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**THIRD REPORT SUBMITTED BY IRELAND  
PURSUANT TO ARTICLE 25, PARAGRAPH 2  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

(Received on 18 July 2011)

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**15 JULY 2011**

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# Section 1

## Introduction

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### 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 our continent since its inception in the aftermath of the Second World War. A founder member, Ireland 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 our 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, its efforts to combat intolerance and discrimination. Our commitment to ratify the Framework Convention stemmed from the *1998 Good Friday (Belfast) Agreement*<sup>1</sup> 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 1 February 1995. It was ratified on 7 May 1999 and entered into force on 1 September 1999. Our First State Report was submitted on 13 November 2001 followed by our Second State Report on 3 January 2006. Ireland welcomes the opportunity to update the Advisory Committee on the progress made since the second reporting cycle and in accordance with Article 25 (2) of the Framework Convention, presents its Third State Report.

### The Scope of the Framework Convention as it applies to Ireland (Article 3)

4. Point 27 of the Second Opinion of the Advisory Committee states "*The Irish authorities should ensure that the inclusive approach in terms of the scope of application of the Framework Convention is consistently and unequivocally reflected in the authorities' statements on the matter.*" A definition of what constitutes a national minority is not fixed in international law, 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

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<sup>1</sup> <http://www.dfa.ie/uploads/documents/Anglo-Irish/agreement.pdf>

minority. As stated in previous submissions 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.<sup>2</sup> To ensure consistency in our statements on the matter, the Irish Government would like to reiterate that the Third State Report, like the First and Second 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. 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.

5. 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 high priority attached by successive 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.<sup>3</sup>
6. The Government 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 new *Programme for Government: Government for National Recovery 2011-2016*<sup>4</sup> includes 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.*”<sup>5</sup>

### **Practical Arrangements at National Level to follow up the Second Monitoring Cycle**

7. To publicise the results of the second monitoring cycle 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.<sup>6</sup> This includes a link to the

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<sup>2</sup> As established in point 43 of the Explanatory Report concerning the Framework Convention.

<sup>3</sup> Details of the funding for specific Traveller programmes are located in Appendix I.

<sup>4</sup> [http://www.taoiseach.gov.ie/eng/Publications/Publications\\_2011/Programme\\_for\\_Government\\_2011.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/Programme_for_Government_2011.pdf)

<sup>5</sup> Programme for Government, chapter entitled *Fairness*, page 23

<sup>6</sup> [http://www.justice.ie/en/JELR/Pages/Traveller\\_Policy\\_Unit](http://www.justice.ie/en/JELR/Pages/Traveller_Policy_Unit)

Framework Convention's section on the Council of Europe website, as well as to each of the documents relating to the first and second reporting cycles on Ireland.

8. The second monitoring cycle formally concluded at a seminar on the Framework Convention on 11 November 2010. The seminar was organised by the Department of Foreign Affairs and Trade and the Department of Justice and Equality in cooperation with the Advisory Committee. The seminar brought together representatives of government departments, relevant state bodies, civil society and members of the Advisory Committee, in order to review the second cycle of reporting. It offered an opportunity to further the dialogue with interested parties in preparation for Ireland's Third State Report. A discussion panel representing minority organisations and other non-governmental organisations led a debate on a range of issues.<sup>7</sup>

### **Preparations for the Third State Report**

9. Ireland's Third State Report has been prepared by the Department of Foreign Affairs and Trade on the basis of contributions received from government departments and other official bodies, namely; the Broadcasting Authority of Ireland; the Central Statistics Office; the Department of Communications, Energy and Natural Resources; the Department of Education and Skills; the Department of the Environment, Community and Local Government; the Garda Síochána; the Department of Health; the Department of Jobs, Enterprise and Innovation; the Department of Justice and Equality; the Press Council of Ireland; the Department of Social Protection; and the Department of the Taoiseach.
10. In addition, all attendees at the seminar on 11 November 2010 were invited to submit any comments or recommendations to the Department of Foreign Affairs and Trade as part of the third reporting cycle. The Irish Traveller Movement submitted a short document which was circulated to all departments to ensure that their material reflected the concerns of this organisation. Their contribution can be found at Appendix II. In addition, oral comments made at the seminar were noted and taken into consideration in the preparation of the Third State Report.
11. A meeting of government departments and official bodies was subsequently organised by the Department of Foreign Affairs and Trade at Iveagh House on 17 June 2011, to discuss an

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<sup>7</sup> Representatives included: Mr. Martin Collins, Director of Pavee Point; Ms. Cathryn Mannion, Director of the National Traveller Women's Forum; Ms. Ramona Quinn, Solicitor for the Irish Traveller Movement; Mr. Martin Ward of the National Association of Travellers' Centre; and Mr. David Joyce, Equality Officer of Irish Congress of Trade Unions.

initial draft of the Third State Report. These bodies were subsequently circulated with a further draft before the report was finalised and submitted to the Advisory Committee.

### **The Structure of the Third State Report**

12. With a view to providing a clear review of developments since the second reporting cycle the Third State Report has been structured on a thematic basis. At the same time, the proposed outline for third state reports, as adopted by the Committee of Ministers of the Council of Europe in June 2008, has guided this Third State Report's preparation. The various specific issues highlighted in the Committee of Ministers Resolution of 20 June 2007 (the "Second Resolution of the Committee of Ministers") and in the Second Opinion of the Advisory Committee of 6 October 2006 (the "Second Opinion of the Advisory Committee") are comprehensively addressed in the relevant sections of this Third State Report which is divided into the following sections:

Section 2 focuses on the participation and representation of Travellers in Irish society by evaluating the bodies, committees and organisations that are designed to aid them. It also addresses their participation in the election process as well as data collection matters.

Section 3 outlines the developments on a number of social issues identified to be of particular concern to Travellers, namely access to accommodation, education, health, employment and financial support.

Section 4 reviews the methods of combating discrimination against the Traveller community by addressing identity, culture, conflict resolution and the situation of women in the community. It also reports on the transfer, in 2003, of jurisdiction for hearing complaints of discrimination occurring in licensed premises from the Equality Tribunal to the District Court, which has jurisdiction in general for complaints involving conduct in licensed premises.<sup>8</sup>

Section 5 addresses a range of issues that relate to the wider aspirations of the Framework Convention; in particular it focuses on matters of equality.

13. To ensure that all queries were addressed, the outline as proposed by the Committee of Ministers for the third state reports cross referencing all paragraphs of this Third State Report can be found at Appendix III for ease of reference.

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<sup>8</sup> [http://www.citizensinformation.ie/en/justice/criminal\\_law/criminal\\_offences/alcohol\\_and\\_the\\_law.html](http://www.citizensinformation.ie/en/justice/criminal_law/criminal_offences/alcohol_and_the_law.html)



## Section 2

### Participation and Representation

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#### Overview

14. This section addresses Article 15 and the substantive issue of achieving effective Traveller participation and representation in Irish society. The Second Resolution of the Committee of Ministers recommended that Ireland “*ensure Traveller representatives’ effective participation in various bodies dealing with Traveller issues, including through the new National Traveller Monitoring and Advisory Committee, while facilitating Travellers’ involvement also in elected bodies.*” The issue was also raised in the Second Opinion of the Advisory Committee, where point 21 of the Main Findings stated that there is a need to ensure Travellers’ participation in decision-making is maintained and expanded in the work of any new coordination and other bodies dealing with Traveller issues. In addition, point 111 of that Opinion stressed “*There is a need to ensure that the past positive practices of Traveller participation in various bodies are built upon as new structures dealing with Traveller issues are being developed. Such participation should not be limited to the provision of service, but involve also critical input to the decision-making processes and to the evaluation of policies and practices.*”
15. Successive governments have recognised the need to address Travellers concerns and, over the years, have implemented a three front approach. First, Travellers concerns are recognised at state level in national agreements and plans. Second, government bodies have been assembled to address Traveller concerns. Finally, specialised committees have been established to ensure that Travellers and their representatives are involved in the process. Since our second reporting cycle the issue of Traveller participation and representation has been an area of particular focus and where a number of important initiatives have been taken, as detailed below.

#### National Agreements and Plans

16. As previously stated, the Programme for Government highlights the need to improve the delivery of services to Travellers. The *National Reform Programme for Ireland under the Europe 2020 Strategy* lists Travellers among Ireland’s most vulnerable groups and states that

targeted social inclusion programmes will be aimed at them.<sup>9</sup> *Towards 2016*,<sup>10</sup> the most recent national social partnership agreement between the Government and the social partners,<sup>11</sup> committed the social partners to give concentrated attention to achieving greater progress for Travellers.<sup>12</sup> It set out a range of priority actions in the areas of accommodation, education outcomes, opportunities for employment and communication between Travellers and the settled community. It also led to the establishment of the National Traveller Monitoring and Advisory Committee in 2007.<sup>13</sup> While the current model of social partnership is changing in response to the unique challenges facing Ireland now, the new Government recognises the value of social dialogue as a way of maximising common understanding and engagement between all sectors of society. Closely linked to *Towards 2016* is the Government's *National Action Plan on Social Inclusion 2007-2016*.<sup>14</sup> It also contains a range of targets and actions to improve Traveller life experience through the provision of appropriate education, health and housing services and to remove any remaining barriers to the full participation of members of the Traveller community in the work and social life of the country.

## **Government Bodies**

### Traveller Policy Division

17. In line with point 11 of the Main Findings of the Second Opinion of the Advisory Committee, the dedicated Traveller Policy Division of the Department of Justice and Equality continues to support, coordinate and monitor policy development in relation to Travellers in Irish society. The division's work includes:

- monitoring and supporting actions to increase the effectiveness of national policies;
- promoting positive communications between Traveller communities, public bodies and the wider settled community; and
- contributing to policy development at international level.

The division provides secretariat and related support to the National Traveller Monitoring and Advisory Committee and the High Level Group on Traveller Issues. It co-ordinates and monitors the implementation of the 2006 Report of the High Level Group on Traveller Issues. In addition, the division works with State agencies and representative organisations to promote positive communications, including conflict resolution.

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<sup>9</sup> [http://www.taoiseach.gov.ie/eng/Publications/Publications\\_2011/National\\_Reform\\_Programme1.pdf](http://www.taoiseach.gov.ie/eng/Publications/Publications_2011/National_Reform_Programme1.pdf)

<sup>10</sup> Published in 2006.

<sup>11</sup> The social partners comprise of employers, trade unions, farmers, environmental groups and the community and voluntary sector.

<sup>12</sup> [http://www.taoiseach.gov.ie/attached\\_files/Pdf%20files/Towards2016PartnershipAgreement.pdf](http://www.taoiseach.gov.ie/attached_files/Pdf%20files/Towards2016PartnershipAgreement.pdf)

<sup>13</sup> This Committee is discussed in greater detail in paragraphs 31, 32 and 33.

<sup>14</sup> <http://www.socialinclusion.ie/documents/NAPinclusionReportPDF.pdf>

### High Level Group on Traveller Issues

18. Point 111 of the Second Opinion of the Advisory Committee states “*the High Level Group on Traveller Issues should associate the representatives of Traveller organisations, from local to central level, more closely in its activities, especially in so far as they involve the formulation and/or prioritization of policies pertaining to Traveller.*” The High Level Group on Traveller Issues (the “Group”) is intended to provide a forum for senior policy makers and service providers to meet to discuss barriers to service delivery and explore possibilities of approaching service delivery in a more integrated way. The Group is considered as an extension of the *Strategic Management Initiative* process, and aims to join up service delivery and to ensure that intended service outcomes for Travellers under the various sectoral strategies are achieved.<sup>15</sup>
  
19. Following the approval by Government of its report in 2006, the Group reported on progress and implementation to the Cabinet Committee on Social Inclusion. This facilitated focus and discussion at Government level on Traveller policy in addition to a range of other initiatives directly affecting Travellers such as integration and intercultural measures. This high level focus on social inclusion, including Traveller specific matters, will continue under a new Cabinet Committee on Social Policy established by the new Government in April 2011. Cabinet Committee structures operating at Government level are an important mechanism for achieving progress on complex cross-cutting issues in bringing together the relevant Ministers and Ministers of State to focus on key areas.
  
20. The work of the Group, as highlighted in the second reporting cycle, continues. The Group has met at least eighteen times in the last four years and implementation of the recommendations of the Group’s 2006 Report remains a priority. Implementation of the following key recommendations will be discussed in greater detail throughout this Report: (i) employment opportunities for Travellers; (ii) enhancing work on Traveller specific data; (iii) developing effective interventions in the conflict resolution area, including developing more effective and coordinated responses to situations; (iv) follow through on the *2006 Report and Recommendations on a Traveller Education Strategy*; and (v) the publication of the *All-Ireland Traveller Health Study* in 2010.

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<sup>15</sup> The Strategic Management Initiative deals with the modernisation of the civil service and affects all departments and offices. It aims to make improvements in such areas as customer support, computer-based service delivery and expenditure management. Further details maybe found on the website maintained by the Department of the Taoiseach, [www.bettergov.ie](http://www.bettergov.ie).

21. A key recommendation of the Group's 2006 Report and one of its main achievements to date has been to improve the consultation process between relevant parties. While non-governmental organisations do not have a veto on particular decisions or actions of public bodies, the Group has asserted the principle that public bodies must take decisions and actions following relevant consultations. Improved consultations with these bodies have led to greater scrutiny and transparency in decision making.

#### The Traveller Interagency Process

22. The Government has fully pursued the recommendation of the Group's 2006 Report to establish an interagency approach. Following a successful pilot scheme, Traveller Interagency Groups were established in each of the 34 City and County Development Board areas.<sup>16</sup> Following the receipt of update reports from each of these Boards during 2009-2010, the Department of Justice and Equality is working with individual Traveller Interagency Groups to ensure there is uniform progress and active participation by Traveller representatives in all counties.
23. The main achievements of the Traveller Interagency Groups include:
- Establishing a dedicated local coordination mechanism;
  - Establishing a means for developing best practices in Traveller related service delivery;
  - Establishing a more broad based forum for engagement with local Traveller representatives (previously accommodation was the primary focus);
  - Highlighting employment as an area where tangible progress can be made by public bodies; and
  - Showing that agencies other than local authorities can play a very significant role in leading and delivering Traveller related programmes.
24. A detailed progress report on the Traveller interagency process was published in 2008.<sup>17</sup> This was followed by a further review in March 2011.<sup>18</sup> Taken together, these reports provide a comprehensive review of the Traveller interagency process. The reports highlight the crucial importance of Traveller participation and representation for the effective functioning of the

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<sup>16</sup> The City and County Development Boards were established to cultivate and expand an ethos of local entrepreneurship. A key feature of this network is that it includes representatives of a range of local interests and has a wholly localised county-based focus to its mission. The 34 Boards were established in 1993 and subsequently given statutory status under the *Industrial Development Act of 1995*. For additional information see <http://www.cdb.ie/index1.htm>.

<sup>17</sup> <https://www.pobal.ie/Funding%20Programmes/traveller/Documents/Traveller%20Interagency%20Process%20%20A%20Progress%20Report.pdf>

<sup>18</sup> <https://www.pobal.ie/Funding%20Programmes/traveller/Documents/Review%20of%20the%20Traveller%20Interagency%20Project%202011.pdf>

Traveller Interagency Groups. The 2008 Report notes that where there has been exclusion or failure to adequately communicate effectively with Traveller representatives, it has been impossible to successfully progress effective interagency measures.

25. A study commissioned by the Government to clarify best administrative practice regarding the Traveller Interagency Groups was published in 2008.<sup>19</sup> In 2009, the Department of Justice and Equality held a number of regional information seminars for members of the Traveller Interagency Groups, to share elements of good practice and to facilitate networking among the groups. It is planned to further advance this initiative by holding a workshop for the chairpersons of the Traveller Interagency Groups later in 2011.

#### Traveller Interagency Programme

26. To support and monitor the work of the Traveller Interagency Groups, the Government established a special *Traveller Interagency Programme* fund in 2006. The fund aims to help develop best practice and foster successful approaches so that they can be replicated in other areas and integrated in mainstream provision. The fund is administered by Pobal, a specialist organisation which manages a range of programmes on behalf of the EU and the Irish Government, aimed at promoting social inclusion. Pobal works with departments to support the interagency process nationally and to assist work in relation to conflict management and communications between Travellers and the settled community.
27. The funded projects are managed by a steering committee, which provides for input from all relevant community organisations and Traveller representatives. The grants support locally based projects involving a partnership between state agencies and community based groups. Most of the projects are aimed at assisting young Travellers remain in education by providing homework support, mentoring etc, and others address the access by Travellers in mainstream youth support (youth clubs, sports etc). A comprehensive list of reports dealing with a wide range of Traveller issues can be found on Pobal's website. These reports cover the following issues: diversity; interagency lesson; arts and music; education; youth work; accommodation; employment; horse projects; health; and miscellaneous matters.<sup>20</sup>
28. In 2006, projects to the value of €1 million were approved, with €600,000 being approved in 2007 followed by a further allocation of €320,000 in 2008. In 2009-2010, a special fund, *Social Disadvantaged Measures* under the Dormant Accounts legislation, allocated €1.4

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<sup>19</sup> <http://www.justice.ie/en/JELR/IPA%20Study%20Traveller%20Interagency%20study%202008.ppt/Files/IPA%20Study%20Traveller%20Interagency%20study%202008.ppt>

<sup>20</sup> <https://www.pobal.ie/Funding%20Programmes/traveller/Pages/Beneficiaries.aspx>

million for Traveller initiatives.<sup>21</sup> This fund was established to support high quality projects which would help develop best practices. The Department of Justice and Equality, in conjunction with Pobal, are in the process of examining the impact of this measure in order to develop future policy and practice. In particular this includes assessing: how to improve the interagency process; how to support it; and how to focus interagency work on improved outcomes for Travellers. The report will draw on the experience of administering and managing the fund and its constituent projects.

#### The Local and Community Development Programme

29. The *Local and Community Development Programme* (the “Programme”) is also managed by Pobal.<sup>22</sup> It aims to tackle poverty and social exclusion through partnership and constructive engagement between Government, its agencies and people in disadvantaged communities. It prioritises marginalised people and groups within the most disadvantaged communities, including Travellers. The Programme aims to: (i) to promote awareness, knowledge and uptake of a wide range of statutory, voluntary and community services; (ii) to increase access to formal and informal educational, recreational and cultural development activities and resources; (iii) to increase peoples’ work readiness and employment prospects; and (iv) to promote engagement with policy, practice and decision-making processes on matters affecting local communities.
30. Traveller organisations have received over €2 million annually under this Programme. This contribution has aided the development of strong local Traveller capacity to enable effective participation in forums such as Local Traveller Accommodation Consultative Committees, Traveller Health Units and Traveller Interagency Groups. To date this Programme has proved to be an effective structure within which independent, grass roots community development work with Travellers has developed in the past several years.

