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

**COMMENTS OF THE GOVERNMENT OF IRELAND  
ON THE SECOND OPINION OF THE ADVISORY COMMITTEE ON THE  
IMPLEMENTATION OF THE FRAMEWORK CONVENTION FOR THE  
PROTECTION OF NATIONAL MINORITIES  
IN IRELAND**

(received on 27 February 2007)

## I. GENERAL

The Advisory Committee on the Framework Convention for the Protection of National Minorities adopted its second Opinion on Ireland on 6 October 2006. The Opinion of the Advisory Committee is based on the second State Report of Ireland submitted on 3 January 2006, as well as other written sources and information that the experts of the Advisory Committee received at their meetings with government officials and representatives of national minorities during the visit to Ireland from 29-31 May 2006.

The Irish Government welcomes the balanced approach taken by the Advisory Committee in its Opinion and its recognition of the progress which has been made since the previous monitoring cycle and is pleased to respond to the invitation of the Advisory Committee to comment on the Second Opinion on Ireland.

The Irish Government attaches great importance to the implementation of the Framework Convention for the Protection of National Minorities. Ireland's ratification of the Framework Convention is an integral part of the Irish Government's overall human rights strategy to advance justice and peace in Ireland. The commitment to ratify the Convention was made by the Irish Government under the Good Friday (Belfast) Agreement (1998), which contains interlocking commitments on the part of both the British and Irish Governments with respect to a wide range of human rights issues, including national minorities.

The Irish Government wishes to offer the following comments and clarifications for further consideration by the Committee in response to individual points made in the text of the Opinion.

## II. ARTICLE-BY-ARTICLE FINDINGS

### Article 3 of the Framework Convention

#### Scope of application of the Framework Convention

*The Advisory Committee would like to stress that, while it agrees that many of the provisions of the Framework Convention have particular significance for “groups which have come about as a result of political upheaval and which have historical ties to a country”, the relevance of the Convention is not restricted to persons belonging to groups meeting these criteria. (Paragraph 26)*

*The Irish authorities should ensure that the inclusive approach in terms of the scope of application of the Framework Convention is consistently and unequivocally reflected in the authorities' statements on the matter. (Paragraph 27)*

The Irish Government accepts that other groups may benefit from the protection of the Framework Convention on an article-by-article basis, and has sought to include a wider group of representative bodies in the consultation process engaged in the preparation of the State Report of Ireland.

## Recognition of Travellers as an Ethnic Group

*The Advisory Committee finds it is regrettable that the authorities have, instead of reserving their position on the matter, at least pending further examination of the issue and consultations with Travellers and others concerned, expressed a view according to which the Travellers “do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin.” (Paragraph 29)*

*The Irish authorities should refrain from conclusive statements affirming that the Travellers do not constitute an ethnic minority. (Paragraph 31)*

The Government acknowledges the Advisory Committee's comments in relation to Traveller ethnicity. Recently a number of Court cases have been brought before the courts by Travellers which allege discrimination by public bodies on racial (ethnic) grounds. The final outcome of these cases may inform future consideration of the issues involved.

*The authorities should ensure, both de jure and de facto, the applicability of international and domestic non-discrimination and minority rights guarantees in relation to the Travellers. (Paragraph 31)*

The Government agrees that the protections afforded by the Framework Convention and other applicable international instruments should apply to Travellers on the same basis as to other people in Ireland. In this regard the Government reiterates its commitment to challenging discrimination against Travellers, highlighting that the separate identification of Travellers in equality legislation is designed to ensure that they are explicitly protected.

## Data Collection and Census

*An optional question on persons’ ethnicity would better reflect the principles of the Framework Convention than a mandatory question. (Paragraph 34)*

The Central Statistics Office will examine the possibility of including an optional question on persons’ ethnicity when they consult with the public and various interest groups, in advance of the 2011 census. This consultation process is likely to commence in 2008.

*It is also important to ensure that, if pre-determined categories are used, such categories are chosen in a manner that takes into account the principle of self-identification and reflects the diversity and views within the groups concerned. (Paragraph 34)*

The predetermined categories in the ethnicity and cultural background question, used in Census 2006, were chosen with the agreement of the National Consultative Committee on Racism and Interculturalism, the Equality Authority and Pavee Point (Irish Travellers Organisation).

*Whereas the census data on ethnicity is based on the principle of self-identification by the individuals concerned, there are other data collection contexts in which the said principle needs to be employed more consistently. This is the case, for example, in the field of accommodation, where the local authorities carry out an annual count of Traveller families as a basis for evaluating their accommodation needs. The Advisory Committee is aware of the fact that this issue is being examined by the authorities. (Paragraph 35)*

With regard to the principle of self-identification in data collection, this issue will be considered in the proposed forthcoming review of the annual count of Traveller families, to be carried out by the National Traveller Accommodation Consultative Committee (NTACC).

