



PAVEE POINT
TRAVELLER AND ROMA CENTRE

Pavee Point Submission to the Citizens' Assembly on Gender Equality

March, 2020

About the Reporting Organisation & Our Submission

Pavee Point Traveller and Roma Centre is a national NGO committed to the attainment of human rights for Irish Travellers and Roma who as minority ethnic groups experience discrimination, racism, social exclusion and marginalisation. Since its beginning, Pavee Point has always had a particular focus on Traveller women's rights and inclusion. This has led to an ongoing focus in our work with and for Traveller and Roma women and to the development of national initiatives, including the National Traveller Women's Forum (1988) and the Violence against Women Programme (1998).

Our submission gives context to the specific forms of intersectional discrimination and gendered racism that Traveller and Roma women face. We focus on some of the themes of the public consultation questionnaire, but also raise a number of other key issues that are not covered by the terms of reference of the Citizens' Assembly, but which act as key barriers for Traveller and Roma women in achieving equality with women in the majority population and with men within and outside their communities.

National & International Framework for Promoting Equality for Traveller & Roma Women

Ireland has ratified a number of international human rights agreements, which bind the State to take action to address the inequalities faced by Traveller, Roma and other minority ethnic women.¹ In addition, the public sector in Ireland has a specific legal duty to promote equality and combat discrimination.² However, upon examining the State's performance, a number of national and international human rights monitoring bodies have raised significant concerns with the persistent and deteriorating situation of Traveller and Roma women.³

An existing policy framework together with introducing some other key policies can, and should, be used to address the situation. However, to date, naming Traveller and Roma women in social inclusion policies has not led to concrete and adequately resourced action or outcomes. To this end, we make a number of recommendations which, if enacted, could make a significant difference. We urge the Citizens' Assembly to take these into consideration in their deliberations, and welcome any further opportunity to present at the Citizens' Assembly should such an opportunity arise.

¹ In particular, the United Nations Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention on the Elimination of Racial Discrimination, as well as signing up to the commitments of the Beijing Platform for Action and Sustainable Development Goals.

² *Irish Human Rights and Equality Commission Act 2014*, Section 42.

³ UNCERD, *Concluding Observations on the Combined Fifth to Ninth Reports of Ireland*, CERD/C/IRL/CO/5-9, 12 December 2019; UNCEDAW, *Concluding Observations on the Combined Sixth and Seventh Periodic Reports of Ireland*, CEDAW/C/IRL/CO/6-7, 9 March 2017; FCNM, *Opinion on Ireland*, ACFC/OP/IV(2018)005, 20 June 2019; IHREC, *Submission to the United Nations Committee on the Elimination of Discrimination Against Women*, 2017.

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Summary of Recommendations

1. For all relevant Government Departments: Fully resource and implement actions related to Traveller and Roma women in existing policy measures- the National Traveller and Roma Inclusion Strategy and National Strategy for Women and Girls in particular- by introducing clear actions, targets, indicators, and robust resources for the actions
2. For the Department of Justice and Equality: Develop a national action plan against racism with a strong focus on ethnic and gender stereotyping and gendered racism against Traveller, Roma and other minority ethnic women. Ensure such actions are fully resourced and implemented and address the negative media representation and racist hate speech by political representatives, high ranking public officials, and in new and traditional media
3. For the Department of Education and Skills: Develop a Traveller and Roma education strategy with an adequate budget and concrete implementation plan. Ensure the Strategy is inclusive of all ages and educational levels and has specific targets to improve participation, attendance, attainment and progression of Traveller and Roma girls and women
4. For the Department of Employment Affairs and Social Protection: Develop a Traveller and Roma Training, Employment and Enterprise Strategy with clear actions targeting Traveller and Roma women, an adequate budget, and a concrete implementation plan
5. For the Oireachtas and the Department of Rural and Community Development: Undertake legislative and practical measures to ensure Traveller women's inclusion in political representation at local and national levels, and to ensure inclusion in participative democracy structures
6. For the Department of Housing, Planning and Local Government and Local Authorities: Ensure that all of the allocated Traveller accommodation budgets are fully and effectively spent by Local Authorities and that the recommendations by Independent Expert Group on Traveller Accommodation are fully implemented
7. For the Department of Housing, Planning and Local Government: Withdraw the Housing Circular 41/2012 for the disproportionate negative impact it is having on the ability of Roma women to access social housing and other housing supports
8. For the Department of Employment Affairs and Social Protection: To ensure that Roma women have access to basic income for their children, make Child Benefit payment a truly universal payment that is not contingent on the fulfilment of the Habitual Residence Condition
9. For the Department of Health: Prioritise Traveller and Roma women's health in key health policy initiatives by direct targeting and resourcing, and ensure active and meaningful consultation with Traveller and Roma representative organisations when developing, implementing and monitoring such initiatives
10. For the Department of Health: Publish and implement the National Traveller Health Action Plan as a matter of urgency including the establishment of an institutional mechanism with the HSE and Department of Health to drive delivery and implementation. The Plan must be inclusive of clear targets, indicators, outcomes, timeframes and budget lines.
11. For the Department of Justice and Equality, Tusla and HSE: Fully resource the Traveller and Roma sector to undertake awareness raising and preventative work on domestic, sexual and gender-based violence to reduce barriers to information, safety and protection from domestic and sexual violence for Traveller and Roma women

1. Context to the Situation of Traveller and Roma Women in Ireland

1.1. Who are Irish Travellers?

Irish Travellers are a minority ethnic group in Ireland with shared cultural tradition, practices, beliefs and language. There are a little over 36,000 Travellers in Ireland, representing less than 1% of the Irish population. After a long campaign, Traveller ethnicity became finally formally acknowledged by the Irish State in 2017. This symbolic recognition has yet to lead to concrete action or outcomes to redress the inequality experienced by Travellers and Traveller women.

