



Strasbourg, 19 April 2013

Public
GVT/COM/III(2013)003

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

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

(received on 19 April 2013)

I. GENERAL

The Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) adopted its Third Opinion on Ireland on the 10 October 2012. The Opinion of the Advisory Committee is based on the Third State Report of Ireland submitted on the 15 July 2011, and other written sources and on information obtained by the Advisory Committee from governmental and non-governmental contacts during the visit to Dublin and Galway, conducted jointly with the European Commission against Racism and Intolerance (ECRI) from 27 February to 2 March 2012.

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

The Irish Government attaches great importance to the Framework Convention on National Minorities. Ireland's ratification of the Convention is an integral part of the Irish Government's overall human rights strategy to advance justice and peace in Ireland.

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

II. ARTICLE BY ARTICLE FINDINGS

Article 3 of the Framework Convention

Scope of the application of the Framework Convention

The Advisory Committee calls on the authorities to maintain an inclusive and open approach towards the scope of application of the Framework Convention. (Paragraph 34)

As stated in the Third State Report, a range of protections to groups and individuals on matters which are dealt with under the Framework Convention are provided for under Irish law¹. However, Ireland has not made a declaration on the application of the Framework Convention to any particular national minority. It is not, therefore, that the FCNM does not have effect in Ireland – rather that there is no national minority to which it applies at present.

¹ Paragraph 4 of the Third Report

For that reason, the Third State Report, similar to the First and Second State Reports, substantially dealt with matters relating to Travellers while also commenting on a wider range of issues, in respect of our diverse population.

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. (Paragraph 37)

While members of the Traveller community are not considered to be a national minority in Ireland, successive governments have recognised the special position of Irish Travellers in a range of legislative, administrative and institutional provisions, designed to protect their rights and improve their position.

The key anti-discrimination measures, the *Prohibition of Incitement to Hatred Act, 1989*, the *Unfair Dismissals Acts 1977*, the *Employment Equality Acts* and the *Equal Status Acts* specifically identify Travellers by name as a group protected. *The Equality Act 2004*, which transposed all of the nine grounds contained in the legislation, including the Travellers community ground. All the protections afforded to ethnic minorities in EU directives and international conventions apply to Travellers because the Irish legislation giving effect to those international instruments explicitly protects Travellers.

As recently stated to Dáil Éireann (the House of Representatives of the National Parliament) by the Minister for Justice and Equality, consideration of this issue remains ongoing with a view to ensuring that full analysis of all aspects of the granting of ethnic status to Travellers is available to Government when coming to a decision on the matter².

2

<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2013020600102?opendocument#WRA01050>

Data Collection and Census

The Advisory Committee notes that a population census in carried out in Ireland every five years and that the last one took place on 10 April 2011. The questions concerning ethnicity, religion and languages spoken did not vary from the 2006 census questions and were of mandatory character. Given the right to self-identification expressly guaranteed by Article 3.1 of the Framework Convention, the Advisory Committee regrets the compulsory nature of the answers to these questions. At the same time, the Advisory Committee welcomes the inclusion of a national identity tick box allowing for respondents to self-identify their ethnic or cultural background. (Paragraph 41)

The Opinion is correct in stating that the questions on ethnicity and religion were the same as those asked in 2006, something which facilitates strong comparability of results over time. However, the Opinion incorrectly states that the foreign language question in the 2011 census was the same as that asked in the 2006 census - the question of foreign languages spoken in the home was introduced for the first time in 2011.

In relation to the comment that the Advisory Committee regrets the compulsory nature of the answer to these questions, while all questions on the census are compulsory, no one particular answer is compulsory and in the ethnicity question respondents are free to answer 'Other' and give no further information. Furthermore, while the census is compulsory for all persons, in practice there is always a level of non-response to different questions in the census; the non-response to the question on Ethnicity was 1.6%. It is also important to point out that no names or addresses are captured or stored on census data files, and all information provided is strictly confidential and covered under the *Statistics Act 1993* and cannot by law be shared with any other body or agency.

