

**Case Study:**

**The Task Force on the Travelling Community**

**NCCRI/Equality Authority  
Ireland NFP, April 2003**

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## **Executive summary**

This case study has been undertaken as part of RAXEN3 for the European Monitoring Centre on Racism and Xenophobia. The study focuses on policy development towards Travellers in Ireland, in particular, the implementation of the 'Report of the Task Force on the Travelling Community' (hereafter the Task Force Report), which was published in 1995, which has been the cornerstone of overall policy for the past eight years. The case study focuses on the Task Force Report as an example of good practice of policy development that could be replicated in other countries. The case study also seeks to identify some of challenges and obstacles that have hindered the full implementation of the Task Force Report.

Part One of the study focuses on socio-economic context for policy towards Traveller in Ireland under a number of key headings, including:

- Education
- Employment
- Accommodation
- Health
- Racism
- Equality

Part Two looks at the key stakeholders involved in developing policy in relation to Travellers, including:

1. Government Departments.
2. Specialised and expert bodies.
3. National Traveller organisations.
4. Local authorities and Development bodies.

Part Three of this study examines relevant interactions and processes under the following headings:

- Overall Policy Development since the 1960's
- The implementation of the Task Force on the Travelling Community

Part Four outlines a number of conclusions and recommendations including the need to update, but not replace the Task Force Report; shifting the emphasis from monitoring and coordination to implementation and the consideration of a new strategies and possible institutional mechanisms to progress the Traveller agenda.

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## **Part One: Contexts**

### **Socio Economic Context**

Travellers constitute an indigenous minority ethnic group in Ireland with a long shared history and distinct cultural identity. Because of their marginalised position in Irish society and the oral tradition within Traveller culture, there are limited written records or references to Travellers or groups that were clearly identifiable as Travellers, but not named as such, prior to the beginning of the Irish State in 1922.

Most records that do exist at the beginning of the twentieth century and before, relate to measures to prohibit nomadism and economic activities associated with 'itinerants<sup>1</sup>/itinerancy' as Travellers and perceived activities were referred to by the State from the 1940's until the 1980's.

There are clear cultural and historical parallels between Irish Travellers and the Gypsy communities in Britain and the Roma communities in other parts of Europe, although the precise socio-economic and cultural links between these groups are less clear and needs further research.

There are approximately 28,000<sup>2</sup> Travellers in Ireland, North and South, with most living in the Republic of Ireland (approximately 25,000 people) and a smaller number in Northern Ireland (approximately 3,000 people).

Travellers are considered by specialised and expert equality and anti racism organisations, by many academics and all the main Traveller representative groups in Ireland, North and South as a minority ethnic group. The Irish Government have yet to recognise this specific status and there are a small number of academics who actively oppose the designation 'ethnic minority'. Travellers are however, recognised by the Government as a distinct ground for protection under Ireland's anti discrimination laws (Employment Equality Act, 1998 and the Equal Status Act, 2002).

Many government policy statements recognise Travellers as an ethnic group in everything but name. For example, the National Traveller Health Strategy, 2002, recognises Travellers as 'a distinct minority 'with their own culture and beliefs and most importantly that they have a right to have their culture recognised in the planning and the provision of services'.<sup>3</sup>

Travellers are also officially recognised as a minority ethnic group in the both Northern Ireland and Great Britain. Travellers will also be recognised as the key 'national minority' under the forthcoming first report under the Framework Convention for National Minorities.

In it's second report on Ireland, adopted in June 2001, ECRI, the Council of Europe watchdog on racism stated:

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<sup>1</sup> 'Itinerants' is now considered a derogatory term by most Traveller organisations. Travellers were also referred to as 'Tinkers' for a long period of time because of their identification as tin smiths. This term is more perceived to be anachronistic as opposed to derogatory.

<sup>2</sup> This is an estimate. Precise figures are not available due to significant under enumeration in the Census. Data from the 2002 Census are not yet available in relation to the size of the Traveller community.

<sup>3</sup> Department of Health and Children, (2002). Traveller Health a National Strategy, p13.

‘Although issues of racism and intolerance are seen as a relatively new phenomenon in Ireland and have come to the forefront of public debate in Ireland recently in relation to the presence of new minority groups in the country, such as refugees and asylum seekers, the Traveller Community, as an indigenous minority group has always suffered disadvantage and discrimination in all fields of life, including education, employment, and access to public and private services. Travellers are commonly denied access to public services such as hotels, restaurants and pubs, and are also victims of violence and harassment, including arson attacks against their property’<sup>4</sup>.

The following section provides a socio-economic overview of the position of Travellers in Ireland under the policy headings of:

- Education
- Employment
- Accommodation
- Health
- Racism
- Equality

### **Education**

Traveller children have experienced marginalisation in participating and benefiting from education policy and provision in Ireland. In the past this has been manifested through placement in segregated classes or through not attending school. In recent years, debate and actions have focused on the numbers of Traveller children participating in schools, with the result that most Traveller children now attend primary school. There has also been an increase in numbers of Traveller children transferring to secondary school, although very few remain after second year of schooling.

**Table One: Traveller Children: Progression from Primary to Post Primary Schools<sup>5</sup>**

<b>Post Primary</b>	<b>% Transfer</b>
Travellers in Yr 1	100%
Yr 2	56%
Yr 3	29%
Yr 4	6%
Yr 5	7%
Yr 6	5%
Post Leaving Cert	0.3%

In the first report of the Monitoring Committee of the Task Force of the Travelling People, (2000) it was stated:

<sup>4</sup> ECRI, (2002). Second Report on Ireland,.

