



Public Consultation on the development of a Revised National Traveller & Roma Inclusion Strategy in Ireland

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Overview

Nasc, the Irish Immigrant Support Centre, is a non-governmental organisation working for an integrated society based on the principles of human rights, social justice and equality. Nasc (which is the Irish word for link) works to link migrants to their rights through protecting human rights, promoting integration and campaigning for change. The information we present in this submission is based on our experience providing legal advocacy and support for Roma living in Ireland.

Contact Details

Fiona Finn, CEO
Nasc, the Irish Immigrant Support Centre
Ferry Lane,
Off Dominic Street
Cork
PH: (021) 450 3462
Email: fiona@nascireland.org

Submission to the National Traveller and Roma Inclusion Strategy Steering Group on the Development of a Revised National Traveller & Roma Inclusion Strategy in Ireland

I. Introduction

Nasc, the Irish Immigrant Support Centre, is a non-governmental organisation working for an integrated society based on the principles of human rights, social justice and equality. Nasc (which is the Irish word for link) works to link migrants to their rights through protecting human rights, promoting integration and campaigning for change. Through our legal clinics, Nasc provides information, advice, and support to over 1,000 migrants and their families annually living in the Cork area. It is the only NGO offering legal information and advocacy services to migrants in Ireland's second largest city. We also assist migrants and ethnic minorities who encounter community-based and institutional racism and discrimination. Our campaigning work is informed by our day-to-day experiences working with migrants.

Nasc welcomes the opportunity to make an initial submission to the Steering Group on the development of a revised National Traveller & Roma Integration Strategy and the themes that will be highlighted in that Strategy. Nasc are one of only a few national organisations providing legal advocacy and support to this community and campaigning to vindicate and promote Roma rights in Ireland. Our main interaction with the Roma community has been through our free legal service. The primary issues that emerge for this community are to do with access to employment and social protection, and racism and discrimination. Since 2011, we have achieved a number of successful outcomes for individual members of the community, which has allowed our work with the community to expand. The efficacy of our legal advocacy and strategic litigation work on behalf of the Roma was demonstrated in February 2012 when the state reversed its policy on access to employment in the state for Romanian and Bulgarian national parents of Irish children. In May 2013, we launched our groundbreaking report on the structural discrimination the Roma community experiences in Cork, titled 'In from the Margins – Roma in Ireland: Addressing the Structural Discrimination of the Roma Community in Ireland'. The report is based on two years of clinic work as well as focus groups and interviews with members of the Roma community.

Our legal service continues to assist Roma people in Cork, and we utilise the issues that present in the legal clinics to assess the barriers to social and economic participation that repeatedly arise for our Roma service-users so that we can work with policy makers to address the systemic issues facing Roma people who have made their homes in Ireland. In 2014, on foot of the publication of the Children's Ombudsman Emily Logan's report on

the Special Inquiry of An Garda Síochána, Nasc worked closely with the Gardaí to develop an anti-racism and ethnic profiling training. The training, which was then piloted in Autumn 2014 as part of Nasc's EIF funded anti-racism project, was successful in breaking down barriers and building a stronger and trusting relationship between the community and the Gardaí in Cork.

At the end of 2014, we were delighted to receive support for our Roma rights work from Open Society Initiative for Europe for a project entitled 'Making Roma Rights Real'. This project aims to vindicate the rights of the Roma community in Cork and nationwide through the provision of a Roma-specific advice and information service, strategic advocacy and policy campaigning and through leadership training for the empowerment of the community. Throughout our years of providing legal advocacy and campaigning on behalf of this community, we have long been critical of the existing National Traveller & Roma Strategy for failing to account for the unique barriers Roma experience as migrants and have called for the development of a stronger Integration Strategy that incorporates the participation and consultation of Roma, includes the adaptation of Traveller strategy goals to include Roma, highlights the development of Roma-specific initiatives and emphasises monitoring of that Strategy. We welcome the opportunity to feed our expertise into this process and to have input into the development of a stronger, more inclusive Traveller & Roma Strategy.

II. General Observations

The current National Traveller & Roma Integration Strategy (2011) is a flawed strategy. It is clearly a product of a top-down requirement from the European Union to implement a Roma Integration Strategy¹ and does not take a proactive approach to promoting the integration of Ireland's Traveller and Roma communities; it simply restates and summarises initiatives that were already in place when it was written. Although the document is principally concerned with Ireland's indigenous Traveller community, there are some references to non-Traveller Roma (migrant Roma) in the education section, linked to developing proficiency in the language, and again briefly under employment and housing. This criticism was echoed in the Third Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities (2012), which stated:

Although the Roma are given mention in the title of the National Traveller/Roma Integration Strategy adopted in 2012, and there is some reference to selected initiatives addressing their specific needs, the policy on Roma has not been given due attention by the authorities. While recognising that Roma are for most part recent migrants from other European countries, the

¹ Communication from the Commission to the European Parliament, The Council, the European Economic and Social Committee and the Committee of the Regions *An EU Framework for National Roma Integration Strategies up to 2020* (2011).