However, the Advisory Committee notes with concern that the census would not accurately reflect the numbers of people belonging to certain communities, such as new migrants from Central and Eastern Europe (for whom the correct response to the question on ethnic background would be "any other White background"). The answer to the question on nationality would only partially address this point, as the term nationality refers to respondent's citizenship and not to ethnicity. The Advisory Committee is also concerned that the available options did not allow the respondents to indicate more than one ethnic affiliation, which is contrary to the Conference of European Statisticians *Recommendation for the 2010 Censuses of Population and Housing*. (Paragraph 42)

When answering the question on ethnicity in the population census, the respondents were free to indicate any ethnicity or description they wished in the

write-in box provided, a point which appears to have been misunderstood in the Third Opinion. Thus the concern raised that the census would not accurately reflect the numbers of people belonging to certain communities from Central and Eastern Europe is incorrect; such respondents were free to describe their ethnicity freely in the write-in box and all responses were captured and coded to some 290 different categories.

The Advisory Committee invites the authorities to continue research and consultation that will allow for effective strategies and expanded and adapted enumeration procedures to be developed for future censuses, so as to ensure accurate data collection. (Paragraph 43)

All necessary steps were taken to ensure maximum participation in the 2011 census by Irish Travellers. The Central Statistics Office (CSO) has an excellent working relationship with Pavee Point, the national Traveller organisation. In particular, the CSO actively engaged with the Traveller Community regarding the 2011 census field operation and several initiatives aimed at educating and creating awareness of the importance of the census were undertaken. Specifically the CSO funded the production of an information DVD on Census 2011 which was produced by Pavee Point; the DVD addressed the importance of taking part in the census, the legal obligation to participate and the benefit for Travellers in participating in the census. The CSO also liaised with Pavee Point to share up-to-date information on the location of traveller halting sites – both fixed and moveable, and to exchange information between Pavee Point and the CSO regarding the best times to visit halting sites. Finally, Pavee Point provided anti-racism training on a train-the-trainer basis to Census Regional Supervisors which was then pushed down through further training to all census field staff.

Article 4 of the Framework Convention

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. (Paragraph 56)

There will be no avoidable delay in establishing the Irish Human Rights and Equality Commission. The General Scheme of a Bill to establish the new Commission has been published and it is anticipated that the Bill itself will be

published and presented to the Oireachtas shortly. The new Commission will be fully independent and compliant with the Paris Principles. The legislation to establish the new Workplace Relations Commission – into which the Equality Tribunal will be merged - is also being drafted. The existing independence of the Tribunal and the other bodies being merged into the Workplace Relations Commission will be continued in the new structures, which will provide a more effective and streamlined services to its customers.

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. (Paragraph 64)

Positive actions, under the individual strands of the *Equality for Women Measure* (EWM), administered by the Department of Justice and Equality, were targeted at a broad range of women in Irish Society. Women of the Traveller Community have participated in both the access to employment and entrepreneurship strands of the EWM.

However, a number of projects have addressed the special needs of particular women groups, who may have had particular needs, to enable them to join or rejoin the labour market or to enable them to become entrepreneurs. These groups included Traveller women.

Employment programmes involved tailored training for Traveller women, which aimed to empower them to take the next step into employment by building their self-belief and acknowledging their skills. In relation to entrepreneurship, women-only space and a Traveller-specific space have been provided under EWM to assist Traveller women develop enterprises.

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. (Paragraph 65)

The National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014 recognises Travellers and migrants as particularly vulnerable groups affected by domestic and sexual violence.

Pavee Point is a national non-governmental organisation, which is committed to the attainment of human rights for Irish Travellers and the Roma community in

Ireland. It holds a permanent seat on the National Steering Committee on Violence against Women (NSCVaW) alongside the principal Advisory group to Cosc, the *National Office for the Prevention of Domestic, Sexual and Gender-based Violence*. Through the NSCVaW, and with the input of Pavee Point, Guiding principles for Public Awareness Raising Relating to Domestic, Sexual and Gender-based Violence have been developed. Pavee Point have also inputted to the development of the *Communications Paper on Approaches to Promoting and Developing an Understanding of Domestic, Sexual and Gender-based Violence*.

Cosc operates an annual funding scheme for awareness-raising in relation to domestic, sexual and gender-based violence. This scheme has funded a number of projects by Pavee Point, including a DVD, *‘Travellers & Roma Speak Out on Domestic and Sexual Violence’*, a training resource for Traveller organisation and other service providers to further develop awareness of domestic and sexual violence and identify the key barriers and issues that many Traveller and Roma women face in dealing with an abusive relationship. The scheme has also funded good practice guidelines developed by the *Pavee Point Violence against Women Programme*.

