

Fourth Opinion on Ireland - adopted on 10 October 2018

Summary

Irish society demonstrates increasing tolerance in general as well as active participation in democratic processes, reflected in recent amendments to the Constitution of Ireland touching on sensitive social issues, made through referenda with high turnout.

The authorities maintained a constructive attitude vis-à-vis the Framework Convention and its monitoring system, including with regard to its personal scope of application. The State recognition of the Traveller minority ethnic group on 1 March 2017 demonstrates an important evolution in the way Irish Travellers are perceived in Irish society as a whole, as well as with regard to their status. It contributes to Irish Travellers seeing themselves as fully-fledged members of Irish society, even though a number of challenges still remain in order to improve their social and economic situation and the significant discrimination of which they are victim in numerous aspects of their daily life.

The Irish authorities make important efforts to adopt national strategies or action plans aimed at addressing key issues, such as the integration of persons belonging to the Traveller and Roma communities, but suffer from a lack of clear and concrete implementation plans, with specific targets, indicators, timeframes and allocated resources. The National Traveller and Roma Inclusion Strategy for 2017-2021 also suffers from the absence of a monitoring and evaluation mechanism, which should involve representatives of Traveller and Roma organisations.

Significant efforts have been made in order to improve the integration and schooling of Traveller children. Illiteracy remains however a long-standing challenge to be addressed. A series of recent studies provide a more comprehensive picture of the nature and extent of the social and economic difficulties of persons belonging to the Traveller and Roma communities and should help the authorities to address poor accommodation conditions, a disproportionate unemployment rate and serious health issues.

Recommendations for immediate action:

- Adopt an implementation plan, in close cooperation with Traveller and Roma¹ communities, with clear targets, indicators, timeframe and resources with respect to all health-related, accommodation-related and other socio-economic measures listed in the National Traveller and Roma Inclusion Strategy and implement such measures without delay; ensure that measures taken are monitored and that they address their respective objectives, in particular with regard to tackling the problem of under-spending allocated accommodation budgets.
- Combat the discrimination faced by persons belonging to the Traveller and Roma communities by both launching a joint national and local campaign raising general awareness of the level of discrimination they experience, and by developing specific awareness-raising programmes and training targeting licensed services' owners and staff in particular; develop a new action plan against racism with clear targets, indicators, timeframe and resources and effectively implement it.
- Improve access to justice for Irish Travellers by allowing access to a remedy ensuring that any potential victim of discrimination in 'places of entertainment' has the same procedural guarantees as those of an anti-discrimination body.
- Support Travellers in their efforts to preserve and develop their identities and cultures, including nomadism; consult them on the possibility of creating a permanent cultural centre with sustainable public funding to collect and preserve the history, stories, legends, songs and identities of Travellers, including in the Cant language; review the legal provisions criminalising trespass; support the inclusion of Traveller culture and history in the curriculum taught in school.

¹ The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "*Gens du voyage*", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

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I. Key findings

Monitoring process

1. This fourth cycle Opinion on the implementation of the Framework Convention by Ireland was adopted in accordance with Article 26(1) of the Framework Convention and Rule 23 of Resolution (97)10 of the Committee of Ministers. The findings are based on information contained in the fourth State report, submitted by the authorities on 3 July 2017, other written sources and information obtained by the Advisory Committee from governmental and non-governmental sources during its visit to Dublin and Enniscorthy from 25 to 29 June 2018. The Advisory Committee expresses its gratitude to the Irish authorities for their very good co-operation in the organisation of the visit. The Advisory Committee welcomes the authorities' cooperative approach and expresses gratitude for the assistance provided before, during and after the country visit and would like to thank all interlocutors who provided information.

2. The State report was due on 1 September 2015 and it was unfortunately received with a 22-month delay. On 11 November 2015, a consultation on the draft fourth State report was organised in Dublin by the Department of Justice and Equality. Irish State officials, members of the Advisory Committee, of the Secretariat of the Framework Convention as well as of civil society participated in this event.

General overview of the current situation

3. The most important event of the fourth monitoring cycle with regard to Ireland is the State recognition of the Traveller minority ethnic group. On 1 March 2017, the *Taoiseach* (Prime Minister), speaking in *Dáil Éireann* (lower house of the *Oireachtas*, the Parliament), announced such recognition, thus concluding a three-year parliamentary process. While it does not formally modify the scope of application of the Framework Convention with regard to Ireland, it demonstrates an important evolution in the way Irish Travellers are taken into account by the Irish authorities and perceived in Irish society as a whole. It echoes the provisions of Article 3.1 of the Constitution of Ireland "to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions". Irish Travellers have been part of Irish society for centuries and constitute distinct communities by virtue of language, culture, history and identities, including nomadism, dating back at least to the middle of the 16th century.² The State recognition therefore further contributes to Irish Travellers perceiving themselves as being fully-fledged members of Irish society, as well as to their pride and self-confidence, even though a number of challenges still remain in order to improve their social and economic situation and combat discrimination.

4. While the legislative framework is largely unchanged since the last monitoring period, during this fourth cycle the new Irish Human Rights and Equality Commission was established and the new National Traveller and Roma Inclusion Strategy 2017-2021 was adopted. This Strategy is detailed and relevant and has been worked out in close cooperation with representatives of Travellers and Roma. Representatives of civil society however express concern about the lack of a specific implementation plan, of allocated resources as well as of monitoring and evaluation mechanisms. Authorities appear to still be looking for the right balance between mainstreaming policies and targeting measures, both of which are necessary to overcome discrimination. In this regard, a series of recent studies conducted by the newly established Irish Human Rights and Equality Commission and by the Economic and Social Research Institute have helped to very clearly illustrate the difficulties encountered by persons belonging to Irish Traveller communities in numerous aspects of their lives, including accommodation, employment, education and health.

² See, *inter alia*, MacGreine, P., Irish Tinkers or 'Travellers'. *Béaloideas*, Journal of the Folklore Society of Ireland, vol. 3, 1931, pages 170 to 186; MacGreine, P. (1934) Some notes on Tinkers and their 'Cant'. *Bealoideas*, Vol. 4, 1934, pages 259 to 263; Gmelch, S. and Gmelch, G., The Emergence of an Ethnic Group: The Irish Tinkers. *Anthropological Quarterly*, Vol. 49, n°4, October 1976, pages 225 to 238; Kenny, M. and McNeela, E., Assimilation Policies and Outcomes: Travellers' Experience, Dublin, Pavee Point Publications, 2005; E. Gilbert, S. Carmi, S. Ennis, J.F. Wilson and G. L. Cavalleri, Genomic insights into the population structure and history of the Irish Travellers, *Scientific Reports* vol. 7, Article n° 42187, 2017.

5. The importance of civil society organisations is also to be particularly underlined when it comes to promoting the rights of Irish Travellers. Traveller organisations produce high-quality documents, collaborate and provide shadow/alternative reports to all relevant international monitoring bodies. Their advocacy work is crucial to the evolution of the Travellers' situation. Traveller organisations have also notably enlarged their activities in recent years to include the Roma community, in a spirit of cooperation and cross-support between the different groups.

6. Prior to the mid-1990s, a small number of Roma lived in Ireland, mostly as seasonal short-term workers and farm-hands from the United Kingdom, or from elsewhere in Europe. In the mid-1990s, a number of Roma sought asylum in Ireland or simply better employment opportunities. Since 2004, Roma have migrated to Ireland as EU citizens.³ The Roma community in Ireland is now estimated by the State authorities to be between 3,000 and 5,000, mostly consisting of persons originating from the Czech Republic, Hungary, Poland, Romania and the Slovak Republic. Facing similar prejudices as Irish Travellers, they constitute one of the most vulnerable communities in Ireland.

Assessment of measures taken to implement the recommendations for immediate action

7. The Irish Human Rights and Equality Commission was established on 1 November 2014 and was accredited an "A" status National Human Rights Institution in 2015, implementing thus one of the recommendations for immediate action raised by the Advisory Committee in its third Opinion. The consultative mechanisms aimed at involving persons belonging to Irish Traveller communities in the decision making processes, in particular with regard to health or education policies, have however, for a long period of time, been discontinued as the allocated resources were negatively affected by the economic crisis. With regard to the *de facto* exclusion of the Travellers from the labour market, the authorities have not managed to significantly improve the situation. It is clear, in particular in light of the abovementioned recent studies, that the social and economic situation of Travellers is such that it requires a structural policy shift and a long-standing process capable of addressing discrimination, poor accommodation conditions, a high level of illiteracy, a disproportionate unemployment rate and serious health issues.

Assessment of measures taken to implement the further recommendations

8. With regard to the further recommendations of the third Advisory Committee Opinion, the importance of the State recognition of the Traveller minority ethnic group should be underlined. It opens the door to a full and proper consideration of the situation of Irish Travellers in every relevant policy area and in every relevant legislative development. Such recognition has an important symbolic scope that, it is expected, should be reflected in the results of the future population census, with a number of Travellers being more likely to identify themselves as Travellers. This should however not prevent the authorities from adapting the form of the next population census in order to further align it with the requirements of the right to voluntary and multiple self-identification, which was not the case in 2016, despite the previous recommendation of the Advisory Committee. Significant efforts have been made in order to improve the integration and schooling of Traveller children. Illiteracy remains however a long-standing challenge to be addressed and Traveller organisations are advocating for a specific Traveller Education Strategy to be formally adopted, as well as for the National Traveller Education Advisory Committee to be reconvened. Concerning accommodation, the situation remains difficult, and local policies remain limited in terms of impact, despite funding being available.

