



Strasbourg, 3 January 2006

ACFC/SR/II(2006)001

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

(Received on 3 January 2006)

Second State Report Submitted by Ireland under the Council of Europe Framework
Convention for the Protection of National Minorities

7 December 2005

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SECTION 1

Introduction

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

Ireland signed the Framework Convention for the Protection of National Minorities on 1 February 1995 and ratified it on 7 May 1999. The Framework Convention entered into force with respect to Ireland on 1 September 1999. Ireland submitted its first State Report under the Framework Convention on 13 November 2001. The Advisory Committee published its Opinion on Ireland on 22 May 2003, with Ireland's reply to that opinion submitted on 23 October 2003. The Committee of Ministers adopted a Resolution on Ireland on 5 May 2004 [ResCMN(2004)6].

This second State Report by Ireland has been prepared pursuant to Ireland's obligations under Article 25 paragraph 2 of the Framework Convention. Ireland views the monitoring procedure of the Framework Convention as an important instrument in the ongoing dialogue between the Irish State authorities, civil society, and the Council of Europe, and values this opportunity to continue this constructive cooperation.

This report has been prepared on the basis of contributions received from the government departments and other official bodies charged with implementing the provisions of the Framework Convention, namely the Department of Justice, Equality and Law Reform; the Department of Environment and Local Government; the Department of Health and Children; the Department of Education and Science; the Department of Foreign Affairs; the Department of Social and Family Affairs; the Department of Enterprise, Trade and Employment; and the Central Statistics Office.

Submissions were also sought from relevant State agencies, independent statutory bodies, NGOs and other groups. A meeting of Government Departments with interested parties was organised by the Department of Foreign Affairs, in cooperation with the Department of Justice Equality and Law Reform, at Dublin Castle on 12 July 2005, to discuss an initial draft of the report. These bodies were subsequently circulated with a further draft before the report was finalised and submitted to the FCNM Advisory Committee.

This report has been prepared in accordance with the Outline for Second Cycle State Reports adopted by the Committee of Ministers of the Council of Europe on 15 January 2003, and concentrates on those areas highlighted in the conclusions given in the Committee of Ministers Resolution. In addition, Section III of the report contains information requested by the Advisory Committee through its specific questions to Ireland forwarded on 21 December 2004.

I. Practical arrangements made at national level for following up the results of the first monitoring cycle on the implementation of the Framework Convention.

- a) Please indicate the follow-up activities organised at national, regional and local level, the persons and authorities implicated, the conclusions adopted and their dissemination to interested parties (including publication, where appropriate);**

The results of the first monitoring cycle were discussed at a follow-up seminar on 28 February 2005, organised in cooperation with the FCNM Advisory Committee. The seminar brought together representatives from Government Departments and State Agencies, independent statutory bodies, and representatives of civil society, with members of the FCNM Advisory Committee, to review the first cycle of reporting, and to further the dialogue with interested parties in preparation for Ireland's second report. Representatives of the media were also invited.

The seminar was addressed by Professor Rainer Hoffman, former President of the FCNM Advisory Committee; Mr Antti Korkeakivi, from the Secretariat of the Advisory Committee; Mr Niall McCutcheon, from the Equality Division of the Department of Justice Equality and Law Reform; and Mr David Joyce, Accommodation Officer with the Irish Traveller Movement, as well as Mrs Anastasia Crickley, Chairperson of the National Consultative Committee on Racism and Interculturalism, and by Ambassador James Sharkey, Permanent Representative of Ireland to the Council of Europe in Strasbourg, who also acted as Chairpersons.

The seminar was addressed by the Minister of State at the Department of Foreign Affairs with Special Responsibility for Overseas Development & Human Rights, Mr Conor Lenihan T.D., whose comments were published on the website of the Department of Foreign Affairs.¹

The purpose of the seminar was to promote the work of the Framework Convention within Irish civil society, as well as with the national media; to ensure that relevant groups were informed of the full process of the first reporting cycle – with the dissemination of each of the documents of the reporting cycle, including the Advisory Committee's Opinion on Ireland, the official Irish comments on this opinion, and the Committee of Ministers' resolution; to advance the dialogue with civil society partners, including seeking views on the handling of the first reporting cycle, so that deficiencies can be addressed in future cycles.

- b) Please indicate what steps have been taken to publicise the results of the first monitoring cycle, as well as the impact of these steps: publication, dissemination, translation of the relevant documents (opinion, State comments, resolution) into the official language, and the minority languages where appropriate (including measures to promote awareness of the Framework Convention);**

A description of the Framework Convention can be found on the website of the Department of Justice, Equality and Law Reform, under the section covering the work

¹ www.foreignaffairs.gov.ie/Press_Releases/20050228/1708.htm

of its Equal Status Division. This includes a link to the Framework Convention's section of the Council of Europe website, as well as to each of the documents relating to the first reporting cycle on Ireland. It is intended that this second report will be published on the Department's website.

- c) Please indicate the steps taken and the outcome of these steps, in order to improve participation by members of civil society in the process of implementing the Framework Convention at the national level (including the means used to increase the level of information, consultation and participation of members of civil society in the different stages of the Framework Convention monitoring procedure);**

Ireland has sought to increase the level of consultations with civil society in preparing its second state report. Following from the seminar on the first cycle of reporting referred to in section I. a), submissions were sought in the preparation of the second report from independent statutory authorities, NGOs and other groups. A meeting with interested groups was organised on 12 July 2005 to discuss the first draft of the report, and groups have had an opportunity to submit their comments on the overall draft version of the report prior to submission to the Advisory Committee.

- d) Please indicate what steps have been taken to continue the dialogue in progress with the Advisory Committee, including those taken to keep it regularly informed of any action taken in response to the results of the first monitoring cycle (see section 3 of the relevant Resolution adopted by the Committee of Ministers). Please also indicate the outcome of these steps.**

Ireland values the dialogue in progress with the Advisory Committee. Through this dialogue the Government hopes to have the benefit of the Committee's experience of successful approaches adopted by other states in the implementation of the Framework Convention. The follow-up seminar organised in cooperation with the Framework Convention's Advisory Committee has proved a useful and important step in continuing that dialogue, both with Government Departments and civil society.

Ireland has sought to keep the Advisory Committee informed about developments in Ireland relevant to the provisions of the Framework Convention. In this regard, Ireland has recently forwarded information on the National Action Plan Against Racism, launched on 28 January 2005, as well as its report under the UN Convention on the Elimination of Racial Discrimination from March 2005.

II. Measures taken to improve implementation of the Framework Convention in response to the Resolution adopted by the Committee of Ministers in respect of your country.

Scope of Application of the Framework Convention

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'. A definition of what constitutes a national minority is not fixed in international law or in the Framework Convention.

The Irish Government wishes to emphasise that the term national minority is not legally defined in Irish law. Ireland has not made a declaration on the application of the Convention to any particular national minority or minority community. 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 to improve their situation. As stated in previous submissions under the Framework Convention, the Irish Government also wishes to underline that not all ethnic, cultural, linguistic or religious differences point to the existence of a national minority, as established in Point 43 of the Explanatory Report concerning the Framework Convention. This is without prejudice to the fact that groups that do not constitute national minorities may nevertheless benefit from the protection of the Framework Convention on an article-by-article basis.

Recent Statements on Government Policy

Ireland views human diversity as an enriching factor in modern society, and has prioritised efforts to create an environment that is respectful of difference and that honours the equal citizenship of all regardless of difference.

Social Partnership

An important source of policy innovation in the general economic and social sphere is contained in the periodic agreements reached between the social partners - composed of four pillars: the Government, the employers; the trade unions, and the farmers and community and voluntary sector. Traveller organisations were party to the negotiations as members of the Community Platform group. The social partnership agreement for 2003-2005 "Sustaining Progress" contains commitments on education strategies for the Traveller Community, as well as promoting tolerance and understanding between the settled and Traveller communities - though the Community Platform group did not sign up to this agreement.

Programme for Government

It is normal practice for the coalition parties to negotiate a joint programme of government before entering office. The latest government programme was in June 2002, and contains a number of strong commitments to minority and Traveller rights and policy. Under the title *Supporting Diversity and Tolerance*, it includes, inter alia, a commitment to review campaigns designed to promote tolerance and understanding between the settled and travelling communities, and maintain multi-annual funding for targeted programmes. The programme also states that the government will ensure the implementation of local authority accommodation plans.

a) Please provide a general presentation of the measures taken to implement the Committee of Ministers' conclusions, including any other measures considered relevant in this respect;

The Committee of Ministers concluded, in respect of Ireland, as follows:

“- Ireland has made commendable efforts to establish a legal and institutional framework contributing to the protection and promotion of the rights of persons belonging to national minorities, notably through recent equality legislation (the Employment Equality Act (1998) and the Equal Status Act (2000)) and also through the creation of the Human Rights Commission;

- Increasing efforts have been made, since the 1995 Report of the Task Force on the Travelling People, particularly at central level, to improve the situation of persons belonging to the Traveller community. Notwithstanding these efforts, much remains to be done in the implementation of the Framework Convention, in particular in areas covering accommodation, education, employment, health care, and access to certain goods and services by members of the Traveller community. Gaps also remain between central policy and its successful implementation at local and national levels;
 - special concerns remain about the accommodation situation of Travellers and the slow progress in meeting targets for providing additional accommodation, including halting sites;
 - racism in Ireland has become an issue of increasing concern, touching not only the Traveller community but also new immigrant communities;
 - there is a need to improve the level of participation of persons belonging to the Traveller and other communities in a range of different economic, social and political areas of life. To achieve this it will be necessary to collect further statistical information concerning these groups and involve them in the elaboration, implementation and monitoring of initiatives and policies affecting them;
2. Recommends that Ireland take appropriate account of the conclusions set out in section 1 above, together with the various comments in the Advisory Committee's opinion."

Since the submission of Ireland's first Report under this Convention, and the comments thereon in the first monitoring cycle, there has been significant progress on the issues referred to by the Committee of Ministers.

National Action Plan Against Racism

The proposal for a National Action Plan against Racism arose from a commitment at the UN World Conference Against Racism in South Africa in 2001, that each member state of the United Nations should develop and implement a national action plan. The Plan is also contained as a deliverable in the Special Initiative on 'Migration and Interculturalism' in the National Social Partnership Programme "Sustaining Progress".

The action plan was developed after a lengthy consultation process which took place in 2002 and 2003. A summary of the consultation process was published in a report entitled "Diverse Voices" in July 2003. Following that, further consultations took place involving Government Departments, national bodies and non-governmental organisations (including the Social Partners, the Equality Authority and the Irish Human Rights Commission). The views obtained have been taken account of in finalising the Plan. The National Action Plan Against Racism² was published on 27 January 2005.

The overall aim of the Plan is to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland based on a commitment to

² [www.justice.ie/80256E010039C5AF/vWeb/flJUSQ696JJX-en/\\$File/NPARen.pdf](http://www.justice.ie/80256E010039C5AF/vWeb/flJUSQ696JJX-en/$File/NPARen.pdf)

inclusion by design, not as an add-on or afterthought and based on policies that promote interaction, equality of opportunity, understanding and respect. The Plan will be implemented over a 4 year period (2005 – 2008). The emphasis is on “a whole of system approach” with particular emphasis on mainstreaming intercultural issues into formulation of public policy. The Plan builds on the substantial equality infrastructure which is already in place.

The framework underpinning the Plan is based on following five objectives:

- Effective **protection** and redress against racism, including a focus on discrimination, assaults, threatening behaviour, and incitement to hatred.
- Economic **inclusion** and equality of opportunity, including a focus on employment, the workplace and poverty.
- Accommodating diversity in service **provision**, including a focus on common outcomes, education, health, social services and childcare, accommodation and the administration of justice.
- **Recognition** and awareness of diversity, including a focus on awareness raising, the media and the arts, sport and tourism.
- Full **participation** in Irish society, including a focus on the political level, the policy level and the community level.

On 10 March 2005, the Minister for Justice, Equality & Law Reform announced the setting up of a Strategic Monitoring Group to oversee the implementation of the National Action Plan Against Racism. The Steering Group³ is chaired by Ms Lucy Gaffney. The Government has approved a core budget of €1 million to further the goals of the Plan which will be available to the Strategic Monitoring Group, in particular to make strategic interventions in the implementation of the plan. This is in addition to a refocusing of existing resources through the development of an intercultural dimension to mainstream public policy, identification of specific resources within the annual budget process for the implementation of the Plan and the commitment to realise aspects of the NPAR as resources become available.

Strengthening of Equality Legislation

The Equality Act 2004 meets Ireland's obligations as a member of the European Union to implement Community initiatives provided for under Council Directives 2000/43/EC (the “Racial Equality Directive”) and 2000/78/EC (the “Employment Directive”, adopted under Article 13 of the EC Treaty, and Council Directive 2002/73/EC (the “Gender Equal Treatment Directive”), adopted under Article 141 of the treaty. The directives, commonly known as the “equality directives,” provide for equal treatment on the grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation.

The racial equality directive, 2000/43/EC, provides a flexible general framework for combating discrimination on the grounds of racial or ethnic origin in both the employment and non-employment areas. The framework employment directive, 2000/78/EC, provides a general framework for the prohibition of discrimination associated with employment and occupation on the grounds of religion or belief, disability, age or sexual orientation. The equal treatment in employment directive,

³ www.justice.ie/80256E01003A02CF/vWeb/pcJUSQ6ADEXE-en

2002/73/EC, updates and improves the 1975 equal pay directive and the 1976 equal treatment directive.

The overall effect of the three directives is to require member states to prohibit direct discrimination, indirect discrimination and harassment on grounds of gender, racial or ethnic origin, religion or belief, disability, age and sexual orientation regarding employment, self-employment or occupational and vocational training. Sexual harassment and victimisation are also prohibited. The racial equality directive also applies to discrimination in the access to and supply of goods and services.

