Maynooth University
National University of Ireland Maynooth

'What are the factors of over representation of Indigenous ethnic minorities in persons in their respected countries; focusing on the comparison of ethnic minorities in Ireland, New Zealand and Australia?'

MA Thesis

A dissertation submitted in partial fulfilment of the requirements for the degree

of

MA Comparative and Criminal Justice

Supervised by Dr Avril Brandon

School of Law and Criminology

Maynooth University

By Natasha Wall

Word Count:20,291

Table of Contents

Chapter 1-Introduction ……9

Chapter 2-Ethnicity…….12

Definitions……12

Race vs ethnicity……..13

Ethnicity vs Indigenous ……..13

Racial Threat theory…….14

Critical race theory……..15

Systemic race theory……15

Prejudice Types……16

Minority over representation in prison……16

Chapter 3-Irish Travellers ……..18

Influence of Media……19

Pillar 1: Societal view……21

Nomadism/Functions of Nomadism……23-24

Nomadism; Itinerancy…….24

Public Attitudes……27

Pillar 2; Authority enforcement ……27

Criminal Judicial system/courts ……29

Probation……32

Pillar 3; Legislation ……33

Chapter 4-The Māori…….36

Influence of Media…….38

Pillar 1; Societal View…….40

Pillar 2; Authority enforcement ……41

Guards……44

Criminal Judiical system/courts……44

Public Attitudes……45

Probation……48

Reoffending……49

Pillar 3; Legislation……50

Chapter 5-Conclusion ……54

The Societal Pillar……54

The Authority Pillar……55

The Legislation pillar……56

Strengths and Limitations of the Present Study……57

Do Minorities commit more crimes……58

Prisions Rates ……..59

Analyse……60

Conclusion……60

Bibliography……61

Acknowledgements

I would like to acknowledge my own community; the Irish Travelling community and express my efforts in furthering the supports and protections offered to the newer generation. I would also love to acknowledge and praise educators such as Dr Avril Brandon and my own grandmother Margret Casey who continue to spread correct information and education on a topic that has been painted as a negative in its entirety. Without people like the above I would not be here today sharing my experience as a proud Irish Traveller and shedding light on the continual abuses against my community and those of other Indigenous communities. Lastly, I would like to thank myself and my hard work to be able to stand tall today proudly educating on a culture I was once encouraged to deny. May we continue to spread and educate the joys of this culture that one day will be recognised for its beauty in membership.

Abbreviations

UNCHR: United Nation Commission on Human Rights.

ILO: International Labour Organisation.

UNCHR: United Nations Commission on Human Rights.

ILO: International Labour Organisation.

UNESCO: United Nations Educational, Scientific, and Cultural Organisation.

GRT:Gypsie Romans Traveller.

ECRI: European Commission Against Racism & Intolerance.

ITAJ: Irish Travellers Access to Justice.

CERD: National Traveller and Roma Inclusion Strategy.

NTRIS: Elimination of Racial Discrimination.

ECRU: Europeans Commission against Racism and Intolerance.

RNR: Risk and Needs Assessment Model.

MACRN: Māori Criminogenic Needs.

SMCA: Specialist Maori Cultural Assessment.

ACORD: Auckland Committee on Racism and Discrimination.

UNCROC: United Nations Convention on the Right do with the Child.

MFU: Māori Focussed Unit.

MACRNS: Risk, Need, Responsibility Model of Rehabilitation.

IPCA: An Independent Police Conduct Authority Officer.

Cases

Morris v Burnfoot 2005.

DPP V Nally 2011.

Whanganui River Case 2017.

Anti-Terror Raids' in Urewera 2007.

Shargin Stephen's 2016.

Ngáti Kahungunu Chief Renata Kawepo 1888.

Legislation

United Nations Commission on Human Rights, 2010.

Art 1 under the UN committee on the elimination of racial discrimination general recommendation no 8.

No 18, rev 1, of the United Nations Commission on Human Rights.

Garda National Diversity Unit, 2000.

United Nations Declaration on the Rights of Indigenous people, 2018.

Incitement to Hatred Act, the Employment Equality & Equality Status Act.

Housing (Miscellaneous Provisions, 2002) Act 2002.

Control of Horses Act 1996 Scrap trading/Finance Act 2011 Scrap Iron Control of Export Act, 1938

EU FRA report; The European Union Agency for Fundamental Rights report.

Treaty of Waitangi 1840.

The Māori language act, 1987.

Race relations act 1971.

Te Trit o Waitangi.

Turning of the Tide 2012.

Te Huringa o Te Tai 2019.

Section 25 c of New Zealand Bill of Rights act 1990.

Section 214 of the 1989 Orange Tamariki Act.

The Ti Piriti Sex Offender Treatment Programme, 1994.

Native Exemption Ordinance 1844.

The Resident Magistrates Act 1867.

The resident Magistrates Courts Ordinance 1846.

Section 17 of the New Zealand Constitution Act 1852 (New Zealand Consitution,1852).

Article 1The Treaty of Waitangi,1840.

Article 2 The Treaty of Waitangi,1840.

1863 New Zealand Settlements Act.

New Zealand Settlements Act,1863.

1864 Public Works Land Act.

In 1907 Tohunga Suppression Act 1907.

Abstract

Over representation of ethnic minorities within criminal justice systems prisons; statistics have been researched by many academics, however 'Indigenous Ethnic Minority' research regarding imprisonment rates and states reactions to these rates has been less researched and invested in. This thesis aims to draw upon existing research and imperial evidence to comment on New Zealand and Ireland's state's reaction to the over representation of their indigenous ethnic minorities within their respected countries prison.

Objectives of this research was to draw; 1. a background of each Indigenous ethnic minority whilst explaining the terms used throughout such as Ethnicity. 2. Comment on the theories and pillars believed to be leading causes of these divisions in society and lastly 3. Shine a light on Ireland's lack of advancements regarding its protections of Irish Travellers compared to other states with similar indigenous minority community population such as New Zealand and comment on what needs to be improved upon to change this.

Using a comparative approach of existing research both peer reviewed and blank this thesis discovered that Ireland is vastly behind in its attempt to protect and advocate for the Irish Travelling community when it comes to their continual miss- treatment within the criminal justice system, although New Zealand is not a shining example of what other states should do it is however an example of the investment that needs to occur by states into their indigenous minority communities to begin this change. This thesis draws both comparisons and differences of the two communities and delves into the possible reasoning behind said community's mistreatment within the criminal justice system using theories and economic factors.

Chapter 1- Introduction

'Prejudice is an emotional commitment to ignorance' (Nathan Rutstein, 2006)

The miss treatment of members of ethnic minorities compared to the rest of society has been recorded and discussed for years by many theorists. Suggestions and advancements to put an end to this miss treatment have been continually trialled and failed by each country. In this dissertation the focus will be on New Zealand and Ireland's attempt to lessen their indigenous minority overrepresentation rate within their prison systems. Comparing and contrasting the Irish Traveller community and the Māori; this dissertation will discuss the two indigenous minorities over representation within state prisons. These above theories have discussed movements such as the 'Black Rights Civil Movement' (Clayton, 2018) and legislation creation that began to be created to try and diminish this way of thinking from society and welcome cultures into the community.

However; research shows, regardless of these advancements sectors of society have continually been shown to have engrained racism, the sector of focus for this dissertation is that of the criminal justice system in which research shows that from first interaction with an arrest right up to sentencing show a minority is at risk of facing harsher sentencing and treatment as a results of their membership to a minority compared to other non-members within the criminal judicial system, (Nolan, 1996). This dissertation will set out to highlight these results and draw both a comparison and attention to this remaining aspect of racism and what can be done to solve this. The goal of this dissertation is to highlight an area of society that has continuously gone unnoticed in its prejudice ways whilst advising Ireland on its future steps towards a more equal future compared to New Zealand.

The overarching topic of this dissertation is the overrepresentation of indigenous minority imprisonment rates compared to the latter of society in both Ireland and New Zealand, and any correlation being a member to said community has on criminal judicial decisions and treatment, (Edgar, 2012). A problem faced with this dissertation is the lack of research and data regarding indigenous minorities imprisonment rates as often minority statistics are grouped together it is hard to single out individual ethnicities as reflected in Irish Travellers often being grouped with Romani Gypsies for statistics this makes it harder to decider specific numbers which results in research being viewed as weak and unreliable. This experience of lack of research can also be seen in countries where minorities are in fact separated by community

such as the Māori however fear of miss treatment and or negative passed experience has shown to prevent people from openly identifying themselves as members of the community which results in false data being gathered.

These issues alongside late minority status recognition all discourage members from openly identifying. The significance of this research is major in highlighting the advancements made and the advancements required to improve Ireland and New Zealand's judicial treatment of indigenous minority members, this research will shed light on New Zealand approaches to address its rates and hopefully inspire Ireland to follow suit and improve these advancements. The significance of this research is essential in Ireland improving its treatment of ethnicities within the criminal judicial system as research has shown Irish Travellers have become the second most discriminated against minority in prisons 'last bastin of racism' (Mulcahy, pg310, 2012). Mass incarceration occurs when the rates of incarceration impact negatively on sectors of society who share similar ethnic and socioeconomic characteristics; characteristics which have led to the disadvantage of the community (Martina Madden,2023), (Wildman,2017).

This research aims to critically analyse and compare the judicial system handling of indigenous minorities from both Ireland regarding the Irish Travelling community and New Zealand regarding the Māori. In doing so, this research aims to: Highlight the continued miss treatment and engrained racism within criminal judicial system faced by minorities at the hands of judicial bodies. Comment on Irelands position in protecting their indigenous community compared to New Zealand and where it falls short in comparison/ where it needs to improve upon these existing programmes.

This dissertation is broken up into 5 chapters; Chapter 1; this is the introduction as seen above in which lays out the chapters of the dissertation and discusses the objectives of the research, Chapter 2; introduces the definition of and academia surrounding the word 'Ethnicity' and 'Indigenous'. Chapter 3; Introduces the first minority; 'Irish Travellers'. Within this chapter a 'Historical Background. is provided of the culture and then an introduction into the '3 pillars. The 3 pillars being (a historical view of minorities, societal view and lastly prisons views of minorities). The 3 pillars are used to delve into the possible explanations behind the over representation of Irish Travellers within the judicial system. Chapter 4; Introduces the second and final minority; 'The Māori'. Within this chapter like previous a historical background is provided of the culture and an introduction into the 3 pillars.

It is within this chapter parleys between the two ‘Communities’ and ‘Experiences’ are provided and commented on, in this chapter differences of the two countries will also be discussed regarding state actions Chapter 5; the final chapter of this dissertation discusses a summary of the findings, recommendations to address said findings down falls/limits, strengths and limitations of the research and finally concluding remarks. This chapter will aim to answer the question set out by this dissertation in chapter 1and concluded the aims of the dissertation.

Chapter 2- Ethnicity

The complexities of defining ethnicity and the treatment experienced because of it

In this chapter of the dissertation the meaning of 'Ethnicity' will be explored. This meaning will be explored through the theoretical and comparative theories that surround the study of ethnicity and the influence it has on the treatment of minorities in society and within the criminal justice system from first interaction with guards to probation post imprisonment as will be discussed in further chapters. Prejudice is also discussed in relation to these theories to explain the ill treatment of minorities. An attempt to highlight the difference between race and ethnicity will be explored in this introduction.

Definitions

Both 'Indigenous Minorities' and Ethnic Minority' members have the right to define themselves as members of a Minority or an Indigenous group and the right to choose not to*'* (United Nations Commission on Human Rights,2010). As a sign of respect to the many variations in which minorities members choose to live, there is no set legal definition for the term minority. However, the United Nations Commission on Human Rights (UNCHR) defines Minorities on 'ethnic, culturally, religious, and linguistic identities' under Art 1 under the UN committee on the elimination of racial discrimination general recommendation no8 it states any definition of minority must include both objective factors and subjective factors associated with the minority (No 18, rev 1, of the United Nations commission on human rights ,1951). Similarly, to this, the word 'Indigenous' has also not been clearly defined in legislation.

Recognised under the UNHCR and the International Labour Organisation (ILO) 169 convention as people who 'on their account of their descent from the populations which inhabit the country or a geographical region which the country belongs at the time of conquest or consolidation or the establishment of present state boundaries' (International labour organisation,1989) the characteristics behind the meaning of indigenous are also very broad. The term 'Ethnicity' itself is also rather new, however its referral to kinship and shared common culture goes as far back as historical records go (Swepston, L,2004). Historically ethnic representative identification has been a crucial factor of self-identity for people, a feeling of

protection within a group. The term 'Ethnicity' refers to a group in which share common nonphysical traits i.e. religion, culture, language etc (Hutchinson,1996).

Race vs Ethnicity

Post modernist theorists believe that ethnicity is a complex social construct that influences both personal and group identities. Whilst ethnic and racial groupings can be beneficial regarding research and improving societal programmes it is this grouping that has led to miss treatment. Ethnicity is often used as a euphemism for race which also results in miss treatment as race is far from Ethnic and refers to a destination imposed on people established hundreds of years ago when humans were first divided into the five major sub populations (Harrows ford, 2009). Race is appropriate when the research looks at aspects of physical factors whilst ethnicity is appropriate when the research looks at the social aspects of life such as culture and the personal identity this collective share (Brown,1998).

Ethnicity vs Indigenous

Ethnic minorities and Indigenous minorities are often viewed under the same umbrella term an example of this grouping can be seen in the referral to 'Irish Travellers' as an 'Ethnicity' and an indigenous minority thus making them an indigenous ethnic minority group. Indigenous minorities refer to the earliest known inhabitants of a place and especially of a place that was colonised by the now dominant group such as the 'Māori' by Europeans (Cunningham, 200). Minorities and Indigenous minorities are one of the most marginalised communities in society and face discrimination in all aspects of life whether socially, economically, culturally etc, all resulting in the often-limited access to societal benefits such as education, health, and many more (Nazroo, 2003). This limited access to much needed supports have an overall knock-on effect within the community of continual poverty, a lack of justice, a lack of access to services (Greenwood, 2015) and results in the overall harm from their host population making them particularly vulnerable to negative societal experiences such as imprisonment (Shaw, 1999). Statistics such as the prison reform trust in the UK show ethnic minorities have a disproportion overrepresentation of imprisonment rates regardless of their lower rates in the overall population reflected in the overall prisons population 27% being from a minority ethnic group, if UK prisons reflected the ethnic makeup of England and Wales there would be 9,000 less in prison (Prison reform trust, 2022). Prejudice is one of the many explanations discussed as a

reasoning behind the higher imprisonment rates of minorities however this issue is complex and includes a range of other possible reasonings beyond prejudice such as poverty rates, education, housing etc all of which are also seen as possible causes of these rate differences, this dissertation however will focus on minorities ill treatment in regards to criminal justice system as a possible reasoning behind these rates (Katz,1991).

Theories used to explain racial disparity within the criminal justice system

Racial threat theory

Racial threat theory was developed by a theorist's name Blalock in 1967 to explain discrimination on micro level scales. Blalock developed this theory with the focus of explaining and highlighting the well documented discriminatory social control practices/ treatment occurring within the criminal justice system towards minorities, this theory looks at mechanisms created by the state that contribute to the differential treatment of minorities compared to majority/ white defendants (Dollar, 2014). The mechanisms looked at in this theory are the; courts, probation system, arrests and is often referred to as an explanation behind the disparity of imprisonment rates of minorities within prison systems. This theory aims to understand the systemic inequalities faced by minorities within the criminal justice system as a result of being viewed as a threat by the dominant society members in charge of policy (Davis, 1967) .This theory discusses how this belief of minorities being viewed as a threat Manifests into the creation and application of social control techniques that target minorities such as over policing, sentencing disparities, mass incarceration and restrictive policy. Racial threat theory defines 3 distinct forms of racial threats; Economic, Political and Symbolic; these threats then form into actions which result in the mistreatment of minorities (Feldmeyer,2018).

