



Communication to the Irish Government and to the EU Commission (Justice)  
regarding Ireland's  
first National Traveller/ Roma Integration Strategy

May 2012

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### **1. Foreword**

This is an unsolicited communication addressed to the Irish State authorities responsible for drafting Ireland’s first National Roma Integration Strategy, and to the EU Commission Directorate General for Justice, Equality Section, which is charged with overseeing the implementation of the EU Framework for national Roma integration strategies.

It has been sent to the following stakeholders:

- The Traveller Policy Division of the Department of Justice & Equality & Defence
- Alan Shatter, Minister for Justice, Equality & Defence
- Kathleen Lynch, Minister of State with responsibility for Disability, Older People, Equality & Mental Health, Departments of Health and of Justice, Equality & Defence
- Office for the Promotion of Migrant Integration
- Mr. Massimo Serpieri, Deputy Head of Unit D4, Non-discrimination policies and Roma coordination, European Commission, Directorate-General Justice
- Ms. Lina Papamichalopoulou, Head of Unit D4, Non discrimination policies and Roma coordination, European Commission, Directorate General Justice

### **2. Introduction to Nasc and to our work with Roma people**

Nasc, which is the Irish word for link, is an independent organisation that works to link migrants to their rights. We are the only non-governmental organisation offering legal information and advocacy services to immigrants in Ireland’s second city. Nasc’s lawyers assist some 1,000 immigrants in navigating Ireland’s protection, immigration and naturalisation systems annually. We also assist migrants and ethnic-minority Irish people who encounter community-based and institutional racism and discrimination.

Before 2011, Nasc assisted a handful of Roma service-users each year. In mid 2011, we were invited to participate in a Roma Research Project spearheaded by the Cork City Partnership.<sup>1</sup> Our role was to provide information to the steering group regarding the legal rights of Roma residents of Cork, that is to say, information regarding access to work permits, social protection, healthcare etc.

The need to provide a specific information and advocacy service for Roma people directly emerged because of the specific and multiple needs of this vulnerable group. Our work in this area resulted, for the first time to our knowledge in the city, in Roma people accessing information and assistance, and succeeding, in some exceptional cases, in accessing employment and social protection in the state.

Our legal information and advocacy service assisted 31 Roma people, all of whom are nationals of Romania, in 2011. The principle issues that we dealt with were accessing the labour market (mostly through work permits) and social protection.

Towards the end of our first year working with significant numbers of Roma in Cork, we began the process of undertaking an internal monitoring and evaluation of our work, seeking to deepen our understanding of the underlying challenges and to begin to address the systemic issues facing this group. As part of that process, we began familiarising ourselves with European policy on the Roma, and we became aware that Ireland was due to submit its first National Roma Integration Strategy.

### **3. An outline of our recommendations**

- The state should submit to the European Commission a statement of its intention to undertake key basic research and a meaningful consultation process with key stakeholders, in advance of publishing an effective National Roma Integration Strategy at an early future date.
- The state should involve regional and local authorities in the design, monitoring and evaluation of Roma inclusion policies, as per principle no. 8 of the Common Basic Principles on Roma Inclusion.
- The state should design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with civil society actors such as non-governmental

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<sup>1</sup> The other participants are the Health Service Executive, the St. Vincent DePaul, Cork City Sports Partnership, Cork City Council, An Garda Síochána (Cork City Community Gardaí), and representatives of the Roma community.

organisations, social partners and academics/ researchers, as per principle no. 9 of the Common Basic Principles on Roma Inclusion.

- The state should ensure active participation of the Roma in the process, as per principle no. 10 of the Common Basic Principles on Roma Inclusion.
- Ireland should prepare a strategy which takes into account the complexity of the issues facing the Roma (as distinct from Traveller) people who live in Ireland today. Said strategy should be in line with the Common Basic Principles on Roma Inclusion.
- The state should undertake to survey and document the numbers and situations of Roma people living in Ireland. Information regarding the four pillars of education, employment, healthcare and housing and essential services should be gathered so that the state can plan to realistically and effectively strategise to promote the integration of Roma people in Ireland.

