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**REPORT SUBMITTED BY IRELAND  
PURSUANT TO ARTICLE 25, PARAGRAPH 1  
OF THE FRAMEWORK CONVENTION FOR  
THE PROTECTION OF NATIONAL MINORITIES**

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(Received on 13 November 2001)

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**Glossary**

AG - Attorney General

CSO - Central Statistics Office

CRG - Constitutional Review Group

FAS - Foras Áiseanna Saothair

INTO - Irish National Teachers Organisation

IR- Irish Reports

IRLM - Irish Law Reports Monthly

IRTC - Independent Radio and Television Commission

ITM - Irish Travellers Movement

NAPS - National Anti-Poverty Strategy

NCCRI - National Consultative Committee on Racism and Interculturalism

NDP - National Development Programme

NESF - National Economic and Social Forum

NESC - National Economic and Social Council

NU.J. - National Union of Journalists

PPF - Programme for Prosperity and Fairness

RTE - Radio Teilifís Éireann (the State broadcaster)

RTT - Resource Teacher for Travellers

SMI - Strategic Management Initiative

TD - Teachta Dála, Member of the National Parliament

VTT- Visiting Teacher for Travellers

VTS - Visiting Teacher Service

YAARD - Youth Action Against Racism and Discrimination

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## **Ireland's Approach to the Framework Convention on National Minorities**

Ireland signed the Framework Convention for the Protection of National Minorities on the 1<sup>st</sup> February 1995 and ratified it on the 7<sup>th</sup> May 1999. The convention entered into force with respect to Ireland on the 1<sup>st</sup> September 1999. This report has been prepared pursuant to Ireland's obligation under Article 25 paragraph 1 of the Convention. This is Ireland's first report under the Framework Convention.

A commitment was given by the Irish Government to ratify the Framework Convention in the Northern Ireland Peace Agreement of 10 April 1998 (The Good Friday Agreement). An important strand of that Agreement contained interlocking commitments on the part of both the British and Irish Governments with respect to a wide variety of human rights issues including national minorities.

Ireland's ratification of the Framework Convention should therefore be seen as an integral part of an overall human rights strategy connected with the advancement of justice and peace on these islands.<sup>1</sup>

The link between Ireland's ratification of the Framework Convention and the overall peace process on the island of Ireland was drawn out specifically by the Minister of State at the Department of Arts, Heritage, Gaeltacht and The Islands during the relevant parliamentary debate on the motion of approval of Ireland's ratification. During that debate, the Minister stated:

*.... it is fitting that Ireland further demonstrate its belief in the Council of Europe and its standard setting work in human rights through the ratification of this important convention. In doing so we can add another piece to the jigsaw of reconciliation on our island, while at the same time making an international declaration of our desire for accommodation and mutual respect between the different cultures and nationalities which share our continent.<sup>2</sup>*

Ireland recognises that, as has been stated by the Advisory Committee, the Framework Convention was intended '.... to protect groups which have come about as a result of political upheaval and which have historical ties to a country'. Ireland also recognises that the definition of what constitutes a national minority is not fixed in international law or in the Framework Convention. The definition of what constitutes a national minority is therefore dynamic. Ireland recognises that the number and composition of national minorities in a State may change and develop over time, always being subject to the individual's right to consider him or herself as a member of a national minority.

The term national minority is not legally defined in Irish law. However, in a range of legislative, administrative and institutional provisions, the Government has recognised the special position of Ireland's Traveller community, in order to protect their rights and improve their situation. Ireland also recognises that, as has been stated by the Advisory Committee, groups which do not constitute national minorities may nevertheless benefit from the protection of the Framework Convention on an article-by-article basis. Ireland is making available in the current Report information on several other groups; information on these groups is provided without prejudice as to whether or not they constitute a national minority.

## **Information on the Irish State.**

### **General**

The island of Ireland is situated in the north-west of the continent of Europe and has a total area of 84,421 square kilometres. The country is historically divided into four provinces, each roughly equivalent to the four primary points of the compass, i.e. Ulster (North), Munster (South), Connaught (West) and Leinster (East). The current area of application of the laws enacted by the Oireachtas (Irish Parliament) covers 26 of the 32 counties; the remaining 6 north-eastern counties form part of the jurisdiction of the United Kingdom.

Ireland has been inhabited for approximately 9,000 years and its history is marked by successive movements of peoples from continental Europe including the Celts, the Vikings, Normans and English. In 1921, after a year long War of Independence, a treaty was signed with Britain. As a result of that Treaty, the Irish Free State came into existence in the southern twenty six counties while six of the nine northern counties of Ulster (Northern Ireland) remained in the United Kingdom.

A new Constitution was adopted in the South by plebiscite in 1937. Notwithstanding the adoption of a new constitution, Ireland remained a member of the Commonwealth until the enactment of the Republic of Ireland Act in 1948. Ireland remained neutral during the Second World War and does not belong to any military alliance. Ireland was a founder member of the Council of Europe in 1949, became a member of the United Nations in 1955 and joined the European Economic Community in 1973.

### **Demographics**

The census of population is carried out every five years in Ireland. The last census took place in 1996, the next will take place in 2002. The nationwide precautions against the spread of foot and mouth disease necessitated the postponement until 2002 of the census scheduled to take place in April 2001.

The 1996 Census figures reveal an increase in population by comparison with 1991. The preliminary total for the population enumerated on census night (28 April 1996) was 3,621,035 persons, compared with 3,525,719 in April 1991, representing an increase of 95,316 persons or 2.7 per cent over the five-year period. A Statistical Release dated September 12<sup>th</sup> 2000 shows that the total population as of April 2000 is estimated at 3.79 million, the highest figure since the 1881 census. The major population centres are Dublin, Cork, Galway, Limerick and Waterford. An examination of the census records trends similar to those in other European countries e.g. high life expectancy, low death rate, low infant and maternal mortality.

The census reveals a high dependency ratio as can be seen in the large percentage of the population which is under 15 and over 65. In 1990, 57 per cent of the population lived in urban areas. Approximately 79 per cent of all homes are owner occupied, a high figure by international standards.

The majority of Irish people belong to Christian religious denominations. The 1991 census showed that 92 per cent of the population were Roman Catholic and 2.9 per cent

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belonged to various Protestant denominations. There is also a small but long-established Jewish community. In recent years a small Muslim community has developed, mainly in Dublin. The remainder belongs either to smaller religious groups, or had no specific religious beliefs.

The Gross Domestic Product at current prices according to a Statistical Release by the Central Statistics Office on July 20<sup>th</sup> 2000 was £69,052 million.

### **The Irish language**

The Constitution provides that the Irish language, as the national language, is the first official language, and that the English language is recognised as a second official language. The Courts have recognised the rights of litigants to conduct their cases through either language. English is the more widely spoken language throughout the country, although Irish is spoken as the first language in areas known as the *Gaeltacht*, situated mainly along the western seaboard. However, Irish speakers are also to be found in all parts of the country.

The population (aged three years and over) of the officially defined Gaeltacht in the 1991 census was 79,563, of whom 56,469 or 71 per cent are Irish-speaking. Although Irish speakers are a minority of the population as a whole, the Constitutional position of Irish as the first official language and the continued policy of successive Governments to revive the Irish language ensure that their rights are protected.

In the Good Friday Agreement, the Government recognised the importance of respect, understanding, and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are a part of the cultural wealth of the island of Ireland. An all-island language body has since been established and is working to promote the Irish language, facilitating and promoting issues, and promoting greater awareness and use of Ullans and Ulster-Scots cultural issues.

A total of just over 1.43 million persons aged 3 years and over were recorded in 1996 as having an ability to speak Irish. Over a quarter of those who indicated they could speak Irish were reported as speaking it on a daily basis. Most of these (78.6%) were in the school-going ages 5-19 years.

### **System of Government**

Ireland is a sovereign, independent, parliamentary democracy (Article 5 of the Constitution). The National Parliament (Oireachtas) consists of the President and two Houses: the lower house (Dáil Éireann) and an upper house (Seanad Éireann). The functions and powers of the President, Dáil and Seanad derive from the Constitution of Ireland and law. All laws passed by the Oireachtas must conform to the Constitution (Article 15.4.1).

In Ireland, citizens have the opportunity to take part in the political process by casting a vote in five decision-making procedures: (a) the election of the President every seven years; (b) referenda on proposed Constitutional amendments; (c) elections to local authorities, usually every five years; (d) parliamentary elections, which occur under present legislation at least every five years; (e) elections to the European Parliament,

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every five years. The electoral system in elections to the Dáil is proportional representation by means of the single transferable vote in multimember constituencies. It is also used for the election of 49 of the 60 members of the Seanad, members of the local authorities and of the President.

The office of President (Articles 12-14 of the Constitution) does not have executive functions. The President must generally act on the advice and authority of the Government (Article 12.9). On the nomination of Dáil Éireann, the President appoints the Taoiseach (Prime Minister) (Article 13.1) and, on the advice of the Taoiseach and with the prior approval of Dáil Éireann, the President appoints members of the Government (Article 13.2).

Local government is administered by 114 local authorities funded mainly by State grants and partly by local taxes on non-residential property. Local government has responsibility for public housing, water and sanitation, road maintenance and certain other services. Bye-laws are a category of delegated legislation which may be made by the local authorities in respect of their own functional areas.

Health services are provided by eight Health Boards organised on a regional basis and funded by the Department of Health. The basic or framework legislation is set out in the Health Act 1970. Other aspects of administration operated on a regional basis include tourism promotion, industrial development and fishery conservation.

### **Information on the Irish Legal System**

Irish law is based on common law as modified by subsequent legislation and by the Constitution of 1937. Statutes passed by the British Parliament before 1921 have the force of law unless repealed by the National Parliament (Oireachtas) or held by the Courts to be inconsistent with the 1922 Constitution (Article 73 of that Constitution) or with the 1937 Constitution (Articles 48-50 of the Constitution). In accordance with the Constitution, justice is administered in public in Courts established by law. Judges are appointed by the President on the advice of the Government (Article 35.1).

The basic law of the State is the aforementioned Constitution of Ireland adopted by plebiscite in 1937. The Constitution states that all legislative, executive and judicial powers of Government derive from the people (Article 6). It sets out the form of Government and defines the powers of the President of Ireland, the National Parliament and of the Government. It also defines the structure and powers of the Courts (Article 34) and sets out fundamental rights of citizens and contains a number of directive principles of social policy for the general guidance of the Oireachtas (Articles 40-45). These directive principles are expressly stated not to be cognisable by the Courts.

The Constitution groups the fundamental rights of the person under a specific and prominent heading (Fundamental Rights). These rights are judicially enforceable and include Personal Rights (Article 40), The Family (Article 41), Education (Article 42), Private Property (Article 43) and Religion (Article 44). As will be seen below, the Courts have also carved out a wide jurisdiction to recognise and enforce unwritten or unenumerated rights additional to those specified in the text.

Under the Constitution, the sole power of making laws is vested in the Oireachtas (Article 15.2.1). The only exception is in the area of European Community law where certain



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measures taken by the European Communities have direct application in Ireland.

Issues as to the Constitutional validity of legislation may come before the Supreme Court in either of two ways : (1) where a Bill is referred by the President under Article 26 or (2) where the Constitutionality of the law is questioned in ordinary litigation in accordance with Article 34. The President under Article 26, may, after consultation with the Council of State, refer any Bill to which the Article applies to the Supreme Court for a decision as to whether the Bill or any part thereof, is repugnant to the Constitution. The power of referral does not apply to a Money Bill or a Bill containing a proposal to amend the Constitution or to a Bill the time for consideration of which has been abridged under Article 24.2. The Article 26 reference procedure has been used thirteen times since the adoption of the 1937 Constitution; the Supreme Court has found for the Government on seven occasions and against on six occasions.

The Attorney General is described under the Constitution in Article 30 as "the advisor of the Government in matters of law and legal opinion". The functions, powers and duties of the Attorney General are to be found in the Constitution, in legislation, in Constitutional convention and in judicial decisions. The Office of the Attorney General deals only with the legal affairs of the executive branch of the Government. The Office has an important role in the overall system of policy-making by vetting proposed legislation for compatibility with provisions of the Constitution. One aspect of the role of the Attorney General as Guardian of the Constitution involves his functions in relation to the protection of the Constitution and the vindication of constitutional rights.

### **The Status of International law in the Irish legal framework**

Article 29.3 of the Constitution states that

*Ireland accepts the generally recognised principles of international law as its rule of conduct in its relations with other States.*

Ireland's legal system, inherited from the period of British rule in Ireland, is grounded in the common law tradition. Like other common-law countries, Ireland has a "dualist" system under which international agreements to which Ireland becomes a party are not automatically incorporated into domestic law. Article 29.6 of the Constitution of Ireland provides that

*No international agreement shall be part of the domestic law of the State save as may be determined by the Oireachtas.*

This provision has been interpreted as precluding the Courts from giving direct effect in domestic law to international agreements, which have not been incorporated under Article 29. 6 of the Constitution, such as the European Convention on Human Rights, if provisions of the agreements are contrary to domestic law or grant rights or impose obligations additional to those of domestic law (In re O Laighleis [1960] I.R. 93, Norris v. Attorney-General [1984] I.R. 36).

In practice, in cases where Ireland wishes to adhere to an international agreement it first ensures that its domestic law is in conformity with the agreement in question. In some cases the entire contents of an international agreement are transposed into domestic law by providing that the agreement shall have the force of law within the State (for example

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the Vienna Conventions on Diplomatic and Consular Immunities was made part of the domestic law by Subsection 5.6 of the *Diplomatic Relations and Immunities Act 1967*. In other cases it is necessary to transpose only certain provisions of an agreement because other provisions are either already incorporated in domestic law or are of a nature not requiring incorporation. Sometimes it may be that for the same reason no transposition provisions are required at all.

It follows from the "dualist" nature of Ireland's legal system that without a voluntary Act of the Oireachtas of incorporation, the provisions of international Covenants cannot be invoked before and directly enforced by the Courts, and it is necessary to examine the extent to which Irish law itself correctly reflects the obligations of the Covenants.

An important recent decision by the Government is to give further effect in Irish law to the European Convention on Human Rights by means of legislation. The necessary legislation is pending before the Oireachtas at present.

### **Fundamental human rights in Irish law**

A large number of rights which may be relied upon by all citizens of Ireland regardless of whether or not they are members of a "national minority", are specifically provided for in the Constitution of Ireland. They are principally, although not exclusively, to be found in the chapter headed "Fundamental Rights" which comprises Articles 40-44. The rights are described below:

#### **Civil Rights**

These include the right to life (Article 40.3.2 and 3); the right to protection of one's person (Article 40.3.2); the right to one's good name (Article 40.3.2); property rights, including the right to own, transfer, bequeath and inherit property (Article 40.3.2° in conjunction with Article 43); equality before the law (Article 40.1); personal liberty (Article 40.4); the inviolability of the dwelling (Article 40.5); freedom of expression (Article 40.6.1° (i)); freedom of assembly (Article 40.6.1° (ii)); freedom of association (Article 40.6.1° (iii)); freedom of conscience and the free profession and practice of religion (Article 44); the right to have justice administered in public by judges who are independent (Article 34 and 35); the right to criminal trial in course of law (Article 38.1); the right to trial by jury (Article 38.5); the right not to have one's acts retrospectively declared to be unlawful (Article 15.5).

#### **Political Rights**

These include the right to vote (Articles 12.2.2°, 16.1 and 47.3); the right to have votes treated as being of equal weight (Article 16); the right to seek election (Articles 12.4.1° and 16.1).

#### **Economic, Social and Cultural Rights**

These include family rights (Article 41); the right of parents to provide for their children's education (Article 42.1); the right of children to receive a certain minimum education at primary level (Article 42).

Article 45 sets out Directive Principles of Social Policy which although not cognisable by

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the Courts have been a source of guidance and referred to in several court cases.

It should be noted that few, if any, of these rights are unlimited or absolute. In many cases they are qualified in the text of the Constitution itself. For example, the right of assembly in Article 40.6.1<sup>o</sup> is qualified in the sense that the right is subject to public order and morality, applies only to peaceable assembly without arms, and that provision may be made by law to prevent or control meetings calculated to cause a breach of the peace or to be a danger or a nuisance to the general public, and to prevent or control meetings in the vicinity of the Oireachtas (National Parliament).

### **Unwritten or Unenumerated Rights**

In addition to the specified rights referred to above, the Courts have identified a number of rights which, although not expressly referred to in the Constitution are nonetheless protected by it. The origin of this doctrine lies in Article 40.3.1 and 2 of the Constitution, which provides as follows:

The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.

2. The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, person, good name and property rights of every citizen.

In Ryan v. Attorney-General [1965] I.R. 294, the seminal case in relation to the doctrine of unspecified personal rights, the plaintiff alleged that proposals to introduce fluoride to water supplies infringed her right to bodily integrity. Kenny J. in the High Court held against her on the merits but agreed that :

*The personal rights which may be invoked to invalidate legislation are not confined to those specified in Article 40 but include all those rights which result from the Christian and democratic nature of the State.*<sup>3</sup>

On appeal the Supreme Court reaffirmed this approach:

*The Court agrees with Mr. Justice Kenny that the personal rights mentioned in Section 3.1<sup>o</sup> [of Article 40] are not exhausted by the enumeration of 'life, person, good name and property rights' in section 3. 2<sup>o</sup> as is shown by the use of the words 'in particular', nor by the more detached treatment of specific rights in the subsequent sections of the article. To attempt to make a list of all the rights which may properly fall within the category of 'personal rights' would be difficult and, fortunately, is unnecessary in this present case.*<sup>4</sup>

While the "personal rights" provision of Article 40.1 is the principal source of implied rights in the Constitution of Ireland, other provisions of the Constitution may also be a source of implied rights, either separately or in conjunction with Article 40. For example, the right to have a criminal trial in due course of law, referred to in Article 38, has been held to import a requirement to have fair procedures which furnish an accused with an adequate opportunity to defend himself, and hence, in certain circumstances, a right to legal aid at the expense of the State (The State (Healy) v. Donoghue [1976] I.R. 325). The right to privacy in marriage may be argued to derive from the family rights of Article 41 as well as from Article 40 (McGee v. Attorney-General [1973] I.R. 284). The express

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right to associate referred to in Article 40.6.1° (iii) has been held to imply a correlative right not to be a member of an association (Education Company v. Fitzpatrick (No. 2) [1961] I.R. 345).

Among the implied, unspecified or unenumerated rights that have been recognized by the Irish courts to date are the following: the right to bodily integrity (Ryan v. Attorney-General [1965] I.R. 294); the right not to have one's health endangered (The State (C) v. Frawley [1976] I.R. 365); the right to justice and fair procedures, and, in a criminal trial, to an adequate opportunity to defend oneself, and to legal representation (The State (Healy) v. Donoghue [1976] I.R. 325); the right not to be tortured or subjected to inhuman or degrading treatment or punishment (The State (C) v. Frawley [1976] I.R. 365); rights relating to privacy within marriage (McGee v. Attorney-General [1974] I.R. 284); right of privacy of communications (Kennedy v. Ireland [1987] I.R. 587); the right to communicate (Attorney-General v. Paperlink [1984] I.L.R.M. 373, Kearney v. Minister for Justice [1987] I.L.R.M. 47); the right to marry (Ryan v. Attorney-General, unreported, Supreme Court, 14 February, 1991); the right to work and earn a livelihood (Murtagh Properties v. Cleary [1972] I.R. 330, Murphy v. Stewart [1973] I.R. 97); the right to travel, both within the State and abroad, and to obtain a passport (Ryan v. Attorney-General [1965] I.R. 294, The State (M) v. Attorney-General [1979] I.R. 73); the right not to be compelled to join an association against one's will (Education Company v. Fitzpatrick (No. 2) [1961] I.R. 345); the right to litigate and have access to the Courts (McCauley v. Minister for Posts and Telegraphs [1966] I.R. 345); the rights of children to nurturing, to an upbringing and education and to have the opportunity of working and of realizing their personality and dignity as human beings (G v. An Bord Uchtala [1980] I.R. 32); the rights of natural mothers to the custody and care of their children (G v. An Bord Uchtala [1980] I.R. 32); the right of the citizen to sue the State in court.

### **General Information on Non-Discrimination legislation and practice in Ireland. The Overarching Constitutional Protection of Equality**

Article 40.1 of the Constitution provides the overall guarantee of equality before the law. It states:

*All citizens shall, as human persons, be held equal before the law. This shall not mean that the State shall not in its enactments have regard to differences of capacity, physical and moral, and of social function.*

According to Ireland's First Report under the United Nations International Covenant on Civil and Political Rights (ICCPR) in 1992, the making of distinctions by the State based on race, colour, religious, political or other opinion, national or social origin, property, birth or other status which affect citizens in their dignity as human beings would amount to a contravention of this provision of the Constitution. The Report outlines the case of Quinn's Supermarket v Attorney General [1972] IR 1 where the Supreme Court described this provision as:

*a guarantee of equality as human persons and ...a guarantee related to their dignity as human beings and a guarantee against any inequalities grounded on an assumption, or indeed a belief, that some individual or classes of individuals, by reason of their human attributes or their ethnic or racial, social or religious background, are to be treated as the inferior or superior of other individuals in the community. This list does not pretend to be complete...*

## **A Range of Anti-Discrimination Legislation and Institutions**

The *Employment Equality Act 1998*, outlaws discrimination in the employment context on nine grounds including religion, race, and membership of the Traveller community. It contains a very broad definition of race which covers race, colour, nationality or ethnic or national origins Section 6(h). The Act, which has been in operation since October 1999, is comprehensive and covers direct and indirect discrimination in relation to access to employment, conditions of employment, equal pay for work of equal value, training, promotion and work experience. [See text under Article 4 below for further detail].

The *Equal Status Act 2000* complements the *Employment Equality Act* and protects against discrimination on the same nine grounds in education, provision of goods, services and accommodation, and the disposal of property. *The Equal Status Act 2000* came into full operation at the end of October 2000. [See text under Article 4 below for further detail].

A new equality infrastructure has been put in place to underpin the above equality legislation. An Equality Authority was established by the Employment Equality Act. Its remit under Section 39 is:

- to work towards the elimination of discrimination in employment, in the provision of services and goods, education, property and other opportunities to which the general public have access;
- to promote equality of opportunity in matters to which the legislation applies

To provide information to the public in relation to the Employment Equality Act, 1998, Equal Status Act, 2000, Maternity Protection Act, 1994, Adoptive Leave Act, 1995, and Parental Leave Act, 1998

To keep under review the operation of the Employment Equality Act, 1998, Equal Status Act, 2000, Maternity Protection Act, 1994, Adoptive Leave Act, 1995 and the Pensions Act, 1990 as regards the principle of equal treatment (see sections 39 of Employment Equality Act, 1998 and of Equal Status Act, 2000)

In operational terms, the Equality Authority may:

- appoint advisory committees to advise it on matters relating to its functions
- prepare draft codes of practice for submission to the Minister for Justice, Equality and Law Reform to further the elimination of discrimination and the promotion of equal opportunity
- conduct inquiries, make equality recommendations and serve non-discrimination notices
- provide assistance to people taking proceedings under the legislation
- invite businesses to carry out an equality review and to prepare an implement an equality action plan

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- refer matters to the Director of Equality Investigations on its own initiative, and
- undertake research and disseminate information relevant to the legislation

The Equality Authority has published its Strategic Plan 2000-2002. Its Mission Statement expresses the Authority's commitment to realising positive change in the situation of those experiencing inequality by:

- *promoting and defending the rights established in equality legislation and providing leadership in*
- *building a commitment to addressing equality issues in practice*
- *creating a greater awareness of equality issues*
- *celebrating the diversity in Irish society*
- *mainstreaming equality considerations across all sectors*

A new office of the Director of Equality Investigations was also established under the terms of the Employment Equality Act. This office of the Director of Equality Investigations provides the main locus of redress at first instance for individuals who consider they may have suffered discrimination as defined in the Employment Equality Act (Section 77) and the Equal Status Act (Section 21).

### **Prohibition of Incitement to Hatred Act, 1989**

The Prohibition of Incitement to Hatred Act, 1989, has been in place for more than eleven years. The Act makes it an offence to incite hatred against any group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the Traveller community or sexual orientation (Section 2).

Conscious of the fact that the Act has not been widely used, the Minister for Justice, Equality and Law Reform has made a commitment to review the legislation and has stated:

*I am aware that there has been some criticism of the effectiveness of this Act . . . . At my request officials have commenced a review of this legislation and I would welcome any suggestions which may lead to an improvement of the existing provisions of the Incitement to Hatred Act.*

The review of the 1989 Act is ongoing in the Department of Justice, Equality and Law Reform.

### **Education Legislation**

This Education Act 1998 was enacted to provide a statutory basis for the first time for primary and post primary education, to make provision for the education of every person in the State, including any person with disability or who has other special educational needs, to ensure the education system is accountable to students, their parents and the State. The Act further provides for recognition and funding of schools and their

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management through boards of management and the establishment of a national council for curriculum and assessment. It stipulates, inter alia, that schools shall provide education to students which is appropriate to their abilities and needs (Section 9). The education system should respect the diversity of values, beliefs, languages and traditions in Irish society. Special consideration is given to children with special needs and children who suffer educational disadvantage.

