

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

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

ACFC/SR/IV(2017)005

**Fourth Report submitted by Ireland pursuant to Article 25, paragraph 2 of the  
Framework Convention for the Protection of National Minorities**

**(Received on 3 July 2017)**

***IRELAND'S FOURTH STATE REPORT***

***THE FRAMEWORK CONVENTION***

***FOR***

***THE PROTECTION OF***

***NATIONAL MINORITIES***

***June 2017***

## Introduction

### Background

1. The Council of Europe has been a central force in promoting the values of human rights, democracy and the rule of law across this continent since its inception in the aftermath of the Second World War. Ireland, a founding member of the Council of Europe, has consistently supported the Council's work to advance the cause of peace and prosperity in Europe, through reconciliation and cooperation between States and peoples, on the basis of shared fundamental values and common principles.
2. Ireland's support for the *Framework Convention for the Protection of National Minorities* (the "Framework Convention") is a manifestation of our deep commitment to the Council of Europe and, in particular, to its efforts to combat intolerance and discrimination. Ireland's commitment to ratify the Framework Convention stemmed from the *1998 Good Friday ("Belfast") Agreement* which contained interlocking commitments by both the British and Irish Governments on a range of human rights issues.
3. Ireland signed the Framework Convention on 01 February 1995. It was ratified on 07 May 1999 and entered into force on 01 September 1999. Ireland subsequently submitted its State Reports as follows:
  - First State Report (13 November 2001);
  - Second State Report (03 January 2006); and
  - Third State Report on 18 July 2011.

Ireland welcomes the opportunity to update the Advisory Committee of the Council of Europe on the progress made here since the third reporting cycle and, in accordance with Article 25 (2) of the Framework Convention, hereby presents its Fourth State Report.

### **The Scope of the Framework Convention as it applies to Ireland**

4. Ireland notes the call of the Advisory Committee to maintain an inclusive and open approach towards the scope of application of the Framework Convention. Ireland is happy to affirm that we will continue to engage in a wide-ranging dialogue with the Advisory Committee and to provide such information as the Advisory Committee may consider is useful.
5. Ireland reiterates that a definition of what constitutes a national minority is not fixed in international law, nor is there such a definition in the Framework Convention nor is it defined in Irish law. Ireland has not made a declaration on the application of the Framework Convention to any particular national minority. It is particularly important to note that Travellers in Ireland have not at any stage sought recognition as a national minority, understanding this to be a concept not applicable to their self-identification as an ethnic group of the Irish nation with a distinct heritage, culture and identity. This was made explicit by the four national-level Traveller NGOs in a formal statement provided to the Department of Justice and Equality in 2015 in the context of the discussion and debate on this issue.
6. As stated in Ireland's previous State Reports under the Framework Convention, the Government of Ireland also wishes to underline that not all ethnic, cultural, linguistic or religious differences point to the existence of a national minority. To ensure consistency in Ireland's statements on the matter, the Irish Government would like to reiterate that the Fourth State Report, like our previous State Reports, substantially deals with matters relating to Travellers while also commenting on a wider range of issues in respect of our diverse population. The information is provided without prejudice to the fact that Ireland does not have a defined national minority and that migrant groups do not come within the scope of this Framework Convention. However, a range of protections to groups and individuals on matters which are dealt with under the Framework Convention are provided for under Irish law.
7. While members of the Traveller community do not consider themselves to be a national minority in Ireland, successive Governments have recognised the special position of Travellers in a range of legislative, administrative and institutional provisions designed to protect their rights and improve their position. The high priority attached by successive Irish Governments to improving the position of Travellers is reflected in the resources allocated to Traveller-specific programmes, particularly in the areas of accommodation, education, and health and their being named as a group requiring specific protection in Ireland's equality legislation.
8. The Government of Ireland acknowledges the continuing need to combat discrimination against Travellers and is committed to maintaining and, as far as possible, improving the range of positive action measures already in place to support them. The Government supports the participation of Travellers in mainstream social and economic life, while continuing to acknowledge and respect the legitimate expression of Traveller culture and identity. The *Programme for Government: Government for National Recovery 2011-2016* included the commitment to:

*“promote greater co-ordination and integration of delivery of services to the Traveller community across Government, using available resources more effectively to deliver on principles of social inclusion, particularly in the area of Traveller education.”*

Section 17 of the *“Programme for a Partnership Government” (2016)* commits that *“we will publish a revised National Traveller and Roma Inclusion Strategy, aimed at improving the lives of members of the Traveller and Roma communities by the end of 2016”*.

This State Report deals with certain issues in relation to the Roma community in Ireland, as that they have some characteristics in common with Travellers and are linked in our National Inclusion Strategy; notwithstanding as stated in paragraph 6 above, that migrant groups do not come within the scope of this Framework Convention.

9. Substantial changes were made during the period under review to the structures for consultation with, and participation by, Traveller and Roma interests and these are detailed in the body of this Report.

#### **The structure of the Fourth State Report**

10. The structure of this Report follows the recommendations of the Advisory Committee set out in ACFC/III(2013)001 of 30 April 2013.

**Section I: Arrangements made by the State Party to continue implementing the Framework Convention, to increase involvement of civil society in the process and to pursue dialogue with the Advisory Committee**

- (a) Steps taken to publicise the results of the third monitoring cycle (Opinion, State comments, Resolution): publication, dissemination and translation into the official language(s) and minority language(s) where appropriate.
- (b) Any follow-up activities organised at national, regional and local levels, including activities organised jointly with the Council of Europe, such as discussions, seminars, evaluations, impact assessments, studies etc., and the outcomes of these events.
- (c) Participation of minority organisations and other non-governmental organisations in the authorities' implementation and monitoring of the Framework Convention, and their involvement in the preparation of the Fourth Report.
- (d) Any other measures taken to promote awareness of the Framework Convention among national minorities, public officials and the general public.

**Practical arrangements at national level to follow up previous monitoring cycles**

- 11. To publicise the results of previous monitoring cycles and to promote awareness of the Framework Convention itself, a description of the Framework Convention was made available on the website of the Department of Justice and Equality, together with a link to Ireland's State Reports from previous monitoring cycles. Information about the preparation of the Fourth State Report was also made available on this Department's website.

**Anti-discriminatory policing and the Roma Community**

- 12. A report of the Joint Oireachtas Committee on European Affairs in 2009 highlighted the fact that the Roma are the largest and most discriminated against minority in Europe. During 2014, in seeking to promote awareness of the Framework Convention's provisions, the Garda Racial, Intercultural and Diversity Office (GRIDO), provided training sessions to cater for Ethnic Liaison Officers and Community Garda members in conjunction with Roma community specialist trainers/facilitators. These sessions provided instructions on policing strategies to employ in policing Ireland's Roma population with specific focus on integration, equal protection and mutual respect, thereby maintaining racial and ethnic harmony in society. Members of the Police Service of Northern Ireland attended training seminars held in Sligo and at the Garda College (in Tipperary) during 2014.
- 13. The roll-out of these one-day training sessions which are designed to facilitate Ethnic Liaison Officers and Community Garda members to understand and respond appropriately to the sensitivities of the Roma Community, is being continued so that they are able to carry out their policing roles effectively in ways that promote human rights protection and reduce tensions. Knowledge-based policing, founded upon positive contact with the Roma community, is the mainstay and central theme of the modules. The sessions are practical, job related and interactive thereby providing Ethnic Liaison Officers and Community Garda

members an opportunity to reflect on attitudes and prejudices and how to ensure that these do not impact negatively on their work.

14. The training comprises developmental skills and practices to communicate effectively with Roma, thereby building confidence together at local level. Ethnic Liaison Officers learn first-hand from Roma about relevant cultural and related practices, and about their perceptions of An Garda Síochána. It provides an opportunity for personal positive interaction with members of the Roma community and for engaging together in discussions, exercises and role plays.
15. These sessions are unique in that GRIDO ensures that Roma representatives are fully apprised of their rights and responsibilities in relation to dealings with An Garda Síochána, the power of the police and the services that Garda members are expected to provide. A central theme is focused upon instilling of confidence in the Roma of the Garda services available to all their community without discrimination. Steps are also taken to encourage the reporting by the Roma of crime and/or racist/hate incidents, in order to promote community safety and access to justice.

#### **Preparation of the Fourth State Report**

16. Ireland's Fourth State Report has been prepared by the Department of Justice and Equality in consultation with all other relevant Government Departments and following a public consultation process. In August 2015, the Department of Justice and Equality invited submissions in relation to the State Report and subsequently presented a draft of the State Report at a public consultation meeting in Dublin on 11 November 2015, at which Traveller and other civil society organisations were represented.
17. The draft State Report was revised in the light of that consultation process and required some further updating to reflect developments in the meantime and following the formation of the new Government (in 2016) and has now been finalised in the context of the decision to formally recognise Travellers as an ethnic group.

#### **Other relevant Council of Europe and European Union work**

18. Ireland participates in CAHROM (the Ad hoc Committee of Experts on Roma and Traveller Issues of the Council of Europe).
19. Ireland's new National Traveller and Roma Inclusion Strategy (2017 - 2021) was developed in line with the standards of the EU Framework for the Implementation of Roma Integration Strategies<sup>1</sup>. The Council of Europe and EU standards, and in particular the outcomes of the previous Monitoring Cycles, informed the process of developing the new Strategy.
20. An Garda Síochána has been particularly active in follow up activities. NASC (The Irish Immigrant Support Centre) was successful in an application for grant funding from the

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<sup>1</sup> [http://ec.europa.eu/justice/discrimination/roma/eu-framework/index\\_en.htm](http://ec.europa.eu/justice/discrimination/roma/eu-framework/index_en.htm)

European Integration Fund to develop training in the context of a project around raising awareness of racism and promoting the reporting of racist incidents. The Garda Racial, Intercultural and Diversity Office (GRIDO) acted as referee for this application and is assisting with the roll-out of a training package to focus on anti-discrimination and the Roma community.

21. Regional Roma Anti-Discrimination Training Seminars for Garda Management have also been arranged. GRIDO works towards establishing a culture within An Garda Síochána that welcomes and respects ethnic diversity both internally and externally and in which Garda members see themselves as positive agents and role models for creating successful integration in a diverse and multi-ethnic society. To this end, and in furtherance of Ireland's obligations under the European Framework for National Roma Integration, combined with the need to promote awareness of the Framework Convention for National Minorities, anti-discriminatory seminars have been delivered to senior management within An Garda Síochána.
22. The regional anti-discriminatory seminars of three-hour duration were devised by GRIDO to accommodate Garda management to understand and respond appropriately to the sensitivities of the Roma Community, so that An Garda Síochána affords a non-discriminatory policing service that effectively promotes human rights protection within the state. The training sessions are hosted by GRIDO and Roma trainers. These sessions are practical, job-related and interactive, thereby providing management with an opportunity to reflect on Roma culture and protocols to ensure that front-line service delivery is cognisant of the vulnerability pertaining to Roma individuals in society. The sessions comprise developmental skills and practices to effectively communicate with Roma thereby building confidence at local level. This is also an opportunity for Garda management to learn first-hand from Roma about their perceptions of An Garda Síochána.
23. During 2014, training sessions were held throughout Ireland for Garda management in the following regions: Western Region; Northern Region; South-Eastern Region, Eastern Region and Southern Region.

## Section 2: Measures taken to address issues identified for immediate attention in the Third Monitoring Cycle

- (a) Please provide information on how each of the specific recommendations for immediate action included in Part 2 – “Issues for immediate action” of the Committee of Minister’s Resolution has been implemented. Indications on other policies, measures and needs assessments considered relevant in this context should also be provided.