#### **4. Involvement and participation of key stakeholders**

We note that the involvement and participation of key stakeholders is an essential part of the process envisaged by the European Commission's Framework Document on Roma Integration, from which the State's obligation to prepare a National Strategy on Roma Integration derives.

This communication outlines our reaction to Ireland's National Traveller / Roma Integration Strategy, as submitted by the state to the European Commission. We note that neither we, nor, as far as we are aware, other civil society organisations in Ireland, have been consulted in any meaningful sense in advance of the State's drafting of its inaugural National Roma Integration Strategy. We further note that we requested sight of the draft Strategy very shortly in advance of the submission date required under the Framework Decision, and that we submitted a communication very similar to the within document to the relevant state stakeholders in response to same.

**Our key recommendation in this regard** is that the state should submit to the European Commission a statement of its intention to undertake key basic research and a meaningful consultation process with key stakeholders, in advance of publishing an effective National Roma Integration Strategy at an early future date.

We further note that that the Common Basic Principles on Roma Inclusion (CBPRI) require that the process should include local authorities, civil society organisations, and Roma people.

**Recommendation (and Principle no. 8 of the CBPRI):** Involve regional and local authorities in the design, monitoring and evaluation of Roma inclusion policies.

**Recommendation (and Principle no. 9 of the CBPRI):** Involve civil society. Design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with civil society actors such as non-governmental organisations, social partners and academics/ researchers.

**Recommendation (and Principle no. 10 of the CBPRI):** Ensure active participation of the Roma.

### **5. Roma and Travellers – designing ‘constructive and pragmatic’ strategies**

The EU Commission explains that the “EU Framework asks all EU Member States, taking into account their different starting points, to produce a comprehensive strategy *for Roma inclusion* by the end of 2011. This could mean preparing a completely new strategy or adapting an existing one” (our emphasis).<sup>2</sup>

Ireland’s National Traveller / Roma Integration Strategy opens with reference to definitions which emphasise the commonalities between various nomadic groups, and glosses over the differences on the basis that “the vast majority of Travellers/Roma in the Irish State are indigenous Irish Travellers.”<sup>3</sup>

The Strategy goes on to outline the various measures that are in place in respect of Travellers in Ireland, so that it principally comprises a paper exercise, neither preparing any new strategy nor adapting an existing one to the circumstances of the minority of Ireland’s nomadic population, namely persons identifying themselves as Roma.

The document states that the “Roma Community in the Irish State is made up principally of persons of Romanian, Hungarian, Polish and Czech Republic origin, all of whom are EU Citizens and, as such, in terms of immigration controls, are covered by the provision of the European Communities (Free movement of Persons) (No. 2) Regulations 2006. Such persons are not required to register their presence in the

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<sup>2</sup> European Commission, Justice. *Working together for Roma Inclusion: The EU Framework Explained*. European Union, 2011, page 6.

<sup>3</sup> Traveller Policy Division, Department of Justice and Equality. *Ireland’s National Traveller / Roma Strategy*, page 3 of 31.

State. They have the same rights as any other citizen from their country of origin legally resident in the State.”<sup>4</sup>

While it may be accurate that Roma have the same rights as any other legally resident citizen from their country of origin, it is an unfortunate fact that Ireland has opted to allow only limited access to its labour market for Romanian and Bulgarian nationals. In effect, this means that Romanian and Bulgarian nationals, although they are permitted to enter and to reside in the State, are required to obtain a work permit in order to take up employment.<sup>5</sup> This puts them in a very different position from other EU citizens legally resident in the State. Given that all 31 Roma service-users presenting to Nasc for assistance in 2011 were nationals of Romania, the majority of whom were seeking assistance with work permits, the disproportionate and discriminatory consequences for Roma resulting from this restriction are clear. Limited access to the labour market also effectively prevents access to most aspects of social protection for people from Romania and Bulgaria (both Roma and otherwise).

In addition, the experiences of our service users suggest that Roma people who live in Ireland appear to deal with specific forms of racism, discrimination, poverty and social isolation, in ways that have not yet been adequately analysed or documented.