The Education (Welfare) Act 2000 provides for the entitlement of every child in the State to a certain minimum education. While no specific reference is made to national minorities, the thrust of the Act is to ensure that all of the children in the State receive an appropriate education.

### **National Minorities in Ireland**

The term "*national minority*" is not, as such, legally defined under Irish Law. Ireland has not made a declaration on the application of the Convention to any particular national minority or minority community.

In its international human rights policy, Ireland has supported the view that the designation and protection of national minorities is an integral part of the international protection of human rights and does not fall solely within the reserved domain of the State concerned. In this regard, Ireland notes General Comment 23(50) of the UN Human Rights Committee on Article 27 (rights of ethnic, religious and linguistic minorities) of the International Covenant on Civil and Political Rights that the existence/designation of a minority does not depend upon a decision by the State, but is required to be established by objective criteria. Ireland is also conscious of the right (reflected in Article 3 of the Framework Convention) of individuals and/or groups of individuals to freely choose whether or not to be treated as a recognised minority.

In order not to be at variance with these principles, which underpin the aims of the Framework Convention, this - the first report to be submitted by Ireland - gives a detailed account of how the provisions of the Framework Convention are given effect in law and practice in Ireland, without seeking to designate a specific "national minority". That is not to say that such "national minorities" may not emerge in the future.

### **Indigenous minorities**

In a range of legislative, administrative and institutional provisions, the Government has recognised the special position of Ireland's Traveller community, in order to protect their rights and improve their situation.

While Travellers are not a Gypsy or Roma people<sup>5</sup>, their long shared history, cultural values, language (Cant), customs and traditions make them a self-defined group, and one which is recognisable and distinct. The Traveller community is one whose members, like the Gypsies in other countries, travelled from place to place in pursuit of various different traditional vocations. Despite their nomadic origins and tendencies, the majority of the Traveller community now live in towns and cities.<sup>6</sup>

Their culture and way of life, of which nomadism is an important factor, distinguishes the Travellers from the sedentary (settled) population. While Travellers do not constitute a distinct group from the population as a whole in terms of religion, language or race, they

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are, however, an indigenous minority who have been part of Irish society for centuries. The Government fully accepts the right of Travellers to their cultural identity, regardless of whether they may be described as an ethnic group<sup>7</sup> or national minority.

For this reason, particular attention is given in the present report to the measures taken by Ireland aimed at protecting the rights and improving the situation of the Traveller Community. It is also considered that the Irish experience may be of particular interest to the members of the Advisory Committee in the wider context of the protection of the rights of equivalent minority groups elsewhere in Europe.

While 'national minorities' are not, as such, defined under Irish law, membership of the Traveller community is defined. The first legal definition of Travellers was found in section 13 of the *Housing Act 1988* as amended by section 29 of the *Housing (Travellers Accommodation) Act 1998*. They are defined in that section as:

*'persons who traditionally pursued or have pursued a nomadic way of life.'*

Section 2 of the Equal Status Act 2000 defines the Traveller community as:

*'the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.'*

There have been three major official reports on the Travellers in Ireland. The first was published in 1963 – Report of the Commission on Itinerancy. The second was published in 1983 – Report of the Travelling People Review Body. The focus of these Reports was more on integration and settlement rather than self-determination and rights. While the 1963 Report was based on absorption and integration, the 1983 Report rejected the concept of absorption and replaced it with integration.

The third Report came about as a result of a decision by the then Minister for Equality and Law Reform in 1993 to establish a Task Force on the Traveller community to advise and report on the needs of Travellers and on Government policy generally in relation to the Travelling community. Its mandate covered a range of areas such as accommodation, health, education, discrimination, equality and training. Membership of the Task Force reflected a broad spectrum with representatives from all the major political parties (Fianna Fáil, Fianna Gael, Labour, the Progressive Democrats and Democratic Left), the Roman Catholic Church, Traveller organisations, South Dublin County Council and representatives from the Departments of Health, Education, the Environment, Social Welfare, and Equality and Law Reform. The fact that the Task Force involved cross - political party representation ensured its overall political acceptability.

The Report of the Task Force therefore constitutes the single most important reference policy document in the field. It has moved away from the assimilation approach and recognises a more proactive involvement by Travellers which will lead to participation as full members of Irish society.

The Report seeks to be an integrated response to the many different dimensions of the situation of Travellers and recognises that progress cannot be made in one area in isolation from another.<sup>8</sup> Successive Governments look to it as a blueprint for Traveller policy.



The Report deals with a variety of issues and made detailed recommendations under the following headings:

Relationships Between the Traveller and "Settled" Communities:  
(12 recommendations).

Culture: (1 recommendation).

Discrimination: (18 recommendations).

Accommodation: (49 recommendations).

Health: (33 recommendations).

Education and Training: (167 recommendations).

Traveller Economy: (41 recommendations).

Traveller Women: (7 recommendations).

Travellers with a Disability: (4 recommendations).

Co-Ordination of Services by Statutory Bodies and Implementation and Monitoring of Task Force's Report: (1 recommendation).

Sport and Other Recreation, Culture and the Arts: (8 recommendations)

An overarching theme of the recommendations put forward by the Task Force is the need for increased participation by Travellers and Traveller organisations in the decision - making process in areas which affect Traveller lifestyle and environment. This recommendation was incorporated into the Government Strategy on Travellers in the commitment to establish a consultation process with Travellers at local and national level.

In March 1996, the Government - having considered the Task Force Report - announced a new Government Strategy on Travellers. The Strategy represents a comprehensive and integrated approach to the issues affecting the Traveller community. The Strategy involved a commitment to strengthen health and education services for Travellers, the establishment of a consultation process with Travellers at both national and local levels, the establishment of a special unit in the Department of the Environment and Local Government to monitor the implementation of a National Strategy for Traveller Accommodation and a commitment to put in place five year Traveller Accommodation Programmes for local authorities and at national level, based on recommendations of the Task Force. Progress in implementing the Government Strategy will be given in more detail below in Part II of this Report.

In institutional terms, a monitoring committee was established in 1998 under the chairmanship of the Department of Justice, Equality & Law Reform to monitor the progress of implementation of the key recommendations of the Task Force. The membership of this committee includes representatives from the Travellers organisations. The first progress report of this Committee was published in April 2001.

### **Linguistic Minorities**

With respect to linguistic minorities it may be observed that, while the Irish language is the first official language of the State (the other language being English), it is used as a vernacular only by a minority of the population as a whole and, in particular, in a number of areas located throughout the country designated officially as Irish speaking districts (the Gaeltacht).

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In the census of population in 1996, just over 1.43 million persons aged 3 and over were recorded as having an ability to speak Irish. The population (aged three years and over) of the officially defined Gaeltacht in the 1991 census was 79,563, of whom 56,469 or 71% are Irish speaking. Teaching of the Irish language is a requirement of the education curricula at primary and secondary levels.

The Constitutional position of Irish as the first official language and the continued policy of successive Irish Governments to revive the Irish language ensure that the rights of Irish speakers are protected.

The Government is a party to the Northern Ireland Peace Agreement which contains a commitment that:

*All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster-Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland.*

Further information is provided in Part II of this report (Articles 5, 10 & 14).

### **Religious minorities**

The right of religious minorities to profess and practice their religion is fully respected in Ireland. There is no state-established church in Ireland.

An analysis of census returns since the foundation of the State shows a steady decline in the number of members of the Church of Ireland, the Presbyterian Church, the Methodist Church and other Protestant denominations until the 1960s, as well as of the small but long established Jewish community in Ireland. Thereafter numbers have tended to stabilise. In recent censuses there has been a large increase in the number of persons who have stated they are of no religion. There has also been a growth in the number of Muslims in Ireland (formerly an insignificant number).

The political views and traditions of the great majority of those belonging to minority religions in the State do not differ significantly from those of the population as a whole. Further information is provided in Part II of this report (Articles 6, 7, 8).

### **Implementation of the Good Friday Agreement [Approaching Policy on a Cross-Border Basis]**

The development of closer cross-border cooperation is a key part of the framework provided by the Good Friday Agreement. Under that Agreement all of the participants declared their commitment to:

*partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South, and between these islands.*

Under the Agreement Articles 2 and 3 of the Constitution of Ireland were amended by popular referendum. Article 2 now states that:

*It is the entitlement and birthright of every person born in the island of Ireland; which*

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*includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.*

Article 3 states that:

*It is the firm will of the Irish nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island. ...*

*Institutions with executive powers and functions that are shared between those jurisdictions may be established by their responsible authorities for stated purposes and may exercise powers and functions in respect of all or any part of the island.*

A specific part of the Agreement deals with rights, safeguards and equality of opportunity.

Under the section dealing with human rights, the Parties to the Agreement, including the Irish Government:

*"... affirm their commitment to the mutual respect, the civil rights and the religious liberties of everyone in the community".*

Against the background of the recent history of communal conflict in Northern Ireland the Parties recognised a number of rights as having particular importance. These include:

- the right to freedom and expression of religion;
- the right to pursue democratically national and political aspirations;
- the right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity.

The Irish Government committed itself to bringing forward measures to strengthen and underpin the constitutional protection of human rights in its jurisdiction, drawing on the European Convention on Human Rights and other international legal instruments. The ratification of the Framework Convention on the Protection of National Minorities was part of this commitment.

The enactment of the Human Rights Commission Act, 2000, provides for the establishment of an independent Human Rights Commission in the State, responsible for the promotion, protection and development of human rights and which through its work, will create and foster a human rights culture in the State. Further amending legislation in 2001 was required to increase the membership of the Commission from nine as originally provided for in the 2000 Act to 15. The membership was increased in order to meet concerns over a perceived lack of representation of particular interest groups in the make-up of the Commission. Pending the enactment of this legislation, the Commission was established on an interim basis. With effect from 25 July 2001, the Commission was formally established on a statutory basis.

As detailed above effect has already been given to other commitments to implement

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enhanced employment equality legislation and the introduction of equal status legislation.

Under the Good Friday Agreement, the Irish and British Governments signed a supplementary International Agreement establishing an all-island Implementation Body - An Fóras Teanga/Tha Boord o Leid - which came into being on 2 December 1999 and which comprises two separate agencies Fóras na Gaeilge and Tha Boord o Ulster-Scotch.

The functions of Fóras na Gaeilge include: the promotion of the Irish language; facilitating and encouraging its use in speech and writing in public and private life in the South and, in the context of Part III of the European Charter for Regional and Minority Languages, in Northern Ireland where there is appropriate demand; and supporting Irish-medium education and the teaching of Irish. The function of the Boord o Ulster Scotch is promoting of greater awareness of and use of Ullans and of Ulster-Scots cultural issues, both within Northern Ireland and throughout the island.

### **Recent Statements on Government Policy**

Ireland views human diversity as an enriching factor in the life of the polity. It strives to create an environment that is respectful of difference and that honours the equal citizenship of all regardless of difference.

In more recent times, the general attitude of the Irish Government with respect to 'national minorities' was exemplified in a major speech delivered on behalf of the Minister for Foreign Affairs in Dail Eireann (lower House of Parliament) on 22 April 1999 on the occasion of the ratification of the Framework Convention for the Protection National Minorities. During that speech the Minister stated:

*As we have witnessed all too often in recent years, many of the causes of inter-ethnic conflict have their roots in policies and practices directed by a particular ethnic majority against a minority. The protection and promotion of minority rights is, therefore, a key component in ensuring that ethnic tensions do not result in violence; as well as an essential key to finding long-term solutions in situations where conflict has already occurred.*<sup>9</sup>

The Minister continued:

*Through agreements such as this convention, Ireland, in common with other member States of the Council of Europe, is engaged in an attempt to build an agreed framework for the future. ....A pluralist and genuinely democratic society should not only respect the ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create the appropriate conditions to enable them to express, preserve and develop this identity. Through the creation of a climate of tolerance and dialogue, cultural diversity can be a source and factor, not of division, but enrichment, for each society.*<sup>10</sup>

This view was reinforced by the Minister of Justice, Equality and Law Reform (Mr John O'Donoghue, T.D.) in a speech delivered at a Conference on Racism held in Dublin on the 5<sup>th</sup> of September 2000<sup>11</sup> preparatory to the European Conference on Racism, organised by the Council of Europe in Strasbourg in October, 2000. At that conference the Minister made a direct link between the overall approach of the Government with respect to national and other minorities to the situation pertaining to Travellers. He

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stated:

*Policies and practices of governments should include special measures to protect vulnerable minorities. In Europe, Roma Gypsies continue to suffer from persistent prejudice, discrimination and social exclusion. Similarly, in Ireland the Traveller community is subjected to unacceptable treatment. The Irish Government is committed to improving the position of Travellers in our society. This government is committed to resolutely tackling any tendency towards an increase in racist views or attitudes in Irish society.<sup>12</sup>*

At the Council of Europe Conference on Racism on October 11-13 2000, the Minister for Justice, Equality and Law Reform expressed the view that:

*We, as member states of the Council of Europe, should strengthen our resolve to reshape our identity in the modern world as inclusive, multicultural, multiracial communities where everyone is treated on an equal footing.<sup>13</sup>*

More specifically, with respect to the Travellers he stated:

*In Ireland, the Traveller community is subjected to discrimination and social exclusion.<sup>14</sup>*

## **Policy Sources**

### **Social Partnership**

A unique feature of the process of governance in Ireland since the mid 1980s is a firm cross-party commitment to consensus between the social partners as the basis for economic and social progress. It follows that an important source of policy innovation in the general economic and social sphere is contained in the periodic agreements reached between the social partners which is composed of four pillars: the Government, the employers; the trade unions, and the farmers and community and voluntary sector. Traveller organisations are party to the negotiations as members of the Community Platform group.

The social partnership agreement that lasted from 1997-2000 was entitled *Partnership 2000 for Inclusion Employment and Competitiveness* (Partnership 2000). In various parts *Partnership 2000* referred to the need for implementation of Task Force Report on the Travellers (see below).

Under a section on 'Action for Greater Social Inclusion' (Chapter 4) in *Partnership 2000* dealing with education policy, there is a specific commitment to those in greatest need having regard to and taking account of the priorities set in, *inter alia*, the Report of the Task Force on the Travelling community. This involves strengthening the education service for Travellers.

Chapter 5, of *Partnership 2000*, 'Action towards a New Focus on Equality', similarly includes Travellers with commitments in relation to participation, employment equality and equal status, the Task Force on the Travelling community, accommodation, education, health and employment. *Partnership 2000* involved a commitment to establish a framework to pursue the full integration of members of the Travelling community into Irish society.

A central feature of *Partnership 2000* commitment to putting a National Anti-Poverty Strategy in place as well as the institutional arrangements to support this, in particular to facilitate consultation, monitoring, and evaluation.. One of the key principles underpinning the NAPS concerns the guaranteeing of the rights of minorities especially through anti-discrimination legislation.

*Partnership 2000* provided for the monitoring of progress and for issuing progress reports (chapter 11). The progress mechanism involved:

the National Economic and Social Council (NESCC), in consultation with the relevant Government Departments, benchmarking (Irish) progress in the areas covered by the agreement and in comparison with other countries;

the provision by the National Economic Social Forum (NESF) of opinions on the development of the provisions of the partnership agreement regarding social inclusion and equality;

regular meetings of the partners involved; and

the operation of a Central Review Mechanism representing the four pillars in the partnership process.

The NESCC is a body composed of a broad range of social partners. It provides analysis and reports on strategic issues relating to the efficient development of the economy and the achievement of social justice. The NESF was established the Government in 1993 to develop initiatives, particularly initiatives to combat unemployment, and to contribute to the formation of a wider national consensus on economic and social matters. The Forum includes representatives from the political parties, the traditional social partners and a third strand representing among others the unemployed, women, the disadvantaged and disabled.

The NESF published two Forum Opinions under the monitoring procedures of the social agreement: (1) *Targeted Employment and Training Measures* (Forum Opinion no.2 November 1997) and (2) *Partnership 2000: Development of the Equality provisions* (Forum Opinion no. 1 November 1997).

The latest social partnership agreement covers the period from 2000 -2003 and is entitled the *Programme for Prosperity and Fairness* (PPF).

The core objective of the PPF is to build a fair, inclusive society in Ireland. It consists of 5 operational frameworks: living standards and workplace environment, prosperity and economic inclusion, social inclusion and equality, successful adoption to continuing change, and renewing partnership. There are extensive provisions concerning social inclusions and equality. These include a review of the National Anti-Poverty Strategy (NAPS) to include analysis of emerging causes of poverty (e.g. racism).

A key aspect of the social partnership process is the establishment of monitoring and review structures. These structures have existed under P2000 and were developed to focus on the key strategic issues arising at national level and on overall monitoring of the implementation of the Operational Framework. They include:

An annual meeting of all the parties to the programme chaired by the Taoiseach; a central review mechanism representing the four pillars of the partnership process to oversee the implementation, assess progress, and address strategic issues arising; and quarterly meetings of members of the four pillars under the auspices of the Dept. of the Taoiseach to review and monitor the operation of the programme.

In addition, the Cabinet Committee on Social Inclusion and Drugs was established by the Taoiseach in 1997. Its role is to provide a strategic focus on tackling the problems of social exclusion, alienation and disadvantage.

### **Coalition Agreements.**

Coalition arrangements have characterised the Irish process of governance since the late 1980s. It is normal for the coalition parties to negotiate a joint programme of government before entering office. Many of these programmes have contained strong commitments with respect to minority and Traveller rights and policy. The latest such programme (called *An Action Programme for the Millennium-Programme of the Fianna Fail - Progressive Democrats Partnership Government*) was forged between the current coalition partners ( Fianna Fail and the Progressive Democrats) in 1997.

The Traveller community receive specific mention in a section in the Action Programme entitled '*An Inclusive Society*'. In that section the Government sets as a clear priority the creation of "a new deal for the Travelling community" and to investing in education at all levels to ensure equal access and opportunity for all pupils.

Progress reports are issued to review the performance of such coalition programmes. These progress reports contain relevant information pertaining to the improvement of the situation of minorities, especially the Travellers. Two such progress reports were concluded under the present coalition agreement: (1) *Progress Report at the end of Year Two* (July 1999) and (2) *Progress Report at the end of Year Three* (July 2000). In the latter progress report a number of positive developments on a number of fronts were reported, and are detailed in Part II of this Report.

### **National Anti-Poverty Strategy.**

Following the UN World Summit in Copenhagen in March 1995, the Government endorsed a programme of action aimed not only at eliminating absolute poverty in the developing world but also reducing overall poverty and inequalities everywhere. Arising from this commitment the Government approved the development of a National Anti-Poverty Strategy (NAPS) by an Interdepartmental Policy Committee which included the preparation of an overview statement on the nature and extent of poverty, social exclusion and inequality in Ireland.

The National Anti-Poverty Strategy is a commitment by the Government in the development of relevant public policy in Ireland. The Strategy was drawn up on the basis of widespread consultation, particularly with those who are affected by poverty. The aim is to place the needs of the poor and socially excluded among the issues at the top of the national agenda in terms of policy development and action.

The Government made the adoption and implementation of the NAPS a central feature of

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*Partnership 2000* and subsequently the *Programme for Prosperity and Fairness (PPF)*.

The Traveller community is identified by the NAPS one of the groups most at risk of poverty. Many of the actions set out by the NAPS specifically include the Travellers as a target group.

### **Poverty and Equality Proofing in Ireland.**

Under the *Programme for Prosperity and Fairness* as part of its commitment to building a fairer and more inclusive society, the Government intends "to promote broader awareness and understanding of the issues to be addressed by the proofing process such as poverty and inequality".<sup>15</sup>

Poverty Proofing has its origins in the National Anti-Poverty Strategy. Poverty Proofing is the process by which the Government Departments, local authorities and State agencies assess policies and programmes at design and review stages in relation to the likely impact that they will have or have had on poverty and inequalities which are likely to lead to poverty, with a view to poverty reduction.<sup>16</sup> The poverty proofing process includes consideration of the status of the Travellers.

Equality proofing is a further initiative which also potentially impacts on the position of minorities, including Travellers, in Irish society. The principle of "equality proofing" originated in an opinion of the National Economic and Social Forum in 1996 (*Equality Proofing Issues*, Forum Report No. 10 of February 1996). This NESF document sought to raise public awareness and debate on equality proofing issues, to provide input into the employment equality and equal status legislation and to develop other equality proofing strategies. At that time one of the principal purposes of the Report was to submit policy recommendations to serve as input to the *Manifesto for Equality* implemented by the Minister for Equality and Law Reform (as he was then known). The recommendations of the Report were also to be considered by the Review Group on the Constitution. In the National Anti-Poverty Strategy of 1997 an integral part of the strategic aims, was the recognition that addressing poverty involves tackling the deep-seated underlying structural inequalities that create and perpetuate it.

The recommendations of the NESF and the National Anti-Poverty Strategy (NAPS) proofing, were taken on board in *Partnership 2000* which contained the following commitment to equality proofing:

*In the context of the NAPS, strengthening of administrative procedures for equality proofing, having regard to the recommendations of the NESF.*

Equality proofing is a process whereby policies are evaluated for any possible adverse impact on groups protected by equality legislation. As recommended by *Partnership 2000* Report on Equality Proofing, a Working Group was convened on 18 October 2000 to provide an ongoing focus over a three year period on equality proofing issues. The Working Group is chaired by the Department of Justice, Equality and Law Reform. The first or learning phase includes a number of pilot projects, e.g., selected measures in employment/education under the National Employment Action Plan, a legislative proposal, proofing of County Development Strategies and a public private partnership initiative. The Working Group will oversee implementation of the pilot projects.



## **Strategic Management Initiative in the Public Sector**

The Government has been committed to improving the quality of the public service in recent years and has developed systems for achieving this goal through the publication of Strategy Statements, a business planning process and the delegation of authority and accountability under the *Public Service Management Act 1997*. This Framework is completed through the implementation of the Performance Management system. This is of obvious relevance in the context of delivering quality public services to minorities, including Travellers.

Allied to these systems has been the introduction of the Quality Customer Service Initiative in 1997, which places the customer firmly at centre stage in the overall provision of services. Departments and Offices of the Government are supported in this initiative by the Quality Customer Service Working Group. The Group helps in the implementation of the Quality Service Initiative by:

- monitoring and evaluating progress
- sharing experiences and good practise; and
- overseeing the development of mechanisms for benchmarking and for recognising improvement in quality service delivery.

The Group has representatives from the private sector and the voluntary and community sector and particular attention will be given to the needs of specific groups of customers such as minority groups, including Travellers.

The Strategic Management Initiative (SMI) was launched in May 1994 to reform the effectiveness of the public service in Ireland. One of the primary objectives of the SMI's is to provide excellent services that meet the recipients needs in a timely and efficient manner. This is achieved through, *inter alia*, a Statement of Strategy which sets out the organisations goals and high level objectives in addition to Customer Action Plans.

The legal basis may be found in the *Public Service Management Act 1997* where Section 5 provides for a Strategy Statement comprising the key objectives, outputs and related strategies of the relevant Department. The responsibility for the preparation of the Strategy Statement is set out in Section 4.

The individual Departmental Statements of Strategy and their impact in particular on minorities are dealt with in more detail below in Part II and have the potential to play an important role in equality proofing and anti-discrimination.

## **National Development Plan**

The National Development Plan 2000-2006 is Ireland's third National Plan. The Plan is compiled following an extensive process, including the Social Partners and regional interests. It lays the foundation for Ireland's economic and social development and sets out a development strategy in the key areas of infrastructural development, education and training, the productive sector and the promotion of social inclusion. The Plan is more wide ranging than its predecessors, for the first time there is a multi-annual commitment to major social capital expenditure in areas such as housing, health and sports and recreation.

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The Plan clearly demonstrates the Government's commitment to inclusive and planned investment and to improve the standard of living for all sectors of Irish society.

At a strategic level the Plan is designed to

Provide the foundation for future sustainable economic progress;

To make the Irish economy more competitive;

To foster balanced regional development and

To promote social inclusion.

In promoting social inclusion the objective is to open up employment to all sectors of the population in order to counter poverty and social exclusion. The Plan recognises that targeted interventions will be needed to carry out this aim. In addition to general measures taken to promote equality and social inclusion in society the National Development Plan specifically mentions the Travellers in relation to education and employability.

### **Measures, Practices & Policies which have worked well in promoting the overall aim of the Convention**

#### **Minorities as Policy Partners**

Ireland accepts and endorses the view that the policy process works best when its elaboration, implementation and review is shared between all the relevant stakeholders which in this case includes minority groups and representatives.

In Ireland a number of policy initiatives have worked well because of the direct and active involvement of representative groups; for example in the case of the Traveller community they include the following;

- participation of the Travellers in negotiation of the Social Partnership Agreements as part of the Community Platform;
- as a member of the National Anti-Poverty Networks (involving input into the National Anti-Poverty Strategy and a Share the Wealth Campaign which drew attention to poverty and social exclusion issues prior to the Budget in 1999);
- participation in the work of the Combat Poverty Agency (the co-ordinator of the Irish Traveller Movement has been appointed to the Board which has responsibility for advising the Minister for Social, Community and Family Affairs on issues of poverty and exclusion);
- participation in the work of the Community Workers Cooperative, and membership of the Equality Authority and the National Consultative Committee on Racism and Interculturalism

membership of the Human Rights Commission

The Traveller Health Advisory Committee has been set up in the Department of Health & Children and a Traveller Health Unit in each of the eight health boards. A partnership approach underpins the operation of these organs. The Committee, as suggested by the

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Task Force, is drawn from various divisions of the Department of Health, representatives of the Traveller community, from health boards and national Traveller organisations.