1.2. Who are Roma?

Roma are one of the largest minority groups in Europe and an extremely diverse ethnic group in terms of language, legal status, and social, cultural and religious attitudes and practices.⁴ An estimated 5,000 Roma live in Ireland, many of whom are second and third generation Roma. Ireland's first national Roma Needs Assessment has showed Ireland's Roma community to be exposed to extreme levels of racism, discrimination, social exclusion and poverty.⁵

1.3. Intersectional Discrimination and Gendered Racism as Barriers for Gender Equality

Traveller and Roma women are among the most marginalised and excluded individuals and groups in Ireland due to gendered racism⁶ and intersectional discrimination based on gender, ethnicity and other factors. Therefore, the experience of inequality among Traveller and Roma women differs from that of women in the majority population, and their experience of racism and discrimination differs from that of Traveller and Roma men. This results in stark findings in relation to the social exclusion faced by Traveller and Roma women (see thematic sections for further details).

Within this context, Pavee Point has welcomed the introduction of the National Traveller and Roma Inclusion Strategy (NTRIS) 2017-2021⁷ and National Strategy for Women and Girls (NSWG) 2017-2020⁸ which for the first time have included specific actions aimed at addressing some of the inequalities faced by Traveller and Roma women. However, we regret the very slow pace of implementation of actions explicitly related to, or focusing on Traveller and Roma women.⁹ A number of international human rights bodies have called on the State to adopt clear implementation plan and budget lines for the NTRIS, and the Advisory Committee on the Framework Convention on Protection of National Minorities has urged the State to implement the NTRIS and NSWG in a coordinated and consistent way.¹⁰

Recommendation:

For all relevant Government Departments, fully resource and implement actions related to Traveller and Roma women in existing policy measures- the National Traveller and Roma Inclusion Strategy and National Strategy for Women and Girls in particular- by introducing clear actions, targets, indicators, and robust resources for the actions

⁴ The term 'Roma' used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Irish Travellers. The Roma community has faced generations of racism and discrimination, and as result, the overwhelming majority face a vicious cycle of poverty and social exclusion.

⁵ Curran, S., A. Crickley, R. Fay, F. Mc Gaughey (eds), *Roma in Ireland - a National Needs Assessment*, Department of Justice and Equality and Pavee Point Traveller and Roma Centre, 2018.

⁶ Gendered racism is a form of oppression that occurs due to one's ethnicity and gender. It is perpetuated due to the prevalence of perceptions, stereotypes and images of certain groups, in this case Traveller women and Roma women.

⁷ Under European Union Framework for Traveller and Roma Inclusion Ireland has an obligation to develop and implement a National Traveller Roma Inclusion Strategy to address discrimination and exclusion faced by Travellers and Roma.

⁸ The National Strategy for Women and Girls includes actions on improving education, training and employment, health, political participation and leadership among Traveller and Roma women.

⁹ The only action currently being progressed is a pilot project on domestic and sexual violence. However, this is a short term three year project and restricted to only four localities in Ireland.

¹⁰ ECRI, *Fifth Report on Ireland*, CRI(2019)18, 4 June 2019; UNCR, *Concluding Observations on the Combined Third and Fourth Periodic Reports of Ireland*, CRC/C/IRL/CO/3-4, 1 March 2016; UNCEDAW, 2017; FCNM, 2019, UNCERD, 2019.

2. Theme 1: Gender Norms and Stereotypes as Barriers to Gender Equality

2.1. Stereotypes, Discrimination and Racism Based on Ethnicity

Stereotypes and prejudice based on ethnicity, combined with gender norms and stereotypes, contribute to intersectional discrimination and gendered racism against Traveller and Roma women:

% of Travellers who experience discrimination	Discrimination against Roma Women Respondents ¹¹
<ul style="list-style-type: none"> ● 40% of Travellers have experienced discrimination in accessing health services ● 62% of Travellers have experienced discrimination at school ● 61% of Travellers have experienced discrimination in a shop/restaurant/pub¹² ● Travellers are 22 more times more likely than their settled peers to experience discrimination in accessing services¹³ ● Research shows Traveller women reporting ill-treatment by An Garda Síochána (police), including abusive, discriminatory and racist language and physical violence¹⁴ 	<ul style="list-style-type: none"> ● 61.5 % of Roma women respondents worry ‘most of the time’ about unfair treatment due to being Roma ● 93.8 % of Roma women respondents feel discriminated against in accessing accommodation ● 85.1% of Roma women respondents feel discriminated against in accessing social protection ● 75% of Roma women respondents report being stopped by An Garda Síochána (police) for an identity document ● 86.3% of Roma women respondents feel discriminated against on a street or public setting ● 78.3% of Roma women respondents feel discriminated against in shops, restaurants, pubs, & other social venues

In a national survey commissioned by the Economic and Social Research Institute (ESRI):¹⁵

- 40% of respondents reported that they would be unwilling to employ a Traveller;
- 79.6% would be reluctant to purchase a house next to a Traveller; and
- 18.2% would deny Irish citizenship to Travellers.

