

DÁIL ÉIREANN

AN CHOMCHOISTE UM DHLÍ AGUS CEART AGUS COMHIONANNAS

JOINT COMMITTEE ON JUSTICE AND EQUALITY

Dé Céadaoin, 9 Samhain 2016

Wednesday, 9 November 2016

The Joint Committee met at 9.00 a.m.

MEMBERS PRESENT:

Deputy Jack Chambers,	Senator Frances Black,
Deputy Clare Daly,	Senator Niall Ó Donnghaile.
Deputy Jim O'Callaghan,	
Deputy Mick Wallace,	

In attendance: Senator Colette Kelleher..

DEPUTY CAOIMHGHÍN Ó CAOLÁIN IN THE CHAIR.

Recognition of Traveller Ethnicity: Discussion

Chairman: We have received apologies from Deputy Alan Farrell. This is the first of two sessions today. We are about to begin with representatives of Pavee Point, Mincéirs Whiden and Ms Anastasia Crickley, chairperson of the UN Committee on the Elimination of Racial Discrimination a discussion on the recognition of Traveller ethnicity, one of the priority issues we have identified in our work programme for 2016. I welcome Mr. Martin Collins and Mr. Ronnie Fay, directors of Pavee Point Traveller and Roma Centre; Mr. Thomas McCann from Mincéirs Whiden and Ms Anastasia Crickley, chairperson of the UN Committee on the Elimination of Racial Discrimination. On behalf of the joint committee, I thank them for their attendance to discuss this very important issue. The first session will be followed by engagement with Dr. Robbie McVeigh on the same topic.

The format of the meeting is that the delegates will be invited to make a brief opening address which will be followed by a question and answer session. Witnesses are protected by absolute privilege in respect of the evidence they are to give to the committee. If they are directed by it to cease giving evidence on a particular matter and continue to do so, they are entitled thereafter only to qualified privilege in respect of their evidence. They are directed that only evidence connected with the subject matter of these proceedings is to be given and asked to respect the parliamentary practice to the effect that, where possible, they should not criticise or make charges against any person or an entity by name or in such a way as to make him, her or it identifiable. Members are reminded that under the salient rulings of the Chair, they should not comment on, criticise or make charges against a person outside the Houses or an official, either by name or in such a way as to make him or her identifiable.

Mr. Martin Collins: I thank the Chairman, Deputies and Senators. Pavee Point welcomes the opportunity to engage with the all-party Oireachtas Joint Committee on Justice and Equality on the very important issue of the recognition and acknowledgement of my community's ethnic identity. From the outset I wish to convey our huge disappointment and deep frustration at the fact that the State continues to deny us our ethnicity and identity. That said, we hope the work, interest and commitment shown by the committee will give added impetus and encourage the Government to show political leadership and unequivocally, through the Taoiseach, make a declaration in the Dáil that the Parliament, the State and the country recognise the distinct ethnic identity of my community. The persistent refusal of the State to recognise our ethnic identity is untenable and diminishes our standing in the international community, almost to the point of embarrassment.

Pavee Point Traveller and Roma Centre has been campaigning and advocating for over 30 years that my community constitutes a distinct ethnic minority and should be recognised as such. We have the support of many academics and many international human rights monitoring bodies, the most prominent of which is the UN Committee on the Elimination of Racial Discrimination, CERD. In 2005 and 2011 the CERD reported on Traveller ethnicity. In the latter report, the committee recalled its previous concluding observations and general recommendation No. 8 on the principle of self-identification and expressed concern at the State party's "persistent refusal" to recognise Travellers as an ethnic group, notwithstanding that they satisfied the internationally recognised criteria. In an Irish context, we have the support of the Irish Human Rights Commission and this committee's predecessor. We also know that the Attorney General's office has advised that there would be no costs or legal implications arising from the recognition of Traveller ethnicity. A body of evidence has been provided which is legal, socio-

logical and anthropological in nature and which conclusively confirms that Travellers constitute a distinct ethnic group.

The CERD's recommendation No. 8 asserts that the principle of self-identification apply if no objective justification can be put to the contrary. Traveller organisations, with the support of international human rights groups and domestic human rights organisations, have established a *prima facie* case and the burden of proof now rests with the State to disprove Traveller ethnicity. In its attempts to disprove Traveller ethnicity during the years the State has raised a number of issues, one of which is consensus, but nowhere in international law is consensus required in terms of self-identification and the recognition of Traveller ethnicity. Another issue raised is cost, but we know from the Attorney General's office and the work of this committee's predecessor that there are no costs or legal implications arising. These substantive issues which have been put forward by the State in its attempts not to recognise or acknowledge Traveller ethnicity have been dealt with very convincingly. Therefore, one can only assume that the opposition or the objection is ideological in nature.

The recognition of Travellers as a minority ethnic group is not the subject of some abstract, ideological debate. The recognition of our ethnicity is fundamentally a human rights issue which has implications for policy development and service provision as my colleague, Mr. Ronnie Fay, will outline. The acknowledgement of our ethnicity will send a very powerful and symbolic message about respect, inclusion and recognition. It is about validating our history, culture and language. It is not, as some argue, about making us less Irish. There is no conflict between nationality and ethnicity. I am very proud of my Irishness and Travellerness. Recognition would have a very powerful impact on our collective self-esteem, confidence and status in Irish society. It is my strong and long held belief that in the absence of this recognition, the subtext to the narrative continues to be one of viewing my community as dysfunctional, primitive and comprising people who need to be rehabilitated and civilised. This racist ideology feeds into internalised oppression, which in turn creates shame, low self-esteem, depression and suicide. We are all familiar with the stark suicide rates within our community, which are almost seven times higher than the national average.

In May 2015, the Government and people of this country showed great leadership, courage and generosity by amending our Constitution to allow for marriage equality. We are asking for the same leadership, courage and generosity to be extended to my community.

Chairman: I thank Mr. Collins. I call on Ms Fay.

Ms Ronnie Fay: Good morning. While we say that we are frustrated at having to attend yet another Oireachtas committee meeting, we welcome that this committee is keeping the issue on the political agenda. At this stage, it is up to the State to explain its rationale for refusing to grant recognition despite the recommendations of a range of UN treaty monitoring bodies, European institutions and Irish equality and human rights organisations, as well as a report of the previous Oireachtas justice committee.

It is ironic that Irish Travellers are recognised as a minority ethnic group in Britain and Northern Ireland whereas that recognition is yet to be afforded here in their country of origin. I will not restate many of the arguments because Mr. Collins has summarised them and many committee members agree with them and understand the evidence. Our sister organisations and the Irish Human Rights and Equality Commission, IHREC, articulated them in detail at the committee's previous sitting. Instead, Pavee Point would like to focus on three policy areas where the non-recognition of Traveller ethnicity has profound implications.

RECOGNITION OF TRAVELLER ETHNICITY: DISCUSSION

First, Pavee Point disputes the assertions of many Governments since 2005 that recognising Travellers as a distinct ethnic group would have no beneficial implications for Traveller status in Irish society. They told the UN committee: “To define Travellers as an ethnic minority would not entitle Travellers to any additional rights or protections”. The Government is only correct in so far as being a Traveller is named as a distinct ground for protection under Ireland’s equality legislation and is thus offered the protection against discrimination afforded by the legislation. However, the Government’s assertion that there would be no effect misconstrues our position and misses the point about the importance of respect for cultural identity. Pavee Point contends that the Government’s persistence in not recognising Travellers as an ethnic group reveals or reflects a mindset and policy project that continues to be assimilationist. This begs the question that, if Travellers are not a distinct community, then *ipso facto* they should be treated the same as the general population and incorporated into the general Irish population and they and their needs will become invisible, which is patently not the case.

Pavee Point contends that the persistence of this mindset has been a major contributory factor in ensuring that many of the key recommendations of the Government’s policies, including the task force, the national education and health strategies, the findings of the all-Ireland health study and so on, have not been implemented. It is most evident in local authorities’ assimilationist approaches to Traveller accommodation and their unstated policies to persuade or force Travellers to move into houses instead of implementing stated Government policy of a commitment to the development of Traveller-specific accommodation.

This assimilationist mindset has more recently been presented as mainstreaming, particularly by the Department of Education and Skills, and is used to justify disproportionate cuts in public investment in Travellers. I have provided a chart that uses the Government’s figures to show these cuts. For example, education was cut by 86.6%, from €76.5 million in 2008 to €10.2 million in 2013.

This June, the European Commission assessed Ireland under the EU framework for Roma integration strategies. Wherever one reads “Roma”, Irish Travellers are included. The Commission stated:

A mainstreamed approach is sufficient when outcomes are identical for all components of the target groups; when evidence shows a clear gap between the situation of Roma and Travellers versus the rest of society (e.g. regarding their health and housing situation), policies should be adjusted and specific measures should also be developed.

Given the demographic profile of Travellers, it is clear that neither the so-called mainstreaming approach nor denial of cultural ethnicity is serving Travellers well. My submitted presentation highlights some of the key facts, for example, 84% unemployment, many Travellers without access to running water, a mortality rate that is 3.5 times the national average, which includes child mortality and a suicide rate that accounts for 11% of all deaths at six times the national average, or seven times in the case of men. Only 13% of Travellers complete secondary schooling and less than 1% of Travellers go on to third level education. I am trying to show the link between the denial of cultural identity and its impact on outcomes.

Second, the lack of recognition of Travellers as an ethnic group demonstrates a continuing reluctance by the Government to acknowledge that Travellers experience racism. The Government position is that it acknowledges that Travellers suffer discrimination, but that they are protected as a specific ground in equality legislation and that this should be sufficient. The implicit Government position is that Travellers suffer a discrimination that is unique to Travellers and is unspecified but is not racism. Accordingly, Travellers have been excluded from important

Government and other initiatives to tackle racism over the years, including proposed legislation on hate speech. This was clearly evidenced when, in 2005, Pavee Point had to lobby the Government and embarrass it at the hearing in Geneva at the first International Convention on the Elimination of All Forms of Racial Discrimination, ICERD, report, citing how Travellers had been excluded from the Know Racism public awareness campaign and lobbying to be invited to be part of the national steering committee for the action plan against racism.

Since the Government axed the effective National Consultative Committee on Racism and Interculturalism, responsibility for anti-racism and interculturalism lies with the integration unit in the Department of Justice and Equality. This unit specifically deals only with migrant integration and excludes Travellers. How then can Travellers be included in anti-racism and intercultural initiatives as a right?