The Primary Health Care for Travellers Project is a partnership between the Northern Area Health Board and Pavee Point which involves primary health care for and by Travellers and it trains Traveller women for participation in the delivery of health services.

The National Traveller Accommodation Consultative Committee has members from Traveller organisations (Pavee Point, National Traveller Women's Forum and the Irish Traveller Movement) as well as representatives from Government Departments (Justice, Equality and Law Reform and Environment and Local Government) and representatives from local authorities, both elected members and officials.

The National Advisory Committee on Traveller Education is made up of representatives from the Department of Education and Science and representatives from national Traveller organisations: the Irish Traveller Movement, the National Traveller Women's Forum and Pavee Point.

### **Breaking Down Barriers**

The Government is very conscious of the need to develop a real and constructive dialogue with minorities. In the case of the Traveller community active steps have been taken in that regard. The Citizen Traveller initiative was commenced in 1999 with funding from the Government of £300,000 annually for a three year period. The main aim of this initiative is to address the underlying causes of mistrust between Travellers and the settled community and to promote a greater understanding between the two communities.

The programme aims to inform, to share experience, to educate and to build bridges between the two communities. Travellers groups are closely involved in the implementation of the programme which is managed by four Traveller organisations constituting the Traveller Communications Committee. The Campaign was officially launched in October 1999 and official funding is being continued up to the end of the 2001 when the position will be reviewed.

A Mediation Service is organised by Pavee Point Travellers Centre with funding from the Department of Justice, Equality and Law Reform. The service seeks to bring together the various stakeholders who are concerned about conflicts, including local authority officials, Gardai, politicians, community leaders, Travellers and Traveller support groups and resident associations and to encourage such people to develop new and constructive approaches to the resolution of disputes.

\* \* \*

## **PART II**

### **Article 1**

**The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.**

Ireland is committed to co-operation with and participation within a broad variety of international organisations for the protection and advancement of human rights. Specifically, Ireland co-operates with the following international organisations with regard to the protection of national minorities: the United Nations, the Council of Europe, the European Union, the OSCE and UNESCO.

Ireland plays an active role in a number of specialised international agencies which are involved with the protection of the rights of minorities including the European Commission on Racism and Intolerance (ECRI) and the EU Monitoring Centre on Racism and Xenophobia.

Ireland has ratified the following United Nations instruments relevant to the protection of national minorities:

The International Convention on Civil & Political Rights (ratified 8<sup>th</sup> of December, 1989; First Report 1992, Second Report 1998);

The International Convention on Economic, Social and Cultural Rights (ratified 8<sup>th</sup> of December 1989; First Report 1996, Second Report 2000),

The UN Convention on the Rights of the Child (ratified 28<sup>th</sup> of September, 1992, First Report 1996),

UN Convention on the Elimination of All Forms of Racial Discrimination (ratified on 29 December 2000, First Report due in 2002)

Ireland has ratified the following Council of Europe conventions relevant to the protection of the rights of minorities:

The European Convention for the Protection of Human Rights and Fundamental Freedoms (ratified 25<sup>th</sup> of February, 1953);

The European Social Charter (ratified 7<sup>th</sup> of December, 1964);

The Revised European Social Charter and its Protocol for Collective Complaints (ratified 4<sup>th</sup> of November, 2000);

The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment (ratified 14<sup>th</sup> of March, 1988);

The Framework Convention for the Protection of National Minorities (ratified 7<sup>th</sup> of May, 1998)

During its Presidency of the Council of Europe from November 1999 - May 2000, Ireland hosted the European Conference on Social Development in January, 2000. Together with the Council of Europe's Venice Commission and the Directorate General of Human Rights it also hosted a major conference on the theme of "*The Protection of Human Rights in the 21st Century: Towards a Complementarity between Legal and Political Approaches*" which was held in Dublin Castle in March 2000.

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Within the Council of Europe Ireland actively participates in the work of the Council's European Health Committee, which gives consideration to a wide variety of health issues including equality of access to health services.

Ireland plays an active role in the European Population Committee (CDPO) which is a Council of Europe organisation which provides policy orientated, comparative research on population related issues. Topics considered include the demographic situation of national minorities. The Irish CDPO representative chaired the preparatory work on the future of Europe's population and labour markets during 1998-1999 and the outcome is to be reported in two publications in 2000 in the Council population studies series.

Ireland was one of the first signatory states to the European Cultural Convention in 1954 and ratified it on 11 of March 1955. The Convention establishes a Council for Cultural Co-operation (CCDC) which manages the Council of Europe's programmes on education and culture. The CCDC is assisted by four specialised committees and Ireland through its representation on these committees, contributes to a wide range of projects and programmes aimed at bringing all the peoples of Europe closer together.

1997 was the designated the European Year Against Racism (EYAR) by the EU Council of Ministers. In Ireland a National Co-ordinating Committee was established by the then Minister for Justice, Equality and Law Reform to co-ordinate activities during the year receiving a budget of £100,000. To continue the work done during that year, the Department of Justice, Equality and Law Reform established in July 1998 the National Consultative Committee on Racism and Interculturalism (NCCRI) referred to in Part I of this Report. The Government has published a report on the activities during EYAR. The NCCRI published, in June 2001, a Progress Report 1998 - 2001 on its activities over the period, outlining its aims, approaches and its work in tackling racism.

Ireland participated in the Europe Against Racism-EU conference in the UK in 1998.

In 1997, the Youth Affairs section of the Department of Education and Science financed and supported an Irish campaign for young people against racism, anti-Semitism, xenophobia and intolerance. The Irish campaign was part of the Council of Europe's anti-racism programme. The work of this campaign has continued in the form of Youth Action against Racism and Discrimination (YAARD), a partnership between the National Youth Council of Ireland, the Youth Affairs Section and a range of non-Governmental youth organisations. YAARD provides anti-discrimination teaching materials for schools and youth organisations.

On September 5th 2000 Ireland held a Preparatory Conference on Racism as part of Ireland's preparations for the European and World Conferences on Racism.

The Government also intends to incorporate the European Convention on Human Rights into Irish law by means of legislation, as part of its commitment under the Good Friday Agreement of April 1998. The legislation is pending before the Oireachtas at present.

The *Human Rights Commission Act 2000* gives effect to the commitments of the Government in the Good Friday Agreement of April 1998 with respect to the establishment of a Human Rights Commission. [See text under Article 2 below for further detail].

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The National Development Plan provides for extensive cross-border co-operation in all areas including in particular social inclusion and equality.

The North/South dimension is set out in Part I above.

### **Access to Justice**

*Article 34.1 of the Constitution provides that:*

*Justice shall be administered in courts established by law by judges appointed in the manner provided by this Constitution, and, save in such special and limited cases as may be prescribed by law, shall be administered in public.*

This general principle emphasises that justice is accessible to all. The Constitution expressly confers a right of access to the Courts in Article 40.4.2. A right of access to the Courts has also been held to be an unenumerated personal constitutional right under Article 40.3.

Under the Criminal Justice (Legal Aid) Act, 1962, and the Regulations made under it, free legal aid may be granted, in certain circumstances, for the defence of persons of insufficient means in criminal proceedings. The grant of legal aid entitles the applicant to the services of a solicitor and, in certain circumstances, counsel, in the preparation and conduct of his defence or appeal.

Under the Act, the Courts are responsible for the granting of legal aid. An application for legal aid is made to the court, either in person, by the applicant's legal representative or by letter. An applicant for legal aid must establish to the satisfaction of the court that his/her means are insufficient to enable him/her to pay for legal aid him/herself. Under the Act and Regulations, gender, race, colour, ethnic origin or membership of the Traveller community cannot be taken into account.

When granting legal aid, the court must also be satisfied that by reason of the "gravity of the charge" or "exceptional circumstances" it is essential in the interests of justice that the applicant should have legal aid. Where the charge is one of murder or where an appeal is one from the Court of Criminal Appeal to the Supreme Court, free legal aid is granted merely on the grounds of insufficient means.

The Garda Station Legal Advice Scheme commenced in February 2001. The Scheme provides that where a person is detained in a Garda station for the purpose of the investigation of an offence and s/he has a legal entitlement to consult with a solicitor and the person's means are insufficient to enable him/her to pay for such consultation, that consultations with solicitors will be paid for by the State. A fee will be paid for consultations in circumstances where the person is detained under the provisions of the Offences Against the State Act, 1939 as amended by the Offences Against the State (Amendment) Act, 1998 or the Criminal Justice Act, 1984 or the Criminal Justice (Drug Trafficking) Act, 1996. Persons who are in of social welfare payments or persons whose earnings are less than £16,000 will be eligible to receive assistance under the Scheme.

The *Civil Legal Aid Act 1995* provides assistance in civil cases on the basis of a means test. Assistance is not available under Section 28 in constitutional actions or test cases, defamation actions, disputes concerning rights and interests over land, civil matters covered by the small claims procedure, licencing, conveyancing, election petitions, claims made in a representative of fiduciary capacity, or for the purposes of class actions. The

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means test is contained in Section 29 which provides that a person cannot receive legal aid or advice unless (a) he or she satisfies the requirements concerning financial eligibility specified in the Act and in any Regulations made under the Act; and (b) pays a contribution to the Legal Aid Board towards the cost of any legal aid or advice the level of contribution to be laid down on Regulations made under the Act. The key to financial eligibility is based on the level of disposable income of the applicant. The qualifying disposable income is reviewed from time to time by reference to the consumer price index.

The Attorney General's Scheme in the High Court and Supreme Court applies to the certain litigation not covered by Civil or Criminal Legal Aid; Habeas Corpus applications, bail motions, such judicial reviews as consist of or included Certiorari, Mandamus or Prohibition and applications under Section 50 of the Extradition Act 1965. A person who wishes to obtain from the Court a recommendation to the Attorney General that the Scheme be applied must make his application at the commencement of the proceedings. The applicant must satisfy the court that he is not in a position to retain a solicitor/counsel unless he receives the benefit of the Scheme. The applicant must provide such information about his means as the Court deems necessary.

## **Article 2**

**The provisions of this framework Convention shall be applied in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between States.**

The Government is committed to co-operation between States and intends to carry out its obligations under the Framework Convention in good faith. This desire is evident from *Challenges and Opportunities Abroad*, the White Paper on Foreign Policy by the Department of Foreign Affairs;

*Ireland's foreign policy is about much more than self-interest. For many of us it is about the kind of people we are. Irish people are committed to the principles set out in Article 29 of the Constitution for the conduct of international relations;-the ideal of peace and friendly co-operation among nations founded on international justice and morality; the principle of the pacific peace settlement of international disputes by international arbitration or judicial determination; and the principle of international law as our rule of conduct in our relations with other states.*<sup>17</sup>

As already outlined in Part I of the Report, the Government together with the British Government and the main political parties in Northern Ireland signed the Northern Ireland Peace Agreement (the Good Friday Agreement) on 10 April 1998. Under this agreement several initiatives involving co-operation between the British and Governments and between both jurisdictions in Ireland are outlined. The institutional arrangements envisaged under the Agreement embrace the following:

(under Strand One) an Assembly and Executive in Northern Ireland with responsibility over devolved matters,

(under Strand Two) a North-South Ministerial Council dealing with the totality of relationships and bringing together those with executive responsibilities on both parts of the island to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of

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mutual interest within the respective spheres of competence of the authorities.  
(under Strand Three) a British-Irish Council with the aim to promote the harmonious and mutually beneficial development of the totality of relationships among the peoples of these islands. This involves representatives of the Irish and British Governments, devolved institutions in Northern Ireland, Scotland and Wales and, if appropriate, elsewhere in the United Kingdom, together with the representatives of the Isle of Man and the Channel Islands,  
(under Strand Three) a British-Irish InterGovernmental Conference to promote bi-lateral co-operation at executive level including non-devolved issues.

Articles 2 and 3 of the Constitution were amended through referendum to remove the *de jure* claim to the territory of Northern Ireland. All the above institutional and constitutional changes are interlocking and interdependent and the success of these institutions depends on co-operation between all parties concerned. The Government has pledged in good faith to work to ensure the success of this Agreement.<sup>18</sup>

A specific part of the Agreement deals with human right issues, North and South. Under the Agreement the Government undertook to strengthen human rights protection within the jurisdiction, bring forward measures to strengthen and underpin the constitutional protection of human rights. The ratification of the framework Convention on the Protection of National Minorities was part of this commitment.

A common commitment exists in Ireland and Northern Ireland to the equality of opportunity and the search for equality outcomes. This commitment is embodied in the creation of the Equality Commission in Northern Ireland and the Equality Authority in Ireland. Both institutions are focused on an integrated equality agenda that includes the grounds of *inter alia* race and membership of the Traveller community. Both will work together in conceiving and implementing this agenda. The equality agenda will be managed by a joint working group meeting on a regular basis. Co-operation on a North-South basis will be complemented by co-operation on an east-west basis. This will involve engaging with the range of equality institutions in England, Scotland and Wales.

Likewise a joint Committee of representatives from the two Human Rights Commissions is envisaged to provide a forum for the consideration of human rights issues of the whole island. The *Human Rights Commission Act 2000* provides a specific legislative framework for the implementation of these commitments. The latest Social Partnership Agreement (*Programme for Prosperity and Fairness 2000-2003*), makes a specific commitment to promote human rights in the context of a North/South relationship as part of the commitment to the wider world<sup>19</sup>.

In December 2000, the first North South conference on human rights took place. It involved the social partners as well as the Equality and Human Rights institutions in both jurisdictions. The purpose of the event is to contribute to the process of deciding on the next practical steps to make the various institutions (North and South) work effectively together.

A joint Language Body is also established under the Agreement, dealing with the promotion of the Irish Language and with Ullans and Ulster-Scots cultural issues on the island of Ireland. (Ullans is the variety of the Scots language traditionally found in parts of Northern Ireland and Donegal).



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Other areas of cooperation include, education, health, environment, tourism and trade and business development.

With specific regard to Travellers, a committee representative of the Department of Education and Science, officials involved in Traveller education and the Department of Education in Northern Ireland, meet on a regular basis to exchange information and experiences in relation to Traveller education. The National Education Officer for Travellers and members of the visiting teacher service have also established links with their counterparts in the UK and Northern Ireland.

### **Article 3**

**1. Every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.**

**2. Persons belonging to national minorities may exercise the rights and enjoy the freedoms flowing from the principles enshrined in the present Framework Convention individually as well as in community with others.**

#### **Narrative:**

Ireland has been until recently a relatively homogenous society. Traditionally people emigrated from Ireland. In recent years, however, there has been a growth in the number of immigrants to Ireland. Ireland is facing a new challenge in the growing cultural diversity of its society and is undertaking a number of measures to promote mutual understanding and tolerance among the majority and minority populations.

There is no definition of the notion of 'national minority' under Irish law nor is there an enumeration in law of groups which are recognised as national minorities.

As outlined in Part 1 of this Report, the Government of Ireland has regard to the special position of the Traveller community being citizens of Ireland and having a defined and distinct culture differing from that of the majority of the population.

There is no law in Ireland which prevents a member of a national minority from affiliating or disaffiliating from a 'national minority'.

In fact in Education Company of Ireland v Fitzpatrick [1961] I.R. 345 and also in Meskill v CIE [1973] I.R. 121 the Supreme Court held that there is a constitutional right to disassociate as well as to associate and an individual cannot be forced to join a trade union or organisation.

Likewise there are no legal provisions which would prevent any members of a national minority from enjoying the freedoms and exercising the rights which flow from this Convention as individuals as well as in community with others. Irish legislation provides specifically for the protection of Travellers as members of a particular community distinct from the majority. The Constitution and recent legislation provides protection in relation to discrimination and assimilation of national minorities.

## **Legal**

The *Equality Employment Act 1998* and the *Equal Status Act 2000* both seek to protect those persons experiencing discrimination.

Section 6 of the *Equality Employment Act 1998* provides protection against discrimination, likewise Section 3 of the *Equal Status Act 2000*.

In addition it is possible for an individual who encounters discrimination as a member of an organisation, or because of association with a person or category of persons protected under the legislation (e.g. a Traveller organisation), to bring a claim of discrimination before the Office of the Director of Equality Investigations on an individual basis.

## **State Infrastructure**

### **Central Statistics Office**

The Government body responsible for the collection of demographic data is the Central Statistics Office(CSO). This Office collects compiles, analyses and disseminates statistical information relating to the economic and social life of Ireland. It is also responsible for co-ordinating official statistics of other public authorities and for developing the statistical potential of administrative records.

The *Statistics Act 1994* established the CSO on a statutory basis. The post of Director General and the National Statistics Board were also established on a statutory basis by this Act.

No statistical data exists concerning ethnicity.

As stated in Part I a census of population is carried out every five years. However not all census questions are asked every five years; questions in relation to religious belief and language spoken are asked only every ten years and will be included in the Census Questionnaire 2002 (postponed from 2001 because of the nationwide precautions against the spread of Foot and Mouth disease).

In the *1996 Census of Population*, membership of the Traveller community was indicated by the enumerators who were instructed to tick the box indicating membership of the Traveller community where it was clear to the enumerator that the household consisted of members of the Traveller community. This mainly concerned Travellers living in halting sites, encampments, mobile homes and caravans. Travellers living in the settled community had household types other than that of the travelling community ticked for them unless they indicated otherwise.

In the 2002 Census there will be a question on membership of the Traveller community. Those completing the Census Form henceforth will have the choice of answering, yes or no, to the question: "are you a member of the Traveller community?" This will enable members of the Traveller community to indicate their choice as to whether or not they wish to be treated as a member of this group for statistical purposes.

## **Factual**

The provisions of the Framework Convention have not been directly applied through law to any group of persons in Ireland. This is due to the status of international instruments in domestic law which has been explained above in Part I of this Report. The provisions required for the vindication of the rights set out in the Framework Convention can be found in domestic law as may be seen from Part II of this report.

### Numbers/places of settlement;

Details of population figures can be found in above in Part I.

In the results of the *Census of Population 1996* carried out by the CSO the following data was collected.<sup>20</sup> The counties of Fingal (1,108), South Dublin (1,081) and Dublin county borough (1,049) had the largest Traveller populations in 1996. However in proportionate terms (per thousand population), Offaly (7.8) had the highest concentration of Travellers, followed by Fingal (6.6) and Galway County Borough (6.4). The counties with the smallest concentration of Travellers were Donegal (0.9) and Monaghan (1.2). There was little difference between the number of Travellers living in urban areas (58.5%) and that of the population as a whole (58.1%). The details may be found in Table 1 Travellers in each Province, County and County Borough classified by sex, 1996.

An annual count of Traveller families is carried out by local authorities at the end of November each year. This is used in assessing the accommodation needs of families within their functional area under the housing legislation (Section 9 of the *Housing Act 1988* and Section 6 of the *Housing (Traveller Accommodation) Act 1998*). The details of the count carried out in November 2000 are attached at Appendix 1.

## **Article 4**

**1. The Parties undertake to guarantee that persons belonging to national minorities have the right of equality before the law and equal protection under the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.**

**2. The Parties undertake to adopt, when necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and to those belonging to majority. In this respect, they shall take due account of the specific conditions of persons belonging to minorities.**

**3. The measures adopted in accordance with paragraph 2. shall not be considered an act of discrimination.**

## **Narrative**

See also Part 1 of this Report.

Over the past few years Ireland has prioritised the development, enactment and implementation of a comprehensive legal infrastructure for equality. The Government is determined to advance initiatives to combat discrimination and racism through the

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promotion of tolerance, by tackling stereotypes and by cultivating public opinion to be receptive to the rights and needs of minorities, including Travellers.

The Constitution contains a number of guarantees of equality. The general equality guarantee set out in Article 40.1 does not stand alone as a safeguard against discrimination. It is complemented by other provisions of the Constitution: Article 9.1.3° discrimination on the grounds of sex in relation to nationality and citizenship, Article 16.1.1° 2° 3° discrimination on the grounds of sex in relation to eligibility for members of the Dail; Article 40.6.2° discrimination on the grounds of political opinion, religion or class in relation to freedom of assembly and association; Article 44.2.3° discrimination by the State on the grounds of religion in relation to the public funding of schools and a number of acts of the Oireachtas. The most important guarantees of equality are to be found in the recent equality legislation: the *Employment Equality Act 1998* and the *Equal Status Act 2000*.

In recent years a range of overarching policy initiatives has included a valuable equality dimension to Irish law. The Strategic Management Initiative, the National Anti-Poverty Strategy, the National Development Plan 2000-2006, and local Government reform are examples of such initiatives.

The *Partnership 2000 Agreement* included an important focus on equality and equality proofing and provided for a commitment to strengthening administrative procedures for equality proofing in the context of the National Anti-Poverty Strategy. Under benchmarking and monitoring arrangements of the *Partnership 2000* agreement, the National, Economic and Social Forum prepared a review of development under the agreement: *Partnership 2000: Development of the Equality Provisions (1997)*. The NESF had previously prepared a Report on *Equality Proofing Issues (1996)* to raise public awareness and debate on equality issues, to provide input into the equality legislation and to develop other equality proofing strategies. In this Report the NESF identified a number of steps necessary to mainstream equality into all aspects of Irish law and policy. These were:

- The introduction of employment equality and equal status legislation;
- Review of the Constitution;
- The introduction of administrative procedures for equality proofing;
- The establishment of equality proofing institutions and structures.

These have already been implemented to a large extent as may be seen from the present report.

In January 2000 the Working Group Report on Equality Proofing was published. This Report was commissioned by the Department of Justice, Equality and Law Reform to assist with the implementation of the commitment to equality proofing in the context of the *National Anti- Poverty Strategy*. This commitment has been reiterated and expanded in the *Programme for Prosperity and Fairness* in which the review of the National Anti-Poverty Strategy will also have a significant impact on equality matters, with particular reference to integrating Equality Proofing with other proofing systems (i.e. poverty proofing, gender proofing). In Framework III Social Inclusion and Equality of the PPF a number of key objectives are outlined in relation to equality:

- To create a fair and inclusive society by putting in place a strategic framework for

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action on equality in accordance with the NESC Strategy Document.

- To develop an effective equality infrastructure which will support the achievement of equality objectives in the nine categories covered by equality legislation.
- To ensure the necessary institutional structures are in place and that they are enabled to play their role in eliminating discrimination and promoting equality.
- To develop arrangements, including administrative procedures, for mainstreaming equality issues.
- To provide a range of supports for groups experiencing disadvantage and inequality.<sup>21</sup>

Equality Proofing involves the development of an "integrated and systematic approach to ensure that discriminated and marginalised groups are provided with the necessary means and resources to participate in society as equal citizens".<sup>22</sup> The process of equality proofing involves the integration of equality objectives into policy planning, implementation, evaluation and review.

Equality proofing is a mechanism for promoting equality. It is not intended to operate as a checklist to avoid discrimination. Neither is it intended to eliminate or ignore differences. It is about eliminating the disadvantages and discrimination that individuals and groups suffer on foot of their identity. It is about promoting full and effective equality and ensuring that groups experiencing inequality are provided with the necessary resources to participate in society as equal citizens. The objectives of an equality proofing process can be summarised as follows: to promote full and effective equality, to eliminate the inequalities that lead to poverty and social exclusion and to achieve a society that guarantees the inclusion of all groups and one that values rather than discriminates against difference.<sup>23</sup>

As previously indicated the Government has committed to incorporate the European Convention on Human Rights into our law by means of legislation.

## **Legal**

### **The Constitution of Ireland**

A variety of provisions in the Constitution are relevant and important in this context. Article 40.1 states

*All citizens shall, as human persons, be held equal before the law. This shall not be held to mean that the State shall not in its enactments have due regard to differences of capacity, physical and moral, and of social function.*

Article 40.1 has been held by the courts not to require identical treatment of all persons without recognition of differences in relevant circumstances (O'Brien v Keogh [1972] IR 144 and De Burca v Attorney General [1976] IR 38 per Walsh J).

Article 40.3.1° of the Constitution states:

*The State guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate the personal rights of the citizen.*

*The State shall in particular, by its laws protect as best it may from unjust attack and in the case of injustice done, vindicate the life, person, good name, and property rights of*

The Report of the Constitution Review Group (1996) made several important recommendations with respect to the equality provision. It rejected an argument made in submissions that equality should be designated a core norm in the Constitution (with the intention or effect of outranking other rights and interests). It recommended that the term 'as human persons' be deleted from the text in Article 40.1. since this had led in a series of cases to a narrowing of the scope of protection offered by the provision. It recommended that the text of the guarantee of equality should be stated to apply to all persons and not just to citizens as at present. It recommended against extending the scope of protection to cover legal persons or collective bodies. It recommended against making the equality guarantee enforceable against purely private persons or bodies (i.e., entities other than the State or emanations thereof). It recommended against placing a specific duty on the State to ensure that private persons or bodies respect the right to equality. It recommended a reformulation and simplification of the proviso to Article 40.1. to read:

*This shall not be taken to mean that the State may not have due regard to relevant differences.*

The reasoning adopted with the Constitution Review Group with respect to this recommendation is revealing and significant in the context of this Report. It stated:

*This recasting of the second sentence will entail the dropping of the reference to 'in its enactments'. This phrase is too restrictive and the Review Group is of the opinion that the State should not only be generally bound by the precept of equality, but should also be permitted to have regard where appropriate, to relevant differences even if this has not been specifically sanctioned by legislation.*

In point of fact, the State does take positive account of the relevant differences posed by membership of the Traveller community. The result of adopting the amendment proposed by the Review Group would be to provide the means by which the State could be legally challenged on the grounds that its policy (as distinct from its enactments) failed to take adequate account of the difference.

