



**PAVEE POINT**  
TRAVELLER AND ROMA CENTRE

# **Submission to Department of Housing, Planning, Community and Local Government**

## ***'Ireland 2040' - National Planning Framework***

*"I am deeply concerned at the persisting social exclusion and discrimination Travellers are confronted with in Ireland with Travellers having been affected in a gravely disproportionate manner by budget cuts as a result of austerity. I warmly welcome signals that Travellers will soon be recognised as an ethnic group in Ireland, an acknowledgment that the community concerned has been awaiting for a long time. Combined with targeted policy measures and more effective involvement of Travellers themselves, this important acknowledgment has the potential of marking a new departure in addressing the serious inequalities that continue to affect the members of this community in accommodation, health, education and, in fact, all fields of life."*

***Nils Muižnieks, Council of Europe Commissioner for Human Rights,  
25<sup>th</sup> November 2016***

**March 2017**



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## TABLE OF CONTENTS

<b>1. INTRODUCTION .....</b>	<b>3</b>
1.1. Pavee Point Traveller and Roma Centre .....	3
<b>2. TRAVELLERS AND ROMA IN IRELAND.....</b>	<b>6</b>
2.1. Travellers in Ireland.....	6
2.2. Roma in Ireland .....	13
2.3. Key policy issues .....	14
<b>3. 'IRELAND 2040': NATIONAL PLANNING FRAMEWORK.....</b>	<b>18</b>
3.1. Introduction .....	18
<b>4. HOW SHOULD A NATIONAL FRAMEWORK BE IMPLEMENTED?.....</b>	<b>23</b>
4.1. Decision-making and oversight .....	24
4.2. Preparatory actions and consultation.....	24
4.3. Equality/Social impact assessment .....	25
4.4. Data collection.....	25
4.5. HR and capacity building measures .....	26
4.6. Innovative measures .....	27
4.7. Positive duty .....	28
4.8. Ten common principles on Roma inclusion.....	28

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# 1. Introduction

## 1.1. Pavee Point Traveller and Roma Centre

Pavee Point Traveller and Roma Centre ('Pavee Point') welcomes the opportunity to make this submission to the Department of Housing, Planning, Community and Local Government (DHPCLG) as part of the consultation process for 'Ireland 2040' National Planning Framework.

Pavee Point is a voluntary, or non-governmental, organisation committed to the attainment of human rights for Irish Travellers and Roma. The group is comprised of Travellers and Roma, and members of the majority settled population working together in partnership. The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma<sup>1</sup> through working for social justice, solidarity, socio-economic development and human rights.

Our work involves research, local action, awareness-raising, national resourcing and policy advocacy, and we undertake a community work approach based on the principles of human rights, equality, cultural diversity and inter-culturalism. Amongst the activities we undertake are training, technical support, information and communications resources. We work at national, regional and local levels. Amongst our activities at national level include our role as a specialist support agency funded by the Dept. of Justice & Equality. We also resource and coordinate a number of national networks including the National Traveller Health Network and the National Drugs Network. We also represent Travellers on a number of national government appointed committees including the National Traveller Roma Inclusion Strategy (Dept. of Justice & Equality); the National Traveller Accommodation Consultative Committee (Dept. of Housing, Planning, Community & Local Government); the National Traveller Health Advisory Committee (Dept. of Health) the Traveller Health Advisory Forum (HSE); and the National Traveller Education Advisory Consultative Forum (Dept. of Education).

Pavee Point also supports the coordination of the National Traveller Partnership (NTP), the mechanism through which the Dept. of Housing, Planning, Community and Local Government previously funded the Local and Community Development Programme (LCDP) to Travellers. This funding has now transferred to DJE. Funding is disbursed through the NTP to 14 local Traveller projects. Namely, Galway Traveller Movement; Meath Travellers Workshop; Offaly Traveller Movement; Wicklow Travellers Development Group; Bray Travellers Development Group; Waterford Travellers CDP; Clondalkin Travellers Development Group; Blanchardstown Travellers Development Group; Tallaght Travellers CDP; Ballyfermot Travellers Action Project; St. Margarets, Ballymun; TravAct (Coolock); Donegal Travellers Project; Tipperary Travellers Rural Project.

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<sup>1</sup> "Roma" used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as "Gypsies".

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## COMMUNITY DEVELOPMENT APPROACH

All our work is undertaken using a community development approach. Community development seeks and promotes positive social change in society in favour of those who benefit least from social and economic developments. It seeks to challenge the causes of poverty and disadvantage and to offer new opportunities for those lacking choice, power and resources. It also recognises that the majority of the problems that Travellers experience are as a result of racism and the state's failure to recognise them as a minority ethnic group.

Community development is a developmental activity composed of both task and a process. The task is the achievement of social change and to address the causes and symptoms of poverty with marginalised groups (such as Travellers and Roma) based on principles of equality, human rights and social justice. The process concerns the application of the principles of participation, empowerment and collective decision making in a structured and co-ordinated way. It does this by building groups' capacity to organise and to give voice to their needs and experiences, to make collective decisions on behalf of their communities and to participate in decision-making structures that affect them.

Community development therefore involves people experiencing disadvantage being the active agents in making changes they identify to be important.

Crucially, it is also based on the premise that policies, programmes and services intended to tackle or eliminate poverty are much more likely to be efficient and effective if the people who are part of communities affected by poverty and disadvantage are involved in the design and implementation of solutions.

We occupy a key role at national level to ensure that agreed government policies are implemented with the engagement of Traveller and Roma communities and adopting community development principles. We feedback developments at national level to Traveller organisations, Travellers and Roma and inform and support local activities.

We make this submission when Travellers' ethnic identity has finally been recognised in Ireland. This announcement, made by An Taoiseach Enda Kenny T.D. on 1 March 2017, means that the conditions have now been fully created within which the next steps can be taken towards full equality for Travellers as an ethnic group within the Irish nation. *"This announcement shines a light on Travellers' rich distinct history and culture and sends out a message of respect and inclusion....it also lays to rest notions that Travellers are a primitive, dysfunctional, failed settled people who originated from the famine and who just need to be normalised and civilised by the State,"* according to Martin Collins of Pavee Point.

Rights gaps in the fields of accommodation, education, employment, health and other areas of Traveller life, however, have not disappeared and remain to be addressed. *"But respect for our culture has the potential to deconstruct centuries of internalised shame within the Traveller community and allow future generations of Travellers to grow up with pride in their identity"* according to Martin.

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## **'Ireland 2040'**

Planning policy and strategy plays a critical role in shaping all aspects of our environment, our health, and our access to employment and housing. The role that the built environment plays in social and community sustainability is crucial. 'Ireland 2040' can provide a framework for improving equality of outcome for Travellers across a range of areas including health, wellbeing, economic activity, cultural and recreation activity, and this submission is made on this basis.

In this submission, we make proposals as to how 'Ireland 2040', along with the department and its agencies should work with Travellers and Roma in Ireland, taking on board key principles of equality of outcome, social inclusion, cultural identity, partnership, and community development. We believe that these outcomes should form the vision for what Ireland should look like in 20 years, which is a key question in the 'Ireland 2040' guidance note for submissions.

We make recommendations around general themes of good practice, including participation in structures, training and awareness, data collection and monitoring.

The format of the submission is as follows:

- Section **Error! Reference source not found.** provides an outline of the profile and experiences of Travellers and Roma in Ireland and key issues affecting them.
- Section 3 outlines some specific and cross cutting themes that we believe to be necessary to advance equality for Travellers and Roma in Ireland, and which should underpin the work and vision of 'Ireland 2040'.