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<sup>21</sup> Dormant Accounts are accounts in financial institutions (banks, building societies and An Post) that have not been used, or insurance policies that have not been used, or insurance policies that have not been reclaimed by their owners for at least 15 years. Part of the legislation governing them provides for a scheme for the disbursement of funds that are unlikely to be reclaimed for projects and programmes designed to alleviate poverty and social deprivation. The Dormant Accounts legislation targets three broad categories of persons for support from the fund: those affected by economic and social disadvantage; those affected by educational disadvantage; and persons with a disability.

<sup>22</sup> The Local and Community Development Programme is the successor to the Local Development Social Inclusion Programme and the Community Development Programme and forms part of the *National Development Plan 2007-2013*. It allows for the integration of the old Local Development Social Inclusion Programme and the Community Development Programme into one new Programme.

## Specialised Committees

### National Traveller Monitoring and Advisory Committee

31. In 2007, the National Traveller Monitoring and Advisory Committee (the “Committee”) was established to provide a broadly based and inclusive forum for dialogue between the relevant social partners. The Committee replaces the Traveller Monitoring Committee which reported on implementation of the 1995 Task Force Report. It is chaired by an independent chairperson, and includes four national Traveller organisations along with a number of prominent individual Traveller representatives and relevant government departments and agencies. It advises on Traveller policy; and contributes to the ongoing process of improving and refining the effective delivery of supports and services to the Traveller community.
32. The terms of reference of the Committee are:
- To serve as a forum for consultation on current issues of national importance affecting the Traveller community;
  - To identify issues of national importance to the Traveller community which might not be dealt with adequately through existing mechanisms;
  - To suggest appropriate responses to issues identified under point two above, in cooperation with relevant state agencies and other stakeholders;
  - To monitor developments in the position of Travellers in Irish society generally and with particular reference to issues identified at point two above; and
  - To report to the Minister for Justice and Equality, every two years identifying key issues of ongoing concern.
33. The Committee represents a valuable opportunity to deepen the working relationships between state bodies, Traveller organisations and other social partners. It presented its first Advisory Report to Government in 2010, and this Report was then laid before the Houses of the Oireachtas.<sup>23</sup> The Report outlines activities and developments since 2007 and identifies issues to be addressed. It also makes recommendations across a number of areas including: implementation of public services for the Traveller community; progression and pathways to work; Traveller identity; conflict and disputes; and political participation and the Traveller community. The Report is available on the website of the Department of Justice and Equality.<sup>24</sup>

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<sup>23</sup> The Houses of the Oireachtas consist of the President and two Houses: Dáil Éireann (the House of Representatives – the Lower House of Parliament) and Seanad Éireann (the Senate).

<sup>24</sup> <http://www.justice.ie/en/JELR/NTMAC%20Report%20to%20Minister%20Final%20Version.pdf/Files/NTMAC%20Report%20to%20Minister%20Final%20Version.pdf>

### Additional Committees and Fora

34. In addition to the foregoing, the following are the other committees and fora that have been established to aid the development of services for Travellers (each committee and forum is elaborated in more detail under the relevant sections of this Third State Report):
- National Traveller Accommodation Consultative Committee;
  - Local Traveller Accommodation Consultative Committees;
  - Traveller Education Strategy Advisory and Consultative Forum; and
  - The Traveller Health Advisory Committee.

### **Elections (Article 15)**

35. The Government acknowledges point 106 of the Second Opinion of the Advisory Committee to encourage Travellers' participation in elections, both as electors and candidates, at all relevant levels. As well as point 21 of the Main Finding of that Opinion where it states "*it is important to address obstacles that may hamper Travellers' participation in electoral processes.*"
36. It is a matter for political parties and non-party candidates in elections to advance their own representation in the Oireachtas. Electoral law provides that the Clerk of the Dáil shall be the Registrar of Political Parties and requires him/her to register any party applying for registration which is, in his/her opinion, a genuine political party organised to contest elections in the State. 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.
37. Electoral law also provides that "ordinary residence" in a constituency on a specific date is a condition for registration and voting at Referenda, Presidential, Dáil, European and local elections. However, the *Electoral Act 1992*<sup>25</sup> 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 in their chosen constituency, even where they have more than one place of residence.

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<sup>25</sup> [www.irishstatutebook.ie/ZZA23Y1992.html](http://www.irishstatutebook.ie/ZZA23Y1992.html)



38. 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.

### **Data Collection Matters (Article 3)**

39. Point 12 of the Main Findings of the Second Opinion of the Advisory Committee and the Second Resolution of the Committee of Ministers recommend Ireland “*To pay increasing attention to the principle of self-identification in data collection and other contexts*”. In line with this and also in light of point 36 of the Second Opinion of the Advisory Committee, the State is paying increasing attention to the voluntary nature of data collection on individuals’ ethnicity and to the principle that such data collection is to be consistently based on self-identification by the individuals concerned. Such efforts are reflected in the collection of data in educational settings, census of population and the *All Ireland Traveller Health Study*.

#### Data in Education

40. The methods for collecting data on Travellers at primary school level are currently under review. In post-primary education, the 2009-2010 data on Travellers was collected through the *October Returns* which are made by schools each year to the Department of Education and Skills. The *October Returns* contain details of students enrolled as at 30 September of the school year. Schools enter an indicator for students identified as members of the Traveller community. For school year 2010-2011 it is a requirement of the Data Commissioner in Ireland that schools must obtain the explicit written consent of parents before returning a student as a member of the Traveller community. In the higher education sector, data on Traveller participation is collected by way of a survey carried out by the Higher Education Authority on behalf of the Department of Education and Skills. This survey occurs on a voluntary and confidential basis as part of the annual registration process of twenty-seven higher education institutions and is co-ordinated by the Higher Education Authority. The survey includes a question on ethnic/cultural background but as it is voluntary there may be more students from Traveller backgrounds in higher education than have completed the survey. In addition the principle of self-identification also means that there may be Travellers who have completed the survey but chose not to identify themselves as Travellers.

### Census of population

41. Statistical information on the Traveller community is captured by the census of population carried out by the Central Statistics Office. Figures from the 2006 Census indicated that there were 22,435 Travellers in the Republic of Ireland. See Appendix IV for more detail. Since the previous census in 2002, Travellers have been recorded based on the principle of self identification. The latest census of population was carried out on 10 April 2011; its results were unavailable at the time this Third State Report was submitted.
  
42. A census of population is carried out every five years in Ireland and provides an account of everybody in the country on census night. The information collected includes sex, age, area of usual residence, marital status, principal economic status, education attainment, general health, housing type and occupancy status, among others. In addition the following questions specifically address the issues of national, ethnic and religious diversity:
  - Nationality
  - Place of birth (country and county)
  - Religion
  - Ethnicity
  - Foreign languages spoken at home/ability to speak English
  
43. Census data on all of the above variables can be cross-tabulated with other census variable(s) and the results can be made available subject to confidentiality. This will enable users to analyse any or all ethnic minorities at a very detailed level both through multi-dimensional analysis and geographically. All data analysis can and will be provided with a gender dimension.<sup>26</sup>
  
44. The question on ethnicity/cultural background in Census 2011 is the same as in Census 2006. A mandatory question on ethnicity, rather than an optional question as suggested by the Advisory Committee, was included in the census. The Irish census is compulsory for all persons present in Ireland on census night. However, as the census form is self-completed by the householder, it is the decision of the householder on how to self identify.<sup>27</sup> To encourage householders to self identify, no names are captured or stored on census data files, and all

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<sup>26</sup> This is in line with point 51 of the Second Opinion of the Advisory Committee, which is elaborated in paragraphs 132 – 137.

<sup>27</sup> This is in line with points 12 and 36 of the Second Opinion of the Advisory Committee as well as the Second Resolution of the Committee of Ministers as outlined in paragraph 39.

information provided is strictly confidential and this confidentiality is guaranteed under the *Statistics Act 1993*.<sup>28</sup>

45. In order to ensure maximum participation in the 2011 Census by Irish Travellers the Central Statistics Office actively engaged with the Traveller community. Several initiatives were aimed at educating and creating awareness of the importance of the census and to give assistance to the community in completing their census forms. The Central Statistics Office funded the production of an information DVD on Census 2011 which was produced by Pavee Point (a national Traveller representative organisation). 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. Close to census night the Central Statistics Office liaised with the Irish Traveller Movement to share up-to-date information on the location of Traveller halting sites both fixed and moveable, and exchanged information between Pavee Point and the Central Statistics Office regarding the best times to visit halting sites. Pavee Point provided anti-racism training on a train-the-trainer basis to Census Regional Supervisors; this training was then relayed to all census field staff.

#### The All Ireland Traveller Health Study

46. The approach to the study was one of collaboration with all the key parties. All methodologies and processes were designed, piloted and adapted in collaboration with Travellers and Traveller organisations, to produce results that could be translated into meaningful policy and practice. The team worked within the Traveller health infrastructure already established and the networks set up specifically for the study within the Traveller organisations and the health services. The methodological approach was to develop an integrated study programme with interconnecting sub-studies. This approach made for a cost-effective and scientifically sound overall project, which will benefit Travellers as a community. In general, each step of the study provided a sampling frame for selection of respondents for the subsequent step, and also provided for rich context for the development of the study instruments. The study proposal included Traveller community participation at every stage, from design to dissemination. The study team used methodologies which are culturally appropriate and all study team members were aware of and respectful of Traveller values and beliefs. Peer researchers were drawn from the Traveller community. The intention was to deliver this project in the closest partnership with the community, with real community ownership, and real community control. The *All Ireland Traveller Health Study* is elaborated on in greater detail in section 3 of the Third State Report.

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<sup>28</sup> <http://www.irishstatutebook.ie/1993/en/act/pub/0021/index.html>

## Section 3

### Social Issues

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#### Overview

47. This section outlines the developments that have occurred since the second reporting cycle regarding a number of social issues that historically have impacted upon Travellers. In particular, this section provides updates on access to accommodation (Article 5), education (Article 12), health support (Article 4), employment opportunities and financial support (Article 15).

#### Accommodation (Article 5)

48. The Second Resolution of the Committee of Ministers recommended that Ireland take “*decisive measures to ensure the implementation of Traveller accommodation plans*”. Point 62 of the Second Opinion of the Advisory Committee also states “*The Irish authorities should make concerted efforts to ensure that the local authorities meet Traveller accommodation targets and step up the delivery of appropriate accommodation options, including through improved provision of halting sites. The Advisory Committee recommends a speedy mid-term evaluation of the Traveller accommodation programmes for 2005-2008 and development of a mechanism to support their full implementation by 2008.*”
49. Government policy in relation to the accommodation of Travellers is implemented through the *Housing (Traveller Accommodation) Act, 1998*.<sup>29</sup> This Act requires each major housing authority to draw up, adopt, and implement multi-annual Traveller accommodation programmes, with the aim of accelerating the provision of accommodation for Travellers. The *Housing (Traveller Accommodation) Act 1998*, places a strong emphasis on consultation with all parties concerned. Traveller accommodation programmes are required to be prepared in consultation with other public authorities, community and other bodies, Travellers, via the local consultative committee, and the public in general. Travellers participate in statutory advisory committees concerning Traveller accommodation at both national and regional level through the National Traveller Accommodation Consultative Committee and Local Traveller Accommodation Consultative Committees.

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<sup>29</sup> <http://www.irishstatutebook.ie/1998/en/act/pub/0033/index.html>

#### National Traveller Accommodation Consultative Committee

50. The fourth National Traveller Accommodation Consultative Committee, consisting of twelve members, was appointed for a three year term on the 22 April 2010. The membership of the Committee, as specified under the 1998 Act, comprises Traveller representatives, government department officials, local authority officials, elected members of local authorities and ministerial nominees. The Committee meets approximately five times a year, visits Traveller-specific accommodation, produces an annual report and monitors the performance and efficacy of the Local Traveller Accommodation Consultative Committees. The terms of reference of the Committee are to advise the Minister in relation to:
- any matter referred to it by the Minister;
  - the most appropriate measures for improving, at local level, consultation with, and participation of, Travellers in the provision and management of accommodation;
  - general matters concerning the preparation, adequacy, implementation and co-ordination of Traveller accommodation programmes; and
  - any general matter concerning accommodation for Travellers.

#### Local Traveller Accommodation Consultative Committee

51. Each local authority was requested to form a new Local Traveller Accommodation Consultative Committee in 2009. These Committees membership consists of Travellers and Traveller support group members, elected members of the local authority and local authority officials. In 2009, the National Traveller Accommodation Consultative Committee, in conjunction with the Department of the Environment, Community and Local Government, held a seminar for the chairpersons of these newly formed committees to help them and their committees become more effective.

#### Progress in the Provision of Accommodation

52. Regarding the concerns expressed in point 18 of the Main Findings of the Second Opinion of the Advisory Committee, there has been significant progress made in the provision of Traveller accommodation in recent years. The data below is derived from the *Annual Count of Traveller Families* (the “Annual Count”) which takes place at the end of November each year. The Annual Count is carried out by local authorities at the request of the Department of the Environment, Community and Local Government. The Annual Count is not intended to be a census and does not claim to count every Traveller family in the State. Instead, it is designed to monitor the accommodation position of Travellers who are dependent on a local authority to meet their accommodation needs. The figures given for those accommodated under “Own Resources” and “Private Rented Accommodation” are estimated and only those

families who have come into contact with their local authority housing section are likely to be recorded in these categories.

53. The chart below shows the number of Traveller families recorded has increased by almost 2,500 between 2004 and 2010. This equates to a 35 percent increase in just six years. Despite the challenges raised by this rate of increase, the accommodation position of Travellers in the State has improved during this period. As the chart below outlines, the number of families living on unauthorised sites has reduced from 601 in 2004 to 444 in 2010. As a percentage of the overall number of Traveller families this reduction equates to a 45 percent decrease (8.60 percent of all families in 2004 to 4.69 percent of all families in 2010). It should be noted that in 1999, prior to the first Traveller Accommodation Programme, the Annual Count recorded 25.2 percent of Traveller families living on unauthorised sites. Between 2004 and 2010 an additional 626 Traveller families were permanently accommodated in standard local authority housing and a further 105 were assisted in purchasing their own home by their local authority. Also during this period an additional 127 families were accommodated in Traveller specific group housing. The numbers sharing all types of accommodation decreased in percentage terms.

Number of families in:		Nov 2004	%	Nov 2010	%
<b>a</b>	Standard Houses (including Voluntary Housing)	2,827	40.44%	3,453	36.46%
<b>b</b>	Unauthorised Sites	601	8.60%	444	4.69%
<b>c</b>	Permanent Halting Site Bays	743	10.63%	619	6.54%
<b>d</b>	Group Housing	582	8.32%	709	7.49%
<b>e</b>	Own Resources	464	6.64%	561	5.92%
<b>f</b>	Basic Service Bays/Transient Halting Site Bays	363	5.19%	207	2.19%
<b>g</b>	Private Houses assisted by Local Authorities	376	5.38%	481	5.08%
<b>h</b>	Sharing Housing (categories a,d,e,g,i)	334	4.78%	451	4.76%
<b>i</b>	Private rented accommodation	486	6.95%	2,380	25.13%
<b>j</b>	Sharing Permanent Halting Site Bays	128	1.83%	136	1.44%
<b>k</b>	Sharing Basic Service Bays/Transient Halting Site Bays	87	1.24%	29	0.31%
<b>Total</b>		<b>6,991</b>	<b>100%</b>	<b>9,470</b>	<b>100%</b>

54. Notwithstanding the good progress which has been made, the Department of the Environment, Community and Local Government continues to encourage local authorities to reduce the number of families living on unauthorised sites or sharing accommodation and monitors the situation, in conjunction with the local authorities and the National Traveller Accommodation Consultative Committee.

### Private Rented Accommodation

55. There has been a significant increase in the number of families living in private rented accommodation demonstrating that the private rental market has become much more open to Traveller tenants. A considerable majority (over 96 percent) of the 2,380 families recorded as living in private rented accommodation receive assistance in meeting their accommodation costs either through the payment of rent supplement (by the Department of Social Protection) or through the Rental Accommodation Scheme.<sup>30</sup> With the number of families accommodated using the Rental Accommodation Scheme continually increasing, private rented accommodation has become a viable and more secure long term accommodation option. Travellers living in private rented accommodation remain on their local authority housing list and are offered permanent accommodation in line with their needs assessment and the local authority's scheme of letting priorities.
56. In 2009, the local authorities adopted their third Traveller Accommodation Programme covering the period 2009-2013. Each programme contains annual targets and local authority performance is monitored, through annual progress reports, by the Department of the Environment, Community and Local Government and the National Traveller Accommodation Consultative Committee. In accordance with legislation, local authorities have been requested to undertake a mid-term review of their current Traveller Accommodation Programmes by the end of 2011.

### Halting Sites

57. Travellers are free to express a preference for any form of accommodation, including halting site accommodation, through the statutory *Assessment of Housing Needs* carried out by local authorities. Local Authority Traveller Accommodation Programmes are informed by this *Assessment of Housing Need* and show that the vast majority of Travellers have opted for standard housing or group housing. It should also be noted that the majority of Travellers already live in standard housing, either in standard local authority housing, private rented housing, in houses provided from their own resources or in private houses with the assistance of their local authority. Although some Traveller support groups argue that local authorities are not providing sufficient halting site accommodation, the *Assessment of Housing Need* shows that the demand for sites has declined considerably. Some Traveller organisations have disputed the reliability of the *Assessment of Housing Need*. However, to date no evidence has been provided to support such concerns. The Department of the Environment, Community

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<sup>30</sup> A local authority scheme for people who had been in receipt of rent supplement usually for more than 18 months and who need long term housing.

and Local Government has also received a number of requests, from Traveller residents, for the conversion of existing halting sites into group housing schemes.

#### Transient Halting Sites

58. Responsibility for the provision of Traveller accommodation, including transient sites, rests with individual housing authorities. The *Housing (Traveller Accommodation) Act, 1998* specifically requires local authorities to have regard to the provision of transient sites when preparing their Traveller Accommodation Programmes. In August 2008, the Department of the Environment, Community and Local Government issued a memorandum to all local authorities requesting them to have regard to the need for transient sites in the preparation, adoption and implementation of their Traveller Accommodation Programmes for the period 2009-2013.
59. The issue of transient sites was considered by the third National Traveller Accommodation Consultative Committee and is also included on the work programme of the fourth Committee. The Committee is investigating the possibility of transient facilities being arranged for major events which can attract large numbers of visiting Travellers, such as the Knock novena in August.<sup>31</sup>

#### Trespass

60. Point 63 of the Second Opinion of the Advisory Committee states “*Anti-trespassing legislation and related procedures should be reviewed and, as appropriate, amended, in consultation with those concerned, to ensure they comply with Article 5 of the Framework Convention and other pertinent human rights standards. In the meantime, the authorities should take into account that some of the trespassing may be linked to the local authorities’ failure to meet their statutory obligation to provide accommodation*”.
61. The Government acknowledges the concerns expressed in point 63, in addition to those expressed in point 18 of the Main Findings of the Second Opinion of the Advisory Committee regarding the consequences of criminalising trespassing through legislation. However, there are no plans to amend or review the law governing trespass.<sup>32</sup> Insofar as this public order legislation may impact on Traveller accommodation issues, the implementation advice issued to local authorities, as outlined on page 25 of Ireland’s Second State Report, still stands.