Economic threat

Refers to the threat of the minorities reaching similar and or more financial status than the majority and threatening the majorities position as a result.

Political threat

As the size of a minority group increases so does the fear of them becoming a threat to the majority with worries relating to job availability, taxes etc. As the response to this perceived threat actions can manifest into the implementation of social controls measures such as policing, legislation

Symbolic threat

As this threat grows the seeking of maintaining control by the dominant group is sought which often results in higher level of discrimination and legislation restricting the minorities actions. (Feldmeyer,2018).

Critical race theory

This theory looks at the intersection between race and law and argues racism is embedded within the legal system itself and is reinforced through the treatment of members of ethnic minorities through actions by the criminal al justice system such as harsher sentencing; this theory believes that the system itself is built to benefit the dominant group. An example of disparity sentencing can be reflected in crack cocaine sentences vs cocaine sentence. Both sentences refer to the same drug however crack cocaine is found and used more commonly in ethnic minority area vs cocaine the powder both cases have reflected very different sentences (Davi's, 2010). This theory argues racism is the norm and has become so engrained in society it's hard to address, this theory believes that change in racial justice only occurs when the majority of society benefit, this theory looks at racial disparities in sentencing and mass in incarnation rates (Dollar, 2014).

Systemic racism theory

This theory looks at racism as embedded in structure not just in isolation of one structure. This theory focuses on 'Institutional-Racism'; established in Laws, Politics etc these systems disadvantage racial minorities without being overly obvious with their racial intentions, historical legacy; this theory can't be understood without understanding the history factors behind the theory involving a hierarchy of power white people at the top whilst people of colour are at the bottom. Ultimately this theory is about all institutions (both private and public) and policy interacting to reinforce this ill treatment.

Prejudice

Prejudice was first defined by Gordon Alport in 1954 as a 'categorical basis that is projected upon an individual and or member of a group' this results in prejudice becoming a group process as discussed by Brown; This *in-group vs out-group process* categorises people as their group rather than their individual attributes and will eventually fuel the spread of negative beliefs of the 'Out Group' and create conflict and othering regarding resources and power. There is believed to be two types of prejudice: (Alport, Pg 29,1954).

Implicit/ Explicit prejudice

Implicit prejudice occurs subconsciously; it represents traces of the person's experience and or thoughts towards a group. Explicit prejudice occurs consciously; seen in actions such as hate crimes (Brown, 2010). Today racism has become more implicit and subtle within society, groups have become the main source of protection and companionship, and individual attributes are rare, it is this prejudice that will be reflected in this journal as one of the possible causes behind the higher imprisonment rates of Indigenous minorities (Reid, 2010).

Minority over representation in prison

The over representation of minorities within the criminal justice system is an international recognised issue. In Ireland Irish Travellers make up 0.7% of the general population and 7.3% of prison population (Irish Traveller movement, 2022), the Māori in New Zealand make up 14 percent of the overall population however make up make up 50.6 percent of prisoners (Learning, 2016). Concerns have been raised about the discrimination faced throughout the process and interaction with the criminal justice system by Indigenous ethnic minorities and reflected in sentences and court outcomes resulting in a disparity of prison percentage. It is this experience that will be delved into further within the following chapters.

Previous possible explanations have been discussed and raised for the possible reasoning behind this over representations rates of ethnic minority groups in the criminal justice system; 1. Ethnic minorities commit more crime, 2. Ethnic minorities are targeted by law enforcement more than the remaining population and 3. Ethnic minorities are given harsher sentences than the remaining populations. These suspected reasonings will be explored in

coming chapters regarding ‘Irish Traveller’s and the ‘Māori community’. In the next chapter the Irish Travelling community will be introduced and the above theories applied. In Conclusion the above definitions and theories will be applied and explored within the 3 pillars that will be discussed in the following chapters to draw a conclusion to why ‘Indigenous Ethnic Minorities’ are imprisoned at a higher.

Chapter 3- The Irish Travelling community

In this chapter a brief overview of the current knowledge and history of Irish Travellers will be provided, a break down will then be explored of the 3 pillars of factors that will be argued that contribute to the over imprisonment rates of the community. These pillars will be a societal view of the community, the pillar of authority regarding treatment of the community and lastly the pillar of legislation that protects the community all of which will be discussed as possible reasonings behind the over representation of Irish Travellers in prison.

Irish Travellers are believed to be oldest ethnic minority of nomad culture in Ireland. Irish Travellers can also be referred to as Pavee and Mincéir in their traditional language, meaning 'the walking people' and 'Traveller talk'. Historically the community have also been referred to as tinkers referring to the historical self-employment trade Irish Travellers had of traditional tin making. A population making up 0.7% of Ireland (Irish Traveller movement,2022), this is a small minority however regardless of this size EU reports show that Irish Traveller's is one of the most discriminated ethnic communities in Europe (FRA, 2019) with a long history of over policing and miss treatment, often referred to as 'the last bastion of racism' in Ireland(Mulcahy, pg310,2012).

The originality of Irish Travellers has been argued wildly, from tales of relation to pre-Celtic priests, to the community being a result of displacement by those who's land had gotten taken off them by English soldiers and were forced to live roadside during Ireland colonisation, there has yet to be an agreed upon origins of the community. In 1952 the Irish Folklore commission sent out a questionnaire covering a range of topics regarding the community in a bid to gather information on the background of the community. The responses to this questionnaire solidify the lack of consistent agreement regarding the community origins (the Irish of lore commission,1952). This lack of set origins has led to many holes in legislation and disagreement in politics (MacCann et al., 1996). Mincéir Thari (Traveller talk) also known by academics as Shelta, De Cant or De Gammon (two dialects) are the ancient Indigenous languages of Irish Travellers originating from the Ogham technique and later accepted into the United Nations Educational, scientific, and cultural organisation (UNESCO) inventory of intangible cultures (UNESCO,2019).

The ill treatment of Irish Travellers is recorded as far back as 1940 in Ireland where it was common to move Travellers off land that was needed for building for the nation state often an excuse used to move the people, soon these evictions became socially accepted and assimilated into plans and legislation being created to limit the minorities movements altogether (Rieder, 2018). Irish Travellers were recognised as an ethnic minority in Ireland in 2017 after continual push from the UN and Irish Traveller organisations since the early 2000s (O'Halloran & O'Regan, 2017). This late recognition is often referred to an act of discrimination in play that merely tips the iceberg of the minorities long history of being miss-treated and overlooked. The societal view of Irish Travellers has historically been negatived within Irish society; this aspect will be discussed further below.

Influence of media

Irish Travellers are continually associated alongside crime, this stereotype is pushed through media culture that paint the community as negative and crime associated. An example of this in media can be seen in films such as the move Traveller in 1997 this film is one of few media's that draws a light onto Irish traveller community, in this film the Irish Traveller culture is portrayed as one of crime with acts of cons being committed on the settled community. The creator of the film comments how his hope for the film was to create a space where one could be taken into this world where 'outwardly noir al' people who live within this community have ingrained criminality as a birthright. These comments continue throughout as the DVD set of the film holds a comment from a film critic Michael Tunsion who describes the film as 'an insulated little-known subculture. Infamous for living off petty scams and thievery' continuing the portrayal of the community as crime related (Michael Tunsion,1997).

Research availability regarding Irish Travellers itself is historically scarce, research regarding Irish travellers in prisoners is even more scarce, this lack of research reflects institutional racism within society itself as highlighted within Paul Davies paper on Irish Traveller experiences in English and Welsh prisons (Paul Gavin, 2019). In 1994 Pizanai William was one of the first authors to comment on research regarding Gypsies Roma and Travelling community this research revealed the routine labelling of the community as petty criminal and undesirable regardless of research such as association of chief police officers shown no disproportionate in regard to problems with the community regarding criminality has been raised (Power, 2004).

Following Williams research in the early 2000s lineman et al Fitzpatrick associates began to grow concerned regarding a lack of statistics on Irish Travellers in jail, contrast to the previous (HMIP) results which reflected high Irish traveller rates compared to other white Irish prisoners these researchers focussed on the mental health needs of Irish Travellers incarcerated with the focus being put on 3 aims. 1.Assess the awareness levels of prison officers and inmates concerning multi-ethnic nationality and Irishtown revellers, 2. To deliver training to prison officers and inmates of multi culture courses, and 3 Collect and assess findings and develop results .The results of this research were rather surprising as statistics showed the programmes were more beneficial to the inmates focusing in on the Irish Travelling community more so than the officers(Drummond, 2015).

This lack of enthusiasm within the prison officers has been recorded as an ongoing issued as reflected in the 2001 Coxhead report, this report named as the police complaints authority annual report noted a growing number of complaints of officers using discriminatory words and treatment of travellers within custody, this behaviour has been continued as reflected in a case 3 years later ‘ Morris v Burnfoot’ this case referred to an incidence in which a detective active on an ongoing case regarding an Irish Traveller halting sight was discovered to have planted a gun within the encampment with the intentions of getting the community members arrested. It was later revealed that the seven Irish Traveller members who were wrongfully taken into custody were objected to derogatory name calling by police officers.

This case was investigated by the Morris Tribunal in 2006 a Tribunal created with the intentions of investigating Irish Guards actions in the 1900s and early 2000s commenting on the case as at risk of extreme danger of re-occurring if structure was not resolved within the Gardaí community. In an effort to combat these incidences of racism training programmes has been offered to some members of the policing community and wider staff regarding ethnic minority and culture awareness training regarding the Irish Traveller community however, the trainers of these programmes have commented and recorded that often times a lack of involvement and a feeling of being forced by employers to attend with little to no personal interest can be seen by the members attending these training days (Department of justice, 2006), raising a question if these programmes are enough.

Following 20 years later a (HMIP) report was conducted by majesty inspectorate prisons in *2014* regarding Gypsie, Roma, Travellers (GRT) members in prisons this report revealed that 1/20 prisoners identified as members of the GRT background (these results could be higher if you consider people who felt it was safer to not identify within the community. 20 years on from the original report the issues raised (overrepresentation) have continued and so has a lack of quality research surrounding race and statistics this gap deprives policy makers and academics of the ability to make justifiable actions and solutions. Below the possible factors that have been researched to contribute to this continually rising issues that is the over representation of Irish Travellers within the prisons systems have been broken down and discussed into 3 pillars with referral to three popular theories regarding the matter (Drummond, 2015)

Pillar 1: Societal view

Within this pillar the systemic threat theory will be applied regarding the hierarchy of power within society and the actions done to reinforce this hierarchy against the ethnic minority Irish Travellers thorough the criminal justice system. As discussed above the origins of Irish Travellers not been agreed upon and has raised difficulty in getting the title as a recognised minority in Ireland because of this. As discussed in Chapter one the term Ethnicity is rather a broad word and is not set in legislation leaving it open for interpretation of what exactly characterises a minority to be a minority in Ireland and who qualify for protections under these Acts (Hutchinson, 1996). However, one of the determining factors in defining a minority is a clear origin, since Irish Travellers do not have a clear origin, the minority has faced criticisms relating to receiving this title and pushback from Ireland in deciding their title and overall lack of protection under the Act regarding discrimination over minority membership (Haynes, 2021).

Traditionally before English rule Ireland was filled with nomadic civilians for hundreds of years living a nomadic lifestyle, following English rule nomadic lifestyle was sought to be extinguished through enforcement and legislation by the Crown encouraging re-settlement of the nation. This enforcement began the long journey that is believed to be the beginning of the discrimination of the ethnic minority Irish Travellers seen to this day for their nomadic lifestyle and the painting of said lifestyle as unfavourable by the state. (P. Delaney, 2003); (McDonagh,2000).

Irish Travellers historically lived travelling in cart and wagons selling handmade items and trading animals in villages along the roadside whilst spreading both music (pipe and fiddle) and storytelling. The Council of 'Europe Mechanisms' including the Framework Convention for the Protection of 'National Minorities' and the 'European Commission' Against Racism & Intolerance (ECRI,1993) requested Irish Travellers to be recognised as minorities for decades. However, they were met with a firm no from Irelands government (Lanna, 2009). Although Ireland did not recognise Irish Travellers as a minority until 2017 there was a question of 'member of the Irish Travelling community' since 2002 on the Irish Census before the minority was officially recognised as a minority, they were recognised in statistics as a separate group (an ethnic minority) meriting protections and considerations but not legislation as a minority offering diluted protections but separate acts this alone reflects the view of separation of the culture from the remainder of society long before the official recognition of minority status was given (Haynes,2021).

In March 2017 following a 30-year fight from Irish Travellers organisations Irish Travellers were recognised as an ethnic group in Ireland recognising their; language, identity and symbolic history although this recognition did not end the ongoing struggles faced by the community it did recognise the resistance of the culture that was once overlooked and shamed. This status was a beginning of change and allowed Travellers the protection under discrimination law. (Tithe an Oireachtas Houses of the Oireachtas, 2017).

Regardless of this recognition the community have continued to be belittled and discriminated. A theory that reflects Irish Traveller status being belittled can be seen in the sub poverty theory regarding Irish Traveller Ethnic status (MacCann et al., 1996). The 'Sub Poverty Theory' sees poverty as a culture has been cast upon Irish Travellers as a reasoning behind the minority's historical high levels of poverty, believing that poverty is a culture that has formed amongst poor people (in this case Irish Travellers) and has been continually passed down through families continuing a cycle of poverty. This theory was discussed by many authors one of which being Patricia McCarty who for her thesis discussed Irish Travellers 'as a culture of poverty' (McCarty,1970).This theory is one of many examples of theory's being created to blame the victim in this case Irish Travellers for their miss treatment and miss-fortunes rather than holding the system accountable in which allows for this cycle to continue and does not

provide proper legislation or protections to stop this cycle from continuing generation to generation (Rieder, 2018).

This theory was ultimately dismissed for its lack of focus of structural causes of poverty such as unbalanced power within society and for its view of Irish Travellers as a sub culture rather than a standalone culture of its own. This portrayal of Irish Travellers as a subculture rather than a standalone culture is reflected in many writings and literature beyond this theory and continues to be referred to as a lifestyle rather than a culture in many theory's, this furthers the dismissing nature of academia surrounding the experience of Irish Travellers and paints aspects of the culture as life choices that go against the system rather than lifestyle and culture resulting in the lack of consideration being provided to the community and the painting of the community as rebels to the remaining society who 'choose' not to act this way. This view is reinforced by engrained racism within the society's institutions such as policies and practices that punish many actions related to the historical way of life such as nomadism (O'Connel,1997).

Nomadism

Nomadism is a crucial factor of the Irish Traveller culture it is a core value within the identity of the Irish Traveller community, although this nomadic lifestyle is not categorised as the specific way of life that a member must live it is more so a nomadic mindset the culture share from generation to generation (McDonagh, 1997). This nomadic mindset is reflected in historically Irish Traveller's occupation as most Travellers are self-employed and this 'Nomadic' lifestyle allows Irish Travellers the ability to move on in search of work. This 'Nomadic' lifestyle has Economic, Psychological, Sociological and Cultural benefits to the community as discussed by McDonagh (1994) in his work McDonagh discussed this nomadic lifestyle as perpetrating several aspects of Irish Traveller lives and can grow to a feeling of 'terror' if not fulfilled and or prevented from fulfilling'(McDonagh,1997). Preventions such as legislation regarding trespassing and halting site laws created by the Irish government have threatened this nomadic lifestyle/mindset and created a feeling of attack towards the community resulting in a us vs them experience being formed. This experience further engrains racism within the judicial system as these laws are seen as a one shoe fits all manner without the consideration of bodies who may not be able to withhold this commitment (Armie,2020).

