



PAVEE POINT
TRAVELLER AND ROMA CENTRE

**Submission to Local Authorities Traveller Accommodation Programme Plans
2019-2024 (August, 2018)**

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.

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Context

We welcome the opportunity to make this submission to Local Authorities on the fifth round of Traveller Accommodation Programme Plans (TAPs) 2019-2024. This brief submission comprises of two sections. The first section identifies the current context, emerging issues/challenges we identify in addressing Traveller accommodation needs and key recommendations. The second section provides a checklist with associated questions to support Local Authorities in finalising their TAPs.

Many Travellers continue to live in very poor accommodation conditions and an unsafe physical environment. 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. Illegal dumping and intermittent rubbish collection are problems highlighted by Travellers. Poor site design and drainage problems as well as environmental hazards from land adjoining Traveller accommodation are concerns for Traveller residents. The All Ireland Traveller Health Study (AITHS) documented that few Travellers own their homes (less than 13% compared to 70% of other medical card holders). Some Travellers live under a constant threat of eviction. A quarter of families considered where they lived to be unhealthy or very unhealthy and 26.4% considered their place of residence unsafe.

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 apparent gaps, weaknesses, and strengths of government policy; the overall approach adopted by government in relation to Traveller accommodation; the position of Travellers in Irish society and the gap between agreed policy at a national level and implementation at a local level. 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 2008-2012.¹ 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 Appendix); with only 10 out of 31 Local Authorities spending **some** of their allocated Traveller budget in 2018.

Delivering TAPs and utilising budgets

Furthermore, according to 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 mandatory 18 years ago. The report also found that more than €55 million provided for Traveller housing remains unspent since 2000 and just 6,394 of the 9,390 – or 68% of units of Traveller accommodation promised have been provided. Additionally, the report identified key challenges facing Local Authorities in implementing their TAPs, including:

¹ Harvey, B (2013) *Travelling with Austerity*. Dublin: Pavee Point.

- Planning issues, specifically in relation to opposition to planning applications by settled residents and Elected Representatives, as identified by Traveller and local authority representatives;
- Providing an effective assessment of need process, as the consultation highlighted the current process underestimates need; and
- Delivery of effective monitoring and reporting processes.

Consultees highlighted that the planning process is the most significant issue limiting the delivery of capital output under TAPs. It was reported by Traveller representatives and local authority representatives that objections from local “settled” residents and political pressure exerted by Elected Representatives tend to delay the planning process. It was suggested that this can have a direct impact on the achievement of targets, as developments may face extensive delays, hence, the opportunity to utilise funding is lost.

Overcrowding and homelessness

The lack of delivery of TAPs has caused severe 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. This can 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 regarding 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. In 2016, 23 families were evicted from Woodland Park, a halting site in Dundalk, on the basis of fire safety concerns. 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.

Ireland’s lack of action on Traveller accommodation has been met with scrutiny both nationally and internationally by human rights organisations and monitoring bodies. Findings by The European Committee of Social Rights (ERRC v. Ireland ECSR decision, May 2016) note that while significant progress has been made in the area of Traveller accommodation, the ECSR found a number of violations of the charter on the following grounds:

- Insufficient provision of accommodation for Travellers: of 1,000 “transient bays” identified as needed by a 1995 task force, however there are only 54 in existence and not all function as proper transient sites; the Traveller community has also grown in the meantime
- Many Traveller sites are in an inadequate condition: a “not insignificant number” of sites are in poor condition, lack maintenance and are badly located; reported problems included lack of water, poor refuse collection and problems with damp, flooding and sewage
- Legal safeguards for Travellers threatened with eviction are inadequate: Relevant legislation fails to provide for adequate consultation or notice or a requirement to propose alternative accommodation; there is also no legal aid available and limited access to judicial review

In 2011, the European Commission adopted an EU Framework for National Traveller/Roma Integration Strategies focusing on four key areas: education, employment, healthcare and housing. EU Member States have made a commitment towards promoting Traveller/Roma inclusion through the development of National Traveller/Roma Integration Strategies. The National Strategy of each Member State is assessed by the European Commission on an annual basis.