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## 2. Travellers and Roma in Ireland

### 2.1. Travellers in Ireland

The number of people enumerated as Irish Travellers in Census 2011 was 29,573, an increase of 32% since census 2006. All counties apart from Limerick and Waterford showed increases in the Traveller population that were larger than the increase in the general population.<sup>2</sup> The figure compares with 36,224 population of Travellers enumerated in the Traveller All Ireland Health Study (AITHS).<sup>3</sup>

The areas with the highest population of Travellers is Dublin city and suburbs, followed by Galway, Cork, Tuam, Navan, Limerick, Ennis and Longford, which collectively account for 35% of the total Traveller population.

#### AGE PROFILE OF TRAVELLERS

Census 2011 reports that the general age profile of Travellers is far lower than the population as a whole.

- The average age of Travellers was 22.4 years compared with 36.1 years for the population as a whole, and over half of all Travellers (52.2%) were aged under 20.
- Traveller males of retirement age and above (65+) numbered only 337 accounting for 2.3% of the total Traveller male population, in stark contrast to the general population where males of retirement age and above accounted for 10.7% of all males.
- In 2011, Traveller children numbered 14,245 (accounting for 48% of the total Traveller population). The total population of children account for 25% of the total population.
- The number of Traveller children increased by 30.3% between 2006 and 2011.

This data reflects other research which note that outcomes in terms of health and life expectancy for Travellers is significantly lower than that of the rest of the population.

#### TRAVELLER FAMILY COMPOSITION

The family composition of Traveller households is very different to those in the general population. According to Census 2011:

- 27% of Traveller women had 5 or more children compared with just 2.6% of women overall in Ireland.
- 13% of Traveller women had 7 or more children; compared with 0.4% of the population.
- 26.4% of Traveller households had 6 or more persons compared with only 4.4% of all households in the State.
- Traveller households had more than one family (2.5% compared with 1.1%)

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<sup>2</sup> This increase was attributed to a greater disclosure amongst the Traveller population as regards their ethnic status and identity following collaboration between Pavee Point and the CSO in implementation of the ethnic question in Census.

<sup>3</sup> All Ireland Traveller Health Study Team, School of Public Health, Physiotherapy and Population Science, University College Dublin. (2010) *All Ireland Traveller Health Study: Our Geels*.

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## HEALTH

In 2010, 'Our Geels', the All Ireland Traveller Health Survey (AITHS) was published. Key findings included:

- Life expectancy at birth for male Travellers is 15.1 years less than the general population, as 61.7 years. This is the same life expectancy age as found in research undertaken in 1987. The 2010 data represents a widening of the gap by 5.2 years (between 1987<sup>4</sup> and 2010). This is equivalent to the life expectancy of the general population in the 1940s. There are, however, marginal increases in male Traveller life expectancies at later ages. However, men in the community continue to have higher rates of mortality for all causes of death.
- Life expectancy at birth for female Travellers is now 70.1 which is 11.5 years less than women in the general population, and is equivalent to the life expectancy of the general population in the early 1960s. This has improved from 1987 when life expectancy was 65 years.
- Traveller infant mortality is estimated at 14.1 per 1,000 live births. This is a small decrease from an estimated rate of 18.1 per 1,000 live births in 1987. Over the same time period the general population infant mortality rate has reduced from 7.4 to 3.9 per 1,000 live births.
- There have been improvements in Traveller women's health, notably (1) a narrowing the gap in life expectancy between Traveller and non-Traveller women of 0.4 years, (2) reduction in fertility rates to 2.7 per 1,000 population and (3) uptake of cervical screening at rates higher than the general population and uptake of breast screening at rates similar to the general population.
- Traveller women thought that outreach services like the PHCTP facilitated Traveller trust. This was reported to enhance the uptake and use of services such as screening as borne out in the census data when Traveller health community workers were able to mediate between the services and individual Travellers in the community. As a result, Traveller women have a higher rate of participation in screening programmes compared with the general population:
  - 25% of Traveller women compared to 13% of general population had a breast screening.
  - 23% of the Travellers had smear test compared to 12% of general population.
- Moreover, the location of PHCTP was positively correlated with improved access to health services, and the PHCTP were second most frequent contact after GPs for health advice.
- The research reports that the general healthcare experience of Travellers is not as good as the general population, with communication cited as a major issue by both Travellers and service providers. Moreover, trust in services is a theme, and the AITHS found that the level of complete trust by Travellers in health professionals was only 41%. This compares with a trust level of 83% by the general population in health

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<sup>4</sup> When the last health study was completed.

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professionals. Moreover, barriers of access to health services were identified in the research and included:

- Waiting list (62.7%)
  - Embarrassment (47.8%)
  - Lack of information (37.3%)
  - Cost (31%)
  - Difficult to get to (25%)
  - Health settings (22%)
  - Refused service(15%)
- Regarding the incidence of specific illnesses, Travellers have a greater burden of chronic diseases than the general population, with conditions such as back conditions, diabetes, and heart attack increased by a factor of 2, and respiratory conditions such as asthma and chronic bronchitis increased by a factor of 2-4, in comparison with the general SLAN<sup>5</sup> population. The AITHS also reported the following:
    - Over 52% of Travellers aged 40 – 60 years, who were interviewed, had been diagnosed with high blood pressure in the last year, compared to 35% of the general population.
    - Over 42% Travellers diagnosed with high cholesterol in last year, compared to 30% of the general population.
    - 31.3% of Travellers are on some form of prescribed medication
  - Just under half of all Travellers feel discriminated against. This is experienced in all aspects of life. However, least discrimination is experienced in sport, followed by the health sector. Travellers have a strong sense of community and high levels of community/family support.
  - Suicide rates are nearly 7 times higher in Traveller men compared with the general male population. Suicide accounts for 11% of all Traveller deaths.

The AITHS findings reported that both Travellers and health service providers interviewed acknowledged that ‘social determinants’ were the main cause of the poor health status of Travellers, this includes accommodation, education, employment, poverty, discrimination, lifestyle and access and utilisation of services.

Pavee Point works on the basis of the ‘social determinants’ approach. In this respect the following considerations are relevant in determining the health status of Travellers:

- A study commissioned by Pavee Point in 2013, using Census 2011 data, reports that a third of all Travellers who live in temporary accommodation have no sewerage disposal and one in five have no piped water.<sup>6</sup> The same study noted that Travellers live in smaller and more overcrowded homes than the settled community.
- The same report shows a fall in allocations by the Department of Environment, Community and Local Government in relation to Traveller-specific accommodation, from €40m in 2008 to €6m in 2012, a reduction of 85%. A further problem is that

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<sup>5</sup> Survey of Lifestyle Attitudes and Nutrition

<sup>6</sup> Harvey, B. (2013) Travelling with austerity. Dublin: Pavee Point

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substantial parts of the allocation are unspent. For example in 2012, 34% of the reduced accommodation budget was unspent.<sup>7</sup>

- Unemployment in the Irish Traveller community was 84.3% in 2011, up from 74.9 per cent five years earlier. The Census 2011 reports that 19% across the whole population are unemployed. Barriers to labour market engagement experienced by Travellers include literacy problems; educational qualifications, prejudice in relation to where people live, and confidence.<sup>8</sup>
- Travellers experience educational disadvantage: census 2011 reports that 55% (of Travellers whose education had ceased) had completed their education before the age of 15, compared with 11% for the total population. Moreover, only 3.1% continued their education past the age of 18, compared with 41.2% for the total population, and only 1% of Travellers progressing to third level education (compared with 31% of the settled population).