Functions of nomadism

Nomadism serves as a social function for Irish Travellers allowing small family groups to travel and meet extended kin in which originally, they'd have lived alongside, it is at this meeting traditions are shared and information alongside the meeting of marriage partners is arranged. The importance of nomadism is often expressed and reflected in the material aspect of the culture as members invest in belongings that are movable a such as cars and jewellery, nothing that entails a long stay in one area is often bought by Irish Travellers (Delaney, 2003). The cultures language is not written as it is traditionally passed word of mouth these meets allows the continuing of this language it is believed this language is a result of nomadism and allows for way of life's being continued (Hyland, 1993).

Nomadism also served for economic functions as Traveller's culture of economics is based on self-employment, from an array of trades Irish Travellers historically rely on their self and trade to make money and travel is a key factor to this whether for markets, trade meets, scrap collecting etc travelling is a key factor in economics in this culture (McDonagh,1994). Lastly nomadism functions as a cultural aspect, Travelling is at the centre of Irish Traveller identity, the values and networking amongst the culture is built on travelling and this is seen in the long history of hand carved wagons. The legislation creation that prohibits and criminalise nomadism on the surface prevents the gathering of large crowds from the perceptive of the settled community however below the surface has a major effect on the functioning of the culture and criminalises the generational way of life, painting the community as disobeyers of the law (Armie,2020).

Nomadism; Itinerancy

During Ireland's colonisation by the British, the nomadic lifestyle began to be viewed as a problem that needed to be fixed. This led to legislations being implemented to help 'solve' this problem and led to the rebranding of the word Nomadism as Itinerancy, this rebranding is also referred to as an example of engrained racism (Report of the Commission on Itineracy, 1963). This led to the creation of the Commission on Itineracy being formed a key committee influencing governed policy on nomadism in Ireland. A report was issued in 1963 by the commission of Itineracy, this report is often referred to as the legislative beginning of a campaign of ridding Ireland of Irish Traveller's way of life and placing blame on the minority for its struggles with only one solution 'all efforts directed at improving the lot of itinerants

and at dealing with the problems created by them….aim the eventual absorption into the general community'(Report of the Commission on Itineracy 106, 1963). The referral to Irish Traveller's as itinerants and the view that problems faced by the community are a result of their own creation reflects the ignorant view of the culture within the legislation and settled community and ultimately hurts the culture with intensions of absorbing it back into the settled community as a solution through 'policy of inducing them to leave the road and to settle down'(Report of the Commission on Itineracy,1963) and supports the negative view of the community as the wrong way of life in comparison to the remaining society.

This view furthers the belief that Traveller culture is a choice rather than a standalone culture and the presence of racism within the legislation and criminal justice system. The 1963 report opened the flood gates of legislation being created with the goal of the absorption of Irish Travellers into the settled community at the heart of it. Legislation began to be introduced such as 'an offence for itinerants to camp within a stipulated radius of an approved camping site approved by local authority…. penalties should be considerably more than the camping fee for a week on the approved camping site' (Armie, 2020) this legislation reflects the criminalisation of the nomadism lifestyle and the active goal of emerging Irish Travellers into the settled community through risk of punishment and barriers that make it impossible to continue the way of life such as fines that historically the community cannot afford due to the high level of poverty, these barriers take advantage of the communities struggles and create a cycle of 'crimes' being committed as most fines cannot be paid and result in sentences being provided. (Report of the Commission on Itineracy, PG56,1963).

Further legislation that is originally portrayed as helpful however have ill intentions can be reflected in government's decision to eliminate obstacles to government benefits for Irish Travellers in a means of 'inducing them to settle', (Report of the Commission on Itineracy, 1963) this creation of legislation to receive government benefit encouraged a permanent addresses to be sought by members of the community to have on file for the dispensing of government funds. This legislation further paints the nomadism lifestyle as something that needs to be induced to access certain services and supports from the government, this in turn villainises the culture in which Irish Travelling community is based upon by limiting their access to well needed financial support, this often results in high levels crimes regarding quick financial gain such as petty theft being committed in attempt to access funds. The wording alone of the report referring to the Travelling community as eventually being 'treated in every

same as members of the settled population' following the procedures being put in place paints an image of the Travelling community as not of equal standing to that of the settled community and something needing to be fixed whilst reinforcing this racial discrimination (Water,1999).

Following this report eleven years later a book was published called 'Travelling people' it was published by government member advisors hence its use as an indication of the government's current view of the minority at the time of publication. (Newley, 1974). This essay was a reflection of progression within the topic of the Irish Travelling community as Irish Travellers were now referred to as a hyphen 'Travellers' rather than 'itinerants' and individual differences were discussed in which Irish Travellers may experience of the community rather than painting a wide brush over the community's experience seen in previous publications ; however, with this change a sense of bias can be felt in this book as settlement plans mentions the refusal of a house off the state by an Irish Traveller family and return to the road would be considered as a 'failure' for the community and 'back to square one' (Newley, 1974) this painting of a standard home being the ultimate goal of all families creates an image that the community ways are not considered as permanent options of living and this view does not take into the possibilities and often negative experiences behind the refusal of a home by a Traveller family such as racism within the homes community which forces the family to deny the home, there are many reasons behind the refusal to leave the community such as child care also as the community often help raise the children together as a means of support all of which is not taken into consideration in this book and is painted as selfishness.

On the outsets this essay seems positive compared to the previous reports however it remains the same ill intention as the previous 'Report to Assimilate' Irish Travellers culture into the settled community lifestyle the only difference being nicer language referring to the culture. At first glance this report reads positive, it reads of progressive and forward thinking in comparisons such as its referral to not 'generalise and assume what are the requirements of Irish Travellers' (Newley, 1974) however, upon further investigation this report reveals the continuing underlining goal of assimilation of the Irish Travelling community into the settled community as it discusses houses provided for Travellers and those who do not take on a house 'cannot receive an adequate education,. Satisfactory of services such as health etc. (Newly, 1974) this indicates that those whoever does not conform to a house are unable to receive basis services from the government as a default and result of this. This report goes on to indicate the 'Traveller way of life' is a form of regression. This overall painting of the Traveller culture as

a chosen lifestyle weaponizes the settled community to point fingers that the downfalls and struggles of the community are a result of their own doing and choice, this results in Travellers seeking services and financial supports through non ethnically means in an attempt to stay afloat in society, (Joyce et al., 2022).

Public attitudes

Anti-Traveller racism has been continually documented over decades within Ireland's, researchers such as MacGréil 2010 (NCCA,2023) and other academic and research such as Polrom has been conducted and set out to seek public opinions of Irish Traveler's and the Roma community in Irish society in 2010 (Polrom, 2017). This programme revealed over half of the respondents failed to recognise the Traveller culture as a culture, over a quarter agreed with negative statements regarding Irish Travellers and 43.2% stated they would be uncomfortable with a family member in relationship with an Irish Traveller, 60% in Ireland would not welcome an Irish Traveller's presence (MacGréil, 2010). This societal view of the culture as negative has become engrained in people minds and become socially accepted as the truth behind the community and is reflected in the legislation and institutions that demonstrates the law.

Mulcahy (2012) points to political, media and public discourse as a cause leading to the creation of the stereotyped criminal behaviour of the Irish Traveller community which in turn embeds its beliefs into the Irish culture and is reflected in public attitudes and legislation. These beliefs become imbedded into society and judicial actors are not protected from this and often can influence their decision-making skills regarding Traveller case files. These negative beliefs continue this cycle of imprisonment and sentencing because of lack of knowledge surrounding the culture and in turn manifests a lack accountability of judicial decisions regarding the community and their experience within the criminal justice system. This lack of accountability is transferred to other aspects of the criminal justice system such as the authority actors (Mulchay,2012).

Pillar 2: Authority enforcement-

Guards

Racial threat theory will be applied within this pillar to express the mechanisms created by the state to disadvantage the minority status through authority figures. The aspect of 'Nomadism' is often used as a tool of oppression against the 'Irish Traveller Community' as

reflected in authorities' interactions with the Irish Traveller community being majority negative experiences and containing implicit racism compared to the wider community reflecting this presence of threat within the police force (A Mulchay, 2012). Historically Irish Travellers have been viewed as a bottom class society group, expressed both in essays and in treatment by authority figures this culture has been given a view that whatever their issues are; it is a result of their own accord. This negative view is often transferred to law enforcers actions who as reports of over policing and under protecting of the community have been continuously recorded. These actions are a result of racial threat theory as the community are being viewed as a growing threat to society needing to be policed rather than a victim to society needing protection (Stults, 2018).

A recent focus has been put on improving the relationship between Irish Travellers and An Guarda Siobhán. New policies have been created to aid this improvement and can be seen reflected in Irelands take on the 'Policing Diversity Agenda' with the creation of 'Garda Racial and Intercultural Unit'. (Garda National Diversity Unit, 2000). The agenda shares policies with intentions of improving the police's relationship with ethnic minorities and more involvement from minorities whether from victim side or consultation. This agenda was created because of the Celtic Tiger in Ireland which resulted in many minorities immigrating to Ireland. This agenda has faced both positive and negative feedback regarding its results. The report has been criticised for its sewed focus on culture and practice of policing rather than the social field that is policing and the racial bias within the policing authority towards ethnic groups and this resulting in actions of wanting power and feeling threatened (Garda National Diversity unit, 2000).

Nomadism is continually viewed and portrayed as a threat in this report and to the jobs of local Guards. Regardless of this report statistics has shown a high number of Travellers have experienced ill treatment by the Guards to Irish Travellers as reflected in both the study in the 'Itineracy Report' and a report conducted by the university of Limerick; This report conducted by the Limericks University was conducted on 40 guards (both working and retired) and one in 100 Irish Travellers (The Irish Travellers access to justice,2022). This study discussed the relationship between Irish Travellers and the Guards, the results of study show that not only is derogatory language used throughout the criminal justice system, harassment and illegal behaviour common place within the prisons by the guards towards Irish Travellers it is often expected by other officers. This casually accepted racism can be seen reflected in the interview

of the chosen Guards who referred to the community as a 'nuisance… have to pay special attention to them' (Mulcahy, pg. 312, 2012) and 'alright in their own place' (MulCahy,pg317, 2012) this view was backed up by the Travellers participants who recalled their own experience with the guards being told 'as long as you keep it inside the gate. Kill one another' (MulChay, pg. 319, 2012) this continual use of racism can be seen engrained within the authority actors both within the criminal justice system and the bodies representing the system i.e. guards who as a result hold negative view of the community and do not treat Traveller members equal when it comes to interactions with them. (Mulcahy, 2012), (Irish Traveller access to justice, 2012).

Criminal Judicial system/courts

In addition to these experiences many participants of the report recalled their experience of being referred to as the highly discriminatory word 'knacker' (MulCahy,pg315,2012) by multiply guards to this the guards themselves discussed how this word has although previously been casually used has begun to be frowned upon within the unit and in reaction to this a new term was coined, 'stills' has been formed for Irish Travellers as they are viewed as 'still knackers' (MulCahy,2012)making the term used more subtle to objection from higher ups and still this increasing aggression. Many of the guards interviewed were noted to have been note-able tensed and uncomfortable when discussing the minority, referring to them as impossible to police due to their nomadic lifestyle 'how can you police someone without an address? 'and compulsive liars 'they lie even about their name'(MulCahy,2012,as cited by Joyce et al.,2022).

This lack of/negative relationship has resulted in many Travellers turning to 'a do it ourselves' (MulCahy,2012 as cited by Joyce et al,2022) mindset where any incidences requiring police intervention becomes handled by the community themselves, the police have been experienced to in some cases fuel the fire , when interviewing the participants regarding events when guards did show up participants stated that Guardi members reinforced this lack of trust as officers often used the opportunity to patrol the sights for any minor crimes not regarding the incident they were officially called out for. Other interviews discussed times when Guards suggested they 'deal with it themselves' when being contacted by Irish Traveller members (MulChay,pg319,2012) This lack of involvement by authorities has resulted in growth of feud fighting amongst the community, a knock on effect of Traveller's handling their own disputes, this fighting can often become very violent and some participants describe 'the need for police' but following this statement with a participant discussed her experience of police officers too afraid to enter the site leaving her and her family wondering 'how do they

think we feel?' When discussion of issues within the sights gets heated guards choose not to get involved fuelling this fires of a growing threat (Joyce et al., 2022).

Berne and Jaichand (Berne, 2006) found that when incidents involving a Traveller and a settled person the Gardaí involuntarily operated 'under the presumption the Traveller was at fault' (Berne,2006) this is an ongoing experience and can also be reflected in Sentencing such as Nally (Nally, 2011) a case in which a settled farmers sentence for murder of an Irish Traveller was quashed after 11 months in jail following the defence indicating Travellers being in the country side as an assumed threat, this result led to the questioning of an equal trial. This assumption of Irish Travellers as the aggressor in all incidences portrays rather negative image circulated within the Guardi of the community. This case also reflects the many experiences of discrimination experienced beyond the initial interaction with Guards as within the judicial system itself discrimination has been reported, Traveller's has reported judges and other judicial staff using discriminatory words. (Joyce et al.,2022).

This experience of discriminatory experiences is reflected in Irish Travellers imprisonment rates as stats show a higher imprisonment rate for Irish Travellers and a harsher sentence compared to the settled community which the researcher will discuss further in the next pillar this higher percentage reflects the increased control towards the minority vs the remaining community (P Gavin, 2019). Reports have been created with the intensions of lowering the disparity rates between Irish Travellers and the settled community with the intensions of solving these issues.

EU FRA report; The European Union Agency For Fundamental Rights report was conducted from 2016-2021 looking at the treatment of Roma Gypsies and Travellers in 6 countries (EU FRA,2021), this report showed drastic percentages of discrimination as 58% of the participants reportedly were stopped by the guards 12 month prior to this report for what they felt was a result of their Ethnicity. , 5% of participants in 2021 reported an incident of discrimination whilst in the remaining of the EU 86% did not report (EU FRA,2021). It has been argued that perhaps a reason behind the lack of reporting is a lack of knowledge regarding who to report to however this report showed that 50% of participants were aware of at least one equality bodies to exist yet levels of reporting remain low. This lack of reporting can indicate a lack of trust as this report showed that a lack of trust for the criminal system in 2021 was 39% within Irish Travellers 2% higher than 2016. This lack of trust for the police has often

left Travellers to handle their difficulties privately resulting in feuds and violence and ultimately legal action and imprisonment, this is often a result of situations becoming escalated as police involvement is avoided due to the assumption the Travellers will not be protected fairly regarding the matter (Joyce,2022).

This lack of trust amongst the Travelling community is well documented and can also be seen in the ITAJ report: this report is based around Irish Traveller's experience with police and courts in Ireland between the years 2016-2020 (Joyce,2022) 1 in every 60 adult travellers in Ireland were spoken to for this report and 29 young people working with Traveller organisations. 59% of the respondents who were stopped by Garda within 5 years prior to this study believed they were stopped due to their Ethnicity. This report documents Traveller experiences and perceptions of the police during every step within the criminal justice system in Ireland, the results show a need for major change. Results also show a low level of trust in the criminal justice system from Irish's Traveler's both regarding first interaction with the system upon arrest up until sentencing with the judge, it has been argued this treatment is a possible factor that has led to the sewed imprisonment rates for minorities (Joyce, 2022).