### **Establish without delay the new Irish Human Rights and Equality Commission and the planned structures to replace the Equality Tribunal and ensure that they function independently and effectively.**

24. The Irish Human Rights and Equality Commission Act 2014 was signed into law on 27 July 2014. The Commission was formed by the merger of two existing bodies (i.e. the Equality Authority and the Human Rights Commission of Ireland). All provisions have been commenced<sup>2</sup> and the Commission came officially into being on 01 November 2014.
25. The Commission’s allocation for 2016 was €6.19 million and is €6.522 million for 2017. It has an approved staffing level of 47 posts. There is an agreement to review this staffing ceiling once all the additional staff members that have been approved are recruited and in post and in the light of the Commission’s business needs at that time.
26. The Irish Human Rights and Equality Commission Act 2014 has been framed so as to ensure that it conforms unequivocally with the Paris Principles (which are the set of informal rules that relate to the establishment and governance of National Human Rights Institutions). The strength of the Commission’s mandate, and its structural independence (including appointment by the President of Ireland following a selection process that is independent of Government as well as having its own (financial) Vote, with its Director as Accounting Officer), sets a new standard in terms of founding legislation of National Human Rights Institutions. The powers and functions of the new Commission also ensure that it reaches and exceeds best practice standards in relation to EU equality bodies.
27. The enhanced resources available to the Commission and its strengthened powers and mandate put it in a good position. On 25 November 2015, the Commission announced that it had been accredited as an “A” status National Human Rights Institution. This recognition underlines the Commission’s domestic and international standing and institutional independence.
28. A particular innovation in the Irish Human Rights and Equality Commission Act 2014 is the creation, in Section 42, of a positive duty on public bodies to have due regard to human rights and equality. This reflects a commitment in the current Programme for Government in terms of the Government’s commitment to having a just and fair society and to tackle inequality. The Programme for a Partnership Government (2016) commits that: *“we too must set out our vision for creating an equal, fair and inclusive society”*. The Commission will play an important role in assisting and supporting public bodies to comply with this

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<sup>2</sup> [http://www.irishstatutebook.ie/isbc/2014\\_25.html](http://www.irishstatutebook.ie/isbc/2014_25.html)

new positive duty, including by producing guidelines and codes of practice as outlined in Section 31 of the above Act. There is real potential for the Commission to use the “positive duty” function to persuade and promote best practice by highlighting good examples to which other bodies can aspire. While the Commission is still settling into its role, it is anticipated that it will prioritise the development of this aspect of its work, building on the human rights and equality training provided by the two previous bodies. The intention is that the operation of this mechanism will be reviewed three years after commencement of the Commission’s operations.

29. The Equality Tribunal became part of the new Workplace Relations Commission with effect from 01 October 2015. The Workplace Relations Commission will continue to provide an adjudication service that is independent and its decisions on equality law issues are binding (unless, obviously, successfully appealed to a court in accordance with the provisions of the Act).

**Involvement of Travellers in the work of all relevant consultative mechanisms and the promotion of relevant participation in decision-making at local and national levels by members of various minority groups; involve relevant stakeholders, as appropriate, in the implementation of the forthcoming National Traveller and Roma Inclusion Strategy.**

30. During 2014, the Department of Justice and Equality assessed the effectiveness of the structures in place for consultation with, and delivering better outcomes to, the Traveller and Roma communities in Ireland. Impetus for change arose with particular reference to the recommendations of the 2014 Report of Ms Emily Logan, then Ombudsman for Children, under Section 42 of the Garda Síochána Act 2005 (as amended) into the circumstances surrounding the removal by An Garda Síochána of two Roma children from their families. Ms Logan's Report (“The Logan Report”) identified a range of steps that need to be taken, including detailed issues that needed to be addressed within An Garda Síochána and the Health Service Executive, TÚSLA and others, as well as wider issues that relate to how public services generally engage with members of the Roma community. All of these recommendations were accepted unequivocally. In launching the Logan Report, the Minister for Justice and Equality stressed the need for a new culture of consultation with Roma and Traveller groups and a commitment was also given to deliver on this.
31. The assessment made a number of recommendations that were accepted by the then Minister of State for New Communities, Culture and Equality with the aim of improving effectiveness in the structures and progressing the Department’s draft Strategy to promote and support the inclusion of the Traveller and Roma communities. Consultation is currently underway with relevant Government Departments and with Traveller and Roma representatives with a view to implementing change. This has already led to the establishment of a new National Traveller and Roma Inclusion Strategy Steering Group to monitor the development and implementation of the National Traveller and Roma Inclusion Strategy on an ongoing basis. (This Steering Group resulted from the amalgamation of the former National Traveller Monitoring and Advisory Committee with the former High Level Group on Traveller issues.)

32. There was an extensive consultation process led by the Department of Justice and Equality to develop the new National Traveller and Roma Inclusion Strategy. Phase 1 (identification of key themes for the new Strategy) has been completed, as has Phase 2 (identification and agreement of high level objectives under each agreed theme). The final public consultation Phase, Phase 3 (identification of detailed actions to achieve each agreed objective, with associated timescales, Key Performance Indicators, institutional responsibilities and monitoring arrangements), was completed in early 2017 and the new Strategy has been published.
33. The Local Government Reform Act 2014 saw major realignment of the local government sector under the auspices of the then Department of the Environment, Community and Local Government. That Department delivered the “Local and Community Development Programme” which aimed to *“tackle poverty and social exclusion through partnership and constructive engagement between Government and its agencies and people in disadvantaged communities”*. A key principle of the programme was to prioritise marginalised people and social groupings within the most disadvantaged communities, by targeting those furthest from access to education, training and employment and those at highest risk of social exclusion.
34. Travellers were a named target group of the Local and Community Development Programme and some actions undertaken were Traveller specific while others included a number of target groups including Travellers. The range of activities carried out in co-operation/collaboration with local groups, Traveller organisations and State agencies to provide supports to Travellers includes:
- access to further education and training;
  - school retention activities;
  - provision of tailored education and training;
  - primary health care and wellbeing programmes;
  - interagency collaboration;
  - after-schools and youth projects ;
  - family supports;
  - community development supports; and
  - employment/self-employment supports.
35. Under the Local and Community Development Programme, the Roma community was not a named target group but benefitted from that Programme’s activities under the “Non-Irish nationals” heading, although this grouping was much broader than Roma.

36. A stream of funding for Traveller community development projects was provided via the Local and Community Development Programme. The National Traveller Partnership, under the auspices of a non-Governmental organisation (Pavee Point Traveller and Roma Centre) co-ordinated the delivery of the Local and Community Development Programme in partnership with 14 Traveller Community Development projects by means of a community development approach and promotion of human rights. Through its work, the National Traveller Partnership seeks to tackle inequalities and promote Traveller inclusion, participation, equality and the broader cultural awareness of Traveller identity.
37. Local and Community Development Programme funding was also provided to the National Traveller Women's Forum and to Pavee Point in respect of work focused on the following goals:
- promoting awareness, knowledge and uptake of a wide range of statutory, voluntary and community services;
  - increasing access to formal and informal educational, recreational and cultural activities and resources;
  - increasing people's work readiness and employment prospects; and
  - promoting engagement with policy, practice, and decision making processes on matters affecting local communities.
38. This funding contributed to the National Traveller Women's Forum capacity to implement a wide range of actions such as promoting linkages between Traveller women and local services and supporting representation on regional committees with the view to improving representation of the issues for Traveller women at regional and national level in terms of service and support provision. The National Traveller Women's Forum supports the Traveller community in the planning and implementation of the annual Traveller Pride Week and the Traveller Pride Awards (in collaboration with the Irish Traveller Movement, Minceirs Whiden, Exchange House, Pavee Point, National Traveller MABS, Involve, the Parish of the Travelling People, etc., supported by the Department of Justice and Equality). This is done with the aim of supporting the development of Traveller pride in their Irish identity and cultural background, the development of awareness and the promotion of understanding of the position and the contribution of Travellers in Irish society. The National Traveller Women's Forum also works to promote Traveller participation in public life and policy development, focussing on pre- and post-meeting support, policy training, development of appropriate position papers and administrative support to the roles. This aims to increase Traveller participation in decision-making at national level on issues that affect their communities thereby helping to ensure their concerns are considered in policy development.
39. Pavee Point Traveller and Roma Centre undertakes a range of actions to work towards creating the conditions for increased access and involvement of Travellers in a range of community and statutory services; this includes providing legal and financial oversight of the National Traveller Partnership and delivering cultural competency training to a number

of statutory agencies. Pavee Point works with a number of Government Departments and agencies to seek the development of a targeted training and employment strategy to support Traveller work readiness and employer Traveller readiness; it also undertakes actions to create Traveller access to labour market projects and initiatives such as promoting Traveller inclusion in Government initiatives to address unemployment. They also promote the inclusion of Travellers at sectoral committees and various national fora. Pavee Point develops policy submissions and publishes position papers on emerging issues providing the opportunity for solutions to be discussed and put in place.

40. The Local and Community Development Programme officially ended at the end of 2013 and was implemented on a transitional basis to the end of March 2015. Its successor programme, the Social Inclusion and Community Activation Programme, was rolled out across communities from 01 April 2015 and is a key priority of Government. It is a key intervention for the “harder to reach” in society, operating under the oversight of the Local Community Development Committees in each Local Authority area which have developed Local Economic and Community Plans for their local areas. The Programme’s target groups include Travellers and Roma. Traveller Interagency Groups, in consultation with Local Community Development Committees in each Local Authority area have ensured that the interests of the Traveller community are reflected in the Local Economic and Community Plans. Local Community Development Committees are responsible for directing funding to those areas that are most socially disadvantaged, in accordance with the needs and priorities identified in the Local Economic and Community Plans and the County Development Plans informed by the key demographics for each area.
41. To ensure that the range of supports required for Travellers nationwide (previously provided under the Local and Community Development Programme) are maintained, in 2015, the Department of Justice and Equality and the Department of the Environment, Community and Local Government agreed a revised scheme of support for Travellers. Responsibility for certain supports to Traveller and Roma groups has become a key function of the Department of Justice and Equality through the permanent allocation of funds (some €1.38m) to the Department of Justice’s vote from the then Department of Environment, Community and Local Government to support the scheme from 2016 onwards.
42. The Housing (Traveller Accommodation) Act 1998 provides the legislative framework to address the special accommodation needs of indigenous Travellers. It is open to Travellers to opt for any form of accommodation, including Traveller-specific accommodation (halting site bays and group housing), standard Local Authority housing financed from capital allocations for social housing, private housing assisted by the Local Authorities or voluntary organisations, private rented accommodation and through their own resources.
43. The Housing (Traveller Accommodation) Act 1998 places a strong emphasis on consultation with all interests concerned. That Act provides for consultation mechanisms with local communities and with Travellers through the National Traveller Accommodation Consultative Committee and the Local Traveller Accommodation Consultative Committees.
44. The National Traveller Accommodation Consultative Committee, established on a statutory basis under the Housing (Traveller Accommodation) Act 1998, comprises 12 members,

which include an independent Chairperson (appointed by the Minister), representatives from the three Traveller representative groups (Irish Traveller Movement, Pavee Point and the National Traveller Women's Forum), the County and City Manager's Association, the Association of Irish Local Government, the Department of Justice and Equality, the Northern Ireland Housing Executive and a senior official (from the Department of Housing, Planning, Community and Local Government) who deals with Traveller accommodation issues. Its purpose is to advise the Minister in relation to general matters concerning Traveller accommodation.

45. Sections 21 and 22 of the Housing (Traveller Accommodation) Act 1998 require each relevant Local Authority to establish a Local Traveller Accommodation Consultative Committee to advise on the provision and management of accommodation in its functional area. The role of the local Consultative Committees is to facilitate "*consultation between housing authorities and Travellers and to advise on any aspect of accommodation for Travellers at local level*". In addition, the relevant housing authority must:

- give notice to the Committee of its intention to carry out an assessment of accommodation needs;
- have regard to the views, if any, of the Committee in making an assessment;
- give notice to the Committee of its intention to prepare a draft accommodation programme;
- provide the Committee with a copy of the published notice indicating its intention to adopt an accommodation programme;
- provide the Committee with a copy of the draft accommodation programme which has been submitted to the members;
- furnish the Committee with a copy of the adopted programme.