As remarked by the Committee of Ministers, Ireland was already to the fore in its promotion and protection of the principles of equality and freedom from discrimination as a result of the legislation enacted in this regard in 1998, with the Employment Equality Act, and in 2000, with the Equal Status Act. That legislation prohibited both direct and indirect discrimination in the areas of employment and access to goods and services on nine grounds, which include gender, marital or family status, sexual orientation, religion, age, disability, race or membership of the Traveller community. Existing Irish legislation was broader than the Race Directive, in that it prohibited discrimination on the basis of colour, nationality and national origins, as well as on the basis of racial and ethnic origin. This is important in the context of protecting members of national minorities. The Irish Government felt it was important to ensure that a coherent and consistent approach was maintained in our legislative and administrative infrastructure for equality. This was to facilitate ease of access for persons who claim they have been discriminated against, particularly where more than one ground for discrimination is cited. For this reason, amendments arising from the three directives were implemented at the same time in one Act. In addition, with a view to preserving coherence across the nine grounds in our legislation, it was decided to implement the requirements of the directives in a way which applied their provisions to each of the nine grounds (including nationality and national origin) and to both employment and service provision where this was feasible and appropriate.

An opportunity arose in this process to align more closely the provisions of the Employment Equality Act and the Equal Status Act. As already referred to, the general principle is to broaden the scope of any such provision, for example, to extend discrimination under the Employment Equality Act to include discrimination by association or imputation, as is the case under the Equal Status Act. A consolidated approach to the amendment process is also reflected in the decision to incorporate directly into the Employment Equality Act and Equal Status Act the provisions of Statutory Instrument No. 337 of 2001 implementing Council Directive 97/80/EC (the "Burden of Proof Directive"). The directive, which applies to gender discrimination only, provides for the transfer to a respondent of the evidential burden of proof where a complainant establishes a *prima facie* case of discrimination. Under the race and framework employment directives, this provision will extend to proceedings on the discriminatory grounds and in the circumstances covered by those directives. The Advisory Committee had encouraged the Irish Government to confirm the principle of shifting the burden of proof in law in the context of transposing the directives. For the purposes of consistency and transparency of the legislation, the Equality Act 2004 amended both the Employment Equality Act and Equal Status Act in a way that applies the burden of proof provision to all nine grounds.

Better Implementation of Policy for Travellers

The Irish Government accepts the conclusion of the Committee of Ministers that, notwithstanding its efforts, much remained to be done to implement policy in respect of Travellers, in particular in areas covering accommodation, education, employment, health care, and access to certain goods and services, and that gaps also remained between central policy and its successful implementation at local and national levels. Since the first monitoring cycle, a range of initiatives have been taken by the Irish Government to improve the outcomes for Travellers.

In December 2003, at the request of the Taoiseach (Prime Minister), a High Level Group on Traveller issues was established under the aegis of the Cabinet Committee on Social Inclusion. Its remit is to ensure that the relevant statutory agencies involved in providing the full range of services to Travellers, would focus on improving the practical delivery of such services. The High Level Group, which is chaired by the Department of Justice, Equality and Law Reform, comprises members of the Senior Officials' Group on Social Inclusion and other senior public servants with key responsibility for the delivery of Traveller specific services, and is a short term initiative to improve outcomes. The Group has also explored best practice with a view to eliminating the social exclusion which many Travellers experience.

Two local authorities - Clare County Council and South Dublin County Council - lead two projects which operate under the aegis of the High Level Group with the aim of promoting an interagency approach to the planning and delivery of services. These pilot projects have been successful.

The High Level Group reported to the Cabinet Committee on Social Inclusion in October 2005, suggesting ways to secure better outcomes for Travellers at national and local level. The Cabinet Committee on Social Inclusion subsequently approved the report for submission to Government.

National Action Plan to Combat Poverty and Social Exclusion (NAP/inclusion)

Irish policy to combat poverty and social exclusion is set out in the NAP/Inclusion 2003-2005⁴. This second NAP/inclusion was produced as part of the EU Open Method of Co-Ordination and builds on the earlier Irish National Anti-Poverty Strategy (NAPS). The NAP/inclusion lists Travellers as one of a number of particular groups who require special attention as a result of their vulnerability to poverty and social exclusion. The major policy task identified in the plan for Travellers is the development of policies with the necessary supports to enable Travellers to achieve greater integration while respecting their distinctive ways of life. The plan details a number of targets across a range of policy areas aimed at improving the life experience of Travellers and the removal of remaining barriers to their participation in the work and social life of the country.

⁴ www.taoiseach.gov.ie/attached_files/upload/publications/2303.pdf

Accommodation

Following the publication of the Task Force on the Travelling Community in 1995 the then Minister for the Environment published the strategy for implementing the report's recommendations as they affected accommodation. The legislative and administrative framework was then put in place culminating in the enactment of the Housing (Traveller Accommodation) Act 1998⁵. Accommodation continued to be provided for Travellers by, and with the assistance of, local authorities in the period 1995 to 2000. During this time a total of 516 additional families were accommodated.

The Housing (Traveller Accommodation) Act 1998 requires housing authorities to adopt as respects their functional area an accommodation programme, and to specify in the accommodation programme the accommodation needs of Travellers and the provision of accommodation required to address those needs. Under the 1998 Act local authorities were required to adopt Traveller accommodation programmes to cover the period 2000 to 2004. These have since expired and have been replaced by programmes to cover the period 2005 to 2008.

At the end of 2004 there were a total of 6,991 Traveller families in the State, an increase of 1,433 families from 5,558 at the start of the programmes. Over 5,100 families are now residing in accommodation provided by, or with the assistance of, local authorities.

The key Traveller accommodation achievements at the end of the first local authority Traveller accommodation programmes (i.e. from 2000 to 2004) are:

- a reduction of over 50% in the number of families on unauthorised sites - down by 606 families from the high of 1,207 at the inception of the programme to 601 at present.
- 1,371 additional families provided with permanent, secure accommodation.
- 486 families have accessed private rented accommodation.
- An estimated 464 families living in houses provided from their own resources.
- A reduction in the number of Travellers sharing accommodation, down from 598 to 549 during 2004.

During this period (2000 to 2004) a total of €130 million has been invested in the provision of new Traveller specific accommodation and in refurbishing existing Traveller specific accommodation. The capital allocation for Traveller specific accommodation for 2005 is €45million. This is a significant increase on the €35.7 million spent in 2004. This allocation is in addition to the expenditure on standard local authority and voluntary sector accommodation in which Traveller families are also accommodated.

⁵ Acts of the Oireachtas (Parliament) from 1922 to 2003 are available at [www.irishstatutebook .ie](http://www.irishstatutebook.ie)

The National Traveller Accommodation Consultative Committee (NTACC) is the statutory advisory body on Traveller accommodation set up to advise the relevant Minister in relation to any general matter concerning accommodation for Travellers, and any matter referred to it by the Minister. It has 12 members, four of whom are Travellers or Traveller representatives. It carried out a review of the operation of the Housing (Traveller Accommodation) Act 1998. The NTACC made 36 recommendations, all of which were accepted by the Minister.

Education

Work commenced in autumn 2003 on developing a five-year Traveller Education Strategy. An external expert was appointed to lead the process. A Joint Working Group drawn from the Educational Disadvantage Committee and the Advisory Committee on Traveller Education was established. A report from the Joint Working Group containing recommendations for a strategy was finalised in autumn 2005. This report has been submitted to the Department's Advisory Committee on Traveller Education for comments. It will be submitted to the Educational Disadvantage Committee which is responsible for advising on broader issues of educational disadvantage, many of which are relevant to Travellers. Subject to approval, the report will be presented to the Minister as a submission of the Educational Disadvantage Committee.

The main focus of the Traveller Education Strategy exercise has been to review/evaluate existing activities, the wide range of inputs, the quality of outcomes and the experience of Traveller learners within the education system from pre-school through to adult and further education. The recommendations in the Report of the Task Force on the Travelling Community (1995) and the First Progress Report (2000) have been considered by the Joint Working Group.

To further inform the process experts from different relevant areas have made presentations to the Joint Working Group; reports written on different aspects of Traveller education have been evaluated - for example, the National Evaluation Report on Pre-Schools for Travellers (2003), the Guidelines on Traveller Education in Primary Schools and also in Second-level schools (2002). The Department's Inspectorate has briefed the Joint Working Group on its Survey of Traveller Education Provision. The report of this survey is due by the end of 2005. Over 40 public submissions have been received, as has a Report on the Consultations with Traveller Learners and Parents which presents the findings of six consultation seminars (five regional and one national). These six seminars were arranged by Traveller organisations.

The report with recommendations for a Traveller Education Strategy will provide a way forward in relation to Traveller education. One of the core issues it is addressing relates to how existing targeted educational supports for Traveller children might best be integrated, on a phased basis, into an enhanced mainstream provision.

A senior official from that Department has been appointed as the designated High Level Official for Traveller education.

Employment

The 2002 Census indicates that there were 7,401 Irish Travellers in the labour force. Of these, 2,257 (30%) of them were employed compared with 5,144 (70%) who were unemployed. This latter category consists of 823 Travellers seeking work for the first time, and 4,321 seeking subsequent employment. In addition, research and studies into the economic activities of the Travellers' culture established that there is an emphasis on income generation, rather than wage employment. This preference for self-employment allows Members of the Traveller Community to engage in economic activity in a flexible manner, and avoid potentially discriminatory employee-manager-other employee relationship. However, with increasing regulation and enforcement in work areas associated with Travellers [e.g. recycling, waste disposal, horse trading], opportunities to continue self employment have become more difficult.

Due to poor educational achievement, the educational standard which is required for many of the jobs in mainstream employment places Travellers at a disadvantage in accessing employment. There is a lack of role models within the Travellers who are engaged as employees in the public or private sectors and who have successfully completed the second/third level education cycle. There is an opportunity cost of employment. The costs of participation in paid employment (loss of social welfare payments, medical benefits and income from irregular work) may be greater than the net wages available. While very few cases of discrimination against Travellers in employment have been taken under the Employment Equality Act, anecdotal evidence indicates that discrimination in the Labour Market against Travellers and the fear of discrimination, harassment and rejection is a barrier to Traveller employment.

Priority needs to be given to sourcing opportunities for mainstream employment, in both the private and public sector, in addition to self employment opportunities for Travellers. Additionally, general vocational training and employment services need to adapt and become more accessible to unemployed Travellers, with a view to facilitating their access to the labour market on an equal footing with the rest of citizens.

A sub-group of the High Level Group on Traveller Issues was recently established with a remit to develop an Employment and Training Plan for Travellers, to generate activity in this area and encourage greater co-operation among the relevant statutory agencies in the implementation of the initiatives arising from the Plan. The sub-group on Employment and Training of Travellers is chaired by the Department of Enterprise, Trade and Employment and comprises representatives of relevant Government Departments and FÁS. The next meeting of the sub-group is scheduled for November 2005.

Health

Travellers are disadvantaged in terms of health status and access to health services. Travellers experience a level of health which falls far short of that enjoyed by the general population. The Traveller Health Strategy, published in 2002 recognises that Travellers have a right to appropriate access to healthcare services that takes into account their particular needs, culture and way of life. The involvement of Travellers

themselves in the delivery of health services is considered crucial in bridging the gap between the Traveller community and access to health services.

Details of the Traveller Health Strategy are given in answer to specific questions in Part III.

b) Please indicate, article by article, the measures taken in response to the Committee of Minister's recommendation (see article 2 of the country relevant Resolution of the Committee of Ministers) to take appropriate account of the various comments contained in the Advisory Committee's opinion. Here, please provide information on any new developments in your country that seem relevant to each particular article of the Framework convention, including remedies and solutions to any difficulties or problems that may have been encountered.

Article 1

This article notes that the protection of national minorities forms an integral part of the international protection of human rights. In this context, on 30 June 2003, the European Convention on Human Rights Act was signed into law by the President. The main purpose of the Act is to give further effect in Irish law to certain provisions of the European Convention on Human Rights (ECHR). The implementation of this Act means that people who wish to claim that these rights are being breached may now do so before the national courts.

Article 2

Article 3

With reference to the Advisory Committee's finding under this article, Ireland continues to accept that other groups may benefit from the protection of the Framework Convention on an article-by-article basis, and has sought to include a wider group of representative bodies in the consultation process engaged in with the preparation of this report.

Article 4

The Advisory Committee's found that steps could be taken to further enhance the effectiveness of, and the institutions established under, the Employment Equality Act (1998) and under the Equal Status Act (2000).

Traveller Women – Gender Issues

Gender issues, including issues of particular relevance for Traveller women, are encompassed in ongoing work in relation to Equality Proofing. As part of Ireland's commitment to strengthening equality protection, a Working Group on Equality Proofing was established in 2000 in Ireland and the Group continues to work towards developing a system for the proofing of policies and services in the public sector in order to avoid unanticipated negative impact on any of the groups protected under the equality legislation, to ensure policy coherence and best use of resources. The primary task of the Working Group is to develop proofing tools so that an efficient

and effective proofing process can be applied. The Working Group is building on the experience of gender-proofing under the National Development Plan (NDP), poverty proofing and the experience of the Northern Ireland Authorities of their analogous processes.

The Working Group in the period up to end 2002 commenced a number of pilot initiatives, including:

1. A joint research project by the Equality Authority and the Combat Poverty Agency to support the focus on inequalities leading to poverty within the poverty-proofing guidelines.
2. The City and County Development Boards [CDBs] applied a template to enable them to equality-proof their strategy plans. The Equality Authority published a review of the outcomes of this process entitled "Equality Commitments in City/County Development Board Strategy Plans"⁶.
3. Quality Customer Service under the Strategic Management Initiative [SMI] includes an emphasis on equality and diversity. A support pack was developed and circulated to all Government Departments. The pack focuses on practical approaches to accommodating diversity, to securing accessibility and to putting in place equal status policies.
4. The Equality Authority developed a voluntary scheme to conduct equality reviews and action plans in workplaces. Funding was provided by my Department to contribute towards the cost of consultants.
5. FAS commenced piloting an equality proofing exercise focusing on employment services.
6. The Community Workers Co-operative was resourced to develop a manual on Equality Proofing for Community and Voluntary Groups to assist them in engaging in this process.

In the period since 2002, work on these initiatives continued and a further set of activities was commenced. This included piloting an integrated approach to proofing, involving simultaneously poverty, gender and equality proofing. The Department of Social and Family Affairs, the Department of Justice, Equality and Law Reform and the Equality Authority completed an integrated proofing template. Two policies, the National Action Plan Against Racism and the Back to Education Allowance Expenditure Review were used to pilot the template and a report "Integrated Proofing: Learning from Pilots" was presented to the Working Group on Equality Proofing at the end of 2004.

An Equal Status Review in the North Western Health Board has taken place and the Report of the Process including an Equal Status Review Template is expected to become available in 2005. Follow up to the Pilot Projects on Equality Proofing in FÁS is ongoing with additional areas now being targeted for equality proofing during 2005.