The Government is planning to implement a new Postal Code System. The report from the National Postcodes Project Board was presented to the Minister for Communications, Marine, and Natural Resources in July 2006. The report, if adopted, will provide a ready basis for collecting small area data on the location of minority communities.

#### **Article 4 of the Framework Convention**

##### **Equality Legislation and Mechanisms**

*There is an on-going discussion on how to strengthen further the guarantees in this field, including valuable proposals to introduce specific legislative provisions on positive duties to promote equality and to extend the protection of non-discrimination guarantees to public functions going beyond the concept of “service”. (Paragraph 40)*

The concept of creating positive duties for public bodies in relation to non-discrimination can be considered in the context of the National Action Plan against Racism. The Department of Justice, Equality and Law Reform intends to commission independent research which will inform further consideration of the matter.

The idea of extending non-discrimination provisions to public functions other than those considered to be a “service” was discussed during the Advisory Committee’s visit to Ireland. The Equal Status Acts cover all goods and services which are available to the public. “Service” is defined broadly in the Equal Status Acts, as:

a service or facility of any nature which is available to the public generally or a section of the public, whether on payment or not. Services are defined broadly to include access to public places, banking and insurance services, entertainment, travel, transport, professional services, education, disposal of premises and provision of accommodation and service or facilities provided to the public by private clubs.

Not all actions of the State *vis-à-vis* members of the public can be regarded as services. There is a distinction between “controlling duties” exercised by the State and services provided by the State. For example immigration and citizenship matters would not be “services” within the meaning of the Equal Status Acts 2000 to 2004 but

rather an expression of the State's duty, as a sovereign power, to control who it admits to the State.

“Controlling duties” in the areas of policing, defence and prisons would likewise not be regarded as services. The “service” aspects of policing, immigration, defence and prisons would, however, come within scope of the Acts. For example, while a decision to grant a visa would not be covered by the Equal Status Acts, the interaction between officials and the visa applicant and collateral services and facilities such as access to buildings and information could come within the scope of the legislation. In the policing area, for example, while riot control or apprehending a criminal gang could not be regarded as services, information and assistance provided by the Gardaí, including responding to reported crimes, could be regarded as a service within the Equal Status legislation. This understanding has been further borne out by the Equality Tribunal's case law to date, in which the question of whether the State was covered by the Equal Status Acts or not has been discussed.

Furthermore, the fact that a “controlling duty” of the State does not come within the scope of the Equal Status legislation does not give *carte blanche* to officials to discriminate in the exercise of such controlling duties. There are already clear avenues for redress through a High Court constitutional action or through judicial review proceedings. Action can also be taken under the European Convention on Human Rights Act 2003 if the discriminatory activity complained of comes within the ambit of the Convention.

*The Advisory Committee is concerned that the significant delays in the processing of cases by the Equality Tribunal hamper the accessibility and effectiveness of this remedy. (Paragraph 41)*

Ireland's latest Ten-Year Framework Social Partnership Agreement *Towards 2016*, proposed in June 2006, highlights the removal of the current backlog of cases before the Equality Tribunal as a priority.

*The transfer [of discrimination cases involving licensed premises from the Equality Tribunal to the District Court] could also have negative implications for the accessibility, affordability and flexibility of the process. (Paragraph 42)*

The concerns of the Advisory Committee are noted. It is expected that the likelihood of heavier penalties through the District Court, will give a greater incentive to ensure non-discrimination against members of the Traveller community by owners of licensed premises.

### **Implementation of Equality Legislation**

*As was recognised in the March 2006 Report of the High-Level Group on Traveller Issues, Travellers “are discouraged from seeking mainstream employment by discrimination, hostility and the fear of rejection”. (Paragraph 47)*

In *Towards 2016* the Government commits “to give concentrated attention to achieving progress on this approach, including opportunities for Travellers to

participate in employment in the public, private and voluntary sectors and to support measures to improve communication between Travellers and the general population.”

In fulfilment of this commitment, Mr. Tony Killeen, Minister for Labour Affairs and Mr. Frank Fahey, Minister of State at the Department of Justice, Equality and Law Reform with special responsibility for Equality, are pursuing initiatives to obtain greater participation and cooperation from employers and engaging in dialogue with social partners. It is proposed that, in 2007, the two Ministers will meet with representatives from the Irish Business Employers Confederation (IBEC), the Irish Congress of Trade Unions (ICTU), the Small Firms Association (SFA) and Chambers of Commerce, to impress upon them the importance of supporting the Traveller employment initiative. (See comments on Paragraph 118).

*Results of the relevant programmes and projects are yet unclear and, for instance, comprehensive information on the results of the implementation of the Travellers' Health Strategy (2002-2005) is not yet available, pending the preparation of the all-Ireland National Health Study. (Paragraph 48)*

There have been several positive outcomes from the Travellers Health Strategy over the years, particularly in the area of encouraging active partnership and participation of Travellers in community based services, as seen in the Traveller Health Units.

