



Irish Travellers' Access to Justice:

Brief Summary of Some Key Findings

The Irish Travellers' Access to Justice project documents Travellers' perceptions of, and experiences with, the criminal justice process, specifically policing and the courts system. We spoke with 1 in every 60 adult Travellers in Ireland for our study, with ITAJ described by the Human Rights and Equality Commission as "ethically grounded in human rights principles of participation", "a landmark study in both its conduct and findings", and "an empirical leap in delivering an authoritative analysis and evidence-based recommendations for measures to tackle the institutional racism in the criminal justice system towards Travellers."

Recommendations

1. We recommend the introduction of an ethnic identifier throughout the criminal process from the point of reporting to the point of sentencing, including entry and search of homes and stops and searches which must be recorded. A commitment to make the resultant data available to independent researchers. The publication of an annual report on ethnic minorities in the criminal process.
2. We recommend the development, publication, funding and implementation of a strategy within and across each branch of the criminal process to address gaps in trust, legitimacy and accountability impacting the Traveller community. This strategy should include the development of an independent Traveller justice advisory group to provide advice on justice related issues and to monitor implementation of the strategy.
3. We recommend the establishment of a robust and effective independent complaints body operating across the criminal legal process and staffed by a dedicated team of investigators with no continuing connection to any of the criminal justice agencies. This body should be able to accept and respond to complaints regarding any criminal justice agency or professional including customs officers and judges.

Findings

Ethnic/Racial Profiling

59% of participants felt that the last time they were stopped was because they are a Traveller, saying:

- Garda knew they are a Traveller
- Garda has reputation for stopping Travellers
- Where they were stopped
- Garda said something about them being a Traveller/about Travellers generally

Respectful treatment at garda stops:

- 54% of those stopped in a vehicle said that they were treated respectfully
- 23% stopped on the street said that they were treated respectfully

Policing and COVID-19

Frequency of stops during COVID-19:

- 54% were stopped more;
- 32% stopped about the same amount;
- 14% stopped less.

Relationship between gardaí and Travellers during COVID-19:

- 50% said it had disimproved
- 26% said it had stayed the same
- 2% said it had improved
- 22% preferred not to say

Search of the home

Frequency of home searches – in the past 5 years:

- 50% of respondents had been in a home that the gardaí entered uninvited
- Of those:
 - 20% said it had happened once
 - 56% said it had happened 2-5 times
 - 24% said it had happened 6 or more times
- Of the last time it had happened:
 - 11% reported that a search warrant was shown, of which a third did not include a detailed address
 - Where there was no search warrant, 47% said that the gardaí did not give a reason for entering the home
- Impact on children in particular is significant

Community Policing

- Individual community police were singled out for positive comment.
- Positively rated policing practices were characterised by, for example:
 - Respect, Listening, Compassion
 - Responsiveness; Outreach
 - Treating Travellers as trustworthy
 - Vocally defending Travellers' rights

Hate crime

- 60% of respondents think that hate crime against Travellers is a very serious problem
- 20% aware that it is possible for gardaí to record a crime as a hate crime

Accessing justice in the courtroom

- Low levels of understanding on the part of victims and defendants as to what is happening in the courtroom
- Respectful treatment
 - Half of victims felt treated respectfully by the judge
 - Just over a third of victims felt treated respectfully by the gardaí present

- Majority of defendants felt treated respectfully by the lawyer for the defence
- Minority of defendants treated respectfully by judge/gardaí/prosecutor

- Just over a third of defendants believed that their Traveller identity had an impact on the outcome of the case
- Interviewees from Traveller organisations convinced that the presumption of innocence does not apply to Travellers.

Trust and Perceptions

- On a scale of 0-10 where 0=no trust and 10=complete trust:
 - Travellers' trust in police is 3.12 as compared to 6.3 among the general population
 - Travellers' trust in courts is 3.33 as compared to trust in the legal system of 5.25 among the general population
- 8% of Travellers agree that the gardaí treat everyone fairly regardless of who they are, compared to 71% of the general population
- 18% of Travellers agree that judges treat everyone fairly regardless of who they are
- 89% of Travellers believe the gardaí are more strict when dealing with Travellers compared to settled people
- 82% of Travellers believe judges are more strict when dealing with Travellers compared to settled people

Complaints

- 93% of Travellers who spoke about a negative experience with a judge said that no complaint was made
- 63% of Travellers who spoke about a negative experience with a garda said that no complaint was made
- Reasons for not complaining include:
 - Fear of being targeted by criminal justice professionals
 - Belief that nothing would come of it
 - Lack of awareness of process