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<sup>31</sup> Knock, located in County Mayo, is the site of a Roman Catholic religious pilgrimage.

<sup>32</sup> *Housing (Miscellaneous Provisions) Act, 2002* amended the *Criminal Justice (Public Order) Act, 1994* in relation to entering and occupying public or private land without the consent of the owner.



## Funding

62. The Government's commitment to addressing the accommodation needs of Travellers is supported by the level of funding made available for Traveller-specific accommodation. During 2005-2010 a total of €178 million was expended on the provision of new, and the refurbishment of existing, Traveller-specific accommodation. This is in addition to expenditure on standard local authority housing and other housing supports.

## **Education (Article 12)**

63. The Second Resolution of the Committee of Ministers recommended Ireland to *“take decisive measures to ensure the implementation of the recommendations of the Report for a Traveller education strategy”*. The Main Findings of the Second Opinion of the Advisory Committee urged that the Traveller education strategy and as associated implementation plan should be issued without delay. Point 97 of that Opinion stated that *“The pending Traveller Education Strategy, with an implementation plan, should be issued as rapidly as possible and given resolute follow-up at all levels of education, including in terms of resources and appropriate awareness-raising, which should be pursued among all actors concerned, involving also persons belonging to the majority in the communities concerned. Enhanced support should be made available for community development work of Traveller organisations in recognition of its positive education implications. The Advisory Committee urges the authorities to combat any practices that may contribute to isolation or separation of Traveller pupils and make sure that there is no direct or indirect anti-Traveller bias in enrolment processes, in the formation of study groups or in any other aspects of education”*.
64. A key development in terms of advancing education for the Traveller community has been the *Report and Recommendations for a Traveller Education Strategy* (the “Traveller Education Strategy”) which was launched in November 2006.<sup>33</sup> The Report covers all aspects of Traveller education from pre-school right through to further and higher education within a lifelong learning context.
65. The principle of inclusion is at the core of the current strategy and future provision will focus on the development of more inclusive and intercultural school practice and environment through the whole school planning process, admissions policies, codes of behaviour and whole school evaluation. A key aim of the strategy is to enhance access and education

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<sup>33</sup> [http://www.education.ie/servlet/blobServlet/des\\_recom\\_traveller\\_educ\\_strategy.pdf](http://www.education.ie/servlet/blobServlet/des_recom_traveller_educ_strategy.pdf)

service delivery to Travellers with provision focused on '*individual educational need*' rather than '*Traveller identity*'.

66. The primary objective of the Traveller Education Strategy is to ensure a quality, integrated education for Travellers underpinned by the principles of inclusion and mainstreaming with an emphasis on equality and diversity and the adoption of an intercultural approach. This is in line with the Government's recommendations in the *National Action Plan Against Racism 2005- 2008*.<sup>34</sup>
67. The vision for Traveller education, as summarised in the Traveller Education Strategy, is that Travellers would:<sup>35</sup>
- Obtain access to all mainstream provision;
  - Participate as equals, achieve their full potential, and have outcomes similar to those of their settled peers;
  - Be participants in an education that is changing and evolving into an inclusive system;
  - Gain qualifications, obtain access to mainstream employment, aspire to promotion and participate fully as members of society;
  - Respect and be respected for their culture and identity in an Ireland where diversity, equality and interculturalism are the norm and reciprocally respect other cultures and identities; and
  - Contribute to Ireland's social, cultural and economic development.
68. Implementation of the recommendations in the Traveller Education Strategy requires a phased approach to ensure that recommendations are addressed at every level simultaneously.

#### Traveller Education Strategy Advisory and Consultative Forum

69. The Traveller Education Strategy Advisory and Consultative Forum (the "Forum") was established in 2009 as a forum for consultation on the implementation of the Traveller Education Strategy. The Forum comprises of representatives of the Department of Education and Skills charged with responsibility for Traveller education and representatives nominated by key stakeholders. These parties include relevant education partners and Traveller representative groups. The Forum is chaired by the Chairperson of the Department's Traveller Implementation Group. The object of the Forum is to identify issues, including obstacles, to the implementation of recommendations of the Traveller Education Strategy. It will also examine appropriate responses to issues identified and report to the Department's Traveller

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<sup>34</sup> <http://www.nccri.ie/action-plan.html>

<sup>35</sup> Report and Recommendations for a Traveller Education Strategy (2006) page 99

Implementation Group, to highlight key issues of concern. To date the Forum has met four times.

70. In addition to the Forum, the Department of Education and Skills participates fully with the National Traveller Monitoring and Advisory Committee to which it provides comprehensive progress reports. The Department engages with Travellers, non-governmental organisations and other stakeholders represented on the Committee. It also engages bilaterally with representative groups on a regular basis.

#### Attendance and Attainment

71. Point 19 of the Main Findings of the Second Opinion of the Advisory Committee highlighted attendance and Traveller achievement levels as areas of concern. Two key recommendations of the Traveller Education Strategy are to improve the attendance and attainment levels of Travellers in education.
72. The *Survey of Traveller Education Provision in Irish Schools (2006)* (the “2006 Survey”) carried out by the Department of Education and Skills Inspectorate found that the average attendance rate by Traveller children is approximately 80 percent. This average includes figures varying from 35 percent to 100 percent, being lowest for those who lived in unofficial halting sites. There were also high absentee rates (often greater than 50 percent). The Traveller Education Strategy stated that there is a need for Traveller parents, education welfare officers, school personnel and Traveller organisations to work as a team to ensure maximum attendance.<sup>36</sup> This involves both rights and responsibilities for all the partners.
73. The 2006 Survey also found that the majority of Traveller children in schools are not achieving on a par with their settled peers. The survey suggests that more than sixty percent of Traveller pupils are below the 20<sup>th</sup> percentile in English reading and in mathematics, while two percent are in the top (80–100) quintile.<sup>37</sup> The *2009 National Assessments of Mathematics and English Reading* identified Travellers as a subgroup in their national assessments with findings suggesting that compared to their peers Travellers performance deteriorated between second and sixth classes.<sup>38</sup> At post primary level, few Traveller students are attempting State examinations at the higher level.<sup>39</sup> The Traveller Education Strategy states that there needs to

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<sup>36</sup> Report and Recommendations for a Traveller Education Strategy (2006) Recommendation 3, page 55

<sup>37</sup> Report and Recommendations for a Traveller Education Strategy (2006) page 37

<sup>38</sup> At second class they scored close to 200 in each domain (reading and mathematics) - in sixth they had a mean reading score of 192 and a mean mathematics score of 180. The mean in all cases is 250 and the standard deviation is 50 meaning that they performed pretty poorly. Caution needs to be exercised when interpreting the data given that they were a small sample of the main group – less than 2% of the cohort.

<sup>39</sup> There are three levels of grades: Higher; Ordinary; and Foundation.

be high expectations for all students, including Travellers. Travellers should be encouraged to be ambitious and achieve to the highest level possible, reflecting their capabilities.

74. The National Educational Welfare Board, a statutory body with responsibility for educational welfare, was established under the *Education (Welfare) Act, 2000*.<sup>40</sup> The Act provides a comprehensive framework which promotes regular school attendance and tackles the problems of absenteeism and early school leaving. The general functions of the Board are to ensure that every child, including Traveller children, attends a recognised school or otherwise receives a certain minimum education.

#### Transfer and Retention

75. The Traveller Education Strategy identified retention of Traveller students in post-primary education as a fundamental issue. However, the 2006 Survey noted the improved transfer rates of Traveller children from primary to post-primary schools over the past twenty five years. In September 2009, there were over 11,300 young Travellers enrolled in school with 8,301 at primary level and 3,014 in mainstream post-primary school. The table below outlines the number of Traveller pupils in post-primary education from the years 1999-2000 to 2009-2010.

School Year	First Year	Second Year	Third Year	Transition Year	Fifth Year	Sixth Year	Total
1999/2000	478	266	116	31	51	19	961
2000/2001	531	319	183	27	67	38	1165
2001/2002	582	397	220	31	86	49	1365
2002/2003	650	482	272	26	102	62	1594
2003/2004	626	527	341	44	113	63	1714
2004/2005	671	556	357	44	145	72	1845
2005/2006	745	638	478	86	172	110	2229
2006/2007	709	676	513	95	209	115	2317
2007/2008	848	736	558	85	236	135	2598
2008/2009	910	836	631	118	220	159	2874
2009/2010	813	870	756	127	313	135	3014

76. As reflected in the table, by the age of sixteen most young Travellers have left mainstream education with only a small minority progressing to the senior cycle. The 2006 Survey highlighted why from a Traveller parents perspective their children are leaving school early. The concerns from the parents include:

- They do not understand the complexity of the post-primary system;

<sup>40</sup> <http://www.irishstatutebook.ie/2000/en/act/pub/0022/index.html>

- Their children are dropping out easily;
- System is more suited to girls than boys; and
- Their children are progressing poorly with literacy and numeracy.

The 2006 Survey also found that some Traveller parents:

- Do not value post primary education highly, as traditionally in Traveller culture boys are expected to adopt full adult male roles and responsibilities early in adolescence;
- Experience barriers because of their own limited education; and
- Find it difficult to approach local post primary schools to enrol their children.

### Enrolment Policy

77. It is the responsibility of the managerial authorities of schools to implement an enrolment policy in accordance with the *Education Act, 1998*.<sup>41</sup> In this regard a Board of Management may find it necessary to restrict enrolment to children from a particular area or a particular age group or, occasionally, on the basis of some other criterion. This selection process and the enrolment policy on which it is based must be non-discriminatory and must be applied fairly in respect of all applicants. Under section 15 (2)(d) of the *Education Act 1998*, each school is legally obliged to disclose its enrolment policy and to ensure that as regards that policy that principles of equality and the right of parents to send their children to a school of the parent's choice are respected.
78. Section 29 of the *Education Act 1998*, provides parents with an appeal process where a Board of Management of a school or a person acting on behalf of the Board refuses enrolment to a student. Where a school refuses to enrol a pupil, the school is obliged to inform parents of their right under Section 29 of the *Education Act 1998* to appeal that decision to either the relevant Vocational Educational Committee or to the Secretary General of the Department of Education and Skills. Following an unsuccessful appeal there may be grounds to refer the case to the Equality Tribunal.
79. In December 2010 the Equality Tribunal found that the enrolment policy of a school indirectly discriminated against Travellers on the grounds that requiring an applicant to have a relative, specifically a father, who attended the school disproportionately affects Travellers.<sup>42</sup> The Equality Tribunal ordered that the school immediately offer a place to the child and also review its admissions policy to ensure it does not indirectly discriminate against pupils on any

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<sup>41</sup> <http://www.irishstatutebook.ie/1998/en/act/pub/0051/index.html>

<sup>42</sup> *Mary Stokes (on behalf of her son John Stokes) v Christian Brothers' High School, Clonmel and The Department of Education and Skills* 7 December 2010 Equality Officer Decision DEC-S2010-056

of the grounds covered by Section 3 (2) of the *Equal Status Act 2000*.<sup>43</sup> The decision, which could have far reaching effects, is currently under appeal to the Circuit Court.

80. The National Educational Welfare Board is the statutory agency that provides assistance to parents who are experiencing difficulty in securing a school place for their child. Education Welfare Officers work with all parents to advise and assist them in making applications to secure a school placement for their child. The Board works directly with schools advising on attendance strategies and has published Guidelines to Schools on Developing Codes of Behaviour.

#### School Transport

81. Traveller pupils are eligible for school transport on the same basis as all other pupils. The Department has retained provision in the scheme to deal with very exceptional cases where unique school transport arrangements may be required. It is envisaged that such instances will be rare and are likely to relate to the placement of the child.

#### Segregation

82. One of the recommendations of the Traveller Education Strategy for immediate priority was the mainstreaming of provision for Travellers by ending, in a phased manner, segregated provision in pre-schools, primary, post primary and further education. In looking at young Traveller children's experience in a segregated pre-school, the Traveller Education Strategy pointed out the missed opportunity for '*Traveller and settled children living in the same geographical area to interact with one another, go to pre-school together and learn from one another*'. This strategy builds on earlier reports, including the 1995 Task Force on the Traveller community which specifically recommended the end of segregated provision.
83. Segregated Traveller pre-schools were established some 30 years ago and by mid-2005, forty five such pre-schools were in existence. The target set in the Traveller Education Strategy was for the integration of all pre-school services for Travellers over a 10 year period, i.e., by 2016. The target was set prior to the introduction, in January 2010, of universal pre-school provision (the free pre-school year scheme) for all children. 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 1 September each year, are entitled to a free pre-school year of appropriate programme-based activities in the year before they start primary school. The Government has pledged in the Programme for

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<sup>43</sup> <http://www.irishstatutebook.ie/2000/en/act/pub/0008/index.html>

Government “*We will maintain the free pre-school year in Early Childhood Care and Education to promote the best outcomes for children and families. We will improve the quality of the pre-school year by implementing standards and reviewing training options.*”<sup>44</sup>

84. The universal pre-school provision provided an opportunity to accelerate the achievement of inclusive, high quality, publicly funded pre-school education for all children, including Traveller children. In December 2009, the Department of Education and Skills wrote to the 26 Traveller pre-schools funded by it and asked them to begin the process of applying for inclusion in the free pre-school year scheme from September 2010 onwards or alternatively, to look at the closure of the pre-school where sufficient places were available in community or private pre-schools locally. Seven of these pre-schools decided to join the free pre-school year scheme with effect from January 2010. By September 2010, a further 12 pre-schools had either joined the scheme or had decided to close because of the availability of alternative places locally. The Department of Education and Skills is continuing to fund the remaining seven pre-schools. Three of the remaining Traveller pre-schools have decided to either close down or move to an integrated model in 2011. The Department will continue to work collaboratively with the Boards of Management of the remaining Traveller pre-schools, and their local City and County Childcare Committees, to ensure that young Traveller children have continued access to pre-school places.
85. Nationally, 63,000 children availed of the scheme from September 2010, which represented 94 percent of the eligible age cohort. By international standards, it is unparalleled to have such strong participation in the first year of operation. A further 4 percent of pre-school children have joined other State schemes, such as the Early Start programme and the remaining Traveller pre-schools. Dormant Account funding<sup>45</sup> is being provided in 2010-2011 to support pre-school services to undertake accredited equality and diversity training, linked into the Department of Children and Youth Affairs’ Guidelines on Equality and Diversity which were published in 2006.
86. The closure of the remaining two segregated Special Primary Schools for Travellers and two Junior Education Centres, as agreed in the Traveller Education Strategy, are under consideration and negotiations have begun with the patrons of these schools. A phased approach will be taken to ensure that appropriate alternative facilities are in place for those children and young people affected by the closures prior to the closures taking place. The

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<sup>44</sup> Programme for Government, chapter entitled *Fairness*, page 9

<sup>45</sup> Refer to footnote 21.

issue of relocating the pupils to other schools or alternative provision within the catchment area will have to be managed to ensure adequate and appropriate placements are available.

87. To provide for a single, more focussed structure at local, regional and national levels, the functions of the National Educational Welfare Board were expanded on 1 September 2009 to bring the *Home School Community Liaison*, the *School Completion Programme*, the *Visiting Teachers Service for Travellers* and *National Educational Welfare Service* under one common management team. The objective is to improve educational outcomes for all children through improved unified service delivery from the perspective of the child and to achieve better engagement with other agencies and services, statutory and non statutory working with children and families. Policy making should be enhanced with the increased emphasis on planning, outcome measurement and the gathering of evidence on the impact of interventions. Work is well advanced on the organisational arrangements for integration with each of the four service strands reporting to the National Educational Welfare Service and managed by an Integrated Management Team comprised of National Educational Welfare Service Regional Managers and School Completion Programme and Home School Community Liaison Service Regional Co-ordinators. This will ensure continuity of services to schools, families and communities in parallel with the development of the integrated service model.
88. To achieve the integrated services agenda and to keep in line with the recommendations of the Traveller Education Strategy the following changes are to be implemented:
- The Visiting Teacher Service and Resource Teachers for Travellers will cease from the end of the 2010-2011 school year. The National Educational Welfare Board, responsible for the Home School Community Liaison Service, the School Completion Programme, the Visiting Teacher Service for Travellers as well as the National Educational Welfare Service has been asked to ensure that its combined services are more effectively targeted to support children at risk, including Traveller children.
  - The 600 primary Resource Teachers and equivalent teaching resources for Travellers at post primary level are being withdrawn in favour of providing this service based on identified educational need rather than identity. Alleviation measures have been provided for schools which have the highest concentration of Traveller children previously supported by Resource Teacher for Traveller posts.
  - Senior Traveller Training Centres will be phased out by June 2012 and no new enrolments have been allowed since 1 January 2011. As well as the Traveller Education Strategy, this announcement is also in line with the 2008 Value for Money Review of Youthreach and Senior Traveller Training Centres. There is provision for replacement



places, prioritised for Travellers, to be made available under the Back to Education Initiative.

#### Further Education

89. All further education programmes (the full-time Post Leaving Certificate; Vocational Training Opportunities Scheme and Youthreach programmes and the part-time Back to Education Initiative, Adult Literacy and Community Education programmes) continue to be open to Travellers. For an example, in 2010, there were an estimated 857 Travellers in Back to Education Initiative courses. All learners, including Travellers, in Vocational Training Opportunities Scheme, Back to Education Initiative, Adult Literacy and Community Education programmes may access the Adult Education Guidance Initiative support service and all Vocational Training Opportunities Scheme, Youthreach and Back to Education Initiative participants, including Travellers, are eligible to avail of childcare support under the Childcare Education Training Support Scheme which is administered by the Department of Children and Youth Affairs.

#### Higher Education

90. The Higher Education Authority's National Office for Equity of Access to Higher Education (the "National Access Office") is responsible for co-ordinating, developing and advising the Department of Education and Skills on national policy. It is also responsible for implementing funding measures which facilitate greater educational access and opportunity for groups who are under-represented in higher education. The Traveller community is one of the target groups identified in the *National Access Plan 2008-2013* (the "National Access Plan").<sup>46</sup>
91. The National Access Plan did not set specific targets for increased participation by Travellers but did identify Travellers as one of their "underrepresented" target groups. Sufficient data was unavailable at the time of the plan's finalisation (2008) to include specific targets. A mid-term review of the plan, in 2010, included a review of current targets and target groups. The National Access Plan notes that many Traveller children do not complete second level education and therefore work by higher education institutions and other stakeholders with primary and second level schools is critical to targeting increased participation by this group. This type of work began in 1999 and in the mid-term review of the National Access Plan higher education institutions indicated that work with Traveller students, their families and teachers is growing.

