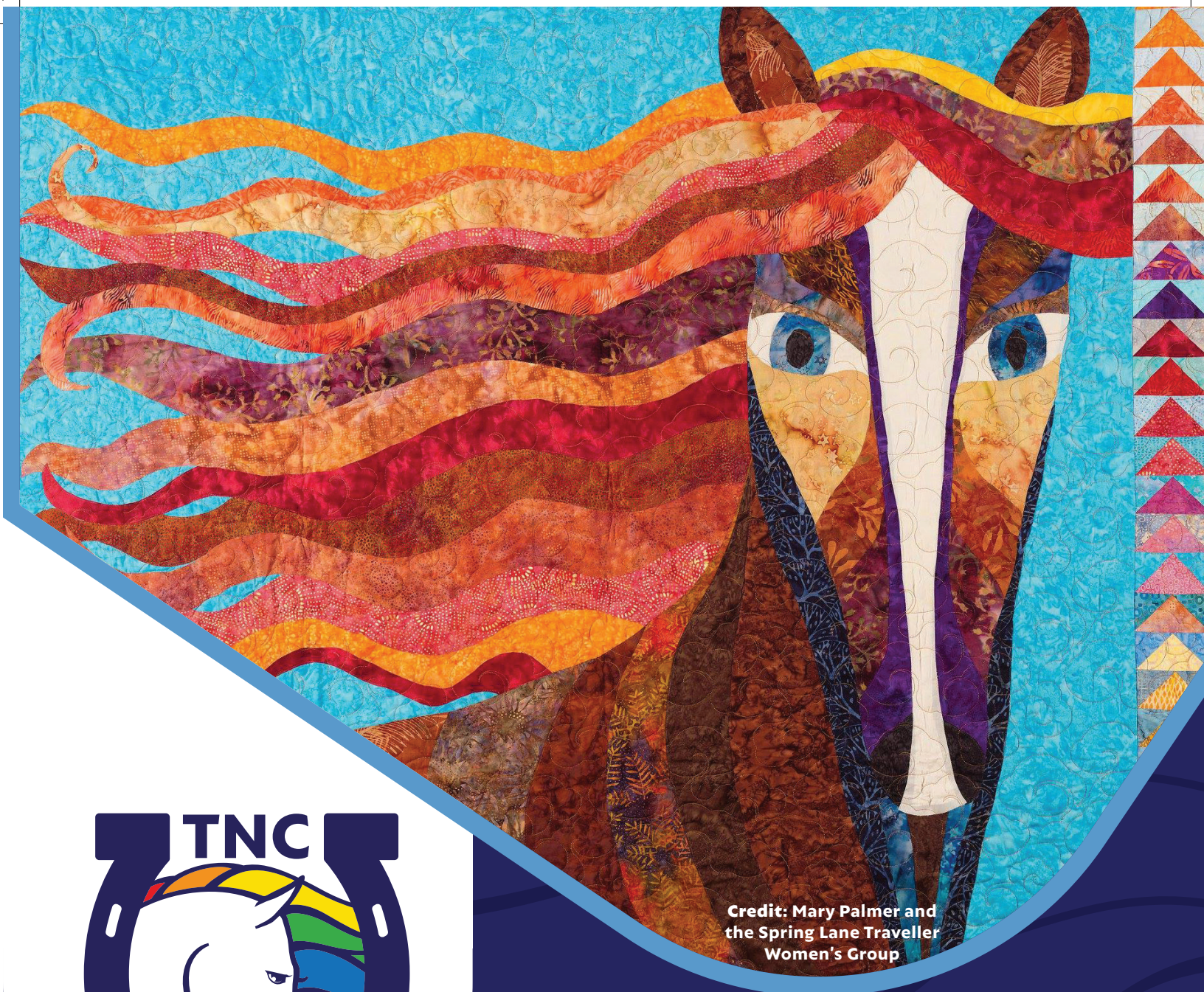


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University College Cork, Ireland
Coláiste na hOllscoile Corcaigh



Credit: Mary Palmer and
the Spring Lane Traveller
Women's Group



Implementing the Public Sector Equality and Human Rights Duty for the Traveller Community in Ireland

Denise Baker, Dug Cubie & Bec Fahy

November 2022

Foreword

I would like to acknowledge the work of the Travellers of North Cork and its vision in commissioning this report, and to everyone who contributed including the Steering Committee, Travellers and local Traveller organisations. The Public Sector Equality and Human Rights Duty 2014 upholds an important role to Eliminate Discrimination, Promote Equality, and Protect Human Rights of Staff and Service Users and when introduced, was the first time all public bodies were required to perform and carry out services in a non-discriminatory and inclusive way, and protect human rights.

Travellers as service users are among the most vulnerable, and most discriminated, and largely interact with mainstream services not designed to meet their specific cultural needs. The introduction of the Duty therefore was a reason for confidence, of equal and fair treatment from public bodies. However, eight years later the changes we anticipated have not come about.

Some institutions remain steadfastly out of sync with national Traveller inclusion policy and are not implementing their Duties, captured in this research, and demonstrated by the experiences of Travellers, particularly in accessing accommodation, justice and in respect of culture. In seeking to vindicate those rights in service delivery Travellers have relied on guardians for example the Ombudsman for Children's Office and the Office of the Ombudsman, and a wholesale report of services is unclear, as there is no national audit of the Duty across public bodies, or equality data collection included in its actions and reporting. And as bodies are not obligated to report for groups protected under the Equal Status Acts, this research gives more clarity in Travellers' own words, where those services do not demonstrate regard to equality and human rights.

What is particularly evident overall is an inconsistent approach by public bodies, where Travellers are the least likely group to be included in their Plans, the first step of the Duty. The literature review for this report has identified that, which was not previously noted, and the canary in the mine for other public bodies now.

This research shows that a national focus is needed to drive changes and greater enforcement powers for the Irish Human Rights and Equality Commission, and comes shortly after the Minister for Children, Equality, Disability, Integration and Youth endorsed 'Terrain for Imagination', which paves the way for how effective implementation of Traveller policy can happen locally and nationally. The Public Sector Duty should be a template for good practice in that regard.

Bernard Joyce

Bernard Joyce | Director of the Irish Traveller Movement



**Tutors and participants
at TNC Horse welfare
programme, Mallow**

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The project team of Denise Baker, from the Travellers of North Cork (TNC) and an independent researcher, Bec Fahy from the Travellers of North Cork (TNC), and Dr Dug Cubie of the Centre for Criminal Justice and Human Rights (CCJHR) in University College Cork, would like to thank all the participants in this research. A large number of Travellers gave up their time to participate in the focus groups and complete the questionnaire. In particular, we would like to thank our colleagues in other community projects in Munster – Kerry Travellers Health and Community Development Project (KTHCDP), Traveller Visibility Group (TVG), Cork Traveller Women's Network (CTWN), West Cork Traveller Centre (WCTC), East Cork Travellers (ECT) and the Regional Traveller Accommodation Working Group (RTAWG) – for their ongoing support and engagement with the project. We would also like to thank all the individuals interviewed for this report, the project Steering Committee, and the TNC Board of Management and staff for their ongoing input and support.

Finally, we would like to thank the Irish Human Rights and Equality Commission for funding this first research into the implementation of the public sector duty for Travellers.

While there are many positive examples of the dedication of public sector bodies and staff supporting Travellers, more work is required in key sectors to ensure equal access to culturally appropriate living conditions and services for all members of the Community.

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Coimisiún na hÉireann
um Chearta an Duine
agus Comhionannas
Irish Human Rights and
Equality Commission

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Executive Summary

This report is the result of Community-led research arising from Travellers' experience of daily racism and discrimination in accessing a wide range of services, such as employment, education and accommodation. The introduction of the Public Sector Equality and Human Rights Duty into Irish law in 2014 provided an important means of assessing the equitable delivery of public services, as well as imposing legal obligations on public sector bodies. This report is intended to complement and expand on the Irish Human Rights and Equality Commission (IHREC) guidelines on implementing the public sector duty published in March 2019, and in particular to increase awareness and understanding of the statutory obligations on public sector bodies towards Travellers.

The research was participatory and Traveller-led, based on the principle of "nothing about us, without us," and was comprised of focus group discussions with Travellers, questionnaires completed by Travellers on their experiences of accessing public services, key informant interviews, and a literature review. The research was overseen by a Steering Committee and the Board of Management of Travellers of North Cork (TNC).

Drawing on the social determinants of health approach, as defined by the World Health Organization, five specific areas of public services were examined: i) education; ii) employment; iii) accommodation; iv) health; and v) access to justice. The research found that many public bodies have developed their public sector duty assessments and reports and are proactively engaging with their obligations. However, there are important differences in the level of detail provided by public bodies, and limited discussion of the differential needs of the different groups who may face discrimination in accessing services.

The research also identified significant differences in the participants' perceptions regarding different public sectors (e.g. generally positive experience with health care, mixed experiences with education, and negative experiences with accommodation/local authorities). Therefore, based on the information obtained, the report provides a series of recommendations and has identified five key areas in need of further consideration, namely: Community Engagement and Partnership Collaborations; Leadership; Visibility of Travellers in Public Sector Bodies; Accountability; and Legislation and Policy.

One of the key messages which Travellers stressed during the research was that the system has failed them. Travellers are not to blame for their lack of education, accommodation or employment, and it is the responsibility of the State to provide the necessary systems to support Travellers. It follows that the overall aim of this report is to promote the accountability of public sector bodies regarding their statutory obligations to ensure equality and non-discrimination for Travellers.



Recommendations:

IHREC:

- To undertake a national audit examining the implementation of the public sector duty for Travellers.
- To examine the benefits of establishing public sector duty advisory committees at local level, comprised of relevant stakeholders and local public services leads, to assess and monitor ways to better deliver public sector duty objectives and to drive the changes needed in each sector.