## **ACCOMMODATION**

According to the 2010 All Ireland Traveller Health Study, Travellers surveyed most frequently lived in a house (73.3%), followed by trailer/mobile home or caravan (18.2%). 55.3% of those on a trailer/mobile home were parked on a halting site, 23.8% on an “unofficial site” and 6.8% on a transient site. Most homes had central heating (92.9%), both hot and cold water (94.4%) an individual bath or shower (63.7%) and flush toilet (91.6%). Yet this means that 7.6% did not have access to running water: a total of 2,753 Traveller men women and children.

The All Ireland Traveller Health Study also found that significant numbers of Traveller families in group housing or sites reported lack of footpaths, public lighting, fire hydrants and safe play areas (play areas were unavailable for 77.5% of respondents). Further undermining the health and safety of Traveller families were issues such as rats (a problem for 33.1% of families) and being too close to a main road (a problem for 47.5% of families).

Indeed the authors of the study note that the most destitute of Travellers are living in very poor conditions indeed. “What we can say is that the better accommodated the Traveller family, the better the health status.” As well as physical health, the study found that living conditions impacted on mental health.

In Census 2011 there were 7,765 households where some or all of the occupants indicated they were Travellers (of which 1,874 contained some persons who indicated they were not Travellers).

Between 2006 and 2011, the percentage of Traveller households residing in caravans or mobile /temporary structures halved from 24.7% to 12.3%. In 2011, 920 households with Travellers resided in such temporary accommodation. Census 2006 documented that a third of all Travellers who live in temporary accommodation, and who responded to the question, have no sewerage disposal and one in five have no piped water. A study

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<sup>7</sup> Harvey, B. (2013) IBID

<sup>8</sup> Murphy, P. (2003): Report on Community Employment Skills and Progression. Report carried out by Equal at Work on behalf of South Dublin Public Sector Site

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commissioned by Pavee Point in 2013 noted that Travellers live in smaller and more overcrowded homes than the settled community.<sup>9</sup>

The same report shows a fall in allocations by the Department of Environment, Community and Local Government in relation to Traveller-specific accommodation, from €40m in 2008 to €6m in 2012, a reduction of 85%. A further problem is that substantial parts of the allocation are unspent. For example in 2012, 34% of the reduced accommodation budget was unspent.<sup>10</sup> At the same time, anti-trespass legislation enacted in Ireland (Housing (Miscellaneous Provisions) Act 2002) means that Travellers living on unofficial sites, as a result of the failure of the state to provide culturally appropriate accommodation, are committing the offence of trespass.

While the AITHS is the most comprehensive research we have to date, government statistics obscure the reality of Traveller accommodation. For example, the in the NTACC annual reports their categories include ‘sharing’ of houses and halting bay sites, in reality ‘sharing’ is a euphemism for Travellers living in conditions in chronic overcrowding, the term ‘basic’ service bays refers to sites that are often flooded, rat infested and lacking in everything but basic facilities such as shared taps.

The reports also refer to ‘unauthorised sites,’ this means Traveller families, including children, who have no suitable accommodation being forced to live at the roadside, most likely with no access to toilets or running water. For instance, according to the NTACC,<sup>11</sup> in 2013:

- Unauthorized sites: 361
- Basic service bays: 188
- Sharing permanent halting sites: 182
- Sharing basic services/transient HS sites: 17
- Sharing houses: 663

What this means is that roughly 5,500 or 18.6% of Travellers are in need of proper accommodation provision which using Census 2011 figures, it would be the equivalent of 853,415 of the general population in need of housing. According to the Department of Environment, 5,811 people are ‘officially homeless’ in emergency homeless accommodation<sup>12</sup> in February 2016 and a projected 90,000-100,000 people are on social housing waiting list<sup>13</sup>, these figures are still considerably lower than the proportionate number of Travellers in need of accommodation. This clearly signals the need for Travellers to be taken into consideration in the wider discourse around accommodation in Ireland. We note in the Department of Environment’s most recent statistics<sup>14</sup> that there is a significant decrease in the three year period (2013-2015) of 237 Traveller families in private rented accommodation and a correlated increase of 200 families sharing houses.

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<sup>9</sup> Harvey, B. (2013) *Travelling with Austerity*. Dublin: Pavee Point

<sup>10</sup> Harvey, B. (2013) IBID

<sup>11</sup> [http://www.environ.ie/sites/default/files/publications/files/ntacc\\_annual\\_report\\_2013.pdf](http://www.environ.ie/sites/default/files/publications/files/ntacc_annual_report_2013.pdf)

<sup>13</sup> <http://www.simon.ie/Portals/1/Simon%20Community%20Homelessness%20and%20Housing%20Crisis%20Factfile%2021042016.pdf>

<sup>14</sup> [http://www.environ.ie/sites/default/files/publications/files/total\\_number\\_of\\_traveller\\_families\\_in\\_all\\_categories\\_of\\_accommodation-2016-02-05\\_table\\_2.pdf](http://www.environ.ie/sites/default/files/publications/files/total_number_of_traveller_families_in_all_categories_of_accommodation-2016-02-05_table_2.pdf)

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There is also an increase of 173 families on unauthorized sites during that time. It is clear that Traveller families are responding to the accommodation crisis by relocating to sites that are already overcrowded, unsafe and inhabitable. This can create conditions for internal conflict, fire hazards, unnecessary accidents and conflict with residents living in close proximity.

### **EMPLOYMENT, ENTERPRISE AND THE TRAVELLER ECONOMY**

Unemployment in the Irish Traveller community was 84.3% in 2011, up from 74.9 per cent five years earlier. The Census 2011 reports that 19% across the whole population are unemployed.

Research undertaken by the Equal at Work initiative in 2003 identified the range of barriers experienced by Travellers with regard to progression in the labour market, and these include literacy confidence (more so than literacy problems); educational qualifications – particularly where the Leaving Certificate is an entry level requirement for jobs; ageism – particularly for older workers who have not had the opportunity to complete the Leaving Certificate, prejudice in relation to where people live, and confidence.<sup>15</sup>

It has been common practice for Travellers to organise and initiate their own economic activity. The government-appointed Task Force on the Travelling Community (1995)<sup>16</sup> provided an important insight into the unique nature of the Traveller economy, explaining that what distinguishes the Traveller economy is not so much the particular economic activities that Travellers engage in but the distinct manner in which these activities are organised'. Research from Pavee Point and elsewhere<sup>17</sup> identifies a number of key features of the Traveller economy:

- Nomadism – where mobility makes marginal activity viable
- A focus on income-generation rather than job-creation
- An emphasis on self-employment
- The extended family as the basic economic unit
- Home-base and work-base are one and the same
- Flexibility – often in response to market demands

According to the Task Force report these core features are key to enabling Travellers to make a profit in what may be considered by others to be non-viable areas. The Task Force report made twenty specific recommendations outlining actions necessary to protect and support the traditional structural characteristics of the Traveller economy and Travellers' participation in specific activities including market trading, recycling and the horse trade. Unfortunately, there has been little or no progress on those recommendations.

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<sup>15</sup> Murphy, P. (2003): *Report on Community Employment Skills and Progression*. Report carried out by Equal at Work on behalf of South Dublin Public Sector Site

<sup>16</sup> Task Force on the Travelling Community (1995): *Report of the Task Force on the Travelling Community*. Dublin: Government Publications.