⁶ www.equality.ie/index.asp?locID=109&docID=106

A detailed report on the activities of the Working Group covering the period 2002 to 2004 is currently being prepared.

The 2005 work plan for the Equality Proofing Working Group identified a number of main areas. It recognised that work on equality proofing should now focus on rolling out in the Public Service the learning process from the equality/integrated proofing exercises already carried out.

During 2005 the Working Group intends to have carried out a further three to four Equality Proofing exercises on key policy initiatives. Also the Working Group is to further test the Integrated Proofing Template. The particular initiatives/policies to be proofed have yet to be identified by the Working Group.

The Working Group will continue to monitor research on statute-based proofing systems and is currently examining recent reports on Section 75 in Northern Ireland - the Equality Commission for Northern Ireland's Report on the Implementation of the Section 75 Statutory Duties and an independent report entitled The Section 75 Equality Duty - An Operational Review.

In addition to the work on Equality Proofing the Department has been pleased to support an initiative called Pavee Beoirs which aims to support Traveller women engaging in social partnership or leadership roles in the community. The project aims to produce training material and to develop guidelines and briefing papers which will be of use not only to Traveller women but also to state agencies and voluntary and community organisations. It is expected that the Project report will be completed later this year, (2005).

The Advisory Committee's Opinion referred to the fact that Travellers continue to suffer discrimination in a wide range of social situations. One of the issues raised in submissions received in the preparation of this report referred to difficulties faced with regard to accessing financial services relating to provisions of the Criminal Justice Act 1994 – (Money Laundering Provisions).

The provisions of the Criminal Justice Act 1994 include measure to combat money laundering. S32(3) of the Act(as amended) requires that designated bodies which include financial institutions take reasonable measures to establish the identity of any person for whom it provides a financial service to. The Act does not specify the types of identification which are acceptable, this is a matter for the designated bodies themselves. The current acceptable forms of identification were provided through Guidance Notes which have been issued with the approval of the Money Laundering Steering Committee. The Steering Committee is chaired by the Department of Finance and includes representatives from relevant Government Departments including the Department of Justice, Equality and Law Reform, the Financial Services Regulator, An Garda Síochána and the major representative bodies in the financial sector.

Some practical difficulties may arise where people cannot provide all the documentation requested by banks. This can affect Travellers but other sections of the community also. These issues might be best addressed by examining the practical procedures which financial institutions operate rather than amending the legislation.

However, it should be noted that the Act and the Guidance Notes are drafted in line with our international obligations through EU Directives on Money Laundering and the Forty Recommendations of the OECD based Financial Action Task Force (FATF) which deal with prevention of the use of the financial system for the purpose of money laundering.

With reference to the Advisory Committee's findings on measures to promote Traveller employment, this item is dealt with under the Committee's specific question on this topic in Section III of this report. With reference to the Advisory Committee's findings on Travellers' access to health services, this item is dealt with under the Committee's specific question on this topic in Section III of this report. However, we would wish to draw the Committee's attention to general aspects of Ireland's National Health Promotion Strategy, as well as the All Ireland Travellers' Health Study.

Health Promotion

There is a commitment in the National Health Strategy to undertake initiatives to eliminate barriers for disadvantaged groups in order to help them achieve healthier lifestyles (Action 19). In this regard, the Health Service Executive is actively involved in health promotion initiatives and the targeting of resources to reduce health inequalities.

The National Health Promotion Strategy 2000-2005 recognises that within society there exist many population groups with different requirements, which need to be identified and accommodated when planning and implementing health promotion interventions. Indeed a strategic aim of the Health Promotion Unit is to promote the physical, mental and social well-being of individuals and groups within the population, refugees and asylum-seekers being one of those groups. In this regard, the Unit has as some of its objectives to initiate research into the health and lifestyle behaviour of other groups within the population to prioritise health promotion programmes and to work in partnership with other groups within the population to develop and adapt health promotion programmes to meet their individual needs.

Travellers' All-Ireland Health Study

The Department of Health and Children in the Republic of Ireland and the Department of Health, Social Services and Public Safety in Northern Ireland are jointly committed to the conduct of a Travellers' All-Ireland Health Study. This Study will comprise two key elements:

1. Measurement of the health status of Travellers including mortality and life expectancy, neonatal and infant mortality, morbidity and other status indicators.
2. Evaluation of health needs, as identified, and other health-related issues.

The Study will involve both quantitative and qualitative research methods and will inform the appropriate actions required in the area of Traveller health including achieving the National Anti-Poverty Strategy target of reducing the gap in the life expectancy between the Travelling community and the whole population by at least 10% by 2007. The Study will commence in 2006.

With reference to the Advisory Committee's findings concerning access to public houses, clubs and hotels by Travellers, this item is dealt with under the Committee's specific question on this topic in Section III of this report.

Article 5

The Advisory Committee referred to the fact that the Traveller culture and identity is not limited to nomadism, but includes a distinct set of values, customs and language.

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.'

In its Guidelines on Traveller Education in Primary Schools (see material included under article 12), to promote inclusivity in schools, the Department of Education and Science notes that though nomadism has been described as a core value of Traveller culture, "Traveller culture also includes a tradition of self-employment, occupational flexibility, and economic adaptation. A strong faith and distinctive customs around death and marriage are an important part of Traveller life. There has been an oral transmission of culture from generation to generation... Travellers' story-telling, singing and music tradition are distinctive and worthy of note... Travellers have a language of their own."

The Advisory Committee referred to a lack of suitable accommodation for Travellers.

Traveller Accommodation Programmes 2005 – 2008

New Traveller accommodation programmes to cover the period 2005-2008 have recently been adopted by local authorities. These new programmes will give a renewed impetus to the provision of accommodation for Travellers. With a view to improving the rate of accommodation provision, local authorities have been instructed to include annual targets for the provision of all categories of accommodation for Travellers in each of the four years of the new programmes.

Traveller Accommodation Programmes 2000 – 2004

The Housing (Traveller Accommodation) Act 1998 requires housing authorities to adopt as respects their functional area an accommodation programme, and to specify in the accommodation programme the accommodation needs of Travellers and the provision of accommodation required to address those needs. Under the 1998 Act local authorities were required to adopt Traveller accommodation programmes to cover the period 2000 to 2004. These have since expired and are being replaced by programmes to cover the period 2005 to 2008.

The overall figure of 3,785 units of permanent accommodation identified by local authorities for the programme period 2000-2004 not only identified accommodation needs of Travellers at the time the programmes were adopted, but also included an estimate of the additional need likely to arise in the course of the programmes. It is generally accepted that this additional need did not arise to the extent envisaged when the programmes were adopted.

A more accurate figure for the current need for Traveller accommodation will be available when the NTACC completes its report to the Minister on the new Traveller accommodation programmes. These programmes recently adopted by local authorities are to cover the period 2005 to 2008.

Number of Units provided

A regional breakdown of the units provided is provided in the table below. The gross number of additional permanent units provided or completed was 1,465 units which resulted in a net figure of 1,371 more Traveller families accommodated in permanent accommodation at the end of 2004 than had been accommodated at the start of the programmes. The difference arises because some Traveller specific units were vacant or were newly completed and not yet allocated at the end of 2004 and some families who had been in permanent accommodation in standard local authority and voluntary housing units had left that accommodation during the period of the programmes and had not as yet been re-accommodated in permanent accommodation.

Local Authority (LA)	Estimated Need	Accommodation provided by, or with Assistance of, LA	Shortfall / Excess of Estimated Need
Carlow County Council	70	33	37
Cavan County Council	28	12	16
Clare County Council	86	56	30
Cork County Council	104	24	80
Cork City Council	159	38	121
Donegal County Council	119	33	86
Dublin City Council	323	131	192
Dun Laoghaire-Rathdown CC	118	13	105
Fingal County Council	239	84	155
Galway County Council	199	78	121
Galway City Council	127	48	79
Kerry County Council	106	48	58
Kildare County Council	63	22	41
Kilkenny CC & Borough Council	38	14	24
Laois County Council	74	35	39
Leitrim County Council	10	12	-2
Limerick County Council	165	46	119
Limerick City Council	59	-7	66
Longford County Council	45	62	-17
Louth County Council	10	2	8
Dundalk Town Council	52	26	26
Drogheda Borough Council	21	18	3
Mayo County Council	139	48	91
Meath County Council	85	36	49
Monaghan County Council	37	27	10

Offaly County Council	128	59	69
Roscommon County Council	66	12	54
Sligo CC & Borough Council	50	35	15
South Dublin County Council	377	54	323
North Tipperary County Council	83	37	46
South Tipperary County Council	69	17	52
Clonmel Borough Council	16	0	16
Waterford County Council	22	0	22
Waterford City Council	74	39	35
Westmeath County Council	59	72	-13
Wexford County Council	249	60	189
Wexford Borough Council	20	6	14
Wicklow CC & Bray Town Council	96	41	55
Total	3,785	1,371	2,414

Other activities under the programmes

Local authorities have also implemented an extensive refurbishment programme for Traveller specific accommodation with of 346 units being refurbished to modern standards and 133 basic service bays (temporary accommodation) are being provided.

To alleviate the position of Traveller families on unauthorised sites, local authorities as part of their Traveller accommodation programmes, and having regard to local circumstances, provide both temporary and emergency accommodation to Traveller families pending the provision of permanent accommodation under the programmes. The Department of Environment, Heritage and Local Government has issued guidelines to local authorities on the standards of accommodation to be provided on such sites and provides 100% capital assistance to local authorities for all such facilities provided. Overall figures for Traveller accommodation for 2002-2004 are as follows:

NTACC report on Review of the operation of the Housing (Traveller Accommodation) Act 1998

The National Traveller Accommodation Consultative Committee (NTACC) is the statutory advisory body on Traveller accommodation set up to advise the relevant Minister in relation to any general matter concerning accommodation for Travellers, and any matter referred to it by the Minister. The Committee comprises representatives of Local Authorities, Travellers, the Department of the Environment, Heritage and Local Government, and the Department of Justice, Equality and Law Reform. At the request of the Minister, the NTACC carried out a review of the operation of the Housing (Traveller Accommodation) Act 1998. The report⁷ was presented to the Minister for Housing and Urban Renewal in January 2005. All of the NTACC's recommendations were accepted by the Minister, who noted that while some of the recommendations had already been implemented, he intended to take further action on ensuring the successful implementation of the others.

The NTACC recommended that:

Number of Traveller Families and Accommodation Needs

- the Annual Count be reviewed with a view to determining a final format for the Count which would allow comparison of figures with the figures currently available.

Traveller Accommodation Programmes

- local authorities when conducting reviews of their programmes should be required, as a minimum, to involve in a meaningful way both their Local Traveller Accommodation Consultative Committees (LTACC), and all those parties who had contributed to the preparation of their original Traveller accommodation programmes.
- the next accommodation programmes cover the four-year period 2005 to 2008 to be co-terminus with the Social Housing Action Plans.
- local authorities be required to notify Traveller support groups in their area of their intention to prepare, amend or replace programmes.
- the NTACC should start work on developing a model of consultation which would include an agreed definition of consultation and guidelines for its implementation. This model should then be piloted in two local authorities before distribution to all local authorities.
- local authorities be required, in their Traveller accommodation programmes, to set realistic and achievable annual targets for the number of units of accommodation to be provided for Travellers in each year of the programmes.

Barriers to Implementation of Accommodation Programmes

- as effective consultation between the local authority and the prospective tenants play a large part in the success of Traveller specific accommodation schemes local authorities should adopt mechanisms for ensuring the effectiveness of such consultation. The LTACC should be consulted for its

⁷[www.environ.ie/DOEI/doeipub.nsf/0/3f3ff45854888bbb80256f0f003db97f/\\$FILE/Traveller%20Accommodation.pdf](http://www.environ.ie/DOEI/doeipub.nsf/0/3f3ff45854888bbb80256f0f003db97f/$FILE/Traveller%20Accommodation.pdf)

advice in relation to determining the appropriate mechanism to be adopted. This mechanism should, *inter alia*:

- outline a time scale within which such consultation will be completed;
- provide for specific objectives for each stage of the consultation (e.g. agreeing on type Halting Site or Group Housing);
- provide for the "signing off" of each stage;
- set out the steps by which the local authority will make a final decision on the accommodation to be provided.

Planning Issues and Provision of Traveller Accommodation

- the use of land as a transient halting site for a specified number of weeks per year should be prescribed as exempted development under Section 4 of the Planning and Development Act, 2000 subject to satisfactory local arrangements;
- the Guidelines to be issued by the Department of the Environment Heritage and Local Government should provide that development plans should clearly state the local authority policy on the development of halting sites including the development of private halting sites;
- planning authorities should ensure that their zoning objectives are co-ordinated with Traveller accommodation programme in respect of their area, and should be flexible enough to allow for the development of private halting sites where this does not directly contradict other zoning objectives;
- there should be a greater linkage between the provisions of Part V of the Planning and Development Act, 2000 (social and affordable housing), and the Traveller accommodation programmes. For example, a local authority should have some estimate as to the number of social and affordable units which it expects to secure including Traveller specific accommodation. It should then be possible to indicate how many units are to be made available for Traveller accommodation requirements.

Operation of the National Traveller Accommodation Consultative Committee

It was recommended that the NTACC should:

- examine and evaluate the reports' of the LTACCs' on an annual basis and report their findings to the Minister;
- prepare, for submission to the Minister, an annual report on the implementation of the programmes, having particular regard to the progress towards the annual targets set in the programmes;
- examine the issues arising around the provision of transient sites with a view to advising on how the lack of such provision can be addressed;
- examine the issues arising in relation to vacant units, other than casual vacancies, on both halting sites and in group houses, with a view to advising on how the level of such vacancies can be reduced.

It was also recommended that:

- in the event of the national agency, suggested by the Traveller support groups, not being established, and in the context of the level of progress being made in the implementation of programmes, an expansion of the role of the NTACC in relation to improving the rate of accommodation provision be examined.

