



**PAVEE POINT**  
TRAVELLER AND ROMA CENTRE

## **Submission to the Expert group in relation to review of the Traveller Accommodation Act 1998**

### **Pavee Point Traveller and Roma Centre**

---

Pavee Point Traveller and Roma Centre ('Pavee Point') have been working to challenge racism and promote Traveller and Roma inclusion in Ireland since 1985. The organisation works from a community development perspective and promotes the realisation of human rights and equality for Travellers and Roma in Ireland. The group is comprised of Travellers, Roma and members of the majority population, who work together in partnership to address the needs of Travellers and Roma as minority ethnic groups experiencing exclusion, marginalisation and racism. Working for social justice, solidarity and human rights, the central aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma, this includes access to safe, affordable and culturally appropriate accommodation.

#### **For further information contact:**

Ronnie Fay, Co-Director  
[ronnie.fay@pavee.ie](mailto:ronnie.fay@pavee.ie)  
Tel: +353 1 878 0255

Martin Collins, Co-Director  
[martin.collins@pavee.ie](mailto:martin.collins@pavee.ie)  
Tel: +353 1 878 0255

## Context

---

We welcome the opportunity to make this submission to the Expert group in relation to review of the Traveller Accommodation Act 1998. Over twenty years since the Act was enacted, Travellers continue to live in very poor accommodation conditions and an unsafe physical environment, with 82.5% of halting sites or group housing schemes for Travellers having some form of environmental hazard nearby<sup>1</sup> (electricity pylon, telephone mast, dumps, major roads, industrial pollution). There is often a high level of overcrowding; damp problems; pest infestation and lack of basic facilities such as sewerage, public transport, paved roads, pedestrian pavements and electric lighting. The lack of delivery of Traveller Accommodation Programmes (TAPs) has been the key source to these issues, including chronic overcrowding, with Travellers essentially 'doubling up' or sharing accommodation with extended family members. This is not a sustainable solution and exacerbates the already overcrowded conditions in which Travellers are forced to live in and has a particular impact on Traveller women who are primary caregivers in the home and bear the brunt of the impact of poor and unsafe accommodation conditions.

Poor accommodation also create conditions for internal conflict, fire hazards, unnecessary accidents and conflict with residents living in close proximity. It also could be used as a justification for evictions by local authorities. This has occurred on a number of occasions post-Carrickmines following a national fire safety audit in all Traveller accommodation. Audits were applied systematically across the country to ensure that practical and appropriate fire safety measures were in place and taken to prevent loss of life and serious injury in local authority Traveller accommodation. Despite receiving an assurance that the audits would not result in forced evictions, Traveller organisations note that a number of evictions have taken place, leaving families homeless or forcing people to stay at homes and bays of extended family members. It is important to note that forced evictions on the basis of health and safety concerns were carried out on Traveller sites – the conditions of which local authorities are legally responsible for in the first place. In 2016, 23 families were evicted from Woodland Park, a halting site in Dundalk, on the basis of fire safety concerns and in local eviction, a pregnant Traveller woman was forced to sleep in her car.<sup>2</sup>

This is in the context of a national accommodation crisis, of which Travellers represent 9% of homeless people in Ireland, yet only make up less than 1% of the population. However, Pavee Point considers this a conservative estimate as the Department of Housing's Annual Census figures in 2017<sup>3</sup> reports that 15% of Traveller families were in need of proper accommodation, using Census 2016 figures, it is the equivalent 709,049 people from the majority population forced to live on the side of the road and/or double/quadruple up with other families in a house.

Traveller accommodation remains a contentious area of public policy in Ireland. There has been some policy and legislative improvements in relation to Traveller accommodation in recent years but the main outstanding issue in Traveller accommodation is the gap between agreed policy at national level and the implementation of this policy by the Local Authorities that are responsible for the delivery of Traveller accommodation at local level. Among the many issues are the:

1. Omnipresent anti-Traveller racism and discrimination on individual and institutional levels
2. Gaps between agreed policy at a national level and implementation at a local level
3. Overall approach adopted by government in relation to Traveller accommodation and overreliance on private market

---

<sup>1</sup> K. Treadwell-Shine, F. Kane and D. Coates (2008) Traveller Accommodation in Ireland: Review of Policy and Practice, Dublin: Centre for Housing Research.

