



# IRELAND'S HUMAN RIGHTS RECORD UNDER THE SPOTLIGHT: THE IMPLICATIONS OF THE UNITED NATIONS UNIVERSAL PERIODIC REVIEW PROGRAMME

## TRAVELLERS' RIGHTS

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1. Overview of National Report in context T
2. Ethnic Group
3. Anti-discrimination Legislation
4. Traveller-specific Accommodation
5. Follow Up

**TRAVELLERS' RIGHTS**



# 1. NATIONAL REPORT

- 131: €363m spent on T-specific programmes in 2 years
- 132: **Ethnic group** – wide divergence opinion, useful step?
- 133: **Anti-discrimination leg** specifically mentions T. 2004 Equality Act transposed Race Directive across all grounds
- 134: €70.7m provided to local authorities for **T-specific accommodation**. €20.78m social workers for T.
- 135: **reduction in the number of families on unauthorised sites**
- 136: All Ireland T Health Study 2010 identified priority areas for action

## National Report



## 2. ETHNIC GROUP

✓ **Mandla v Dowell-Lee** [1982] UKHL 7: Two part test:

“a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive”

“a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance”

✓ **O'Leary v Allied Domecq**, unreported 29 August 2000  
Applied test to Travellers.

✓ **CERD General Recommendation 8**

“such identification shall, if no justification exists to the contrary, be based upon self-identification by the individual concerned. ”

# Ethnic Group

# The Shift

- **National Report**

“132. The question of recognition of Travellers as an ethnic group has been the subject of extensive discussion with National Traveller Organisations. There is a **wide divergence of opinion** among Irish Travellers in relation to the question of ethnicity, and **no consensus that recognition would be a useful step.**”

- **Review**

“69. In relation to recognition of Travellers as an ethnic group, the delegation indicated that **serious consideration** is being given to the question”



### 3. Anti-Discrimination Legislation



- **Past:** Prohibition of Incitement to Hatred Bill excluded Travellers
- **Present:** “The lack of recognition may also have implications for the application to Travellers of the [Race Directive]”(IHRC 2004)
- **Future:** eg: Hate Crime legislation

**Anti-Discrimination Leg&Ethnicity**



## 4. TRAVELLER-SPECIFIC ACCOMMODATION

- 134. “Each housing authority is required to draw up, adopt, and implement multi-annual **Traveller Accommodation Programmes**. From 2008–2010, a total of **€70.7 million in capital funding was provided to local authorities from central Government for Traveller-specific accommodation**. A further €20.78 million in current funding was recouped to local authorities for the salaries of social workers employed to work with Travellers.”
- 135. “Significant progress has been made in the provision of Traveller accommodation in recent years. **Concrete evidence of a high level of delivery is apparent in the significant reduction in the number of families living on unauthorised sites**. In 1999, prior to the first Traveller Accommodation Programme, the Annual Count of Traveller families estimated that there were a total of 4,790 Traveller families in the State. 25.2% of these families were living on unauthorised sites. The 2010 Annual Count identified a total of 9,470 Traveller families in the State. In spite of the increase of 4,680 families between 1999 and 2010, only 4.7% of the 9,470 families were living on unauthorised sites in 2010.”

## National Report

- Total accommodation provided by LAs to T over the 2006-2009 period represents an increase of 6% however in this time the **Traveller population has increased by 16%**.
- In 15 LAs the number of **unauthorised halting sites** has either increased or remained the same when compared with the previous year.
- At present there are 390 families (approx 1900 people) estimated to be **sharing accommodation**. This is an increase of 45 families in the past 12 months.
- **25 LAs show decreased numbers of families living on halting sites over the past two years.** County Cavan does not have any halting sites and Longford, Laois, Louth, Limerick, Clare, Donegal, Wexford, Kildare, Monaghan, Kerry and Sligo have shown decreases of between 100% and 28%.

***Irish Traveller Movement, Report  
on Traveller Accommodation  
2002-2009, January 2011***

## Summary Report

- 72. "Concerned by the fact that not enough good quality accommodation was being provided to Travellers by Local Authorities, **Irish-HRC** notably recommended that the **Housing (Traveller Accommodation) Act 1998** should be enforced at a national level rather than being left to discretion of Local Authorities. **NAAR** recommended that the **Housing (Miscellaneous Provisions) Act 2002**, which criminalised the entering of private or public land without consent be reviewed to ensure that its provisions do not disproportionately and negatively affect Travellers."

## Compilation Report

47. "In 2008, the HR Committee ...was further concerned about the criminalization of trespassing on land in the **2002 Housing Act** which disproportionately affects Travellers. ....It should also **amend its legislation to meet the specific accommodation requirements of Traveller families**. In 2008, CERD and in 2006, CRC had expressed similar concerns."

# Shadow Reports & UN Reports



## 5. FOLLOW UP

- **106.33 Recognise the Travellers as an official minority.** (Slovakia)
- **106.12 Strengthen the legal framework for the protection of the rights** of...the community of Travellers. (Peru)
- **106.32 Introduce measures to improve the conditions of Travellers** in the society...(Turkey)

**Recommendations for Follow Up**



# **IRISH TRAVELLER MOVEMENT LAW CENTRE 2011**