Traveller and Roma women are also subjected to harmful gender and ethnic stereotyping in media and public discourse.¹⁶ Anti-Traveller and Roma sentiments are expressed by political representatives, high ranking public officials, and in new and traditional media.¹⁷ In 2014 an inquiry by the Children’s Ombudsman noted that a number of media outlets only reported Travellers in the context of social problems and crime.¹⁸

Several human rights bodies have raised concerns about the negative media representation, hate speech, discrimination and racism against Travellers and Roma, and at the lack of action plan against

¹¹ Curran et al., *National Needs Assessment*, 2018. The assessment was commissioned by the Department of Justice and Equality in line with recommendation 4.2.3 of the Logan Report, following the removal of two Roma from their families in 2013. The study consisted of quantitative analysis of 108 Roma households (information on 609 household members), and 30 interviews and 8 focus groups with service providers and Roma.

¹² Kelleher et al., *All Ireland Traveller Health Study*, 2010. No gender disaggregated data is available for these statistics

¹³ McGinnity, F. Grotti, R. Kenny, O and Russell, H. (2017) *Who experiences discrimination in Ireland? Evidence from the QNHS Equality Modules*. Dublin: ERSI.

¹⁴ Travellers in Prison Initiative, ‘Hearing their Voices’: Traveller Women in Prison’, 2017.

¹⁵ Mac Gréil, M., *Emancipation of the Travelling People, A Report on the Attitudes and Prejudices of the Irish People towards the Travellers Based on a National Social Survey 2007-2008*, 2010, Maynooth: NUI Maynooth Publications.

¹⁶ See for instance, Cusack, J., ‘Roma gypsy first to be convicted for begging: Woman fined for harassing and obstructing people in Dublin city’, *Irish Independent*, 29 May 2011; Heylin, L., ‘Woman begs to pay €1k beg fine’, *Irish Examiner*, 22 October 2015; Hennessy, M., ‘UK Travellers lose ‘My Big, Fat Gypsy Wedding: Group complained programme portrayed them in racially stereotypical way’ case’ *Irish Times*, 20 Feb 2015.

¹⁷ Includes references to Roma as a ‘parasitic underclass’, in O’Doherty, I., ‘Begging? But I thought it was freedom of expression?’, *Independent*, 1 October 2013; and to Travellers as “Neanderthal...abiding by the laws of the jungle”, in Bohan, C., ‘Calls for judge to resign over ‘Neanderthal’ comment on Travellers’, *The Journal*, 12 Sep 2012.

¹⁸ Emily Logan, (*Special Inquiries relating to Garda Síochána*) Order 2013, para 4.2.8.

racism.¹⁹ In 2019, both the UN Committee on the Elimination of Racial Discrimination and European Commission against Racism and Intolerance (ECRI) called for the State to develop a National Action Plan against Racism with a strong focus on Travellers and Roma.²⁰

Recommendation:

For the Department of Justice and Equality, develop a national action plan against racism with a strong focus on ethnic and gender stereotyping and gendered racism against Traveller, Roma and other minority ethnic women. Ensure such actions are fully resourced and implemented and address the negative media representation and racist hate speech by political representatives, high ranking public officials, and in new and traditional media

2.2. Persistent Traditional Gender Norms and Roles and the Role of Education

Traditional gender norms are often thought to be part of Traveller and Roma ‘cultures’. Such understandings fail to take into account the overall oppression which prevents Traveller and Roma women from accessing basic rights that many women in the general population are able to access.

In fact, persistent traditional gender norms and roles are a direct result of Traveller and Roma women having little alternatives for future economic security and social status. Therefore, marriage and family formation continue to act as important ways to try to escape poverty and achieve social status for women.²¹ This impacts decisions to leave school early and exposes Traveller and Roma girls to low educational attainment, future unemployment, poverty and social exclusion.²²

Marriage and family formation:

- Over 1 in 3 (31.9%) of Travellers aged 15-29 were married compared with just over 1 in 20 (5.8%) of the general population²³
- More than 1 in 4 Traveller households had 6 or more persons compared with less than 1 in 20 households in the State overall²⁴
- 80.4% of Roma report that they have children in the household, with 9.3% of households reporting to have 6 or more children²⁵

Equality in access, participation and outcomes in education is key in challenging traditional gender norms and roles. While more Traveller girls are completing formal education in comparison to Traveller boys,²⁶ Traveller and Roma girls/women experience stark inequalities when compared to the general population in participation, attendance, attainment and progression through second to third level:²⁷

¹⁹ National Action Plan against Racism 2005-2008 was never renewed. FCNM, 2019; UNCRC, 2016; UNCESCR, *Concluding Observations on the Third Periodic Report of Ireland*, E/C.12/IRL/CO/3, 19 June 2015; HRC, *Concluding Observations on the Fourth Periodic Report of Ireland*, CCPR/C/IRL/4, 2014.

