

# Traveller Ethnicity Seminar



A Seminar to explore Traveller Ethnicity and Public Sector Duty

Tuesday 31<sup>st</sup> October 2017

**Cavan Crystal Hotel**

**Funded by the Department  
of Justice & Equality as  
part of the Traveller Pride  
Programme.**



**Organised by Cavan  
Traveller Interagency  
Group and Cavan  
Traveller Movement**

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Minister Heather Humphreys sent her apologies

The event was attended by Deputy Brendan Smith, Deputy Caoimhghín Ó Caoláin. Cllr Madeleine Argue and Cathaoirleach, Cllr Paddy McDonald.

# The Importance of Traveller Ethnicity and the Potential of the Public Sector Duty

Ms Emily Logan, Chief Commissioner, Irish Human Rights and Equality Commission



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Irish Human Rights and Equality Commission

## The Importance of Traveller Ethnicity and the Potential of the Public Sector Duty

Emily Logan, Chief Commissioner,  
Irish Human Rights and Equality Commission

31<sup>st</sup> October 2017

## About the Commission

- Ireland's national human rights institution - accredited 'A' status by the United Nations
- Ireland's national equality body under EU directives
- Commission of 15 human rights and equality experts, appointed by President Michael D Higgins
- Account directly to the Oireachtas
- Our teams: Legal, Policy & Research, Strategic Engagement, Corporate Services
- Derive statutory functions and legal powers from *Irish Human Rights and Equality Commission Act 2014*, commenced 1 November 2014



Number 25 of 2014

IRISH HUMAN RIGHTS AND EQUALITY COMMISSION ACT 2014





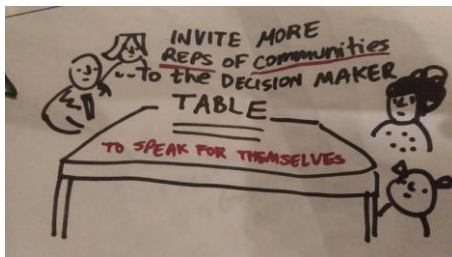
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Irish Human Rights and Equality Commission

## Irish Human Rights and Equality Commission Act 2014

### Section 10.1

(1) The functions of the Commission shall be—

- (a) to **protect and promote** human rights and equality,
- (b) to encourage the development of a **culture of respect for human rights, equality, and intercultural understanding** in the State,
- (c) to promote **understanding and awareness** of the importance of human rights and equality in the State,
- (d) to encourage good practice in **intercultural relations**, to promote tolerance and acceptance of diversity in the State and respect for the freedom and dignity of each person, and
- (e) to work towards the **elimination of human rights abuses, discrimination** and prohibited conduct.



# STRATEGIC GOALS

## GOAL 1

Leadership

## GOAL 2

Proactive implementation of our legal powers, in particular public duty

## GOAL 3

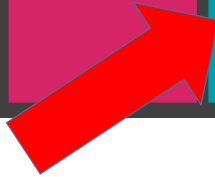
Promoting understanding of the indivisibility of equality and human rights

## GOAL 4

Making equality and human rights real

## GOAL 5

Intercultural understanding and diversity



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## What is the Public Sector Duty?

### Public bodies

42. (1) A public body shall, in the performance of its functions, have regard to the need to—
- (a) eliminate discrimination,
  - (b) promote equality of opportunity and treatment of its staff and the persons to whom it provides services, and
  - (c) protect the human rights of its members, staff and the persons to whom it provides services.