<sup>5</sup> Task Force on the Travelling People/Department of Education and Science

‘It is to be acknowledged that the drop out rate for Traveller children has been unacceptably high. Greater efforts will be made with the assistance of the Education and Welfare Board in particular to encourage Traveller children to remain in school until they meet the statutory age requirement<sup>6</sup>.’

A scheme of visiting teachers, who liaise with families, has contributed to raising attendance levels, as has the increased awareness and mobilisation of the Traveller community itself, including work undertaken by Traveller NGO’s.

The system of segregated classes has now been dropped and Traveller children attend mainstream classes, with additional teachers provided to support them. There has been some concern expressed that the system of withdrawing Traveller children from classes in order to provide this extra support may lead to de facto segregation.

### **Employment**

The Government Task force on the Traveller Community (1995) identified many of the reasons for the low participation of Travellers in employment:

‘Traveller participation in the mainstream labour force is very low for many reasons, including low pay and poor work conditions, need for training, cultural factors, lack of acceptance by ‘settled’ counterparts’.<sup>7</sup>

The report emphasised the need in the immediate term to develop strategies to increase development of Traveller community enterprise within the social economy and on the employment of Travellers in the public service, particularly within those areas providing services to or contact with the Traveller community.

The Task Force Report highlighted that despite some popular prejudices there is a significant and distinct work ethic within the Traveller community and Traveller culture and way of life values enterprise and financial independence. A number of features stand out as central to the Traveller economy, including nomadism, focusing on generating income, the family as the basic economic unit, flexibility and the importance of the home base for economic activities.

The progress made since the publication of the Task Force Report on issues such as income adequacy and employment have been recognised as being very disappointing by NGO’s and the Government’s own monitoring committee to oversee the implementation of its recommendations. The Monitoring Committee’s First Report noted:

‘The Committee points out that in terms of access to the mainstream labour market the participation of Travellers continues to be very low. The difficulties stem from the discrimination Travellers experience in school, in training courses, accessing and/or in the work environment; nomadism and the desire for self employment; a logical choice given the levels of discrimination; early school leaving; and a shortage of skills to enable access to the mainstream labour market, in particular employment and prospects’.<sup>8</sup>

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<sup>6</sup> ibid

<sup>7</sup> Government Publications. (1995). Task Force on the Travelling Community. Executive Summary p19.

<sup>8</sup> Department for Justice, Equality and Law Reform, (2001) First progress Report of the Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community.

Discrimination is clearly identified as a factor impacting on unemployment and income adequacy and the forms that such discrimination takes is usefully defined within the Task Force Report in a way that can be applied to other groups experiencing racism.

‘Travellers experience direct and indirect discrimination at the individual or interpersonal level and at the institutional level. Discrimination at the individual level is most common when a Traveller seeks access to a range of goods, services and facilities, to which access was denied purely on the basis of their identity as a Traveller. There are many examples of public houses refusing to serve Travellers, hotels refusing to book Traveller weddings, leisure facilities barring access to Travellers and insurance companies refusing to provide motor insurance cover.

The Task Force found that at the institutional level discrimination could occur where procedures and practices reflect the lack of acceptance of Traveller’s culture and identity and can involve controls placed on Travellers in excess of those placed on the settled community in similar circumstances. While Travellers are segregated in the provision of various services it can be seen as an imposed setting apart of a group. Legislation, policy making and provision can develop in a manner that only reflects the settled communities culture and identity and ignores the impact it may have in the Travellers as a minority ethnic group. The Task Force concluded that while legislation alone would not put an end to such discrimination, it would make an essential contribution.’<sup>9</sup>

A recent study undertaken by Pavee Point, the national Traveller resource centre in Ireland, highlighted:

- Travellers’ interest in successfully accessing employment.
- The reality of discrimination in the labour market.
- The lack of skill and low levels of education among Travellers.
- Legislation alone will not solve these realities.<sup>10</sup>

The Traveller Community is excluded to a large extent from the labour market, with a rate of around 90% unemployment - much of this long-term unemployment - within the community. This can partly be explained by the decline of traditional areas of economic activity and employment, such as scrap metal recycling, horse-trading and market trading, due to the changing economic climate exacerbated by restrictive legislation in certain areas and the lack of provision of work space beside accommodation space. Travellers have not, however, found easy access to the general labour market despite the economic boom mentioned above.

It has been reported that direct discrimination is widespread, to the extent that even when Travellers are referred to employers by employment offices, they are refused work. Travellers also face indirect forms of discrimination in entering the labour market due to disadvantages in other areas of life including education, health and accommodation. Another barrier to Traveller employment which has been mentioned is the possible loss of the medical card (entitlement to free medical care) upon entry

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<sup>9</sup> *ibid.* P 32.

<sup>10</sup> Pavee Point. (2002) Jobs, Vacancies, Vacant Jobs. Travellers inclusion in the Mainstream Labour Market.

into employment, which acts as a major disincentive to Travellers seeking employment<sup>7</sup>.

### **Accommodation**

Travellers are traditionally a nomadic group, which in the past relied on traditional unofficial roadside sites, which is often reflected in place names around Ireland. Due to a range of factors, these traditional halting sites have rapidly declined since the 1960's. Official accommodation policies in between the 1960's to the 1980's focussed on insisting that Travellers lived in general local authority housing, partly in response to concerns about general living conditions and ignorance through lack of consultation with Travellers about their preferred form of accommodation but also as a consequence of a general policy of assimilation of Travellers and their distinct way of life into the general population<sup>11</sup>.