Advisory Committee notes that major problems faced by them as regards discrimination, access to healthcare, employment and housing require focused attention and specific policy measures by the authorities.

The Strategy does note that the Roma community in Ireland are primarily EU citizens and as such, have the same rights 'as any other citizen from their country of origin legally resident in the State' (National Strategy 2011, p. 3). However, there are clear disadvantages to the lack of attention to non-Traveller Roma in the Strategy, as it shows a failure to articulate the unique issues and barriers Roma experience in Ireland and the lack of targeted policies and initiatives to address those issues. Additionally, it is unclear from the Strategy whether Roma are entitled to partake in initiatives and schemes aimed specifically at Travellers, for instance membership on the National Traveller Monitoring & Advisory Committee. The most recent Opinion from the Advisory Committee on the Framework Convention for National Minorities noted in particular the lack of Roma on any consultative committees.

It is our contention that in drafting Ireland's inaugural National Roma Integration Strategy that the Common Basic Principles on Roma Inclusion were not adhered to, particularly in relation to the meaningful inclusion of Roma and Roma advocates and organisations. In addition, while it was accurate to describe non-Traveller Roma in Ireland as entitled to the same rights as any other citizen legally resident in the State, the experiences of Nasc's clients suggest that Roma who live in Ireland deal with specific forms of racism, discrimination, poverty and social isolation in ways that have not been appropriately documented or analysed in the development of that Strategy. While some of the barriers Roma experience overlap with those experienced by the Traveller Community, many of them are distinct and relate to their migrant and nomadic status. Finally, there has been little or no research conducted by the State into Roma living in Ireland. Until such time as a survey of Roma people living in Ireland is conducted, the State will not be in a position to begin to consider what particular strategies are needed in respect of them. The design, implementation and evaluation of policies and projects should not be based on preconceptions but on the actual situation and experiences of the Roma.

To develop of clear targeted Roma-specific Strategy, active participation of the Roma in the development and implementation of the Strategy must be sought. The State must undertake research to determine how many Roma are currently living in Ireland and what their needs are. The Strategy must take into account the complexity of the issues facing Roma – as distinct from Traveller – people living in Ireland, and specific measures must be set down to address the discrimination and racism experienced by Travellers & Roma. The manner in which Ireland drafted its Roma Integration Strategy, coupled with inadequate legislation in place to address discrimination, is a poor reflection of Ireland's stated commitment to equality and human rights.

III. Nasc's Views

In this section, we will address the three questions raised in the *Background Paper for the 2015 Consultation Process Phase 1*.

a. Additional NTRIS Themes

Nasc supports the themes suggested in the Background Paper and would like to recommend the inclusion of three additional themes: Roma participation / inclusion, Criminal Justice / Policing, and Poverty / Social Protection

Roma Participation / Inclusion

Key to the EU's Framework for National Roma Integration Strategies is the need to promote the Common Basic Principles on Roma Inclusion, which includes the active participation and inclusion of Roma in the development and implementation of any initiatives and strategies targeting the Roma community. This includes a meaningful consultation process where the views of Roma (as distinct from Travellers) are actively sought and included. Nasc believes this should be incorporated as a cross-cutting theme throughout the Revised Strategy, to ensure that it is acted upon in a holistic way. Nasc notes with some dismay that, with the exception of Pavee Point, there are no Roma stakeholders present on the NTRIS Steering Committee, and that this exclusion will only function to continue to marginalise non-Traveller Roma in the development and implementation of a Revised Strategy.

Criminal Justice / Policing

Nasc recommend that the issue of criminal justice and policing should be included as a theme, in order to ensure that there are targeted initiatives aimed at tackling ethnic profiling and stereotyping of the Roma and Traveller Communities and to promote positive tools for building better relationships between these communities and the criminal justice system.

There is a widely acknowledged link between the discrimination Roma experience throughout Europe and the stereotyping of Roma as criminals. This link has created a perception that Roma are threats to public order. The treatment of Roma by police and social services providers tend to consider Roma as 'socially unadaptable' rather than members of a marginalised and vulnerable minority. This has some resonance in the Irish context. As a visible community on the margins of society, Roma are expected to adapt and conform to Irish societal norms

while facing considerable barriers in accessing employment, social protection and housing, all of which are essential elements for a community to integrate and adapt to life in the host country. The fact that Roma engage in what can be considered ‘socially unacceptable’ behaviour such as begging and petty theft, both of which are driven by poverty and deprivation, bolsters this notion of the Roma as ‘unadaptable’ and ‘criminal’.