46. At least one quarter of the membership of the Local Traveller Accommodation Consultative Committee must be local Travellers and/or from local Traveller groups, with remaining members being elected members and officials of the housing authority. Where local Traveller support groups do not operate within a Local Authority's functional area, the Authority can consult with the Irish Traveller Movement accommodation officer in relation to Traveller representation on its Local Traveller Accommodation Consultative Committee.

#### **Position in the Education Sector**

47. All children may access pre-school, primary and post-primary education and are required to attend school from age 6 - 16 years or until the completion of three years at secondary school whichever is the latter.

48. The Report and Recommendations for a Traveller Education Strategy (of the Department of Education and Skills) covers, in a very comprehensive manner, aspects of Traveller

education from pre-school right through to further and higher education within a lifelong learning context. The principle of inclusion is at the core of the Strategy and, accordingly, the focus of current provision is on the development of a more inclusive school environment through the whole school planning process, teaching practice, admissions policies, codes of behaviour and whole school evaluation. In keeping with this principle, additional resources provided in the education system are allocated on the basis of identified individual educational need rather than that of ethnic or cultural background.

49. A key objective of the above Strategy is the phasing out of segregated Traveller provision and the inclusion of Traveller children and young people in mainstream education.

### **Position in the Health Sector**

50. A strong cohesive structure exists within the Health Service Executive (HSE) to coordinate priority actions in relation to Traveller and Roma health. The HSE's National Traveller Health Advisory Forum has representation from HSE staff, Traveller Health Units and Traveller representatives. Actions agreed by this Forum may be included in the HSE's National Service and Operational Plans for implementation across the country, with due consideration for flexibility around local identified priority needs.
51. Traveller Health Units continue to forge and maintain strong links with other statutory and voluntary agencies in their areas, including significant engagement with Local Authorities and associated structures.
52. "Healthy Ireland, the Framework for Improved Health and Wellbeing 2013 – 2025", is the national framework for action to improve the health and wellbeing of the country and was approved by Government in February 2013. The Healthy Ireland Framework is informed by international evidence and thinking on "health in all policies" and the World Health Organisation's strategic approaches to tackling risk factors for non-communicable diseases as well as the social determinants of health and health inequalities.
53. The above Framework, which is underpinned by a number of ethical and guiding principles for implementation, places a strong emphasis on an evidence-based approach, reflecting national and international best practice, and takes a life course approach aimed at achieving four main goals:
- increase the proportion of people who are healthy at all stages of life;
  - reduce health inequalities;
  - protect the public from threats to health and wellbeing; and
  - create an environment where every individual and sector of society can play their part in achieving a healthy Ireland.
54. In this context, the Department of Health, through the Health and Wellbeing Programme is working with the Department of Environment, Community and Local Government on

embedding health and wellbeing into new structures and arrangements in local government, as well as into environmental planning and strategy development. “Health and Wellbeing” is now positioned as a theme in the local economic and development planning process. The Health and Wellbeing Programme has also established direct links with the City and County Managers’ Association.

55. The overall structure of the HSE’s National Traveller Health Advisory Forum – which has health service staff, Traveller Health Unit representatives and Traveller representation, continues to provide a strategic and operational framework towards promotion of a consistent approach across Traveller Health Units to addressing Traveller health priorities identified in the All Ireland Traveller Health Study (2010). At the same time, efforts are promoted in respect of aligning primary care health work within the Traveller Health Units with existing clinical programmes. Work around diabetes is one example of this approach.

### **Position with Children and Young People**

56. “Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014 – 2020” sets out and centralises key government commitments for children and young people. These commitments come from across government; the Department of Children and Youth Affairs has a coordination role in terms of reporting of commitments, and in the implementation infrastructure, individual commitments remain the responsibility of relevant Departments and Agencies.
57. The 2015 annual report for “Better Outcomes, Brighter Futures” reported on the following relevant commitments.
- Tackle inequalities in health outcomes for identified vulnerable groups, including Travellers, Roma, refugee and asylum-seeking children, migrants, young people identifying as lesbian, gay, bisexual and transgender (LGBT), those experiencing poverty as well as children and young people who are the responsibility of the State (whether in care or detention). Implementation of this commitment is led by the Department of Health, supported by Department of Justice and Equality, the Department of Children and Youth Affairs, the Health Service Executive, the National Office for Suicide Prevention and the Department of Education and Skills. Health matters relating to vulnerable young people are also part of the National Youth Strategy and is being progressed by relevant health bodies.
  - Strengthen social inclusion measures and re-invigorate efforts to improve educational outcomes among (and integration of) Travellers, Roma and migrant children and young people, and all those with special needs, including gifted students, recognising an enhanced role for Early Years education in targeting these groups. This commitment is led by the Department of Education and Skills, with support from the Department of Children and Youth Affairs, the Department of Justice and Equality, the Department of the Environment and Community and Local Government. A revised ethnic question is scheduled to be included on the Post-Primary Online Database from 2015/2016 academic year. The Department of Children and Youth Affairs also continues to support youth services for travellers and other marginalised youth groups.

- Implement and monitor the National Traveller and Roma Inclusion Strategy, with a particular focus on Traveller accommodation and the engagement of Roma in education. This commitment is led by the Department of Justice and Equality, with support from the Department of Health, the Department of Education and Skills, the Department of Children and Youth Affairs and the Department of Housing, Planning, Community and Local Government. Actions for 2015 included:
    - coordinate across Government the feedback to European Commission in relation to implementation of the National Travellers/ Roma Integration Strategy and attend National Contact Point meetings;
    - support the effective functioning of both the High Level Group on Travellers and the National Traveller Monitoring and Advisory Committee to facilitate coordinated delivery of services and supports to the Traveller community;
    - engage with the National Traveller Accommodation Consultative Committee.
  - Reduce discrimination and intolerance of all types experienced by marginalised groups (i.e. Travellers, Roma, migrants and asylum-seekers; children and young people with disabilities; those in care and detention; lesbian, gay, bisexual and transgender (LGBT) young people and those from ethnic or religious minorities). This is led by the Department of Justice and Equality with support from the Department of Education and Skills, the Department of Health, the Department of Social Protection, the Department of Children and Youth Affairs, the Health Service Executive, TÚSLA, Local Government and others as relevant.
58. The National Strategy on the Participation of Children and Young People in Decision-making (2015-2020). The first constituent strategy of “Better Outcomes, Brighter Futures” is Europe’s first national Strategy on the participation of children and young people in decision-making, published in 2015. The goal of this Strategy is to ensure that children and young people will have a voice in their individual and collective everyday lives across the five national outcome areas. A key fundamental of the Strategy is establishing and improving mechanisms to ensure the participation of seldom-heard and vulnerable children and young people in decision-making. This applies to each Department and State Agency with actions in the action plan; therefore, children or young people who have caring responsibilities in families in receipt of State services are entitled to be given a voice in the planning and delivery of services provided to them. Implementation of the Actions in the Strategy Action Plan will be supported by the establishment of the Children and Young People’s Participation Hub, which is the key action for the Department of Children and Youth Affairs in the Strategy. The Hub is being developed, and will champion and promote participation, create resources and training materials, conduct training, document and disseminate learning and establish an online children’s participation database. It is a key priority of this strategy that seldom-heard children and young people are enabled to take part in decision-making.

**Take urgent measures to address the de facto exclusion of the Travellers from the labour market, develop genuine and realistic programmes to lower the unemployment among Travellers.**

59. As indicated above, the Department of Justice and Equality, undertook a comprehensive three-phase consultation process during 2016 with a view to putting in place a revised National Traveller and Roma Inclusion Strategy. The consultation process allowed interested parties to make submissions in key areas such as anti-discrimination and anti-racism, cultural identity, accommodation, health, employment, education, family and children and political participation. The Strategy contains a range of practical commitments to address the full range of issues that face the Traveller community, including unemployment.

**Special Initiative for Travellers**

60. The Special Initiative for Travellers is used exclusively to support projects emerging from the Inter-Agency Strategies for the Travelling Community. The aim is to enhance local implementation and target delivery of employment support to Travellers. The Initiative is delivered locally by sponsoring organisations.
61. The Special Initiative for Travellers was introduced in 2005 to provide support for practical approaches to redressing the imbalance in Traveller under-employment, to support Travellers already engaged in the Traveller economy and provide other supports, including training, to address the needs of Travellers. Responsibility for the programme transferred from FÁS to the Department of Social Protection on 01 January 2012. The programme focuses on providing job search, job coaching and other supports for individual Travellers and assisting with enterprise development.
62. Discussions held between the Department of Justice and Equality and the Department of Social Protection during 2014 resulted in a decision to transfer the management of the Special Initiative for Travellers project to the Department of Justice and Equality with effect from 01 January 2015. This decision was made given that the Department of Justice and Equality are moving to implement changes to structures in place for consulting with, and improving outcomes for, the Traveller community at both national and local level. The transfer is aimed at supporting those changes with a particular focus on enhancing the Traveller inter-agency approach in the area of employment. The Initiative retains its original objective of providing Traveller Support Workers and assistance for employment and enterprise development.

**Community Employment**

63. Under its Community Employment Programme, the Department of Social Protection funds community development projects the specific objective of which is to support the progression of Travellers. Travellers also participate in other projects within the Programme and currently they are participating in community employment (CE) projects across the Department.

64. The entry criteria for Traveller candidates are more flexible than the general population eligibility criteria. The minimum entry age is set at 18 (instead of 25) and Traveller jobseeker clients only need to be in receipt of payment for one week compared to 12 months to qualify for the Community Employment Programme. Traveller lone parents can also access the Community Employment Programme at 18 (instead of 25 years of age), but must meet the standard qualifying criteria of being in receipt of One Parent Family Payment for 12 months or more. Travellers can also qualify under the general Community Employment Programme eligibility categories and are not obliged to declare membership of the Traveller community, but they must then meet the stated criteria to qualify.

### **Employment Supports**

65. The key objective of the State's activation policy and labour market initiatives is to offer assistance to those in need of support in securing work and achieving financial self-sufficiency. Those in receipt of job-seekers' payments, including those from the Traveller Community, have access to the full range of activation measures and supports provided by the Department of Social Protection as well as other up-skilling opportunities, for example through Education and Training Board training or through further or higher education courses administered by other Departments/agencies.
66. A more recent development has been the roll out of the new 31 Local Enterprise Offices in particular. In the context of supporting the capacity building of local and regional authorities the establishment of the Local Enterprise Offices is a significant development which was rolled out during 2014. The Local Enterprise Office is the *First Stop Shop* for anyone seeking information and support on starting or growing a business in Ireland. The Local Enterprise Office provides advice, information and support to persons starting up or growing a business. With 31 dedicated teams across the Local Authority network in Ireland, Local Enterprise Offices offer a wide range of experience, skills and services.
67. The Local Enterprise Office is for people interested in starting up a new business or already in business including; entrepreneurs, early stage promoters, start-ups and small business looking to expand.
68. Their role is to:
- drive the development of local enterprise, putting local micro and small business at the heart of job creation in Ireland;
  - drive and support business start-ups and promote a "can-do" business culture;
  - increase the job potential of new and existing micro and small businesses;
  - increase the number of innovative businesses with potential to export; and
  - be proactive in response to the needs of clients.