A further example of this was the potential exclusion of Travellers from the census question on ethnicity. Pavee Point lobbied for this question for many years. Ironically, when it was finally introduced, the only group that was to be excluded was the Traveller community because the State did not recognise its ethnicity. We had to lobby and get a compromise question, that being, "What is your ethnic or cultural background?" The cultural bit ensures that it is inclusive of Travellers.

Third, the Government position on Traveller ethnicity is contradictory and confusing to many outside observers. There are numerous examples of stated Government policy recognising Travellers as an ethnic group in all but name. The definition under the Equal Status Act 2000 is:

"Traveller community" means the community of people who are commonly called Travellers and who are identified (both by themselves and others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland.

While the question of what constitutes an ethnic group has not been defined in Irish law, the language used to define Travellers under the Equal Status Act is virtually identical to, and is clearly drawn from the definitions of, what constitutes an ethnic group under British law. In the landmark case that Mr. Martin alluded to, the British courts stated that, for a group to constitute an ethnic group, it must fulfil a number of conditions, including a long shared history and a cultural tradition of its own. It is ironic that Travellers are recognised as an ethnic group in the other jurisdictions but not in the Republic of Ireland. Personal accounts from Travellers in England show that they felt more respected as a result of the recognition of their ethnicity.

Pavee Point contends that the continued lack of recognition of Travellers as an ethnic group and the lack of explicit acknowledgment that they experience racism have much deeper consequences than an abstract sociological or ideological debate and are major contributing factors to the slow pace of change and the confused and sometimes contradictory policy approaches of Government interventions relating to Travellers in recent years. We are also mindful that recognition of ethnicity, in and of itself, will not be a panacea for Traveller inclusion in Irish society. However, it is an essential part of the jigsaw for creating the conditions where Travellers can feel respected, their cultural identity can be celebrated and the State can no longer discount the lived experiences of anti-Traveller discrimination and racism.

Chairman: Go raibh maith agat. I call Mr. McCann of Mincéirs Whiden to address the committee.

Mr. Thomas McCann: I thank members for the opportunity to present to the committee.

RECOGNITION OF TRAVELLER ETHNICITY: DISCUSSION

For people who do not know me, “Mincéirs Whiden” is Gammon, the Traveller language, and means “Travellers talking”. It is an all-Ireland Traveller-only forum of approximately 900 members. I am saying this so that the committee has some understanding of where I am coming from on this issue. I thank members for this opportunity to make a presentation and, as already has been stated, for a follow-on work to that done by the previous committee. A lot of good work and recommendations came out of that, which unfortunately were not acted upon.

It was the State that institutionalised the mindset that Ms Ronnie Fay and others have spoken of, that Travellers are a sub-culture of poverty and are a failed part of the settled community. It is akin to seeing the shadow of one self; that we are failed settled people who need to be rehabilitated. It was the State that institutionalised that mindset in the itinerancy report of 1963. It did not happen by accident. This has been continually reflected since the 1960s in policy, practice and attitudes towards Travellers, including all the Traveller children who went through schools, including myself. We nearly were educated to not be a Traveller. Mr. Martin Collins spoke of the internalised oppression and shame that comes from that. I am a psychotherapist and we see how it becomes internalised; when one cannot defend it as a child then one will internalise it. There is a lot of internalised shame and it has done damage to countless Travellers. Reference was made to suicide and mental health and I deal with that on a daily basis. I know Senator Frances Black from another arena with regard to mental health issues and I see internalised oppression and shame every day of the week, as well as how that internalised struggle is dealt with or sometimes how some people, unfortunately, cannot deal with it.

Many Travellers, as a result of being told so by their teachers and by the media, feel from the day they are born that they are failed settled people. That is the message the State has given to all Travellers. The State is saying that actually, the culture is not a valid culture, that really a Traveller is a failed settled person. It did not recognise any of the evidence that is there to the contrary and the State has not come up with anything so far. As I talk I get emotional about the matter because as Ms Ronnie Fay and Mr. Martin Collins have said, we have been dealing with this for 35 years. I re-read a leaflet recently from Minceir Misli another all-Traveller group I was with in the 1980s about the recognition of ethnicity. We are still here and the State continues to refuse it. We do not have equality in the State and we can never have equality in the State for Travellers until Travellers are recognised as an ethnic group. It is saying that one can have equality but really, the Traveller is a failed settled person. That is the message Travellers are getting. We cannot have full equality for Travellers until Travellers are recognised as an ethnic group in the State. As long as the State continues to deny Traveller ethnicity it is still working towards what is written in the 1963 Commission on Itinerancy report and named as the “final solution”.

I know the language has changed from “absorption” to “integration” but unless there is recognition of ethnicity, it is still assimilation. The end product is still the same. The language has changed and there has been some move towards change, but recognition of ethnicity is one of the crucial issues that underpin all the actions and the mindset, including the relationship between settled people and Travellers on this island. The national Traveller and Roma inclusion strategy, NTRIS, is being developed at present and we asked that “inclusion” be the term used rather than “integration” because the word integration really does not do what it says on the tin. If this strategy is not based on a recognition of Traveller ethnicity, then it is going to be based on the same mindset that has driven the policies in the State for generations and which has done countless damage to the relationships between settled people and Travellers but also to the everyday lives of Travellers themselves and to Traveller children on this island. It is through that recognition that we need to change. If we are going to make a change we need to

make it based on respect for cultural identity for all - as Mr. Martin Collins has said - and there is no conflict between ethnicity and nationality. I attended a lecture recently by a Nigerian lady who said there are some 350 different ethnic groups in Nigeria. For a moment I thought she was talking about the whole of Africa, but she was talking about the 350 ethnic groups in Nigeria. All are black, some spoke the same language some spoke other languages, negating the idea that one cannot have a separate ethnic identity without being of a separate nationality. That mindset needs to be challenged within Ireland because we are going to have a lot more ethnic minorities - and we already do - who will be Irish but of different ethnic origin. If that does not change, the annihilation of Traveller culture will continue and we will continue to see the conditions that Travellers live in, and we will continue to see people internalising their oppression that expresses itself in different ways, such as through addiction, suicide, self-harm or a complete and utter breakdown of a community. We can see it through homelessness, which is a huge issue in Ireland. Travellers really did not have an issue with homelessness. I know that we live in pretty poor conditions but we did not have an issue with homelessness up until about ten or 15 years ago. A person could get a trailer and move somewhere, but with the advent of the anti-trespass legislation we can no longer do that. The private rented sector or the market will not come in and do anything about that with regard to Travellers. We can see it already and more and more Travellers are becoming homeless. We need to address these issues. As we sit here there are people all over the State living in conditions they can no longer tolerate. Most of the people sitting on this side of the committee room are out there every day of the week and see it happening on the ground. I know that I get a bit emotional when I talk about these matters because it does affect me. I lived in it. I grew up in Cherry Orchard, one of the first big campsites in Ballyfermot. I lived in Labre Park and in a caravan most of my life. I saw it at the ground level but now it is even worse because people cannot move somewhere else. If the State does not recognise Traveller ethnicity I am not sure where the State is going with regard to equality. It is only words on paper and does not mean anything. I thank the committee.

Ms Anastasia Crickley: I thank the Chairman and the committee. I am chairperson of the UN Committee on the Elimination of Racial Discrimination, CERD, and for more than 30 years I have been engaged in solidarity work with Travellers and Roma organisations in Ireland, Europe and beyond. I am an academic at the National University of Ireland Maynooth and am proud to have taught more than 20 Traveller graduates. I suggest that quite a few of the 1% who were spoken of are actually our NUI graduates. They are graduates because key to that sort of positive engagement was an explicit recognition of Traveller identity and ethnicity and a very welcoming atmosphere to Traveller identity and ethnicity.

I thank the committee for the opportunity to engage with it today. I apologise if some of what I say repeats what my friends have already said. It is, however, important that perhaps the members hear some of it from us as part of the UN Committee on the Elimination of Racial Discrimination. I thank the members for their ongoing interest in this urgent and important matter for Travellers and for Irish society as a whole.

The International Convention on the Elimination of All Forms of Racial Discrimination, ICERD, which in 2015 marked 50 years since its adoption, is the first UN human rights treaty. In effect it came in during 1965 and was ratified in 1969. If we look to that period, we remember the terrible things that were happening with regard to apartheid in South Africa. That created the catalyst for this treaty. The 177 countries of the 192 member states globally of the United Nations have ratified the convention. The other countries that have not ratified it, there are one or two that I will not name, are some of the small island states-----

Deputy Mick Wallace: Is Ireland one of them?

Ms Anastasia Crickley: They are some of the small island states of the Pacific in particular where, to be honest, they have about 200 or 300 people and it is a bit difficult for them to manage all of these things.

Ireland ratified the International Convention on the Elimination of all forms of Racial Discrimination, ICERD, in 2000 and has reported twice to ICERD in 2005 and 2011. I now understand that the third report - if members can do the mathematics, they can work out that it is well and truly due - is being prepared and will be submitted next year with examination by the committee, probably in 2018. If at a later stage, the committee would like me to come and talk about wider issues associated with these matters, I would be very happy to do so.

CERD actively supports the widely international consensus regarding the rights of people to identify as members of particular ethnic groups and has called on states to acknowledge this self identification. CERD is a small convention with seven articles and is not too difficult to manage. The way we amplify and explain the issues we are dealing with is by general recommendations, of which there are 35. The last one is about hate speech, which I would suggest is also very relevant, as my colleagues have already mentioned, for Travellers in Ireland. Our general recommendation 27 furthermore recognises and seeks remedies for the particular discrimination faced by Roma and Travellers, which the committee felt needed to be directly named and identified. Sometimes in international documentation, the term used is "Roma" but you will normally find a footnote at the bottom of the page, certainly in CERD documentation, that says that the term is used in an overall way to include other groups like Travellers and Sinti. In our view, discrimination can and often does include identity denial and despol of identity, which, as my colleagues have said, has very particular effects and consequences for members of the community.