Operation of Local Traveller Accommodation Consultative Committee

It was recommended that the 2001 Guidelines on the operation of LTACC's be reissued to local authorities, along with a covering letter, drawing attention to the following:

- all members of an LTACC should strive to attend all Committee meetings and, if unable to do so on a regular basis, should step down from the Committee. It was accepted that appointing authorities have a role to play in encouraging and supporting Travellers in the nomination of candidates for appointment to the LTACCs. Under the 1998 Act, Traveller representation on LTACCs must comprise representatives of both Traveller bodies and local Travellers. The practicalities of a nomination process will depend on local circumstances, but in all cases the process should be inclusive and transparent.
- in areas where Traveller support groups already exist, it is a matter for such groups to select their own nominees for appointment to LTACC's;
- in functional areas where no Traveller support groups operate, the national Traveller organisations may be of assistance to the local authorities in the nomination process. It is recommended that the national Traveller bodies adopt a policy line in relation to such situations;
- in areas where local Traveller support groups do exist, it is recommended that the local authorities avail of the contacts which such groups have with Traveller families, in relation to the selection of local Traveller representatives;
- LTACC's meet at least at least four times per annum, and more frequently if considered necessary.

In addition it was recommended that:

- LTACC's should present Annual Reports to their appointing authorities, giving a summary of activities for the period in question;
- copies of the Annual Reports should be furnished to the NTACC;
- the appropriate Director of Services should report in person to each meeting of the LTACC;
- each LTACC should formally report biannually to its appointing authority's Manager, and the Manager should formally meet during the year with the LTACC;
- the Department should again bring to the attention of local authorities the requirement, laid down in section 244 of the Local Government Act 2001, that their annual reports detail the activities of their LTACC's;
- the position of Chairperson should be reviewed at the end of the second year of appointment. As the role of Chairperson is crucial to the success of an LTACC, local authorities should consider which option of Chairperson selection best suits their particular situation.

Unauthorised Encampments

- that the NTACC examine the issue of developing guidelines around the use of section 10 notices. In doing so, it should:
 - ◇ note the potential legal costs involved, for all parties, in relation to the use of these powers;
 - ◇ include mention of the discretionary nature of the powers;

- ◇ and cover issues around families on waiting lists, the absence of emergency sites and/or transient sites, and the need to exhaust all other possible options prior to the issue of such notices.

Impact on Traveller Accommodation of Public Order Legislation

It was recommended that local authorities be advised that:

- as far as practicable, not to request the Gardaí to use their powers under the 1994 Act to remove families who are on local authority lands and are awaiting accommodation from the local authority. Where there are exceptional circumstances, and a family has to be moved, it should be done under the powers available to the authority under the Housing Acts;
- use of the Public Order legislation is not a ground for and should not result in a family losing its position on the housing list or being removed from it;
- absence from the local authority area in which a family is on the list resulting from the use of the legislation should not affect the family's position on the list unless another authority accommodates them;
- while there is an onus on families affected by this legislation to maintain contact with the local authority, each local authority should ensure, as far as practicable, that it does not lose communication with a family on their accommodation list who move out of its functional area due to being moved under the 1994 Act unless the family indicates that it no longer requires accommodation within the area.

Traveller Accommodation Agency

It is not proposed to establish a national Traveller accommodation agency. It is not clear that such a centralised agency would be better positioned to deal with issues that arise in relation to the provision of Traveller specific accommodation such as land acquisition, objections from local communities, court challenges from such communities and consultation with Travellers in relation to accommodation requirements. Travellers are also accommodated in standard social housing (including shared ownership and tenant purchase schemes) provided by local authorities; a national agency would add a significant element of organisational and administrative complexity which might not enhance the delivery of accommodation services.

Article 6

This article notes that parties should encourage a spirit of tolerance and intercultural dialogue.

Church-State Dialogue

Preliminary consultations have been initiated on a wide-ranging basis with churches and religious bodies on the development in Ireland of a Church-State dialogue. This initiative reflects the significant role of the churches and an increasingly diverse range of faith communities in Ireland, the Government's commitment to wide-ranging consultation on public policy including through social partnership, and the provision for dialogue with the churches and other non-confessional bodies in the draft Constitutional Treaty for the EU (Article 1-52). Initial responses from the churches have been

favourable. It is hoped that the initial meetings of the Church-State dialogue will begin later this year.

The dialogue will be open, inclusive and transparent, and in accordance with the provisions of Article 44 of the constitution, which guarantees freedom of conscience and the free profession and practice of religion. The dialogue should be capable, in principle, of addressing any matter of mutual interest or concern. An inclusive approach will be taken with regard to contacts.

In arranging the dialogue, efforts have been made to ensure it should not displace the existing and ongoing consultation and dialogue of the various civil authorities in respect of their specific functional responsibility. Departments and Agencies will continue to recognise and include the churches and non-confessional bodies as part of consultation practices for policy preparation in relevant areas.

The dialogue process will primarily be conducted by officials from the relevant Departments, co-ordinated by the Department of the Taoiseach (Prime Minister), with annual bilateral meetings with each representative body, at which the State side would be led by a member of the Government and including senior officials from appropriate Departments. An ongoing channel of communication would be maintained at official level with Government with a view to improving awareness and engagement.

The Advisory Committee referred in their Opinion to the fact that Racism in Ireland has become an issue of increasing concern and to the upcoming Action Plan Against Racism.

The National Action Plan Against Racism

The Government launched 'Planning for Diversity: The National Action Plan Against Racism' on 27 January 2005. The emphasis throughout the Plan is on developing reasonable and common sense measures to accommodate cultural diversity in Ireland.

The Plan was informed by a twelve-month public consultation process, overseen by a national steering group established under the aegis of the Department of Justice, Equality and Law Reform which involved a wide range of key stakeholders from Government bodies, the social partners and broader civil society, including cultural and ethnic minorities.

The framework underpinning the Plan is based on following five objectives:

- Effective **protection** and redress against racism, including a focus on discrimination, assaults, threatening behaviour, and incitement to hatred.
- Economic **inclusion** and equality of opportunity, including a focus on employment, the workplace and poverty.
- Accommodating diversity in service **provision**, including a focus on common outcomes, education, health, social services and childcare, accommodation and the administration of justice.
- **Recognition** and awareness of diversity, including a focus on awareness raising, the media and the arts, sport and tourism.
- Full **participation** in Irish society, including a focus on the political level, the policy level and the community level.

An Garda Síochána, as the law enforcement and policing agency of the State, are assigned the role of protection and effective redress against racism. Garda Community Relations are in the process of circulating the Plan within An Garda Síochána. This also involves reviewing existing initiatives for inclusion of ethnic and cultural minority communities in community safety initiatives.

The Garda Commissioner supports the recording of racially motivated incidents. If, however, on investigation, it is found that the incident was not racially motivated, it will be de-categorised as a racially motivated incident. A working definition of a racially motivated incident is as follows:

Any incident which is perceived to be racially motivated by:

- a) the victim;
- b) a member of An Garda Síochána;
- c) a person who was present and who witnessed the incident;
- d) a person acting on behalf of the victim.

Anti-Racism Election Protocol

To mark International Day Against Racism, on 21 March 2004 the leaders of the main political parties, together with the Minister for Justice, Equality and Law Reform, endorsed an all-party anti-racism election protocol developed in partnership with the National Consultative Committee on Racism and Interculturalism (NCCRI). The protocol provides a range of commitments:

- Parties agreed to send a clear and consistent message that they reject racism;
- To condemn any campaign materials which might be seen to incite hatred;
- To ensure that public debate in relation to groups such as refugees, asylum seekers, Travellers, or any other potential target of racism, is conducted in a responsible way;
- To use appropriate and inclusive language to avoid creating prejudice or confusion;
- To inform all political party campaigners about the protocol.

The Advisory Committee referred to the review of the Prohibition of Incitement to Hatred Act (1989) and the possibility of further strengthening this legislation.

The announcement of a review of the incitement to hatred legislation was made at a time when few if any successful prosecutions had been taken under the Prohibition of Incitement to Hatred Act 1989. One of the aims of the review was to ascertain whether problems with the Act itself were contributing to this lack of prosecutions and, if so, whether any reasonable changes to it could remedy that situation. Since the review was announced, a number of successful prosecutions have been taken under the 1989 Act and, where appropriate, under public order legislation or Coras Iompair Éireann Bye-Laws. These trends are being monitored as part of the ongoing review and if maintained could have a significant influence on the outcome of the review and any subsequent proposals for legislation.

In the context of a review the Department of Justice, Equality and Law Reform is monitoring the number of racist incidents, those that end up in the courts, the legislation under which persons are being charged and the outcome of proceedings in the courts. A thorough appreciation of the above is essential in deciding what, if any, criminal legislation is required that could offer further protection to persons who are the victims of race crimes. To assist in this matter the Steering Group of the National Action Plan Against Racism is also assessing the effectiveness of the current legislation. The Group is arranging for research to be conducted into the legislation and related issues and a contract has been awarded to the University of Limerick in this regard.

The Advisory Committee referred to problems of discrimination and harassment faced by Roma and other immigrant groups, asylum seekers and refugees, and the need for efforts to promote respect and understanding of the needs of these communities.

NCCRI Anti-Racism Training Unit

In 2000, the National Consultative Committee on Racism and Interculturalism established a training unit which has provided anti-racism awareness training to over 30 Government departments and statutory agencies, to national media organisations, to trade unions and to employer and community organisations. The training unit has developed best practice guidelines for anti-racism training. The training unit has developed best practice guidelines on Anti-Racism and Intercultural Training and for developing a ‘whole organisation approach’ to addressing racism and supporting interculturalism.

The aim of the Training and Resource Unit is to develop training strategies to ensure that Government departments, statutory bodies and other organisations gain the required awareness and skills to meet the challenge associated with living and working in a multi-ethnic society. This is done by raising awareness as well as contributing to institutional or organisational change.

Garda Recruitment

Goal 6 in the Garda Corporate Strategy document 2005-2007⁸ includes the corporate commitment to “build the capability of An Garda Síochána to fulfil the emerging policing needs of our diverse ethnic and multicultural communities”. The goal also contains a commitment to explore mechanisms to attract members of ethnic and cultural minority communities into An Garda Síochána. To achieve these aims:

- The Traveller and Roma communities attended a recent consultative meeting to identify the barriers and solutions needed to fulfil the commitment to reflecting the diverse ethnic and multicultural society in Ireland;
- Garda Community Relations are in the process of organising consultative meetings with members of the various ethnic and cultural communities including Muslims, Travellers and Nigerians;
- A recruitment campaign took place in October 2005 and An Garda Síochána have endeavoured to create awareness of this in ethnic communities as follows:

⁸ www.garda.ie/angarda/pub/coorpstrategy2005.pdf

- ◇ Established a focus group comprised of personnel from Garda Human Resource Management, the Department of Justice, Equality and Law Reform, the Public Appointments Service, Community Relations and the NCCRI;
- ◇ The focus group organised a consultative meeting with ethnic and religious minority groups on 2 August 2005. Approximately 45 groups attended the meeting;
- ◇ Emanating from the consultative meeting, a pre-advertisement notice of the recruitment campaign was circulated in 5 newspapers and translated into Chinese, Russian, Polish and Lithuanian;
- ◇ On 27 September 2005 the Garda ‘Crimecall’ programme, broadcast on RTE, carried a feature on the recruitment to An Garda Síochána to create awareness of the campaign and to highlight the changes to the essential educational and residency qualifications.

The Advisory Committee referred to relations between the Gardaí and members of the Traveller community. The Advisory Committee pointed to a need to continue efforts to raise awareness of human rights and intercultural issues amongst the Gardaí and encourages them to ensure greater inclusiveness in their contacts with persons belonging to the communities concerned.

The Assistant Commissioner for Strategy and Services represents An Garda Síochána on the High Level Government Steering Group on services to the Traveller Community.

Garda Racial and Intercultural Office

The Garda Commissioner announced the establishment of the Garda Racial and Intercultural Office in February 2001. The office’s function is to coordinate, monitor and advise An Garda Síochána on all ethnic and intercultural issues. The office is staffed by one Sergeant and two Gardaí at present.

Since the inception of the office, the Garda Commissioner has approved the following actions:

- The appointment of Gardaí to act as liaison officers to ethnic minority communities. There are 145 officers operating in this role throughout the country, providing information and reassurance on the services that members of ethnic and cultural minority communities can expect from An Garda Síochána. The Traveller and Roma communities are included in this service. The Garda Racial and Intercultural Office organise and provide training for these liaison officers with the assistance of the NCCRI and Pavee Point.
- Publication of a booklet informing members of An Garda Síochána on different cultures and religions⁹ has recently been completed. A second booklet has also been published for the information of ethnic minorities on the Irish police force,¹⁰ its services and the legal issues that were highlighted by a consultative forum. The booklets were published with the assistance of the EU Innovation Prize fund. The booklets were distributed, through the network of groups that were involved in the initial consultative forum, to the widest possible audience.

⁹ www.garda.ie/angarda/pub/interculturalgardadoc.pdf

¹⁰ www.garda.ie/angarda/pub/interculturalguide.pdf

Garda Human Rights Audit

The Garda Commissioner commissioned the Garda Human Rights Audit¹¹ in 2003. An Action Plan¹² on implementing the audit's findings, published in 2005, and the Corporate Strategy document reflect the recommendations contained in the audit. The final outcomes from the Action Plan will further develop and enhance community engagement with ethnic and cultural minorities in general, and Traveller and Roma communities in particular.

Garda Awareness Training

An Garda Síochána have outlined in Goal 6 of the Corporate Strategy Document that members of An Garda Síochána will be enabled through training to provide a service to ethnic minority communities. This commitment is reflected in the provision of training as follows:

- Student Training – Social Studies in the Garda College.
- Probationer Training – External lectures from Pavee Point on the Garda College. In addition, students may be placed on work experience in the Islamic Cultural Centre.
- Ethnic Liaison Officers receive anti-racism awareness training.
- As part of professional development, Sergeants, Inspectors, Superintendents and Chief Superintendents receive awareness training on Human Rights, Cultural Awareness and Diversity.
- Immigration Officers receive training from the Garda Racial and Intercultural Office and the Human Rights Office at the Garda College on Garda policy on diversity awareness. As part of the Policing Plan 2006¹³ additional awareness training will be provided for all immigration officers.
- There is in-service training for Gardaí, Sergeants and Inspectors in Human Rights and Anti-Racism awareness, using the 'Challenge It (racism)' racism in the workplace package.
- There are individual examples of good practice in creating awareness at Divisional level, such as the 'One World' programme in Pearse Street and Store Street (inner-city Dublin precincts). Also Human Rights training and discussion around Garda response and service delivery to minority communities such as Travellers and the Gay and Lesbian community.