³ Pavee Point, Roma in Ireland, a national needs assessment, January 2018, page 25, available at: <http://www.paveepoint.ie/wp-content/uploads/2015/04/RNA-PDF.pdf>.

II. Article-by-article findings

Article 3 of the Framework Convention

Personal scope of application of the Framework Convention

9. The scope of application of the Framework Convention with regard to Ireland has not formally changed since the third monitoring cycle. The position of the Irish authorities remains that Ireland does not have a “national minority” within the meaning of the Framework Convention. No legal act recognises any particular status for a given community. Ireland continues nevertheless to adopt a flexible approach with regard to the personal scope of application of the Framework Convention, applies it on an article-by-article basis and, in the State report, addresses different minority groups, with a prominent focus on Irish Travellers, as well as on Roma present in Ireland. More importantly, on 1 March 2017, the *Taoiseach* (Prime Minister), speaking in *Dáil Éireann* (lower chamber of the *Oireachtas*, the Parliament), announced the State recognition of the Traveller minority ethnic group in Ireland.⁴ This recognition has concluded a three-year parliamentary process carried out by the *Oireachtas* Joint Committee on Justice, Defence and Equality and supported by the Irish Human Rights and Equality Commission as well as international human rights monitoring bodies. Whilst such recognition is presented in the parliamentary working documents as not creating new rights and as having no implications on public expenditure,⁵ a number of observers, including a large majority of the interlocutors of the Advisory Committee, be they State officials or civil society representatives, support the idea that the State recognition of the Traveller minority ethnic group is an important step forward towards equality of status and standing for the Traveller communities. In its final report, the *Oireachtas* Joint Committee further recommended that the State recognition be followed by “a review, in consultation with Traveller representatives groups, of any legislative or policy changes required on foot of the recognition of Traveller ethnicity”.⁶ Against this background, a cross-party group of Parliamentarians met for the first time in the *Oireachtas* on 3 July 2018 with the aim of improving the lives of persons belonging to Traveller communities.⁷

10. The Advisory Committee recalls that the Contracting Parties have a margin of appreciation in determining the personal scope of the Framework Convention but that, in doing so, no arbitrary or unjustified distinctions shall be made. It recalls also that recognition of a minority by the state is not a prerequisite to qualify for the protection of the Framework Convention. Its application to a specific group therefore does not require the latter’s formal recognition as a “national minority”, nor a specific legal status for such a group of persons, as the Advisory Committee considers access to minority rights more important than questions related to the formal status of a community or a group. The Advisory Committee welcomes the overall pragmatic approach applied by the Irish authorities, which facilitates access to rights contained in the Framework Convention for persons belonging to the Irish Travellers and Roma communities. It welcomes in particular the State recognition of the Traveller minority ethnic group, as a first and important step. The Advisory Committee echoes the views of the authorities and of civil society representatives that it is important for the self-esteem of persons belonging to Irish Traveller communities. It also contributes to the majority acknowledging the place of Irish Travellers in Irish society, which implies taking the practical measures necessary to address the most prominent problems faced by the Traveller community.

⁴ Statement by An Taoiseach Enda Kenny TD on the recognition of Travellers as an ethnic group, *Dáil Éireann*, 1 March 2017, available at: https://www.taoiseach.gov.ie/eng/News/Taoiseach's_Speeches/Statement_by_An_Taoiseach_Enda_Kenny_TD_on_the_recognition_of_Travellers_as_an_ethnic_group_Dail_Eireann_1_March_2017.html.

⁵ Houses of the *Oireachtas*, Joint Committee on Justice, Defence and Equality, Report on the Recognition of Traveller Ethnicity, April 2014, available at: <https://web.archive.org/web/20140401100000/http://www.oireachtas.ie/parliament/media/committees/justice/report-on-traveller-ethnicity.pdf>.

⁶ Houses of the *Oireachtas*, Joint Committee on Justice, Defence and Equality, Report on the Recognition of Traveller Ethnicity, April 2014, page 7.

⁷ Irish Times, Call for Oireachtas group to consider ‘reparations’ for Travellers, 3 July 2018, available at: <https://www.irishtimes.com/news/social-affairs/call-for-oireachtas-group-to-consider-reparations-for-travellers-1.3552956>.

11. The Advisory Committee also welcomes the inclusive approach of the authorities with regard to persons belonging to the Roma communities. This approach seems prompted by the inclusive attitude of Traveller organisations towards recently arrived Roma, which was gradually extended to public policy, as illustrated by the adoption of the National Traveller and Roma Inclusion Strategy.

Recommendation

12. 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.

Data collection and population census

13. A population census is carried out every five years in Ireland by the Central Statistics Office (CSO), an independent Office operating under the aegis of the Department of the *Taoiseach* to guarantee its statistical independence and the confidentiality of the data it collects. The last population census⁸ took place on 24 April 2016.⁹ Participation in the population census is compulsory according to Statistics Act 1993.¹⁰ Failure or refusal to answer the questions is considered a criminal offense. Questions asked in 2016 were the same as were asked in 2011, including a national identity tick box allowing respondents to self-identify their ethnic or cultural background, either by ticking one of the proposed options, one of which was “Irish Travellers”, or by choosing “other” and filling out the relevant text box.¹¹ CSO worked together with Travellers and Roma civil society organisations to develop information documents about the population census,¹² including a leaflet for Travellers aimed at explaining the purpose of the population census as well as the way the form should be filled out.¹³ Civil society organisations also set up information contacts around the country to help persons belonging to the Traveller and Roma communities to fill out the forms. As a result, 30,987 persons identified themselves as Irish Travellers, which corresponds to an increase of 5.1% since 2011. Interlocutors of the Advisory Committee consider that the State recognition of the Traveller minority ethnic group should further encourage persons to identify themselves as Irish Travellers in the 2021 population census.

14. The Advisory Committee welcomes the efforts made by the authorities as well as Traveller organisations in facilitating the smooth running of the population census operation and underlines in this regard the value of the cooperation between the Central Statistics Office and a Traveller and Roma organisation. Data collected show that awareness-raising actions were successful in confronting existing fears among the Traveller population. The Advisory Committee remains however concerned that a mandatory question on ethnicity does not reflect the principles of the Framework Convention. The Advisory Committee recalls that the right to free self-identification applies in each data collection exercise separately. This means that persons belonging to national minorities must not always be required to self-

⁸ The largest group in 2016 was “White Irish” with 3,854,226 (82.2%) usual residents. This was followed by “Any other White background” (9.5%), non-Chinese Asian (1.7%) and “Other incl. mixed background” (1.5%). Irish Travellers (30,987) made up 0.7 per cent of the usually resident population.

⁹ Department of the Taoiseach, Statistics (Census of Population) Order 2015, available at: <http://www.irishstatutebook.ie/eli/2015/si/445/made/en/print>.

¹⁰ Statistics Act 1993, available at: <http://www.irishstatutebook.ie/eli/1993/act/21/enacted/en/html>.

¹¹ Central Statistics Office, Census Form 2016, available at: http://census.ie/app/uploads/2016/02/65995-English-Household_2016-New-Version-Do-Not-Complete.pdf. The Explanatory Notes appended to the form indicate for example that persons belonging to the Roma communities may use this last option to identify as Roma.

¹² Central Statistics Office, “Each question in detail” webpage, available at: <http://census.ie/the-census-and-you/each-question-in-detail/>.

¹³ Central Statistics Office and Pavee Point Traveller and Roma Centre, Traveller leaflet, 2016, available at: <http://www.paveepoint.ie/wp-content/uploads/2015/04/Traveller-Census-Leaflet.pdf>.

identify in the same manner. Lists of possible responses to identity-related questions should be open not closed, and the opportunity to express multiple affiliations should be explicitly provided.¹⁴ Pre-determined categories should be used in a manner that takes into account the principle of self-identification, which includes the right not to identify with any particular group. In this regard, the Advisory Committee was informed by researchers who analysed the 2011 population census that the “mixed background option”, i.e. completing the empty text box rather than ticking one of the proposed options, may not have been used properly, because, it is suggested, it was impossible to choose several answers¹⁵ or because of its lower position in the list.