## Definition of a Public Body

- Government Departments
- Local Authorities
- Health Service Executive
- Universities and Institutes of Technology
- Education and Training Boards
- Most schools
- Semi-state bodies
- All bodies financed with public money (even partially)





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## Steps to be taken

1. In preparing **strategic plans**, set out in a manner accessible to the public an assessment of the human rights and equality issues it believes to be or relevance to its functions
2. Develop **policies, plans** or **actions** proposed to address those issues
3. **Report** in a manner accessible to the public on developments and achievements in that regard



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## Role of Irish Human Rights & Equality Commission (2)

Where there is failure by a public body to perform its functions in a manner consistent with section 42, it may invite the public body to:

- Carry out a **review** in relation to the performance by that body of its functions
- Prepare and implement an **action plan** in relation to the performance by that body of its functions
- Review or action plan may be general or specific to a particular aspect of human rights or discrimination



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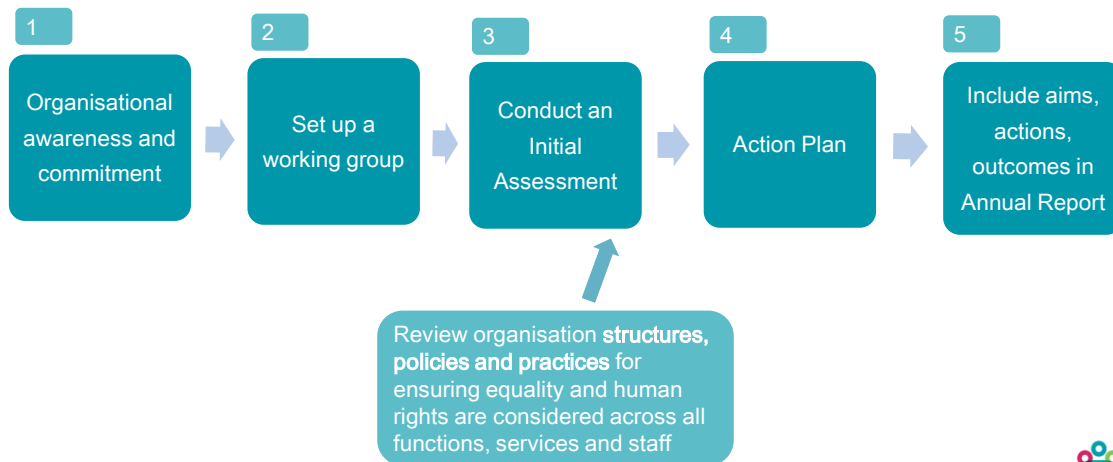
## Public Sector Duty Pilots

1. University College Cork
2. Cork City Council
3. Monaghan County Council
4. Community Action Network
5. Probation Service





## Public Sector Duty process



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### What does the Duty mean?

- The Public Sector Duty does not introduce new rights
- The Public Sector Duty does not introduce new complaints mechanisms for staff / customers





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## Equality in Ireland

- EU founding principle – equality between men and women
  - Treaty of Rome, 1957, equal pay for equal work
  - Treaty of Amsterdam, 1999 – address discrimination re: age, disability, race or ethnic origin, religion or belief and sexual orientation
- EU framework for equality legislation – 4 Directives
  - Racial Equality Directive (2000/43/EC)
  - Employment Equality Directive (2000/78/EC)
  - Gender Goods and Services Directive (2004/113/EC)
  - Recast Gender Equality Directive (2006/54/EC)
- Ireland
  - Employment Equality Acts 1998-2015
  - Equal Status Acts 2000-2015



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## Human Rights in Ireland (1)

- **Irish Constitution**
- **European Union**
  - European Union Charter of Fundamental Rights, where EU law is applicable
- **Council of Europe**
  - European Convention on Human Right
  - European Convention on Human Rights Act 2003
  - Revised European Social Charter





## Human Rights in Ireland (2)

- **United Nations**

- Ireland bound by six of nine core treaties:
  - Covenant on Civil and Political Rights
  - Covenant on Economic, Social and Cultural Rights
  - Convention on the Rights of the Child
  - Convention against Torture, and Other Cruel, Inhumane, Degrading Treatment or Punishment
  - Convention on the Elimination of Discrimination against Women
  - Convention on the Elimination of All Forms of Racial Discrimination



## The nine grounds



### Equality legislation

Employers and service providers

Prohibit discrimination, harassment, sexual harassment and victimisation

Allow reasonable accommodation and appropriate steps for people with disability

Allow special treatment and positive action to promote equality of opportunity



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## Role of Irish Human Rights & Equality Commission (1)