The aim of the training is to enable members of An Garda Síochána to understand the needs and priorities involved in policing a multicultural and diverse society. The awareness training will help to build trust in ethnic communities.

Garda Community Relations section has regular meetings and contact with Pavee Point and the Irish Traveller Movement to address the issues and problems as they arise. Pavee Point Traveller centre is involved in training student and probationer Gardaí. Pavee Point were national partners with the Garda Racial and Intercultural Office, in an

¹¹ www.garda.ie/angarda/pub/Garda%20Human%20Rights%20Audit.pdf

¹² www.garda.ie/angarda/pub/Humanrightsactionplan.pdf

¹³ Previous years' policing plans can be found at www.garda.ie/angarda/policing_plans.html

EU funded project to combat discrimination, to develop a ‘Training the Trainers Package’.

Traveller Mediation Service

Funding of €135,000 has been allocated by the Department of Justice, Equality and Law Reform to the Traveller Mediation Service.

The purpose of the Mediation Service is to support better relations between Travellers and members of the settled population through conflict transformation initiatives and to enhance Travellers’ capacity to develop new ways of dealing with conflict in their lives. One of the objectives of the mediation service is to bring together the various stakeholders who are concerned about conflicts, including local authority officials, Gardaí, 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 and conflicts. The service provides training and educational workshops which contribute to a greater awareness and understanding of a range of non-violent approaches for dealing with conflict. The service is available to members of both the Traveller community and the non-Traveller population who wish to find a solution to their conflict through the process of mediation.

Articles 7-11

Article 12

The Advisory Committee found in their Opinion that there are particular challenges facing both the Government and the Traveller community concerning the education of Traveller children.

Follow-up to the Call for Submissions by the Department of Education and Science for a Traveller Education Strategy

Work commenced in autumn 2003 on developing a five-year Traveller Education Strategy. An external expert was appointed to lead the process. A Joint Working Group drawn from the Educational Disadvantage Committee (EDC) and the Advisory Committee on Traveller Education (ACTE) was established, including representatives of the Department of Education and Science, Traveller NGOs, teacher unions and management. The work of the Group was informed by experts from different relevant areas making presentations and by over 40 public submissions. The Strategy will address the lifelong learning spectrum for Traveller education from pre-schools to primary, post-primary, further/adult education and higher education. It also addresses the needs of parents.

The Group’s report with recommendations for a Traveller Education Strategy was submitted to the Department’s Advisory Committee on Traveller Education for their comments in October 2005. It will be submitted to the Educational Disadvantage Committee which is responsible for advising on broader issues of educational disadvantage many of which are relevant to Travellers, in line with established practice in relation to other areas of educational disadvantage. Subject to approval, it will be presented to the Minister as a submission of the Educational Disadvantage

Committee (EDC). It is hoped to present the Minister with a report containing recommendations for a Traveller Education Strategy early in 2006.

The main focus of the Traveller Education Strategy exercise has been to review/evaluate existing activities, the wide range of inputs, the quality of outcomes and the experience of Traveller learners within the education system from pre-school through to adult and further education. The recommendations in the Report of the Task Force on the Travelling Community (1995) and the First Progress Report (2000) have been considered by the Joint Working Group.

To further inform the process experts from different relevant areas have made presentations to the Joint Working Group; reports written on different aspects of Traveller education have been evaluated - for example, the National Evaluation Report on Pre-Schools for Travellers (2003), the Guidelines on Traveller Education in Primary Schools and also in Second-level schools (2002). The Department's Inspectorate has briefed the Joint Working Group on its Survey of Traveller Education Provision. The report of this survey is due by the end of 2005. Over 40 public submissions have been received, as has a Report on the Consultations with Traveller Learners and Parents which presents the findings of six consultation seminars (five regional and one national). These six seminars were arranged by Traveller organisations.

The Report with recommendations for a Traveller Education Strategy will provide a way forward in relation to Traveller education. One of the core issues it is addressing relates to how existing targeted educational supports for Traveller children might best be integrated, on a phased basis, into an enhanced mainstream provision.

A senior official from that Department has been appointed as the designated High Level Official for Traveller education.

Early School Leavers – Senior Traveller Training Centres

National responses to the needs of unqualified early school leavers in Ireland are designed to offer integrated general education, vocational training and work experience for those aged between 15-20, who left school early having attained less than 5 Ds (pass grades) at Junior cycle level.

For example, Youthreach is an inter-departmental initiative between the Department of Education and Science and the Department of Enterprise, Trade and Employment for young people who left school early. Young people are offered specialized training and work experience to help them develop their skills and employment opportunities.

Youthreach programmes are administered jointly by the Department of Education and Science and FAS and are delivered in Vocational Education Committee (VEC) Senior Traveller Training Centres (STTCs), VEC Youthreach centres and Community Training Centres funded by FAS. This provides the learner with a choice of provision.

In the VEC sector, in a network of over 30 STTCs, a culturally supportive programme is operated for Travellers. There is no upper age limit in the STTCs in order to encourage parents to participate, given the influence this exerts on their children's participation in school. Centres are distributed throughout the country, mostly in

disadvantaged areas, in both urban and rural communities in out-of-school settings. Youthreach and STTC programmes are supported and co-ordinated by three National Co-ordinators, one in FAS and two in the VEC sector.

The programme provides a strong emphasis on personal development, on the core skills of literacy/numeracy, communications and IT, along with a choice of vocational options such as Catering, Hairdressing, Computers, Woodwork, Photography, Video, Sports, Art and Craft, and a work experience programme. Programmes are learner-centred and experiential. There is a strong emphasis on developing the capacities of participants. It is an integrated experience – personal, communications and vocational skills are integrated in a curricular and experiential matrix. Evaluations report that participants highly value their experience and would recommend it to others. In fact, over 50% of participants from STTCs and 70% from Youthreach progress to the labour market or to further education and training.

National certification is under the aegis of the Further Education and Training Awards Council (FETAC), the State Examinations Commission (Junior & Leaving Certificate and Leaving Cert. Applied) and other bodies. FETAC would be the major certifier and it has established a framework for Providers Quality Assurance which will ensure all registered providers are complying to an agreed quality assurance standard.

The number of participants in YOUTHREACH and Senior Traveller Training Centres respectively at 31st December 2004 was:

December 2004	YOUTHREACH	Traveller Training
Training places	2,752	980
Centres	90	33

Recent years have seen substantial changes in the legal and policy frameworks surrounding educational disadvantage. For example, the Education Act (1998), the Education (Welfare) Act (2000), the Children Act (2001), the Education for Persons with Special Educational Needs Act (2004) are of particular importance, as are commitments such as those enshrined, for example, in the National Anti-Poverty Strategy.

In the education sector, these have found expression in a number of measures which will mean that compared with a decade ago, young people will spend longer in education either in school or centres for education and training. A number of factors are significant in this:

- The school leaving age has been raised from 15 to 16 in the Education (Welfare) Act of 2000;
- Schools have been given increased resources to respond to the range of needs of their students through a series of initiatives and interventions;
- The number of places offering alternative and more flexible forms of educational provision to those who cannot respond to, or who do not benefit from, the form of education provided in mainstream schools has grown (for example: providers in the Community and Voluntary sector, Back to Education Initiative (part-time), and Adult Literacy and Community education);

- Teachers in school completion programmes, Area Development Partnership education officers, psychologists, inspectors and, increasingly, education welfare officers identify students at risk of dropping out of school early and facilitate their retention in education;
- The National Educational Welfare Board: The Education (Welfare) Act provides a comprehensive new framework for promoting regular school attendance and tackling the problems of absenteeism and early school leaving.

All Senior Traveller Training Centres (STTCs) and VEC Youthreach centres are managed by VECs in their respective counties. The centres are an integral part of VEC education plans and service provision responses to address the needs of all communities within their catchment area.

Those providing programmes are expected to develop a pro-active strategy, or proofing mechanism, to target and prioritise those most at risk, in order to assist in optimising learner access to, participation in, and benefit from relevant programmes, and in counteracting barriers arising from differences of socio-economic status, gender, ethnicity and disability.

The principle of access and inclusiveness means that barriers to participation are removed. Providers are asked to make determined efforts to meet the needs of learners for whom existing provision of long-cycle full-time courses is unsuitable and who need to combine their return to learning with family, workplace and other responsibilities. Where necessary, this will mean targeting resources at those on the margins. Geographical considerations are important in this respect. A flexible approach to the timing of provision, entry and admission criteria, delivery methods, assessment and validation of learning, accumulation and transferability of credits and learning and other supports is encouraged.

The principle of recognising and accommodating diversity implies a strong commitment to addressing difference and interculturalism, in terms of both access and service provision. Therefore, programmes are designed to reflect and respect the cultural background of the participants they serve. Engagement with learners in regard to programme choice, content and delivery methods is essential to ensure that course participants are motivated to join and complete programmes that are relevant to their needs.

Innovative approaches are important to effectively target groups whose needs are not adequately met by the existing system. Examples of innovation include systematic outreach and recruitment strategies, partnership initiatives, distance learning, e-learning, workplace learning, community education models, flexible delivery, disciplines covered, teaching approaches and methodologies adopted.

Local Consultation and an Area-based Approach: Planning on a local basis, in consultation with all relevant actors and providers is essential in order to identify needs, avoid duplication and ensure that priorities are addressed. This must take account of existing local services and involve dialogue on an ongoing basis between education and training providers. In addition, programmes should be part of a coherent area-based approach to provision and be compatible with the relevant local, county and regional plans of the Local Development Agencies, County and City Development Boards, FAS, Adult Education Boards, etc.

State Support for After-School Programmes for Traveller (and Other) Children

School Completion Programme (SCP)

The SCP, which was launched in 2002, incorporates the learning, experience and best practice derived from the previous early school leaving initiatives and assimilates the 8 -15 Early School Leaver Initiative (ESLI) and the Stay in School Retention Initiative (SSRI).

82 project sites involving 112 second level and 300 primary schools were selected to participate in the Project Strand of the SCP. Selection of the project sites was based on a detailed analysis of pupil retention rates at post-primary using the Department's post primary pupil database. This analysis also identified the main feeder primary schools for each project.

More than 15,000 are targeted by the programme annually, of whom some 1,300 are Traveller children.

SCP projects operate a wide and varied range of supports to cater for the individual needs of both boys and girls and are categorised under the following headings:

- In-school supports such as one to one tuition, team teaching, mentoring, curricular supports, individualised curriculum, literacy and numeracy, learning support, therapeutic support, and meal provision;
- After school supports such as sports and leisure activities, study support, parental supports such as computer clubs for fathers and sons;
- Holiday time supports such as sports and leisure activities, literacy and numeracy, arts programmes, self-esteem programmes, transition programmes;
- Out-of-school supports through a range of programmes/clubs and other interventions for young people who have left the formal school system.

Expenditure on the School Completion Programme was €23.46 million in 2004, and €24 million is being provided for the programme in 2005.

In May 2005, the Minister launched DEIS (*Delivering Equality of Opportunity in Schools*) - *An Action Plan for Educational Inclusion*¹⁴. It provides that schools in the new integrated School Support Programme (which brings together, and builds upon existing interventions for schools and school clusters/ communities with a concentrated level of disadvantage) will have access to after school and holiday-time supports. In addition, planning at school cluster/community level will identify supports to be provided to young people, their parents and community on a targeted basis under each of the following headings:

- In-school supports;
- After school supports;
- Holiday supports;
- Out-of-school supports.

¹⁴ www.education.ie/servlet/blobServlet/DEIS_action_plan_on_educational_inclusion_large.pdf

NCCA Guidelines on Intercultural Education and Curriculum for Schools and Teachers for Primary and Post-Primary Schools

The Department of Education and Science in 2002 prepared *Guidelines on Traveller Education in Primary Schools*¹⁵ and *Guidelines on Traveller Education at Second Level Schools*¹⁶ to promote inclusivity in schools. In the Guidelines on Traveller Education, the Department of Education and Science has defined intercultural education as aiming, among other things, to foster conditions conducive to pluralism in society, to raise children's awareness of their own culture, and to develop respect for lifestyles different from their own.

*Intercultural Education in the Primary School - Guidelines for Schools*¹⁷ was published in May 2005 and disseminated to all primary schools by the National Council for Curriculum and Assessment (NCCA) to assist schools cater for diversity. A copy of the guidelines has been provided for every teacher. The guidelines have also been disseminated to the Primary Curriculum Support Service, teacher training colleges, educational psychologists (through NEPS), Department of Education and Science inspectors, visiting teachers for Travellers and many more organisations. Together with the Guidelines on Traveller Education in Primary and in Second-Level Schools these provide schools with comprehensive resources for addressing interculturalism across all aspects of school life.

The post-primary guidelines are now being completed and are expected to be published and disseminated to all post-primary schools early in 2006.

The NCCA received an invitation to make a presentation on the primary guidelines to an international conference organised by the Office for Democratic Institutions and Human Rights (ODIHR) which is a part of OSCE, in Warsaw at the end of September 2005.

The NCCA and the Department of Justice, Equality and Law Reform are collaborating on a project to support capacity building in the system in the area of intercultural education. This project, based on the intercultural guidelines, will develop local support initiatives through the education centre network. To this end, the NCCA proposes working with the education centre network to build on existing local expertise, to connect that expertise and experience with the intercultural guidelines and to allow for the sharing of good practice. There will be liaison not only with the Department of Justice, Equality and Law Reform, but also with the Teacher Education Section of the Department of Education and Science and its Primary Curriculum Support Service.

Article 13

This article notes the need, within the framework of their educational systems, that Parties recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments. The central issue for the State, presenting a challenge to the whole system of education, is how to

¹⁵ www.education.ie/servlet/blobServlet/pp_traveller_education.pdf

¹⁶ www.education.ie/servlet/blobServlet/padmin_traveller.pdf

¹⁷ www.ncca.ie/uploadedfiles/Publications/Intercultural.pdf

respect and meet the growing demand for diversity within the system while maintaining quality of education. Diversity within a school and diversity among schools are both legitimate aspects of the principle of diversity. The balance between separate schooling and integrated schooling is a delicate and difficult one. In growing areas planned provision should cater as much as possible for parental preference. To this end, planning for developing areas requires the allocation of sites pending local community consultation to ascertain parental preference.

It is important to note that the criteria and procedures for setting up and acquiring approval for new primary schools are now identical for all potential sponsors of schools. Religious groups, whether majority or minority, as well as multi-denominational and non-denominational groups have the same opportunity to get sanction from the State to establish a new primary school, in accordance with agreed criteria and procedures.

