liquor Act.

Traveller and Roma women and girls

Paragraph 29 (Recommendation) The Advisory Committee calls on the Irish authorities to collect relevant disaggregated data to address discrimination issues regarding Traveller and Roma women and girls, to adopt an implementation

plan with clear targets, indicators, timeframes and resources and to implement both the National Traveller and Roma Inclusion Strategy and the new National Women Strategy in a coordinated and consistent way. Such implementation should be completed by the end of the implementation period of the Strategy and the measures taken should be monitored and evaluated to ensure that they address their respective objectives with regard to Traveller and Roma women and girls.

The National Strategy for Women and Girls 2017-2020, launched on 3 May 2017, provides a whole of Government policy framework to improve outcomes for women and girls. All departments have been tasked under action 6.13 to identify knowledge gaps in relation to gender equality and to use this as a base to drive improvements in the data infrastructure and analysis required to close these gaps.

Traveller and Roma women and girls are explicitly referenced in five of the 139 actions of that Strategy relating to access to education, training and employment opportunities, health outcomes, and participation in public life, communities and in leadership positions (actions 1.2, 2.9, 3.11, 4.6 and 4.15).

The National Strategy for Women and Girls (NSWG) is directly aligned to NTRIS. Action 2.9, for instance, commits NTRIS to support initiatives to develop and enhance Traveller Primary Healthcare Projects. Representatives of Traveller women's organisations and of Roma organisations sit on the Strategy Committees, chaired by David Stanton T.D., Minister of State at the Department of Justice and Equality with special responsibility for Equality, Immigration and Integration, which monitor progress on both strategies.

Work is being undertaken within the Department of Justice and Equality to develop a coordinated approach to the overlapping actions in NTRIS and NSWG relating to Traveller and Roma women and girls. The initial focus is on the relevant education actions and on advancing the collection of disaggregated data. Meetings are being held between representatives of Traveller and Roma organisations and officials dealing with gender and Traveller issues to ensure that the implementation of these commitments is coordinated effectively.

As of 2019, all organisations in receipt of Department of Justice and Equality funding are now contractually obliged to provide progress reports which include recording data on male/female participation as outlined in 6.11 of the National Strategy for Women and Girls 2017-2021.

The sub-group of the NTRIS examining the collection of ethnic data will have the role of making recommendations with regard to the collection of data disaggregated by ethnicity and gender.

Article 5 of the Framework Convention

Support for the preservation and development of the Irish Travellers' identities and cultures

Paragraph 33 (Recommendation) The Advisory Committee calls on the Irish authorities to continue supporting civil society organisations working with Travellers and Roma in their efforts to preserve and develop their identities and cultures, including nomadism, and to consult them on the possibility of creating a permanent cultural centre with sustainable public funding, one important task of which could be to collect and preserve the history, stories, legends, songs and identities of Travellers, including the Cant language.

Paragraph 34 (Recommendation) The Advisory Committee reiterates its call on the authorities to review the existing modalities on support to Traveller cultural projects, in particular with a view to ensuring the availability of institutional funding and Travellers' continuous and sustained presence in Ireland's cultural life.

The Department of Justice and Equality, in line with its commitments under the NTRIS, supports the promotion of Traveller culture, primarily through its support for the annual Traveller and Roma Pride Week. 15 organisations received funding for individual projects or events to mark Traveller Pride Week. In 2018, the Meath Travellers Workshop received funding, for instance, for the “Cant is Cool” Traveller Cant Language Dictionary ‘Mincear Luba’.

The Department of Justice and Equality works to support, strengthen and expand Traveller and Roma Pride Week and to increase national awareness of the event. Community organisations are invited to apply for funding of up to €2,000 to assist in celebrating Traveller culture and heritage. In addition, funding is being provided for a centrally organised Traveller Pride Awards and Traveller Pride Concert in 2019, which offers an important showcase for Traveller culture. The Department of Justice and Equality also directly funds Traveller organisations to undertake projects to promote and celebrate Traveller culture.