The *‘Good Practice Guidelines for Services Working with Traveller Women Experiencing Domestic Abuse’* provides a number of recommendations to ensure inclusive provision for Travellers in gender-based violence services.

Cosc is also working with Pavee Point on two further papers dealing with considerations of sexual violence and Traveller and Roma women and safety planning with Traveller and Roma women. This work is part of Cosc’s awareness raising work targeting members of the Traveller Community and migrant communities who have been identified as priority target groups in Cosc’s *Information Plan for 2012 and 2013*.

It is also recommended that An Garda Síochána Domestic Violence Unit continue to engage with Pavee Point Travellers Centre with a view to discussing means of developing culturally sensitive approaches to dealing with domestic violence within the Traveller community in regard to both policy and training development.

Article 5 of the Framework Convention 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 the view of ensuring their continuous and sustained presence in society. (Paragraph 71)

The Department of Justice and Equality continues to support Traveller pride week financially. The events are decided upon by the National Traveller Groups following agreement of criteria with the Department. In 2012, the Department also supported local initiatives which celebrated Traveller culture through the Traveller Interagency Groups. These initiatives included photographic exhibitions, the development of a children's book in Cant and school workshops. It is the intention to fund similar projects in 2013.

Article 6 of the Framework Convention

Manifestations of intolerance and racist crime

The Advisory Committee invites the authorities to develop a further national Action Plan on racism in line with the states' commitments in the follow-up to the 2001 UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. (Paragraph 82)

Ireland developed *Planning for Diversity – a National Action Plan Against Racism* as a follow up to the UN World Conference Against Racism in Durban, South Africa in 2001. The plan covered the period 2005-2008.

The Irish Government does not currently have plans to develop a further national Action Plan against Racism. As far as can be ascertained, only approximately twenty countries in the world have developed a National Action Plan, and only one (Norway) has developed a second such Plan. The focus now is on implementation of the sectoral strategies which flowed from the 2005-2008 Plan.

Policing (An Garda Síochána)

In the previous monitoring cycles, the Advisory Committee concluded that despite improvements, there was a need to continue efforts to raise awareness of human rights and intercultural issues amongst Gardaí and supported swift implementation of the proposals contained in the Garda Human Rights Audit, including its call for recruitment and retention of a more diverse police service. (Paragraph 84)

A core proposal of the Ionann report, an audit of human rights compliance within An Garda Síochána, was the establishment of a strategic advisory committee.

Following the report, the *Strategic Human Rights Advisory Committee (SHRAC)* was established with the aim of promoting a human rights compliant culture in An Garda Síochána. Its terms of reference include:

- Progress implementation of human rights initiatives to bring about cultural change across the organisation;
- Promote human rights policies and procedures internally and externally;
- Ensure that best human rights practice is at the core of our policing service.

The SHRAC committee is staffed with senior Garda management and representatives from a number of the leading Human Rights Bodies in Ireland.

One of the priorities SHRAC has identified for its programme for 2013 is the development of a *Human Rights Monitoring Framework*. The purpose of this Monitoring Framework will be to provide a guide for monitoring human rights compliance both at the organisational and individual level within An Garda Síochána.

The Advisory Committee reiterates its encouragement to the authorities to continue their efforts to recruit a more ethnically and culturally diverse police service. (Paragraph 88)

In 2005, the *Garda Síochána (Admissions and Appointments) Regulations 1988* were amended to facilitate the recruitment of non-Irish nationals into the Garda Síochána. As of February 2013, there are seventy-eight non-Irish nationals from 31 different countries who are members of the Garda Reserve out of a total of 1,240 members, of which 1,102 are fully attested and there are 138 in training.

Article 9 of the Framework Convention

Minorities and Access to the Media

[T]he Broadcasting Authority does not publish detailed statistics on the number of complaints and the grounds which are invoked.. (Paragraph 99)

Further to *Section 38 of the Broadcasting Act 2009*, the Broadcasting BAI publishes an Annual report³ on the performance of its objectives and its activities in the preceding year. This Report contains information on the broadcasting

³ http://www.bai.ie/wordpress/wp-content/uploads/BAI_Annual-Report_2009_OnlineVersion_ENGLISH_PK.pdf

complaints process and provides statistical breakdown of broadcasting complaints received by and considered by the BAI.

The BAI also publishes a monthly report of the outcomes of the broadcasting complaints process⁴. These reports are also circulated to the media and mailing list contacts.