- Section 42(3): May **give guidance** to public bodies in developing policies, and exercising, good practice and operational standards in relation to human rights and equality
- Section 42(4): May **issue guidelines**



# **The Practical Implications of Traveller Ethnicity**

**Ms Catherine Joyce, Irish Traveller Movement**

## **Implementing the Public Sector Duty**

**Mr Niall Crowley, Values Lab**

## **Equality and Human Rights Issues Facing Travellers**

**Mr Martin Collins, Pavee Point**

# Implementing the Public Sector Duty

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NIALL CROWLEY  
VALUES-LAB  
[WWW.VALUES-LAB.IE](http://WWW.VALUES-LAB.IE)



## Significant Development in Legislation


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- Shift from reactive approach to a proactive approach to equality and human rights
- Obligation based rather than sanction based
- Combines equality and human rights
- Evolution of potential in legislation




## Challenges

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- Bureaucratic exercise
  - Administrative burden
  - Capacity
- 


## Requires

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- Light but not token
  - Rooted in public sector processes
  - Creative
  - Meaningful and relevant
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## Values

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- Individual values are conscious and unconscious
  - Values are the ideals that motivate us
  - Shape behaviour, choice, and attitude
  - Organisational values are implicit or explicit
  - Shape priorities, approaches taken, and staff behaviours
- 



## A Values Based Approach


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- Meaningful and relevant to a values driven public service
- Integrate equality and human rights
  - Dignity
  - Autonomy
  - Inclusion
  - Democracy
  - Social Justice




## Step 1: Equality and Human Rights Statement

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- Identify equality and human rights values
  - Define equality and human rights values
  - Establish for each value
    - Statement of objective – policy-maker, employer, service provider
    - Statement of process
    - Statement of behaviour
  - An internal exercise that is inclusive
- 


## Step 2: Assessment Equality and Human Rights Issues

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- Equality and human rights issues:
    - Relevant to the functions of the public body
    - Identified in relation to each value identified
    - Addressing the grounds of gender, civil status, family status, age, disability, sexual orientation, race, religion and membership of the Traveller community
    - Addressing the ground of socio-economic status
  - An internal exercise that is participative
- 


## Step 3: Apply the Equality and Human Rights Statement

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- An impact assessment when planning
    - Does plan contribute to achieving values objectives?
      - Which values objectives and to what extent?
      - What is the rationale for this outcome?
    - Test against the equality and human rights issues identified in answering this question
  - An internal exercise that is participative
- 

## Step 4: A Values-Based Institution

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- Communicate the values
  - Engage staff with the values
  - Leadership for values
  - Stakeholder engagement
  - Driving the values
- 

## Workshop Reports

### Workshop 1: Traveller Ethnicity

### Workshop 2: Public Sector Duty

#### Workshop 2 – Public Sector Duty

Everyone introduced themselves.

#### **Q1 What steps could public bodies now take to prepare for the public sector duty and to implement the public sector duty?**

Every agency needs to look at their own values. Needs to be a feedback mechanism to the community.

T.I.G. needs to have more agencies sitting around the table. Need people who can make decisions. Need consistency with the same rep from agencies. Important to review the membership of T.I.G.s.

Peter Walker will now be the main contact from the HSE on the T.I.G. in Cavan.

Ita Madden is on the steering committee for the Traveller Health Strategic Plan.

Public Sector Duty requires plans developed which adhere to equality and human rights. T.I.G.s should be informed by the equality and human rights framework – public sector duty. Should be a co-ordinated approach with the local travellers.

Agencies need to inform themselves what the public sector duty is.

Cavan are in a better position than other Counties as the T.I.G. does meet in Cavan.

Roll out of actions on the ground isn't happening from T.I.G. meetings.

Working groups out of T.I.Gs need commitment and buy in.

#### **Q2. How could Travellers and Traveller organisations be involved in supporting implementation of the public sector duty?**

Involvement as much as possible at a political level. Structures should be put in place at a higher level.

T.I.G. should adopt human rights and equality as a common thread, S.42 framework. Own and embrace legislation and have a common goal.