The Department of Justice and Equality funded a major event on 15 March 2018 to celebrate the first anniversary of the recognition of Travellers as a distinct ethnic group. The celebratory event, held in the Royal Hospital Kilmainham, was open to Travellers and non-Travellers and drew on essential elements of Travellers' rich culture and heritage, including music, craft traditions and language. It also showcased community assets through its creative traditions in the photography, genealogy and social history collections of the National Museum of Country Life, the National Folklore Collection UCD and the National Library of Ireland.

The National Museum of Ireland (NMI) is working in collaboration with Travellers to explore ways in which the museum can celebrate Traveller culture and to make it more visible to a wider national and international audience.

The National Museum of Ireland hosted **Travellers' Journey**, an exhibition exploring the culture, tradition and crafts of the Traveller community at the National Museum of Ireland – Country Life - from July 2018 until May 2019. The Museum is building on the expertise gained in designing this exhibition to deepen its expertise on Traveller culture. The values that underpin the design and development of **Travellers' Journey** include inclusivity, ownership, collaboration, respect and authenticity. These

values also underpin the process used in designing the exhibition and the accompanying public programme. Additionally these values underpin other work being undertaken with Travellers, particularly in the National Museum of Ireland – Decorative Arts and History.

The **Travellers' Journey** exhibition provided an opportunity to raise awareness within the general public of the richness of Traveller culture. Schools in Ballina, close to the National Museum of Ireland - County Life facility, participated in a project to explore the exhibition, to produce artworks and to publish a children's book setting out their responses to the exhibition. This project was jointly funded by the Department of Justice and Equality.

Ireland's National Inventory of Intangible Cultural Heritage is being expanded and maintained by the Department of Culture, Heritage and the Gaeltacht as part of Ireland's obligations under the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage. The purpose of Ireland's National Inventory is to acknowledge, safeguard and promote Ireland's living culture through official State recognition.

During 2018, the Department of Culture, Heritage and the Gaeltacht worked with its Expert Advisory Committee for Intangible Cultural Heritage to assess the large number of Expressions of Interest received for various intangible cultural heritage elements, including several received for various aspects of Traveller culture. Applications were received from Traveller organisations for Cant, Tin-smithing, and Gammon to be added to the National Inventory. An official decision on the Expressions of Interest process is expected to issue shortly.

Travellers Accommodation

Paragraph 43 (Recommendation) The Advisory Committee urges the authorities to tackle the problem of local authorities under-spending their Traveller accommodation budgets, as well as to support the work of the Expert Group in the review of the Housing (Traveller Accommodation) Act 1998 by implementing its recommendations without delay. Furthermore, the Advisory Committee calls on the authorities to adopt an implementation plan for actions 126 to 131 of the National Traveller and Roma Inclusion Strategy with clear targets, indicators, timeframe and resources, to implement it promptly, and to monitor and evaluate the measures taken to ensure that they correspond to the accommodation needs of persons belonging to the Traveller communities.

A dedicated budget is in place to fund the delivery of Traveller-specific accommodation, including development of new accommodation as well as renovation and refurbishment work on existing accommodation. The purchase of land for Traveller-specific accommodation falls within this remit. A budget of €13m for capital expenditure is available for Traveller accommodation purposes in 2019. Additional funding of €4.7m, by way of current expenditure, is also available for the provision of social workers who assist Travellers in accessing their preferred accommodation. The current funding also provides for the provision of caretakers on sites and for the routine management and maintenance of Traveller-specific accommodation.

Local authorities are currently preparing their fifth multi-annual Traveller Accommodation Programmes (TAP), which will run from 2019 to 2024. These will outline details of the programmes to be undertaken to meet the existing and projected accommodation needs of Travellers in their areas. The TAPs will be prepared by the local authorities in consultation with local Traveller organisations, the Local Traveller Consultative Committees (LTACC), other relevant community groups and the public in general. The new round of Traveller Accommodation Programmes will come into effect from September 2019.

In line with the commitment in Rebuilding Ireland, the Housing Agency commissioned a review of funding for Traveller-specific accommodation in 2017. This review had regard to the targets contained in local authority Traveller Accommodation Programmes and actual delivery, the status of accommodation funded and funding provided for accommodation maintenance and other supports.