Individual experiences of discrimination were highlighted by the United Nations who quote 'access to justice is inextricably linked to other human right challenges that indigenous people face' this (United Nations Declaration on the rights of Indigenous people, 2018) individual experiences were also discussed in this report as participants referred to their personal experience of miss treatment due to Ethnicity membership within the criminal justice system reinforcing this view of the racial threat theory in action (EU FRA,2021). The recommendation from this report were plentiful; focussing on the headlining recommendation such as ; funding a strategy plan that addresses gaps in trust within the criminal justice system, legitimacy's and accountability for the impact actions have on Irish Travellers within the criminal process, the report goes on to discuss a separate independent complaints body for the criminal system process in which complaints of miss treatment can be fully investigated.

Lastly the need for the introduction of cultural competency training for all law officers (ITAJ,2022). Cultural training and complaint bodies have been widely discussed as ways of filtering the prison system of offenders who do not need to face a custodial sentence but are in prison because of racial bias. This system would force police officers and judicial members to be held accountable for their decisions and actions and monitor continual offences conducted

by staff and ultimately diminish the role racial threat theory plays. This overall feeling of alienation from the remaining community goes as far back as childhood reflected in a National Traveller and Roma Inclusion Strategy NTRIS a study conducted on Irish Traveller children's experience of the educational experience as a member of the community, this study revealed a unanimous feeling of being 'unwanted' felt by the school children from both peers and members of staff. (Department of justice, 2023).

This feeling of unwanted continues into adulthood and manifests into high dropout rates and illiteracy rates amongst the Travelling community. As discussed by MacGabhan study 'Voices Unheard' 68% respondents did not attend school or left before age 14, this in ability and or struggle with reading results in many problems such as barriers to information, mental health, involvement in rehabilitate services, documents when applying for early release all of which the prison system in Ireland does not carter to and can be exhilarated by negative perception. (MacGabhan,2012)

Probation

Probation Service (how it feeds back into imprisonment / not being released early etc.) The Irish Traveller experience in the probation service has been investigated by many academics such as Bracken who delved into the RISK programme of probation services in prisons and Irish Traveller (Bracken,2010). The Risk programme originally began in Canada was a programme used within poison to analyse if an offender was at risk of reoffending, these programmes were often review by probation board and courts and aiding in sentencing and releasing. Bracken (2010) highlighted how this assessment was being applied universally across all offenders and not considering offenders 'Race' or 'Ethnicity'. Without the account for 'Race' or Ethnicity' certain factors and or disadvantages get overlooked this is where Bracken raised the need for a programme on an individual level (Bracken,2014).

Reoffending

This research looks into the treatment of Travellers by prison guards, Usher and Steward 2011 also looked at prisoners involvement in prison programmes and found that prisoners who were involved less in prison programmes were more likely to return to prison than those who were actively involved, this statistic was raised further with other statistics reflecting a feeling of discrimination could detour a prisoner from actively joining in on these programmes whether due to Ethnic status and or illiteracy rates which are both recorded as

high within the Traveller community. This lack of participation is framed as lack of involvement by the probation board and often results in denied patrol and return to prison. Statistics show that prison programme affective as was best received when the teachers of the programme were culturally aware.

Pillar 3: Legislation

The critical threat theory that will be applied within this pillar to draw attention to how embedded racism is within state legislation. These societal and authority bias views of the Irish Traveller community have led to the creation of legislation that aims to be protective of the community, however, often destructive and restrictive to the Irish Traveller community wellbeing. Historically legislation has been introduced disregarding the communities lifestyle, following their status 2017 Irish Travellers rights have been woven into a number of national and internal agreement as discussed below and explicitly named in the Incitement to Hatred Act, the Employment Equality & Equality Status Act following their gained ethnic status however the above does not guarantee safety in treatment as research reflects a negative assumption of the community by the settled community and state and often times little to no results showing improvement.

This lack of improvement can be seen in legislation push for increase in Irish Traveller homes whilst the reality of facilities does not reflect statistics, a report by the Irish non-governmental organisation Southside Travellers Action group on Traveller accommodation reveals horrible conditions Travellers live in in Dun Laoghaire alone 49% of Travellers have no running water, an increase of Travellers living on the side of the road by 69% since 1994. (Pavee, 2021) This disconnect from legislative action by the state reinforces the critical race theory that the legal system itself is built on racist intentions (Delgado, 2022). These racist intentions can be seen in many of the laws created for Irish Travellers such as:

Housing (Miscellaneous Provisions, 2002) Act 2002= This act introduced legislation against unauthorised encampments, and the right for authorities to move Travellers where they do not have permission to stay. Several Health initiatives directed at the minority have been created following the ‘all Ireland travel health study 2010’ which flagged major inequalities as described below. Control of Horses Act 1996= this act places restrictions on horse ownership and refers to license and particular circumstances in which a horse must be kept (Control of horse’s act, 1996) This legislation comes across as general legislation however it has major

impact on the members of the community specifically, historically horses are a major part of Irish Traveller culture. Originally used as means of transport and economics horses have become engrained in the Travelling way of life, this act distortionary affects travellers who stats show have higher illiteracy rates and may be unable to apply for licenses resulting in involvement with the criminal justice system (Mac Gabhan,2012). This specific effect on the community can be seen reflected in other legislation such as the Scrap trading/Finance Act 2011=this act refers to tax being place on metal that is used in scrap trading a major area of employment for many Travellers who as a result of discrimination finds employment difficulty, this also can lead to interaction with the criminal justice system (Scrap Iron Control of Export Act, 1938).

The above legislation although not all initially created for the sole purpose of discriminating Irish Traveller culture it does cause hurdles for members to live their traditional lifestyle and leads to the feeling of alienation and isolation within the community and villainises the cultures way of life criminalising the community's beliefs, cultural sensitivity and awareness is not provided when legislation is being created, inputs from the community are not engaged. Thus, leading to the creation of limiting legislation and reinforcement of systemic racism.

At the heart of all the above forms of discrimination whether personal, interpersonal or institutional lies ethnocentrism, ethnocentrism is the belief that one groups way of life is the way in which all groups should live by even if this means forcing this way of life on another (Siamagka, 2015). Irish Travellers face ethnocentrism at the hand of the settled community and Irish legal system daily. Leading to the experience of prejudice that is continually passed down through families and fuels what this dissertation argues to be imprisonment rates as Irish Travellers are pushed into retaliation of these experiences and laws and act out in reaction to this and or are forced to commit undesirable acts in the hopes of living a life equal to the settled community. In the following chapter another 'Indigenous' minority of the 'Māori' people will be discussed and delved into. This contradicting relationship of de-ethnicization can be seen throughout the entire history of Irish Travellers as Ireland was the last to recognise their status.

The UK recognised Travellers as an ethnic group since 2000 and in Northern Ireland since 1997. It was not until continual push from Elimination of racial discrimination in short referred to as CERD (CERD,1965) and the Europeans Commission against racism and

intolerance in short referees to as ECRU (ECRU,1993) were Irish Travellers recognised in 2017, legislation has since been created to combat this discrimination experienced by Irish Travellers. However, often this legislation is left unfulfilled and or not completed to the best of its ability. There is many complex reasoning behind both the view of and the experienced had by this minority all of which the researcher will discuss below.

In Conclusion legislation continues to be made and movements encouraged to address this racial bias and divide as seen above and to work towards a better society and legal system that runs without the presence of racial bias. However, results are not reflecting the same speed of change as imprisonment rate disparity stand with little to no change regardless of implemented legislation. Ultimately a lack of research investment into the area of Irish Traveller's and discrimination faced within the legal judicial system can be held accountable for a huge chunk of the missing information needed for change to be argued. Culturally training has been raised as a step in the correct direction whether this training would be provided to front line workers as suggested by a report (Logan report) created by the Ombudsman for children (Emily Logan, 2014), or whether this training be given to all workers this training would be a step in the correct direction. In the following chapter the minority of the 'Māori' will be discussed and compared to Ireland's own 'Indigenous' minority discussing imprisonment rates and advances in law.

Chapter 4- The Māori People

The next section of this dissertation will focus on an Indigenous minority ethnic group with a similar history and tradition to that of the Irish Travellers, the 'Indigenous' minority ethnic group being the Māori of New Zealand. The Māori identify themselves within iwi (small clans) (Huia,2014) like how Traveller's identify themselves within family relations and surnames, the 'Māori' have faced continued assimilation tactics and discrimination within their home country evidence of such is reflected in the starch imprisonment rates in which reflect over representation of the community (Learning, 2016). Currently 50% of New Zealand's prison percentage is made up of Māori prisoners compared to the overall 15% population of Māori within the general population of New Zealand (Learning,2016). This high presence of Māori within the prison system is like that of Irish Travellers in Ireland's prison system hence the use of comparison of the two minorities to highlight indigenous imprisonment rates within this dissertation.

The 'Māori' are an Indigenous New Zealand minority ethnic group originating from east Polynesia who were the original founders of New Zealand in the early 1300s (Buck, 1952). The 'Māori' have a long history of violence and colonialism as wars have ranged on within the country over the years with the focus being of land and resources (Buck, 1952). In the 'Māori' culture the community see themselves as what is known as tangata whenua 'people of the land' this refers to the 'Māori' belief that land is passed down from generation to generation and is a part of their culture and identity similar to Irish Travellers culture of nomadism land is key within the Māori culture(Horn,2013). When the European settlers first came to visit New Zealand known as 'Aotearoa' to 'Māori' at the time, they ultimately colonised the land under the British crowns rule this soon faced much disagreement and backlash from the natives as a need for land continued to grow in which the 'Māori' held most of their worship and way of life off. This soon led to a power struggle of land ownership between the Europeans and the natives, (Hanson, 1989).

In reaction to this sudden shift in dynamics the 'Māori' people wrote up the Treaty of 'Waitangi' to protect their land rights following the initial interaction with the Europeans (Treaty of Waitangi,1840). The Europeans continued to arrive and began to confiscate land and or claim to buy land off 'Māori' community members in what later was discovered unethical ways. An example of these unethical ways in which land was taken can be seen in the

Whanganui river case (Hsaio,2012) where land owned by over 100 tribal members was sold by one member who later claimed to have been threatened by the crowns representatives to sell, this began the start of the continuous War amongst the Europeans and the 'Māori people' which ranged from 1843-1872 (Horn,2013). These Wars began a long journey in which the 'Māori' people have been made feel 'like a refugee in their own country' (Cowan, pg13,1923) as weapons were soon introduced to the once weapon free hands-on combat community with few deaths to now a population plummeting from war injury (Cowan,1923). Entering the 1900's the quality of life for the Māori collapsed and resulted in the community being turned away from the remainder of the land and portrayed as outcasts to the remainer of New Zealand. This making of outcasts holds similar experience of Irish Travellers being viewed as outcasts/lower class members of society during England's taken over of land and the push for nomadism to end (McCarty,1970).

Following 1940 Māori community settled in urban areas allowing for the slow integration of both their community and Pakeha (non-Māori community). During this time the black rights movement was strong in America and soon inspired the 'Māori' to advocate for their own rights (Brooker,2017). This advocacy led to the creation of legislation and tribunal creation all of which with the intention of protecting the 'Māori' community and reviving the once lost culture. Regardless of this over representation rates of imprisonment and discrimination are continually recorded in New Zealand against the Māori reflected in statistic is such as in 2023 that show 37% of peopled proceeded against police are members of the 'Māori' culture, 45% of the people convicted are Māori and 52% of prison population are of 'Māori' descent this is despite pf there pop of Māori being 15% in New Zealand.(Ministry of Justice,2023) These rates of imprisonment reflect the similarity of Irish Travellers rates of interaction and conviction within the criminal judicial system in Ireland highlighting a trend amongst Indigenous minority treatment within the criminal judicial system as at risk off miss treatment compared to other non-Indigenous minorities experiences.

There has been continual advances in integrating the Māori back into New Zealand society reflecting in 1987 when the Māori language was first made an official language of New Zealand (the Māori language act,1987) Māori radio and tv channels were created and broadcasted , the Māori language was taught in schools and many more advancements however even with these advances imprisonment rates continued to reflect skewed percentages and raised questioning around the possible historical and societal reasons behind these rates and the highlighting of ingrained racism present in the judicial system That continues to remain

regardless of these advancements(Workman, 2013). Similarly in the Irish Traveller context regardless of the focus being put on integrating the Travelling community into a more accepting society (which is very important) the imprisonment rates do not follow this kind of change and remain in both cases over represented in the prisons regardless of their smaller population rate within their countries and states advancement (Fitzgerald, 2009).New Zealand's advancements in legislation prove that regardless of drastic change imprisonment rates remain unchanged.

Influence of Media

Similarly, to the Irish Traveller experience this image of Māori association with crime is pushed by media creating a hyper reality of the culture association with gangs, crime, gangland tattoos all of which media continue to paint an image of as the entirety of the community. An example of these media headlines in play can be reflected in a study conducted by blank in which gathered new bulletins of Māori new broadcast over a year period of 2007-2008 which revealed majority of news regarding Māori is not offered in the Māori native tongue (57%) and also those portrayed are painted in negative light and violent. Few positive reports on the community are ever reported (Nairn,2012).

The two ethnic minorities reflect similar histories of advancements being made to undo the historically negative view of the communities (although New Zealand has made much more advances for their community) with the aim of incorporating the community back into the wider society however the two prison rates percentages present of the communities remain of similar over representation percentages, indicating that perhaps more focus on the importance of the criminal judicial system engrained racism needs a to invested/improved in rather than the wider society, to be able to improve this experience for the communities and ultimately create a system that does not hold bias, (Stone, 2012).

Mass incarceration was first referred to by Elliot Currie as 'mass incarceration has been the most thoroughly implemented government social programme of our time' (Elliot Currie,1994). This quote refers to the affects imprisonment has beyond the person imprisoned, the knock on affects to the community, the 'Whanua' and many more aspects and groups of People are affected by the interaction at the hands of the criminal justice system. The reasoning behind mass incarnation of the 'Māori' community have been researched and investigated for years, many theorists believe that this experience is a complex one with many different supporting factors. Factors such as certain developmental pathways which may contribute to

subsequent offending behaviour. Māori are particularly vulnerable to adverse early life family and environments which may contribute with offending behaviour as research as shown regarding, Socio economic Status, Marginalisation and Structural and Institutional Racism. An overall lack of access to supports to address and face these risk factors often results in a continued cycle of interaction with the criminal justice system. This interaction is often referred to as the Statistical gulf in Māori research. The statistical gulf refers to the sentencing percentages difference between Māori and Pakeha (McIntosh, 2017).

Historically New Zealand followed a risk assessment model that first appeared in Canada in the 1980, this model was known as the RNR model; risk and needs assessment model. This model was created to assess offenders risk possibilities of returning to crime/prisons to assess and improve the over representation of prisoners and recidivism rates. This model did not consider the race or ethnicity of offenders as the theorists behind the model believed this factor had little to no effect on offending behaviour. This model soon created a problem as New Zealand has historically set out to the commitment of biculturalism within its society in reaction to their history of natives. This model did not consider biculturalism as it ignored race and instead seen it as a neutral factor. This model did not improve reoffending rates and instead led to the creation of a new model (Ploschek, 2012).

A new model was soon created in which was referred to as the biculturalism theory model. This model aimed to deliver more culturally appropriate services to the 'Māori' members in prisons and was referred to as the 'Māori Criminogenic Needs' (MACRN), this models' goal was to transform the 'Māori' culture from being viewed as a protective factor to being seen as a psychosocial factor that does in fact have an impact on offending rates (Maynard, 1999). In 2005 this MACRN model was also discontinued by the 'Waitangi Tribunal' and revamped to a model known as the 'Specialist Māori cultural assessment' (SMCA) , this model identified 'Māori' culture as the property or element that is particular and unique to 'Māori' offenders and sets them apart from Pakeha offenders (Manna, 2003) ; this model excludes factors such as the colonial experience, over policing etc as contributing factors to the over imprisonment rate and instead refers to this as a basis of all of the 'Māori' experience.