Big onus to inform people within agencies of it. Look at how they make agencies compliant.

Mainstreaming great if all at the same starting point.

Maybe look at a new model instead of T.I.G.

Frustration within the interagency groups. Same faces at same meetings in Cavan/Monaghan. Thin on the ground with workers and co-ordinators.

Social inclusion structure now within the HSE with two workers Trish Garland and Peter Walker. These are the people who can make decisions. Traveller Health Strategy coming down the road. Better times ahead.

**Q3. How could the Traveller Interagency Group support a Traveller focus in implementing the public sector duty?**

T.I.G. needs to support the community and voluntary sector, e.g. Men's Shed. A lot around standards. Need to give support.

C&V sector negatively impacted by cuts. Huge amount of work with the public sector duty, s42 etc.

Suggested to look at good practice elsewhere. Chrissie can look into this at some stage. Galway Co. Co. delivered equality mainstream training for staff and groups.

**Q4. What external supports do we need to enable action on this issue?**

It was suggested that co-ordinating the T.I.G. could be a part time job in itself within Cavan Co. Co. Need more resources. Need a designated support worker to link in with the agencies and build relationships with the travelling community.

Relevant agencies required around the table.

Need a specific focus regarding traveller issues.

Needs to be a link between the review of the model of T.I.Gs and the delivery of s.42.

Need accountability – should need to report feedback to someone in the agencies.

Ensure actions get implemented from the traveller education strategy and national traveller health strategy.

T.I.G.s haven't been effective. Department still see them as a key driver.

Look at T.I.G. from a local level. What are the responsibilities. Public sector duty might shape how it delivers.

Maybe sanctions need to be introduced for accountability/implementation.

Colleagues/front line staff need diversity/equality training. Training to be delivered to agencies. Could look at train the trainer courses.

Cavan Co. Co. delivered ethnicity training. Also interagency members were previously trained. Need bottom up and top down training.

How to measure what is effective/what is not? Need a baseline to measure what is effective.

Need agencies to make a cultural shift. Organisations won't change unless forced to do so. If required by law it becomes the sanction.

**Action:** All attendees want the presentations emailed to them.

## Acknowledgements

## Welcome message

**Cllr Paddy McDonald, Cathaoirleach, Cavan County Council**

I am very pleased to welcome you all here today to our Traveller Ethnicity Seminar.

Today is really about celebrating the positive outcome of what has been a long campaign by Traveller representative groups.

Various organisations and reports have repeatedly called for recognition of Traveller ethnicity over a period of many years. This official recognition of Travellers as an indigenous ethnic minority came through in March 2017. I am sure many of you will recall the news broadcast that day when Travellers crowded into the Dáil to hear the statement.

The move to recognise ethnicity has both a symbolic and a practical value. It recognises Travellers as a distinct culture and a community in their own right, and not a deviation from the settled community. We hope that our seminar today will help organisations to take on board the significance of this change, and see how they can apply it within their own services and structures.

We are also here today to talk about Public Sector Duty. We will hear about what is now expected of public sector agencies and organisation funded with public money, in terms of promoting equality and protecting human rights. Agencies will be required to demonstrate what they are doing and what more they can do to address equality and human rights.

We hope that today's event will be a catalyst to encourage organisations to be self reflective on their services. We particularly want to look at what has been happening with Traveller Interagency Groups and how they can be re-energised in the context of Public Sector Duty and ethnicity.

There is a good mix of agencies in the room. We will have an opportunity in the workshops after lunch to take a look at our own services and ask is there anything further we can do to address discrimination. How can we apply a process, through Public Sector Duty,



to recognise and respond to ethnicity? Are there barriers remaining for the Traveller community that we can address through our services?

Cavan County Council has always been to the fore in addressing social exclusion issues, and this ethos is demonstrated through our Corporate Plan, Local Economic and Community Plan, our Peace Programmes, and various social inclusion and equality projects. We are willing to give Public Sector Duty a priority and work alongside our partners in the public sector to promote equality and protect human rights.

I hope that you find this seminar useful and that it will contribute to change in how we engage with Travellers and support their specific needs.