Following its consideration of the review, the National Traveller Accommodation Consultative Committee (NTACC) recommended that an independent Expert Group be established to examine and make recommendations on issues regarding Traveller accommodation policy, strategy and implementation. That Expert Group was established in September 2018. The Group has been asked to review the effectiveness, implementation and operation of the Housing (Traveller Accommodation) Act 1998, with a view to examining whether it provides a robust legislative basis for meeting the current and future accommodation needs of the Traveller community. It has also been asked to review other legislation that may impact on the provision and delivery of Traveller-specific accommodation, including transient accommodation. The Expert Group is expected to report in June 2019.

The terms of reference of the Expert Group are as follows:

- To review the effectiveness, implementation and operation of the Traveller Accommodation Act, 1998 with a view to examining whether it provides a robust legislative basis for meeting the current and future accommodation needs of the Traveller community, which takes effective implementation into account in the context of the recognition of Traveller ethnicity in March 2017.
- To examine national and international best practice in the provision of accommodation for nomadic communities to inform the legislative basis for meeting the current and future accommodation needs of the Traveller community.
- To review other legislation that impacts on the provision and delivery of Traveller specific accommodation including transient accommodation.
- To consult with all relevant stakeholders at local and national level, including Traveller representative organisations and other stakeholder groups represented on the National Traveller Accommodation Consultative Committee (NTACC) and Local Traveller

Accommodation Consultative Committees (LTACC). Such consultation will include an invitation for written submissions and a series of meaningful national, regional and local workshops/focus groups.

- To draft and present a report and recommendations to the Minister for Housing, Planning and Local Government within 6 months of commencement.

The Department of Housing, Planning and Local Government will consider any recommendations made by the Expert Group that have the potential to improve the delivery of Traveller accommodation nationally and that help to ensure that full use is made of the increasing level of funding available for investment in Traveller accommodation.

Paragraph 44 (Recommendation) The Advisory Committee urges the authorities to review the provisions of the law criminalising trespass.

Section 24 of the Housing (Miscellaneous Provisions) Act 2002 amends the Criminal Justice (Public Order) Act 1994 by the insertion of Part IIA, Offences Relating to Entering and Occupying Land Without Consent.

The Public Order Act is designed to protect the property rights of landowners. The legislation is of general application and is not specific to Travellers. The legislation concerns itself with situations where the entry or occupation of land is likely to cause damage to the land or substantially interferes with the land or its use or any amenity thereon; or, renders the land or any amenity thereon unsafe or unsanitary.

The law is not used frequently but rather as a last resort in a minority of difficult cases.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

Paragraph 49 (Recommendation) The Advisory Committee calls on the Irish authorities to continue promoting tolerance and intercultural dialogue and invites the authorities to develop a new action plan against racism with clear targets, indicators, timeframe and resources and to effectively implement it.

Lead responsibility for anti-racism policy is located within the Office for the Promotion of Migrant Integration (OPMI) in the Department of Justice and Equality. The National Migrant Integration Strategy 2017-2020 has Combating Racism and Xenophobia as one of its strategic themes. OPMI is tasked with coordinating efforts across all participating departments and agencies to pursue the objective of combating racism and xenophobia. Additional actions to combat racism will be undertaken following the mid-term review of the Migrant Integration Strategy.

The Irish Human Rights and Equality Commission (IHREC) has a statutory mandate under the Irish Human Rights and Equality Commission Act 2014 to ‘encourage the development of a culture of respect for human rights, equality and intercultural understanding in the State’. IHREC has set as one of the objectives of its current strategic plan (2019-2021) ‘to facilitate a strong and shared culture of respect for human rights, equality and intercultural understanding including through education, particularly of young people’.

Combating hate speech and hate crime

Paragraph 54 (Recommendation) The Advisory Committee calls on the Irish authorities to support the adoption of bespoke legislation on hate crime, in line with ECRI General Recommendation no 15 on combating hate speech, to improve the data collection system in this regard as well as to make the commitment of the State against racism and all forms of intolerance more concrete, and to give the appropriate human and financial resources to the criminal justice system to implement it.