Over the spam of a decade four models have been created and trialled all with the intentions of reducing the percentage of 'Māori' in prison and offending rates and ultimately improving the 'Māori' experience. These models have been under a correctional led approach

which focusses on the goal of redeeming the 'Māori' identity as a solution to these issues. However, in recent years a shift has occurred where more focus has begun to be put on the surrounding factors that aid in the offending rates of Indigenous minorities such as social economic and physical factors. It is these factors that will be discussed and described below broken into the three pillars whilst being accompanied by theories regarding the matter's complex solution. It is New Zealand's efforts that should inspire other countries to make a start on their own Indigenous minority experience.

Pillar 1: Societal view

In this pillar the systemic racism theory will be applied. In the past like the Travelling community the 'Māori' community were pushed to the horizons and labelled a troublesome group by both media and settlers who fought with the community over resources, this soon led to discrimination faced by the 'Māori' community and transcended into experiences of services being refused and the culture assimilated (O'Regan, 2014). This othering of the community continued up until WW2 when many 'Māori' participated in the War on behalf of the British Crown, it was not until then did discrimination begin to slowly be addressed. In 1945 the Māori began to move to the neighbouring cities and integrate with the Pākehā within urban areas. Word spread of the African Americans reaction to the discrimination in America at the time through the Black Civil Rights movement (Morris,1984) and this began to influence and inspire the 'Māori' community.

'Māori' people took inspiration from the African Experience and with the help from organisations such as 'Auckland Committee on Racism and Discrimination' (ACORSD) began to research the treatment of the community and forming data on the community that led to the creation of acts such as the 'Race Relations Act 1971' (Race relations act,1971) being created which prevented the discrimination on the grounds of Race, Ethnicity and Religion. The Waitangi tribunal was later set up in 1975 following the acts, (Waitangi Tribunal,1840). The tribunals job was to investigate alleged breaches of Te Trit o Waitangi allowing the 'Māori' led tribunal to investigate incidences of land ownership rights and cases as far back as 1800 (O'Regan, 2014). Following the tribunal findings the crown embarked on a range of settlements of both financial and physical land settlements to the community to acknowledge and apologies for their wrongdoing in the past. A sense of sensitivity began to form towards the community

from a societal view. ‘Māori’ discrimination still exists; however, the ‘Māori’ integration and protections has been continually rising and experiences acknowledged (Stone,2012).

Regardless of the continual legislation creation and push for the integration of ‘Māori’ into New Zealand Paheka society ‘Māori’ continue to be recorded as the highest rate of prisoners and racism remains engrained within the system. ‘Māori’ make up 16.5% of New Zealand’s total population the ‘Māori’ community currently stand at 50% of prison population with research showing the crimes likely committed are robbery, land act violations etc (Tauri,2005) all of which reflect key parallels with the Traveller experience and could also be addressed by the historical ill treatment of Māori people reflected in rates of employment and income as rates have shown. ‘Māori’ historically have a lower-than-average income and higher unemployment rate than Pákehá, representing higher in low paying job and under respected in high paying jobs (Chappel,2000). The land violations also reflect the culture long history of miss treatment at the hands of land ownership and reflect similarly to the Irish Travelling community own experience of limitations by the state being put on their culture of ‘Nomadism’ leading to violations and law interaction (Sorrenson,1956). These legislations reflect the institutional racism in action created to disadvantage minorities. Statistics show ‘Māori’ are more likely to live in overcrowded and substandard housing whilst facing higher rates of homelessness than Pakeha (Lawson, 2019). All the above can be reflected as an outcome of this disconnect from the ‘Māori’ culture experienced at the hands of colonialism that has ultimately cut ties with the communities once rich. Family originated culture now cast to the outskirts of society seen as lesser by the remainder of society encouraged by restrictive and discriminatory legislation, echoing the Traveller experience (The Problems and promise of international rights in the challenge of Māori imprisonment,2019).

Pillar 2: Authority enforcement

In this pillar the racial threat theory will be applied regarding the authority bodies employed by the state. There has been historically recorded poor relationships between the ‘Māori’ and the police in New Zealand for decades, many reports and action plans have been created to address this experience and better this relationship, few results reflect these plans successes in which will be explored below. This similarly of a negative relationship/lack of relationship is reflected in the previous chapter with the ‘Travelling community’ and ‘Irish Guards’ and highlight this nationwide phenomenon of ‘Police vs Indigenous Minority’ that is

widely recorded; reflecting the shared view of minority perceived as a threat/ nuisance to these state bodies (A Mulchay, 2012).

Guards

Historically the Māori community have had a negative relationship with the police and their experiences of over policing and discrimination can be reflected in many of the polices actions i.e. the 'Anti-Terror Raids' in Urewera in 2007(Rae, 2008). These raids consisted of two unlawful roadblocks, the searching of many private property and the detaining of 17 innocent 'Māori' people. None of the 17 people arrested later faced any charges under the terrorism suppression act as evidence was seen as insufficient; Four were guilty of holding firearms, known of which involved in alleged terrorist training which fuelled the raid. This experience fuelled the strained relationship between the 'Māori' community and the Police even further. In an attempt to resolve this strain, in 2014 police commissioner Mike Bush travelled to the Tahoe community, although here he did not apologies for the investigation itself he did; however, apologies for the handling of the polices actions and intimidation tactics used throughout the investigation, reflecting on a presence of unnecessary increased and over policing being present (Rae,2008).

The Community accepted this apology in an Act of 'Mana Motuka' (self-determination) however this continued the continuous distrust of the police and raised questions of the possibility of the raids being a part of a plot to stop the 2013 'Tuhoe Settlement' from the Crown that was also occurring at the same time; one of the many actions of the Tribunal of Waitangi (The Waitangi Tribunal,1840). This suspicion-although not proven is the kind of actions that fuel and continue to fuel the idea that the police are out to 'get' the community fuelled by the growing feeling of threat (Hill, 2008). Following this experience in 2007 and the overall continually negative 'Māori' experience with the police historically like Ireland the state set out to create strategies to address the matter, a strategy called 'Turning of the Tide' 2012 (Green, 2005). This strategy was set to reduce the over representation of 'Māori' in the criminal justice system with several goals one of which being the slashing of 10% of first-time offender rates of 'Māori'. Ultimately this 10% goal failed as no number of first time 'Māori' offenders' percentages lowered, another goal of the strategy was the slashing of percentages of the overall re-offending rates of 'Māori' which also failed as rates were recorded to have increased following the strategy: ultimately making the strategy a fail (Green, 2005), (Urewera, 2017).

Following the failure of the 'Turning the Tide' strategy the New Zealand government created a refreshed version called; Te Huringa o Te Tai 2019 (Norris,2022). This strategy consists of goals such as a 25% reduction in 'Māori' re-offending rates by 2025, improving overall public trust with the police particularly within 'Māori' communities. This strategy has higher percentage goals than the 2012 strategy and following the previous failure few have hope in its success. The strategy is still in the process; however, current rates show an increase with 53% of male prisoners being 'Māori' and 67% being female 'Māori' like the 2012 strategy. New Zealand has stated its commitment to invest in the rebuilding of relationships between communities with the police however their actions of over policing and future plans of armed patrols police raises the question of a possible positive relationships between the two ever occurring at all when police interactions are not matching strategy and over policing is being continued and weapon sided (Hancock, 2020).

A report on the relationship between 'Māori' and New Zealand police force reflected in 'Walking while Brown' offers commentary on the New Zealand police photography and surveillance of Rangatahi youth in 2020 and 2021, (Decolonization of criminology and justice, 2022). This report discusses incidences where police had stopped people and demanded to see ID and proceeded to take photographs of the stopped persons face. Pictures taken were either uploaded to a centralised investigation app called 'On Duty'; for future reference whilst the rest were stored on private devices of officer's personal phones. The report goes on to discuss how these incidences involved mainly 'Māori' youth who were approached without cause and or without an offence committed (Norris,2024). Section 25 C of New Zealand bill of rights act 1990 (New Zealand bill of rights act 1990) gives everyone 'the right to be presumed innocent until proven guilty according to law, these actions by the police force were going against the presumption of innocence' (New Zealand Bill of Rights, Act 1990).

This storing of personal details goes against the presumption of innocence as no involved provoked an approach. News of these incidences broke in 2022 in which New Zealand police defended the practice under sec 214 of the 1989 Orange Tamariki Act, this act covers when photographs and details are taken in the time of an active offence and or suspicions of an offence in which these incidents were not (Orange Tamariki Act,1989). A report was made by New Zealand's office of privacy and the independent policy complaints authority (IPCA) this report reflected 53% of photographs taken were of 'Māori' youth. This led to the discussion of

these actions not respecting the protection of Ranaghti youth have within New Zealand legislation (Privacy Commissioner, 2020) joint New Zealand criminal legal system and the United Nations convention on the right do with the child (UNCROC) in which these actions by police officers did not abide by, furthering the view of the over policing of minorities (Green,2024). This report alongside many reports have raised the question of racism within the New Zealand police force, the force has fought this by stating an unconscious bias is the reasoning behind these percentages.

Criminal Judicial system/courts

However, an argument of systemic racism within the criminal judicial system as a whole has been continually discussed as research has shown before the judicial period; 'Māori' are six times more likely to be handcuffed, eleven more times to be pepper sprayed and nine times more likely to have dogs released on them when approached by police than the Pakeha community (Tactical Options report,2019) (Hurihangani report, 2021). These statistics reflect similarly to the Traveller experience; 64% of Irish travellers who were in police custody prior to a report con ducted in 2022 reported feeling unsafe in police custody (The Irish Travellers access to justice,2022). It was later ruled a deadline in which all stored photographs must be deleted, the police in question missed this deadline and the case of the photographs and the case continued, further reflecting a lack of focus and seriousness being put onto the matter.

Tikanga (Māori law) and restorative justice practices were historically used by the 'Māori' to deal with crime committed done though utu a form of repayment in the community. The western model of confinement as a punishment does not offer an equal response to Māori members and does the opposite by removing the Māori from their whakapapa (connection to the land) and is an integral part of one's 'Oranga' (wellbeing) (Prison inspectorates report,2021), this lack of inclusion/consideration of cultures regarding punishment plans in prison reflects the Irish Traveller's experience in Ireland with literacy based projects being offered in prison resulting in disparity in re-imprisonment rates as a result of lack of involvement.

These issues have been flagged as higher within the Māori community as rates have shown a 49% imprisonment rate of 'Māori' offenders which is almost double the Pakeha

community drawing conclusions that perhaps this experience of prisons not catering to its prisoners is a universal issue fuelling reoffending rates (Jones, 2016). There are two possibilities argued behind this disparity; 1. The presence of an institutional bias and a colonist judicial system reflected in critical theory and racial threat theory or 2. The 'Māori' youth are correlated to factors that associate with criminal offending i.e. Unemployment, Low Educational rates at a higher rate than the Pakeha community regarding systemic theory (Stanley,2018). Development of a Model within correctional institutions in attempt to address and fix these levels of recidivism known as the 'Good Lives Model' for Rehabilitation shortened to (GLM) from a theory invented by T Ward and encouraged to be taught in New Zealand Prisons (GLM, 2002), (Leaming, 2016), (T Ward, 2002).

Public Attitudes

Progression of addressing this issue of the Māori and the police negative experience/overall negative societal experience has been addressed with the creation of many different initiatives such as a 'Māori' focus forms within the police force some like Irelands initiatives some better. This form is built up of senior Kanu mantua and Kuia members of the Māori community in which the police commissioner meets regularly to discuss any current issues or concerns within the community (Tauri,1997). This forum provides a direct link to the community for the police force offering an insight into culturally appropriate reactions and treatment which in turn can result in the avoidance of involving police all together, this initiative would be worth Ireland trying to incorporate within their own model of system as towards Irish Traveller community this would lessen this barrier between either side of Travellers and the police which is historically recorded and offer an almost 'Middle Man' between the two. Another initiative created for the integration of Māori is the District Māori advisory board. Each police district in New Zealand has its own 'Māori' advisory board made up of local Iwi members who help address issues and or culture differences that the local police force may need education or further knowledge on (McLeay,1991).

This initiative has yet to be created in Ireland however it could be argued very be beneficial for Ireland's 'Irish Travellers' members as the community will have a say one what works and what does not work regarding prison. 'Māori' have also been encouraged through

warden training projects a training created for the training and support of the increasing number of 'Māori' members who have become wardens within the last couple of years in New Zealand. (Police.gov,2022). This experience of integration can be seen being let down by the Irish criminal judicial system who do not whether legally or socially offer the Travelling community the opportunity to meet and to defend their way of life/culture within police forces or court rooms once the police become involved and Irish Travellers are also not encouraged or actively sought in joining roles within the prison system. These lacked actions reflect this feeling of threat of the minority presence and can explain a possible fear of job security being present within the non-Māori and Irish Travelling community.

New Zealand have begun; the hiring of Māori experts into prisons to help with any Māori led problems and discuss insight, language classes on the native language, the Māori welcoming gestures such as the dance 'Haka' upon welcoming etc, all these programmes and customs were intermitted into New Zealand prisons in an effort to 1) address and ultimately lessen the recidivism rate of imprisonment amongst the Māori community and 2) to try and address how can current models of treatment in prisons incorporate other minority prisoners. The result of these programmes introduced have been questionable due to a lack of empirical evidence, however, one study conducted showed that these programme did not work and in fact it did the opposite and increased the rate of reimprisonment from 1983 49% to 50% in 2013 other reports have stated re-imprisonment rates is not the main goal of these programmes and culture and identity is (Milaere, 2015).

It has been argued that these programmes although introduced with good intention were not deployed with full initiatives and were not respected by the prisons as an integral part of the intervention process more so viewed as add Ons to the current western led process. Regardless of these programmes being viewed in a negative light and needed more advancements these programmes are the bones of what Ireland should be using to create their own programmes designed around the Irish Travelling community and overall minority population. As noted in previous chapters, Ireland's current prison programmes revolve heavily around the ability to read, often not had within the community resulting in an isolation from programmes by community members who are unable to become involved, programmes like New Zealand's prison caters to these cultural differences and although need further research and respect amongst the prison system are the beginning of culturally aware programmes.

The recognition by correctional institutions that perhaps a narrower focussed rehabilitation was needed for the high Māori imprisonment rates, this recognition led to the creation of the Offender treatment programmes. These programmes were installed in several different prisons around New Zealand. An example of one of these programmes is the 'Ti Piriti' special treatment programme deployed in Auckland prisons. One that was provided to indigenous and non-indigenous males who had a history of sexually assaulting children by incorporating Māori culture into everyday prison life such as the teaching of language, welcoming ceremony's etc results have shown this programme led to a tangible decrease in Māori reoffending rates (The Ti Piriti sex offender treatment programme, 1994). However, the effects of this programme have been also argued by lack of peer review like the mass research of imprisonment rates and minority status. Māori focusses units have been deployed in several prisons like Ti Piriti with the focus being on Māori culture fewer clear results have been recorded similar to the reasoning behind the previous programme a lack of review.