<sup>17</sup> Pavee Point (1993): *Recycling and the Travelling Community: Income, Jobs and Wealth Creation*. Dublin: DTEDG, and McCarthy, D., and McCarthy, P. (1998): *Market Economy: Trading in the Traveller Economy*. Dublin: Pavee Point Publications.

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Travellers, as well as other ethnic minority groups including Roma, experience barriers in accessing supports for enterprise, and the regulatory/ legislative infrastructure has had the effect of undermining the Traveller economy. These include:

- Fear of failure and lack of confidence, particularly for Traveller women entrepreneurs<sup>18</sup>
- Education and skills
- Financial barriers for Travellers as well as other ethnic minority groups<sup>19</sup>
- Loss of benefits, or fear of loss of benefits<sup>20</sup> particularly in relation to the medical card, given Travellers health status.<sup>21</sup> This can mean that Travellers will be fearful of testing the market and new enterprise ideas
- Information and access to networks, which also applies to all ethnic minorities and disadvantaged groups
- Lack of role models
- Regulations, which have had the effect of pushing Travellers out of key industries in the Traveller economy.<sup>22</sup> Since the 1990s, Government legislation has impacted negatively on opportunities within the Traveller economy, most notably the anti-trespass legislation (Housing (Miscellaneous provisions) Act 2002); The Casual Trading Act (2005); Control of Horses Act (1996); EU directive on end of life of vehicles (2000); as well as proposed new legislation on scrap metal. There has been no impact assessment undertaken prior to the introduction of these Acts, nor has there been any measures taken by the State to mitigate their impact on Travellers.
- According to Pavee Point, the lack of acknowledgement in Ireland of Travellers roles in these sectors has had a particularly adverse effect on the economic life of Travellers in comparison with other groups and has resulted in the undermining of the Traveller economy.
- Discrimination – whether direct or indirect, and half of all Travellers feel that they experience direct discrimination<sup>23</sup>

Moreover, the specific sectors that some Traveller entrepreneurs engage in are excluded from enterprise support initiatives: for example, the part-time or seasonal nature of enterprise activity can exclude Traveller participation, and the sectors eligible for support from national and local enterprise programmes do not include many of the enterprise sectors Travellers participate in, and therefore have a discriminatory effect on Travellers.

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<sup>18</sup> Cooney, T. (2009): 'Developing Entrepreneurship Programmes for Female Members of the Irish Traveller Community'. *International Journal of Gender and Entrepreneurship*, Vol. 1, no.2, 2009.

<sup>19</sup> Cooney, Thomas M. and Flynn, Anthony (2008): *A mapping of ethnic entrepreneurship in Ireland*. Dublin: Institute of Minority Entrepreneurship, Dublin Institute of Technology

<sup>20</sup> Pearn Kandola Occupational Psychologists (2003): *Travellers' Experiences of Labour Market Programmes: Barriers to Access and Participation*. Dublin: Equality Authority; WRC (2003): *Accommodating Diversity in Labour Market Programmes*. Dublin: Equality Authority; Ronayne, T. (2000): 'Reaching the Excluded' a paper presented to the VTOS 10th Anniversary Conference in 2000.

<sup>21</sup> Department of Health and Children (2010): *Our Geels: All-Ireland Traveller Health Study*. Dublin: Stationery Office

<sup>22</sup> The report of the Task Force on the Travelling Community (1995) stated that 'with increasing regulation and enforcement in work areas associated with Travellers, e.g. recycling, waste disposal, horse trading, opportunities for self-employment have become more difficult to find.'

<sup>23</sup> According to the AITHS referred to above..

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## EDUCATION

The results of Census 2011 highlights the following situation of Travellers in Ireland with regard to education:

- 69% of Travellers were educated to primary level or lower, including 507 persons aged between 15 and 19 in 2011.
- 55% (of Travellers whose education had ceased) had completed their education before the age of 15, compared with 11% for the total population.
- 21.8% of Travellers (whose education had ceased) were educated to lower second level, compared with 15.2% in 2002. The percentage of Travellers who completed upper secondary education more than doubled from 3.6% to 8.2% over the same period.
- Only 3.1% continued their education past the age of 18, compared with 41.2% for the total population, and only 1% of Travellers progressing to third level education (compared with 31% of the settled population).
- Traveller females stayed longer in school than their male counterparts with 15% ceasing their education at age 17 or over, compared with just 11% of males.
- The percentage of Travellers with no formal education in 2011 was 17.7% compared with 1.4% in the general population.

Studies undertaken refer to education attainment and negative experiences of Travellers in school:

- The *Report on the First Phase of the Evaluation of DEIS (2011)* found that the educational attainment of Travellers remains significantly lower than that of their settled peers in both reading and mathematics. The magnitude of the difference between the scores of the two groups is large in every case.<sup>24</sup>
- The *2012 State of the Nation's Children* report found that Traveller children, immigrant children and children with a disability are more likely to report being bullied at school.

## 2.2. Roma in Ireland

The situation of Roma in Ireland is very intricate and complex. There are an estimated 5,000 Roma in Ireland from countries including Romania, Bulgaria, Slovakia, Czech Republic, Hungary and Poland. However, there is very little accurate data available as Roma ethnicity is not collected in immigration, employment, or other Government statistics. Nor is Roma ethnicity included in the 'ethnic and cultural background' question in the Census. In any case, Roma participation in the Census is likely to be problematic given issues of social exclusion, discrimination and lack of trust in authority by many Roma. The lack of trust and isolation amongst Roma is exacerbated by events in Dublin and Athlone in October 2013 where children were removed from families by An Garda Síochána (under Section 12 of the Childcare Act) without any sound basis.

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<sup>24</sup> Department of Education (2011) *Report on the First Phase of the Evaluation of DEIS*. Dublin: Department of Education

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Research by the EU Fundamental Rights Agency (FRA) in 2012 found that in 11 EU countries:

- One out of three Roma are unemployed
- About 90% of the Roma live in poverty
- About half of the Roma said that they have experienced discrimination in the past 12 months<sup>25</sup>

Roma have long experienced racism and discrimination in Europe, and it has been estimated that the death toll of Roma in the holocaust ranges from 220,000 – 1,500,000 (it has also been estimated that around 25% of all European Roma were killed in the holocaust), and others endured forced sterilisation. More recently, Roma have been subject to violence, incitement to hatred, and segregated education.

The European Roma Rights Centre<sup>26</sup> reports that violence against Roma communities is rising across Europe. The attacks they have documented include police violence, arson attacks, mob violence and anti-Roma demonstrations.

Former Council of Europe Commissioner on Human Rights, Thomas Hammarberg, noted in 2012 that ‘in many European countries the Roma population is still denied basic human rights and made victims of flagrant racism. The Roma remain far behind others in society in terms of educational attainment, employment, housing and health standards, and they have virtually no political representation.’<sup>27</sup>

The lack of accurate information on Roma communities makes it difficult to develop effective and appropriate policies and to provide appropriate services. However, it does appear that Ireland has a relatively small Roma population compared to other western European countries, so it should be possible to address the difficulties that they are experiencing.

### **2.3. Key policy issues**

Pavee Point believes that much of the difficulties faced by Travellers and Roma have their basis in racism and discrimination in Ireland, both at an individual and an institutional level. Much of the policy responses and practice has been characterised by a fragmented approach, which has led to state institutions undermining the policies of other state institutions. Examples of some policy issues which impact on Travellers and Roma are outlined below.

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<sup>25</sup> European Union Fundamental Rights Agency (2012) The Situation of Roma in 11 EU Member States – Survey Results at a Glance. <http://fra.europa.eu/en/publication/2012/situation-roma-11-eu-member-states-survey-results-glance>

<sup>26</sup> The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, it has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services.