15. The Advisory Committee recalls that reliable information about the ethnic composition of the population is an essential condition for implementing effective policies and measures to protect minorities, for helping to preserve and assert their identity as well as for addressing their needs. Population statistics should be collected regularly and should be complemented with information gathered through independent qualitative and quantitative research. They should be carefully analysed in consultation with minority representatives, in particular when using statistics as the basis for the applicability of minority rights. The Advisory Committee welcomes that the National Traveller and Roma Inclusion Strategy 2017-2021 addresses the need for further disaggregated data. This initiative is strongly supported by civil society actors, who consider that such data are still missing and are calling for data collection and analysis to be systematically disaggregated by ethnicity and gender across all administrative systems and mainstream services while being in line with human rights-based standards of data collection.¹⁶ The Advisory Committee welcomes in this regard that the National Traveller and Roma Inclusion Strategy foresees the creation of a “cross-departmental working group with involvement from Traveller and Roma representatives with a view to developing a methodology for the introduction of an ethnic identifier on all data to facilitate the monitoring of access, participation and outcomes to services for Travellers and Roma”.¹⁷ The Advisory Committee cautions however against relying exclusively on official statistics and figures, as these, for a variety of reasons, may not fully reflect reality. Results should be reassessed periodically, complemented by information gathered through independent research, and should be carefully analysed in consultation with minority representatives.¹⁸

16. The Advisory Committee was also informed that data on ethnicity are collected by schools, as part of the annual “October returns” process. Parents are invited to indicate in a form collected by the school the nationality, the mother tongue but also the ethnic and cultural background of each student. This last question is optional and clearly indicated as such.¹⁹

Recommendations

17. 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.

¹⁴ See, Thematic Commentary No. 4, ‘The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities’, adopted on 27 May 2016, para. 16, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a4811>.

¹⁵ “Conference of European Statisticians Recommendation for the 2010 Censuses of Population and Housing”, prepared in cooperation with the Statistical Office of the European Communities (EUROSTAT) and the United Nations Economic Commission for Europe, para. 426, reads as follows: “Respondents should be free to indicate more than one ethnic affiliation or a combination of ethnic affiliation if they wish so”; Conference of European Statisticians Recommendation for the 2020 Censuses of Population and Housing”, United Nations Economic Commission for Europe, New York and Geneva, 2015, page 148-150, para. 707-708.

¹⁶ Pavee Point and National Traveller Women’s Forum, Irish Traveller and Roma Women – Joint shadow report: a response to Ireland’s consolidated sixth and seventh periodic report to the UN Committee on the Elimination of Discrimination against Women, 20 January 2017.

¹⁷ National Traveller and Roma Inclusion Strategy, Action 146.

¹⁸ See, Thematic Commentary No. 4, The Framework Convention: a key tool to managing diversity through minority rights. The scope of application of the Framework Convention for the Protection of National Minorities, adopted on 27 May 2016, para. 18, available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806a4811>.

¹⁹ Department of Education and Skills, Circular 0023/2016, available at: https://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0023_2016.pdf.

18. 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.

Article 4 of the Framework Convention

Legal and institutional framework against discrimination

19. On 1 November 2014, the Irish Human Rights and Equality Commission (IHREC) was established and was transferred the functions of the Ireland Human Rights Commission (IHRC) and the Equality Authority, both now dissolved. On 25 November 2015, IHREC was accredited an "A" status National Human Rights Institution, thus recognised as fully compliant with the Paris principles. As part of its statutory role to protect and promote human rights, equality and intercultural understanding, IHREC can *inter alia* provide legal assistance in certain proceedings, apply to appear as an *amicus curiae* and initiate proceedings in its own name, in particular in discrimination cases before the Workplace Relations Commission (WRC) or before Courts. The Advisory Committee welcomes the establishment of IHREC and its work, which is instrumental to the promotion of human rights in Ireland, at every level of the State's action.

20. The Employment Equality Acts (1998-2015)²⁰ and the Equal Status Acts (2000-2015) constitute the principal anti-discrimination laws in Ireland. They prohibit discrimination in the workplace and in vocational training, as well as in the provision of goods and services (including professional or trade services, health services, facilities for banking, transport and cultural activities), accommodation, housing assistance and education. They outlaw discrimination on 9 grounds (10 with regard to accommodation), including "membership of the Traveller community". The WRC deals with complaints under these Acts, having taken over the functions of the Equality Tribunal as of 1st October 2015. From the 658 complaints submitted to the WRC in 2016 under the Equal Status Acts, 416 referred to "membership of the Traveller community" as one of the discriminatory grounds; in 2017, 408 out of 668 complaints referred to it.²¹

21. Based on 2014 figures, recent research showed that, depending on the statistical model used, Travellers are between 9 and 22 times more likely than other "white Irish" persons to experience discrimination in access to housing.²² They compose 9% of the homeless population, while representing only 0.5% of the population as a whole. They are found to be 10 times more likely to report recruitment discrimination than other "white Irish" persons and are over 22 times more likely to report discrimination in private services such as shops, banks and housing.²³ The 2016 population census has also significantly evidenced inequalities faced by Irish Travellers in fields such as health, employment,

²⁰ Dates refer to the year of enactment of the Act concerned and the year of its last amendment.

²¹ Workplace Relations Commission, Annual Report 2017, available at: http://www.workplacerelements.ie/en/Publications_Forms/Workplace_Relations_Commission_-_Annual_Report_2017.pdf. WRC received also 691 and 671 complaints under the Employment Equality Acts in 2016 and 2017 respectively, with a much lower reference to "membership of the Traveller community" as a ground for discrimination (5 in 2016 and 7 in 2017).

²² Irish Human Rights and Equality Commission and Economic and Social Research Institute, "Discrimination and Inequalities in Housing in Ireland" (R. Grotti, H. Russell, E. Fahey and B. Maître), June 2018, page 33. Throughout the text, the terms "white Irish" are quoted from the studies concerned.

²³ Irish Human Rights and Equality Commission and Economic and Social Research Institute, "Who experiences discrimination in Ireland?", Evidence from the QNHS Equality Modules (F. McGinnity, R. Grotti, O. Kenny and H. Russell), November 2017, page 35.

accommodation and education.²⁴ While the Irish legal and institutional framework against discrimination is satisfactory in many aspects, the abovementioned research and the recent population census identified a significant implementation gap with regard to the Traveller communities. The Advisory Committee is concerned about the level of discrimination experienced by persons belonging to the Traveller communities, in numerous aspects of their daily life (see also Article 5 and Article 15). To tackle this, there is *inter alia*, a need for a general awareness raising exercise, at national and local level, to inform about the level of discrimination experienced by persons belonging to the Traveller communities.

22. As in its previous opinions on Ireland, the Advisory Committee notes that certain discrimination issues do not fall under the jurisdiction of the WRC. Matters related to access to ‘places of entertainment’, designated by the law as “licensed premises” – such as bars, public houses, hotels or clubs, where alcohol is offered for sale – fall under the jurisdiction of district courts, according to Section 19 of the Intoxicating Liquor Act 2003. The rationale behind this decision was that all licensing matters should be adjudicated upon in a transparent and cost effective way, and that the district courts were the most suitable courts for these purposes.

23. The Advisory Committee notes that the Irish authorities are in this regard “satisfied that the provisions of the Intoxicating Liquor Act remain appropriate and proportionate”.²⁵ Interlocutors of the Advisory Committee, including human rights organisations, but also representatives of Traveller organisations, as well as young Travellers interviewed by the Advisory Committee, reported on a significant number of discrimination cases in ‘places of entertainment’. Traveller organisations have continuously advocated for those cases to be under the jurisdiction of the WRC, arguing that district courts were not as efficient and relevant as an equality body in this particular context. The Advisory Committee observes that official data communicated by the Courts Service indicate that, in 2016, 26 out of 28 applications to the district courts under the provisions of Section 19 of the Intoxicating Liquor Act were lodged by members of Traveller communities. 27 out of 28 of those applications were struck out, withdrawn or adjourned. In 2017, 51 out of 52 applications were introduced by members of Traveller communities, and 50 out of 52 were struck off, withdrawn or adjourned. The Advisory Committee further notes that Travellers are 38 times more likely to report discrimination with regard to access to shops, public houses and restaurants, than other “white Irish” persons.²⁶ The procedure before a district court,²⁷ i.e. a judicial body without inspection capacity, diverges considerably from the victim-centred approach of the WRC, which is an anti-discrimination body. The question is whether the procedure before the district courts provides the same level of procedural guarantees as those of an anti-discrimination body.²⁸ For instance, the Advisory Committee notes the lack of privacy of the hearings, the fee charged, the costs incurred by complainants, the formal procedural approach, and that the burden of proof does not shift where *prima facie* evidence of discrimination is established. The Advisory Committee underlines also that such a judicial procedure requires specific knowledge and documentation, and is disconnected from the reality that there is a high level of illiteracy among persons belonging to Traveller communities (see Article 12), which makes it hard for persons belonging to Irish Traveller communities to access justice. In light of the above, the Advisory Committee questions whether the current legal framework provides sufficient procedural guarantees vis-à-vis the requirements of Article 4 of the Framework Convention.

²⁴ See, *inter alia*, Central Statistics Office, Census 2016 Profile 8 – Irish Travellers, Ethnicity and Religion, 2017, available at: <https://www.cso.ie/en/csolatestnews/presspages/2017/census2016profile8-irishtravellersethnicityandreligion/>; Pavee Point, Census 2016 – Hard evidence of the inequalities faced by Irish Travellers, 2017, available at: <http://www.paveepoint.ie/census-2016-hard-evidence-of-the-inequalities-faced-by-irish-travellers/>.

²⁵ State Report, para. 91.

