

Input Bernard Joyce Director of the Irish Traveller Movement

To the Oireachtas Justice Committee ‘Minorities engaging with the justice system’

Thank you, chairperson and members of the committee, for the opportunity to highlight matters for Travellers engaging with the Justice System.

There are numerous and very particular barriers for Travellers in accessing legal support and justice such as shortcomings in **civil legal aid** given its limited scope to; provide representation in accommodation, in discrimination under the Equal Status Acts, access to services, housing, education, for social welfare appeals, as well as in employment cases. There are also restrictions in the scheme under section 28⁽⁹⁾ of the Civil Legal Aid Act 1995 where someone is served with an eviction notice.

Travellers have problems accessing **private legal services** given the costs associated, discrimination from private firms, a lack of cultural competency within the services, and of specialised equality law.

There is no **specialised Traveller law service**, or collective data set to work from, therefore the extent of Traveller’s legal needs are systemically undermined. The role in representation before the courts and tribunals by IHREC, and more recently by the FLAC Traveller legal Service and independent law centres, is critical but inadequate to the demand. There is need for a State supported Independent Law Centre for Travellers which is supported by the Council of Europe, who in 2017 made four overarching recommendations to Member States under Article 6 of the European Convention on Human Rights, given Traveller and Roma's distinct and intersectional need for access to justice across the Union.

The Irish Traveller Movement have also long reported concerns in relation to a review of Hate Crime legislation and we welcome the work in this area and endorse the campaign for the review of the Equal Status Act, given the context outlined here.

We want to draw the Committee’s attention to two very notable barriers for Travellers in legal instruments, the Intoxicating Liquor Acts 2003 – 2008 and the Criminal Justice (Public Order) Act 1994 and the Housing (Miscellaneous Provisions) Act 1992.

We have called for review of Section 19 of the Intoxicating Liquor Act 2003, since cases against licensed premises were diverted to the District Court from the Equality Tribunal, and the subsequent impact on Travellers, who had referred most of those complaints. Since then there are significant reductions in complaints taken and courts records show in 2016, **26 out of 28** applications to the district courts under Section 19 were lodged by Travellers, with **27 out of 28** of being struck out, withdrawn or adjourned and in 2017, of the **51 out of 52** taken by Travellers, **50** were struck off, withdrawn or adjourned.

In noting this, The Advisory Committee to the Framework Convention on National Minorities in 2018 and the Committee on the Elimination of Racial Discrimination in 2019 called on the State to “change the existing procedure before the district courts or “provide an alternative mechanism, so victims of discrimination have the same procedural guarantees as those of an anti-discrimination body.”

For discrimination cases at the point of entry taken to the Work Place Relations Commission, the burden of proof is too arduous for Travellers given discrimination is so widespread to give practical effect or remedy where immediate redress is required. For example, where venues cancel for special occasions at the last minute, which requires financial burden, time and emotional upheaval and are so frequent, that Travellers don't report or take cases.

Additionally, when Cases of discrimination are won at the Workplace Relations Commission and subsequently appealed, these are heard at the District Court where legal representation is required at a cost, and Travellers contend unfair judgements have been made due to local bias in District Courts, where commercial businesses and their owners are well known and regarded by a higher standard.

Travellers are subject to evictions disproportionate to any other group in society, and the *Criminal Justice (Public Order) Act 1994 and the Housing (Miscellaneous Provisions) Act 1992* allows evictions to happen without alternative accommodation, or an appeals procedure, with a huge impact on children and those with a disability. It allows for the removal of families within 24 hours, and often conducted at times when they can't access legal services, such as on Friday afternoons. And many wouldn't be familiar with or have finance to seek private legal services.

Without an eviction register, determining the extent is not possible, which undermines the problem and prevents adequate redress. **The European Committee of Social Rights in 2016 found Ireland** to be in violation of Article 16 of the Charter on 5 grounds, 3 of which relate to the States' inadequate safeguards for Travellers threatened with eviction”.

These evictions are widespread, well documented and worsened by the under delivery of Traveller accommodation. To date Ireland remains in violation, despite calls from the Committee in 2018 and 2020.

The many considerable difficulties for Travellers in accessing justice have been outlined in further in our submission to the Committee, and myself and my colleague Jacinta Brack welcome the discussion here to highlight those matters.

Many thanks.