Paragraph 55 (Recommendation) The Advisory Committee invites the authorities to consider monitoring hate speech in broadcast media as well as online in order to be able to further determine the nature and scope of the phenomenon and to address it, possibly as part of a new national strategy against racism. In this regard, the Advisory Committee calls on the authorities to establish a mechanism responsible for monitoring social media as such.

The Prohibition of Incitement to Hatred Act 1989 is currently under review and the review is focusing on the criminal law dimension of the wider Government objective of tackling racism and xenophobia in Irish society.

The review takes into account several factors including Ireland’s transposition of EU Framework Decision 2008/913/JHA on combating certain forms of racism and xenophobia by means of criminal law. The review will also take into account the approach to targeting hate crime in other jurisdictions.

The next stage of the review of the 1989 Act is a public consultation. The consultation document has been drafted and is being finalised. The consultation is expected to go ‘live’ by the end of May 2019. Feedback from the public consultation process will inform a final report on the reform of the Act.

Research is also planned on hate crime more broadly which examines hate crime legislation in other jurisdictions and assesses its impact. A tendering process is underway on this research which is to be completed within 6 months of the issuing of the tender. The outcome of this research will be useful in enabling a clear policy position on hate crime to be adopted by the Government. Once a preferred approach is determined, it is the intention of the Minister for Justice and Equality to seek Government approval to strengthen the laws on hate crime.

The Garda National Diversity and Integration Unit (GNDIU), as part of the Garda National Community Oriented Policing Bureau (GNCOPB), is currently revising the Garda Diversity Strategy which will include a definition of hate crime, in line with

international best practice, aimed at enhancing positive engagement with persons from minority groups and diverse backgrounds. The strategy revision has involved significant external consultation with key stakeholders and consideration of numerous reports on hate crime in Ireland by relevant research and civil society groups. The primary focus of Garda integration and inclusion policing efforts is based upon education, training and community engagement. GNDIU currently monitors the reporting and recording of all forms of hate crime on PULSE on a daily basis, liaising with investigating members to proffer support where deemed necessary

Law enforcement authorities (An Garda Síochána)

Paragraph 59 (Recommendation) The Advisory Committee calls on the Irish authorities to further support the work of the Garda Bureau of Community Diversity and Integration as well as the Police and Garda Síochána Ombudsman Commission, by allocating the adequate level of human and financial resources to their respective functioning and adapting those resources to their mandates.

The Irish Government is investing in the ongoing change program in the Policing service. The budget for An Garda Síochána has been increased to a record level of €1.76 billion this year. How this funding is applied is a matter for the Commissioner and his management team to determine, in consultation with the Minister for Justice and Equality and taking account of the priorities set out in the 2019 Policing Plan.

The annual budgetary provision for the Garda Síochána Ombudsman Commission (GSOC) forms part of the Estimates for the Justice and Equality Vote and the requirements of GSOC are considered in that context. The budget for GSOC for 2019 is €10.7 million. Resources and funding are kept under continuing review to ensure that GSOC is enabled to continue to operate effectively and efficiently and in accordance with its statutory remit. An additional €1.6 million has been provided in the budget for 2019. GSOC has authority to appoint its own officers under a delegated sanction. Sanction was provided in November 2018 for an additional 42 staff members. The staff numbers and financial resources available to GSOC are higher than ever before. These additions reflect the very important work undertaken by the GSOC.

Paragraph 60 (Recommendation) The Advisory Committee reiterates its encouragement to the Irish authorities to recruit and retain a more ethnically and culturally diverse police Service to further address any mistrust in the Police force.

In 2018, An Garda Síochána engaged an independent consultancy company to examine the barriers that exist to recruiting and retaining a more ethnically and culturally diverse Garda members and Garda staff. It is the consistent aim of An Garda Síochána to attract recruits to Garda sworn roles, Garda staff roles and Garda Reserves roles from minority and diverse backgrounds.

An Garda Síochána has recently decided that, in order to encourage candidates from minority communities, its policy on its uniform is being updated to take account of religious and ethnic requirements subject, to operational, and health and safety

obligations. An Garda Síochána is to allow the wearing of the turban for members of the Sikh community and the hijab for members of the Muslim community.

An Garda Síochána is also carrying out research with communities who are under-represented in An Garda Síochána to identify what more the organisation needs to do to encourage them to join An Garda Síochána either as Garda members, Garda staff or as members of the Garda reserve.