Since 1997 over €11 million in ongoing revenue funding has been allocated to Traveller specific health services such as the appointment of designated Public Health Nurses for Travellers and the replication of the Primary Health Care for Travellers Project which established a model for Traveller participation in the development of health services. Traveller women work as Community Health Workers in Primary Health Care for Travellers Projects, allowing primary health care to be developed based on the Traveller community's own values and perceptions so that positive outcomes which have a long-term effect can be achieved. Funding is allocated through the Traveller Health Units in each Health Service Executive area. Travellers and Traveller organisations are involved in partnership with Health Service Executive personnel through each Traveller Health Unit in the development of Traveller health services and in the allocation of resources.

A Traveller Health Conference was held in October 2005 in Croke Park in line with one of the actions in “Traveller Health, A National Strategy 2000-2005”. The themes of Primary Health Care as a model of good practice and the Review of the National Traveller Health Strategy were agreed by the Traveller Health Advisory Committee. The Conference was attended by Travellers, statutory and non-statutory organisations working in Traveller health areas. It provided an opportunity to exchange views and information in relation to Traveller health services and facilitated dialogue, debate and analysis of Traveller health issues.

While the study will be used to inform future Traveller health policy and to provide a baseline of the state of health of the Traveller community, it may not be possible to use it to measure directly all aspects of the implementation of the Traveller Health Strategy.

*Ireland is called on to ensure decisive follow-up to the sectoral and other programmes and policies initiated to advance non-discrimination, and to make sure that they are adequately resourced and monitored in co-operation with minority representatives and others concerned. (Paragraph 49)*

The emphasis on effective implementation and follow up is also a feature of the Report of the High Level Group on Traveller Issues, which was endorsed by the Government in March 2006. It should also be noted that the new national partnership agreement *Towards 2016* includes the following commitment from all social partners:

“An integrated approach to providing services and supports to Travellers will be developed in line with the recommendations of the Report of the High Level Group on Traveller Issues, taking account of the Second Progress Report of the Traveller Monitoring Committee. The Government and social partners agree to give concentrated attention to achieving progress on this approach, including opportunities for Travellers to participate in employment in the public, private and voluntary sectors and to support measures to improve communication between Travellers and the general population.”

Traveller Organisations had opted to remain outside of previous national partnership agreements, so it is encouraging that the umbrella organisation Community Platform, to which some of the leading Traveller Organisations are affiliated, has agreed to subscribe to the terms of *Towards 2016*.

### **Traveller Women**

*The Advisory Committee considers that the gender dimension needs to be taken into account in the design and implementation of all minority initiatives, including in terms of data collection, with a view to ensuring Traveller women’s full and effective equality. (Paragraph 51)*

In addition to the information supplied in the Second State Report, the Department of Justice Equality and Law Reform has commissioned research into the gender proofing of a range of policies which affect Traveller women. This initiative springs from a recognition that Traveller Women may be at risk of further exclusion as Travellers and as women. It is intended that this research will support enhanced policy development and implementation of strategies in relation to Traveller women.

### **Travellers Accommodation**

*Despite reported improvements in certain localities, the implementation of the accommodation programmes continues to be hampered by various factors and many local authorities have failed to meet their own targets in this area. (Paragraph 58)*

The Government accepts that, due to a variety of factors in different local authority areas, some local authorities did not reach their targets for the provision of accommodation in 2005. (No figures are yet available for 2006). The High Level Group for Traveller Issues was appointed to ensure, *inter alia*, that statutory agencies, such as local authorities, would focus on improving the integrated practical delivery

of services. The Government expects that this focused inter-agency approach will start showing positive results in the area of accommodation in 2007.

The second National Traveller Accommodation Consultative Committee (NTACC), before its term of office expired, was planning to host national seminars on the operation of local Traveller accommodation consultative committees. It is expected that the third NTACC, will host these seminars in 2007, and that one of its major objectives will be to ensure improved consultation procedures for the local committees. These new procedures should help expedite the provision of suitable Traveller accommodation by local authorities.

*The lack of appropriate transient halting sites continues to be one of the key problems relating to accommodation of Travellers. (Paragraph 59)*

The Government accepts that there is an ongoing need to address the issue of transient halting sites, in order to ensure that such facilities are made available. The NTACC was asked to examine and report on Ireland's current position regarding provision of such sites. The Committee formed a Transient Accommodation Working Group to deal with these issues and, in accordance with its Terms of Reference, the Working Group was requested, *inter alia*, "to develop suggestions for practical approaches which [would] result in the needs of transient families being met." The Group was not in a position to complete its report before the term of office of the second NTACC expired. It is expected that the third Committee, appointed in January 2007, will give priority to this issue.

