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**Submission to the Department of Foreign Affairs
on the second monitoring cycle of the Framework Convention
in relation to Ireland**

Preparation of Ireland's Second Report

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

May 2005

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Introduction

The National Consultative Committee on Racism and Interculturalism (NCCRI) welcomed the initiative by the Department of Foreign Affairs to host a follow-up seminar on Ireland's first report under the Framework Convention on the Protection of National Minorities (FCNM). The Department of Foreign Affairs has asked for contributions to the drafting process for Ireland's second report, and the NCCRI welcomes the opportunity to participate in this process.

There have been significant developments in the Irish context since the first report was submitted in 2001, both specifically relating to the Traveller community, as well as more generally in the fight against racism and discrimination. Not least of which has been the development of the National Action Plan against Racism (NPAR).

The NCCRI notes the interpretation of the Advisory Committee that the Convention can be applied, on an article by article basis, to other communities not just national minorities. This is particularly relevant in the case of Article 6 which deals with racism. The Irish government in its last report noted that the term 'national minorities' is a changing and dynamic concept, as Ireland becomes increasingly diverse it is likely that national minorities will emerge. The introduction of the ethnicity question in the National Census is likely to provide additional information in this regard. By way of initial indicators the NCCRI would highlight data from the last census which demonstrates that there are groups living in Ireland, with Irish nationality, who were born in other countries. This provisionally indicates that other national minorities may be emerging in the Irish context.

The NCCRI would encourage the Irish government to use the opportunity of the second round of monitoring to further respond to the Conclusion Observations of the Committee on the Elimination of Racial Discrimination (CERD) that the State 'work more concretely towards recognizing the Traveller community as an ethnic group'. The NCCRI has long stated its position that the Traveller community is a minority ethnic group.

This submission intends to provide relevant information and analysis for the second report, and to highlight key concerns in relation to the implementation of the Framework Convention in the Irish context. Consequently this submission is divided into three parts. The first looks at the question of the scope of the Convention in the Irish context. The second provides specific comments on those articles which are most relevant to the mandate of the NCCRI. The final section provides additional information in response to the *Questionnaire* of the Advisory Committee. Annex 1 contains additional tables and data which are of relevance to the implementation of the Convention.

This submission seeks to add to material which is being prepared by other actors and organisations, particularly material which is being prepared by Traveller organisations.

1. Scope of the Convention

The existence of a minority is a question of fact and not of definition... First of all, a minority is a group with linguistic, ethnic or cultural characteristics, which distinguish it from the majority. Secondly, a minority is a group which usually not only seeks to maintain its identity but also tries to give stronger expression to that identity.¹

As has been pointed out by a wide variety of actors not all cultural, religious and ethnic differences create national minorities. As Wheatley has pointed out at the most basic level, a ‘national minority’ group must encompass less than half of the population (i.e. be a minority), and members of the group must be nationals of the State, sharing some ethnic, linguistic or cultural factor which distinguishes them from the majority.² He goes on to outline two principles for the designation of national minorities including (1) self-identification, including objective criteria; and (2) participation of the state in the designation of minority groups.

The NCCRI endorses the practical approach which has been adopted by the Advisory Committee which is to include ‘persons belonging to other groups in the application of the Framework Convention on an article-by-article basis’.³

It is the NCCRI’s position that the approach which was adopted by the Irish government, ‘that immigrant, refugees and asylum seekers cannot be considered to constitute a national minority under the terms of the Convention’ is too restrictive. Firstly, there are immigrant populations who are potentially emerging as national minorities. Secondly, the Convention has applicability to other groups under some of its articles, particularly Article 6 (racism) which references ‘all persons living on their territory’.