[T]he Broadcasting Authority does not have the power to impose penalties on the offending broadcasters. (Paragraph 99)

It is correct to state that the BAI compliance Committee cannot award any party costs or expenses arising from the broadcasting complaints process.

The Broadcasting Act 2009 does, however, provide the BAI with a range of statutory enforcement powers. The Act provides that the Compliance committee can conduct investigations into the affairs of a contractor⁵ or a broadcaster⁶. The Compliance Committee can, following such an investigation, recommend to the BAI Authority that the Authority terminate or suspend a contract entered into by the Authority⁷. The Act also provides that the Compliance Committee of the BAI can recommend to the Authority that the Authority impose financial sanctions not exceeding €250,000 on offending broadcasters⁸.

In addition, the compliance record of a broadcaster, which holds a broadcasting contract with the Authority, can be taken into account during the licensing process and the assessment of licensing applications undertaken by the BAI Contract Awards Committee. *Section 66(4) of the Broadcasting Act 2009* refers to the consideration of the suitability of an applicant for the award of a broadcasting contract. It requires that the Committee shall have regard to the overall quality of the performance of an applicant with respect to broadcasting services operated by them and to have regard to reports of the Compliance Committee. Such reports could include the outcome of investigations, conducted by or on behalf of the Compliance Committee, and the decisions of the broadcasting complaints process. Obviously, this would be of significant importance to broadcasters applying for new broadcasting contracts or during the re-advertisement of broadcasting licences.

⁴ http://bai.ie/?page_id=183

⁵ Section 50

⁶ Section 53

⁷ Section 51

⁸ Section 55

[T]he Advisory Committee notes that according to Travellers' representatives Travellers "experience unequal participation within the domain of media [and] instead experience extraordinary imbalance both in the way issues which relate to their community are reported and how little value is placed on their views on wider Irish society" (Paragraph 100)

The BAI operates the *Broadcasting Funding Scheme*, as required by Part 10 of the Broadcasting Act 2009. This Scheme, funded by a percentage of the TV Licence fee, offers funding towards the production of television and radio projects that deal with Irish culture, heritage and experience. The Scheme funds projects that deal with and improve adult and media literacy. It also funds the production of Irish Language projects. The Scheme is in operation since 2006 and has provided funding to over 1,200 projects that are broadcast on community, commercial and public service broadcasters across the country.

It is worth noting that a number of projects that have received funding from the Scheme include or deal with matters relating to the positive contribution of difference communities (including Travellers) to Irish society. In addition, a number of projects would include representatives of these various communities either in terms of programme contributors or as part of the programme production team. This is particularly evident in the local and community broadcasting sectors.

A community radio station is characterised by its ownership and programming and the geographical or niche community it is authorised to serve. A community radio station is owned and controlled by a not-for-profit organisation, whose characteristic structure provides for membership and representation, management, operation and programming primarily by members of the franchise community. Its programming should be based on community access and participation, should serve recognisably local communities and networks, and support various special and minority interests and needs of the target listenership it is licensed to serve. The BAI commenced the re-advertisement of existing commercial radio broadcasters in mid-2012

The BAI will address the re-advertisement of community radio services in 2014. The AMARC charter⁹, which is a document which every licensed community radio station in Ireland adheres to, is a key component of a community radio broadcasting contract. This Charter identifies those objectives which BAI-licensed community radio stations share and endeavour to achieve. This information is included in a community radio stations' initial application to the Authority. Following the successful negotiation of a community radio contract with the BAI and the commencement of broadcasting by the community radio

⁹ http://europe.amarc.org/index.php?p=Community_Radio_Charter_for_Europe

contractor, the BAI assesses whether the broadcasting commitments, as specified in the licence application, are adhered to.

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. (Paragraph 103)

Section 45 of the Broadcasting Act 2009 instructs the BAI to review broadcasting codes and rules (such as the Code of Programme Standards). It is expected that this Code will be reviewed during 2013 and it is envisaged that a period of public consultation will form part of the review. The input of groups and representative bodies will be encouraged.

