

Uniting Voices For Children

14 June 2019

Re: Submission to the Seanad Public Consultation on Travellers

Dear Senator Kelleher,

Thank you for the opportunity to make a submission to the Seanad Public Consultation on Travellers towards a more equitable Ireland post recognition. The Children's Rights Alliance unites more than 100 members who work together to make Ireland one of the best places in the world to be a child. In this submission we have focused on the current situation for Traveller and Roma children in Ireland. We hope that you find this helpful in your important work.

Each year we publish our flagship publication Report Card in which we hold the Government to account using the commitments it made in its own Programme for Government. This year we awarded the Government a 'D-' grade in relation to Traveller and Roma children. This is a slight decrease on last year's 'D+' grade. This grade reflects serious concerns regarding the continued underspend of local authorities on Traveller specific accommodation in light of the increased number of Traveller families experiencing homelessness and overcrowding. There has been welcome progress on a number of actions contained in the *National Traveller and Roma Inclusion Strategy* but the absence of an implementation plan with indicators and an associated timeframe remains a concern. The publication of the *National Roma Needs Assessment* is a very welcome development. However, given the serious poverty and marginalisation depicted in the assessment, it is important that the recommendations are resourced and implemented as a matter of priority.

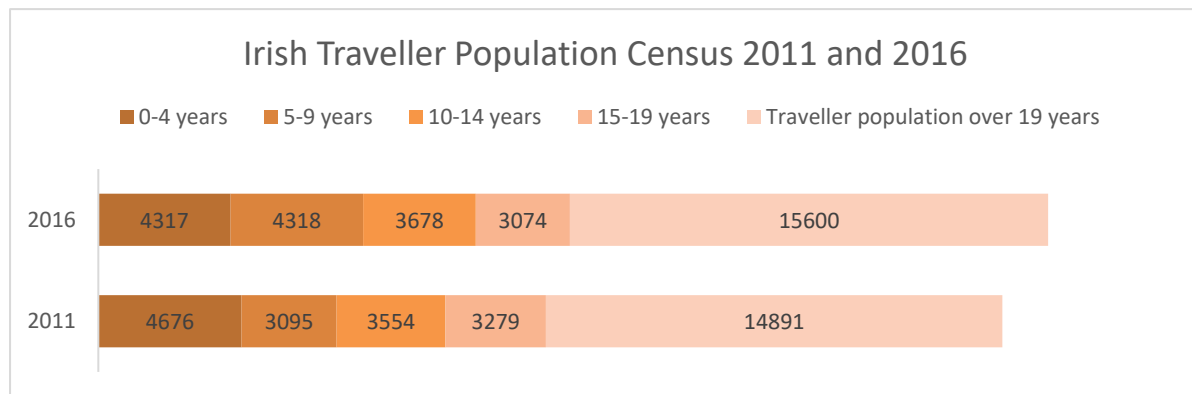
Every child has the right to live free from discrimination on any ground irrespective of the race, ethnic or social origin or other status of the child or their parent or guardianⁱ and they have the right to life, survival and development.ⁱⁱ In addition, children in ethnic, religious or linguistic minorities or of indigenous origin must not be denied the right to enjoy their own culture, religion or language.ⁱⁱⁱ All children have the right to an adequate standard of living^{iv} which allows them to develop fully – physically, mentally, spiritually, morally and socially.^v The State must take measures, using its maximum available resources, to ensure this adequate standard of living for all children, including children from ethnic minorities.

The State must identify gaps and barriers and take positive measures, through legislation, resource allocation, policies and programmes, to address existing and potential discrimination against indigenous children.^{vi} In 2016, the UN Committee on the Rights of the Child made particular recommendations to Ireland in relation to Traveller and Roma children across a range of areas including discrimination,^{vii} adequate standard of living^{viii} and health.^{ix} The Committee also highlighted the lack of a human rights basis for the implementation of the former *National Traveller and Roma Integration Strategy* and inadequate consultations with the Traveller and Roma community in relation to the strategy.^x