69. In their dealings with customers, Local Enterprise Offices ensure the rights to equal treatment established by equality legislation are upheld. The Local Enterprise Office does not discriminate on the grounds of age, disability, gender, family status, marital/civil status, race, religious belief, sexual orientation or membership of the Traveller community.
70. Local Enterprise Offices also promote equality of treatment within enterprises , for example, by promulgating guides such as “Employment Legislation Guide for Small and Medium Businesses” that emphasise the importance for employers to operate in a manner consistent with the need to provide equal opportunities to their employees and to work with people on the basis of individual merit and without regard to gender, marital status, family status, sexual orientation, religious beliefs, age, disability, race or membership of the Traveller Community.
71. The initiatives previously reported and taken in 2012 and 2013 to open the Irish labour market ahead of the required time frame to Romania, Bulgaria and Croatia will have been of some significance to Roma populations from these countries wishing to come and work in Ireland. This has continued to be the case.
72. Our National Employment Rights Authority continues to ensure the full application of Irish employment rights protections to non-Irish nationals with a right to work here is communicated in multiple languages, including Romanian and Bulgarian.
- (b) Please make an assessment of any other core issues that remain outstanding after three monitoring cycles, and any obstacles encountered in addressing such issues.
73. There are no issues outstanding at this time.

### **Section 3: Relevant developments in relation to individual articles of the Framework Convention.**

**Please provide information on an article-by-article basis [set out below] on measures taken to enhance the implementation of the Framework Convention. Indications on other policies, measures and needs assessments considered relevant in this context should also be provided. Particular attention should be paid to:**

- a. measures taken to implement the recommendations included in Part 2 – “Further recommendations” of the Committee of Ministers’ Resolution;**
- b. to the extent not already covered under points II and III.a. above, measures and policies adopted to implement all the detailed recommendations, various findings and conclusions contained in the Advisory Committee’s third Opinion.**

**States are encouraged to focus on up-to-date information on new developments since the submission of the third State report and to examine the impact in practice of the measures taken to date. States are also encouraged to provide information about any initiatives taken or considered beyond steps to implement the above recommendations, for example in response to or in anticipation of further new developments.**

#### Article 3

Recognition of Travellers as an ethnic minority

**The authorities are encouraged to finalise the consideration of the proposed recognition of Travellers as an ethnic minority and to ensure, both de jure and de facto, the applicability of international and domestic non-discrimination and minority rights standards in relation to Travellers.**

75. As of 01 March 2017, Ireland has recognised Travellers as an ethnic group.
76. Travellers are protected both de jure and de facto as a named group under Irish anti-discrimination legislation which, *inter alia*, transposes the requirements of EU Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial and ethnic origin (the “Race Directive”).
77. The Department of Justice and Equality had detailed discussions with Traveller interests with a view to developing a precise understanding of the legal implications, if any, of the recognition of Travellers as an ethnic group. To facilitate a focussed discussion, four national-level Travellers NGOs agreed a formal statement of what they sought in terms of ethnic recognition and what they envisaged such recognition would achieve in practical terms as well as in terms of the status and position of Travellers in Irish society.
78. To advance discussion of the issue, a round-table discussion with relevant Government Departments and Traveller representatives was hosted by the then Minister of State for New Communities, Culture and Equality in July 2015. It was indicated on behalf of the

(then) Government during a Dáil debate in November 2015 on this issue that the question of formal recognition of Travellers as an ethnic group would be progressed in the context of discussions on the new Traveller and Roma Inclusion Strategy.

79. The current Minister of State chaired the then Joint Oireachtas Committee on Justice, Equality and Defence when, in April 2014, that Committee issued a report recommending that the State recognise Travellers as an ethnic group.
80. At the Traveller Pride Awards (held on 01 June 2016), the Minister of State for Justice with special responsibility for Equality, Immigration and Integration assured Travellers that he was committed to working hard with them to help to bring about progress in relation to this matter.
81. The key argument for recognition of Traveller ethnicity was that recognition of the distinct heritage, culture and identity of Travellers and their special place in Irish society would be hugely and symbolically important to their pride and self-esteem and overcoming the legacy of economic marginalisation, discrimination and low self-esteem with which the Traveller community struggles. This is not to ignore the real problems that Travellers face but this symbolic gesture would create a new platform for positive engagement by the Traveller community and the Government in together seeking sustainable solutions based on respect and an honest dialogue on these issues and challenges.
82. Following the Minister of State's presentation to the Cabinet Committee on Social Policy - and in an unprecedented step - the Taoiseach invited Traveller representatives to meet that Cabinet Committee. The meeting took place on 06 February 2017 when four Traveller representatives made a presentation to the Cabinet Committee and answered questions from Cabinet members.
83. On Wednesday 02 March 2017, speaking in Dáil Éireann, the Taoiseach announced State recognition of Travellers as an ethnic group in Ireland. This event was historic, joyous and memorable. It was particularly notable that there was an all-party consensus on the issue. Minister of State David Stanton was highlighted by the Taoiseach for his significant role and hard work over a long period of time in bringing about this consensus.
84. The statement by the Taoiseach announcing State recognition of Traveller ethnicity was the culmination of a long-standing campaign by Travellers to have their identity, culture and unique position valued by their formal recognition as a distinct ethnic group. As the Taoiseach stressed, this is without prejudice to Travellers being part of, and self-identifying as part of, the Irish nation.
85. The Taoiseach's statement constitutes a new beginning for the work that we need to do as a society, in partnership with Travellers, to address the real and stark issues that face the Traveller community in areas such as health, employment, education and accommodation. Minister of State Stanton will present plans to address these issues in the forthcoming National Traveller and Roma Inclusion Strategy which will be published shortly.

86. Recognition of Travellers as an ethnic group has not created any new rights and it will have no implications for public expenditure or how public services are organised. Its value will be as a symbolic gesture and its impact on Travellers' self-esteem and perception of their community's place in Irish society will be considerable.

#### Data Collection and Census

**The Advisory Committee invites the authorities to continue research and consultation what will allow for effective strategies and expanded and adapted enumeration procedures to be developed for future censuses, so as to ensure accurate data collection, in line with the right to self-identification as provided for in Article 3.1 of the Framework Convention and internationally recognised data protection standards.**

87. The Department of Justice and Equality works to promote equality and inclusion in Irish society of the Traveller and Roma communities. The Department's remit in this matter includes putting in place strong monitoring methods to evaluate the impact of inclusion actions in the key priority areas of health, education, employment, housing and anti-discrimination. However, there are difficulties in obtaining accurate, detailed and complete data on the situation of Roma and Travellers in Ireland and to identify measures put in place to tackle exclusion and discrimination.
88. Therefore, the development of a Data Collection Strategy necessarily forms part of the new National Traveller and Roma Inclusion Strategy. A background paper was prepared for consideration by the Senior Officials Group on Social Policy to ensure a consistent approach to the collection of data across Departments, with the Department of Justice and Equality taking the lead on this work.

#### Article 4

#### Equality legislation and mechanisms

- **The Advisory Committee calls on the authorities to ensure that the new Irish Human Rights and Equality Commission fully complies with the Paris Principles and that the planned structures to replace the Equality Tribunal are established without delay. The authorities should ensure that both bodies are given more resources to function effectively and independently.**
- **The Advisory Committee calls on the authorities to consider carefully the scale and impact of the financial and ensuing human resources cuts to IHREC and the structures established to replace the Equality Tribunal, and urges them to ensure that they have all necessary resources to carry out their functions effectively and independently.**
- **The Advisory Committee invites the authorities to continue to monitor the implementation of the Intoxicating Liquor Act, and ensure in particular that an accessible, affordable and effective remedy in cases of alleged discrimination is available.**

- **The Advisory Committee encourages the authorities to continue to respect the human rights and address the needs of non-nationals, including through legislative measures.**

89. The Irish Human Rights and Equality Commission was established in November 2014. One year later, on 25 November 2015, it was announced that the Commission had been accredited as an “A” status National Human Rights Institution. This recognition underlines the Commission’s domestic and international standing and institutional independence. Although there are three levels of accreditation, only those awarded an “A” status are fully compliant with the Paris Principles and, as a result, are accorded voting, speaking and seating rights at human rights treaty bodies or other UN organs.
90. Please see also the details above regarding the Workplace Relations Commission.
91. Ireland is satisfied that the provisions of the Intoxicating Liquor Acts remain appropriate and proportionate. As with all legislative provisions, these are kept under review.

#### Traveller and Roma Women

- **The Advisory Committee calls on the authorities to pursue developing, resourcing and implementing programmes, in co-operation with the representatives of the Traveller and Roma women, in particular with the view to establishing effective strategies for women’s empowerment and equality.**
  - **In their broader efforts to address resolutely violence against women, the authorities should also continue to take culturally appropriate steps to tackle domestic, sexual and gender-based violence against Traveller and Roma women.**
92. The Garda Síochána Domestic Violence Unit (now a unit within the newly established Garda National Protective Services Bureau) regularly meets with representatives of the Traveller community to, among other things, further the development of culturally sensitive approaches to dealing with domestic violence within the Traveller community.
93. This liaison involves participation at, and presentations to, various events organised by Pavee Point as well as advice and consultation in the publication of Pavee Point information booklets/leaflets, including “Barring & Safety Orders – What steps to take” and “Does someone close to you make you feel Scared or Afraid?” These documents are available on the Pavee Point website, the links to which have been disseminated throughout An Garda Síochána via the Inspectors nominated in each Garda division for the implementation of the Garda Síochána Policy on Domestic Violence Intervention. It is intended that this ongoing liaison between the Garda Síochána Domestic Violence Unit and Pavee Point will continue into the future.
94. The Local Government Reform Act 2014 saw major realignment of the Local Government Sector under the auspices of the Department of the Environment, Community and Local Government. That Department delivers the “Local and Community Development Programme” which aims to *tackle poverty and social exclusion through partnership and constructive engagement between Government and its agencies and people in*

*disadvantaged communities*. A key principle of the programme is to prioritise marginalised people and social groupings within the most disadvantaged communities, by targeting those furthest from access to education, training and employment and those at highest risk of social exclusion.

95. Travellers are a named target group of the Local and Community Development Programme and some actions undertaken may be Traveller-specific, while others include a number of target groups including Travellers. The range of activities carried out in co-operation/collaboration with local groups, Traveller organisations, state agencies to provide supports to Travellers, include:
- access to further education and training;
  - school retention activities;
  - provision of tailored education and training;
  - primary health care and wellbeing programmes;
  - interagency collaboration;
  - after-schools and youth projects ;
  - family supports;
  - community development supports; and
  - employment/self-employment supports.
96. Under the Local and Community Development Programme, Roma are not a named target group but have benefited from Local and Community Development Programme activities under the “Non-Irish nationals”, although this grouping is much broader than Roma.
97. A stream of funding for Traveller Community Development Projects is provided. The National Traveller Partnership under the auspices of a non-Governmental organisation, Pavee Point Traveller and Roma Centre (Pavee Point) co-ordinates the delivery of the Local and Community Development Programme in partnership with more than a dozen Traveller Community Development projects by means of a community development approach, promotion of human rights and a clear recognition of Traveller ethnic identity. Through its work, the National Traveller Partnership seeks to tackle inequalities and promote Traveller inclusion, participation, equality and the broader cultural awareness of Traveller identity.
98. Funding (via the Local and Community Development Programme which officially ended at the end of 2013 was implemented on a transitional basis until the end of March 2015 pending the roll-out of the Social Inclusion and Community Activation Programme) has been provided to the National Traveller Women’s Forum and to Pavee Point, whose work is centred on the following goals:

- promoting awareness, knowledge and uptake of a wide range of statutory, voluntary and community services;
- increasing access to formal and informal educational, recreational and cultural activities and resources;
- increasing people's work readiness and employment prospects; and
- promoting engagement with policy, practice, and decision making processes on matters affecting local communities.

99. This funding contributes to the National Traveller Women's Forum capacity to implement a wide range of actions such as promoting linkages between Traveller women and local services and supporting representation on regional committees with the view to improving representation of the issues for Traveller women at regional and national level in terms of service and support provision. The Forum supports the community in the planning and implementation of Traveller Pride Week and Traveller Pride Awards (in collaboration with the Irish Traveller Movement, Minceirs Whiden, Exchange House, Pavee Point, National Traveller MABS, Involve and the Parish of the Travelling People, etc., supported by the Department of Justice and Equality) with the aim of supporting the development of Traveller pride in their Irish identity and cultural background, develop awareness and promote an understanding of the position, and highlight the contribution, of Travellers in Irish Society. They also work to promote Traveller participation in public life and policy development, focussing on the pre and post meeting support, policy training, development of appropriate position papers and administrative support to the roles. This aims to increase Traveller participation in decision-making at national level on issues that affect their communities thereby helping to ensure their concerns are considered in policy development.