Public Bodies:

- To promote accessibility, and ensure monitoring and governance, public sector bodies should be required to publish separate public sector duty reports (whether classified as Assessments / Action Plans / Implementation Plans / Strategies) which would supplement information provided in their annual reports.
- Should continue to develop and expand the content of their public sector duty assessments; in particular by examining in more detail the differential experiences and needs of protected groups who may face discrimination.
- To promote a comprehensive approach to tackling discrimination and inequality against Travellers, public sector bodies should undertake an integrated analysis of their legal obligations under both the public sector duty in the 2014 Act and membership of the Traveller Community as a protected category in the Equal Status Acts 2000-2018.
- Ensure the national rollout of properly resourced trauma-informed, anti-racism and Traveller competency standardised training which is Traveller-led and delivered for staff of public bodies, such as Traveller Cultural Awareness Training (TCAT). This training should be a compulsory part of training for all public sector workers.

Legislation and Policy:

- Equality proofing needs to be carried out to ensure that legislation and policy development do not negatively impact on those who have protected status under the nine protected grounds under the Equal Status Acts 2000-2018. In particular, the Government should expedite the National Equality Data Strategy, including a Traveller ethnic identifier and engagement with Traveller organisations in oversight and development, and ensure that all Government administrative systems are monitored in regard to access, participation and outcomes of Travellers as a means of informing and improving evidence-based policies and services.

Implementation

- Government departments with delegated actions attached to the National Traveller and Roma Inclusion Strategy should report on the actions undertaken, as part of their public sector duty reporting, to ensure implementation is comprehensively assessed. These departments should also be mindful of the need to include Travellers and Traveller representative groups in the wider formulation of policies and goals.

Accountability:

- Leadership within public bodies must be held accountable for any failures to implement actions and engage with relevant stakeholders in regard to their public sector duty. This may require a strengthening of IHREC's powers under the 2014 Act to ensure compliance by public sector bodies with the duty. A key monitoring and bridging role between public sector bodies and Travellers and Traveller organisations can be played by national organisations such as IHREC, the Office of the Ombudsman, and the Special Rapporteur on Child Protection, as well as civil society organisations.
- Local and national politicians play an important role in supporting the public sector equality and human rights duty. Consequently, elected representatives and political parties should proactively engage with Travellers and Traveller representative groups to ensure their policies and conduct are compliant with the public sector duty and non-discrimination legislation.

Introduction

A) The Traveller Community in Ireland

According to Government figures from 2020, the Traveller Community in Ireland is comprised of 11,118 families – or around 47,000 to 59,000 individuals, depending on the family-size applied.¹ This equates to around 1% of the population. Yet research suggests that “Travellers stand out as a group that experiences extreme disadvantage in terms of employment, housing, health, and education”² and who, according to Micheál Mac Gréil, face exceptionally strong levels of prejudice.³ Indeed, as highlighted by Minister David Staunton, T.D. in the National Traveller and Roma Inclusion Strategy 2017-21, “Travellers and Roma are among the most disadvantaged and marginalised people in Ireland.”⁴ It therefore follows that the Government and public sector bodies have an obligation to tackle and reduce the high levels of prejudice and discrimination faced by Travellers in Ireland.

This report is the result of Community-led research arising from Travellers’ experience of daily racism and discrimination in accessing a wide range of services, such as employment, education and accommodation. The introduction of the Public Sector Equality and Human Rights Duty into Irish law in 2014 provided an important means of assessing the equitable delivery of public services. This research is intended to complement and expand on the Irish Human Rights and Equality Commission (IHREC) guidelines on implementing the public sector duty, and in particular to increase awareness and understanding of the statutory obligations on public sector bodies towards Travellers, and to provide increased evidence to advocate for equality and human rights.

One of the key messages which Travellers stressed during the research was that the system has failed them. Travellers are not to blame for their lack of education, accommodation or employment, and it is the responsibility of the State to provide the necessary systems to support Travellers. It follows that the overall aim of this report is to promote the accountability of public sector bodies regarding their statutory obligations to ensure equality and non-discrimination for Travellers.

B) Report methodology and structure

The report was funded by IHREC under the Human Rights and Equality Grant Scheme 2021-22. The project was overseen by a Steering Committee composed of representatives from the Traveller Community, academics and civil society organisations working with Travellers in Ireland.

Informed by the project Steering Committee and the Board of Management of the Travellers of North Cork (TNC), the research employed a four-stage methodological approach to ensure that the research was participatory and Traveller-led, based on the principle of “nothing about us, without us.”⁵ The four stages were:

1 Department of Housing, Local Governance and Heritage, 2020 – Annual Estimate of Accommodation of Travellers in all categories of Accommodation, 15 July 2022. Of note, the Central Statistics Office (CSO), recorded approximately 30,987 Travellers in the 2016 Irish Census. See: CSO, Census 2016 Reports. This may indicate an unwillingness on the part of some Travellers to self-identify as Travellers.

2 See for example: Dorothy Watson et al, A Social Portrait of Travellers in Ireland (January 2017), ESRI Research Series 56; ITM, Annual Report 2016; All Ireland Traveller Health Study: Our Geels, School of Public Health, Physiotherapy and Population Science, University College Dublin (September 2010); Brian Nolan & Bertrand Maitre, A Social Portrait of Communities in Ireland (November 2008) Office for Social Inclusion, Department of Social and Family Affairs; Dorothy Watson et al, Multiple Disadvantage in Ireland: An Equality Analysis of Census 2006 (2011) Equality Authority and the Economic and Social Research Institute.

3 Micheál Mac Gréil, Pluralism and Diversity in Ireland. Prejudice and Related Issues in Early 21st Century Ireland, (Dublin: Columbia Press, 2011).

4 Department of Justice and Equality, National Traveller and Roma Inclusion Strategy 2017-2021 (June 2017), p.2.

5 The research was also guided by work undertaken by IHREC and community organisations in relation to the public sector duty, such as: Inclusion Ireland/IHREC, Your Rights and the Public Sector Duty: Checking a Public Service for Accessibility Questionnaire (2020); IHREC, Assisting the Effective Implementation of the Public Sector Equality and Human Rights Duty: Tool for a Consultative Approach (September 2020); and the report of a seminar held by Pavee Point Traveller and Roma Centre in February 2015 on the public sector duty as a means of mainstreaming equality and human rights in Ireland.

- i. a desk review of available literature on the public sector duty in Ireland, and specific information on its application to Travellers;
- ii. two focus group discussions with a diverse cross-section of the Traveller Community and the completion of 21 questionnaires by Travellers to identify key issues for them in the provision and accessing of public services;
- iii. four key informant interviews with stakeholders working in the public and community sectors; and
- iv. the draft report was reviewed by the Steering Committee, and staff and Board members of TNC, before it was finalised.

A foundational underpinning of the research is an understanding of the social determinants of health. The World Health Organization (WHO) explains that these are the non-medical factors which influence health outcomes. As the WHO notes, these are “the conditions in which people are born, grow, work, live, and age, and the wider set of forces and systems shaping the conditions of daily life.”⁶ This framework is particularly relevant for Travellers due to the interconnected challenges and social conditions they face, which were clearly highlighted over a decade ago in the 2010 All Ireland Traveller Health Study.⁷ By adopting a social determinants of health approach, one can better understand the inter-connections between, for example, poor and/or inappropriate accommodation and physical and mental health, including rates of suicide within the Community, or how barriers to accessing education at all levels can impact on family income, which in turn can have negative consequences for health.

While the research has drawn on a variety of national sources, many of the community members and stakeholders who participated in this research are based in Munster, reflecting the geographic location of the researchers. As noted in the report’s conclusions, we would encourage IHREC to consider a national audit to analyse the implementation of the public sector duty for Travellers across Ireland.

Following this Introduction, Chapter 2 commences with an overview of the public sector duty, as enshrined in the Irish Human Rights and Equality Commission Act 2014, and its application to Travellers in Ireland. The report then highlights in Chapter 3 some of the key issues faced by Travellers in the provision and accessing of services which fall under the public sector duty, such as education, employment, accommodation, health and access to justice. Chapter 4 provides a detailed analysis of these issues, as identified by Travellers and staff working in the public and community sectors. This section of the report identifies some examples of good practice, as well as areas in need of greater focus. The report concludes with a summary of the key findings and a series of high-level recommendations for local and national actors.



⁶ World Health Organization (WHO), ‘Social Determinants of Health’.

⁷ All Ireland Traveller Health Study: Our Geels, School of Public Health, Physiotherapy and Population Science, University College Dublin (September 2010).

What is the Public Sector Duty?

A) Section 42 of the Irish Human Rights and Equality Commission Act 2014

All public bodies in Ireland have a legal responsibility, under section 42 of the Irish Human Rights and Equality Commission Act 2014:

- a. To eliminate discrimination,
- b. To promote equality of opportunity and treatment for its staff and the persons to whom it provides services, and
- c. To protect the human rights of its members, staff and the persons to whom it provides services.

This is called the 'public sector equality and human rights duty' or simply the 'public sector duty'. The public sector duty should also be read in line with the Equal Status Acts 2000-2018, which prohibit discrimination in the provision of goods and services, accommodation, and education for nine protected categories (gender, marital status, family status, age, disability, sexual orientation, race, religion, and membership of the Traveller Community). While privately-provided services, such as access to shops, hairdressers and pubs, are not covered by the public sector duty, both public and private service providers are under an obligation not to discriminate under the Equal Status Acts.

As set out in the 2014 Act, public bodies have an obligation to provide information in an accessible manner for the public, e.g. in their strategic plans, by setting out the assessment each public body has carried out of the human rights and equality issues it believes to be relevant to its functions.¹ Public bodies must also report, e.g. in their annual reports, on the developments and achievements they have undertaken to comply with the public sector duty. Although the 2014 Act does not specify that public bodies must report separately on the nine protected grounds, there are clear links between the public sector duty and the right to non-discrimination set out in the Equal Status Acts.