As a consequence Travellers live in the following forms of accommodation:

**Table Two: Types of Accommodation and Number of Traveller Families Accommodated (1999)<sup>12</sup>**

<b>Accommodated Families</b>	<b>1999</b>
Local Authority Housing <sup>13</sup>	2483
Permanent Halting Sites	802
Temporary Halting Sites	271
Transient Halting Sites	27
Families on the Roadside	1207

The Monitoring Committee for the Task Force reported in 2000, that while progress had been made in some areas of accommodation such as existing site refurbishment:

'The Monitoring Committee wish to highlight the fact that in reality one in every four Traveller families are currently living without access to water, toilets and refuse collection. The accommodation situation has disimproved over the past five years...It is also particularly unsatisfactory that the numbers of Travellers on the roadside has increased'<sup>14</sup>.

The Housing (Traveller Accommodation) Act 1998 requires the major local authorities to prepare, adopt and implement five year Traveller accommodation programmes; it provides for consultation mechanisms with Travellers and Traveller organisations at national and local level and provides local authorities with increased powers of eviction from unauthorised Traveller encampments. It further established on a statutory basis, the National Traveller Accommodation Consultative Committee.

<sup>11</sup> For further discourse, see for example, Helleiner J, (2003) Irish Travellers, Racism and the Politics of Culture. Chapter Three. University of Toronto Press.

<sup>12</sup> Department of Justice, Equality and Law Reform, (2000) First Report of the Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community, p38.

<sup>13</sup> Standard local authority housing, group housing, private housing assisted by local authorities and other forms of social housing.

<sup>14</sup> *ibid*, p36

Each local authority is required to adopt a Traveller accommodation programme for the period 2000-2004, most by the deadline of 31 March 2000. However, Traveller organisations have reported that despite this framework, there has been very limited progress in the provision of new units of accommodation. In 1995 1112 Traveller families were living on the roadside with no access to basic services. This number had increased to 1207 families in 1999.

ECRI in its second report on Ireland stated:

‘One of the main barriers to improvement of the situation as regards accommodation is reported to be the unwillingness of local authorities to provide accommodation and resistance and hostility among local communities to planned developments, often resulting in injunctions and court cases. In this respect, it has been commented that the fact that no sanctions are provided for in the Housing (Traveller Accommodation) Act against authorities who do not take measures to provide accommodation for Travellers may weaken its effectiveness.

ECRI has recommended that the provision of accommodation should be closely monitored and measures taken as necessary to improve the implementation of the legislation in force. Furthermore, ECRI has stressed that the powers afforded to local authorities to effect evictions from unauthorised campsites should be kept under close review in order to ensure that such powers are not misused, particularly in a situation where the accommodation possibilities available for Traveller families are not sufficient to meet the needs of this community’.

The Housing (Miscellaneous Provisions) Act, 2002 was introduced shortly before a general election, in the wake of a high profile incident of Travellers camping illegally on a social amenity in West Dublin, with attendant publicity on significant litter problems and clean-up costs for the local authority concerned, South Dublin County Council.

The new Act, which was introduced very rapidly, allows for Gardai to remove caravans, and to allow for the owners to be brought before the District Court charged with Trespass. On Conviction the owners can be fined €3,800 and/or jailed for one month.

Travellers groups expressed strong opposition the legislation, pointing out lack of consultation about the legislation through existing bodies established under the Task Force Report, the lack of progress by local authorities in providing for new accommodation and the potential misuse of the Act which was passed to deal with large encampments of Travellers on unsuitable land.

Growing evidence shows the Act is being used for purposes not intended. Shortly after the Act was passed a local authority in County Clare enforced the legislation against four caravans of Travellers most of whom were on the Council’s housing waiting list.

The Irish Times commented ‘just which local authority is the worst when it comes to accommodating Travellers is open to debate- but Co Clare is accused of having a very poor record’. This was challenged by a spokesman for Ennis Town Council in Clare

who claimed they had accommodated 40 families in Ennis over 15 years. The Irish Times commented ‘ Should the provision of accommodation for five families every two years be a badge of honour?’<sup>15</sup>

According to the National Traveller Accommodation Consultative Committee, Clare has the joint highest percentage of Traveller families living on the roadside at 44%<sup>16</sup>.

The Irish Traveller Movement pointed to the good progress that had been made by some other local authorities, in particular by Meath County Council and have questioned why this could not be replicated elsewhere. South Dublin County Council have stated that they will not use the Act against Travellers on their accommodation waiting list.

### **Health**

Micheál Martin, T.D., Minister for Health and Children stated

‘The available data on the health status of the Irish Traveller community shows that they experience a level of health which falls short of that enjoyed by the general population’<sup>17</sup>

Although the data available are not extensive, the most recent statistics (1987) show that Travellers experience significantly worse health than the majority population, with a life expectancy of 10-12 years less and infant mortality rates two and a half times higher than the settled population. It is likely that the poor living conditions faced by many Travellers coupled with difficulties experienced in accessing health care are explanatory factors for these discrepancies. For example, it appears that many doctors are unwilling to accept Travellers as patients in their practices, and that basic preventative health care programmes such as vaccinations are not consistently carried out.

There has been significant policy developments in Traveller health issues in recent times. In particular through the publication of the Government’s ‘Traveller Health: A National Strategy 2002-2005. A strong emphasis within the strategy is on development of primary health strategies. A National Traveller Health Advisory Committee and the establishment of Traveller Health Units are being established in each Health Board.

### **Racism**

It is only in recent years that there has been acknowledgement that racism is a problem in Ireland. This may be one of the factors why Ireland did not ratify the International Convention on the Elimination of all Forms of Discrimination (ICERD) until the year 2001, some 32 years after the Convention was first promulgated.

In recent years there has been a commencement of a public debate and dialogue about racism in Ireland. To date, this debate has often been robust, and at times conflictual,

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<sup>15</sup> Irish Times, August 15<sup>th</sup> 2002

<sup>16</sup> Spectrum, (Issue 1, November 2002) The Journal of the NCCRI, p12.