²⁶ Irish Human Rights and Equality Commission and Economic and Social Research Institute, “Who experiences discrimination in Ireland?”, Evidence from the QNHS Equality Modules (F. McGinnity, R. Grotti, O. Kenny and H. Russell), November 2017, page 36.

²⁷ See, *inter alia*, Courts Service, District court fees, available at: <http://www.courts.ie/Courts.ie/Library3.nsf/PageCurrent/B1891D43DC769B2280257FB20037F683>.

²⁸ See in this regard, OSCE High Commissioner on National Minorities, Graz Recommendations on Access to Justice and National Minorities & Explanatory Note, November 2017; 2nd recommendation on page 15 reads as follows: “Measures to guarantee access to justice for national minorities should be broader than providing access to courts. States should establish, strengthen and fund independent human rights institutions that can secure effective remedies for all complainants, including persons belonging to national minorities”.

24. Given the importance of public houses in Irish society,²⁹ a particular effort should be made by the authorities to ensure that they do not constitute a space where discrimination is allowed to go on. Awareness-raising measures should be taken targeting both the general public and licensed premises' owners and staff. A national campaign could raise the general public's awareness of the level of discrimination experienced by Travellers, alongside other specific awareness-raising and training activities targeting licensed premises' owners and staff, for example upon renewal of the licenses. The Advisory Committee considers that, if those discrimination cases are to remain within the jurisdiction of district courts, the procedure before those courts should be adapted to the needs of discrimination victims.

Recommendations

25. 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 premises' owners and staff in particular.

26. 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.

Traveller and Roma women and girls

27. The Advisory Committee observes, together with representatives of the Traveller and Roma organisations, that data on gender is rarely disaggregated by membership of Traveller communities and vice versa (See Article 3). Researchers observe however that in certain areas, such as recruitment and in the workplace, where persons belonging to the Traveller communities experience a high level of discrimination (See Article 15), women are twice as likely to report discrimination.³⁰ Civil society representatives deplore this lack of disaggregated data that makes monitoring the situation of Traveller and Roma women "virtually impossible", and that "when data is available, it is not gender disaggregated" (see Article 3).³¹

28. Like the National Traveller and Roma Inclusion Strategy 2017-2021, the National Women's Strategy 2007-2016, although recognising discrimination as a major issue, contained no specific measures or objectives addressing difficulties experienced by Traveller and Roma women and girls. The Advisory Committee welcomes the fact that the New National Strategy for Women and Girls 2017-2020³² addresses this gap and contains actions to be taken on education, employment, health and participation in public life, with indicated time scales. The National Traveller and Roma Inclusion Strategy 2017-2021 contains a number of actions related to children and youth (Actions 37 to 61), however none of them covers discrimination aspects. The Advisory Committee observes that such strategies do not come with a clear implementation plan.

²⁹ See, *inter alia*, Cabras, Ignazio. (2016). "Pillars of the Community": Pubs and Publicans in Rural Ireland. *Brewing, Beer and Pubs: A Global Perspective*. 282-302.

³⁰ Irish Human Rights and Equality Commission and Economic and Social Research Institute, "Who experiences discrimination in Ireland?", Evidence from the QNHS Equality Modules (F. McGinnity, R. Grotti, O. Kenny and H. Russell), November 2017, page 33.

³¹ National Traveller Women's Forum, Submission to the Framework Convention for the Protection of National Minorities Irish State's fourth reporting Cycle, June 2018, page 2.

³² Department of Justice and Equality, National Strategy for Women and Girls 2017-2020: creating a better society for all, April 2017, available at: http://www.justice.ie/en/JELR/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf/Files/National_Strategy_for_Women_and_Girls_2017_-_2020.pdf.

Recommendation

29. 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 Strategy for Women and Girls 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.

Article 5 of the Framework Convention**Support for the preservation and development of the Irish Travellers' identities and cultures**

30. To mark the State recognition of Traveller minority ethnic group, a day-long celebratory event was organised in the Royal Hospital Kilmainham on 15 March 2018. It was the first event of that kind and was open to all people and communities to join the celebration showcase of cultures, heritage, language and identities of Travellers.³³ In this context, a number of temporary exhibitions on the cultures, traditions and crafts of Traveller communities took place, including at the National Museum of Ireland.³⁴ The Traveller and Roma Pride Week (28 May-8 June 2018) was also the occasion for a number of celebrations, exhibitions and film projections. The Department of Justice and Equality has in this context called for proposals and provided financial support to small projects. In late 2017-early 2018 the Department of Culture, Heritage and the Gaeltacht also received expressions of interest in promoting Irish Traveller cultures from a number of Traveller communities and representative organisations. The authorities indicate having favourably considered these submissions and are still in the process of finalising the design of those respective projects with the respective applicants.

31. The Broadcasting Authority of Ireland (BAI) also operates a funding scheme called "Sound & Vision" supporting the production of TV and radio programmes. Since 2009, 16 projects related to Traveller cultures, history or language have received about 1.1 million EUR.

32. The Advisory Committee welcomes the support given to these cultural events as reiterated in Actions 1 and 2 of the National Traveller and Roma Inclusion Strategy 2017-2021, denoting the authorities' genuine support for ethnicity recognition.³⁵ The Advisory Committee notes however that these events have an ad hoc character and that funding to promote Traveller and Roma cultures seems essentially project-based. The establishment of a permanent cultural centre with the aim of preserving and developing the cultural heritage of the Irish Travellers is the subject of Action 5 of the said Strategy. Young Travellers who the Advisory Committee met have pointed out that such a permanent centre would help them to learn about their heritage and help them to feel proud of their identities and cultures, including nomadism (See Article 4).

³³ The programme of the event is available at: <http://www.ethnicitycelebration.ie/> (the event was due to take place on the day of recognition, 1 March 2017, but was postponed due to bad weather).

³⁴ National Museum of Ireland, Travellers' Journey – An exploration of Irish Traveller Culture, available at: <https://www.museum.ie/Country-Life/Exhibitions/Current-Exhibitions/Travellers-Journey>.

³⁵ Department of Justice and Equality, Call for proposals for the Traveller Pride Week 2018, guidance note available at: <http://www.justice.ie/en/JELR/Guidance%20Note%20for%20TPW%20call.pdf/Files/Guidance%20Note%20for%20TPW%20call.pdf>.

Recommendations

33. 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 in the Cant language.

34. 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.

Travellers' accommodation

35. According to a recent study based on the figures of the 2011 population census,³⁶ 12% of the persons identifying themselves as Travellers live in a caravan or mobile home. 49% live in rented social housing provided by local authorities or social housing agencies and 29% rent their house from a private landlord. The Housing (Traveller Accommodation) Act 1998 provides a legislative framework aimed at addressing the specific accommodation needs of Travellers. Under this Act, housing authorities have the statutory responsibility for the assessment of the needs of Travellers and the preparation, adoption and implementation of multi-annual Traveller Accommodation Programmes (TAPs) in their respective areas. The role of the Department of Housing, Planning, Community and Local Government is to ensure that there are adequate structures and support in place to assist local authorities in providing such accommodation. The fourth round of TAPs started in 2014 and will end on 31 December 2018. They identify investment priorities and form the basis for the allocation of funding. The State report insists that the TAPs have achieved clear improvements since 1999, when a quarter of the 4,790 Traveller families were living on unauthorised sites. In 2014, 445 families out of 10,226 declared Traveller families lived on such sites. In order to further improve the situation, the National Traveller Accommodation Consultative Committee (NTACC) examined as a priority in 2017 the experience of Travellers living in private rented accommodation, the role of Local Authority social workers and the collection of data.

36. A research report delivered in June 2017 and commissioned by the Housing Agency indicates however that the number of families living on unauthorised sites increased by 20% between 2010 and 2015 (from 444 in 2010, and even 323 in 2011, to 534 in 2015).³⁷ The report shows also, and this is particularly disturbing in the Advisory Committee's view, that TAPs' budgets were under-spent by 16% for the period 2005-2008, by 29% for the period 2009-2013 and by 39% for the period 2014-2018, with a majority of local authorities not having utilised their allocated budget.³⁸ Representatives of the Traveller communities consulted in the course of this research consider that the available state funding is sufficient to deliver the necessary accommodation, but believe that public consultation may result in local opposition to Traveller accommodation. Travellers' representatives consider that the planning process could be facilitated if specific sites for Traveller accommodation were specified in wider County Development Plans, connecting thus those Plans with the TAPs, and if the Travellers' representatives were systematically consulted by the committees.

³⁶ Economic and Social Research Institute, A social portrait of Travellers in Ireland, Dorothy Watson, Oona Kenny and Frances McGinnity, Research Series No. 56, January 2017, page 44, available at: <https://www.esri.ie/pubs/RS56.pdf>.

³⁷ RSM, Research report, Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes, June 2017, Page 17.

³⁸ RSM, Research report, Review of Funding for Traveller-Specific Accommodation and the Implementation of Traveller Accommodation Programmes, June 2017, Page 20.

37. Following the submission of the abovementioned report, the NTACC advised the Minister to task an Expert Group to review the Housing (Traveller Accommodation) Act 1998. The Department of Housing, Planning, Community and Local Government informed the Advisory Committee that the work of the Expert Group should be finalised within a short time frame and that the Department will consider any recommendations made by the Expert Group to improve the delivery of Traveller Accommodation nationally and to ensure that full use is made of the increasing level of funding available for investment in Traveller accommodation.