Article 12 of the Framework Convention

Education of Travellers

The Advisory Committee deplores the fact that, although there have been some minor improvements as regards educational outcomes for Traveller children, the overall situation is still a matter of concern. The school drop-out rate for Traveller children aged 15, according to the 2006 census, stood at 63.2%, compared to 13.3% nationally. Participation of Travellers in higher education was 0.8% as compared to 30.2% of the national population. For those Traveller children who are in schools, the data collected in the survey of Traveller Education Provision in Irish Schools (2006) carried out by the Department of Education and Skills Inspectorate indicated that the academic outcomes for traveller children overall are significantly lower than those of the majority population. (Paragraph 106)

Analysis of data collected by the Higher Education Authority on behalf of the Department of Education and Skills for 2011-2012, indicates that 29 students in higher education institutions that year were from an Irish Traveller background. This compares to 31 entrants in 2010-2011.

While there has been progress, participation by young Irish Travellers in higher education (estimated at 3 percent of the overall national population in the relevant age cohort) is very low, compared to 53% among the wider population of young people in this specific age group (estimates published elsewhere of 60% plus participation include other age groups).

It should be noted that there may be more students from Traveller backgrounds in higher education as the Higher Education Authority survey is voluntary and incorporates the principle of self-identification.

The Advisory Committee welcomes the information on the phasing out of segregated Traveller pre-schools. It notes that in the past 6 years, in accordance with the Travellers Education Strategy forty-one out of forty-five such pre-schools were merged into inclusive, universal and publically funded pre-school education. It welcomes in particular the fact that the phasing out of segregated pre-schools is progressing faster than the originally established schedule. Finally, it urges the authorities to close down, in consultation with all stake holders, the remaining two special primary schools for Travellers and two Junior Education Centres for Travellers. (Paragraph 107)

Early Education

All early segregated Traveller Pre-Schools have either moved into the universal pre-school provision for all children, *the early Childhood care and education Scheme (ECCE)*, or have closed. Under the terms of this initiative, which is administered by the Department of Children and Youth Affairs, all children aged between three years and two months and four years and seven months on 1st of September each year, are entitled to a free pre-school year of appropriate programme-based activities in the year before they start primary school.

To assist with the transition into community/private pre-school provision, the Department of Education and Skills invited City/County Childcare Committees in August 2010 to apply for funding under the Education Disadvantage Strand of Dormant Accounts Funding for a *Pre-school Education Initiative for Children from Minority Groups*. The purpose of the initiative is to support clusters of pre-school services to undertake equality and diversity training.

Primary Schools

The process of phasing out the two remaining segregated Traveller primary schools is well underway. The Patron of the school has engaged with the Department and is making every effort to progress that phased closure of the two schools.

Traveller Capitation Grants

These grants continue to be paid where Travellers are enrolled in schools. €1.2 million is available in 2013 for this purpose.

Junior Education Centres

Milltown Junior Education Centre closed in June 2012. Athlone Junior Education Centre is no longer Traveller specific.

Further and Adult Education

All Adult and Further Education programmes, *the part-time Adult Literacy and Community Education scheme (ALCES)*, and the *Back to Education Initiative (BTEI)* as well as full-time programmes such as Youthreach, Vocational Training Opportunities Scheme and the Post-Leaving Certificate programme, funded by the

Department of Education, continue to be open to Travellers. Travellers are accessing these programmes in increasing numbers.

Travellers are a specific target group for ALCES and BTEI programmes, as set out in 2012 operational guidelines for those programmes.

In line with the *Traveller Education Strategy* and the 2008 Value for Money Review of Youthreach and Senior Traveller Training Centres (STTC's), segregated provision for Travellers in STTC's was phased out at the end of June 2012.

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 the area. (Paragraph 109)

Since the *Report & Recommendations for a Traveller Education Strategy* was launched, significant progress has been made in the implementation of the recommendations.

The *Traveller Education Advisory & Consultative Forum* is now taking a thematic approach, examining and reviewing all outstanding recommendations, including the identification of issues and obstacles to their implementation.

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. (Paragraph 115)

As part of the *National Literacy and Numeracy Strategy*, the National Council for Curriculum and Assessment (NCCA) is currently developing an integrated language curriculum for primary schools. While the focus of this curriculum will be on English and Irish, the integrated approach should help children transfer skills acquired in one language to other languages and so establish a sound foundation for the learning of a foreign language in post-primary school. An integrated language curriculum would enable teachers to achieve learning efficiencies by explicitly drawing children's attention to similarities and differences between their languages.