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<sup>46</sup> [http://www.heai.ie/files/files/file/National\\_Access\\_Plan\\_2008-2013\\_\(English\).pdf](http://www.heai.ie/files/files/file/National_Access_Plan_2008-2013_(English).pdf)

92. Analysis of data collected by the Higher Education Authority on behalf of the Department of Education and Skills for 2009-2010, indicates that almost 0.1 percent of entrants (27 students) to 13 higher education institutions that year were from an Irish Traveller background. This compares to 23 entrants to 9 institutions in 2008-2009. While there has been progress, participation by young Irish Travellers in higher education (estimated at 5 percent of the overall national population in the relevant age cohort) is very low, compared to overall national participation rates (estimated at 60 percent of the relevant age cohort). 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.<sup>47</sup>
93. The Department of Education and Skills with the National Access Office has recently agreed to support work by the Irish Traveller Movement with the Supporting Travellers in College network. This network was established in September 2009 by the Irish Traveller Movement as a peer support group for Travellers who are currently in higher education. The group aims to develop its work to encourage more young Travellers to attend further and higher education and mature Travellers to return to education.

#### Teacher Training

94. Both primary and post-primary teachers are educated in a manner that seeks to encourage the development of an inclusive classroom. At primary level, courses on offer include: inclusion; educational disadvantage; intercultural education; equality and cultural diversity; and social justice (both domestically and globally). The *Development and Inter-Cultural Education Project* operates across all state-funded Colleges of Education to integrate development and intercultural education. Its strategic aim is to support colleges to utilise, develop and further extend staff capacity and expertise in development and intercultural education across all relevant areas of the Primary School Curriculum (1999). At post-primary level, courses include: equality and diversity; social justice; multiculturalism; and inclusion. These courses also include microteaching and tutorial sessions on experiential learning in the community.
95. *Continuing Professional Development* programmes operate under the aegis of Teacher Education Section of the Department of Education and Skills. They are tailored to meet the needs of both teachers and schools and to enable them to deal with the teaching and learning needs of all students, regardless of their cultural background. They provide a general focus on

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<sup>47</sup> This is in line with points 12 and 36 of the Second Opinion of the Advisory Committee as well as the Second Resolution of the Committee of Ministers as outlined in paragraph 39.

inclusion and support for pedagogical practices which promote inclusion. The providers of these services are well acquainted with the recommendations of the Traveller Education Strategy and the National Council for Curriculum and Assessment Guidelines for schools on Interculturalism, Diversity & Equality Primary and Post-Primary. Most of the graduate diploma courses in Special Education address the issue of Traveller education. This is part of the continuing professional development in Education for Equality, Respect and Diversity in all colleges, with targeted aspects relating to Travellers with special educational needs in six of the seven colleges. All service providers will be asked to review their programmes to ensure that they reflect the Education for Equality, Respect and Diversity is included and that they incorporate specific reference to different cultures including Traveller culture as appropriate. The Teacher Education Section has issued a recommendation to Boards of Management that programmes of *Continuing Professional Development* should make reference to Traveller education to address the responsibilities of the Boards in so far as they relate to inclusion, integration, equality, respect and diversity.

96. A *National Induction Programme* has been developed by the Teacher Education Service to support all newly qualified teachers at primary and post-primary levels via the Education Centre Network. A range of themes is covered in the 20 hour modules organised in the Education Centres including inputs on Equality, Diversity and Inclusion.

#### Minority Language as an Education Subject (Article 14)

97. Point 102 of the Second Opinion of the Advisory Committee states that “*The Advisory Committee encourages the authorities to pursue their commitment in this area, including through provision of minority language as an education subject*”. In 2006, the National Council for Curriculum and Assessment published separate guidelines on *Intercultural Education in Primary schools* and *Intercultural Education in Post-primary schools*.<sup>48</sup> These guidelines provide guidance for teachers and school management on:

- mediating the curriculum in a way that reflects cultural diversity;
- making the curriculum as accessible as possible for children from minority groups;
- enhancing the intercultural experience of all pupils; and
- creating an inclusive school culture.

There is a non-curricular language option at Leaving Certificate (terminal post-primary) higher level for EU students whose mother tongue is not one of those available as a curricular language. The list of EU languages involved is constantly expanding and the papers are based on the First Foreign Language final written paper of the European Baccalaureate. In 2010,

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<sup>48</sup> [http://www.ncca.ie/uploadedfiles/publications/Interc%20Guide\\_Eng.pdf](http://www.ncca.ie/uploadedfiles/publications/Interc%20Guide_Eng.pdf)

these exams were offered in 16 languages for candidates from the EU who speak the languages involved as their mother tongue. This group of subjects are referred to as “non-curricular languages” as they are not formally taught as part of the post-primary curriculum. In 2010, including the curricular and non-curricular language subjects, a total of 27 languages were examined in the Leaving Certificate examinations.

98. The *Intercultural Education Strategy 2010-2015*,<sup>49</sup> published by the Department of Education and Skills in 2010, emphasises that “*There is diversity within the host community - Traveller students may be the most obvious grouping in this regard. All educators have an inclusion and integration role. This is a key part of preparing all learners for full participation in society, and life in an intercultural and inclusive setting in Ireland and worldwide*”.<sup>50</sup>

#### **Health (Article 4)**

99. Traveller health and the provision of health services for Travellers is a priority for the Department of Health in partnership with the Health Service Executive, and considerable work has been undertaken in this area. Expenditure on Traveller specific health services is currently in the order of €10 million per year. A wide range of specific Traveller dedicated health services, such as Traveller Health Units and Primary Health Care Projects, have been developed. Structures have been put in place to ensure the effective delivery of services.
100. The Traveller Health Advisory Committee advises the Minister of Health on policy in relation to Traveller health. The Committee comprises of representatives of the Department of Health, the Health Service Executive, Travellers and Traveller organisations. In addition, Traveller Health Units operate in each Health Service Executive area. The units comprise representatives from Health Service Executive management and Traveller representatives. These units work in partnership with local Traveller organisations and the Traveller community. The significant investment in Traveller health has also allowed for the appointment of designated Public Health Nurses for Travellers and the roll out of Primary Health Care for Travellers projects which established a model for Traveller participation in the development of health services.

#### Traveller Health - A National Strategy 2002-2005

101. An internal review of the progress being made on implementing the recommendations of the Traveller health strategy, *Traveller Health - A National Strategy 2002-2005*, was conducted

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<sup>49</sup> <http://www.education.ie/home/home.jsp?pcategory=10856&ecategory=51881&language=EN>

<sup>50</sup> Intercultural Education Strategy 2010-2015 page 48

in 2005.<sup>51</sup> It revealed that of the 122 recommendations, 44 were found to have been completely or substantially implemented. However, it was found that due to interdependencies, many of the recommendations could not be progressed. For example, the lack of up to date data on Traveller health meant that it was not possible to evaluate how effective the implementation of those recommendations that had been implemented had been. However, now that the findings of the *All Ireland Traveller Health Study* are available, service providers are in a better position to consider the findings with a view to determining the appropriate responses to the issues identified.<sup>52</sup>

#### All Ireland Traveller Health Study

102. The commitment to Traveller health is also reflected in the significant resources allocated to the commissioning of the *All Ireland Traveller Health Study*, the findings of which were published on 2 September 2010. It was the first such study of the health status of Travellers since 1987 and the first that involved Travellers living in both the North and South of Ireland. It was jointly funded by the Department of Health and the Department of Health, Social Services and Public Safety in Northern Ireland and supported by the Health Service Executive.
103. The study was carried out on behalf of Travellers, for and by Travellers, in order that the results would be more robust and more useful to policy makers and service providers. Using innovative new methods, Travellers themselves, together with frontline service providers, worked as peer researchers with the researchers to collect the data. The significant overall response rate of 80 percent reflected the extensive preparation together with collaboration of all stakeholders in conduction of the study.
104. The study included a census of the Traveller population and an examination of their health status and utilisation of health services in order to identify the factors which influence mortality and health status. The results of the study place a strong emphasis on the impact of the social determinants of health, particularly on the importance of education. The findings will provide a framework for future policy development and practice in relation to Traveller health.
105. One of the key findings from the study is that Travellers of all ages continue to have much higher mortality rates than people in the general population, with Traveller men now living on

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<sup>51</sup> [http://www.dohc.ie/publications/traveller\\_health\\_a\\_national\\_strategy\\_2002\\_2005.html](http://www.dohc.ie/publications/traveller_health_a_national_strategy_2002_2005.html)

<sup>52</sup> The findings of the study are available to download from the Department of Health's website at:  
[http://www.dohc.ie/publications/traveller\\_health\\_study.html](http://www.dohc.ie/publications/traveller_health_study.html)

average 15 years less than men in the general population and Traveller women living on average 11.5 years less than women in the general population. Deaths from respiratory diseases, cardiovascular diseases and suicides were markedly higher in Travellers compared to the general population. Among the positive results from the study were evidence of good access to health services and improvements in Traveller women's health. A summary of the findings of *All Ireland Traveller Health Study* can be found in Appendix V.

106. The Traveller Health Advisory Committee and the Health Service Executive are working together to devise a list of priority actions which will focus service provision based on the findings of the *All Ireland Traveller Health Study*. This will build on existing structures and processes, in line with the findings of the study and form a platform to continue to seek to improve the health status of the Traveller community. Priority areas for attention in 2011 include:

- Mental Health;
- Suicide;
- Men's Health;
- Addiction/Alcohol;
- Domestic Violence;
- Diabetes;
- Cardiac Health; and
- Mapping of Traveller Health Unit work to Primary Care Teams and Networks.

#### National Drugs Strategy 2009-2016

107. The overall strategic objective of Ireland's *National Drugs Strategy 2009-2016*<sup>53</sup> is to tackle the harm caused to individuals and society by the misuse of drugs. It outlines a series of 63 individual actions to be taken across the full range of departments and agencies involved in delivering drugs policy. The implementation of these actions will be overseen by the Department of Health, formerly the Office of the Minister for Drugs, supported by the Oversight Forum on Drugs, as appropriate. Two actions in particular target Travellers: Action 44 states, "*Address the treatment and rehabilitation needs of: Travellers; new communities; LGBTs; homeless; and sex workers. This action should be facilitated by engagement with representatives of those communities and/or services working with those groups as appropriate*". Action 60 states, "*Continue to develop engagement with specifically identified at risk groups, including: Travellers; new communities; LGBTs; homeless; and sex*

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<sup>53</sup> <http://www.pobail.ie/en/OfficeoftheMinisterforDrugs/Co-ordinationoftheNationalDrugsStrategy/>

*workers, at the appropriate national/regional/local level in the design and planning of interventions under the National Drugs Strategy”.*

### **Employment and Financial Support (Article 15)**

108. The Second Resolution of the Committee of Ministers recommended Ireland “*to take further steps aimed to facilitate self employment and other economic activities of the Travellers*”. In accordance with point 118 of the Second Opinion of the Advisory Committee, Ireland is taking proactive measures to advance employment of Travellers in both the public and the private sector by eliminating the practical and legal obstacles that hinder full participation of Travellers in economic life, including by ensuring that their self employment and other economic activities as well as equal access to financial services are facilitated. These measures address the concerns expressed in the Main Findings of the Second Opinion of the Advisory Committee, which stated “*Despite certain promising initiatives, Travellers’ participation in economic life remains limited. In order to tackle unemployment and other problems in this sphere, further steps aimed to facilitate self employment and other economic activities of the Travellers are needed.*”

#### FÁS

109. FÁS, the national training and employment agency, is responsible for undertaking specific actions to improve provisions for Travellers. While all FÁS programmes are available to all suitable participant, Travellers are a priority cohort for a number of schemes. For example, Travellers are prioritised in the Local Employment Services and the Community Employment Schemes.

110. The *Community Employment Programme* is an active labour market programme designed to provide eligible long term unemployed people and other disadvantaged persons with an opportunity to engage in useful work within their communities on a temporary basis. The programme is a major response by FÁS to tackling social exclusion, with a view to re-integration into the labour market. With the aim of continuing to develop the content of the *Community Employment Programme*. FÁS has introduced the *Individual Learner Planning Process* focused on meeting the learning needs of participants. The Individual Learner Plan provides for the planning, organising and recording of the work experience, training and development that each participant receives while working on a *Community Employment Programme*. It includes training and development for supervisors, a new application process and quality assurance procedures.

111. The *Special Initiative for Travellers* aims to redress the imbalance in Traveller unemployment. It supports Travellers already engaged in employment and provides a special training fund to address the training needs of adult Travellers. Projects are identified through the Traveller Interagency Groups. More than 350 Travellers engage in the initiative every year.
112. To strengthen the remit of FÁS to respond to the employment needs of Travellers, and in line with the *FÁS Traveller's Strategy 2007-2010* to mainstream the Special Initiative for Travellers, it was decided that the delivery of the employment element of *Special Initiative for Travellers* be brought within an existing FÁS programme such as Supported Employment Services and/or Job Clubs. FÁS has commenced this process which, when completed, will ensure that optimum employment supports will be available to job ready Travellers such as a Traveller specific Job Coach working as part of a team of experienced personnel who have at their disposal an established network of employers. During 2011, FÁS will initiate the process of transferring responsibility for the enterprise element of the *Special Initiative for Travellers* from FÁS to the City and County Enterprise Boards. In this way, Traveller enterprises can link into the full range of entrepreneurial supports available through the City and County Enterprise Boards.

#### Traveller Internship Programme

113. The Department of Finance initiated a *Traveller Internship Programme* in the Civil Service (2006-2007) which provided work experience for 23 Travellers. They gained clerical experience in government departments (20 participants) and manual operative skills in the Office of Public Works (3 participants). Some have gone on to other employment in both the public and private sectors. Others have opted to seek further education. An evaluation report on the *Traveller Internship Programme*, which will support consideration of how this initiative can be built on for the future, is available on the website of the Department of Justice and Equality.<sup>54</sup>

#### National Traveller Money Advice and Budgeting Service

114. The *National Traveller Money Advice and Budgeting Service*<sup>55</sup> (the “Service”) was established in 2005. It works towards empowering the Traveller community in Ireland in accessing legal and affordable savings and credit. Over the past number of years, it has gathered extensive information on the issues prevalent for Travellers in Ireland. These include:

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<sup>54</sup> [http://www.justice.ie/en/JELR/Pages/Not\\_Like\\_Usual](http://www.justice.ie/en/JELR/Pages/Not_Like_Usual)

<sup>55</sup> <http://www.ntmabs.org/>



- Exclusion from mainstream financial services (both the banking services and credit unions);
- A prevalence of illegal money lending in the community; and
- Low levels of financial literacy.

115. To address these issues, it has developed among other things, a national mapping exercise of Traveller population and accommodation and a comprehensive education strategy to foster economic inclusion through financial literacy. The Service works consistently with local Money Advice and Budgeting Services<sup>56</sup> and Traveller organisations to build community networks, and works with partner organisations to create alternative options to mainstream savings and credit. It does not deal with individual debt but rather works to change policies and practices which act to exclude Travellers from fully participating in society.

116. The Service places significant emphasis on *Community Education* as a method of debt prevention and a means of empowerment. The main focus of this strategy is to develop a comprehensive financial education package for use by Money Advisers in conjunction with local Traveller populations. The *Community Education* strategy has worked with local Money Advice and Budgeting Services: to deliver sessions to Traveller Primary Health Care groups on money management; to facilitate training with the Primary Health Care workers from the Traveller community in Co Limerick; and to provide pre-delivery training to money advisers exploring Traveller culture and materials to be used when facilitating the money management programme.

117. The *Local Area Development* strategy creates links between local Money Advice and Budgeting Services, the Traveller population and related statutory and voluntary groups. It seeks to ensure fair and equal services and access to what Money Advice and Budgeting Services have to offer. Information exchange meetings are facilitated locally in each county and include participation from the local Money Advice and Budgeting Services, Traveller County Development Programmes, Traveller Training Centres, Family Resource Centres, Social Workers, Traveller Youth Projects, Primary Health Care programmes and any service provider working with Travellers.

118. The Service has been working alongside *Clann Credo*, the Social Investment Fund,<sup>57</sup> for a number of years on a caravan loan guarantee scheme. The scheme is open to Travellers nationally who wish to avail of a Credit Union loan to purchase a trailer. It has worked

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<sup>56</sup> <http://www.mabs.ie/>

<sup>57</sup> <http://www.clanncredo.ie/default.aspx?m=1&mi=41>

closely with Dublin City Council and Exchange House Traveller Services to initiate a similar pilot initiative. The scheme which has a fund of €50,000 sourced externally, will act as a part guarantee for any Traveller in the Dublin City Administrative area who wishes to purchase a new trailer through their Credit Union. The Service now plans to address problems associated with the cost of funerals.

119. The funding allocated to the Service since it was established in 2005 is as follows:

2005	2006	2007	2008	2009	2010
€239,428	€264,246	€280,399	€261,829	€308,039	€322,543

Funding supports the employment of six staff, as well as overheads and administration costs. The staff include: one money advice co-ordinator; one money adviser; one education worker; and one administrator. Following the transfer of responsibility for the Money Advice and Budgeting Service from the Department of Social Protection to the Citizens Information Board in July 2009, funding is now administered by the Citizens Information Board.

120. Finally it should be noted that the Programme for Government contains a proposal to restructure the Money Advice and Budgeting Service generally.<sup>58</sup>

#### Activation and Family Support Programme

121. The *Activation and Family Support Programme* was set up in January 2008 to provide funding for programmes to assist individuals and families to enhance their employability through education, training and personal development opportunities and to improve their quality of life. The aim is to ensure that welfare dependent people will have access to inclusion and progression, to quality work and learning opportunities which will encourage greater self-reliance and self-sufficiency. The programme is designed to provide a quick response to customer needs and is implemented as once-off funding to test and develop responses to needs identified. Examples of activities funded under the programme include parenting projects for young lone parents, family support for Travellers, projects providing personal development courses, computer training, literacy and life skills. There was €6 million available under the *Activation and Family Support Programme* in 2008 with €510,067 of that allocated to members of the Traveller community.

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<sup>58</sup> Programme for Government, Chapter entitled *Fairness*, page 14

## Section 4

### Identity and Combating Discrimination

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#### Overview

122. The Government accepts the right of Travellers to their cultural identity. This section outlines the developments in this area. It deals with the question of ethnicity (Article 3), culture (Article 5) and provides an overview of issues regarding women (Article 4). It also reflects on the transfer, in 2003, of jurisdiction for hearing discrimination cases concerning licensed premises from the Equality Tribunal to the District Court (Article 4). Finally it comments on the matter of conflict resolution (Article 6).