These recognition criteria and procedures were revised in 2002, based on the recommendations in the Commission on School Accommodation Report – *Criteria and Procedures for the Recognition of New Primary School: Commission on School Accommodation*¹⁸. The Commission on School Accommodation (CSA) is a representative body, consisting of representatives of the partners in education and includes a representative from Educate Together. The report was endorsed by all members of the CSA.

Applications for the recognition of new schools are assessed by an independent advisory board -the New Schools Advisory Committee- on the basis of the facts provided by the potential sponsors in support of the case for the new school and the likely demand for places. Schools are granted provisional recognition and permanent recognition follows when long term viability has been established on actual enrolments over a period.

In relation to the establishment of new multi-denominational schools in recent years, it should be noted that of the 24 new schools granted provisional recognition in the past three years, 12 of them are under Educate Together patronage. Of the other 12 schools granted provisional recognition, 6 are Gaelscoileanna (Irish-language schools), 5 are under Catholic patronage and 1 is under the patronage of the Church of Ireland.

The Department of Education and Science has made a number of changes in recent years which have made the provision of accommodation for new schools much easier. One of these changes was the abolition of the local contribution to the building costs for state-owned school buildings, which had cost up to €63,500 per school. Other innovations include the development of the design and build model to provide permanent accommodation much faster - such as in the case of the new Educate Together school in Griffeen Valley, Lucan which was designed and built in under 13 months.

Multi-denominational primary schools currently represent the fastest growing category in the primary school sector. At present there are 35 such schools in Ireland (Educate Together) representing just over 1% of the total primary system of

¹⁸ www.education.ie/servlet/blobServlet/csa_new_schools_steering.pdf

approximately 3,150 primary schools. In 1997 there were 18 multi-denominational schools.

The composition of people living in Ireland has been changing. Currently Ireland is experiencing net immigration. The 2002 Census found that 7.1% of the total population were non-Irish nationals, with 10.4% of the population foreign born (some of this group are Irish citizens). There are over 150 nationalities represented in Irish post-primary schools, and schools are promoting intercultural values in the context of equality and diversity.

The Equal Status Acts, 2000 and 2004, prohibit discrimination on 9 grounds including religion, race and membership of the Traveller Community. Regardless of patronage throughout the country, State schools are enrolling students from all backgrounds. The variety of primary schools is also increasing with, for example, Educate Together (multi-denominational), Muslim and Jewish schools, and also Gaelscoileanna. Schools have a solid track record of enrolling students from different backgrounds and of making special arrangements for students during religious instruction, where such is requested by parents or guardians.

Diversity of needs and plurality within the education system are complex issues. The White Paper on Education (1995, p.6) embraces the ideal of pluralism as one of its basic educational principles. In the White Paper, the section on Diversity on Schooling Provision (p.32) noted that “it will not be possible in all circumstances, particularly outside the larger centres of population, to provide the choice of schools reflecting different ethical or cultural traditions to match the choices and preferences of all parents”.

The Department of Education and Science's main responsibility in the matter of school provision at primary and post-primary level is to ensure that there are sufficient places available in any given area to meet demand. Diversity in provision is desirable and will be supported by the Department where it is reasonable and feasible to do so.

It may not always be possible, however, to provide such support in the form of separate or independent school facilities. In relation to the examination of any future applications for new schools, cognisance will continue to be taken of the ability of any existing school(s) in the area(s) concerned to meet the needs of the students for whom provision is being requested.

Article 14

Article 15

The Advisory Committee pointed to the need for further steps to facilitate access for members of the Traveller community to employment both in the private and in the public sphere.

A national framework committee was established under the Programme for Prosperity and Fairness to promote equality at the level of enterprise. The committee brings together Congress, IBEC, the Department of Justice, Equality and Law Reform, the Department of Finance, the Health Services Employers Agency, the Equal

Opportunities Network and the Local Government Management Services Board. Its role is to assist employers and trade unions to respond to the challenges arising from the implementation of the Employment Equality Act and to promote equality in the workplace. To this end it has published two documents, "Equality and Diversity Training at the Level of the Enterprise" and "Guidelines for Employment Equality Policies in Enterprises".

Positive Action

The Employment Equality Act 1998 permits positive action on grounds of gender, disability, age (50-65) and membership of the Traveller community. The Equality Act 2004 extends this permission to allow positive action measure on all nine grounds, including race. The Equal Status Act 2000 permits positive action on all nine grounds.

The Advisory Committee pointed to a disproportionately low level of representation and participation of Travellers in political life, and the need to review legal, policy and practical problems hindering Travellers from taking a full part in the political life of the country.

One of the five overall objectives named in the National Action Plan Against Racism is participation, that is the full participation of minority groups in Irish society, including a focus on the political, policy and community levels. The expected outcomes are:

- To enhance the participation of cultural and ethnic minorities in community and local development;
- To develop an Intercultural Forum to give further consideration to issues related to cultural diversity in Ireland;
- To enhance the participation of cultural and ethnic minorities in policy consultative forums and research;
- To enhance the participation of cultural and ethnic minorities in the political process;
- To ensure as far as possible that elections are conducted in a manner that does not contribute to racism.

Articles 16-20

III. Specific questions to each State Party to the Framework Convention

1. Please provide your comments regarding the question of recognising Travellers as an ethnic group/national minority.

The term "ethnic group" is not used as such in Irish equality law. The Irish Equality Acts define discrimination as follows:

"Discrimination shall be taken to occur where, on any of the discriminatory grounds, one person is treated less favourably than another is, has been or would be treated. As between any two persons, the discriminatory grounds are inter alia:

- That they are of different race, colour, nationality or ethnic or national origins (in the Acts referred to as the "ground of race"),

- That one is a member of the Traveller community and the other is not (in the Acts referred to as the "Traveller community ground").

The term "ethnic origins" is not defined in Irish Equality Acts. Most cases taken on the grounds of race prove that the complainant is of different race, colour or nationality, rather than on the basis of differing ethnic origins. Travellers do not need to prove that they are of different ethnic origins to the comparator: they are required merely to establish that they are perceived to be Travellers and that the comparators are not.

The only Irish case where the issue of ethnic origins was discussed is *Persaud v. The Shelbourne Hotel* Decision No: DEC-E2004-075. The complainant was an Australian national whose father was from Guyana. However, the identity at issue in that case was whether there was an Afro-Caribbean ethnic identity. UK case-law was quoted as a non-binding precedent in the case. While it was considered that there was an Afro-Caribbean ethnic identity, it was found that the complainant was not of that ethnic origin, but was found to have been harassed on the basis of her race/colour.

Whether or not Travellers are considered to form a distinct ethnic group in Irish society is of no domestic legal significance, since the key anti-discrimination measures, the Incitement to Hatred Act, 1989, the Unfair Dismissals Acts 1977, the Employment Equality Acts and the Equal Status Acts specifically identify Travellers by name as a group protected. The Equality Act 2004, which transposed the EU Racial Equality Directive, applied all the protections of that Directive across all the grounds, including the Traveller community ground.

In the course of drafting the CERD report, the question of whether to include Travellers arose. Travellers do not appear to fall within the definition of racial discrimination adopted by the convention in that they do not appear to constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin. The Government recognises that Travellers have a distinct cultural identity and that Travellers suffer discrimination and exclusion. It was decided, therefore, that a report on the position of Travellers would be included as an appendix to the convention report. This means that the CERD can consider the situation of Travellers and question the Government on its treatment of Travellers.

The position of the Government on the question of Traveller ethnicity is set out at page 90 of the Ireland's CERD report. It states:

“Some of the bodies representing Travellers claim that members of the community constitute a distinct ethnic group. The exact basis for this claim is unclear. However, the Government of Ireland accepts the right of Travellers to their cultural identity, regardless of whether it may be properly described as an ethnic group, [and] is committed to applying all the protections afforded to ethnic minorities by the CERD equally to Travellers.

As outlined in Ireland's report under the International Covenant on Civil and Political Rights, Travellers in Ireland have the same civil and political rights as other citizens under the Constitution and there is no restriction on any such group to enjoy their own culture, to profess and practise their own religion or to use their own language. The

Government's view is that Travellers do not constitute a distinct group from the population as a whole in terms of race, colour, descent or national or ethnic origin.

The Government is committed to challenging discrimination against Travellers and has defined membership of the Traveller community as a separate ground on which it is unlawful to discriminate under equality legislation. This was not meant to provide a lesser level of protection to Travellers compared to that afforded to members of ethnic minorities. On the contrary, the separate identification of Travellers in equality legislation guarantees that they are explicitly protected. The Government notes that the Durban Declaration and Action Plan recognised the need to develop effective policies and implementation mechanisms for the full achievement of equality for Roma/Gypsies/Sinti/Travellers.”

However, the Government was not prepared to conclude that Travellers are ethnically different from the majority of Irish people. The point also needs to be made that the Government is not alone in making this assessment. The 1995 task force report on the Traveller community, which consisted of Government Departments, civil society, political parties and Traveller representatives, did not recommend that Travellers should be identified as an ethnic minority. Contrary to the impression given by some Traveller organisations, academic opinion is also split on this issue. For example, in *A Sociology of Ireland* published in 2002, two leading sociologists, Hilary Tovey and Perry Share pointed out that the claim that Travellers constitute a distinct ethnic group is controversial within academic research. Some Traveller organisations have argued for the ethnicity of Travellers only since the mid-1980s.

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 order not to be at variance with these principles, which underpin the aims of the Framework Convention, the first report submitted by Ireland gave 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”. This is not to say that such “national minorities” may not emerge in the future.

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, 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.

The position of the Government is that the assertion that Travellers are ethnically different from the majority of the Irish people has not been proven. Whatever the rights and wrongs of that argument, and whatever the merits of deciding it one way or the other, Travellers must be protected on an analogous basis. This is why the

Government included material on the situation of Travellers, is applying the protections of ICERD and the FCNM to Travellers.

In the light of the discussions on this ethnicity issue at the UN Committee on the Elimination of Racial Discrimination on Ireland's 1st and 2nd Reports under ICERD, the Minister of State at the Department of Justice, Equality and Law Reform has invited Pavee Point Traveller Centre to submit a written presentation of the agreements for such recognition.¹⁹

It is important to note that while there are some superficial similarities between Roma gypsies and Irish Travellers, Irish Travellers are not Roma and do not share a common language, history or culture with Roma.

2. Please comment on the level of complaints of discrimination against licensed premises and how they may have been affected by recent changes in the legislation.

Section 19 of the Intoxicating Liquor Act 2003 provides that a person who claims that prohibited conduct has been directed against him or her on, or at the point of entry to, licensed premises may apply to the District Court for redress (instead of the Equality Tribunal established by the Equal Status Act 2000). The transfer of jurisdiction took place in the context of the enactment of provisions dealing with drunkenness and disorderly conduct on or near licensed premises in the 2003 Act. In particular, the 2003 Act requires licensees to be more vigilant and attentive in relation to those whom they admit to premises and to whom they supply intoxicating liquor.

Since the District Court already had, under the licensing laws, jurisdiction in relation to the renewal of intoxicating liquor licences and offences under the licensing code (including those relating to drunkenness, disorderly conduct and sale of intoxicating liquor to under-age persons), it was considered appropriate and desirable that it should also have jurisdiction in relation to prohibited conduct at licensed premises. Section 19 also increases the penalties applicable in cases of convictions for prohibited conduct by permitting the Court to order the temporary closure of the premises concerned.

Also relevant in this context is the fact that the District Court has jurisdiction for cases involving discrimination on the part of registered clubs (such clubs are allowed to supply intoxicating liquor to club members and their guests) under the Equal Status Act 2000. As a result of the changes in the 2003 Act, the District Court now has jurisdiction in relation to both registered clubs and licensed premises and may suspend the authorisation to supply intoxicating liquor in both cases.

Section 19 of the 2003 Act provides that the Equality Authority may provide assistance in applying to the District Court for redress to a person who considers that prohibited conduct has been directed against him or her. The Authority may also, itself, apply to the Court for redress in certain cases of alleged prohibited conduct.

¹⁹ Arguments for the ethnic minority status of Travellers have been made by the Human Rights Commission *Travellers as an Ethnic Minority under the Convention on the Elimination of Racial Discrimination* (www.ihrc.ie/_fileupload/misc/Travellers_discussion_paper.doc) and the NCCRI *The Importance of Recognising Travellers as an Ethnic Group* (www.nccri.ie/submissions/04MarTravellerEthnicity.pdf).

The Minister for Justice, Equality and Law Reform has published proposals for the consolidation, with amendments of the Liquor Licensing Code. These include proposals to clarify the powers of the Equality Authority to assist the public by providing information on obtaining redress under the Intoxicating Liquor legislation.

Figures for cases taken under Section 19 of Intoxicating Liquor Act 2003.

Section 19 Applications to the District Court (1 Jan to 31 Dec 2004)

Number of applications 11 (4 in Athlone, 3 in Dublin, 1 in Cork, 1 in Clonmel, 1 in Naas, 1 in Galway)

Result of applications

- 1 Order for compensation €100
- 2 applications withdrawn
- 6 applications dismissed
- 1 application refused
- 1 application struck out

3. Please comment on the steps taken to encourage employment of Travellers, including initiatives to encourage Travellers to access the mainstream labour market, as well as employer initiatives to promote diverse labour force participation.

a) The Department of Enterprise, Trade and Employment wants to provide Travellers with additional opportunities to attain professional qualifications and access to work contracts within the Local Government contracting system so that they can compete on an equal footing in the area of waste management and environmental works. Both areas in which Travellers have extensive experience and knowledge.

Discussions have taken place with a number of Local Authorities to examine progress to date and to plan for a greater involvement of Travellers in the Waste Management Cycle, Maintenance of Traveller Sites and Contracted Environmental Works.