The concluding observations of CERD on Ireland, alongside those of a number of other UN treaty bodies and the reports of the working groups on Ireland's two universal periodic reviews of the overall state of human rights in Ireland - my apologies for all these short-cut terminologies - have consistently recognised and recommended that the Irish State should acknowledge Traveller ethnicity. In 2011, building on what Mr. Collins has said, which I will not repeat, and recalling general recommendation 8, we called on Ireland to pay particular attention to self identification as a critical factor in the identification and conceptualisation of Travellers as an ethnic minority group. Building on the previous recommendations we have already spoken to, we recommended that the State should continue to engage with the Traveller community and work concretely towards recognising Travellers as an ethnic group. This was in 2011 and I must be clear that we are now in late 2016. That engagement may have happened but the recognition has not yet been realised. In fact as has already been pointed out including here by Emily Logan of the Irish Human Rights and Equality Commission, there already is *de facto* recognition of Traveller ethnicity in Irish equality legislation with the definition of Travellers adopted by the Oireachtas for the Equal Status Act largely conforming to understood international definitions of ethnicity, including those used in British legislation. In addition, I would suggest that such recognition is also implied by the focus on discrimination and racism against Travellers in the State's reports to Council of Europe human rights bodies as well as to the UN bodies listed above.

There are no legal barriers to recognising Traveller ethnicity. Acknowledging the right of Travellers to be named as a minority ethnic group and as a full part of Irish society involves two important steps, namely, respect and recognition but these, as has already been pointed out,

must be in tandem with the third step, of the State assuming its responsibilities to create the conditions for a level playing field within which Irish Travellers can actively be full citizens in Irish society. This means, as has been pointed out by a variety of international bodies, full engagement and involvement with Travellers and their organisations in the design, organisation, implementation and management of programmes on their behalf. It means addressing the rights gaps that have been very well articulated by my colleagues here this morning that relate to accommodation, education and employment and with due regard to hate speech and due acknowledgement of the rights of Traveller women and children. All of these are well articulated in the recommendations made by various international bodies.

I suggest that there has been some work done in this area. There have been cutbacks but there has been some work that is ongoing. The National Traveller and Roma Integration Strategy could provide a very useful starting point but it needs resourcing and finalisation and it needs to be implemented as a matter of urgency. Acknowledgement of Traveller ethnicity will not directly address the widespread, entrenched and often structural inequalities and discrimination experienced by Traveller women, men and children in Irish society but it could begin to help the contradictions that have been articulated in particular by Mr. Fay and the reluctance to move to a rights-based framework. It could also help to assign the failed assimilation imperative, which my friends have already discussed, and its consequences for Travellers, along with the patently inaccurate conflation of ethnicity and nationality. What it will and can do, as someone who has seen this across a number of countries that have come before the UN Committee for the Elimination of Racial Discrimination, is to act as an important gesture of acknowledgement, respect and recognition, which cannot be underestimated for Traveller women, men and children and should not continue to be sidestepped.

Chairman: I thank Ms Crickley and the other contributors. I will now open it up to members.

Senator Colette Kelleher: The case is so strong and has been so clearly made that it is terrible that the witnesses have to go to the trouble of making it again but we will push on. If the Taoiseach or Minister stood up today in the Dáil and recognised Travellers, as this committee recommended two years ago in 2014, what would be the impact on the morale and mental health of Travellers, particularly in the wake of tragedies like Carrickmines? I am directing this question to Mr. McCann given his psychotherapy background. What is the impact of the foot-dragging of the Irish State in respect of recognising Irish Travellers on morale and mental health? That question is for all the witnesses.

Mr. Thomas McCann: It would send a very clear message to the Traveller community that this State recognises and validates its culture. It would not be a magic wand because we have dealt with and are dealing with generations of exclusion, racism and poverty. It would not change things overnight but it would start a process of healing in this State and begin to build confidence in the community. It is good that there is some funding for Traveller Pride week but recognition by the State would be a much stronger position from which to build Traveller pride in terms of this State recognising Traveller identity.

In terms of mental health, the denial of identity has a huge impact on mental health. Numerous pieces of work have been done on this by different people that relate to internalised shame, low self-esteem and denial of identity. Employment was mentioned earlier. There have been cases where when Travellers were employed and it was discovered that they were Travellers, many of them were let go. I sat on the board of the Equality Authority for eight years when it was first established and have seen cases coming through. People had to hide their identities

and still do in order not to be penalised. This has a huge impact on Travellers. It is hard to compare the situation of Traveller children. I tried to think of a comparison earlier. It might be comparable to colonisation or something. It is a colonisation of culture. The only comparison I could draw is that it is similar to when a country is colonised and an identity is eroded. I do not know whether the committee is familiar with some of the depictions of Irishness in *Punch* magazine. It is the same erosion of culture and has an impact on people. I am glad to see that has changed. Irish confidence and self esteem 50 or 60 years ago was in a very different place than it is today.

The families in Carrickmines are living on a reclaimed dump and face significant health hazards. They are waiting for accommodation that will probably not be delivered until the end of 2017, if it happens at all. As people know, there was a protest by residents when a field was identified for the families affected to move into. I know the families are living in terrible conditions because councillors visit them on a regular basis.

Ms Ronnie Fay: I wanted to respond to the question on mental health. The *International Journal of Epidemiology* conducted a review of all of the research examining the impact of racism on health. It found there is extensive evidence there is an association between self-reported racism and ill health after adjusting for a range of commonly-measured cofounders and that the strongest and most reliable association is between racism and poor mental health.

The all-Ireland Traveller health study showed that only 41% of Travellers had confidence and trust in the health service, as against 82% of the general population. It also showed that 40% of Travellers had experienced discrimination in accessing health services, compared to 70% of black Americans and 14% of Latino Americans. That shows that Travellers in Ireland experienced much higher rates of racism and discrimination than in other jurisdictions where there might be a perception that things are worse.

There is evidence of health inequalities in Ireland. The Department of Health has not convened the national Traveller health advisory committee since October 2012. Travellers are invisible in the forthcoming HSE service plan. The health inequality statistics for Travellers are the worst in the country. The social inclusion budget that has been allocated will deal with homelessness and drugs, which are major issues, but not one penny will go to Travellers. The Traveller budget was decimated even before the Celtic tiger.

Recognition of ethnicity will not be a panacea, but it will mean that people have to take the issues into account. Connecting for Life, the suicide strategy, shows that the rate of suicide among Traveller men is 6.6 times or seven times higher, accounting for 11% of Traveller deaths. Travellers are included with all other vulnerable groups. That shows the mindset and impact of that mindset. We have to take urgent action.

The all-Ireland Traveller health study was published in 2010. There has never been an action plan to address its findings. We cannot do any more. We are not being listened to. Unless there is a driver and sanctions for inaction and someone takes responsibility nothing will happen; goodwill will not make things happen.

There are fantastic people in the HSE and the Department of Health, but the institutional framework is lacking. Unless we have accountability and a process to drive things forward, the same things will continue to happen. No one seems to care. Nothing happens when Travellers are being killed. One could call it ethnic cleansing.

Chairman: I will not be able to call everybody. Does Mr. Collins want to make a brief comment?

Mr. Martin Collins: No, I will wait.

Deputy Jim O'Callaghan: I welcome the witnesses. From their point of view, there is probably an element of groundhog day to this meeting because they appeared before a previous committee which produced a report. We will produce a report and will definitely endorse what was in the previous committee's report. We need to go further than that. There is no point in a committee repeating what a previous committee said. I would be interested in hearing what the witnesses would like us to include in the report we will produce the end of this process.

Many members of the public are unaware of the difference between nationality and ethnicity, and have not directed their minds to that question. The witnesses are perfectly legitimate in saying that the responsibility for informing the public rests upon the State, and that change will happen if the relevant Minister or Taoiseach makes the appropriate announcement in the Dáil. The witnesses have limited resources, and that fact needs to be communicated to the general public.

Any campaign benefits from canvassing local representatives. A Fianna Fáil representative, Deputy Bobby Aylward, came to me to say that Travellers in Kilkenny had asked him to canvass and campaign on their behalf and lobbied him to try to get their ethnicity recognised. He mentioned it to me and I found it quite effective. It is something witnesses may also think of doing with other representatives.

Why do the witnesses think ethnicity has not been recognised? I am not looking for the retrospective blame of people, but why has the relevant Minister or Taoiseach not made the required statement? My second question has probably been answered in the response to Senator Kelleher. It is important to identify the tangible benefit to Travellers of the recognition of their ethnicity by the State.

Mr. Martin Collins: Before I respond to Deputy O'Callaghan, I would like to pick up on a point made by Mr. McCann. I do not think we can overestimate or have the capacity to adequately convey the significance and symbolic value of the Taoiseach of the State standing in the Dáil and making a declaration to the House and the country that the State unequivocally recognises Travellers as a distinct ethnic minority group.

Mr. McCann referred to self-respect, feeling valued and recognised and having one's identity recognised. As Ms Fay said, ethnicity is not a panacea, but it is quite important and would be a very good starting point. It would inform a range of other areas in terms of how services are designed and delivered and how the needs of Travellers are met.

I would suggest that Travellers are completely invisible in schools because our culture, identity and history are not reflected in the curriculum. One could argue that the curriculum and education system as it is currently constructed is part of the assimilationist agenda. The same is true of accommodation policies and other areas.

A declaration of ethnicity is the beginning, rather than an end in itself. It needs to be followed up by a national plan on how we support ethnicity in a practical sense. Nomadism and the right to travel is important. That right has been suppressed by the State because there is a view that nomadism is a backward, primitive way of life and has no place in a civilised, western and democratic society. It has been relegated to something that is deviant and backward. There

are practical implications.

Travellers are completely invisible in our museums and heritage centres. It is as if we do not exist. When we commemorated 1916 this year, Travellers were completely excluded and invisible. I would like to point out that Travellers were actively involved in and inextricably linked to all of these events in terms of Irish history, including Independence, the Easter Rising, the subsequent Civil War and so forth.

As we all know, history is always about people who own the mines, not about those who work in them. Those who are part of the elite and have privilege and power are those who get to interpret and write history, and do so from their world view.

There are symbolic implications, but there are also practical implications, as I have just outlined. I do not know whether that answers the question.

Ms Anastasia Crickley: Deputy O’Callaghan asked why this had not happened up to now and what difference it would make. Up to now there has been an ongoing refusal to believe the evidence. First, there is a notion that Travellers were somehow dropouts from the Famine. The historical records from the day indicate fairly clearly that this was not the case. There was a Poor Law inquiry which predates the Famine. Different categories of people or their representatives came along to that Poor Law inquiry. Among them was a group then referred to as “tynkers” - not a term Travellers wish to be referred to - and another group referred to as “beggars”. It was clearly understood well before the Famine that there were different categories. There is plenty of historical evidence from scholars to illustrate that point going way back beyond that.