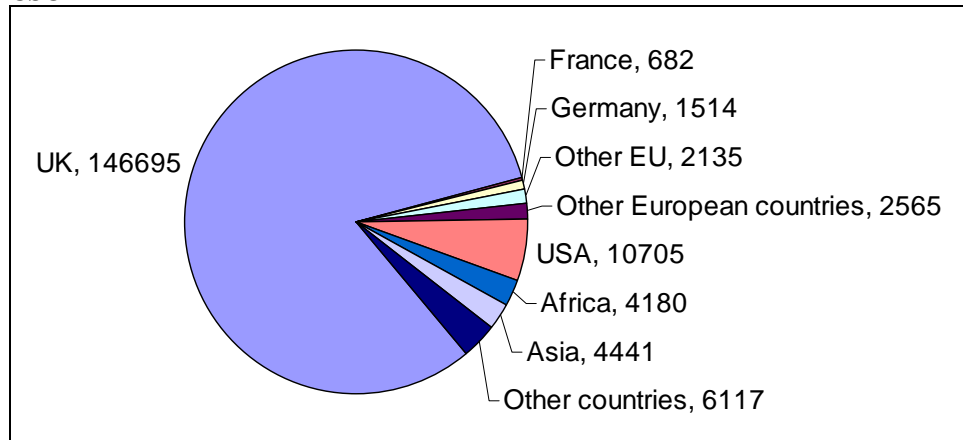
As noted during the first round of reporting on Ireland, diversity in Ireland has changed in recent years. The Government pointed out that ‘the definition of what constitutes a national minority is dynamic and that the number and compositions of national minorities in a State may change and develop over time’. This is particularly significant in the Irish context given the rapidly changing nature of diversity. The inclusion of an ethnicity question in the 2006 national census will provide additional information in this regard. Cross referencing Irish nationality with country of birth data in the 2002 census gives a preliminary indication that there are groups who could potentially be identified as national minorities, see figure 1 (taking Wheatley’s definition of ‘minorities who are nationals of Ireland’). While this is still a *very* tentative picture it does raise interesting questions concerning the scope of the Convention in the Irish context, and the changing nature of Irish society.

¹ High Commissioner van der Stoep in his keynote address at the opening of the OSCE Minorities Seminar in Warsaw in 1994

² Wheatley (1006) ‘The Council of Europe’s Framework Convention on National Minorities’, first published in Web Journal of Current Legal Issues, <http://webjcli.ncl.ac.uk>

³ Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Ireland, 22 May 2003

**Figure 1: Persons usually resident on census night 2002 with Irish nationality by country of birth,
Source: CSO**



In summary the Framework Convention has applicability to three main categories of minority ethnic groups in Ireland. These are:

1. Traveller community
2. Other emerging national minorities
3. Other minority groups on an article by article basis

2. Content of the second report

The follow-up seminar was well attended by many civil society actors, and the NCCRI is aware that many of these organisations will submit material on the second report. In particular it is expected that Traveller organisations will be active in this regard. Consequently the NCCRI will not provide detailed information on the situation of the Traveller community, but will rather restrict its comments to those articles of the Convention which are most relevant to its mandate; namely articles 1, 4, 6, 12, 15, and 17. Table 2 provides a summary of relevant updates, on an article-by article basis which could be included in the report.

2.1. Article 1

The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.

The **UN Committee on the Elimination of Racial Discrimination** considered the initial and second reports of Ireland on 2 and 3 March 2005. The Committee welcomed the high-level of engagement of the State with the Committee, and the quality of the report and additional material which was submitted to it. There was active engagement by the NGO community, and the session was attended by the National Consultative Committee on Racism and Interculturalism (NCCRI) and the Irish Human Rights Commission (IHRC). In its Concluding Observations the CERD made recommendations concerning:

- Incorporation of the Convention into the domestic legal order
- Criminal law provision for aggravated sentencing for racist crimes
- Funding for anti-discrimination bodies and NGOs
- Discrimination against non-citizens and particularly the work permit system
- Relationship between security and non-discrimination measures
- Data collection including data on complaints against the police
- Religious education, including non-denominational education provision
- Expanding the scope of the anti-discrimination legislative to government activities
- Recognising the Traveller community as an ethnic group
- Implementation of the Task Force on the Traveller community
- Affirmative action programmes in the context of political representation for Travellers
- Double discrimination faced by women
- Appeal procedures for immigration decisions

Ireland signed **Protocol 12** to the Convention for the Protection of Human Rights and Fundamental Freedoms however the Government has not yet signed the Convention.

Ireland has not signed the **Additional Protocol to the Convention on cybercrime**, concerning the criminalisation of acts of a racist and xenophobic nature committed through computer systems.