²⁰ ECRI, 2019; UNCERD, 2019.

²¹ Kelleher et al., *All Ireland Traveller Health Study*, 2010; Pavee Point, *Violence against Roma Women: 9 Principles to Human Rights-based and Gender-responsive Approach to Protection*, 2015.

²² Central Statistics Office, 2016.

²³ Ibid.

²⁴ Ibid.

²⁵ Curran et al. *National Roma Needs Assessment*, 2018.

²⁶ No data is available on this for Roma girls.

²⁷ These issues stem from lack of financial resources; sub-standard accommodation; parents' history of educational disadvantage; lack of literacy and English language skills; and discrimination and identity based bullying. 40% of Roma households with children are unable to access social protection, including Child Benefit, Back to School Clothing and Footwear Allowance, 57.5% of Roma report not having enough money for books and uniforms. Curran, et al., *National Needs Assessment*, 2018 and Kelleher et al., *All Ireland Traveller Health Study*, 2010.

Travellers Girls & Women- Education	Roma Women Respondents - Education
<ul style="list-style-type: none"> • Just 13.3% of Traveller females were educated to Leaving Certificate or above compared with 69.1% of the general population²⁸ • 7 out of 10 Traveller children (67.3%) live in families where the mother has either no formal education or primary education only²⁹ • 167 or 0.5% of Irish Travellers hold a third level qualification³⁰ 	<ul style="list-style-type: none"> • 41.1% of adult Roma women respondents born outside Ireland have never been to school, in comparison to 22% of Roma men respondents • 3.5% of Roma women respondents have completed more than 12 years of education • 6% of Roma households have a member attending third level education³¹

Despite the significant disadvantage, Traveller specific educational supports that had been in place for Travellers before 2011 were cut by -86.6% and have not been reinstated since.³² Despite the State being urged by the UNCEDAW Committee to undertake appropriate remedial action to address the low levels of education attainment among Traveller and Roma women, including through the use of temporary special measures such as scholarships, the State has not introduced any gender specific initiatives to increasing Traveller and Roma girls/women's participation at early years, primary or post-primary levels.³³

Recommendation:

For the Department of Education and Skills, develop a Traveller and Roma education strategy with an adequate budget and concrete implementation plan. Ensure the Strategy is inclusive of all ages and educational levels and has specific targets to improve participation, attendance, attainment and progression of Traveller and Roma girls and women

3. Theme 2: Work

There is a strong ethnic and gender dimension in discrimination in employment for Traveller and Roma women which differs greatly from women in the general population.

Traveller Women - Unemployment	Roma Women - Unemployment ³⁴
<ul style="list-style-type: none"> • 78.6% of Traveller women are unemployed³⁵ • 55% of Travellers have experienced discrimination at work,³⁶ and Travellers are almost 10 times more likely than their settled peers to experience discrimination in seeking work.³⁷ 	<ul style="list-style-type: none"> • Only 8.2% of Roma women respondents are in employment in comparison to 20% of Roma men respondents • 81.6% of Roma women respondents report feeling discriminated against in getting hired

Hiding one's identity can be the only option to secure employment for Traveller and Roma women. High levels of unemployment are directly linked to low educational attainment, discrimination, childcare commitments and costs, and being placed in a poverty trap due to welfare issues.³⁸ Roma women who do not meet the Right to Reside or Habitual Residence Condition are not considered

²⁸ Central Statistics Office, 2016.

²⁹ Department of Children & Youth Affairs, *State of the Nation's Children: Ireland 2014*, 2014, www.dcyia.ie.

³⁰ Central Statistics Office, 2016.

³¹ Curran, et al. *National Needs Assessment*, 2018.

³² Harvey, B., *Travelling with Austerity: Impacts of cuts on Travellers, Traveller Projects and Services*, Pavee Point, 2013.

³³ UNCEDAW, 2017. None of the mainstream educational strategies, including Delivering Equality of Opportunity in Schools Plan 2017, contain actions aimed directly at increasing Traveller participation at early years, primary or post-primary levels. We welcome the explicit targeting of Travellers in the current Equity of Access to Higher Education Access Plan, albeit small.

³⁴ Curran, et al., *National Needs Assessment*, 2018.

³⁵ Central Statistics Office, 2016.

³⁶ Kelleher et al., *All Ireland Traveller Health Study*, 2010.

³⁷ McGinnity et al., *Who experiences discrimination in Ireland?*, 2017.

³⁸ Many Traveller women fear losing secondary benefits, in particular the Medical Card, preventing many from entering employment.

jobseekers and therefore are not eligible for many training and employment supports. Regardless of the levels of unemployment among Traveller and Roma women no gender-specific employment or training initiatives or strategies have been introduced.