There has been a sort of commitment to the notion of us as a monocultural society. I would welcome more time on another occasion to try to disperse that notion of ourselves. We have never been a monocultural society; there has always been diversity in Irish society, represented by Travellers, black Irish people, Jewish people and others. They may have been small minorities, but they did exist. Thankfully, we have greater diversity now. It is also about a power differential and use of denial identity as a mechanism for maintaining a power differential.

There is also probably a certain lack of awareness and a need to engage in some of the discussions the Deputy is talking about. He mentioned the difference between ethnicity and nationality. I speak as somebody who worked for nearly a decade with the Irish community in the UK. We have been able to recognise the differences between ethnicity and nationality when we are speaking about the Irish diaspora abroad - I am concerned for some of them today. When speaking about the Irish diaspora abroad we have been clear about acknowledging the difference between ethnicity and nationality. We may just need to apply the same logic to our capacity to recognise the difference between ethnicity and nationality for Travellers who are full Irish citizens and should be a full part of Irish society.

On this issue we need political leadership. I welcome the Deputy’s question and I welcome the opportunity to say to members of the committee that in my experience as a member of CERD and having worked globally on these issues, I recognise that it takes political leadership to begin to create the conditions for a cultural shift. What the Deputy says and what the Taoiseach might be able to say in the Dáil are particularly important in that regard.

I accept that the Traveller organisations can contribute, as they already have contributed very substantially. I speak as someone who has been actively involved with a number of them

in recent years. However, the powerless can do only so much. In the end, the Deputy represents the powerful political establishment even if he does not feel that some of the time. It is important that his words get heard in this Chamber and elsewhere.

The Deputy asked what difference it would make. Earlier I spoke about this acknowledgement, which is *de facto* already present. For me this acknowledgement respects a floor of respect and recognition. However, it also requires the State to fully assume its responsibilities to address the other gaps and the contradictions Ms Fay outlined, by on the one hand acknowledging racism experienced by Travellers by reporting to my committee with the responsibility globally for monitoring racism and then at the same time Travellers not being explicitly included in programmes and initiatives to address racism in Ireland. It will make for an interesting discussion the next time Ireland's CERD report is brought before the committee which should be in 2018.

There are also a number of other gaps which my colleagues have already articulated. There is the possibility of the current inclusion strategy addressing those gaps, but it needs resources, commitment and that cultural shift.

Chairman: I will not be able to bring in everyone on the panel because we have only so much time for each section and Dr. McVeigh is in our second session. I call Deputy Jack Chambers.

Deputy Jack Chambers: I thank the witnesses for their very informative and honest contributions. A few weeks ago we heard the shocking metrics about health outcomes, infant mortality, life expectancy and mental health, as well as the core social problems in health, education, housing, etc. As Deputy O'Callaghan mentioned, it is important that this committee reinforces what the previous committee did and the positive measures it proposed.

The Taoiseach made that very important statement of recognition and respect. I know this has happened with the Sami people in Scandinavia and there have been other groups in the North, in Britain and elsewhere. What has been the practical effect of that over a period of time for groups there? How has it improved their relative position in that society at that time? Some reports mention that mental health and self-respect have improved. I ask the witnesses to go into more detail about how that formal move by the state has had practical implications for people.

Ms Anastasia Crickley: This is a first move. This is the same with the Sami people, the Maori or indigenous people in other parts of the world. That recognition and that acknowledgement create a ground floor. I will leave it to my colleagues to talk about the particular things. The Sami people now have their own parliament and they work across a number of countries. Some of these recognitions of indigenous people have come very late in the day. However, it means that indigenous people even in what was until relatively recently war-torn Guatemala for example are acknowledged and recognised within the country. It does not do away with the racism, discrimination and a variety of other things they experience but it is a first step towards creating conditions for full citizenship. It has made that difference. It means that people can come fully to the international arena and represent themselves, both as, for example, New Zealander and Maori. It certainly makes a difference.

The corollary of that is the implication that somehow this would confer extra rights on Travellers, which is not the case. It creates the conditions where Travellers can exercise or may be able to exercise the rights they should have as citizens in Irish society by addressing the other

gaps. I will leave it to my colleagues to talk about the other gaps.

Chairman: Would Mr. McCann or Ms Fay like to add what has been said? I have to restrict it to a couple from the panel.

Mr. Thomas McCann: In answer to the question as to why this is the case, there is a long history of exclusion. As was said, usually the powerless are written out of history. Sometimes there is a thing called the alternative history, the laws that were made against people. I recently looked at the Vagrancy Act from the 1500s or 1600s that named one of the groups as tinkers. It goes way back and this State has just carried on this exclusion which has gone on for centuries. There is a power dimension.

As was said, there are benefits for people in terms of identity, feeling included in the State and equality. There is the right to have one's identity recognised. I think we have a right to be recognised in this State. We are members of this State and have been here for a long time. We have a right to be recognised by the State as an ethnic group. There is a power dimension and each time we have to justify. It is with the best will in the world that people come to the table and ask what the benefits of that are. However, we have to constantly justify why and what the outcome of that would be. If the tables were turned and the settled people were on the other side and were coming to us and asking why settled culture should not be recognised, I think members would have an understanding of the frustration we feel, constantly having to put that argument forward.

The evidence is there. There has been report after report. We know the conditions. We need to change that. I spoke earlier about the neighbours of the people in Carrickmines coming out and protesting. That would not happen with any other group. That told us something about the state of the relationship between Travellers and the settled community. Recognition would begin to change this. Not only does the State need to recognise Traveller ethnicity, it must also make a formal apology to Travellers for the injustice done to them. Mincéirs Whiden calls for such a formal apology because Travellers might then believe some positive action will be taken and that it will be meant rather than an idle statement. Recognition of Traveller ethnicity and an apology to the Traveller community for what the State has done to Travellers are needed. This is there in black and white and it needs to be acted on if relationships and conditions are to change. It would be a stepping stone in building new relationships. That is the key effect it would have.

Ms Ronnie Fay: To add briefly to what Mr. McCann and Ms Crickley said, recognition of Traveller ethnicity would make intangible differences which cannot be properly measured. The impact of the referendum on marriage equality is a good example. The referendum made a major difference for gay people but these differences are hard to identify because gay people were already protected in law and had access to rights, etc. Many intangibles will flow from recognition of Traveller ethnicity, as people will feel accepted, respected and part of society. There are many intangible issues that we cannot put our fingers on but which will make a major difference to people's feelings of self-esteem and self-respect.

One of the tangible differences recognition would make is that Travellers would become more visible. I acknowledge that the joint committee has a wide brief and members have different interests and focuses. The recently published action plan for education recommends only one Traveller-specific action, which relates to Travellers in third level education. This is against a backdrop of major inequality in education, cuts in resource teaching and visiting teachers for Travellers, cuts in school transport and so forth. I should say that we lobbied for the action

recommended in the education plan and it would make a start.

My point is that I do not blame members because I know they are all busy. Nevertheless, they need to ask how legislation can be Traveller proofed, as it were. One of the best ways to do so is to keep the Traveller issue in mind. It is not the case that legislators set out to discriminate. People are busy and racism can be sometimes unintentional but unintentional racism has exactly the same impact as intentional racism.

Recognition of Traveller ethnicity would have real tangible and intangible effects. The main intangible benefit would be in terms of visibility, active participation and consciousness. A further benefit would be if legislation were Traveller proofed, which means asking what would be the impact of legislation coming through the Oireachtas on Travellers.

As I stated, we should consider the action plan for education in the context of inequality in education. For example, given that 62% of Travellers experience discrimination in school and only 13% complete second level schooling, why is there only one action on Travellers in the recent action plan? Those are the types of issues that must be addressed.

Deputy Clare Daly: This is difficult for me in some ways because the witnesses nailed the issues in their contributions. I was present in the Dáil Chamber last year when the Private Members' Bill was discussed and it was heartbreaking. Everyone who participated in the debate had a tangible feeling.

The witnesses dealt with the "Sure, what does it matter?" argument, which is one that is often thrown around. The marriage equality referendum probably helped in this regard because people used to make similar arguments about gay people when they would say they had access to civil partnerships, for example. The delivery of the referendum result quantified for people what something like that means. There is an onus on members and the witnesses to package this argument.

The decision to add this issue to the committee's equality agenda is an indication that it is an important issue for us. I do not have questions, other than to ask what the barriers are to achieving recognition of Traveller ethnicity. The witnesses stated it would not have a cost. Is that not part of the problem?

Equality does not mean treating everybody the same but recognising difference and allowing people to achieve their potential. It is argued in a duplicitous way that, in the name of equality, Travellers should not be singled out and everyone should be treated the same. At the same time, we are slashing the transport budget which *de facto* means that Traveller children cannot get to school.

Inequality saves the State money in the short term but denies Traveller children their potential and also has health impacts. Is that one of the reasons behind this or is there anything more? All of the arguments the witnesses have made are straightforward. There is a contradiction involved to the extent that we recognise Traveller ethnicity in some ways and deny it in others. Is the issue one of cost? The arguments for recognising Traveller ethnicity are clear-cut and we will push the issue.

Ms Ronnie Fay: One of the challenges we face is the absence in the public domain of any rebuttal to our case for recognition of Traveller ethnicity. How can we make a counter argument when we do not know what argument is being made? We are arguing with one hand tied behind our back. It is Kafkaesque because it is as if we have been arrested, no charges have

been laid and there will not be a trial. How can we respond?

The committee needs to hold the State to account by asking for an explanation of its failure to recognise Traveller ethnicity. We were told cost was the reason but that is not the case. We were then told it was a legal issue but that is not the reason either. We have rebutted any reasons that have been given and the onus can no longer be placed on us. If there is an argument, let us hear it and we will either make a counter-argument or not, although I am certain we will have an argument. There has never been a rebuttal of our case in the public domain.

We spoke about the importance of political leadership. A previous Minister for Justice, Equality and Law Reform, Mr. John O'Donoghue, recognised Travellers as an ethnic group when he launched a pack for us, and the former Ministers for Health and Children, Ms Mary Harney and Deputy Micheál Martin, did likewise. One must ask who is the permanent government and where is the opposition to recognition within it. As far as we can see, there are good people in the Department of Justice and Equality who are fighting for us on this issue. We do not know what is the argument against recognition because we have never been given one. This makes it difficult for us to make counter-arguments. I am being honest with the committee.