38. The Advisory Committee recalls that Travellers' nomadic or semi-nomadic way of life constitutes one of the essential elements of their history and identities. Interlocutors of the Advisory Committee living on halting sites shared their wish to use their halting site on a permanent basis, at least for some years, as they consider it the only way to stay together in larger family structures and with caravans. The Advisory Committee notes that this way of life may also give them the possibility, one day, of moving to another place and re-starting a nomadic or semi-nomadic life, even if this way of life has now largely disappeared. Irrespective of whether Irish Travellers live on sites, in apartments or in other types of accommodation, it remains all the more important to pay careful attention to their housing conditions, housing being not only an element of identity but one of the key determinants of health. The appropriate type and standard of Traveller accommodation may impact greatly on life expectancy as well as on all other aspects of Traveller lives such as the economic, social and cultural domains (see Article 15). This impacts in particular women and children (See Article 4). Poor accommodation³⁹ may also seriously aggravate health issues, including the mental health of the persons concerned. The All Ireland Traveller Health Study⁴⁰ demonstrated the impact accommodation has on all aspects of the lives of persons belonging to the Irish Traveller communities. It may also lead to tragic situations such as in Carrickmines in October 2015,⁴¹ where 10 Travellers died in a fire on a halting site, including five children under the age of 10 and a young pregnant woman.

39. The Department of Housing, Planning, Community and Local Government is unquestionably aware of the situation and is taking measures to remedy it, in particular by having commissioned the abovementioned review and by supporting the work of the Expert Group. The Advisory Committee has also witnessed that certain local authorities have installed fire extinguishers and evacuation signs even on unauthorised sites, undeniably showing their resolution to prevent such tragedies reoccurring. However, the findings of the review, in particular with regard to the underspent allocated budgets, show a manifest lack of commitment at local level.

40. The Advisory Committee recalls also that following a complaint of the European Roma Rights Centre, the European Committee of Social Rights⁴² (ECSR) concluded that Ireland violated the provisions of Article 16 of the European Social Charter, in particular on the grounds of insufficient provision of accommodation for Travellers and on the grounds that many Traveller sites are in an inadequate condition. The ECSR also considered that the Housing (Miscellaneous Provisions) Act of 1992, as amended, provides inadequate safeguards for Travellers threatened with eviction.

41. In light of the above, and keeping in mind that Travellers represent also 9% of the homeless and that they are between 9 and 22 times more likely to be discriminated against in access to housing (see Article 4 above), the Advisory Committee considers that accommodation should be treated as a key priority. The Advisory Committee welcomes that Actions 126 to 131 of the National Traveller and Roma Inclusion Strategy are aimed at ensuring adequate provision of accessible, suitable and culturally-appropriate accommodation as well as setting up a robust monitoring and evaluation framework with a view to ensuring full expenditure of funds allocated for Traveller-specific accommodation.

³⁹ Irish Times, Galway Travellers living in rat infested conditions report finds, 20 July 2018, available at:

<https://www.irishtimes.com/news/social-affairs/galway-travellers-living-in-rat-infested-conditions-report-finds-1.3570579>.

⁴⁰ All Ireland Traveller Health Study, 2010, available at: <https://health.gov.ie/blog/publications/all-ireland-traveller-health-study/>. See in particular Technical Report 1, Section A.

⁴¹ Irish Times, Carrickmines fire: Two children remain in hospital, 12 October 2015, available at:

<https://www.irishtimes.com/news/ireland/irish-news/carrickmines-fire-two-children-remain-in-hospital-1.2388919>.

⁴² European Committee of Social Rights, European Roma Rights Centre (ERRC) v. Ireland, Complaint No. 100/2013, adopted on 1st December 2015.

42. Since its first opinion on Ireland, the Advisory Committee has constantly reiterated its concerns with regard to the provisions contained in section 24 of the Housing (Miscellaneous Provisions) Act of 2002 criminalising trespass, and the impact it has had on the nomadic way of life of persons belonging to the Irish Traveller communities. The Advisory Committee regrets that the State report does not mention any measures taken or envisaged in this regard and notes that the proportion of Travellers with a nomadic way of life is now considerably reduced, despite the importance of nomadism for persons belonging to the Traveller communities.⁴³ The Advisory Committee was informed by representatives of the Irish Traveller communities that, in practice, the abovementioned criminal provisions are only sporadically applied. The Advisory Committee regrets all the more that these provisions remain valid, with a subsequent level of unforeseeability and arbitrariness in their application, and thus continue to constitute an obstacle for Travellers to practise nomadism legally.

Recommendations

43. 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.

44. The Advisory Committee urges the authorities to review the provisions of the law criminalising trespass.

Article 6 of the Framework Convention

Tolerance and intercultural dialogue

45. The Irish authorities promote an atmosphere of intercultural understanding through a variety of measures and programmes. Institutional actors, as well as strong and well-funded civil society organisations, nonetheless contribute to promoting a human rights-based approach in legislation and policy developments. The Irish Human Rights and Equality Commission established in 2014 (see Article 4) promotes interculturalism and diversity in Ireland, hosting a number of significant events on its premises, playing an advisory role in civil society programmes, such as the Yellow Flag programme,⁴⁴ and supporting innovative projects through its yearly grants scheme explicitly focused on intercultural understanding and diversity.⁴⁵

46. The Department of Justice and Equality published in February 2017 a National Migrant Integration Strategy,⁴⁶ the implementation of which constitutes also one of the Actions of the National Traveller and Roma Inclusion Strategy (Action 109). The Advisory Committee welcomes the fact that strategies are indeed interlinked. The National Migrant Integration Strategy contains timeframes, in general covering the entire period 2017-2021, and indicates which branch of the executive is in charge of implementing each identified Action. Since 2017, the Department of Justice and Equality provides support to integration projects through the Communities Integration Fund. 115 projects were supported in 2018, for an overall amount of 500,000 EUR.⁴⁷

⁴³ All Ireland Traveller Health Study, 2010, available at: <https://health.gov.ie/blog/publications/all-ireland-traveller-health-study/>. See in particular Technical Report 1, Tables 51 and 54.

⁴⁴ The Yellow Flag Programme is an initiative of the Irish Traveller Movement for primary and secondary schools promoting and supporting an environment for interculturalism, See also <http://www.yellowflag.ie>.

⁴⁵ Irish Human Rights and Equality Commission, Annual report 2017, page 47, available at: <https://www.ihrec.ie/app/uploads/2018/06/Annual-Report-2017.pdf>.

⁴⁶ National Migrant Integration Strategy, Department of Justice and Equality, http://www.justice.ie/en/JELR/Migrant_Integration_Strategy_English.pdf/Files/Migrant_Integration_Strategy_English.pdf.

⁴⁷ 2018 Communities Integration Fund, list of selected projects, available at: <http://integration.ie/en/ISEC/Pages/WP18000072>.

47. Ireland is not exempt from growing xenophobic trends. The National Action Plan against Racism ended in 2008 and was not renewed. In recent years, a significant number of racist incidents were reported and compiled by civil society and academics.⁴⁸ According to the statistical models used, “black people” stand out as one of the most discriminated groups, experiencing difficulties in access to housing at a rate more than five times that of other “white Irish” persons (see also Article 4).⁴⁹ While representing only 1.5% of the general population, “black people” make up 11% of the homeless population. Academics also report a rise in anti-Muslim racism.⁵⁰

48. The Advisory Committee was also informed of growing prejudices towards Roma as well as persistent intolerance towards Travellers. Interlocutors of the Advisory Committee mentioned very concrete cases of discrimination, in particular in bars and public houses. The Advisory Committee regrets this exclusion in places where persons should instead meet to socialise with society as a whole, regardless of their origin and wealth.

Recommendation

49. 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.

Combating hate speech and hate crime

50. The Prohibition of Incitement to Hatred Act 1989 prohibits expressions, including the dissemination of graphic or textual materials, which have the intention of provoking hatred. Its capacity to combat hate crime is however largely criticised by researchers,⁵¹ who question its scope and the standard of proof it requires. In fact, it has resulted in few prosecutions.

51. With regard to hate crime more generally, the State report indicates that “where criminal offences such as assault, criminal damage or public order offences are committed, they are prosecuted through the wider criminal law. It is important to note that the trial judge can take any aggravating factors, such as hate/racism/bias motivation, into account at sentencing”. The Advisory Committee observes however that this possibility is rarely used by Irish courts and that the level of proof required needs to be further clarified.⁵² The Advisory Committee notes also the absence of statistics on recorded hate crime since 2014. The Police administration record what they refer to as “crimes with a discriminatory motive” (114 in 2014, 308 in 2016). The quality of data recorded by the police is however contested by the Central Statistics Office.⁵³

52. In a 2016 report, the Law Reform Commission⁵⁴ considered that “reform of online hate speech laws needs to be undertaken as part of an overarching reform of hate crime, as the problems with Ireland’s hate crime laws extend beyond the potential difficulty with applying them in the online setting. Firstly, the 1989 Act, which is the principal Act within this area, is ineffective, with only a limited number of convictions secured under it. This is because the offences under the Act are very difficult to prove, particularly the stirring up hatred offence under Section 2. [...] In this respect, it is clear that comprehensive reform of hate crime legislation is in progress and the Commission considers that such an approach would be preferable to efforts designed to address online hate speech only. This view was shared by many of the respondents to the Issues Paper. Because this type of wide-ranging reform is outside the scope of this project, the Commission recommends that online speech should be addressed

⁴⁸ ENAR Ireland, Reports of racism in Ireland, available at: <http://enarireland.org/ireport-quarterly/>.

