



Joint Committee on Key Issues affecting the Traveller Community: Travellers in Prison

26 September 2024

Opening Statement by Saoirse Brady, Executive Director, IPRT

The Irish Penal Reform Trust (IPRT) is Ireland's principal non-governmental organisation working for systemic penal reform. Our vision is a just, humane Ireland where prison is used as a last resort. Our mission is to advocate for a progressive criminal justice system that prioritises alternatives to prison, upholds human rights, and champions reintegration. We do this through research, campaigning and changing attitudes.

IPRT thanks the Committee for the invitation to present to it today. IPRT last presented to the Committee in 2021 and unfortunately many of the same issues remain.

Data on Travellers in the Criminal Justice System

While we welcome the introduction of an ethnic identifier to support the State in rolling out ethnic equality monitoring,¹ data are still not regularly published on the proportion of Travellers in prison although the information is made available on an ad hoc basis when requested.

Census 2022 indicated that Irish Travellers represent less than one per cent of the population² yet from the limited available data we believe them to be overrepresented at all parts of the criminal justice system. On 31 August 2024, Travellers accounted for eight per cent of all people in custody.³ Looking at the gender breakdown, Traveller men accounted for eight per cent of the population in male prisons while 16 per cent of women in prison were Travellers.

The Traveller community also appears to be overrepresented in probation statistics. In 2022, Irish Travellers of all genders comprised an estimated nine per cent of those engaged with the Probation Service.⁴

Young Travellers are significantly over-represented in Oberstown Children's Detention Campus making up 21 per cent of the young people detained in 2023. Yet despite this over-representation,

¹ Houses of the Oireachtas, 'Joint Committee on Key Issues affecting the Traveller Community debate' (21 October 2021) <https://www.oireachtas.ie/en/debates/debate/joint_committee_on_key_issues_affecting_the_traveller_community/2021-10-21/2/> accessed 23 September 2024.

² Central Statistics Office, Census 2022 Summary Results – Profile 5 - Diversity, Migration, Ethnicity, Irish Travellers & Religion Part 1 (Central Statistics Office 2023).

³ Statistics provided to the Traveller Justice Initiative by the Irish Prison Service, 23 September 2024.

⁴ David Doyle et al., "Sometimes I'm missing the words": *The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system* (IPRT 2022) <https://iprt.ie/site/assets/files/7076/iprt_the_rights-needs_and_experiences_of_foreign_national_and_minority_ethnic_groups.pdf> accessed 23 September 2024.

there is only brief mention of the specific needs of Traveller young people in the State's *Youth Justice Strategy 2021-2027*.⁵

IPRT would encourage the Irish Prison Service (IPS) and the Probation Service to collate and regularly disseminate and publish up-to-date accurate statistical information around ethnicity in the criminal justice system including for people held in pre-trial detention, serving a custodial sentence or engaging with the Probation Service.

"Sometimes I'm Missing the Words"

In 2022, IPRT published *"Sometimes I'm Missing the Words": The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system*.⁶ This research – funded by the Irish Human Rights and Equality Commission and completed by researchers from Maynooth University – included a focus on the experience of Travellers – within the context of relevant policy and law at national, European and international levels.

Again, the report raised the issue of accurate and incomplete data. Analysis of IPS committals for a 12-month period found that 70 per cent of committals reported as non-Travellers and 7.8 per cent reported as Irish Travellers.⁷ No ethnic data was recorded for over 22 per cent of committals.⁸ These gaps and discrepancies impede the full analysis. To fully examine this issue, it is imperative that complete data be collected.

The research also examined why certain groups were over-represented in the criminal justice system and highlighted a number of underlying factors that particularly impact ethnic minorities – low educational attainment, homelessness, unemployment and racism including anti-Traveller prejudice.⁹

Another key finding was that:

Experiences of racism at different stages of the criminal justice process had the effect of limiting trust with any part of the penal system.¹⁰

Review of Prison Rules and Complaints Process

To adequately ensure accountability in the prison system and help to restore confidence, IPRT urges the Department of Justice to prioritise the completion of the ongoing review of the Prison Rules 2007.¹¹ The Rules touch on almost all aspects of prison conditions including admission, accommodation, health, education and discipline. The review provides an opportunity to insert a positive obligation to eliminate discrimination and ensure that the Rules comply with the Public Sector Duty set out in s.42 of the Irish Human Rights and Equality Commission Act 2014.

⁵ Department of Justice, *Youth Justice Strategy 2021-2027*, (Government of Ireland 2021) p. 26. Action 2.9.6 states "Ensure that GYDPs reach all relevant young people in the community, including those from minority and hard-to-reach groups (such as young people of migrant background, Traveller and Roma communities)".

⁶ David Doyle et al., *"Sometimes I'm missing the words": The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system* (IPRT 2022) <https://iprt.ie/site/assets/files/7076/iprt_the_rights-needs_and_experiences_of_foreign_national_and_minority_ethnic_groups.pdf> accessed 23 September 2024.

⁷ *ibid*, p.24.

⁸ *ibid*.

⁹ *Ibid*, pp.13-14; p.43.

¹⁰ *Ibid*, p.5.

¹¹ Parliamentary Question, 'Prison Service' (13 June 2023). Access [here](#): "The Department has been working closely with the Office of Parliamentary Counsel to progress the amendments since November of 2020, however, progress has been intermittent due to a number of factors, including the impact of the pandemic and priority legislation taking precedence. Drafting of the amendments is now at an advanced stage and it is anticipated that this work can be completed in the coming months".

The review includes a commitment to amend the Rules to allow for a streamlined complaints process and for the Office of the Ombudsman to take jurisdiction of prisoner complaints.¹² To adequately address significant issues including racism across the prison estate, and promote a positive prison culture, there must be a functioning complaints system that can hold the prison authorities accountable and provide redress when things go wrong. The 2022 research found that “the current complaints system is ineffective in addressing complaints concerning racism and there should be a focus on the already commenced review process”.¹³ A robust complaints system in which staff and prisoners have confidence would support better management of prisons and result in better outcomes for everyone. This is particularly relevant in a context of record levels of prison overcrowding with extreme pressure on staff and more demand on necessary but overstretched services.

Dedicated Strategy for Travellers in the Criminal Justice System

While these proposed changes would improve the situation for everyone in prison, IPRT also recognises the urgent need to have a dedicated strategy for Travellers in the criminal justice system given the specific challenges they face not only in terms of being disproportionately represented in but also in terms of the stigma experienced and the high level of need within the community in terms of mental health, addiction, literacy, low educational attainment and other relevant issues that particularly impact the Traveller community. We would urge the Committee to support this call.

Thematic Inspection on Irish Travellers in Prison

Finally, the Committee may wish to note that IPRT and the Traveller Justice Initiative have jointly written to the Office of the Inspector of Prisons to request a thematic inspection focused on Irish Travellers in prison. This we hope would shed light on the lived experiences of Travellers in prison and could be used to better inform policy and/or service delivery.

¹² *ibid.*

¹³ David Doyle et al., “*Sometimes I’m missing the words*”: *The rights, needs and experiences of foreign national and minority ethnic groups in the Irish penal system* (IPRT 2022) <https://iprt.ie/site/assets/files/7076/iprt_the_rights_needs_and_experiences_of_foreign_national_and_minority_ethnic_groups.pdf> accessed 23 September 2024, p.6.