Chairman: We are not okay with the status quo on this issue and we are next in line to take it on head on.

Deputy Mick Wallace: I thank the witnesses for their powerful contributions, which highlight that the Oireachtas has failed Travellers. It would be wrong and dishonest to claim we will fix the issue but I hope we will try to do so. We have not thought enough about this issue. Sometimes we listen to Travellers and are horrified. We ask how we can treat a group of people like this in our own country but when we leave the room, we move on and do other things because there are many other problems and issues. I hope this will change and members will be able to help.

Chairman: I will not ask for a response to Deputy Wallace because he made a welcome and clear statement and did not ask questions.

Senator Frances Black: I thank the witnesses for coming to this meeting and making such a powerful presentation. I thank the groups present for the great work they are doing and apologise for the lack of support they are receiving. I am ashamed that Travellers do not receive more support. I am very aware of the great work Mr. McCann does. I have no doubt the witnesses are extremely frustrated by the failure to gain support or make progress on this issue. I feel bad about that.

Having listened to Deputy Wallace, I believe the committee will work hard to make a difference because this is a good committee. I am new to the Oireachtas, however, and I do not know how slowly the wheels turn here. I am sure Deputy Wallace knows how this works. Hopefully, we will not produce just another report.

Ms Fay stated that Travellers needed someone in the Oireachtas who would drive this issue forward. I would like her to expand a little on that.

Ms Fay produced a fantastic chart on the cuts from 2008 and 2013 affecting education in particular and accommodation. It is shocking to note the amount of money that has been cut. Why does Ms Fay believe this has happened?

I note what Mr. McCann is saying. The shame felt by the Traveller community is almost

compounded by the fact that there is no recognition of ethnicity for it. This needs to change absolutely.

Ms Ronnie Fay: I will try to answer the questions. With regard to the cuts, the reality is that many political choices were made under the guise of austerity. The community and voluntary sector was cut to the tune of 36%, which was totally disproportionate. As I have highlighted, funding for the Traveller sector was cut by between 80% and 100%. This could happen because nobody cared or listened. We highlighted this and campaigned but no one was looking after our issue. We carried out research and gave the evidence but what we desire has still not happened. Linked to the driver notion is the fact that we have been calling for a Traveller agency for the past 20 years or more. It is not unique to any one area. Circumstances in education are particularly bad, and the same is the case for health. There has never been a Traveller training or employment strategy. Some 84% of Travellers are unemployed. This State was rightly regarded as in crisis when there was an unemployment rate of 14%. During the Celtic tiger years, 84% of Travellers were employed but nobody seems to care. Having looked at the recent action plan for Traveller education for the period 2016 to 2019, I note that there has been one Traveller action for the group that has probably the most educational inequalities. We all know that the better educated one is, the healthier one is and the more likely one is to get out of poverty and be employed. There are cumulative impacts.

Deputy O’Callaghan asked what additional points could be in the report? I would include the call for a Traveller agency. We are not naive enough to believe we will get an accommodation agency, a health agency and an employment agency. I call for one agency that looks after culture, gender, accommodation, health and education. Unless this is established, what has been happening will continue to happen, unfortunately.

The various political groupings in the House could consider having a guardian angel for Travellers in each of the sections. It does not just happen. It is not that people set out to exclude, but that there is exclusion because there are so many other agendas and political pressures. Some 42% of Travellers are under 15 years of age and 65% are under 25. Therefore, there is a very young population so Travellers do not have the capacity to lobby in the same way as others. The community is dispersed so it does not have political clout in the same way. We, the Council of Europe and CERD have called on every single Taoiseach for many years to appoint a Traveller as a Taoiseach’s nominee in the Seanad. It has never happened. It would not be the panacea but it would be symbolic. If a politician is meeting a Traveller in here, he or she is more likely to think about the Travellers.

Reference was made to the equality debate. There will be no Front Bench spokespersons coming out as Travellers in this House; that is the reality. It was great that there were gay people who could come out and add their voice within the parliamentary parties, but that will never happen for Travellers. We must recognise the extreme marginalisation of Travellers and the fact that we are not starting on a level playing field. A lot has to happen. Ethnic recognition is one tiny step, but it would be very significant and a key part of the jigsaw that must be put in place.

Mr. Martin Collins: I will build on that. Ms Fay and others have spoken at length about the policy implications of not recognising Traveller ethnicity. Traveller ethnicity has to be the starting point. On that, one builds the policy infrastructure in terms of services and how services get designed and delivered, be it in schools or the health service or through recruitment strategies for employment in An Garda Síochána and so forth. However, it is only a starting point; it is not the panacea in itself. It is not an end in itself but the beginning. It is a very important

beginning, however.

Why are things happening to Travellers in the way they are? Ms Fay is absolutely right that Travellers lack a political voice both within their community and outside it in the Dáil, Seanad and local authorities. We have very few champions within the institutions of the State, including the Dáil and Seanad. I will not be as generous as Ms Fay on racism. The reality is that there are politicians at local level and within the Dáil who are racist. We have seen examples of that. The Dáil can be a microcosm of the wider society. We must be honest and acknowledge that. I will not name names but we have seen examples over the years of Deputies at local level blocking Traveller accommodation. We have had Deputies come out with anti-Traveller racism in the not-too-distant past. We are dealing with institutional racism among the political classes and political elite. There is no getting away from that. It is a challenge and a block. It is important to acknowledge that.

With regard to ethnicity, apart from the practical implications, which are very important, unequivocal recognition by the Taoiseach in the Dáil of Traveller ethnicity would put to bed once and for all the racist notion and ideology that my community is in some way dysfunctional, primitive and backward, and that it comprises people who need to be civilised and normalised by the State. It is a racist ideology. If an announcement in the Dáil achieved nothing else, it would address this.

Senator Niall Ó Donnghaile: I really hope such an announcement from the Taoiseach would do that. I would love to see the day on which it happens. Mr. Collins is correct that the hostility permeates through all levels of life. One sees it manifest in political life and beyond.

I agree with much of what my colleagues around the table have said. Like Senator Black, I am a new member of this committee so I appreciate the engagement we have had over the past two sessions. It has allowed us to hear and learn a little more. My key question was whether recognition of Traveller ethnicity would really make a practical, tangible difference given the socioeconomic, cultural, community and social issues that exist. On the day that is in it, I believe very firmly in and advocate a politics that is for social justice and respecting and promoting diversity and equality. The delegates, in addition to their colleagues during the last session, have made the argument very clearly that an announcement from the Taoiseach and legislation on ethnicity would be fundamentally important. I appreciate that.

On the issue of the delay or hold-up, I believe the delegates have answered their own question. Mr. Collins referred to the subtext to the narrative, which involves hostility, prejudice and racism towards the Traveller community. Mr. McCann said it was the State that institutionalised the mindset, and that mindset still prevails.

Let me outline my concern and political objective regarding this issue. I hope the Taoiseach makes an announcement on Traveller ethnicity sooner rather than later and recognises it legislatively but I am concerned that the mindset will still prevail. That is my experience in the North regarding the Traveller community. Although there is recognition in the North, all the issues faced by Traveller people in the South arise there. I refer to social, health and educational issues and access to jobs and training opportunities. I do not want to sound too defeatist because I take a great deal of heart from what the delegates have said and are advocating. With the collective political will, we can achieve recognition but the following day we will have to wake up and we will require champions. We will need people such as the delegates kicking hard day after day to put this on the agenda. The delegations are correct. We are human beings and there is a whole broad range of lobby issues coming at us. This for me is a fundamental issue. Mr.

Martin Collins touched on it by pointing to the year that is in it and living up to the aspirations of 1916. If we cannot at the very least respect, support and help our Traveller citizens, then that is a blight on us.

Mr. Thomas McCann: Mr. Martin Collins referred to local politicians and Travellers. Mincéirs Whiden carried out a political education campaign with Travellers to do exactly that because we do not have any political representation. When Bills, which predominantly impact on Travellers, are going through, we have no say in them whatsoever. The anti-trespass legislation, which does not affect settled people, is used against Travellers. We did not have a say in that. We do not have any say in the legislation which impacts primarily on our community.

There is a need for a political voice from the Traveller community. As Ms Ronnie Fay said, we hoped there would be an opportunity for representation with the restructuring of the Seanad. There are other representative groups there from very privileged communities. I do not see why the Traveller community cannot be represented in the Seanad, particularly as it is an excluded community.

The denial of Traveller ethnicity does not acknowledge the racism that Travellers face. Acknowledging Traveller ethnicity will say that what has happened to the Traveller community for decades is racist. We need to look at that. There is a lack of acknowledgement by the State that what has happened and is happening to Travellers is racist. People can and have campaigned on anti-Traveller tickets and stopped Traveller accommodation in areas. Some councillors are on local authority Traveller accommodation committees not to promote Traveller accommodation, but to ensure it does not go into their area. That has to stop.

We need to start to build a new relationship based on equality, trust and recognition of cultural identity. Then we can build some of the programmes, like Ms Fay said. It might be an agency that will drive and make change. There might be a question of resources too. The Equality Authority report on ethnicity stated there might be a rearranging or re-prioritisation of resources. One must take into consideration the cuts implemented. The starting point is recognition of Traveller ethnicity. Then we can start to build a different Ireland based on equality and respect for cultural differences.

Ms Anastasia Crickley: Sometimes when this discussion about racism towards Travellers begins, I am reminded of my work with the Irish community in the UK in the 1970s and the campaigns for the release of the Birmingham Six, the Guildford Four and the Maguire Seven, campaigns in which some committee members were involved. It took a while for people to acknowledge that what we were experiencing as a community was straightforward racism. Sometimes there is a need for people here to acknowledge, in the same way, that what has been experienced by Travellers here constitutes racism, in spite of the fact the State reports to the international committee responsible for monitoring racism. It must also reflect that in all of its policies and administrations.

In my view, and one which has been expressed widely by international instruments, there are no legal barriers to acknowledging Traveller ethnicity. I use the term deliberately. Recognising it almost infers one is conferring a favour. Travellers are a minority ethnic group. The definition used in our equality legislation is that of an ethnic minority. In a way it is almost laughable that we would then, having put that definition into our equality legislation, name what we have done for exactly what it is.