The **European Convention on Human Rights Act** was signed into law by the President on 30 June 2003. The main purpose of the Act is to give further effect in Irish law to certain provision of the European Convention on Human Rights (ECHR). The implementation of this Act means that people who wish to claim that these rights are being breached may now do so, in accordance with the provisions of the Act, before the national courts. The Act contains the full text of the European Convention on Human rights, however the Act has been criticised by NGOs as weak in effect and confusing.

2.2. Article 4

1 The Parties undertake to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. In this respect, any discrimination based on belonging to a national minority shall be prohibited.

2 The Parties undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. In this respect, they shall take due account of the specific conditions of the persons belonging to national minorities.

3 The measures adopted in accordance with paragraph 2 shall not be considered to be an act of discrimination.

The government presented the **Equality Bill 2004** on 13 January 2004; it was signed into law as the Equality Act 2004 on 18 July 2004. The Act amends a number of provisions of the Employment Equality Act 1998 and the Equal Status Act 2000, to give effect to Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin; Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation; and Directive 2002/73/EC of the European Parliament and of the Council, amending Council Directive 76/207/EEC on the implementation of the principle of equal treatment for men and women.

To date the overall assessment of the Act has been mixed, with a number of NGOs expressing disappointment with how the Directives have been implemented. According to the Irish Council for Civil Liberties, the Equality Act 2004 fails to fully transpose all features of the Article 13 Directives. Debate has focused on a number of key provisions include:

- The position of migrant domestic workers which was improved by the abolition of the absolute exemption in relation to employment for the purposes of private household, in this case employers can still discriminate in hiring but not in the other terms and conditions of employment.
- The scope for positive action, with the aim of promoting equality in the workplace, has been broadened considerably by the new legislation. Up to now, such action has been confined to four out of the nine main grounds of discrimination set out in the Employment Equality Act 1998. Positive action is

now extended to cover all nine grounds.⁴ However the Act refers to positive action for ‘employees’ which has the potential to limit its effect in terms of individuals who are not in employment.

- The provision which allows ministers, health boards, immigration officials, local and other ‘public authorities’ to discriminate against non-nationals who have applied for and have not been granted refugee status.⁵ Including the nationality exemption for the provision of third level education grant assistance.⁶
- Weaknesses in remedies, enforcement and exemptions.⁷ According to the Equality Authority, the new law fails to ensure that the redress provided for is genuinely dissuasive, and that tougher sanctions needed to be built into the legislation as a sufficient deterrent.⁸

Under the **Intoxicating Liquor Act 2003**, Travellers and other groups who complain about discrimination by publicans and licensed premises must now take complaints to the District Court, rather than the Equality Tribunal. The Act made a number of improvements to the level of sanctions available in such cases. This change of jurisdiction, which came into force on 19 September 2003, has been linked to the decrease in the number of Equal Status claims on the Traveller ground before the Equality Tribunal.⁹ It has been pointed out by Traveller organisations that the number of cases being taken by members of the Traveller community under the Equal Status Act had been falling in the proceeding the 2003 Act.

There has been an emerging debate on the role of mandatory **positive duties** in addressing discrimination. In a submission to the Forum on the Workplace of the Future, the Equality Authority called for the development of new equality legislation which would include a responsibility for employers to take ‘positive steps’ to promote equal rights in the work place.¹⁰ These duties could include training, action plans and equality targets. This idea has been described as a ‘worthwhile suggestion’ by the Minister for Justice, Equality and Law Reform.¹¹

⁴ “New equality law extends workers’ rights”, European Industrial Relations Observatory Online, available at: <http://www.eiro.eurofound.eu.int/2004/07/feature/ie0407202f.html> (15.10.2004)

⁵ Barry, E (2004) “Equality measure is welcome, but remains flawed”, in: *The Irish Times*, (02.04.2004).

Many of these views have been supported by NGOs commentating on the implementation of the Directives, for example see: Equality Coalition (2004) Submission on the Equality Bill 2004, Dublin: ICCL

⁶ This exemption was introduced in response to the case *Two Complainants v Department of Education and Science*, described above.