The recently published report by the Commission on the Future of Policing in Ireland (<http://www.policereform.ie/en/POLREF/Pages/PB18000006>) set out a strong focus on human rights with the first of its ten principles stating that human rights are the foundation and purpose of policing. The report recommends that An Garda Síochána should have a human rights strategy, and that there should be a human rights unit within the organisation to develop, implement and monitor the strategy. It should work with the Irish Human Rights and Equality Commission to fulfil its human rights and equality responsibilities.

Paragraph 61 (Recommendation) The Advisory Committee also calls on the Irish authorities to amend the Garda Síochána (Discipline) Regulations 2007 in order to explicitly specify that discrimination constitutes a breach of discipline.

At present, An Garda Síochána is revising its disciplinary policies.

Media Reporting on Travellers and Roma

Paragraph 65 (Recommendation) The Advisory Committee recommends that the Broadcasting Authority of Ireland monitor the way Traveller and Roma are represented in the broadcast media, in order to better assess the need for related awareness-raising activities.

The Broadcasting Authority of Ireland is the independent regulator of broadcasting in Ireland. Principle 5 of its Code of Programme Standards places significant responsibility on broadcasters to protect people and groups in society with particular emphasis on members of the Traveller community, and membership of any other ethnic group.

Principle 5 states that: “The manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. Robust debate is permissible as is the challenging of assumptions but programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society in particular on the basis of age, gender, marital status, membership of the Traveller community, family status, sexual orientation, disability, race, nationality, ethnicity or religion”.

The Broadcasting Authority of Ireland undertakes a range of compliance and enforcement activities each year to ensure compliance with the various statutory and regulatory requirements. These include the monitoring of broadcast content, the operation of a broadcasting complaint handling process and the compliance of broadcasters with contractual commitments. The Broadcasting Authority of Ireland conducts ongoing general monitoring of broadcasting content to assess for compliance with statutory codes (in particular the Code of Programme Standards), rules and

contractual obligations. The Broadcasting Authority of Ireland notifies a contractor or broadcaster where it appears that there is an issue of noncompliance and the Broadcasting Act 2009 allows for a range of enforcement actions ranging from Compliance Notices up to Statutory Investigations. The Broadcasting Authority of Ireland's Compliance Committee and Executive Complaints Forum assesses and makes determinations on complaints made by viewers and listeners regarding broadcast content. Any viewer or listener can refer a complaint to the Broadcasting Authority of Ireland or directly to the relevant broadcaster if they are not happy either with the manner in which a broadcaster is complying with the Broadcasting Authority of Ireland's Codes and rules or about broadcasting content on an Irish broadcasting service. If a complaint is upheld, a broadcaster may be required to broadcast a statement prepared by the Compliance Committee. The decisions of the Compliance Committee are published on a monthly basis.

Paragraph 66 (Recommendation) The Advisory Committee calls on the Press Ombudsman and the Press Council to strengthen their efforts to promote the ethical reporting of minorities.

The Press Council of Ireland provides the public with an independent forum for resolving complaints about the press. Its role is to resolve all complaints quickly, fairly and free of charge and to defend the freedom of the press and the freedom of the public to be informed.

The Office of the Press Ombudsman is also part of the system of independent regulation for the printed media in Ireland. Its role is to provide the public with a quick, fair and free method of resolving any complaints they may have in relation to newspapers and magazines published in Ireland that are members of the Press Council of Ireland.

Both the Press Council of Ireland and the Press Ombudsman are independent of Government and, in operation, independent of the media.

The Press Council of Ireland and the Press Ombudsman have taken action to raise awareness of particular issues relating to minority communities and the press. They organised a seminar, for example on 23 October 2018 on minority communities and the press.

Article 10 of the Framework Convention

Use of Languages

Paragraph 70 (Recommendation) The Advisory Committee calls on the authorities to develop and implement a plan to revitalise the Cant language and in this respect invites the authorities to envisage supporting the production of any type of media content in the Cant language, in order to allow its transmission to, and popularisation among, younger generations.