Recommendation:

For the Department of Employment Affairs and Social Protection, develop a Traveller and Roma Training, Employment and Enterprise Strategy with clear actions targeting Traveller and Roma women, an adequate budget, and a concrete implementation plan

4. Theme 4: Women’s Access to, and Representation in, Public Life and Decision Making

Low levels of literacy and education, financial resources and/or care responsibilities create significant barriers for Traveller and Roma women to access and engage in public life and decision making. Traveller women, since and before Nan Joyce who stood for election to the Dail in the early 1980s,³⁹ have played crucial public roles for their community. In particular, their roles as community leaders and workers who actively lead the work for changes in policy and practice for their community need recognition and resourcing. Support for Traveller women to access public representational roles also needs explicit support as part of the overall women into politics campaigns.

Several international human rights bodies have called for the Irish State to adopt positive action measures to address the significant exclusion of Travellers in political institutions and public affairs.⁴⁰ With the Sustainable, Inclusive and Empowered Communities Strategy the State has committed to involving communities in decisions that affect them and to the development of partnership and collaborative approaches to policy and programme development. Regardless of this and commitments in the National Traveller and Roma Inclusion Strategy and the National Strategy for Women and Girls to increase participation of Traveller and Roma women in leadership positions, the State has not adopted measures to improve the representation of Travellers in political institutions and decision making.⁴¹

Recommendation:

For the Oireachtas and the Department of Rural and Community Development: Undertake legislative and practical measures to ensure Traveller women’s inclusion in political representation at local and national levels and to ensure inclusion in participative democracy structures

5. Accommodation and Housing

The housing and homeless crisis in Traveller and Roma communities has been an ongoing and neglected issue for a long time and has a very specific gender and ethnic dimension. Traveller and Roma women who often spend more time at home due to caring responsibilities bear the brunt of unsafe and insecure accommodation conditions.⁴²

³⁹ In 1982, Nan Joyce was the first member of the Traveller Community to stand for election in the history of the state.

⁴⁰ FCNM, *Opinion on Ireland*, ACFC/INF/OP/I(2004)003, 5 May 2004; FCNM, *Second Opinion on Ireland*, ACFC/OP/II(2006)007, 30 October 2006; FCNM, *Third Opinion on Ireland*, ACFC/OP/III(2012)006, 19 April 2013; CERD, *Concluding Observations of the Committee on the Elimination of Racial Discrimination: Ireland*, CERD/C/IRL/CO/2, 2005; CERD, *Concluding Observations on the committee on the Elimination of Racial Discrimination*, CERD/C/IRL/CO/3-4, 4 April 2011; FCNM, 2019; CEDAW, 2017; CERD, 2019; Council of Europe, Report by the Commissioner for Human Rights Mr. Thomas Hammarberg on His Visit to Ireland, Strasbourg, 2008.

⁴¹ See NTRIS Action 133, “the Department of Justice and Equality will support the development of mentoring programmes to build and develop the capacity of Travellers and Roma to represent their communities at a local, national and international level” (42). See NSWG Action 3.11 referencing NTRIS and commitments to facilitate participation in public life by Traveller and Roma women (54).

⁴² Unstable accommodation status has a correlation with socioeconomic disadvantage, poor health, inability to seek safety from domestic violence, and increased substance misuse. 32.5% of female Traveller drug users staying in some form of

5.1 Traveller Women and Accommodation

The Housing (Traveller Accommodation) Act 1998 places responsibility for the provision of Traveller accommodation on Local Authorities. However, Local Authorities have continuously failed to spend Traveller accommodation budgets and meet their targets to provide adequate, safe and culturally appropriate accommodation for Travellers.⁴³

Traveller accommodation- budget & underspending:

- Traveller accommodation budget fell by -90% from €40m in 2008 to €4m in 2013– today the budget stands at a mere €14.5m.⁴⁴
- Every year substantial parts of Traveller accommodation budgets remain unspent by Local Authorities. For instance, in 2019, according to the Department of Housing Planning and Local Government, only 30% of the Traveller accommodation budget was drawdown by local authorities, with over half (14) of Local Authorities failing to draw down any of the allocated Traveller accommodation funds.⁴⁵

The lack of accommodation provision has pushed many Travellers into sharing accommodation/overcrowding and unauthorised sites at the roadside. Official figures estimate 15% of Travellers to be homeless, yet Travellers only make up 1% of the Irish population.⁴⁶ Many have also been pushed into non-Traveller specific accommodation in private rented and social housing sectors. However, there are significant barriers for Travellers to access private rented sector when the overwhelming majority of landlords will not rent to Travellers.⁴⁷

A number of international human rights monitoring bodies have called for the State to address the failure to deliver Traveller accommodation. In 2019, an independent Expert Group on Traveller Accommodation set out a clear recommendation to overhaul all relevant legislation and policies which impact on accommodation provision for Travellers.⁴⁸ In 2019, the European Commission against Racism and Intolerance (ECRI) and UN Committee on the Elimination of Racial Discrimination urged the State to take action to address the failure by Local Authorities to fully spend the Traveller accommodation budgets.⁴⁹

unstable accommodation. National Drug Treatment Reporting System (NDTRS) 2007-2013, cited in Pavee Point Traveller and Roma Centre, *Submission to Department of Justice and Equality: National Substance Misuse Strategy*, 2015.