⁷ Barry, E (2004) “Equality measure is welcome, but remains flawed”, in: *The Irish Times*, (02.04.2004)

⁸ “New equality law extends workers’ rights”, European Industrial Relations Observatory Online, available at: <http://www.eiro.eurofound.eu.int/2004/07/feature/ie0407202f.html> (15.10.2004)

⁹ Brennan, M (2004) “Discrimination complaints against publicans drop by 41 per cent”, in: *Irish Examiner*, (05.02.2004). Given the back log of cases refusal to service in licensed premises (pubs, hotels, restaurants etc.) again accounted for a large proportion on the Equal Status cases on the Traveller ground decided by the Equality Tribunal in 2003. Other areas of goods and service provision arose, including train travel, access to shops and supermarkets, access to children’s discos, and the provision of telephone services to a halting site.

¹⁰ Dooley, C (2004) “Equality Authority calls for new laws”, in: *The Irish Times*, (09.02.2004)

¹¹ O’Brien, C (2004) “Equality Authority identifies area of discrimination”, in *The Irish Times*, (28.05.2004)

2.3. Article 6

1 The Parties shall encourage a spirit of tolerance and intercultural dialogue and take effective measures to promote mutual respect and understanding and co-operation among all persons living on their territory, irrespective of those persons' ethnic, cultural, linguistic or religious identity, in particular in the fields of education, culture and the media.

2 The Parties undertake to take appropriate measures to protect persons who may be subject to threats or acts of discrimination, hostility or violence as a result of their ethnic, cultural, linguistic or religious

On 27 January 2005 the Government launched '**Planning for Diversity: The National Action Plan Against Racism**'. The National Action Plan against Racism (NPAR) originates from commitments given by Governments at the United Nations World Conference against Racism in South Africa in 2001. The emphasis throughout the Plan is on developing reasonable and common sense measures to accommodate cultural diversity in Ireland. The overall aim of the NPAR is to provide strategic direction to combat racism and to develop a more inclusive, intercultural society in Ireland based on a commitment to inclusion by design, not as an add-on or after thought and based on policies that promote interaction, equality of opportunity, understanding and respect.

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

The Plan outlines an intercultural framework which will underpin the overall approach to its implementation. The Framework is summarised in Table 1.

Table 1: Summary of the Intercultural Framework underpinning the NPAR

Protection:	Effective protection and redress against racism
Inclusion:	Economic inclusion and equality of opportunity
Provision:	Accommodating diversity in service provision
Recognition:	Recognition and awareness of diversity
Participation:	Full participation in Irish society

The Plan is monitored through a High Level Strategic Monitoring Group, supported by the Department of Justice, Equality and Law Reform. The Plan will be funded in three ways:

- Refocusing of existing resources through the development of an intercultural dimension to mainstream public policy.
- Identification of specific resources within the annual budget process for the implementation of the Plan.
- The commitment to realize aspects of the NPAR as resources become available.

The **National Consultative Committee on Racism and Interculturalism (NCCRI)** was established in 1998 as an independent expert body focusing on racism and interculturalism. The NCCRI is a partnership body which brings together government and non-government organisations to:

- Develop an inclusive and strategic approach to combat racism by focusing on its prevention and promoting an intercultural society
- Contribute to policy and legislative developments and seek to encourage dialogue and progress in all areas relating to racism and interculturalism
- Encourage integrated actions towards acknowledging, celebrating and accommodating cultural diversity
- Establish and maintain links with organisations or individuals involved in addressing racism and promoting interculturalism at national, European and international level
- Provide a national framework for responding to and consulting with key European and international bodies on issues related to racism and interculturalism.

The **Garda Racial and Intercultural Office** was established in July 2000. The Office operates under the auspices of the Garda Community Relations Section and is responsible for coordinating, monitoring and advising on all aspects of policing in the area of racial, ethnic and cultural diversity. The office has developed a training video and resource booklets that inform members of the force about cultural diversity in Ireland. In March 2002, the Racial and Intercultural Office announced that 145 Garda Ethnic Liaison Officers were being appointed across the country who will be given training in dealing with people who have been the victims of racism and who will make proactive linkages with community and voluntary groups working closely with minority ethnic groups in their areas.

Since 2001 the **Prohibition of Incitement to Hatred Act 1989** has been under review in the Department of Justice, Equality and Law Reform with a view to improving its effectiveness. The review is taking into account the Protocol to the Cybercrime Convention on combating racism and xenophobia through computer systems, and the EU Framework Decision combating racism and xenophobia, on which negotiations are continuing. This review is currently at an advanced stage though, as yet, there is no timetable for its completion.