<sup>2</sup> Holland, K., 'No comment: Offices and official mute on Traveller controversy', *The Irish Times*, 23 January 2016,

<sup>3</sup> [https://www.housing.gov.ie/sites/default/files/publications/files/2017\\_traveller\\_families\\_in\\_all\\_categories\\_of\\_accommodation.pdf](https://www.housing.gov.ie/sites/default/files/publications/files/2017_traveller_families_in_all_categories_of_accommodation.pdf)

The impact of austerity on the Traveller accommodation budget is of huge concern. Many political choices were made under the guise of austerity with hugely disproportionate cuts affecting Traveller specific services- in addition to the general cuts in public services that Travellers also endured. The Traveller accommodation budget was cut from €40m in 2008 to €4m in 2013; a cut of 90%. Even more shocking was the fact that there was an overall underspend of 36% in the Traveller accommodation budget allocated from 2008-2012.<sup>4</sup> While we welcome the recent increases in Traveller accommodation (currently a capital fund of €12 million) provided by the Department of Housing, we also note the massive underspend of those budgets by Local Authorities (see Table 1- Appendix I); with only 10 out of 31 Local Authorities spending *some* of their allocated Traveller budget in the first half of 2018. Where Travellers are living, conditions are often precarious, with 12.2% of all Travellers living ‘temporary accommodation’ whilst overcrowding is seven times the national rate. This is something that has consistently increased annually, for example, from 2008-2017, there has been a 223% increase of Travellers ‘sharing accommodation’ (see Table 2 below).

The lack of delivery of Traveller accommodation has forced Traveller families to become homeless by proxy, in the absence of delivery on Traveller accommodation by local authorities and a lack of supply in the private rented sector. Further, even where private accommodation exists, the overwhelming majority of landlords, would not rent to Travellers as reported by the ERSI in 2017<sup>5</sup>.

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Travellers sharing accommodation	437	345	390	451	492	604	663	727	862	963	1,115

Table 2: Number of Travellers in 'shared accommodation' over a 10-year period (Department of Housing, Planning and Local Government, 2009, 2012, 2015, 2017)

## Responses to the Expert Group

### 1. Do you agree that the Traveller Accommodation Act, 1998 has helped provide the legislative basis to meet current and future accommodation needs of Travellers?

Strongly disagree. The Traveller Accommodation Act, 1998 has not helped provide the legislative basis to meet current and future accommodation needs of Travellers as Local Authorities have not been held to account in their failure to meet TAPs. For example, in an independent review commissioned by the Department of Housing, Planning, Community and Local Government, the majority of local authorities have consistently failed to meet their targets and provide adequate and culturally appropriate accommodation for Travellers since they were made as a result of the legislation. The Taskforce Report<sup>6</sup> recommended that 3,100 new units of both Traveller specific and standard accommodation were required by the year 2000. Up to 2017, only 982 of the proposed 2,200 Traveller specific accommodation has been delivered, while four times the target for housing was delivered in the same period. In tandem with this, living conditions on many Traveller halting sites, are well below standard,

<sup>4</sup> Harvey, B (2013) *Travelling with Austerity*. Dublin: Pavee Point.

<sup>5</sup> <https://www.ihrec.ie/app/uploads/2017/11/Who-experiences-discrimination-in-Ireland-Report.pdf>

<sup>6</sup> Report of the Task Force on the Travelling Community 1995. Department of Equality and Law Reform.

this includes ‘sharing’ of houses and halting bay sites. These sites are without access to play areas for children and illegal dumping can often be an issue, as can other environmental concerns raising health and safety issues.

The issue of Traveller accommodation is not new; it has been public domain for quite some time and yet, met largely with inaction by government. Ireland’s lack of action has been met with scrutiny both nationally and internationally by human rights organisations and monitoring bodies<sup>7</sup>. In 2016, the European Social Committee of Social Rights found Ireland to be in breach of Article 16 of the European Social Charter on the grounds that there are insufficient sites, that sites are sub-standard and there are inadequate safeguards for Travellers threatened with evictions. The Committee noted that there were insufficient and unreasonable grounds for Traveller evictions and that there was insufficient legislation which allows for evictions to take place with no less than 24 hours’ notice. Local authorities use the Housing (Miscellaneous Provisions) Act 2002 to evict families who are on local authority housing lists, but whose accommodation needs have not been met.