<sup>17</sup> Minister M. Martin in preface of Traveller Health: A National Strategy. Department of Health and Children, (2002).

but has generally been constructive and reflective of the widely held concern by representatives of Government and broader civil society that racism deprives people of their basic human rights, dignity and respect and is a threat to social and economic cohesion within States<sup>18</sup>.

The public debate about racism has sometimes been limited in scope, with racism sometimes reduced to, or equated with a discourse concerning issues around immigration, refugee and asylum policy. These issues have a centrality to the present debate, but a narrow focus on these policy issues on their own only provides us with an incomplete picture and understates other forms of racism in Ireland, including the racism experienced by the Traveller community.

Reducing the discourse on racism to a discussion on migration and asylum policy has also had the outcome of reinforcing the perception that racism is only experienced by recent migrants and that ethnic and cultural diversity in Ireland is solely as a consequence of recent migration.

While there is acknowledgement of the steps taken to tackle racism in Ireland in recent years many groups including NGO's and trade unions believe that more can be done. The forthcoming Government National Action Plan Against Racism is seen as a potentially important development in this regard.

A recent review of all existing surveys<sup>19</sup> of attitudes toward minority ethnic groups made a number of conclusions, including:

- The degree of hostility expressed toward minority ethnic groups, has increased measurably and is particularly strong in relation to particular groups, including Black people, Roma and Travellers and refugees and asylum seekers.
- Profiles of respondents show that levels of hostility are evident at all levels of society of society and in both a rural and urban context.
- Negative attitudes experienced by minority ethnic groups now appear to be an everyday feature of many people's lives.

### **Equality**

The recent equality legislation, the Employment Equality Act (1998) and the Equal Status Act (2000) protect against discrimination based on nine grounds. These are:

- Gender
- Marital Status
- Family Status
- Age
- Disability
- Religion
- Race (including nationality)

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<sup>18</sup> Farrell, F and Watt, P, (2001). Responding to Racism in Ireland.

<sup>19</sup> Garner, S and White, A. Racist Attitudes in Ireland: Baseline Research for the Anti Racism Public Awareness Programme. Know Racism. 2002

- Sexual Orientation
- Membership of the Traveller Community

The two most relevant grounds in respect of this study are ‘Race’ and membership of the Traveller community. The Employment Equality Act covers employment and related areas such as vocational training or membership of trade and professional bodies. The Equal Status Act covers the provision of goods and services, and of a wide range of services available to the public or to a section of the public including access to places, transport, banking, insurance, cultural activities, refreshment, and many aspects of education. Some disposals of property and the provision of accommodation are also covered. There are a number of exceptions and exclusions to both Acts. Earlier equality legislation covered only the gender and marital status grounds.

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

The legislation in Ireland is relatively recent in respect of protection from discrimination on grounds related to racism. The first full year of operations for the Employment Equality Act was 2000 and the first full year of operations for the Equal Status Act was 2001.

The Employment Equality Act, 1998 prohibits discrimination in relation to employment on nine distinct grounds -gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. With the exception of gender and marital status, complaints of discrimination under any of the other grounds can only be brought in relation to incidents, which occurred after 18 October 1999. Where a person considers that s/he has been discriminated against on the gender ground, the Act allows the complainant the option of applying directly to the Circuit Court for redress.

Under the Traveller community ground, there were only 3 cases in 2001 and 2 cases in the first six months of 2002. Under the religion ground there was 1 case in 2001 and 1 in the first six months of 2002. This ground along with family status and marital status were the least invoked ground under the Employment Equality Act.

There were 22 decisions on the Traveller ground made in 2001 under the equality legislation, 21 of which were referred under the Equal Status Act. These concerned access to pubs and restaurants, a supermarket, a community centre, and the exercise of policing functions

### **Jurisprudence**

An issue that was raised in several early cases as whether ‘settled’ Travellers came within the definition of the Act. The decisions followed the approach taken in an early case, which stated that this definition can include ‘settled’ Travellers:

‘It is clear that for someone to be considered as a member of the Traveller community, they do not have to be actively leading a nomadic way of life. This is because the definition states that Travellers are people with a shared history, culture and traditions, “including, historically, a nomadic way of life”<sup>20</sup>.

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<sup>20</sup> Connors vs Molly Heffernan’s Public House in ODEI op cit. P9.

It was further clarified in other cases that a Traveller must identify themselves as a Traveller and be identified by others as a Traveller and that 'speech and appearance' were ways in which Travellers were identified.

A further issue identified through cases referred to the ODEI-Equality Tribunal was the limitations in the definition of what constitutes a 'service' under the Equal Status Act. In *Donovan v Garda Donnellan*, a Traveller contended that he was discriminated against because a police officer (Garda) prosecuted a Traveller but not other people whose horses also strayed onto the road. The ODEI ruled that the definition of 'services' in section 2 of the Act, did not cover services provided by the State to the public

'The investigation and prosecution of crime are not services which are available to the public, or a section of it, within the meaning of service defined in section 2. It is my belief that these are State functions, which are carried out by the Gardai (and the Director of Public Prosecutions) on behalf of and for the benefit of the public and society as a whole. They are clearly not services to which the public has access, such as access to facilities for banking, leisure and travel.<sup>21</sup>'

### **The Equal Status Act**

The Equal Status Act prohibits discrimination (with some exceptions) in the disposal of goods to the public, the provision of services or of accommodation to the public, in certain disposals of property and in education. Services are defined more broadly under Section Two of the Act.

The decisions of the Equality Tribunal in 2001 related to claims of discrimination in a wide range of areas, including service in hotels and pubs, admission to nightclubs, treatment in a supermarket, access to sporting events, policing functions and the provision of car insurance.