#### Identity (Article 3)

123. Point 31 of the Second Opinion of the Advisory Committee states that *“The Irish authorities should refrain from conclusive statements affirming that the Travellers do not constitute an ethnic minority in so far as such a position is not based on clear criteria and does not result from a dialogue with the minority concerned, taking into account the principle of self-identification stemming from Article 3 of the Framework Convention. At the same time, the authorities should ensure, both de jure and de facto, the applicability of international and domestic non-discrimination and minority rights guarantees in relation to the Travellers”*.

124. The Government is committed to applying to all persons all the protections afforded under relevant international conventions such as the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

125. The 2009 report of the National Traveller Monitoring and Advisory Committee<sup>59</sup> gave extensive consideration to the question of recognising Travellers as a distinct ethnic group. The 2009 Report stated that *“Some members of the committee felt that it was debatable as to whether the majority of Travellers would welcome such a development and that it could serve to further marginalise Travellers”*. The Committee recommended that the *“Government should open discussions with these groups on Traveller ethnicity with a view to exploring ways in which this issue can be progressed”*.

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<sup>59</sup> As previously outlined this Committee includes individuals drawn from different sectors, such as Traveller organisations, individual Traveller nominees and government departments.

126. In light of this recommendation the Traveller Policy Division of the Department of Justice and Equality has had initial discussions with the five National Traveller Groups about ethnicity. These discussions have shown that there is a divergence of opinion among Irish Travellers as to whether they wish to be recognised as a distinct ethnic group. There is a need for discussions to take place in the Traveller community around this issue and full consideration given to the implications and consequences of any such recognition.
127. This matter was also discussed at the seminar on 11 November 2010. A number of individuals from the Traveller community voiced their opinions both for and against declaring Travellers to be a distinct ethnic group. While there was much disagreement among those present it was agreed that a national discussion amongst Travellers must be instigated in order to make a final determination on the issue.

#### **Culture (Article 5)**

128. Point 55 of the Second Opinion of the Advisory Committee states that *“Ireland should support continuation of initiatives to promote Traveller culture, taking into account its various aspects, and ensure that related civil society initiatives receive adequate support”*.
129. The Government has intensified its efforts to facilitate positive communications between Travellers and the settled population. The Department of Justice and Equality has assisted Traveller representatives to promote greater understanding of Traveller culture by providing financial support for Traveller Pride Week. This event has led to the establishment of the Traveller Pride Awards and events highlighting Traveller music.
130. Traveller Pride Week (originally entitled Traveller Focus Week) has been running since 2001. Events are staged around the country to celebrate the contribution Travellers make both within their own communities and to Irish society as a whole, through their culture, enterprise, sporting excellence, professional expertise across every area and unique history and tradition. The aims of the week are:
- To highlight Traveller pride in their identity and cultural background;
  - To develop awareness and promote an understanding of the position of Travellers in Irish society;
  - To highlight Travellers’ contribution to Irish society; and
  - To promote Traveller participation in public life and policy development.

The week is organised predominately by Traveller organisations<sup>60</sup> and funded by the Department of Justice and Equality. The Department provided €20,000 for Traveller Pride Week in 2010.

131. The second Traveller Pride Awards were presented in December 2010. There were ten categories in total, including the overall Traveller Pride 2010 Award. As with Traveller Pride Week, the aim of the awards is to mark Traveller achievements across the island of Ireland, to instil pride, to increase expectations and to celebrate Travellers' positive contribution to Irish life. The Awards also highlight some of the obstacles that exist for Travellers in Irish society. President Mary McAleese presented the Lifetime Achievement Award to Nan Joyce for her work in supporting Travellers' rights.

#### **Women (Article 4)**

132. The Government agrees with point 51 of the Second Opinion of the Advisory Committee that *“the gender dimension needs to be taken into account in the design and implementation of all minority initiatives, including in terms of data collection, with a view to ensuring Traveller women's full and effective equality.”*

#### The National Women's Strategy

133. The *National Women's Strategy 2007-2016*<sup>61</sup> recognises that, within Ireland, there are a number of groups of women who might be described as having special needs, or who experience multiple discriminations, by reason, for example of their culture, sexual orientation, geographic location, ethnicity, or a disability. It notes that some such groups have already been targeted in specific government policy initiatives and it recommends that, in monitoring progress on the implementation of the National Women's Strategy, to be undertaken on a three yearly basis, special cognisance should be taken of the needs of such women. The Strategy notes that discrimination is still a major issue for the female members of the Traveller community and suggests that concerted efforts are required to overcome it and to break down the barriers which exist.

#### The Equality for Women Measure

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<sup>60</sup> Pavee Point Travellers Centre; The Irish Traveller Movement; The National Traveller Women's Forum; Minceirs Whiden; National Traveller MABS; Parish of the Travelling People; National Association of Traveller Centres; and Exchange House.

<sup>61</sup> <http://www.inis.gov.ie/en/JELR/National%20Womens%20Strategy%20PDF.pdf/Files/National%20Womens%20Strategy%20PDF.pdf>

134. The *Equality for Women Measure 2010-2013*,<sup>62</sup> administered by Pobal, is a positive action programme for women, which aims to foster gender equality in accordance with the National Women's Strategy 2007–2016. The measure is part-financed by the European Social Fund under the *Human Capital Investment Operational Programme 2007-2013*. It makes grant funding available for community based, not for profit groups which foster gender equality under the following three strands:
- *Access to Employment* which aims to provide women who are currently outside the labour market with the social skills, and/or education, and/or training to enable them to enter or return to the labour market. In the early stages project participants included at least five Traveller women. In the most recent phase of the initiative, a grant for developmental training for employment was given to a Traveller group in the Dublin area.
  - *Developing Female Entrepreneurship* which aims to support the development of women who are or want to become entrepreneurs. Funding has also been made specifically to a Traveller group to enable it to undertake entrepreneurial development.
  - *Career Development for Women in Employment* which aims to support the provision of training and other developmental mechanisms to enable women who are in employment to advance their careers.

#### Cosc

135. Cosc is the *National Office for the Prevention of Domestic, Sexual and Gender-based Violence*. It was established in June 2007 with the key responsibility to ensure the delivery of a well co-ordinated "whole of Government" response to domestic, sexual and gender-based violence. The work of Cosc covers issues relating to domestic and sexual violence against women and men, including older people in the community. Cosc developed the *National Strategy on Domestic, Sexual and Gender-based Violence 2010-2014*<sup>63</sup> which recognises that violence may be perpetrated against members of all communities in Ireland and, although the strategy takes a mainstream approach, its implementation will consider the specific needs of particular groups. The strategy aims to provide a strong framework for sustainable intervention to prevent and effectively respond to domestic, sexual and gender-based violence.
136. The first action of the strategy aims to promote and develop an understanding and recognition of domestic, sexual and gender-based violence within high risk groups, which includes Travellers, and within specific audiences such as health-care professionals, the

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<sup>62</sup> <https://www.pobal.ie/funding%20programmes/ewm/pages/background.aspx>

<sup>63</sup> <http://www.cosc.ie/en/COSC/Final%20Electronic%20NS%20full%20doc%203%20March.pdf/Files/Final%20Electronic%20NS%20full%20doc%203%20March.pdf>

Garda Síochána and other frontline staff. The activity to be undertaken is framed to ensure appropriate and targeted communication is made with the general public and particular high risk and marginalised groups such as Travellers. The work will include determining messages, audiences and communication routes as well as the engagement of media and target audiences. The Information Awareness programme developed under the Strategy has been agreed by the National Steering Committee on Violence against Women and the Strategy Oversight Committee. The Traveller community are currently being targeted as a specific audience under the programme. Under the Cosc Grant Awareness Scheme for 2010, a number of initiatives by organisations targeting the Traveller community were funded by Cosc to raise awareness about domestic, sexual and gender-based violence. Members of the Traveller community are represented on both the National Steering Committee on Violence Against Women and on its Public Awareness Sub Committee.

### Research

137. In 2008, the Department of Justice and Equality concluded a preliminary study of the differential gender impact of a range of policies and programmes for the Traveller community, which highlighted the difficulties of conducting research in this area.

### **The Transfer of Jurisdiction for Discrimination Cases concerning Licensed Premises (Article 4)**

138. The Second Resolution of the Committee of Ministers asked the State *“To monitor the impact of the recent changes to the complaint mechanisms for non-discrimination cases so as to ensure that they do not harm the accessibility or effectiveness of the remedies available and ensure that the structures concerned are adequately resourced”*. Point 14 of the Main Findings of the Second Opinion of the Advisory Committee state that *“it is important to ensure that the impact of the recent changes to the complaint mechanisms, notably the transfer of non-discrimination cases concerning licensed premises from the Equality Tribunal to the District Court, is carefully monitored so as to ensure that they do not hurt the accessibility or effectiveness of the remedies available”* Point 43 of that Opinion went on to say that *“The authorities should also, in co-operation with all stakeholders, evaluate the impact of the transfer of jurisdiction over discrimination cases concerning licensed premises, and, as necessary, review the transfer decision in order to ensure an accessible, affordable and effective remedy for such cases”*.

139. Implementation of the *Equal Status Act 2000*<sup>64</sup> revealed the degree of confusion that existed, for both customers and licensees, on the balance to be struck by licensees in maintaining control of their premises without exercising this power in an arbitrary, unreasonable or discriminatory way.
140. The measures included in the *Intoxicating Liquor Act 2003*<sup>65</sup> were introduced as part of a package of reforms to combat drunkenness, disorderly conduct and anti-social behaviour as well as addressing the problems of underage and binge drinking. It confirmed a duty on licensees to ensure safety and preserve order in licensed premises. The legislation also provided an opportunity to address some of the issues arising in practice in applying the prohibition of discrimination in respect of such premises.
141. The Oireachtas considered that licensees should, in principle, be answerable in a single jurisdiction for all their decisions in respect of admission, exclusion and maintaining order in their premises. As the District Court was already extensively involved in licensing matters, including the annual renewal of liquor licences, the grant of special exemptions orders to licensed premises and the application of sanctions and penalties and temporary closure, it was decided to extend the Court's jurisdiction to include the adjudication of discrimination cases taken against licensed premises. This also facilitated a significant extension of the penalties applicable in discrimination cases involving licensed premises to include orders for temporary closure of the premises concerned, emphasising the gravity of the infringement of the rights in question in the eyes of the law. The legislation also gave persons found to have been discriminated against the right to object to renewal of the license of the premises concerned. Explicit provision was also made for the Equality Authority to apply to the District Court for redress in certain cases, and for the Authority to provide assistance to persons applying to the courts for redress.
142. In past Annual Reports, and other fora, the Equality Authority raised concerns about the potential negative impacts of transferring jurisdiction for alleged discrimination on licensed premises from the Equality Tribunal to the District Court. In particular, it was concerned that despite its statutory role in providing advice to complainants, the risk of incurring legal costs and the holding of hearings in open court were disincentives to making complaints to the District Court. Other issues were the absence of an explicit provision permitting the Authority to provide general information about the prohibition on discrimination in licensed premises and powers to draw up codes of practice.

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<sup>64</sup> <http://www.irishstatutebook.ie/2000/en/act/pub/0008/index.html>

<sup>65</sup> <http://www.irishstatutebook.ie/2003/en/act/pub/0031/index.html>



143. As substantive and extensive statutory provisions relating to drunkenness, disorderly conduct and under-age consumption of alcohol already exist in the legislation itself, no basis is provided in licensing law for the adoption of additional codes of conduct for licensees, such as the powers granted to the Equality Authority under the *Equal Status Act 2000* to prepare codes of practice.
144. The Equality Authority has been providing information to the public on this legislation under its advisory functions, as indicated in the Authority's annual reports. In this advisory role, the Authority reported in 2010 that it had handled over 200 case files relating to licensed premises since the transfer in jurisdiction in 2003. Approximately half of these case files relate to alleged discrimination on the Traveller ground. (Outlined in the Table below). Explicit provision for the information function, as distinct from an advisory function, is included in draft legislation currently being drawn up to codify the licensing laws.

Case files opened by the Equality Authority											
Legislation: Intoxicating Liquor Act 2003											
Ground	Year									Total Referred	Total on hand as of 17 June 2011
	2003	2004	2005	2006	2007	2008	2009	2010	2011		
Age	0	1		2	1	1				5	
Disability	0	6	11	6	5	12	3	6	1	50	2
Family Status	0			4		1	3		1	9	
Gender	0			5	1	1				7	
Martial/Civil Status	0							1		1	
Race	0		2	4	2	4	6			18	
Religion	0									0	
Sexual Orientation	0		7	1	3	1	3	3	1	19	1
Traveller community	0	4	6	34	15	23	21	18	7	128	8
Multiple grounds	0			5			1	1		7	
None	0									0	
Out of Scope	0			1			1			2	
<b>Total</b>	<b>0</b>	<b>11</b>	<b>26</b>	<b>62</b>	<b>27</b>	<b>43</b>	<b>38</b>	<b>29</b>	<b>10</b>	<b>246</b>	<b>11</b>

145. Provision of information on the prohibition of discrimination has been, and is continuing to be, addressed by the Citizens Information Board<sup>66</sup> in its public service information service

<sup>66</sup> [http://www.citizensinformation.ie/en/employment/enforcement\\_and\\_redress/equality\\_tribunal.html](http://www.citizensinformation.ie/en/employment/enforcement_and_redress/equality_tribunal.html)

and in the guides to procedures for complainants published by the Equality Tribunal, while the change in jurisdiction has also been highlighted by the Equality Authority in its own information publications. In this context it is pertinent to mention the information and advice which the Courts Service provides to people attending court for the first time which includes arranging for people, if they wish, to visit beforehand to be shown around the court and have the layout explained to them.<sup>67</sup>

146. The concerns expressed in some quarters, prior to and since enactment of the *Intoxicating Liquor Act 2003*, that persons who considered themselves to have been discriminated against in licensed premises - highlighting in particular LGBT people, those with disabilities and those with limited formal education - would not avail of the complaints mechanism before the District Court are not borne out in practice. The records of the Courts Service show that a significant number of cases have been referred to the courts on a variety of grounds and have been resolved, many by settlements reached out of court and others on the basis of formal District Court decisions. Cases of alleged discrimination on the ground of membership of the Traveller community continue to make up an appreciable proportion of the cases referred to the District Court (55 cases referred to the District Court during 2009).
147. The Courts Service statistics for 2010 show that there were fifty-four applications to the District Court under the provisions of Section 19 of the *Intoxicating Liquor Act, 2003*. Fifty applications were lodged alleging discrimination by members of the Traveller community, three by disabled persons and one by a female alleging gender discrimination. Of these cases forty-nine were struck out, withdrawn or adjourned leaving five cases finding for the applicant. In these five cases, compensation was paid in four cases and the licensed establishment was required to make a contribution to the court poor box in one. The Courts Service statistics for 2009 show that there were fifty-five applications to the District Court under the provisions of Section 19 of the *Intoxicating Liquor Act, 2003*. All the applicants gave the grounds for application as being membership of the Traveller community. Of the fifty-five cases, orders for compensation were made in eight; fourthly-four were struck out or withdrawn with three cases on hand at year's end.
148. Cases in which the Equality Authority has played a supportive role for complainants include those on the disability and sexual orientation grounds, race, family status and membership of the Traveller community. The Authority has commented favourably on the speed with which discrimination cases can be listed for hearing and heard before the District Courts in

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<sup>67</sup> <http://www.courts.ie/Courts.ie/Library3.nsf/0/00E7BD53F20B81FF802575FB00421C6F?OpenDocument>

comparison with the Equality Tribunal, and on the willingness of District Court judges to award the maximum compensation in cases involving serious discrimination.

149. It is clear from the above that the redress mechanism set out in the *Intoxicating Liquor Act 2003* provides an effective and proportionate remedy for complainants, while providing for enhanced sanctions for breaches of the prohibition on discrimination by license holders which, moreover, are linked to their continued ability to trade.

#### **Conflict Resolution (Article 6)**

150. Conflict within the Traveller community is a complex matter and is affecting delivery of all services. The Department of Justice and Equality held a number of workshops in 2010 exploring conflict and the Traveller community. The first involved people who had carried out work in this area. The aim was to see what had worked and what had not in relation to each of their approaches. The second workshop was exclusively staged for the Garda Síochána (the Irish police force). The purpose of this workshop was to enable exchange of information around the issue. The workshop enabled those attending to gain from the experience of their colleagues in different parts of the country. The discussion groups centred on dealing with a crisis, preventing a crisis, what the Garda Síochána perceptions of Travellers were and what Traveller's perceptions of the Garda Síochána were and what needed to be changed/addressed. The third workshop involved a group of Travellers only. Discussions centred around the causes of conflict and how these could be addressed. The ultimate aim, in partnership with all the key players, is to formulate a strategic approach in an attempt to prevent possible disputes from escalating in the first place.
151. Funding was allocated by the Department of Justice and Equality to the Pavee Point Mediation Service from 2002 to 2010. Direct funding from the Department has now ceased in line with the recommendations of an independent evaluation of the Pavee Point mediation Service which was undertaken in 2007. The purpose of the Pavee Point Mediation Service is to support better relations between Travellers and members of the settled community through conflict transformation initiatives and to enhance Travellers' capacity to develop new ways of dealing with conflict in their lives.
152. The Department of Justice and Equality funds the Midland Traveller Conflict and Mediation Initiative which grew out of the work of the Offaly Traveller Interagency Group. A Management Committee was established to oversee the implementation of the strategy with membership drawn from the Offaly, Laois, Westmeath and Longford Interagency Groups and

the Traveller community. The strategy is based on a co-ordinated approach to tackling the underlying drivers of conflict and recognises that neither Travellers themselves or those working with them necessarily have the capacity/skills to manage and resolve the underlying conflict. It also recognises that the level of conflict within the Traveller community has not reduced in recent years and that the nature of the conflicts remains serious. The strategy is based on a view that: (i) an effective response to conflict requires a joined up approach that brings a mediation/conflict resolution approach to bear in tandem with a clear policing and enforcement strategy; and (ii) addresses a range of issues which contribute to and exacerbate conflict between Travellers and between Travellers and the settled community.