100. Pavee Point undertakes a range of actions to work towards creating the conditions for increased access and involvement of Travellers and Roma in a range of community and statutory services and includes supporting development of and providing legal and financial oversight of the National Traveller Partnership and delivering cultural competency training to a number of statutory agencies. Pavee Point works with a number of Government Departments and agencies to seek the development of a targeted training and employment strategy to support Traveller work readiness and employer Traveller readiness and undertakes actions to create Traveller access to labour market projects and initiatives such as promoting Traveller inclusion in Government initiatives to address unemployment. They also promote the inclusion of Travellers and Roma at sectoral committees and various national forums, and develop policy submissions and publish position papers on emerging issues providing the opportunity for solutions to be discussed and put in place.

101. The Local and Community Development Programme officially ended at the end of 2013 and was implemented on a transitional basis to the end of March 2015. Its successor programme, the Social Inclusion and Community Activation Programme (SICAP), was rolled out across communities from 01 April 2015 and is a key priority of Government. It is a key

intervention for the harder to reach in society, operating under the oversight of the Local Community Development Committees in each Local Authority area that have developed Local Economic and Community Plans for their local areas. The Programme's target groups include Travellers and Roma. Traveller Interagency Groups, in consultation with Local County Development Committees in each Local Authority area, have ensured that the interests of the Traveller community area reflected in the Local Economic and Community Plans. Local Community Development Committees are responsible for directing funding to those areas that are most socially disadvantaged in accordance with the needs and priorities identified in the Local Economic and Community Plans and the County Development Plans informed by the key demographics for each area.

102. To ensure that the range of supports required for Travellers nationwide, previously provided under the Local and Community Development Programme, are maintained, the Department of Justice and Equality and the Department of Housing, Planning, Community and Local Government have agreed a revised scheme of support for Travellers. Responsibility for certain supports to Traveller and Roma groups has become a key function of the Department of Justice and Equality through the permanent allocation of funds (some €1.38m) to the Department of Justice's vote from the Department of Environment, Community and Local Government to support the scheme from 2016 onwards.
103. Funding was also provided to the National Collective of Community Based Women's Networks (NCCWN) under the Local and Community Development Programme which enabled the NCCWN to coordinate and run development programmes including equality for women, health and well-being, active citizenship, community education, domestic abuse support and progression pathways to training and employment. The mission of the NCCWN is to empower and support community-based women who experience disadvantage and marginalisation as a result of barriers to participation and lack of opportunities. The specific focus on women experiencing disadvantage includes support for women living in poverty and disadvantage, older women, lone parents, women from the Traveller community, minority ethnic and migrant women, disabled women, lesbian and bisexual women, women living in rural areas and women experiencing domestic violence.

#### Article 5

##### Recognition of Travellers' culture

**The Advisory Committee calls on the authorities to review the existing modalities on support to Traveller cultural projects, in particular with a view of ensuring their continuous and sustained presence in society.**

104. The Department of Justice and Equality works to promote positive communications between the Traveller and settled communities. The Department provides support to the Traveller community in the planning and implementation of Traveller Pride Week events and the annual Traveller Pride Awards, with the aim of supporting the development of Travellers' pride in their Irish identity and cultural background, to develop awareness and promote an understanding of the position of Travellers in, and highlight the contribution to, Irish society. The Department of Justice and Equality endeavours to promote positive

communications in relation to the Traveller Community and sponsors local and national events which take place during Traveller Pride Week in June each year. The Traveller Pride Awards ceremony is the lead event for the annual Traveller Pride Week programme which is a showcase for all that is positive about the Traveller community in Ireland. Prizes are awarded in a wide range of categories including youth, community action, education, music, the arts and sport. Funding for local events, organised by local Traveller community groups, supports projects in the community which celebrate and promote a positive image of Traveller Culture to the wider community and involve the active participation of members of the Traveller community in all stages of the project. In the years 2011-2015, funding of €222,000 was provided by the Department of Justice and Equality for Traveller Pride Week events and this commitment is being maintained.

## Article 6

### Manifestations of intolerance and racist crime

- **The Advisory Committee urges the authorities to follow-up the work of the former NCCRI reporting on racism and multiculturalism and to ensure that addressing racism is an explicit focus of the Human Rights and Equality Commission, and of the various policies of the state.**
- **The Advisory Committee invites the authorities to develop a further National Action Plan on Racism in line with the state's commitments in the follow-up to the 2001 UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.**
- **The Advisory Committee calls on the authorities to continue to keep under review the effectiveness of existing criminal law provisions against racism, and consider amending the law if necessary, including through amendments to the legislation to ensure full protection against racist crime.**

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### Police (An Garda Síochána)

- **The Advisory Committee reiterates its encouragement to the authorities to continue their efforts to recruit and retain a more ethnically and culturally diverse police service.**
- **The authorities are also asked to provide all necessary support to the Garda Síochána (Police) Ombudsman Commission to allow it to carry out its task efficiently and independently.**

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### Media reporting on minorities

- **The Advisory Committee invites the authorities to continue to support the Press Ombudsman and the Press Council to allow them to function independently and**

**effectively and pursue their efforts to combat negative stereotypes of some groups in the media.**

105. The Garda Síochána Ombudsman Commission (GSOC) was established as a statutory independent body, under the Garda Síochána Act 2005, to provide independent oversight of complaints made against members of the Garda Síochána. It commenced operations on 09 May 2007. The Garda Síochána Act stipulates that GSOC is independent in the exercise of its functions.
106. In order to enable it to carry out its functions effectively, GSOC has been given extensive powers (similar to those which the Garda Síochána have) under the 2005 Act. The Garda Síochána (Amendment) Act 2015 amended the 2005 Act to expand GSOC's remit and powers. This is a key element of the Government's programme of justice reform and it was commenced in its entirety on 27 April 2015.
107. The Department of Justice and Equality is satisfied that GSOC has the support it needs to carry out its important work. GSOC's budget for 2016 was €9.546 million, which represents an increase of some €500,000 on the 2015 amount. The 2017 allocation is €9,577 million.
108. The Irish Human Rights and Equality Commission has a wider remit than the combined remits of the two previously existing bodies and it will undertake a number of new functions in addition to those carried out by the former Equality Authority and the Irish Human Rights Commission. These functions relate to public duty, social cohesion, examination of practice and conciliation/mediation for individuals, provision of advice to Oireachtas (Parliamentary) Committees, conducting formal consultations with community and civil society groups and sectoral interests and enhanced international engagement.
109. The functions of the Irish Human Rights and Equality Commission also include encouraging the development of a culture of respect for human rights, equality and intercultural understanding in Ireland and the promotion of understanding and awareness and importance of those rights. It will also work towards the inclusion of good practice in intercultural relations including the promotion of tolerance and acceptance of diversity in Ireland and respect for the freedom and dignity of each person.
110. The Office for the Promotion of Migrant Integration, an Office of the Department of Justice and Equality, is the focal point for the Government's commitment on anti-racism as a key aspect of integration, diversity management and broader national social policy. The Office continues to work with all the relevant sectors to further progress the integration and diversity management agenda.
111. A revised Migrant Integration Strategy has recently been published, which includes a strong anti-racism component.
112. A new EU Funds Unit was established in May 2016 within the Equality and Integration Area of the Department of Justice and Equality for the purpose of administering some of the EU funds that the Department has responsibility for. To begin with, the EU Funds Unit will administer elements of the European Social Fund (ESF) and the Asylum, Migration and

Integration Fund (AMIF). Open Calls (i.e. invitations for applications) under both ESF and AMIF include funding possibilities for projects with migrant integration objectives.

113. Under the ESF Integration and Employment of Migrants measure (ESF PR 2.7) a total of €3.3 million (50% EU funding and 50% Exchequer funding) will be available for commitment over the lifetime of the current ESF Programme for Employability, Inclusion and Learning, which runs until 2020. This measure is aimed at legally resident migrants who are having difficulty accessing employment due to language difficulties, lack of training, or other factors. Projects aimed at addressing these needs will be considered for funding under this measure.
114. Under the AMIF, approximately €9.25 million will be available for projects selected by way of open Calls over the lifetime of the AMIF Programme which runs until 2020. Under this fund, projects aimed at promoting the integration of non-EU nationals will be considered for funding.
115. The Department of Justice and Equality is keeping the existing criminal law provisions against racism and xenophobia under review. The Tánaiste and Minister for Justice and Equality has asked her officials for a review of the Prohibition of Incitement to Hatred Act 1989 to determine if amendments to the legislation or further measures are necessary to ensure the purposes of that Act are fully achieved. 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 a hate/racist/bias motivation, into account at sentencing.
116. An Garda Síochána is active in encouraging members of the Traveller and Roma communities to consider a career in the police force. In 2015, a member of the Traveller community spent a one-week internship in the company of personnel from the Garda Racial, Intercultural and Diversity Office as they went about their daily duties. Personnel from that Office have also met with Roma youth who have expressed a desire to become members of An Garda Síochána and provided advice and assistance in relation to the application process.
117. The Garda Racial, Intercultural and Diversity Office also encourages 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 and provides information on the complaint process, so that issues can be dealt with efficiently and independently.
118. The Press Council of Ireland was established on 01 January 2008 to:
  - provide the public with an independent forum for resolving complaints about the press
  - resolve all complaints quickly, fairly and free of charge
  - defend the freedom of the press and the freedom of the public to be informed.

119. The Office of the Press Ombudsman is also part of the system of independent regulation for the printed media in Ireland. Its role is to provide the public with a quick, fair and free method of resolving any complaints they may have in relation to newspapers and magazines published in Ireland that are members of the Press Council of Ireland. Both the Press Council and the Press Ombudsman are independent of Government and, in operation, independent of the media.
120. Following the receipt of the report prepared by Ms Emily Logan into the circumstances in which two Roma children were removed from their families under section 12 of the Child Care Act 1991, the Minister of Justice and Equality drew the attention of the Press Council to the recommendation at paragraph 4.2 of the report that the Irish Press Council should give consideration to how ethical reporting regarding minority communities including the Roma community can best be promoted.
121. These issues are addressed in the Press Council's Code of Practice for Newspaper and Magazines, which set the standards required of print and online media in this area and address the issues raised. The relevant provisions are:

***Principle 8 – Prejudice***

*Print and online news media shall not publish material intended or likely to cause grave offence or stir up hatred against an individual or group on the basis of their race, religion, nationality, colour, ethnic origin, membership of the travelling community, gender, sexual orientation, marital status, disability, illness or age.*

***Principle 9 – Children***

9.1 *Print and online news media shall take particular care in seeking and presenting information or comment about a child under the age of 16.*

9.2 *Journalists and editors should have regard for the vulnerability of children, and in all dealings with children should bear in mind the age of the child, whether parental or other adult consent has been obtained for such dealings, the sensitivity of the subject-matter, and what circumstances if any make the story one of public interest. Young people should be free to complete their time at school without unnecessary intrusion. The fame, notoriety or position of a parent or guardian must not be used as sole justification for publishing details of a child's private life.*

Article 9

Minorities and access to the media

- **The Advisory Committee calls on the authorities to encourage the Broadcasting Authority to monitor the strict observance of the Code for Programme Standards and, while fully respecting the editorial freedom, to encourage balanced and fair reporting on issues affecting Travellers.**

- **The Advisory Committee further urges the authorities to increase their efforts to ensure involvement of persons belonging to minorities in all dimensions of radio and television work, including programmes aimed at them.**

122. Since the publication of the last report, the Broadcasting Authority of Ireland (BAI) has revised the Code of Programme Standards and introduced a new Code of Fairness, Impartiality and Objectivity in News and Current Affairs. Please see hereunder how the new and revised Codes are relevant in the context of the Advisory Committee's observations on minorities and access to the media.