In respect of the focus of this study the most relevant grounds under the equality is 'the Traveller community'. Cases referred to the Equality Tribunal in 2001 and the first six months of 2002 show that Equal Status cases are dominated by actions taken under the Traveller ground. In 2001 75% of all cases referred under the Equal Status Act were Traveller related and in the first six months of 2002 this had increased to 80%.

There were 22 decisions on the Traveller ground made in 2001 under the equality legislation, 21 of which were referred under the Equal Status Act. These concerned access to pubs and restaurants, a supermarket, a community centre, and the exercise of policing functions.

The number of cases and level of success of Travellers taking cases under the Equal Status Act has resulted in a sustained campaign by interests representing pub owners and other licensed premises to amend the Equal Status Act. Some publicans have even gone so far as threatening to ban all Travellers from their premises. The ODEI-The Equality Tribunal recently stated in their annual report, in respect of Travellers and access to public houses (pubs):

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<sup>21</sup> *ibid.* P26

'It is entirely inappropriate and unjustified for a publican to tar all members of the Traveller community, with the same brush, by refusing service to Travellers whom they do not know, and restricting service even to Travellers whom they do know, irrespective of any real risk of disorder'<sup>22</sup>

The Liquor Licensing Commission has recently recommended that such cases should be heard by the District Court rather than the ODEI- the Equality Tribunal. This proposal is strongly opposed by all Traveller representative organisations and is currently being considered by Government.

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<sup>22</sup> ibid

## **Part Two: Key Stakeholders/Actors**

### **The Task Force on the Travelling Community (1993-1995)**

The Task Force on the Travelling Community was established in June 1993 by the Department of Equality and Law Reform and was comprised of 17 members and chaired by Liz McManus TD and subsequently by Senator Mary Kelly. Its terms of reference included 'to advise and report on the needs of travellers (sic) and on Government policy generally in relation to Travellers' and to make recommendations and draw up a strategy for consideration by Ministers.

Table two outlines the bodies represented on the Task Force.

#### **Table One: Nominating Bodies for the Task Force on the Travelling Community**

<b>Nominating Bodies for the Task Force on the Travelling Community</b>
Pavee Point (a national Traveller NGO, formerly the DTEDG)
Conference of Religious in Ireland (association of people from roman Catholic religious orders)
National Federation of the Travelling People (now disbanded)
Minister for Equality and Law Reform (now merged with Dept of Justice)
Irish Traveller Movement (a national Traveller NGO)
National Association of Traveller Training Centres
South Dublin County Council (local authority)
Department of Education (now Education and Science)
Department of the Environment (now Environment and Local Government)
Department of Health (now health and Children)
Department of Social Welfare (now Social and Family Affairs)
Fine Gael (political party)
Progressive Democrats (political party)
Fianna Fáil (political party)
Democratic Left (political party)
Labour Party (political party)

Government publications published an interim report in 1994 and the final report of the Task Force in 1995, after which the Task Force was disbanded. A Committee to monitor and coordinate the implementation of the Task Force on the Travelling Community was established in an 'Aide Memoire' to Government in March 1998.

#### **Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community**

Soon after the publication of the Report, an interdepartmental working group was set up to consider the implementation of the Report, and the Government decided in principle to accept the main thrust of the Report.

A Committee to Monitor and Coordinate the implementation of the Report was established in June 1998, which is chaired by a representative from the Department if

Justice, Equality and Law Reform and includes representatives from the main Government Departments, the three main Traveller Organisations {Pavee Point, the Irish Traveller Movement, the social partners and Ministerial appointments.

The Government Departments included on the Monitoring Committee and their main role is as follows:

- The Department of Justice, Equality and Law Reform (coordination. Including the Task Force Report monitoring Committee)
- The Department of Environment and Local Government (accommodation, including the National Traveller Accommodation Consultative Committee)
- Department of Finance (government finance)
- Department of Enterprise, Trade and Employment (employment related issues)
- Department of Education and Science (Education)
- Department of Tourism, Sport and Recreation
- Department of Community, Rural and Gaeltacht Affairs (community development)
- Department of Social Affairs (income support)
- Department of Health and Children (health and children)

The Monitoring Committee subsequently published its first report on December 5<sup>th</sup> 2000. Its second report is due to be published by July 2003.

#### **National Traveller Accommodation Consultative Committee (NTACC)**

The NTACC is a body established by statute in 1999, with an independent Chairperson and three dedicated officials. The committee also has three sub committees and its agenda has focussed on all aspects of accommodation, from provision to site management. The NTACC superseded a consultative group established following the recommendations in the Task Force Report.

#### **Traveller Accommodation Unit**

The Unit was established in 1996 by the Department of Environment and Local Government to oversee the implementation of the National Strategy for Traveller Accommodation and the Housing (Traveller Accommodation) Act, 1998. The main elements of this Act are as follows:

- Local Authorities are required, in consultation with Travellers and Traveller representatives, to prepare and adopt by a date specified by the Minister, 5 year programmes to meet the existing and projected accommodation needs of Travellers in their areas.
- Allows for public input to the preparation and amendment of such programmes.
- Obliges local authorities to take the appropriate steps to secure implementation of programmes.
- Requires planning legislation to require planning authorities to include objectives concerning Travellers accommodation needs in their county/city development plans
- Provides improved powers to local authorities to remove temporary dwellings where serviced accommodation is available within one mile.

## **Equality**

## **Authority**

The Equality Authority was established in October 1999. Its mandate is set out in the Employment Equality Act 1998 and is further expanded under the Equal Status Act 2000. This mandate is to:

- Work towards the elimination of discrimination and prohibited conduct under equality legislation.
- Promote equality of opportunity in relation to the matters to which equality legislation applies.
- Provide information to the public on the working of equality legislation, to keep this legislation under review and to make proposals for necessary change in the legislation.