A number of initiatives based in Galway City involve a number of community, voluntary and statutory organisations including FÁS, The Galway City Partnership, Galway City LESN, Galway City Council, Western Health Board, Department of Social and Family Affairs, the Galway Travellers Support Group. For example, the Acceder Project which is funded by FÁS, is modelled on a successful approach in Spain and utilises coaching and mentoring in a very creative way and has the objective of facilitating Travellers access to mainstream training and employment through the implementation of a number of adapted and integrated employment mechanisms. The initial target population will be the 18 to 21 year old males. The pilot which will last 18 to 20 months and plans to engage with 20 to 25 participants with the target of progressing some 60% to the active labour market.

b) Amid concerns that the employment situation of the Travelling Community has not kept pace with the upturn in the economy a series of measures are being explored by the Department of Enterprise, Trade & Employment to enhance their

employment prospects. One possible cause is the increasing regulation and formalisation of the Irish economy which makes it very difficult for Travellers to maintain their involvement in economic activities traditionally associated with the Traveller economy. Efforts are being made to build on the current skills and traditional entrepreneurship of the Traveller community and to eliminate the barriers that hold them back from fully participating in the Irish Labour Market.

General vocational training and employment services will adapt and become more accessible to unemployed Travellers, as well as those working in the Traveller economy, with a view to facilitating their access to the labour market on an equal footing with the rest of citizens. Central to this is the availability of good information within the Traveller community about the range of opportunities open to them.

In addition €0.5m has been allocated in the Department of Enterprise, Trade and Employment Estimates for 2005 to provide funding for Traveller Initiatives.

A Sub-Group (of the High Level Group on Traveller Issues - see Question 5) on Employment and Training of Travellers was established in April, 2005 with a remit to develop an Employment and Training Plan for Travellers, to generate activity in this area and encourage greater co-operation among the relevant statutory agencies in the implementation of the initiatives arising from the Plan.

The Sub-Group which is chaired by the Department of Enterprise, Trade and Employment comprises of representatives of relevant Government Departments and FÁS. The next meeting of the sub-group is scheduled for November 2005.

4. Please comment on recent changes to the equality legislation and how these changes may enhance protection for ethnic minority groups, including the Traveller community. Please comment on the transposition of Directive 2000/43/EC.

The Equality Act 2004 was enacted on 18 July, 2004 and provided for amendments to both the Employment Equality Act 1998 and the Equal Status Act 2000 to give effect to three EU equality Directives. The three Directives are the Race Directive (2000/43/EC), the Framework Employment Directive (2000/78/EC), covering the grounds of religion or belief, disability, age or sexual orientation, and the Gender Equal Treatment Amendment Directive (2002/73/EC). Because the 1998 and 2000 Acts already prohibited discrimination in the areas of employment and in the provision of goods and services on nine grounds it was possible to become fully compliant with the new EU legislation through a series of amendments to the existing legislative framework. A decision was taken to implement the Directives by primary legislation which allowed for the application of the changes across all grounds, including membership of the Traveller community.

The principle of equal treatment in relation to occupational social security schemes was also extended to the non-gender grounds under amendments to the Pensions Act 1990 and this was provided for in the Social Welfare (Miscellaneous Provisions) Act 2004 and the Equality Act 2004. The Equality Act also provided for a series of technical and procedural measures to improve the cohesiveness of the legislation including the transfer of jurisdiction in discriminatory dismissal cases from the Labour Court to the Equality Tribunal, a move welcomed by both bodies.

- 5. Please provide comments on the role, remit and work to date of the High Level Official Group that has been set up to deal with implementation of existing government policy in relation to Travellers.**

Background

In December, 2003 at the request of the Taoiseach (Prime Minister) a High Level Group on Traveller issues was established under the aegis of the Cabinet Committee on Social Inclusion. Its remit is to ensure that the relevant statutory agencies involved in providing the full range of services to Travellers, would focus on improving the practical delivery of such services.

The High Level Group which is chaired by the Department of Justice, Equality and Law Reform comprises of members of the Senior Officials' Group on Social Inclusion and other senior public servants with key responsibility for the delivery of Traveller specific services and is a short term initiative to improve outcomes. The Group is also exploring best practice with a view to eliminating the social exclusion which Travellers may experience.

Progress to date.

Two local authorities Clare County Council and South Dublin County Council lead two projects which operate under the aegis of the High Level Group with the aim of promoting an interagency approach to the planning and delivery of services. Local authorities were selected because they have statutory responsibility for the provision of Traveller accommodation within their jurisdiction.

The High Level Group reported to the Cabinet Committee on Social Inclusion in October 2005, suggesting ways to secure better outcomes for Travellers at national and local level. The Cabinet Committee on Social Inclusion subsequently approved the report for submission to Government.

- 6. Please provide information on the impact that the reforms of the health service and health boards at regional level will have on Travellers and on Traveller Health Units**

Travellers' All Ireland Health Study

The Department of Health and Children and the Department of Health, Social Services and Public Safety, Northern Ireland are jointly committed to carrying out a Travellers' All-Ireland Health Study to develop and extend the indicators collected in the 1987 study of Travellers' health and to inform appropriate actions required in the area of Travellers' health. The Institute of Public Health in Ireland has designed the Study following an extensive consultation process with Travellers themselves and other stakeholders. The Department of Health and Children has published Request for Tender (RFT) documents in respect of the Study. Prior Information Notices have been placed in the Official Journal of the European Union and it is expected that the Study will commence in 2006. The results of the study will assist in monitoring improvements in life expectancy and whether the National Anti-Poverty Strategy

(NAPS) target of reducing the gap in life expectancy between the Traveller community and the whole population is being achieved.

Health Service Reforms and Traveller Health Units

The Traveller Health Units are still operating under the old Health Board area structures, which existed up to the end of 2004. The Department of Health and Children is in discussions the Health Service Executive about the future structure of the Traveller Health Units and any impact that the Health Service reforms may have on them.

Traveller Health Strategy

"Traveller Health - a National Strategy 2002 - 2005" was launched in 2002 and is aimed at improving the health status of Travellers. Its main proposals are:

- Establishment of active partnerships between Travellers, their representative organisations and health service personnel in the provision of health services;
- Provision of awareness training for health personnel in relation to Traveller culture, including Traveller perspectives on health and illness;
- Strengthening of Traveller Health Units comprising Health Service Executive staff and Traveller representatives, with responsibility for planning and implementing the Strategy in each Health Service Executive area;
- Development of initiatives to increase Travellers' awareness of general medical services and to make services more accessible, having regard to the Travellers' lifestyle;
- Provision of designated Public Health Nurses to work specifically with Traveller communities;
- Replication of the successful "Primary Health Care for Travellers Project", which established a model for Traveller participation in the development of health services;
- Establishment of an appropriate liaison arrangement between the Department of Health and Children and the Department of the Environment, Heritage and Local Government and including representatives from Traveller organisations, to address issues of common concern relating to Travellers.

€4.915m has been allocated since 2002 for the implementation of the National Traveller Health Strategy. The figure of €4.915m is in addition to funding provided for mainstream services availed of by Travellers. Additional funding of €2 million will be allocated in 2006 for the continued implementation of the actions in the National Traveller Health Strategy.

The following key actions in the Traveller Health Strategy have been implemented to date:

- Reviews of the Traveller Health Unit in each Health Service Executive area have been carried out to establish a model of good practice;
- The Traveller Ethics, Research and Information Working Group has been established to set standards of conduct and protocols for health research, information and training in relation to Travellers;
- Regional Plans for the implementation of the strategy have been prepared by the Health Service Executive in consultation with Traveller Health Units;
- Replication of the successful "Primary Health Care for Travellers Project", which established a model for Traveller participation in the development of health services;
- Establishment of an appropriate liaison arrangement between the Department of Health and Children and the Department of the Environment, Heritage and Local Government and including representatives from Traveller organisations, to address issues of common concern relating to Travellers;
- Annual Service Plans by health service providers (Regional Health Boards up to end 2004 and the Health Service Executive from 2005 onwards) are a legislative requirement in Ireland. The suite of Performance Indicators associated with the Service Plans includes performance indicators in relation to health services for Travellers. As with the performance indicators for other services areas in the suite, those for Travellers are subject to an ongoing process of development and refinement as better information systems become available;
- A Traveller Health webpage has been added to the Department of Health and Children's website www.dohc.ie. It provides details of the Traveller Health Advisory Committee and its sub groups. It is also possible to download a copy of "Traveller Health - A National Strategy 2002 - 2005" from the publications 2002 section of the website.

Implementation of all actions proposed in the Strategy has been reviewed in 2005. The implementation of those actions not yet completed will continue in 2006, pending the outcome of the Travellers' All-Ireland Health Study which will inform the future direction of health services for Travellers.

7. Please provide comment on steps to improve accommodation arrangements for Travellers

Following the publication of the Task Force the then Minister for the Environment published the strategy for implementing the reports recommendations as they affected accommodation. The legislative and administrative framework was then put in place culminating in the enactment of the Housing (Traveller Accommodation) Act 1998. Accommodation continued to be provided for Travellers by, and with the assistance

of, local authorities in the period 1995 to 2000. During this time a total of 516 additional families were accommodated

The Housing (Traveller Accommodation) Act 1998 sets out Government policy for Traveller accommodation. It requires housing authorities to adopt as respects their functional area an accommodation programme, and to specify in the accommodation programme the accommodation needs of Travellers and the provision of accommodation required to address those needs. Under the 1998 Act local authorities were required to adopt Traveller accommodation programmes to cover the period 2000 to 2004. These have since expired and have been replaced by programmes to cover the period 2005 to 2008.

At the end of 2004 there was a total of 6,991 Traveller families in the State, an increase of 1,433 families from 5,558 at the start of the programmes. Over 5,100 families are now residing in accommodation provided by, or with the assistance, of local authorities.

The key Traveller accommodation achievements at the end of the first local authority Traveller accommodation programmes are:

- a reduction of over 50% in the number of families on unauthorised sites - down by 606 families from the high of 1,207 at the inception of the programme to 601 at present;
- 1,371 additional families provided with permanent, secure accommodation;
- 486 families have accessed private rented accommodation;
- an estimated 464 families living in houses provided from their own resources;
- a reduction in the number of Travellers sharing accommodation, down from 598 to 549 during 2004.

During this period (2000 to 2004) a total of €130 million has been invested in the provision of new Traveller specific accommodation and in refurbishing existing Traveller specific accommodation. The capital allocation for Traveller specific accommodation for 2005 is €45million. This is a significant increase on the €35.7 million spent in 2004. This allocation is in addition to the expenditure on standard local authority and voluntary sector accommodation in which Traveller families are also accommodated.

a) What steps has the Government taken to minimise the impact of the anti-trespass legislation on Travellers awaiting accommodation?

Following the review of the operation of the Housing (Traveller Accommodation) Act 1998 (see Answer to Question 7) the relevant Minister is writing to local authorities advising them in the following terms:

- As far as practicable, not to request the Gardaí to use their powers under the 1994 Criminal Justice (Public Order) Act to remove families who are on local authority lands and are awaiting accommodation from the local authority.

- Where there are exceptional circumstances and a family has to be moved it should be done under the powers available to the authority under the Housing Acts.
- Use of the Public Order legislation is not a ground for family losing its position on the housing list or being removed from it.
- Absence from the local authority area in which a family is on the list resulting from the use of the Public Order legislation should not affect the family's position on the list unless another authority accommodates them.
- Maintain contact as far as possible with a family on their accommodation list who move out of its functional area due to being moved under the 1994 Act.

b) Please provide information on steps to improve accommodation arrangements for Travellers, including any plans for establishing an independent accommodation agency.

Recommendation DR.22 from Report of the Task Force on the Travelling Community recommended that an independent statutory body, to be known as the Traveller Accommodation Agency, should be established to draw up, in consultation with local authorities, a National Programme for the provision of Traveller specific accommodation. This recommendation was not accepted at that time.

The National Traveller Accommodation Consultative Committee (NTACC) is the statutory advisory body on Traveller accommodation set up to advise the Minister in relation to any general matter concerning accommodation for Travellers, and any matter referred to it by the Minister. It has 12 members, four of whom are Travellers or Traveller representatives. It carried out a review of the operation of the Housing (Traveller Accommodation) Act 1998. The NTACC made 36 recommendations, all of which were accepted by the Minister. In undertaking the review of the operation of the 1998 Act the NTACC considered proposals outlined to it in relation to the establishment of a Traveller Accommodation Agency and the arguments put forward in favour of, and against, such proposals. However, the Committee did not reach a consensus on these issues and reported accordingly to the Minister.

Having considered the issue, and the report, the Minister for Housing and Urban Renewal decided that the establishment of such an agency would not enhance the provision of accommodation for Travellers or improve the rate of such provision.

The Government expects that the rate of progress made under the first Traveller accommodation programmes (2000–2004) will be improved on in the new local authority programmes (2005–2008). The relevant Minister has identified a number of issues to be addressed under the new programmes and has taken steps to ensure implementation of the recommendations contained in the NTACC report. It is expected that the implementation of these recommendations (full list of which are attached) as well as the continuing high level of investment in the provision of accommodation for Travellers, will improve the rate of accommodation provision.

8. In the area of law enforcement and policing, please comment on policy and practice relating to Travellers and persons belonging to ethnic minority groups

The Garda Racial and Intercultural Office (GRIO) was established in February 2001, in response to the challenges posed by changes in the make up of Irish Society. This office is in daily contact with the leaders of the many ethnic minority group leaders and non-governmental agencies in Ireland. The GRIO reinforces the need for these representatives to ensure that where information comes into their possession regarding racist abuse/racist attack(s) committed against any person, that this is reported immediately to a member of An Garda Síochána.

The GRIO are aware that many ethnic minority people here fear the authorities/police based on previous experience in their home countries - therefore, staff attached to the GRIO offer a confidential one to one service whereby meetings are arranged with the victim and their local ethnic liaison Garda who will endeavour to elicit details regarding the racist abuse/attack suffered by the particular victim.

The GRIO also provides presentations to residents groups and asks those in attendance to alert An Garda Síochána, in confidence, about any concerns they may have pertaining to the safety of new vulnerable ethnic minorities taking up residence within their environs. Such groups are made aware of the existence of local Garda ethnic liaison officers (who are sensitive to the needs of ethnic minorities and have understanding of cultural differences and protocols). Local resident groups are also informed of the role of An Garda Síochána in general in providing a service to all without discrimination.

An Garda Síochána is committed to combating racist crime in the community and pursues with vigour steps to encourage reporting of this type of crime and also monitors all reports of racist/xenophobic incidents logged on the Garda Computer Network (PULSE) nationwide. These incidents are scrutinised on a daily basis from the Garda Racial and Intercultural Office. Investigating officers are proffered assistance from this office in the successful prosecution of such cases.

9. Please provide your views concerning the possible collection of data on ethnicity, language and religious affiliation in the national census, and other data collection mechanisms such as administrative records.