The NTRIS aims to support Traveller culture, identity and heritage and ensure that it is valued within Irish society. Support is provided for national and local Traveller

organisations whose remit would cover the promotion of Traveller culture including the promotion of the language. Some of the events held for the annual Traveller and Roma Pride Week (funded by the Department of Justice and Equality) have a focus on language.

As per the recommendations contained in Paragraph 33 and 34 above, Ireland is reviewing the National Inventory of Intangible Cultural Heritage and a decision is expected shortly on additions to the inventory. An application has been made for Cant to be added to the inventory. As previously indicated, the Meath Travellers Workshop received funding, for instance, in 2018 for the “Cant is Cool” Traveller Cant Language Dictionary ‘Mincear Luba’.

Article 12 of the Framework Convention

Education of Travellers and intercultural education

Paragraph 76 (Recommendation) The Advisory Committee invites the authorities to adopt, in consultation with representative of Traveller and Roma parents and organisations, a coherent Traveller and Roma Education Strategy and an implementation plan with clear targets, indicators, timeframes and resources, as well as to implement it and evaluate the measures taken at the earliest opportunity.

The NTRIS includes a comprehensive and coherent education strategy which has been adopted by the Department of Education and Skills as the framework for progressing Traveller and Roma education policy. The Department of Education and Skills is, through the Education Subcommittee, working with all relevant Government Departments and agencies and Traveller representative groups to progress the actions of NTRIS aimed at improving education outcomes for all Travellers including improving public service engagement with Traveller and Roma communities in Ireland.

As with all the actions contained in NTRIS, it is the intention that they will be delivered over the lifetime of the Strategy. A number of the education related actions are included in the 2019 NTRIS Implementation Plan.

A 2 Year Pilot Programme to target attendance, participation and retention/school completion at primary and post-primary level is being established in specific Traveller and Roma Communities. Partners in the project include: Tusla Educational Welfare Services, Department of Education and Skills (DES), Department of Children and Youth Affairs (DCYA), Department of Justice and Equality (DJE), and Traveller and Roma representatives. It is intended that the pilot will inform the development of a sustainable programme to address the gap in educational outcomes for children and young people from the Travelling and Roma communities.

The third National Access Plan for Equity of Access to Higher Education, 2015-2019 (NAP) was published in December 2015. Equity of access to higher education is a national priority for the Government and the Department of Education and Skills (DES), recognising that while there has been significant increases in groups that historically had very low participation rates, there remains some considerable gaps and some groups continue to be underrepresented in higher education.

The Plan identifies the target groups that are currently under-represented in Higher Education, which includes entrants from socio-economic groups that have low participation in higher education, Irish Travellers, Students with disabilities, First time, mature student entrants, Part-time/flexible learners and further education award holders. The Plan contains targets to increase participation rates by each of the identified groups.

The Progress Review published in December 2018 found that while progress in respect of targets for participation by Irish Travellers has been slower than that experienced by other target groups, that the numbers are moving in the right direction (increase of 35 to 41) and initiatives taking place as part of the Programme for Access to Higher Education (PATH) are having a positive impact on participation by Irish Travellers. The latest data available (March 2019) indicates there are currently 61 Traveller students in higher education. Following the publication of the progress Review of the National Access Plan for Equity of Access to Higher Education, an action plan for Traveller participation in Higher Education is currently being developed for 2019.

Paragraph 77 (Recommendation) The Advisory Committee also calls on the authorities to support the inclusion of Traveller culture and history in the curriculum taught in school, and to further promote and enhance an inclusive school environment for Traveller students in order to combat discrimination

The National Council for Curriculum and Assessment (NCCA) has commenced work on a review of Traveller History and Culture in the Curriculum. This review will cover:

- The place of Traveller culture and history in the existing curriculum, from early childhood to senior cycle;
- The current intercultural education guidelines and other resources for schools in relation to Travellers;
- The opportunities for teaching about Traveller history and culture and how it is incorporated into existing curricular subjects.

As well as considering the content of the curriculum in relation to Traveller history and culture, the NCCA has been tasked in its audit with examining how the curriculum in this area is delivered and to identify examples of good practice in schools, with a view to providing these as general exemplars, as well as considering what additional curricular supports may be required to ensure their effective implementation. A report from the NCCA is expected in Q2 2019.