This mandate covers nine grounds - gender, family status, marital status, age, sexual orientation, disability, race, religion and membership of the Traveller community.

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

The National Consultative Committee on Racism and Interculturalism was established in July 1998, with funding from the Department of Justice, Equality and Law Reform. Its functions are:

- To act as an expert body to develop an integrated and strategic approach to racism and its prevention, and to foster interculturalism within Ireland.
- To inform policy development and seek to build consensus through dialogue in relation to the issues of racism and interculturalism to promote the understanding and celebration of cultural diversity within Ireland.
- To establish links with other organisations or individuals involved in issues of racism and interculturalism arising from developments at European Union and international levels.

## **ODEI-The Equality Tribunal. Office of the Director of Equality Investigations.**

The Office of the Director of Equality Investigations was established in October 1999. It provides redress for victims of discrimination on any of the grounds in the Equality Legislation in employment and in the area of provision of goods and services. Anyone who feels that they have been discriminated against may lodge a complaint to the Director. The findings of the Director in each case are published.

## **Irish Human Rights Commission**

Arising from the Belfast Agreement, the Human Rights Commission was formally established under the Human Rights Commission Act, 2000. The Commission is a new independent body charged with the task of keeping under review the adequacy and effectiveness of our laws in relation to the protection of human rights in their widest sense. It will be within the competence of this body to commission surveys on discrimination.

## **Traveller Representative Organisations**

There are three main Traveller representative organisations. These are:

- Pavee Point
- Irish Traveller Movement and
- The National Travellers Women's Forum

Pavee Point is the National Traveller Centre, which was established in the mid 1980's. The Centre has campaigned and lobbied to highlight Travellers issues and was centrally involved in the drawing up of the Task Force Report and its implementation mechanisms. Pavee Point has a strong focus on community development, health, mediation and the Traveller economy in its work.

The Irish Traveller Movement is a representative membership organisation founded in the early 1990's, which has a strong focus on accommodation, education, legal and awareness raising strategies. The ITM has also been directly involved in the drawing up and implementation of the Task Force Report.

The National Travellers Women's Forum was founded in the late 1990's and provides a focus on the specific needs of Traveller women. The NTWF is based in Galway and its work has included policy submissions, organizing seminars, and working with ITM and Pavee Point to highlight general issues of concern to Travellers.

## **Public Awareness**

There have been a number of public awareness initiatives in recent years, including initiatives developed by the three main national Traveller organisations, the Citizen Traveller Campaign and through the 'Know Racism' national public awareness programme.

## **Local Administration and Development Bodies<sup>23</sup>.**

### **Local Authorities**

The elected local authorities are the county councils (29), county borough corporations (5), urban district Councils (49) and boards of town commissioners (30). The local authorities have responsibilities in a range of services and local planning matters, including:

- Housing and building
- Road transportation and safety
- Water supply and Sewerage
- Planning and development controls
- Environmental protection
- Agriculture, education health and welfare
- Traveller accommodation
- Miscellaneous

Since 1998, County and City Development Boards under the aegis of local authorities prepare strategies for economic, social and cultural development.

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<sup>23</sup> IPA, (2002) Administration Year Book and Diary.

There are also 8 regional authorities in Ireland that promote the coordination of public services and monitor the impact of EU programmes. These bodies have few powers and very limited staff.

### **Partnership Companies**

There are some 75 Partnership boards/'community groups' established in disadvantaged areas of Ireland, which focus on economic and social inclusion measures. Each board/group prepares a local development plan every three years. Many partnerships have a focus on the inclusion of Travellers and some have undertaken specific needs assessments of the issues of concern to Travellers in local areas.

### **Community Development Programme**

The community development programme supported by the Department of Community, Rural and Gaeltacht Affairs funds a number of Traveller Support Groups around the country.

### Part Three: Relevant interaction and Processes

Part Three of this study examines relevant interactions and processes under the following headings:

- Overall Policy Development since the 1960's
- Challenges and obstacles to the implementation of the Task Force on the Travelling Community (1995)

Surprisingly, it is only recently that primary research has been undertaken on the Irish State's policy to Travellers between the emergence of the State and the Report of the Commission on Itinerancy in 1963. This shows that the first reference to Travellers (then referred as itinerants) in the Dáil (Irish Parliament) national debates was in 1939. However studies of the provincial press in Ireland and minutes of local authorities make references to groups clearly identifiable as Travellers in the early part of the twentieth century<sup>24</sup>. The history of Travellers before this period has not been undertaken, either through lack of interest by historians or through the absence of or problematic availability of primary data available to pursue this issue before the beginning of the Twentieth century. The following section looks at State policy from the early 1960's to the present day.

#### Overall Policy Approaches<sup>25</sup>

There are three key phases of national policy development towards Travellers in Ireland:

Phase:	Government Policy Report
1963-1983	The outcomes from the Report of the Commission for Itinerancy.
1983-1985	The outcomes of the Travelling People Review Body, 1983
1995-Present	The outcomes of the Report of the Task Force on the Travelling Community

#### Phase One: 1963-1983

The first phase of a clear and explicit government response to the Travellers in Ireland can be linked to the Report of the Commission on Itinerancy in 1963. The terms of reference of the Commission are revealing in the way the problem being addressed is conceptualised. The Commission set out:

‘To enquire into the problem arising from the presence in the country of itinerants in considerable numbers; to examine the economic, educational, health and social problems inherent in their way of life’.