Following a revision of its first Strategy, *Ireland's National Traveller and Roma Inclusion Strategy* (NTRIS) (2017-2021) was approved by Government on 30 May 2017 for commencement of implementation with immediate effect. Underpinned by the Ten Common Basic Principles on Roma Inclusion² and name cross-Departmental Strategy sets out a framework with key priority areas and associated actions to ensure Traveller and Roma inclusion in Ireland. Central to this strategy is the implementation of key actions and objectives in relation to accommodation, including:

1. The adequate provision of accessible, suitable and culturally appropriate accommodation available for Travellers; and
2. The delivery of Traveller accommodation to be underpinned by a robust monitoring and evaluation framework, with a view to ensuring full expenditure of funds allocated for Traveller specific accommodation

The Department of Housing, Planning, Community and Local Government and Local Authorities are named as key drivers in implementing these actions.

Key Recommendations

1. Development of robust and accountable TAPs

- Development of TAPs must be underpinned by a robust monitoring and evaluation framework inclusive of annual targets and budgets.
- Annual reports to be developed by Local Authorities to monitor progress and submitted to the Department of Housing Planning Community and Local Government.
- Chief Executive Officers of each local authority to present annual TAPs reports to the Joint Committee on Housing, Planning and Local Government.
- Implementation of guidelines developed by the National Traveller Accommodation Consultative Committee in all Local Authorities .

2. Ensure functioning LTACC, inclusive of active Traveller participation and representation

- Traveller organisations to nominate representatives to LTACCs; where Traveller organisations do not exist, NTACC to support nominations.
- Ensure 'Memorandums of Understanding' to inform the work practices of LTACCs and ensure an effective and pragmatic approach to working in partnership in line with NTRIS and positive duty obligations as per Section 42 of the IHREC Act³ (2014) for members of the LTACC
- Consultation with Travellers regarding accessibility and design of Traveller accommodation sites is essential.
- Ensure that the Chief Executive Officer to meet with the LTACC annually (at a minimum) to review progress.

² Endorsed by the Council of Ministers and adopted by the European Commission, the Ten Common Basic Principles on Roma Inclusion provide guidelines for Member States when developing and implementing strategies for Roma and Traveller inclusion. The principles are a tool for both policy-makers and practitioners managing programmes and projects. They provide a framework for the design and implementation of actions to support Traveller and Roma (and minority ethnic group) inclusion.

1. Constructive, pragmatic and
2. Non-discriminatory policies
3. Explicit but not exclusive targeting
4. Inter-cultural approach
5. Aiming for the mainstream
6. Awareness of the gender dimension
7. Transfer of evidence-based policies
8. Use of European Union instruments
9. Involvement of regional and
10. Local Authorities
11. Involvement of civil society
12. Active participation of Travellers and Roma

³ Section 42 of the Irish Human Rights and Equality Act 2014 has established a positive duty on public sector bodies to:

- eliminate discrimination
- promote equality of opportunity and treatment
- protect human rights

This means that all public bodies in Ireland, including Local Authorities, have responsibility to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans. This is a legal obligation, called the Public-Sector Equality and Human Rights Duty.

3. Ensure Travellers are not penalized for lack of delivery in Traveller accommodation

- Local Authorities to ensure a 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. In the event that it is necessary for these Travellers to move to a more appropriate location until their need for accommodation is met, the local authority should work with the family to identify a satisfactory alternative location where they may remain in the interim.
- Avoid further development of temporary sites and introduce a ‘toleration policy’ of Travellers who have been forced to park illegally; ensure emergency facilities are provided (i.e.) water, sanitation, etc.
- Identify clear mechanisms and protocols in place in consultation with Traveller organisations to meet the emergency and temporary accommodation requirements brought on by changes in Traveller families personal circumstances (i.e.) suicide, death, illness, fire, etc.

4. Ensuring Travellers’ access to safe, affordable and culturally appropriate accommodation

- Where objections to providing Traveller accommodation exists, Chief Executives should exercise discretionary powers in the development of Traveller specific accommodation in their Local Authorities .
- Local Authorities should enact transparent procedures for the allocation of accommodation and such procedures should be clearly communicated to all applicants and tenants. Whether allocated Traveller specific or standard accommodation, Traveller tenants should be informed of the rights and responsibilities of both tenants and Local Authorities.
- Reinstate the Caravan Loan Scheme for Travellers in TAPs 2019-2024.
- Adequate provision for homeless families should be considered under TAPs 2019-2024.
- TAPs must provide adequate play and recreational space for Traveller children.
- TAPs must take into account fire safety measures of Traveller accommodation and include site enhancement works where necessary to protect Travellers from fire hazards in line with identified timelines.