In particular, section 42 of the 2014 Act sets out three core steps to be taken by public bodies:

1. In preparing strategic plans, public sector bodies must assess and identify the human rights and equality issues that are relevant to their functions. These issues must relate to all its functions as policy maker, employer, and service provider.
2. Public bodies must then identify the policies and practices that they have in place or that they plan to put in place to address these issues.
3. In their annual reports, or equivalent documents, public bodies must report in a manner accessible to the public on their developments and achievements in that regard.

As noted by the Irish Human Rights & Equality Commission (IHREC), the public sector duty "puts equality and human rights in the mainstream of how public bodies execute their functions. To that end, it has the potential to positively transform how public bodies engage with members of the public, and their own staff."² To provide oversight and accountability, the 2014 Act authorises IHREC to provide guidance and encouragement to public bodies in developing their policies and in exercising good practice and operational standards in relation to human rights and equality.



TNC Health Forum Fermoy

¹ Section 42(2)(a), Irish Human Rights and Equality Commission Act 2014.

² IHREC, Implementing the Public Sector Equality and Human Rights Duty (March 2019), p.2.

What is a 'public body'?

The definition of a public body for the purposes of the public sector duty includes:

- A Government Department
- A local authority
- The Health Service Executive
- A university or institute of technology
- An education and training board
- Any other person or organisation established under statute, or under any scheme administered by a Government Minister, excluding the Defence Forces
- A company wholly or partly financed by or on behalf of a Government Minister, in pursuance of powers conferred by or under another enactment
- A company where the majority of shares are held by or on behalf of a Government Minister

In addition, any other person, body, organisation or group financed wholly or partly out of moneys provided by the Oireachtas, may, in the public interest, be prescribed as a public body by the Minister for Justice, following consultation with IHREC.

Text Box 1: What is a Public Body? (Source: IHREC, 2019, p.5)

B) The Assess, Address, Report Process

Since the adoption of the 2014 Act, IHREC has been authorised to provide oversight and guidance to public bodies to help them understand what their obligations are under the public sector duty and to ensure that people who may face discrimination are aware of their rights.³ For example, IHREC produced a helpful report in 2019 on implementing the public sector equality and human rights duty which provides a clear and concise overview of the rights and obligations of different groups, and how a public body can ensure that it complies with its obligations.⁴ However, if there is evidence that a public body is failing to fulfil its obligations under the Act, IHREC has an enforcement role, and is empowered to invite a public body to carry out a review, or to prepare and implement an action plan related to its functions, or both.⁵

Reflecting the obligations set out in s.42 of the 2014 Act, IHREC has elaborated a three-stage process which public bodies are required to undertake to ensure their compliance with the public sector duty, as set out in the box below:

Assess: A public body is required to set out in its strategic/corporate plan an assessment of the equality and human rights issues relevant to its purpose and functions, in a manner that is accessible to the public.



Address: A public body is required to set out in its strategic/corporate plan the policies, plans and actions to address issues raised in the equality and human rights assessment, in a manner that is accessible to the public.



Report: A public body is required to report annually on developments and achievements in regard to the equality and human rights issues and actions, in a manner accessible to the public, in its annual report.

Text Box 2: Assess, Address, Report Process (Source: IHREC, 2019, p.4)

³ Sections 42(3) and (4), Irish Human Rights and Equality Commission Act 2014.

⁴ IHREC, Implementing the Public Sector Equality and Human Rights Duty (March 2019).

⁵ Section 42(5), Irish Human Rights and Equality Commission Act 2014.

Considering the wide range of organisations which are classified as 'public bodies', this process takes into consideration the different functions, purposes, size and resources available to public bodies. Therefore, the first step is for the public body to undertake a detailed human rights and equality assessment to identify the applicable legislation, as well as the structures and initiatives in place to support equality and human rights in their service provision. This assessment should be evidence-based, for example drawing on information from civil society and other public bodies, as well as incorporating consultation with both staff working for the public body and service users. The first stage of the process can be summarised as: Identify Issues, Consultation, Evidence. As noted by IHREC, this process is important for a public body since:

"[i]mplementation of the Duty can assist an organisation to define and give expression to equality and human rights values related to its purpose and key public sector values. Explicit equality and human rights values can also provide a useful framework that an organisation can apply when establishing its priorities, budgetary decisions, organisational systems, how it carries out its work and engages with people availing of its services, allocation of staff roles and responsibilities and staff practices."⁶

The second stage of the process is to address any human rights and equality issues which have been identified in the course of the initial assessment. In other words, the public body should undertake actions to address human rights and equality issues identified during the assessment stage. This will require an analysis to prioritise short-, medium- and longer-term actions, and explicit inclusion of these in the organisation's strategic plan and annual work programme. It will also be necessary to identify the most appropriate implementation structures within the organisation, and ensure there are sufficient financial and human resources in place to resolve any identified issues. This second stage of the process can be summarised as: Analyse, Prioritise, Mainstream.

The third stage of the process aims to promote transparency and accountability of the public body through public reporting on the human rights and equality issues identified and actions taken or planned. This provides an opportunity for a public body to highlight its achievements and developments in advancing human rights and equality, as well as facilitating oversight by external stakeholders. The reporting stage requires ongoing data collection and review, and internal monitoring of the actions taken. Likewise, there is a need for external consultation and communication with service users and the broader public – conducted in an assessable manner. The third stage of the process can be summarised as: Review, Monitor, Communicate. Specifically referring to the reporting stage, IHREC has highlighted that:

"It is useful to focus on outcomes, taking into account the impact of actions for different groups of people to whom an organisation provides services and among its staff. Outcomes may include addressing barriers to accessing the services of the organisation and participating in the workplace. Outcomes may also relate to how people are treated, improvements in service delivery and positive experiences of the workplace that recognise and accommodate diversity and cater for particular needs."⁷

Following this brief overview of the Assess, Address, Report process, the next section examines the application of these obligations by public sector bodies specifically towards the Traveller Community.

C) Application of the Public Sector Duty to Travellers in Ireland

Since the incorporation of the public sector duty into Irish law in 2014, public bodies have an obligation to review the application of the public sector duty in their respective areas of competence. For the purposes of this report, a sample of 14 assessments/action plans or implementation strategies from a variety of public bodies were examined to determine the extent of publicly available analysis and whether or not specific reference or consideration was given to the nine protected categories under the Equal Status Acts.⁸ As noted above, while s.42 of the 2014 Act does not set out a specific obligation to report on the nine protected grounds, these

⁶ IHREC, Implementing the Public Sector Equality and Human Rights Duty (March 2019), p.18.

⁷ Ibid, pp.23-24.

⁸ This sample was comprised of those reports which were publicly available and easily accessible via internet searches. Note that some public bodies, such as the Department of Public Expenditure and Reform, include details of their public sector duty analysis in their Annual Report, while other public bodies publish a separate Public Sector Duty report.

categories provide a clear indication of potential groups within society, such as women, persons with disabilities, members of the LGBTQI+ community, ethnic or religious minorities, or members of the Traveller Community, who may face discrimination and inequality in accessing public services.

From the public sector duty reports which were analysed, it was clear there was a wide disparity between the level of detail provided in the assessments.⁹ For example, the Department of Justice's Public Sector Duty Equality and Human Rights Assessment report runs to 64 pages and provides a comprehensive analysis of 30 functional divisions within the Department. Conversely, the Revenue Commissioners' Public Sector Duty Action Plan 2018-2020 is only one page, and the Department of Public Expenditure and Reform only includes a one-page Public Sector Duty appendix to their Annual Report 2021. There is also considerable variation between the focus on specific groups within the public sector duty assessments. Some reports do not specifically mention any of the nine protected groups, such as the public sector duty implementation strategies and action plans developed by Dublin City Council and Tipperary City Council. Other assessments have an unequal focus on some of the grounds. For example, University College Cork's Public Sector Duty Assessment includes seven references to gender but none to membership of the Traveller Community. Likewise, the Department of Justice report noted above includes 17 references to gender and 15 references to sexual orientation, but only two references to the Traveller Community. Meanwhile, the Property Registration Authority's Public Sector Duty Progress Report on Implementation from October 2021 includes 16 references to disability, but only two references to race and three to membership of the Traveller Community. Out of the 14 public sector duty reports analysed, only five included specific references to members of the Traveller Community, as set out below:

	Date	No of references
Department of Justice: PSD Assessments	2019	2
Limerick & Clare Education & Training Board: Assessment of Equality and Human Rights Issues	2021	62
Meath County Council: PSD Implementation Plan	Apr-21	2
Property Registration Authority: PSD Progress Report on Implementation	Oct-21	3
South Dublin County Council: PSD Framework	2022	7

Table 1: References to membership of the Traveller Community in PSD reports¹⁰

An example of good practice is the Limerick & Clare Education & Training Board's Assessment of Equality and Human Rights Issues which was published in 2021. This comprehensive analysis over 32 pages provides detailed discussion of the differential needs and inequalities faced by the protected categories. For example, there are 34 references to gender, 30 to disability and 54 to sexual orientation. Of note, there are 62 references to membership of the Traveller Community, which highlights the detailed consideration given within the report to the specific needs of the Traveller Community.

While it is clear that many public sector bodies are proactively engaging with their obligations to assess and report under s.42 of the 2014 Act, there is a wide disparity both between the reports of different public bodies, and internally within some of the reports. The guidance provided by Inclusion Ireland and IHREC to public bodies on how to implement the public sector duty for persons with disabilities is an excellent example of how simple and accessible information can be created to support individuals, civil society organisations and public sector bodies in understanding and implementing the specific obligations set out in the public sector duty.¹¹ We hope that this pilot analysis of the application of the public sector duty for Travellers can likewise help provide a springboard for further engagement with Travellers to ensure that their specific needs are recognised and addressed by public bodies.