To mark International Day Against Racism, Sunday March 21 2004 senior members of all the main political parties in Ireland, including party leaders, the Minister for Justice, Equality and Law Reform, and senior party representatives endorses an all party anti racism **election protocol** developed in partnership with the NCCRI. The Protocol provides a range of important commitments:

- Parties agree to send a clear and consistent message that they reject racism
- To condemn any campaign materials susceptible to incite hatred
- To ensure that debate in relation to groups such as refugees, asylum seekers, Travellers or any potential target of racism is conducted in a responsible way
- To use appropriate and inclusive language to avoid creating prejudice or confusion

- To inform all party political campaigners about the Protocol.

2.4. Article 12

1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

The National Council for Curriculum and Assessment (NCCA) has produced guidelines on intercultural education and the curriculum for schools and teachers, the **guidelines** for primary schools have been published while the guidelines for post-primary schools are still pending. These guidelines, to be provided to every teacher, include specific instructions on school and classroom planning for intercultural education, choosing classroom resources, thematic planning for intercultural education, identifying intercultural education opportunities across the curriculum, approaches and methodologies, assessment and language. They aim to mainstream intercultural education across all aspects of the curriculum with the main approach being on identifying opportunities for intercultural education within the curriculum and demonstrating how teachers can further develop these opportunities in the school and classroom. The guidelines include the Traveller community.

During 2004 the Department of Education and Science, made a request for submissions to contribute to the development of a **Traveller Education Strategy**. The main objective of the Traveller Education Strategy will be to ensure equality of outcomes for Travellers from education. It will map out the way forward in relation to Traveller education, taking account of the complexity of the issues involved, the history of provision and existing measures. It will mark out the challenges for the future and clearly identify ways to approach those challenges.

2.5. Article 15

The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them.

One of the five overall objectives named in the **NPAR** is participation; the full participation of minority ethnic groups in Irish society including a focus on the political, the policy and the community level. The expected outcomes are:

- Enhance the participation of cultural and ethnic minorities in community and local development.
- Develop an Intercultural Forum to give further consideration of issues related to cultural diversity in Ireland.

- Enhance the participation of cultural and ethnic minorities in policy consultative forums and research.
- Enhance the participation of cultural and ethnic minorities in political processes.
- Ensure as far as possible that elections are conducted in a manner that does not contribute to racism.

A key challenge in implementing the objective of participation will be adequate and sustainable **funding** of minority ethnic groups. To date there have been a number of short-term small grant funding initiatives, however increasingly minority ethnic led groups are under pressure to secure core funding. Without adequate funding of minority ethnic groups will not be in a position to participate fully in the design and implementation of policy mechanisms.

The NCCRI is concerned that the positive developments in facilitating participation and promoting cultural diversity are mainstreamed throughout the policy framework, in order to ensure that developments in other policy areas do not undermine progress which has been made to date.

2.6. Article 17

1 The Parties undertake not to interfere with the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with persons lawfully staying in other States, in particular those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage.

2 The Parties undertake not to interfere with the right of persons belonging to national minorities to participate in the activities of non-governmental organisations, both at the national and international levels.

There are no restrictions on the rights of persons belonging to national minorities to participate in the activities of NGOs, however as discussed funding constraints have limited the ability of minorities to participate fully in NGO activities.

3. Questions to be examined by the Advisory Committee

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

The Committee on the Elimination on Racial Discrimination has encouraged ‘the State party to work more concretely towards recognizing the Traveller community as an ethnic group’.

A number of agencies such as the NCCRI and the IHRC commission have indicated that the State should recognise Travellers as an ethnic group. In addition there has a high level of NGO activity on this issue:

- NCCRI (2004) ‘The importance of recognising Travellers as an ethnic group’, <http://www.nccri.ie/submissions/04MarTravellerEthnicity.pdf>
- IHRC (2004) ‘CERD Submission’, http://www.ihrc.ie/fileupload/banners/CERD_Submission.pdf
- Educate Together, Shadow Report, http://www.educatetogether.ie/pdf_downloads/Educate%20Together%20CERD.pdf
- Irish Travellers Movement, A Report on Progress or the Surgical Removal of Travellers from a Human Rights Discourse,
- National Travellers Women’s Forum, Galway Travellers Support Group, Community Workers Co-operative, Galway Refugee Support Group, Submission on the Irish Governments combined First and Second Report to the Committee on the Elimination of Racial Discrimination
- NGO Alliance, Shadow Report, and NGO Alliance Briefing Update, <http://www.immigrantcouncil.ie/CERDfull.pdf>
- Pavee Point Travellers Centre, Irish Travellers Shadow Report, <http://www.paveepoint.ie/submissions/CerdReportFinal.pdf>