Article 15 of the Framework Convention

Economic life

Paragraph 82 (Recommendation) The Advisory Committee urges the Irish authorities to adopt an implementation plan with clear targets, indicators, timeframe and resources and to implement employment and economic measures listed in the National Traveller and Roma Inclusion Strategy without delay. Such implementation should be completed by the end of the implementation period of the Strategy and the measures taken should be monitored to ensure they address their respective objectives, in particular with regard to women. The Advisory Committee invites the authorities to further analyse the impact of childcare costs on women's access to the labour market and further education, and, based on that analysis, to envisage adapted measures to circumvent the barrier they may represent.

The NTRIS is the national policy framework of actions designed to improve economic and employment opportunities of the Traveller and Roma communities in Ireland.

One of the ten thematic areas in the Strategy focuses on employment and the Traveller economy. An Employment Subgroup was established in 2018 to work to implement the actions foreseen under this thematic area. The Subgroup includes relevant agencies and representatives of Traveller organisations. In a similar way to the Education Subgroup, this group will bring focussed attention to the implementation of the relevant NTRIS actions. It is the intention that they will be realised over the lifetime of the Strategy.

Ireland's Department of Employment and Social Protection (DEASP) employment-related actions in the NTRIS reflect commitments in the Government's Pathways to Work Strategy 2016-2020, to ensure that as many new jobs and other vacancies that arise are filled by people who are currently unemployed and on the Live Register.

DEASP has committed to delivering and supporting a range of assistive and targeted measures to increase employment, training and apprenticeship opportunities for Travellers and Roma over the long term by:

- Promoting the availability of existing employment and training services to the Roma and Traveller communities and continuing to ensure promotional and information materials on its schemes are available and accessible via the Department's website;
- Providing tailored supports for the long-term unemployed and for young people to build their confidence and prepare them for the workplace;
- Developing targeted initiatives to increase Traveller and Roma engagement with employment and training services;
- Providing anti-racism and cultural awareness training for staff under the new shared Civil Service learning and development curriculum.
- Ensuring that Travellers and Roma, under the age of 25, who register as unemployed claimants of Jobseekers' payments will receive a good quality offer of employment, continued education, apprenticeship or traineeship within a period of four months of registering, in line with commitments under the Youth Guarantee.

The Department provides a range of services to jobseekers as part of the [Pathways to Work](#) programme to help them get back to work. These services are delivered by the National Employment Service (NES) and provided through our network of Intreo Centres, Local and Branch Offices, Employment Services Offices, Jobs Ireland and through Offices responsible for administering Supplementary Welfare Allowance. All customers in receipt of jobseekers' payments, including those from the Traveller Community, have access to the full range of activation measures and employment supports provided. One specific example is the Community Employment Programme.

Under its Community Employment Programme, the DEASP funds community development projects, one of the specific objective of which is to support the progression of Travellers. The Community Employment entry criteria for Traveller and Roma candidates are more flexible than the general population eligibility criteria. The minimum entry age is set at 18 (instead of 21) and Traveller or Roma jobseeker clients only need to be in receipt of payment for one week compared to 12 months to qualify for the Community Employment Programme. Traveller and Roma lone parents can also access the Community Employment Programme at 18 (instead of 21 years of age), but must meet the standard qualifying criteria of being in receipt of One Parent Family Payment for 12 months or more.

'Ensuring that access to affordable Early Learning and Care and School-Age Childcare is not a barrier to labour market participation, including female labour market participation' is also one of the core high-level objectives underpinning the Affordable Childcare Scheme (ACS), the development of which is well underway and which is due to launch in October 2019. It is intended that Traveller mothers will benefit from the new scheme, thus enabling them to engage in employment.

Health

Paragraph 86 (Recommendation) The advisory Committee urges the authorities to implement health measures listed in the National Traveller and Roma Inclusion Strategy without delay, including the adoption of a detailed action plan, as referred to under Action 73, with clear targets, indicators, timeframes and resources. The measures taken should be monitored, in close cooperation with the representatives of the Irish Travellers, to ensure that they address their respective objectives.