A major reform of Junior Cycle (for students aged between 12 to 15/16) is to be implemented in schools on a phased basis from 2014. The reform programme includes a clear emphasis on the importance of foreign language acquisition. One of the 24 statements of learning that form part of the framework for the Junior Cycle is that the student reaches a level of proficiency in a language (Irish for most students) and one other language in reading, writing, speaking and listening.

As part of the revised Junior Cycle, students will continue to be offered opportunities to study French, German, Spanish and Italian, as well as English and Irish. In addition, a new initiative introduced as part of the Framework is the option for schools and others to develop short courses within specific criteria. These short courses will enable schools to provide additional languages, if they so choose. The NCCA is currently developing a short course in Chinese which will be made available to schools from 2014.

At senior cycle, the languages available include French, German, Spanish, Italian, Russian, Japanese and Arabic, as well as English and Irish. *The Post-Primary Languages Initiative* supports the diversification of languages in schools. At senior cycle, revised syllabuses' for French, Spanish, German and Italian are expected to be finalised in 2013, following a process of consultation with relevant parties.

The State Examinations Commissions also provides examinations in a range of other EU languages which are non curricular in nature. They are generally available for EU students whose mother tongue is not English. For the 2012 Leaving Certificate Examination there were 1,495 entries for 16 such European 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. (Paragraph 116)

The emphasis is on the cross-curricular nature of intercultural education. The new Junior Cycle, to be implemented in schools on a phased basis from 2014, has 24 statements of learning which are at the core of what students must experience over the three year cycle. Two of these are particularly relevant:

6. The student appreciates and respects how diverse values, beliefs and traditions have contributed to the communities and culture in which he/she lives.

7. The student values what it means to be an active citizen, with rights and responsibilities in local and wider contexts.

Inclusive education is one of the eight principles underlying the new Junior Cycle – that the educational experience is inclusive of all students and contributes to equality of opportunity, participation and outcomes for all.

The Advisory Committee invites the authorities to continue to monitor the supply of and the demand for schools of all types, in order to meet the needs and ensure the mutual interaction of the increasingly diverse school population. (Paragraph 117)

The Forum on Patronage and Pluralism in the Primary Sector, launched on 19 April 2011, has completed its work, keeping within its one year remit. The final report of the Forum’s Advisory Group was published by the Minister of Education and Skills, Ruairí Quinn on 20 April 2012. In June 2012, Minister Quinn released an Action Plan in response to the recommendations of the Advisory Group’s report.

Submissions from the public have been sought on the findings and recommendations in the Advisory Group report on promoting greater inclusiveness in primary schools. A leaflet for parents is also under development, in consultation with the National Parents Council Primary. The Advisory Group recommendations in this area, and the submissions received, will inform the development of a White Paper.

Article 15 of the Framework Convention

Participation of Travellers in elected bodies

The Advisory Committee encourages the authorities to enable the Traveller community to be represented at the Constitutional Convention. (Paragraph 122)

The Constitutional Convention was set up by a Resolution of both Houses of the Oireachtas, on foot of a commitment in the Programme for Government.

In bringing forward its proposals for membership of the Convention, the Government was firmly of the view that the Convention should be composed solely of ordinary citizens (66) and elected representatives (33), along with an independent Chairperson. A polling company was engaged to select the 66 citizen members on the basis that those selected should be as representative as possible in terms of gender, age, social class and region.

A further consideration in the Government's thinking was that it would not have been practical to accommodate as members, in a fair and representative manner, all of the groups or sections of society that sought representation at the Convention. However, the Government was of the view that such groups should be able to interact with the Convention, including by making submissions.

The Chairperson of the Convention subsequently expressed his wish that the Convention would hear from a representative spectrum of opinion in carrying out its work.

It should be noted that the Convention operates independently of the Government and reports directly to the Houses of the Oireachtas. It decides on all matters relating to its operation, including its rules and procedures, the timing of its meetings and, subject to the Resolutions passed by the Houses, the prioritisation of its work programme.

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. (Paragraph 135)

Travellers in Ireland have the same civil and political rights as other citizens under the Constitution. The key anti-discrimination measures, the *Prohibition of Incitement to Hatred Act, 1989*, the *Unfair Dismissals Acts 1977*, the *Employment Equality Acts* and the *Equal Status Acts* specifically identify Travellers by name as group protected. *The Equality Act 2004*, which transposed the EU Racial Equality Directive, applied all the protections of that Directive across all of the nine grounds contained in the legislation, including the Traveller community ground.