Following this initial overview of the public sector duty in Irish law, the next chapter will examine some of the key issues faced by Travellers in Ireland from the perspective of access to public services such as education, health, employment, accommodation and justice.

⁹ For a full breakdown of the figures, see Annex I: References to the nine protected grounds in selected Public Sector Duty reports.

¹⁰ For the full breakdown of reports and statistics, see Annex I.

¹¹ Inclusion Ireland/IHREC, Your Rights and the Public Sector Duty: Checking a Public Service for Accessibility Questionnaire (2020). See also: CAN and Service Users Rights in Action, Our Life, Our Voice, Our Say: Applying a Public Sector Equality and Human Rights Duty Approach to the Human Rights and Equality Issues Identified by Service Users of Opioid Treatment Services (2018); and Niall Crowley, Ensuring a Home for All: Using the Public Sector Duty to Improve Access to Housing and Homelessness Supports for Migrant Households, Report to the Irish Homeless Policy Group (October 2020).

Key Issues for Travellers

The most recent findings from the Joint Oireachtas Committee on Issues affecting the Traveller Community noted that Travellers have faced decades of deprivation, poverty and discrimination.¹ Research and reports over the previous two decades have highlighted growing inequalities in the areas of education, employment, health, accommodation and access to justice, with the Traveller Community falling further behind their settled counterparts. For example, Colette Murray has argued that Traveller life chances will not improve to any great extent if children grow up in a hostile world with embedded negative stereotypes in which they embody internalised oppression.² Yet Government strategies, such as the National Traveller and Roma Inclusion Strategy, which were designed to improve the situation for Travellers have, so far, failed to bring about the changes needed to ensure the Traveller Community achieves equal outcomes in key areas.³ Therefore, this section will provide a brief overview of the key issues covered by the public sector duty which Travellers must contend with on a daily basis.

A) Education:

"... the education of the child shall be directed to:

- a. The development of the child's personality, talents and mental and physical abilities to their fullest potential;*
- b. The development of respect for human rights and fundamental freedoms;*
- c. The development of respect for the child's parents, his or her own cultural identity, language and values;*
- d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;*
- e. The development of respect for the natural environment."*

Article 29(1) of the UN Convention on the Rights of the Child

Travellers' experience of the education system has, for many, been one of exclusion and marginalisation, which has perpetuated individual and community-level disadvantage.⁴ The gap in educational attainment between Travellers and the general population is significant, with nearly a third of Travellers leaving school before completing the Junior Cycle. In comparison, almost 75% of the general population stay in education until Leaving Certificate level; in the Traveller Community, that figure is less than 10%. This has a major impact on Travellers' access to higher education, with only 1% of Travellers completing a third level degree. Plus, Travellers have reported that low expectations, reduced school timetables, lack of cultural awareness and inclusion in the curriculum, and discrimination by both students and teachers resulted in many choosing to leave education.⁵

The perception of the benefits of education is also a key factor. With Travellers facing discrimination in accessing employment, many are reluctant to continue with education as there is the perception that it will not lead to a job after all the time, effort and money put into completing courses.

Access to education remains an issue, at all levels, including early years, primary and second level.⁶ Travellers need to be included in the development of a curriculum which reflects Traveller culture and history, to make Traveller children feel valued and acknowledged. For further and higher education, prohibitive costs of transport for those in rural towns and villages, the cost of childcare and other financial supports for students need to be addressed to help support transition into colleges. Literacy rates remain low, particularly amongst Traveller men, and this becomes a barrier when taking training courses for employment.

¹ House of the Oireachtas, Joint Committee on Key Issues facing the Traveller Community: Final Report (December 2021).

² Colette Murray, 'A Minority within a Minority? Social Justice for Traveller and Roma Children in ECEC' (2014) 15(1) The ITB Journal 89-102.

³ Department of Justice and Equality, National Traveller and Roma Inclusion Strategy 2017-2021 (June 2017).

⁴ Annie Cummins et al, Pavee Beoir Leaders: Traveller Women in Higher Education (2019).

⁵ Ibid.

⁶ See: Denise Baker, Prejudice and Participation: An Investigation into Challenges Surrounding Access to Early Childhood Care and Education for Children from the Traveller Community in Ireland (UCC, Centre for Criminal Justice & Human Rights, November 2021).

As children are strongly influenced by their immediate environment, higher levels of educational attainment by family members will positively affect the transitions from pre-school to primary, primary to secondary, and secondary to 3rd level.⁷ Pavee Point has argued that the prevalence of educational disadvantage among Travellers mirrors the situation of Travellers in Irish society and reflects high levels of discrimination and inequality.⁸

B) Employment

Travellers traditionally were employed in economic activities that allowed them to continue to practice nomadism, e.g. recycling scrap metal, tin smithing, seasonal farm work and market trading.⁹ The decline in nomadism and move towards the towns and cities, partly due to changes in the law,¹⁰ combined with the failure of local authorities to provide transient sites around the country (in contravention of the requirements of the Housing (Traveller Accommodation) Act 1998), in effect signalled the end for both nomadism and traditional Traveller economic activity.

Educational disadvantage has had an impact on Travellers' access to further education and community training courses, with literacy levels and confidence in computers preventing many from applying for training due to stigma and barriers in access to technology. Consequently, the unemployment rate in the Traveller Community is over 80%, with the low level of education attainment playing a significant part.¹¹ Travellers with a third level education made up 57% of those in employment, compared to just 9% of Travellers with a primary education.

Travellers' access to employment is also significantly reduced due to discrimination. In one study, it was reported that 83% of the settled population said they would not employ a Traveller and 43% of Travellers reported discrimination when trying to access employment.¹² Current schemes to increase participation in the mainstream workforce have not impacted on the employment rate of Travellers, and Pavee Point has argued that:

"The Government needs to lead the way on Traveller employment by introducing positive discrimination and employing Travellers within the civil service. A targeted outreach approach is needed to ensure that another generation of Irish Travellers is not excluded."¹³

C) Accommodation

As an indigenous ethnic group, the Irish Traveller Community has a right to culturally-appropriate accommodation, in light of their unique cultural needs. Despite this recognition, the provision of Traveller accommodation has become an issue that has been mired in controversy¹⁴ – with policies that have reflected attitudes that saw Travellers as in need of 'assimilation' or 'settlement' or alternatively pushed to the outskirts of society, with halting sites placed away from the general population, often with limited access to services.

In a study of accommodation needs conducted by the Cork and Kerry Regional Traveller Accommodation Working Group in 2018, it was noted that in Cork City 50% of respondents had no access to hot water; 25% had no electricity; 34% had to share toilets with other families; and 77% were living in overcrowded conditions.¹⁵ Sadly, this situation is echoed around the country. Despite making up only 1% of the population, Traveller children made up 25% of those in homeless accommodation outside Dublin.¹⁶



7 Ibid.

8 Pavee Point, Submission to Dept of Education re: Strategy Statement (2014).

9 Pavee Point, Traveller Employment Factsheet (no date).

10 Such as the Road Safety Act 1961, which prevented Travellers from camping on the roadside or the Criminal Justice (Public Order) Act 1994 (Part IIA) which prevented Travellers from occupying public land, and more recently the Housing Miscellaneous Provisions Act (2002), which criminalised trespass on public and private land.

11 Dorothy Watson et al, A Social Portrait of Travellers in Ireland (January 2017), ESRI Research Series 56.

12 John O'Mahony, National Traveller Community Survey 2017 (July 2017), National Traveller Data Steering Group and the Community Foundation for Ireland.

13 Pavee Point, Traveller Employment Factsheet (no date).

14 Bec Fahy, 'I Know My Rights, But They're Being Denied' (2018) Travellers of North Cork (TNC).

15 Samantha Morgan-Williams, Traveller Homelessness in the South-West: A report from the Cork and Kerry Regional Traveller Accommodation Working Group (2020) Cork and Kerry Regional Traveller Accommodation Working Group (RTAWG).

16 Paul Murphy, Travellers – Life on the Fringes, RTÉ Investigates (26 September 2019).

These findings mirror research undertaken by the Economic and Social Research Institute (ESRI) in 2017 which noted that while more than 83% of the Traveller population are living in permanent accommodation, this type of accommodation is likely to be overcrowded and is more than likely to lack adequate central heating, piped water, and sewerage facilities.¹⁷ The ESRI further highlighted that overcrowding is also associated with low levels of education and not being in employment.¹⁸ The ITM agree that poorly maintained sites with basic facilities have a huge effect on Travellers' health.¹⁹ The interconnection between accommodation and health was highlighted by Parry et al when they noted that many Travellers in England were being pushed into inappropriate housing despite it not being a culturally preferred option.²⁰ Similarly, the lack of Traveller-specific social housing in Ireland was highlighted in submissions made to the Expert Group Review of Traveller Accommodation in 2019, with the final report noting that: "Travellers feel pressured to apply for standard social housing because they are concerned that low output of Traveller-specific social housing means that they have no realistic prospect of securing it."²¹

Addressing culturally-appropriate accommodation for Travellers is therefore one of the key foundational factors in dealing with the health inequalities, as well as educational and employment challenges, faced by the Community.

D) Health

The health status outcomes for Travellers are significantly worse than for the majority population, and institutions charged with health policy and health service provision need to take action to guard against any potential for discrimination in the manner of their operation.²² It is recognised that discrimination and lack of inclusion, both in social settings, education, employment, and access to services is having a negative impact on health and well-being within the Traveller Community. More than a decade ago, the All Ireland Traveller Health Study identified significant differences in health outcomes for the Traveller Community, when compared to the general population.²³ Most noticeable were the mortality rates, with Traveller men living 15 years less than the general population and Traveller women living 12 years less. Traveller life expectancy remains at levels last experienced by the general population in 1941.