⁴⁹ Irish Human Rights and Equality Commission and Economic and Social Research Institute, “Discrimination and Inequalities in Housing in Ireland” (R. Grotti, H. Russell, E. Fahey and B. Maître), June 2018, page 33. The terms “white people” and “black people” are quoted from the study concerned.

⁵⁰ J. Carr, Experiences of anti-Muslim Racism in Ireland, 2014, available at:

<https://ulsites.ul.ie/hhrg/sites/default/files/Experiences%20of%20Anti-Muslim%20Racism%20in%20Ireland.pdf>.

⁵¹ See, *inter alia*, A. Haynes and J. Schweppe, Lifecycle of a Hate Crime: Country Report for Ireland, ICCL, 2017.

⁵² A. Haynes and J. Schweppe, Lifecycle of a Hate Crime: Country Report for Ireland, ICCL, 2017, Pages 64-73.

⁵³ Central Statistics Office, Review of the quality of crime statistics 2016, September 2016, available at:

<https://www.cso.ie/en/media/csoie/releaspublications/documents/crimejustice/2016/reviewofcrime.pdf>.

⁵⁴ The Law Reform Commission is a body established under Section 3 (1) of the Law Reform Commission Act 1975. Its role is to keep the law under review with a view to reforming it and formulating proposals.

as part of the general reform of hate crime law.”⁵⁵ The Advisory Committee was also informed that no institution is in charge of monitoring social media, in particular with regard to incitement to hatred, although reports show that Ireland is not exempt from the general increase of online hate speech.⁵⁶ 53. Action 111 of the National Traveller and Roma inclusion Strategy foresees a review by the Department of Justice and Equality of the Prohibition of Incitement to Hatred Act 1989, in line with the recent recommendations of specialised academics.⁵⁷ The Minister for Justice and Equality confirmed in August 2018 that the review was being performed.⁵⁸

Recommendations

54. The Advisory Committee calls on the Irish authorities to support the adoption of bespoke legislation on hate crime, in line with ECRI General Recommendation n° 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.

55. 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.

Law enforcement authorities (*An Garda Síochána*)

56. Since the last monitoring cycle, the Garda Bureau of Community Diversity and Integration (GBCDI, referred to in the State report as Garda Racial, Intercultural and Diversity Office, GRIDO) has maintained its network of Garda Diversity Officers (previously Garda Ethnic Liaison Officers), to liaise directly with persons belonging to diverse communities, including Travellers and Roma. According to the State report, it also provides information to any member of the Traveller or Roma communities who allege discrimination in Garda service delivery to take a complaint to the Garda Síochána Ombudsman Commission (GSOC). The Advisory Committee welcomes the work of the GBCDI, in particular the introductory training it provides to police officers on diversity management. The Advisory Committee observes that such work is instrumental in addressing the mistrust in the Police of persons belonging to the Traveller communities, in particular when those persons are involved in such training.

⁵⁵ Law Reform Commission, Report on Harmful Communications and Digital Safety (LRC 116, 2016), Para. 2.254 and 2.255, available at: http://www.lawreform.ie/_fileupload/Reports/Full%20Colour%20Cover%20Report%20on%20Harmful%20Communications%20and%20Digital%20Safety.pdf.

⁵⁶ ENAR Ireland, Reports of Racism in Ireland 2017, page 20, available at: http://enarireland.org/wp-content/uploads/2018/01/iReport_1516_jan-jun2017.pdf.

⁵⁷ A. Haynes and J. Schweppe, Lifecycle of a Hate Crime: Country Report for Ireland, ICCL, 2017, available at: <https://www.iccl.ie/wp-content/uploads/2018/05/Hate-Crime-Report-LR-WEB.pdf>.

⁵⁸ Statement by Minister Flanagan on hate crime legislation: <http://www.justice.ie/en/JELR/Pages/SP18000222>.

57. Concerning GSOC, the Advisory Committee was informed that about 40% of investigations initiated, in particular in the framework of disciplinary procedures, are actually carried out by police officers not attached to GSOC, due to GSOC's lack of resources. The investigatory powers of GSOC with regard to disciplinary procedures are also limited to active staff and cannot concern retired officers. The scope of investigation is also limited to the scope of the initial complaints without the possibility of GSOC recharacterising the problematic facts. The Advisory Committee noted also that there was no institutional link between the training curricula of the police officers and the findings of GSOC.

58. The Advisory Committee regrets that, according to the Garda Síochána (Discipline) Regulations 2007,⁵⁹ discrimination does not explicitly constitute a breach of discipline.⁶⁰ The Advisory Committee observes also that, in their respective submissions to the Commission on the Future of Policing, both the Garda Síochána Ombudsman Commission⁶¹ and the Irish Human Rights and Equality Commission⁶² call for diversity to be further promoted in the Police force.

Recommendations

59. 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 of 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.

60. 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.

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

Media reporting on Travellers and Roma

62. The National Traveller and Roma Inclusion Strategy includes support for initiatives promoting positive attributes and actions of Traveller and Roma communities as well as the development of national initiatives to promote positive representations of, and respect for, Travellers and Roma (Actions 7 and 110). Interlocutors of the Advisory Committee belonging to the Traveller and Roma communities underlined the general negative media coverage to which they are subject. Officials and observers, not belonging to those communities, were of the opinion that the media coverage has improved since the last monitoring exercise.

63. Established by the Broadcasting Act 2009, the Broadcasting Authority of Ireland (BAI) ensures, *inter alia*, that radio and television broadcasters comply with the revised Code for Programme Standards and the Code of Fairness, Impartiality and Objectivity. These codes contain provisions on the appropriate and non-discriminatory representation of persons and groups. BAI carries out compliance checks by monitoring broadcast content, by handling a broadcasting complaint process and by verifying that broadcasters comply with their contractual commitments. The Advisory Committee notes that, since 2014, no complaint was upheld regarding the coverage and/or treatment of the Traveller communities, although regular complaints are submitted to BAI. The Advisory Committee was also informed of the absence of any monitoring of content specifically related to the way Traveller and Roma communities are represented in broadcast media. During its exchange with officials from BAI, the Advisory Committee understood that, upon request, they could monitor such coverage over a given period.

⁵⁹ Garda Síochána (Discipline) Regulation 2007, available at: <http://www.irishstatutebook.ie/eli/2007/si/214/made/en/print>.

⁶⁰ See, *inter alia*, Irish Council for Civil Liberties, « Rights-based policing, how do we get there? », A submission by the ICCL to the Commission on the future of policing, Page 28, available at: <https://www.iccl.ie/wp-content/uploads/2018/01/RIGHTS-BASED-POLICING-ICCL-submission-to-CFP-2.pdf>.

⁶¹ Garda Síochána Ombudsman Commission, Submission to the Commission on the Future of Policing in Ireland, January 2018, available at: <https://www.gardaombudsman.ie/publications/other-reports/?download=file&file=2456>.

⁶² Irish Human Rights and Equality Commission, Submission to the Commission on the Future of Policing in Ireland, February 2018, Page 8: <https://www.ihrec.ie/app/uploads/2018/02/Submission-to-the-Commission-on-the-Future-of-Policing.pdf>.

64. With regard to persons belonging to the Roma communities, the Advisory Committee notes that, following a special inquiry based on Section 42 of the Garda Síochána Act 2005, a report for the Ministry of Justice and Equality was published in 2014⁶³ on the circumstances in which two Roma children were removed from their families. In this report, the Press Council was invited to consider how ethical reporting regarding minority communities, including the Roma community, can be best promoted. The Advisory Committee notes that the Press Ombudsman and the Press Council have regular meetings with Traveller and Roma organisations and will organise in October 2018 a seminar on “Reporting Minorities”, bringing together journalists and representatives of minority groups to explore how the press covers issues relevant to minorities and how that coverage could be improved.

Recommendations

65. 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.

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

Article 10 of the Framework Convention

Use of languages

67. According to Article 8 of the Constitution of Ireland, the Irish language is the national language as well as the first official language, and the English language is recognised as a second official language. Interlocutors of the Advisory Committee belonging to the Traveller communities have expressed concerns about the disappearance of their language, which they refer to as “the Cant language”, although sometimes called “De Gammon” (by the native speakers) or “Shelta” (by linguists). While older generations are more knowledgeable and have a better command of the Cant language, younger generations, who speak English, use only a few words of the Cant language.