123. The Broadcasting Authority of Ireland's Code of Programme Standards came into effect in March 2015 and aims to promote responsible broadcasting by broadcasters in Ireland. It replaced a previous Code that was in place since 2007. The 2015 Code is underpinned by seven guiding principles:

- respect for community standards;
- importance of context;
- protection from harm;
- protection of children;
- respect for persons and groups in society;
- protection of the public interest; and
- respect for privacy.

Each principle is accompanied by a list of non-exhaustive requirements that broadcasters must discharge.

124. **Principle 5** of the Code deals with the issue of Respect for Persons and Groups in Society and is of particular relevance in the context of the Advisory Committees request. Principle 5 states that: "The manner in which persons and groups in society are represented shall be appropriate and justifiable and shall not prejudice respect for human dignity. Robust debate is permissible as is the challenging of assumptions but programme material shall not stigmatise, support or condone discrimination or incite hatred against persons or groups in society in particular on the basis of age, gender, marital status, membership of the Traveller community, family status, sexual orientation, disability, race, nationality, ethnicity or religion".

125. In fulfillment of Principle 5, broadcasters shall:

- not broadcast material involving threatening, abusive or insulting visual images or sounds with the intent to stir up hatred or where it is likely that hatred will be stirred

up as a result against persons or groups in society, including on the grounds of race, religion, sex, ethnicity, sexual orientation or nationality;

- only emphasise age, colour, gender, national or ethnic origin, disability, race, religion or sexual orientation when such references are justified, having regard to the principles of this Code, in particular, the importance of context;
- recognise that the use of terms, references and images that could be considered offensive to persons and groups in society and associated colloquial terms of abuse aimed at any group requires editorial justification for their inclusion in programming;
- show due respect for religious views, images, practices and beliefs in programme material. This is not intended to prevent the critical scrutiny of religion by means of information, drama and other programming.

126. The revised Code acknowledges the diversity of tastes and interests that exist in contemporary Irish society and seeks to encourage and facilitate a broadcasting sector that caters for this. It also provides information to viewers and listeners on the standards they can expect from broadcasting services and facilitates in holding broadcasters to account in the event that they believe that a broadcaster has behaved irresponsibly. In an effort to make it more user-friendly and understandable, the Code prioritises a principles-based approach but also provides specific guidance to broadcasters as to how these principles might be fulfilled.

127. The revised Code was the subject of a public consultation process and a range of submissions were received from broadcasters, representative organisations and members of the public.

128. The Code was developed following a public consultation which included a review of international practice and the holding of events and workshops with broadcasters. The public consultation helped the Broadcasting Authority of Ireland to make informed decisions that took into consideration a range of views and opinions of interested parties.

### **The Code of Fairness, Objectivity and Impartiality in News and Current Affairs**

129. The Broadcasting Act 2009 requires that broadcasters ensure that all news broadcast is reported and presented in an objective and impartial manner, without any expression of the broadcaster's own views. The Act also requires that the treatment of current affairs programming, including matters which are either of public controversy or the subject of public debate, is fair to all interests concerned and presented in an objective and impartial manner without any expression of the broadcaster's own views.

130. Of relevance to the work of the Advisory Committee are the principles of the Code which deal with such matters as fairness; objectivity and impartiality; accuracy and responsiveness; and transparency and accountability. When devising the rules contained in the Code, the Broadcasting Authority of Ireland has also taken into account the European Convention on Human Rights and in particular the provisions relating to freedom of

expression, the right to privacy and the securing of rights without any discrimination on any ground. Therefore, broadcasters have an obligation to treat all persons fairly, objectively and impartially. The Code was finalised following a comprehensive public consultation process which received responses from a number of relevant stakeholders including the Irish Traveller Movement.

131. The Code is available for download (<http://www.bai.ie/?download=93950>) from the website of the Broadcasting Authority of Ireland.

#### **Other relevant broadcasting Codes and Standards**

132. Other Codes such as *The Children's Commercial Communications Code* and the *Commercial Communications Code* set out the rules relating to the broadcast of advertising and other commercial promotional opportunities. Both of these Codes contain rules regarding social values, offence, harm and dignity and in summary state that commercial communications shall not include, support or condone discrimination against any person or section of the community, in particular on the basis of age, gender, marital status, membership of the Traveller Community, family status, sexual orientation, disability, race or religion.

#### **Monitoring and Enforcement of broadcasting standards**

133. The Broadcasting Authority of Ireland undertakes a range of compliance and enforcement activities each year to ensure compliance with the various statutory and regulatory requirements. These include the monitoring of broadcast content, the operation of a broadcasting complaint handling process and the compliance of broadcasters with contractual commitments.
134. The Broadcasting Authority of Ireland conducts ongoing general monitoring of broadcasting content to assess for compliance with statutory codes (in particular the Code of Programme Standards), rules and contractual obligations. The Broadcasting Authority of Ireland notifies a contractor or broadcaster where it appears that there is an issue of non-compliance and the Broadcasting Act 2009 allows for a range of enforcement actions ranging from Compliance Notices up to Statutory Investigations.
135. The Broadcasting Authority of Ireland's Compliance Committee and Executive Complaints Forum assesses and makes determinations on complaints made by viewers and listeners regarding broadcast content. Any viewer or listener can refer a complaint to the Broadcasting Authority of Ireland or directly to the relevant broadcaster if they are not happy either with the manner in which a broadcaster is complying with the Broadcasting Authority of Ireland's Codes and rules or about broadcasting content on an Irish broadcasting service. If a complaint is upheld, a broadcaster may be required to broadcast a statement prepared by the Compliance Committee. The decisions of the Compliance Committee are published on a monthly basis.
136. For example, during 2014 a total of 152 complaints were considered by the Broadcasting Authority of Ireland. The majority, 93, concerned matters under the Code of Fairness, Objectivity and Impartiality in News and Current Affairs, with 46 complaints considered

under the Code of Programme Standards. During this time period there were no complaints upheld regarding the coverage and/or treatment of the Traveller community by broadcasters.

**Increasing efforts to ensure involvement of persons belonging to minorities in all dimensions of radio and television work, including programmes aimed at them**

137. While respecting the editorial independence of broadcasters, there is also a number of means by which the involvement of minorities, including Travellers, can be encouraged within the broadcasting sector. These include the licensing of broadcasting services and the funding of relevant broadcasting content.

Article 12

Education of Travellers

**The Advisory Committee urges the authorities to continue with the initiatives already under way to improve the integration and schooling of Traveller children and to devise and implement, as a matter of urgency, in co-operation with those concerned, including Traveller organisations, new measures and solutions to the persisting problems that still exist in this area.**

138. Ongoing engagement between the Department of Education and Skills and the Traveller community is facilitated through the Traveller Education Strategy Advisory and Consultative Forum. That Forum includes a range of education stakeholders and various Traveller representative groups. TÚSLA (the statutory body responsible for school attendance, participation and retention) is represented on the Forum in order to report on educational welfare matters. As part of the work of the Forum, the Department of Education and Skills will continue to work with relevant stakeholders and Traveller representative groups to progress the implementation of Strategy recommendations and to explore ways in which the educational needs of Traveller children and their families can be met.
139. The Education (Admissions to Schools) Bill 2015 (published on 08 April 2015) is an important development for all children including minority groups. The objective of the Bill is to provide an over-arching framework to ensure that how schools decide on who is enrolled and who is refused a place in schools is more structured, fair and transparent.
140. The Bill strengthens capacity to cater for children who cannot obtain a school place by providing for TÚSLA to designate a school for a child with no school place and for the National Council for Special Education to designate a school for a child who has no school place for reasons related to the child's special educational needs.
141. The legislative framework aims to strike an appropriate balance between school autonomy and the interests of parents in our education system. This can be achieved through regulations that foster greater transparency and consistency in terms of how schools communicate and interact with parents. To that end the Bill sets out clearly matters

relating to enrolment that regulations may address. Following enactment of the Bill, the associated regulations will be updated and published in draft form for further consultation with the relevant education stakeholders.

142. It is also intended that the Bill will provide the legislative underpinning for a Parents and Students Charter which will strengthen the position of parents within the school system and bring about a culture change in how schools engage with and involve parents and students.

### **Literacy and Numeracy Strategy**

143. The *Literacy and Numeracy Strategy for Learning and Life*, which was published in 2011, following a comprehensive consultation process, is the national Strategy to improve literacy and numeracy standards, among children and young people including Traveller children in the education system. The Strategy sets out a comprehensive set of targets and actions covering the teaching, learning and assessment of literacy and numeracy from early childhood to the end of schooling; its implementation is ongoing.
144. An important element of the Literacy and Numeracy Strategy is the introduction of the “Education Passport” from September 2012. To assist students in the transition from primary to post primary, all primary schools are required to provide information on students moving to second level schools. This sharing of information is aimed at ensuring that a rounded picture of children's ability and achievement at primary school is available to their new school, and enables required supports to be put in place at an early stage. This is an essential development for Traveller children for whom the transition from primary to post-primary school can be an issue.

### **Data Collection**

145. Improved arrangements for the collection and collation of data on Traveller pupils are being put in place through the National School Annual Census of primary schools and through the Post-Primary Pupil Database for post-primary pupils. This will facilitate improved monitoring of progression and attainment of Travellers across the primary and post-primary school sectors. Schools should obtain written parental/guardian consent for the identification of pupils who are members of the Traveller Community.<sup>3</sup>
146. The Primary Online Database replaces the current National School Annual Census from 2016/17 onwards, and involves schools maintaining and returning data on pupils to the Department of Education and Skills at individual pupil level on a live web-based system. The database will allow the Department to monitor and evaluate progress and outcomes of pupils at primary level, to validate school enrolment returns for grant payment and teacher allocation purposes, and to follow up on pupils who do not make the transfer from primary to post primary level.

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<sup>3</sup> [http://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0025\\_2015.pdf](http://www.education.ie/en/Circulars-and-Forms/Active-Circulars/cl0025_2015.pdf) and <http://www.education.ie/en/Publications/Statistics/Primary-Online-Database-POD-/POD-Fair-Processing-Notice.pdf>

### **Anti-Bullying Procedures**

147. Anti-Bullying Procedures for all primary and post primary schools were published in September 2013. These procedures are designed to give direction and guidance to school authorities and school personnel in preventing and tackling school-based bullying behaviour amongst its pupils. They place a strong focus on education and prevention strategies to deal with bullying behaviour including, in particular, cyber-bullying and identity based bullying such as homophobic and trans-phobic bullying.
148. The procedures make clear that the focus of any prevention and education awareness measures in schools about cyber-bullying should be on educating pupils on how to stay safe while online and also on developing a culture of reporting any concerns about cyber-bullying. The procedures also recognise that parents and pupils have a role and responsibility in helping the school to prevent and address school-based bullying behaviour and to deal with any negative impact within school of bullying behaviour that occurs elsewhere.
149. The Action Plan on Bullying (2013) encourages individual school authorities to identify, and participate in, anti-bullying programmes which best meet the needs of their particular school and the context in which it operates. There are several alternative programmes available to schools and the Department of Education and Skills does not endorse any one particular programme but leaves it to schools to use the programme which has the best potential to address the challenges faced by individual schools.
150. The Action Plan favours an approach whereby a climate of respect for all, regardless of their identity or background. More generally, the Department of Education and Skills supports a range of interventions to encourage an inclusive school environment – ranging from initial teacher education and continuing professional development to curriculum reform and supports such as the National Council for Curriculum and Assessment’s Intercultural Guidelines for Schools. The Department is also committed to the reform of school admissions policies and encouraging increased pluralism in school patronage.
151. The Department of Education and Skills has provided funding for anti-bullying training and awareness programmes for pupils, teachers and parents, including Traveller and Roma parents. In relation to identity-based bullying, the Action Plan on Bullying outlines an approach which promotes respect and tolerance for all, regardless of their background, ethnic or other identity.