In order to provide a better way of life for Travellers the Commission undertook ‘to promote their absorption into the general community’

The starting point for the Commission was that ‘itinerancy’ was a problem to be eliminated, and rehabilitation, settlement and assimilation were the means for achieving this. Travellers were viewed as a problem and the Commission's Report

<sup>24</sup> Helleiner, J. (2003) Irish Travellers Racism and the Politics of Culture, p53

<sup>25</sup> O'Connell, J. (1997) The Racism Experienced by Travellers. Irish National Coordinating Committee for European Year Against Racism.

comments on the social and ethical behaviour of Travellers and their tendency to keep aloof from the majority population. There was no explicit acknowledgement or examination of discrimination towards Travellers.

In the subsequent two decades the Report of the Commission provided a framework for action and understanding of Traveller issues. Interventions were viewed as being 'for' rather than 'with' Travellers. Travellers were frequently referred to as being in need of charity rather than acknowledgement of their rights. In so far as there was a criticism of the majority non-Traveller population it was expressed in terms of failure to live out the Christian gospel.

### **Phase Two: 1983-1995**

The second phase in government policy development with regard to Travellers is contained in the Report of the Travelling People Review Body, 1983. This report had the benefit of twenty years experience since the earlier report and shows a significant shift in thinking by policy makers and others involved with Travellers. The Review Body was asked to examine:

‘The needs of Travellers who wish to continue a nomadic way of life’ and how barriers of mistrust between the settled and Travelling communities can be broken down and mutual respect for each others' way of life increased.’

Opposition from settled and Traveller activists to the assimilationist approach contributed to a revision of the thinking. Concepts such as absorption, settlement, assimilation and rehabilitation were no longer acceptable and were rejected in the report. The term 'itinerant', which was associated with vagrancy and deviancy, was replaced with 'Traveller', which was a recognition of a distinct identity.

Prejudice and hostility, misunderstanding, resistance, indifference and harassment towards Travellers were acknowledged as issues and integration was the goal. However, there was reluctance to name discrimination as an issue:

‘The Review Body is pleased to record that there is no evidence of discrimination against Travellers in the granting of social welfare assistance and in gaining enrolment in local primary and second level schools’.

However, the Report does refer to ‘many instances of bias against Travellers in the allocation of tenancies of local authority houses’ but is quick to point out that (local) ‘authorities deserve recognition for their accomplishments, often attained in spite of considerable local opposition’

The Review Body considered the desirability of having special legislation to outlaw discrimination against Travellers as a minority group but concluded that ‘such legislation would be fraught with difficulties, especially in the absence of a precise legal definition of 'traveller'. Accordingly, the enactment of anti-discrimination laws is not sought’.

However, the naming of Travellers in legislation, without any perceived need (on the part of the government) to define 'Traveller', took place in three pieces of legislation in Ireland, subsequent to the publication of the Report and before the Task Force Report of 1995, in effect in direct contradiction of the above:

- The Housing Act, 1988
- The Prohibition of Incitement to Hatred Act, 1989 and
- The Unfair Dismissals (Amendment) Act. 1993

### **Phase Three: 1995-Present**

The third phase of policy development can be associated with the publication of the Report of the Task Force on the Travelling Community in 1995. This report devotes a full section to the issue of discrimination, which is a reflection of the fact that the key Traveller support groups had made this a priority issue for the previous ten years. It had also become a major media issue. Discrimination and access feature right through the document in relation to Traveller/settled relations, culture, accommodation, health, education and training, youth service provision, the Traveller economy, Traveller women and disabled Travellers.

‘Academic debate and various international fora focus attention on the link between racism and cultural difference, particularly in scenarios of unequal power relationships. The forms of prejudice and discrimination experienced by the Traveller community equate with racism in the international context’.

The Report also refers to the need to combat discrimination with legislation and education. ‘Over the past decade discrimination against Travellers has not diminished. Such a scenario requires new initiatives and new approaches. Public debate has increasingly focused attention on the need for legislative initiatives’.

In Ireland, the 1995 Task Force Report outlines the different types of discrimination experienced by Travellers at the individual or interpersonal level and at the institutional level. According to the report, this discrimination experienced by Travellers can be direct and indirect, intentional or unintentional.

### **The Implementation of the Task Force Report**

As highlighted in Part One of this study, there has been a patchy and inconsistent outcomes from the recommendation contained in the Task Force Report.

The main success of the Task Force Report (1995) is the setting out of a strategic vision to policy development with Travellers, which is radically different from the approaches advocated in the Report of the Commission on Itinerancy (1963) and the Traveller People Review Body (1983), which have been outlined in this study,

Under the policy areas identified in Part One of this Study, it is clear that there have been a number of positive policy developments for Travellers since 1995, including higher participation rates in primary education, community development supports and the work of Traveller NGO’s at national and local level, the Traveller Health Strategy and the development of public awareness initiatives.

The Government’s Traveller Health Strategy (2002) is one of the most important policy developments from the Task Force Report

‘The Strategy responds to one of the key recommendations of the Report of the task Force on the Travelling People, which was published in 1995. The Task Force Report identified the Provision of health services and in particular questions associated with access to and utilisation of these services, as being of major concern to the Traveller community’<sup>26</sup>

There have also been a number of policy developments in the broader area of equality and anti racism that were identified as a priority in the Task Force Report. These include:

- The Equality legislation.
- Ireland’s Ratification of the International Convention on the Elimination of all Forms of Racial Discrimination.
- The development of specialised and expert bodies, including the Equality Authority, the Irish Human Rights Commission and the NCCRI.

The establishment of monitoring bodies linked to implementation of the Task Force Report has also been an important development, including the Monitoring Committee itself and the National Traveller Accommodation Consultative Committee. However, there are also some committees that were not established such as one on focussing on the Traveller economy and there have also been some concerns expressed by Traveller organisations that the focus of many these committee has been on monitoring progress, and there needs to be stronger institutional mechanisms to secure fuller implementation of the Task Force Report.

