

Issues affecting Travellers and Roma

SUMMARY OF KEY ISSUES FROM PREVIOUS CYCLES

Ireland supported or partially supported nine recommendations arising from its last UPR review in relation to the inclusion of (and elimination of discrimination against) Roma and Travellers. For example, Ireland supported: Rec 135.144 (Chile): Continue to strengthen the basic rights and non-discrimination of the Roma and Travellers. Ireland also supported:

Rec 135.145 (India): Adopt a progressive Traveller and Roma Inclusion strategy;

Rec 135.146 (Lebanon): Activate the policies of integration of Travellers and Roma in all social, economic, cultural, political, educational, and other policies, and;

135.147 (Spain): Give special emphasis to employment, access to health care and the right to housing in the application of the national strategy on the inclusion of Travellers and Roma.

NATIONAL FRAMEWORK

The Government of Ireland adopted a National Traveller and Roma Inclusion Strategy for the years 2017 to 2021.

The primary piece of legislation in relation to Traveller Accommodation is the Housing (Traveller Accommodation) Act 1998.

The Habitual Residence Condition (HRC) is a qualifying condition for all means-tested social security payments and Child Benefit under which an applicant has to show a connection to the State.

Ireland's equality legislation and Civil Legal Aid Scheme are discussed in separate Fact Sheets.

CHALLENGES

1. In 2019, a report from an independent review group established by the Irish Government stated that the legislation in relation to the provision of Traveller accommodation must be "overhauled", in order to address "overcrowding" and "extremely high rates of Traveller homelessness". The Report criticised the absence of protections in Irish law for Traveller families faced with evictions.
2. The strict application by local authorities of a non-statutory departmental circular which purports to exclude certain categories of non-Irish nationals from accessing social housing supports, creates a particular difficulty for Roma and other EEA Nationals seeking to access social housing.

IMPACTS

The UN Independent Expert on Extreme Poverty and UNCESCR have both expressed concerns about the discriminatory impact of the Habitual Residence Condition on vulnerable and marginalised groups. In 2015, UNCESCR specifically recommended that Ireland "review the habitual residence condition so as to eliminate its discriminatory impact on access to social security benefits, particularly among disadvantaged and marginalized individuals and groups, and ensure the consistent application of the criteria by providing clear guidelines and training to the relevant officials".

In March 2016, the UN Committee on the Rights of the Child (UNCRC) criticised "drastic reductions" in the capital budget for the provision of Traveller accommodation over a ten-year period.

Further, in December 2019, UNCERD highlighted its concern at "the persistent underspending of available budgets by local authorities on culturally appropriate housing for Travellers".

CHALLENGES

3. The recent Roma in Ireland: National Needs Assessment report set out the difficulties faced by the Roma community in accessing public services. This assessment established that 14% of Roma adults in Ireland reported having no income. The report also identified the impact of European Directive 2004/38 (on the freedom of movement and residence) and the Habitual Residence Condition as key factors in many Roma not being entitled to employment and training supports, social protection (including Child Benefit) and housing supports.

IMPACTS

In its decision in *ERRC v Ireland*, the European Committee on Social Rights found that Ireland violated the Charter by failing to provide safe and adequate accommodation to Travellers. They also found that certain legislation violated Article 16 of the Charter by failing to provide adequate safeguards for Travellers threatened with eviction.

Roma face significant difficulties satisfying the HRC due to lack of documentation, proof of address and language and literacy skills. FLAC is concerned that the application of the Habitual Residence Condition by the Department of Social Protection is having a disproportionate negative impact on Roma, which is not necessarily dictated by EU law.

RECOMMENDATIONS

1. Ireland must implement UNCERD and UNCRC's recommendations in relation to the provision of Traveller Accommodation and to ensure adequate safeguards against forced evictions.
2. Ireland must urgently implement the recommendations set out in the *Expert Review Group on Traveller Accommodation*.
3. Ireland must address barriers faced by Roma in Ireland in accessing public services such as housing and social security, particularly those created by the application of the Habitual Residence Condition (in the context of social security) and Housing Circular 41/2012.
4. Ireland must implement UNCESR's recommendation to review the Habitual Residence Condition "so as to eliminate its discriminatory impact on access to social security benefits, particularly among disadvantaged and marginalized individuals and groups".

QUESTIONS

Will Ireland provide a specific timeframe for the implementation of the the recommendations set out in the Expert Review Group on Traveller Accommodation?

SOURCES

FLAC Submission to the Office of the United Nations High Commissioner for Human Rights: Third Review of Ireland under the UN UPR Mechanism, available at: <https://www.flac.ie/publications/flac-submission-to-the-office-of-the-united-nation/>

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