The first article of the International Convention on the Elimination of all Forms of Racial

Discrimination states racism can happen when there is purpose, intent or outcome. It has not just got to do with purpose. It also has to do with whether the outcome is that people experience racism. That is precisely what has happened for Travellers.

There is much talk and hate speech towards Travellers which obfuscates and provides spurious explanations about extra costs and extra rights. These are reflected in every country where we deal with racial discrimination. That is all 177 countries which have ratified the International Convention on the Elimination of all Forms of Racial Discrimination. There is frequently that kind of talk and that sort of concern. The Traveller organisations have done their bit. It really is in some way up to our leadership, including all committee members. In general recommendation No. 35 about hate speech, the Committee on the Elimination of Racial Discrimination put a special responsibility on politicians and those in leadership roles not just to not use hate speech but to respond to it and to be really a significant part of creating the counter narrative.

Acknowledging Traveller ethnicity creates the conditions for a real move towards a rights-based approach. It is not that initiatives have not been taken to address Traveller marginalisation and disadvantage. However, the acknowledgement of ethnicity would put the ball firmly and squarely in a rights-based approach going forward as to how Traveller marginalisation is addressed through several of the mechanisms which my friends have already spoken about.

I fully support the idea of a Traveller agency but I also fully support the need, as indeed is fully reflected in all of the UN human rights treaties we have signed up to, for full participation by Travellers and Traveller organisations in the design, monitoring and implementation of programmes and initiatives that are supposed to address the inequalities they experience. Ireland has a great record globally in its support of human rights. I am proud to be part of that in the global sphere. I would also be proud to be part of a recognition and acknowledgement of Traveller ethnicity here, so that this rights-based approach could be reflected in our work in Ireland.

Chairman: I will have to wrap this up as we have another session on this important topic following. I welcome Ms Jacinta Brack to the Visitors Gallery, for the want of a better description, who was one of our presenters on the last occasion.

What is this about? Deputy Jim O’Callaghan made the point this is about building on, not trying to replace or repeat. Despite the excellent work and the clearly declared intent of the former justice committee some two years ago and three and a half years from the last time Pavee Point made a presentation before the justice committee, we share the frustration that we are not there yet. Like the little ad on the television, “Are we there yet?” I hope we will be. It is our intent to reinject impetus into the case. That is why we have made this a priority in the short opportunity that 2016 offers.

Pavee Point and Ms Ronnie Fay disputed the assertion of voices from previous Administrations that recognising Travellers as a distinct ethnic group would not have the beneficial implications for Traveller status in Irish society. We also recognise that this is a totally false premise. Mr. Martin Collins, in his own phraseology, said it would be a powerful and symbolic signal on which to build. We will take that.

I have not heard the phrase “failed settled person” before. That is an interesting concept that may be in the minds of some. I hope we can properly address it. Mr. Thomas McCann’s emphasis on policy, practice and attitudes, especially the impact on children, was well noted by the committee today. I thank him for that. I have one question remaining for Ms Crickley. I am very interested in the process around the committee for the elimination of racial discrimination.

My understanding is that the Government is obliged to provide a written submission in 2017. Can Ms Crickley advise by what point in 2017 that must be provided? I understand also that the written submission is to be followed by an oral follow-through. Will that take place in 2018? As argued so well and succinctly by Ms Crickley and other earlier witnesses the clock is ticking and it is time that those who have within their gift to deliver this declaration come forward and so, and with the heart that it deserves, on the floor of the Dáil.

Ms Anastasia Crickley: It would provide a very useful framework for the third Irish report if the recommendations made in the first and second reports could be acknowledged in the third report as having been completed. The process is that the report should be put together in consultation with the groups affected by the issues. This is part of the process for every UN treaty. This means that all of the groups that are here and others are actively consulted about the report. My understanding is that the report is in preparation. It is usual practice that once a draft is ready there is a consultation process. The views are taken on board. It is my hope that the State will support Irish civil society in doing this, as is the case in other countries. This has not been the practice to the extent that it used to be since times of austerity. My hope is that Irish civil society and in particular Irish Traveller organisations would be able to attend in Geneva when the Irish State is presenting its report. This is a normal process in most democratic societies. In terms of the process, the report is produced and circulated in advance. The committee appoints a rapporteur, which will not be me and I also will not be able to contribute during the examination. The country is then examined, usually represented by a Minister or a Minister of State. The NGOs and civil society and the Irish Human Rights Commission are given an opportunity to make some input and then the whole committee, which is an independent group comprised of 18 people elected from around the world, draws concluding observations and recommendations. This will happen in early 2018, if the report is submitted next year. As I said earlier, the report is already late but if it is submitted next year with the information that Traveller ethnicity has been acknowledged I think it would be a positive day for addressing racism towards Travellers in Irish society.

Chairman: Thank you. Would Mr. Collins like to comment?

Mr. Martin Collins: I would like to make one brief comment and to put one question to the Chairman. The Good Friday Agreement refers to equal rights North and South of the Border. As already stated, under the Race Relations (Northern Ireland) Order 1997, Travellers in the North are recognised as a distinct ethnic minority group. The Irish Government has an obligation to harmonise our legislation with the legislation that pertains in the North of Ireland. It is important to make that point. The 1997 Order is an internationally binding agreement, as many people here will know.

In terms of this process, when will it be completed and will the report be tabled on the floor of the Dáil?

Chairman: It is our intention to conclude our deliberations and have a report ready for presentation by the end of this month. I see no reason that cannot be done. As I explained to Mr. McCann this is the conclusion of this exercise. If this was a first address we could extend it but that is not the case. We are contracting it purposely in order to inject the necessary speed because we want to see a result. We will deliberate on our draft report and have it ready for presentation.

This is a busy committee. We will have our first report on Irish Sign Language debated on the floor of the Dáil tomorrow. Reports are selected from a lottery and ours was drawn from the

hat because it was the only one in it. It appears we are the only committee yet to have produced a report in 2016. We intend to stay ahead of the other committees and with a bit of luck - I have never been lucky in lotteries - this report will be on the floor of the Dáil soon. That is, I believe, our shared and collective intent. However, that matter will be discussed later when the committee is in private session.

Ms Ronnie Fay: It would be wonderful and appropriate if in the year that is in it the report could be launched on 10 December 2016, which is UN Human Rights Day, by the Taoiseach. I urge the committee to try to make that happen.

Chairman: On that fine note, I invite the witnesses to join us for a photograph. I propose that the committee suspend to allow Dr. Robbie McVeigh to take his seat. Is that agreed? Agreed.

Sitting suspended at 10.35 a.m. and resumed at 10.45 a.m..

Chairman: We are resumed in public session. The second of our two scheduled engagements today on the very important issue of the recognition of Traveller ethnicity is a discussion with Dr. Robbie McVeigh. I advise him that the committee has identified the recognition of Traveller ethnicity as one of its priority issues in 2016 work programme. I welcome Dr. McVeigh to the meeting. I understand he has travelled a distance to come here and he has a very tight schedule this morning. We very much appreciate his taking the time to come before us.

The format of the meeting is that he will be invited to make a brief opening statement and that will be followed by a questions-and-answers session. I must advise him on the matter of privilege. I ask him to note he is protected by absolute privilege in respect of the evidence he gives to this committee. However, if he is directed by the committee to cease giving evidence on a particular matter and he continues to so do, he is entitled thereafter only to qualified privilege in respect of his evidence. He is directed that only evidence connected with the subject matter of these proceedings is to be given and is asked to respect the parliamentary practice to the effect that, where possible, he should not criticise nor make charges against any person, persons or entity by name or in such a way as to make him, her or it identifiable. Members are again reminded that under the salient rulings of the Chair they should not comment on, criticise or make charges against a person outside the Houses or an official either by name or in such a way as to make him or her identifiable.

I invite Dr. Robbie McVeigh to make his opening statement.

Dr. Robbie McVeigh: It is a great pleasure to be here. I congratulate the committee on prioritising this issue, which is a very important one not only for Travellers but in terms of broader human rights and equality issues in Ireland and beyond. I am very pleased to be here. I have travelled here from Edinburgh and had to wade my way through the tears of travelling Americans. There was not one Trump supporter on that flight. It is interesting times in which we are living.

I spoke at the previous incarnation of this committee in 2013 and we had a broad discussion on some of the substantive issues around what makes Travellers an ethnic group. I am happy to speak on those issues in depth but I will leave it up to members to raise those in the question-and-answer session.

I should put my engagement with this issue in context. I was first asked to address the issue in the context of Northern Ireland by the old Standing Advisory Commission on Human

Rights, which is a pre-peace process body. That gives members an idea of how long I have been engaged in this. I was a young man when I started, so I am hoping that we are moving towards closure on this issue. I engaged with the question as a neutral at that stage. I was asked to address the question of whether Travellers constituted an ethnic minority in Northern Ireland at that time and I found that they did in that context. That recommendation was subsequently adopted by the Standing Advisory Commission on Human Rights, which then fell into the Race Relations (Northern (Ireland) Order 1997. It was one of the parts of Travellers being explicitly recognised as a group protected by the race relations order, which ended all the discussion around this issue in the North. From my perspective, it has been a good thing because people have got on with the business of addressing Traveller issues from the point of view of recognising that Travellers were an ethnic group like many other black and minority ethnic groups across Northern Ireland.

Because of having this background, I was asked to be an expert witness in a case in the London County Court that addressed the question of Traveller ethnicity in England and Wales. I addressed the question of whether Travellers constitute an ethnic group and England and Wales and found that they did and that assessment was agreed with by the court there. That was a test case that established that Travellers were an ethnic group in England and Wales. That is my background. The members can see where I am coming from and that I have been engaged in this for a long time, if nothing else.

One aspect I did not address on the last occasion I came here, which is worth addressing now, is the situation in Scotland, which is slightly different. I thought it was useful to include that quote from the Scottish Government in my opening statement. This frames its policy towards Travellers, including Irish Travellers. That quote states: “The Scottish Government recognises Gypsy/Travellers as an ethnic group in its work and encourages others to do likewise.” It took a very explicitly proactive, pro-ethnicity position and that now frames what the Scottish Government does in terms of its work with Travellers and around racism and ethnicity. Again, that is an example of proactive intervention.