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

The Intoxicating Liquor Act 2003 provides for jurisdiction of the District Court in cases of prohibited conduct under the Equal Status Act 2000 on licensed premises, this involved a transfer of jurisdiction from the Equality Tribunal. This section of the Act came into force on 29 September 2003. Section 19 of the Intoxicating Liquor Act 2003 states that the Equality Authority can apply to the Court for redress in respect of the prohibited conduct concerned (discrimination), however the information role of the Equality Authority was not included in the 2003 Act. The Act made a number of improvements to the level of sanctions available in such cases. There have been a number of criticisms of this move. For example a press statement release in June 2003 by 11 equality groups, outlined their opposition to the government proposals in the Intoxicating Liquor Bill. The statement argues that the removal of the jurisdiction of the Equality Tribunal represents a diminution of the right to redress for victims of

discrimination, and expresses concern that the Bill sets a precedence whereby any interest group can successfully lobby for exemption from the equality legislation.

According to figures released by the Equality Tribunal in January 2004:

While there had been a significant decline during 2003 in the number of cases involving pubs and other licensed premises, a further drop of 90% occurred in 2004 as the residual jurisdiction in this area ended in March 2004. Cases involving pubs had been taken mainly on the Traveller community, race or age grounds.¹²

It has been pointed out by Traveller organisations that the number of cases being taken by members of the Traveller community under the Equal Status Act had been falling in the period preceding the 2003 Act.

While figures brought to the Equality Tribunal have decreased dramatically, according to preliminary indications from the Court Service there has not been a parallel increase in cases being taken in the District Court. It seems unlikely that Travellers are no longer suffering discrimination in accessing licensed premises, and while the picture is not yet clear, it seems possible that the change in jurisdiction is undermining attempts to seek redress against discrimination.

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

According to data released by the Central Statistics Office from the National Census in 2002 the labour force participation rate for male Travellers (72%) slightly exceeded that for total males (70%) while the rate for female Travellers (38%) was considerably below that for females in general (47%). Unemployment among male Travellers measured 73 per cent according to the self-assessed principal economic status question on the census form. The national measure of unemployment for males on a comparable basis was 9.4 per cent according to the 2002 census results. Corresponding rates for females were 63 per cent for female Travellers and 8 per cent for the female population overall.

The reality of discrimination within employment is highlighted by the findings of a recent study which suggests that some members of the Traveller community have felt it necessary to hide their identity in order to secure and retain employment. The same study also identified a worrying trend that some Traveller youth of school age were being offered exploitative casual jobs (Murphy 2002).

There has been progress in recent years in terms of strategies to encourage employment by Travellers. It is important these initiatives take place in a context where action is taken to raise awareness amongst employers. Without adequately addressing experiences of discrimination by members of the Traveller community it will be impossible to achieve effective inclusion in the labour market.

¹² http://www.equalitytribunal.ie/html/press_releases_publications/2005/150205.htm

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

See section above under Article 4.

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

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

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

There continue to be cases where members of the Traveller community were targeted for attack in residential contexts. For example:

- At the end of November 2004 the national newspapers carried the story of a Traveller family whose caravan was burnt down and who were living in a tent after local residents stopped them moving into a short-term home. Around forty residents staged a protest outside the home, with one of them holding a placard that said ‘Residents in – Travellers out’. One resident claimed, ‘if the Traveller family is allowed to move in, the price of our houses in the estate will go down. There are no circumstances in which we will allow the Traveller family to move in’. The Traveller family subsequently refused a home they were offered in the same place due to fear of intimidation.
- In December 2003 the national newspapers reported that vandals attacked a new Traveller halting site in Co. Clare. The perpetrators had daubed ‘Knackers out’ and ‘Keep filth out’ on the wall of the site. The Traveller family were forced to spend Christmas on an illegal halting site because of fears for their safety if they moved into a serviced site two miles away.