## **2. What do you think has worked well with the implementation and operation of Traveller Accommodation in the last 20 years?**

There has been some progress in relation to a number of refurbishments and redevelopments to existing Traveller sites. However, new developments have not been prioritised by Local Authorities despite obligations to deliver on TAPs and the clear need for Traveller accommodation.

## **3. What do you think has not worked well with the provision of Traveller Accommodation in the last 20 years?**

In the context of omnipresent anti-Traveller racism and discrimination, Traveller accommodation has been heavily politicized, resulting in public representatives blocking the provision of Traveller accommodation. This was highlighted by the Department’s review which identified objections from local “settled” residents and political pressure exerted by elected representatives in approving planning. This has a direct impact on the achievement of targets, as developments face extensive delays, hence, the opportunity to utilise funding is lost. As a result, the needs of the majority population, those who have existing accommodation and security of tenure are prioritised over the needs of Travellers who do not have accommodation, placing Travellers at risk of homelessness and into precarious living situations.

While local authority CEOs have executive powers to overrule councilors who vote down planned Traveller accommodation and to provide emergency accommodation to Traveller families, this is not exercised. Further, in the absence of sanctions and/or penalties for the failure to meet Travellers’ needs, including the delivery of TAPs - we continue to maintain the status quo. This has been observed by the European Commission Against Racism and Intolerance<sup>8</sup> (ECRI), in its fourth report on Ireland, which recommended local authorities to, sanctions for non-implementation of the Act as the current practice hampers significantly the pace of improvement of Traveller accommodation. Similarly, in their combined sixth and seventh periodic reports, the UN Committee on the Elimination of Discrimination against Women urged Ireland to enforce sanctions on local authorities<sup>9</sup> “when they fail to take measures to

---

<sup>7</sup> This includes the: European Commission against Racism and Intolerance; Advisory Committee on the Framework Convention for the Protection of National Minorities, UN Committee on Economic, Social and Cultural Rights; UN Committee for the Elimination of Racial Discrimination; UN Committee on the Rights of the Child; UN Committee on the Elimination of All Forms of Discrimination against Women; UN Human Rights Council in their Universal Periodic Review. See: [http://www.paveepoint.ie/wp-content/uploads/2015/04/PP-Final-Traveller-Accommodation-Presentation-to-Oireachtas\\_RF-4.pdf](http://www.paveepoint.ie/wp-content/uploads/2015/04/PP-Final-Traveller-Accommodation-Presentation-to-Oireachtas_RF-4.pdf)

<sup>8</sup> <https://rm.coe.int/fourth-report-on-ireland/16808b5808>

<sup>9</sup> [https://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIRL%2fCO%2f6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fIRL%2fCO%2f6-7&Lang=en)

provide accommodation for Travellers.” Further, the current mechanisms to guide the delivery of Traveller accommodation (i.e.) NTACC and LTACCs remain purely advisory bodies with no mandate to compel local authorities to comply with their obligations.

#### **4. What do you think the key barriers to improving Traveller Accommodation are?**

- Racism and discrimination (on individual and institutional levels)
- Traveller accommodation not seen as a priority on a local and national basis
- Opposition from political parties, local representatives and resident associations in the development of new sites
- Lack of accountability/sanctions for local authorities in underspend and non-delivery of TAPs
- Lack of robust data in the absence of an ethnic identifier in Housing Needs Assessments

#### **5. What areas do you think the Traveller Accommodation Expert Review Group should prioritise in terms of improving the provision of accommodation for Travellers in this country.**