The health of the Traveller Community cannot be viewed in isolation since the social determinants of health, including access to education, employment, environment, accommodation and discrimination, all play a part in the health and well-being of any community. The ITM has argued that prejudice has eroded Travellers' belief in their own identity, and this is especially a concern for younger Travellers.²⁴ Understanding the specific needs and strengths of the Community is therefore essential, and the long-standing health inequalities need to be addressed across the board. As acknowledged by the Department of Health:

"Health and wellbeing are not evenly distributed across Irish society. This goal requires not only interventions to target particular health risks, but also a broad focus on addressing the wider social determinants of health – the circumstances in which people are born, grow, live, work and age – to create economic, social, cultural and physical environments that foster healthy living."²⁵

Efforts to address inequalities in health must therefore address the way in which the social determinants of health are distributed unfairly.²⁶ Addressing the social determinants of health suggests "going beyond the immediate causes of disease" and placing a stronger focus on upstream factors, or the fundamental "causes of causes."²⁷ Fran Baum has pointed out that governments need a commitment to the values of fairness and justice and an ability to respond to the complex nature of the social determinants of health "beyond exhorting individuals to change their behaviour."²⁸

17 Dorothy Watson et al, A Social Portrait of Travellers in Ireland (January 2017), ESRI Research Series 56.

18 Ibid.

19 ITM, Annual Report 2016.

20 Glenys Parry et al, Health Status of Gypsies and Travellers in England: A report of Department of Health Inequalities in Health Research Initiative Project 121/7500, University of Sheffield (2004), pp.54-57.

21 Expert Review Group, Traveller Accommodation (July 2019), p.18.

22 Pavee Point, A Review of Travellers' Health using Primary Care as a Model of Good Practice (2005).

23 All Ireland Traveller Health Study: Our Geels, School of Public Health, Physiotherapy and Population Science, University College Dublin (September 2010).

24 ITM, Annual Report 2016.

25 Department of Health, Healthy Ireland: A Framework for Improved Health and Wellbeing 2013-2025 (2013) p.7.

26 Clare Farrell et al, Tackling Health Inequalities – An All-Ireland Approach to Social Determinants (Combat Poverty Agency/Institute of Public Health in Ireland, 2008) p.14.

27 World Health Organization (WHO), Closing the Gap in a Generation: Health equity through action on the social determinants of health, Final Report of the Commission on the Social Determinants of Health (2008).

28 Fran Baum, Cracking the Nut of Health Equity: Top Down and Bottom Up Pressure for Action on the Social Determinants of Health (IUHPE Promotion and Education, 2007 Vol XIV (2)).

E) Access to Justice

“There is no access to justice when, for economic, social, or political reasons, people are discriminated against by law and justice systems.”²⁹

The relationship between Irish Travellers and the justice system can be viewed as one of extreme power imbalance. On the one side are those representing power and the dominant culture, while on the other side are Travellers who are seen as outsiders to the system and who experience multiple levels of disadvantage when navigating the legal system and seeking representation, including lack of education, literacy and access to legal aid and services. In a general population that holds such strong anti-Traveller bias³⁰ it is unfortunately to be expected that this bias will be present amongst those working in the justice system, and there have been a number of high-profile examples where Travellers were treated differently under the system or became the target of racial profiling, such as via An Garda Síochána's Pulse recording system.³¹ Research shows that Travellers' face negative experiences across both the criminal justice system, as comprehensively detailed by Sindy Joyce and colleagues,³² or when taking civil cases against discrimination, as analysed by Samantha Morgan-Williams.³³

The laws of the State have systematically criminalised Travellers who wished to practice nomadism and Travellers' daily experience of institutional racism and discrimination has negatively impacted on their trust in a system that has failed to protect their cultural rights.³⁴ Many Travellers avoid engagement with the Gardaí even when they have been the victim of crime, for fear of not being believed or bringing unwelcome attention to others in the community. Joyce et al noted that victims of domestic violence reported that the Gardaí used the visit to the victim's house to check the car insurance of other Travellers, which created tensions in the community and increased the vulnerability of the victim further.³⁵ Their research also identified that 64% of Travellers who were in Garda custody in the five years prior to the survey did not feel safe the last time they were in custody.³⁶ Of note, 19% of the children sent to the Oberstown Children Detention Campus by the courts in 2019 were Travellers.³⁷ In Ireland, Travellers make up less than 1% of the population, yet account for 10% of the male prisoner population and 22% of the female prison population.³⁸

For Travellers to access full protection under either the civil or criminal justice system, institutional racism and personal bias need to be challenged and eliminated, and practices which disadvantage Travellers should be removed. An independent complaints body within the justice system needs to be established and ethnic identifiers used at every stage of engagement with the system from reporting to sentencing. Without data being available to advocacy groups, systematic failures in justice will continue.

Following this brief overview of some of the key issues facing Travellers in Ireland, the next section presents the views of Travellers regarding their experiences in accessing a variety of public services, as well as information provided by public sector staff and advocates working with Travellers.



29 Valesca Lima & Miriam Gomez, 'Access to Justice: Promoting the Legal System as a Human Right' in Encyclopaedia of the UN Sustainable Development (Cham: Springer International Publishing, 2019) pp.1-10.

30 John O'Mahony, National Traveller Community Survey 2017 (July 2017), National Traveller Data Steering Group and the Community Foundation for Ireland.

31 Kitty Holland, 'Cork mother to sue State over Pulse entries' Irish Times (18 October 2014).

32 Sindy Joyce et al, Irish Travellers' Access to Justice (2022) European Centre for the Study of Hate: Limerick. This is a comprehensive and detailed report which is vital reading for anyone interested in learning more about access to justice for Travellers in Ireland.

33 Samantha Morgan-Williams, Barriers to Justice for Irish Travellers Seeking to Challenge Discrimination: Mapping Traveller 'Redisrimination' within the Equality System in Ireland (2022) UCC Traveller Equality & Justice Project (TEJP).

34 Joyce et al, Irish Travellers' Access to Justice (2022), p.5.

35 Ibid, pp.68-69.

36 Ibid, p.10.

37 Oberstown Children Detention Campus, Annual Report (2020), p.9.

38 Kitty Holland, 'Disproportionate number of Travellers in prison population' Irish Times (20 October 2017).

Application of the Public Sector Duty for Travellers

A) Introduction

The Healthy Ireland framework for improved health and wellbeing 2013-2025 acknowledges that health and wellbeing are not evenly distributed across Irish society. This goal requires not only interventions to target health risks, but also a broad focus on addressing the wider social determinants of health, that is, the circumstances in which people are born, grow, live, work and age to create economic, social, cultural, and physical environments that foster healthy living. This acknowledgement builds on the 2008 World Health Organization's Commission on the social determinants of health which found that health is influenced by factors such as poverty, food security, social exclusion and discrimination, poor housing, unhealthy early childhood conditions, poor educational status, and low occupational status.¹

The Combat Poverty Agency and Institute of Public Health agree that a life course perspective provides a framework for understanding how these social determinants of health shape and influence an individual's health from birth to old age.² People who are less well-off or who belong to socially excluded groups tend to fare badly in relation to these social determinants. For example, they may have lower incomes, poorer education, fewer or more precarious employment opportunities and/or more dangerous working conditions or they may live in poorer housing or less healthy environments with access to poorer services or amenities than those who are better off, all of which are linked to poorer health.³

This is apparent from Ireland's census in 2016 which confirmed that nearly 6 in 10 (58.1%) Irish Travellers are under 25 years of age compared to just over 3 in 10 (33.4%) in the general population. Alarming, there were only 451 Irish Traveller males aged 65 or over, representing just 2.9% of the total Community, significantly lower than the proportion of more elderly men in the general population (12.6%). The equivalent figures for females were 481 persons which represented just 3.1% of the total, compared with 14.1% for the general population.⁴ The only realistic reason for this is premature death.⁵

The results from the primary data collected for the purposes of this research project are analysed and discussed in this chapter using direct quotes under the four themes (listed below) which emerged from the data. A total of four in-depth semi-structured interviews were conducted with key informants relating to this research, including Cork County Council, the HSE (Health Service Executive), the ETB (Education and Training Board) and the Traveller Equality & Justice Project, (Centre for Criminal Justice & Human Rights, School of Law, University College Cork). Two focus group interviews were carried out with Travellers and 21 questionnaires relating to the research were completed by Travellers. The research was carried out with a specific focus on the North Cork electoral area.

The following key themes emerged from the research:

- Accommodation – Engagement with Local Authority**
- Education – Challenges encountered by the Traveller Community in accessing and retaining education**
- Health – Mental health of the Traveller Community is severely impacted by social determinants of health**
- Traveller engagement with the Department of Justice**
- Traveller culture – inclusion and equality and anti-bias approach**

1 World Health Organization (WHO), Closing the Gap in a Generation: Health equity through action on the social determinants of health, Final Report of the Commission on the Social Determinants of Health (2008).

2 Clare Farrell et al, Tackling Health Inequalities – An All-Ireland Approach to Social Determinants (Combat Poverty Agency/Institute of Public Health in Ireland, 2008).

3 Ibid.

4 CSO, Census 2016 Reports. Note that while the preliminary results of the Census 2022 have been published at the time of writing this report, this does not contain any disaggregated data relating to Travellers. See: www.cso.ie/en/releasesandpublications/ep/p-cpr/censusofpopulation2022-preliminaryresults/

5 All Ireland Traveller Health Study: Our Geels, School of Public Health, Physiotherapy and Population Science, University College Dublin (September 2010).

B) Results of the Research

i. Accommodation

Twenty-one questionnaires were completed and returned by Travellers. The first area we looked at was accommodation and how Travellers felt they were treated when engaging with Cork County Council.