5. Develop a strong evidence-base through the collection, analysis and use of ethnic data

- In order to effectively capture accurate numbers of Travellers in each Local Authority (including waiting lists through the Social Housing Assessments), an ethnic identifier, 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.
- Disaggregated data on the basis of ethnicity to be published on local authority websites Department of Housing, Planning, Community and Local Government’s website in an accessible format.

6. Mainstream Traveller employment in Local Authorities

- Local Authorities to introduce positive action measures in TAPs to provide an opportunity to increase Traveller participation and reduce exclusion from the labour market.

TAPs Checklist

Prior to finalising the next round of Traveller Accommodation Programme Plans 2019-2024, Pavee Point recommends Local Authorities complete the following checklist of items.

<input type="checkbox"/>	1. Does the plan have a monitoring and evaluation framework inclusive of impact indicators, clear budget lines and timelines?
<input type="checkbox"/>	2. Does the plan include the provision for an annual report?
<input type="checkbox"/>	3. Does the plan contain provisions to concretely address inadequate and substandard accommodation facilities and the impact on the health outcomes for Traveller Families?
<input type="checkbox"/>	4. Does the plan provide for a moratorium on evictions for Traveller families living on the roadside who are on existing local authority housing lists?
<input type="checkbox"/>	5. Has the need for improved consultation with Travellers on issues regarding accessibility and design of accommodation to facilitate older Travellers or Travellers with disabilities addressed in the plan?
<input type="checkbox"/>	6. Has there been meaningful consultation with local Travellers and representative organisations to ensure community expectations are met in the development and implementation of plans?
<input type="checkbox"/>	7. Does the plan consider the role that Travellers can and should play in assessing local Traveller accommodation needs?
<input type="checkbox"/>	8. Has due consideration been given to the provision of an adequate variety of accommodation options to suit the needs of different Traveller family circumstances and to the issues contained therein?
<input type="checkbox"/>	9. Have mechanisms been identified to ensure fair and transparent procedures in the allocation and maintenance of Traveller accommodation on the basis of need?
<input type="checkbox"/>	10. Does the plan provide for a sensitive and professional approach to dealing with complaints of anti-social behaviour?
<input type="checkbox"/>	11. Does the plan consider the adoption of positive action measures around employment within local authorities to help build sustainable Traveller communities?
<input type="checkbox"/>	12. Does the plan make provisions for ethnic equality monitoring, including the rollout of an ethnic identifier ⁴ in all Local Authority routine administrative datasets (in line with human rights principles)?

⁴ This refers to the introduction and rollout of a standardised ethnic identifier (in line with the national census categories) in all Local Authority routine administrative systems. It is essential that the application of an ethnic identifier take place within a human rights framework. This means there must be a universal question, which is answered voluntarily, and on

Appendix: Local Authorities Allocation/Drawdown on Traveller Accommodation 2018⁵

	LOCAL AUTHORITY	ALLOCATION 2018€	Drawdown to date 2018€
1	CARLOW CO. CO.	167,740.00	-
2	CAVAN CO.CO.	30,000.00	-
3	CLARE CO.CO.	853,250.00	13,250.00
4	CORK City Council	310,000.00	-
5	Cork County Council	251,197.00	-
6	DONEGAL CO.CO.	121,800.00	-
7	DUBLIN City Council	1,321,558.39	54,879.69
8	DUN LAOGHAIRE RATHDOWN	673,685.78	-
9	FINGAL CO.CO.	851,189.00	-
10	SOUTH DUBLIN CO.CO.	869,642.50	-
11	GALWAY City Council	176,996.00	-
12	GALWAY CO.CO.	1,080,100.00	36,158.41
13	KERRY CO. Co.	15,350.00	-
14	KILDARE CO. CO.	80,000.00	-
15	KILKENNY CO.CO.	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	LOUTH CO.CO.	17,039.00	3,810.00
21	MAYO CO. CO.	30,000.00	-
22	MEATH CO. CO.	65,000.00	-
23	MONAGHAN CO. CO.	400,000.00	29,714.30
24	OFFALY CO.CO.	49,379.00	-
25	ROSCOMMON CO. CO.	230,000.00	102,273.72
26	SLIGO CO. CO.	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	WICKLOW CO. CO.	209,620.00	19,393.14
	TOTAL	11,094,334.67	332,876.78
	RESERVE	905,665.33	

the basis of self-identification, and that the collected data is aggregated and anonymised to avoid identification of specific individuals. An ethnic identifier is included in the Pathway Accommodation and Support System (PASS).

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