In total, across those different UK jurisdictions and the North, ethnicity is defined and framed by legislation in England by the court case, in which I was involved as an expert witness, and in Scotland now both by legislation and by Government policy. It is proactively saying that Travellers should be regarded as an ethnic group and that is a positive development. That is the obvious comparator in terms of our nearest neighbours here. It is worthwhile stressing that the core of what makes Travellers an ethnic group in terms of those judgments and policy statements goes back to the *Mandla v. Dowell Lee* case, which is the definitive test case in the British context of what constitutes an ethnic group. The two essential characteristics of “ethnicity” are a long-shared history and a group with a cultural tradition of its own. Those are the two elements that would have to be established and we did establish them in terms of getting recognition for Traveller ethnicity in England and Wales, and the North. Those points have been well made over time. We can come back to them in discussion if the committee wishes, but I will not list them at this stage. The essence of the court case was that we had to prove that there was a long-shared history and that Travellers had a cultural tradition of their own.

One of the key points of interest to the judge in the case was the existence of Travellers in the United States. Travellers had emigrated to America before the Famine and they went with language and cultural traditions that were established well before the Famine. If one wanted definitive evidence of a long-shared history, that was it. It was not that it emerged post-Famine. It is clear that Traveller cultural traditions were in place before the 1840s at the latest. That was

enough for the judge in the case.

From my perspective, my job is kind of done. I have been working on this for a long time. There is more than enough evidence to support the legal case, which is what I tended to work on. My sense is that the prevarication and resistance in the South of Ireland is more to do with politics than legal or sociological definitions of ethnicity, although I am happy to work through those again if the committee wishes. It is important to recognise that there is a *realpolitik* aspect to this but that reality has to be addressed if ethnicity is to be recognised.

There are two readings of the situation. One is that a Minister or Government official just thinks that Travellers are not an ethnic group and will keep asserting it. As I stated earlier, there is not much I can say to that except to say that it is not good policy. It is not based in evidence. A huge weight of evidence in support of Traveller ethnicity has been established over the years. I cannot really argue against it, but I do not think it is a sensible way to frame policy.

The second reading seems to be more telling. It is that somehow there would be an enormous cost to the State if Travellers were to be recognised as an ethnic group. My position is that it does not matter. If it is the just or right thing to do, cost should not be the determining factor. Having said that, the cost implications are nothing like what seems to be suggested. The placing of Travellers in an ethnic paradigm provides a minimum level of protection, which is a good thing, and presents us with the correct paradigm to engage with Traveller inequality in a range of ways. However, the cost of locations are not massive. The heavens did not fall in in the North of Ireland after the Race Relations (Northern Ireland) Order in 1997. As I stated, protection for Travellers was integrated into anti-racist and anti-discrimination work, which was good, but there was no massive cost associated with it. Likewise in England and Wales, after 2000 there has been no massive obvious cost. It seems to me that the notion that there is some huge cost attached is a bit of a red herring. Some would say the implications are minimal. I am happy to address those points, but that is my perspective. We should do it if it is the right thing to do. However, if we do it, it is unlikely to have massive cost implications.

There are two broader points I wish to address. I have worked on the issue for a long time and there comes a point when one wonders why the resistance and what are the implications of the resistance. The first thing I should speak to is what I call “ethnicity denial”. This term has begun to enter the wider literature. It is the idea that an ethnic group can be arbitrarily denied its ethnic status without grounding the denial in fact. It is a dangerous principle. In that sense, this is not just a small minor issue in the Irish context, as Ms Crickley made clear in terms of the work of CERD and its analysis of the implications of ethnicity denial in the broader context. The reality, however, is that it is a dangerous thing and not an abstruse academic concept. Ethnicity denial has happened in the past. Most obviously, notably and notoriously, it happened to gypsies or Roma under the Nazi regime. They were classified as a social rather than an ethnic group. A consequence of that classification was that the Roma Holocaust has only really been recognised over the past 20 to 30 years. It took a long time after the end of the Second World War for there to be any recognition of that genocide because people went with the notion that we were dealing with a social rather than an ethnic group. The policy has profound and dangerous implications and Governments that follow it should only do so with the greatest of care. It should not be done arbitrarily. That point bears emphasis in this context.

For all of us, it has been a remarkable year. We have been reflecting on the 100 years since the Proclamation. If we are serious about the project of cherishing the children of the nation equally, there is no question but that we need to recognise difference as a part of the process. It is standard practice in human rights and equality interventions and legislation that recognising

difference is a part of ensuring that people become equal or more equal. It is not rocket science. It is now a given that we should do that, but a key part of that in the Irish context is to recognise Traveller ethnicity. If we are serious about trying to make policy and interventions in a context where Travellers are becoming more equal rather than less equal, recognising ethnicity is a key first step in the process. It is not a panacea, but neither will the heavens fall. It will not solve everything, but it is clearly placing Travellers in the correct paradigm for intervention and it is the right thing to do.

Chairman: I thank Dr. McVeigh for the circulation of his written statement in advance. I hope members have had a chance to read it. I also thank him for his additional oral contribution. I will take questions from members in the order in which they have indicated. I call Senator Niall Ó Donnghaile.

Senator Niall Ó Donnghaile: I wish to touch on a point that was raised in a previous contribution. It may be an unfair question, but Mr. Martin Collins made a point that I found intriguing. It concerned the obligations on the Government for equivalence of rights under the Good Friday Agreement and the recognition that exists for Travellers in the North. Does Dr. McVeigh see that as a possible avenue? Be it political, institutional or otherwise, there has been a reluctance and the reality is that it has not happened. The Good Friday Agreement is as old as it is and the recognition in the North exists. What are Dr. McVeigh's views on that?

Dr. Robbie McVeigh: I think the Senator is right. That was a clear political principle. The Senator is probably too young to remember, but I was part of the human rights and equality community at the time. The notion that both Governments were committing to a highest rather than lowest common denominator approach was seen as a huge victory, but the specific commitment came from the Southern Government. On that basis, there is a whole raft of other issues that might be addressed from the same perspective. In the sense that there was a commitment, there is no question but that the protection of Travellers around ethnicity and race discrimination is stronger in the Six Counties than it is in the Twenty-six Counties and that should be an embarrassment for legislators and others in the South.

Deputy Jim O'Callaghan: What is the statutory basis for the greater protection in Northern Ireland? Is it legislative or is it that they have signed up to conventions or made declarations?

Dr. Robbie McVeigh: Legislation was introduced. It is interesting because it was pre-peace process legislation. Later on, some of it was swept up in broader human rights and equality legislation but the specific legislation, the Race Relations (Northern Ireland) Order 1997, still stands. The order was made by the Conservative British Government at the time. That Government had engaged with the issue in a similar way as legislators and civil servants in the South. There was quite a lot of reluctance and it was not taken as a given.

The work that I and many others did around the support for the position of the Standing Advisory Commission on Human Rights, the main Government human rights body at that time, played a key part in them recognising that there was going to be an ongoing equivocation around this issue and on that basis it was just easier to name Travellers in the legislation so that all of that ambiguity was resolved. They did not take that without engaging with it over a number of years. There was quite a long discussion around that, not just in the Traveller support community but also in the broader human rights and equality community. Eventually, a Conservative British Government, not particularly noted for its support for progressive interventions on race and ethnicity, supported that position and integrated it into legislation. There are two lessons we can draw from that. First, it ended at that point and there is nobody walking

around Northern Ireland saying that it is mad that Travellers are recognised as an ethnic group. Everybody accepts, within the paradigm of broader race discrimination, that anti-race discrimination interventions would include Travellers and that is just the way it is. The other point, which I do not want to make too negatively, is that the notion that there would be some terrible cost implication proved to be untrue. It did not happen.

The situation is much better. It was defined very clearly in the legislation so the ambiguity disappeared overnight. There are other ways to do it, as I have said already. The Scottish Government has done it in a different way and has not made its position quite so clear.

Deputy Jim O’Callaghan: I wish to ask the witness one more question and maybe I would know the answer to this if I had read all of Dr. McVeigh’s previous evidence. We all support the recognition of Traveller ethnicity but is it the case that every person has an ethnicity?

Dr. Robbie McVeigh: That is a good question. The difficulty is that there is a number of ways to approach ethnicity. I do not know how much time the committee wants to spend on this but -----

Deputy Jim O’Callaghan: I was hoping for a “Yes” or “No” answer.

Dr. Robbie McVeigh: The answer is “Yes”. Everybody has an ethnicity. If the Deputy thinks about his own situation -----

Deputy Jim O’Callaghan: I am trying to figure out my ethnicity.

Dr. Robbie McVeigh: In terms of anti-discrimination legislation, the Deputy’s ethnicity might change or the core elements of it might change if he moved from one place to another. I moved from Edinburgh to Dublin today, for example and because of my accent I might be treated in a very different way in Edinburgh than I would be in Dublin. People are always looking for a static definition of ethnicity, but that does not work in the real world because one’s ethnicity will change at different times -----

Deputy Jim O’Callaghan: Is Dr. McVeigh saying that one’s ethnicity will change, depending on where -----

Dr. Robbie McVeigh: Yes and it is not so crazy that there are slightly different definitions of Traveller ethnicity within three different jurisdictions of the United Kingdom because the dynamic around Travellers and who they are is very different in the North, for example, where very often they are stereotyped as super-Irish. The discrimination that Travellers might experience in the Six Counties is actually much the same as that which another southern Irish person might experience but that dynamic will not be true in the South of Ireland.

I am conscious that I am probably getting far too academic about this but the reality is that absolutely everybody has an ethnicity. In this context, a lot of the legislation in the English case was around the “No Travellers” signs in pubs but a sign that said “Only Travellers” in a pub would discriminate against the Deputy in precisely the same way. In that sense, the Deputy’s ethnicity is defined by his not being a Traveller. He will have lots of other positive ethnicities but the answer to the question he posed is “Yes”, that is true,

Deputy Clare Daly: I wish to comment very briefly. I feel bad about not having any questions but that is not because Dr. McVeigh’s arguments are poor. On the contrary, the case he makes is so compelling. He has demonstrated clearly how out of sync we are, in terms of both

law and policy, with our nearest neighbour. That argument is won.

We all understand the symbolic importance of the fact that ethnicity has been recognised in those jurisdictions but at a practical level, what has been the effect? Has it had an impact, for example, on the lack of visibility of Travellers, an issue raised by previous witnesses? In terms of society and policy making, has it had any impact? Were any special steps taken on foot of the recognition to introduce measures that would reduce marginalisation?