*Negative effects of the above shortcomings are in some cases aggravated by the implementation of the legislative provisions contained in section 24 of the Housing (Miscellaneous Provisions) Act of 2002. (Paragraph 60)*

*Anti-trespassing legislation and related procedures should be reviewed and, as appropriate, amended, in consultation with those concerned, to ensure they comply with Article 5 of the Framework Convention. (Paragraph 63)*

The relevant legislation is the subject of a number of active challenges in the Courts at present. Some of these cases also relate to the issue of ethnic recognition of Travellers on which the Advisory Committee has commented in its Opinion. The final outcome of these court actions may be important in any future consideration of the issues involved.

*The Irish authorities should make concerted efforts to ensure that the local authorities meet Traveller accommodation targets and step up the delivery of appropriate accommodation options, including through improved provision of halting sites. (Paragraph 62)*

The NTACC will monitor the accommodation unit output of local authorities, compared to targets, for 2005 and 2006, and will report to the relevant Minister. As outlined in the comments made in relation to Paragraphs 58 and 59 above, major



efforts have been made to remove barriers to, and to facilitate, the provision of accommodation for Travellers.

## **Article 6 of the Framework Convention**

### **Manifestations of Intolerance**

*Manifestations of racism and intolerance towards minorities continue to be a problem in Ireland, as demonstrated by the frequent reporting of incidents related to racism, through the valuable recording system created by the National Consultative Committee on Racism and Interculturalism. (Paragraph 67)*

The comments in relation to reports of racist incidents and the recording system created by the NCCRI are noted. In addition it should be pointed out that An Garda Síochána (Irish police force), has developed a data collection system recording racist incidents, based on the definition of racism used in the UK Lawrence report.

*Travellers and more recent minority groups are subject to intolerance based on racial stereotypes, which is at times fuelled by some media. (Paragraph 68)*

*Reporting based on, and promoting, negative stereotypes concerning minorities continues in some sectors of the Irish media. (Paragraph 83)*

The Irish Government share the Committee's concern. These kinds of issues are addressed under the framework of the Action plan against Racism. The creation of the Press Council may deal with such issues if they occur in the print media. (See comments on Paragraph 84).

Under section 9 of the Radio and Television Act, 1988, there is a requirement for broadcasters to apply the principles of fairness and balance in reporting on any issues. The Broadcasting Commission of Ireland (BCI) monitors all commercial and community stations licensed by it on average three times per year to ensure that they comply with the terms of their contract with the BCI, and also with the various pieces of legislation as they apply. If, in the course of monitoring, a station is found not to be in compliance with the terms of their contract or the various requirements of the relevant broadcasting legislation, then they will be issued with a notice of breach of contract. If a serious breach is recorded (that is if the same type of breach occurs three times) then the station in question is required to revert to the Commission in writing, outlining what steps it will take to ensure such a breach will not occur in the future.

If a member of the public hears something on radio or television (whether it is public service, commercial or community) which they feel is not fair and balanced in its treatment of an issue, then that citizen has the right to complain to the Broadcasting Complaints Commission (BCC). In the event that the complaint is upheld then the broadcaster in question will be required to issue a statement on air to that effect. In 2006 no complaints were registered with the BCC concerning the Traveller community.

*Reform of the employment permit system should be completed rapidly and in a manner that provides robust guarantees against abuse of migrant employees concerned. (Paragraph 70)*

The Employment Permits Act 2006, which provides a statutory foundation for the new economic migration arrangements involving Green Cards and a revised Work Permits system, was commenced by Statutory Instrument No. 682 on 1 January, 2007, with the arrangements going into operation on 1 February, 2007. The Act provides new and wide ranging protections for migrant workers.

An application may be made by either the employer or the employee, but in all cases the Green card or Work Permit will be granted and issued to the employee. Hitherto, the Work Permit was granted to the employer. This will undoubtedly strengthen the position of the employee in the employer/employee relationship

The new work permit will contain a statement of the entitlements of the migrant worker including their remuneration, their entitlement to the National Minimum Wage, their right to change employers after twelve months, and any deductions for board and accommodation.

The permit or green card will be accompanied by a summary of the principal employment rights of the employee. Furthermore, the new Act expressly prohibits employers from deducting recruitment expenses from the remuneration of the employees, as well as prohibiting them from retaining personal documents of the employee, including their passport, driving licence or identity card.

### **Legislation Concerning racist Crime**

*Although under discussion for several years, there are no new published state plans on how to improve the legislative framework in these areas. (Paragraph 73)*

The consideration of any future measures to deal with racist crime will be informed by the outcome of research commissioned by the Department of Justice Equality and Law Reform, which is being carried out by the University of Limerick. It is expected that the results of this research will be available in the early part of 2007 and it is intended that there will be a seminar where relevant stakeholders can give their views on the research findings.