The Health Service Executive (HSE) National Intercultural Health Strategy 2018 – 2023 – launched in January 2019. This five year strategy was published on 15 January 2019 and provides a comprehensive and integrated approach to addressing the health and support needs of health service users with ethnic and cultural backgrounds.

There are a number of structures at national, regional and local levels which include representation of Traveller and Roma communities on their membership in respect of services for Travellers. These include the Traveller Health Advisory Forum (THAF) chaired by the HSE, and Healthy Ireland Network (Department of Health).

In May 2018, the Department of Health convened a workshop on Traveller health needs. This had representation from various policy units in the Department of Health and from Community Healthcare Organisations within the HSE. There was also representation of Traveller organisations, including Pavee Point, the Irish Traveller Movement, the National Traveller Mental Health Service, the Traveller Counselling Service and the National Traveller Women's Forum.

Action 73 of NTRIS contains an action by the HSE to develop and implement a detailed action plan, based on the findings of the All Ireland Traveller Health Study (2010) to continue to address the specific health needs of Travellers, using a social determinants approach. This Action Plan has been drafted and circulated to relevant organisations for comment and observations.

Specific funding is provided via the Health Service Executive in Ireland towards targeted interventions aimed at improving Traveller health. Travellers and Roma are also entitled to access mainstream health services. Various resources have been developed in this regard, while once off funding of €500,000 has been made available towards a range of Traveller mental health initiatives. Once off funding has also been made available towards a Roma Primary Healthcare project.

Participation in Public Affairs

Paragraph 90 (Recommendation) The Advisory Committee reiterates its call on the Irish authorities to consider, in consultation with the representatives of the Traveller and Roma communities, legislative and practical measures to create the necessary conditions for their political participation, including representation at all levels, to more adequately reflect the composition of Irish society and better take into account the needs of the Traveller and Roma communities

The Department of Justice and Equality funds the national Traveller organisation, Minceirs Whiden (Travellers Talking), whose remit includes the full participation and inclusion of Irish Travellers in all aspects of economic, social, cultural and political life in Ireland to ensure the community is treated with respect and equality and people are proud and confident of their Traveller identity.

In line with NTRIS Actions 132 and 133, the Department of Justice and Equality supported a conference in February 2019 promoting political participation. This conference highlighted the importance of registering to vote and encouraging the Traveller community to use that vote but also supported the running of a small number of Travellers as candidates in the local elections.

Paragraph 91 (Recommendation) The Advisory Committee calls on the Irish authorities to systematically consult and involve representation of the Traveller and Roma communities, in particular at local level, in the development, implementation, monitoring and evaluation of policy measures affecting them specifically.

NTRIS was developed using a consultative approach which involved representatives of Traveller and Roma communities at all stages of the process of developing the

Strategy. NTRIS is being implemented in full consultation with representatives of the Traveller and Roma communities. The NTRIS Steering Committee is composed of representatives of government departments and agencies and of a wide ranging number of Traveller and Roma representatives. This consultative approach is replicated in all of the Subgroups operating within the framework for the implementation of the Strategy. All Subgroups include representation of Travellers and Roma.

Articles 17 and 18 of the Framework Convention

Cooperation with the United Kingdom

Paragraph 93 (Recommendation) The Advisory Committee invites the Irish authorities, in respect of the Common Travel Area, to continue taking into the needs of the persons belonging to the Traveller communities.

Under the Common Travel Area (CTA), Irish and British citizens move freely and reside in either jurisdiction and enjoy associated rights and entitlements including access to employment, healthcare, education, social benefits, and the right to vote in certain elections. The Common Travel Area pre-dates Irish and UK membership of the EU and is not dependent on it.

The Irish and British Governments have consistently committed to the maintenance of the CTA when the UK leaves the EU in any circumstances, including a no-deal scenario. This is a position that is shared by our EU partners.

The Government of Ireland and the UK Government have recently signed a Memorandum of Understanding, reaffirming their commitment to maintaining the CTA in all circumstances.

Through the Memorandum of Understanding, both Governments have committed to undertaking all the work necessary, including through legislative provision, to ensure that the agreed CTA rights and privileges are protected.