153. The Department of Justice and Equality contributed €40,000 to a pilot initiative in 2009 and an additional €60,000 in 2010. The Initiative recruited two mediation workers in late 2009. All reports of the initiative have been very positive. The Garda Síochána has used the service on numerous occasions to quell potential conflicts. The mediation workers have made substantial progress in contacts with the local Traveller families and have also made contacts with the Garda Síochána, Probation Service, the Judiciary, the Prison Service, the Local Authorities, Sports groups, Churches, Traveller Training Centres, Visiting Teachers for Travellers, Primary Health Care teams and Traveller organisations in the four Midland counties.
154. The Department of Justice and Equality has also supported conflict resolution through the local City and County Development Board Interagency Groups. A number of successful interventions have been made since 2007, with the Garda Síochána playing a leading role with the help of an independent mediator. It is intended that similar interventions could be supported through the City and County Development Board Traveller Interagency Groups and the Department would consider appropriate funding support for mediation costs on a case by case basis.
155. The Department of Justice and Equality is aware that while there have been many attempts to address this issue in different parts of the country, it would appear to date that, at best, the attempts have done little more than contain the dispute for a time and the problems remain and escalate again. The Department believes that there is a need for a comprehensive response and has been consulting with various stakeholders in an effort to inform actions. It will be prioritising the area of conflict resolution over the coming months.

## Section 5

### Respecting Diversity

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#### Overview

156. This section is broader in coverage than the previous sections of this Third State Report. As outlined in paragraph 4, Ireland does not have a defined national minority.<sup>68</sup> Nevertheless, without prejudice to this, Irish law provides a range of protections to groups and individuals. This section outlines the efforts made to combat discrimination that affects not only Travellers but wider sections of society. It acknowledges that Ireland has a diverse population and summarises the efforts being made to promote a more inclusive society (Article 15). The section comments on non-denominational and multi-denominational schools (Article 12) and religious dialogue (Article 6). It outlines efforts to combat manifestations of intolerance (Article 6). It also assesses equality matters (Article 4). Finally the section deals with law enforcement (Article 6) and media matters (Article 6 and 9).

#### Diversity (Article 15)

157. Point 112 of the Second Opinion of the Advisory Committee states “*In view of the increased diversification of Irish society, the Advisory Committee also encourages the authorities to promote relevant participation in decision making by members of new minority groups, including Roma, in line with the recommendations of the State’s National Action Plan Against Racism*”. The Government understands the need to continuously work towards building a more inclusive society. The *National Action Plan Against Racism 2005-2008* provided strategic direction to combating racism and to promoting a more inclusive, intercultural society in Ireland.<sup>69</sup>

#### Non-Denominational and Multi-Denominational Schools (Article 12)

158. The Second Resolution of the Committee of Ministers recommended that Ireland “*pursue ongoing efforts to accommodate growing diversity in Irish schools, including in terms of demand for non-denomination or multi-denominational schools*”. The Main Findings of the Second Opinion of the Advisory Committee commented that “*the growing diversity of Ireland is in many ways affecting the education system of Ireland, and in this context the authorities are encouraged to pursue their commitment to take into account the growing*

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<sup>68</sup> Paragraph 61 of the Comments of the Irish Government on the Opinion of the Advisory Committee on Ireland’s First State Report.

<sup>69</sup> The Plan is discussed in greater detail at paragraphs 164 and 165.

*demand for non-denominational or multi-denominational schools.” Point 100 of that Opinion also urged “the authorities to pursue their commitment to widen schooling options, including in terms of non-denominational and multi-denominational schools, in a manner that ensures that the school system reflects the growing cultural and religious diversity of the country.”*

159. The decade of the 1970s saw the establishment of new types of primary schools prompted by parental demand for choice. Up until then, the choice available to parents was effectively the local denominational school only. The denomination in the vast majority of schools was Roman Catholic and a small minority of schools were Church of Ireland, Presbyterian and Methodist. There was one Jewish school. By the end of the 1970s, there was evidence of change. 1978 saw the establishment of the first multi-denominational school. In subsequent years, Ireland has become a signatory to a number of international conventions calling for the provision of more multi-denominational and non-denominational schools. At the same time, demand for Irish-medium education had been growing outside the Gaeltacht (Irish speaking) areas. In 1978, according to the Department of Education and Skills statistical report, there were 23 Irish-medium schools outside the Gaeltacht areas. These would all have been denominational in character in 1978. There is now an increased range in school patron types in the primary education system in Ireland.

<b>Total number of primary schools patron body (2010-2011)</b>		
<b>Patron Body</b>	<b>Number of Schools</b>	<b>% of Total</b>
Roman Catholic	2,841	89.65
Church of Ireland	174	5.49
Presbyterian	17	0.54
Methodist	1	0.03
Jewish	1	0.03
Islamic	2	0.06
Religious Society of Friends (Quaker)	1	0.03
John Scottus Educational Trust Ld	1	0.03
Lifeways Ireland Ltd	2	0.06
An Foras Pátrúnachta na Scoileanna Lán-Ghaeilge Teo	57	1.80
Educate Together Ltd (national Patron Body)	44	1.39
Schools in Educate Together network with their own patron body	14	0.44
Vocational Education Committees	5	0.16
Minister for Education & Skills	9	0.28
<b>Total</b>	3169	

160. The majority of the new schools established in the last thirty years are either multi-denominational or Irish-medium schools. Small numbers of Roman Catholic schools have

been established in areas of large population growth and schools have been established to cater for minority denominations, for example two Muslim schools and a Quaker school. Many Roman Catholic schools have welcomed large numbers of immigrant children, with a diversity of faiths, enrolled. In addition to the growth of the multi-denominational sector and the all-Irish schools it is important to note the recent establishment of the model of the Community National School of which there are now five schools in the pilot development. A key distinguishing feature of the model is that it caters for children of all of faiths and none during the school day in accordance with the wishes of parents. The Community National Schools are under the patronage of the Minister for Education and Skills.

161. The Irish Government is pursuing a policy of widening schooling options, including in terms of non-denominational and multi-denominational schools, in a manner that ensures that the school system reflects the growing cultural and religious diversity of the country. In the Programme for Government<sup>70</sup> the Government proposed to initiate a time-limited Forum on *Patronage and Pluralism in the Primary Sector* to allow all parties including parents to engage in open debate on change of patronage in communities where it is appropriate and necessary. On 28 March 2011 the Minister for Education announced that an expert group had been established to decide how up to half of all primary schools will be moved away from Roman Catholic Church patronage. The Forum is due to report by the end of 2011 so that the findings can be implemented from 2012.

#### Religious Dialogue (Article 6)

162. Since the second reporting cycle the official Church-State Dialogue initiative has continued to establish a structured process of dialogue between the Government and the churches, faith communities, non-confessional organisations and philosophical bodies in Ireland. The process addresses and responds to the necessary changes in the traditional role of the churches in Ireland, the greater diversity of faith communities achieved especially through immigration, the increasing numbers in Ireland without religious affiliation and it reflects the Government's commitment to wide-ranging consultation on public policy. Subject only to time constraints, the agenda for discussions at high level encounters is settled by agreement and affords priority to topical concerns. An inclusive approach is taken with regard to contacts.

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<sup>70</sup> Programme for Government, chapter entitled *Fairness*, page 12

163. In addition to bilateral meetings and exchanges, the dialogue partners have been convened occasionally as guests of the Government with a view towards building public awareness of the process, enhancing personal acquaintance between principals and to give expression to their mutual esteem and regard as partners in Irish society. The responses from all dialogue partners have been very supportive and encouraging which gives a strong basis of confidence for the development of the process in the coming years. The most recent structured dialogue took place on 19 May 2011. It was attended by the Taoiseach as well as members of the Roman Catholic Church, the Church of Ireland, the Presbyterian Church, and the Methodist Church, alongside members of the Muslim, Jewish, Bah'ai, Religious Society of Friends (Quaker) and humanist communities.

**Manifestations of Intolerance (Article 6)**

164. Point 69 of the Second Opinion of the Advisory Committee “*calls on the authorities to continue to provide substantive support to anti-racism initiatives, and to ensure that the implementation of the Action Plan Against Racism is supported and monitored by all sectors of administration at both local and central level.*” As a follow-up to the UN World Conference Against Racism in Durban, South Africa in 2001, Ireland developed *Planning for Diversity - a National Action Plan Against Racism* (the “Plan”) which was published in January 2005 and implemented during the four year period 2005-2008. Details of the Plan were provided to the Committee previously.

165. The Plan had an overall focus on supporting key stakeholders in the development of locally-based anti-racism strategies and social inclusion measures to promote diversity. One of 12 EU states to have developed such a plan, Ireland was the second EU state to do so. A strategic monitoring group, involving representatives of key stakeholders from government bodies, the social partners and broader civil society, including representatives of minority communities oversaw implementation of the Plan in the period up to the end of 2008. The Plan led to the development of strategies such as an Intercultural Health Strategy, an Intercultural Education Strategy, an Arts Strategy and a Workplace Diversity strategy which continue to be implemented by the relevant Government services (see below). Total expenditure under the Plan was approximately €5 million as follows:

2005	2006	2007	2008	Total
€ 1,000,000	€ 2,001,000	€ 1,224,000	€ 721,600	€4,946,600



### National Intercultural Strategies

166. The following national intercultural strategies have been developed.

- A *National Intercultural Health Strategy* was developed by the Health Service Executive and launched in early 2008. This Strategy provides a framework through which both staff and service users may be supported to participate actively and meaningfully in designing, delivering and evaluating provision of health care to minority ethnic service users in Ireland. Work has been progressing on implementation of the recommendations of the strategy.
- *Integration Strategies and Action Plans* have been developed by some of the National Sporting Bodies such as the Football Association of Ireland (FAI) and the Gaelic Association of Ireland (GAA).
- An *Intercultural Education Strategy* was launched by the Department of Education and Skills in September 2010. This Strategy, developed after extensive consultation, was based on international and national research and best practice. The Strategy will help to ensure that there is an intercultural, integrated and inclusive learning environment for all educational sectors.
- A *Diversity Strategy* for the Arts Sector was launched in September 2010 along with a Pamphlet “*Cultural Diversity and the Arts: language and Meaning*”. This Strategy and Pamphlet are useful and practical resources for those working in the Arts Sector and also for those engaging with it.
- The *Workplace Diversity Initiative* aims to provide practical supports to business and trade unions to enable them to promote and champion diversity within the workplace.
- *Diversity and Equality Guidelines for Childcare* providers were developed by the then Department of Health as part of the National Childcare Strategy 2006-2010.
- A section on *Diversity and Equality* has also been incorporated in the official manual for operating in the Small Public Service Vehicle (Taxi etc) Industry.

### Holocaust Memorial Day

167. An annual Holocaust Memorial Day commemoration demonstrates the Irish Government’s commitment to the Declaration of the Stockholm International Forum on the Holocaust. Holocaust Memorial Day has been marked in Ireland since 2003, on the evening of the Sunday nearest the 27 January. In 2011, the commemoration ceremony took place on 30 January 2011. The Holocaust Memorial Day commemoration is designed to cherish the memory of all of the victims of the Nazi Holocaust. The thrust of the commemoration programme is to serve as a constant reminder of the dangers of racism and to provide lessons from the past that are relevant today. The event honours the memory of the six million Jews as well as millions of other victims persecuted because of their nationality, ethnicity, sexual

orientation, disability, religious beliefs or political affiliations. The inclusion of all victim groups is fundamental to the commemoration and the importance of education about anti-semitism and all forms of intolerance is highlighted. Representative persons from across the spectrum of Irish civic society are invited to attend.

Legislation concerning racist crime (Article 6)

168. Point 74 of the Second Opinion of the Advisory Committee, states “*The Advisory Committee encourages rapid completion of the research launched in these areas and calls on the authorities to pursue their concrete follow-up measures, with a view to ensuring that there are effective legal tools to combat racist crime*”. Following the second reporting cycle, the report entitled *Combating Racism and Xenophobia through the Criminal Law* (University of Limerick) was completed and subsequently published.<sup>71</sup> The report made a wide variety of recommendations across a range of policy areas but made only one recommendation relevant to the criminal law. The authors acknowledged that it would be inappropriate to introduce racially aggravated offences into Irish law, adding that any aggravated factor should be taken into account at sentencing. In Ireland, the legislature enacts laws which usually provide for maximum penalties in the form of a fine or imprisonment, or both. In general, there are no statutory sentencing guidelines. Within our legislative framework, the determination of penalty in any case is largely a matter for the trial judge, taking case law, including appealed cases, into account. This allows the court to take all aggravating and mitigating factors into account. Also, the Director of Public Prosecutions can appeal the sentence imposed if he believes it to be unduly lenient.
169. The University of Limerick research recommended a legislative provision that judges must consider racism as an aggravating factor which increases the seriousness of the offence when determining sentence. This would have wider implications for the criminal law. For example, similar measures might need to be introduced to deal with crimes against other vulnerable groups. However, sentencing policy generally is being examined in the context of the development of a White Paper on Crime intended as the basis of a new National Crime Strategy. Furthermore, the Government in their Programme for Government stated that they will introduce legislation to ensure that aggravating factors are considered in sentencing and to allow for the criminal prosecution service to make a submission on sentence, which draws to the court’s attention aggravating factors which relate to the crime.<sup>72</sup>

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<sup>71</sup>[http://www.integration.ie/website/omi/omiwebv6.nsf/page/41E1B404DFA4C7D08025760B0038E2D2/\\$file/Combating%20Racism%20with%20the%20Criminal%20Law.pdf](http://www.integration.ie/website/omi/omiwebv6.nsf/page/41E1B404DFA4C7D08025760B0038E2D2/$file/Combating%20Racism%20with%20the%20Criminal%20Law.pdf)

<sup>72</sup> Programme for Government, chapter entitled *Fairness*, page 18

## Equality (Article 4)

### The Equality Tribunal (Article 4)

170. Point 43 of the Second Opinion of the Advisory Committee, states “*The Irish authorities should bolster the capacity of the Equality Tribunal in order to reduce delays in the processing of cases and to ensure the effectiveness of the Tribunal.*” Point 10 of the Main Findings of that Opinion also stressed that the processing delays of the Equality Tribunal merited particular attention. The Equality Tribunal is an impartial body set up by law to decide or mediate complaints under equality legislation. The service provided by it is demand-led. Following several years of significant increases in the rate of new claims, they now appear to have levelled off at approximately 900 per year. Developing the capacity of the Equality Tribunal to reduce its historical backlog of cases has been a Government priority reflected in the social partnership agreement *Towards 2016*.
171. Through improved case management and efficient resource allocation, the Equality Tribunal has progressively increased its throughput of cases over the past few years. A 24 percent increase was achieved in its case closure rate in 2010 over the previous year. The number of decisions issued alone was increased by 30 percent. The Tribunal closes over 50 percent of lead cases under the Equal Status Acts within two years. At present, the average waiting time for closure of equal status cases is 18 months, with cases referred in 2009 now being scheduled for hearing. The corresponding average waiting time for closure of the more numerous employment equality cases is approximately three years, with cases referred in 2008 now being scheduled for hearing. The Tribunal has resolved 27 percent of the employment cases referred within one year, while 59 percent are closed within three years. It should be noted that only a minority of cases progress to a full investigation and a hearing. The average time to closure is significantly less in respect to complaints in which parties agree to mediation, which is an option available to all. Initiatives being taken by the Equality Tribunal this year are expected to see the number of lead cases closed in the year increase to 1,200. This level of throughput, maintained to end 2013, would see the current backlog of 1,745 lead cases on hand at 1 January 2011 reduce to 845 on hand by 31 January 2013. By the end of 2013, therefore, and assuming no significant change in the rate of new referrals, the Tribunal aims to have reduced the average time from receipt to closing a case to 12 months.

### Developments in Equality Legislation

172. Detailed developments in equality legislation since the second reporting cycle are included in Appendix VI. Further changes to the existing legislation, structures and arrangements in the area of equality and human rights are under consideration by the Government.

Adequate resourcing and monitoring of programmes and policies initiated to advance non-discrimination (Article 4)

173. Point 49 of the Second Opinion of the Advisory Committee states that “*Ireland is called on to ensure decisive follow-up to the sectoral and other programmes and policies initiated to advance non-discrimination, and to make sure that they are adequately resourced and monitored in co-operation with minority representatives and others concerned*”.
174. The Equality Mainstreaming Approach has been established with co-funding from the Equality Authority and from the European Social Fund, through the *Human Capital Investment Operational Programme* of the *National Strategic Reference Framework 2007-2013*.<sup>73</sup> Its objective is to address labour market gaps for specific groups of people who are experiencing barriers to participation and employment, including those created by gender inequality and wider inequalities. The programme consists of a set of measures that seek to improve labour market access and participation of groups experiencing inequality across the nine grounds covered by equality legislation in Ireland, which include race and membership of the Traveller community.

The Employment Permit System (Article 6)

175. In line with point 70 of the Second Opinion of the Advisory Committee, the reform of the employment permit system was completed rapidly and in a manner that provided robust guarantees against abuse of the migrant employees concerned. The *Employment Permits Act 2006*,<sup>74</sup> which came into effect on 1 February 2007, administers and regulates the granting of employment permits in Ireland. Under this system, a permit is issued where a vacancy occurs that cannot be filled from within the European Economic Area in the first instance and by Bulgarian and Romanian nationals in the second. To issue a work permit to a third country national outside of the State, an employer must prove that it not possible to fill the vacancy from within the European Economic Area. The system focuses on a stringent economic and labour market needs test that is essentially skills based thus eliminating the scope for discriminatory practices.
176. The *Employment Permits Act 2006* also provides new and wide-ranging protections for migrant workers. For example, work permits can now be issued either to employees or to employers placing employees. The *Employment Permits Act 2006* provides that: either the employer or employee may make an application for a green card or work permit; but in all

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<sup>73</sup> <http://eustructuralfunds.gov.ie/files/Documents/NationalStrategicReferenceFramework200713.pdf>

<sup>74</sup> <http://www.irishstatutebook.ie/2006/en/act/pub/0016/index.html>

cases the green card/permit is granted to the employee. This ensures that workers are aware of their status and as a consequence should lead to a drop in the numbers becoming undocumented. The legislation is described in greater detail at Appendix VII.

### Rights of Workers

177. Discrimination in the field of employment is governed by employment equality legislation and, specifically, the *Employment Equality Acts 1998-2004*. The Acts promote equality, prohibit discrimination, prohibit sexual harassment and harassment and require appropriate measures for people with disabilities in relation to access, participation and training in employment. These kinds of discrimination are outlawed whether by an employer, an employment agency, a trades union, a professional body, a vocational training body or a newspaper advertising jobs.
  
178. In the context of employment law more generally, Ireland's employment rights protections apply to all workers working legally in the State. Section 20 of the *Protection of Employees (Part-Time Work) Act 2001*<sup>75</sup> specifically extends the entitlements under employment law to a person, irrespective of nationality or place of residence, who has entered into a contract of employment in the State. For example, migrant workers who are not paid the national minimum wage can avail of the same protections as Irish or EU nationals in the same position.
  
179. With regard to enforcement, the National Employment Rights Authority and its Labour Inspectorate pursue allegations of worker mistreatment and when evidence of non-compliance with the relevant employment rights legislation is found, the Inspectorate seeks redress for the individual/s concerned and, if appropriate, a prosecution is initiated. It should be noted that, in many cases, employment rights legislation has provisions whereby workers who believe that they have been denied their entitlements, or otherwise unfairly treated, can take the matter before dispute settling agencies such as the Rights Commissioner Service, Labour Court and Employment Appeals Tribunal.