The Review Group also recommended that an additional section should be added to Article 40.1 to make plain the range and type of groups that were to be considered its chief beneficiary.

*No person shall be unfairly discriminated against, directly or indirectly, on any ground such as sex, race, age, disability, sexual orientation, colour, language, culture, religion, political or other opinion, national, social or ethnic origin, membership of the Traveller community, property, birth or other status.<sup>24</sup>*

It is to be noted that 'membership of the Traveller community' was specifically included in the proposed amendment.

The consideration of the Report of the Constitution Review Group is currently before an All-Party Committee on the Constitution. Although this Committee has issued several reports relating to suggested reforms, it has not so far deliberated on or reported on the question of the revision of the equality clause.

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As mentioned in Part I of this Report, Article 40.3.1° has been used by the Court to recognise certain unwritten or unenumerated rights [See text under Part I]  
Article 40.6.1 of the Constitution states:

*The State guarantees liberty for the exercise of the following rights, subject to public order and morality:-*

- (i)The right of citizens to express freely their convictions and opinions*
- (ii)The right of citizens to assemble peacefully and without arms*
- (iii)The right of citizens to form associations and unions*

Limiting conditions on the above are laid down in Article 40.6.2° which states:

*Laws regulating the manner in which the right of forming associations and unions and the right of free assembly may be exercised shall contain no political, religious or class discrimination.*

## **Anti- Discrimination Legislation**

### ***Employment Equality Act 1998.***

The Employment Equality Act 1998 outlaws discrimination on nine grounds including religion, race, and membership of the Traveller community. It contains a broad definition of race which covers race, colour, nationality or ethnic or national origins. The Act, which has been in operation since October 1999 is comprehensive and covers direct and indirect discrimination in relation to access to employment, conditions of employment, equal pay for work of equal value, training, promotion and work experience. Discrimination is defined in Section 6 as follows:

- 6.-** (1) For the purposes of this Act, discrimination shall be taken to occur where, on any of the grounds in *subsection (2)*(in this Act referred to as "discriminatory grounds"), one person is treated less favourably than another is, has or would be treated.
- (2) As between any two persons, the discriminatory grounds (and descriptions of those grounds for the purposes of this Act) are-

- (e) that one has a different religious belief from the other, or that one has a religious belief and the other has not (in this Act referred to as "the religion ground"),
- (h) that they are of different race, colour, nationality or ethnic or national origins (in this Act referred to as "the ground of race")
- (i) that one is a member of the Traveller community and the other is not ( in this Act referred to as the "Traveller community ground").

Discriminatory advertisement in relation to employment is prohibited by Section 10

- 10.-** (1) A person shall not publish or display, or cause to be published or displayed, an advertisement which relates to employment and which-
- (a) indicates an intention to discriminate, or
  - (b) might reasonably be understood as indicating such an intention.

(2) For the purposes of *subsection(1)*, where in an advertisement a word or phrase is used defining or describing a post and the word or phrase is one which-

- (a) connotes an individual of a particular sex or an individual having (in terms of any of

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the discriminatory grounds) a particular relevant characteristic, or  
(b) is descriptive of, or refers to, a post or occupation of a kind previously held or carried on only by members of one sex or only by individuals having such a particular relevant characteristic.

then, unless the advertisement indicates a contrary intention, the advertisement shall be taken to indicate an intention to discriminate on whichever discriminatory ground is relevant in the circumstances.

Section 14 makes it an offence to procure discrimination or victimisation:

**14.-**Any person who procures or attempts to procure another person to do anything which-

- (a) constitutes discrimination which is unlawful under this Act,
  - or
  - (b) constitutes victimisation for the purposes of Part VII (remedies and enforcement),
- shall be guilty of an offence.

Indirect discrimination is unlawful under section 31

**31.-**

(1) Where a provision (whether in the nature of a requirement, practise or otherwise) relating to employment-

- (a) applies to all the employees or prospective employees of a particular employer who include C and D or, as the case may be, to a particular class of employees or prospective employees which includes C and D,
  - (b) operates to the disadvantage of C, as compared with D, in relation to any of the matters specified in *paragraphs (a) to (e) of section 8(1)*,
  - (c) in practice can be complied with by a substantially smaller proportion of the employees or prospective employees having the same relevant characteristics as when compared with the employees or prospective employees having the same relevant characteristic as D, and
  - (d) cannot be justified in all the circumstances of the case,
- then, subject to subsections (4) and (5), for the purposes of this Act the employer shall be regarded as discriminating against C, contrary to *section 8*, on whichever grounds gives rise to the relevant characteristics referred to in paragraph (c).

(2) Where a provision (whether in the nature of a requirement, practise or otherwise) relating to the membership of a regulatory body-

- (a) applies to all members or to all potential members or to a particular class of member or potential member which includes C and D,
- (b) operates to the advantage of C, as compared with D, in relation to any of the matters specified in *paragraphs (a) to (e) of section 8(1)*,
- (c) in practice can be complied with by a substantially smaller proportion of the members or potential members having the same relevant characteristics as C when compared with the members or potential members having the same relevant characteristic as D, and
- (d) cannot be justified as being reasonable in all the circumstances of the case,

then subject to *subsection (5)*, for the purposes of this Act the regulatory body shall be regarded as discriminating against C, contrary to *section 13*, on whichever of the



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discriminatory grounds gives rise to the relevant characteristics referred to in *paragraph (c)*\*.

- (3) *Subsection (1)* shall apply with the necessary modifications in relation to-
- (a) the provision of any such service of an employment agency as are referred to in *paragraph (a)* and *(b)* of *section 11(1)*,
  - (b) participation in any such course or facility as is referred to in *paragraphs (a)* to *(c)* of *section 12(1)*.

(4) *Subsection (3)* of *section 8* applies for the purposes of *subsection (1)* and, in so far as it relates to an employer, *subsection (5)* as it applies for the purposes of *subsections (4)* to *(8)* of that section.

(5) If a provision is such that, apart from this subsection, an employer or regulatory body would be regarded -

- (a) by virtue of *subsection (1)* or *(2)*, as discriminating against an individual on the marital status ground of the family status ground, and
- (b) by virtue of *section 22*, also as discriminating against that individual on the gender ground. The employer or regulatory body shall be regarded as discriminating against that individual by virtue of *subsection (1)* or, as the case may be, *subsection (2)*.

#### *Equal Status Act 2000*

The Equal Status Act 2000 which is in force since October 2000 complements the Employment Act and protects against direct and indirect discrimination on the same nine grounds, in education, provision of goods, services and accommodation, and the disposal of property. It applies equally to the public sector, statutory sector and the private sector.

Section 3 of the Act states:

- (1) For the purposes of this Act, discrimination shall be taken to occur where-
- (a) on any of the grounds specified in *subsection (2)* (in this Act referred to as "the discriminatory grounds") which exists at present or previously existed but no longer exists or may exist in the future, or which is imputed to the person concerned, a person is treated less favourably than another person is, has been or would be treated,
  - (b)(i) a person who is associated with another person is treated, by virtue of that association, less favourably than a person who is not so associated, has been or would be treated, and
  - (ii) similar treatment of that person on any of the discriminatory grounds would, by virtue of *paragraph (a)*, constitute discrimination,
- or
- (c)(i) a person is in a category of persons who share a common characteristic by reason of

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\*For the purposes of this definition C and D represent two persons who (in terms of the discriminatory grounds covered by Part IV of the Act) have different relevant characteristics. The discriminatory grounds under Part IV of the Act are marital status, family status, sexual orientation, disability, age, religion, race and membership of the Traveller community.

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which discrimination may, by virtue of *paragraph (a)*, occur in respect of those persons,  
(ii) the person is obliged by the provider of a service (within the meaning of *section 4(6)*) to comply with a condition (whether in the nature of a requirement, practise or otherwise) but is unable to do so,  
(iii) substantially more people outside the category than within it are able to comply with the condition, and  
(iv) the obligation to comply with the condition cannot be justified as being reasonable in all the circumstances of the case.

(2) As between any two persons, the discriminatory grounds (and descriptions of those grounds for the purposes of this Act) are:

(e) that one has a different religious belief from the other, or that one has a religious belief and the other has not (in this Act referred to as “the religion ground”),  
(h) that they are of different race, colour, nationality or ethnic or national origins (the “ground of race”),  
(i) that one is a member of the Traveller community and the other is not (the “Traveller community ground”)

Under Section 13 it is an offence to procure conduct prohibited by the Act.

(1) A person shall not procure or attempt to procure another person to engage in prohibited conduct.

Equality infrastructure has been put in place to underpin the equality legislation in the form of an Equality Authority and an Office of the Director of Equality Investigations. The Equality Authority will work towards the elimination of discrimination on the grounds of race, membership of the Traveller community and the other grounds set out in the legislation. The office of the Director of Equality Investigations provides the main locus of redress of first instance for individuals who consider they may have suffered discrimination. [See text under Article 4 below for further detail]

### ***The Human Rights Commission Act 2000.***

Under the Human Rights Commission Act 2000 a Human Rights Commission was formally established in July 2001. The Commission is a powerful new independent body charged with the task of keeping under review the adequacy and effectiveness of Irish law in relation to the protection of human rights in their widest sense. [See text under Part I above for further detail]

### ***The Housing (Traveller Accommodation) Act 1998***

The Act is designed to put in place a legislative framework to facilitate implementation of the Government's commitments in relation to meeting the accommodation needs of Travellers, as set out in "*An Action Plan for the Millennium*" and in "*Partnership 2000 for Inclusion, Employment and Competitiveness*". Each housing authority must adopt a five-year Traveller Accommodation Programme (Section 7) which requires consultation between housing authority, the Traveller community and the public. The Act also provides for the appointment of a National Traveller Accommodation Committee (Section 19) and Local Traveller Accommodation Consultative Committees (Section 21). Both Committees include representatives from the Traveller community. [See text below under Article 5 and above under Part I for further detail]

***The Equality Authority***

The Equality Authority is an independent body set up under the Employment Equality Act 1998. It was established on 18th October 1999. Policy is decided by the Board of the Equality Authority. The Board is appointed by the Minister for Justice, Equality and Law Reform and comprises 12 members including an Independent Chair and Vice-Chair. Board members are drawn from employer organisations, employee organisations, and organisations and groups who have knowledge of, or experience in, equality issues relating to gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller community.

Section 39 of the Employment Equality Act 1998 sets out four main functions for the Equality Authority:

- (a) to work towards the elimination of discrimination in employment;
- (b) to promote the equality of opportunity in relation to the matters to which this Act applies;
- (bb) to provide information to the public on the working of the Parental Leave Act, 1998.
- (c) to provide information to the public on and to keep under review the working of this Act, the Maternity Protection Act, 1994, and the Adoptive Leave Act, 1995, and, whenever it thinks necessary, to make proposals to the Minister for Justice, Equality and Law Reform for amending that Act.
- (d) to keep under review the working of the Pensions Act, 1990, as regards the principle of equal treatment and, whenever it thinks necessary, to make proposals to the Minister for Social, Community and Family Affairs for amending that Act.

Section 39 of the Equal Status Act provides:

The Authority shall have, in addition to the functions assigned to it by any other provisions of this Act or by any other Act, the following general functions:

- (a) to work towards the elimination of prohibited conduct; (b) to promote equality of opportunity in relation to the matters to which this Act applies; and
- (c) to provide information to the public on and keep under review the working of this Act and, whenever the Authority thinks it necessary, to make proposals to the Minister for its amendment;.

and accordingly the *Employment Equality Act 1998* shall apply and have effect with the amendments specified in the Schedule to this Act.

The Equality Authority has an in-house legal service and provides free confidential information and advisory service to employers, service providers, individuals, trade unions and the legal profession on the implementation of the Employment Equality Act, 1998 and the Equal Status Act 2000.

The Authority can, in the performance of its functions, explain the current legal position on an issue, advise on the facts presented, communicate with the employer on behalf of the complainant, prepare written submissions for the Director of Equality Investigations and for the Labour Court, contribute to the preparation of codes of practice covering the integrated equality agenda and, more importantly for persons who are marginalised or who are likely to suffer discrimination, represent and/or provide free legal representation for the complainant during an investigation.

The Equality Authority is required under the Employment Equality Act to prepare and submit to the Minister of Justice, Equality and Law Reform, for approval under the Employment Equality Act 1998, a Strategic Plan for a three year period. The first Strategic Plan for 2000 to 2002 has been completed ('Equality in a Diverse Ireland: Strategic Plan 2000-2003'). Chapter 3 outlines the Mission of the Authority which states that the Authority is committed to realising positive change in the situation of those experiencing inequality by:

*Promoting and defending rights established in the equality legislation and  
Providing leadership in building a commitment to addressing equality issues in practise,  
creating a wider awareness of equality issues, celebrating diversity in Irish society and  
mainstreaming equality considerations across sectors.*

In November 1999, the Equality Authority participated in 'True Colours', a two week programme organised by the National Consultative Committee on Racism and Interculturalism. The aims of the programme were to highlight the challenge of cultural diversity, identify the steps for building an inclusive, intercultural society and address issues such as racism and discrimination experienced by ethnic minorities in Ireland.

As part of this venture, the Equality Authority hosted two symposia to share its expertise on equality and diversity ('How can Equality Legislation address the situation of Black and minority Ethnic Groups' and 'What contribution can the Equality Authority make to building an intercultural society').

The Equality Authority's Communications Unit is responsible for promoting the rights established by the legislation. There is a Communications Strategy in place to ensure the public are informed about the work and services of the Equality Authority and that the information and advice is accessible. The Equality Authority has also joined forces with the Citizens Information Centres in order to pursue a strategy of information throughout the country. The issue of accessibility has been prioritised and the Authority is exploring models of community based advocacy as a means of enhancing accessibility.

### ***Office of the Director of Equality Investigations***

The Employment Equality Act, 1998 provides for the establishment of the office of the Director of Equality Investigations [subsections (1) to (8) of Section 75] which shall be independent in the performance of its functions. The Office is established on an independent statutory basis. Its principle statutory role is the investigation and mediation of complaints of discrimination in relation to employment and access to goods and services, disposal of property and certain aspects of education. Equality Officers appointed by the Director have wide powers to investigate complaints. If a complaint is upheld the Equality Officer can order compensation and/or a specified course of action. Decisions are binding unless appealed.

The Office deals with a wide range of individual complainants and respondents and their representatives. Individual complainants include employees, job seekers, consumers and service users, their representatives include the Equality Authority, trade unions, consumer bodies, legal and other professionals. Respondents include individuals or businesses in the public or private sector. Their representatives include employer organisations, trade bodies, legal and other professionals.

***National Consultative Committee on Racism and Interculturalism (NCCRI)***

In July 1998, the Minister for Justice, Equality and Law Reform established a National Consultative Committee on Racism and Interculturalism. The Committee is a partnership of non-Governmental organisations, state agencies, social partners and Government Departments. The objective of the Committee is to provide an ongoing structure to develop programmes and actions aimed at developing an integrated approach against racism and to advise the Government on matters relating to racism and interculturalism. The Committee also endeavours to promote a more participative and intercultural society which is inclusive of persons such as refugees. The Committee has been provided with an allocation of £196,000 to fund its programme of activities in 2001. The Committee has presented the Minister with a Progress Report on its activities 1998 to 2001. Policy.

The Social Partnership Agreement adopted in January 2000 titled the Programme for Prosperity and Fairness, sets out the objectives underpinning the Government's commitments to equality (Framework III for Social Inclusion and Equality). These objectives include a commitment:

To create a fair and inclusive society by putting in place a strategic framework for action on equality in accordance with the NESF Strategy Document. (NESF Strategy Report *Opportunities, Challenges and Capacities for Choice.*)

To develop an effective infrastructure which will support the achievement of equality objectives in the nine categories covered by equality legislation.

To ensure that the necessary institutional infrastructures are in place and that they are enabled to play their role in eliminating discrimination and promoting equality.

To develop arrangements, including administrative procedures, for mainstreaming equality issues.

To provide a range of supports for groups experiencing disadvantage and inequality.

The Programme also contains an important commitment to Equality Proofing, following through on the NESF report on Equality Proofing produced as part of the previous Partnership 2000 Agreement. This will involve developing and resourcing a learning phase for Equality Proofing which has commenced in the Department of Justice, Equality and Law Reform.

The Government believes that Equality Proofing involves placing equality considerations at the centre of decision making. Policy design, planning, implementation and review include a focus on equality outcomes whether in the public or private sector. Equality Proofing is a central element in the process of mainstreaming equality. Mainstreaming goes beyond proofing in that it involves not only the integration on an equality focus but also the mobilisation of all policies behind the objective of achieving equality. A further commitment to integrating equality proofing with other proofing systems in light of the review of the National Anti-Poverty Strategy.

Departmental Strategy Statements of 1998 (Strategic Management Initiative)

The Strategic Management Initiative was launched in May 1994 to reform the effectiveness and efficiency of the public service in Ireland. The provision of an excellent service to the public was specifically identified as a key objective.

The NESF Forum Report No. 6 entitled Quality Delivery of Social Services which recommended inter alia more accessible public services; more user friendly and responsive to the needs of the customer. These recommendations would particularly help disadvantaged groups such as Travellers.

In 1998 Government Departments published their Strategic Management Initiatives (SMI's) under the Public Service Management Act, (1997) which took on board recommendations of the NESF Forum Report.

In the Strategy Statement of the Department of Justice Equality and Law Reform 1998-2000, one of its goals is:

*to bring about a more equal society by outlawing discrimination and facilitating equality of opportunity, especially for certain groups that have experienced disadvantage.*

In a footnote to this statement, it states that:

*the grounds on which discrimination will be prohibited under legislation are- gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller Community.<sup>25</sup>*

This goal is being pursued through institutional, administrative and legal reforms. The Strategy Statement also indicates that the achievement of the Department's objectives in this area necessarily involves partnership with other Government Departments, State bodies, social partners, expert bodies and the voluntary/ community sector.

The Statement Strategy of the Department of Education and Science identifies;

*the challenge of contributing to the goal of an inclusive society, where all citizens have the opportunity and incentive to participate fully in the social and economic life of the country; The challenge of ensuring that the curricula and programmes offered to students at all levels of the system remains relevant, in the light of the ongoing and substantial economic and social changes with which the system is faced; the challenge of meeting the particular and diverse needs of specific groups in society, including those with special educational needs, including those experiencing educational disadvantage, and religious and linguistic minorities.<sup>26</sup>*

In meeting these challenges the Department has placed a particular focus on tackling education disadvantage and states that the principles underpinning the National Anti-Poverty Strategy (NAPS) are reflected in the goals, objectives and activities of its Strategy Statement. Travellers as a group have been identified by NAPS as being in persistent poverty or known to be at risk of poverty. One of the primary objectives of NAPS is to address inequalities which might lead to poverty among such groups, the SMI Statement provides some form of a basis for combatting inequalities arising from racism through the education system.

The **Department of Health and Children's** Health Strategy, *Shaping a Healthier Future*, launched in 1994 had at its core the principles of equity, quality and accountability. Chapter Six of the Strategy Statement of the Department of Health and Children sets out the divisional objectives of the Department and the steps to achieving them. Under the heading of Disability Services and Services for Travellers, it states the

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objective of achieving improved health status in the Traveller community by measures designed to increase their level of take-up of services.

Actions to be taken to help achieve this objective include the appointment of a "Traveller Health Advisory Committee to include Traveller interests" and the publication of a "policy statement on Travellers Health". The Department of Health and Children expects to publish a Traveller Health Strategy before the end of this year based on the Traveller Health Advisory Committee's consideration of the recommendations of the Task Force Report.

The Strategy Statement of the **Department of Social, Community and Family Affairs** states in its section on 'Policy, Development and the Evolving Role of the Department', that the Department will encourage and promote the provision of opportunities for those groups within the community which have had difficulties accessing the labour market in the past, including, inter alia, 'members of the Traveller community'.<sup>27</sup>

The Department is committed to pursuing the goals of the National Anti-Poverty Strategy (NAPS). The Guidelines for Policy Proofing in the Context of the National Anti-Poverty Strategy (P2000/98/40) states that the focus of NAPS should be on "poverty proofing and inequalities in so far as they are likely to lead to poverty". Poverty proofing, the Guidelines state,

*should focus on those groups which have been identified as being either in persistent poverty or known to be at risk of poverty in both urban and rural areas" including, inter alia, "members of the Traveller community" and "ethnic minorities".*<sup>28</sup>

Travellers and other minority ethnic groups are referred to in the Statement of Strategy of the **Department of the Environment and Local Government** under the section on housing. The Statement states that

*a significant increase in resources for social housing generally has been made available and greater attention is being paid to special needs such as those of the homeless, Travellers, and the disabled.*<sup>29</sup>

The Strategy Statement of the **Department of the Taoiseach (Prime Minister)** refers to the promotion of equity as being one of the major goals of the Department. A key mechanism for the achievement of this goal is the Department's role in the maintenance and development of social partnership. In setting out the main challenges for the Department the Statement refers to the *Action Programme for the Millennium* and *Partnership 2000* each of which, it notes,

*place a high priority on promoting greater social equity and combating poverty through tax reform and an extensive programme of action on social exclusion within the framework of the National Anti-Poverty Strategy.*

In the Strategy Statement of the Department of Foreign Affairs one of the stated actions is seeking to ensure that human rights are accorded a high priority in Irish foreign policy, including the ratification of key international human rights instruments.

The Customer Action Plan of the Department of Enterprise, Trade and Employment, explicitly commits the Department to equal treatment of all clients and to ensuring there

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shall be no discrimination on the basis of, inter alia, a person's colour or ethnic origin.

### **Garda Síochána Initiatives**

The national police force, the Garda Síochána, are determined to learn from the experience of other countries and have taken a number of initiatives on policing in an intercultural society.

In their Annual Plan for 2000, the Gardai have set down guiding principles for dealing with interculturalism, including the commitment to treat everyone fairly, regardless of ethnic origin, religious belief, gender, sexual orientation, disability, or social background. In order to enhance the operational capacity of the Gardai in providing a police service in an intercultural Ireland, the Garda authorities have approved the establishment of a Garda Racism and Intercultural Office. The office operates under the auspices of the Garda Community Relations Section and will be responsible for co-ordinating, monitoring and advising on all aspects of policing in the area of ethnic and cultural diversity.

The Gardai are committed to the protection of human rights and the dignity of all persons. Over the past number of months, a working group has been reviewing all aspects of Garda training in the area of human rights in order to develop best practice in the light of ongoing changes in the policing environment. The group's action plan includes the establishment of a programme focusing on the further development of human rights training for Gardai and the publication of a revised code of ethics for the Garda Síochána.

In relation to training and education an Garda Síochána has established a Training Policy Working Group to draw up anti-racist policy training for the whole of the police force. Specific to this policy will be guidelines about inculcating a respect for Traveller identity and culture within the Garda Síochána.

The Garda Síochána have a very strong commitment to address and include Traveller concerns into an Irish policing policy. To this end, Pavee Point - one of the NGO's representing Travellers - provides an anti-discrimination module on Phase II of Student/ Probationer training. The aim of this module is to challenge Garda students to understand the marginalised experience of Travellers in Irish society. This training only encompasses Garda students and in response to this lacuna, an Garda Síochána is preparing the ground for a comprehensive policy initiative to address the concerns of Travellers and other vulnerable groups in Irish society.

The Garda Síochána is currently running a Human Rights initiative which has as part of its remit to consult actively with vulnerable groups in Irish society. Travellers are one such group which will be met in the near future to discuss ways to establish more effective ways to address their fears and meet their needs in relation to policing.

The overall aim of the consultation process with respect to the Traveller community is as follows:

*To listen to the specific needs of Travellers in relation to policing and Human rights in particular*

*To listen to the views of Travellers about establishing long-term partnership around policing and human rights issues*

*To document these views and representations in the form of formal recommendations for*



The policy construction in relation to anti-racism practise will be guided by the tenets of the Rotterdam Charter. The Rotterdam Charter is a document which emphasises the need for partnership between the police, NGO's and local authorities and assists police organisations throughout Europe to respond to ethnic diversity in a positive and proactive manner. The Charter sets out principles on which this response should be based, together with the main actions that are required to turn these principles into a reality. The Charter is promoted by the Foundation "Policing for a Multi-Ethnic Society" which works in the field of anti-discrimination.

The Garda Customer Charter contains a commitment to enhancing customer satisfaction. The Charter leaves open the possibility for adopting group-specific Garda Customer Charters. Included among those groups are those whose special circumstances deserve particular consideration and support such as ethnic and vulnerable minorities.<sup>30</sup>

Dialogue between the police force and the public with respect to the Charter is facilitated by a National Customer Panel on which a Traveller organisation is represented (Pavee Point) and also, at the local level, through Divisional Customer Panels which also include Traveller representation.