Ireland’s National Roma / Traveller Integration Strategy fails absolutely to acknowledge the reality that Ireland has become home for a new and separate population of nomadic people, identifying themselves as Roma rather than as Travellers, who face sometimes similar and sometimes radically different barriers to participation and integration.

The EU Commission has advised that “[s]trategies that take into account the complexity and interrelated nature of the issues facing the Roma people today have the best chance of being effective.” It goes on to state in the same document that strategies “should be in line with the *Common Basic Principles on Roma Inclusion* [CBPRI] developed by the European Platform for Roma Inclusion.”<sup>6</sup> Unfortunately,

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<sup>4</sup> Traveller Policy Division, Department of Justice and Equality. *Ireland’s National Traveller / Roma Strategy*, page 3

<sup>5</sup> Treaty concerning the accession of Bulgaria and Romania to the European Union – Accession Protocol and its Annexes, signed in Luxembourg, 25 April 2005.  
[http://www.nacid.bg/access03en3.Protocol\\_BG\\_RO.pdf](http://www.nacid.bg/access03en3.Protocol_BG_RO.pdf) The Accession Protocol temporarily limits the effects of Directive 2004/38/EC (the right of citizens of the union to reside and move freely within the territory of the Member States) in respect of Bulgarian and Romanian citizens.  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:en:PDF>

<sup>6</sup> Council of the European Union, *Council Conclusions on Inclusion of the Roma*, annexing *10 Common Basic Principles on Roma Inclusion*. Luxembourg, 8 June 2009.  
[http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/lisa/108377.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lisa/108377.pdf)

Ireland's Strategy fails to take into account the complexity and interrelated nature of the issues facing Roma people in Ireland. Neither is it in any sense in line with the CBPRI.

**Recommendation:** Ireland should prepare a strategy which takes into account the complexity and interrelated nature of the issues facing the Roma (as distinct from Traveller) people who live in Ireland today. The said strategy should be in line with the Common Basic Principles on Roma Inclusion.

## **6. Research and transfer of evidence-based policies**

Ireland's Strategy recites the 2006 census figures for Travellers, and the (much higher) estimate of the Traveller population that was made in the context of the recent All Ireland Traveller Health Study. It goes on to acknowledge that "[t]here are no official statistics on the number of Roma in Ireland" and to cite one informal estimate of 3,000 people.

Despite the state's experience of dealing with Ireland's indigenous nomadic population, which has demonstrated the need to gather statistics independently of the census, and to conduct direct research with the members of the particular ethnic group, the National Strategy on Traveller / Roma Integration does not outline any plans to conduct research into Roma people in Ireland, or even acknowledge a need to do so.

The requirement to draft national Roma Integration Strategies derives from the Commission's concern about the fact that, throughout Europe, "[h]uge gaps exist between Roma people and the rest of the population concerning education, health, employment, and access to decent housing and essential services."<sup>7</sup> Until such time as a survey of Roma people living in Ireland is conducted, the state will not be in a position to begin to consider what particular strategies (if any) are indicated in respect of them.

The first Common Basic Principle on Roma Inclusion "focuses on 'constructive and pragmatic' policies: policies that are appropriate to the situation on the ground. The design, implementation and evaluation of policies and projects should not be based on preconceptions, but on the actual situation of the Roma. In order to meet this requirement, attention should be paid to studies and other sources of factual information, visits should take place in situ and ideally, Roma people should be involved in the design, implementation or evaluation of policies or projects."

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<sup>7</sup> European Commission, Justice. *Working together for Roma Inclusion: The EU Framework Explained*. European Union, 2011, page 5.

The sixth Common Basic Principle on Roma Inclusion recognises that “the development, implementation and monitoring of Roma inclusion policies requires a good base of regularly collected socio-economic data.” It recommends that member states should, where appropriate, “...collect data...in order to monitor policy & project developments.”

**Recommendation:** The state should undertake to survey and to document the numbers and situations of Roma people living in Ireland. Information regarding the four pillars of education, employment, healthcare and housing and essential services should be gathered so that the state can plan to realistically strategise to deal with the integration of Roma people here.

- Ends -