Better Outcomes, Brighter Futures, The National Policy Framework for Children and Young people (2014-2020) recognises the particular challenges and obstacles faced by Traveller and Roma children and young people.^{xi} Through *Better Outcomes, Brighter Futures*, the Government commits to implement and monitor the former *National Traveller and Roma Integration Strategy*, with a

particular focus on Traveller accommodation and the engagement of Roma children in education.^{xii} It also commits to tackle health inequalities,^{xiii} strengthen social inclusion measures,^{xiv} renew efforts towards improving educational outcomes for Travellers and Roma^{xv} and reduce discrimination and intolerance experienced by marginalised groups.^{xvi}

Census 2016 indicated that 30,987 people identified as Irish Travellers representing a five per cent increase since 2011.^{xvii} The following figure shows that in 2016 half of the Traveller population were under the age of 19.^{xviii}



There is limited data available on the size of the Roma population in Ireland but it is estimated to be around 5,000.^{xix} The *National Roma Needs Assessment*,^{xx} commissioned by the Department of Justice and Equality (DJE) in 2015, on foot of a Logan Report recommendation,^{xxi} was published in 2018. The *Needs Assessment* found that members of the Roma community face high levels of discrimination, marginalisation, extreme poverty and social exclusion.^{xxii}

It also found that some Roma children live in overcrowded housing with rats, damp and sewerage.^{xxiii} Respondents reported that they did not have basic supplies for new-born babies and that children are going to school hungry and without lunch.^{xxiv} Almost 18 per cent of respondents reported begging as their main source of income while 14 per cent had no income at all.^{xxv} Fifty per cent of households with children reported that they did not always have enough food.^{xxvi} The *Needs Assessment* noted that living in poverty often gave rise to mistrust of service providers as Roma families fear that their children may be taken into state care.^{xxvii}

It is welcome that the DJE has prioritised the areas of social inclusion and employment in the *Needs Assessment*.^{xxviii} Six Roma Inclusion projects have been awarded total annual funding of €200,000 from 2018 to 2020.^{xxix} In 2019, the Department will award funding for seven projects to generate employment for the Roma community.^{xxx}

National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021: The updated NTRIS was published in June 2017.^{xxxi} It is organised under 10 strategic themes including a specific theme on children and young people. It contains 149 actions that have ‘the potential to improve the situation of Travellers and Roma in Ireland, if implemented’.^{xxxii} The NTRIS Steering Group is tasked with the development and oversight of the implementation of the actions outlined in the Strategy.^{xxxiii} In 2018, progress was made on 140 of the actions.^{xxxiv} However, to effectively monitor and evaluate the implementation of the Strategy, impact indicators and consultation with Traveller and Roma representatives on the Steering Group are required.^{xxxv} Three sub-committees have been tasked with examining and reporting on the need for the collection of data disaggregated by ethnicity across services; the use of mediation in relation to feuds; and the retention of Traveller and Roma children in the education system.^{xxxvi} Traveller and Roma representatives on the Steering group have requested government departments and agencies to identify three to five key priorities for 2019.^{xxxvii}

Children and Youth Participation: The commitment in the Strategy to consult with Traveller and Roma children and young people ‘in the development of policy, legislation, research and services’^{xxxviii} reflects the fundamental right of the child to be heard enshrined in the UN Convention on the Rights of the Child.^{xxxix} However, the Strategy confines the consultation to certain actions by the Child and Family Agency, Tusla; the Health Service Executive (HSE); the Department of Children

and Youth Affairs and the Department of Education and Skills. Traveller and Roma children and young people should have a say on decisions or developments relating to all aspects of their lives including those related to health, accommodation and access to public services.

The NTRIS and the *Roma Needs Assessment* identify a number of challenges facing Traveller and Roma children and young people including in the areas of discrimination, education and health.