⁴³ A number of human rights monitoring bodies have raised significant concerns with regards to accommodation conditions on Traveller sites. Almost 1 in 3 Traveller households living in mobile or temporary accommodation have no sewerage facilities and 1 in 5 have no piped water source. A significant number of families in group housing or sites report lack of footpaths, public lighting, fire hydrants and safe play areas, in Central Statistics Office, 2011 and Kelleher et al., *All Ireland Traveller Health Study, 2010*. In 2016, a review of fire safety found significant shortcomings in Traveller accommodation units, in National Directorate for Fire and Emergency Management, *Report on Programme to Review and Enhance Fire Safety in Local Authority Provided Traveller Accommodation*, September 2016. There are currently no incentives or sanctions in place to ensure that Local Authorities meet this legal obligation.

⁴⁴ The 2020 capital funding for Traveller accommodation was announced by the Department of Housing, Planning and Local Government at the first meeting of the National Traveller Accommodation Consultative Committee in early 2020.

⁴⁵ According to the Minister for Housing, Planning and Local Government, 14 local authorities had not drawn down any of the 2019 funding towards Traveller specific accommodation, with only €4 million out of €13 million drawn down <https://www.oireachtas.ie/en/debates/question/2019-11-19/660/?highlight%5B0%5D=traveller&highlight%5B1%5D=accommodation>

⁴⁶ Gender specific breakdown is not available for this estimate. The figure is likely to be an underestimate. The Department of Housing, Planning and Local Government's Annual Count reflects that 15% of Travellers are in need of accommodation; with 1,115 Traveller families 'sharing' accommodation. This number has been rapidly increasing each year, with the most recent count indicating an almost 30% increase of Travellers sharing accommodation since 2014. Sharing is in effect being homeless and it meets the criteria for homelessness as defined by the European Descriptive Typology (ETHOS).

⁴⁷ McGinnity, *Who Experiences Discrimination in Ireland?*, 2017; DKM Economic Consultants. Private Rented Sector Survey Findings: Tenants, Landlords & Estate Agents. 2014.

⁴⁸ Independent Expert Group on behalf of the Minister of the Department of Housing, Planning and Local Government, *Traveller Accommodation Expert Review*, 2019, https://www.housing.gov.ie/sites/default/files/publications/files/2019_july_expert_review_group_traveller_accommodation-final_report_00.pdf.

⁴⁹ ECRI, 2019; CERD, 2019.

Recommendation:

For the Department of Housing, Planning and Local Government and Local Authorities, ensure that all of the allocated Traveller accommodation budgets are fully and effectively spent by Local Authorities and that the recommendations by Independent Expert Group on Traveller Accommodation are fully implemented

5.2 Roma Women and Housing

There are significant issues with overcrowding, accommodation conditions and homelessness among Roma women in Ireland. 6.6% of Roma women report to be currently homeless and 52% of women have been homeless at some stage.⁵⁰ These figures are likely to be higher as people living with family and friends in overcrowded conditions may not be recorded. Many of those are unable to access homeless services due to inability to prove their residency in an area.⁵¹

The majority of Roma live in private rented accommodation with only 13% renting from a local authority. The application of the Housing Circular 41/2012⁵² prevents many Roma women from accessing essential emergency, medium and long-term accommodation and housing supports, including Housing Assistance Payment/Rent Allowance and social housing.⁵³ Lack of documentation, proof of address, and language and literacy skills are key barriers for Roma women to satisfy the conditions set out by the Housing Circular.⁵⁴ Applicants must also prove a pattern of employment.⁵⁵ Considering that only 8.2% of Roma women are in employment,⁵⁶ the criteria in the Housing Circular has a disproportionate impact on Roma women. In 2019, UN Committee on the Elimination of Racial Discrimination called the State to improve access to social housing by Roma.⁵⁷

Recommendation:

For the Department of Housing, Planning and Local Government to withdraw the Housing Circular 41/2012 for the disproportionate negative impact it is having on the ability of Roma women to access social housing and other housing supports

⁵⁰ Curran et al., *National Needs Assessment*, 2018. 24% of Roma live in households of 8 or more people and 45% report not having enough beds in their accommodation. There are many instances of women and children living with rat infestations, damp, broken windows, leaking toilets and no light to do homework. In several incidents families are paying rent for accommodation in unsafe and unhygienic warehouses with no electricity or water.

⁵¹ To access homeless services a household must present to the relevant Housing Authority within whose functional area they reside. There is a requirement to prove that you have become homeless in the local authority area in which you are presenting as homeless. Curran, et al., *National Needs Assessment*, 2018; Focus Ireland and Immigrant Council of Ireland (2011) *Homeless in my new home · Migrants' experiences of homelessness in Dublin: executive summary*, 3, <http://www.d1037607.cp.blacknight.com/live/files/homeless%20in%20my%20new%20home%20-%20executive%20summary%20lr.pdf>.

⁵² Rules to access social housing supports as set by the Department of Environment, Community and Local Government, *Housing Circular 41/2012: Access to social housing supports for non-Irish nationals – including clarification re Stamp 4 holders*, December, 2012.

⁵³ Curran et al., *National Needs Assessment*, 2018.

⁵⁴ 25.5% of Roma don't have the right to reside and 38.5% of Roma don't know if they have a right to reside. 25.7% of Roma are not habitually resident and 26.9% don't know if they are habitually resident. Lack of identification and Personal Public Service numbers among Roma parents also makes it impossible to register the birth of a child. Curran et al., 2018.