### **(Police) An Garda Síochána,**

*The procedure and operating practices of An Garda Síochána can lead to institutional racism particularly in relation to the Nigerian community, the travelling community and to a slightly lesser degree at present, the Muslim community. (Paragraph 79)*

An Garda Síochána has taken significant action in order to remove the barriers which formerly impeded the recruitment of a more diverse police service. Measures taken by An Garda Síochána in this regard include the removal of the requirement to possess a specific qualification in the Irish Language as a condition for entry to An Garda

Síochána. However each Trainee is requested to undertake and pass before attestation as a member of the Force, an Irish language course. Other measures include; the placing of recruitment advertisements in newspapers that circulate primarily in minority communities; the holding of open days at the Garda College, Templemore, specifically targeted at members of minority communities.

In January 2006, the Commissioner of An Garda Síochána issued a directive to every member of the police service concerning the development of Garda strategies and services to meet the needs of a more diverse society. The directive addressed a range of issues, including: protection against assaults, threatening behaviour and incitement to hatred; responses to victims of racially motivated incidents; consultation processes with minority communities; and the recording of racist incidents.

The directive also set out the procedures for an intercultural consultation process at Garda district, divisional and national level. Meetings with members of minority communities are held several times a year, organised as four local, two county and two national meetings. The first national meeting was held in cooperation with the National Consultative Committee on Racism and Interculturalism (NCCRI) on 6 September 2006, and included representatives of minority communities and the Traveller community.

*The Advisory Committee supports swift implementation of the proposals contained in the Garda Human Rights Audit, including its call for recruitment, retention and progression of a more diverse police service. (Paragraph 80)*

An Garda Síochána is committed to providing a professional, well-led and well managed policing service which is grounded in human rights principles.

The final report of An Garda Síochána Human Rights Audit, which was publicly launched in March 2005, focussed on the need for An Garda Síochána, to further underpin its good relations with the public by developing enhanced consultation contacts with them, to increase progress in securing the rights of staff and to improve Human Rights compliance at both corporate and operational levels of the organisation. The Garda Commissioner has accepted the findings of the audit and has committed to act upon the recommendations contained in the report through a number of initiatives outlined below.

An Action Plan has been devised to give effect to the recommendations. The five priority areas in the Action Plan are; developing and underpinning a comprehensive human rights ethos and structure in An Garda Síochána; accountability framework for Human Rights Policing; policing in a diverse community; staff engagement, training and development; community engagement involvement and partnership.

To ensure their that Garda priorities in these areas are implemented, the Commissioner has established a Strategic Human Rights Advisory Committee, under the chairmanship of Assistant Commissioner, Human Resource Management to support the Commissioner and senior managers of An Garda Síochána. Along with members of An Garda Síochána, the Advisory Committee comprises membership of a range of organisations concerned with the protection of human rights, namely the Irish Council for Civil Liberties, the Irish Human Rights Commission, Amnesty

International, a human rights lawyer from the University of Ulster, the Equality Authority and the Department of Justice, Equality and Law Reform. The Advisory Committee is examining the human rights proofing of Garda policies across a whole range of areas, such as on-scene command manuals, practices and procedures and the integration of human rights standards in all training. This Committee along with the Professional Standards Unit will ensure that the vindication and protection of human rights is at the core of the policing service provided by An Garda Síochána.

Furthermore, a comprehensive programme of awareness-raising in the area of human rights and intercultural issues within the Gardaí is currently underway.<sup>1</sup> This is in fulfilment of one of the strategic imperatives contained in the Corporate Strategy of An Garda Síochána for the years 2007 – 2009: An Garda Síochána commits itself to compliance with the highest standards of ethical human rights and service standards.

### **Media Reporting on Minorities**

*The establishment of a Press Council, already proposed by the Minister for Justice, Equality and Law Reform, should be pursued as a priority, in a manner that ensures an effective complaint mechanism that takes into account the concerns related to minority reporting, while fully respecting freedom of expression and editorial independence of the media. The Advisory Committee also supports the idea of drawing up a press code of conduct. (Paragraph 84)*

The Advisory Committee's support for proposals in relation to a Press Council is very welcome. Proposals to confer statutory recognition on an independent Press Council are contained in the Defamation Bill 2006 which was published on 4 July 2006. It should be noted that the proposals do not involve the appointment by the Government of a Press Council as a state body. Rather the proposal is to allow for statutory recognition of a Press Council subject to certain criteria.

On 5 December 2006 the Press Industry Steering Committee, which brings together the representatives of the national and regional newspapers, of UK newspapers with Irish editions and periodical publishers, announced details of a proposed structure for a Press Ombudsman and a Press Council. It is envisaged that the question of statutory recognition for these structures may be finalised on enactment of the Defamation Bill 2006, which is currently before the Houses of the Oireachtas (Parliament).