Education: Travellers and Roma experience high levels of educational disadvantage and the focus on school completion in NTRIS is important. It includes 31 education-related actions for Traveller and Roma children. School completion rates have significantly improved for Traveller children but remain significantly lower than the general population, as Traveller boys are four times as likely to leave school at primary level as the general population.^{xi} The *Needs Assessment* found that respondents viewed education as a positive opportunity for their children and parents placed value on their child's education;^{xii} 78 per cent of Roma children attended primary school, while 37 per cent of children were in secondary school.^{xiii} Roma children face significant barriers in education including financial constraints^{xiii} yet many Roma families are not deemed eligible for Back to School Footwear and Clothing Allowance.^{xiv} The NTRIS commits to implement community-based supports to assist in the retention of Traveller and Roma children in the education system.^{xv}

In March 2018, the sub-group on the retention of Traveller and Roma children in education proposed a pilot project to improve school attendance, participation and retention among children and young people in the Traveller and Roma communities.^{xvi} There has been significant and welcome progress on this cross-departmental pilot. Since March, the sub-group has met eight times and identified four pilot sites.^{xvii} Each pilot site will undertake a local needs assessment and subsequently develop an action plan to address need^{xviii} with departmental commitments made to appoint 16 dedicated staff members.^{xix} All pilot sites are expected to be fully operational by quarter three of 2019.ⁱ

Roma and Traveller children are significantly more likely to report being bulliedⁱⁱ and many report hiding their identity.ⁱⁱⁱ A review of the anti-bullying strategy, committed to in the NTRIS, is underway. The National Council for Curriculum and Assessment (NCCA) is reviewing and updating the intercultural education guidelines in light of the recent recognition of Travellers as an ethnic minority,^{liii} as well as reviewing the place of Traveller culture and history in the current school curriculum.^{liv} These reviews are welcome but it is important that both Traveller and Roma children and parents are consulted as part of the review. Roma history and culture should also be included in any reforms to the current curriculum.

Housing: The number of Travellers living in temporary accommodation increased between 2011 and 2016 from 3,560 to 3,718 accounting for 12.2 per cent of all Travellers.^{lv} The vast majority of Travellers live in local authority accommodation, with an increase of 93 families being accommodated by voluntary bodies with local authority assistance from 2016 to 2017.^{lvi} In 2017, 585 Traveller families lived in unauthorised halting sites, an increase of 49 families on the previous year.^{lvii} Overcrowding remains an issue for Irish Traveller households; 40 per cent live in overcrowded accommodation compared to less than six per cent of all households in the general population.^{lviii} Traveller families are more at risk of homelessness - while they make up less than one per cent of the population they make up nine per cent of the homeless population.^{lix} They also face the highest levels of discrimination when accessing housing.^{lx} It is estimated that half of the families referred to Garda stations where no emergency overnight accommodation is available are Travellers.^{lxi} Forced evictions over fire safety concerns, from both authorised and unauthorised halting sites, continue to be a threat.^{lxii}

Budget 2019 allocated €13 million to Traveller-specific accommodation, an increase of €1 million on the previous year.^{lxiii} While the increase in funding for Traveller specific accommodation is welcome, in 2017 local authorities only spent half of the €9 million allocated to Traveller accommodation.^{lxiv} Sanctions must be put in place for a failure to address the accommodation needs of Travellers.^{lxv}

The NTRIS highlights the role of the National Traveller Accommodation Consultative Committee (NTACC) in monitoring delivery of the commitments on accommodation informed by the *Review of*

Funding. The Minister of State with special responsibility for Housing and Urban Development, Damien English TD established the Traveller Accommodation Expert Group on foot of a recommendation by the NTACC. The group, chaired by David Joyce,^{lxvi} will review the Traveller Accommodation Act 1998 and other relevant legislation which impacts the provision and delivery of accommodation to Travellers.^{lxvii} The group met for the first time in October 2018 and has been asked to examine the best way of delivering Traveller accommodation and to develop key actions in the next six months.^{lxviii}

The *Needs Assessment* found that Roma face significant discrimination in accessing accommodation. The majority of interviewees lived in private rented accommodation while 13 per cent were renting from a local authority and six per cent were homeless.^{lxix} The living conditions for Roma were found to be very poor with many families living in overcrowded accommodation often without a tenancy agreement.^{lxx} Many Roma live in accommodation without basic facilities such as a kitchen, cooker, running water or heat.^{lxxi} The *Needs Assessment* reported that some families had their water turned off or fuses removed by landlords when their rent was overdue.^{lxxii} The NTRIS does not include any objectives which specifically support the Roma community in relation to accommodation. Further research should be carried out to ascertain the housing situation of the Roma community.^{lxxiii}

In light of these developments we recommend the Government to:

Develop and publish an implementation plan for the NTRIS and allocate the necessary resources for its implementation.