There are remedies available as a matter of law to Travellers who establish that they have been discriminated against in terms of access to particular employments.

Travellers' Accommodation

In the previous monitoring cycles, the Advisory committee asked the authorities to make concerted efforts to ensure that the local authorities meet Traveller accommodation targets and step up the delivery of appropriate accommodation options, including through improved provision of halting sites. (Paragraph 137)

Each local authority is required in their *Traveller Accommodation Programme* to set annual targets for the provision of Traveller Accommodation and progress in achieving these targets is monitored by the Department of the Environment, Community and Local Government and the National Traveller Accommodation Consultative Committee (NTACC).

It is open to Travellers to opt for any form of accommodation - including halting site bays and Traveller group housing - and Local Authority Traveller Accommodation Programmes are intended to reflect these preferences. However, there is in fact, very little demand for Traveller specific accommodation in many local authority areas. Each local authority is required to conduct an assessment of accommodation needs on a periodic basis. The most recent assessment was carried out in March 2011 which revealed a major preference among Travellers for standard housing.

The majority of Travellers already live in standard housing, whether standard local authority housing or private housing with local authority assistance, rent supplement or the RAR scheme – a scheme for people who are receiving rent supplement usually for more than 18 months and who needs long term housing.

There has been progress in access to housing, refurbishment of sites, access to health care and education since the publication in 1995 of the Report of the Task Force on the Travelling Community. However, in spite of various initiatives, programmes and financial schemes developed in recent years, Travellers continue to face significant challenges in relation to adequate accommodation. In 2008, the NTACC annual report estimated that 38% of Travellers were living in standard housing; 18% lived in private rented accommodation, 5% in private housing, 4% in shared housing, 6% in housing of their own resources, 8% in group housing, 1% in social housing, 13% in halting sites, and 7% on unauthorised sites. According to the NTACC, the number of families living on authorised halting sites has declined each year since 2003 with 991 families living on such sites in 2020. These figures demonstrate that although the availability of halting sites has improved in recent years, there is still a shortage of available spaces for Traveller caravans and mobile homes. (Paragraph 140)

Significant progress has been achieved in the delivery of Traveller accommodation, including Traveller-specific accommodation, since the enactment of the Housing (Traveller Accommodation) Act 1998.

The Advisory Committee notes that the existing authorised halting sites are not sufficient to meet the demands of Travellers living in mobile homes and caravans. In particular, it finds disturbing that in 2010 there were still 444 families (5% of Travellers) who lived in very precarious conditions on unauthorised halting sites. In this context, it regrets to note that the authorities, while acknowledging concerns regarding the consequences of criminalising trespassing expressed in the previous Opinions, have no plans to amend or review the law concerning trespass. (Paragraph 142)

The level of investment under Traveller Accommodation programmes since 2000 is substantial and has improved the accommodation position of Travellers. The most obvious manifestation of this is in the significant reduction in the number of Traveller families living on unauthorised sites. In 1999, prior to the first Traveller Accommodation Programme, the Annual count of Traveller families estimated that there were a total of 4,790 families in the State. 25.2% of these families were living on unauthorised sites. The 2011 Annual Count identifies a total of 9,535 Traveller families in the State. In spite of the huge increase of families between 1999 and 2011, only 3.43% of the 9,535 families were living on unauthorised sites in 2011.

Articles 17 and 18 of the Framework Convention

The Advisory Committee encourages the Government of Ireland to continue to cooperate 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. (Paragraph 147)

Ireland enjoys a very close working relationship with the UK, as evidenced by the Joint Statement of 12 March last year¹⁰ on British-Irish relations.

In relation to accommodation for Travellers, *the National Traveller Accommodation Consultative Committee (NTACC)*, a statutory body established under the *Housing (Traveller Accommodation) Act, 1998* to advise the Minister on matters related to Traveller Accommodation, has 12 representatives on the committee, including a representative from the Northern Ireland Housing executive. In 2010, the Committee conducted a site visit to the Northern Ireland Housing Executive in Belfast. Representatives, including the Irish Traveller Movement, of the NTACC maintain close links with traveller groups in Northern Ireland.

¹⁰

http://www.taoiseach.gov.ie/eng/News/Archives/2012/Taoiseach's_Press_Releases_2012/Joint_Statement_by_the_Prime_Minister,_David_Cameron_and_the_Taoiseach,_Enda_Kenny.html?print=1