### **Higher Education**

152. The first national target to increase entry to higher education by Irish Travellers has been included as part of a new National Plan for Equity of Access to Higher Education (2015 – 2019), which the Department of Education and Skills is currently developing with the Higher Education Authority following a wide consultation process in 2014.
153. Based on available data, it is estimated that a very small number of Traveller students access higher education each year, therefore a numerical rather than percentage target

will be set to increase participation by Travellers; from 35 to 80 new entrants to higher education institutions plan to work with Traveller representative organisations and other education partners to consolidate and enhance existing access initiatives.

#### Intercultural education

- **The Advisory Committee invites the authorities to continue to monitor the existing needs for foreign language teaching and to provide children with adequate opportunities to study these languages.**
- **The Advisory Committee encourages the authorities to ensure that the Guidelines on Intercultural Education are properly reflected in the curriculum at primary and especially post-primary levels.**
- **The Advisory Committee invites the authorities to continue to monitor the supply of and demand for schools of all types, in order to meet the needs and ensure the mutual interaction of the increasingly diverse school population.**

154. Ireland operates an inclusive education system – in keeping with our obligations under the Constitution and national and international law. Principles of equality are set out in the Education Act 1998, the Education Welfare Act 2000 and the Education for Persons with Special Education Needs Act 2004.

155. All immigrant children, including children of migrant workers, unaccompanied minors and children of asylum seekers, can access pre-school, first and second level education in a manner similar to Irish nationals until they have reached the age of 18 years. Additional supports are provided on the basis of identified educational need. Further education and adult education provided by Education and Training Boards throughout the country is also available to EEA nationals. In the higher education sector, since June 2013, non-EEA nationals who acquire EEA citizenship during their college course are no longer required to pay full tuition fees.

156. The mission of the Department of Education and Skills is to provide for high quality education which will enable individuals to develop their full potential and to participate fully as members of society, and contribute to Ireland's social, cultural and economic development. The Department caters for migrant students in the context of this mission and sees them as providing opportunities, as well as challenges. The Department has prioritised the mainstreaming of migrant children and young people in our schools and does not support segregated provision.

157. The Department's Intercultural Education Strategy 2010-2015 covered the continuum of education from pre-school through to further and higher education. The key theme permeating the Strategy is the development of an inclusive, integrated and intercultural learning environment.

158. Specific actions in relation to language support are as follows:

- English language support: Ireland is currently prioritising proficiency in the host language. At both primary and post-primary levels, additional language support is provided for students who do not speak English as their first language. “English as an Additional Language” resources are designed to allow individual students to participate in mainstream education on a par with their peers. The system of allocation of language support was reformed in 2012, by combining resources available for high incidence special needs education and language support into a single simplified allocation process. Schools now have autonomy on how to deploy resources between language support and learning support depending on their specific needs. The new arrangements continue to provide for additional teaching posts to be given to schools with high concentrations of pupils requiring language support. (Additional temporary language support may also be provided to such schools on the basis of appeals to the Staffing Appeals Boards.)
- The English as an Additional Language Support Team from the Department’s Professional Development Service for Teachers offers a range of supports to teachers. The work of that Team is complemented by the work of the English Language Support Teachers Association.
- Support for mother tongue: there are over 160 nationalities represented in our second level schools. To provide opportunities to promote teaching of mother tongue for all would be very resource intensive. Students can currently take the following languages in the Leaving Certificate: English, Irish, Ancient Greek, French, German, Spanish, Italian, Russian, Japanese and Arabic. To cater for the particular needs of EU migrants, these students can also present for a non-curricular examination in any of the other EU languages. These non-curricular languages do not appear as part of the normal school curriculum but students may opt to be examined in them if they are from a member state of the EU, speak the language as a mother tongue, are presenting for the Leaving Certificate examination and for Leaving Certificate English. This non-curricular language initiative contributes to encouraging students to maintain proficiency in their heritage language. At Junior Cycle, short courses in new languages, including Polish as a heritage language, have been developed.

159. The role of migrant languages and how to support children whose mother tongue is neither Irish nor English, and how to support these languages, has been an important thematic strand in the consultation on development of modern foreign languages in education strategy.

160. Human rights education is included in the Social, Personal and Health Education Programme (delivered as part of the primary curriculum) and Civics, Social and Political Education (in second level schools). Both programmes encompass the consideration of individual and groups rights and corresponding responsibilities. The Professional Development Service for Teachers provides support for schools at primary and post-primary level in these areas through the provision of workshop, seminars and in-school support.

161. Initial Teacher Education programmes for primary and second-level teachers include inclusive education (including special education, multiculturalism and disadvantage) as a mandatory element of all programmes. Learning outcomes for graduates of initial teacher education programmes include the ability to demonstrate knowledge and understanding of cross curricular links and themes including citizenship, inclusion and diversity.

#### Article 15

##### Participation of Travellers in elected bodies

- **The Advisory Committee encourages the authorities to enable the Traveller community to be represented at the Constitutional Convention.**
- **The Advisory Committee further invites the authorities to consider, in consultation with the representatives of the Travellers, legislative and practical measures which would create the necessary conditions for their political participation, including representation in particular at the local, but also at the national level to reflect more adequately the composition of Irish society.**

##### **Political Participation by Travellers**

162. It is a matter for political parties and non-party candidates in elections to advance their own representation at national and local level. Electoral law provides for the registration of political parties and any party which is a genuine political party organised to contest elections in the State may be registered. Each political party is responsible for its own membership and the selection of candidates to stand for election is a matter for each political party.

163. Disqualifications for election to, or holding office, as set out in the Electoral Acts, relate generally to the holding of public office and not to any particular group in society. Nominations are open to all who wish to stand for election and who meet the administrative and legal criteria (deposit, support of assenters or affiliation to a political party) as set out in the Electoral Acts.

##### **Voter Registration**

164. Electoral law provides that “ordinary residence” in a constituency on a specific date is a condition for registration and voting at Referenda and at Presidential, Dáil, European and local elections. However, the Electoral Act 1992 recognises that a person may be ordinarily resident in more than one place and thus have a prima facie claim for registration in respect of more than one premises (in law “premises” does not necessarily imply a structure of any kind). The law provides that, in such circumstances, a person may only be registered once and the decision on where the person is to be registered is “subject to any expression of choice by such person”. These provisions enable members of the Traveller community to be registered as electors, even where they have more than one place of residence.

165. Guidelines for Registration Authorities who prepare and maintain the register of electors recommend that, as far as possible, the names of all members of the Traveller community who are eligible to vote are included in the Register. While it can sometimes be difficult to ascertain the place of ordinary residence, registration authorities are advised that those members of the Traveller community who regularly occupy the same site for considerable periods of the year should be registered and, in this regard, should liaise with all other relevant bodies to ensure that as many eligible members of the Traveller community as possible are included in the Register.

Participation in structures devoted to minority issues

**The Advisory Committee repeats its call on the authorities to continue to involve Travellers and Roma in the formulation and/or prioritisation of policies and to promote relevant participation in decision making at local and national levels by members of various minority groups, including Travellers and Roma.**

166. During 2014, the Department of Justice and Equality assessed the effectiveness of the structures in place for consultation with and delivering better outcomes to the Traveller and Roma Communities. Impetus for change arose with particular reference to the recommendations of the 2014 Report of Ms. Emily Logan, (then) Ombudsman for Children, under Section 42 of the Garda Síochána Act 2005 (as amended) into the circumstances surrounding the removal of two Roma children from their families. The Logan Report identified a range of steps that need to be taken, including detailed issues that need to be addressed within An Garda Síochána and the HSE, TÚSLA and others, as well as wider issues that relate to how public services generally engage with members of the Roma community. All of these recommendations were accepted unequivocally by An Taoiseach Enda Kenny, T.D., the then Acting Garda Commissioner, Nóirín O Sullivan, and the Minister for Justice and Equality. In launching the Report, the Minister stressed the need for a new culture of consultation with Roma and Traveller groups and a commitment was given to deliver on this.
167. The Department's assessment made a number of recommendations with the aim of improving effectiveness in the structures and progressing the Department's strategy to promote and support the inclusion of the Traveller and Roma communities. These recommendations are being implemented including the development of a new National Traveller and Roma Inclusion Strategy Steering Group to monitor the implementation of the National Traveller and Roma Inclusion Strategy on an ongoing basis. The new Steering Group comprises membership from both the Governmental and non-Governmental sectors.
168. In addition, in 2014 the Department examined the operation of the Traveller Inter-Agency approach at local level and developed a National Strategic Framework aimed at supporting the Traveller Inter-Agency Groups to implement local strategies based on international, national, regional and local priorities, in consultation with Local Community Development Committees. The framework envisages Traveller Inter-Agency Groups developing strategies, having conducted assessments of need consulted with Local Community

Development Committees in developing the Local Economic and Community Plan and agreeing performance measures and indicators. It also envisages the provision of training for Traveller Inter-Agency Group members with a view to building capacity to perform their functions, including training for Traveller Inter-Agency Group members from the Traveller community. To further the implementation of the Framework and identify and address inhibitors to effectiveness of the inter-agency process a conference for the Traveller Inter-Agency Groups was held in May 2015 with the theme: "The Way Forward". Conference participants were drawn from Local Authorities and local Traveller representatives.

169. In relation to police services, there is ongoing cooperation between the Garda Racial, Intercultural and Diversity Office and the Traveller community through constant consultation and positive engagement. Initiatives developed by the Garda Racial, Intercultural and Diversity Office in conjunction with Pavee Point have gone a considerable way in proffering reassurance to Travellers to report acts of racism and discrimination directly to An Garda Síochána.
170. A number of initiatives consisted of a combination of the acquisition by various members of An Garda Síochána of Traveller cultural communication techniques due to constant liaison; training of Garda Ethnic Liaison Officers by representatives of Pavee Point in Traveller anti-discrimination techniques and intercultural problem solving imperatives.
171. Pavee Point staff in conjunction with the Garda Racial, Intercultural and Diversity Office provided joint anti-discrimination seminars to three hundred and twenty-two (322) Ethnic Liaison Officers nationwide during 2012. The Garda Racial, Intercultural and Diversity Office also delivered a presentation on Cyber-Bullying to members of the Traveller Community at Pavee Point Travellers Centre, Dublin during December 2014.

#### Participation in cultural, social and economic life

- **The Advisory Committee urges the authorities to develop, as a matter of urgency, and in consultation with community representatives, genuine and realistic programs aiming to end the de facto exclusion of the Travellers from the labour market.**
- **The authorities should develop, in consultation with those concerned, specific programmes for the Roma addressing all the key issues of discrimination, access to health care, employment and housing.**

172. The National Traveller and Roma Inclusion Strategy (2017 – 2021) will address a wide range of areas including employment which emerged as a major theme in the public consultation process.

#### Housing

173. The Housing (Traveller Accommodation) Act 1998 provides the legislative framework to address the special needs of Travellers. With the exception of Traveller-specific accommodation, it is open to Roma to opt for any form of accommodation, including standard Local Authority housing financed from the Department of Housing, Planning,

Community and Local Government's capital allocations for social housing, private housing assisted by the local authorities or voluntary organisations, private rented accommodation and through their own resources.