Of the nine respondents to this section, one person provided a positive response stating, ***"they came out and fixed potholes."***

The negative responses reported by the other eight respondents when engaging with the local authority include comments such as:

- Not a bit obliging or helpful
- Same answers every time they are contacted
- No positive information
- Never got a response
- I was told to go live in my car. They did nothing for me
- Not very good response, never rings back
- Never given a straight up answer and never get the call backs I'm to get
- Attitude at Council was very aggressive towards me
- Been homeless and no help from them at all
- Not good experience with them. Never return calls
- Left in emergency accommodation for over 2 years

The comments from the two focus groups that were carried out for the purposes of this research continue the negative theme, with responses such as:

- Where do I start, everything is bad about them.
- We get shouted at when we go to the counter at the office and the security guards are watching us
- I am 12 years on the Council list and have no security for my family.
- We must find our own rental properties and nobody in town will rent to a Traveller.
- Emergency accommodation is keeping the children from school and causing mental health problems for the parents and children. It is often miles away from where we are from.
- I see a settled girl get a transfer because the walk to school was too long with the child and we can't even get a house no mind a transfer.
- The CBL [choice-based letting] is no good we are afraid to bid on something for the sake of it in case we have to refuse and then we are told we are not bidding so we must not want anything but how can we bid on something that will not be suitable for our families?
- [They] expect us to bid for houses we don't want.
- Somebody in the council bid on a house for me and I never knew it.
- Why do we have a social worker just for the Traveller community in the council?
- [I was told] to sleep in my car and give the children to relatives when I said we were being made homeless due to landlord selling house.
- [They] will not go anywhere near us without the guards. There is no relationship there and [we are told that] we need to behave when we are literally at our wits end with worry.
- [Some staff] seem to be anti-Traveller and will not even answer the phone to us.
- It is hard to be positive with the Council even when we do get a house because the road has been so long and stressful, we are almost worn out.
- There is no Traveller specific accommodation available, and we are being constantly pushed into accommodation that does not support our culture.
- We were in emergency accommodation and there were ladies of the night operating on the same hall, men coming in at all hours of the day and night. I was terrified for my children. The accommodation was never checked to see if it was suitable for children.

An interview was conducted with Maurice Manning, Director of Services at Cork County Council (CCC), to discuss the area of accommodation in relation to the determinants of health and the public sector duty of CCC. Referencing TNC's engagement with the Local Traveller Accommodation Consultative Committee (LTACC), Maurice Manning acknowledged that a weakness in this respect was that committee structures often tended to be service focused dealing with operational issues rather than dealing with strategic issues, explaining that sometimes these structures do not realise the effect that their decision-making can have on the ground. When asked if Traveller specific accommodation was in CCC's current strategy report, Maurice Manning contended that CCC have no demand or evidence for Traveller specific accommodation in County Cork, and if there were to be a demand it would be difficult to achieve as

"the land bank for council development is fast running out."

ii. Education

The next area that the research looked at was education attainment for the Traveller Community. The questionnaires provided some interesting information with both positive and negative replies. This is broken down into four areas:

Primary School:

This provided both negative and positive answers (50/50).

Positive responses included:

- Great school and teachers to deal with
- Working well with my child who has trouble learning
- Good information provided

Negative responses included:

- Not Traveller friendly, no culture awareness
- Didn't like school – felt like I didn't belong
- My son's school never gave me services that my son needed

Secondary School:

The responses from this section were mostly negative, which is reflected in the 2016 census figures that an extremely low percentage of Traveller children (9%) reach Leaving Certificate level 3. However, it should be noted that some of the comments came from adults reflecting on their own primary and secondary school experiences when they were younger which includes a lot of negativities, hurt and disappointment, unchallenging pedagogy, curricular alienation, racist name-calling, and cultural misrecognition.⁶

Positive responses included:

- Good correspondence with teachers
- Had a lot of negative experiences but lately they have been positive

Negative responses included:

- As a student I'm just not treated the same as the rest in school and same was done to me in primary school
- Not Traveller friendly, no culture awareness
- Didn't like school, felt lost, no support, missed so much school
- Left school not knowing how to read or write

Third Level education:

For those respondents that had experience with 3rd level institutions the responses were all positive, including comments such as:

- Good experiences adult education
- UCC – very positive when dealing with them and great treatment from them
- Feeling of inclusion

⁶ Anne Boyle, Marie Flynn & Joan Hanafin, 'Optimism Despite Disappointment: Irish Traveller parents' reports of their own school experiences and their views on education' (2020) 24(13) International Journal of Inclusive Education 1389-1409.

Education and Training Board (ETB):

For those respondents that had experience of ETB courses the responses were all positive, including comments such as:

- Very good courses run, great feedback
- Great to deal with
- Good experiences adult education
- Always very helpful
- Feel very comfortable and included

The responses from the focus groups, interestingly show that at primary and secondary school there were more negative than positive responses:

Positive responses included:

- Some teachers are very good to us. The principal in my daughter's school is inviting the parents into the school and we meet the teachers and explain the difficulties we have, and this is having a very good effect on the girls now as the teachers are starting to understand our culture the barriers we face. They have had TCAT [Traveller Cultural Awareness Training] training, and I feel that this has really made an impact.
- In the past couple of years, I know of three Travellers who have went on to college after getting good marks in the Leaving. I know it may be small but it is a big step and showing good example to the others.
- The teacher that helps with learning is very good in our school and she takes the boys out of class if they are acting up and brings them to her room to do some work with her.
- The teachers in the preschool are great and they always have a hello for me in the morning, it makes me feel okay about leaving my child there.

However, the negative responses outweighed the positive and included the following responses:

- The principal in our secondary school does not understand the struggle to get to school, we need the older ones to help the younger ones and sometimes that makes them late to school.
- I want my daughter to do her Leaving Cert proper and she wants to do it herself, but the teacher keeps saying she should do the applied because she wouldn't fit into college. How does she know what my daughter can or cannot do?
- My daughter got suspended for having her nails done. I know it is a school rule, but it was Christmas and she had to keep her appointment. The school does not understand that this is important to Traveller girls.
- My son went through school and cannot even tell the time.
- My son is 14 and cannot read or write – he was given no support in primary school.
- My son who has ADHD was able to leave school one day at break time and bring his brother with him and nobody missed him, until I rang the school to tell the teacher they had come home.
- A teacher said to me that Traveller children were hard to teach because they had no interest. He did not realise that me and his father cannot read or write, and we can't help him at home.
- The teachers don't realise that sometimes the children act out because they are embarrassed at not knowing their work and it is easier to be told to leave the class rather than stay to be asked something they don't know.
- Teachers don't realise that the accommodation that we live in causes a lot of fights and the children have no privacy, and this is causing mental health problems.
- My son has autism and I have had to move schools with him as the school he was in was not prepared to put the supports in place that he needs.
- If there is trouble in the school the Traveller children are the first to be asked about it.
- My nephew was suspended for a fight and two settled boys who were also fighting that day got no suspension.
- The board of management in the school is very biased and needs to have a Traveller parent on it so that we have support and understanding.

The key informant interviews also included views on education, notably the barriers that the Traveller Community face when accessing education.

In response to why the experiences of the Traveller Community in the ETB were all positive compared to primary and secondary school, Sadie Allen (ETB North Cork) looked to the area of community support:

"What is different to the primary and secondary schools is that there is more of a community approach to Traveller education in ETB courses and I think that's what makes the difference."

Community Work Ireland state that community work practice requires community development knowledge and an understanding of the five core community development values (collectivity; community empowerment; social justice and sustainable development; human rights, equality and anti-discrimination; and participation) to enable practitioners, funders, employers, policy makers, and programme implementers to support and apply these values in their own practice.

Sadie Allen acknowledged that when TNC came into North Cork and put the women's groups in place it became easier for the ETB and other agencies on the ground since TNC adopted a community approach which was vital for stakeholder organisations to be able to initiate conversations with the Community on their needs. She further highlighted that at the time there was also an inter-agency Traveller network in the Cork County Council which helped the agencies on the ground to network with each other and for the Traveller Community to have their voice heard in the local authority on matters that affected them. However, her understanding was that the network disbanded when Cork County Council stopped paying travel costs for the Traveller members since it was a fruitless task if the Traveller Community were not there to represent themselves.⁷

Building relationships and trust is crucial if the Traveller Community is to succeed at education and Sadie Allen noted that it is all about ***"breaking down the barriers"*** and the fact that ***"if the main person in the family trusts you, the rest of the family trusts you. So, the father will come in, the daughters will come in, the sons will come in and they are in turn bringing in their children."*** It is, she continues, ***"a feeling for them that there is somewhere they can go and trust."***

Maurice Manning of CCC acknowledged that emergency accommodation is a contributory factor, stating that it is not a suitable environment for anyone but since there is no specific emergency accommodation provision in Cork County there are no other options but to place families in hotels and B&Bs when families have nowhere to go. This key respondent also pointed to how children may not be supported at home, especially in relation to homework if there has not been a history of education in the family. He also noted that having to move accommodation regularly does not help the matter as:

Children can be isolated and do not make friends, they may not even what to attend (school).

The key informant from the Health Service Executive (HSE) also identified parental literacy levels as a problem, as well as mental and physical health. A family's accommodation situation and fear of discrimination and institutional bias were also highlighted here as barriers.

Dr Samantha Morgan-Williams, of the Traveller Equality and Justice Project in University College Cork, was in agreement with the HSE interviewee stating that discrimination and institutional bias play an instrumental part in the attainment and retention of education for the Traveller Community. Dr Morgan-Williams explained that it is those types of preconceived notions and prejudice about the Traveller Community that seem to shape policy and inform its application in a way that it is not acceptable. Additionally, she highlighted that:

"It is a fact that many Travellers do not feel welcomed by the education system and because of these preconceptions and ingrained prejudice being fostered within schools, including decreased timetables, there is nothing telling Traveller children that they are valued or welcomed."