<sup>27</sup> Thomas Hammarberg is a Swedish diplomat who held the post of Council of Europe Commissioner for Human Rights in Strasbourg from 1 April 2006 to 31 March 2012.

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## HABITUAL RESIDENCE CONDITION

Habitual residence is a condition which applicants must satisfy in order to qualify for certain social welfare assistance payments. Habitual residence essentially means an applicant must be able to prove a close link to Ireland. Five factors are considered to determine habitual residence:

- the length and continuity of residence in the state or in any other particular country;
- the length and purpose of any absence from the state;
- the nature and pattern of the person's employment;
- the person's main centre of interest;
- the future intentions of the person concerned as they appear from all the circumstances.

Pavee Point have noted that the application of HRC is having a disproportionate and devastating impact on Travellers and Roma in Ireland and raising serious human rights concerns. This arises in a number of ways: Travellers who are living a nomadic lifestyle may move between the UK and Ireland, and application of the HRC to the Common Travel Area will have a disproportionately negative impact, even though the movement by Travellers' does not reflect an intention to relinquish ties to Ireland. The provisions in the HRC guidelines make no provision for nomadism, make no consideration that Travellers and Roma may not in fact live in permanent housing.

In addition the application of restrictions until July 2012 to labour market access for Roma from Romania and Bulgaria has in practice excluded many Roma from these countries from accessing employment and community employment schemes. This has also negatively affected their work record. Pavee Point also has concerns in relation to the gendered nature of the assessment of the nature and pattern of a person's employment, as women who perform caring roles are less likely to have been in formal employment.

These restrictions simply make it impossible for Travellers to travel across the island and place Roma and Travellers in destitution. Our position is that:

- HRC is having disproportionate effect on Travellers and Roma
- The Irish Government has human rights obligations and needs to ensure that all legislation, policy and practice are in line with the Treaties that it has signed up to. It is clear that the impact of HRC is acting as a barrier to the realisation of Travellers' and Roma human rights in Ireland which needs to be addressed.
- The HRC needs to be reformed and more stringent proofing of the impact of economic and budgetary policies particularly on people in vulnerable situations needs to be put in place, as these restrictions go far beyond the intended purpose of controlling immigration.
- Application of the concept of a geographical 'centre of interest' to culturally nomadic communities such as the Traveller community is problematic, as it is interpreted from the viewpoint of the static majority population. Guidelines need to be amended to take into account differences in Traveller culture.
- The application of HRC to child benefit needs to be removed. All children living in Ireland should be treated equally and according to the principle of non-discrimination.

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In March 2016 the UN Committee on the Rights of the Child in their concluding observations on Ireland recommended the Irish Government **Make child benefit payments a universal payment that is not contingent on the fulfilment of the habitual residence condition**<sup>28</sup>.

- HRC is not always applied in a consistent and timely manner. This is placing people who are already at risk into extremely vulnerable situations.

The restriction on benefits and services for people without what the state deems ‘habitual residence’ is resulting in families and children unable to access disability benefits, child benefits and supports available to other children and families. Many families living in Ireland experience serious hardship as a result, with consequences such as school non-attendance and effectively being forced into begging. It highlights how one aspect of state policy can undermine and run contrary to other measures.

The Habitual Residence Condition (HRC) is one example of this issue, as it leads to child and family welfare issues for Roma and impacts on children’s access to education, health and support provisions which ultimately lead to child welfare concerns.

### **TRAVELLER ETHNICITY**

Pavee Point welcomes the recent announcement by An Taoiseach, recognising Travellers’ ethnicity. To follow this initial step, we believe that the Government should write to the relevant international bodies, confirming that this State recognises the ethnicity of the Traveller community. It also needs to ensure that each Government Department and all statutory agencies are made aware of this shift in policy and the implications of this.

This recognition acknowledges Travellers right to their cultural identity. It now means that Travellers and Roma should automatically be included in all State anti-racism and inter-cultural initiatives, and that the discrimination that the communities experience should be recognised as racism. It should end the assimilationist mindset and contradictory approaches often reflected in Government policies towards Travellers. Recognition of the minority ethnic status of Travellers needs to open a new dialogue as to how the State interacts with Travellers into the future.

### **IRELAND’S NATIONAL TRAVELLER ROMA INCLUSION STRATEGY**

Ireland’s first *National Traveller Roma Integration Strategy* was submitted in 2012 (on foot of a requirement for all EU Member states to submit a strategy).<sup>29</sup> That plan was fundamentally flawed and has consistently been criticised in EU assessments on Ireland which criticised the lack of Traveller and Roma representatives’ involvement in the development of the strategy; no funding has been associated with any of the actions; and no targets and monitoring provisions have been specified as part of the policy framework of the plan. As a result, the strategy has been ineffective.

Pavee Point has worked with the Dept. of Justice & Equality and other Government Departments in the consultations for and development of a new National Traveller Roma Inclusion Strategy. This should be published by summer 2017 and hopefully will address

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<sup>28</sup> [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/IRL/CO/3-4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/IRL/CO/3-4&Lang=en)

<sup>29</sup> The EU Framework for National Roma Integration Strategies, established in 2011, called on member states to develop National Roma Inclusion Strategies.

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some of the EU criticisms and provide an effective policy framework for addressing Traveller and Roma inequalities in Ireland. Pavee Point continues to call for National Traveller and Roma Agency in Ireland to drive implementation of Government policy for Travellers and Roma.

## **3. 'Ireland 2040': National Planning Framework**

### **3.1. Introduction**

Pavee Point believes that as the forthcoming National Planning Framework is being developed, there is an opportunity to address barriers and issues affecting Travellers and Roma.

Pavee Point holds to the principle that in order to achieve equality for Travellers and Roma, attention must be paid to the structural determinants/ issues that impact on them, including education, employment, poverty, health, discrimination and racism. This means that policy and practice must be underpinned by an inter-cultural approach and by principles of equality, diversity and anti-racism. Planning policy and practice plays a key role in determining these outcomes.

Delivering services based on equality does not mean treating people the same, but designing and implementing programmes that are inclusive, culturally appropriate, and appropriate to the needs of groups in society, including Travellers and Roma, and lead to better outcomes for disadvantaged groups, including Travellers and Roma. Fundamentally we believe that Travellers and Roma should be afforded rights to their cultural identity, without experiencing marginalisation and discrimination in the process.

As noted in sections 1 and 2 of this submission, Travellers and Roma experience stark inequalities in Ireland. There is a need for an urgent response and positive action to address the current and historic discrimination experienced by Travellers, and to address the determinants that are leading to these unacceptable inequalities.

In this section, proposals are made in relation to the areas that 'Ireland 2040' will directly impact upon.

#### **Accommodation recommendations**

The percentage of Travellers living mobile structures halved between 2006 and 2011 (24.7% to 12.3%). Those who do live in temporary accommodation experience poor living conditions. Not only has there been an 85% drop in funding by the DHPCLG for Traveller-specific accommodation (from €40m in 2008 to €6m in 2012), but an under-spend by local authorities in the existing allocation of funding by over one third (in 2012). At the same time, anti-trespass legislation enacted in Ireland (Housing (Miscellaneous Provisions) Act 2002) means that Travellers living on unofficial sites, as a result of the failure of the state to provide culturally appropriate accommodation, are committing the offence of trespass.

Clearly, national policy statements as regards provision of accommodation have not achieved their objectives. Moreover, local planning and accommodation objectives have not been implemented. 'Ireland 2040' must accept that major change is required, and that major change must be delivered upon.