- The 1998 Housing (Traveller accommodation) Act and the Housing (Miscellaneous Provisions) Act, 2002 should be scrapped with immediate effect.
- Moratorium on evictions and on the use of Housing (Miscellaneous) Provisions Act 2002 – Trespass Act until the accommodation needs of all Travellers on the housing list have been met; this has been supported by the Joint Oireachtas Committee on Housing and Homelessness (2016).<sup>10</sup>
- Department of Housing, Planning and Local Government to establish an independent statutory Traveller Agency with dedicated responsibility to drive and monitor the implementation of Traveller policy, with accommodation prioritised in its first year.
  - The agency to have powers to approve and enforce local authority Traveller Accommodation Programmes underpinned by a monitoring and evaluation framework with associated sanctions, ensuring full expenditure of funds allocated for Traveller specific accommodation.
- Development of new Traveller accommodation must be exempt from part 8 of the Planning and Development Act.
- Diverse needs of Travellers must be taken into account by the Expert group, in particular consideration to gender and disability.

#### **6. If you know of good examples of international best practice in the provision of accommodation for nomadic communities, please comment.**

In France, Law No. 2000-614 of 5 July 2000 on the reception and housing of Travellers (often referred to as the ‘second Besson Law’) aims to improve the provision of halting sites for Travellers in cities of more than 5,000 inhabitants through incentives and financial support. The law also allows cities that provide such halting sites to prohibit Travellers from parking elsewhere. In 2003 a new law increased this number to 20,000 (Law No. 2003-710 of 1 August 2003 for Town Planning and Urban Renewal). While there are barriers and concerns for Travellers securing legal halting places outside large cities, it provides a useful starting point, particularly in relation to incentives for local authorities to deliver on their obligations.

In the UK, ‘negotiated Stopping,’ is an alternative to the ‘zero tolerance’ approach to nomadism, consisting of a contract between Travellers and councils. The council facilities Travellers to stop on council land in return for a longer stay for the Travellers involved and provides household rubbish and

---

<sup>10</sup> See here: <https://static.rasset.ie/documents/news/report-of-the-committee-on-housing-and-homelessness.pdf>

waste disposal. This has been cost-effective, for instance, Leeds City Council and police nearly a quarter of a million pounds in legal and clear up fees a year whilst improving relationships between Travellers and the settled community in the local area.

**7. Are you aware of other legislation that impacts on the provision and delivery of Traveller-specific accommodation, including transient accommodation?**

- Housing (Miscellaneous) Provisions Act 2002 – Trespass Act.
- Part 8 of the Planning and Development Act as under this, local residents, businesses and councillors can object.

**8. Please use this space to provide any other comments and suggestions you would like to make.**

Recommendations from NTACC review<sup>11</sup> of the 1998 Act should be considered by the Expert group, in addition to the following:

**Recommendations**

1. The 1998 Housing (Traveller accommodation) Act and the Housing (Miscellaneous Provisions) Act, 2002 should be scrapped with immediate effect.
2. Moratorium on evictions and on the use of Housing (Miscellaneous) Provisions Act 2002 – Trespass Act until the accommodation needs of all Travellers on the housing list have been met; this has been supported by the Joint Oireachtas Committee on Housing and Homelessness (2016).<sup>12</sup>
3. Development of new Traveller accommodation must be exempt from part 8 of the Planning and Development Act.
4. Department of Housing, Planning and Local Government to establish an independent statutory Traveller Agency with dedicated responsibility to drive and monitor the implementation of Traveller policy, with accommodation prioritised in its first year.
  - The agency to have powers to approve and enforce local authority Traveller Accommodation Programmes underpinned by a monitoring and evaluation framework with associated sanctions, ensuring full expenditure of funds allocated for Traveller specific accommodation.
  - In the absence of an independent Traveller agency, enforcement of financial sanctions/penalties on local authorities in the instance where Traveller accommodation is not delivered. Penalties would be taken from the overall capital budget and not the Traveller accommodation budget.
  - Local authority CEOs to submit and present an annual progress report on that plan annually to the Joint Committee on Housing, Planning and Local Government.
  - Introduction of a monitoring and evaluation framework with associated sanctions, ensuring full expenditure of funds allocated to local authorities for Traveller-specific accommodation in line with In Section 42 of the Irish Human Rights and Equality Commission Act (2014) ('positive duty').
  - Provision of incentives for local authority CEOs in the delivery of Traveller accommodation as set out in TAPs.
  - Removal of 'indigenous clauses' in TAPs.
  - In order to effectively capture accurate numbers of Travellers in each Local Authority (including waiting lists through the Social Housing Assessments), an ethnic identifier,