MFU Māori focussed unit; 5 prisons around New Zealand like 'Ti Piriti' as in they also are prisons based therapeutic communities with emphasis on Māori culture with a focus on changes in anti-social behaviour and strengthening cultural identity. All the above programmes have been encouraged and actively initiated in prisons in New Zealand to decrease the disparity rate of Māori prisoners and prison relations. However, the recidivism rates may be unclear due to lack of research within the topic they are showing signs of change within the prisoners whether with reoffending rates or reports of attacks. Māori being the highest represented percentage of prisoners in New Zealand the research has yet to be finalised, and peer reviewed it can be assumed programmes dedicated to the Māori in prison will have a positive impact on the community and its representation in prison statistics.

Research should be invested regarding this area of impact and shared amongst other countries who have similar overrepresentation of Indigenous minorities such as Ireland for inspiration to follow suit to improve the Indigenous percentage within prisons and to highlight where New Zealand needs to improve their legislation to highlight and ultimate distinguish this engrained racism within the system (Green, 20240). These programmes have faced much criticism one of which being made by Hinewirangi Kohu Morgan; one of the authors of the mauri therapy programme; one of the largest programmes dedicated to integrating Māori culture into prisons; who stated, less than half the work done by the programmes is done by Kampala Māori (natives of the culture) and for success of the programmes this needs to change. Previously Hinewirangi discussed the programmes being oriented with a few Māori members

whose words and power play in action defeat the purpose of the programme's goal, a complaint from a creator of the programmes is a telling criticism of change needed for the success of these programmes (Kohu,2015).

This lack of involvement from the programmes being conducted by members of the minority can be recorded as a huge disadvantage point and encourage New Zealand and later other countries such as Ireland to seek the minorities involvement. This criticism raised questions around the legitimacy of these Māori based programmes and whether they are being actively implemented or simply portrayed as so similarly reflected in Māori parliament seats there has been questions surrounding the legitimacy of the Māori presence on the parliament and decisions being made. This lack of Māori involvement in the running of programmes can be something other countries and further research can help learn from, Ireland can take this on board and perhaps involve Irish Traveller organisations such as 'Pavee Point' in the running of these programmes to result in the programmes best results.

Probation

Incorporated into assessment Māori concept and wellbeing; Māori culture relayed needs otherwise known as (MACRNS); risk, need, responsibility model of rehabilitation; although this assessment recognises Māori needs, it fails to recognise how Māori view wellbeing as it is still weighed down by the (RNR) model/ lacking in therapy in the judicial system and this western dominant way of life being a barrier to success. These negative experiences with authority go beyond the walls of prison. There has been many criticisms and suggestions on why the police and Māori have a lack of relationships, the strategies can only go so far when on the ground police interaction is gone unchanged. A need for an outside authority from the police has been suggested such as an Iwi liaison officer however this suggestion has also been shut down as reflected in news articles from New Zealand who discuss 'it's the most brown officers we've had but rates remain…' (Neilson,2020) and incidences of discrimination continue.

A lack of accountability on the police actions ends as New Zealand officers answer to the (IPCA) independent police Conduct authority officer upon instances of indecent police action however the (IPCA) itself is built up of police officers, creating a moral dilemma as officers vote on fellow officers whether charges should be pressed represented in the result to date every incident held has been voted as justified. This dilemma is like Ireland's experience

with the police ombudsman who to shared relations to active and retired guards and has since been made independent. New Zealand needs to create this independent to be able to get at the root of the problem without the the fear of us vs them ideology (Den Heyer, 2012).

A case of police lack of accountability can be seen in the case of Shargin Stephen's (Lamusse, 2024) who was bail checked 70 times in 38-day periods whilst on bail and actively monitored by the police of his location always was later was killed by police. The (IPCA) ruled these checks as justified checks such as checks at 1;45am, 2;15am and 3;49am within the same day. This case was reopened in 2021 when it was revealed multiple aspects of the (IPCA) report contradicted the police homicide investigation regarding the shooting of Stephen's. In 2022 these checks were ruled as excessive and may have played a role in the shooting 'excessive and unreasonable' (Lamusse, 2024). As a result of this case an (IPCA) report called for police to review their entire bail system creating an automatic flag on a person who has been bail checked more than 3 times within the last 12 hours, making further checks requiring the need for approval. Emails were later released that were sent amongst officers who encouraged one another to bail check Stephens wishing each other 'Happy Hunting' and that they will be 'Going Hard' following up until Stephen's death. This case is a prime example of active discrimination towards the Māori by Law officials who claim to be following protocol and are in fact acting out of implicit racism and reflecting it in over policing tactics. (Fatal police shooting of Shargin Stephens in Rotorua, 2022)

Reoffending rates

Reoffending rates are high in New Zealand with a total of 56.5% of people with previous convictions are reconvicted within 2 years following release from prison and 35.8% are re-imprisoned after 2 years following release from prison (Sullivan, 2016). These statistics reflect a lack of investment being put into prisoner programmes in which focus on life beyond the prison, it has been argued the need for Māori specific programmes to address these high rates of recidivism to attempt to lower the rate, a lack of recidivism data makes it near impossible to comment on reoffending rates amongst the travelling community. However, executive director of the penal reform trust commented that general data reflected high levels of reoffending within the community the most being of people who committed short sentences (Mac Gabhann, 2011).

Pillar 3: legislation

In this pillar the theory of critical race will be applied to the legislation created regarding the Māori. In the beginning of Māori history the settlers attempted to introduce and encourage British law by initially combining the Māori laws and English laws at the request of Lord Stanley who at the time advocated for a justice system that included Māori customs in the 1800; however, the colonial administrators who proposed incorporating the Māori customs and laws into New Zealand's early legislation seen this as a temporary fix with the belief that Māori would eventually assimilate into the settled society and will eventual adapt to the settler laws and forget their own laws (Moewaka,2011). This incorporation of laws can be seen reflected in the Native Exemption Ordinance 1844 and the Resident Magistrates Act 1867 in which allowed Māori members to perform a form of 'Muru' (a Māori customs of restoring compensation and one's relationship in society) this 'Muru' was done by giving compensation to those affected when Māori members were convicted of theft and allowed the Māori to feel as though their customs were being respected.

The resident Magistrates Courts Ordinance 1846 required legal disputes involving only Māori to be assisted by two Māori chiefs who would generally decide the verdict of said cases. Sec 17 of the New Zealand Constitution Act 1852 (New Zealand Consitution,1852) set apart districts where Māori laws and customs would be observed. These original laws that incorporated Māori law were later repealed and replaced by new legislation that often-banned traditional Māori customs and restricted the expression of Māori culture (New Zealand Constitution, 1852). This legislation echoed the critical race theory regarding enforcement of racism through legislation (New Zealand Constitution act, 1852). Legislation throughout the years has been created and enforced by New Zealand's government and the Māori community to protect the Māori community and rebuild the community that was forcible hidden for many years.

Upon the arrival of Europeans settlers in New Zealand led to many conflicts over land and resources amongst the Māori, the British wanted to legitimise their settlement and trade whilst seemingly protecting the Māori rights and properties in an aid of cooperation, this soon led to the need for legislation to be created and resulted in The Treaty of Waitangi (The Treaty of Waitangi, 1840), this treaty allowed for a basis of biculturalism commitment by New Zealand regarding the Māori experience. Under this Treaty in art 1 (The Treaty of Waitangi, 1840) the Māori ceded sovereignty to the British Crown after multiple articles within the treaty

states the protection of the Māori such as art 2 which guarantee Māori the full rights and ownership of their land, forest, fisheries and possessions, the crown had exclusive right to purchase land from the Māori (Belgrave,2014).

This Treaty has led to many issues as the wording alone created disagreements amongst the two as the interpretation from English to Māori language were starch; English; it says that sovereignty is explicitly ceded to the British crown whilst the Māori version uses the term kawanatanga (governorship) to the British Crown, this led to the creation of starch difference between what the Māori seen as governance and what the crown viewed as absolute sovereignty these differences led to many conflicts regarding the meaning and extent of the British Crown rule had power over the Māori whilst rising doubt over what the Māori had agreed to(The Treaty of Waitangi,1840). This Treaty led to the establishment the Waitangi Tribunal which investigates clashes of the Treaty by the crown and has successfully received compensation in settlements for doing so in incidences going as far back 1800.

Similar restrictive legislation can be seen in the 1863 New Zealand settlements Act; This act was passed during the New Zealand Wars and authorised the taking of land and the assistance of settlement through what was deemed as ‘punishment to rebel Māori through confiscation of land’ this act encouraged and recognised the taking of Māori owned land and later the awarding of said lands to rebels who surrendered to the Crown in an act of encouraging assimilation. It was later shown that fertile land better for settlement was preferred as being ‘seized as punishment’ by the government at a higher rate than land of those actively rebelling raising the question was the goal punishment or land ownership and was this legislation reinforcing the benefits of the majority by negatively affecting the minority ‘Māori’ (New Zealand Settlements Act, 1863). 1864 public works land act; Māori land could be taken for government projects such as roads and later railways.

The government often chose Māori lands over Paheka land as the owners could be easily bought out and or given no compensation (Public works land act, 1864). These actions soon led to the creation of a Native land court; this court was created for any disputes over land ownership however this court was often held far away from tribe’s homeland and also resulted in high costs for the legal fees making participation by tribal member near impossible. An example of these fees can be seen in Ngáti Kahungunu chief Renata Kawepo case who won a series of cases against land speculators however he required the selling of most of his land to

pay these legal fees, whilst often when decisions were eventually made land was already sold elsewhere and took even longer to retrace back (Head, 2006).

In 1865 a ten-owner rule to simplify land transactions was created, this rule now made it that no more than ten owners were allowed to be recorded for blocks of land amounting to less than 5,000 acres actively going against the Māori custom of multiple ownership. In 1868 Māori members of parliament created a four party entry seats for Māori and given the seats universal suffrage. However, questions have since been raised whether these seats are taken into consideration when decisions are made. In 1907 Tohunga Suppression act 1907 made it an offence to practise a tohunga a Māori tradition (Tohynga Suprezsion Act, 1907). The Te Ture Whanau Māori Act 1993; this act refers to land ownership being in favour of staying within the owners Whánau, hapú and descendants through enforcement by the Māori land court. (The Te Ture Whanau Māori Act,1993)

In conclusion,

The Māori community are continually overrepresented within New Zealand prisons systems regardless of the continuous creation of legislation, models and Treaties by the state to address the historical disadvantages faced by the community. This reality of lack of change of prisoner percentages over a span of decades reflects that of Ireland's own similar experience with the Irish Traveller population in prison. This lack of change indicates that perhaps a different angle needs to be taken when it comes to looking at the Māori and imprisonment rates. This angle being possibly the engrained racism that is present within the criminal justice system itself and how that does not allow for change regardless of the investment into risk models and Treaties, perhaps it is the criminal judicial system that stalls change from occurring.

This angle could also be looked at from an Irish perceptive that perhaps New Zealand's history of risk models and Treaties can be considered as trialled and errored whilst a new approach to the matter be taken, the new approach being focus on the undoing of the ingrained racism within criminal justice system. Aside from its continuous trial and error of addressing the Māori experience New Zealand has reflected continual intentions and investment into its Indigenous minority to undo the damage historically done. This strive for better cannot be seen in Ireland who is a long way behind research and legislation.

This data also reflects the impact imprisonment has on different communities in society, with focus on the Māori and Irish Travellers who put great emphasis on family connection this isolation and withdrawal from society that comes with imprisonment can have massive knock on affects and lead to the creation of continuing negative cycles and even as far as a prison identity forming ‘A prison identity is neither an ascribed identity nor a natural identity conferred by descent. Out is an identity that emerges of structural violence, and like this structure of society can be a mental to change… halting 1970’(Hallam,2012). This identity can soon become the sole identity of the members within the prisons and aid in this cycle of crime and miss treatment with negative authority experiences being passed down generationally. Ultimately New Zealand should be praised for its intentions and aspirations of doing right by the Māori community and hopefully inspire other states to do the same for their Indigenous minorities (Ireland), whilst continually investigating and research ways to improve this negative experience and prevent this from continuing to the next generation of Māori.

Chapter 5- Conclusion

Discussion & Concluding Marks

In this last chapter the concluding thoughts and suggestions will be provided to each minority discussed regarding the 3 pillars and the theories discussed throughout them, reiterating the results of this dissertation and commenting on the effect an Indigenous minority status has on imprisonment rates.

This research set out to critically assess the current challenges faced by Indigenous ethnic minorities within the criminal judicial system, and to discuss these experiences and their effect on a higher imprisonment rate compared to most populations. Adopting a comparative analyse approach by using peer reviewed research regarding the Irish Traveller minority and the Māori minority the findings of this research support this hypothesis that the Indigenous ethnic minorities discussed are at a higher risk of imprisonment (Tauri, 2005) than that of most the population, this was then discussed further in the three pillars. These findings are signifying as although legislation states the equal treatment of all members of the above states, the rates imprisonment does not reflect this legislation in action and instead highlight Ireland is far behind in its efforts of promoting and protecting their Indigenous ethnic minorities and New Zealand is not far behind. As a result of this ill treatment Indigenous minorities are at risk of entering a continuous cycle of Prison, Criminal Activity, Poverty etc all aiding in the over representation within the criminal judicial system. Below each pillar and theory used will be broken down and examined further.

The Societal Pillar

In an idyllic outcome, these contrasting statics would be recognised and addressed by the states involved (Ireland and New Zealand) whilst urging all countries to invest in research being committed on their own Indigenous minorities treatment within their criminal judicial systems and overall society however, for this to happen a couple of changes to society needs to be made first. A universally recognised definition of Ethnicity is needed to be agreed upon to help put an end to the ambiguous assumptions that fuel miss treatment and lack of protection for Indigenous minorities who are not accurately covered under the term (Fenton, 2010). There are many changes in legislation and protections that can encourage protection of minorities however at the base of all of this is a societal view of the said minority, a base that needs to be invested in for a successful future. Secondly, New Zealand's addressing of the historical miss

treatment of Māori by both the Crown and state (Waitangi Tribunal,1840) is the beginning of what is needed for Irish Travellers by the Irish Government although the Irish Travellers and other minorities alike may not have faced identical discrimination and miss treatment as the Māori Ireland should follow suit and apologies publicly for the lack of protection and implementation of legislation surrounding Irish Travellers minority and its overall lacking of safe guarding. Secondly the recognition by the state for past miss handling and bias treatment of a culture should be actively encouraged in the learning institutions from history, language and struggle.

Following the recognition of plans of actions by New Zealand implement of the Māori language in schools (Māori language act,1987) was encouraged however further implication of culture awareness should be required by educational institutions from pre k to secondary school to make culture awareness a mandatory educational class not just an add on to previous curriculum, this training should be offered to all company's and enforced to sectors of work that have a higher chance of coming into contact with Indigenous minorities such as police officers, hospital staff all of which this training should be conducted by members of the community and or services that are recognised by the community as reliable this should be implemented in both Ireland and New Zealand and across the world(Johnstone, 2000). New Zealand have attempted to do this in individual areas by introducing programmes such as Turning the Tide (Green, 2005). However, this argument discusses a need for overall cultural training across the board to help shift societal bias and lack of information that is present in it.