#### **Article 5**

- **The parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.**
- **Without prejudice to the measures taken in pursuance of their general integration policy, the Parties shall refrain from policies aimed at assimilation of persons belonging to the national minorities against their will and shall protect those persons from any action aimed at such assimilation.**

#### **Narrative:**

As outlined in Part 1 of this Report the Government is fully committed to the principles enshrined in Article 5 of the Framework Convention.

In the context of the Northern Ireland Peace Agreement this has been reflected, as already outlined, in changes to Articles 2 and 3 of the Irish Constitution and in the specific steps agreed by Ireland in that section of the Agreement dealing with rights, safeguards and equality of opportunity.

In the case of the Traveller community the Government has undertaken programmes to promote the conditions necessary for Travellers to maintain and develop their culture. As stated in Part I of the Report the Traveller community do not hold different religious beliefs to the majority of the population. The Traveller community speak the language of the majority (English). They differ most significantly from the majority of the population in that they have traditionally led a nomadic lifestyle and some continue to do so.

It follows that the maintenance, preservation and development of Traveller culture is

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closely linked to the provision of suitable accommodation. This entails provision for a continuum of housing options ranging from serviced halting sites to integration into regular housing. The statutory measures which make provision for transient sites is a recognition of the culture of the Traveller community and therefore represents an attempt to protect their culture. Without the provision of culturally appropriate accommodation the conditions necessary for the preservation of the essential elements of the Traveller identity do not exist.

The Education Act, 1998 places obligations on the boards of management of schools to respect the “characteristic spirit” of a school. Section 15(b) of the Act provides that the board shall “uphold, and be accountable to the patron for so upholding, the characteristic spirit of the school as determined by the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school”. It is important to emphasise, however, that maintaining the school spirit cannot detract from the obligation expressed in section 15(e) to “have regard to the principles and requirements of a democratic society and have respect and promote respect for the diversity of values, beliefs, traditions, language and ways of life in society”.

Social, Personal and Health Education (SPHE) is a new subject which has been included for the very first time in the revised primary school curriculum. It is designed to be delivered in three ways: through the attitudes, values and practices conveyed in a positive school climate and atmosphere, through integration with other subject areas in a cross-curricular approach and through dedicated curricular time. It is recommended that a minimum of half-an-hour a week would be dedicated to teaching SPHE. Among the aims of the SPHE programme are: (i) to foster in the child a sense of care and respect of himself/herself and others and an appreciation of the dignity of every human being; and (ii) to enable the child to respect human and cultural diversity and to appreciate and understand the interdependent nature of the world. Pupils are taught to be aware of and to respect the various cultural, religious, ethnic or other groups that exist in their communities. At second level, SPHE has been introduced on a phased basis over three years with a national co-ordinator and 10 regional co-ordinators appointed to work in regions corresponding to health board regions and in co-operation with health board personnel.

Many youth work organisations include elements of interculturalism and anti-racism in their ongoing programmes and services. Interculture Ireland and Voluntary Service International operate international programmes and incorporate intercultural learning as a central theme in all their programmes. In the network of Senior Traveller Training Centres, the staff development programme offered includes modules on Travellers and interculturalism.

## **Legal**

Through a variety of legislative measures Ireland aims to promote the conditions necessary for the Traveller community to maintain and develop their culture and recognise their distinct identity. The following Acts are designed to assist in this regard: Housing Act 1988.

The 1988 Housing Act, as amended by Section 29 of the Housing (Traveller Accommodation) Act 1998 deals specifically with provision of halting sites for

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Travellers for the first time in Irish Statute law, recognising Travellers as a separate class of persons. Section 13 of that Act allows for (but does not require) the provision of halting sites with facilities.

### ***Housing (Traveller Accommodation) Act 1998***

The 1998 Act, which came into effect in September 1998, is designed to put in place a legislative framework to facilitate implementation of the Government's commitments in relation to meeting the accommodation needs of Travellers, as set out in "*An Action Plan for the Millennium*" and in "*Partnership 2000 for Inclusion, Employment and Competitiveness*".

This Act places a statutory duty on the local authorities to assess separately the need for halting sites including transient sites when making an assessment of accommodation needs under the *Housing Act 1988*. Unlike the 1988 Act the 1998 Act obliges the housing authorities not only to draw up an accommodation programme but to implement it and if the authority fails to adopt a programme provision is made for the professional management (County or City Manager) to do so.

The primary purpose of the Act is to provide a legislative and financial framework within which housing authorities, relevant voluntary bodies and Travellers may provide or be assisted in the provision, management and maintenance of accommodation for Travellers. The Act incorporates many of the recommendations of the Report of the Task Force of the Traveller community, which reported in 1995.

Local authorities have, in accordance with the legislation, drawn up five-year programmes for the accommodation of Travellers within their functional areas. The elected members of the local authorities have adopted these programmes, which will operate from 2000-2004, in each case, and the authorities are now proceeding with their implementation. It is expected that the provision of accommodation will be accelerated during this period. Most importantly under this Act the local authorities are required to have regard to the accommodation needs which have been identified such as the distinct needs and family circumstances of Travellers (Section 10 (3)(b)) and the provision of transient sites (Section 10 (3)(c)). This may be seen as recognition of the cultural needs of the Traveller community.

Authorities have also established local Traveller accommodation consultative committees on which Travellers/Traveller organisations are represented. The Act establishes on a statutory basis a National Traveller Accommodation Consultative Committee (Section 19) and require local authorities to set up local accommodation consultative committees on which local authority members, officials and Travellers are represented (Sections 21 and 22).

These committees provide a mechanism for Travellers to contribute at local level to issues affecting their accommodation. In making an assessment of accommodation needs the local authority must give notice of the intention to make an assessment to *inter alia* the local consultative committee (Section 6(3)) and have regard to the views of the local consultative committees (Section 6 (4)(c)). The Act also allows for public input to the preparation and amendment of such programmes under Sections 8, 9, 10, and 15.

The main provisions of the *Housing (Traveller Accommodation) Act 1998* are:

**6.-**

(1) A relevant housing authority, when making an assessment under section 9 of the Act of 1988, shall, in addition to such assessment and at other such times as the Minister may by direction specify, make an assessment of the need for sites in the functional area concerned.

(2) Subject to subsections (3) and (4), section 9 of the Act of 1988 shall, with any necessary modifications, apply to an assessment under this Act.

(3) In addition to giving notice to the bodies specified in paragraphs (a) to (e) of Section 9(4) of the Act of 1988, a relevant housing authority shall give notice of the intention to make an assessment under this section to the local consultative committee.

(4) Without prejudice to the generality of subsection (1), a relevant housing authority, in making an assessment shall have regard to -

(a) the estimate of Travellers referred to in subsection (5)

(b) the need for sites with limited facilities referred to in section 13 of the Act of 1988 (as amended by this Act) in relation to the annual pattern of movement of Travellers, otherwise than as their normal place of residence, and

(c) the view, if any of the local consultative committee concerned.

(5) A relevant housing authority shall make an estimate of the number of Traveller families and households for whom accommodation will be required within the functional area for a period which the Minister may by direction specify.

**7.-**

(1) A relevant housing authority shall adopt as respects their functional area an accommodation programme not later than the date specified by the Minister, or within 21 days of that date as provided under section 13, and shall specify in that accommodation programme the accommodation needs of Travellers and the provision of accommodation required to address those needs for the period specified in section 10(1).

(2) A relevant housing authority may adopt an accommodation programme together with one or more relevant housing authority for the functional areas of the relevant housing authorities concerned and subsections (1) and (3) and sections 8 to 15 shall apply to such adoption.

**16.-**

(1) A relevant housing authority shall in securing the implementation of an accommodation programme, or an amendment to or replacement of an accommodation programme, take any reasonable steps as are necessary for the purpose of such implementation.

(2) A housing authority, other than a relevant housing authority, shall take such steps as are necessary for the implementation of proposals for the functional area of that housing authority which have been specified in an accommodation programme, or an amendment to or replacement of it, adopted by the relevant housing authority or under section 14 for the functional area of that relevant housing authority within which such housing authority is situated.

(3) A housing authority, other than a relevant housing authority, shall, in the performance

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of a function concerning the provision of accommodation for Travellers, have regard to the provisions of the accommodation programme, or an amendment to or replacement of it, adopted by the relevant housing authority of under section 14 for the functional area of that relevant housing authority within which such housing authority is situated.

The Act provides for the amendment of the *Local Government (Planning and Development) Act 1963* to require planning authorities to include objectives in relation to Traveller accommodation in their county/city development plans (Sections 26, and 27).

The Act also gives the local authorities increased powers to deal with unauthorised temporary dwellings where alternative serviced accommodation is available, or within one mile of existing accommodation, regardless of whether alternative accommodation is available (Section 32) and allows the application of the relevant provisions of the *Housing (Miscellaneous Provisions) Act, 1997* in respect of the control of anti-social behaviour to halting sites provided by local authorities or by voluntary bodies with the assistance of local authorities (Sections 34-36).

## **Religious Freedom**

There is no established church in Ireland.

There is no list of recognised religions in Ireland. The meaning of religion is determined under the law of trusts. A claim for charitable status may be considered under four broad categories including trusts for the advancement of religion. Charitable trusts benefit from certain fiscal immunities in terms of exemptions from liability to various forms of taxation. There is no legislation in Ireland which sets out what is charitable in law or which defines "charitable purposes".<sup>31</sup>

## **Language**

Article 8 of the Constitution establishes the two official languages of the State. The Irish language is the national language of the State and the first official language. The English language is recognised as the second official language of the State.

### *Article 8.1*

*The Irish language as the national language is the first official language of the State.*

### *Article 8.2*

*The English language is recognised as a second official language of the State.*

### *Article 8.3*

*Provision may, however, be made by law for the exclusive use of either of the said languages for any one of more official purposes, either throughout the State or in any part thereof.*

A Minister is in charge of a separate Government Department (Department of Arts, Heritage, Gaeltacht, and the Islands), with responsibility for the economic, social and cultural development of the *Gaeltacht* (the Irish speaking) areas and with promoting the use of the Irish language throughout the country.

In The Census of Population in 1996 just over 1.43 million persons aged 3 and over were

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recorded as having an ability to speak Irish in 1996.

The courts have recognised the rights of litigants to conduct their cases through either language (O’Coleain v DJ Crotty(1927) 61 ILTR 81, The State(Buchan) v Coyne (1936) 70 ILTR 185, O’Monachain v An Taoiseach(unreported, Supreme Court, 16 July, 1982)

### **Protection of cultural heritage and traditions**

The Traveller community has its own culture distinct from the settled community. The Traveller culture lies in the values, meanings and identity that the Traveller community shares. Some visible manifestations of this culture were outlined in the Task Force Report in particular Traveller nomadism, the importance of the extended family, the Traveller language (Cant) and the organisation of the Traveller economy.<sup>32</sup>

The importance of culture was reflected in a speech given by President Mary Robinson in 1990:

*‘When we talk about the Traveller community it’s not just a question of whether they want housing or whether they would prefer serviced halting sites. It’s that they want their culture recognised, they want their dignity respected, they want to be full citizens of this country. I think that that is the most important thing - that there is real space for the Traveller community, for their own culture, for their own self-development and self-expression; that we have space for them and that we value them; and then other things like appropriate kind of houses, services and facilities are provided to the best of our ability as a nation. But perhaps the most important thing is that we value them as a distinct community within our larger community’.*<sup>33</sup>

Recognition of the Traveller culture may be seen in a number of areas in recent years including Traveller accommodation provision, anti-discrimination legislation, through the work of Traveller organisations and in the Citizen Traveller Programme.

### **State Infrastructure**

#### **Policy**

In an effort to improve the position of Travellers in Irish society, the Minister for Equality and Law Reform (now the Minister for Justice, Equality and Law Reform) established a Task Force on the Traveller community in July 1993, the function of which was to advise and report on the needs of Travellers and on Government policy generally in relation the Traveller community. Its mandate covered a range of areas such as accommodation, health, equality, education and training. The report of the Task Force was the first comprehensive review of the needs of the Traveller community since the report of the Travelling Review Body was published in 1983<sup>34</sup>

*For further detail on the Report and its recommendations consult Ireland’s Second Report under the International Convention on Economic, Social and Political Rights (ESPR) of 1996*<sup>35</sup>

The Arts Council, is an autonomous body established under statute in 1951 to stimulate public interest in and promote knowledge and appreciation of the Arts (Arts Acts 1951 and 1973). It is Ireland’s main body for funding the Arts. The Arts Council acts as the

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development agency for the Arts in Ireland and operates on the principle that everyone in Ireland is entitled to access to and participation in the arts. The role of the Arts Council is to provide advice to Government and non-Governmental bodies, individuals and arts organisations on artistic matters and to provide support and financial assistance for artistic purposes to individuals and organisations.

In the Arts Council Plan 1999-2001, the proposed strategy is informed by a definition of the arts which is inclusive. The Arts Council expresses its determination to work to reduce the barriers to active experience and direct participation in the arts and the plan is designed to encourage the greatest number to explore and express their artistic potential. The Council intends to draw more people into the arts either as participants or as audiences. The overall policy is one of inclusion.

The National Development Plan 2000-2006 as part of the proposed investment in affordable housing includes special funding to provide and improve housing for Travellers.

With regard to paragraph 2 of Article 5, there is no Government policy aimed at assimilation of the Traveller community and the trend in recent years has been to include Traveller organisations in the decision making processes which impact on them and to have regard to their cultural needs as a minority community.

### **Citizen Traveller Campaign**

The Department of Justice, Equality and Law Reform has developed a number of projects as part of the Traveller Communication Programme entitled "Citizen Traveller" which are designed to promote the Traveller community and their culture and to improve relationships between Travellers and the settled community.

The Citizen Traveller Campaign commenced in 1999 with funding of £900,000 provided by the Government for a three-year period. The objective of the programme is to promote greater understanding between Travellers and the settled community and to address the underlying causes of mistrust between both communities. The programme is to inform, to share experience, to educate and to build bridges between the two communities.

The funds are allocated on an annual basis from the budget of the Department of Justice, Equality & Law Reform which monitors the programme. The implementation of the programme is managed by an independent committee (the Traveller Communication Committee) and a Director of Communications, a full time employee who specialises in media and communications. The Traveller Communications Committee is made up of four Traveller organisations: the Irish Traveller Movement, the National Traveller Women's Forum, Pavee Point and the Parish of the Travelling People.

The objectives of the "Citizen Traveller" campaign are:

- To assist in changing misconceptions related to the Traveller community;
- To create an environment to position Travellers as a minority group within Irish society with their own distinct culture, and;
- To promote and encourage the Traveller community to embrace their identity in a positive way.

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Following the launch of the campaign a press release related the public feedback in response to the Radio Advertising campaign was distributed to the media and a variety of news articles featured the campaign.

As part of the Citizen Traveller Campaign, a Traveller Focus Week took place in February /March 2000 and coincided with a nationwide outdoor billboard advertising campaign (with 150 billboards). Other projects held during Traveller Focus week were a Prime Time TV Show special (an Irish current affairs programme on the national television station RTE) about Travellers and featuring Travellers; a series of articles written by Travellers in a daily newspaper; and regional media events. A briefing seminar was held with all Traveller organisations prior to the launch of Traveller Focus Week, to encourage local and regional group participation. A Traveller Focus Weeks took place again in 2001 and one is planned for 2002.

Press releases, media relations/briefings, a project to encourage greater Traveller participation on local consultative committees dealing mainly with the issue of accommodation and housing and the implementation of draft accommodation plans, through the medium of direct mail continue to form part of ongoing projects for implementation as part of the Traveller communications programme.

### **Factual**

Funding for the provision of Traveller specific accommodation has been increased significantly in recent years; from £4m in 1994 to £13.65m in 2001.

The Department of the Environment and Local Government operates the following measures in order to promote conditions necessary to maintain and develop the Traveller accommodation:

100% capital funding for the provision of group housing and halting sites for Travellers  
90% recoupment of salaries of local authority social workers dealing with Travellers  
assistance to local authorities with the cost of managing and maintaining halting sites.

### **Article 6**

**1. The parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.**

**2. The parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious identity.**

### **Narrative:**

In the Programme for Prosperity and Fairness (2000-2003) the social partners recognise the importance of improved relations between the Traveller community and the settled community and this will continue to be pursued, in particular through the Traveller Communication Strategy



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In the PPF, under Framework III, increased funding is being provided for NCCRI to enable it to undertake additional measures to address racism, to promote positive inclusion of minority ethnic groups and to develop public awareness initiatives at both national and local level.

## **Infrastructure**

### **Paragraph 1**

Several initiatives have been set up to improve relationships between the Travellers and the settled community. One such initiative is the aforementioned Citizen Traveller Campaign, a communication programme to promote a greater understanding between Travellers and the settled community and to address the underlying causes of mistrust between both communities.

A further example is the Mediation Service developed by Pavee Point Traveller Centre. The aim of this programme is to bring together the various parties concerned about conflict, including local authority officials, Gardai, politicians, community leaders, Travellers and Traveller support groups and residents associations, and to encourage such people to develop new and constructive approaches to the resolution of conflicts.

Funding has been provided to support the work of the Irish Traveller Movement, the National Traveller Women's Forum and Pavee Point, Traveller organisations operating on a national level, which play a vital role in developing increased contact between members of the Traveller and settled communities. These organisations work to ensure that the interests of the Traveller community are reflected in the wider community and voluntary sector. They also participate in the NESF and the NESC and the Social Partnership negotiations which further ensures that the concerns of Travellers are brought to the attention of organisations who represent for the most part the interests of the settled community. Funding has also been provided to fund organisations at local level.

The NCCRI Small Grants Fund may be used to fund projects with an anti-racism or intercultural element. [See text under article 12 below for further detail]

Mediation Pavee Point Traveller Centre established a Mediation service in 1999 to support relations between Travellers and settled people. It provides a mechanism to respond constructively to situations of conflict between Travellers and the majority population in order to bring about just and peaceful solutions. The Department of Justice, Equality and Law Reform is providing funding and support for this service. National Consultative Committee on Racism and Interculturalism.

### **National consultative Committee on Racism and Interculturalism (NCCRI)**

The National Consultative Committee on Racism and Interculturalism as outlined in Part I above is a partnership of NGO's, state agencies, social partners and Government departments. The objective of the committee is to provide an ongoing structure to develop programmes and actions aimed at developing an integrated approach against racism and discrimination and to advise the Government on matters relating to racism and interculturalism. The committee is closely involved with Traveller organisations in its work.

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## **Anti-Racism Protocol and Declaration of Intent.**

The NCCRI, as part of its overall aim of developing an integrated approach against racism, launched in June 2001 its Anti-Racism Protocol for Political Parties and a Declaration of Intent for Candidates for Elections. The Protocol has been signed by all the main Political Parties and commits them to ensuring that racism is not stirred up by the actions of party candidates at election times.

## **Traveller Task Force**

In June 1998, the Minister for Justice, Equality and Law Reform established a Committee to Monitor and Co-ordinate the Implementation of the Recommendations of the Task Force on the Traveller community. The Committee, which is chaired by the Department of Justice, Equality and Law Reform, is representative of Traveller interests, social partners and relevant Government Departments.

A progress report on the implementation of the recommendations of the Task Force was submitted to Government in December, 2000.

## **Exchange House Travellers Service**

The Exchange House Travellers Service is a Dublin based Traveller service which receives funding from various Governments Departments.

## **Traveller Organisations.**

### *Pavee Point Travellers Centre*

Pavee Point is a voluntary non-Governmental organisation committed to the attainment of human rights for Irish Travellers. The group is comprised of Travellers and members of the majority population working together in partnership to address the needs of Travellers as a minority group experiencing exclusion and marginalisation.

The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers, through working for social justice, solidarity, socio-economic development and human rights.

### *National Travellers Women Forum*

Established in July 1988 this Forum is a partnership organisation of Traveller and settled women from throughout Ireland who meet to discuss issues and share experiences and information in order to develop greater solidarity with each other, to explore gender issues, challenge sexism and take action on the situation.

### *Irish Traveller Movement*

The Irish Traveller Movement is a national network of organisations and individuals working within the Traveller community. It has over eighty organisations from all parts of Ireland in its membership. The ITM consists of a partnership between Travellers and settled people committed to seeking full equality for Travellers in Irish society. The ITM has National Working Groups which address policy issues of concern to Travellers:

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accommodation, education, youth and equality.

## **Paragraph 2**

The Government has sought to address the problem of discrimination and hostility towards minorities through recent equality legislation. The Employment Equality Act 1998 and the Equal Status Act 2000 as described under Article 4 provide protection against discrimination in employment, education, provision of goods, services and accommodation and disposal of property.

### **The Prohibition of Incitement to Hatred Act, 1989.**

The *Prohibition of Incitement to Hatred Act 1989* has been in place for the last eleven years making it a criminal offence to incite to hatred against any group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic, or national origins or membership of the Traveller community.

Section 2 provides that:

It shall be an offence for a person-

- (a) to publish or distribute written material,
- (b) to use words, behave or display written material-
  - (i) in any place other than inside a private residence, or
  - (ii) inside a private residence so that the words, behaviour or material are heard or seen by persons outside the residence, or
- (c) to distribute, show or play a recording of visual images or sounds, if the written material, words, behaviour, visual images or sounds, as the case may be, are threatening, abusive or insulting and are intended or, having regard to all the circumstances, are likely to stir up hatred.

Hatred is defined in Section 1 as meaning hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the Traveller community or sexual orientation.

Broadcasting an item likely to stir up hatred is an offence under section 3.

The preparation and possession of material likely to stir up hatred is an offence under section 4:

Section 4 provides:

(1) It shall be an offence for a person-

- (a) to prepare or be in possession of any written material with a view to its being distributed or displayed, broadcast or otherwise published, in the State or elsewhere, whether by himself or with another, or
- (b) to make or be in possession of a recording of sound or visual images with a view to being distributed, shown, played, broadcast or otherwise published, in the State or elsewhere, whether by himself or with another, if the material or recording is threatening, abusive or insulting and is intended or, having regard to all the circumstances, including such distribution, display, broadcasting, showing, or other publication thereof as the person has, or it may reasonably be inferred that he has, in view, is likely to stir up hatred.

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There has been some criticism of the effectiveness of this Act and a review of this legislation has commenced in the Department of Justice, Equality and Law Reform.

### **Video Recordings Act 1989.**

The purpose of the Video Recordings Act 1989 is to establish a system of censorship and classification for video recordings available to the public. The Act creates a number of offences to prevent and punish the distribution of video works in breach of the system of classification. Under Section 3(1) of the Act the Official Censor shall, on application to him in relation to a video work, grant a certificate declaring the work to be fit for viewing unless he is of the opinion that the work is unfit for viewing because the viewing of it-

*would be likely to stir up hatred against a group of people in the State or elsewhere on account of their race , colour, nationality, religion, ethnic or national origins, membership of the Traveller community or sexual orientation, in which case he shall make an order prohibiting the supply of video recordings containing the work.*

The possession for the purpose of supply of a recording for which no certificate is in force or the exhibition of a video for which no supply certificate is in force is a criminal offence under Section 6 and Section 11 respectively.

In 1995, a *Code Of Standards, Practice And Prohibitions in Advertising, Sponsorship, and other forms of Commercial Promotion in Broadcasting Services* was drawn up by the Minister for Arts, Culture and the Gaeltacht, under Section 4(1) of the *Broadcasting Act 1990*. The General Standards Section 5 provide that advertising shall not inter alia

- (i) prejudice respect for human dignity,
- (ii) include any discrimination on grounds of race, sex or nationality, be offensive to religious or political beliefs,

Section 10 (3) of the Radio and Television Act 1988 provides that:

No advertisement shall be broadcast which is directed towards any religious or political end or which has any relation to an industrial dispute.

This provision is enforced by an Independent Radio and Television Commission, established under the 1988 Act, which can prevent the commercial radio and television stations from transmitting material in breach of Section 10(3). The same restrictions apply to the publicly-funded broadcasters under the Broadcasting Authority Acts. [See text under Article 9 below for further detail].

These restrictions are justified by considerations of public order and equality.

In Murphy v Independent Radio and Television Commission [1998] a case involving religious discrimination the Supreme Court found that although Section 10(3) was a slight restriction on religious freedom and on freedom of expression, both freedoms were subject to the common good and in this instance (applying the proportionality test normal to constitutional litigation) Section 10(3) was upheld as constitutional.

In order to promote awareness of the needs of the Traveller community, the NCCRI has completed a series of anti-racism training modules with the Department of Social,

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Community and Family Affairs. The training module on anti racism formed part of the Department's in-service training course for staff trainers from social welfare offices throughout the country. The Department of Social, Community and Family Affairs had undertaken a commitment to provide such training as part of their Strategic and Customer Action Plan and are among the first Government Departments to do so. The NCCRI has been encouraging Government Departments to undertake such training under the Strategic Management Initiative.

## **Article 7**

**The Parties shall ensure respect of the right of every person belonging to a national minority to freedom of peaceful assembly, freedom of association, freedom of expression, and freedom of thought, conscience and religion.**

## **Narrative**

Freedom of association, freedom of assembly, freedom of expression and freedom of thought are freedoms guaranteed under the Fundamental Rights provisions of the Constitution.