There has been some progress on the NTRIS actions in 2018. However, a clear implementation plan with indicators is required as a matter of urgency to ensure all of the Strategy's objectives are fully implemented within the given timeframe. Traveller and Roma children should be consulted as part of the development of the implementation plan to ensure that their voices as ethnic minority groups are heard.

Review the NTRIS to incorporate the recommendations from the *National Roma Needs Assessment*.

Given the concerning levels of discrimination, poverty and marginalisation detailed in the *Needs Assessment*, the planned midterm review of the NTRIS, due to take place in 2019, provides an ideal opportunity for its recommendations to be incorporated into the wider Strategy.

Complete the review of the anti-bullying strategy in 2019 with a particular emphasis on Traveller and Roma children.

The review should be informed by the *Needs Assessment* and existing evidence related to identity bullying experienced by Traveller and Roma children. They should be consulted before finalising specific actions in the revised anti-bullying strategy.

Publish the report of the Traveller Accommodation Expert Group as a matter of urgency.

To address the significant accommodation issues faced by Traveller families, the report and recommendations of the Expert Group should be published as a priority. A clear plan should be published detailing timelines and actions for implementation.

We hope you find this submission useful in your current work. Please do not hesitate to contact us if you require further information or have any questions.

Yours sincerely,



Tanya Ward
Chief Executive

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- i UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 2.
 - ii *ibid* Art 6.
 - iii *ibid* Art 30.
 - iv *ibid* Art 2.
 - v *ibid* Art 4.
 - vi *ibid* Art 27.
 - vii UNCRC 'General Comment No. 11 Indigenous children and their rights under the Convention' (2009) UN Doc CRC/C/GC/11 para 26.
 - viii UNCRC 'Concluding Observations: Ireland' (2016) UN Doc CRC/C/IRL/CO/3-4 para 28(a).
 - ix *ibid* para 60.
 - x *ibid* para 50, 52(a).
 - xi *ibid* para 69.
 - 11 Department of Children and Youth Affairs (DCYA), *Better Outcomes, Brighter Futures: The National Policy Framework for Children and Young People 2014-2020* (DCYA 2014) Commitments 1.4, 2.22, 4.19 and 5.6.
 - xii *ibid* Commitment 4.19.
 - xiii *ibid* Commitment 1.4.
 - xiv *ibid* Commitment 2.22.
 - xv *ibid* Commitment 2.22.
 - xvi *ibid* Commitment 5.6.
 - xvii Central Statistics Office, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' (Central Statistics Office 2017).
 - xviii *ibid*.
 - xix Hilary Harmon, *Irish Traveller and Roma Children, Shadow Report, A response to Ireland's Consolidated Third and Fourth Report to the UN Committee on the Rights of the Child* (Pavee Point 2015) 22; Pavee Point, *Roma Communities in Ireland: Child Protection Considerations* (Pavee Point, 2014) 11. No separate question exists on the Census form to capture this cohort of the population.
 - xx Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018)
 - xxi Report of Ms Emily Logan published July 2014 and Garda Síochána Act 2005, s 42 (Special Inquiries relating to Garda Síochána) Order 2013 <<http://bit.ly/2kesmW4>> accessed 10 December 2018.
 - xxii Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 12- 13, 62.
 - xxiii *ibid* 10.
 - xxiv *ibid* 62.
 - xxv *ibid*.
 - xxvi *ibid*.
 - xxvii *ibid*.
 - xxviii Communication received by the Children's Rights Alliance from the Department of Justice and Equality (DJE), 10 January 2018.
 - xxix *ibid*.
 - xxx *ibid*.
 - xxxi DJE, *The National Traveller and Roma Inclusion Strategy 2017-2021*, (DJE 2017).
 - xxxii Pavee Point, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Ireland* (European Commission 2018) 7.
 - xxxiii Minister of State with responsibility for Equality, Integration and Immigration, David Stanton TD, Written Answers, National Traveller-Roma Integration Strategy, 5 July 2018 [29665/18].
 - xxxiv Communication received by the Children's Rights Alliance from the DJE, 10 January 2018.
 - xxxv Traveller and Roma representatives were not consulted on the development of indicators. Pavee Point, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Ireland* (European Commission 2018), 10-11.
 - xxxvi Minister of State for Integration, Immigration and Equality, David Stanton TD, Written Answers, Departmental Strategies, 3 October 2017 [41748/17].
 - xxxvii Communication received by the Children's Rights Alliance from the DJE, 10 January 2018.
 - xxxviii *ibid* 29.
 - xxxix UN Convention on the Rights of the Child (20 November 1989) 1577 UNTS 3 (UNCRC) Art 12.
 - xl Central Statistics Office, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<https://bit.ly/2CGbmTc>> accessed 21 November 2018.
 - xli Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 110.
 - xlii *ibid* 83.
 - xliiii *ibid* 110 - 111.
 - xliv *ibid* 111.
 - xlv DJE, *The National Traveller and Roma Inclusion Strategy 2017-2021*, (DJE 2017) 26.
 - xlvi Communication received by the Children's Rights Alliance from Tusla, Child and Family Agency, 24 December 2018.
 - xlvii *ibid*. The pilot sites are Enniscorthy/Bunclody in Wexford; Tuam in Galway; North Dublin (Coolock, Ballymun, Finglas) and; South Dublin (Clondalkin, Tallaght).
 - xlviii Communication received by the Children's Rights Alliance from Tusla, 24 December 2018.
 - xliv *ibid*. These will include four Educational Welfare Officers, four Home School Community Liaison Officers and eight Education Workers from the Traveller and Roma communities.
 - l *ibid*.
 - li DCYA, *State of the Nation's Children: Ireland 2016*, (DCYA 2016) 58.
 - lii Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 115.
 - liii Carl O'Brien, 'Traveller Culture and History Set to Feature on School Curriculum', *The Irish Times*, 27 September 2018.
 - liv *ibid*.
 - lv CSO, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<http://bit.ly/2AtCuoX>> accessed 25 January 2019.
 - lvi Department of Housing, Planning, Community & Local Government (DHPLG), 'Annual Count 2017 - Total Number of Traveller Families in all categories of Accommodation' <<https://bit.ly/2N7HuWW>> accessed 25 January 2019.
 - lvii *ibid*.
 - lviii CSO, 'Census of Population 2016 – Profile 8 Irish Travellers, Ethnicity and Religion' <<http://bit.ly/2AtCuoX>> accessed 25 January 2019.
 - lix Raffaele Grotti, Helen Russell, Éamonn Fahey & Bertrand Maitre, *Discrimination and Inequality in Housing in Ireland* (IHREC 2018) ix.
 - lx *ibid*.