The stock response from the State is often to punish and criminalise this so called ‘problem’ community, by adopting a crime control model of criminal justice, and a shift away from a focus on individual liberties and rights to an emphasis on increased police and prosecutorial powers to tackle crime. This model tends to disproportionately impact those from lower socio-economic groups and marginal communities – the most obvious example in the Irish context being the introduction of ‘begging’ legislation in 2011 (the Criminal Justice (Public Order) Act, 2011), which was referred to anecdotally by TDs in the Dáil during the debates on the legislation as the ‘Roma begging law’. There are a number of consequences to the adaptation of a strict crime control approach; firstly, offenders can become locked into a cycle of begging and further offending in order to pay off fines, which in turn leads to ever increasing sanctions. Secondly, alternative means to make money may be resorted to which could include prostitution, theft and shop-lifting to repay fines. This approach is counter-productive as it may lead to an increase in criminal behaviour as opposed to preventing or reducing it. Roma – in particular women – are a visible minority and as the begging legislation is reliant to the discretion of the Gardaí, the law on begging has the potential to promote ethnic profiling. In addition, imprisoning impoverished women for the non-payment of fines would appear to be an unduly harsh penalty for what is essentially a ‘crime’ of poverty.

In Nasc’s report, *In from the margins – Roma in Ireland* (2013), our research indicated that a high proportion of Roma, in particular women, come into direct conflict with Gardaí. The findings from our research indicate that the Roma, from a policing perspective, are viewed as a clear threat to public order and are policed accordingly. These findings were borne out the following year with the findings of the Children’s Ombudsman on the removal of two Roma children from their homes.²

The relationship between a community and its police force has a significant impact on the integration and social inclusion of that community. The labelling of a whole community as criminal and the manner in which the begging legislation appears to be administered, does very little to cultivate a positive relationship between the Gardaí and the Roma community. Without seeking to confer victim status on the Roma, Nasc would argue that the Gardaí and the wider criminal justice system need to be aware of and consider the distinct needs and experiences of Roma in the course of their interactions with them, and that these issues must be explored in the context of the Revised Strategy. In addition, the role ethnic profiling may play in targeting of this community as

² Children’s Ombudsman Emily Logan, *Garda Síochána Act 2005 (Section 42) (Special Inquiries relating to Garda Síochána) Order – Report Submitted to the Department of Justice and Equality 2013 (2014).*

a ‘problem’ community must be examined, and initiatives put in place to ensure that the ethnic profiling of the Roma community is effectively tackled by An Garda Síochána both through policy and legislative reforms.

Poverty / Social Protection

Although we are aware that the issue of poverty underpins all of the themes included in the Background Paper, we believe that it should be highlighted as a cross-cutting theme, as it impacts on inclusion and access to all of the other themes. In particular, issues relating to access to social protection – particularly as it applies to migrant Roma – must be included as a distinct theme, as it impacts heavily on Roma people’s ability to integrate and indeed participate in other themes, such as education, health and employment.

In Nasc’s experience, access to social protection is the single greatest issue presenting in Nasc’s legal clinics for Roma clients. In the course of our research for our 2013 report, we identified two main barriers for Roma: the habitual residence requirement and the availability to work requirement. Two recent reports co-authored by Nasc, *Person or Number?* (2012) and *Person or Number? 2* (2015) revealed that migrants in general are experiencing a number of barriers in accessing social protection, including: poor information provision, verbal abuse, processing delays and lack of knowledge about rights and entitlements. This situation is amplified for Roma, who are experiencing significant delays in processing applications and a marked resistance to grant payments to Roma, as well as misapplication of the HRC, verbal abuse and excessive requests for additional and unnecessary documentations. This leaves a significant proportion of migrant Roma without access to social protection, and therefore in a dire state of poverty and deprivation, highly at risk of homelessness and destitution.

To refer to the above section on criminality and the issue of begging, it is Nasc’s contention that Roma do not choose to beg; this contention is supported by other NGOs and organisations working with the Roma throughout Europe. Our work with the community and the findings in our 2013 report dictate that the majority of Roma who engage in begging do so out of necessity. They have no access to state supports and are periodically homeless. These issues must be discussed and highlighted in the Revised Strategy.

b. Priorities

As we mentioned in Section II: General Observations, Nasc believes that Roma inclusion and participation must be targeted and prioritised throughout the Revised Strategy. Not only does this mean the key Roma stakeholders must be included in both the development and the implementation of the Revised Strategy in a meaningful way, but it also means that the unique issues and barriers that impact non-Traveller Roma must be

discussed within every theme, and every initiative and strategy must take into account the situation and experience of non-Traveller Roma. Where Traveller initiatives or strategies are already in place, it must be made clear that Roma are eligible to take up these initiatives. When that is not possible or practicable, then Roma-specific initiatives must be implemented and resourced. We cannot run the risk of duplicating the errors of the last Strategy, where Roma were simply tacked on at the end of some sections and their specific needs were not addressed.