We strongly urge that the dismal performance of the state with regard to culturally specific accommodation is addressed as a priority in 'Ireland 2040'. This will involve enhanced

consultation and participation, as well as accountability measures, amongst other actions. In particular, we urge the following:

1. That 'Ireland 2040' ensures that culturally appropriate accommodation forms part of Planning policy, and that guidelines developed by the National Traveller Accommodation Consultative Committee (NTACC) be implemented across all local authorities and in the operation of the Local Traveller Accommodation Consultative Committees (LTACC).
2. The success of measures undertaken are evaluated: all local authorities should be required to undertake specific equality impact assessment of the Traveller Accommodation Programmes (TAPs) that they develop.
3. Planning and local authorities should be instructed to develop clear and measurable strategies in addressing barriers to the development of Traveller-specific and culturally appropriate accommodation. Proposals and strategies for addressing barriers to land acquisition and other barriers should be specified in TAPs at their outset, or at their review stage. Local authorities should be required to report on progress in overcoming these barriers.
4. The Planning framework should make provision for sanctions on local authorities that fail to implement the targets outlined in their TAPs. Likewise, local authorities should be instructed to provide detailed reports where there is an under-spend in their Traveller accommodation budgets, as under-spends indicate that Planning strategies are not being met.
5. Local authorities should be instructed to engage with local Traveller organisations when conducting assessment of accommodation needs of Travellers. The work should be undertaken in close collaboration with local Traveller organisations and taking into account needs assessments undertaken by local groups.
6. Under the Housing (Traveller Accommodation) Act 1998, local authorities are required to provide transient sites to facilitate the nomadic culture of Travellers. None of the existing transient bays in Ireland are operating as transient bays, as they are all being used for emergency and temporary accommodation (with some families living in transient bays for over a decade). The Planning framework should establish as a planning priority the provision of transient as well as permanent accommodation. It should also establish, as mandatory, the requirement that local authorities to include plans for the provision of transient accommodation for Travellers, and that transient sites are used to accommodate the nomadism of Travellers. In so doing, a maximum period of occupancy in transient sites should be considered in order to ensure that sites do not become defacto permanent sites.
7. Local and planning authorities should be instructed to develop tenant participation programmes for all halting sites in their areas of remit.
8. Existing sites, particularly those in existence prior to the introduction of the Dept of Housing guidelines should be brought within a new regulatory framework, to ensure that refurbishment is undertaken to improve sites where conditions are poor. This would require an audit of site conditions undertaken which should include a multi-disciplinary team of professionals as well as Traveller organisation involvement. These audits should be published, and where remedial works are recommended, each local authority should develop a time-scaled action plan for undertaking remedial works. The Dept of Housing should consider penalties for local authorities that fail to reach targets, as a Planning breach.

## Local economic development recommendations

In recent years, local government and planning authorities in Ireland have expanded their remit into economic and local development activities, with the establishment of Local Community Development Committees (LCDCs) and the development of Local Economic and Community Plans (LECP). Local economic and community planning will be central to the Planning framework, given the contribution that Planning makes to sustainable development, as well as creating and supporting communities.

Accordingly, 'Ireland 2040' should ensure that these structures are strengthened, more needs-based, and that the following provisions should apply:

9. Each LCDC or any subsequent local development structure must include participation and membership of Traveller organisations, given the experience of discrimination and multiple disadvantage experienced by Travellers and Roma. The Strategic Policy Committee (SPC) for economic development in local authorities must include representation of Traveller interests. Traveller interests must be represented on current or future structures established to oversee the common economic and community elements community plans.
10. 'Ireland 2040' should ensure that principles of inclusion underpin all aspects of the planning process for the LECPs and the work of LCDCs, or any structure that follows from them.
11. We urge that achieving equality of outcome should be a key objective of local community or economic strategies, and should be included in the guiding principles and objectives for 'Ireland 2040' and all strategies and structures arising from it (including existing structures such as the LECPs).
12. All consultation processes for the completion of LECPs should include consultation with Traveller and Roma representative organisations.
13. In developing high-level needs, opportunities, objectives and associated indicators for the local structures instituted by planning and local authorities, provision must be made for disaggregation of all data, needs, objectives, targets and indicators to include Travellers and Roma.
14. The implementation of ethnic identifiers must take place in partnership with Traveller organisations which have developed models and training for their implementation as part of the actions of all other local structures arising from 'Ireland 2040'.
15. Equality proofing and impact assessment should be a fundamental part of the process of developing plans at local government level and should be undertaken with Traveller and Roma representative organisations and other disadvantaged groups.
16. All consultation processes undertaken must be implemented in close cooperation with Traveller organisations.
17. Specific provisions in local economic and community plans should be made for Traveller economy supports. This includes the pursuit of general policies and programmes as well as group-specific (targeted) initiatives to support Travellers in enterprise, mainstream labour market and the Traveller economy. This means that formal and visible recognition of the Traveller economy must occur at local level.
18. All unnecessary regulatory barriers to enterprise should be abolished, and the LECP should ensure that all proposed policies and regulations should be subject to equality or social impact assessment, and regulatory impact assessment.

19. Specific provision for support mechanisms for social enterprises that are developed by Travellers, or by Traveller organisations.

## **Health recommendations**

Health and planning policy are inextricably linked. We know that having easy access to culturally-appropriate housing, economic space, green space, and recreation space improves mental health and levels of physical activities. Yet Travellers and Roma often experience the greatest inequalities when it comes to these provisions.

They also experience health far worse than the total population. As noted in sections 2 of this submission, the AITHS presented the overwhelming evidence that Travellers experience stark inequalities in health, including low life expectancy, high mortality rates, problems with quality, and trust in relation to the services. There is an urgent need to address the determinants that are leading to these unacceptable inequalities, including racism and discrimination.

Despite being rooted in public health, planning is a discipline that over recent decades has had little formal contact with health. This needs to change with ‘Ireland 2040’ and the impact that Planning policy has on health and well-being of communities must play a central role in the development of the national framework.<sup>30</sup>

In the first instance Travellers and Roma should be considered as important stakeholders in the development of all Planning measures (both as part of the development of ‘Ireland 2040’, and structures and actions arising from it).

Second, the difference in demography between the majority population and Traveller community needs to be acknowledged by ‘Ireland 2040’, and must be taken into consideration in any needs analyses which will give rise to future planning of services, including health services, and other infrastructure projects. In particular, the findings of the All Ireland Traveller Health Study (AITHS) must be core to these considerations.

Specific proposals in this regard should include:

20. Planners must be required to work with public health organisations and Traveller community representatives in order to ensure that strategies, plans and proposals are rooted in the health and well-being needs of communities. The health inequalities of Travellers ensures that Traveller representatives must be part of this process.
21. Health Impact and Health Equity Impact Assessment and Equality Impact Assessment must form part of local decision-making structures regarding planning strategies and proposals.
22. With regard to Traveller-specific accommodation, where a new site is planned for development (or existing site being re-developed), a structure should be instigated early in the development process (no later than design stage) and should report to the Local Traveller Accommodation Consultative Committee. This should comprise a steering group with membership of Traveller representative organisations, proposed site residents, Traveller community health specialists, public health specialists, local

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<sup>30</sup> In 2014 the UK’s Department for Communities and Local Government’s newly published National Planning Practice Guidance which recognises the importance of local infrastructure planning in the development of healthy communities.

government and planning representatives. This group should oversee the development or re-development of sites from concept stage to completion, and it should oversee consultation processes.