68. Language is an essential component of individual and collective identities. The Advisory Committee considers it important to develop balanced and coherent strategies, in close co-operation with Travellers’ representatives, to promote the conditions necessary for persons belonging to the Traveller communities to maintain and develop their culture, and to preserve the essential elements of their identity, including language.⁶⁴ This is particularly valid for small minorities such as the Irish Travellers. The Advisory Committee considers that, given the age of those who are still speaking the Cant language, it is endangered and that, in the absence of public action, its disappearance is to be expected within a relatively short period of time. Resolute public support is therefore needed, and the media could play a central role in a process of linguistic revitalisation, not for the sole linguistic purpose of keeping the Cant language alive, but for maintaining the cultural link between persons belonging to the Irish Travellers and their language. Past assimilation policies make the revitalisation of the language essential. The Advisory Committee considers therefore that short programmes could help to keep a record of the language and participate in its transmission to, and popularisation among, younger generations, who express an interest in preserving the Cant language.

⁶³ Report by Ms Emily Logan, Ireland’s serving Ombudsman for Children, Garda Síochána Act 2005, Section 42, Special Inquiries relating to Garda Síochána, Order 2013, July 2014, available at: <http://www.justice.ie/en/JELR/Emily%20Logan%20report.pdf/Files/Emily%20Logan%20report.pdf>.

⁶⁴ ACFC Thematic Commentary n° 3, the language rights of persons belonging to national minorities under the Framework Convention, adopted on 24 May 2002, Paras 13 and 22.

69. The creation of a cultural centre (see Article 5) could also serve the purpose of collecting existing materials and connecting existing initiatives, such as the illustrated dictionary of Cant referred to by the Department of Education and Skills in its written submission to the Advisory Committee.

Recommendation

70. 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.

Article 12 of the Framework Convention

Education of Travellers and intercultural education

71. Difficulties experienced by persons belonging to the Traveller communities in Ireland in the field of education are long-standing and multi-faceted. Recent research based on the 2011 population census data show significant differences in the age at which education ceased for Travellers and non-Travellers: 91% of Travellers leaving school before 16 (compulsory school ending at the age of 16), compared with 25% of non-Travellers; 28% of Travellers leaving even before the age of 13, compared to 1% for non-Travellers.⁶⁵ 25% of working-age Travellers have no formal education, 53% have only primary education, while respective figures for the general population are 1% and 9%. 8% of Travellers have completed secondary level education or above, compared to 73% of non-Travellers.⁶⁶ According to the most recent 2016 population census, 13.3 % of Traveller women are educated to upper secondary level or above compared with 69.1% of the general population. Nearly 6 in 10 Traveller men (57.2%) were educated to at most primary level in contrast to the general population (13.6%).⁶⁷

72. In November 2003, a joint working group consisting of members of the Advisory Committee on Traveller Education and of the Educational Disadvantage Committee, as well as representatives of Traveller organisations, was established to provide recommendations for a Traveller Education Strategy. The joint working group published its report in 2006.⁶⁸ Action 11 of the National Traveller and Roma Inclusion Strategy refers to the publication in the first months of 2017 of a review by the Department of Education and Skills of the 2006 report. Representatives of the Traveller and Roma organisations informed the Advisory Committee that it has not been published yet and that they have not been involved in this review.

73. Interlocutors of the Advisory Committee belonging to Traveller communities underline the positive change in recent years, since the phasing out of segregated teaching. The traces of segregation are however still present and all interlocutors expressed the need to continue developing an increasingly positive school culture and welcoming climate for Traveller students. The Advisory Committee notes in this regard the recent presentation to the upper chamber of the Parliament of a Traveller Culture and History in Education Bill, proposing to amend the Education Act 1998, to provide for inclusion of Traveller culture and history in the curriculum taught in school.⁶⁹ The Advisory Committee considers that such inclusion could be a key measure for the majority population to understand and appreciate the contributions made by Travellers to wider Irish society and to further combat and prevent deeply rooted discrimination (see Article 4). It could also contribute to improving the self-esteem of Traveller students. In this regard, the Advisory Committee has however noticed, in its exchanges with members of the majority population, not only a relatively poor knowledge among the majority about the Irish Travellers' history but also about the Cant language, some even denying its actual existence (see also Article 10).

⁶⁵ Economic and Social Research Institute, A social portrait of Travellers in Ireland, Dorothy Watson, Oona Kenny and Frances McGinnity, Research Series No. 56, January 2017, page 29, available at: <https://www.esri.ie/pubs/RS56.pdf>.

⁶⁶ Economic and Social Research Institute, A social portrait of Travellers in Ireland, Dorothy Watson, Oona Kenny and Frances McGinnity, Research Series No. 56, January 2017, page 30, available at: <https://www.esri.ie/pubs/RS56.pdf>.

⁶⁷ Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion, available at: <https://www.cso.ie/en/releasesandpublications/ep/p-cp8iter/p8iter/p8itseah/>.

⁶⁸ Report and Recommendations for a Traveller Education Strategy, available at: https://www.education.ie/en/Publications/Policy-Reports/traveller_ed_strat.pdf.

⁶⁹ Traveller Culture and History in Education Bill, available at: <https://www.oireachtas.ie/en/bills/bill/2018/71/>.

74. The Irish authorities also report that they are contributing to the development of an inclusive school environment by combatting bullying, which Traveller children are more likely to report.⁷⁰ A new set of anti-bullying measures was launched in 2013,⁷¹ which the Advisory Committee welcomes. It notes also that initial teachers education programmes for primary and secondary-level teachers include inclusive education as a mandatory element of all programmes. The Advisory Committee further observes that the National Traveller and Roma Inclusion Strategy contains 14 Actions related to Education covering a wide range of measures addressing attendance issues, admission policies, parental engagement but also positive actions related to higher education, initial teacher education, or development of literacy and numeracy. In relation to those actions, pilot projects are being launched to address barriers to attendance, participation and retention, including a focus on improving data sources. The Advisory Committee welcomes such measures but regrets that, as for other aspects covered by the Strategy, it does not yet come together with an implementation plan with clear targets, indicators, timeframes and resources. Interlocutors of the Advisory Committee representing Traveller organisations insisted in this regard on the need for a comprehensive and specific education strategy and the re-establishment of the National Traveller Education Advisory Committee. In a context where Traveller parents suffered from segregation at school, the Advisory Committee considers it all the more important that a specific education strategy be developed with their effective participation.

75. With regard to higher education, the Advisory Committee notes that a new National Plan for Equity and Access to Higher Education 2015-2019 includes the first national target to increase Irish Travellers' entry into higher education.

Recommendations

76. The Advisory Committee invites the authorities to adopt, in consultation with representatives 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.

77. 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.

Article 15 of the Framework Convention

Economic life

78. According to the last population census in 2016, Travellers' unemployment rate stood at 80.2% (83.4% in 2011) while it stood at 12.9% in the general population. This extremely high rate is to be viewed in relation to the low level of education (See Article 12) and the discrimination Travellers experience at work (see Article 4), which is almost ten times more likely to occur than for the other "white Irish" persons.⁷² While addressing the exclusion of the Travellers from the labour market was a recommendation for immediate action in the Advisory Committee's third opinion, the State report refers only to the "Special Initiative for Travellers" as a specific measure,⁷³ and does not describe the measures taken since then or the impact they may have had. According to research from 2013,⁷⁴ the "Special Initiative for Travellers" programme was cut by 50% in 2008 because of the recession; remaining programme budgets were underspent by 40%. Representatives of civil society informed the Advisory Committee that while 8 projects were reportedly still running under this programme in 2012, they have not been informed of any Traveller participation after this date.

⁷⁰ HBSC Ireland, Health Promotion Research Centre, National University of Ireland, Short Report, HBSC Ireland 2014: Traveller children's health and lifestyle compared to all other children in Ireland, Catherine Perry, Eimear Keane, Mary Callaghan, Michal Molcho, available at: <https://www.nuigalway.ie/media/healthpromotionresearchcentre/hbscdocs/shortreports/2016-SR-CP-Traveller-childrens-health.pdf>.

⁷¹ State report, Paras. 147-151.

⁷² See, Irish Human Rights and Equality Commission and Economic and Social Research Institute, "Who experiences discrimination in Ireland?", Evidence from the QNHS Equality Modules (F. McGinnity, R. Grotti, O. Kenny and H. Russell), November 2017, page 35.

⁷³ State report, Paras. 60 to 62.

⁷⁴ Brian Harvey Social Research, 'Travelling with Austerity' Impacts of Cuts on Travellers, Traveller Projects and Services, April 2013, available at: http://www.paveepoint.ie/wp-content/uploads/2013/10/Travelling-with-Austerity_Pavee-Point-2013.pdf.

79. The State report⁷⁵ also refers to the Community Employment Programme, but the information reported does not allow the Advisory Committee to assess its effects and impact. The Local Enterprise Offices are presented as a significant improvement for the Irish economy, but constitute a general measure, not targeting specifically the Travellers' situation. The Advisory Committee is not in a position to assess its impact on the Travellers' specific difficulties.

80. Against this background, the Advisory Committee considers the measures concerning employment and the Traveller economy included in the National Traveller and Roma Inclusion Strategy (Actions 24 to 36), as well as the measures focused on education (See Article 12), to be timely.