### **Article 9 of the Framework Convention**

#### **Minorities and access to the Media**

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<sup>1</sup> For more details of the actions included in the programme see Appendix 1

*The Advisory Committee considers that the Public Service Broadcasting Charter adopted in 2004, while noting the need to cater for the expectations of members with “minority interests”, could have addressed more explicitly guarantees for minorities’ access to the media. This issue should also be taken into account in the on-going preparations of a new Broadcasting Bill. (Paragraph 87)*

The draft general scheme of the Broadcasting Bill is currently the subject of public consultation by the Joint Oireachtas Committee for Communications, Marine and Natural Resources under the eConsultation initiative. This process allows for any member of the public to comment on the text of the draft general scheme. The Minister will introduce the Broadcasting Bill into the Houses of the Oireachtas in the light of the outcome of the eConsultation process.

*Ireland should in further stages of monitoring of the Framework Convention cover media issues more extensively. Furthermore, it should, in practice, pay more attention to the issues of access of minorities to the media. (Paragraph 89)*

The Broadcasting Commission of Ireland (BCI) is responsible for the licensing and regulation of commercial and community radio and television in Ireland. The Commission currently licenses a total of 21 community and community of interest radio stations throughout the country. Both community radio and television are underpinned by the principle of access to the station at a variety of levels, by members of the community, including minority groups.

On the matter of programming, community radio licensed by the BCI should promote and protect cultural diversity and inform their listeners on the basis of information drawn from a variety of sources. Furthermore as part of their contractual commitments with the Commission, community radio stations must include an approved Programme Policy Statement, which sets out the station’s programme philosophy and detail its plans to facilitate and promote community participation.

The Broadcasting Act, 2001 provides for community television content contracts. To date the Commission has licensed two community television services under this section of the Act (section 39) in Navan and Dublin. Similar to community radio, community television is underpinned by the principle of access to the station by members of the community. A community television channel should support and promote active participation in, and demonstrate commitment to, principles of community development and community empowerment. Programme material provided under community content contracts must specifically address the interests of the community concerned. Provision is also made under the legislation to determine qualitatively the needs of an identified community in respect of broadcasting. This assessment of needs is provided for under Section 40 of the Broadcasting Act. The aim of this assessment is to establish the viability of the service suggested in any given community having regard to needs and resources. A key objective of the BCI’s policy, with regard to licensing in this area, is to facilitate the development of communities through the provision of television programme services designed to acknowledge and support such development.

## Article 12 of the Framework Convention

### Education of Travellers

*The development of a five-year Traveller Education Strategy is of great significance for future work in this sphere, and it is expected to cover all key areas of concern. It is therefore regrettable that the adoption of the Strategy, the development of which commenced already in autumn 2003, has met with repeated delays. (Paragraph 92)*

*The Report and Recommendations for a Traveller Education Strategy* was launched by the Minister for Education and Science on 21 November 2006. The Report covers all aspects of Traveller education from pre-school right through to further and higher education within a lifelong learning context. It contains many recommendations across the education spectrum for parents, pre-school, primary, post primary, further education, higher education and other areas.

The core principle of the report is one of inclusion with an emphasis on equality and diversity and the adoption of an intercultural approach. This is in line with the Government's recommendations in the National Action Plan Against Racism (NAPAR) (2005) which recommends that, *inter alia*, the Irish educational authorities; develop a more inclusive and intercultural school practice and environment through the whole school planning process, admissions policies, codes of behaviour and whole school evaluation; accommodate cultural diversity within the curricula; enhance access and education service delivery to Travellers; strengthen the participation of key stakeholders in the development of an intercultural approach to education.

A Coordinating Committee consisting of senior officials with responsibility for different aspects of Traveller education has been established within the Department of Education. This Committee will oversee the implementation of the recommendations in the report. The successful implementation will require a co-ordinated approach that ensures all issues are addressed at every level simultaneously, including senior representatives of the Traveller community. The Coordinating Committee will play a pivotal role in ensuring that this is achieved. The Advisory Committee on Traveller Education will continue to advise and evaluate progress in the area of Traveller education into the future.

*The above-mentioned survey [Survey of Traveller Education Provision in Irish Schools] shows that the Travellers' average school attendance and achievement levels are low in comparison with pupils generally. (Paragraph 94)*

In keeping with the Department of Education's commitment in relation to improving school attendance generally, a priority in the implementation of this report is that all the measures/strategies available are employed to improve the attendance levels of Travellers.

There has been a significant improvement in the transfer of Traveller students from primary to post primary. The next step, as recommended in the report, is to ensure that 100% of Traveller students complete the junior cycle and 50% of these students should continue on and complete senior cycle or its equivalent.

The report recommends that for Travellers in Senior Traveller Training Centres current progression from 53% should be improved and should reach 75% within the next five years. The work of the High Level Group on Traveller Issues has shown that improved progression opportunities can be achieved when an interagency approach is adopted.

*The Advisory Committee appreciates the fact that the Government has now adopted a policy of integrating Travellers in schools with majority population, and it urges the authorities to complete its on-going process of phasing out Travellers-only primary schools. (Paragraph 95)*

Implementation of the recommendations of the report will require a phased approach, identifying a number of immediate priorities with other recommendations being implemented within a three to five year period. One of the areas of immediate priority is the mainstreaming of provision for Travellers. This will be achieved by ending, in a phased manner, segregated provision for Travellers in pre-schools, primary and post primary.