23. All planning strategies should adopt and adhere to social determinants approach to health. As a result, and given the impact of housing conditions, green space, access to services, economic activity, cultural and recreation activity, there must be greater provision for these in all Planning actions and measures impacting on Travellers. Traveller-specific and culturally appropriate accommodation should include specific provision for:
  - Economic activity provision (including specific space for economic activity)
  - Cultural and recreation space (including space for Traveller horse projects)
  - The natural environment, landscaping and play-space for children
  - Communal space, to facilitate health service provision, education, community participation.
24. We would urge the inclusion of 'equality of health outcomes' as one of the core principles that underpin the vision and objectives of 'Ireland 2040'. This should ensure that targets and outputs that are inclusive and outcome-oriented are put in place as part the framework's provisions.

## 4. How should a National Framework be implemented?

One of the core questions raised in the consultation guide asks about how ‘Ireland 2040’ should be implemented? In this section, we propose a framework and good practices for ensuring that implementation of all measures, strategies and proposals are inclusive of Travellers and Roma.

### Principles for effective inclusion underpinning all actions

Pavee Point holds to the principle that in order to achieve equality for Travellers and Roma, attention must be paid to the structural issues that impact on them, including discrimination and racism. This means that all Planning policy and practice must be underpinned by an inter-cultural approach and by principles of equality, diversity and anti-racism.

Infrastructure, housing, and service delivery of all kinds – when based on principles of equality - does not mean treating people the same. Rather, equality is concerned with designing and implementing programmes that are inclusive, culturally appropriate, and appropriate to the needs of groups in society, including Travellers and Roma. Equality based should lead to better outcomes for disadvantaged groups, including Travellers and Roma. Fundamentally we believe that Travellers and Roma should be afforded rights to their cultural identity, without experiencing marginalisation and discrimination in the process.

We believe that Travellers and Roma should therefore be considered as important stakeholders in the development of ‘Ireland 2040’, as well as its implementation. Adopting this approach is critical now, in light of devastating and disproportionate impact on Travellers of funding cuts, experienced across all facets of Traveller and Roma experience.<sup>31</sup> These are summarised in the tables below:<sup>32</sup>

Programmes for Travellers	Loss of funding (2008-2012)
Interagency activities	-100%
Traveller education	-86.6%
Traveller accommodation	-85%
Equality	-76.3%
National Traveller Organisation	-63.3%
FAS Special Initiative for Travellers	-50%
National Traveller Partnership	32.1%
Traveller SPY youth projects	29.8%
Health	-5.4%

<sup>31</sup> Harvey, B (2013): *Travelling with austerity: Impacts of Cuts on Travellers, Traveller Projects and Services*. Dublin: Pavee Point

<sup>32</sup> Note: the report highlights that some state agencies did not even spend all their allocation, so the loss of resources is even worse than that highlighted in the figures.

The figures should be compared to the overall reduction in government current spending of -4.3% over 2008-2013. Therefore opportunities to work with Traveller and Roma organisations should be seized in the preparation of ‘Ireland 2040’ by the department as well as all implementation bodies that arise from the plan.

In this section, we outline key recommendations which cross-cut all activities and processes of the DECLG. We believe in adopting these, the plans will be enhanced, and outcomes for Travellers and Roma (as well as other groups) will be maximised. These principles include:

- Decision-making and oversight
- Preparatory actions
- Consultation
- Equality/Social impact assessment
- Data collection
- HR and capacity building measures

#### **4.1. Decision-making and oversight**

As outlined above, participation in decision-making and oversight by Traveller representative organisations must be a fundamental principle in ‘Ireland 2040’, and in directives issued to agencies within the remit of the department. We have previously endorsed the inclusion of ‘participatory planning’ in DHPCLG guidelines issued previously (for the development of Local Economic and Community Plans (LECPs)), and we urge that these principles are universally applied in ‘Ireland 2040’.

Given the extent of disadvantage and marginalisation experienced by Travellers and Roma, and in the absence of ethnic identifiers and comprehensive sources of data, it is imperative that all structures established by, and in, the department as part of ‘Ireland 2040’ include the participation of Traveller and Roma representative organisations.

#### **4.2. Preparatory actions and consultation**

In all aspects in preparing for ‘Ireland 2040’ and consultation processes arising from it, care should be taken to identify barriers that are likely to exist for Travellers (including consideration of different age groups, gender etc.). It is important that the needs of key marginalised and minority ethnic groups, such as Travellers and Roma are undertaken. We believe that a ‘one size fits all’ approach will not be sufficient to account for the diversity of situation, experience, and identity of Travellers and Roma in Ireland. As outlined in section 3, consultation with Travellers and Roma organisations must take account of this diversity, and must be included at all levels and stages of the consultation process and preparations for all plans.

### **4.3. Equality/Social impact assessment**

Impact assessment (particularly Environment Impact Assessment and Regulatory Impact Assessment) is a well-established principle in Planning strategies, policies and measures. This principle needs to extend wider, and we would strongly recommend that mandatory equality proofing of all ‘Ireland 2040’ strategies, policies and action plans takes place. This would establish the potential impact (positive and negative) of strategies and policies on Travellers and Roma with regard to achieving equality of outcome. This would involve implementing equality/social impact assessments on programmes and policies. It must also involve a programme of monitoring changes arising from equality/social impact assessment.

All proofing and impact measures should be overseen by steering or working groups comprised of stakeholders, including Traveller organisation representatives, staff of the department (including senior management), and it should be resourced by staff members. The National Planning Framework should ensure that agencies and organisations the remit of the framework also undertake this measure, in order to ensure that it becomes mainstreamed within the Planning process.

### **4.4. Data collection**

Data collection is essential for the effective monitoring of access to and outcomes from strategies, and we would urge this to be a key element in ‘Ireland 2040’. We have previously urged the department to put in place a system for capturing data on the participation of Travellers and Roma (as well as other minority ethnic groups) in all thematic areas and actions within its remit, and this should be incorporated into actions and strategies under ‘Ireland 2040’.<sup>33</sup> Without disaggregated data, it will not be clear how Travellers or Roma are progressing in all provisions within the National Planning Framework. If ethnic monitoring becomes central to the framework, this will have significant influence over a wide range of actions and strategies and agencies for the forthcoming two decades, and it would enable the monitoring and assessment of the effectiveness of these initiatives directed at Travellers and Roma. The ethnic identifier has been rolled out in a progressive manner in the DHPCLG Social Inclusion and Community Activation Programme (SICAP).

This would include mandatory implementation of an ethnic identifier across all departmental as well as framework areas. This would support the plan to identify needs, combat racism and discrimination, promote equality, monitor progress of planning measures and policies and provide a basis for evidence-based policy-making.

Travellers’ ethnicity has now been recognised, but this is only the first step in addressing both indirect and direct racism and discrimination. Pavee Point calls for an ethnic equality monitoring (and ethnic identification) process which will facilitate the collection of data disaggregated on basis of ethnicity within a human rights framework. This requires:

- A universal question for all service users

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<sup>33</sup> The Council of Europe Convention 108 specifies certain conditions for the processing of personal data and in order for the collection of ethnic data to be legitimate and lawful, these requirements must be fulfilled.

- Based on principle of voluntary self-identification of ethnic status
- Data collected is aggregated and anonymised
- Data is only used for the purpose for which it was collected
- It is available in a timely manner
- It is analysed in consultation with the organisations representing minority ethnic groups

Any system should include the voice of minority ethnic groups, and Pavee Point has supported the design and implementation of ethnic identifiers in Ireland (for example, with the central statistics office as part of national Census and with HSE services as well as DHPCLG SICAP programme).