Following successful piloting in April 2004 the Government has decided on the inclusion of questions on ethnic or cultural background in the next census which is in 2006. The layout of the questions is as follows:

12 Can you speak Irish?
Answer if aged 3 years and over.

- 1 Yes
- 2 No

IF 'Yes', do you speak Irish?
✓ *the boxes that apply.*

- 1 Daily, within the education system
- 2 Daily, outside the education system
- 3 Weekly
- 4 Less often
- 5 Never

13 What is your religion?
✓ *one box only.*

- 1 Roman Catholic
- 2 Church of Ireland
- 3 Presbyterian
- 4 Methodist
- 5 Islam
- 6 Other, write in your RELIGION

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- 7 No religion

14 What is your ethnic or cultural background?
 Choose ONE section from A to D, then ✓ the appropriate box.

A White

1 Irish

2 Irish Traveller

3 Any other White background

B Black or Black Irish

4 African

5 Any other Black background

C Asian or Asian Irish

6 Chinese

7 Any other Asian background

D Other, including mixed background

8 Other, write in description

Data on Education

a) Post Primary Schools

- **Ethnicity/Membership of the Traveller Community**

Each year every school returns information for the post-primary pupil data base by 30th September. Within the Department’s database there is a field which identifies the nationality of a pupil. Irish students, for example, are coded as 372. All other nationalities have an associated code. Ethnicity, or being a member of the Traveller community, is not recorded on the database. However, consideration is being given to the inclusion of a Traveller indicator in the database in the future. No decision has been taken.

A list of Traveller students enrolled in each school is returned to the Department of Education and Science annually. This information is used to allocate ex-quota teaching hours and for capitation purposes.

The Visiting Teacher service would also provide the Department with information on the number of Traveller children in their particular catchment area each year.

- **Language**

With regard to the collection of language data, the Department of Education and Science collects data from each post-primary school that has non-national pupils enrolled where the Principal considers they have a significant English language deficit. These data identify the nationality of each student for whom the additional teaching hours are being sought. The Department does not seek to find out the mother language of a student. Schools are given extra resources for a maximum of two years for each individual student to assist with improving their proficiency in English.

Information is also collected on the medium of instruction, be that English or Irish, for each school.

- **Religion**

No information is gathered on the religious affiliation of students.

Primary Schools

- **Language**

With regard to the collection of data on language, the Department of Education and Science collects data from each primary school that has non-national pupils enrolled where the Principal considers they have a significant English-language deficit. These data identify the nationality of each student for whom the additional teaching hours are being sought. The Department does not seek to find out the mother language of the student. Schools are given extra resources for a maximum of two years for each individual pupil to assist with improving their proficiency in English.

Information is also available on the medium of instruction, be that English or Irish, for each school

- **Religion**

No information is gathered on the religious affiliation of students.

- **Ethnicity/Membership of the Traveller Community**

If there are Traveller students in the school who are receiving tuition by a recognised Resource Teacher for Travellers (RTT) then the school must fill in a form which identifies the number of pupils taught by the RTT and they must also note how many Travellers are in each class. This information is used to provide enhanced capitation for the Traveller pupils receiving tuition by a recognised RTT.

The Visiting Teacher service would also provide the Department with information on the number of Traveller children in their particular catchment area each year.

The Department of Education and Science proposes to develop a primary pupil database. Consideration is being given to including information on the pupil database

such as ethnicity, Traveller indicator, country of birth and mother tongue. However no agreement has been reached on the content of this primary pupil database which has yet to be finalised.

Data on Health:

Ethnic Identification Pilot Project in the Health Service

The Ethnicity Pilot Project is related to Actions 8, 9 and 10 of the Traveller Health Strategy. Its objective is to determine the feasibility of collecting information on ethnicity as a routine feature of health information systems. The Pilot Project has focused on the acute hospital sector and has taken place in one acute and one maternity hospital setting: The Adelaide and Meath Hospitals Incorporating the National Childrens' Hospital (AMNCH) in Tallaght, Co. Dublin, and the Rotunda Maternity Hospital, Dublin City. A prerequisite to the successful implementation of the project was the design of an appropriate ethnicity question as well as preparation of training materials and provision of training.

Data collection at both hospitals is now complete. Results from the pilot are being analysed, a final report on the project will be produced in early 2006.

The experience of the project to date has been very positive. The ethnicity question designed by the project has subsequently been adopted by the Central Statistics Office (with small changes) and piloted for use in the 2006 Census of Population. This will provide the potential for population-based analysis of ethnicity data. Training and awareness-raising have also been successful. The administration of the ethnicity question within the hospital setting has been generally well-received by patients and this is indicative of the care taken in training, in the preparation of information leaflets, in the voluntary self-assessed nature of the question and in the assurances concerning privacy, confidentiality and use of the results.

Data on Poverty:

A lack of adequate sectoral data does not permit the level of poverty and social exclusion being experienced by vulnerable groups, including Travellers and ethnic minorities, to be fully measured and presents problems in assessing the impact of policies. Work is ongoing on the development of a data strategy to underpin the National Anti Poverty Strategy. The Office for Social Inclusion (OSI) is being assisted in this regard by a Technical Advisory Group comprising representatives of key Government Departments, the Central Statistics Office (CSO), the Combat Poverty Agency, the Economic and Social Research Institute (ESRI) and the Equality Authority.

A recent evaluation exercise undertaken by the OSI in conjunction with the line Departments sought to clearly identify those areas where deficiencies in data availability persist, particularly in relation to vulnerable groups, and to identify how those data gaps can be filled. This work is being done in parallel to the work being co-ordinated by the CSO to develop a framework for social and equality statistics, which includes the development of Departmental Data Strategies. A separate strand of work on the Data Strategy includes developing a revised list of deprivation indicators, to reflect current living standards. This work will be progressed by the OSI with the

Technical Advisory Group, with a view to seeking agreement on revised indicators by the Senior Officials Group for Social Inclusion later in 2005.

10. What is the latest state of play on the development of a Traveller Education Strategy? What measures are being taken to combat post-primary school drop-out rates for Travellers? What measures are being taken to improve on poor academic achievement at primary level?

Development of a Traveller Education Strategy

Work commenced in Autumn 2003 on developing a five-year Traveller Education Strategy. An external expert was appointed to lead the process. A Joint Working Group drawn from the Educational Disadvantage Committee and the Advisory Committee on Traveller Education was established. A report from the Joint Working Group containing recommendations for a strategy was finalised in autumn 2005. This report has been submitted to the Department's Advisory Committee on Traveller Education for comments. It will be submitted to the Educational Disadvantage Committee, which is responsible for advising on broader issues of educational disadvantage, many of which are relevant to Travellers. Subject to approval, the report will be presented to the Minister as a submission of the Educational Disadvantage Committee.

The main focus of the Traveller Education Strategy exercise has been to review/evaluate existing activities, the wide range of inputs, the quality of outcomes and the experience of Traveller learners within the education system. The recommendations in the Report of the Task Force on the Travelling Community (1995) and the First Progress Report (2000) have been considered by the Joint Working Group. The First Progress Report was prepared by a committee which monitors and coordinates the implementation of the recommendations in the 1995 Task Force report. A Second Progress Report is being finalised.

To further inform the process experts from different relevant areas have made presentations to the Joint Working Group; reports written on different aspects of Traveller education have been evaluated - for example, the National Evaluation Report on Pre-Schools for Travellers (2003), the Guidelines on Traveller Education in Primary Schools and also in Second-level schools (2002). The Department's Inspectorate has briefed the Joint Working Group on its Survey of Traveller Education Provision. The report of this survey is due by the end of 2005. Over 40 public submissions have been received as has a Report on the Consultations with Traveller Learners and Parents which presents the findings of six consultation seminars (five regional and one national). These six seminars were arranged by Traveller organisations.

The Traveller Education Strategy will provide recommendations on the way forward in relation to Traveller education. One of the core issues it is addressing relates to how existing targeted educational supports for Traveller children might best be integrated, on a phased basis, into an enhanced mainstream provision.

A senior official from that Department has been appointed as the Higher Level Official for Traveller education.

Measures to Combat Post-Primary School Drop-Out Rates

The transfer rate to post-primary level was 85 per cent in 2004. There are approximately 1,850 Traveller students in mainstream second level schools at present out of a possible 4,000, i.e. 46 per cent of all Traveller students of post-primary school age. Currently, the measures taken to combat post-primary drop-out rates for Travellers include:

- The provision to each post-primary school of an additional 1.5 ex-quota teaching hours per week for each Traveller student enrolled.
- Traveller students are also entitled to learning support and resource support in the same manner as other students in response to identified educational needs.
- A supplementary capitation grant is available for each Traveller student enrolled at post-primary level.
- A Visiting Teacher Service is available to Traveller families (40 Visiting Teachers) throughout the country. The Visiting Teachers address issues not only at post-primary, but at all levels of education; Visiting Teachers, parents and staff in primary and post-primary schools collaborate to ensure the successful transfer of Travellers from primary to post-primary schools. As part of their remit they are also involved in encouraging students to remain in school.
- The National Education Officer for Travellers identifies the educational needs of Travellers and advises on appropriate responses in areas of school practice and in planning education provision.
- The provision of a number of schemes and programmes to combat disadvantage including, for example, the Home /School Community Liaison Scheme and the School Completion Programme. The School Completion Programme targets individual “at risk” young people of school-going age, both in and out of school, and arranges supports to address inequalities in education access, participation and outcomes. The programme includes, for example, homework clubs and holiday activities. Approximately 1,300 Traveller children are currently targeted by this initiative in primary and post-primary schools.
- The National Educational Psychological Service has considered issues related to the assessment and post-primary placement of Traveller students.
- The publication of Guidelines on Traveller Education in Second-level schools (2002) gives information and helps schools to increase their understanding of Travellers culture and educational needs.
- The implementation of the policy of age-appropriate placement of Traveller students is in place in most post-primary schools.
- Curricular/ programme choice including the Junior Certificate School Programme and the Leaving Certificate Applied make school more relevant to Traveller students.
- The enactment of legislation, in particular the Education (Welfare) Act 2000, provides an entitlement for every child in the State to a certain minimum education to 16 years of age, or the completion of 3 years of Junior Cycle, whichever is the later. The Education Welfare Officers from the National Educational Welfare Board act as advocates for and support all children and their parents (Travellers and others) where there is a difficulty with school attendance.

In designing and revising School Plans, schools must affirm minority groups such as Travellers. This requirement is explained in a pamphlet entitled "Schools and the Equal Status Act" which was launched in September 2003. "Schools and the Equal Status Acts", a second edition of the pamphlet, was published in 2005, to reflect changes in the legislation. The pamphlet was prepared to assist schools to meet their legal obligations.

In May 2005, the Minister launched *DEIS (Delivering Equality of Opportunity in Schools) – An Action Plan for Educational Inclusion*. It provides that schools in the new integrated School Support Programme (which brings together, and builds upon, existing interventions for schools and school clusters/communities with a concentrated level of disadvantage) will have access to after-school and holiday-time supports. In addition, planning at school cluster/community level will identify supports to be provided to young people, their parents and community on a targeted basis under each of the following headings:

- In-school supports;
- After-school supports;
- Holiday supports;
- Out-of-school supports.

The Inspectorate of the Department of Education and Science undertook a Survey of Traveller Education Provision during 2004. It is expected that the report of the survey will be published by the end of 2005. The recommendations of that Survey along with the recommendations of the Traveller Education Strategy and the Action Plan for Educational Inclusion (DEIS) will contribute to addressing the problem of early school drop-out.

Measures to Improve Academic Achievement at Primary Level

- 540 Resource Teachers for Travellers are in place throughout the country in primary schools in 2004/2005 to provide additional learning support and assistance to Traveller students.
- Travellers are also entitled to learning support and resource support in the same way as other students in response to identified educational needs.
- An enhanced capitation grant is provided for each Traveller student enrolled in primary schools that have the services of a Resource Teacher for Travellers.
- A Visiting Teacher Service is available to Traveller families (40 Visiting Teacher posts) throughout the country. The Visiting Teachers' remit encompasses not only primary but all levels of education; Part of their remit is to encourage and motivate students and their parents to have high expectations of their education experience.
- The National Education Officer for Travellers identifies the educational needs of Travellers and advises on appropriate responses in areas of school practice and in planning education provision.
- A number of schemes and programmes to combat disadvantage are in place including for example, Giving Children an Even Break and Home/School Community Liaison Scheme.

- In accordance with the National Anti-Poverty Strategy's target that age appropriate placement of all Travellers in primary schools be achieved by 2003, the best information available, collated annually by the Visiting Teacher Service, indicates that the vast majority of Traveller children are already in age-appropriate classes.
- The publication of the Guidelines on Traveller Education in Primary Schools (2002) gives information and helps schools to increase their understanding of Travellers culture and educational needs.
- The enactment of legislation, in particular the Education (Welfare) Act 2000, provides an entitlement for every child in the State to a certain minimum education to 16 years of age, or the completion of 3 years of Junior Cycle, whichever is the later. Education Welfare Officers from the National Education Welfare Board act as advocates for, and support all, children and their parents (Travellers and others) if there is a difficulty with school attendance. Poor school attendance can be a cause of poor academic achievement.
- There are forty-eight pre-schools for Travellers. A National Evaluation Report on Pre-schools for Travellers (2003) provides recommendations on how the early childhood education of very young Travellers can be improved. Attendance at pre-school gives the young children a solid foundation for their primary education and should help to improve academic achievement on entry to primary school.
- The National Council for Curriculum and Assessment published its Guidelines on Intercultural Education in Primary Schools in May 2005. As with the Guidelines on Traveller education, the Guidelines on Intercultural Education will provide information and help schools to increase their understanding of diversity. These Guidelines on Intercultural Education have adopted a cross-curricular approach.
- The Department of Education and Science has published an evaluation by its Inspectorate of "Literacy and Numeracy in Disadvantaged Schools: Challenges for Teachers and Learners" in April 2005. The recommendations in this report outline ways to improve the literacy and numeracy levels of primary students.

The Inspectorate of the Department of Education and Science undertook a Survey of Traveller Education Provision during 2004. It is expected that the report of the survey will be published by the end of 2005. The recommendations of that Survey along with the recommendations for a Traveller Education Strategy and *DEIS (Delivering Equality of Opportunity in Schools) – An Action Plan for Educational Inclusion* will all complement each other in informing on the best way forward on a number of areas including improving on poor academic achievements at primary level.