*In some schools, there is a tendency to give Traveller children unchallenging tasks and “resource teacher” support merely on the basis of their Traveller affiliation. (Paragraph 96)*

The principle of “individual educational need” rather than “Traveller identity” is central to the report and its recommendations. This principle will underpin future resource allocation decisions to all children, including Traveller children.

Integrated provision will be provided to enable Travellers to participate on an equal basis with other service users while recognising that, in some cases, positive affirmative action may also be needed as a short term measure to enable Travellers to gain the skills and competences to enable them to participate equally in mainstream education, training or employment. A phased transition from segregated provision to integrated provision will be managed sensitively, incorporating best practice and taking account of the needs of students, staff and parents.

### **Denominational Schools**

*The Advisory Committee urges the authorities to pursue their commitment to widen schooling options, including in terms of non-denominational and multi-denominational schools, in a manner that ensures that the school system reflects the growing cultural and religious diversity of the country. (Paragraph 100)*

The demand of parents for access by their children to schools other than those of a particular denomination and for education delivered exclusively through the medium of the Irish language, has been a growing feature of educational planning over the past 20 years. The concept of providing for diversity and choice is now an established feature of the school planning landscape.

The criteria and procedures for the recognition of new primary schools were revised in 2002, based on the recommendations of a report of the Commission on

School Accommodation. Applications for the recognition of new schools are assessed by an independent advisory body - the New Schools Advisory Committee. The Committee assesses all applications for recognition against published criteria. All potential sponsors of new schools are treated on an equal basis regardless of whether such schools are denominational, inter-denominational or multi-denominational in character. The process includes a thorough consultation process; an assessment of the applications against published criteria; a report to the Minister with recommendations and a decision by the Minister on the granting of recognition to applicants. The process also includes an appeals mechanism.

Multi-denominational primary schools currently represent the fastest growing category in the primary school sector. At present there are 39 such schools in Ireland (Educate Together). In 1997 there were 18 multi-denominational schools. The Department of Education and Science provided grant aid of €120,000 to Educate Together in 2006. The purpose of this provision is to provide grant assistance to the Educate Together, as a primary school management body to defray expenses incurred in the running of their organisation. The allocation can be used by Educate Together for, *inter alia*, the organisation of seminars and meetings, and the commissioning of research of education journals.

Vocational Schools and Community Colleges provide education to approximately 30% of all second level students, and are administered by Vocational Education Committees (VEC), which are statutory bodies established under the Vocational Education Act, 1930, as amended. Consequently, schools administered by VECs are non-denominational.

Another goal in the Irish Government's Ten-year framework Social Partnership Agreement *Towards 2016* is the continued support of actions to promote anti-racism and participation of international children, minority groups and Travellers in education. In recognition of the growing diversity in Ireland, the Government has pledged to provide an extra 550 language support teachers by 2009.

## **Article 15 of the Framework Convention**

### **Participation in Elected Bodies**

*The Irish authorities are encouraged to pursue further their efforts to encourage Travellers' participation in elections, both as electors and candidates, at all relevant levels. (Paragraph 106)*

The selection of candidates to stand for election is a matter for each political party and the question of actively promoting such activity rests with them.

### **Participation in structures devoted to minority issues (Traveller participation)**

*In so far as the work of the Group includes formulation or prioritization of key policy initiatives on Travellers, it is essential that the involvement of Traveller organisations, from local to the central level, is ensured more comprehensively than is currently the case. (Paragraph 109)*



The need for an inclusive approach in relation to Traveller Organisations is recognised and it is noted that the Advisory Committee stresses the inclusion in policy formulation and prioritisation in this regard. It should be emphasised that the High Level Group is not involved in policy formulation and there are a number of existing sectoral fora in which Traveller Organisations play an integral part. These include Advisory Committees in relation to health, accommodation and education. An overarching National Advisory Committee incorporating Traveller Organisations and other social partners is due to be re-established under the Department of Justice Equality and Law Reform early in 2007.

*There is a need to ensure that the past positive practices of Traveller participation in various bodies are built upon as new structures dealing with Traveller issues are being developed. Such participation should not be limited to the provision of service, but involve also critical input to the decision-making processes and to the evaluation of policies and practices. (Paragraph 111)*

Work is ongoing on the development of a national consultative forum to involve all stakeholders. It is intended that this will involve a greater spread of representation from within the Traveller community than the Traveller Monitoring Committee, which concluded its work in December 2005. An inclusive approach is also evident from the commitment from all social partners contained in *Towards 2016* to give “concentrated attention” to securing ongoing progress for the Traveller community.