⁵⁵ One of the conditions of this Housing Circular is that in order to be assessed for social housing support, the applicant must be in employment or have been in employment for at least 1 year.

⁵⁶ Curran et al., *National Needs Assessment*, 2018.

⁵⁷ UNCERD, 2019

6. Roma Women & Access to Social Protection

Many Roma women in Ireland are unable to access any social protection due to the implementation of Right to Reside, European Directive 2004/38,⁵⁸ Habitual Residence Condition (HRC),⁵⁹ policy by the Department of Social Protection, and the Housing Circular 41/2012.⁶⁰ Establishing a right to reside is a prerequisite to meeting the HRC and the Housing Circular, which a person must meet in order to access welfare supports, including Child Benefit, Job Seekers Allowance, Housing Assistance Payment/Rent Allowance, social housing, and employment and training supports. The right to reside and HRC can also impact access to medical cards when Roma women cannot prove their means.⁶¹

The HRC is applied to all applicants regardless of their nationality. However, the requirements to meet the conditions has a disproportionate impact on Roma women who face significant difficulties with proving residency in the State as a result of lack of documentation, proof of address and language and literacy skills. On average, Roma who are not successful in their social protection applications have lived in Ireland for eight years. This often leaves women and children in extremely vulnerable situations for significant periods of time as women are unable to access a range of different welfare supports, including Child Benefit.⁶²

Roma women and access to social protection
<ul style="list-style-type: none">• 57% of Roma women respondents are not successful in applying for social welfare supports• 12.7% of Roma women respondents don't have a PPS number• 40% of Roma household respondents with children are not successful in applying for social protection payments⁶³
%of Roma facing some or all of the issues below: ⁶⁴
<ul style="list-style-type: none">• Children gone to school hungry (25%) or without adequate lunches (35%)• Not always enough food (49.5%) or fuel (46.2%) and cannot keep the house warm all the time (66.3%)• Not enough money for school books and uniforms (57.5%)

In 2017, the CEDAW Committee noted how social welfare restrictions hinder entitlement to child benefit payments for Roma women. Concerns about Roma child poverty and the discriminatory effect of the Habitual Residence Condition on Roma to access basic social welfare payments have been raised by a number of international human rights bodies, including UNCRC.⁶⁵

⁵⁸ Directive 2004/38/EC of the European Parliament and of the Council, 2004, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF>. Establishing a right to reside is a prerequisite to meeting the conditions of the Habitual Residence Condition and Housing Circular.

⁵⁹ The habitual residence test is intended to evaluate if a person has a connection with the Irish State, Department of Social Protection *Habitual Residence Condition*, <http://www.welfare.ie/en/downloads/sw108.pdf>.

⁶⁰ Under the European Directive 2004/38 every EU citizen has a right of residence in another member state for up to three months. They have a right of residence for more than three months if they: are workers or self-employed in the member state; have sufficient resources for themselves and their families so as not to become a burden on the social assistance system of the host state and have comprehensive sickness insurance cover; are enrolled at a private or public establishment for study purposes and have sufficient resources for themselves and their families so they are not a burden on the social assistance system; or are family members accompanying or joining the Union citizen who satisfies the above conditions as appropriate. European Union (n 137).

⁶¹ 25.5% of Roma don't have the right to reside, and 38.5% of Roma don't know if they have a right to reside; 25.7% of Roma are not habitually resident and 26.9% don't know if they are habitually resident

⁶² State agencies that use PPS numbers to identify individuals include the Department of Social Protection, the Revenue Commissioners and the Health Service Executive (HSE). A PPS number is a unique reference number used to access public services and social protection services in Ireland. Registration of children is a legal requirement and a birth certificate is necessary to enrol children in school and to apply for a passport. To register a birth, parent/s need photo identification and PPS numbers. Many Roma parents are unable to register a birth of a child as a result of HRC.

⁶³ Curran et al., *National Needs Assessment*, 2018.

⁶⁴ Ibid.

⁶⁵ UNGA, *Report of the Special Rapporteur on extreme poverty and human rights*, Magdalena Sepúlveda Carmona, A/HRC/20/25, 2012, Para 102; ECRI, 2013, CEDAW, 2017; CRC, 2016; HRC, 2014; CESCR, 2015.

Recommendation:

For the Department of Employment Affairs and Social Protection, to ensure that Roma women have access to basic income for their children, make Child Benefit payment a truly universal payment that is not contingent on the fulfilment of the Habitual Residence Condition

7. Health

Research unveils stark health inequalities for Traveller and Roma women due to structural inequalities and failure to address the social determinants of health, including poor accommodation conditions, poverty, racism and discrimination.