The experience of the local and European elections, demonstrated that issues relating to the Traveller community and accommodation remain high on the local agenda, and concern has been expressed regarding the actions of a number of local election candidates. For example a complaint was received by the NCCRI in relation to an article in a local newspaper which quoted a councillor urging his council to evict Travellers from their land as they are creating an “eyesore on their doorsteps”.

The National Traveller Accommodation Consultative Committee (NTACC) carried out a review of the operation of the Housing (Traveller) Accommodation Act 1998. Their report examines how successful local authorities have been in delivering accommodation to Travellers over the last five years. Department of the Environment figures quoted in

the report reveal that 788 Traveller families are still living by the side of the road, down from over 1,200 in 1999.¹³

Pavee Point Travellers Centre have indicated that there is a total of 1,463 families, 22% of the total number of Travellers still living without permanent quality accommodation five years after the adoption of the local Traveller accommodation programmes. Traveller organizations have called on the Government to establish a national Traveller accommodation agency to take responsibility for Traveller accommodation out of local authority's remit, a proposal that the NTACC report recommended.

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

The Garda Human Rights Audit found that “there is a difficult relationship between the Gardaí and certain communities, in particular Travellers, the Nigerian community, and the Muslim community”.¹⁴ The report concluded that:

The procedure and operating practices of An Garda Síochána can lead to institutional racism particularly in relation to the Nigerian community, the traveling community (sic) and to a slightly lesser degree at present, the Muslim community.¹⁵

The report found that there was a ‘mutual suspicion’ between the police and the Traveller community, and that ‘officers and members expressed negative views about some communities, in particular Travellers’. The Audit also noted that ‘the relationship with the Traveller community also seemed to be improving within increasing levels of cooperation with the police’.

One of the key objectives in the Garda Action Plan for the implementation of the Garda Human Rights Audit Report is to “encourage the recruitment, retention and progression of a more diverse Garda service”.

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

The NCCRI has welcomed the decision by government to include an ethnicity question in the 2006 National Census. This decision provides an important step forward on understanding experiences of discrimination by minority ethnic groups in Ireland.

In September 2003 the Central Statistics Office published a review of the statistical potential of the administrative records of six government departments: Department of Education and Science; Department of the Environment, Heritage and Local Government; Department of Health and Children; Department of Justice, Equality and

¹³ National Traveller Accommodation Consultative Committee (NTACC): **Review of the Operation of the Housing (Traveller Accommodation) Act 1998**. Available from Department of the Environment www.environs.ie.

¹⁴ Ionann Management Consultants (2005) An Garda Síochána Human Rights Audit

¹⁵ Ionann Management Consultants (2005) An Garda Síochána Human Rights Audit, 140

Law Reform; Department of Social and Family Affairs; and the Office of the Revenue Commissioners. One of the key recommendations of the report was that departments should develop a common look and content of their administrative records, to ensure that core information is collected in an identical manner across all data collection schemes. Of the 132 data sources which were examined 60.6 per cent collected data on nationality, while 9.09 per cent collected data on race/ethnicity and 11.36 per cent collected data on membership of the Traveller community.¹⁶ Steps need to be taken to enhance administrative data collection in the context of an emerging body of census data.

¹⁶ Central Statistics Office (2003), *Statistical Potential of Administrative Records: An examination of data holdings in six government departments – working report*

Annex 1: Additional data

Table 2: Summary of relevant updates by article

Article	Relevant information
Article 1: International protection of human rights	First CERD report and Concluding Observations Protocol 12/Optional Protocol to the Cyber Crime Convention FCNM Follow-up seminar
Article 2: Co-operation between states	
Article 3: self-determination, individual and community rights	Recognition of Travellers as an ethnic group Statistical update
Article 4: Equality, positive action	Equality Act 2004 Debate on positive action Data from the Equality Authority and the Equality Tribunal
Article 5: cultural development, integration policy	Developments in Irish integration policy
Article 6: intercultural dialogue, anti-discrimination	National Action Plan against Racism Know Racism Work of the NCCRI Garda Racial and Intercultural Office Review of the Prohibition on Incitement to Hatred Act Political Protocol
Article 7: Peaceful assembly etc	
Article 8: Freedom of religion	
Article 9: freedom of expression, media	Metro Eireann Friday Times Two bids for multicultural radio station (unsuccessful)
Article 10: Linguistic rights	Existing translation services
Article 11: Name, signs	
Article 12: Education	NCCA guidelines for primary schools Teacher training: European Movement project funded by DJELR Third level access by Travellers
Article 13: private educational establishments	Schools: Educate Together and religious schools
Article 14: minority language education	
Article 15: effective participation	NPAR Funding for minority ethnic organisations
Article 16: population	
Article 17: contacts, NGOs	Funding for minority ethnic organisations
Article 18: bilateral and multilateral agreements	