Freedom of Association and Assembly is guaranteed in a number of international instruments to which Ireland has pledged its support (for details of ratification see text under Part I above]. These include

the Universal Declaration of Human Rights, (1948);

the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950);

ILO Conventions (No.87) on Freedom of Association and Collective Bargaining and (No.98) on The Right to Organise and Collective Bargaining;

the Revised European Social Charter (1999);

the International Covenant on Civil and Political Rights (1966) and

the International Convention on Economic Social and Cultural Rights(1966).

These rights are not absolute and may be restricted in accordance with the law. The right of peaceful assembly may be restricted where necessary in a democratic society, in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.

## **Legal**

Irish law and in particular the provisions of Article 40.6.1<sup>o</sup>.ii of the Constitution guarantee these rights.

## **Freedom of Assembly**

The right of Assembly is guaranteed under Article 46.1 of the Irish Constitution which

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provides that;

[The State guarantees liberty for the exercise of, subject to public order and morality, of]  
(ii) The right of the citizens to assemble peacefully and without arms.

The law allows provision may be made to prevent or control meetings which are deemed in accordance with law, to be calculated to cause a breach of the peace or, be a danger or nuisance to the general public and to prevent or control meetings in the vicinity of either House of the Oireachtas.

Article 40.6.2 may provide further protection for members of the national minority against discrimination in this area:

Laws regulating the manner in which the right of forming associations and unions and the right of free assembly may be exercised shall contain no political, religious or class discrimination.

### **Freedom of Association**

The constitutional guarantee of freedom of association is found in Article 46.1:

[The State guarantees liberty for the exercise of, subject to public order and morality, of]  
(iii) The right of citizens to form associations and unions.

Laws, however, may be enacted for the regulation and control in the public interest of the foregoing right.

As with the right of assembly, the freedom of association is not an absolute right. Curtailment of this right in accordance with law would not entail a breach of international law under other international agreements to which Ireland are a party.[See text of Ireland's First Report under the CCPR of 1992]

*The Unfair Dismissals Act 1977* contains an express protection of an employee's right to belong to a union. By Section 6(2) of the Act the dismissal of an employee is:

deemed for the purposes of this Act to be an unfair dismissal if it results wholly or mainly from *[inter alia]*,

the employee's membership, or proposal that he or another person become a member of, or his engaging in activities on behalf of, a trade union or excepted body under the *Trade Union Acts 1941 and 1971*.

where his trade union activities do not encroach on working hours as agreed with his employer.<sup>36</sup>

This right of free association includes the right of existing associations not to accept members: Tierney v Amalgamated Society of Woodworkers [1959] IR 254, and also the right of an individual to abstain from membership of an association and the duty of others not to induce compulsion of such membership: Education Co. of Ireland v Fitzpatrick (No.2) [1961] IR 345

The law in relation to Trade Unions in Ireland is governed by statute law.

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The Employment Equality Act 1998 prohibits discrimination, on nine specific grounds, by trade unions, professional and trade associations as regards membership and other benefits. The grounds are gender, marital status, family status, sexual orientation, religious belief, age, disability, race and membership of the Traveller community.

Section 13 of the Act provides:-

13.- A body which-

(a) is an organisation of workers or of employees

(b) is a professional or trade organisation, or

(c) controls entry to, or the carrying on of, a profession, vocation or occupation shall not discriminate against a person in relation to membership of that body or of any benefits, other than pension rights, provided by it or in relation to, or the carrying on of, that profession, vocation or occupation.

The Constitutional guarantee of the right of Freedom of Association is subject to the public interest but in reality there are few restrictions on the formation of associations. In general, clubs, societies and other organisations may be formed and dissolved at will, and no prior judicial or administrative sanction is required.<sup>37</sup> Full legal and fiscal benefits of association are subject to legal requirements for example a company must register under the Companies Acts in order to benefit from limited liability and a charity must register in order to benefit from certain tax exemptions.

### Political Parties

The right to form and join political parties is a part of the right of association set out in the Constitution.

The *Electoral Act 1992* makes provision for a "Register of Political Parties"(Section 25). This provides that the Clerk of Dail Eireann is to keep a register, in which he is to enter any political party which applies to him and which, in his opinion, is "(i) a genuine political party, and (ii) organised in the State or a part thereof to contest a Dail election or a European election or a local election". Any dispute or question arising from the register may be settled by an appeal board.

Registration allows candidates to Dail or European elections, who are members of registered parties, to add their party names to their own on the ballot paper, other candidates may not do so. This legislation in no way controls or restricts the formation of political parties.

### **Infrastructure:**

Any infringement of these rights can be vindicated through the courts.

The Equality Authority has the competence to deal with discrimination in these areas. Complaints of discrimination contrary to Section 13 of the Employment Equality Act 1998 may be referred to the Director of Equality Investigation or the Circuit Court in gender cases.

### **Factual:**

There have been no cases involving the Traveller community and the exercise of the

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rights covered by this Article.

The Broadcasting Complaints Commission has not received any complaints by members of the Traveller community.

Members of the Traveller community have stood for election to Dail Eireann as independent candidates in 1982 and 1987 and have been elected to local authorities.

## **Article 8**

**The parties shall recognise that every member of a national minority has the right to manifest his or her religion or belief or to establish religious institutions, organisations and associations.**

## **Narrative**

The Irish Constitution provides for the free practise of religion for all citizens of Ireland.

There is no State religion in Ireland. The establishment of a church by the State would be unconstitutional in the opinion of the Constitutional Review Group under Article 44.2.3<sup>o</sup>.<sup>38</sup>

The results from the *Census of Population 1991* reveal that the majority of the population belong to Christian religious denominations. Roman Catholics make up 92% of the population while 3.4% belong to various Protestant denominations. There is also a small but long-established Jewish community and in recent years a growing Muslim community. No information on religion is available from the Census of Population 1996 as a question in relation to religious belief is asked only every ten years. The majority of Travellers are members of the Roman Catholic church.

## **Legal**

Freedom of religion is governed by Article 44 of the Constitution. Article 44.1 provides that:

The State acknowledges that the homage of public worship is due to Almighty God. It shall hold his name in reverence, and shall respect and honour religion.

This provision has not received any elaborate judicial analyse. However in *Quinn's Supermarket Ltd v Attorney General* [1972] IR 1 Walsh J said that this section acknowledges:

The homage of public worship is due to Almighty God, but it does it in terms which do not confine the benefit of that acknowledgement to members of the Christian faith.

Freedom of conscience and free practise of religion are protected by Article 44.2.1<sup>o</sup>:

Freedom of conscience and the free profession and practise of religion, are subject to public order and morality, guaranteed to every citizen.

According to Walsh J. in the Supreme Court in McGee v The Attorney General [1974] IR



The meaning of Article 44.2.1 is that no person shall directly or indirectly be coerced or compelled to act contrary to his conscience in so far as the practise of religion is concerned, and subject to public order and morality, is free to profess and practise the religion of his choice in accordance with his conscience. Correlatively, he is free to have no religious beliefs or to abstain from the practise or profession of any religion.

Article 44.2.2 enshrines the principle of non-discrimination as between religions and states:

The State guarantees not to endow any religion.

In the recent case of Campaign to Separate Church and State and others v Minister for education and others [1998] ILRM 81, the court upheld the practise whereby the State paid the salaries of school chaplains in community schools and rejected the suggestion that this practise constituted an unconstitutional endowment of religion.

Article 44.2.3<sup>o</sup> states that:

The State shall not impose any disabilities or make any discrimination on the ground of religious profession, belief or status.

The twin prohibitions on of non-endowment and non-discrimination are far reaching and comprehensive and have worked well according to the constitutional Review Group. However the Group suggests that Art.44.1 should be deleted and if this was not deemed desirable or politic, that the section should be reformulated as follows: "the State guarantees to respect religion".<sup>39</sup>

### **Right to establish religious institutions**

Protection for religious institutions from interference of the State may be found in Article 44.2.5

Every religious denomination shall have the right to manage its own affairs, own, acquire and administer property, movable and immovable, and maintain institutions for charitable purposes.

and Article 44.2.6:

The property of any religious denomination or of any educational institution shall not be diverted save for necessary works of public utility and on payment of compensation.

### **Religious education**

Article 44.2.4.

Legislation providing State aid for schools shall not discriminate between schools under the management of different religious denominations, nor be such as to affect prejudicially the right of any child to attend a school receiving public money without attending religious instruction at that school.

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The *Education Act 1998* provides a legislative basis for the protection of the right of a child to opt out of religious instruction if it is contrary to their beliefs. In prescribing the curriculum of recognised schools under Section 30(e) (The Minister) shall not require any student to attend instruction in any subject which is contrary to the conscience of the parents of the student or in the case of a student who has reached the age of 18 years, the student.

The Constitutional Review Group is of the view that Article 44.2.4<sup>o</sup> would permit the State to engage in concurrent endowment of schools of all religious denominations provided that this is achieved by legislation, there is no discrimination between the religious denominations and any other school receiving public monies respects the right of each child to attend the school without receiving religious instruction.<sup>40</sup>

## **Article 9**

**1. The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.**

**2. Paragraph 1. shall not prevent the Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.**

**3. The Parties shall not hinder to creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of Paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.**

**4. In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.**

### **Paragraph 1:**

An aspect of personal liberty guaranteed by the Constitution is the right of citizens to express freely their opinions and convictions.

The right to the Freedom of Expression is found in Article 40.6.1 (i):

[The State guarantees liberty for the exercise of, subject to public order and morality, of]  
i) The right of citizens to express freely their convictions and opinions.

The education of public opinion being, however, a matter of such grave import to the common good, the State shall endeavour to ensure that the organs of public opinion such as the radio, the press, the cinema, while preserving their rightful liberty of expression, including criticism of the Government policy, shall not be used to undermine public order or morality or the authority of the State.

Freedom to express convictions and opinions contains the complementary right of having those opinions communicated and received by others. Attorney General v Paperlink [1984] I.L.R.M. 373 the Court held that "the very general and basic human right to communicate" was one of the unspecified personal rights of the citizen protected by Article 40.3.1 of the Constitution. However this is not an absolute right; laws may restrict the nature of the matter communicated or the mode of communication.

### **Access to the Media**

There is no law in Ireland which discriminates against members of minorities in their access to the media. The State broadcaster RTE endeavours to include a broad spectrum of the population including members of minority groups and members of the Traveller community.

The Information Society Commission is a Government agency which has the function of shaping and overseeing the implementation of a strategic framework for the development of the Information Society in Ireland. The Commission promotes, co-ordinates and monitors the implementation of the actions required from the Government and other key actors in the development of the Information Society. The Commission recommends measures to increase access to information and communications technologies in homes, schools, business and public offices, and particularly measures aimed at those in disadvantaged groups. Information and communication technologies (ICTs) are fast becoming a reality in all areas of economic and social activity. Key interlocking issues for the Information Society Commission are:

Access to ICTs which involves ensuring that the means of engaging with the Information Society are as affordable as possible

Access to learning to enable everybody to acquire and develop the skills necessary to participate in the Information Society, services and

Applications must be accessible to everyone, developing services which are user friendly services for every one.

The principle target groups defined by the Commission include the general public and in particular minority groups. The Commission in its First Report of December 1997 identified a need to develop proposals to include marginalised groups in the learning programme within the Information Society<sup>41</sup>

The Information Society Commission is responsible for a number of reports concerning the issues of access and social inclusion. In January 1999, the Government published 'Implementing the Information Society in Ireland: An Action Plan' which invited the Information Society Commission to "conclude its assessment of the possibility and merit of providing an e-mail address and Internet access for every citizen". In response to this the Information Society Commission considered the broader issue of IT Access for all and found in the course of their work a recurring theme which identified the need to target disadvantaged and marginalised groups.

The Information Society Commission issued a Report in March 2000 called 'IT Access for All'. A specific chapter of that report was entitled 'Social Inclusion and the Information Society'. The Report states that:

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*Those who are already marginalised in society are the groups which most potentially have the most to gain from access to and usage of information and communications technology. But the problems that go hand in hand with social exclusion also act to make it more difficult for that sector of the community to actually realise their opportunities.*<sup>42</sup>

In its Report it concludes that the very concept of the Information Society should be one of equality where everyone has the same opportunity to avail of information and communications technology. It recommended:

*[that] a strong social direction will be essentially to ensure that the main benefits of the Information Age are spread throughout society.*

In the education context, Ireland intends to provide for a National Adult Basic ICT Skills Programme. The main elements of this programme will include: a national programme of ICT training; technical support for adult education providers to enable them to maintain, upgrade and network their ICT facilities and complementary staff development and curriculum support arrangements.

In schools, work has been underway for some time to ensure that all children have appropriate access to ICT. Under the IT 2000 project, the Department of Education and Science has expended £41 million (to the end of 2000) on a number of initiatives designed to integrate modern information and communications technology into teaching and learning.

## **Paragraph 2**

The Minister for Arts, Heritage, Gaeltacht and the Islands has responsibility for broadcasting policy. Responsibility for radio frequency management matters and the technical licensing of transmitting stations rests with the Office of the Director of Telecommunications Regulation, while the Minister for Public Enterprise retains a policy function in radio frequency matters.

The Broadcasting Authority Acts 1963-1999, the Radio and Television Act, 1998 and the Broadcasting Act, 2001 set out the statutory framework for broadcasting in Ireland. These Acts provide for the establishment of the Radio Telefis Eireann as the national public service broadcaster and empowers the R.T.E. Authority to provide national, regional, local and community radio and television services. The Authority has statutory autonomy in day-to-day matters including programming matters subject to the relevant broadcasting enactments. Section 28 of the Broadcasting Act, 2001 obliges R.T.E., in relation to the programming schedules of its national broadcasting services, to

“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 on both radio and television..... programmes that entertain, inform, 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, reflect human dignity”.

The Radio and Television Act, 1988 established the Independent Radio and Television Commission to provide for radio broadcasting services and a national television broadcasting service other than those provided by R.T.E. subject to radio frequency

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availability. The Broadcasting Act, 2001, renamed the I.R.T.C. as the Broadcasting Commission of Ireland and expanded its remit to take account of the application of digital technologies in the television broadcasting sector.

There are currently 56 independent radio broadcasting services comprising of 27 commercial, 22 community of interest and special interest, 7 institutional services and one independent national television service in operation licensed by the Commission.

**Paragraph 3:**

There is no law in Ireland which prevents access of minorities in the creation or usage of the printed media. In relation to radio and television broadcasts, applications may be made to the Broadcasting Commission of Ireland for a broadcasting contract under the Radio and Television Act, 1988 in relation to radio services or the broadcasting Act, 2001 in relation to digital television services.

In addition to the specific criteria which the Commission must take into account when arranging for the provision of a broadcasting service, the Commission is also obliged to:

“endeavour to ensure that the number and categories of broadcasting services made available in the State by virtue of the 2001 Act or the 1988 Act best serve the needs of the people of the island of Ireland, bearing in mind their languages and traditions and their religious, ethnic and cultural diversity”.

In the case of the Traveller community, various Traveller organisations have published documents and books. Pavee Point Traveller Centre as part of its researching, evaluating and publishing programme has its own Publications Section and has produced an extensive range of publications in relation to the Traveller community and discrimination in general. The Irish Traveller Movement publishes a periodic newsletter. A number of Traveller organisations have comprehensive internet sites including the Irish Traveller Movement, Pavee Point Travellers Centre and Exchange House Travellers Service.

The Broadcasting Complaints Commission as provided for in the Broadcasting Act, 2001 may investigate and decide upon complaints that broadcasters have breached specified statutory obligations. Complaints may relate to inter-alia:

- a failure to maintain objectivity and impartiality with regard to the reporting of news and current affairs;
- the inclusion in a broadcast of anything which may reasonably be regarded as likely to promote, or to incite to, crime or as tending to undermine the authority of the State
- unreasonable encroachment on the privacy of an individual, or
- failure to comply with specified codes in relation to taste and decency of programme material or codes in relation to advertising or other commercial sponsorship including those directed at children.

Section 18 Broadcasting Act 1960 (as amended by Section 8 of the 1976 Act) places an obligation of impartiality and objectivity in regard to matters of public controversy or political debate on the RTE Authority.

There has been considerable development of media consciousness concerning reportage in relation to racism and discrimination in recent years. This is evident in the initiatives

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taken by the Traveller organisations, the NCCRI and the National Union of Journalists (NUJ). Such initiatives include:

The organisation of a conference by the Irish branch of the National Union of Journalists (NUJ), a trade union of Irish journalist which forms part of a larger union of journalists of Ireland and the UK, in February 1998 entitled "Racism: The Media in Focus". The conference was supported by the European Commission and had the backing of the National Committee for the European year Against Racism (now the NCCRI). During the European Year Against Racism the NUJ worked closely with the National Committee and was involved in a number of initiatives including the National Media Awards and a major conference in Dublin Castle. The NUJ reaffirmed links with the Irish Travellers Movement and established new links with NGO's working in the field of ethnicity and anti-racism during that year

The National Union of Journalists of Ireland's Code of Ethics provides under Clause 10 that:

A journalist shall mention a person's age, sex, race, colour, creed, illegitimacy, disability, marital status, or sexual orientation only if this information is strictly relevant. A journalist shall neither originate nor process material which encourages discrimination, ridicule, prejudice of hatred on any of the above mentioned grounds.

Under Rule 15 of the NUJ the Ethics Council undertakes to promote the union's code of conduct among the general public. It is responsible for the promotion and enforcement of the professional and ethical standards of the union. The union has both an Equality Council and a Black Members' Council. Under Rule 17 the Black Members Council has as its purpose inter alia (iv) campaigning against racism in the media.

In April 1996 the NUJ in conjunction with Traveller organisations drew up "Guidelines on Traveller Issues" to complement the NUJ Code of Conduct. These guidelines are an important step forward but as the NUJ recognises are insufficient to eradicate racism as experienced by Travellers in the media.

The NUJ Guidelines on Reporting Issues which involve members of the Traveller community states:

In line with current general practise the term Traveller(s) should be used. Other terms whether 'popular' (ie: 'tinker' or 'knacker') or objective ('itinerant' or 'trader') are regarded as offensive by the Traveller community and should be avoided.

Traveller(s) is a proper noun and should be capitalised.

Reference to an individual's ethnic origin should only be made where relevant and appropriate. In line with Clause 3 of the union's code of conduct (A journalist shall strive to ensure that the information that he/she disseminates is fair and accurate. Avoid the expression of comment and conjecture as established fact and falsification by distortion, selection or misrepresentation) only relevant and accurate information should be used.

Journalists should at all times be aware of the potential to exacerbate inter community tensions and endeavour to minimise this risk.

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Journalists should strive to ensure that nothing they write could lead people to the view that Travellers are less than full citizens of the State with all attendant rights and privileges.

When reporting on Traveller issues journalists should seek the views of Travellers and Traveller organisations, while respecting an individual right to privacy and their right to nominate a spokesperson to articulate the views of the group.

Because of the crucial role played by the media in informing and shaping the attitudes and awareness, members of the NUJ are urged to make a conscious effort to increase their understanding of cultural diversity. The NUJ hopes that these guidelines will assist in that process.<sup>43</sup>

#### **Paragraph 4**

##### Citizen Traveller Campaign

As outlined above in relation to Article 5, the Traveller communication programme "Citizen Traveller", is a project to involve the Traveller community in the media, to promote greater understanding between Travellers and the settled community and to focus on the fundamental causes of distrust between both communities. As part of this programme the Government is funding a communication initiative to enable members of the Traveller community to access the media and be effective in dealings with the media.

The evaluation of the Citizen Traveller Campaign will be carried out on an ongoing basis and constitutes another aspect of the project which will effectively measure changes in reporting and broadcasting of issues relating to Travellers in the media.

##### **Anti-Racism Awareness Campaign**

On 24 October 2000, the Government approved proposals from the Minister for Justice, Equality and Law Reform for a comprehensive Public Awareness Programme to commence in 2001. A core budget of £1.5 million per annum over a three year period was approved to implement the programme. The proposed programme was based on an evaluation by the National Consultative Committee on Racism and Inteculturalism.

The primary objectives of the programme are to act as a catalyst to stimulate public awareness and understanding of cultural diversity in Ireland; to help create the conditions that make it more difficult for racism to exist; and to contribute to the range of policies that promote an inclusive approach to minority groups, including refugees and asylum seekers.

A High Level Steering Group, with an independent chairperson, has been established to implement the programme in partnership with the Equality Division of the Department of Justice, Equality and Law Reform. The approach for the programme is based on partnership and seeking to develop initiatives that have the potential to have a sustainable impact. The programme will consist of actions and initiatives in the area of media and communications, education, community and local development, political parties and other elements such as the workplace, policing, sport and the role of religious organisations. The programme will commence shortly.

**Article 10**

- 1. The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.**
- 2. In areas inhabited by persons belonging to a national minorities traditionally or in substantial numbers, if those persons request and there is a real need, the Parties shall endeavour to ensure as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.**
- 3. The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reason for his or her arrest, and of the nature of and cause of any accusation against him or her, and to defend himself in this language, if necessary with the free assistance of an interpreter.**

**Paragraph 1**

**Narrative:**

As outlined in Part 1 of this Report, while the Irish language is the first official language of the State (the other being English), it is used as a vernacular only by a minority of the population as a whole, particularly in a number of areas designated officially as Irish speaking districts, known collectively as *the Gaeltacht*.

A Government Minister is charged with the promotion of the cultural, social and economic welfare of those areas and with encouraging the preservation of Irish as a vernacular language. The Minister also heads a Government Department which, *inter alia*, promotes a number of schemes designed to help foster the Irish language not only in the *Gaeltacht* but also in the country in general.

As far as the *Gaeltacht* is concerned that Department endeavours to improve the infrastructure of these areas, and consequently the quality of life of those who live in them, by providing increased grant-aid for amenities such as housing. Grants for improvement works on existing houses are also available. The Department also provides full-cost grants to improve marine facilities such as piers and slipways. In addition, the Department provides grants for numerous recreational facilities, such as Community Centres and sporting facilities. Grants are also paid to approved households on behalf of students of Irish who attend Irish Language Summer Colleges. The Department also plays an active role in assisting Irish-language based cultural activities and grant-aids for the publication of books of general interest in the Irish language.

The Minister also has under his aegis two statutory bodies. One of these, Údarás na Gaeltachta, is primarily concerned with the promotion of industrial and economic development in the designated areas. The other statutory body, An Foras Teanga, is the all-island Language Body established as a result of the Good Friday Agreement. It has two agencies, one to promote greater awareness and use of Ullans and Ulster-Scots issues and the other, Foras na Gaeilge, is charged with the promotion of Irish as a living language throughout the country. While much of its work is of an advisory nature, it also



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provides funding grounds to voluntary Irish language organisations as well as grants for Irish language nursery schools, magazines and two weekly newspapers in the Irish language.

In 1970 the Government accepted a scheme for the creation of *Radio na Gaeltachta*, which provides a radio service for the *Gaeltacht* and Irish speakers in general. An Irish language television service was established in 1996.

## **Paragraph 2**

There have been no requests for the use of Cant (the Travellers own language) in relations with administrative authorities. Members of the Traveller community speak the majority language, English

## **Paragraph 3**

The Constitution provides under Article 38.1 that

No person shall be tried on any criminal charge save in due course of law.

This guarantee has been developed through case law and encompasses the right of a person to be given details of any charge against him (The State (Gleeson) v Minister for Defence [1976] I.R. 280) and this is to be done in a language which the person understands (State (Buchan)v Coyne [1970] I.R. 185).

The Constitutional Review Group suggests that Article 38.1 should be amended to include explicit constitutional recognition of and protection for rights including:

The right to be informed of the nature and cause of the charge promptly, in detail, and in a language which is understood: State (Buchan)v Coyne [1970] I.R. 185, In re Haughey[1971] I.R. 217, Director of Public Prosecutions v Doyle[1994] 2 IR 262

The right to be given the assistance of an interpreter, where necessary: State (Buchan) v Cone [1970] IR 185.<sup>44</sup>

The Irish courts have been guided in their interpretation of Article 38.1 by Article 14(3) a & f of the International Convention on Civil and Political Rights and Article 6(1) and Article 6(3)e of the European Court of Human Rights.

## **Article 11**

**1. The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in the legal system.**

**2. The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.**

**3. In areas traditionally inhabited by substantial numbers of persons belonging**

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**to a national minority, the Parties shall endeavour, in the framework of their legal systems, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street name and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.**

### **Paragraph 1.**

There is no law which prohibits a person belonging to a national minority from using his or her surname and first name in the minority language. Surnames in law may be acquired by repute and usage and are not determined by details in the Register of Births.<sup>45</sup>

### **Legal:**

Legislative arrangements for the civil registration of births are provided for in the *Register of Births Act 1996* Section 1(3) of the Act provides that the surname of the child "subject to any linguistic modification" shall be;

- a) that of the mother or father of the child as shown on the register or of both, or
- b) such other surname as requested by either the mother or father as an t-Ard Chlaraitheoir (the Registrar-General) or a person authorised by him or her may permit if he or she is satisfied that the circumstances so warrant, or
- c) in any case where no information concerning the particulars of the parentage of the child is registered, such surname as the informant may specify.

