



IRISH TRAVELLER MOVEMENT



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PRESS RELEASE PRESS RELEASE

Strongest Signal Made by Irish Government to Recognise Travellers as an Ethnic Group by Minister for Justice Alan Shatter, TD

Welcomed by Irish Traveller Movement

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(October 6th 2011) The Irish Traveller Movement welcomes the strongest commitment yet given by any Irish government to recognise Travellers as an Ethnic group made by Minister for Justice Alan Shatter, TD today at the United Nations headquarters in Geneva where he was defending Ireland's human rights record at the Universal Periodic Review (UPR) by the UN.

Campaigning for Travellers' ethnicity since its establishment in 1990 the Irish Traveller Movement believes that legally enshrining ethnicity would strengthen those remaining gaps in the equality infrastructure and provide for Travellers to reach full equality in Ireland with their identity intact.

According to Damien Peelo, Director of the Irish Traveller Movement; *"This goes further than any previous government and we welcome Minister Shatter's response today. For*

this government to consider recognising Travellers as an ethnic group sends a confident marker of Ireland's aspirations to contributing to an equal European and international community. We see no arguments economic or otherwise against making Traveller ethnicity a reality in Ireland in line with UK and international law we look forward to working further with the Government to achieve this outcome".

He continued; *"Immediately Travellers would be elevated as a nomadic ethnic group within Irish society moving away from assimilation to a cherishing of our largest indigenous minority. We can look forward to a new chapter in relationships between Travellers and wider society on how to build an Irish society that recognises the rich culture and diversity within the Traveller community."*

A number of other countries attended at the UPR and asked when the Irish government would grant ethnic status to Travellers which included **Slovakia, Pakistan** and **Afghanistan**.

According to Brigid Quilligan, Assistant Director of the Irish Traveller Movement; *"As a Traveller I am deeply proud of my Irish identity and to be part of the Irish state. Dual identity allows me as an individual have total pride in my national identity while maintaining my ethnic one. The name Irish Traveller is a clear indication of the value we place on our Irish identity as much as our ethnicity. Travellers as a community have a right to determine the aspects of our cultural traditions and heritages which we deem important enough to preserve and protect. In such a context we called on the support of the Irish State to provide for necessary legal and policy mechanisms that ensure the protection and promotion of those."*

Travellers meet the test for recognition as an ethnic minority.¹ The best definition of an ethnic minority can be found in the decision of the House of Lords in *Mandla v Dowell-Lee* [1983].

¹ Both the English Courts and the European Court of Human Rights have found membership of the Traveller Community to constitute membership of a minority ethnic group *Mandla v. Dowell-Lee* [1983] 2 A.C. 548, *Chapman v. the United Kingdom* Application No. 0002723895, *Hallam v. Cheltenham Borough Council* [2001] UKHL 15, *Dutton* [1989] 2WLR 17. The ethnicity of Irish Travellers was confirmed in the Central London County Court case of *O'Leary & Others v. Allied Domecq & Others, unreported 29 August 2000*, which relied on the criteria for an ethnic minority laid down in the *Mandla v Dowell Lee* case. In Northern Ireland the matter has been put beyond dispute by specific legislation.

“For a group to constitute an ethnic group in the sense of the 1976 Act, it must, in my opinion, regard itself, and be regarded by others, as a distinct community by virtue of certain characteristics. Some of these characteristics are essential; others are not essential but one or more of them will commonly be found and will help to distinguish the group from the surrounding community. The conditions which appear to me to be essential are these: (1) a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive; (2) a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance. In addition to those two essential characteristics the following characteristics are, in my opinion, relevant: (3) either a common geographical origin, or descent from a small number of common ancestors; (4) a common language, not necessarily peculiar to the group; (5) a common literature peculiar to the group; (6) a common religion different from that of neighbouring groups or from the general community surrounding it; (7) being a minority or being an oppressed or a dominant group within a larger community, for example a conquered people (say, the inhabitants of England shortly after the Norman conquest) and their conquerors might both be ethnic groups.”

It is a distinct community with a certain culture and history of its own. This criterion was later applied to Irish Travellers by a lower English court that heard six days of evidence on the matter and they were found to meet it and were declared an ethnic minority.

The affect for Travellers on the recognition of their ethnicity could include the State providing mechanisms such as positive action strategies for example holding places for Travellers in third level institutions, representation in the Oireachtas and Seanad and promotion of Traveller culture as part of Irish culture.

Ethnic recognition for Travellers in Ireland would bring automatic inclusion in future laws and policies. It was hoped that the courts would define ethnic origins in the Equal Status Act 2000 (the members of both Houses expressed confidence that the definition of

Article 5(2)(a) of the Race Relations (Northern Ireland) Order 1997 says: “In this Order, ‘racial grounds’ ... includes the grounds of belonging to the Irish Traveller community, that is to say the community of people commonly so called who are identified (both by themselves and by others) as people with a shared history, culture and traditions including, historically, a nomadic way of life on the island of Ireland...”. The UNCERD Committee has stated that Irish Travellers satisfy the criteria for recognition as an ethnic minority.

ethnic origins by the court would include Travellers and they were reticent to offer a rigid statutory definition). It appears that the aim of the inclusion of Travellers as a separate ground was to copper fasten their protection under the Acts at the legislative stage rather than relying on the interpretation of the courts. However, when any new legislation is introduced to protect minorities the Oireachtas can decide to include or exclude Travellers as they wish. For example, if the Oireachtas were to introduce hate crime legislation tomorrow, they would have to specifically mention Travellers as they would not automatically be included under ethnic groups (which would undoubtedly be protected by such legislation). This is not an unfounded fear; both the Press Council and Prohibition of Incitement to Hatred Bill did not initially include Travellers in their protection until long campaigns by the Traveller groups. This is not protection they should have to fight for each and every time protection for minority groups comes in under law. If Travellers were recognised as an ethnic group they would not have to do so and the resources of such Traveller groups would not be diverted in this way.

Brief background

Travellers are an indigenous minority group - part of Irish society as a separate culture for at least 500 years but upwards of 1000 years or more, based on genetic heritage. They have shared history, cultural values, language, customs and traditions that are recognisable and distinct. In fact Traveller language Gammon or Cant was identified as far back as the 11th Century. Nomadism is an important aspect of Traveller culture distinguishing them from the settled population.

There are (40,000) Travellers in Ireland 36,000 (10,618 families) in the Republic and 4,000 (1,562 families) in Northern Ireland ⁽¹⁾. (15,000 in Britain; 10,000 of Irish descent USA (All Ireland Traveller Health Study (Sept 2010))

A valuable and respected mobile labour force by the 16th century Travellers were recorded as a well known occupational group and in the 1834 Poor Law Census records while there were over 2 million beggars on the roads in Ireland Travellers were described as a distinct group with their own identity.

The Irish Traveller Movement (ITM) established in 1990, is a national network of over 80 organisations and individuals working within the Traveller community throughout Ireland. In a partnership of Travellers and settled people the Irish Traveller Movement are committed to seeking full equality for Travellers in Irish society.

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