Table 3: Summary of incidents reported to the NCCRI to August 2004

May 2001- October 2001	41
November 2001- April 2002	40
May 2002 - October 2002	67
November 2002 - April 2003	48
May 2003 - October 2003	46
November 2003 - April 2004	42
May 2004 - October 2004	70

Table 4: Provisional figures for racially motivated incidents in 2003, Source: An Garda Síochána (August 2004)

Assault - harm	7
Assault - minor	16
Sexual assault	0
Public mischief	0
Arson	2
Theft from person	2
Robbery from person	1
Manslaughter	0
Possession of weapon	1
Public order offence	13
Criminal damage	27
Incitement to hatred	2
Attention and complaints	9
Harassment	0
Burglary	1
Total	81

Table 5: Breakdown by ground of claim 2002-2003, individual claims made under the Employment Equality Act 1998 and the Equal Status Act 2000, Source: The Equality Tribunal

Ground	Employment Equality		Equal Status		Total claims (race & TC)	
	2002	2003	2002	2003	2002	2003
Race	43	85	26	43	69	128
Traveller community	4	3	741	354	745	357
Total (all grounds)	300	361	989	717	1298	1078

Table 6: Mediation referrals, single claimant cases by discriminatory ground, Source: The Equality Tribunal

Ground	Total		Employment Equality		Equal Status	
Race	11	13.4 %	10	19.2 %	1	3.3 %
Traveller community	9	11 %	-	-	9	30 %
Total (all grounds)	82	100 %	52	100 %	30	100 %

Table 7: Employment equality casework activity of the Equality Authority in 2003, Source: Equality Authority

Employment Act	Race	Traveller Community (TC)	Total
Access to employment	22	5	83
Access to promotion	1	0	38
Access to training	3	0	7
Working conditions	77	0	178
Harassment	8	0	41
Dismissal	34	4	103
Equal pay	12	0	35
Sexual harassment	0	0	28
Victimisation	2	0	15
Advertising	1	0	5
Advice	5	0	27
Enforcement	1	0	1
Total	166	9	561

Table 8: Equal Status Act, 2000 - casework activity of the Equality Authority, 2003, Source: The Equality Authority

	Race	TC	Total casework
Private accommodation	4	2	14
Public housing	6	24	36

Table 9: Irish Travellers aged 15 years and over, classified by labour force, employment status and labour force participation rate, 2002, Source: CSO

	Total aged 15 years +	Total in LF	Employer or own account worker	Empl oye	Assist relative	Looking for first regular job	Unemployed having lost or given up previous job	Total not in LF	LF participation rate
Persons	13680	7401	255	1979	23	823	4321	6279	54.1
Males	6620	4751	235	1019	10	518	2969	1869	71.8
Females	7060	2650	20	960	13	305	1352	4410	37.5

Table 10: Irish Traveller aged 15 years and over, classified by highest level of education completed 2002, Source: CSO

Total	13,680
Total whose full-time education has ceased	11,035
Primary	7,491
Lower secondary	1,444
Upper secondary	338
Third level – non-degree	81
Third level – degree or higher	116
Not stated	1,565
Education not ceased	2,645

Table 11: Irish Traveller households, classified by type of accommodation and age group of reference person, 2002, Source: CSO

Age	Total	Households in permanent housing units - House	Households in permanent housing units - Flat or apartment	Households in temporary housing units	Not stated
Under 25	685	167	34	432	52
25-29	608	270	18	281	39
30-34	666	355	12	252	47
35-39	556	318	16	198	24
40-44	447	249	16	147	35
45-49	363	218	14	98	33
50-54	290	173	7	85	25
55-59	224	155	7	48	14
60-64	183	119	2	44	18
65 +	374	263	11	70	30
Total	4396	2287	137	1655	317