⁷ The TNC researchers acknowledge that the Traveller Inter-agency Group provided a useful forum for connecting multiple agencies and provided opportunities to develop a shared understanding of the issues impacting the Traveller Community and a way to initiate multi-agency approaches to finding solutions which could work across individual agency boundaries. Lack of supports to facilitate Traveller engagement did not prevent Traveller advocacy groups from continuing to engage in the Interagency group and the cessation of the group was the decision of Cork County Council. The group met in 2014 to review its strategy and, despite a positive meeting, the group disbanded in 2015 after email confirmation that Cork County Council were awaiting guidance from the Department of Justice as to the continuation of the Traveller Inter-agency Groups.

iii. Health

Stark health statistics facing the Traveller Community in every study and piece of Census data available shows that the infant mortality rate is almost four times higher than the general population. There are increased levels of disability at all ages. Poor mental health is prominent, with up to seven times higher a rate of suicide in the Traveller Community.⁸ The result, according to Mary Nevin (a community development worker with Longford Traveller Primary Healthcare Project) is a decade lower life expectancy compared to the general population.⁹ The key informants interviewed for this report acknowledged that the health inequalities of the Traveller Community can be attributed to high levels of unemployment, education, early school leaving, parental literacy levels, and poor accommodation and living conditions, as well as the gendered nature of the Traveller economy. However, looking at the health inequalities that blight the Traveller community it was interesting and somewhat surprising to see that almost all engagement with health care services for the participants of this research was positive, with comments such as:

- The doctor we go to is very good. He is very interested in our health and the health of the elderly.
- My husband has severe mental health problems, and the doctor is always there to support us at any time of the day or night even at the weekend as he gave us his own number.
- The doctor writes letters for me to help me get support for my child at school who has a disability.
- The doctor has written many letters to the housing officer for me and my family to support my housing application, but we are still not housed.

The only negatives that were acknowledged by the research participants in engagement with the health services was the difficulty in accessing services due to long waiting lists. However, these negatives were determined to be for all community members, Traveller or not:

- Getting an appointment now is hard and you could be waiting for up to 2 weeks but that is for everyone settled and Traveller.
- The waiting lists are crazy, up to 18 months and I have heard of someone getting an appointment for a child in 2 years' time, but this is the same for the settled community, so they are not against the Traveller community.

The gap between the health and wellbeing of the Traveller Community and the general population is not just about access to health services, as demonstrated by the research but by achieving parity of outcome across all areas covered under the social determinants of health, i.e. accommodation, education, access to employment and social and cultural access.



⁸ For a recent analysis of Traveller mental health, see: David Friel, *Our Lives, Our Voices, Our Future: Traveller Men* (Donegal Travellers Project, 2022).

⁹ Quoted in: Maria Delaney, 'Traveller health "not being prioritised" despite "shocking" outcomes for children' *The Journal.ie* (5 October 2021).

iv. Access to Justice

The next area examined was Traveller engagement with the justice system.¹⁰ A recent research study carried out by Joyce et al¹¹ found that there needs to be radical changes in the way in which criminal justice institutions engage with, perceive, and address Travellers. Currently in Ireland, Travellers in prison are disproportionately high. Travellers make up 0.6% of the population, yet account for 10% of the male prisoner population and alarmingly 22% of the female prison population. Some of the views expressed by the focus group participants were:

- Stop us for no reason and ask us where we are going and where are we going.
- They blamed my son for starting a fight with three settled boys in our town and arrested him when in fact it was, he was picked on by the settled lads – they would not believe him.
- They do not believe us when we make a complaint against someone from the settled community.
- They follow our children around shops (security).
- If we have a disabled disc on the car and park, they want to see the evidence that we or someone in the car has a disability.
- They take cars from young lads for not have tax discs – they don't give them a chance.
- They follow the young lads around the town when they are just out driving with their friends and often stop them and search their cars for no reason.
- They accompany Council people into the estates as if there was a danger – they don't do that to the settled community.
- They take our horses and dogs off us for no reason.
- They have no understanding of our culture.

One participant pointed out that the community guards did have some understanding stating that:

"I feel that the younger guards who come into the town do not know us, and they just look at us as trouble whereas the community guards are out in the community, and they get to know the families and can be very helpful."

All focus group participants agreed that "TCAT training would be very handy to do with the guards in the local towns."

Thomas McCann, Traveller activist and founder of the Traveller Counselling Service, acknowledges that "no one should make excuses for any Traveller that breaks the law." However he stressed that it is important "to analyse and understand the wider conditions of Travellers' lives to understand their over-representation in the prisons."¹² In agreement, Dr. Morgan-Williams of the Traveller Equality & Justice Project, UCC, stated that the Traveller Community in Ireland are over-policed, pointing to the recent research carried out by Joyce et al¹³ which showed that there is an incorrect perception that all Travellers are troublemakers and are problematic – particularly in terms of the justice system. Unfortunately, it is not unusual for indigenous minority groups to be over-represented within justice systems, which is also reflected in higher incarceration rates for Travellers who generally receive more severe sentences than the settled community. This, she continued, leads to a lack of trust within the justice system and mechanisms formed through intergenerational adverse experiences with the criminal justice system in Ireland. This is especially problematic and worrying for Traveller women where, even in civil matters, they are used to being marginalised and treated as if they are criminals. This view reflects the research undertaken on access to justice for Travellers by Joyce et al. As Sinéad Gibney, Chief Commissioner for IHREC, noted at the report's launch:

"It is abundantly clear that the relationship between Travellers and our criminal justice system too often starts from a point of mistrust, developed over decades."¹⁴

10 While the research questions were worded broadly to encompass both the criminal justice system and civil cases, the majority of comments from participants in the research focused on aspects of the criminal justice system.

11 Joyce et al, Irish Travellers' Access to Justice (2022). See also: Maria Delaney, 'Traveller health "not being prioritised" despite "shocking" outcomes for children' Thejournal.ie (5 October 2021).

12 'Irish Traveller movement meets to discuss key issues' Irish Independent (17 November 2011).

13 Joyce et al, Irish Travellers' Access to Justice (2022).

14 'Landmark study finds Travellers' trust in justice system is "extremely low"' Thejournal.ie (23 June 2022).

v. Traveller culture

Promoting and respecting Traveller culture, through an inclusive, equality and anti-bias approach, is a theme that has woven its way through this research. Pavee Point note that a contributing factor to the low levels of attainment of Travellers in education is the lack of visibility of Traveller culture within the school system.¹⁵ This may contribute to feelings of isolation experienced by Traveller children. Institutional racism consists of the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness, and racist stereotyping which disadvantage minority ethnic people. The low levels of references to the Traveller Community in public sector strategy and action plans may lead into this lack of understanding of Traveller culture within the public sector in Ireland. Maurice Manning of Cork County Council acknowledged that going forward this is something that should be considered, but at present "not having specific mention (outside of the Irish Human Rights and Equality Commission Act 2014) in the corporate plan does not take anything away from our responsibilities that requires us to reflect that recognition." The key informant from the HSE stressed that "fear of discrimination and institutional bias" is having a negative effect in all aspects of Traveller life when engaging with public services, health and mental health, accommodation, education, and justice. This point was reiterated by Dr Morgan-Williams who stated that "there needs to be special emphasis within the mental health services to deal with the rates of suicide seen in the Traveller Community, but it needs to be approached in a culturally aware and appropriate manner."

When looking at the findings of the questionnaires, we see statements such as "I felt I was been discriminated because I was afraid" and "Attitude at Council was very aggressive towards me" when referring to interactions with Cork County Council. When looking at the education system we see statements, for example, "Not Traveller friendly no culture awareness" and "As a student I'm just not treated the same as the rest in school and same was done to me in primary school." The independent human rights audit of An Garda Síochána undertaken by the Irish Traveller Movement in 2014 raised serious concerns about institutional racism.¹⁶ This is something that resonates in the statements made by Travellers who took part in this research, for example: "They (guards) do not believe us when we make a complaint against someone from the settled community", "They accompany council people into the estates as if there was a danger – they don't do that to the settled community" and "They have no understanding of our culture." While there were many positive reports when engaging with health and mental health services, there was a consensus that the services need to be delivered in a culturally appropriate manner.

The need for TCAT training was highlighted in both the questionnaires and the focus groups. When asked if TCAT training was needed for public sector bodies all four key informants agreed that it is crucial to becoming culturally aware for public sector staff.



Prof. Alastair Christie speaking at the TNC Human Rights hearing UCC

¹⁵ Pavee Point, Travellers and Education (no date).

¹⁶ Irish Traveller Movement, Submission to the Committee on Justice, Defence and Equality into the effectiveness of the legislation relating to oversight of An Garda Síochána (April 2014).

Conclusion

A) Summary of key findings

Many public bodies have developed their public sector duty assessments and reports and are proactively engaging with their obligations. However, there are important differences in the level of detail provided by the different public bodies, and limited discussion of the differential needs of the different groups who may face discrimination in accessing services. For example, some headings such as gender and disability are often specifically referenced in public sector duty assessments, but 'membership of the Traveller Community' is often not, which is concerning since the Equal Status Acts 2000–2018 prohibit discrimination on that ground.¹

Moreover, this research has identified significant differences between the Traveller Community's experience in the Cork and North Cork area, and perceptions regarding different public sectors (e.g. generally positive experience with health care, mixed experiences with education, and negative experiences with accommodation/local authorities). Likewise, there is uneven application of the public sector duty by public sector bodies, for example in proactively identifying and addressing any equality and human rights issues arising within their service and providing clear publicly available reports that demonstrate the measures taken and progress made in rectifying the issues. The Cork County Council Equality Review in respect of Traveller Accommodation, carried out by IHREC in 2021, noted in reference to the County Council's reporting that:

"The Equality Review and the TAP, however, make no reference to the Public Sector Equality and Human Rights Duty. There is no reference to an assessment of equality and human rights issues relevant to this function being undertaken, as required under the provisions of the duty, and no indication of any process to consider and respond to such an assessment in the preparation of the TAP."²



¹ IHREC, A Guide to the Equal Status Acts.