## **4.5. HR and capacity building measures**

### **TRAINING**

Underlying the above measures identified is the need for all personal involved in the implementation of ‘Ireland 2040’ including departmental staff (and staff of its associated agencies) to be fully aware of the context in which Travellers and Roma live in Ireland. Anti-racism and cultural awareness training should be provided and participation should be mandatory, and repeated at regular intervals for all staff. Such training should include provisions on the experience, situation and identity of Travellers and Roma in Ireland, as well as the policy dimension and how these affect Travellers and Roma. Pavee Point has extensive expertise in the design and delivery of training in these areas across a wide range of Government departments and agencies.

### **RECRUITMENT AND MONITORING**

As part of any future recruitment process of staff involved in ‘Ireland 2040’, across the DHPCLG, and within agencies within its remit, criteria for employment and job descriptions should include provisions for a commitment to anti-racist and equality perspective. Job descriptions of staff should also reflect this perspective in terms of essential skills.

The performance management system for the public sector (PMDS) should also include wider criteria in their measurement of performance to include outcomes in terms of progressing equality for Travellers and Roma in Ireland.

Given the importance of adopting principles of inter-culturalism and equality, we would urge the DECLG to target the employment of Travellers and Roma in any future recruitment processes. This would enhance the capacity of the agency and include the expertise of these communities.

### **POSITIVE ACTION PROGRAMME**

We would also recommend that a positive action measure with respect to any future employment opportunities for Travellers and Roma should be a key policy for the DHPCLG and actions arising from ‘Ireland 2040’. As outlined in section 2, Travellers and

Roma are the most marginalised groups from the labour market, with barriers experienced including:

- Literacy confidence (to a greater extent than literacy problems).
- Educational qualifications – particularly where the Leaving Certificate is an entry level requirement for jobs.
- Ageism – particularly for those older workers who have not had the opportunity to complete the Leaving Certificate.
- Prejudice and racism
- Confidence

As part of this, Recognition of Prior Learning (RPL) needs strengthening, and any unnecessary barriers or entry requirements for employment are removed, as there is a risk that such provisions may lead to undermined access to employment for Travellers.

There are examples of good practice in positive action for Travellers recruitment in Ireland within the public sector.<sup>34</sup> Drawing on these, and other good practice positive action measures documented by the HSE's Traveller Health Unit (Eastern Region),<sup>35</sup> we recommend a programme for positive action for key positions in the DHPCLG, as well as local authorities and other planning authorities and agencies where recruitment is planned. A working group, comprising senior management, representatives of local development structures and Traveller and Roma representation would be convened to oversee the process. The following actions should come within its remit:

- Examination of roles and programmes to prioritise positive action measures
- Design of programme and planning (including needs analysis)
- Clear objective for outcomes (across different grades and positions)
- Recruitment processes
- Support in the workplace (and engagement with training providers)
- Progression opportunities (within the organisation)
- Monitoring and evaluation of programme

A staff member should be tasked with the role of coordinating the process and should report to the working group.

#### **4.6. Innovative measures**

Traveller and Roma representative organisations have the potential to contribute to development of good practice and effective services in Ireland, through exploratory research, piloting and development of initiatives. We would recommend that 'Ireland 2040' supports innovative approaches, and work with organisations such as Pavee Point in their development. These could include targeted measures and programmes delivered in

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<sup>34</sup> For example, the civil service internship programme for Travellers, South Dublin County Council and others.

<sup>35</sup> For a model and examples of positive action measures within the HSE and the public sector as a whole, see TSA Consultancy (2007): *Toolkit and Guidelines for the Employment of Travellers in the Health Service Executive*. Dublin: HSE, Traveller Health Unit Eastern Region

cooperation with Traveller organisations around accommodation, community infrastructure and planning, or other joint initiatives and programmes.

#### 4.7. Positive duty

The legislation for the establishment of the Irish Human Rights and Equality Commission (IRHEC) introduced a new positive duty obliging public bodies to have regard, in the performance of their functions, of the need to eliminate discrimination and promote equality of opportunity and treatment. The IRHEC is explicitly empowered to further support public bodies in meeting their obligations under this positive duty, such as advising on the development by public bodies of performance measures, operational standards and preventative strategies.

Given the potential impact of Planning strategies and frameworks on the health, wellbeing, environment and economic and recreation activity of the population, it is imperative that 'Ireland 2040' and actions arising from it (including its implementation) demonstrate how it is meeting its positive duty. The actions proposed in this submission would contribute to this positive duty, and should be adopted in order to fulfil this legal obligation.

#### **SOCIAL CLAUSES**

In addition, the use of social clauses and social considerations in the procurement process could be a powerful way in which the positive duty could be implemented and should be promoted in 'Ireland 2040', by the DHPCL and all agencies and authorities within its remit and involved in the planning and procurement process. 'Ireland 2040' should be advocates for social clauses and strongly endorse actions in this regard. This would be consistent with commitments given in the Programme for Government and provisions in the new EU Procurement Directives.

#### 4.8. Ten common principles on Roma inclusion

We recommend that all work with Traveller and Roma communities should be underpinned by the ten common basic principles on Roma inclusion adopted by the European Commission, and underpin the strategic planning process and the consultations undertaken in the development of 'Ireland 2040' by the DHPCLG.<sup>36</sup> These provide for the following:

- **Constructive, pragmatic and non-discriminatory policies:** Such policies are relevant and appropriate to the situation on the ground. This means that the development, implementation and evaluation of policies and services should not be based on preconceptions.
- **Explicit but not exclusive targeting:** implies focusing on Travellers and Roma as a target group, but not to the exclusion of other groups that share the same socio-economic circumstances.
- **Aiming for the mainstream:** despite policies and initiatives being designed to promote inclusion, the long-term impact can result in strengthening segregation. Policies deemed as 'neutral' can lead to indirect discrimination of Travellers and Roma

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<sup>36</sup> Council of Europe, The 10 Common Basic Principles on Roma Inclusion  
[http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011\\_10\\_Common\\_Basic\\_Principles\\_Roma\\_Inclusion.pdf](http://www.coe.int/t/dg4/youth/Source/Resources/Documents/2011_10_Common_Basic_Principles_Roma_Inclusion.pdf)

when they impose additional barriers for Travellers and Roma because of their situation. The ultimate aim of policies should be the inclusion of Travellers and Roma in mainstream society.

- **Awareness of gender dimension** emphasises the need to recognise the socio-economically and politically disadvantaged position of Traveller and Roma women in comparison to Traveller/Roma men and non-Roma women. Traveller and Roma women have a crucial role in the promotion of their own inclusion and tackling issues related to multiple discrimination based on their gender and ethnicity.
- **Transfer of evidence-based policies** emphasises the importance of collecting socio-economic data to feed into the development, implementation and monitoring of Roma and Traveller inclusion policies.
- **Use of European Union instruments:** there are a number of European Union instruments for Member States to use in ensuring Traveller and Roma inclusion. These consist of legal, financial and coordination instruments, including the Racial Equality Directive, Framework Decision on Racism and Xenophobia, European Social Fund, and European Regional Development Fund.
- **Involvement of civil society:** Traveller and Roma inclusion policies need to be developed, implemented and evaluated in close cooperation with civil society, including researchers, NGO sector, and social and community partners. This enables the dissemination of knowledge and expertise, and allows for the generation of public debate and accountability in policy process.
- **Active participation of Roma:** Roma and Traveller participation at all stages of policy development, implementation, and evaluation is required in order to enhance the quality and effectiveness of policies.