The procedure involved in changing one's name is very straightforward and inexpensive. One may change one's name by formal Deed Poll or affidavit indicating that the person has ceased to use the former surname. The cost involved is the £17 Stamp Duty for enrolling the Deed Poll. The assistance of a solicitor is normally not necessary. The necessary forms can be collected from the Deed Poll Section in the Central Office of the High Court in Dublin. The forms must also be signed by a Commissioner for Oaths or Peace Commissioner.

### **Paragraph 2**

The majority of place-signs, road signs and similar public postings and notices in Ireland are bilingual (Irish and English).

### **Article 12**

**1. The parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.**

**2. In this context the Parties shall, inter alia, provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.**

**3. The parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.**

**Narrative**

The State recognises the right of its citizens to take part in cultural life whether they are members of the majority or minority. The Constitution of Ireland seeks to promote the common good so that the dignity and freedom of the individual may be assured. Education of public opinion plays an integral part.

The Department of Arts, Heritage, the Gaeltacht and the Islands commits in its mission statement:

*To enrich the quality of life and sense of identity of all our citizens and to preserve our inheritance for present and future generations, the Department of Arts, Heritage, the Gaeltacht and the Islands will actively foster and promote our culture and heritage, including the Irish language and support the economic and social development of our offshore islands.*<sup>46</sup>

In the speech given by the Minister (Mrs Sile De Valera, T.D.) at the launch of the annual report of 1998, she stated that:

*Access, knowledge and the opportunity to participate in Ireland's rich and varied artistic traditions were key priorities for the Department in 1998 with specific emphasis being placed on arts for everyone. Indeed my appointment in 1998 of the new Arts Council, with its varied membership reflects the Government's endorsement of my commitment to diversity.*<sup>47</sup>

The Arts Council, established by the Arts Act 1951 to promote and assist the arts through the provision of a wide ranging programme of financial assistance and special services, is involved in the implementation of this commitment of the arts for everyone. [See text under Article 5 above for further detail].

In May 1994 the Department of Education organised and hosted a major international conference with the title "*Intercultural Education - Irish Perspectives*". At the official opening the then Minister for Education expressed the following:

*Recognition and acceptance of differing cultures and lifestyles in our midst must inform decisions in the provision of education. In such decisions, attention must be drawn focused on the development of mutual understanding and tolerance and on the right of each child to an education based on the sum of cultures in his/her community and in his/her particular learning needs.*

The Minister also acknowledged the need for appropriate curriculum and adequate in-service training for teachers in relation to the teaching of Traveller children.

The Department of Education and Science issued guidelines to primary schools in 1994: "*The Education of Traveller Children in National Schools -Guidelines*", in which emphasis was placed on primary education for Traveller children which would help them "*to recognise and value aspects of Traveller culture and the culture of the settled community, within a context which emphasises what is common to both cultures*".<sup>48</sup>

The Department of Education and Science has introduced programmes at both primary and post-primary level to address issues of racism and to create a greater awareness of the

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culture of minority groups in Ireland and elsewhere.

Primary School: The Social, Personal and Health Education (SPHE) is a compulsory module of the revised curriculum for primary schools and specifically addresses the issues of interculturalism and racism. The revised curriculum was distributed to teachers in September 1999 and the various subject areas will be phased in over a 5-year period. Appropriate in-service training will be provided for the teachers.

Junior Cycle of Second Level: Civic, Social and Political Education is a compulsory Junior Certificate programme (for 12-15yr olds) based on human rights and social responsibilities. The Universal Declaration on Human Rights and the United Nations Convention on the Rights of the Child are the two key documents which underpin this course. The course is part of the Junior Certificate Core Curriculum in all post-primary schools since September 1997.

The central concept of this course is the realisation of the civic, social, and political dimensions in the life of an individual person through active participation in society. One of the core units of study is "The Community" within which students learn about the cultural values within their community, including community rights issues such as stereotyping and prejudices. The format of the course allows teachers and pupils to select and deal with issues such as interculturalism, racism and xenophobia and minorities.

Senior Cycle of Second Level: The Senior Cycle programme for the Leaving Certificate Applied involves a compulsory programme on Social Education with units on "My Community" and "Contemporary Issues, including human rights. This programme seeks to build on the Junior Cycle programme and allows for further consideration of issues relating to cultural diversity.

The Department of Education and Science, through the Visiting Teacher Service (teachers with the responsibility of encouraging the enrolment of Traveller children) is currently preparing an information pack for schools and parents associations which contains a section on intercultural education.

The INTO, (Irish National Teachers Organisation, a union of primary school teachers) believes in an educational service which cherishes and develops the culture of all groups in Irish society including Travellers.<sup>49</sup>

The organisation supports the inclusion of inter-cultural education in all primary schools. The importance of inter-cultural education has been incorporated into the revised primary curriculum. However, it is acknowledged that additional information, knowledge and support are required by teachers at school level. In the summer of 2000 the I.N.T.O. organised a pilot course for teachers in the area of inter-cultural education. This was organised in collaboration with the Anti-Racist Education Group and funded by the Department of Education and Science. This course included a presentation on Racism and Travellers.

In spite of the considerable amount of research carried out in the last 10-15 years on the status of the Traveller community in Irish society although there is still a dearth of statistical information. The Government is committed to changing this situation as stated in the Programme for Prosperity and Fairness<sup>50</sup> and the National Anti-Poverty Strategy.

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There are a number of courses and programs available to students in Ireland involving aspects of equality, interculturalism, racism and discrimination. An example of such courses are:

University College Dublin; (1) Masters Degree in Equality Studies; (2) Racism and Gender in Ireland- Adult Education course, (3) Women's' Studies programmes.

Dublin City University: (1) Masters Degree of Arts in Journalism and Intercultural Studies, (2) Bachelor of Arts Degree and Master of Arts Degree in Communications

National University of Ireland, Maynooth: Bachelor of Arts Degree in Sociology has an option on Culture Studies and Intergroup relations.

National University of Ireland, Galway: (1) Module for Medical students on Travellers health and experience of the health service in conjunction with the Health Promotion Department; (2) a Minority Rights module forms part of the Masters Degree in Human Rights; (3) Women's Studies programmes.

### **Small Grant Fund**

The Small Grant Fund, as outlined above in Article 5, is a range of grants from £250-£800, which are available to non-Governmental organisations that wish to undertake anti-racism/intercultural activities. Proposals such as publications/resource materials, seminars, exhibitions, creative events, policy work and research, are the type of proposals covered by this grant.

### **Paragraph 2**

Training: The In-Career Development Unit of the Department of Education and Science supports in-service programmes for teachers involved in Traveller education. Seminars are organised by the Visiting Teacher Service under the direction of the National Education Officer for Travellers.

The Visiting Teachers for Travellers are in the process of preparing a resource pack for schools on the education of Traveller children.

### **Paragraph 3**

#### **Narrative**

The Irish Constitution provides in Article 42.3.2° that the State as guardian of the common good has a duty to provide a certain minimum education, moral, intellectual and social for children. Special measures are in place to assist disadvantaged children and to promote equality of opportunity in schools.

In the case of Travellers the policy of the Department of Education and Science is that children be fully integrated into mainstream classes whenever possible. (Policy is included in the "Guidelines" published by the Department in 1994). It is not the policy of the Department of Education and Science to establish special schools or special classes for Traveller pupils. A policy of integration of Traveller pupils is in place at primary and in particular at post-primary level, with the school receiving additional teaching hours and

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capitation to support the pupils. The Department is doing everything possible to phase out segregated teaching establishments where Traveller children can be catered for in the mainstream education system.

The Department of Education and Science have implemented measures to support the education of Traveller children and funding for these has been increased as recommended in the Task Force Report.

### **Visiting Teachers for Travellers**

There are currently 40 Visiting Teachers for Travellers whose responsibility is to encourage the enrolment of children of Travellers into both primary and post-primary education.

### **Resource Teachers for Travellers**

Resource Teachers for Travellers are appointed to schools which have a number of children from the Traveller community, in order to provide additional support to the children to enhance their educational opportunity. There are currently 460 of these in place.

### **Learning Support Teachers (Remedial Teacher)**

Each school now has access to Learning Support Teachers (Remedial Teacher)

After school homework help is also in place in certain communities.

A model of good practice in this area is evidenced by co-operation - the visiting teacher, the Gardai and others at community level in Galway have been successful in encouraging school attendance. This model is being adopted in other visiting teacher areas.

The provision for Traveller pupils is kept under regular review by the Inspectorate, the Visiting Teacher Service, the National Education Officer for Travellers and the special Education section of the Department of Education and Science.

In the area of early childhood education, community play groups and pre-schools are operated by voluntary bodies with financial support from the health boards. Access to these facilities is a matter for the local management committees. The Department of Education provides funding for 56 pre-schools for Traveller children in the form of grants towards tuition and costs.<sup>51</sup>

Guidelines on all aspects of Traveller education in post-primary school are currently being drafted.

### **Legal:**

Article 42 of the Constitution provides as follows:-

1. The State acknowledges that the primary and natural educator of the child is the Family and guarantees to respect the inalienable right and duty of parents to provide, according to their means, for the religious and moral, intellectual, physical and social education of

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their children.

2. Parents shall be free to provide this education in their homes or in private schools or in schools recognised or established by the State.

3. 1. The State shall not oblige parents in violation of their conscience and lawful preference to send their children to schools established by the State, or to any particular type of school designated by the State.

2. The State shall, however, as guardian of the common good, require in view of actual conditions that the children receive a certain minimum education, moral, intellectual and social.

4. The State shall provide for free primary education and shall endeavour to supplement and give reasonable aid to private and corporate educational initiative, and when the public good requires it, provide other educational facilities or institutions with due regard, however for the rights of parents, especially in the matter of religious and moral formation.

5. In exceptional cases, where parents for physical or moral reasons fail in their duty towards their children, the State as guardian of the common good, by appropriate means shall endeavour to supply the place of the parents but always with due regard for the natural and imprescriptible rights of the child.

Education is compulsory for all children between the ages of 6 and 16.

A school cannot refuse to enroll a child on the basis of the social background of that child. All schools are obliged to enrol pupils during a school term, providing there is adequate accommodation in the school. Rule 10 of the Rules for National Schools states that:

*no child may be refused admission to a national school on account of the social position of its parents, nor may any pupil be kept apart from the other pupils on the grounds of social distinction.*

Discrimination in educational establishments is prohibited by legislation in the Equal Status Act 2000.

Section 7 of that Act states

An educational establishment shall not discriminate in relation to -

- the admission or the terms or conditions of admission of a person as a student to the establishment,
- the access of a student to any course, faculty or benefit provided by the establishment,
- any other term or condition of participation in the establishment by the student, or
- the expulsion of a student from the establishment or any other sanction against the student.

There are a number of instances where differential treatment is permissible under Section 3 of the Act.

In Section 7 "educational establishment" means a pre-school service within the meaning of Part VII of the Child Care Act 1991, a primary or post-primary school, an institution providing adult, continuing or further education, or a university or any other third-level or higher -level institution, whether or not supported by public funds.

Under Section 9 of the Education Act 1998, the functions of a school are to provide education to students which is “appropriate to their abilities and needs”.

The *Education (Welfare) Act 2000* provides for the establishment of an educational welfare service to monitor school attendance and support children who remain at risk in school. The views of the Task Force have been taken into account in drafting this legislation.

Under Section 21 of the Education Act 1998 a school plan must be drawn up:

(2) The school plan shall state the objectives of the school relating to equality of access to and participation in the school and the measures which the school proposes to take to achieve those objectives including equality of access to and participation in the school by students with disabilities or who have other special educational needs.

## **Policy**

The Government is seeking to develop further the educational service for Traveller children at pre-school, primary school and second level schools to ensure the participation of children who are not attending at the present time and to seek the maximum possible integration of Traveller children into these schools.

The National Anti-Poverty Strategy of 1997, *Sharing in Progress*, identified targets for the Traveller community in relation to education, namely improved measures for Traveller children to ensure that all Traveller children of primary school age will be enrolled and will participate fully in primary education. Within 10 years all Traveller children of second level school age should complete junior cycle education and 50% should complete senior cycle education.<sup>52</sup> These targets are currently under review.

In the social partnership agreement, *Programme for Prosperity and Fairness*, Framework IV for Successful Adaptation to Continuing Change sets out a number of commitments to life long learning including as particular objectives:

To ensure optimum participation in, and benefit from, education by children at risk and facilitate the retention to completion of upper second level education

To provide a continuum of education provision from early childhood to third level targeted at tackling educational disadvantage and promoting equality of opportunity and participation.

To promote the achievement of high standards for all students, irrespective of background

To monitor the participation in education of specific groups identified in the NAPS as being most at risk and implementing positive action strategies where necessary.



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To promote the quality, responsiveness and relevance of the education and training system, both formal and non-formal, in meeting personal, social and economic needs, and in promoting citizenship, social inclusion and community advancement.

To significantly increase the participation of disadvantaged groups in third level education.

To promote the community dimension of education at every level of the system and its participation in addressing educational disadvantage

To raise awareness and ensure access to learning activities at all levels of society

In the area of early childhood education provision will be made for targeted interventions in early education for children who are educationally disadvantaged and children with special needs, in addition to the development of specific measures to support the participation by Travellers.

National anti Poverty Strategy targets are currently under review.

The social partnership agreement contains a commitment by the Department of Education and Science, under the rubric of Special Needs Education, to appoint a dedicated high level official to take a lead role in co-ordinating the development of a continuum of supports to facilitate Traveller participation in education at every level of the system.

A commitment to the provision of appropriate second chance education and training for those who left school early will be facilitated through a strengthening and consolidation of the Youthreach and Senior Traveller Training Centres. There is no upper age limit governing eligibility on the programme which will enable all members of the Traveller community to benefit.

As part of its Government programme there has been an increase of places on the very effective Youthreach and Traveller Training courses which are targeted at early school leavers aged 15-18. Counselling, guidance and childcare services have been introduced for these programmes.

Initiatives to promote inter-culturalism and anti-racism in all schools will be addressed through the Social and Personal and Health Education and Civic Social and Personal programmes. This issue will also be progressed in the other formal and non-formal areas of the education system.

### **White Paper on Early Childhood Education<sup>53</sup>**

In December 1999 the *White Paper on Early Childhood Education* was published by the Minister for Education and Science. This sets out the Department's policy proposals on the quality of early childhood education to be put in place in the future. The principle objective of the Government policy in regard to early childhood education is:

*To support the development and educational achievement of children through high quality education, with particular focus on the target groups of the disadvantaged and those with special needs, this includes Traveller children.*

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It is proposed to establish an Early Childhood Education Agency, which will be responsible for early childhood education of Traveller children.

The White Paper outlines the important role of parents in early education of all children and advocates the right of Traveller parents to be able to choose between integrated and Traveller-specific pre-school education.

### **Learning for Life: White Paper on Adult Education<sup>54</sup>**

*Learning for Life: White Paper on Adult Education*, published in July of 2000 marks the adoption of lifelong learning as a governing principle of educational policy. The Paper recommends that adult education should be underpinned by three core principles promoting: a systematic approach; equality of access, participation and outcome with proactive strategies to counteract barriers such as ethnicity and socio-economic status and interculturalism. It includes the recognition that minority groups such as Travellers have distinct needs and cultural patterns which must be respected and reflected in the educational context.

In the context of community education and adult education, Travellers are among the groups to be specifically targeted. The White Paper acknowledges that there is a need to ensure specific strategies for integration into mainstream options- awareness training, culturally relevant programmes and materials, an inter-cultural anti-racist curriculum, supporting services such as guidance and childcare, and outreach networking and dialogue with Traveller organisations and individuals concerning the delivery of programmes.<sup>55</sup>

The Government expects that Travellers will also benefit under the Back to Education Initiative and the Equality Initiative in the Further Education Section set out in the National Development Plan.<sup>56</sup>

The National Development Plan in the section on Employment and Human Resources states that the Employability Programme will comprise a combination of Social inclusion measures in the education sector and labour market integration and training measures. The Social Inclusion measures targeted at disadvantaged people will include inter alia Traveller Education. In addition an Educational Sector Social Inclusion Measure will provide £364 million for a range of initiatives aimed at retaining people in the education system from early childhood through to adulthood. These initiative include Traveller Education, Early Education Initiative, Early Literacy Initiative, School Completion Initiative, School Guidance Services and Third Level Access.<sup>57</sup>

All of these initiative have the potential to impact on members of the Traveller community given their low levels of literacy and school completion.

### **Infrastructure:**

At present the Special Education Section of the Department of Education and Science has responsibility for the provision of supports for Traveller pupils at primary level. A departmental group is currently considering the needs the delivery of services at post-primary level to pupils with special needs including Travellers.

There are currently (1999/2000) 40 Visiting Teachers(VT) employed by the Department

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of Education. The Minister for Education and Science is committed to increasing this number to the level recommended by the Task Force Report, which was 1 per 100. This service covers both primary and post-primary sectors. Each visiting teacher operates on a county basis and has responsibility for the pupils, both primary and post-primary of Traveller families in each area. The role of the VT is set out in the "Guidelines" for primary schools.

A total of 460 Resource Teachers for Travellers (RTT's) have been available since February 2000. The Department has moved from the "special class" model to the position where the needs of Traveller children are met in an integrated way with the support of an RTT.

In December 1996 a Departmental Co-Ordinating Committee on Traveller Education was established. This committee is responsible for the implementation of the recommendations set out in the Report of the Task Force on the Traveller community in relation to education. This committee has had consultations with Traveller groups.

In 1998 an Advisory Committee on Traveller Education was set up. The terms of reference of the Advisory Committee on Traveller Education are to "advise the Minister for Education and Science on the provision of education services to members of the Traveller community".

The Advisory Committee is chaired by a senior member of the Department's Inspectorate and its members are drawn from the following bodies: Department of Education and Science (3 nominees), Department of Justice, Equality and Law Reform, Pavee Point, the Irish Traveller Movement, National Traveller Women's Forum, Secretariat of Secondary Schools, Irish Vocational Education Association, Catholic Primary School Managers Association, Irish National Teacher Organisation, Association of Secondary Teachers of Ireland, Teachers' Union of Ireland, National Association of Travellers' Centres, National Parents' Council (primary) and National Parents Council (post primary).

### **Junior Education Centres**

These centres cater for Traveller children between the ages of 12 and 15 and aim to provide a form of second-level education for Traveller children sufficiently relevant and attractive to encourage them to stay in school.

Five of these in place under the management of Vocational Education Committees (VEC), while two others are under primary school management. The current enrollment is 120 and there are no plans to open any more of these centres. The Department the phasing out of these centres is kept under review and it is considered that pupils should move from primary to mainstream post-primary education with the support of RTT's. The teachers from these centres will be employed as support teachers for the Traveller pupils when they are phased out.

### **Senior Traveller Training Centres**

The centres cater specifically for the needs of Travellers by offering a secure and supportive environment where the Traveller culture is valued and self-esteem is promoted. The centres have contributed to the development of local leadership.

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The Department of Education and Science and FAS participated with Pavee Point and the Irish Traveller Movement in a review initiated by Pavee Point of the future role of the Senior Training Centres.

From the 6<sup>th</sup> of April 1998 the Senior Centres are the entire responsibility of the Department of Education and Science and are being funded by the Further Education Section of the Department.

There are some mixed Traveller Training Centres and these provide an opportunity for members of the settled community and the Traveller community to work together. Priority is given to members of the Traveller community in recruitment.

Revised arrangements for boards of management for Senior Traveller Training Centres have been introduced which stipulate a clear function for the boards in establishing good community links. The structure agreed for the board includes two representatives from the Traveller community or from Traveller organisations representing the Traveller community, one of who may be a trainee. There is also provision for the co-option locally of two others from educational, voluntary, community or interest groups with an active role in Traveller development.

### **Traveller Specific Education:**

The National Association of Traveller Centres operates a youth programme of informal education specially designed to cater for young Travellers' needs. This programme is grant aided by the Youth Affairs section of the Department of Education and Science.

The two main schemes operated by Youth Affairs are Mainline or National Youth Organisation Schemes and Disadvantaged Scheme Projects which fund organisations playing a co-ordinating role with schools, youth clubs, Gardai, liaison officers, community and health workers etc. in order to best serve the interests of Travellers.

Distance learning for Travellers is being explored by the Visiting Teacher Service based on a pilot project aimed at meeting the needs of occupational Travellers (circus & fairground children) which has operated successfully since 1997. Support teaching is provided in several locations throughout the country via Education Centres.

A National Psychological Service which was set up in September 1999. The needs of Traveller pupils, taking into account their cultural background, traditions and customs, will be considered in developing appropriate tests and materials for use with Traveller pupils.

### **Factual:**

The number of Traveller children transferring to mainstream schools is increasing. It is estimated that almost 960 Traveller children are currently enrolled in second level schools and that almost 400 of these are in first year.

A total of £4.5 million is being provided to develop a database on the number of children in schools including numbers of Traveller children.

The statistics for enrolment and school attendance among Traveller children have

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improved significantly in recent years. There are 5,000 Traveller children of primary school age, or younger in Ireland and it is now estimated that approximately 4,600 of these attend either pre-school or primary school. There are considerably fewer Travellers attending secondary school. Special measures at primary level include the provision of extra funding and over 200 extra teachers to schools enrolling Traveller children and the development of reading material for use with these children. [See text of Ireland's Second Report under the CCPR]

Detailed description of the education system may be found under Article 15 ESCR

The 1999/2000 capitation grant for Traveller children is £185 for children under 12 and at £372 for children of 12 and over. The proposed rates for 2000/2001 are £196.50 for children under 12 and at £372 for children of 12 and over.

The Department of Education and Science is of the view that it is open to parents of Traveller children to play a role on school committees, to join parent councils or to become members of the boards of management. In order to foster development in this matter the Department of Education and Science will work in partnership with the National Parents Council and Traveller organisations.

The Department of Education and Science encourage direct involvement between schools and Traveller parents. In-service courses have been organised involving both school staff and Traveller parents.

RTT's (Resource Teachers for Travellers) have been advised and encouraged by the Department of Education and Science and by their visiting teachers to establish contact with Traveller parents and support them in their home-school links].

### **Article 13**

**1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.**

**2. The exercise of this right shall not entail any financial obligation for the Parties.**

### **Paragraph**

Persons belonging to a minority have the right to set up and manage their own private educational and training establishments. Free education at first and second level is available to all children, either in schools provided by the State or in schools which are privately owned but substantially funded by the State.

The State provides for first level education in National Schools. The majority of National Schools are state-aided schools, managed at local level under religious patronage. The State gives explicit recognition to the denominational character of these schools.

There are also a small number of multi-denominational schools which receive State funding on the same basis as the denominational schools.

The conditions to be met in order to qualify for state grants are set out in "Rules for

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National Schools under the Department of Education" and the *Education Act 1998*. State funding is only available to "recognised Schools" within the meaning of the *Education Act 1998*. These rules do not discriminate between schools under the management of different religious denominations. In order to receive State funding a school must be a recognised school under Section 10 of the Act or centre of education under Section 2.

State aid for the establishment of a new national school may be granted on application by the representatives of any religious or any group of parents who wish to establish a multi-denominational school provided that the number of pupils of that religious denomination or the number of pupils for multi-denominational education in a particular area is sufficient to warrant the establishment and continuance of such a school. The same criteria applies to all schools. The Department of Education makes no distinction between schools under the management of different religions. The majority of schools are under the management of Christian religions. The State also funds a number of Jewish schools and a recently established Muslim school.

#### **Article 14**

- 1. The Parties undertake to recognize that every person belonging to a national minority has the right to learn his or her minority language.**
- 2. In areas inhabited by persons belonging to a national minority traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.**
- 3. Paragraph 2 of this article shall be implemented without prejudice to the learning or the official language or the teaching of this language.**

#### **Narrative**

See information provided under Article 10 and 11 above, and in Part I of this Report.

#### **Article 15**

**Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.**

#### **Narrative**

The Department of Social, Community and Family Affairs core activity is the administration of social security payments. These payments are administered without reference to the cultural identity of the client, and the Department treats members of the Traveller community on the same basis as members of other groups in Irish society. Consequently, the Department does not discriminate against that community on the basis of its identity.

The Department also administers schemes and programmes of support for community development, focussing on investment in capacity building, so that socially excluded

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groups e.g. Travellers, disadvantaged women, and local communities can be active participants in identifying and meeting their own development needs.

The support provided ranges from small, once-off grants to three-year renewable funding commitments under three main Community Development Support Programmes as follows

### **Community Development Programme**

This programme aims particularly at mobilising the capacity of disadvantaged communities to participate in mainstream local development, training and education, enterprise and employment opportunities, as well as having a strong focus on influencing policy and working for change at regional and national level.

There are currently 130 projects funded under this programme. 8 projects dealing specifically with Travellers were funded under this Programme in 2000. Pavee Point, is currently funded as a specialist support agency to projects funded under this Programme. The total funding to Traveller projects under this Programme in 2000 was IEP 786,000. The total paid under this Programme in 2000 was IEP 11.16 million.

### **Family and Community Services Resource Centre Programme**

This programme focuses particularly on combating disadvantage by improving the functioning of the family unit. Centres can provide special services for lone parent families, young mothers and others considered in need of extra support and can act as a first step to community participation and social inclusion for the most vulnerable and marginalised families.

These Centres are also concerned with initiatives to enhance the role of young fathers in the lives of their children and to enhance their parenting skills and initiatives to promote the greater involvement of young men in the life of the community.