The Authority Pillar

A potential solution to the strained relationship documented between Travellers and Māori and Indigenous minorities likewise with authority figures such as the police and criminal judicial system could be the implementation of; 1. Cultural awareness training as discuss previous this training should be implemented by members of the community into authoritative bodies and become a requirement for companies to conduct. 2. An anonymous complaint body should be set up within authority bodies that's role is to round the clock monitor and address reports of racism by members outside of the organisation and with the focus on discrimination regarding minority status. New Zealand has sampled this plan within their authority bodies however this was run by active and retired members of the guards which creates a problem of interest regarding reports and resulted in 0 convictions (Neilson, 2020), this situation is similar

to that of Ireland history of the police ombudsman also being ran by retired members of the organisation with similar low results in convictions, (Den Heyer,2012). 3. Guards based in local communities should be made to introduce themselves to the community within their culture i.e. whether halting sights or Māori local settlements this would allow a continued connection between the community and local police station to feel comfortable to report crimes as reflected in statistics discussed in chapter 3 few communities feel a sense of trust, this will also help minimise this 'us vs them' perceptive (Armie, 2020), that is continually reported by community member 4. Continuous data collection should be encouraged of court rulings surrounding members of ethnic minority background to allow for any miss treatment to be flagged and investigated these reports should follow a convicted minority member from the beginning to the end of their interaction with the criminal judicial system in hopes of shading light on where they might fall short within the process. Ultimately authority bodies are like society regarding lacking the accurate information and educated mindset and is reflected in their interaction with Indigenous ethnic minorities. This needs to be invested in and changed so all members of society are offered the same equal protection in which the state deploys through the criminal justice system, the police and the courts.

The Legislation Pillar

A need for the creation of stronger legislation that recognises Indigenous minorities way of life within the state's constitutions and the importance of consultation with minority members upon creation of state laws should be implemented. This lack of consolation resulting in negative experience can be seen reflected in the Irish Traveller experience when Ireland created legislation surrounding trespassing which hinders and does not consider the Traveller cultures way of 'Nomadism' which revolves around pop up settlements (housing miscellaneous provision act 2002), (McDonagh, 1997). Similar experience can be seen in New Zealand's previous legislation regarding land ownership, this legislation was created as a standard in which all members of New Zealand society should commit to fairly. However, it lacked the consideration of Māori culture in which land is passed down through families and owned by multiple members at a time (Te Ture Whanau Māori Act 1993) Legislation should be reviewed by all members of state minorities and reflect the goal of being able to be upheld by all members of the public and community without hindering their way of life and or beliefs.

This need for input and consideration should be mandatory when it comes to laws that affect members of each society, this would require consultation with the minorities and board members that pass the bills and or members of the minorities being present on the board. New Zealand have attempted to introduce this by setting aside a certain number of parliament seats for members of the Māori community, however, recent research has indicated that these seats are viewed as a sign of respect and not actually utilised within the decision-making process. Minority involvement must be continually monitored to keep track of any failings/ short comings by the state.

Strengths and Limitations of the Present Study

Whilst the current study used recognised and majority of peer reviewed research regarding ethnicity and the history of origins for the Indigenous minorities some research is open to criticism for its lack of peer review aspects. As the sole researcher of this study the consistency of results is limited in the absence of inter-rather reliability thus making the results of this study up for interpretation as generalisation such as the focus on two Indigenous minorities. This small number of minorities may draw inconclusive, rendering it non representative to sample of the overall indigenous ethnic minority experience. However, these limitations can be argued as a constraint of time and word count and a lack of research regarding the chosen Indigenous minorities by the chosen countries themselves highlighting a gap of interest regarding Indigenous minorities in Ireland and New Zealand.

The focus on the Māori community and the Traveller community allowed for a clear comparison of advances in legislation and protections being brought into government. These two communities also reflected similar views and aspects making them a good pair to contrast the different home states reactions to. The data for this study was collected from multiple peer reviewed articles regarding Ethnicity and the Criminal Judicial System experience consistent with the overall purpose and aim of the dissertation. Another limitation faced during this research was Irish Travellers late recognition as indigenous minorities (O'Halloran & O'Regan, 2017) resulting in lack of data before 2017 addressing the ill treatment of the minority making the assessment and gathering of data extremely difficult whilst highlighting the gap in research. This lack of data transferred over to the Māori who although had plenty of research most was not in English and required translating making the gathering of this information equally as difficult.

Do Minorities Commit More Crime

Ultimately the question has been raised time and time again during this research 'Do minorities commit more crime than that of the remaining population members?' To this the answer remains unknown with a lot of complexities and research in the making and further research required to find an answer. Ethnicity first began to be monitored in English prisons in 1984 as a reaction to public opinions that minorities were getting threatened with harsher decisions compared to the remaining population (Smith, 1994), this began the shading of light on individual experiences and the questioning around ill treatment. Ethnicity was also used as a means of monitoring prison population and helped section prisoners into more feasible groups. This soon led to a feeling of 'us vs them' mindset and began a long road of discrimination.

Some research has shown that in some instances yes minorities can commit more crime compared to the general population as reflected in the Roger Hood report ; in this report 2,800 comparable cases involving ethnic minority and white British defendant were examined (Shute, 2013), Hood concluded that individuals from African Caribbean descent were greatly over represented in the flow of court cases and in the higher percentages of sentences. These high sentences resulted in statistics that show 5-8 times more likely being detained than the white defendants. This view of harsher treatment is echoed in the 'Lammy Report' in which results show an individual from Black, Asian and Minority Ethnic backgrounds were signally over representative in prison making up to 3% of general population and 12% of prison population (Bridges, 2018). It is argued that socioeconomic factors such as Poverty, Family Status etc are the reasoning behind these sewed rates alongside implicit racism engrained in legal system.

Following the previous chapters of research in which crimes are examined closer such as type and rates of prisons sentences there is evidence that yes crimes are committed at a higher rate by minorities such as petty crime etc. However, this is often a result of restrictive legislation and aggressive over policing that can be argued to fuel these results. Previous chapters also highlight that there is little to no reliable research being done on Indigenous ethnic minorities experience before and after entering the criminal justice system to be able to form concrete theory on racial experience. Thus, invest in the improvement of these legislative gaps

reflect the lack of consideration towards Indigenous minorities that is so prominent to this day and within the criminal judicial system.

Prison Rates

In the Irish context data is limited, however, observationally it can be stated that non-Irish nationalities and ethnic minorities are overrepresented within the Irish prison systems. Previously criminal justice systems did not categorise Irish travellers as a separate category, research such as the (Irish penal reform trust, 2014), suggest Irish Travelling men are 5-11 times more recorded than that of males from the settled community to be imprisoned, this late recognition of the separate culture of Irish Travellers resulting skewed data making it unreliable. Today Irish Travellers are highlighted as a separate group within prisons however this grouping of cultures together continues to remain as Irish Travellers are often grouped with Romani Gypsies upon data collection this to has major effects on data's reliability. Data regarding the individual community (Irish Travellers) is often lost because of this, other factors such as members who choose to not identify within the community also make data collection difficult. However, there has yet to be solid research on how to rule out and or scan for these factors and or account for them. Thus, research cannot be viewed as exact, making building applicable theories difficult.

Lastly non-criminological factors have yet to be investigated regarding the influence of individual experiences that often fuel this discord between the two bodies such as living aspect i.e. Poverty and Policing Tactics, (Fekete, 2018). In regards to the Māori similar data has been collected of higher rates of imprisonment among the community with more reliable sources as New Zealand continually collect data on their Indigenous minority and create programmes to address the high representation of the minority within the prisons, however, the successes of these programmes is questionable as the prison rates remain over representative of the community suggesting that perhaps it is possible programmes and initiatives are not enough to address this issue.

Analyse

The colonialism hangover is continuously felt throughout generational trauma by many Indigenous minorities worldwide, there is no quick answer to solve this trauma or undo the life

issues that come as a result of this trauma reflected in both imprisonment rates and other issues such as Health Rates, Death Rates etc. All of which are preconceived for an Indigenous minority upon birth left with little chance of success compared to the remainder of the population. Assimilation has often resulted in the loss of cultures for Indigenous minorities and feeling of community which is viable in the wellbeing of the two communities discussed. Previous states attempt to undo the wrong of the past must be studied and improved upon such as New Zealand Treaty creation for the Māori needs to inspire Ireland to create a Treaty for Irish Travellers. However, make this Treaty identical in both the Irish language and the native language of the community, building and learning from the past of New Zealand. New Zealand in turn can take from Irelands legislation protections of Irish Travellers as inspiration for the Māori in its clear wording. This continuous the cycle of Indigenous minorities not being protected is reflected in Ireland and New Zealand's imprisonment rates and needs to be addressed before it's too late and a cycle continues.

Concluding Remarks

Recent strides have been made both in Ireland and New Zealand to address and reduce imprisonment rates of Indigenous minorities; however, New Zealand from this study can be viewed as setting a prime example of the starting point of change needed to recognise and protect Indigenous minorities. New Zealand advancements should be viewed as an example of what Ireland should begin to do to start their own investment into Irish Travellers. Ultimately, implementation and statistics do not reflect much change regarding imprisonment rates in New Zealand regardless of this investment within the community however it can be argued that with more research into the area of Indigenous minorities at the hands of quality data, this issue can be addressed successfully. New Zealand offers Ireland an example of what next steps it needs to make in the sense of legislation and programmes regarding the criminal judicial system however, whilst further research regarding Indigenous minority imprisonment rates and the affecting pillars is required. This study provided a foundational basis for the continuing of research on Indigenous Minorities treatment within the criminal justice system and the affect this treatment has on imprisonment rates.

Bibliography

- (Annual Tactical Options report,2019, 'Police use of force report; Māori seven times more likely than Pakeha to be receiving on end'
- 'Alport, G.W. 1979, The.nature.of.prejudice?Unabridg edn, Addison-Wesley Pub. Co, Reading, Mass.
- Armie, M. and Membrive, V., 2020. Nomadism and Equality: The Irish Traveller and Gypsy Women
- Armie, M. and Membrive, V., 2020. Nomadism and Equality: The Irish Traveller and Gypsy Women

---

- Belgrave, M. 2014, "Beyond the Treaty of Waitangi: Māori Tribal Aspirations in an Era of Reform, 1984-2014", The Journal of Pacific history, vol. 49, no. 2, pp. 193-213.
- Berne,L. Jaichand V(2006) Breaking Down Barriers; Tackling Racism in Ireland at the Level of State and its Insitutions, Galway; National University of Ireland Galway's and Amnesty International
- Bridges L. Lammy Review: will it change outcomes in the criminal justice system?. Race & Class. 2018 Jan;59(3):80-90.
- Bridges, L., 2018. Lammy Review: will it change outcomes in the criminal justice system?. *Race & Class*, *59*(3), pp.80-90.
- Brooker, R.G. 2017, The American Civil Rights Movement, 1865-1950: Black Agency and People of Good Will, Lexington Books, an imprint of the Rowman & Littlefield Publishing Group, Incorporated, Lanham, Maryland.
- Brown Jr, T.D., Dane, F.C. and Durham, M.D., 1998. Perception of race and ethnicity. *Journal of Social Behavior & Personality*, *13*(2).
- Brown, R. 2010, *Prejudice: its social psychology,* 2nd edn, Blackwell Pub, Malden, MA;Chichester, West Sussex;.

- Buck, P.H., 1952. The coming of the Maori.
- Chapple, S., 2000. Maori socio-economic disparity. *Political Science*, *52*(2), pp.101-115.
- Clayton, D.M., 2018. Black lives matter and the civil rights movement: A comparative analysis of two social movements in the United States. *Journal of Black Studies*, *49*(5), pp.448-480.
- Combating discrimination against roma and Irish Travellers and promoting political solidarity, in 5 European countries (polrom) (2019) OUR Sanctuary. Available from: https://hhubsanctuaryproject.wordpress.com/portfolio/combating-discrimination-against-roma-and-irish-travellers-and-promoting-political-solidarity-in-5-european-countries-polrom/ (accessed 10th may 2024).
- control of horses act 1996
- Cowan, J., 1923. *The New Zealand wars: A history of the* Māori *campaigns and the pioneering period* (Vol. 2). WAG Skinner, government printer.
- Cunningham, C. and Stanley, F., 2003. Indigenous by definition, experience, or world view. *BMJ*, *327*(7412), pp.403-404.
- Culture of poverty', Patricia McCharty 1970
- Davis, J.A. and Leinhardt, S., 1967. The structure of positive interpersonal relations in small groups.
- Davis, L., 2010. Rock, powder, sentencing-making disparate impact evidence relevant in crack cocaine sentencing. J. Gender Race & Just., 14, p.375.
- Delaney, P., 2003. A sense of place: Travellers, representation, and Irish culture. *The Republic*, *3*, pp
- Delgado, R. and Stefancic, J., 2023. Critical race theory: An introduction (Vol. 87). NyU press.
- Den Heyer, G. and Beckley, A., 2013. Police independent oversight in Australia and New Zealand. *Police practice and research*, *14*(2), pp.130-143.

- Den Heyer, G. and Beckley, A., 2013. Police independent oversight in Australia and New Zealand. *Police practice and research*, *14*(2), pp.130-143.

- Department of justice, 2023

- Dollar, C.B., 2014. Racial threat theory: Assessing the evidence, requesting redesign. *Journal of criminology*, *2014*(1), p.983026.
- Dollar, C.B., 2014. Racial threat theory: Assessing the evidence, requesting redesign. Journal of criminology, 2014(1), p.983026.

- Drummond, A., 2015. Becoming visible: Gypsy Roma travellers in prison. Prison Service Journal, (219), pp.19-23.

- Duval, T.S. & Lalwani, N. 1999, "Objective Self-Awareness and Causal Attributions for Self-Standard Discrepancies: Changing Self or Changing Standards of Correctness", *Personality & social psychology bulletin,* vol. 25, no. 10, pp. 1220-1229.

- Edgar, K., 2012. Black and minority ethnic prisoners. In *Handbook on prisons* (pp. 298-322). Routledge.

- Elimination of racial discrimination `,1965

- Elliot Currie, C., 1994. The Punishment Experiment. *Harm in American Penology: Offenders, Victims, and Their Communities*, p.38.
- Emily Logan (2014) 'The Annual Report of the Ombudsman', *The International Ombudsman Yearbook, Volume 2 (1998)*, pp. 86–97. doi:10.1163/9789004632530_006.
- Employment equality act 1998-2015
- Equality status act 2000
- EU FRA report; The European Union Agency For Fundamental Rights report,2021
- Europeans Commission against racism and intolerance,1993

- Feldmeyer, B. and Cochran, J.C., 2018. Racial threat and social control: A review and conceptual framework for advancing racial threat theory. Building a Black Criminology, Volume 24, pp.283-316

- Fenton, S., 2010. *Ethnicity*. Polity.

- Fitzgerald, J., 2009. Why are Indigenous imprisonment rates rising. *Crime and justice statistics*, *41*, pp.1-6.
- FRA,2021,R*oma in 10 European Countries,* available from; ; https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results2_en.pdf accessed ;(1 June 2034)
- Gardainfo (n.d.) Garda National Diversity Unit. Garda. Available from: https://www.garda.ie/en/crime-prevention/community-engagement/community-engagement-offices/garda-national-diversity-unit/ (accessed 9 June 2024).
- Good Lives Matter Rehabilitation Theory, T Ward 2002
- Green, W. and Clarkson, B., 2005. Turning the tide. *A review of the first five years of the New Zealand biodiversity strategy: the synthesis report. Department of Conservation, Wellington*.
- Green, W. and Clarkson, B., 2005. Turning the tide. *A review of the first five years of the New Zealand biodiversity strategy: the synthesis report. Department of Conservation, Wellington*.
- Greenwood, N., Habibi, R., Smith, R. and Manthorpe, J., 2015. Barriers to access and minority ethnic carers' satisfaction with social care services in the community: a systematic review of qualitative and quantitative literature. *Health & social care in the community*, *23*(1), pp.64-78
- Hancock, F., Lee-Morgan, J., Newton, P. and McCreanor, T., 2020. The case of ihumatao: Interrogating competing corporate and indigenous visions of the future. New Zealand Sociology, 35(2), pp.15-46.
- Hanson,1989,' The Making of the Māori; culture invention and its logic',American Anthropologist
- Haslam, S.A. and Reicher, S.D., 2012. When prisoners take over the prison: A social psychology of resistance. *Personality and Social Psychology Review*, *16*(2), pp.154-179.
- Haynes, A., Joyce, S. and Schweppe, J. (2021) 'The Significance of the Declaration of Ethnic Minority Status for Irish Travellers', Nationalities Papers, 49(2), pp. 270–288. doi:10.1017/nps.2020.28.