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- lxi Jack Power, 'Half of families sleeping in Garda Stations are Travellers or Romanian', The Irish Times, 13 August 2018.
- lxii Pavee Point, Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Ireland (European Commission) <<https://bit.ly/2PmC7Ru>> accessed 15 November 2018.
- lxiii DHPLG, 'Murphy welcomes increase of €725m in Housing, Planning and Local Government funding (+22%) under Budget 2019', 9 October 2018 <<https://bit.ly/2FyEIH3>> accessed 24 November 2018.
- lxiv Minister of State with special responsibility for Housing and Urban Development, Damien English TD, Dáil Debate, Traveller Accommodation, [26818/18], 20 June 2018.
- lxv Representative groups consulted in the Independent Review stated that the Housing (Traveller Accommodation) Act 1998 should be reviewed to provide for sanctions, penalties or other measures of enforcement for local authorities who do not implement their own targets.
- lxvi David Joyce is a member of the Irish Human Rights and Equality Commission and a solicitor at Mercy Law Resource Centre.
- lxvii Joint Committee on Housing, Planning and Local Government Debate, Traveller Accommodation: Traveller Accommodation Expert Group, 6 November 2018.
- lxviii *ibid.*
- lxix Pavee Point & DJE, *Roma in Ireland: A National Needs Assessment* (Pavee Point 2018) 85 - 87.
- lxx *ibid* 88-89.
- lxxi *ibid* 88.
- lxxii *ibid.*
- lxxiii *ibid* 92.