### **Policing (Article 6)**

180. Point 80 of the Second Opinion of the Advisory Committee states that "*The Advisory Committee supports swift implementation of the proposals contained in the Garda Human Rights Audit, including its call for recruitment, retention and progression of a more diverse police service*".

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<sup>75</sup> <http://www.irishstatutebook.ie/2001/en/act/pub/0045/index.html>

181. In recognition of the benefit of increased diversity in the organisation the Garda Síochána are implementing the *Garda Síochána Diversity Strategy and Implementation Plan 2009-2012*<sup>76</sup> (the “Diversity Strategy”). The philosophy behind the Diversity Strategy is that the Garda Síochána should recognise and respect the needs, rights and dignity of all minorities. It aims for action beyond mere legal compliance and sets out a commitment to champion, value and accommodate, as far as possible, all aspects of diversity. The Garda Síochána recognises that diversity is not only about differences in terms of nationality or ethnic background. Difference includes issues such as gender, marital status, family status, age, religion, disability, sexual orientation, race and membership of the Traveller community. The Diversity Strategy is having a positive effect. For example, over 386 Ethnic Liaison Garda Officers<sup>77</sup> have been appointed to link with members of ethnic communities and the Traveller community; a large increase (85 percent) in the recruitment of female members over the past six years, and the delivery of diversity training and development initiatives by the Garda Síochána Human Rights and Diversity Section at the Garda Síochána College.
182. The Diversity Management Unit was established in 2010. A critical function of this unit is managing diversity recruitment and diversity retention. Policies will be developed in conjunction with recommendations submitted by the *Strategic Human Rights Advisory Committee*, regarding the integration of human rights and equality perspectives into all future Garda Síochána policy formulation. The Garda Síochána is committed to promoting recruitment from ethnic communities so that the organisation may better reflect the diversity of the society it serves. In 2005 the *Garda Síochána (Admissions and Appointments) Regulations 1988*<sup>78</sup> were amended<sup>79</sup> to facilitate the recruitment of non-Irish nationals into the Garda Síochána. There are now a total of 46 sworn members originating in countries as diverse as China, South Africa, the US, Canada, Holland, Denmark, Greece, Poland, Romania, Lithuania, Germany, and Bosnia and Herzegovina, have now been recruited.
183. The Garda Racial, Intercultural and Diversity Office (the “Intercultural Office”) expanded the remit of the former Garda Racial and Intercultural Office to include community relations and diversity issues. This will assist the improvement of relations between the Garda Síochána, Travellers and other minority communities, which is in line with point 17 of the Main

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<sup>76</sup> <http://www.garda.ie/Documents/User/DiversityStrat.pdf>

<sup>77</sup> The list of Ethnic Liaison officers is available at:

<http://www.garda.ie/Documents/User/NATIONAL%20GARDA%20ETHNIC%20LIAISON%20OFFICIER%20CONTACT%20LIST.pdf>

<sup>78</sup> <http://www.irishstatutebook.ie/1988/en/si/0164.html>

<sup>79</sup> <http://www.inis.gov.ie/en/JELR/560.pdf/Files/560.pdf>

Findings of the Second Opinion of the Advisory Committee. The Intercultural Office encourages representatives of minority groups to advise those subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity to contact their local Garda Síochána Station and/or their local Garda Síochána Ethnic Liaison Officer and, if required, to employ the services of the Intercultural Office. It hosted a Diversity Consultation Day on March 24 2011. Speakers included experienced community policing personnel, who gave presentations on the role and realities of being a Liaison Garda Síochána with diverse communities in modern Ireland. The consultations serve as a platform for facilitating discussions between these minority communities and the Garda Síochána.

184. Human rights compliance features strongly in the Garda Síochána *Strategy Statement 2010-2012*.<sup>80</sup> At the heart of this strategy are the four core values of honesty, accountability, respect and professionalism. These values specifically include having respect for all people, their human rights, their needs and providing a professional policing service to all communities. In addition, the preparation of a statutory Code of Ethics is underway. The functions of the Garda Síochána as outlined in section 7 of the *Garda Síochána Act 2005* include (a) the protection of life and property and (b) vindicating the human rights of each individual. Since section 7 came into effect a 32 page guide to the *European Convention on Human Rights Act 2003*<sup>81</sup> has been distributed to each member of the Garda Síochána. The guide outlines the key principles of human rights obligations as they apply to operational policing. Section 16 of the *Garda Síochána Act 2005* provides a revised form of declaration for persons joining the Garda Síochána, which specifically directs each new member's attention to the need to have regard for human rights in carrying out policing duties.

185. The Garda Síochána has a range of other policies and practices to ensure that it is in a strong position to uphold individual human rights and tackle racist and homophobic incidents. For example:

- The Garda Síochána have adapted the central information database (PULSE) to record incidents of a racist nature;
  - Open Days are held at Garda Síochána Stations and the Garda Síochána College to encourage members of all communities to make contact with Garda Síochána in an informal setting;
  - The Garda Síochána regularly meet with members of the Gay and Lesbian Equality Network (GLEN), the Travellers association Pavee Point and members of ethnic groups;
- and

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<sup>80</sup> [http://www.garda.ie/Documents/User/GardaStrategy2010\\_ENG.pdf](http://www.garda.ie/Documents/User/GardaStrategy2010_ENG.pdf)

<sup>81</sup> <http://www.irishstatutebook.ie/pdf/2003/EN.ACT.2003.0020.pdf>

- The Garda Síochána conducts mediation initiatives concerning Traveller disputes in conjunction with the Department of Justice and Equality.<sup>82</sup>

### **Media Reporting (Article 6)**

186. Since the publication of the Second State Report, the Press Council of Ireland was established in 2007.<sup>83</sup> In line with point 84 of the Second Opinion of the Advisory Committee, it was established in a manner that ensured an effective complaint mechanism was put in place that would take into account the concerns related to minority reporting, while fully respecting freedom of expression and editorial independence of the media.
187. The Press Council of Ireland in turn appointed the Press Ombudsman in September 2007.<sup>84</sup> The Office of the Press Ombudsman started operations from 1 January 2008. As independent press regulation is the most objective, credible and transparent form of press regulation, both the Press Council and the Press Ombudsman are independent of government and, in operation, independent of the media. Independent press regulation works best because it operates with the cooperation of newspaper and magazine editors and journalists.
188. The Press Council of Ireland takes decisions in cases of significance or complexity which have been referred to it by the Press Ombudsman. It also decides on appeals from decisions of the Press Ombudsman. The job of the Press Ombudsman is to investigate complaints that breach a new Code of Practice which the press industry signed up to in 2007 (almost all national and regional newspapers and a wide range of periodicals). The new complaints mechanism provides the public with a quick, fair and free method of resolving any complaints they may have in relation to newspapers and periodicals that breach the Code of Practice.<sup>85</sup>
189. In relation to minorities, Principle 8 of the Code of Practice requires publications not to 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, colour, ethnic origin, membership of the Traveller community, gender, sexual orientation, marital status, disability, illness or age. Following representations on behalf of the Traveller community,<sup>86</sup> in June 2008, Principle 8 of the Code of Practice was amended to specifically include the term “membership of the

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<sup>82</sup> This was previously discussed in greater detail at paragraphs 150 - 155.

<sup>83</sup> <http://www.presscouncil.ie/press-council-of-ireland.8.html>

<sup>84</sup> <http://www.presscouncil.ie/office-of-the-press-ombudsman.167.html>

<sup>85</sup> <http://www.pressombudsman.ie/code-of-practice.10.html>

<sup>86</sup> Representations were made by the Chairman of the National Traveller Monitoring and Advisory Committee and Traveller organisations.



Traveller community” and now corresponds exactly to Irish equality legislation. The Code also specifically respects freedom of expression and editorial independence.

190. The Council, the Office of the Press Ombudsman, and the Code of Practice were specifically recognised in a resolution by both Houses of the Oireachtas in March 2010.

#### **Access to the Media (Article 9)**

191. Point 89 of the Second Opinion of the Advisory Committee states that “*Ireland should in further stages of monitoring of the Framework Convention cover media issues more extensively. Furthermore, it should, in practice, pay more attention to the issues of access of minorities to the media, and this perspective should be carefully taken into account also in the on-going preparations of a new Broadcasting Bill as well as in the planning and implementation of pending digitalisation initiatives*”. With the establishment of the Press Council of Ireland and the passing of the *Broadcasting Act 2009*,<sup>87</sup> Ireland has increased the attention paid to assisting minorities in accessing the media. In line with point 16 of the Main Findings of that Opinion, the establishment also serves to combat stereotyping and other undue reporting on Travellers and other minorities.

#### The Press Council of Ireland

192. The Code of Practice of the Press Council has no specific section governing access to the media for any individual or group. However, Principle 1.3 requires publications to publish, where appropriate, a retraction, apology, clarification, explanation or response to a complaint promptly and with due prominence. Principle 4 specifically recognises that everyone has constitutional protection for his or her good name. The Office of the Press Ombudsman and Press Council attempts to provide services to all that are ‘fast, fair and free’. As previously discussed, it enforces a Code of Practice among its members.

#### The Broadcasting Authority of Ireland

193. The *Broadcasting Act 2009* established the Broadcasting Authority of Ireland as the single content regulator of broadcasting in Ireland. It assumes the roles previously held by the Broadcasting Commission of Ireland and the Broadcasting Complaints Commission and takes on a range of additional responsibilities. The general objectives of the Broadcasting Authority, outlined in section 25(1) of the Act, are to ensure that:

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<sup>87</sup> <http://www.oireachtas.ie/documents/bills28/acts/2009/a1809.pdf>

- the number and categories of broadcasting services made available in the State best serve the needs of the people of the island of Ireland, bearing in mind their languages and traditions and their religious, ethical and cultural diversity;
- the democratic values enshrined in the Constitution, especially those relating to rightful liberty of expression, are upheld; and
- the provision for open and pluralistic broadcasting services.

Importantly, the Act specifies that in fulfilling the above objectives the Broadcasting Authority shall “*provide a regulatory environment that will facilitate the development of a broadcasting sector in Ireland that is responsive to audience needs*”.<sup>88</sup>

194. In addition, the *Broadcasting Act 2009* sets out in detail the public service objects of RTÉ,<sup>89</sup> the national broadcaster. Section 114(3)(a) of the Act states that RTÉ shall ensure that the programme schedules of the broadcasting services “*provide a comprehensive range of programmes in the Irish and English languages that reflect the cultural diversity of the whole island of Ireland and include programmes that entertain, inform and educate, provide coverage of sporting, religious and cultural activities and cater for the expectations of the community generally as well as members of the community with special or minority interests and which, in every case, respect human dignity*”. The programming obligations of TG4<sup>90</sup> are expressed in almost identical wording to that setting out RTÉ’s.<sup>91</sup>

### Strategy Statement 2011-2013

195. The Broadcasting Authority published its first *Strategy Statement* on 18 February 2011 setting out the organisation’s mission, values and vision for the broadcasting sector for 2011-2013.<sup>92</sup> The strategy includes the strategic goal of “*Providing a diverse range of broadcasting services and content*” which is expanded upon by the following strategic objectives: “*Ensure a diverse range of broadcasting services that best meets the needs of the people of Ireland and the presence of content and programming that represents and reflects the diversity within Irish society*”<sup>93</sup> and “*Develop and implement schemes to support the production of high quality programmes that add to the diversity of programming available to audiences in the State*”.<sup>94</sup>

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<sup>88</sup> Broadcasting Act 2009, section 25(2)(g)

<sup>89</sup> Radio Telefís Éireann

<sup>90</sup> Teilifís na Gaeilge - the state-funded national Irish language channel.

<sup>91</sup> Broadcasting Act 2009, Chapter 3 Provisions specific to TG4

<sup>92</sup> [http://www.bai.ie/pdfs/20110308\\_straobj3yr\\_webdoc\\_final\\_ac.pdf](http://www.bai.ie/pdfs/20110308_straobj3yr_webdoc_final_ac.pdf)

<sup>93</sup> Broadcasting Authority of Ireland Work plan 2011-2013, Strategic objective 2.1, page 5

<sup>94</sup> Broadcasting Authority of Ireland Work plan 2011-2013, Strategic objective 2.2, page 6

### Licensing

196. The Broadcasting Authority is responsible for licensing community and commercial broadcasting services. The availability of such licenses is publicly advertised and open to any member of the public to submit an application. The assessment process usually contains the use of public oral hearings. The Broadcasting Authority currently licenses 22 Community Radio Stations and 3 Community Television Stations. Each of these stations is owned and operated by a Community organisation and such services are underpinned by the principles of community access and community development/empowerment. The broadcast output of each service is governed by an agreed Programme Policy Statement and must include specific commitments regarding the specific interests of the community being served. In relation to commercial broadcasting services, the Act requires that the Broadcasting Authority's Contract Awards Committee, in studying applications from radio and TV service providers, must have regard to the desirability of having a diversity of services catering for a wide range of tastes including those of minority interests.

### Broadcasting Codes and Rules

197. The Broadcasting Authority is responsible for developing and implementing codes and rules that govern standards in broadcasting. Consultations on their development ensure that a range of views and opinions of interested parties are taken into account. A number of codes set out the rules relating to the broadcasting of advertising and other commercial promotional opportunities. These include rules regarding social values and offence, harm and dignity and 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. The *Code of Programme Standards* published in 2007 also includes rules regarding the portrayal of people and groups in society. The rules state that the manner in which people and groups are represented in programmes will be justified and appropriate and not support or condone discrimination against any section of the community.

### Complaints

198. Any viewer or listener can refer a complaint to the Broadcasting Authority or directly to the relevant broadcaster if they feel a broadcaster has not complied with the Broadcasting Authority codes and rules or the broadcasting content is considered to be inappropriate. Compliance with these codes is assessed with reference to statutory provisions, the provisions of Broadcasting Authority codes and rules and the procedures, practices and policies of the Broadcasting Authority. The *Broadcasting Authority of Ireland Right of Reply Scheme* came into effect on 3 May 2011. The scheme will provide for the broadcast of a right-of-reply

statement which will facilitate the correction of incorrect information which has been broadcast and which has resulted in a person's honour or reputation being impugned.

### Funding

199. The Broadcasting Authority operates the Broadcasting Funding Scheme entitled “*Sound & Vision*”, to provide funding in support of high quality programmes on Irish culture, heritage and experience, and programmes to improve adult literacy. A core objective of this scheme is to increase public access at national, local and community level to high-quality television and sound broadcasting programmes in English and Irish which explore themes of Irish culture, heritage and experience in contemporary or historic contexts. The Broadcasting Authority encourages research that for example promotes diversity and plurality of broadcasting services and broadcasting content; serves the needs of different listeners and viewers; reflects legislative obligations and developments; reflects regulatory trends and developments at national and European levels. A number of research reports which study the ideas of cultural diversity have been commissioned by the Broadcasting Authority and are available on its website.<sup>95</sup>

### Digital Terrestrial Television

200. Under Part 8 of the *Broadcasting Act 2009*, RTÉ has been given the authority to build a national digital terrestrial TV network as a replacement for its existing analogue TV network which is due to be switched off at the end of 2012. Additionally, the Broadcasting Authority is responsible for licensing commercial Digital Terrestrial Television multiplex operators. The aim of these initiatives is to ensure the continued availability of a diversity of services and programming content in a digital era following the analogue switch-off will take place at the end of 2012. Ireland's first free-to-air national digital television service will offer opportunities for new broadcasting channels and content.

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<sup>95</sup> “*Promoting cultural diversity in the Irish broadcasting sector: an assessment of international standards and best practices with a view to their operationalisation in an Irish context*” by Dr Tarlach Mc Gonagle of the University of Amsterdam and “*Irish Broadcasting and the new Ireland; Mapping and Visioning Cultural Diversity*” by Dr. Gavan Titley of NUI Maynooth  
[http://www.bai.ie/publications\\_researchpub.html](http://www.bai.ie/publications_researchpub.html)

## APPENDIX I

Travellers benefit from general social expenditure programmes, such as education, housing, health and social welfare programmes. The amount of such mainstream expenditure which is spent on Travellers is not known. There are, in addition to mainstream programmes, a number of Traveller-specific programmes across government departments. The following table shows estimated expenditure on such programmes for 2008, 2009 and 2010.

<b>Specific Traveller Funding</b>				
<b>Government Departments</b>	<b>Programme</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>
<b>Department of the Environment, Community and Local Government</b>	Traveller Specific Accommodation	€42,111,000	€26,775,000	€22,548,000
<b>Department of Jobs, Enterprise and Innovation</b>	FÁS Initiatives	€957,000	€509,039	€574,997
<b>Department of Health</b>	Traveller Health	€9,361,322	€9,907,004	€9,560,259
<b>Department of Justice and Equality</b>	Community Development Programme	€2,622,931	€2,327,445	€2,274,142
	Traveller Interagency Fund, managed by Pobal	€848,236	€854,312 <sup>96</sup>	€754,234 <sup>97</sup>
	Traveller Mediation Service (Pavee Point)	€101,250	€101,250	€51,000
	Actions relating to Traveller Participation, Representation and Communications	€256,500	€145,850	€99,650
<b>Department of Education and Skills</b>	Traveller specific initiatives estimated outturn expected	€77,000,000	€79,539,972	€75,660,556
<b>Department of Arts, Heritage and the Gaeltacht</b>	Irish Sports Council	Nil	€30,390	€20,360
<b>Total for Traveller Specific Funding</b>		<b>€133,626,239</b>	<b>€119,335,950</b>	<b>€110,788,964</b>

<sup>96</sup> €375,000 Dormant Accounts funding included for Traveller IA Projects

<sup>97</sup> €526,919 Dormant Accounts Fund 2010. No further fund in 2011.

## APPENDIX II



### IRISH TRAVELLER MOVEMENT

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### **Submission to the Third Reporting Cycle of the Framework Convention for the Protection of National Minorities**

#### **Irish Traveller Movement Independent Law Centre**

Since the submission of Ireland's Second Report to the Council of Europe Framework for the Protection of National Minorities our Traveller community finds itself faced with the same age old obstacles. The State has acknowledge that there are many areas where much remains to be done in the implementation of the Framework Convention however it was these areas, specifically education, that were the target of severe attacks in the December's budget. Furthermore the State remains steadfast in their refusal to recognise the Traveller community as an ethnic minority. It was during the Second Reporting Cycle that the amendments to the Criminal Justice (Public Order) Act 1994 were introduced. This legislation, on the face of it, is applicable without discrimination however there can be no doubt that these amendments were aimed specifically at curtailing the nomadic nature of the Traveller community. The State has failed to provide increased facilities by way of the provision of transient sites to counteract the retrogressive aspect of the Criminal Trespass Legislation which has served to ensure erosion of Traveller culture. Whilst there are a number of areas of concern for the Traveller community in Ireland, this submission concerns the areas of ethnicity and education.