² IHREC, An Account of the Equality Review carried out by Cork County Council in respect of Traveller-specific Accommodation (2021) p.25.

The reasons for the significant differences in experience and perception of different public services need to be further explored. This report provides a snapshot of the plans developed by 14 public sector bodies at national and county level. Additionally, feedback from the key informant interviews and focus groups of Travellers as service users highlighted thematic areas for improving engagement with and implementation of the public sector duty:

Community Engagement and Partnership Collaborations – both key informants and Travellers identified the importance of building relationships of trust. Evidence of success was identified in the levels of engagement with health and further/higher education providers – where communication around issues and barriers to access have been more readily acknowledged, and collaboration on solutions have yielded better outcomes. For example: the HSE Traveller Health Unit, which brings different health service providers together with Traveller organisations to identify and develop programmes collaboratively,³ and the SOAR project,⁴ a cluster of higher education providers who are collaborating with Traveller organisations to increase access and participation in higher education. One key informant identified the disbandment of the Traveller Inter-agency Group as a lost opportunity for cross-sectorial working, which could strengthen relationships and build trust.

Leadership – Without leadership that promotes engagement with the public sector duty, staff working in those bodies will see the duty as an optional part of their work and may not recognise the importance that every interaction can have in promoting equality and human rights. Leadership at all levels is needed to tackle institutional discrimination and in doing so, create an environment that proactively works to ensure equality measures are enacted.

Visibility of Travellers in Public Sector Bodies – the visibility, engagement and participation of Travellers across public sector bodies can improve inclusion and understanding of Travellers as service users and staff.

Accountability – There is a need to ensure on-going and public-available independent review of compliance by public sector bodies. As IHREC have noted, public sector bodies must “undertake a detailed human rights and equality assessment which should be evidence-based, for example drawing on information from civil society and other public bodies, as well as incorporating consultation with both staff working for the public body and service users.”⁵ There is currently little evidence available to assess whether public bodies have engaged with Travellers in the development of those assessments, given the 2014 Act does not set out a specific obligation to report on the nine protected grounds of the Equal Status Acts. The need for disaggregated data is essential, and for a national audit of assessments, underpinned by a regulatory requirement across the nine grounds.

Legislation and Policy – more needs to be done to equality proof legislation and policies to ensure that marginalised communities, such as Travellers, are not unfairly impacted or that there are unintended consequences which will have a negative impact on them.



Charleville Women's Group and children performing their play "No Fixed Abode"

³ See for example: HSE Traveller Health Unit, Traveller Healthy Minds Project.

⁴ The SOAR Project, Travellers in Education.

⁵ IHREC, Implementing the Public Sector Equality and Human Rights Duty (March 2019), p.25.

B) Recommendations

IHREC:

- To undertake a national audit examining the implementation of the public sector duty for Travellers.
- To examine the benefits of establishing public sector duty advisory committees at local level, comprised of relevant stakeholders and local public services leads, to assess and monitor ways to better deliver public sector duty objectives and to drive the changes needed in each sector.

Public Bodies:

- To promote accessibility, and ensure monitoring and governance, public sector bodies should be required to publish separate public sector duty reports (whether classified as Assessments / Action Plans / Implementation Plans / Strategies) which would supplement information provided in their annual reports.
- Should continue to develop and expand the content of their public sector duty assessments; in particular by examining in more detail the differential experiences and needs of protected groups who may face discrimination.
- To promote a comprehensive approach to tackling discrimination and inequality against Travellers, public sector bodies should undertake an integrated analysis of their legal obligations under both the public sector duty in the 2014 Act and membership of the Traveller Community as a protected category in the Equal Status Acts 2000-2018.
- Ensure the national rollout of properly resourced trauma-informed, anti-racism and Traveller competency standardised training which is Traveller-led and delivered for staff of public bodies, such as Traveller Cultural Awareness Training (TCAT). This training should be a compulsory part of training for all public sector workers.

Legislation and Policy:

- Equality proofing needs to be carried out to ensure that legislation and policy development do not negatively impact on those who have protected status under the nine protected grounds under the Equal Status Acts 2000-2018. In particular, the Government should expedite the National Equality Data Strategy,⁶ including a Traveller ethnic identifier and engagement with Traveller organisations in oversight and development, and ensure that all Government administrative systems are monitored in regard to access, participation and outcomes of Travellers as a means of informing and improving evidence-based policies and services.

Implementation

- Government departments with delegated actions attached to the National Traveller and Roma Inclusion Strategy⁷ should report on the actions undertaken, as part of their public sector duty reporting, to ensure implementation is comprehensively assessed. These departments should also be mindful of the need to include Travellers and Traveller representative groups in the wider formulation of policies and goals.

Accountability:

- Leadership within public bodies must be held accountable for any failures to implement actions and engage with relevant stakeholders in regard to their public sector duty. This may require a strengthening of IHREC's powers under the 2014 Act to ensure compliance by public sector bodies with the duty. A key monitoring and bridging role between public sector bodies and Travellers and Traveller organisations can be played by national organisations such as IHREC, the Office of the Ombudsman, and the Special Rapporteur on Child Protection, as well as civil society organisations.
- Local and national politicians play an important role in supporting the public sector equality and human rights duty. Consequently, elected representatives and political parties should proactively engage with Travellers and Traveller representative groups to ensure their policies and conduct are compliant with the public sector duty and non-discrimination legislation.

⁶ Minister for Children, Equality, Disability, Integration and Youth, Roderic O'Gorman, announced the development of a National Equality Data Strategy in March 2022. See: www.gov.ie/ga/preasraitis/5a7f4-minister-ogorman-announces-the-development-of-a-national-equality-data-strategy/.

⁷ Department of Justice and Equality, National Traveller and Roma Inclusion Strategy 2017-2021 (June 2017).

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Traveller Ally and Proud, poster design by Francesca Hutchinson

Annex I: References to the nine protected grounds in selected Public Sector Duty reports

	Date	No of pages	Gender	Marital / civil status	Family status	Age	Disability	Sexual orientation / LGBTQI+	Race / Black & ethnic minority people	Religion	Traveller Community
			No of references	No of references	No of references	No of references	No of references	No of references	No of references	No of references	No of references
An Garda Síochána: Human Rights Strategy 2022-24	2022-24	28	1	-	-	-	1	-	1	-	-
Courts Service: PSD in the Courts Service	2021-22	8	1	-	-	-	1	-	-	-	-
Department of Justice: PSD Assessments	2019	65	17	1	2	2	9	15	5	5	2
Department of Public Expenditure & Reform: Annual Report 2021	no date	1	-	-	-	-	-	-	-	-	-
Department of Transport: PSD Assessment & Action Plan	no date	8	-	-	-	1	5	4	-	-	-
Dublin City Council: PSD Implementation Strategy and Action Plan	2020	10	-	-	-	-	-	-	-	-	-
Limerick & Clare Education & Training Board: Assessment of Equality and Human Rights Issues	2021	32	34	3	4	23	30	53	4	6	62
Meath County Council: PSD Implementation Plan	Apr-21	8	4	2	2	2	2	2	2	2	2
Office of the Ombudsman: PSD Action Plan	2022-25	6	-	-	-	-	5	-	-	-	-
Property Registration Authority: PSD Progress Report on Implementation	Oct-21	14	5	2	2	3	16	7	2	2	3
Revenue Commissioners: PSD Action Plan	2018-20	2	-	-	-	1	3	-	-	-	-
South Dublin County Council: PSD Framework	2022	20	2	1	1	2	3	3	7	1	7
Tipperary County Council: PSD Implementation Strategy & Action Plan	Jan-22	8	-	-	-	-	-	-	-	-	-
University College Cork: PSD Assessment	no date	10	7	-	-	1	3	-	-	-	-

Annex II: Community Questionnaire

Are you a member of the Traveller Community?

Yes ☐

No ☐

Are you:

Male ☐

Female ☐

What age group do you fall under:

16 – 24 ☐

24 – 40 ☐

40 – 55 ☐

55 – 70 ☐

70 and over ☐

In the past 6 months have you had contact with any of the following:

Cork County Council ☐

Education sector: Schools, primary / secondary ☐

Adult education / ETB ☐

Health Services: Doctor ☐

Mental health services / Camhs ☐

Other health services – give examples ☐

Was your contact positive – give details:

Was your contact negative – give details:

Annex III: Key Informants Questionnaire

A short explanation of the research topic will be explained to the interviewee before commencement.

Do you wish to remain anonymous?

Yes ☐
No ☐

What sector of the public sector do you work in?

Education ☐
Accommodation ☐
Health / Mental Health ☐
Employment ☐
Justice ☐
Other ☐

If you do not work in the public sector, what organisation do you represent?

Questions:

1. Does your organisation have an up-to-date strategy report?
2. Are you familiar with the terms of this report?
3. Are you familiar with the Irish Human Rights and Equality Commission Act 2014?
4. What do you believe are the barriers to employment are for the Traveller Community?
5. What do you believe are the barriers to education are for the Traveller Community?
6. What do you believe are the barriers to health / mental health are for the Traveller Community?
7. Are you aware of TCAT training (Traveller Cultural Awareness Training)?
8. Do you think specific Traveller cultural training would be beneficial for those working in public sector organisations? Can you explain your answer?
9. What type of supports are needed, in your opinion, to enable public sector staff engage constructively with members of the Traveller Community?



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