Travellers – Health Disadvantages ⁶⁶	Roma – Health Disadvantages ⁶⁷
<ul style="list-style-type: none"> ● Mortality rate for Traveller women is three times the rate of the general population.⁶⁸ ● Life expectancy at birth for Traveller women is 70.1 years, 11.5 years less than women in the general population ● Suicide rate for Traveller women is 5 times higher than women in general population ● 62.7% of Traveller women reported their mental health to be poor for one or more days in the last 30 days compared to 19.9% of female General Medical Service Card holders ● 7 out of 10 of health services agree that discrimination against Travellers occurs sometimes in their services 	<ul style="list-style-type: none"> ● 36% of Roma women report difficulty in accessing maternity services ● 24.6% of households women don't seek medical attention before birth but access a hospital for the first time to give birth⁶⁹ ● 31.5 of Roma women don't have a General Practitioner (GP)⁷⁰ ● 44.6% of Roma women don't have a medical card⁷¹ ● 60% of Roma women report more than 14 days of the previous month when their mental health was not good ● 84% of Roma women have experienced discrimination in health services, versus 53% of Roma men.⁷²

Regardless of the stark health inequalities, there has been no targeted action plan or consultative structure in place to address Traveller health inequalities since 2012.⁷³ Within this context, Pavee Point welcomes the development of a new Traveller Health Action Plan due to be published this year, it is imperative that the plan is inclusive of clear targets, indicators, outcomes, timeframes and budget lines. Additionally, it is important that the Department of Health take a leadership role in prioritising Traveller and Roma women's health through the development and implementation of targeted strategies and ensuring Traveller and Roma inclusion within mainstream strategies and policies.

⁶⁶ Pavee Point spearheaded the first national participatory study of Traveller health in Ireland which was published in 2010. The All Ireland Health Study was the first national study that significantly involved Travellers in the implementation of the research and the participation of Travellers as peer researchers resulted in a response rate of 80%. Kelleher et al., *All Ireland Traveller Health Study*, 2010.

⁶⁷ Curran et al., *National Needs Assessment*, 2018.

⁶⁸ Kelleher et al., *All Ireland Traveller Health Study*, 2010.

⁶⁹ Fear of hospital bills, lack of knowledge of the Maternity and Infant Care Scheme and children being taken into care act as key barriers. Pavee Point, *Challenging Barriers and Misconceptions, Roma Maternal Health in Ireland*, 2014.

⁷⁰ Roma women experience significant structural barriers to accessing primary health care due to lack of sufficient income, high cost of health care, and lack of interpretation and translation services.

⁷¹ Many Roma women, who don't have an income or have difficulties with proving where they live, cannot access means tested Medical Cards.

⁷² Curran, et al., *National Needs Assessment*, 2018.

⁷³ Recommendations from the Traveller Health Strategy 2002-2005 and National Intercultural Health Strategy 2007-2012 were poorly implemented and the last National Traveller Health Advisory Committee meeting took place in 2012. The State's approach has focused on mainstreaming, but the naming of Travellers in mainstream health programming (including Sláintecare[#] and Healthy Ireland) has not resulted in targeted or meaningful action.

Recommendation:

For the Department of Health: Publish and implement the National Traveller Health Action Plan as a matter of urgency including the establishment of an institutional mechanism with the HSE and Department of Health to drive delivery and implementation. The Plan must be inclusive of clear targets, indicators, outcomes, timeframes and budget lines.

For the Department of Health: Prioritise Traveller and Roma women's health in key health policy initiatives by direct targeting and resourcing, and ensure active and meaningful consultation with Traveller and Roma representative organisations when developing, implementing and monitoring such initiatives

8. Violence against Traveller and Roma Women as a Barrier to Gender Equality

The widespread social exclusion and discrimination in all areas of Traveller and Roma women's lives creates additional barriers to seeking support, protection and safety from domestic and sexual violence when compared to women in the general population. Language and literacy barriers, fear of negative treatment and discrimination in services, and inability to secure employment and safe and adequate accommodation/housing all act as barriers. This leaves Traveller and Roma women with very little concrete options but to stay in abusive relationships or leave and end up homeless. For Roma women, the inability to prove one's connection to the state impacts women's ability to access homeless and domestic violence accommodation services.⁷⁴

There has been significant progress made in increasing Traveller women's access to preventative health care services as a result of resourcing local Traveller Primary Health Care Projects to employ Travellers to bridge the gap in access, participation and outcomes for Travellers in mainstream health care services.⁷⁵ Pavee Point has welcomed a new pilot project arising from actions of the National Strategy on Domestic, Sexual and Gender-based Violence 2016-2021⁷⁶ and National Traveller Roma Inclusion Strategy, which adopts the Traveller Primary Health Care Model to reduce barriers to information, safety and protection from domestic and sexual violence within the Traveller community. However, this pilot project is restricted to four localities only and is a short three year initiative.

Recommendation:

For the Department of Justice and Equality, Tusla and HSE, fully resource the Traveller and Roma sector to undertake awareness raising and preventative work on domestic, sexual and gender-based violence to reduce barriers to information, safety and protection from domestic and sexual violence for Traveller and Roma women

⁷⁴ Curran, et al., *National Roma Needs Assessment*, 2018. In the event that already overstretched refuges *may* be able to accommodate women who are unable to satisfy the habitual residence test, access to refuges is limited to an emergency period only.

⁷⁵ As a result, 83% of Travellers receive their health information and advice from Traveller organisations.

⁷⁶ Action 2.1100 is for Tusla and the HSE to develop appropriate, evidence based, targeted interventions in domestic, sexual and gender-based violence in communities of particular vulnerability including Traveller and Roma women.