<sup>11</sup> <https://www.housing.gov.ie/sites/default/files/migrated-files/en/Publications/DevelopmentandHousing/Housing/FileDownload%2C14966%2Cen.pdf>

<sup>12</sup> See here: <https://static.rasset.ie/documents/news/report-of-the-committee-on-housing-and-homelessness.pdf>

in line with human rights standards, must be introduced, implemented and rolled out nationally as per NTRIS.

- Local Authorities to report Social Housing Assessments data (disaggregated on the basis of ethnicity) to the Department of Housing, Planning, Community and Local Government in their annual TAPs reports.
  - Local authorities to introduce positive action measures in TAPs to provide an opportunity to increase Traveller participation and reduce exclusion from the labour market.
5. Appoint a dedicated lead for Traveller accommodation in the Housing Agency.
  6. Ring-fence and ear mark public land for the development of new and expansion to existing Traveller accommodation.
  7. Revise the current categories of Traveller accommodation (e.g.) 'sharing houses' and 'unauthorized site' provide an accurate reflection of the housing and accommodation crisis and include Travellers in Government statistics on homelessness
  8. Cohesion of TAPs and Local Development Plans, with Traveller specific accommodation needs identified.
  9. Expert group to consider the gendered needs of Traveller women in relation to accommodation.

## Appendix: Local Authorities Allocation/Drawdown on Traveller Accommodation 2018<sup>13</sup>

	LOCAL AUTHORITY	ALLOCATION 2018€	Drawdown to date 2018€
1	CARLOW CO. CO.	167,740.00	-
2	<a href="#">CAVAN CO.CO.</a>	30,000.00	-
3	<a href="#">CLARE CO.CO.</a>	853,250.00	13,250.00
4	CORK City Council	310,000.00	-
5	Cork County Council	251,197.00	-
6	<a href="#">DONEGAL CO.CO.</a>	121,800.00	-
7	DUBLIN City Council	1,321,558.39	54,879.69
8	DUN LAOGHAIRE RATHDOWN	673,685.78	-
9	<a href="#">FINGAL CO.CO.</a>	851,189.00	-
10	<a href="#">SOUTH DUBLIN CO.CO.</a>	869,642.50	-
11	GALWAY City Council	176,996.00	-
12	<a href="#">GALWAY CO.CO.</a>	1,080,100.00	36,158.41
13	KERRY CO. Co.	15,350.00	-
14	KILDARE CO. CO.	80,000.00	-
15	<a href="#">KILKENNY CO.CO.</a>	201,682.00	-
16	LAOIS CO. CO.	30,000.00	-
17	LEITRIM CO. CO.	159,614.00	-
18	LIMERICK City& County Council	858,739.00	26,875.00
19	LONGFORD CO CO.	2,922.00	-
20	<a href="#">LOUTH CO.CO.</a>	17,039.00	3,810.00
21	MAYO CO. CO.	30,000.00	-
22	MEATH CO. CO.	65,000.00	-
23	<a href="#">MONAGHAN CO. CO.</a>	400,000.00	29,714.30
24	<a href="#">OFFALY CO.CO.</a>	49,379.00	-
25	ROSCOMMON CO. CO.	230,000.00	102,273.72
26	<a href="#">SLIGO CO. CO.</a>	1,046,095.00	7,656.52
27	TIPPERARY County COUNCILS	25,655.00	38,866.00
28	WATERFORD City & County Council	317,280.00	-
29	WESTMEATH CO. CO.	150,000.00	-
30	WEXFORD CO. CO.	498,801.00	-
31	<a href="#">WICKLOW CO. CO.</a>	209,620.00	19,393.14
	TOTAL	11,094,334.67	332,876.78
	<b>RESERVE</b>	<b>905,665.33</b>	

<sup>13</sup> <https://www.oireachtas.ie/en/debates/question/2018-07-03/575/?highlight%5B0%5D=kilkenny>