81. The Advisory Committee would like to emphasize the need to pay particular attention to the situation of Traveller women, facing an even higher unemployment rate than men (81.2%), due to low educational attainment and discrimination but also to childcare and family commitments. Civil society actors insist that the high cost of childcare acts as a barrier to accessing employment, further education and training.⁷⁶

Recommendation

82. 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.

Health

83. The exclusion of the Travellers from social and economic life has had, over the years, deplorable effects on the Travellers' physical and mental health, as captured in the "2010 All-Ireland Traveller Health Study" (AITHS)⁷⁷, which remains a document of reference in this field. The Irish authorities recognise that Travellers do not enjoy equal health outcomes with the majority population of Ireland.⁷⁸ The findings of the AITHS are striking: infant mortality is estimated 14.1 per 1000 live births compared to 3.9 per 1000 live births in the general population; life expectancy at birth, compared to the general population, is 15 years less for Traveller men and 10 years less for Traveller women; mortality rates are higher for all causes of death; suicide rate is 6.6 times higher for Traveller men than in the general population and 5 times higher for Traveller women. The 2017 study "A Social Portrait of Travellers in Ireland"⁷⁹ confirmed the level of health inequalities between the Traveller population and the general population. As is the case for every other public service, the likelihood of experiencing discrimination in health services is higher for persons belonging to the Traveller communities, which in the long term has impacted the trust they have in the services delivered.⁸⁰

84. Several projects have been developed and implemented over the years by the Health Service Executive (HSE) including the Traveller Primary Health Care Projects, funded through the Traveller Health Units, aimed at empowering Traveller leaders to work at improving health outcomes in their communities, through the development of a training programme for Travellers based on community work and primary healthcare principles. The involvement of traveller community health workers contributes to providing a culturally appropriate and culturally competent service to Traveller communities, which may be difficult for the health service to reach. The Advisory Committee underlines the important role the Traveller Health Units play in the Traveller health infrastructure and the role they also play in monitoring

⁷⁵ State report, Paras. 66 to 70.

⁷⁶ National Traveller Women's Forum, Submission to the Framework Convention for the Protection of National Minorities Irish State's fourth reporting Cycle, June 2018, page 8.

⁷⁷ School of Public Health, Physiotherapy and Population Science, University College Dublin, All-Ireland Health Traveller Study, September 2010, summary of findings available at: https://www.ucd.ie/t4cms/AITHS_SUMMARY.pdf.

⁷⁸ State report, Para. 74.

⁷⁹ Economic and Social Research Institute, A social portrait of Travellers in Ireland, Dorothy Watson, Oona Kenny and Frances McGinnity, Research Series No. 56, January 2017, available at: <https://www.esri.ie/pubs/RS56.pdf>.

⁸⁰ All Ireland Traveller Health Study, 2010, available at: https://www.ucd.ie/t4cms/AITHS_SUMMARY.pdf. See in particular Summary of findings, pages 76 and 80. See also Technical Report 1, Tables 189 and 190.

the delivery of health services to persons belonging to the Traveller communities, to collect data, to ensure appropriate training of health service providers in terms of their understanding of and relationship with Travellers and to coordinate and liaise with the Health Service Executive on Traveller health issues.

85. The National Traveller and Roma Inclusion Strategy contains 34 key actions on health issues (Actions 62 to 96), including Action 73 stipulating that “the Health Service Executive will develop and implement a detailed action plan, based on the All-Ireland Traveller Health Study, to continue to address the specific health needs of Travellers, using a social determinants approach”. The Advisory Committee welcomes any initiative aimed at reducing health inequalities between Travellers and the general population and underlines the priority it should constitute. The Advisory Committee notes also that the National Traveller Health Advisory Committee has not been convened since 2012. It observes also that Traveller organisations point out a lack of transparency with regard to the use made of Traveller health budgets and that they call for ethnic identifiers, within a human rights framework, to be rolled out across all health and social care administrative systems.

Recommendation

86. 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, timeframe 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.

Participation in public affairs

87. The Irish authorities and legislation facilitate the registration of voters by recognising that a person may be ordinarily resident in more than one place, and by allowing for the person concerned to choose where they are registered. This approach is praised by the Advisory Committee.

88. With regard to political participation, the Irish authorities consider political parties and non-party candidates themselves responsible for advancing their own representation at national and local level. Civil society actors and representatives of Traveller and Roma communities call for the adoption of quotas in formal political structures with specific seats in the Senate, which is not composed of elected members but of persons chosen by various methods including 11 nominated by the Prime Minister, and in local councils.

89. From a more general standpoint, the Advisory Committee would like to underline the importance of the fact that the National Traveller and Roma Inclusion Strategy has been decided with the effective participation of representatives of the Traveller and Roma organisations. It is now equally important that actions taken to implement the Strategy are also thought through and made concrete with the active participation of Traveller and Roma organisations, as well as any monitoring or evaluation of the measures taken, with a view to giving persons belonging to the Traveller and Roma communities the possibility of influencing all actions affecting them.

Recommendations

90. 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.

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

Articles 17 and 18 of the Framework Convention

Cooperation with the United Kingdom

92. The Common Travel Area is in operation between Ireland and the United Kingdom, and has been since the 1920s, although it is not specifically provided for in legislation. It implies that there are no passport controls in operation for Irish and United Kingdom citizens travelling between the two countries. Given the uncertainty surrounding the negotiations on the withdrawal of the United Kingdom from the European Union and the impact it may have on the Common Travel Area arrangements, the Advisory Committee will closely follow the outcome of the process and its possible impact on persons belonging to the Irish Traveller communities.

Recommendation

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

III. Conclusions

94. The Advisory Committee considers that the present concluding remarks and recommendations could serve as the basis for the resolution to be adopted by the Committee of Ministers with respect to the implementation of the Framework Convention by Ireland.

95. The authorities are invited to take account of the detailed observations and recommendations contained in Sections I and II of the Advisory Committee's Fourth Opinion. In particular, they should take the following measures to improve further the implementation of the Framework Convention:

Recommendations for immediate action⁸¹

- Adopt an implementation plan, in close cooperation with Traveller and Roma communities, with clear targets, indicators, timeframe and resources with respect to all health-related, accommodation-related and other socio-economic measures listed in the National Traveller and Roma Inclusion Strategy and implement such measures without delay; ensure that measures taken are monitored and that they address their respective objectives, in particular with regard to tackling the problem of under-spending allocated accommodation budgets.
- Combat the discrimination faced by persons belonging to the Traveller and Roma communities by both launching a joint national and local campaign raising general awareness of the level of discrimination they experience, and by developing specific awareness-raising programmes and training targeting licensed services' owners and staff in particular; develop a new action plan against racism with clear targets, indicators, timeframe and resources and effectively implement it.
- Improve access to justice for Irish Travellers by allowing access to a remedy ensuring that any potential victim of discrimination in 'places of entertainment' has the same procedural guarantees as those provided by an anti-discrimination body.
- Support Travellers in their efforts to preserve and develop their identities and cultures, including nomadism; consult them on the possibility of creating a permanent cultural centre with sustainable public funding to collect and preserve the history, stories, legends, songs and identities of Travellers, including in the Cant language; review the legal provisions criminalising trespass; support the inclusion of Traveller culture and history in the curriculum taught in school.

Further recommendations⁸²

- Pursue efforts to acknowledge the place of Irish Travellers in Irish society and review, in this context, and in consultation with Traveller representatives, any legislative or policy changes required to guarantee persons belonging to the Traveller communities the effective enjoyment of the rights guaranteed by the Framework Convention.
- 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; 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 monitor such actions by the end of the implementation period of the Strategy; 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.
- Collect relevant disaggregated data to address discrimination issues regarding Traveller and Roma women and girls; adopt an implementation plan with clear targets, indicators, timeframes and resources and implement both the National Traveller and Roma and Inclusion Strategy and the new National Women Strategy in a coordinated and consistent way; monitor the measures taken and evaluate them to ensure that they address their respective objectives with regard to Traveller and Roma women and girls.

⁸¹ The recommendations below are listed in the order of the corresponding articles of the Framework Convention.

⁸² The recommendations below are listed in the order of the corresponding articles of the Framework Convention

- Review the existing modalities for providing 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.
- Support the adoption of bespoke legislation on hate crime, in line with ECRI General Recommendation n° 15 on combating hate speech; improve the data collection system in this regard; 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; establish a mechanism responsible for monitoring social media as such.
- Further support the work of the Garda Bureau of Community Diversity and Integration as well as of the Police and Garda Síochána Ombudsman Commission; recruit and retain a more ethnically and culturally diverse police service to further address any mistrust in the Police force; amend Garda Síochána (Discipline) Regulations 2007 in order to explicitly specify that discrimination constitutes a breach of discipline.
- Develop and implement a plan to revitalise the Cant language and in this respect support the production of any type of media content in the Cant language, in order to allow its transmission to, and popularisation among, younger generations.
- Adopt, in consultation with representatives 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; implement it and evaluate the measures taken at the earliest opportunity.
- 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; systematically consult and involve representatives of the Traveller and Roma communities, in particular at local level, in the development, implementation, monitoring and evaluation of policy measures affecting them specifically.