I agree with Dr. McVeigh's argument that cost is irrelevant where human rights are concerned. I also appreciate that the delivery of this is not going to involve huge costs. I am trying to understand why this has not happened here yet and it seems to me that the lack of delivery has been used to save money at the expense of a vulnerable section of society. The lack of recognition has allowed the State to disproportionately cut services to Travellers. Does Dr. McVeigh agree with that or have any comparisons he could make in that regard?

Dr. Robbie McVeigh: The visibility issue is very complex. My personal opinion is that the situation of Travellers in terms of the broad equality platform is worse in the Six Counties now than it was in the 1990s. That is not particularly related to the legislation. There are many other things happening. One of the dynamics is that the Six Counties was a society that had two main ethnicities and a tiny number of Travellers and Jewish people. It was a society bifurcated between Protestants and Catholics and was almost completely white. That has now changed and part of the change has created a context in which the North should be much better at dealing with ethnicity but is not particularly so. Previously, anyone who was interested in race and ethnicity in the Six Counties would have looked at Travellers because there were no other groups but now there are lots of other groups, which makes it harder for the Traveller voice to be heard. I would also make the same observation about the South. It is a reality that Ireland is becoming a much more complex, multicultural society. The days of 30 years ago, or more, when anti-Traveller racism was the only issue that people addressed when they were talking about the need for intervention are no longer with us. The questions around ethnicity and anti-discrimination in the South are much bigger and more complex now. The lack of visibility is as much to do with that as with negative intervention by Government. Certainly, it is not justified by the legislation in the North but in reality the situation is no better, despite the interventions and that is frightening.

I ask the Deputy to remind me of her question on costs.

Deputy Clare Daly: I would accept that there is no extra cost arising from recognising Traveller ethnicity but by refusing to do so, the Government is not obliged to introduce measures to level the playing field for Travellers. The Government has been able to cut costs at the expense of Travellers by not recognising their ethnicity.

Dr. Robbie McVeigh: There is an element of truth in that. However, one must factor in the cost of not doing these things. There is a terrible cost in keeping people poor and that is not just true of Travellers but of lots of other groups too. It will be interesting to see what happens in the United States in the coming period but not providing health care to people, for example, is incredibly costly. It is generally true that interventions that integrate people in lots of different ways, in terms of accommodation, health provision and so on, give rise to cost savings. I would argue that such savings are probably greater than the cost savings that may have arisen by the cuts to facilities in recent years.

At the end of the day, the core point is that nobody has come up with an argument to sup-

port the assertion that Travellers are not an ethnic group in this jurisdiction, whatever the cost implications might be. On that basis, nobody has come up with such an argument and it is quite frustrating. As I said, I have been working on this for a long period of time. In the old days when we were engaging with the British Government and it was resistant, at least it came up with a case and tried to develop an argument against Traveller ethnicity. Ultimately it failed to do that and eventually agreed that Travellers constituted an ethnic group. The British Government played the game in that sense. It is more difficult here where it is just an assertion. The State simply goes to CERD and says that it does not think that Travellers are an ethnic group but does not say why. It is very hard to engage with that, both academically and legally and it is frustrating.

Deputy Clare Daly: I totally agree. It is a phantom argument, in fact it is not even an argument. In that context, I am trying to understand why it has not happened. Is there some sort of neo-liberal ideology behind it somewhere? It does not make any sense.

Dr. Robbie McVeigh: I should probably draw out for the Deputy that, while the dangers of ethnicity denial have been recognised - I have spoken on that, urging governments and states, not just in Ireland, to be careful about doing this in an arbitrary way - it is also true that ethnicity denial may imply racism denial in the sense that, if one is not in an ethnic group, one cannot experience racism. That has not tended to be part of the discourse, but it is a dangerous implication. Consider the all-Ireland health study on Travellers, which was an important intervention across Ireland and was based on the recognition of Traveller ethnicity and had significant achievements. If one follows the logic of the current position, that should not have happened at all. We should not have had a document referring to Travellers as an ethnic group and we should not have had health interventions that were based on that reality because the State did not recognise Travellers as an ethnic group. The logic of this is that Travellers never experience racism and that whatever they do experience is something else. That is even more dangerous than ethnicity denial. One does not need to look further than Nazi Germany to know the implications of claiming that something one is doing is not racism. It is not silly, abstruse or hyperbolic to point out that this kind of policy by governments has dangerous implications. The notion of denying that Travellers experience racism has not followed ethnicity denial, but it is always implicit in that approach.

Deputy Jack Chambers: I thank Dr. McVeigh for his presentation. Some of the other witnesses mentioned the potential of a Traveller agency and what it could do to address many of the socioeconomic issues of which we have heard. Can we learn anything from the Northern Ireland experience in terms of interagency improvements or policy initiatives that have tried to bridge the gap in the problems that have been presented to us?

Dr. Robbie McVeigh: The Northern Ireland model tended to integrate Traveller equality issues into broader ethnic and race equality issues. That is a good thing, but there has always been less of a Traveller-specific infrastructure in the North. Historically, this was because nothing was done for Travellers. Until direct rule, there was such a level of anti-Traveller prejudice that a Prime Minister welcomed the fact that Traveller numbers were dropping. The notion that it would be perfect if there were no Travellers was expressed not by ordinary politicians, but by the Prime Minister. Nothing was done. As interventions around race began to be made, Travellers were integrated into broader anti-racism interventions. That is the Northern Ireland trajectory.

In the South, there were genuine attempts to address the issue from the Commission on Itinerancy onwards, but in a Traveller-specific way. If one is placing Travellers in a paradigm

of ethnicity and racism, the integration model is better.

Deputy Jack Chambers: Would Dr. McVeigh be careful about a Traveller agency?

Dr. Robbie McVeigh: I would need to examine what was being advocated. The implication of ethnicity is a broader intervention around race equality. That is the core first step. What is done via other interventions is a different issue. In terms of ethnicity, there would be no justification for having a race strategy that did not include Travellers. That is why the Committee on the Elimination of Racial Discrimination, CERD, thing is so silly. If one is going to make an intervention under CERD, Travellers should be integrated under it.

Chairman: Does Deputy Wallace wish to contribute?

Deputy Mick Wallace: I had to race back to the Chamber because I had five justice questions to ask before 11 a.m.

Chairman: I understand.

Deputy Mick Wallace: I am sorry for missing Dr. McVeigh's contribution, but I will get the transcript. We have a lot to learn and will be looking at the North's experience to garner something from it that can be applied in the South. We realise that we are in the Stone Age and have a great deal of catching up to do. I thank Dr. McVeigh for attending.

Dr. Robbie McVeigh: On that issue, one can be self-critical, but I would argue that the 1995 task force was the high water mark for any serious government engagement with the Traveller situation, not just in this jurisdiction, but in the world. No government in Europe was addressing the situation of its Traveller or Roma population as directly or committedly as the task force report did. One can be self-critical, but one must also recognise that a great deal of good work has been done. The failure on ethnicity is appalling, but some of the interventions by the Government and all political parties have been good, laudable and more than what has been done elsewhere. It is not a wholly bad story.

Deputy Mick Wallace: Is it not scary that Travellers were made to suffer so much more in recent years than the general population under austerity measures?

Dr. Robbie McVeigh: I am not disputing that, but a great deal of work has also been done. That needs to be recognised. The sad reality is that the situation of Roma and Travellers in many European countries is measured by the number of deaths. It is a low bottom line from which to start in terms of policy intervention, but the reality is that the Irish Government has, at different stages, at least taken the issue seriously and engaged with it. That needs to be recognised. The failure on ethnicity is awful and is not a glowing example to anyone in the world, but other interventions have been good. Other European member states would look to Ireland as being a model of good practice in that regard. I am not trying to paint a rosy picture, but I am suggesting that there is a history of good interventions, particularly by the Traveller support movement, that needs to be recognised. Interventions have been supported by members of most, if not all, political parties in that time. Their contribution also needs to be recognised. It is a curate's egg, in that there is a history of doing nothing. That is the reality.

Chairman: The former committee did valuable work. Dr. McVeigh was one of the presenters during its process. It is two years since the publication of the report. Deputy O'Callaghan and I have stated that, in our exercise, we are neither attempting to replace nor repeat. Rather, we are trying to build upon. We recognise that the impetus has sagged. We are trying to reinject

impetus into the case.

Dr. McVeigh used the word “frustration”. Is he taken aback? He is certainly disappointed by the lapse in time and the failure to adopt the report of the former committee and deliver on its recommendation. It was an all-party and unanimous report, but the issue has not maintained the drive that was apparent at the time.

Dr. Robbie McVeigh: I would use all of those words with knobs on. I also spoke at the conference on ethnicity and Travellers in 2012. The best that the Government could come up with was one Traveller who did not have any competence, I believe, but who just happened to believe that he was not a member of an ethnic group. That was the best case that could be presented. It was embarrassing. It was hard on him. In a room full of Travellers who all believed that they were members of an ethnic group, that was supposed to be the case against ethnicity. It was intellectually and politically embarrassing. I am someone who is proud to be Irish and who is proud of this year’s commemorations. That is why I spoke about it directly in my opening statement. If we are serious about cherishing the children of the nation equally, prevarication on the question of Traveller ethnicity is an embarrassment and I cannot find the logic to it. It took years to get this notion of cost out, but as I have suggested, if one address the question of cost, the experience in other jurisdictions would suggest that the cost implications are minimal. It makes Ireland, which has a very positive reputation in terms of international human rights and equality constituencies, look silly and a country at the forefront of ethnicity and racism denial rather than at the forefront of the struggle for human rights and equality around the world. On that basis it is shocking to me. I will keep coming back to these committees and I will keep making the case, if members want it to be made, but I cannot see any justification for the delay. It is just wrong.

Chairman: I express the hope that Dr. McVeigh will never have to do that again. His contribution today is greatly valued. Let me explain that the committee system has been restructured so that the core of our number is present. Dr. McVeigh has come from Edinburgh and we very much value the time he has taken to reaffirm and expand on what he has already put on record. We are very grateful to him.

I thank the members for their participation. I hope this exercise that we have undertaken will inject that impetus that we referred to earlier. I hope we can look forward in the not too distant future to that declaration being made on the floor of the Dáil. No doubt, whether in Edinburgh or in Dublin, we will raise a toast to that achievement, of which Dr. McVeigh has been a special part. I thank Dr. McVeigh. The family photograph was taken earlier, so we do not have to repeat the exercise.

The joint committee went into private session at 11.25 a.m. adjourned at 12 noon until 9. a.m. on Wednesday, 16 November 2016.