There are a range of factors that has contributed to the patchy and inconsistent implementation of the findings of the Task Force on the Travelling Community, which have been outlined in this report. These include:

- Limited broader support in Irish society for Traveller issues.
- Insufficient priority given towards progressing the Traveller policy agenda, including allocation of resources.
- High profile events that have impacted negatively on Travellers.

### **Limited broader support for Traveller Issues**

In a survey of existing data undertaken for the Department of Justice, Equality and Law Reform on racist attitudes in Ireland, there is evidence that consistently, Travellers experience the highest levels of prejudice in Ireland.

For example in a survey undertaken by Amnesty International 38% said that they would be reluctant to welcome a Traveller as a local resident as opposed to refugees and asylum seekers (19%) and black people (10%). Such prejudices make it difficult to implement agreed policy on, for example, accommodation and there is also concern that they weaken and limit institutional responses and service provision which impact on Travellers

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<sup>26</sup> Department of Health and Children, (2002). Traveller Health a National Strategy, p2.

Inevitably such prejudice can become institutionalised and can impact on service provision or else can at least contribute to a sense that Traveller issues are not as a significant public policy concern as other issues.

The Discussion paper 'Towards a national Action Plan Against Racism stated':

'There is increasing recognition of the need to address racism at an institutional/systemic level. This form of racism can be unintentional, can be caused through ignorance and lack of thought or adequate planning. The outcome of these processes can contribute to failure in or weaker service provision to minority ethnic groups'.

Traveller representatives on local authority accommodation committees have also identified indifferent and sometimes hostile attitudes towards them from other members on the committee, although this can vary from authority to authority. Disappointment at the slow failure to meet the expectations of local Traveller communities has contributed to a sense of demoralisation about participation in such structures.

There are few local 'champions' in respect of Traveller issues, that is people in places of influence in Irish society, appear to be less inclined to support Traveller issues. This is all the more reason why the State needs to fulfil the key recommendations set out in the Task Force Report.

### **Public policy priority and resource allocation**

While acknowledging progress that has been made in relation to progressing the Traveller policy agenda in some areas, there is a sense that overall issues related to Travellers are not considered sufficiently highly on the political agenda, except in times of crisis or in responding to the fears of the settled community at heightened times such as close to elections. Traveller groups perceive that part of the problem in this respect is insufficient resources and institutional mechanisms to implement the Task Force Report, in spite the commitments from individual civil servants involved. Even where adequate finance is available (e.g. capital funding from central government funding for new units of accommodation for Travellers) a combination of all the factors identified in this section means that policy on paper is often not transposed into provision for Travellers on the ground.

### **High profile events that have impacted negatively on Travellers**

The high profile media coverage concerning the encampment of Travellers on a social amenity in the Dodder valley in West Dublin in the summer of 2001 and its coincidence with the run up to a general election lead to the Housing (Miscellaneous Provisions) Act (see contexts). This Act has shaken and weakened relations between the Statutory Sector and NGO's representing minority ethnic groups and has provided a renewed focus on the deliverables from the Task Force Report, particularly in respect of accommodation. A sustained campaign by interests in the Licensing trade to amend the Equal Status Act, which involved emotive and alarmist comment about Travellers (see contexts), has also resulted in more negative coverage of Traveller issues.

#### **Section Four: Conclusion and Recommendations**

The seminal Report of the Task Force on the Travelling Community (1995) was a crucial turning point in state policy towards Travellers in Ireland and is an example of good practice that could and should be replicated or which could inform policy development in other countries.

The report provides a broad overview, context and agenda that provides a vision for a public policy agenda in Ireland. The process by which the report was developed which involved a broad range of actors, in-depth research and consultation is also a useful model that could be replicated elsewhere.

The Report completely revised previous policy towards Travellers that were outlined in the Report of the Commission on Itinerancy (1963) and the Report of the Traveller Review body (1983).

However there has been mixed results from the implementation of the Report. There has been significant progress in some areas including health, primary education, refurbishment of existing Traveller accommodation and community development supports. However, the pace of change Traveller participation at second level, the number of people still living without basic amenities (one in four) and the continuing high morbidity and mortality rates all point to the need for a renewed policy approach to the Task Force Reports Implementation.

## **Annex I: Select Bibliography**

Department for Justice, Equality and Law Reform, (2001) First progress Report of the Committee to Monitor and Coordinate the Implementation of the Recommendations of the Task Force on the Travelling Community.

Department of Justice, Equality and Law Reform, (2002). Towards a National Action Plan Against Racism.

Department of Health and Children, (2002). Traveller Health a National Strategy, p13.

ECRI, (2002). Second Report on Ireland.

Equality Authority, (2003). Annual Report, 2002.

Farrell, F and Watt, P, (2001). Responding to Racism in Ireland.

Garner, S and White, A. Racist Attitudes in Ireland: Baseline Research for the Anti Racism

Public Awareness Programme. Know Racism. 2002

Government Publications. (1995). Task Force on the Travelling Community.

Helleiner J, (2003) Irish Travellers, Racism and the Politics of Culture. Chapter Three. University of Toronto Press.

Irish Traveller Movement, (2002-2003). Press Statements.

IPA, (2002) Administration Year Book and Diary.

Irish Times

O'Connell, J. (1997) The Racism Experienced by Travellers.

Irish National Coordinating Committee for European Year Against Racism.

ODEI-The Equality Tribunal, 2003. Annual Report, 2002).

Spectrum, (Issue 1, November 2002) The Journal of the NCCRI.

Pavee Point. (2002) Jobs, Vacancies, Vacant Jobs. Travellers inclusion in the Mainstream Labour Market.