### **Participation in Economic Life**

*With increasing regulation in work areas associated with Travellers, such as recycling, waste disposal and horse trading, opportunities to continue self employment have become more difficult. (Paragraph 116)*

The comments of the Advisory Committee appear to emphasise “self-employment and other economic activities of the Travellers”. This could be considered somewhat limiting and not in keeping with the principle of mainstream access and participation, which is an important facet of work to support socially excluded groups such as Travellers. It is considered more realistic and constructive to promote access to all avenues of employment, not alone traditional employments, but also occupations which would be new to most Travellers. This is the approach adopted by the High Level Group and which is being promoted by the relevant statutory agencies.

*The Advisory Committee has also received reports about obstacles Travellers face in accessing financial services, as some of them are not in a position to provide documentary evidence required, such as utility bills, to open bank accounts. Such obstacles can harm the participation of Travellers in economic life. (Paragraph 117)*

Banks’ application of anti-laundering legislation means that they require a form of identity and proof of address from anyone wishing to open a bank account. A ‘Financial Regulator’ is in place which deals with complaints in relation to banks and other financial institutions.

*The authorities should take additional proactive measures to advance employment of Travellers in both public and private sector. (Paragraph 118)*

Ensuring better access to employment for Travellers is identified as an important goal both in the Report of the High Level Group on Traveller Issues and in *Towards 2016*.

A Sub-Group on the delivery of Employment and Training to members of the Traveller community has been established in the Department of Enterprise, Trade and Employment under the Chairmanship of Mr Tony Killeen, Minister for Labour Affairs. Its remit is to support activity in the area, and to encourage greater co-operation among the relevant statutory agencies and the private sector.

FÁS (the Irish National Employment and Training authority) was asked to develop a Traveller programme to focus on employment and training, to be modelled on two pilot initiatives carried out in South Dublin Council and Clare. An additional €0.5m was allocated in late 2005 to assist in the development of this programme.

To date FÁS has rolled out programmes in Clare, Dublin, Galway and Cork: centres of substantial Traveller communities. A National Steering Group was established to oversee the implementation of the various programmes and, in addition, locally based steering groups were also put in place. A Traveller Development Officer in each area was appointed to provide mentoring/advocacy for Travellers. A recent report by FÁS on the results to date of the 4 pilot programmes show that a total of 200 Travellers are currently in employment or training as a result of engagement in the FÁS initiative. The majority of these, some 152, are in training with the balance in employment. FÁS has just completed an evaluation of the pilot initiatives and this will shortly be presented to the FÁS Board for consideration. Following this it is proposed to roll out the initiative on a nationwide basis. Provision has been made in the Department of Enterprise, Trade and Employment's estimates for 2007 for continued funding of this initiative.

In line with the recommendations of the Report of the High Level Group on Traveller Issues, that the Civil Service should consider making placements available to Travellers, and that it should be taking active steps to make it easier for Travellers to enter Civil and Public Service, a Traveller Internship Programme was established. Information sessions were held with 6 local (Dublin / suburban) Traveller Organisations at their own premises to provide information about the programme in May / June 2006. A second visit to these organisations took place in mid-September 2006 in order to speak directly to interested candidates. Those who wished to be considered were asked to fill in an application form and send it in to the Equality Unit of the Department of Finance, which is responsible for the coordination of the programme. Of the fifty initial applications, twenty five candidates were successful at interview. Twenty three candidates accepted their offer and all are still in employment with a number of different Departments and offices. As well as internal evaluation, the programme will be the subject of objective external evaluation. This has been put out to tender by the Department of Justice, Equality and Law Reform, and it is hoped to have a consultant selected by March 2007.

Despite the gains listed above, the Department of Enterprise Trade and Employment accepts that a number of challenges remain. These include the ongoing need for

support for Travellers once they are in employment, ongoing mentoring/business support and assistance in sourcing additional business and employment opportunities for Travellers. Also the opportunity cost of employment, including the medical card issue remains a stumbling block for Travellers accessing paid employment.

**Appendix 1**  
**Comments on Paragraph 79**

**Programme of awareness-raising in the area of human rights and intercultural issues within the Gardaí.**

Activities include:

A training programme in cultural diversity awareness has been provided to all members of the Garda College staff in advance of the recruitment of members from minority communities;

National Day against Racism was marked at the Garda College with a series of events involving groups representing minority groups, a similar initiative was undertaken in Garda stations throughout Ireland as part of the National Plan against Racism;

A quarterly Human Rights Newsletter is circulated to each member of An Garda Síochána. These quarterly newsletters focus on issues such as racism and the European Convention on Human Rights;

A cultural diversity and refugee law training programme has been provided to members of the Garda National Immigration Bureau. This Programme will be expanded to encompass all Immigration Officers during 2007;

A cultural diversity and awareness training programme will be provided for all members of An Garda Síochána during 2007;

A joint cultural diversity awareness training programme between An Garda Síochána and the Police Service of Northern Ireland (PSNI) was undertaken during 2006 with over 900 members participating from both services.