- Haynes, A., Joyce, S. and Schweppe, J., 2021. The significance of the declaration of ethnic minority status for Irish travellers. *Nationalities Papers*, *49*(2), pp.270-288

- Haynes, A., Joyce, S. and Schweppe, J., 2021. The significance of the declaration of ethnic minority status for Irish travellers. Nationalities Papers, 49(2), pp.270-288.

- Head, L.F., 2006. Land, authority and the forgetting of being in early colonial Maori history.
- Hill, R., 2008. Māori, police and coercion in New Zealand history. *Terror in our midst*, pp.39-62.
- Hobson,1840,'The Treaty of Waitangi',New Zealand.
- Horn, G.M., Borrough, S. & World Book, I. 2013, The Maori, World Book, Inc, Chicago Illinois.

- housing miscellaneous provision act 2002

- housing miscellaneous provision act 2002

- Hsiao, E.C., 2012. Whanganui River Agreement-Indigenous Rights and Rights of Nature. *Envtl. Pol'y & L.*, *42*, p.371.
- Huia, A.T., 2014. Indigenous culture and society: Creating space for Indigenous Māori cultural and linguistic development within a discriminatory post-colonial society. *Psychology and Developing Societies*, *26*(2), pp.233-261.
- Hurihangani report ,2021

- Hutchinson, John, and Anthony D Smith. *Ethnicity*. Oxford ; Oxford University Press, 1996. Print.

- Hutchinson, John, and Anthony D Smith. *Ethnicity*. Oxford ; Oxford University Press, 1996. Print.
- Hyland J (1993) Do you know us at all? Dublin: Parish of the Travelling People.
- Irish Traveller movement), Review of the commission on itinerancy report. Available from: https://itmtrav.ie/wp-content/uploads/2017/02/ITM-Review-of-the-1963-Commission-on-Itinerancy.pdf (accessed 9 June 2024).
- IPCA,2022 'Fatal Police Shooting of Shargin Stephen's in Rotorua,avible at; https://www.ipca.govt.nz/download/162084/17%20MARCH%202022%20IPCA%20

PUBLIC%20REPORT%20-%20Fatal%20Police%20shooting%20of%20Shargin%20Stephens%20in%20Rotorua.pdf, accessed on; 5 May 2024

- Ireland,1963,*The Report of the Commsion on Itinerancy,* Indiana Universty, Statuinery Office.
- Irish folklore commission, 1952
- IRISH PROBATION JOURNAL Volume 7, September 2010, 'Differing Conceptions of Risk and Need in Irish Probation Officers' ,Denis C. Bracken
- Irish Traveller movement,2022
- Irish Travellers (2022) *Irish Traveller Movement*. Available from: https://itmtrav.ie/what-is-itm/irish-travellers/ (accessed 24 August 2024).
- Irish Travellers access to justice, Joyce et al, 2022,
- Irish Travellers access to justice, Joyce et al, 2022,
- ITAJ,2022, *Irish Travellers Access to Justice,* University of Limerick, avaaible from https://researchrepository.ul.ie, accessed ; (20 May 2024)
- Johnstone, K. and Read, J., 2000. Psychiatrists' recommendations for improving bicultural training and Māori mental health services: a New Zealand survey. *Australian & New Zealand Journal of Psychiatry*, *34*(1), pp.135-145.
- Jones, B.L., 2016. Offending outcomes for Māori and non-Māori, an investigation of ethnic bias in the criminal justice system: evidence from a New Zealand birth cohort.
- Joyce S, O'Reilly O, O'Brien M, et al. (2022) Irish Travellers' access to justice.
- Joyce S, O'Reilly O, O'Brien M, et al. (2022a) Irish Travellers' access to justice. *figshare*, University of Limerick. Available from: https://researchrepository.ul.ie/articles/report/Irish_Travellers_Access_to_Justice/20179889 (accessed 06 May 2024).

- Joyce S, O'Reilly O, O'Brien M, et al. (2022) Irish Travellers' Access to Justice. University of Limerick. Available at: https://hdl.handle.net/10344/11203 (accessed 25 August 2024).

- Juan Tauri, 2022,'Walking while Brown; A criticiqal commentary on the New Zealand police extra legal photographing and surveillance of rangatahi Māori ', Decolonization of criminology and justice
- Katz, I., 1991. Gordon Allport's" The nature of prejudice". *Political Psychology*, pp.125-157.
- Kohu-Morgan, H., 2019. Mihi. *Ata: Journal of Psychotherapy Aotearoa New Zealand*, *23*(1), pp.13-15.
- Lamusse, T., 2024. Aotearoa Justice Watch: A Report on Complaints about New Zealand Police and Prisons.

- Lanna etc al,LH,2009,*The European Commision Against Racsim and Intolerance. (ECRI); Its first 15 years, 1ed,*Strasbourg,Council of Europe

- Lawson-Te Aho, K., Fariu-Ariki, P., Ombler, J., Aspinall, C., Howden-Chapman, P. and Pierse, N., 2019. A principles framework for taking action on Māori/Indigenous Homelessness in Aotearoa/New Zealand. *SSM-population health*, *8*, p.100450.

- Leaming, N. & Willis, G.M. 2016, "The Good Lives Model: Māori New Avenues for Rehabilitation?", Sexual Abuse in Australia and New Zealand, vol. 7, no. 1, pp. 59-69.

- Leaming, N. & Willis, G.M. 2016, "The Good Lives Model: Māori New Avenues for Rehabilitation?", Sexual Abuse in Australia and New Zealand, vol. 7, no. 1, pp. 59-69.
- MacCann M, Ruane J and Ó Síocháin S (1996) Irish Travellers: Culture and ethnicity. Belfast: Inst. of Irish Studies.
- Manna, L., 2003. Biculturalism in practice,'Te Pounamu': Integration of a Māori model with traditional clinical assessment processes.
- Māori court act,1993)
- Māori lanuage act,1987

- Māori lanuage act,1987)
- Martina Madden, 'Irish Travellers and Prison: Discrimination, Education, and Lateral Violence', 2023.

- McDonagh, '*Traveller's citizens of Ireland*' 2000, St Laurence House,
- Maynard, K., Coebergh, B., Anstiss, B., Bakker, L. and Huriwai, T., 1999. Ki te arotu: toward a new assessment: the identification of cultural factors which may predispose Maori to crime. *Social Policy Journal of New Zealand*, *13*, pp.43-58.
- McCullough D (2011) Padraig Nally: 'I still worry that there'll be another attack'. Irish Independent, Irish Independent. Available from: https://www.independent.ie/life/padraig-nally-i-still-worry-that-therell-be-another-attack/26612740.html# (accessed 9 April 2024).
- McDonagh, '*Travellers citizens of Ireland*' 2000,St Laurence House,
- McIntosh, T. and Workman, K., 2017. Māori and prison. *The Palgrave handbook of Australian and New Zealand criminology, crime and justice*, pp.725-735.
- McLeay, E.M., 1991. Two steps forward, two steps back: Maori devolution, Maori advisory committees and Maori representation. *Political Science*, *43*(1), pp.30-46.
- Michael Tunsion,1997).
- Mihaere, R., 2015. *A kaupapa Māori analysis of the use of Māori cultural identity in the prison system* (Doctoral dissertation, Open Access Te Herenga Waka-Victoria University of Wellington).
- Ministry of Justice (2023) Hāpaitia te Oranga Tangata | New Zealand Ministry of Justice. Available at: https://www.justice.govt.nz/justice-sector-policy/key-initiatives/key-initiatives-archive/hapaitia-te-oranga-tangata/ (Accessed: 28 August 2024).
- Moewaka Barnes, H. and McCreanor, T., 2011. Colonisation, hauora and whenua in Aotearoa. *Journal of the Royal Society of New Zealand*, *49*(sup1), pp.19-33
- Morris, A.D., 1984. *The origins of the civil rights movement*. Simon and Schuster.
- Mulcahy A (2012) 'alright in their own place': Policing and the spatial regulation of Irish Travellers. Criminology & Criminal Justice 12(3): 307–327.
- Mulcahy A (2012) 'alright in their own place': Policing and the spatial regulation of Irish Travellers. Criminology & Criminal Justice 12(3): 307–327.
- Mulcahy,pg310,2012
- Nairn, R., Barnes, A.M., Borell, B., Rankine, J., Gregory, A. and McCreanor, T., 2012,MÄORI NEWS IS BAD NEWS.

- Nathan Rutstein,2006
- Nazroo, J.Y., 2003. The structuring of ethnic inequalities in health: economic position, racial discrimination, and racism. *American journal of public health*, *93*(2), pp.277-284.
- (NCCA) Traveller culture and history research report. Available from: https://ncca.ie/media/5959/traveller-culture-and-history-research-report_en.pdf (accessed 7 June 2024a).
- Neilson, 2020,*'Police use force report;* Māori *seven times more likely than Pakeha to be on receiving end',* The New Zealand Hearld.
- Neilson, 2020,*'Police use force report;* Māori *seven times more likely than Pakeha to be on receiving end',* The New Zealand Hearld.
- New Zealand Consitution act 1852
- New Zealand Settlements Act,1863)
- (New Zealand Bill of Rights, Act 1990)
- Nolan, T.J., 1996. Racism in the criminal justice system: Problems and suggestions. *Harv. JL & Pub. Pol'y*, *20*, p.417.
- Norris, A.N. and Tauri, J., 2024. Racialized surveillance in New Zealand: From the Tūhoe raids to the extralegal photographing of Indigenous youth. *Race and Justice*, *14*(2), pp.105-123.
- Norriss, L., 2022. *Establishing a strategy to create a safe community space in and around Selwyn Reserve, Mission Bay, Auckland* (Master's thesis).
- O'Connell, J., 1997. Travellers in Ireland: an examination of discrimination and racism: a report from the Irish National Co-ordinating Committee for the European Year against Racism.

- Office of the inspectorate te tari tirohia (no date) Prison Inspection Reports - OFFICE OF THE INSPECTORATE. Available at: https://inspectorate.corrections.govt.nz/reports/prison_inspection_reports (Accessed: 31 August 2024).
- (Orange Tamariki Act,1989).
- O'Regan, T. 2014, New myths and old politics: the Waitangi tribunal and the challenge of tradition, BWB Texts, Wellington, New Zealand.

- Paul Gavin,' Prison Is the Worst Place a Traveller Could Be':The Experiences of Irish Travellers in Prison in England and Wales', Irish Prison Probation journal, vol16,2019Power, C., 2004. Room to Roam. England's Irish Travellers. Report commissioned by the Commission Fund.

- PDF). Department of Justice, Equality and Law Reform. 17 August 2006. Archived from the original (PDF) on 27 September 2006.

- Polaschek, D.L., 2012. An appraisal of the risk–need–responsivity (RNR) model of offender rehabilitation and its application in correctional treatment. *Legal and criminological Psychology*, *17*(1), pp.1-17.
- Police.gov,2022, 'Māori and police working together', avaible at ; https://www.police.govt.nz/about-us/maori-police/working-together?nondesktop, acccessed on 12 April 2024
- Privacy commissioner report 2020
- Public works land act,1864)

- Race (2022) *Prison Reform Trust*. Available from: https://prisonreformtrust.org.uk/project/race/ (accessed 24 August 2024).

- Race relations act,1971)
- Rae, M., 2008. The war on terror in Ruatoki. *International Journal of Public Theology*, *2*(3), pp.277-291.

- Reid, L.D. and Foels, R., 2010. Cognitive complexity and the perception of subtle racism. *Basic and Applied Social Psychology*, *32*(4), pp.291-301.

- Reider,MR,2018,Irish *Traveller lanuage; an ethnographic and folk-linguistic exploration,*1 ed, Palgrave Macmillian, Ireland
- Rieder M (2018) Who are the Irish Travellers? traveller culture in transition. Irish Traveller Language: 61–104.
- Scrap Iron (Control of Export) Act, 1938

- Shaw, M., Dorling, D. and Smith, G.D., 1999. Poverty, social exclusion, and minorities. *Social determinants of health*, *2*, pp.196-223.

- Shute, S., Hood, R. and Seemungal, F., 2013. *A Fair Hearing?*. Willan.
- Siamagka, N.T. and Balabanis, G., 2015. Revisiting consumer ethnocentrism: review, reconceptualization, and empirical testing. *Journal of International Marketing*, *23*(3), pp.66-86.
- Smith SJ. Negotiating ethnicity in an uncertain environment. Ethnic and Racial Studies. 1984 Jul 1;7(3):360-73.
- Smith, S.J., 1984. Negotiating ethnicity in an uncertain environment. *Ethnic and Racial Studies*, *7*(3), pp.360-373.
- Sorrenson, M.P.K., 1956. Land purchase methods and their effect on Maori population, 1865-1901. *The Journal of the Polynesian Society*, *65*(3), pp.183-199
- Stone, D., 2012. Financial and commercial dimensions of settlements. *Treaty of Waitangi settlements*, pp.138-148.
- Stults, B.J. and Swagar, N., 2018. Racial and ethnic threat: Theory, research, and new directions. The handbook of race, ethnicity, crime, and justice, pp.147-171.
- Sullivan, T., McDonald, M. and Thomson, S.T., 2016. Offender case management: Reducing the rate of reoffending by Māori. *Australian & New Zealand journal of criminology*, *49*(3), pp.405-421.
- Swepston, L. (2004) 'Indigenous peoples' voices: Indigenous participation in ILO Convention No. 169', *International Yearbook for Legal Anthropology, Volume 12*, pp. 114–126. doi:10.1163/9789047406945_007.
- Tauri, J. and Morris, A., 1997. Re-forming justice: The potential of Maori processes. *Australian & New Zealand Journal of Criminology*, *30*(2), pp.149-167.
- Tauri, J., Walters, R. and Bradley, T., 2005. Indigenous perspectives and experience: Māori and the criminal justice system. *Introduction to Criminological Thought. New Zealand: Pearson*, pp.129-145.
- Tauri, J., Walters, R. and Bradley, T., 2005. Indigenous perspectives and experience: Maori and the criminal justice system. *Introduction to Criminological Thought. New Zealand: Pearson*, pp.129-145.
- Te Ture Whanau Māori Act 1993

- The protection of National minorities and the European Commsion against racism and intolerence
- The te Piriti sex offender treatment programme, 1994
- The Te Ture Whanau Māori Act,199
- Travellers in Ireland (2019) European Agency for Fundamental Rights
- Treaty of Waitangi,1840)
- United Nations Declaration on the rights of Indigenous people,2018
- Voices Unheard,Mac Gabhann, 2012, The Irish Chaplaincy in Britain
- Waitangi Tribunal,1840)
- Water, C., 1999. Irish Travellers: Facing Discrimination In A Christian Society (Doctoral dissertation).

- Wildeman, C. and Wang, E.A., 2017. Mass incarceration, public health, and widening inequality in the USA. *The Lancet*, *389*(10077), pp.1464-1474.
- Workman, K. and McIntosh, T., 2013. Crime, imprisonment and poverty. *Inequality: A New Zealand crisis*, pp.120-133.