Viewing Travellers as a distinct ethnic group calls for policies that make special provision for Travellers and affords the community special protections otherwise not available to them. The Government of Ireland define Travellers merely as a 'social group' which means that Travellers are simply defined as a group who experience discrimination and poverty thereby denying that the

discriminatory treatment of Travellers is racism. As Travellers are not recognised as an ethnic group with a distinct culture, traditions and nomadic history they are denied access to protection for their cultural rights and services which would facilitate the development of their culture. The progress made by Travellers once identified under the Equal Status Acts is evident and it is the belief of the ITM ILC that recognition of the ethnicity of the Traveller community will only further that progress. Whilst the UK and NI's approach to dealing with the Traveller community can at times be called into question it is fair to say that the Traveller community in the South look with envy towards their Northern Counterparts.

Another issue of grave concern is that of access to education and the barriers encountered by members of the Traveller community when attempting to access these services. Whilst the procedures and safety nets currently in place so some way in addressing the deficiencies in the educational system, it is the progression from primary to second level education and the barriers to same which remains an issue for the Traveller community. A source of serious concern for the ITM ILC is that of admissions policies and the utilisation of such policies to legitimise the otherwise discriminatory practices of 'cherry picking' applicants. Currently there is a prohibition on discrimination under the Equal Status Acts, as amended, however this legislation has not prevented school boards from adopting admissions policies which are indirectly discriminatory in nature. The Equality Tribunal have found, in a case in which a young Traveller boy was refused admission to a school by virtue of the fact that his father has not attended the same school, that such admission criteria put Traveller children at a particular disadvantage. The Equality Tribunal also ordered the school to review their admissions policies to ensure that they are in line with the Equal Status Act. Unfortunately the school have appealed this decision and we are awaiting a hearing date. These admission criteria have been the source of much attention in the UK with the result that schools in the UK cannot prioritise applications in accordance with the sibling/father rule. This has resulted in a more transparent and equitable system of schools admissions.

In order to advance the rights of Travellers in this jurisdiction the State should have regard to recognising the Traveller community as an ethnic minority. This recognition will provide a solid platform upon which we can build and bolster the rights of Ireland's ethnic minorities.

## APPENDIX III

### The proposed outline for Third State Reports as adopted by the Committee of Ministers of the Council of Europe on 11 June 2008

The Outline	Paragraph Location
<b>Practical arrangements made at the national level for following up the results of the second monitoring cycle</b>	
a. Please provide information on the participation of minority organisations and other non-governmental organisations in the authorities' implementation and monitoring of the Framework Convention, and indicate the impact of their involvement.	This material is covered in paragraphs 1 -13 of Section one.
b. Please indicate what steps have been taken to publicise the results of the second monitoring cycle (Opinion, State comments, Resolution): publication, dissemination and translation into the official language(s) and the minority language(s) where appropriate;	
c. Please provide information on any follow-up activities organised at national, regional and local levels;	
d. Please provide information on any other measures taken to promote awareness of the Framework Convention.	
<b>Measures taken to improve the implementation of the Framework Convention</b>	
a. <i>Please provide information and evidence that describe how the specific recommendations included in Part 2 of the Resolution adopted by the Committee of Ministers have been implemented. Indications on other policies and measures considered relevant in this context should also be provided.</i>	
<b>The Committee of Ministers Resolution of 20 June 2007</b>	
To ensure Traveller representatives' effective participation in various bodies dealing with Traveller issues, including through the new National Traveller Monitoring and Advisory Committee, while facilitating Travellers' involvement also in elected bodies	14-34
To pay increasing attention to the principle of self-identification in data collection and other contexts	39-46
To monitor the impact of the recent changes to the complaint mechanisms for non-discrimination cases so as to ensure that they do not harm the accessibility or effectiveness of the remedies available and ensure that the structures concerned are adequately resourced.	138-149
To take decisive measures to ensure the implementation of Traveller accommodation plans and the recommendations of the Report for a Traveller education strategy.	48-98
To pursue ongoing efforts to accommodate growing diversity in Irish schools, including in terms of demand for non-denomination or multi-denominational schools; and	63-98, 158-161
To take further steps aimed to facilitate self employment and other economic activities of the Travellers.	108-121
b. <i>Please describe, article-by-article, the measures and policies taken to implement the various findings contained in the Advisory Committee Opinion. Information should be provided in a manner which duly reflects interrelations between various provisions of the Framework Convention.</i>	
<b>Second Opinion of the Advisory Committee of 6 October 2006</b>	
<b>The Main Findings</b>	
General legislative and institutional framework	17, Section 2, 170-171
Data collection and self identification	39-46, 123-127
Anti-discrimination legislation	138-149, 170-179
Inter-ethnic relations	157, 164-169, 180-200
Traveller accommodation	48-62
Education	63-98, 158-161
Participation	Section 2, 108-121



<b>Article 3</b>	
<u>Scope of application of the Framework Convention</u> The Irish authorities should ensure that the inclusive approach in terms of the scope of application of the Framework Convention is consistently and unequivocally reflected in the authorities' statements on the matter. (point 27 of the Advisory Committee Opinion)	4-6
<u>Recognition of Travellers as an ethnic group</u> The Irish authorities should refrain from conclusive statements affirming that the Travellers do not constitute an ethnic minority in so far as such a position is not based on clear criteria and does not result from a dialogue with the minority concerned, taking into account the principle of self-identification stemming from Article 3 of the Framework Convention. At the same time, the authorities should ensure, both de jure and de facto, the applicability of international and domestic non-discrimination and minority rights guarantees in relation to the Travellers. (point 31 of the Advisory Committee Opinion)	123-127
<u>Data collection and census</u> The authorities are encouraged to pursue further their plans to improve data on issues concerning Travellers and minorities in general. In this context, they should pay increasing attention to the voluntary nature of data collection on individuals' ethnicity and to the principle that such data collection is to be consistently based on self-identification by the individuals concerned. (point 36 of the Advisory Committee Opinion)	39-46
<b>Article 4</b>	
<u>Equality legislation and mechanisms</u> The Irish authorities should bolster the capacity of the Equality Tribunal in order to reduce delays in the processing of cases and to ensure the effectiveness of the Tribunal. The authorities should also, in co-operation with all stakeholders, evaluate the impact of the transfer of jurisdiction over discrimination cases concerning licensed premises, and, as necessary, review the transfer decision in order to ensure an accessible, affordable and effective remedy for such cases. (point 43 of the Advisory Committee Opinion)	170-171 138-149
<u>Implementation of equality legislation</u> Ireland is called on to ensure decisive follow-up to the sectoral and other programmes and policies initiated to advance non-discrimination, and to make sure that they are adequately resourced and monitored in co-operation with minority representatives and others concerned. (point 49 of the Advisory Committee Opinion)	172-174
<u>Traveller women</u> The Advisory Committee considers that the gender dimension needs to be taken into account in the design and implementation of all minority initiatives, including in terms of data collection, with a view to ensuring Traveller women's full and effective equality. (point 51 of the Advisory Committee Opinion)	132-137
<b>Article 5</b>	
<u>Recognition of Travellers' culture</u> Ireland should support continuation of initiatives to promote Traveller culture, taking into account its various aspects, and ensure that related civil society initiatives receive adequate support. (point 55 of the Advisory Committee Opinion)	128-131
<u>Travellers' Accommodation</u> The Irish authorities should make concerted efforts to ensure that the local authorities meet Traveller accommodation targets and step up the delivery of appropriate accommodation options, including through improved provision of halting sites. The Advisory Committee recommends a speedy mid-term evaluation of the Traveller accommodation programmes for 2005-2008 and development of a mechanism to support their full implementation by 2008. (point 62 of the Advisory Committee Opinion)	48-62
Anti-trespassing legislation and related procedures should be reviewed and, as appropriate, amended, in consultation with those concerned, to ensure they comply with Article 5 of the Framework Convention and other pertinent human rights standards. In the meantime, the authorities should take into account that some of the trespassing may be linked to the local authorities' failure to meet their statutory obligation to provide accommodation. (point 63 of the Advisory Committee Opinion)	60-61
<b>Article 6</b>	
<u>Manifestations of intolerance</u> The Advisory Committee calls on the authorities to continue to provide substantive support to anti-racism initiatives, and to ensure that the implementation of the Action Plan Against Racism is supported and monitored by all sectors of administration at both local and central level. (point 69 of the Advisory Committee Opinion)	164-167
Reform of the employment permit system should be completed rapidly and in a manner that provides robust guarantees against abuse of migrant employees concerned. (point 70 of the Advisory Committee Opinion)	175-179
<u>Legislation concerning racist crime</u> The Advisory Committee encourages rapid completion of the research launched in these areas and calls on the authorities to pursue their concrete follow-up measures, with a view to ensuring that there are effective legal tools to combat racist crime. (point 74 of the Advisory Committee Opinion)	168-169
<u>Police (An Garda Síochána)</u> The Advisory Committee supports swift implementation of the proposals contained in the Garda Human Rights Audit, including its call for recruitment, retention and progression of a more diverse police service. (point 80 of the Advisory Committee Opinion)	180-185
<u>Media reporting on minorities</u>	

The establishment of a Press Council, already proposed by the Minister for Justice, Equality and Law Reform, should be pursued as a priority, in a manner that ensures an effective complaint mechanism that takes into account the concerns related to minority reporting, while fully respecting freedom of expression and editorial independence of the media. The Advisory Committee also supports the idea of drawing up a press code of conduct. (point 84 of the Advisory Committee Opinion)	186-190
<b>Article 9</b>	
<u>Minorities and access to the media</u> Ireland should in further stages of monitoring of the Framework Convention cover media issues more extensively. Furthermore, it should, in practice, pay more attention to the issues of access of minorities to the media, and this perspective should be carefully taken into account also in the on-going preparations of a new Broadcasting Bill as well as in the planning and implementation of pending digitalisation initiatives. (point 89 of the Advisory Committee Opinion)	191-200
<b>Article 12</b>	
<u>Education of Travellers</u> The pending Traveller Education Strategy, with an implementation plan, should be issued as rapidly as possible and given resolute follow-up at all levels of education, including in terms of resources and appropriate awareness-raising, which should be pursued among all actors concerned, involving also persons belonging to the majority in the communities concerned. Enhanced support should be made available for community development work of Traveller organisations in recognition of its positive education implications. The Advisory Committee urges the authorities to combat any practices that may contribute to isolation or separation of Traveller pupils and make sure that there is no direct or indirect anti-Traveller bias in enrolment processes, in the formation of study groups or in any other aspects of education. (point 97 of the Advisory Committee Opinion)	63-98
<u>Denominational schools</u> The Advisory Committee urges the authorities to pursue their commitment to widen schooling options, including in terms of non-denominational and multi-denominational schools, in a manner that ensures that the school system reflects the growing cultural and religious diversity of the country. (point 100 of the Advisory Committee Opinion)	158-161
<b>Article 14</b>	
The Advisory Committee encourages the authorities to pursue their commitment in this area, including through provision of minority language as an education subject. (point 102 of the Advisory Committee Opinion)	97-98
<b>Article 15</b>	
<u>Participation in elected bodies</u> The Irish authorities are encouraged to pursue further their efforts to encourage Travellers' participation in elections, both as electors and candidates, at all relevant levels. (point 106 of the Advisory Committee Opinion)	35-38
<u>Participation in structures devoted to minority issues</u> There is a need to ensure that the past positive practices of Traveller participation in various bodies are built upon as new structures dealing with Traveller issues are being developed. Such participation should not be limited to the provision of service, but involve also critical input to the decision-making processes and to the evaluation of policies and practices. In this respect, the High Level Group on Traveller Issues should associate the representatives of Traveller organisations, from local to central level, more closely in its activities, especially in so far as they involve the formulation and/or prioritization of policies pertaining to Traveller. (point 111 of the Advisory Committee Opinion)  In view of the increased diversification of Irish society, the Advisory Committee also encourages the authorities to promote relevant participation in decision making by members of new minority groups, <u>including Roma</u> , in line with the recommendations of the state's National Action Plan against Racism. (point 112 of the Advisory Committee Opinion)	Section 2, in particular 14-34,157, 164, and 165
<u>Participation in economic life</u> The authorities should take additional proactive measures to advance employment of Travellers in both public and private sector. It is essential to eliminate practical and legal obstacles that hinder full participation of Travellers in economic life, including by ensuring that their self employment and other economic activities as well as equal access to financial services are facilitated. (point 118 of the Advisory Committee Opinion)	108-121

## APPENDIX IV

Irish Travellers usually resident and present in the State on Census Night, classified by place of birth and age group. Source: Central Statistics Office, Census 2006, Irish Traveller Community, Volume 5/Tables 28.

Age Group	Total	Birthplace			
		Ireland Republic	Northern Ireland	Great Britain	Other Countries
0 - 4	3,298	3,150	18	129	1
5 - 14	5,973	5,427	21	524	1
15 - 24	4,590	4,073	31	485	1
25 - 34	3,234	3,025	24	182	3
35 - 44	2,426	2,147	41	238	-
45 - 54	1,457	1,380	40	36	1
55 - 64	800	781	15	4	-
66 years and over	591	581	5	3	2
<b>Total</b>	<b>22,369</b>	<b>20,564</b>	<b>195</b>	<b>1,601</b>	<b>9</b>

The Central Statistics Office provides extensive information regarding the Traveller community on its website.<sup>98</sup> It should be note that the *All Ireland Traveller Health Study*<sup>99</sup> also provides statistical information on Travellers (2008). Both the 2006 Census and the *All Ireland Traveller Health Study* will be update following the 2011 Census.

<sup>98</sup> [http://www.cso.ie/census/Census2006\\_Volume5.htm](http://www.cso.ie/census/Census2006_Volume5.htm) - Tables 12 to 44

<sup>99</sup> Refer to paragraph 46 for greater detail.

## APPENDIX V

A summary of the findings of the *All Ireland Traveller Health Study* is detailed below.

- The Traveller population in the island of Ireland was estimated at 40,129 in 2008; 36,224 in the Republic of Ireland and 3,905 in Northern Ireland.
- Life expectancy at birth for male Travellers has remained at the 1987 level of 61.7 which is 15.1 years less than men in the general population, representing a widening of the gap by 5.2 years. This is equivalent to the life expectancy of the general population in the 1940s. There are, however, marginal increases in male Traveller life expectancies at later ages.
- Life expectancy at birth for female Travellers is now 70.1 which is 11.5 years less than women in the general population, and is equivalent to the life expectancy of the general population in the early 1960s. This has improved from 1987 when life expectancy was 65 years.
- Traveller infant mortality is estimated at 14.1 per 1,000 live births. This is a small decrease from an estimated rate of 18.1 per 1,000 live births in 1987. Over the same time period the general population infant mortality rate has reduced from 7.4 to 3.9 per 1,000 live births.
- Travellers, in particular males, continue to have higher rates of mortality for all causes of death.
- Male Travellers had a higher Standardised Mortality Ratio in 2008 (372) compared with 1987 (351), while in the same period the Standardised Mortality Ratio of males in the general population has reduced from 161 to 100.
- The Standardised Mortality Ratio for female Travellers in 2008 reduced to 309 compared with 472 in 1987, while in the same period the Standardised Mortality Ratio of females in the general population has reduced from 150 to 100.
- There have been improvements in Traveller women's health, notably (1) a narrowing the gap in life expectancy between Traveller and non-Traveller women of 0.4 years, (2) reduction in fertility rates to 2.7 per 1,000 population and (3) uptake of cervical screening at rates higher than the general Republic of Ireland population and uptake of breast screening at rates similar to the general Republic of Ireland population.

- Access to health services is good, with Travellers stating that their access is at least as good as that of the rest of the population. Access to primary care services is an important element of health services delivery. Over 94 percent of Travellers in Republic of Ireland have a Medical Card with this figure rising to 99 percent in the older age group and nearly 97 percent of all Travellers in Republic of Ireland are registered with a general practitioner. The Traveller Primary Health Care workers are part of the Health Service Executive Primary Care Team. However, the research reports that the healthcare experience is not as good as the general population, with communication cited as a major issue by both Travellers and service providers.
- Just under half of all Travellers feel discriminated against. This is experienced in all aspects of life. However, least discrimination is experienced in sport, followed by the health sector. Travellers have a strong sense of community and high levels of community/family support.
- Suicide rates are nearly 7 times higher in Traveller men compared with the general male population.
- Education levels are very low with only about half of Traveller adults having completed at least primary school education. However, more than 90 percent of 14 year olds are now in school or training centres.

## APPENDIX VI

### Developments in Equality Legislation

- The *Protection of Employment (Exceptional Collective Redundancies and Related Matters) Act 2007* amended Section 17 of the *Employment Equality Act 1998*, to ensure that, in relation to discrimination on the age ground, nothing in that Act would render unlawful any act done in compliance with the *Protection of Young Persons (Employment) Act 1996*, or the *National Minimum Wage Act 2000*.
- The *Civil Law (Miscellaneous Provisions) Act 2008* amended both the *Employment Equality Act 1998* to extend the membership of the *Equality Authority and the Equal Status Act 2000* to complete the transposition into national law of the EU Gender Goods and Services Directive, 2004/113/EC, by restricting the range of financial and insurance products and services for which gender differentiation is permitted in pricing and benefits, and to provide the option of referral of complaints on the gender ground to the Circuit Court.
- The *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* amended both the *Employment Equality Act 1998* and the *Equal Status Act 2000*, to rename the ground of marital status to civil status, and extend the protection against discrimination on the ground of marital status to present and former civil partners.
- The *Civil Law (Miscellaneous Provisions) Act 2011* makes a number of further amendments to the equality Acts, including providing for the issue of a decision on a complaint by the Director of the Equality Tribunal on the basis of written submissions only without the need for an oral hearing, with the agreement of all the parties.

## APPENDIX VII

### The Employment Permits Act 2006

- A prohibition on the retention by employers or persons acting on their behalf of personal documents of the employee, including passport, driving licence or identity card.
- Employers are also prohibited from deducting recruitment expenses from the remuneration of employees.
- The permit contains a statement of the entitlements of the migrant worker including their remuneration, their right to change employers, and any deductions for board and accommodation.
- The Permit is accompanied by a summary of the principal employment rights of the employee.
- An employer who contravenes any of the provisions of the Act is guilty of an offence – may be liable for fines ranging from €5000 up to €50,000 and/or imprisonment for a period from 12 months up to 5 years.
- Since August 2009, an employee who has worked lawfully within the State and has held an employment permit for five consecutive years is no longer required to have an employment permit. This means that employees have full access to the labour market for any type of job and with their employer of choice after that period. These additional freedoms for migrant workers recognise the contribution these workers have made to the economy over an extended period and seek to reward that contribution.