## Health

174. It is accepted that Travellers do not enjoy equal health outcomes with the majority population in Ireland and efforts have been made over many years to improve outcomes for Travellers. Addressing inequalities requires not only interventions to target particular health risks but also a whole of Government focus on addressing these wider social determinants of health - economic status, education, housing etc. and risk factor such as smoking, obesity, alcohol and drug misuse, mental health difficulties - many of which impact on Traveller health.
175. In 2010, the Department of Health published the All-Ireland Traveller Health Study: Our Geels, the first such study conducted since 1987 (All-Ireland Traveller Health Study Team, 2010). Key findings include:
- lower life expectancy for both male and female members of the Traveller community than in the general population;
  - infant mortality estimated at 14.1 per 1000 live births compared to 3.9 per 1,000 live births in the general population;
  - higher mortality rates for all causes of deaths;
  - suicide rates for Traveller men were found to be almost 7 times higher compared with the general male population.
176. The reported health conditions of Traveller children were on a par with that of the general population, and better in some cases. However, a number of health issues for Traveller children were identified. Breastfeeding rates among young Traveller mothers are very low, a higher proportion of babies are underweight at birth and a considerably higher proportion of Traveller children did not receive required medical attention for a problem compared to other socio-economic groups in the general population.
177. Targeted interventions are planned in those geographical locations where Roma are based i.e. Dublin, Waterford/ Wexford and Limerick. Examples of initiatives include a local Roma Integration Project where individuals using a Roma GP service are in contact with the cultural mediators and support workers when arriving to use the service as well as when they are leaving the service. The role of the workers is to create a welcoming and warm atmosphere and also to help individuals to understand health-related issues where there may be differing cultural understandings. The workers can also provide interpreting to Roma and to Romanian service users.

178. This model of service provision has proved very successful, both in terms of quality service delivery as well as in sign-posting Roma to other services, such as education, birth registration and social welfare offices.
179. Establishment of other clinics: low threshold clinics for Roma (and other vulnerable service users) are in place in central Dublin and in Limerick. These clinics offer access to GP services to marginalised service users who are not generally able to use mainstream services.
180. Support for Roma Outreach work: the Health Service Executive has provided funding to a range of projects aimed at supporting Roma to engage with health services, identify general health needs and support access to information and services. Interagency work has also been undertaken. This includes work undertaken with TÚSLA to prioritise community needs, particularly in respect of Roma children.
181. The HSE Service Plan 2015 contained specific commitments to deliver in relation to Travellers/Roma including:
- improve health outcomes for vulnerable groups with particular emphasis on Travellers, Roma, asylum seekers, refugees, homeless service users and women and children experiencing violence; and
  - implement actions aimed at improving Traveller and Roma health, including the roll out of the Asthma Education project and enhancing access to primary health services.
182. The Health Service Executive's Operational plans provide a clear picture of agreed actions to be carried out in respect of Traveller and Roma health. These are listed below:
- roll out the asthma education programme in three further Traveller Health Units in partnership with the Asthma Society of Ireland;
  - work within the context of the Diabetes Clinical Programme and in collaboration with local Diabetes Services to ensure Travellers are supported to access appropriate services and supports;
  - deliver an education programme aimed at reducing the risk of diabetes and cardiovascular disease in the Traveller community (two Traveller Health Units);
  - work in partnership with the National Office for Suicide Prevention to reduce incidence of Traveller suicides and to implement actions aimed at improving mental health of this cohort;
  - apply findings of Tallaght Roma Integration report and associated seminar reports produced by Pavee Point towards further targeted projects aimed at improving Roma health; and
  - address relevant recommendations of the Ombudsman inquiry/report into removal of Roma children in partnership with Children First lead.

183. Additionally, given the emphasis on the importance of measuring outcomes, a new metric has been introduced from 2015: number of people who received awareness raising and information on Type 2 diabetes and cardiovascular health, with a target of 20% of the population in each Traveller Health Unit.
184. The Asthma Education project is a culturally appropriate pilot project on Asthma Education for Travellers which was developed in partnership by Pavee Point Traveller and Roma Centre, the Asthma Society of Ireland and the HSE. This programme contains education about asthma control and management and produced a number of resources including posters and a DVD featuring Community Health Workers demonstrating asthma management methods and inhalers. Such a programme is significant given the estimates that among Traveller children, asthma was the most common ailment reported in the All Ireland Traveller Health Survey.
185. At the request of, and supported by funding by, the Department of Justice and Equality, a research paper entitled “A Social Portrait of Travellers in Ireland” was published in 2017 which sets out in stark detail the level of disadvantage as well as the poor health, educational and employment outcomes for Travellers. This research was timely and will feed into the National Traveller and Roma Inclusion Strategy which is to be finalised shortly.

#### **Ethnic identifiers and data collection**

186. The Department of Health recently contributed to a Department of Justice and Equality consultation on a data collection strategy in which the Department welcomed the consultation on ethnic identifiers so as to ensure a consistent approach to the collection of data in relation to the Traveller and Roma Communities.
187. In relation to health protection, the Department of Health supports the concept of ethnic identifiers, in relation to identification for service provision particularly in the area of immunisation services. The Department of Health is aware this needs to be done in a sensitive manner which does not target ethnic groups as associated with spread of vaccine preventable diseases.
188. In the Health Service Executive, a strategic action focuses on implementation of ethnic equality monitoring and associated rollout of an ethnic identifier. Such collection and application of disaggregated data is designed to inform evidenced based planning and monitoring to ensure equal access of members of all groups to health services. Progress in this area has been slow, but a number of projects are underway in relation to this, including imminent rollout of an online ethnic equality monitoring training package for HSE staff.

#### **Travellers’ Accommodation**

- **The Advisory Committee calls on the authorities to ensure, in due consultation and with the active participation of local authorities and Traveller and Roma representatives, the**

**implementation of the Integration Strategy, in particular as concerns improving Traveller access to official halting sites and housing. In addition, the authorities should actively promote awareness-raising on minority rights.**

- **The Advisory Committee reiterates its call on the authorities, expressed in the previous Opinions, to review and, as appropriate, amend anti-trespassing legislation and related procedures.**

189. As noted above, the Housing (Traveller Accommodation) Act 1998 provides the legislative framework to address the special needs of Travellers.

190. Under the 1998 Act, housing authorities are statutorily required to prepare, adopt and implement multi-annual Traveller Accommodation Programmes to meet the accommodation needs of Travellers in their areas. Local Authorities adopted the fourth round of Traveller Accommodation Programmes in April 2014, which will run from 2014-2018. These programmes provide a road map for Local Authority investment priorities in Traveller accommodation over the five-year period. The programmes also form the basis for the allocation of funding for Traveller accommodation on foot of proposals received from Housing Authorities and Approved Housing Bodies, subject to approval by the Department of Housing, Planning, Community and Local Government.

191. Funding of Traveller-specific accommodation such as group houses and halting sites is ring-fenced. The Department of Housing, Planning, Community and Local Government provides 100% capital funding for the provision and refurbishment of Traveller-specific accommodation and also provides current funding for accommodation-related supports to operate in tandem with the capital programme, such as Local Authority social workers and caretakers. Under this ring-fenced funding stream, the Capital Allocation for 2015 for Traveller Accommodation was €4.3m (an increase of €1.3m over the 2014 allocation) and €4m for current expenditure (an increase of €1m on 2014). This is additional to general Social Housing funding from which Travellers also benefit. The significant increase in funding this year demonstrates the Department's ongoing commitment to assist Local Authorities in the delivery of their Traveller Accommodation Programmes.

192. Accommodation for Travellers is provided across a wide range of options, including standard Local Authority housing, private housing assisted by Local Authority or voluntary bodies, private rented accommodation and through their own resources, as well as Traveller-specific accommodation. Almost 35% of Traveller families are accommodated in standard Local Authority sourced houses, including re-lettings. A further 28% are accommodated in private rented accommodation. The 2013 Social Needs Assessment indicated that 2% of household on the housing waiting list require Traveller-specific accommodation. These requirements will be addressed in the course of the current round of Traveller Accommodation Programmes which run until 2018. The majority of those who qualified for Social Housing (89%) did not have a specific accommodation requirement.

193. The improvements achieved by the Traveller Accommodation Programmes are evident from data collected as part of the Annual Count of Traveller Families. In 1999, prior to the first Traveller Accommodation Programme, the Annual Count of Traveller families

estimated that there was a total of 4,790 Traveller families in the State. A quarter of these families (25%) were living on unauthorised sites. The 2014 Annual Count identified a total of 10,226 Traveller families in the State. In spite of the large increase in families between 1999 and 2014, some 445 families (representing 4.35% of the 10,226 families) were living on unauthorised sites in 2014. While the reduction in the number of families living on unauthorised sites since 1999 is significant, there is no room for complacency, particularly as the number of such families show a small increase in 2014 over 2013 (0.7%). Of the 445 families on unauthorised sites, over 40% (180 families) had not applied for any accommodation. It is undesirable that any families are living on unauthorised sites and the situation continues to be monitored under the current round of Traveller Accommodation Programmes.

194. In a number of cases, Traveller-specific accommodation (which was provided at substantial expense to the State) has been left vacant and subject to subsequent dereliction and vandalism, as a result of Travellers vacating accommodation. In many cases, efforts by Local Authorities to house other Traveller families in such accommodation are subject to opposition.
195. In order to address this problem, the National Traveller Accommodation Consultative Committee (a statutory committee to assist the Minister in relation to Traveller accommodation issues) commissioned a study by the Housing Agency in 2013 to ascertain why Travellers leave their accommodation vacant. While the research explored two different perspectives, that of Local Authorities and the Traveller community, there was broad consensus among both groups about the fact that Travellers are leaving Traveller-specific accommodation. The main reasons identified in the report are:
- feuding and intimidation;
  - issues related to site location, design and management;
  - poor relations with the Local Authority;
  - particular personal circumstances (related to bereavement, domestic violence, ill health, etc.).
196. The focus now is on how this can be prevented and to ensure that accommodation provided at considerable expense is used to meet the housing need of Travellers. The National Traveller Accommodation Consultative Committee has considered the report and its implications for future policy and has made recommendations which were presented to (former) Minister Jan O’Sullivan in 2014. Arising from these recommendations, the National Traveller Accommodation Consultative Committee set up three sub-groups to further examine the following issues:
- the experience of Travellers living in private rented accommodation (National Traveller Accommodation Consultative Committee/Private Residential Tenancies Board research);

- the role of Local Authority social workers; and
- data collection.

197. The outcome of these pieces of research will be considered by the National Traveller Accommodation Consultative Committee and presented to the Minister as each sub-group completes its works.

#### Articles 17 and 18

#### Co-operation with the United Kingdom

**The Advisory Committee encourages the Government of Ireland to continue to co-operate with the Northern Ireland Executive and the Government of the United Kingdom on human rights issues, including minority rights protection. Sufficient resources should be allocated to support the continuation of cross-border projects between persons living in Ireland and in Northern Ireland.**

198. In terms of cooperation with the UK, the Environment and Social Committee of the British-Irish Parliamentary Assembly held consultations in 2014 in Dublin, Belfast, London and Edinburgh and produced a report on “Travellers, Gypsies and Roma: access to public services and community relations”. That report made recommendations across a number of areas including access to health and housing services, education, community relations and employment.

199. Under its founding legislation, the Irish Human Rights and Equality Commission is required to participate in the Joint Committee with the Northern Ireland Human Rights Commission in accordance with the Multi-Party Agreement annexed to the British Irish Agreement (within the meaning of the British Irish Agreement 1999). The Multi-Party Agreement envisaged that there would be a joint committee of representatives of the two human rights commissions, North and South, as a forum for the consideration of human rights issues on the island of Ireland. Since the establishment of the Irish Human Rights and Equality Commission, the Joint Committee has continued to meet periodically on issues of mutual concern.

200. The Irish Human Rights and Equality Commission, as Ireland's national equality body, engages with its counterpart in Northern Ireland, the Equality Commission for Northern Ireland. While recent engagements with the NIHRC and the ECNI have not been exclusively on the issue of Traveller or Roma rights, these matters would certainly potentially be raised as part of wider discussions between all bodies.

#### **Section 4: Specific issues**

Please note the details regarding State recognition of Travellers as an ethnic group, as set out above.