### **Core funded Community and Family Support Groups Programme**

This programme provides support for smaller scale self-help work in specific target groups that experience disadvantage - disadvantaged women and men, lone parents, Travellers etc. - to articulate their point of view and participate in a process of personal and community development.

There are currently 40 groups funded under this Programme. The total amount paid to Traveller groups under this Programme in 2000 was IEP 245,000 out of a total IEP 1.26 million.

Therefore, out of a total of IEP 14.725 million, IEP 1.031 million or 7% was specifically allocated to Traveller groups. There is no way of measuring the involvement of members of the Traveller community in other groups not specifically aimed at that community.

### **Policy**

See statements of Policy in Part I of this Report.

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The *Programme for Prosperity and Fairness* provides for a Strategy for Economic, Social and Cultural Development to be drawn up by each City/County Development Board. These Strategies should be in place by 2002 and will be the framework for Local Authority, local development and State agencies at local level. The County/City Development Boards will have an explicit social inclusion focus in their Strategies for Economic, Social and Cultural Development.

The programme continues on to state that Active Labour Market Programmes will be re-orientated and include the development component of Community Employment so that the collective focus will be on the needs of disadvantaged groups with the aim of progression onto the open labour market. The Travellers are one such group specifically included in this initiative.

In the case of the Traveller community the *Programme for Prosperity and Fairness* states that the recommendations in the Report of the Task Force on the Traveller community on economic activities will be progressed by the Department of Enterprise, Trade and Employment in consultation with representatives of the social partners, inclusive of the national Travellers' organisations.

### **Legal:**

The equality legislation in Ireland as already outlined, provides protection for minorities in relation to employment, *Employment Equality Act 1998* (Section 6.i) and access to goods and services, *Equal Status Act 2000* (Section 3). Positive action is provided for in each of the acts (Section 33 and Section 14 respectively).

### **Public Affairs**

#### ***Right to Vote***

The right to vote and stand as a candidate in elections to the office of President, to the Dail (lower House of Parliament) and the Seanad (the upper House) is governed by provisions of the Constitution and electoral law.

The right to stand and vote at elections for the European parliament and local Government is governed by provisions of electoral law.

Only citizens of Ireland may vote at presidential election, a Seanad election and referenda. Citizens of Ireland and UK citizens normally resident in this State are allowed to vote at Dail elections. Citizens of Ireland and nationals of other member states of the European Union resident here may vote in European elections. Any person, irrespective of nationality, normally resident in Ireland, may vote at local elections.

*Section 5(1) and (1a) of the Electoral Act 1963*, as amended by the *Electoral (Amendment) Act 1985* provides that a person shall be entitled to be registered as a Dail elector on reaching 18 years of age, is ordinarily resident in a constituency and if an Irish or British citizen. The right to vote in Presidential elections and European elections also has the requirement of being "ordinarily resident in a constituency" or local electoral area in the case of local elections.

The UN Human Rights Committee in their consideration of Ireland's first Report under the International Convention on Civil and Political Rights expressed their concern that



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this requirement as to residence in a constituency deprives Travellers of their right to vote<sup>58</sup> However as outlined in Ireland's Second Report, the *Electoral Act 1992* recognises that a person may be ordinarily resident in more than one place and thus have a prima facie claim for registration in respect of more than one premises (in law "premises" does not necessarily imply a structure of any kind). A person may be registered in respect of one place only. The law provides that in circumstances where a person could be registered in respect of more than one address, the registration authority shall determine the address at which the person shall be registered subject to any expression of choice by the person concerned. These provisions enable Travellers to be registered as electors, even where they have a nomadic lifestyle.

It is also proposed that new style ballot papers will allow for illiteracy.

In the *Programme for Prosperity and Fairness* the Government is committed to encouraging voter participation in elections. A new electoral participation initiative will be instituted with the task of encouraging maximum voter participation in elections, including a voter education programme. The initiative will focus particularly on communities experiencing disadvantage and young people.

New opportunities for the involvement and participation of local communities in the democratic process will be identified and created under the new national agreement.

### ***Right to stand for Election***

Only citizens of Ireland may stand for election to the office of President, to Dail Eireann, to the Seanad and to the European Parliament. Citizenship is not a prerequisite for election to the local authorities.

Members of the Traveller community have stood for election to Dail Eireann.

### ***Employment in the Civil Service***

The Civil service is an equal opportunities employer. Any person who meets the eligibility criteria may compete in open competitions held by the Civil Service Commissioners for appointment in the Civil Service. The eligibility criteria may specify particular educational requirements and or experience as requirements. In addition recruitment to most general service grades is restricted to Irish nationals. The posts are advertised in the national press.

In relation to subordinate grades, the appointees are selected by the appropriate Minister, sometimes following an interview process. Such positions are often advertised through FAS. There is no central involvement in the recruitment of people for such posts. It is a matter for each individual Minister.

Industrial posts are usually advertised through FAS or sometimes in the national press. There is no central involvement in the recruitment of people for such posts. It is a matter for the Office for Public Works; the appointing authority for the OPW is the Minister for Finance.

There are no statistics on whether or not members of the Traveller community have competed in or been successful at recruitment competitions or whether they have sought or been appointed to subordinate or industrial positions.

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There are no specific targets for the recruitment of Travellers.

## **Cultural Life**

### **See information provided under Articles 5, 9 and 12**

In the case of the Traveller community their distinctive way of life, values, culture and traditions manifest themselves in Traveller nomadism, the importance of the extended family, and the organisation of the Traveller economy. Story-telling, singing and traditional music are important parts of both the Traveller culture and Irish cultural heritage. Pavee Point acknowledges that there is a definite shift in the understanding of Travellers and their culture that is beginning to inform policy making.

The Travellers' Cultural Heritage Centre, funded through the FAS Community Response Programme, was set up in 1990. The aims of the programme are:

To research and document Travellers' history and to develop an appreciation of Traveller' cultural heritage;

To promote Travellers' positive identity as an ethnic group and to enhance their cultural identity and self-determination;

To resource traditional skills of Travellers as well as stimulate the creative development and re-interpretation of these arts;

To improve knowledge and appreciation of interculturalism in Ireland.

The Travellers have co-produced and presented their own radio programme, "On the T-bar"(Road in Cant) (RTE Summer 1993); Cant and arts workshops/seminars for Travellers in which older Travellers pass on language, music and craft skills; having works exhibited in the American Embassy (1995) and in the Irish Museum of Modern Art (1996) and involvement in researching Traveller history and culture.<sup>59</sup>

## **Social Life**

The programme for Prosperity and Fairness commits to support the Irish Sports Council's proposals to develop local sport and recreation programmes, through the establishment of local sports partnerships. This initiative will promote the development of sport and recreation particularly in disadvantaged areas.

The Government has taken steps to ensure that members of the Traveller community are involved in the consultative process in the formulation of legislation and policies which concern them.

## **Consultation with Travellers**

Great effort has been made to involve the Traveller community in the decision making process in areas which impact on them.

## **Accommodation**

See information provided under Article 5.

### **Article 16**

**The parties shall refrain from measures which alter the proportions of the population in areas inhabited by persons belonging to national minorities and are aimed at restricting the rights and freedoms flowing from the principles enshrined in the present framework Convention.**

#### **Narrative:**

No such measures have ever been taken by the Government

Article 16.2.4 of the Constitution obliges the Oireachtas to revise the electoral constituencies at least once in every 12 years in accordance with demographic changes. The mechanism for achieving this are the Electoral (Amendment) Acts. Such Acts have been enacted in 1969, 1974, 1980, 1983, 1990, 1995, and 1998.

Under the recent housing legislation Housing (Traveller Accommodation) Act 1998 Section 7 facilitates housing authorities when adopting their five year plan do so jointly with another housing authority.

In assessing accommodation needs any information held by other housing authorities in relation to the needs of Travellers for housing accommodation must be made available to the relevant the housing authority.

These provisions ensure that the needs of the Travellers are met and that the local authorities cannot exclude them from their Accommodation Programme expecting them to be included in another.

### **Article 17**

**1. The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.**

**2. The parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-Governmental organisations, both at national and international levels.**

#### **Paragraph 1.**

#### **Narrative**

There are no obstacles in Irish law which prevent minorities from freely establishing and maintaining links across frontiers with other persons with whom they share an ethnic,

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cultural, linguistic or religious identity or a common cultural heritage.

The Traveller community through the Traveller organisations are involved in cross-border co-operation.

Pave Point operates at international level seeking innovative responses to Traveller issues and needs:

Under the EU Community Initiative Programme, the Integra Project aims to develop pilot systems to provide effective Traveller focus within mainstream education, training and work experience provision. This project has two transnational partners: the Northern Ireland Council for Voluntary Action and Sighting Active in the Netherlands.

The NOW Programme, an initiative piloted by Pave Point with the Eastern Health Board and Women's Aid, which aims to develop culturally appropriate responses to domestic male violence within the Traveller community and to create employment opportunities for Traveller women in refuges and associated centres. This project also involves transnational co-operation with the Leeds Inter-Agency Project in the UK and the Association pour la Promotion des Populations DEERAGUN Nomads d'Alsace, a Gypsy organisation based in Strasbourg, France.

Youth work is an area where considerable networking takes place.

The Irish Traveller Movement has members in County Antrim in the North of Ireland and in Middlesex and London, England. The ITM has regular meeting with the Traveller Movement in Northern Ireland. The ITM in conjunction with the Traveller Movement in Northern Ireland held a seminar on Traveller Nomadism in 1999. During 1999 staff of the ITM attended two meetings in London to support the establishment of the Irish Traveller Movement (UK).

The Traveller organisations in Ireland have links with the European anti-racist group UNITED. UNITED organises conferences and campaigns in different European venues in order to unit and concentrate anti-racist forces, to achieve a better Europe based on equality and freedom. Ireland was the venue for the conference in 1998 entitled "Equal Rights and Citizenship". There were participants from 26 different countries representing 74 organisations. A lecture was given by a representative from the Irish Traveller Movement.

## **Paragraph 2**

A Joint Department of Foreign Affairs / NGO standing Committee on Human Rights has been established, comprising of representatives of human rights NGO's and experts, as well as officers of the Department of Foreign Affairs. The purpose of the committee is to provide a formal framework for regular exchange of views between the Department of Foreign Affairs and representatives of the NGO community. There is also an annual NGO Forum on Human Rights, to which all interested NGO's are invited.[See text under Part I above for further detail].

The Irish Traveller Movement, Pave Point and the National Traveller Women's Forum were founding members of The Platform Against Racism in 1996. It is an organisation of non Governmental organisations (including the Northern Ireland Council for Ethnic

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Minorities, European Migrants Forum, African Cultural Project, Cities Anti- Racism Project, Irish Council for the Welfare of Immigrants, Irish Refugee Council) who work collectively to highlight the issue of racism. The platform is focused exclusively on anti-racism primarily within the island of Ireland but also in a European and global context.

#### **Article 18**

**1. The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned.**

**2. Where relevant, the parties shall take measures to encourage transfrontier co-operation.**

#### **Paragraph 1.**

The relevant detail is contained in the text under Article 1 above.

#### **Article 19**

**The parties undertake to respect and implement the principles enshrined in the present framework Convention making, where necessary, only those limitations, restrictions and derogations which are provided for in international legal instruments, in particular the Convention for the Protection of Human Rights and Fundamental Freedoms, in so far as they are relevant to the rights and freedoms flowing from the said principles.**

Ireland has made no limitations, restrictions or derogations

#### **Article 20**

**In the exercise of the rights and freedoms ensuing from the principles enshrined in the present framework Convention, any person belonging to a national minority shall respect the national legislation and the rights of others, in particular those of persons belonging to the majority or to other national minorities.**

#### **Article 21**

**Nothing in the present framework Convention shall be interpreted as implying any right to engage in any activity or perform any act contrary to the fundamental principles of international law and in particular of the sovereign equality, territorial integrity and political independence of States.**

#### **Article 22**

**Nothing in the present framework Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any Contracting Party or under any other agreement to which it is Party.**

**Article 23**

**The rights and freedoms flowing from the principles enshrined in the present framework Convention, in so far as they are the subject of a corresponding provision in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Protocols thereto, shall be understood so as to confirm to the later provisions.**

**Article 30**

**1. Any state may at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories for whose international relations it is responsible, to which framework Convention shall apply.**

**2. Any state may at any later date, by a Declaration addressed to the Secretary General of the Council of Europe, extend any application of this framework Convention to any other territory specified in the Declaration. In respect of such territory, the framework Convention shall enter into force on the first day of the month following the expiration of three months after the date of receipt of such a declaration by the Secretary General.**

**3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such a declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of three months after the date of receipt of such notification by the Secretary General.**

No relevant information to provide in relation to these articles

\* \* \*

Position at 24 November 2000

**Traveller Families in**  
**(1) Local Authority or Local Authority Assisted Accommodation,**  
**(2) on the Roadside, or**  
**(3) Other Private Accommodation**

Appendix I

	ACCOMMODATED															TOTAL			ON THE ROADSIDE						GRAND TOTAL				
	Standard Local Housing			Local Authority Group Housing			Private Houses Assisted by Local Authority			Provided by Voluntary Bodies with L.A. Assistance			Local Authority Halting Sites			Accommodation provided by Local Auth. or with L.A. Assistance			Indigenous			Transient			Accommodated by or with assistance of L.A. and on the Roadside				
	98	99	2000	98	99	2000	98	99	2000	98	99	2000	98	99	2000	98	99	2000	98	99	2000	98	99	2000	98	99	2000	98	99
Carlow	21	17	15	9	4	2	5	2	2	1	1	2	3	6	4	39	30	25	28	30	20	2	0	0	69	60	45		
Cavan	26	26	29	0	0	0	0	0	0	0	0	0	24	18	14	50	44	43	8	5	5	0	0	0	58	49	48		
Clare	33	32	33	10	10	11	7	9	11	1	1	2	20	18	19	71	70	76	35	37	39	2	0	4	108	107	119		
Cork (City)	120	116	114	0	0	0	0	1	1	0	0	0	59	63	62	179	180	177	7	12	9	17	4	37	203	196	223		
Cork (County)	78	84	89	18	16	16	1	4	1	5	6	5	9	13	10	111	123	112	27	28	20	17	17	10	155	168	142		
Donegal	50	61	66	0	0	4	1	0	2	0	0	0	16	20	10	67	81	82	17	35	39	6	0	0	90	116	121		
Dublin (City)	32	43	51	110	109	107	1	2	2	1	0	2	130	141	187	274	295	349	103	95	62	0	18	0	377	408	411		
Dun Laoire/Rath.	32	28	32	25	24	20	0	0	0	0	0	0	22	21	22	79	73	74	29	23	29	15	0	0	123	96	103		
Fingal	27	23	26	5	13	16	0	0	0	0	0	0	149	138	149	181	174	191	71	83	74	10	12	11	262	269	276		
Galway (City)	112	113	123	24	22	22	1	1	1	0	0	0	27	31	26	164	167	172	16	26	25	0	0	0	180	193	197		
Galway (County)	186	184	189	30	31	38	9	7	5	1	3	4	26	24	27	252	249	263	72	80	64	2	4	4	326	333	331		
Kerry	175	181	185	2	2	2	1	1	1	0	0	0	25	25	25	203	209	213	20	13	12	0	3	3	223	225	228		
Kildare	5	3	10	0	0	0	2	2	2	0	0	0	30	25	29	37	30	41	12	15	14	13	23	43	62	68	98		
Kilkenny	20	23	24	3	3	3	11	8	10	2	3	3	17	16	19	53	53	59	9	8	7	8	4	6	70	65	72		
Laois	20	23	28	0	1	3	0	0	1	0	3	2	21	23	25	41	50	59	23	15	21	1	0	0	65	65	80		
Leitrim	3	2	1	0	0	0	1	1	1	0	0	0	17	21	20	21	24	22	0	0	0	1	0	0	22	24	22		
Limerick (City)	16	13	14	9	10	9	1	1	2	0	0	0	34	31	38	60	55	63	2	7	4	0	4	3	62	66	70		
Limerick (County)	93	95	101	11	11	14	12	29	16	0	0	0	28	29	26	144	164	157	40	53	32	7	3	7	191	220	196		
Longford	118	124	131	0	0	0	2	2	1	0	0	0	16	14	14	136	140	146	6	6	8	2	12	8	144	158	162		
Louth	87	92	102	18	18	18	15	16	17	0	0	5	18	20	15	138	146	157	16	11	13	0	0	0	154	157	170		
Mayo	89	90	100	3	3	3	1	2	2	0	0	4	12	8	13	105	103	122	53	56	53	1	1	0	159	160	175		
Meath	54	54	54	34	34	34	0	0	0	3	4	4	42	42	42	133	134	134	16	8	7	0	4	5	149	146	146		
Monaghan	49	49	51	0	0	0	1	0	0	0	0	0	7	7	5	57	56	56	4	0	2	3	1	0	64	57	58		
Offaly	47	51	59	0	0	0	3	3	3	1	1	1	33	23	23	84	78	86	49	56	55	11	22	4	144	156	145		
Roscommon	15	14	13	2	2	9	0	0	0	0	0	0	24	22	19	41	38	41	9	9	2	3	0	1	53	47	44		
Sligo	20	19	19	1	1	1	0	0	0	0	0	0	25	16	33	46	36	53	16	12	14	12	11	16	74	59	83		
South Dublin	77	77	78	8	19	19	17	18	18	0	0	0	199	160	159	301	274	274	76	90	76	0	0	0	377	364	350		
Tipperary (N.R.)	57	62	66	0	0	3	2	2	2	1	1	1	14	12	12	74	77	84	36	29	27	7	7	4	117	113	115		
Tipperary (S.R.)	35	36	41	0	6	8	2	4	4	0	0	0	22	18	12	59	64	65	10	21	19	0	4	1	69	89	85		
Waterford (City)	65	63	75	0	0	0	0	0	0	0	1	2	14	15	14	79	79	91	7	8	2	1	6	6	87	93	99		
Waterford (County)	9	10	10	4	4	3	0	0	0	0	0	0	9	11	14	22	25	27	3	1	2	4	11	10	29	37	39		
Westmeath	25	47	53	0	0	0	3	0	0	0	0	0	21	30	20	49	77	73	13	11	4	0	0	14	62	88	91		
Wexford	61	75	83	13	13	13	11	11	16	1	1	2	16	20	25	102	120	139	128	110	88	2	0	3	232	230	230		
Wicklow	43	43	45	0	0	2	0	2	2	1	1	1	19	19	20	63	65	69	29	26	22	11	17	23	103	108	114		
TOTALS	1900	1973	2110	339	356	380	110	128	123	18	26	40	1148	1100	1152	3515	3583	3805	990	1019	870	158	188	223	4663	4790	4898		

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<sup>1</sup> Speech on behalf of the Minister for Foreign Affairs, Dail Eireann 22 April 1999 on the motion to approve Ratification of the Framework Convention for the Protection of National Minorities. Official report vol. 503, cols. 1032-1035

<sup>2</sup> Ibid at col. 1025

<sup>3</sup> At p. 312 of judgement

<sup>4</sup> At pp. 344-5 of judgement

<sup>5</sup> International Convention on Civil and Political Rights Ireland's First Report, Article 2

<sup>6</sup> International Convention on Civil and Political Rights Ireland's Second Report, Article 2

<sup>7</sup> International Convention on Civil and Political Rights Ireland's First Report, Article 2

<sup>8</sup> Report of the Task Force on the Travelling Community, Stationary Office, Dublin 1995, p.60

<sup>9</sup> Ibid col 1034

<sup>10</sup> Ibid col 1035

<sup>11</sup> This conference was held as part of Ireland's preparations for the United Nations World Conference against Racism in August 2001 and the European Conference against racism in October 2000. It was organised by the National Consultative Committee on Racism and Interculturalism and the Department of Justice, Equality and Law Reform.

<sup>12</sup> At p.6 and 9 of speech respectively.

<sup>13</sup> Speech of the Minister for Justice, Equality and Law Reform, Mr. John O'Donoghue at the European Conference on Racism Council of Europe, Strasbourg 11-13 October, 2000.

<sup>14</sup> Ibid at 6.

<sup>15</sup> Programme for Prosperity and Fairness at p.78

<sup>16</sup> Partnership 2000 Working Group Report on Equality Proofing, January 2000, att p.65

<sup>17</sup> 'Challenges and Opportunities Abroad: White Paper on Foreign Policy', Department of Foreign Affairs, Stationary Office, Dublin 1996. At p.7

<sup>18</sup> The Northern Ireland Peace Agreement 10 April 1998. Declaration of Support

<sup>19</sup> PPF at p.8

<sup>20</sup> C.S.O. Statistical Release Special Release 26<sup>th</sup> March 1998.

<sup>21</sup> Programme for Prosperity and Fairness at p.98.

<sup>22</sup> NESF Equality Proofing Issues (Dublin: NESF, 1996) p.4

<sup>23</sup> Partnership 2000- Working Group Report on Equality Proofing, Stationery Office: Dublin, 2000. p.19

<sup>24</sup> Report of the Constitutional Review Group, Stationary Office, Dublin at p.230

<sup>25</sup> Department of Justice, Equality and Law Reform SMI Statement of Strategy, 1998 at 52

<sup>26</sup> Department of Education and Science SMI Statement of Strategy, 1998 at p.9

<sup>27</sup> Department of Social, Community and Family Affairs, 1998 at p16

<sup>28</sup> National Anti-Poverty Strategy, Stationary Office, Dublin, 1997, at p.5

<sup>29</sup> Department of the Environment and Local Government, Statement of Strategy 1998-2000 p.30

<sup>30</sup> Garda Customer Charter at p.4

<sup>31</sup> Delany, Hilary, *Equity and the law of Trusts in Ireland*, 2<sup>nd</sup> Edition, Round Hall Sweet and Maxwell, Dublin 1999. P.314

<sup>32</sup> Report of the Task Force on the Traveller community, Stationary Office, Dublin 1995. p.75

<sup>33</sup> Speech to the Joint Irish Association/DTEDG Seminar, President Mary Robinson, Pavee Point, Dublin, December 1990. In the Task Force Report at p.77.

<sup>34</sup> Second Report by Ireland under the International Convention on Economic Social and Cultural Rights at P. 12

<sup>35</sup> Ireland's second report under the ESCR at paras. 41-45

<sup>36</sup> Kelly, J, *The Irish Constitution*, Butterworths, Dublin, 1994 p.977.

<sup>37</sup> Casey, J. ,*Constitutional Law in Ireland*. Sweet and Maxwell, Roundhall Press: Dublin 1999, p.597

<sup>38</sup> Report of the Constitutional Review Group, Stationary Office Dublin 1996, at p 372

<sup>39</sup> Report of the Constitutional Review Group, Stationary Office: Dublin, 1996 at p. 371 & 378

<sup>40</sup> Report of the Constitutional Review Group Stationary Office: Dublin, 1996 at p.373.

<sup>41</sup> First report of Ireland's Information Society Commission, December 1997 p.26

<sup>42</sup> Report of the Information Society Commission, IT Access for All, March 2000 at 24.



- <sup>43</sup> Racism in Ireland: Media in Focus, Conference Report, February 1998, NUJ at p.22
- <sup>44</sup> Report of the Constitutional Review Group, Stationary Office: Dublin, 1996. p190-193
- <sup>45</sup> Shatter Alan, Family Law, Butterworths, 4<sup>th</sup> Edition: Dublin 1997 p.437.
- <sup>46</sup> Department of Arts, Heritage, Gaeltacht and the Islands at p.
- <sup>47</sup> .Speech of the Minister for Arts Heritage, Gaeltacht and the Islands (Sile de Valera) given on Wed 13/19/99
- <sup>48</sup> The Education of Traveller Children in National Schools- Guidelines: Department of Education. Stationary Office, Dublin, 1994. Also Task Force Report p.183
- <sup>49</sup> Education Today, Spring 1995, Editorial
- <sup>50</sup> Programme for Prosperity and Fairness, Framework III at p.78
- <sup>51</sup> Report of the Task Force on the Traveller community, Stationary Office, Dublin 1995, Task Force Report 1994 figures
- <sup>52</sup> National Anti Poverty Strategy, *Sharing in Progress*, April 1997, at p.10.
- <sup>53</sup> White Paper on Early Childhood Education Stationary Office, Dublin: December 1999.
- <sup>54</sup> Learning for Life: White Paper on Adult Education, Stationary Office, Dublin, July 2000. As part of the policy development the Government carries out a research and consultative process involving the compilation of Green Papers and White Papers. The White Paper builds on the consultation process following the publication of the Green Paper and sets out the Government's policies and priorities for the future development of this sector.
- <sup>55</sup> Learning for Life: White Paper on Adult Education, Stationary Office: Dublin, July 2000, p.172
- <sup>56</sup> National Development Plan 2000 -20006 , Stationary Office, Dublin at p 191
- <sup>57</sup> National Development Plan 2000-20006, Stationary Office, Dublin at p 191.
- <sup>58</sup> Human Rights Committee 48<sup>th</sup> Session Summary Record of the 1236<sup>th</sup> meeting A/48/40, paragraph 615
- <sup>59</sup> Kenny Mairin The Routes of Resistance: Travellers and Second level Schooling Ashgate:Great Britain, 1997, at p. 269.