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NEWS REPORT

Country:	Ireland
Title:	State recognises Traveller ethnicity
Date:	8 March 2017
Expert:	Judy Walsh
<u>Context</u>	
Issue at stake:	Ireland's indigenous Travelling community has been recognised by the government as an ethnic minority
Ground of discrimination:	Race/ethnic origin
Source:	Policy development
Field:	Employment, social protection, social advantages, access to goods and services, education, housing

Content

Policy development: On 1st March the Taoiseach (Prime Minister) announced that the State formally recognises Travellers as an ethnic group. A report issued by the Irish Parliament's Joint Committee on Justice and Equality in January 2017 had recommended such a move at the earliest date possible, acknowledging that several international human rights bodies were critical of Ireland's stance on the issue. Traveller rights organisations have welcomed the development, as has the national equality body, the Irish Human Rights and Equality Commission.

According to the Taoiseach's statement, the policy change will "create no new individual, constitutional or financial rights" but "could have a transformative effect on relations between Travellers and wider society". He further reported that a national Traveller and Roma inclusion strategy would be published shortly.

Key points of analysis: Irish laws that implement the Racial Equality Directive (2000/43/EC) provide for a distinct Traveller community ground in addition to a race ground, which covers 'race, colour, nationality or ethnic or national origins'. In several decisions, the first instance forum for hearing such complaints found that Travellers could not invoke the race ground either because there was inadequate evidence that they constitute an ethnic group,¹ or because it was considered that no additional protection would be afforded by advancing a complaint on both grounds.² The policy development clarifies that Travellers can also lodge discrimination complaints under the race ground. It should also ensure that domestic courts and tribunals take account of the Race Directive in all cases concerning Traveller rights that fall within its material scope.³

¹ E.g. *Mrs X (on behalf of her son, Mr Y) v A Post-Primary School*, DEC-S2010-009, at para 4.17, <https://www.workplacerelations.ie/en/Cases/2010/February/DEC-S2010-009-Full-Case-Report.html>; *Mrs K (on behalf of her son) v A Primary School*, DEC-S2011-003, at para 4.15, <https://www.workplacerelations.ie/en/Cases/2011/January/DEC-S2011-003-Full-Case-Report.html>.

² E.g. *Mrs Z (on behalf of her three children) v A National School*, DEC-S2010-055, at para 4.9, <http://www.lrc.ie/en/Cases/2010/December/DEC-S2010-055-Full-Case-Report.html>.

³ See further *Ireland – Country Report on Non-Discrimination*, section 11, <http://www.equalitylaw.eu/downloads/3735-2016-ie-country-report-nd>.

Internet link sources:

<http://oireachtasdebates.oireachtas.ie/debates%20authoring/debateswebpack.nsf/takes/dail2017030100051?opendocument>;
<http://www.oireachtas.ie/parliament/media/committees/justice/Report-on-the-Recognition-of-Traveller-Ethnicity-20-01-17.pdf>.